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(Hansard)**

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**Standing Committee on
Finance and Economic Affairs**

Fair Workplaces,
Better Jobs Act, 2017

2nd Session
41st Parliament

Thursday 16 November 2017

**Comité permanent
des finances
et des affaires économiques**

Loi de 2017 pour l'équité
en milieu de travail
et de meilleurs emplois

2^e session
41^e législature

Jeudi 16 novembre 2017

Chair: Ann Hoggarth
Clerk: Eric Rennie

Présidente : Ann Hoggarth
Greffier : Eric Rennie

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CONTENTS

Thursday 16 November 2017

Fair Workplaces, Better Jobs Act, 2017, Bill 148, Mr. Flynn / Loi de 2017 pour
l'équité en milieu de travail et de meilleurs emplois, projet de loi 148, M. FlynnF-1421

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 16 November 2017

Jeudi 16 novembre 2017

The committee met at 0902 in room 151.

**FAIR WORKPLACES, BETTER JOBS
ACT, 2017**

**LOI DE 2017 POUR L'ÉQUITÉ EN MILIEU
DE TRAVAIL ET DE MEILLEURS EMPLOIS**

Consideration of the following bill:

Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts / Projet de loi 148, Loi modifiant la Loi de 2000 sur les normes d'emploi et la Loi de 1995 sur les relations de travail et apportant des modifications connexes à d'autres lois.

The Chair (Ms. Ann Hoggarth): Good morning. We are assembled here today for clause-by-clause consideration of Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts.

Julia Hood from legislative counsel is here to assist us with our work should we have any questions for her. A copy of the numbered amendments filed with the Clerk is on your desk. The amendments have been numbered in the order in which the sections and schedules appear in the bill. Are there any questions before we start?

As you will notice, Bill 148 is comprised of three sections and two schedules. In order to deal with the bill in an orderly fashion, I'm going to suggest that we postpone the three sections in order to dispose of the schedules first. Is there unanimous consent to stand down the sections and deal with the schedules first?

Ms. Cindy Forster: How do you deal with schedules if you have a hard cap? Until what time today?

Mr. John Yakabuski: Yes, at 4 o'clock, everything that hasn't been dealt with is deemed to have been dealt with.

Interjection.

The Chair (Ms. Ann Hoggarth): It's routine to do this—

Ms. Cindy Forster: Oh, I don't care; I don't have any more amendments that I'm going to be bringing forward. But how do you say to the three parties that you can bring amendments forward until 1 o'clock, but we're going to vote on the sections in advance of that? If at 12:50 I decide I'm going to bring forward another amendment and the section has already passed—

Mr. John Yakabuski: In fact, we expect to be bringing a further amendment in. They have 10 paid days in here, but it's the employer that is responsible for them; we would like to amend that to "the crown," just as Andrea's bill did.

Ms. Cindy Forster: Right.

The Chair (Ms. Ann Hoggarth): This means that all we're dealing with at the end is the title and the short sections. We're taking care of that later. You can still do amendments.

Ms. Cindy Forster: You can still do amendments to any section?

The Chair (Ms. Ann Hoggarth): Yes.

Ms. Cindy Forster: Okay. Fine.

The Chair (Ms. Ann Hoggarth): Is there unanimous consent to stand down the sections and deal with the schedules first?

Mr. Han Dong: Yes.

The Chair (Ms. Ann Hoggarth): Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration.

Are there any comments?

Ms. Cindy Forster: I'm just going to reserve my comments to the fact that there is a government motion that is stymying debate to 10 minutes for each party when we get through clause-by-clause today.

There have been at least 1,500 presentation—letters, written, verbal. I'm not a mathematician, but at the end of the day—when I was sitting in the Legislature yesterday talking about the time allocation bill—I think that works out to 0.4 of a second per presentation. I don't think that is very respectful of the people who spent hours putting together presentations and have come here three, four or five times on any bill in the Legislature.

At the very least, we have seven hours before the government says they don't want any further debate on the bill and they time-allocate it.

Yet this bill, which affects millions of workers in this province, has 60 or 70 amendments, and we've heard from people several times over the course of two years. We're limiting debate to 30 minutes, 10 minutes per party. I think it is irresponsible of the government to put forward such an amendment, and I think it's disrespectful of the people who have spent days, months and years trying to improve the lives of workers through this process.

The Chair (Ms. Ann Hoggarth): Any other comments?

Mr. Yvan Baker: If you take a step back and think about what this bill is about, really, it's about making sure that workers have the protections they need in the workplace. You have to keep in mind that the reason those protections are needed is because our economy has evolved and the nature of work has evolved. As a result of these changes, people's ability to have stable employment, to be able to raise a family, to be able to provide for themselves—those objectives, those goals, are challenged more and more in the economy we find ourselves in.

To MPP Forster's concerns: I think a broader context is helpful here. I was one of those members—and I think all the members opposite were in this group as well—who were part of the consultations on this bill during the summer. We travelled to a number of communities around the province to hear from folks about this bill. We spent two weeks on the road as a committee, consulting with people from across the province. As we were travelling, the purpose of that travel was to hear from people as to what their views were on the bill, either supportive or not supportive.

Also, the thing that is important to know—the members here on this committee know this, but the folks watching at home may not be aware that the consultations we undertook at that time on this bill were really unique. It was a unique process we undertook. Usually what happens is that a bill gets introduced at first reading, then gets debated and then gets sent to committee for consultation and clause-by-clause modification. What we did in this case was we had an additional phase of consultation and clause-by-clause—so first reading introduction, then we travelled the bill for two weeks and consulted with people across the province, clause-by-clause, it went back for second reading, and now we're going through a second phase of that.

0910

I share all that because, when we talk about the time that has been invested by the Legislature and by members of this committee to make this bill the best it can be—I think a significant amount of time has been invested in this bill. So it's important, when we talk about the time allocation piece, that we consider it in the context of the broader amount of time, energy and effort that has been put in to consult on the bill and travel the bill. When you consider that, when you consider the hours that have been invested on this bill, I think it's fair to say that the time that has been invested in this bill is much greater than the time that's invested in most other bills that work their way through the Legislature.

So I think it's not fair to say that we haven't adequately spent time considering different perspectives on the bill, debating the bill and discussing the bill. Particularly, when we travelled the bill and did the additional level of clause-by-clause, that's an additional level of scrutiny that most bills don't go through.

When we were travelling the bill, we heard a number of things from folks. I think a lot of people were very

supportive of some of the changes to make sure that people get, for example, equal pay for equal work. Again, that's an example of us trying to respond to what's happening out there in the workplace.

I know that this summer, I had an event in my community, in Etobicoke Centre. There were a number of folks who approached me. We were in a community where a lot of folks are struggling to make ends meet, and people came to talk to me about the bill. Although the issues around minimum wage get the most attention, there was a lot of positive commentary about equal pay for equal work and some of the other provisions in the bill that maybe haven't gotten as much attention as the minimum wage. But I think what was important is that people were realizing that there are other measures in this bill that are going to be very, very helpful to people in terms of the protections that allow people to be able to, frankly, have a working environment that's fair, that's safe and that provides them with an income that allows them to raise their families and make ends meet.

Going back to the original comments by MPP Forster, I think it's important to note that this is a bill that really went through a tremendous amount of scrutiny. A lot of us spent two weeks on the road as a result, to be able to consult on the bill across the province—

Mr. Han Dong: Clause-by-clause at first reading.

Mr. Yvan Baker: —and clause-by-clause just after first reading. So I do take exception to the idea and to the comments that have been made that we haven't invested enough time to consider this, to debate it and to do the best we can to get this bill right.

The Chair (Ms. Ann Hoggarth): Thank you. MPP Yakabuski?

Mr. John Yakabuski: Thank you very much, Chair. With respect to my colleague on the other side—he used the term that it's “unfair” to characterize this as having not been given enough time; I think it's more than fair.

Third reading debate, as Ms. Forster said, essentially has been shut off. Ten minutes per party is barely enough time to even introduce yourself. In my 14 years here, I would be willing to bet—and I could stand corrected—there has not been a piece of legislation brought forth in this body that has had more submissions than we received on Bill 148: 1,500, minimum. Many of those have come to MPPs from their constituents. Those MPPs really only have one opportunity to bring those concerns forward and put them on the record. They have that opportunity in debate, but debate has been shut down by the government.

Mr. Baker talks about other measures in the bill that haven't received attention; well, he's actually making our argument. If there are other measures in the bill that probably haven't even been vetted, that proves that there hasn't been enough time to debate the merits and the pros and the cons of this bill.

Now the government has basically stifled democracy. This is not democracy; 30 minutes is an insult. It's an insult to the Legislature to say, “We'll debate a bill at third reading for 30 minutes.” That is an absolute affront to the

very reason why we have been elected to the Legislature. Thirty minutes is absolutely unfair and wrong.

The minimum wage: Yes, it has been the biggest part of it. The government didn't even believe in a \$15 minimum wage only a few months ago. They were opposed to it. They're on the record—the Premier is on the record as having said that the proper way to increase the minimum wage was using the consumer price index. Yet, all of a sudden, they've made this completely political, because they think they have an election winner. That's how Liberals work. They base it on what they think is good for the Liberal Party; we base our decisions on what we believe is good for Ontario.

They talk about the social determinants of health and the importance of the minimum wage. When I talk to seniors in my riding—those who are on a fixed income, those who have no other income, do not have a pension income other than that which is provided by the government—they're asking me about the social determinants of health when everything they have to purchase is going to go up as a result of this. Where's the corresponding help from the government for those people over 65 who live on the old age pension and/or the low-income supplement and nothing more? What about their health? What about their ability to deal with the cost of living? There's nothing. You're not doing anything for seniors in this province. The seniors who have a good government pension are going to be fine, but those who don't are going to be suffering because of what you're doing in this bill.

And you're not even giving people the opportunity to debate those issues. You're not giving the members from the Legislature who might be bringing those messages from their constituents to the Legislature—because you've decided 30 minutes is all that's needed for third reading debate on this bill.

As I said, in 14 years I've never seen anything like this. I've never seen a bill—any bill—that has been given 30 minutes of debate on third reading, let alone a bill that you people have characterized as the biggest and the most important changes to the Occupational Health and Safety Act and the Labour Relations Act in a quarter of a century. And you're telling the rest of us that debate is unnecessary, because 30 minutes is essentially no debate.

Chair, what has happened here is wrong, and, unfortunately, we in the opposition—this is not a democracy. The majority acts as a dictatorship. The democracy is, sadly, missing from this debate.

The Chair (Ms. Ann Hoggarth): We will now move to schedule 1 of the Employment Standards Act, 2000. NDP motion 1: subsection 1(1.1), subsection 1(1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(1.1) Subsection 1(1) of the Act is amended by adding the following definition:

““dependent contractor” means a person, whether or not employed under a contract of employment, and

whether or not furnishing tools, vehicles, equipment, machinery, material, or any other thing owned by the dependent contractor, who performs work or services for another person for compensation or reward on such terms and conditions that the dependent contractor is in a position of economic dependence upon, and under an obligation to perform duties for, that person more closely resembling the relationship of an employee than that of an independent contractor;”

The Chair (Ms. Ann Hoggarth): Comments?

Ms. Cindy Forster: Our amendment imports the definition “dependent contractor” from the Labour Relations Act and includes this definition in the Employment Standards Act.

0920

To not include this potentially bars thousands of workers in this province from having access to the Employment Standards Act: people who often are in building services; perhaps cleaners in apartment buildings and office buildings across large cities; people working in IT. Even some people working in manufacturing plants are deemed to be independent contractors by the people who got the contract, so they do not have any rights or privileges under the Employment Standards Act. That is why this amendment was put forward.

The Chair (Ms. Ann Hoggarth): Further comments? MPP Dong.

Mr. Han Dong: This motion was considered and voted down in August when the standing committee first considered amendments to Bill 148. Our rationale for opposing this motion has not changed. Therefore, we won't support this motion.

The Chair (Ms. Ann Hoggarth): Any further comments? You're ready to vote? All those in favour of NDP motion 1—

Ms. Cindy Forster: Recorded vote, please.

The Chair (Ms. Ann Hoggarth): I'm sorry. You need to ask for a recorded vote before I call the vote.

All those in favour of NDP amendment 1, raise your hands, please. All those opposed? The motion is lost.

We'll now move to motion number 2 by the NDP, subsection 1(2.1), subsection 1(1) of the Employment Standards Act, 2000.

Ms. Cindy Forster: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(2.1) The definition of ‘employee’ in subsection 1(1) of the act is amended by adding the following clause:

“(a.1) a dependent contractor;”

The Chair (Ms. Ann Hoggarth): Further comments?

Ms. Cindy Forster: No, my comments are the same as the previous. It was consequential.

The Chair (Ms. Ann Hoggarth): Any other comments?

Ms. Cindy Forster: Recorded vote, please.

The Chair (Ms. Ann Hoggarth): We'll call the vote.

Ayes

Forster.

Nays

Baker, Dong, Malhi, Mangat.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

For the next amendment, number 3, I would suggest that we postpone consideration of motion 3 until motions 45 and 46 are dealt with later on, as the content of this motion would be the result of those carrying. Agreed? Agreed.

We'll now move to NDP motion number 4, subsection 1(3.1), subsection 1(1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(3.1) The definition of ‘employer’ in subsection 1(1) of the act is amended by striking out ‘and’ at the end of clause (a) and by adding the following clause:

“(a.1) any person for whom a dependent contractor performs work or services, and”

The Chair (Ms. Ann Hoggarth): Any further comments?

Ms. Cindy Forster: No. It's consequential to the first amendment.

The Chair (Ms. Ann Hoggarth): Then I will call the vote.

Ms. Cindy Forster: Recorded vote.

Ayes

Forster.

Nays

Baker, Dong, Malhi, Mangat.

The Chair (Ms. Ann Hoggarth): That motion is lost.

In regard to motion number 5, I suggest we postpone consideration of motion number 5 until motions 45 and 46 are dealt with later on, as the content of this motion would be the result of those carrying. Agreed? Agreed.

We are now going to section 2 without voting on section 1. Shall schedule 1, section 2, carry? Any debate? Okay.

Shall schedule 1, section 2, carry? All those in favour? All those opposed? It's carried.

We'll now move to schedule 1, section 3. Shall schedule 1, section 3, carry? All those in favour? Opposed? Carried.

We'll move to schedule 1, section 4. Any debate? No? Seeing none, I'll call the question.

Shall schedule 1, section 4, carry? All those in favour? All those opposed? Carried.

We're now on schedule 1, section 5. Is there any debate?

Seeing none, shall schedule 1, section 5, carry? All those in favour? Opposed? Carried.

We'll now move to schedule 1, section 5.1. It's NDP amendment number 6, a new section 5.1, section 8.1 of the Employment Standards Act, 2000. MPP Forster?

Ms. Cindy Forster: I move that schedule 1 to the bill be amended by adding the following section:

“5.1 The act is amended by adding the following section before part IV:

“Conflict

“8.1 Despite subsections 14.5(1), 21.4(3), 21.5(3), 21.6(4), 42.1(7) and 42.2(7), if a collective agreement is found to provide lesser protection than the provisions of this act, the provisions of this act prevail.”

The Chair (Ms. Ann Hoggarth): Further comments?

Ms. Cindy Forster: My only comment is that the Employment Standards Act should be the floor, and if there are collective agreements that are in place that do not provide superior conditions to the Employment Standards Act, it really is discriminatory against workers in this province to make them wait—I believe it's until January 1, 2019—to access those superior conditions.

The government says that it wants to put forward legislation that will provide for fairer workplaces in this province, but they're prepared to actually allow collective agreements with lesser provisions to prevail for the next year and a bit around lots of issues that we heard from people about—particularly around all of the scheduling pieces for people who are working in many sectors, who work a lot of shift work and have a lot of shift schedule changes. Those people, as well, should have those same cancellation pay protections as every other worker in this province who has the right to those privileges under the Employment Standards Act.

The Chair (Ms. Ann Hoggarth): Any further comments? MPP Dong.

Mr. Han Dong: This motion was considered and voted down in August, when the standing committee first considered amendments to Bill 148. Our rationale in opposing this motion has not changed, therefore we won't be supporting this motion.

The Chair (Ms. Ann Hoggarth): Any further comments?

Ms. Cindy Forster: Recorded vote, please.

Ayes

Forster.

Nays

Baker, Dong, Malhi, Mangat.

The Chair (Ms. Ann Hoggarth): The motion is lost.

All right. We'll now move to schedule 1, section 6. Any debate? Discussion?

Shall schedule 1, section 6, carry?

0930

Mr. Han Dong: Did we vote on schedule 1, section 5.1?

The Chair (Ms. Ann Hoggarth): No, because it was lost.

Mr. Han Dong: There's a motion to amend schedule 5.1, which was lost—but the schedule itself?

The Chair (Ms. Ann Hoggarth): As you note on your paper, it should say that it's a new section 5.1, so we don't have to pass it because it was lost. There is no section.

Mr. Han Dong: Thank you.

The Chair (Ms. Ann Hoggarth): Shall schedule 1, section 6, carry? All those in favour? Opposed? I declare it carried.

We're moving to schedule 1, section 7. Is there any debate?

Shall schedule 1, section 7, carry? All those in favour? Opposed? I declare it carried.

We now move to schedule 1, section 8. This is government amendment number 7, subsections 8(0.1), (0.3), (0.4), subsections 15(1), (3), (5) and (7) of the Employment Standards Act, 2000.

MPP Dong.

Mr. Han Dong: I move that subsections 8(0.1), (0.3) and (0.4) of schedule 1 to the bill be struck out and the following substituted:

“(0.1) Subsection 15(1) of the act is amended by adding the following paragraphs:

“3.1 The dates and times that the employee worked.

“3.2 If the employee has two or more regular rates of pay for work performed for the employer and, in a work-week, the employee performed work for the employer in excess of the overtime threshold, the dates and times that the employee worked in excess of the overtime threshold at each rate of pay.”

“(0.1.1) Subsection 15(1) of the act is amended by adding the following paragraphs:

“3.3 The dates and times that the employee was scheduled to work or to be on call for work, and any changes made to the on call schedule.

“3.4 Any cancellations of a scheduled day of work or scheduled on call period of the employee, as described in subsection 21.6(2), and the date and time of the cancellation.”

“(0.3) Subsection 15(3) of the act is amended by striking out ‘paragraph 4’ in the portion before clause (a) and substituting ‘paragraph 3.1 or 4’.

“(0.4) Paragraph 3 of subsection 15(5) of the act is amended by striking out ‘paragraph 4’ and substituting ‘paragraph 3.1, 3.2 or 4’.

“(0.5) Paragraph 3 of subsection 15(5) of the act, as amended by subsection (0.4), is amended by striking out ‘paragraph 3.1, 3.2 or 4’ and substituting ‘paragraph 3.1, 3.2, 3.3, 3.4 or 4’.

“(0.6) Subsection 15(7) of the act is amended by striking out ‘critically ill child care leave’ and substituting ‘critical illness leave’.”

The Chair (Ms. Ann Hoggarth): Further comments? No comments? Then I'll call the question.

All those in favour of government motion number 7? Those opposed? The motion is carried.

Shall schedule 1, section 8, as amended, carry? All those in favour? I declare it carried. I forgot to say “opposed.” Anyone opposed? Sorry. I declare it carried.

We'll move to schedule 1, section 9. Shall schedule 1, section 9, carry? All those in favour? Opposed? I declare the motion carried.

Schedule 1, section 10: Shall schedule 1, section 10, carry? All those in favour? Opposed? I declare it carried.

Shall schedule 1, section 11, carry? All those in favour? All those opposed? I declare it carried.

We'll now move to schedule 1, section 12: government amendment number 8, section 12, subsection 21.3(1) of the Employment Standards Act, 2000.

Ms. Harinder Malhi: I move that subsection 21.3(1) of the Employment Standards Act, 2000, as set out in section 12 of schedule 1 to the bill, be struck out and the following substituted:

“Three hour rule

“(1) If an employee who regularly works more than three hours a day is required to present himself or herself for work but works less than three hours, despite being available to work longer, the employer shall pay the employee wages for three hours, equal to the greater of the following:

“1. The sum of,

“i. the amount the employee earned for the time worked, and

“ii. wages equal to the employee's regular rate for the remainder of the time.

“2. Wages equal to the employee's regular rate for three hours of work.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

All those in favour? All those opposed? I declare the motion carried.

We now move to government motion number 9, section 12, subsection 21.4(1) of the Employment Standards Act, 2000.

Ms. Harinder Malhi: I move that subsection 21.4(1) of the Employment Standards Act, 2000, as set out in section 12 of schedule 1 to the bill, be struck out and the following substituted:

“Minimum pay for being on call

“(1) If an employee who is on call to work is not required to work or is required to work but works less than three hours, despite being available to work longer, the employer shall pay the employee wages for three hours, equal to the greater of the following:

“1. The sum of,

“i. the amount the employee earned for the time worked, and

“ii. wages equal to the employee's regular rate for the remainder of the time.

“2. Wages equal to the employee's regular rate for three hours of work.

“Exception

“(1.1) Subsection (1) does not apply if,

“(a) the employer required the employee to be on call for the purposes of ensuring the continued delivery of

essential public services, regardless of who delivers those services; and

“(b) the employee who was on call was not required to work.”

The Chair (Ms. Ann Hoggarth): Further comments?

I will call the question. All those in favour of government amendment number 9? All those opposed? I declare the motion carried.

We now move to official opposition motion number 10, section 12, section 21.4 of the Employment Standards Act, 2000. MPP Yakabuski.

Mr. John Yakabuski: I move that section 12 of schedule 1 to the bill be amended by adding the following subsection to section 21.4 of the Employment Standards Act, 2000:

“Exception, volunteer firefighters

“(1.2) Subsection (1) does not apply in respect of an employee who is on call to provide fire protection services as a volunteer firefighter under the Fire Protection and Prevention Act, 1997.”

The Chair (Ms. Ann Hoggarth): MPP Yakabuski has moved the “Exception, volunteer firefighters, (1.2)” —not “(1.1)” —because he is able to do that now. We’re not in time allocation. Does everyone understand that? Is everyone good with that? Okay.

I will call the question.

Interjection.

The Chair (Ms. Ann Hoggarth): Is there any discussion? MPP Yakabuski.

0940

Mr. John Yakabuski: Yes, this amendment would clearly satisfy some of the needs of municipalities who have made it very clear that the bill, as written, would subject them to millions of dollars of extra costs, particularly those that have a hybrid fire department with volunteer and professional members. This would satisfy the concerns of municipalities that would be otherwise subject to millions of dollars of costs. This would protect them.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Dong.

Mr. Han Dong: Government motion number 9 proposed to add exception to the on-call pay rules so that an employer would not be required to pay an employee who was on call and not required to work if the reason for the on-call shift was for the purpose of ensuring the continued delivery of an essential public service, regardless of who delivered those services. As government motion number 9 carried, then the volunteer firefighters would be exempt from on-call pay rules, since their work would fall under the criteria of this exception.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Yakabuski.

Mr. John Yakabuski: It could, if the workers are defined as “employees.” And they may or may not be defined as employees in all municipal departments. Our amendment would ensure that the municipality would be protected under those circumstances.

The Chair (Ms. Ann Hoggarth): Did you want to get an opinion from legislative counsel about that?

Mr. John Yakabuski: Sure.

Ms. Julia Hood: Both the motions use the word “employee” to talk about their exceptions. Motion 9 refers to not applying to an employee, and motion 10 refers to an employee.

The Chair (Ms. Ann Hoggarth): MPP Yakabuski.

Mr. John Yakabuski: But motion 9 speaks to employees. Motion 10 speaks specifically to volunteer firefighters. Motion 9 does not explicitly say that they are employees. Motion 10 specifically cites the volunteer firefighters, so this would protect municipalities so that, regardless of how they were classified—employees or not—they would be exempt from the current provisions under the bill for those volunteer firefighters.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Dong.

Mr. Han Dong: I just want to point out to the committee that if they are not employees, they’re not subject under this act anyway. There is no need for the exemption. Besides, AMO—the municipalities—and the firefighters are very satisfied with our motion. I don’t see any need for this motion, given that government motion number 9 has passed.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Barrett.

Mr. Toby Barrett: Just a question for clarification. I represent a riding where 110,000 people are served by volunteer firefighters; 100% of our firefighters are volunteers, other than the two chiefs that are paid. This doesn’t apply to any of the firefighters in my riding except the two chiefs, where 100% volunteer?

Ms. Julia Hood: I can’t answer the question. I don’t know what the employment status of those firefighters would be.

Mr. Toby Barrett: They don’t work for the fire department. They have jobs.

The Chair (Ms. Ann Hoggarth): Seeing no further discussion—

Mr. John Yakabuski: Recorded vote.

Ayes

Barrett, Yakabuski.

Nays

Baker, Dickson, Dong, Malhi, Mangat.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move to government motion number 11, section 12, clause 21.5, 1.1(b.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 12, clause 21.5(1.1)(b.1) of the Employment Standards Act, 2000.

I move that subsection 21.5(1.1) of the Employment Standards Act, 2000, as set out in section 12 of schedule 1 to the bill, be amended by striking out “or” at the end of clause (b) and by adding the following clause:

“(b.1) to ensure the continued delivery of essential public services, regardless of who delivers those services; or”.

The Chair (Ms. Ann Hoggarth): Is there any discussion? MPP Forster?

Ms. Cindy Forster: I’m trying to get some clarification from the government on this. What is the intent of this amendment? Is it a way of addressing the volunteer firefighter issues?

The Chair (Ms. Ann Hoggarth): Further discussion? MPP Dong.

Mr. Han Dong: This amendment will provide that the employees’ right to refuse an employer’s request or demand to work or to be on call as outlined would not apply if the employer’s request or demand is to ensure the continued delivery of essential public services, regardless of who delivers those services.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Forster?

Ms. Cindy Forster: I don’t really understand this piece: “regardless of who delivers those services.” I can’t even think of an example where this might apply, other than perhaps in fire service, where there are potentially hybrid or all-volunteer services.

The Chair (Ms. Ann Hoggarth): Further discussion? MPP Dong.

Mr. Han Dong: I would like to invite legal from the ministry to provide some explanation on this.

The Chair (Ms. Ann Hoggarth): Certainly.

Please identify yourself for the purpose of Hansard.

Mr. John Yakabuski: They were more in Hansard than any of us, in the last answer.

The Chair (Ms. Ann Hoggarth): That’s right.

Ms. Stephanie Parkin: Stephanie Parkin, manager, employment rights and responsibilities, Ministry of Labour. I’m policy staff, not legal counsel.

Ms. Jennifer Komlos: Jennifer Komlos, legal counsel, Ministry of Labour.

Ms. Stephanie Parkin: With respect to who delivers the services, public services can be delivered by a private entity. For example, snow clearing, ambulance—there are privately run ambulance services. There are various types of road services. They would be captured by “delivery of essential public services,” even though they are not directly employed by the public sector.

Ms. Cindy Forster: So they can be required to provide those services?

Ms. Stephanie Parkin: Yes, they would. Under this, they would not have the right to refuse if there was a change in schedule with less than 96 hours’ notice.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Dickson?

Mr. Joe Dickson: I would just like clarification from Mr. Yakabuski of where he wants to go on this and—

Mr. John Yakabuski: This is not my amendment.

The Chair (Ms. Ann Hoggarth): This is a government amendment.

Mr. Joe Dickson: But I think Mr. Yakabuski had a separate PC—

Mr. John Yakabuski: Not with regard to this. Mine has been dealt with.

The Chair (Ms. Ann Hoggarth): Yes, we finished that.

No further discussion? I will call government amendment number 11. All those in favour? All those opposed? The motion is carried.

We’ll now move to government amendment number 12, section 12, subsection 21.5(5) of the Employment Standards Act, 2000. MPP Malhi?

Ms. Harinder Malhi: Schedule 1 to the bill, section 12, subsection 21.5(5) of the Employment Standards Act, 2000.

I move that section 21.5 of the Employment Standards Act, 2000, as set out in section 12 of schedule 1 to the bill, be amended by adding the following subsection:

“Definition

“(5) In this section,

“‘emergency’ means,

“(a) a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise, or

“(b) a situation in which a search and rescue operation takes place.”

0950

The Chair (Ms. Ann Hoggarth): Further discussion? MPP Dong.

Mr. Han Dong: This amendment would define the term “emergency” in the section to mean “a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise, or a situation in which a search and rescue operation takes place.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question.

All those in favour of government amendment number 12? All those opposed? I declare the motion carried.

We now move to PC amendment number 13, section 12, section 21.6 of the Employment Standards Act, 2000. MPP Yakabuski.

Mr. John Yakabuski: I move that section 12 of schedule 1 to the bill be amended by adding the following subsection to section 21.6 of the Employment Standards Act, 2000:

“Exception, cancellation of volunteer firefighter’s on call period

“(1.1) Subsection (1) does not apply in respect of the cancellation of a scheduled on call period of a volunteer firefighter who was scheduled to be on call to provide

fire protection services under the Fire Protection and Prevention Act, 1997.”

The Chair (Ms. Ann Hoggarth): Further discussion?

Mr. John Yakabuski: Again, this would codify and protect municipalities that have volunteer fire departments and hybrid fire departments to ensure that the bill as it is written today would not subject them to millions and millions of dollars of additional costs under the equal pay for equal work rules.

Volunteer firefighters are in a different category than professional firefighters and municipalities have come forward and requested that these amendments be made to ensure that they’re not left with—across the province it would literally be hundreds of millions of dollars.

The Chair (Ms. Ann Hoggarth): Further discussion? MPP Dong.

Mr. Han Dong: Neither the AMO nor municipalities nor firefighters nor chiefs has raised an issue with respect to cancellation pay.

This motion will create an exception for firefighters from the cancellation pay rule and it is specific to cancellation of a scheduled on-call period. The bill will create a new cancellation pay provision in the act to provide that an employee will be entitled to pay for three hours of work in the event of a cancellation of a scheduled shift or an on-call shift within 48 hours of when the shift was to begin.

The Chair (Ms. Ann Hoggarth): Further discussion? Seeing none, I will call the question.

Mr. John Yakabuski: Recorded vote.

The Chair (Ms. Ann Hoggarth): We’ll have a recorded vote.

Ayes

Barrett, Yakabuski.

Nays

Baker, Dong, Malhi, Mangat.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move to government amendment number 14, section 12, section 21.7 of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 12, section 21.7 of the Employment Standards Act, 2000.

I move that section 21.7 of the Employment Standards Act, 2000, as set out in section 12 of schedule 1 to the bill, be struck out and the following substituted:

“Limit

“21.7 An employee’s entitlement under this part in respect of one scheduled day of work or scheduled on call period is limited to payment for three hours.”

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Forster.

Ms. Cindy Forster: I just have a question—but maybe it will have to be the people who developed the

language who answer it—but does this actually restrict employees who, perhaps, have two scheduled shifts in a 24-hour period to only one three-hour payment?

In many sectors, people work split shifts, right? They could be scheduled for the breakfast shift and the dinner shift, with a break in between, and cancelled for both. Does this mean that, for that day, they would only be entitled to one three-hour cancellation?

The Chair (Ms. Ann Hoggarth): Are you asking for the—

Ms. Cindy Forster: I’m asking for the policy people to answer the question.

The Chair (Ms. Ann Hoggarth): Okay.

Ms. Cindy Forster: I have a niece who works down at the Soho restaurant. She often is scheduled for four to six hours for breakfast and then she is scheduled for four to six hours for dinner and into the evening. Sometimes, she gets cancelled for both of those.

Ms. Stephanie Parkin: Right. In a split-shift situation, an employee would only be entitled to one instance of compensation for the three hours worked.

What the motion addresses is a situation where an employee works for part of a three-hour period at greater than just their regular rate. For example, if they are working an overtime shift and they’re entitled to time-and-a-half, or if it’s a public holiday and they’re entitled to public-holiday pay, this amendment ensures that the employee gets compensated for that additional pay.

Ms. Cindy Forster: So this ensures that she gets paid at the premium rate, if they’re entitled to it on that particular day?

Ms. Stephanie Parkin: For the actual work performed.

For example, if an employee works for two hours and attracts that premium rate, they receive that premium rate for the two hours and then would be compensated at straight time for the third hour which was not worked.

Ms. Cindy Forster: Okay. So there isn’t anything really in this legislation that actually addresses those people working split shifts and potentially being cancelled for both of the shifts, other than to say, “You’ll get a minimum of three hours?”

Ms. Stephanie Parkin: Correct.

Ms. Cindy Forster: They’re making themselves available for 16 out of 24 hours.

Ms. Stephanie Parkin: Well, they would still be entitled to on-call compensation if they didn’t actually work, which is not the amendment; it’s the content of the bill.

The issue is to avoid a situation where an individual would receive double or triple payment for the same cancellation event.

Ms. Cindy Forster: Okay. Thank you.

The Chair (Ms. Ann Hoggarth): Any further discussion? Then I will call the question. All those in favour of government amendment number 14? Opposed? I declare it carried.

Shall schedule 1, section 12, as amended, carry? All those in favour? Opposed? Carried.

We now move to schedule 1, section 13. Shall schedule 1, section 13, carry? All those in favour? Anyone opposed? It's carried.

We now move to schedule 1, section 13.1. Government amendment number 15: It's a new section 13.1, section 23.0.1 of the Employment Standards Act, 2000. MPP Malhi, would you try to speak a little bit slower, as we're trying to make sure that the words are spoken?

Ms. Harinder Malhi: I will.

The Chair (Ms. Ann Hoggarth): Thank you.

Ms. Harinder Malhi: I move that schedule 1 to the bill be amended by adding the following section:

"13.1 The act is amended by adding the following section:

"Change to minimum wage during pay period

"23.0.1 If the minimum wage rate applicable to an employee changes during a pay period, the calculations required by subsection 23(4) shall be performed as if the pay period were two separate pay periods, the first consisting of the part falling before the day on which the change takes effect and the second consisting of the part falling on and after the day on which the change takes effect."

1000

The Chair (Ms. Ann Hoggarth): Okay. Further discussion? I will call the question. All those in favour of government amendment number 15? Opposed? I declare the motion carried.

Shall schedule 1, section 13.1, carry?

Interjection.

The Chair (Ms. Ann Hoggarth): Oh, we just carried—we did that.

We now move to schedule 1, section 14, PC amendment 15.1, subsection 14(1), paragraphs 2 and 3 of subsection 23.1(1) of the Employment Standards Act, 2000. MPP Yakabuski.

Mr. John Yakabuski: I move that paragraphs 2 and 3 of subsection 23.1(1) of the Employment Standards Act, 2000, as set out in subsection 14(1) of schedule 1 to the bill, be struck out and the following substituted:

"2. On or after January 1, 2019, but before January 1, 2020, the amount set out below for the following classes of employees:

"i. For employees who are students under 18 years of age, if the student's weekly hours do not exceed 28 hours or if the student is employed during a school holiday, \$13.39 per hour.

"ii. For employees who, as a regular part of their employment, serve liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the Liquor Licence Act and who regularly receive tips or other gratuities from their work, \$12.42 per hour.

"iii. For the services of hunting and fishing guides, \$72 for less than five consecutive hours in a day and \$144 for five or more hours in a day, whether or not the hours are consecutive.

"iv. For employees who are homemakers"—

Interjection.

Mr. John Yakabuski: Pardon me.

"iv. For employees who are homeworkers, \$15.68 per hour.

"v. For any other employees not listed in paragraphs i to iv, \$14.25 per hour."

The Chair (Ms. Ann Hoggarth): It should be "sub-paragraph." You said "paragraphs."

Mr. John Yakabuski: Pardon me. Again:

"v. For any other employees not listed in sub-paragraphs i to iv, \$14.25 per hour.

"3. On or after January 1, 2020, but before January 1, 2021, the amount set out below for the following classes of employees:

"i. For employees who are students under 18 years of age, if the student's weekly hours do not exceed 28 hours or if the student is employed during a school holiday, \$13.63 per hour.

"ii. For employees who, as a regular part of their employment, serve liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the Liquor Licence Act and who regularly receive tips or other gratuities from their work, \$12.63 per hour.

"iii. For the services of hunting and fishing guides, \$73 for less than five consecutive hours in a day and \$146 for five or more hours in a day, whether or not the hours are consecutive.

"iv. For employees who are homeworkers, \$15.98 per hour.

"v. For any other employees not listed in sub-paragraphs i to iv, \$14.50 per hour.

"4. On or after January 1, 2021, but before January 1, 2022, the amount set out below for the following classes of employees:

"i. For employees who are students under 18 years of age, if the student's weekly hours do not exceed 28 hours or if the student is employed during a school holiday, \$13.87 per hour.

"ii. For employees who, as a regular part of their employment, serve liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the Liquor Licence Act and who regularly receive tips or gratuities from their work, \$12.84 per hour.

"iii. For the services"—

The Chair (Ms. Ann Hoggarth): You left out the word "other" in the last part of the sentence there.

Mr. John Yakabuski: Which—

The Chair (Ms. Ann Hoggarth): "Who regularly receive tips or other"—

Mr. John Yakabuski: Sorry. I'll repeat that paragraph, then?

The Chair (Ms. Ann Hoggarth): Yes.

Mr. John Yakabuski: "ii. For employees who, as a regular part of their employment, serve liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the Liquor Licence Act and who regularly receive tips or other gratuities from their work, \$12.84 per hour.

“iii. For the services of hunting and fishing guides, \$74 for less than five consecutive hours in a day and \$148 for five or more hours in a day, whether or not the hours are consecutive.

“iv. For employees who are homeworkers, \$16.23 per hour.

“v. For any other employees not listed in subparagraphs i to iv, \$14.75 per hour.

“5. On or after January 1, 2022, but before October 1, 2022, the amount set out below for the following classes of employees:

“i. For employees who are students under 18 years of age, if the student’s weekly hours do not exceed 28 hours or if the student is employed during a school holiday, \$14.10 per hour.

“ii. For employees who, as a regular part of their employment, serve liquor directly to customers, guests, members or patrons in premises for which a licence or permit has been issued under the Liquor Licence Act and who regularly receive tips or other gratuities from their work, \$13.05 per hour.

“iii. For the services of hunting and fishing guides, \$75 for less than five consecutive hours in a day and \$150 for five or more hours in a day, whether or not the hours are consecutive.

“iv. For employees who are homeworkers, \$16.50 per hour.

“v. For any other employees not listed in subparagraphs i to iv, \$15 per hour.

“6. From October 1, 2022, onwards, the amount determined under subsection (4).”

The Chair (Ms. Ann Hoggarth): Further comments? MPP Yakabuski.

Mr. John Yakabuski: Chair, this would change the rate at which the minimum wage is escalated to \$15 per hour from currently in the bill, which would move that to \$15 per hour on January 1, 2019. This would phase it in over four years, which has been recommended by the Canadian Centre for Economic Analysis and has been recommended by the TD Bank—slower implementations. The Financial Accountability Officer has said that the speed at which the rates are being accelerated is a threat to jobs and prosperity in the province, a threat to employers—small businesses.

So we think the responsible thing, the non-political thing—in fact, probably not the popular thing—is to slow down the rate of this increase, but it is the right thing for Ontario, whereas the government has completely chosen the political route even though they were totally opposed to an increase in the minimum wage beyond the rate of inflation and the consumer price index only as late as February this year. The Premier is quoted as having said such, and the Minister of Labour even beyond that.

They then took the political route of trying to politicize the entire issue of minimum wage. They continued to say that they didn’t want it politicized, but they’ve done exactly that. They have now brought in a schedule which would raise that to \$14 on January 1, 2018, and a further dollar, to \$15 on January 1, 2019. We in the PC

Party believe that a more responsible and respectful rate of increase would spread that last dollar over the next four years.

The Chair (Ms. Ann Hoggarth): Any further comments? MPP Forster.

Ms. Cindy Forster: The NDP do not support the government’s way of moving on the minimum wage, nor do we support the Conservatives’ amendment at this time.

What we support is a living wage, the same minimum wage for all workers in this province—not a substandard for students or a substandard for liquor servers. We certainly heard from many unions who represent workers. We heard from \$15 and Fairness. We’ve heard from the Workers’ Action Centre. We heard from medical officers of health. We heard from community social service agencies supporting a standard minimum wage for everyone in the province. There are only two provinces in Canada that have a separate wage for servers. I think it’s BC and Quebec, and there are no student rates in any other province.

1010

We know that moving to a \$15 minimum wage is what workers in this province want us to do. It will lift workers out of poverty. It will help people move away from having to rely on food banks. It will be good for the economy because people will have more money to spend. It will allow people to find better housing, have better access to food, have better health outcomes—all of those things. So the NDP’s position is that we should have a standard minimum wage for all people.

The member spoke about the Financial Accountability Office and the TD Bank studies. There have been all kinds of studies on this issue. In fact, we heard from people who said 600 economists in the US, in addition to the 53 or 60 economists who signed onto a letter, have said that there will be no long-lasting negative income for job losses in the province. In fact, we will see people’s lives improved. People will have the ability to spend more money, and lots of businesses will benefit from the fact that people will have an extra \$3 and—whatever that is; 50 cents—in their pocket in 2019.

I would urge the government to look at the NDP proposal.

I introduced a private member’s bill a few weeks ago, which the government voted down, unfortunately.

We’ve heard from college and university students, who often leave home before they turn 18. In fact, I know one personally who is in her fourth year of political science at Brock, who left home—she wasn’t getting along—when she was 16 years old. She’s now in her fourth year of political science, on her own. Why should she be paid any differently than another worker working in the same restaurant or the same convenience store as she did, to put herself through university?

The Chair (Ms. Ann Hoggarth): Any further comments? MPP Dong.

Mr. Han Dong: This motion will extend the implementation of the minimum wage to be over four years, as opposed to one. This proposal will maintain the increase

to \$14 on January 1, 2018, but would then increase it by 25 cents each year until it reaches \$15, which will be in 2022. By 2019, with our proposal, the minimum wage would be at \$15. But with the PCs' proposal, I think the minimum wage would be around \$14.25. To us, that's a rollback for people who are earning minimum wage.

In my riding of Trinity–Spadina, they face high rent. They're working very hard, sometimes at two or three jobs, to provide food for their families. They can't wait for this type of increase.

If we're denying the minimum wage to go up as soon as 2018 and 2019, we're denying people to earn a living wage, so I can't support this motion.

I think the minimum wage should increase to \$14 by 2018 and \$15 by 2019.

The Chair (Ms. Ann Hoggarth): Any further comments? MPP Yakabuski?

Mr. John Yakabuski: I want to clarify one thing for Mr. Dong on the other side: You can't roll back what hasn't happened yet. So this is not a rollback. This is a slowdown of the pace of increase—one that we think is responsible and necessary because of the huge concerns that are out there with respect to the rate of increase. If it goes to \$15 in 2019, that's a 32% increase that is going to be borne on the backs of employers, who are struggling to maintain and create jobs as it is.

The people in Ontario who keep the economy rolling, small business—the number one job creators in the province—have said loud and clear that they are very concerned about the provisions in this bill. We're recognizing their concerns.

We are not going to roll back anything. The increase that will be mandated on January 1, 2018—we know this bill is going to pass in the Legislature. Under no circumstance are we going to roll back anything—but which will have passed will be passed.

We have said clearly that we are concerned about the rate of increase.

As I said earlier, we have had all kinds of seniors on fixed incomes calling our offices, and I'm sure you've had them too, and emails—

The Chair (Ms. Ann Hoggarth): Sorry. We are recessed until 2 o'clock this afternoon. We will continue debate on this motion at that time. Thank you.

The committee recessed from 1015 to 1403.

The Chair (Ms. Ann Hoggarth): Good afternoon. We are assembled here for clause-by-clause consideration of Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts.

As per the order of the House dated November 16, 2017, committee members will know that at 4 p.m. today, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 148 and any amendments thereto. As per the order of the House, a 20-minute waiting period will be permitted at that time. From that point forward, those amendments which have not yet been moved shall be deemed to have

been moved, and I will take the vote on them consecutively.

Julia Hood from legislative counsel is here to assist us with our work, should we have any questions for her. Are there any questions before we resume? I just wanted to ask: I trust everyone received the amendments that came in by 1 o'clock.

Mr. John Yakabuski: Those were the only two?

The Chair (Ms. Ann Hoggarth): Yes. We will resume debate of PC motion number 15.1. Is there any further discussion on PC motion number 15.1?

Mr. John Yakabuski: I had the floor at the time when the gavel fell.

The Chair (Ms. Ann Hoggarth): MPP Yakabuski.

Mr. John Yakabuski: Yes. In the interest of time, I will say that I'm prepared to move on to the vote, and I did ask for a recorded vote.

The Chair (Ms. Ann Hoggarth): Is there anyone else who had anything else to say? MPP Forster.

Ms. Cindy Forster: It's not directly related to that, but I just wondered, at 4 o'clock, will there be an opportunity for us to make some closing remarks?

The Chair (Ms. Ann Hoggarth): I do not believe so.

Interjection.

The Chair (Ms. Ann Hoggarth): When the gavel comes down, we proceed with the voting. Okay?

Ms. Cindy Forster: Okay.

The Chair (Ms. Ann Hoggarth): If we're all prepared now, we will vote on PC motion number 15.1. It is a recorded vote.

Ayes

Barrett, Yakabuski.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): I declare that motion lost.

We'll now move to NDP amendment number 16, subsections 14(1) and (2), subsections 23.1(1), (2) and (2.1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsections 14(1) and (2) of schedule 1 to the bill be struck out and the following substituted:

“(1) Subsections 23.1(1) and (2) of the act are repealed and the following substituted:

“Determination of minimum wage

“(1) The minimum wage is the following:

“1. On or after January 1, 2018, but before January 1, 2019, the amount set out below for the following classes of employees:

“i. For the services of hunting and fishing guides, \$70 for less than five consecutive hours in a day and \$140 for five or more hours in a day, whether or not the hours are consecutive.

““ii. For employees who are homeworkers, \$15.40 per hour.

““iii. For any other employees not listed in subparagraphs i and ii, \$14 per hour.

““2. On or after January 1, 2019, but before October 1, 2019, the amount set out below for the following classes of employees:

““i. For the services of hunting and fishing guides, \$75 for less than five consecutive hours in a day and \$150 for five or more hours in a day, whether or not the hours are consecutive.

““ii. For employees who are homeworkers, \$16.50 per hour.

““iii. For any other employees not listed in subparagraphs i and ii, \$15 per hour.

““3. From October 1, 2019, onwards, the amount determined under subsection (4).

““Exception

““(2) If a class of employees that would otherwise be in a class described in subparagraph 1 iii or 2 iii of subsection (1) is prescribed and a minimum wage for the class is also prescribed,

““(a) subsection (1) does not apply; and

““(b) the minimum wage for the class is the minimum wage prescribed for it.

““Same

““(2.1) A regulation prescribing a minimum wage for a class of employees as mentioned in subsection (2) shall not prescribe a minimum wage that is lower than the minimum wage that would otherwise apply under subparagraph 1 iii or 2 iii of subsection (1) in respect of the class.”

The Chair (Ms. Ann Hoggarth): Further comments, MPP Forster?

Ms. Cindy Forster: No. In the spirit of time and getting through these amendments, I made all of my comments as it related to the previous PC amendment on the minimum wage.

The Chair (Ms. Ann Hoggarth): Any other comments? We will proceed to the vote. All those in favour of NDP motion—

Ms. Cindy Forster: Recorded, please.

The Chair (Ms. Ann Hoggarth): All right. You need to ask for that before I call for the vote, okay?

Ms. Cindy Forster: Well, I’ll just ask now. Every time I have an NDP motion, I would like a recorded vote.

The Chair (Ms. Ann Hoggarth): All NDP motions?

Ms. Cindy Forster: Yes.

The Chair (Ms. Ann Hoggarth): Okay.

Ayes

Forster.

Nays

Baker, Barrett, Colle, Dong, Malhi, Yakabuski.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We’ll now move to government motion number 17, subsection 14(1), section 23.1 of the Employment Standards Act, 2000. MPP Malhi.

1410

Ms. Harinder Malhi: I move that subsection 14(1) of schedule 1 to the bill be amended by adding the following subsection 23.1 of the Employment Standards Act, 2000:

“Student homemaker

“(1.1) If an employee falls within both subparagraphs 1 i and iv of subsection (1) or both subparagraphs 2 i and iv of subsection (1), the employer shall pay the employee not less than the minimum wage for a homemaker.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

Mr. John Yakabuski: Well, I don’t think she got it right in the first part there. I don’t think she said “subsection to section.” I think she missed the “section.”

The Chair (Ms. Ann Hoggarth): Legislative counsel, did you notice anything?

Ms. Julia Hood: No, she said “by adding the following subsection to section 23.1.”

Mr. John Yakabuski: Okay, thank you.

The Chair (Ms. Ann Hoggarth): MPP Forster.

Ms. Cindy Forster: I just have a question. In fact, this is going to provide those students who are under the age of 18 an actual minimum wage increase that is higher than you’re proposing for students across the board who are under the age of 18. Can somebody respond to that?

The Chair (Ms. Ann Hoggarth): Who would like to answer that question? MPP Colle.

Mr. Mike Colle: Yes, I’ll just read the rationale here. The amendment would move the student homemaker rule that is currently in regulations into the ESA. So it puts it into the ESA; it’s not there right now.

Minimum wage rates have historically been set out in the regulations. The package of minimum wage provisions currently in O. Reg 285/01 includes the student homemaker rule, which provides that an employee who is both a student and homemaker is entitled to the higher homemaker minimum wage.

Under Bill 148, the minimum wage rates until September 3, 2019, will be set out in section 23.1 of the ESA and thereafter published by the minister. As such, there will no longer be a need for stakeholders to reference the regulations to determine what the minimum wage rates are, aside from the rates of room and board.

The student homemaker rate is a fundamental element of the minimum wage requirements. Leaving it in the regulation rather than continuing to have it alongside the other minimum wage categories could result in a lack of awareness of the rule and lead to less compliance.

Ms. Cindy Forster: Thank you.

The Chair (Ms. Ann Hoggarth): No further comments? We’ll move to the vote. We’re voting on government motion 17. All those in favour? All those opposed? The motion is carried.

We'll now move to PC motion 17.1, subsections 14(2), (3), (4), (5) and (6), subsections 23.1(2), (4), (7), (8) and (10) of the Employment Standards Act, 2000. MPP Yakabuski.

Mr. John Yakabuski: I move that subsections 14(2), (3), (4), (5) and (6) of schedule 1 to the bill be struck out and the following substituted:

“(2) Subsection 23.1(2) of the act is amended by striking out ‘subparagraph 1 v of subsection (1)’ in the portion before clause (a) and substituting ‘subparagraph 1 v, 2 v, 3 v, 4 v or 5 v of subsection (1)’.

“(3) Subsection 23.1(4) of the act is amended by striking out the portion before the equation and substituting the following:

“‘Annual adjustment

“(4) On October 1 of each year starting in 2022, the minimum wage that applied to a class of employees immediately before October 1 shall be adjusted as follows:’

“(4) Subsection 23.1(7) of the act is amended by striking out ‘2014’ and substituting ‘2021’.

“(5) Subsection 23.1(8) of the act is repealed.

“(6) Subsection 23.1(10) of the act is amended by striking out ‘2020’ and substituting ‘2027’.”

The Chair (Ms. Ann Hoggarth): Committee members, I'm ruling this amendment out of order as it is dependent on a previous amendment that was lost.

Mr. John Yakabuski: You could have saved me the time.

The Chair (Ms. Ann Hoggarth): It has to be read in.

We'll now move to NDP motion 18, subsection 14(7), subsection 23.1(13) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that section 14 of schedule 1 to the bill be amended by adding the following subsection:

“(7) Section 23.1 of the act is amended by adding the following subsection:

“‘Non-application, deeming under Workplace Safety and Insurance Act, 1997

“(13) This section as it read immediately before the day section 14 of schedule 1 to the Fair Workplaces, Better Jobs Act, 2017 comes into force applies for the purposes of determining the minimum wage as part of a determination under clause 43(2)(b) of the Workplace Safety and Insurance Act, 1997 of the net average earnings that a worker earns or is able to earn in suitable and available employment or business after an injury.’”

The Chair (Ms. Ann Hoggarth): Committee members, the amendment is beyond the scope of the bill. I therefore rule it out of order.

Shall schedule 1, section 14, as amended, carry? That's carried.

We now move to government amendment number 19, section 15, subsection 24(1.1) of the Employment Standards Act, 2000. MPP—

Ms. Harinder Malhi: Sorry, it's me.

The Chair (Ms. Ann Hoggarth): Oh, Malhi. Sorry, I didn't see your hand.

Ms. Harinder Malhi: I move that subsection 24(1.1) of the Employment Standards Act, 2000, as set out in section 15 of schedule 1 to the bill, be amended by striking out “section 50 or on vacation during the pay period” and substituting “section 50, on vacation or both for the entire pay period”.

The Chair (Ms. Ann Hoggarth): Any comments? MPP Forster.

Ms. Cindy Forster: Can I just ask what that means in lay terms?

The Chair (Ms. Ann Hoggarth): MPP Colle?

Mr. Mike Colle: It's basically a technical correction that the legal writers felt should be made. It's just a technical wording correction.

The Chair (Ms. Ann Hoggarth): Any further discussion? Okay, I'll call the question. All those in favour of government motion number 19? Those opposed? It's carried.

Shall schedule 1, section 15, as amended, carry? Carried.

We now move to schedule 1, section 16. Shall schedule 1, section 16, carry? That's carried.

Shall schedule 1, section 16.1, carry? Carried.

Schedule 1, section 16.2. Government amendment number 20, section 16.2, clause 29(1.1)(a) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that clause 29(1.1)(a) of the Employment Standards Act, 2000, as set out in section 16.2 of schedule 1 to the bill, be struck out and the following substituted:

“(a) the public holiday that is being substituted;”

The Chair (Ms. Ann Hoggarth): Okay. Any further discussion? MPP Forster.

Ms. Cindy Forster: So I'll ask once again for a clarification in laymen's terms so that workers actually know what this clause means to them.

The Chair (Ms. Ann Hoggarth): MPP Colle?

Mr. Mike Colle: Bill 148 proposes to require employers to give employees a written statement providing certain information about any substitute holiday that the employee earns under the public holidays part of the ESA, okay? That's what it refers to.

Ms. Cindy Forster: Okay.

The Chair (Ms. Ann Hoggarth): Okay, we'll go to the vote. All those in favour of government amendment number 20? Opposed? Carried.

Shall schedule 1, section 16.2, as amended, carry? Carried.

1420

Shall schedule 1, section 16.3, carry? Carried.

We now move to schedule 1, section 17. NDP amendment number 21. Section 17, subsection 33(1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 33(1) of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be struck out and the following substituted:

“Right to vacation

“(1) An employer shall give an employee a vacation of at least three weeks after each vacation entitlement year that the employee completes.”

The Chair (Ms. Ann Hoggarth): Further discussion?

Ms. Cindy Forster: The rationale for this is that workers in this province have been stuck at two weeks’ vacation for many, many years. There’s no expectation by workers today in the kind of work that is available to them that they’re ever going to reach five years of employment with the same employer and be able to enjoy three weeks of vacation, and so the NDP is proposing three weeks after one year to make sure that happens.

The Chair (Ms. Ann Hoggarth): Any further discussion? I will call the question.

Ms. Cindy Forster: Recorded vote.

The Chair (Ms. Ann Hoggarth): It’s a recorded vote on NDP motion 21.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We now go to NDP motion number 22. Section 17, subsection 33(4) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 33(4) of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be struck out.

The Chair (Ms. Ann Hoggarth): Further discussion?

Ms. Cindy Forster: My comments are the same as number 21.

The Chair (Ms. Ann Hoggarth): Any further discussion? I will call the question. All those in favour of NDP—

Interjection.

The Chair (Ms. Ann Hoggarth): Oh, yes. It is a recorded vote. MPP Forster had asked that all NDP votes be recorded votes.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We will now move to NDP amendment number 23. Section 17, subsection 34(2) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 34(2) of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be struck out.

The Chair (Ms. Ann Hoggarth): Any further discussion?

Ms. Cindy Forster: My comments are the same as number 21.

The Chair (Ms. Ann Hoggarth): Anyone else? I will call the question. This is a recorded vote on NDP motion 23.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We will now move to NDP motion number 24. Section 17, subsection 34(3) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 34(3) of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be amended by striking out “If the employee’s period of employment is five years or more” at the beginning.

The Chair (Ms. Ann Hoggarth): Any further discussion?

Ms. Cindy Forster: No.

The Chair (Ms. Ann Hoggarth): Anyone else? I’ll call the question. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We now move to NDP motion 25. Section 17, subsection 34(4) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 34(4) of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be amended by striking out “subsections (2) and (3)” at the end and substituting “subsection (3)”.

The Chair (Ms. Ann Hoggarth): Any further comment?

Ms. Cindy Forster: No.

The Chair (Ms. Ann Hoggarth): Anyone else? I’ll call the question. It is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We'll now move to government motion number 26. Section 17, subsection 34(5) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 17, subsection 34(5) of the Employment Standards Act, 2000.

I move that section 34 of the Employment Standards Act, 2000, as set out in section 17 of schedule 1 to the bill, be amended by adding the following subsection:

“Transition

“(5) Subsection (3) requires employers to provide employees with a period of employment of at least five years or more with vacation calculated in accordance with that subsection for any stub period that ends on or after December 31, 2017, but does not require them to provide additional vacation days in respect of a stub period that ended before that time.”

The Chair (Ms. Ann Hoggarth): Any further discussion? Anyone else? No?

I will call the question. All those in favour of government motion 26? All those opposed? That motion is carried.

Shall schedule 1, section 17, as amended, carry? All those in favour? Carried.

Shall schedule 1, section 18, carry? Carried.

We now move to schedule 1, section 19. Shall schedule 1, section 19, carry? Carried.

Shall schedule 1, section 20, carry? Carried.

We now move to schedule 1, section 20.1. Government amendment number 27, section 20.1, section 41.2 of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 20.1—

The Chair (Ms. Ann Hoggarth): MPP Malhi, could you move the mike closer, please, and speak a little slower? Thank you.

Ms. Harinder Malhi: I move that schedule 1 to the bill be amended by adding the following section:

“20.1 Part XII of the act is amended by adding the following section:

““Interpretation

““41.2 In this part,

“““substantially the same” means substantially the same but not necessarily identical.””

The Chair (Ms. Ann Hoggarth): Thank you. Any discussion? MPP Forster.

Ms. Cindy Forster: I would like the director of policy to come up and explain to us how adding this “but not necessarily identical”—what that’s going to mean with respect to workers in this province who will surely find themselves in problems when they’re not being paid the same as their colleagues or their co-workers. I’d like to understand how the government came up with this

language as opposed to the language that we were proposing.

The Chair (Ms. Ann Hoggarth): Would you identify yourself for the purpose of Hansard, please?

Ms. Stephanie Parkin: Stephanie Parkin—

Mr. Mike Colle: Would it be helpful if I read some background into the record, and then you can proceed?

Ms. Cindy Forster: Fine. If you want to, go ahead.

The Chair (Ms. Ann Hoggarth): Okay. MPP Colle.

Mr. Mike Colle: This is just to clarify government motion 27. It’s quite lengthy, so you’re going to have to bear with me here, and maybe we can get copies to everybody after I read it to the member.

The equal pay test builds on a provision that is in the current Employment Standards Act, requiring that there be no difference in pay on the basis of sex for folks doing substantially the same job.

In our view, though not expressly stated, “sex” in this test includes gender identity, meaning that there can be no difference in base pay on someone identifying as other than strictly male or female.

The application of this test has seen many years of use, and we believe it is the right test. We are extending it to include a requirement that there be no differentiation in the rate of pay for folks based on job status, such as full-time, part-time, casual, temporary or being an employee of a temporary help agency, vis-à-vis client employees.

In order for equal pay for equal work protection of section 42 of the ESA to be invoked, there must be:

- (1) An inequality in the rate of pay on the basis of sex or job status;
- (2) Folks doing substantially the same kind of work;
- (3) In the same establishment, as defined in the Employment Standards Act;
- (4) Requiring substantially the same skill, effort and responsibility; and
- (5) Performed under similar working conditions.

1430

In order to determine whether or not work is substantially the same, the work that is actually being performed must be considered, not the terms of hiring or the job descriptions. In the case of temporary help agencies, the employer is irrelevant. Temporary help agency employees will be compared with client employees.

“Substantially the same” kind of work refers to the main characteristics or the core duties of the work. It has been held that “to be substantially the same work, it must be work of the same character in the sense that the central job cores consist of the same type of work such that the jobs being compared may reasonably be characterized as the same job classification.”

Jobs do not have to be identical in every respect nor do they have to be interchangeable for the standard to apply. You will see that we are proposing to add language to the section confirming this. “Substantially the same” is of broad application. Minor differences in job content or the non-interchangeability of jobs do not make this section inapplicable.

I will give you an example of what I mean. In a 1973 decision of the Ontario Court of Appeal regarding the board of governors of the Riverdale Hospital, the employer argued that there was no violation of the Employment Standards Act's equal pay provisions because the work of female non-registered nursing assistants and male orderlies was not interchangeable. The employer argued that only the orderlies, in the interests of taste and decency, performed certain personal hygiene functions for male patients, which female non-registered nursing assistants did not do. In other words, the female non-registered nursing assistant, in the eyes of the employer, could not do the job of the male orderlies and so could not be compared or considered to be doing substantially the same work as the male orderlies.

The court held otherwise. In the view of the court, the jobs were substantially the same and employees need not be interchangeable.

Again, then "substantially the same" is of broad application. Minor differences in job content or the non-interchangeability of jobs do not make the section inapplicable. This is the test that will continue to apply going forward, and we believe this is the right direction for promoting fairness in pay in Ontario. I have copies.

The Chair (Ms. Ann Hoggarth): Before we go forward, this will be in Hansard, or would you prefer photocopied—

Ms. Cindy Forster: No, Hansard is fine.

The Chair (Ms. Ann Hoggarth): Hansard is fine?

Mr. John Yakabuski: Hansard is fine.

The Chair (Ms. Ann Hoggarth): Okay. Thank you. MPP Forster, would you still like to hear from staff?

Ms. Cindy Forster: If you have anything that you would like to add to that.

Ms. Stephanie Parkin: No, I don't think so.

Ms. Cindy Forster: You think it's covered?

Ms. Stephanie Parkin: Yes.

Ms. Cindy Forster: All right. Thank you very much.

The Chair (Ms. Ann Hoggarth): I'll call the question. All those in favour of government motion 27? Those opposed? The motion is carried.

Shall schedule 1, section 20.1, carry—

Interjection.

The Chair (Ms. Ann Hoggarth): We just carried that. Okay.

We're moving to schedule 1, section 21, government motion number 28, subsection 21(1.1), subsection 42(2.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that subsection 21(1.1) of schedule 1 to the bill be struck out.

The Chair (Ms. Ann Hoggarth): Any further discussion? All right. I will call the question. All those in favour of government amendment number 28? Those opposed? Carried.

Shall schedule 1, section 21, as amended, carry? Carried.

We'll now move to schedule 1, section 22. NDP motion number 29—there will be a recorded vote when

we vote on this—section 22, clauses, 42.1(1)(a) and (b) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that clauses 42.1(1)(a) and (b) of the Employment Standards Act, 2000, as set out in section 22 of schedule 1 to the bill, be struck out and the following substituted:

"(a) they perform similar work in the same establishment;

"(b) their performance requires similar skill, effort and responsibility; and"

The Chair (Ms. Ann Hoggarth): Okay. Any further discussion?

Ms. Cindy Forster: Just that we heard during the last year, at a variety of public hearings, that a large group of workers and their advocates, from labour to community to faith groups like ISARC, supported this amendment, and that's why it is here today.

I think it more clearly sets out the language that would allow workers to enforce their rights that their work was similar.

The Chair (Ms. Ann Hoggarth): Thank you. Any further discussion? I will call the question, and it is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi, Potts.

The Chair (Ms. Ann Hoggarth): That amendment is lost.

We now move to NDP motion number 30, section 22, subsections 42.1(2) and (2.1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsections 42.1(2) and (2.1) of the Employment Standards Act, 2000, as set out in section 22 of schedule 1 to the bill, be struck out and the following substituted:

"Same

"(2) For the purpose of subsection (1), work is considered to be similar despite minor variations or differences in duties, responsibilities or work assignments.

"Exception

"(2.1) Subsection (1) does not apply if the employer is able to show that the difference in pay is the result of a merit compensation plan that is based on formal performance ratings and that has been brought to the attention of the employees and that does not discriminate on the basis of sex or any other ground protected under the Human Rights Code."

The Chair (Ms. Ann Hoggarth): Committee members, I am ruling this amendment out of order as it was dependent on a previous amendment that was lost.

We now move to government motion number 31, section 22, subsection 42.1(2.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that subsection 42.1(2.1) of the Employment Standards Act, 2000, as set out in section 22 of schedule 1 to the bill, be struck out.

The Chair (Ms. Ann Hoggarth): Any further discussion? No? I will call the question. All those in favour of government motion 31? All those opposed? The motion is carried.

Shall schedule 1, section 22, as amended, carry? Carried.

Schedule 1, section 23. NDP motion number 32, section 23, clauses 42.2(1)(a) and (b) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that clauses 42.2(1)(a) and (b) of the Employment Standards Act, 2000, as set out in section 23 of schedule 1 to the bill, be struck out and the following substituted:

“(a) they perform similar work in the same establishment;

“(b) their performance requires similar skill, effort and responsibility; and”

The Chair (Ms. Ann Hoggarth): Okay. Any further discussion? No? I am calling the question. All those in favour of NDP motion 32? This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Malhi, Potts.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We now move to NDP motion number 33, section 23, subsections 42.2(2) and (2.1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 42.2(2) of the Employment Standards Act, 2000, as set out in section 23 of schedule 1 to the bill, be struck out and the following substituted:

“Same

“(2) For the purpose of subsection (1), work is considered to be similar despite minor variations or differences in duties, responsibilities or work assignments.

“Exception

“(2.1) Subsection (1) does not apply if the employer is able to show that the difference in pay is the result of a merit compensation plan that is based on formal performance ratings and that has been brought to the attention of the employees and that does not discriminate on the basis of sex or any other ground protected under the Human Rights Code.”

1440

The Chair (Ms. Ann Hoggarth): Any further discussion? No?

I'm sorry. Committee members, I'm ruling this amendment out of order as it is dependent on a previous amendment that was lost.

Shall schedule 1, section 23, as amended, carry?

Interjection.

The Chair (Ms. Ann Hoggarth): Let me do that one again.

Shall schedule 1, section 23, carry? Carried? Okay. Carried.

We move to schedule 1, section 23.0.1. Government motion number 34. It's a new section 23.0.1, section 42.3 of the Employment Standards Act, 2000. MPP Baker.

Mr. Yvan Baker: I move that schedule 1 to the bill be amended by adding the following section:

“23.0.1 Part XII of the act is amended by adding the following section:

“Review

“42.3(1) Before April 1, 2021, the minister shall cause a review of sections 42.1 and 42.2 to be commenced.

“Same

“(2) The minister may specify a date by which a review under subsection (1) must be completed.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

MPP Baker.

Mr. Yvan Baker: This motion prescribes that the minister must review this provision, and this review will be informed by feedback that we received from people across the province. This is really another example of how we're listening to our partners but also continuing to do so as we move forward. For example, I'll note that we are currently working with our partners, including partners in industry, employee and labour partners, for example, in the auto sector.

The Chair (Ms. Ann Hoggarth): Any further discussion? I'm going to call the question on government motion 34. All those in favour? Opposed? That motion is carried.

We now move to schedule 1, section 23.0.2, government motion number 35. It's a new section 23.0.2, section 46.1 of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 23.0.2, section 46.1 of the Employment Standards Act, 2000.

I move that schedule 1 to the bill be amended by adding the following section:

“23.0.2 The act is amended by adding the following section:

“Definition

“46.1 In section 46,

““legally qualified medical practitioner” means,

“(a) a person who is qualified to practise as a physician,

“(b) a person who is qualified to practise as a midwife,

“(c) a registered nurse who holds an extended certificate of registration under the Nursing Act, 1991, or

“(d) in the prescribed circumstances, a member of a prescribed class of medical practitioners. (“médecin dûment qualifié”)

The Chair (Ms. Ann Hoggarth): Any further discussion? I'll call the question on government motion 35. All those in favour? All those opposed? That motion is carried.

Schedule 1, section 23.1. Government motion number 36. Section 23.1, subsection 47(1.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: Schedule 1 to the bill, section 23.1, subsection 47(1.1) of the Employment Standards Act, 2000.

I move that subsection 23.1 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Subsection 47 of the act is amended by adding the following subsection:

“Transition

“(1.1) Despite clause (1)(b), if an employee who is not entitled to parental leave began her pregnancy leave before January 1, 2018, her pregnancy leave ends on the day that is the later of,

“(a) 17 weeks after the pregnancy leave began; and

“(b) six weeks after the birth, stillbirth or miscarriage.”

The Chair (Ms. Ann Hoggarth): Would you please read the section that starts with “(2)”? You put “subsection” instead of “section.”

Ms. Harinder Malhi: “(2) Section 47 of the act is amended by adding the following subsection”?

Mr. John Yakabuski: No, right at the start, when you said “I move that section 23.1.” You said, “I move that subsection 23.1.”

Ms. Harinder Malhi: “I move that section 23.1”?

The Chair (Ms. Ann Hoggarth): Okay. Read from “I move” right down to before “Transition,” okay? We'll get it right.

Ms. Harinder Malhi: I move that subsection—

Mr. John Yakabuski: Woah, you just said it again.

Ms. Harinder Malhi: I move that section 23.1 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 47 of the act is amended by adding the following subsection:”

The Chair (Ms. Ann Hoggarth): Thank you. Any further discussion? All those in favour of government motion 36? All those opposed? Carried.

Shall schedule 1, section 23.1, as amended, carry? Carried.

We move to schedule 1, section 23.2. Government motion number 37, section 23.2, subsection 48(2.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that section 23.2 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 48 of the act is amended by adding the following subsection:

“Transition

“(2.1) Despite subsection (2), an employee may begin parental leave no later than 52 weeks after the day the child is born or comes into the employee's custody, care and control for the first time if that day was before the

day subsection 23.2(2) of schedule 1 to the Fair Workplaces, Better Jobs Act, 2017 came into force.”

The Chair (Ms. Ann Hoggarth): Any further discussion? Okay. I call the question. Those in favour of government motion 37? Those opposed? The motion is carried.

Shall schedule 1, section 23.2, as amended, carry? Carried.

We now move to schedule 1, section 23.3—sorry—schedule 1, section 23.2, as amended, did carry.

Schedule 1, section 23.3. Government motion number 38, section 23.3, subsection 49(1.1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that section 23.3 of schedule 1 to the bill be amended by adding the following subsection:

“(2) Section 49 of the act is amended by adding the following subsection:

“Transition

“(1.1) Despite subsection (1), if the child in respect of whom the employee takes parental leave was born or came into the employee's custody, care and control for the first time before the day subsection 23.3(2) of schedule 1 to the Fair Workplaces, Better Jobs Act, 2017 came into force, the employee's parental leave ends,

“(a) 35 weeks after it began, if the employee also took pregnancy leave; and

“(b) 37 weeks after it began, otherwise.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I call the question on government motion 38. All those in favour? Opposed? Carried.

Shall schedule 1, section 23.3, as amended, carry?

Schedule 1, section 24, government motion number 39, subsection 24(0.1), subsection 49.1(1) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that section 24 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) The definition of ‘qualified health care practitioner’ in subsection 49.1(1) of the act is repealed and the following substituted:

“‘qualified health practitioner’ means,

“(a) a person who is qualified to practise as a physician”—

The Chair (Ms. Ann Hoggarth): I need to stop you. Would you start at “(0.1)”?

1450

Ms. Harinder Malhi: “(0.1) The definition of ‘qualified health care practitioner’ in subsection—

The Chair (Ms. Ann Hoggarth): No. There is no “care.”

Ms. Harinder Malhi: Okay.

“(0.1) The definition of ‘qualified health practitioner’ in subsection 49.1(1) of the act is repealed and the following substituted:

“‘qualified health practitioner’ means,

“(a) a person who is qualified to practise as a physician under the laws of the jurisdiction in which care or

treatment is provided to the individual described in subsection (3),

“(b) a registered nurse who holds an extended certificate of registration under the Nursing Act, 1991 or an individual who has an equivalent qualification under the laws of the jurisdiction in which care or treatment is provided to the individual described in subsection (3), or

“(c) in the prescribed circumstances, a member of a prescribed class of health practitioners; (“praticien de la santé qualifié”)”

The Chair (Ms. Ann Hoggarth): Any further discussion? Seeing none, I call the question on government motion 39. All those in favour? Opposed? That is carried.

We now move to government motion 40, subsection 24(1), subsections 49.1(2) and (3) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that subsection 24(1) of schedule 1 to the bill be struck out and the following substituted:

“(1) Subsections 49.1(2) and (3) of the act are repealed and the following substituted:

“Entitlement to leave

“(2) An employee is entitled to a leave of absence without pay of up to 28 weeks to provide care or support to an individual described in subsection (3) if a qualified health practitioner issues a certificate stating that the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks or such shorter period as may be prescribed.

“Application of subs. (2)

“(3) Subsection (2) applies in respect of the following individuals:

“1. The employee’s spouse.

“2. A parent, step-parent or foster parent of the employee or the employee’s spouse.

“3. A child, stepchild or foster child of the employee or the employee’s spouse.

“4. A child who is under legal guardianship of the employee or the employee’s spouse.

“5. A brother, stepbrother, sister or stepsister of the employee.

“6. A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee’s spouse.

“7. A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.

“8. A son-in-law or daughter-in-law of the employee or the employee’s spouse.

“9. An uncle or aunt of the employee or the employee’s spouse.

“10. A nephew or niece of the employee or the employee’s spouse.

“11. The spouse of the employee’s grandchild, uncle, aunt, nephew or niece.

“12. A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.

“13. Any individual prescribed as a family member for the purposes of this section.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question. All those in favour of government motion number 40? All those opposed? Carried.

We now move to government motion 41, subsections 24(2) and (3), subsections 49.1(5), (6), (11) and (12) of the Employment Standards Act, 2000. MPP Malhi.

Ms. Harinder Malhi: I move that subsections 24(2) and (3) of subsection 1 to the bill be struck out and the following substituted:

“(2) Subsections 49.1(5) and (6) of the act are repealed and the following substituted:

“Latest date employee can remain on leave

“(5) The employee may not remain on a leave under this section after the earlier of the following dates”—

The Chair (Ms. Ann Hoggarth): I’m going to stop you. You need to go back, starting with “I move,” underneath the first bolded part, please.

Ms. Harinder Malhi: I move that subsections 24(2) and (3) of schedule 1 to the bill be struck out and the following substituted:

“(2) Subsections 49.1(5) and (6) of the act are repealed and the following substituted:

“Latest date employee can remain on leave

“(5) The employee may not remain on a leave under this section after the earlier of the following dates:

“1. The last day of the week in which the individual described in subsection (3) dies.

“2. The last day of the 52-week period starting on the first day of the week in which the period referred to in subsection (2) begins.

“Same

“(5.1) For greater certainty, but subject to subsection (5), if the amount of leave that has been taken is less than 28 weeks it is not necessary for a qualified health practitioner to issue an additional certificate under subsection (2) in order for leave to be taken under this section after the end of the period referred to in subsection (2).

“Two or more employees

“(6) If two or more employees take leaves under this section in respect of a particular individual, the total of the leaves taken by all the employees shall not exceed 28 weeks during the 52-week period referred to in paragraph 2 of subsection (5) that applies to the first certificate issued for the purpose of this section.”

“(3) Subsections 49.1(11) and (12) of the act are repealed and the following substituted:

“Further leave

“(11) If an employee takes a leave under this section and the individual referred to in subsection (3) does not die within the 52-week period referred to in paragraph 2 of subsection (5), the employee may, in accordance with this section, take another leave and, for that purpose, the reference in subsection (6) to ‘the first certificate’ shall be deemed to be a reference to the first certificate issued after the end of that period.

“Leave under ss. 49.3, 49.4, 49.5, 49.6, 49.7 and 50

“(12) An employee’s entitlement to leave under this section is in addition to any entitlement to leave under sections 49.3, 49.4, 49.5, 49.6, 49.7 and 50.

“Transition

“(13) If a certificate described in subsection (2) was issued before January 1, 2018, then this section, as it read immediately before January 1, 2018, applies.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question.

All those in favour of government amendment number 41? All those opposed? Carried.

Shall schedule 1, section 24, as amended, carry? Carried.

Shall schedule 1, section 25, carry? Carried.

Schedule 1, section 26. Government motion 42, section 26, section 49.4 of the Employment Standards Act, 2000. MPP Malhi?

Mr. John Yakabuski: Chair, if this isn’t finished being read by 4 o’clock, will the gavel come down?

The Chair (Ms. Ann Hoggarth): Oh, it’s six pages. Okay. All right. Let’s hope we only have to do this once.

Ms. Harinder Malhi: I have a PMB to go deliver, so—

Interjection: Take your time.

The Chair (Ms. Ann Hoggarth): Yes, take your time.

Ms. Harinder Malhi: I move that section 26 of schedule 1 to the bill be struck out and the following substituted:

“26. The heading immediately before section 49.4 and section 49.4 are repealed and the following substituted:

“Critical illness leave

“Critical illness leave

“Definitions

“49.4(1) In this section,

““adult” means an individual who is 18 years or older; (“adulte”)

““critically ill”, with respect to a minor child or adult, means a minor child or adult whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury; (“gravement malade”)

““family member”, with respect to an employee, means the following:

“1. The employee’s spouse.

“2. A parent, step-parent or foster parent of the employee or the employee’s spouse.

1500

“3. A child, stepchild or foster child of the employee or the employee’s spouse.

“4. A child who is under legal guardianship of the employee or the employee’s spouse.

“5. A brother, stepbrother, sister or stepsister of the employee.

“6. A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee’s spouse.

“7. A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.

“8. A son-in-law or daughter-in-law of the employee or the employee’s spouse.

“9. An uncle or aunt of the employee or the employee’s spouse.

“10. A nephew or niece of the employee or the employee’s spouse.

“11. The spouse of the employee’s grandchild, uncle, aunt, nephew or niece.

“12. A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.

“13. Any individual prescribed as a family member for the purpose of this definition; (“membre de la famille”)

““minor child” means an individual who is under 18 years of age; (“enfant mineur”)

““qualified health practitioner” means,

“(a) a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the individual described in subsection (2) or (5), or

“(b) in the prescribed circumstances, a member of a prescribed class of health practitioners; (“praticien de la santé qualifié”)

““week” means a period of seven consecutive days beginning on Sunday and ending on Saturday. (“semaine”)

“Entitlement to leave—critically ill minor child

“(2) An employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay to provide care or support to a critically ill minor child who is a family member of the employee if a qualified health practitioner issues a certificate that,

“(a) states that the minor child is a critically ill minor child who requires the care or support of one or more family members; and

“(b) sets out the period during which the minor child requires the care or support.

“Same

“(3) Subject to subsection (4), an employee is entitled to take up to 37 weeks of leave under this section to provide care or support to a critically ill minor child.

“Same—period less than 37 weeks

“(4) If the certificate described in subsection (2) sets out a period of less than 37 weeks, the employee is entitled to take a leave only for the number of weeks in the period specified in the certificate.

“Entitlement to leave—critically ill adult

“(5) An employee who has been employed by his or her employer for at least six consecutive months is entitled to a leave of absence without pay to provide care or support to a critically ill adult who is a family member of the employee if a qualified health practitioner issues a certificate that,

“(a) states that the adult is a critically ill adult who requires the care or support of one or more family members; and

“(b) sets out the period during which the adult requires the care or support.

“Same

“(6) Subject to subsection (7), an employee is entitled to take up to 17 weeks of leave under this section to provide care or support to a critically ill adult.

“Same—period less than 17 weeks

“(7) If the certificate described in subsection (5) sets out a period of less than 17 weeks, the employee is entitled to take a leave only for the number of weeks in the period specified in the certificate.

“When leave must end

“(8) Subject to subsection (9), a leave under this section ends no later than the last day of the period specified in the certificate described in subsection (2) or (5).

“Limitation period

“(9) If the period specified in the certificate described in subsection (2) or (5) is 52 weeks or longer, the leave ends no later than the last day of the 52-week period that begins on the earlier of,

“(a) the first day of the week in which the certificate is issued; and

“(b) the first day of the week in which the minor child or adult in respect of whom the certificate was issued became critically ill.

“Death of minor child or adult

“(10) If a critically ill minor child or adult dies while an employee is on a leave under this section, the employee’s entitlement to be on leave under this section ends on the last day of the week in which the minor child or adult dies.

“Total amount of leave—critically ill minor child

“(11) The total amount of leave that may be taken by one or more employees under this section in respect of the same critically ill minor child is 37 weeks.

“Total amount of leave—critically ill adult

“(12) The total amount of leave that may be taken by one or more employees under this section in respect of the same critically ill adult is 17 weeks.

“Limitation where child turns 18

“(13) If an employee takes leave in respect of a critically ill minor child under subsection (2), the employee may not take leave in respect of the same individual under subsection (5) before the 52-week period described in subsection (9) expires.

“Further leave—critically ill minor child

“(14) If a minor child in respect of whom an employee has taken a leave under this section remains critically ill while the employee is on leave or after the employee returns to work, but before the 52-week period described in subsection (9) expires, the employee is entitled to take an extension of the leave or a new leave if,

“(a) a qualified health practitioner issues an additional certificate described in subsection (2) for the minor child that sets out a different period during which the minor child requires care or support;

“(b) the amount of leave that has been taken and the amount of leave the employee takes under this subsection does not exceed 37 weeks in total; and

“(c) the leave ends no later than the last day of the 52-week period described in subsection (9).

“Further leave—critically ill adult

“(15) If an adult in respect of whom an employee has taken a leave under this section remains critically ill while the employee is on leave or after the employee returns to work, but before the 52-week period described in subsection (9) expires, the employee is entitled to take an extension of the leave or a new leave if,

“(a) a qualified health practitioner issues an additional certificate described in subsection (5) for the adult that sets out a different period during which the adult requires care or support;

“(b) the amount of leave that has been taken and the amount of leave the employee takes under this subsection does not exceed 17 weeks in total; and

“(c) the leave ends no later than the last day of the 52-week period described in subsection (9).

“Additional leaves

“(16) If a minor child or adult in respect of whom an employee has taken a leave under this section remain critically ill after the 52-week period described in subsection (9) expires, the employee is entitled to take another leave and the requirements of this section apply to the new leave.

“Advising employer

“(17) An employee who wishes to take a leave under this section shall advise his or her employer in writing that he or she will be doing so and shall provide the employer with a written plan that indicates the weeks in which he or she will take the leave.

“Same

“(18) If an employee must begin a leave under this section before advising the employer, the employee shall advise the employer of the leave in writing as soon as possible after beginning it and shall provide the employer with a written plan that indicates the weeks in which he or she will take the leave.

“Same—change in employees plan

“(19) An employee may take a leave at a time other than that indicated in the plan provided under subsection (17) or (18) if the change to the time of the leave meets the requirements of this section and,

“(a) the employee requests permission from the employer to do so in writing and the employer grants permission in writing; or

“(b) the employee provides the employer with such written notice of the change as is reasonable in the circumstances.

“Copy of certificate

“(20) If requested by the employer, the employee shall provide the employer with a copy of the certificate referred to in subsection (2) or (5) or clause (14)(a) or (15)(a) as soon as possible.

“Leave under ss. 49.1, 49.3, 49.5, 49.6, 49.7 and 50

“(21) An employee’s entitlement to leave under this section is in addition to any entitlement to leave under sections 49.1, 49.3, 49.5, 49.6, 49.7 and 50.

“Transition

“(22) If a certificate mentioned in subsection (2) or (12), as those subsections read immediately before the

day section 26 of schedule 1 to the Fair Workplaces, Better Jobs Act, 2017 came into force, was issued before that day, then this section, as it read immediately before that day, applies.”

Mr. John Yakabuski: Could you reread the parts after “I move”?

Ms. Harinder Malhi: No. How about we get you to read the whole thing?

The Chair (Ms. Ann Hoggarth): Is there any further discussion on government motion 42?

Mr. John Yakabuski: Yes, Chair, there is.

The Chair (Ms. Ann Hoggarth): MPP Yakabuski.

Mr. John Yakabuski: As I stated earlier, in my 14 years this is the shortest period of time ever allowed for third reading debate. This also may be the longest single amendment to any piece of legislation that I’ve seen as well.

1510

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question. All those in favour of government amendment number 42? Those opposed? The amendment is carried.

Shall schedule 1, section 26, as amended, carry? Carried.

Shall schedule 1, section 27, carry? Carried.

We’re moving now to schedule 1, section 28. Government amendment number 43, section 28, subsection 49.5(12) of the Employment Standards Act, 2000. MPP Han.

Mr. Han Dong: MPP Dong.

The Chair (Ms. Ann Hoggarth): I mean Dong.

Mr. Han Dong: It’s all good.

The Chair (Ms. Ann Hoggarth): We’re too close.

Mr. John Yakabuski: Well, you’re on a first-name basis.

The Chair (Ms. Ann Hoggarth): We are; we’re seat-mates. What can I say?

Mr. Han Dong: Thank you, Chair. Schedule 1 to the bill, section 28, subsection 49.5(12) of the Employment Standards Act, 2000.

I move that section 49.5 of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by adding the following subsection:

“Transition

“(12) If, on December 31, 2017, an employee was on a crime-related child death or disappearance leave under this section, as it read on that date, then the employee’s entitlement to the leave continues in accordance with this section as it read on that date.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I call the question on government motion 43. All those in favour? Opposed? Carried.

Government amendment 44, section 28, subsection 49.6(2.1) of the Employment Standards Act, 2000. MPP Dong.

Mr. Han Dong: Schedule 1 to the bill, section 28, subsection 49.6(2.1) of the Employment Standards Act, 2000.

I move that section 49.6 of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by adding the following subsection:

“Transition

“(2.1) Despite subsection (2), if the disappearance occurred before January 1, 2018, the employee is entitled to a leave of absence without pay in accordance with section 49.5 as it read on December 31, 2017.”

The Chair (Ms. Ann Hoggarth): Thank you. Just to remind committee members, you only have to read from the part that says “I move.”

Mr. Han Dong: Okay.

The Chair (Ms. Ann Hoggarth): Is there any further discussion on this amendment? Seeing none, I call the question. All those in favour of government amendment number 44? Opposed? Carried.

For the purpose of orderliness, we’ll deal with motion number 47 before motion number 44.1. Motion number 47 is an NDP motion. Section 28, subsection 49.7(2) to (10) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsections 49.7(2) to (10) of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be struck out and the following substituted:

“Entitlement to paid leave

“(2) An employee who has been employed by an employer for at least 13 consecutive weeks is entitled to a leave of absence with pay if the employee or a child of the employee experiences domestic or sexual violence, or the threat of domestic or sexual violence, and the leave of absence is taken for any of the following purposes:

“1. To seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the domestic or sexual violence.

“2. To obtain services from a victim services organization for the employee or the child of the employee.

“3. To obtain psychological or other professional counselling for the employee or the child of the employee.

“4. To relocate temporarily or permanently.

“5. To seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic or sexual violence.

“6. Such other purposes as may be prescribed.

“Length of paid leave

“(3) An employee is entitled to take, in each calendar year, up to 10 days of paid leave under subsection (2).

“Appropriation required

“(4) The money required to pay an employee during a leave of absence under subsection (2) shall be paid out of money appropriated for that purpose by the Legislature.

“Entitlement to unpaid leave

“(5) An employee who has been employed by an employer for at least 13 consecutive weeks is entitled to a leave of absence without pay if the employee or a child of the employee experiences domestic or sexual violence,

or the threat of domestic or sexual violence, and the leave of absence is taken for any of the purposes set out in paragraphs 1 to 6 of subsection (2).

“Length of unpaid leave

“(6) An employee is entitled to take, in each calendar year, up to 15 weeks of leave under subsection (5).

“Advising employer

“(7) An employee who wishes to take a leave under subsection (2) or (5) shall advise the employer in writing that the employee will be doing so.

“Same

“(8) If an employee must begin a leave under subsection (2) or (5) before advising the employer, the employee shall advise the employer of the leave in writing as soon as possible after beginning it.

“Exception

“(9) Subsections (2) and (5) do not apply if the domestic or sexual violence is committed by the employee.”

The Chair (Ms. Ann Hoggarth): Could you just reread “Appropriation required” under the—

Ms. Cindy Forster: Under which?

The Chair (Ms. Ann Hoggarth): It’s after “Length of paid leave.” It’s on page 2 of 3. “Appropriation required”: read that paragraph, please.

Ms. Cindy Forster: Under “Length of unpaid leave” or—

The Chair (Ms. Ann Hoggarth): No, it says “Appropriation required.”

Ms. Cindy Forster: Oh, yes.

“Appropriation required

“(4) The money required to pay an employee during a leave of absence under subsection (2) shall be paid out of money appropriated for that purpose by the Legislature.”

The Chair (Ms. Ann Hoggarth): Thank you. Any further discussion on NDP motion 47? Seeing none, I call the question.

Ms. Cindy Forster: Yes, I had my hand up.

The Chair (Ms. Ann Hoggarth): I’m sorry. MPP Forster.

Ms. Cindy Forster: This is kind of the government’s version of what people in Ontario were looking for in terms of paid leave for sexual and domestic violence. Certainly, we heard from hundreds of people, from unions, from people themselves, from women’s committees who actually supported a 10-day paid leave provision.

Chair, if you’ve ever tried to get an appointment even around health care in this province, or get an appointment with a lawyer, or get an appointment with a social worker, or get an appointment with a mental health care provider, it is very difficult to do. To only provide five days I don’t think is enough in many situations that particularly women and some children in this province actually experience. We spoke to the experts in this area, the sexual assault clinics. They all were recommending 10 days.

I don’t understand why the government couldn’t have gone a little bit further and actually provided this funding through the government. I think it would have been a

fairly easy thing for them to do. There are not going to be thousands and thousands of women—in fact, so few of these situations ever even get reported. It would have been a good thing for the government to be able to support the victims of domestic and sexual violence.

I would hope that the members would vote for this amendment and support the 10 days to be provided for by the government.

The Chair (Ms. Ann Hoggarth): MPP Yakabuski.

Mr. John Yakabuski: Thank you, Chair, and thank you, Ms. Forster, for bringing forth this amendment. This is one we’ve talked about a fair bit, and we certainly support the provisions and particularly the part where the cost of it would be paid for by the government. It would not be then an additional burden on a small business.

1520

For years we’ve said that society has to take seriously the responsibility that it has when it comes to victims of sexual and domestic violence. This certainly does give them the necessary time to try to make some changes or get some things in order without tipping off the abuser. So we support this amendment. Thank you for bringing it forth.

The Chair (Ms. Ann Hoggarth): Any further discussion? MPP Colle.

Mr. Mike Colle: As you know, the government has moved, for the first time, to have five days of paid leave for victims of domestic or sexual violence, and that would be paid directly by the employer. We think that is a significant improvement that will help victims of domestic violence or sexual violence.

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question. This is on NDP motion 47.

Ms. Cindy Forster: Recorded vote.

Ayes

Barrett, Forster, Yakabuski.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We move now to PC motion number 48.

Interjection.

The Chair (Ms. Ann Hoggarth): Oh, sorry, 44.1. Section 28, subsection 49.7(2). MPP Yakabuski.

Mr. John Yakabuski: I move that subsection 49.7(2) of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by striking out “leave of absence without pay” and substituting “paid leave of absence” in the portion before paragraph 1.

The Chair (Ms. Ann Hoggarth): Any further discussion?

Mr. John Yakabuski: This just means that the leave is paid as opposed to unpaid.

The Chair (Ms. Ann Hoggarth): Any further discussion? I'll call the question. All those in favour—

Mr. John Yakabuski: Recorded vote.

Ayes

Barrett, Forster, Yakabuski.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move to government motion 45, section 28, subsection 49.7(2) of the Employment Standards Act, 2000. MPP Potts.

Mr. Arthur Potts: I move that subsection 49.7(2) of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by striking out “without pay” in the portion before paragraph 1.

The Chair (Ms. Ann Hoggarth): Any further discussion? Seeing no further discussion, we'll vote on government motion 45. All those in favour? All those opposed? Carried.

We now move to PC motion number 45.1, section 28, section 49.7. MPP Yakabuski.

Mr. John Yakabuski: Don't you want to read that schedule to the bill part first?

The Chair (Ms. Ann Hoggarth): Didn't I read it?

Mr. John Yakabuski: No. You didn't read it, no.

The Chair (Ms. Ann Hoggarth): Okay. Schedule 1 to the bill, section 28, section 49.7 of the Employment Standards Act, 2000.

Mr. John Yakabuski: I move that section 49.7 of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by adding the following subsection:

“(2.1) The employer whose employee takes a paid leave of absence under subsection (2), may make an application to the government of Ontario to get reimbursed for the cost to the employer of the paid leave that the employee took under subsection (2).”

The Chair (Ms. Ann Hoggarth): Any further discussion?

Mr. John Yakabuski: Yes, please. This would codify into law that while the employee would be paid as under normal circumstances to create the least possible disruption, and there would be no suspicion of anybody who happened to be the abuser because the pay stubs would look the same—but the employer could then make application to the government for reimbursement for those costs under this leave for sexual and/or domestic violence.

The Chair (Ms. Ann Hoggarth): Any further discussion? I'll call the question.

Mr. John Yakabuski: Recorded vote, please.

The Chair (Ms. Ann Hoggarth): Recorded vote.

Ayes

Barrett, Forster, Yakabuski.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): The motion is lost.

We'll now move to government motion 46, section 28, subsections 49.7(4.1) to (4.4), (13) and (14) of the Employment Standards Act, 2000. MPP Dong.

Mr. Han Dong: I move that section 49.7 of the Employment Standards Act, 2000, as set out in section 28 of schedule 1 to the bill, be amended by adding the following subsections:

“Entitlement to paid leave

“(4.1) If an employee takes a leave under this section, the employee is entitled to take the first five such days as paid days of leave in each calendar year and the balance of his or her entitlement under this section as unpaid leave.

“Domestic or sexual violence leave pay

“(4.2) Subject to subsections (4.3) and (4.4), if an employee takes a paid day of leave under this section, the employer shall pay the employee,

“(a) either,

“(i) the wages the employee would have earned had they not taken the leave, or

“(ii) if the employee receives performance-related wages, including commissions or a piecework rate, the greater of the employee's hourly rate, if any, and the minimum wage that would have applied to the employee for the number of hours the employee would have worked had they not taken the leave; or

“(b) if some other manner of calculation is prescribed, the amount determined using that manner of calculation.

“Domestic or sexual violence leave where higher rate of wages

“(4.3) If a paid day of leave under this section falls on a day or at a time of day when overtime pay, a shift premium, or both would be payable by the employer,

“(a) the employee is not entitled to more than his or her regular rate for any leave taken under this section; and

“(b) the employee is not entitled to the shift premium for any leave taken under this section.

“Domestic or sexual violence leave on public holiday

“(4.4) If a paid day of leave under this section falls on a public holiday, the employee is not entitled to premium pay for any leave taken under this section.

“Confidentiality

“(13) An employer shall ensure that mechanisms are in place to protect the confidentiality of records given to or produced by the employer that relate to an employee taking a leave under this section.

“Disclosure permitted

“(14) Nothing in subsection (13) prevents an employer from disclosing a record where,

“(a) the employee has consented to the disclosure of the record;

“(b) disclosure is made to an officer, employee, consultant or agent of the employer who needs the record in the performance of their duties;

“(c) the disclosure is authorized or required by law; or

“(d) the disclosure is prescribed as a permitted disclosure.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question.

All those in favour of government amendment 46? All those opposed? Carried.

Shall schedule 1, section 28, as amended, carry? Carried.

Motions number 45 and 46 having been dealt with, we will now return to postponed motions 3 and 5 in section 1 of the bill.

1530

Government motion number 3, subsection 1(2.1), subsection 1(1) of the Employment Standards Act, 2000. MPP Potts.

Mr. Arthur Potts: I think I’m in the right spot.

I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(2.1) Subsection 1(1) of the act is amended by adding the following definition:

““domestic or sexual violence leave pay” means pay for any paid days of leave taken under section 49.7; (“indemnité de congé en cas de violence familiale ou sexuelle”)”

The Chair (Ms. Ann Hoggarth): That is correct. Any further discussion? We’ll call the question on government motion 3. All those in favour? Opposed? Carried.

We will now move to government motion number 5, subsection 1(6), subsection 1(1) of the Employment Standards Act, 2000. MPP Potts.

Mr. Arthur Potts: I move that subsection 1(6) of schedule 1 to the bill be struck out and the following substituted:

“(6) The definition of ‘regular wages’ in subsection 1(1) of the act is repealed and the following substituted:

““regular wages” means wages other than overtime pay, public holiday pay, premium pay, vacation pay, domestic or sexual violence leave pay, personal emergency leave pay, termination pay, severance pay and termination of assignment pay, and entitlements under a provision of an employee’s contract of employment that under subsection 5(2) prevail over part VIII, part X, part XI, section 49.7, section 50, part XV or section 74.10.1; (“salaire normal”)”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question. All those in favour of government motion number 5? All those opposed? The motion is carried.

Shall schedule 1, section 1, as amended, carry? Carried.

We’re going to schedule 1, section 29. It’s government motion 48, subsection 29(0.1), subsection 50(0.1) of the Employment Standards Act. MPP Dong.

Mr. Han Dong: I move that section 29 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) Section 50 of the act is amended by adding the following subsection:

“Definition

“(0.1) In this section,

““qualified health practitioner” means,

“(a) a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the employee or to an individual described in subsection (2), or

“(b) in the prescribed circumstances, a member of a prescribed class of health practitioners.”

The Chair (Ms. Ann Hoggarth): Further discussion? I will call the question on government motion 48. All those in favour? Those opposed? The motion is carried.

We will now move to NDP motion 49R. This will be a recorded vote.

Subsection 29(3), subsection 50(5) of the Employment Standards Act, 2000. Note that 49R replaces 49 in the amendment package.

MPP Forster?

Ms. Cindy Forster: I move that subsection 50(5) of the Employment Standards Act, 2000, as set out in subsection 29(3) of schedule 1 to the bill, be struck out and the following substituted:

“Limit

“(5) For the purposes of this section, an employee is entitled to a total of five days of paid leave and five days of unpaid leave in the circumstances described in paragraphs 1 to 3 of subsection (1).”

The Chair (Ms. Ann Hoggarth): Okay. Any further discussion?

Ms. Cindy Forster: The rationale for this is that we heard from many people during the public hearings who clearly indicated that two days of sick leave is not enough—that even with your most basic influenza, you could prevent the spread of infections and disease by making sure that every worker in this province was covered with five days of paid sick leave. It would address the issues of low-wage workers and people living in poverty, so they wouldn’t actually have to go to work or choose between staying home and recovering or putting food on the table. Those are the reasons for our proposal.

The Chair (Ms. Ann Hoggarth): Any further discussion? I will call the question. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): That motion is lost.

We now move to government motion 50, subsection 29(3), subsection 50(8.1) of the Employment Standards Act, 2000. MPP Dong?

Mr. Han Dong: I move that subsection 50(8.1) of the Employment Standards Act, 2000, as set out in subsection 29(3) of schedule 1 to the bill, be struck out and the following substituted:

“Personal emergency leave where higher rate of wages

“(8.1) If a paid day of leave under this section falls on a day or at a time of day when overtime pay, a shift premium or both would be payable by the employer,

“(a) the employee is not entitled to more than his or her regular rate for any leave taken under this section; and

“(b) the employee is not entitled to the shift premium for any leave taken under this section.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question on government motion 50.

All those in favour? All those opposed? The motion is carried.

We’ll now move to government motion 51, subsection 29(3), subsection 50(12) of the Employment Standards Act, 2000. MPP Dong?

Mr. Han Dong: I move that subsection 50(12) of the Employment Standards Act, 2000, as set out in subsection 29(3) of schedule 1 to the bill, be struck out.

The Chair (Ms. Ann Hoggarth): Any further discussion? We’ll move to the question.

All those in favour of government amendment 51? All those opposed? I declare the motion carried.

Shall schedule 1, section 29, as amended, carry? Carried.

Shall schedule 1, section 30, carry? Carried.

Shall schedule 1, section 31, carry? Carried.

Shall schedule 1, section 32, carry? Carried.

Shall schedule 1, section 32.1, carry?

Mr. John Yakabuski: No.

Laughter.

Mr. John Yakabuski: I’m just kidding. I wanted to see if you were awake.

The Chair (Ms. Ann Hoggarth): I’m awake.

All those in favour?

Mr. John Yakabuski: Yes, yes, yes.

The Chair (Ms. Ann Hoggarth): I have to do it.

Interjection: Carried.

1540

The Chair (Ms. Ann Hoggarth): You have to vote. All those in favour? All those opposed? Carried.

All right. We’ll now move to schedule 1, section 32.2, NDP motion 52. It’s a new section 32.2, section 74.4.2 of the Employment Standards Act, 2000.

MPP Forster?

Ms. Cindy Forster: I move that schedule 1 to the bill be amended by adding the following section:

“32.2 The act is amended by adding the following section:

“Prohibition, number of assignment employees

“74.4.2 No client of a temporary help agency shall allow for the number of assignment employees of a

temporary help agency performing work for the client at a workplace on a temporary basis to exceed 20% of the total number of persons performing work for the client at the workplace.”

The Chair (Ms. Ann Hoggarth): Okay. Any discussion?

Ms. Cindy Forster: Our motion would limit the use of temp workers to a maximum of 20% of the employer’s workforce at any given time. It mirrors what advocates have been calling for for the last two years, and it certainly highlights the recent Toronto Star series exposing the dangers to temporary workers.

We heard from the Toronto labour council last week when we were doing the public hearings that there are workplaces in this city, in Toronto, where every employee is a temporary worker with the exception, perhaps, of the pipefitter or the millwright that is actually working on the equipment. There’s something very wrong with that. I’ve heard from small communities like Brantford where they had as many as hundreds of temporary agencies in a small city in southwestern Ontario.

I think the government needs to do more, and they need to put in more regulation to protect workers in this province and make sure they have the protections in place and that they don’t remain temporary for the rest of their lives in jobs in this province.

The Chair (Ms. Ann Hoggarth): Thank you. Any further discussion? I’ll now call the question. This is on NDP motion 52. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We’ll now move to schedule 1, section 32.3. This is NDP motion 53. It’s a new section 32.3, section 74.4.3 of the Employment Standards Act, 2000.

MPP Forster?

Ms. Cindy Forster: I move that schedule 1 to the bill be amended by adding the following section:

“32.3 The act is amended by adding the following section:

“Assignment employee to become permanent

“74.4.3 Once an employee has performed work for a client for a total of 90 days as an assignment employee, the employee ceases to be an assignment employee and becomes an employee of the client.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

Ms. Cindy Forster: Chair, we understand that there are peaks in business and that, periodically, employers may need up-staff their business for whatever reason, for increases in orders or whatever that may be in their line

of business or their sector of business, but temporary employees should not be allowed to go on for months and months and years, which we know has been happening. We've read about it, certainly in the newspapers, and we've heard about it from the advocates, so we think that there needs to be a cap on the length of time that an employer is allowed to actually keep employees temporary.

The Chair (Ms. Ann Hoggarth): Thank you. Any further discussion? I'll now call the question on NDP motion 53. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

Committee members, schedule 1, section 33, was voted down at the last reading and no longer exists.

We're on to schedule 1, section 34. NDP motion 54, section 34, subsections 74.10.1(1) and (2) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsections 74.10.1 (1) and (2) of the Employment Standards Act, 2000, as set out in section 34 of schedule 1 to the bill, be struck out and the following substituted:

“Termination of assignment

“(1) A temporary help agency shall provide an assignment employee with written notice or pay in lieu of notice in accordance with section 54 if,

“(a) the assignment employee is assigned to perform work for a client; and

“(b) the assignment is terminated before the end of its estimated term.

“Amount of pay in lieu

“(2) For the purposes of subsection (1), the amount of the pay in lieu of notice shall be equal to the wages the assignment employee would have been entitled to receive had notice been given in accordance with that subsection.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

Ms. Cindy Forster: Just to say that we heard about this time and time again, where workers who are temporary and are trying to exercise their rights within a business or agency where they've been placed are often terminated for opening their mouths to ask questions or to try and get some training or to enforce health and safety rules. The workers should not be penalized for having that contract ended.

The Chair (Ms. Ann Hoggarth): Any further discussion? Remember, this is a recorded vote. I'll now call the question.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

Shall schedule 1, section 34, carry? Carried.

Interjection.

The Chair (Ms. Ann Hoggarth): This is one of my favourite things when I'm on that side: There are no amendments to sections 35 to 57, inclusive. Does anyone have any objection to us bundling them?

Mr. John Yakabuski: No.

The Chair (Ms. Ann Hoggarth): No, we don't bundle it or no objections?

Mr. John Yakabuski: You asked if we have an objection—

The Chair (Ms. Ann Hoggarth): You do have an objection?

Mr. John Yakabuski: —and the answer was no. The question was, “Does anyone have an objection?” My answer is no.

The Chair (Ms. Ann Hoggarth): Seeing that, we will now vote on sections 35 to 57, inclusive. All those in favour of sections 35 to 57, inclusive? Carried.

We are now on schedule 1, section 58, NDP motion 55, subsection 58(2), subsection 141(1) of the Employment Standards Act, 2000. MPP Forster.

Ms. Cindy Forster: I move that subsection 58(2) of schedule 1 to the bill be struck out and the following substituted:

“(2) Paragraph 2.0.1 of subsection 141(1) of the act is amended by striking out ‘described in subparagraph 1 v of subsection 23.1(1)’ and substituting ‘described in subparagraph 1 iii or 2 iii of subsection 23.1(1)’.”

The Chair (Ms. Ann Hoggarth): Any further discussion? I'll call the question. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move to PC motion 55.1, subsection 58(2), paragraph 2.0.1 of subsection 141(1) of the Employment Standards Act, 2000. MPP Yakabuski.

Mr. John Yakabuski: I move that subsection 58(2) of schedule 1 to the bill be struck out and the following substituted:

“(2) Paragraph 2.0.1 of subsection 141(1) of the act is amended by striking out ‘described in subparagraph 1 v of subsection 23.1(1)’ and substituting ‘described in subparagraph 1 v, 2 v, 3 v, 4 v or 5 v of subsection 23.1(1).’”
1550

The Chair (Ms. Ann Hoggarth): Committee members, I’m ruling this amendment out of order as it was dependent on a previous amendment that was lost.

Mr. John Yakabuski: I knew that was coming.

The Chair (Ms. Ann Hoggarth): Shall schedule 1, section 58, carry? Carried.

The Clerk of the Committee (Mr. Eric Rennie): Ms. Forster has a question.

The Chair (Ms. Ann Hoggarth): Oh, I’m sorry.

Ms. Cindy Forster: That’s okay. I just have a question. How would I go about moving a motion to extend this committee for an hour, so that we can get through all of the amendments?

Mr. John Yakabuski: We can’t, because it’s a time allocation motion passed by the House.

The Chair (Ms. Ann Hoggarth): Yes, the House would have to do that. At 4 o’clock, we’re on time allocation.

Mr. John Yakabuski: We would like to, but we can’t.

Ms. Cindy Forster: We would like to. Yes, we would.

Mr. Arthur Potts: Do you want to take a recess and ask the House?

Mr. John Yakabuski: You go ahead, Arthur.

Ms. Cindy Forster: You could just run up there.

Mr. John Yakabuski: Let me know how that works out for you.

The Chair (Ms. Ann Hoggarth): All right, if we could get back down to working here.

We’re on schedule 1, section 59. Shall schedule 1, section 59, carry? Carried.

Schedule 1, section 60: Shall schedule 1, section 60, carry? Carried.

We are now on schedule 1, section 61. Government motion 56, subsections 61(3), (4) and (5), commencement. MPP Dong.

Mr. Han Dong: I move that subsections 61(3), (4) and (5) of schedule 1 to the bill be struck out and the following substituted:

“(3) Subsection 8(0.6), sections 23.2, 23.3 and 26 come into force on the later of December 3, 2017, and the day the Fair Workplaces, Better Jobs Act, 2017 receives royal assent.

“(4) Subsection 1(2) and sections 20.1, 21, 22, 23, 23.0.1, 31 and 35 come into force on April 1, 2018.

“(5) Subsections 2(3), 8(0.1.1) and (0.5), sections 11 and 12 and subsection 58(3) come into force on January 1, 2019.”

The Chair (Ms. Ann Hoggarth): Any further discussion? Seeing none—

Mr. John Yakabuski: Recorded vote.

The Chair (Ms. Ann Hoggarth): A recorded vote has been called for. I will call the question on government motion 56.

Ayes

Baker, Colle, Dong, Potts.

Nays

Barrett, Yakabuski.

The Chair (Ms. Ann Hoggarth): I declare that motion carried.

Shall schedule 1, section 61, as amended, carry? Carried.

Shall schedule 1, as amended, carry? Carried.

Schedule 2, Labour Relations Act, 1995: Schedule 2, section 1, was voted down at the first reading of the bill and no longer exists.

We’re now on schedule 2, section 2. NDP motion number 57, section 2, clauses 6.1(9)(a) and (b) of the Labour Relations Act, 1995. MPP Forster.

Ms. Cindy Forster: I move that clauses 6.1(9)(a) and (b) of the Labour Relations Act, 1995, as set out in section 2 of schedule 2 to the bill, be struck out and the following substituted:

“(a) the name of each employee in the proposed bargaining unit;

“(b) a phone number, personal email and mailing address for each employee in the proposed bargaining unit, if the employee has provided that information to the employer;

“(c) a job classification and statement of employment status for each employee in the proposed bargaining unit; and

“(d) an organizational chart that outlines the relationship between the employees in the proposed bargaining unit and any other employees, managers and supervisors.”

The Chair (Ms. Ann Hoggarth): Any further discussion?

Ms. Cindy Forster: Our rationale for putting forward this proposal is that it would make it much easier for unions, and for workers to join a union. Often many of these organizing drives end up at the labour board with hundreds of thousands of dollars being spent on: what was the bargaining unit, who was in the bargaining unit, who should be in and who should be out. If they had this information upfront, just like they have a voters list when they go out to elect us during municipal, provincial and federal elections, that would, in fact, be more democratic. It would balance the power between workers and employers with respect to their right to unionize.

The Chair (Ms. Ann Hoggarth): Any further discussion? I’ll call the question on NDP motion number 57. It will be a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move to government motion 58, section 2, subsection 6.1(9) of the Labour Relations Act, 1995. MPP Dong.

Mr. Han Dong: I move that subsection 6.1(9) of the Labour Relations Act, 1995, as set out in section 2 of schedule 2 to the bill, be struck out and the following substituted:

“Mandatory content of employee list

“(9) If the board directs an employer to provide a list of employees of the employer to the trade union under subsection (6) or (7), the list must include,

“(a) the name of each employee in the proposed bargaining unit; and

“(b) a phone number and personal email for each employee in the proposed bargaining unit, if the employee has provided that information to the employer.

“Discretionary content of employee list

“(9.0.1) If, in the opinion of the board, it is equitable to do so in the circumstances, the board may order that the list also include,

“(a) other information relating to the employee, including the employee’s job title and business address; and

“(b) any other means of contact that the employee has provided to the employer, other than a home address.”

The Chair (Ms. Ann Hoggarth): Any discussion? Seeing there’s no further discussion, I’ll call the question on government amendment 58. All those in favour? Opposed? I declare the motion carried.

We now move to government motion 59, section 2, section 6.1 of the Labour Relations Act, 1995. MPP Dong.

Mr. Han Dong: I move that section 6.1 of the Labour Relations Act, 1995, as set out in section 2 of schedule 2 to the bill, be amended by striking out “subsection (7)” wherever it appears in subsections (9.1), (10) and (11) and substituting in each case “subsection (6) or (7)”.

The Chair (Ms. Ann Hoggarth): Any discussion? I’ll call the question on government motion 59. All those in favour? Opposed? The motion is carried.

We now move to government amendment number 60. MPP Dong.

Mr. Han Dong: I move that subsections 6.1(12) and (13) of the Labour Relations Act, 1995, as set out in section 2 of schedule 2 to the bill be struck out and the following substituted:

“Subsequent certification application

“(12) Where a list of employees is provided to a trade union by an employer in compliance with a direction made by the board under subsection (6) or (7), and, within one year after the board’s direction to provide the

list, the trade union makes an application for certification in respect of that employer and employees on the list, if that application is dismissed, the board shall not consider another application under subsection (1) from any trade union in respect of a proposed bargaining unit that is the same or substantially similar to the one that was described in the original application under subsection (1) until one year after the application for certification is dismissed.”

The Chair (Ms. Ann Hoggarth): Committee members, pursuant to the order of the House dated November 16, 2017, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 148 and any amendments thereto. One 20-minute waiting period is permitted at this time.

Committee members will know that from this point forward, those amendments which have not yet been moved shall be deemed to have been moved, and I will take the vote on them consecutively.

Would the members like to take a 20-minute recess?

Mr. John Yakabuski: Let’s just keep going.

Mr. Mike Colle: Yes, okay, let’s keep going.

The Chair (Ms. Ann Hoggarth): The Chair needs to use the facilities.

Mr. John Yakabuski: Okay, take—

The Chair (Ms. Ann Hoggarth): Five minutes. A five-minute break.

The committee recessed from 1600 to 1609.

The Chair (Ms. Ann Hoggarth): I’m going to ask the members to take your seats, please, so we can proceed.

We are now going to vote on government motion 60, section 2, subsections 6.1(12) and (13) of the Labour Relations Act, 1995. All those in favour?

Mr. Arthur Potts: What motion is this?

The Chair (Ms. Ann Hoggarth): Motion 60.

Interjections.

The Chair (Ms. Ann Hoggarth): I’m going to say it again: All those in favour of government motion 60? Opposed? Carried.

NDP motion 61, section 2, subsections 6.1(12) and (13) of the Labour Relations Act. My ruling is that this amendment is out of order as it makes reference to subsection 6.1(13), which is no longer part of this bill.

Shall schedule 2, section 2, as amended, carry? Carried, as amended.

Schedule 2, section 2.1, NDP motion 62. New section 2.1, section 10.1 of the Labour Relations Act. All those in favour? All those—

Interjection.

The Chair (Ms. Ann Hoggarth): Oh, sorry. The NDP will continue to have recorded votes.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): That motion is lost.
Shall schedule 2, section 2.1, carry? Carried.
Shall schedule 2, section 3, carry? Carried.

NDP motion 63, new section 3.1, subsection 12(3) of the Labour Relations Act. This motion is also out of order.

Shall schedule 2, section 3.1, carry?

Interjection.

The Chair (Ms. Ann Hoggarth): Oh, sorry, that one was out of order, so we don't need to carry that part.

NDP motion 64, section 4, section 12.1 of the Labour Relations Act, 1995. It's a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): That motion is lost.
Shall schedule 2, section 4, carry? Carried.

NDP motion 65, section 5, subsections 15.1(4) and (5) of the Labour Relations Act, 1995. It's a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare that lost.

We now move to government motion 66, section 5, subsections 15.1(6.1) and (6.2) of the Labour Relations Act, 1995. All those in favour? Carried. Government motion 66 is carried.

We now move on to NDP motion 67, section 5, section 15.3 of the Labour Relations Act, 1995. Recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare that motion lost.

Shall schedule 2, section 5, as amended, carry? Carried.

Shall schedule 2, section 5.1, carry? Carried.

NDP motion number 68, section 6, section 43 of the Labour Relations Act, 1995. A recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare that motion lost.

Shall schedule 2, section 6, carry? Carried.

We move to NDP motion 69, section 7, sections 69.1 and 69.2 of the Labour Relations Act, 1995. This is a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare that motion lost.

Shall schedule 2, section 7, carry? Carried.

Schedule 2, section 7.1, NDP motion 70. This is a recorded vote. New section 7.1, sections 78.1 and 78.2 of the Labour Relations Act, 1995.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We're on schedule 2, section 8. Shall schedule 2, section 8, carry? Carried.

Schedule 2, section 9: Shall schedule 2, section 9, carry? Carried.

We're on to schedule 2, section 9.1, NDP motion 71. New section 9.1, section 94.1 of the Labour Relations Act, 1995. It's a recorded vote.

Ayes

Forster.

Nays

Baker, Colle, Dong, Potts.

Mr. Mike Colle: Can we bundle the next section, from schedule 2, section 10, to—

The Chair (Ms. Ann Hoggarth): Motion 71 is lost.

Mr. Mike Colle: —down to schedule 2, section 19.

The Chair (Ms. Ann Hoggarth): Shall schedule 2, section 10, carry? Carried.

Mr. Mike Colle: So you don't want to bundle?

The Chair (Ms. Ann Hoggarth): I'm sorry; what would you like to bundle?

Mr. Mike Colle: Schedule 2, section 10, down to schedule 2, section 19.

The Chair (Ms. Ann Hoggarth): Does the committee agree? Okay. We will bundle schedule 2, section 10, to schedule 2, section 19.

All those in favour?

Interjections.

The Chair (Ms. Ann Hoggarth): Sorry? Oh, okay. It's schedule 2, sections 11 to 19. All in favour? Carried? Okay.

Okay, we're on to schedule 2, section 20, NDP motion 72.

Interjection.

The Chair (Ms. Ann Hoggarth): Okay, section 20. Committee members, we're ruling that this amendment is out of order as it is dependent on a previous amendment that was lost.

Mr. John Yakabuski: This is what, 72?

The Chair (Ms. Ann Hoggarth): NDP motion 72; that's correct.

Mr. John Yakabuski: That's amendment 72?

The Chair (Ms. Ann Hoggarth): Yes.

We now move to government amendment 73, section 20. All those in favour? Carried? I declare that carried.

Shall schedule 2, section 20, as amended, carry? Carried.

Shall schedule 2, as amended, carry? Carried.

Now on to schedule 3. NDP motion 74, schedule 3, section 1, section 32.0.5.1 of the Occupational Health and Safety Act.

Mr. John Yakabuski: Recorded vote.

Ayes

Barrett, Forster, Yakabuski.

Nays

Baker, Colle, Dong, Potts.

The Chair (Ms. Ann Hoggarth): I declare the motion lost.

We now move on to NDP motion 75R. It replaces motion 75, and it's to do with schedule 3, the Workplace Safety and Insurance Act, 1997.

As this amendment proposes to amend a parent act that is not before the committee, this motion is out of order.

Mr. John Yakabuski: That's 75?

Ms. Ann Hoggarth: It's 75R. Okay?

We now move to government motion 76, schedule 3, the Occupational Health and Safety Act. All those in favour? Carried.

Mr. John Yakabuski: No, wait. You just asked all those in favour.

Ms. Ann Hoggarth: All those in favour.

Mr. John Yakabuski: Yes.

Ms. Catherine Fife: Of what: 76?

Mr. John Yakabuski: Amendment 76.

Ms. Ann Hoggarth: Yes, government amendment 76.

Okay, we'll do it again. All those in favour? Carried.

Shall schedule 3 carry? Carried.

We will now return to the first three sections of Bill 148.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Section 3, short title: Shall section 3 carry? Carried.

We now go to government amendment 77, an amendment to the title of the bill. All those in favour? Carried.

Shall the title of the bill, as amended, carry? Carried.

Shall Bill 148, as amended, carry?

Mr. Mike Colle: Recorded vote.

Ayes

Baker, Colle, Dong, Forster, Potts.

The Chair (Ms. Ann Hoggarth): I declare it carried.

Shall I report Bill 148, as amended, to the House?

I shall do so. Thank you.

Mr. Mike Colle: Thank for your leadership.

The Chair (Ms. Ann Hoggarth): Okay. We are adjourned.

The committee adjourned at 1622.

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Chair / Présidente

Ms. Ann Hoggarth (Barrie L)

Vice-Chair / Vice-Président

Mr. Han Dong (Trinity–Spadina L)

Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Han Dong (Trinity–Spadina L)

Mr. Victor Fedeli (Nipissing PC)

Ms. Ann Hoggarth (Barrie L)

Ms. Harinder Malhi (Brampton–Springdale L)

Mrs. Cristina Martins (Davenport L)

Mr. John Vanthof (Timiskaming–Cochrane ND)

Substitutions / Membres remplaçants

Mr. Joe Dickson (Ajax–Pickering L)

Ms. Cindy Forster (Welland ND)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mr. Arthur Potts (Beaches–East York L)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Also taking part / Autres participants et participantes

Ms. Jennifer Komlos, solicitor, legal services branch, Ministry of Labour

Ms. Stephanie Parkin, manager, employment rights and responsibilities, Ministry of Labour

Clerk / Greffier

Mr. Eric Rennie

Staff / Personnel

Ms. Julia Hood, legislative counsel