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**Standing Committee on
Finance and Economic Affairs**

Making Ontario Open for Business
Act, 2018

1st Session
42nd Parliament

Monday 19 November 2018

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

Loi de 2018 pour un Ontario
ouvert aux affaires

1^{re} session
42^e législature

Lundi 19 novembre 2018

Chair: Stephen Crawford
Clerk: Timothy Bryan

Président : Stephen Crawford
Greffier : Timothy Bryan

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Monday 19 November 2018

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Lundi 19 novembre 2018

The committee met at 0903 in room 151.

MAKING ONTARIO OPEN FOR BUSINESS
ACT, 2018
LOI DE 2018 POUR UN ONTARIO OUVERT
AUX AFFAIRES

Consideration of the following bill:

Bill 47, An Act to amend the Employment Standards Act, 2000, the Labour Relations Act, 1995 and the Ontario College of Trades and Apprenticeship Act, 2009 and make complementary amendments to other Acts / Projet de loi 47, Loi modifiant la Loi de 2000 sur les normes d'emploi, la Loi de 1995 sur les relations de travail et la Loi de 2009 sur l'Ordre des métiers de l'Ontario et l'apprentissage et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Stephen Crawford): Good morning, everybody. We are assembled here today for clause-by-clause consideration of Bill 47, An Act to amend the Employment Standards Act, 2000, the Labour Relations Act, 1995 and the Ontario College of Trades and Apprenticeship Act, 2009 and make complementary amendments to other Acts. Catherine Oh, 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. I'd like to make a short statement about the ordering of amendments. Administratively, amendment 39 has been reordered as amendment 26.1. Are there any questions before we start?

As you will notice, Bill 47 is comprised of three sections and three 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 three schedules first. Is there unanimous consent to stand down the sections and deal with the schedules first?

Ms. Catherine Fife: No.

The Chair (Mr. Stephen Crawford): Okay. Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterward, debate should be limited to the section or amendments under consideration. Are there any comments? Yes, Ms. Fife.

Ms. Catherine Fife: Thank you very much, Mr. Chair. New Democrats have been very clear, and you can clearly see, by the number of amendments that we tried to

introduce with this piece of legislation, that we feel that this takes the protections of workers and the rights of workers back to a previous state in this province where they were not protected in the workplace, they had to go to work sick and they had to seek sick notes when they were ill and had to miss work.

The fact that the government only gave five hours of delegations to this piece of legislation is exactly the kind of practice that the Liberals used to entertain and that the PC caucus would criticize that government for doing. We had 113 delegations appeal to this Legislature to come and be heard, and this government only gave 20 delegations the opportunity to speak to Bill 47. Even based on the level of questioning that we heard, it was clear that the government didn't even hear the delegations—where the death of a child happened—with regard to two paid sick days. Having heard the testimony of how this legislation will affect the workers, the health of the workers, the safety of the workers and, ultimately, the health care system and to not see any amendments that pertain to that in this process is, quite honestly, unprecedented.

We are going to move through the day, and we are going to try to appeal to the five members of this PC caucus on why this legislation can be made stronger. We're going to give compelling arguments to those points. But, ultimately, this is a piece of legislation that takes workers in the wrong direction, compromises their health and well-being and that will ultimately hurt the health care system and, we believe, the economy as well.

The Chair (Mr. Stephen Crawford): Any other comments? Ms. Martow.

Mrs. Gila Martow: We just went through an election, as we all know, and we were very clear during the election that we were going to have to make some changes to Bill 148 in order to balance the economy and the growth of the economy with protecting our employees in the province of Ontario. We think we've struck that balance with Bill 47. We believe that many of the vulnerable workers in many sectors are protected with this legislation. We didn't make complete changes and wipe out all of Bill 148.

We need to get moving fast because we need to be competitive with the other provinces. We need to be competitive with the States and with the rest of the global economy. We need to ensure that Ontario is definitely open for business and ready to grow the good-paying jobs, not grow a minimum-wage economy. We see this as a way forward.

We saw a lot of deputations that came in last week that were obviously very supportive of what we're doing—people who actually create jobs. We just need to get this passed and get this moving so that the business leaders across the world see that Ontario is a place where they can plant their money, invest and grow the economy that we need.

The Chair (Mr. Stephen Crawford): Are there any other comments? Mr. Piccini.

Mr. David Piccini: I would just like to add that these changes are born out of extensive consultations. I know that, at the end of the day, we're there to each represent our own riding, and over the last two years, I've had extensive consultations in mine. PA Parsa was there for a big round table we had in Cobourg. I know that there were 113 submissions, and we were unable to get to all of them. I had 158 in my riding of Northumberland–Peterborough South alone, pleading with our government to change the regressive elements of Bill 148 that were closing Ontario for business, that were forcing layoffs, and disproportionately affecting the most vulnerable in my community: youth, our next generation.

I'd like to just briefly touch on our ministry's side of this with the orderly wind-down of the College of Trades. I've had a number of messages on various forms of social media from our next generation, who are looking to find gainful employment, thanking us for these changes, and who are going to get the apprenticeships that they need. The ratio is, of course, 1 to 1.

We're going to attack all the backlog in supply for housing. We're going to get Ontario building again and ensure that we're addressing the backlog of supply in housing. I know that in our community I've spoken to a number of builders' and workers' groups, and I've spoken to affordable housing groups. They're really excited to see that we're addressing this: that we're going to get homes over people's heads and that we're going to get our next generation employed with the progressive changes we've made with the orderly wind-down of the COT and with the 1-to-1 ratios.

0910

The Chair (Mr. Stephen Crawford): Are there any other comments? Ms. Sattler?

Ms. Peggy Sattler: Yes, thank you very much, Chair. I'd like to challenge the government, actually, on their claim that this bill was the process of extensive consultation. We know that it was a two-year process of consultation that resulted in Bill 148. This particular piece of legislation was written in haste and has been rammed through this Legislature, as my colleague pointed out.

We had 113 delegations, people who wanted to come to speak to this committee. Only 20 were able to do so. We all walked out of here on Thursday afternoon with a huge box, over 1,000 sheets of paper—of emails, of written submissions that had come in—for this committee to consider. The whole point of public input—the point of allowing people to come in and speak, the point of people taking their time to write, to communicate their concerns

or their suggestions for how legislation could be strengthened—is for us to take their feedback into account and use it to develop amendments that are going to improve the legislation that we're dealing with.

The deadline for amendments was Friday at 4 o'clock. I don't know if any one of those members on the other side read the emails that we walked out of here with on Thursday afternoon and used some of the input that was in those emails to develop amendments. It seems like they didn't; there are not very many government amendments proposed today. It shows a complete lack of respect for the public, for workers in this province, who have very, very real concerns about the damage, the harm that this bill is going to do.

Speaker, we're going to do our best to get our amendments in today. This is the government's opportunity to listen, and I hope they will.

The Chair (Mr. Stephen Crawford): Any further comments on the entirety of the bill, or shall we proceed?

Mrs. Gila Martow: I think we want to get to work, not talk. Let's go.

The Chair (Mr. Stephen Crawford): Okay, so we'll deal with section 1 first. Is there any debate on section 1 specifically? Ms. Sattler?

Ms. Peggy Sattler: Yes, I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) Subsection 1(1) of the Employment Standards Act, 2000 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; (“entrepreneur dépendant”)”

The Chair (Mr. Stephen Crawford): We're dealing just with section 1 of the bill. It's the contents of this act.

Ms. Peggy Sattler: Okay. Apologies.

The Chair (Mr. Stephen Crawford): Any further debate on this particular section? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Okay, so this will be a recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): This motion is accordingly carried.

We will now deal with section 2. Is there any debate specifically on section 2? This is the commencement.

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Okay, a recorded vote. Are the members ready to vote?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): This section is accordingly carried.

We will deal with section 3. Is there any debate specifically on section 3? It's the short title.

Yes, Ms. Fife?

Ms. Catherine Fife: We think it's ironic that this bill is called the Making Ontario Open for Business Act. You can't actually have a strong economy when the workers who are building up the economy—their safety, their protections and their well-being are compromised. We won't be supporting the title of this bill.

The Chair (Mr. Stephen Crawford): Okay. Any other further debate?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Okay. Recorded vote. Are the members ready to vote?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): This section is accordingly carried.

We will move on now to the NDP amendment: section 1 of schedule 1, amendment 1. Ms. Sattler, please proceed.

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

“(0.1) Subsection 1(1) of the Employment Standards Act, 2000 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; (“entrepreneur dépendant”)”

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Yes, Ms. Fife?

Ms. Catherine Fife: This section in particular is one of those areas that workers who find themselves solely under the Employment Standards Act will find themselves in a very vulnerable position. Just last week, at Domino's Pizza, a driver was awarded over \$28,000 after the company broke labour laws.

Once Bill 148 came in, obviously the implementation of that was rocky over the year—still trying to figure it out—but trying to hold employers accountable, for those employers—and Domino's is a very large employer, as you know. They were treating this man as an independent contractor. He was delivering pizzas. He was an employee doing the work for Domino's Pizza, but because Domino's classified him as independent, they could then actually pay him less than minimum wage. This happens all the time, where workers feel that they have no protection.

0920

When he finally did, after four years, work up enough courage to say to Domino's, “Listen, I've been working for you for four years. I have a good record of attendance, I do good work for you, but you have been paying me under minimum wage. That's not fair,” they fired him. So these are exactly the protections that workers need in the province of Ontario.

This isn't a small business. It's not an SME. That might be harder for that relationship to exist, but when an employer is a large company—and the large companies, quite honestly, in the province of Ontario have been the most vocal against labour protections and protecting workers and ensuring that the rights of workers are held to account under the Employment Standards Act.

This fellow, who has a young family and works in Toronto, was—finally, after many months, the Ministry of Labour ruling also found that Cervantes was technically an employee—he was entitled to vacation pay, overtime, holiday and other benefits—and ordered the company to compensate him.

But think about all the workers in Ontario who can't go through this process. We know that 64% of the part-time employees in this province are women who are sometimes not in a financial state to actually pursue a course of action like this.

We would ask that the government not allow employers to use this loophole, and try to hold some level of accountability from the employer perspective so that the Ministry of Labour doesn't have to intervene. Companies like Domino's who can afford to pay their employees a fair wage and vacation pay and stat holidays—because these people work hard for those companies.

The second point on this is that if a company has the loophole opportunity to classify a worker as independent and therefore not one of their true employees—and this just came up this weekend with Uber Eats—those people who are delivering food and products to customers for

these companies are not always protected under WSIB. There's a huge number of issues with WSIB. It's not an easy system to navigate. But imagine doing work—dangerous work; being a bike courier in this city is not a career that I would seek out because it's really challenging—but people do get injured, and we know that cycling in this city is very difficult, but even driving in this city, for example, is a challenge, and then there's a loophole that they're not covered for compensation.

This has a trickle-down effect on the economy when people are disabled through their work and then not protected under the Employment Standards Act, so we're asking the government to make this amendment and support this change to Bill 47. We think that it's not only the compassionate thing to do, but we have many, many examples which show that this loophole will be used if the Employment Standards Act does not protect workers.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler?

Ms. Peggy Sattler: I think that my colleague set it out very well, but the other rationale for making this change is that this just borrows from the definition of “dependent contractor” that already exists in the Labour Relations Act, so it's important legislatively that the legislation that is in place in this province have consistent definitions. The Labour Relations Act has “dependent contractor” defined, and we believe that it is important, for all of the reasons that my colleague set out, that “dependent contractor” also be defined in the Employment Standards Act.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We'll move to section 1, schedule 1, amendment 2, from the NDP.

Ms. Peggy Sattler: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection: “(1.1) 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Just to continue this theme, just in case you didn't believe me, after CBC did the investigation with regard to Mr. Cervantes—who performed a very important duty, really, when he challenged Domino's about his status as a true employee—it goes on to say:

“Cervantes said he received multiple phone calls and texts from his former boss offering him his job back and to be paid minimum wage.

“At one point ... he was even offered \$5,000 in compensation.”

Not only were his rights violated and for four years was he underpaid, but then he was pressured by the employer to take \$5,000 and come back and pretend like there was no trouble; there was no problem. This actually happens in the province of Ontario.

He said that at one point, “he refused that because he said he wanted to proceed with the complaint and set a precedent.

“That was the most important reason why I made the claim,” said Cervantes.”

Then he goes on to say, and I'll leave this with the government: “There are many drivers all throughout Ontario and even Canada that are not getting paid properly if they're being paid as an independent contractor.”

“It's not right what they were doing: it's not right now, and it will be better for [Domino's Pizza] to follow the law,” said Cervantes.”

We have employers that are not following the law. The PC government is the law-and-order government for the people. Why don't you be for all the people, even the people who drive pizza around the province of Ontario?

Once again, you have an opportunity to support this amendment, and I hope that you do.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow.

Mrs. Gila Martow: Just a very quick comment: The vast majority of employers in our province follow the rules and support their employees. We heard deputations that they treat their employees like family members.

There are always going to be some bad apples here and there; we all know that. That's why we have the laws. That's why we have the regulations. That's why we have inspectors. But the vast majority are great employers, and we want to encourage more great employers to come to Ontario.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: Just on the point that, first, we don't have any data to prove that the vast majority of employers do anything, one way or another. I think, anecdotally, it's a nice comment, and I tend to believe that. But all legislation isn't made for the vast majority of people. It's made for those on the edges who need a base floor, a base ceiling, to stay within and play within. That's what the legislation is for. If this was about the vast majority of people, who get along and play nice, we wouldn't have any legislation at all. It would just work magically.

The reason we have the legislation in all of these different areas—the ESA, the LRA—is because there are people playing outside of the lines. It doesn't matter if you're employees or employers. To pretend that legislation is for those who play nice—it misses the point of why we have laws in the first place.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: In fact, one of the deputations who appeared before this committee on Thursday spoke about the exploitation that dependent contractors experience in the workplace. When workers are misclassified as independent contractors, they are completely excluded from any rights and protections that they deserve to have from their government.

This is an opportunity to recognize that dependent contractors deserve protections from the Employment Standards Act. They deserve to be compensated fairly. They deserve to have vacations recognized. Many people are misclassified as independent contractors for years. They don't get any vacation. They don't get any benefits that every other worker in this province has a right to expect. Again, I urge the government to support this amendment.

0930

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We'll move now to the next motion: NDP, section 1, schedule 1 of the bill; amendment number 3. Ms. Sattler.

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

“(1.2) 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Once again, this puts an already vulnerable worker who has the courage to challenge the employer about their status—which, I have to tell you, is a very risky thing for an employee to do, because they have no power and they have no protections. Even in the case here with Mr. Cervantes at Domino's—just to carry on, because it's very indicative. It's actually not the first time that a Domino's franchise in Ontario has been found in violation of the province's employment laws. This also happened in Guelph.

Right now, in the province of Ontario, if a worker wants to file a complaint, the Ministry of Labour has to initiate that complaint.

I was actually incorrect. He only got back pay for two years, because the Employment Standards Act limits the worker's right to file the complaint, and it's time-limited to two years. We should actually be making the employment standards laws in this province stronger, not weaker.

Right now, of course, you've seen that Pro Bono Ontario and Legal Aid Ontario—these services that would help workers who make very little money in the province, who want to file a complaint and fight for their rights as workers and often don't have the financial wherewithal to do. They need assistance and support navigating the legal system and through the Ministry of Health—which, of course, this government has already reduced or paused the inspectors, which is a proactive thing for the government to do. There are places to pause and then there are places not to pause. I have to tell you that the Ministry of Labour, given this province's record on health and safety, is not one of those places.

This amendment looks to place a more balanced approach between the employee and the employer. Why would that not have appeal for the government? So if there are violations taking place, as there clearly are, then we actually expose them. This strengthens local economies by ensuring that employees are paid their fair due.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: I would just like to expand on the last comment that MPP Fife made about creating a fair playing field. We talked about the employees, but also for employers. Earlier, we were talking about the majority—you can debate how many that is, but there are many, many employers that do run their businesses in a fair manner.

I think that the government talking about creating good, sustainable jobs, fair workplaces and all of these different things needs to consider that if you have legislation that allows people to play in that grey area and cheat the system, it's unfair to these good-quality workplaces, where they have good working relationships, to have to compete and be competitive with people who will cheat the system, will cut corners, will break the law. If you have legislation that doesn't hold them accountable or isn't clear about where it is, people will move into those areas—unscrupulous employers as well. This is why this is important to make these changes and have them well thought out.

When we drive through legislation with minimal consultation and minimal time to read the emails that are submitted—to have five hours of people speaking, you're going to miss the point on a lot of things. There are good-quality workplaces out there, there are strong businesses out there that are struggling to compete with the bottom-feeders and the people we're all embarrassed by. The chamber of commerce, as well—they know they're not their members, because those people who cut corners won't buy memberships to business organizations.

So when we're arguing about legislation, I know that sometimes you put on the rose-coloured glasses and you think that it's “worker, worker, worker,” but we're actually talking about good employers as well and how the

legislation will affect these good employers' ability to compete against these bottom-feeders.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler?

Ms. Peggy Sattler: I want to expand a little bit on MPP West's comments and also refer back to an earlier comment from MPP Fife, who pointed to the article that many of us read on the weekend talking about the bicycle couriers who work for these food delivery companies. The article talked about three specific companies—Uber Eats, Foodora and SkipTheDishes—and pointed out that Foodora is the only employer that correctly classifies these bicycle couriers as dependent contractors, whereas Uber Eats and SkipTheDishes regard these bicycle couriers as completely independent. They don't feel themselves to have any obligation to those workers. As MPP West points out, this creates an unlevel playing field when you have one employer who wants to do right by their employees and you have other employers who don't feel that same sense of responsibility. That's a problem.

This amendment would level the playing field and make it fair for all employers in this province, as well as better for workers who may be misclassified as independent contractors when they really should be recognized as dependent contractors.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow?

Mrs. Gila Martow: I'll just say that we do have to balance. We have to balance with other provinces, states and other countries around the world.

We have put forward what I consider to be a progressive package—eight days for bereavement, for emergency leave, for sick leave—that guarantees people's employment. The big concern we heard is that people are worried about their job protection. It's quite comprehensive compared to other jurisdictions. We have to be competitive. We want to get to work and get the economy booming, and I'm sure the NDP agrees.

The Chair (Mr. Stephen Crawford): Further debate? Ms. Fife?

Ms. Catherine Fife: To Ms. Martow's point: If you want a competitive economy, then you need workers to be able to perform that work. The fact that you call unpaid sick days "progressive" does not make it so, Ms. Martow. It truly is a slap in the face every time you call this legislation "progressive," because it truly is not. Workers see it as an attack on their rights and on their protections.

The Chair (Mr. Stephen Crawford): Further debate?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Okay. If the members are ready to vote—recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We'll now move to the NDP amendment to subsection 1(2) and (3) of schedule 1 to the bill, amendment number 4. Ms. Sattler?

Ms. Peggy Sattler: We would like to request that debate on this amendment be stood down until after we have dealt with amendment 8 in our package, because it is consequential to what is decided on amendment 8.

The Chair (Mr. Stephen Crawford): Is there unanimous consent to stand down the debate on amendment number 4? Ms. Martow.

0940

Mrs. Gila Martow: Shouldn't it just be withdrawn? What is the difference between withdrawn and standing down? Standing down means they can come back to it later?

The Chair (Mr. Stephen Crawford): The debate would be postponed and we'll come back to it later.

Is there unanimous consent for this?

Interjections.

The Chair (Mr. Stephen Crawford): Ms. Sattler explained the rationale for postponing the debate. Would you like to hear Ms. Sattler explain that?

Mrs. Gila Martow: No, it's okay. I haven't seen that before; that's all.

When would we come back to it? Is there a specific space that it moves to?

The Chair (Mr. Stephen Crawford): Ms. Sattler.

Ms. Peggy Sattler: We would come back to it after we dispose of NDP amendment 8.

Mrs. Gila Martow: We think we should deal with it now, because this is the order we were given. In four and a half years, I've never seen that, where something got moved to another spot.

The Chair (Mr. Stephen Crawford): Okay. We do not have unanimous consent.

Interjection: So it's on the floor?

Ms. Catherine Fife: It's on the floor.

The Chair (Mr. Stephen Crawford): Yes. You have to move it.

Ms. Peggy Sattler: I move that subsections 1(2) and (3) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Essentially, we just wanted to move this under a section of the bill where it would have greater relevance. In seven years, I've never seen the government side refuse to have a meaningful debate on an amendment to a piece of legislation.

That said, I've also never seen a government actively look toward reversing and repealing equal pay and personal pay provisions. This is why this legislation is so aggressive against workers. The fact that you can have somebody working part-time, doing exactly the same job—and it should be noted that that part-timer is usually a woman; 64% of part-time workers in the province of Ontario are women. You're saying, essentially, that it is okay to pay

that woman less money than a person who is doing the same job right next to her but who has more hours.

This truly is taking us back in labour laws in the province of Ontario. You are specifically targeting female employees in the province.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow.

Mrs. Gila Martow: I said earlier that we're anxious to make some changes to Bill 148 so that we can get investment in Ontario and we can grow good-paying jobs, not minimum wage jobs. We heard from many industries that there were many aspects to Bill 148 that were hampering their ability to grow their businesses and to create jobs. Having no job is not an answer to helping people improve their lives.

We feel that we need to move forward with these changes to Bill 148. We're keeping a lot of provisions that were in Bill 148 that we feel protected vulnerable workers, many of whom were women—much more than 64%, in fact—such as office cleaners and things like that, in terms of, if they need time off because of sexual assault to themselves or their family members. So we kept a lot of things that we felt would protect vulnerable workers. And we all know that we've moved forward with lowering the income tax rate.

It's unprecedented to see the minimum wage go up as much as it went up in the past year. Many businesses are struggling and reeling because of that.

So we need to hold the line on some aspects of Bill 148, of course, and we need to create a climate where industries want to invest, want to grow their businesses in Ontario and expand their businesses in Ontario—and also businesses around the world—investors want to come to Ontario.

That's what we're all working on here, and we need to get it done.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West?

Mr. Jamie West: As a reply to creating good-paying jobs and protecting workers, especially precarious workers: You don't protect workers by entrapping them in a system where they will continually be temporary, lower-paid workers than their colleagues. You protect them by getting away from this notion in government of talking about jobs as if a job was a job was a job.

What we need, as government, is to talk about careers. We don't have a jobs issue; we have a careers problem. Many, many people have two or three jobs and are still struggling to make ends meet, and it's because of loose legislation like this that allows me and a colleague beside me to make a different amount of wages for doing the exact same stuff because of a title beside our name.

In our era, we've moved away from where someone is temporary for a while until they prove their worth or they're temporary because they're only there for a summer to where, as a career, you're temporary—you're a temporary worker for 18 years or more, with no light at the end

of the tunnel. What we're doing here with this, as government, is saying, "That's okay, employers. That's a good business plan."

The government seems to believe that, magically, employers will suddenly stop doing this stuff, even though it has become part and parcel of, for many businesses, their business plan, and that if we don't change this and raise the floor, they will one day decide to change it, and that's not true. We need to make good decisions that raise the economy so that workers are paid fairly.

When you talk of job creators, it isn't business that creates jobs. Business creates opportunity and employs people.

Our family had a small business. Our goal was to raise revenue. We employed people as part of that. But the way we kept in business is that people who could afford to hire us to work for them.

It's people with money in their pockets, at the end of day, who purchase stuff that drives the economy. Otherwise, we would open up just one company, called Jobs Inc., and we would hire everybody and pay them, and that would be the end of our employment problems.

Again, I want to also underline that the point of this—legislation is about the people on the edges, to make sure that we have clear boundaries of what you can and cannot do. As government, if you're telling people, "Yes, you can be temporary for your entire career," that's a step backwards. That's regressive, not progressive.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler?

Ms. Peggy Sattler: This amendment is necessary because we hope, we believe, that a later amendment we'll be moving about changing the definition of equal work will be supported. The reason we want support for this change in the definition of equal work is to recognize the principle that people who are doing essentially the same work should be compensated the same. They should have the same benefits, whether they are working full-time, part-time, contract or temporary.

If we don't make this change—I hear MPP Martow talking about the government's interest in creating good full-time jobs. Well, we are effectively incentivizing employers to continue to provide part-time jobs. They have an economic incentive to employ part-time workers because they can pay them less and they can offer them fewer benefits. If we're serious about wanting to create full-time jobs, then we should be moving toward changing the definition of equal pay that's included in this legislation.

We saw what happened in the last year that Bill 148 was in place. We saw the conversion of part-time jobs to full-time jobs. We saw growth in full-time work. That is because Bill 148 changed the language around equal pay to recognize the principle that people should be treated the same in a workplace, whether they are working full-time, part-time, temporary or contract.

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We'll be coming back to this amendment later, but certainly this is an opportunity to recognize that principle

and really deliver on what they say they're interested in. They claim to be interested in getting the economy moving; this is what we have to do to get the economy moving, to provide more opportunities for workers to move into full-time employment.

The Chair (Mr. Stephen Crawford): Okay. Any further debate? Ms. Martow.

Mrs. Gila Martow: Mr. West said we want to grow careers, not just jobs. He's absolutely right. We need to get Bill 47 passed so that we can get the 1-to-1 ratio for apprentices to journeymen, and we need to get those careers going, exactly as Mr. West said. I think that we've discussed this enough, and I'd like to put it to a vote.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: Fortunately, that's not up to you. That's another thing: You put changes to the Ontario College of Trades embedded in this piece of legislation. If you really and truly are committed as a government to creating better skilled trades, then you don't embed it in a regressive piece of legislation like Bill 47.

Based on the actions of this government, you are truly only committed to creating more part-time employment, because you've allowed employers to pay part-timers less money, so they will only hire more part-time employees. You can keep saying that this is progressive, but it is not, because the actions and the legislation contained within these laws actually pull the rights of workers back and will create more part-time employment in the province of Ontario.

We have Stats Canada, so we actually have the facts. This province is up 90,000 jobs, and 63,000 of those were full-time, so the narrative that you are trying to create with this piece of legislation does not fit the action that you are taking with Bill 47.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. Parsa.

Mr. Michael Parsa: Many of the jobs that were created—we know the data—75% of which were created by government, not businesses. We know the effect of Bill 148: Thousands of jobs were lost in January. Many of them are part-time. We're introducing this bill to not just help employers, but also to help employees. We want them to earn more than minimum wage. We want them to have great careers. We want businesses in Ontario to do well enough for people to be earning better living wages. That's the intent.

Once Bill 47 comes into effect—we heard it from many organizations—it will address this. The thousands of jobs that we lost, the hundreds of thousands of manufacturing jobs that we lost—those are good-paying jobs. The intent is to bring them back, and we're not going to give up on any of those jobs. We're going to fight for every single one of them, and we're going to bring them back to Ontario once again.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. A reminder: This is amendment 4. Shall amendment 4 carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): Okay. This motion is lost.

We're now considering schedule 1, section 1. Is there any debate? Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 1, carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 1 carries.

There are no amendments to schedule 1, section 2. Is there any debate?

Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 2 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 2 carries.

There's an NDP notice on section 3 of schedule 1 to the bill. Ms. Sattler?

Ms. Peggy Sattler: Yes. Our understanding is that parliamentary procedure requires that we put a notice that we will be voting against section 3 of schedule 1 to the bill.

The Chair (Mr. Stephen Crawford): Is there any debate or comments? Ms. Sattler?

Ms. Peggy Sattler: Yes. Section 3 of schedule 1 has some very troubling changes. It puts the onus back on employees to prove that they are independent contractors. We believe, very much, that it should be the employers

who have to prove that an employee is an independent contractor. Otherwise there is the risk of misclassification, and as we discussed earlier, it allows employers to exploit workers by not compensating them fairly under the act.

Also, another troubling change in section 3—which is why we'll be voting against it—is that it creates a new subsection that allows collective agreements to negotiate contracts that fall below the ESA, the Employment Standards Act. We believe very strongly that the Employment Standards Act should be the floor, that we should not allow collective agreements to erode the rights of workers that are enshrined in the Employment Standards Act.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: Just a final point: Given the sharing economy, which is now the new economy in the province of Ontario, this will be a major issue going forward. In fact, we're already seeing it, where you have, as I said, couriers or drivers or people who are working in, essentially, an underground economy which has no firm legislation or worker protections embedded in it. They are now even more reliant on the Employment Standards Act on a go-forward basis.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. We're now on schedule 1, section 3. Is there any debate? Mr. West?

Mr. Jamie West: Sorry, would this include 3.1, or will we move on to 3.1 afterwards?

The Chair (Mr. Stephen Crawford): We'll get to that next.

Mr. Jamie West: Okay.

The Chair (Mr. Stephen Crawford): Any debate? Are members ready to vote?

Ms. Catherine Fife: Recorded vote.

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The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 3 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 3, carries.

Okay, we're now on NDP new schedule 1, section 3.1, amendment number 5. Ms. Sattler.

Ms. Peggy Sattler: I move that section 3.1 be added to schedule 1 of the bill:

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

“Conflict

“8.1 Despite subsection 14.5(1), 21.4(4), 21.5(4), 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 (Mr. Stephen Crawford): Okay, a motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: As was mentioned earlier, I think the Employment Standards Act should be a floor for everybody. I think it's easier for employees and for the employer to understand what everyone's basic rights are. Whether you have a CBA or not, everyone has access to the Employment Standards Act. You can access it online, you can see what your floor is and you don't have to remember a bunch of rules.

The government is very often fond of talking about eliminating red tape and making things simpler for business. I think that having the Employment Standards Act as a floor, a standard for everybody, eliminates a lot of issues and headaches for employers and employees to understand multiple variations of rules.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): Okay, the motion is accordingly lost.

We have an NDP notice on section 4 of schedule 1 to the bill. Any debate? Ms. Sattler.

Ms. Peggy Sattler: Yes, we are recommending that section 4 of schedule 1 to the bill not be supported. We believe that the changes that have been made to personal emergency leave provisions move workers in this province backwards. Despite the claims by the government that this is actually more progressive, we know that this is very regressive, to remove workers' rights to paid sick leave and also to silo the unpaid leave that they can take.

A limited number of days for bereavement leave: We heard a woman come to this committee who spoke about the death of her two-year-old. That was likely because—or potentially because—that child had contracted flu at a child care centre where perhaps another family sent an ill child to child care because they couldn't afford to take a day off of work because they didn't have access to paid sick leave.

We also heard physicians here appearing before the committee talking about the importance of paid sick leave as a public health imperative. We know the Canadian Medical Association has come out with something like—75% of physicians in the Canadian Medical Association are opposed to the requirement for sick notes, and they support the importance of paid sick leave as a means of keeping us all safe so that we're not being exposed to

viruses when we go to work because people working alongside of us can't afford to take the day off and stay at home.

We will be voting against these changes because they are potentially disastrous for the health and well-being of everyone in this province, not just workers.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow?

Mrs. Gila Martow: Just a very quick comment, because it goes to what she said: It's not a requirement for a medical note. I believe the member said it's a requirement. It's not a requirement. It's at the discretion of the employer, if they're concerned.

We heard from many employers that they want to have that ability. They don't like asking for a medical note. The vast majority know their employees well. They don't want them to come in if they're legitimately sick, but they want to have the ability to ask for some kind of note. If it's necessary, they want to be able to have that ability.

It is a touchy subject. Nobody wants people coming to work—I remember coming to committee last year, and one of the members had a box of tissues and a blanket. So we have to practise that, as well.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: Similar to the conversation that was had earlier: On Thursday, when we had the depositions, one of the people here didn't sound very well, and ironically, it was right after the doctor saying that people should be at home taking care of themselves.

This idea of needing notes—it really does clog up the system. Honestly, my experience has been that you can go to the doctor and say, "I was sick. I need a note," and they don't perform any diagnosis. In exchange for money, they give you a piece of paper saying you can come back to work. So I don't see it as a real deterrent. I don't see it as effective in terms of finding out if people are cheating the system or not. I think there's a need for that. There's a way to figure out if the system is being abused, but I don't think a doctor's note is a deterrent to anybody who isn't playing fair.

More specifically, what I wanted to say earlier about the personal emergency leave: The subcategories, when we broke them down—originally it was 10 unpaid; then it was eight unpaid and two paid. The new legislation cuts that back to eight unpaid. I don't understand how that's better for workers. But there are a lot of concerns that the government has about math. Maybe that's one of the areas.

What I want to talk about, though, is the bereavement. There are two days for bereavement.

Interjection.

Mr. Jamie West: Thanks, Dave.

There are two days for bereavement. If I use my example—my parents and my in-laws are alive, so my children have four grandparents. If I were to receive a phone call about one of my parents or my in-laws dying, and I have two bereavement days, I would probably leave work that day, and that would be one bereavement day, because the way it's spelled out is, if I use any portion of

the day—so even if it's at the end of the day. Let's say I'm not working here, but I'm working at a factory or a smelter, where I used to work. If I leave an hour before the end of my shift to console my mother because my stepfather has died, I lose one day of bereavement. If I help her the next day, to plan the funeral or work out the will or whatever else you do as a caring, compassionate person, I use a second day. Technically, what that would mean is, I wouldn't have a day off to attend my stepfather's funeral because I've used up my two days already.

As the government says, many, many employers would have a heart and understand. But these rules are not for the many who have a heart and understand; these are for the ones who look at exactly what the rules are and see where they can cheat the system, what the boundaries are and what they can get away with.

In that system, even if things worked out and I did have a day off to go to the funeral or two days to grieve, including the funeral, if any of my three remaining parents or in-laws were to pass away that year, I wouldn't be able to go any of the funerals.

When you siloed this—I think the intention, when you're thinking about it, makes sense. There's some context to it, but I think when you put it against the real world and how reality works and how you can't time everything, you really silo things to make things less efficient.

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When we talk again about the government removing red tape, making things simpler, when you have a nanny state saying, "Here's where you can do it and here's where you can't do it," you're actually adding more red tape and more confusion for employers and employees.

The Chair (Mr. Stephen Crawford): Is there any further debate? Mr. Piccini?

Mr. David Piccini: I just have to add that I appreciate the comments of Mr. West there and making a clever joke.

On the real world: When I was consulting with employers in my riding, when we talk about having some securities and rigidity, this isn't giving them any flexibility. They're saying, "We saw a lot of systemic abuse in the month of January alone on this." I think we do see flexibility. I come from a rural community with a lot of small businesses, and the employers are absolutely flexible with their employees when there's a death, when there's something tragic, because tragedy befalls everyone. They're willing to do that.

But in the real world, we are seeing—and I represent my community. I just saw from countless businesses—when we talk, we put this against a backdrop of manufacturing jobs that have left this province. I went to one of the few left in Cobourg, and he said, "Dave, on long weekends, when suddenly the 'ahems' start up, my line shuts down. What am I to do—halt operations?" I feel for him. I feel for the employees there who did come to work and then they halt operations.

I would then say, when we look at all jurisdictions in Canada, there is not a single jurisdiction that has blanket two paid leave days on day one. I know there are other

jurisdictions that have them after X months of employment, but we have to be competitive in this country. We were once the engine of the Canadian economy. We've been clear from day one that we want to restore Ontario as the engine of the Canadian economy. We're not going to do that by shutting down line operations in small businesses in my community. That's why we're replacing this with what we believe to be a responsible package here, after extensive consultation with businesses in our community, with workers and with chambers.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: I just don't understand how my riding can be so different from your riding. We still have families who care about their children who find themselves in situations where they face tragedy. I brought the story of Carolyn to the floor of the Legislature because she reached out to me and she said, "Listen, under Bill 148, that was the first time I had two paid emergency leave days"—sick days. When her spouse's partner died, she was able to attend the funeral and not lose that one day's worth of pay, which equalled to her a whole week's worth of groceries. That's the real world that we see. I just don't understand how our real world experiences can be so different from the PC government's real world experiences.

Quite honestly, if you have eight unpaid days but you can't afford to take them in an emergency or if you're sick or otherwise, then you're really celebrating nothing. You're giving workers nothing because they can't take those unpaid days.

When this constituent called me, she had never reached out to an MPP before. She had never felt inclined to be politically engaged. But she had that real world experience where a week's worth of groceries led her, as she said, to a crisis point where tough decisions would have to be made. This is a professional woman who just didn't have any other benefits associated with her work.

That's why we really feel that this is a missed opportunity to address a serious weakness in what is already a very weak bill for the people of this province.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. Parsa.

Mr. Michael Parsa: I actually don't think their ridings are very different. I've travelled to many parts of Ontario consulting with business, hundreds of small business owners, many who employ—

Interjection.

Mr. Michael Parsa: Yes, in many of the regions across the province—and the concerns are the same. This was a policy that was very open-ended. It left room for abuse and it discouraged employers from hiring more workers. That was concerning to us. It should be concerning to everyone.

We want more employment; we want employers to hire more people. However, we wanted to make sure, when we put in this bill, that the rights of the employees are protected, which is why we put in those days to make sure that they are protected, those eight days. We were very

careful to make sure that our employees, if they have to take leave, have the right to go back and not lose their jobs.

The Chair (Mr. Stephen Crawford): Thank you very much. It's now 10:15, so we're going to have to recess until 2 o'clock. We'll pick up where we left off.

Thank you, everybody. I'll see you at 2 o'clock.

The committee recessed from 1015 to 1400.

The Chair (Mr. Stephen Crawford): Good afternoon, everybody. We'd like to proceed.

We're assembled here for clause-by-clause consideration of Bill 47, an act to amend the Employment Standards Act, 2000, and the Labour Relations Act, 1995, and to make related amendments to the acts.

As per the order of the House dated November 12, 2018, committee members will know that at 5:30 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 47 and any amendments thereto. As per the order of the House, a 20-minute waiting period will also 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 a vote on them consecutively.

Catherine Oh 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? Okay.

We'll resume debate on section 4 of schedule 1 to the bill. Is there further discussion on section 4 of schedule 1 specifically? Ms. Sattler.

Ms. Peggy Sattler: Yes. I just wanted to raise a concern about a comment that was made this morning by MPP Martow about the fact that some of our colleagues have come to committee sniffing and wearing blankets when they should have been at home. I think it's really troubling to suggest that. There's a false equivalence between the work that we do as MPPs and the security of our salaries and the fact that there are people who struggle hugely in this province and have to make very, very difficult decisions about going to work sick because they know that if they don't, they won't be able to put food on the table. That is why they go to work sick.

I've injured my hand and I've had the luxury of being an MPP, someone who is well compensated. I didn't have to take an unpaid leave of absence from my job in order to deal with my injury, but that is the reality that a lot of people in this province face. That's why we believe that it is so important to provide that paid sick leave for workers in Ontario.

The Chair (Mr. Stephen Crawford): Any other further debate? Ms. Martow.

Mrs. Gila Martow: I guess it requires a bit of a response. I was being sympathetic to people who are sick when I said it. I suggested that even the government who prepared Bill 148 obviously didn't understand that, yes, we don't want people to spread their illnesses. But we have to provide the right kind of balance in the context of everything else and in the context of what's going on in the rest of the world, in the rest of the country and in the rest of North America. I worked in the medical field, as

you well know, for 30 years, and I'm well aware of the medical aspects of people not just with a cold that can be spread, but people who have a lot of health challenges, not just the temporary ones that you recover from easily.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote? Shall schedule 1, section 4 carry? All those in favour, please—

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 4 is carried.

Are there amendments to schedule 1, section 5?

The NDP has filed a notice. Is there any debate on this section? Ms. Sattler?

Ms. Peggy Sattler: Yes. We'll be voting against section 5 of schedule 1. We're concerned that this section establishes a definition of pay for employees who work on a shift that is less than three hours. We believe that there should be obligations for employers around fair scheduling and that this new section of the act removes many of those penalties and requirements that would be in place for employers to ensure fair scheduling. That is our reason for voting against this section of the schedule.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife?

Ms. Catherine Fife: Just to be clear, we support the three hours that should be paid when an employee shows up, but if you don't have any mechanisms to ensure that if the law is not honoured, and there are no penalties requiring the employers to actually follow this rule, then you're effectively leaving workers outside of the Employment Standards Act as well.

I genuinely feel, sometimes, that this government wants to ensure that laws are upheld, but if you take away the mechanism to actually put those laws into place, then it weakens our position.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 5 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 5 carries.

We'll now move to section 6 of schedule 1 to the bill. It's an NDP amendment. Number 6. Ms. Sattler?

Ms. Peggy Sattler: I move that section 6 of schedule 1 to the bill be struck out and the following substituted:

"6. Subsections 23.1(1), (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.

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

"iii. For any other employees not listed in subparagraphs i and ii, \$15.00 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate?

Interjections.

Ms. Catherine Fife: Go ahead.

Mr. David Piccini: No, I want to hear the explanation.

The Chair (Mr. Stephen Crawford): Ms. Fife.

Ms. Catherine Fife: Just so the members who are new to this process—just for context: When Bill 148 was moving through the two years of consultation, we were really pushing the Liberals for a long time to look at

different levels of workers and the compensation that they required, because there was a lot of misunderstanding about who was actually earning a student wage and who students were, because they're often actually mature students.

We also had research and evidence to show that those who were serving obviously perform an important role in our economy, and yet there was this sort of misconception that tips would make up the difference of what they were making, and so their ultimate take-home pay.

We heard from servers during that two-year process, which demonstrated that they were making a much lesser minimum wage and were actually paying a long-term cost for the perception that tips would make up the difference. We'd been fighting even the original Liberal government on the tip-out, where, if you are a server, the manager can insist on pooling the resources and then taking a cut themselves. It was ironic: When Michael Prue, who was the original NDP member who tried to ban that practice of managers confiscating tips—when the Liberals got a hold of it, they included that you could still do that if you used a credit card, and of course, most people use credit cards when they're paying these days, so they built in a loophole to that. I just want to bring the voices of waitresses, waiters and servers to this discussion, saying that they are very deserving of a fair and equitable minimum wage.

Also the fact that students are usually, of course, under the age of 18: I think it's just important for committee members to hear that in this economy, students are really trying to pay for the highest tuition rates across the country. Paying a fair wage actually makes sense in the long run.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow.

Mrs. Gila Martow: Well, you know, we've been very clear that we're trying to get job creation and the economy booming, and we think that the workers and the businesses in the province of Ontario deserve a plan that's based on economics, not on ideology and politics.

We all heard stories about minimum wages in Calgary and Edmonton that were meaningless in the boom times, because people in the lowest-paying jobs in the province were getting paid double what the minimum wage was, so it was meaningless. We want to see help for lower-income earners and vulnerable people that doesn't drive up the cost of living, which defeats the entire purpose of trying to help people.

Raising the minimum wage so fast is just driving up the cost of goods and services. You're not really helping anybody enough. That's why we've decided to not have people pay income tax if they earn less than \$30,000 a year, which we think will benefit people. It's not putting the burden on businesses and it's not driving up the cost of living, but it's offering a significant amount of support for people.

We're committed to keeping the minimum wage at \$14, as we promised during our campaign. We recognize that there are a lot of hardships for rural Ontario—we often forget about rural Ontario when we're here in downtown

Toronto—and northern Ontario. We have to balance all the different regions, all the different business types, all the different types of workers, the economy, driving that investment in Ontario. It's a tough balance, but we believe that Bill 47 strikes the right balance.

The Chair (Mr. Stephen Crawford): Any further debate?

Ms. Peggy Sattler: I just wanted to make the point that a government that claims to have zero tolerance for sexual harassment should support an amendment to eliminate a sub-minimum wage for liquor servers. We know that the vast majority of people who work as liquor servers are women, and because they're allowed to earn below the minimum wage, they're relying on tips. It's well documented that this makes them more vulnerable to sexual harassment when they are doing their work, because they know that the way they interact with the customer will determine the amount of the tip they get at the end of the night.

If we really care about protecting women, young women in particular, from sexual violence and harassment, we should be supporting this NDP amendment, because we cannot justify paying liquor servers a lower rate than we pay every other worker in this province.

The Chair (Mr. Stephen Crawford): Mr. Piccini.

Mr. David Piccini: This sort of drive-by shooting of “if you care about women”—I just think that's a very loaded argument. I can have that conversation with you, but this goes against every consultation we've had with business in our riding. The minimum wage was crippling our businesses—the rapid increase.

We've spoken excessively to businesses over the past number of months. When they increased to this extent overnight—and we have, as Ms. Martow said, a fair package here that gives them a bit of a reprieve after that massive increase. From conversations I had at Pet Valu to Tim Hortons to around my community, those disproportionately affected by these changes were our next generation, young people employed by local retail stores that are trying to make ends meet with just two employees. This is a fair pause on that. We've kept it at \$14, and we'll have a 33-month pause on this increase. Then it will go up, tied to inflation, which is what it should have done. This was a cynical ploy by the Liberals to get votes. If they had really meant this, they would have done the increase with inflation every year. That's what we're going to do, and that's a responsible decision.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving on to NDP amendment 7: subsection 6(8) of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 6(8) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): The motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife?

Ms. Catherine Fife: Obviously, this is our attempt to reverse the repeal of the minimum wage schedule. We believe that evidence should inform public policy. Every first Friday of the month, I stand up in this Legislature and report on the job numbers that are reported from StatsCan.

1420

On the latest StatsCan numbers: This is from CANSIM table 14-10-0287-01, which demonstrates that, since January 2018—this is reporting at the end of October—the province of Ontario is up 90,000 jobs. Of those 90,000 jobs, 62,200 were full-time jobs. What we saw under the change in the minimum wage was that, yes, there were fluctuations from month to month, but the overall picture from the overall numbers, year over year, beginning from January 2018 to October 2018, is that the economy in the province of Ontario was incredibly resilient. To be quite frank, I think many of us were pleasantly relieved by the fact that full-time jobs became the new norm in the province of Ontario.

However, with the passage of Bill 47—because, obviously, it will pass—and the fact that you will allow employers to now pay part-time employees less money, that creates a unlevel playing field and it will create more part-time work. Quite honestly, the province of Ontario requires the revenue from full-time jobs.

I cite these stats from Stats Canada. It isn't from our researchers. It's not from PC researchers. It's not from the chamber of commerce. It's not from respective unions. These numbers track year over year, month over month. While there were some fluctuations over this year, at the end of the month of October, we are up 90,000 jobs and we have an unemployment rate of 5.8%, and the overall Canadian unemployment rate—I'm sorry, Ontario's is 5.6% and Canada's is 5.8%.

The narrative that has been created by the Ford government: that Ontario's economy could not handle the minimum wage increase, even though it went up very quickly—the way that the schedule is now designed is that we will not get to a \$15 minimum wage until 2025.

Ms. Peggy Sattler: Minimum.

Ms. Catherine Fife: A minimum wage of \$15 by 2025.

This obviously disproportionately affects certain populations. We've identified women. You just spoke against servers and students earning a fair minimum wage. We have to put this before the government, because we have the numbers, and the numbers are accurate. It defies logic that you would slow down a measure that is “putting more money into people's pockets,” to quote the Premier—almost \$2,000 for 1.6 million Ontarians—and then stop that measure.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. Parsa.

Mr. Michael Parsa: Mr. Chair, I'm glad my colleague brought up the numbers, because I will tell you about the numbers. In the third quarter of 2017 to the third quarter of 2018—so September to September—there were about 118,200 jobs created; 88,000 of them were created in the public sector. That's 75% of them created in the public sector. That's not helping our businesses. That's not helping those part-time students who want to get a job. These were public jobs—75% of them.

What we're trying to do is we're trying to create an economy that is a robust economy that helps our small businesses and our mid-sized business grow and helps families all over Ontario—rural Ontario, everywhere else where we've seen a huge decline in employment. We lost thousands of jobs in January and we saw it again throughout the year and again in August, and that's what we're trying to change with this bill.

Ms. Catherine Fife: Mr. Chair.

The Chair (Mr. Stephen Crawford): Further debate? Ms. Fife.

Ms. Catherine Fife: I'm very happy, Mr. Parsa, that you raised those stats, because you talk about public sector jobs like they're bad for the economy. Public sector jobs are nursing jobs. We need 10,000 more nurses in the province of Ontario, according to ONA, to serve an aging population.

Those public sector jobs are front-line service jobs that actually do the work that we should all value: nurses, teachers, police officers, firefighters. I would love to see more people inspecting our construction sites and our workplace sites to ensure that our workers are safer.

With all due respect, you cannot say that you value police officers and then call those jobs a drag on the economy. They are not. Those are good jobs that serve the people of this province. These numbers, year over year—you're quoting a time when the minimum wage did not go up. We were all concerned that it was going up too fast. We did not think that the population of the province of Ontario would be able to be as resilient as it was, and the numbers demonstrate that the economy in the province of Ontario actually could withstand that increase.

The Chair (Mr. Stephen Crawford): Further debate? Mr. Piccini?

Mr. David Piccini: I'm just glad she represents that, because I know my colleague was referring—I worked in health care prior to this. Unfortunately, regrettably, under the previous government, in those months it wasn't front-line jobs we were seeing in nursing. We'd seen cuts to front-line nurses as they tried to shift from RNs to RPNs. We'd seen cuts in our residency physicians. Three years in a row, those spots for those physicians studying geriatrics to enter the workforce—we'd seen cuts. But do you know what we did see? We saw more VPs. We saw more bloated administrations at the LHIN level. That's what we saw. That's no way to build an economy.

You might be fine with that. I know the NDP want to protect those big jobs, those bureaucratic, government,

administrative-level jobs. We want to create jobs in the private sector. We want to create those good jobs in rural Ontario—retail jobs. We want to create those jobs in small businesses, advanced manufacturing. That's what this bill is going to do.

The Chair (Mr. Stephen Crawford): Further debate? Ms. Fife.

Ms. Catherine Fife: Just for the record, and just for Mr. Piccini's knowledge, this is the party that fought that bureaucratic bloating, if you will, and we fought the executive compensation. There's no reason that the president of Western University should make \$1 million in one year when the Premier of this province makes \$235,000.

For your information, there's no doubt about it that the Liberals have a top-heavy health care model that they embraced. We'll work with you to actually redirect that funding to the front line, but don't demean the public service as you talk about the importance of serving the public. Those police officers, firefighters and those nurses—those are good jobs, and we need those in the province of Ontario.

The Chair (Mr. Stephen Crawford): Further debate? Mr. Parsa?

Mrs. Gila Martow: I think we want to move on, no?

Mr. Michael Parsa: In no way, shape or form will we be demeaning—we will stand up for them every step of the way, and I hope every party does. The context of it was about the business and helping small business. That's what I was referring to, Mr. Chair. We will not apologize for that. We will always stand up for small businesses, as the previous administration never did. The policies they put in hurt our small business owners. They spoke out, and we listened.

The Chair (Mr. Stephen Crawford): Further debate? Mr. Piccini?

Mr. David Piccini: I'd just like to move a five-minute recess, Mr. Chair.

The Chair (Mr. Stephen Crawford): Mr. Piccini has moved a five-minute recess. Is there unanimous consent for that? Okay.

The committee recessed from 1428 to 1433.

The Chair (Mr. Stephen Crawford): We'll proceed with resuming debate on NDP amendment number 7. Ms. Sattler.

Ms. Peggy Sattler: I just wanted to remind members of some of the input we heard in those 20 presentations that were made on Thursday.

We heard from the Better Way Alliance, which is a network of small business owners who are tired of having small business basically take the blame for what the Conservatives have decided to do. The reality is that over 80% of small businesses already pay their workers more than \$15. So when we are talking about freezing the minimum wage at \$14 an hour and not proceeding with the increase to \$15, we're not doing it to benefit small businesses. They're already paying \$15 an hour or more. We're doing it to benefit the big corporations that have more than 500 employees, that have very healthy profit margins. Those are the firms that are much more likely to be paying their

employees minimum wage—five times more likely, in fact, to pay minimum wage than small or medium-sized businesses.

The other statistic I want to challenge that the Conservatives have talked about is the fact that this is done to benefit students. Certainly, there are a number of students who get their start in the labour market before they turn 18, but it's important to keep in mind that the majority of workers, 82% of workers who would benefit from an increase to \$15 an hour, are adult workers. They're not teenagers; they're not students who are doing this to buy new technology or whatever. Even if they were, it doesn't matter. Their labour should be compensated the same as everybody else's labour.

It is important to keep in mind that these are individuals in Ontario who have families, who are trying to provide for their children. Many of them are women; the majority are women. Many of those women are single women. They are racialized women. They are run off their feet juggling multiple minimum wage jobs just to be able to put food on the table.

Another presentation that we heard on Thursday that I think we have to keep in mind was from the ER physician who talked about—he focused his presentation on the paid sick days, but he also talked about the fact that income is one of the prime social determinants of health. When people are earning below poverty wages, which is where—you know, if we don't move quickly to a \$15 minimum wage, people will remain in poverty in minimum wage jobs. But every day he is seeing people who come in who can't afford to get their prescriptions filled and who are living in substandard housing conditions because they can't afford to get a decent place to live. That's what we are condemning a very vulnerable population to in our province if we don't move forward with the increase to the minimum wage.

I hope that the Conservatives rethink their strategy and I hope they listen to the people who presented to this committee—we just got another box of emails that have been sent to members of this committee—people who are very concerned about the government's decision to freeze the minimum wage at \$14 and not move forward until 2025 at the earliest with a \$15 minimum wage, and that's if the predictions for our economy bear out. That's a big question, because if people don't have money in their pockets, if they don't have disposable income, they're not able to buy the consumer goods that help our economy move forward.

Again, I urge the members over there to support this amendment.

The Chair (Mr. Stephen Crawford): Any further debate?

Mr. Jamie West: Chair?

The Chair (Mr. Stephen Crawford): Yes?

Mr. Jamie West: Sorry, I don't know if there's anybody on that side.

The Chair (Mr. Stephen Crawford): Is there anyone over there on the government side? Okay. Mr. West.

Mr. Jamie West: I just want to echo—earlier, we were talking about the minimum wage and that there’s going to be a 33-month pause, then tied to inflation. I challenge the word “pause.” I have Netflix. I’ve never paused it for 33 months. It’s a stop.

What we’ve been talking about now—and it’s a fair argument for small business. They had a fixed cost in terms of what they were planning for wages, and it climbed. It doesn’t matter if you’re a painting company and the price of paint climbs by a double-digit percentage; it’s going to be hard on your margins. But we’re going to end up in the same circumstance as we were in originally.

The reason we got into the minimum wage climate—I agree; it took too long to get there. We had to drag the Liberal government kicking and screaming to raise it, but we got there. Don’t take this as an attack, but we got this because when Mike Harris had the government, he froze it for eight years. We didn’t keep up with inflation. This isn’t politicking or kicking mud in your face; this is just history. Your buying power got lower and lower to the point where it wasn’t keeping pace with inflation, until it got embarrassing, where people were working full time and going to food banks, and we had to do something about it.

When it climbed and got to where people were making a decent living and predicting that their wages were going up again, it was predictable, and predictable is good for business. I’m worried that the government is going to throw the baby out with the bathwater on this one, and what we’re going to do is freeze it now for 33 months—not pause, but freeze it—and we’re going to fall behind again, and we’ll be in that same circumstance where you don’t have predictability; you have people living in crisis. And then we’ll have to make another snap of the rubber band that business has to adjust to. I think that pausing it, freezing it, cutting it off—whatever the term is, friendly or aggressive—is bad governance. It’s bad predictability for business. It’s going to hurt workers. It’s going to hurt business across the board. That’s why we’re opposed to it.

1440

You can’t have people living in poverty as part of your business plan. You also can’t have a business plan that’s going to destroy business. But freezing something until 2020 is not a way forward that makes any sense to anybody.

The Chair (Mr. Stephen Crawford): Further debate? Okay, are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ms. Peggy Sattler: What’s the motion?

The Chair (Mr. Stephen Crawford): It’s NDP amendment 7.

I’ll repeat myself. Again, shall the motion carry?

Mrs. Gila Martow: Excuse me, Chair, is Mr. Gates allowed to vote?

The Chair (Mr. Stephen Crawford): He’s not allowed to vote. It’s only the sitting members.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 6. The NDP has filed notice. Is there any debate on the section? Okay, shall schedule 1, section 6, as amended, carry?

Ms. Peggy Sattler: Recorded vote.

Mrs. Gila Martow: Carried.

The Chair (Mr. Stephen Crawford): Sorry. Shall schedule 1, section 6, carry?

Mrs. Gila Martow: Carried.

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The motion is accordingly carried.

There are no amendments to schedule 1, section 7. Is there any debate? Are the members ready to vote? Shall schedule 1, section 7 carry? All those in favour, please raise your hand.

Mrs. Gila Martow: Do we have to do a recorded vote, or just say “carried”?

Ms. Catherine Fife: There was no request for a recorded vote.

Mrs. Gila Martow: So it just carries.

Ms. Catherine Fife: No, he asked for a vote. It’s just not recorded.

The Chair (Mr. Stephen Crawford): So I’ll do it again.

Shall schedule 1, section 7 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is accordingly carried.

Interjection.

The Chair (Mr. Stephen Crawford): The section is accordingly carried.

We’ll now be moving on to NDP amendment 8: section 8 of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 8 of schedule 1 to the bill be struck out and the following substituted:

“8(1) Clauses 42(1)(a) and (b) of the act are repealed and the following substituted:

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

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

“(2) Subsection 42.1(2) of the act is repealed and the following substituted:

“Same

“(2) For the purposes 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, 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Just also for context, this is something we tried to get the Liberals to look at in the original Bill 148 consultations, which, of course, you know were extensive. It’s important for you to know that this was asked for by a number of labour, community and faith groups. That’s something that we haven’t really talked a lot about: that the faith community showed up in Hamilton, in Peterborough, in downtown Toronto and up north, and they really felt that the direction of the original motion in Bill 148, which you’re pulling back even further—I still can’t believe that we are still debating equal pay for equal work here in the province of Ontario. This amendment is our attempt to correct the overly broad current definitions of job functions versus “substantially the same”—and then this changes it to “similar.” Equal pay advocates maintain that the change of phrase strengthens equal pay provisions, helping to prevent bad actors from using loopholes to pay women and other workers less than those doing the same job.

I have to say, in particular when we were in Hamilton on this issue, the faith community and legal aid showed up and specifically identified women who are not protected by a union and who feel particularly vulnerable because work is incredibly precarious and contract-oriented, and truly felt that in many instances the employer could tweak a job description and therefore pay that worker much less. There were multiple examples given to us throughout those 24 months on this particular issue. So we’re trying to right a wrong that even the Liberals wouldn’t have attempted to do. If so, you would be in a position to actually lead in the province of Ontario, instead of leaving these workers vulnerable to the tweaking of a job description so that a worker could be paid considerably less. That wouldn’t be good for the economy either.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler?

Ms. Peggy Sattler: Certainly last year in Ontario, we went through a college strike. Many of the conditions that led to that strike were related to the fact that employers in the post-secondary sector and in many sectors—and in all sectors, if the Conservatives have their way—are able to

pay contract, part-time and temporary workers a lower rate than they pay full-time workers. We saw what happened in the post-secondary sector, particularly in the college sector. We saw an explosion in contract faculty because this was one way for the colleges, which get the lowest per-student funding in Ontario than in any other province—but this was practically the only way that the colleges were able to manage their fiscal pressures: by reducing their payroll and by bringing in more and more and more contract workers.

Where is the principle of fairness? It’s a basic principle of human rights and of fairness that if I am doing the exact same job, the exact same work, as the person sitting next to me, then I should be compensated at the same rate as the person sitting next to me. That is just a fundamental principle that I would hope we all agree on.

This amendment is important to not only bring back what the Conservatives want to eliminate but to strengthen what we had before.

When the language allows employers to pay people less who are doing substantially the same kind of work, then they use it to their advantage. They use it to start justifying pay discrepancies all over the place. We believe that the language should say clearly that people who are doing similar work should be paid at the same rate, whether they are full-time, part-time, contract, temporary—regardless of any other characteristic. So I urge my colleagues to support this bill.

1450

The Chair (Mr. Stephen Crawford): Further debate?

Mrs. Gila Martow: You urge your colleagues to support this bill; that’s what we’re debating.

Ms. Peggy Sattler: To support this amendment.

Mrs. Gila Martow: That’s different.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote, please.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): Okay, the motion is accordingly lost.

Next we’ll move on to amendment number 9 from the NDP: subsection 8(1) of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 8(1) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This is our attempt to reverse the repeal of the holiday pay provisions of the ESA. The Conservative changes bring it back to the pre-Bill 148 standards.

I do think it's interesting, though, that even when we were pushing the Liberals to address holiday pay provisions in the Employment Standards Act, they reversed their own changes to the holiday pay schedule through regulations after pressure from employers. They caved, and we're trying to rectify the situation here in committee.

The Chair (Mr. Stephen Crawford): Further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We'll now move on to amendment number 10 from the NDP: subsection 8(2) of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 8(2) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): Okay, a motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: My comments under the previous amendment speak to this as well.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 8. The NDP has filed notice. Is there any debate on this section? Ms. Fife.

Ms. Catherine Fife: I think we put in a valiant effort to try to make this section of the bill—schedule 1, section 8—stronger. As I said, I just still can't believe we are debating equal pay for equal work. It is a true missed opportunity on behalf of the government to actually ensure that there is some equity in our workplaces for all workers, including and particularly women, in the province of Ontario.

The Chair (Mr. Stephen Crawford): Any further debate?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Are members ready to vote? Shall schedule 1, section 8 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 1, section 8 is accordingly carried.

Next, we'll move on to amendment number 11 from the NDP: section 9 of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 9 of schedule 1 to the bill be struck out and the following substituted:

"9(1) Clauses 42.1(1)(a) and (b) of the act are repealed and the following substituted:

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

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

“(2) Subsection 42.1(2) of the act is repealed and the following substituted:

“Same

“(2) For the purposes 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, 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: I just want to speak to how vulnerable workers will be if these changes are not able to come into fruition.

This morning, I shared the story of the Domino's employee who was a part-time driver but he was still an employee of Domino's. However, the employer was able to pay him less because he wasn't there all the time. This sort of lens that some employers look at their employees through leaves employees and workers vulnerable.

This corrects the overly broad current definition of job functions from “substantially the same” and changes it to “similar.”

Some of you may think that we have substantially the same jobs, but obviously we don't, on given days. So it goes to reason that tweaking a job description shouldn't allow an employer to justify or rationalize lesser pay and lesser compensation or, potentially, as we heard with the Domino's pizza delivery employee, no vacation pay, no benefits and no protections.

The Chair (Mr. Stephen Crawford): Further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 9.

The NDP has filed notice. Is there any debate on the section? Ms. Sattler.

Ms. Peggy Sattler: I just want to reinforce the comments that my colleague made. It is a fundamental principle of fairness and equity that people who are doing similar work should be compensated at the same level. We need to do everything we can to prevent people from being exploited. People who feel that the only option they have is a part-time job, a temporary job or a contract job are forced to accept a wage that is lower than the people they are working beside who may be in full-time employment.

1500

We know who, typically, is the most disadvantaged by this practice in Ontario workplaces. It's women who are disadvantaged. It's racialized people who are disadvantaged. It's Indigenous people. It is people with disabilities. It's the most vulnerable citizens that we have in our province. We need to do what we can to protect those workers, which is why we cannot support this section, given that the changes that we believed were necessary to strengthen the language of this bill were defeated by the members across the table.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: I also want to talk about—many of us in this room had the opportunity to meet with post-secondary faculty from the universities and from the colleges. One of the crises that we're facing with post-secondary is that for many people, post-secondary is just about academia, but for the majority of people who go, it's for a better income and a better way of life. We're facing a tipping point where the majority of their staff is precariously employed. They're making less than their counterparts who are doing very similar work. That has become a business model, due to finances of the post-secondary institutes or due to budgeting. But it has become a finance model.

Basically, what you have is like a Ford dealership where everyone drives a Chevy. If you're sending your children to a post-secondary institution so they can have good-paying career jobs, and the majority of people teaching them don't have good-paying career jobs because of loopholes like this, what we're doing is setting people up for success in this life of precarious work. If you had the opportunity to speak with these workers, who worked there like I did, you have people—the most highly educated, with their doctorates—basically living from hand to

mouth, not sure of their future and what's going on. It's legislation like this that allows that to happen, because they're not deemed as being similar, even though they're doing the same work as a tenured professor.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 9 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The section is accordingly carried.

Moving along: amendment number 12, NDP, section 10 of schedule 1 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that section 10 of schedule 1 to the bill be struck out and the following substituted:

“10(1) Clauses 42.2(1)(a) and (b) of the act are repealed and the following substituted:

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

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

“(2) Subsection 42.2(2) of the act is repealed and the following substituted:

“Same

“(2) For the purposes 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, 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 (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Just quickly on this point because we've already covered the equal pay for equal work and job descriptions, but during the consultations—which, just as a reminder, the second phase of the review involved stakeholder meetings, an academic advisory committee, 10 commissioned academic studies, 280 written submissions leading to a 419-page final report with 173 recommendations with extensive involvement from the Ministry of Labour. During that process that happened in 12 different communities across this province, including York, Hamilton and northern communities as well—rural and cities—we heard first-hand that there were no clear directions around a merit compensation plan for those

workers that are contract workers, precarious workers. So the issue of how employers were paying their workers had no tangible, formal performance, which is why we've included this in this amendment to this particular section.

Once again, as we've said, we're just trying to make sure that if there is room for this government to recognize that there is a power imbalance, obviously, for a growing number of workers in the province of Ontario, this is one way that you could acknowledge that.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler?

Ms. Peggy Sattler: I think it's also important to keep in mind that the equal pay changes that were made in Bill 148 have been law in this province for the past year. As a result, most employers, in good conscience, knowing that they were bound by Bill 148, have already made those changes to equalize pay scales in their workplaces so that part-time, temporary and contract employees are being paid at the same rate as a full-time worker.

Now to reverse those changes, the big beneficiaries are going to be those employers who weren't in compliance for the last year, who were trying to skirt the law, who were trying to continue to exploit part-time, contract and temporary workers by paying them a lower rate of pay. Removing those equal pay requirements that were in Bill 148 is really going to create challenges for these law-abiding employers who have already made the adjustments in their workplace.

The other piece is that we want to incentivize employers to create full-time jobs. When we give them this change in legislation that says, "You can pay part-time, contract and temporary workers less than full-time workers and you can get those contract, part-time and temporary workers to do exactly the same jobs that your full-time workers do," guess what a lot of employers might consider doing? They might consider hiring more part-time, contract and temporary employees because they can get more value for their payroll. They don't have to spend as much on those workers.

If we are serious about wanting to create more full-time jobs in this province, this is exactly the kind of legislation that is going to undermine that goal. It's not in any way going to incentivize employers to create full-time jobs; it's going to have the exact opposite effect. It's going to motivate them to create part-time, contract and temporary positions, which is absolutely not the direction that we want to be going in in this province.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 10. The NDP has filed notice. Is there any debate on the section?

Ms. Catherine Fife: Recorded vote.

1510

The Chair (Mr. Stephen Crawford): Are the members ready to vote? Okay, recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The section is accordingly carried.

There are no amendments to schedule 1, sections 11 to 18. I propose that we bundle sections 11 to 18 of schedule 1 and consider them together. Is there an agreement? Agreed.

Is there any debate for schedule 1, sections 11 to 18?

Are the members ready to vote? Shall schedule 1, sections 11 to 18, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The section is accordingly carried.

We'll now move to amendment number 13, NDP: section 19 of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 19 of schedule 1 to the bill be struck out and the following substituted:

"19(1) Subsection 50(5) of the act is amended by striking out 'two days of paid leave and eight days of unpaid leave' and substituting 'five days of paid leave and five days of unpaid leave'.

"(2) Subsection 50(8) of the act is amended by striking out 'two paid days' and substituting 'five paid days'."

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This is a motion that we brought forward in the original Bill 148 consultation. It stems from health care professionals, legal aid, workers' rights, labour and the faith community, who came to us and said, "Listen, two paid days for emergency leave is not going to cut it for most Ontarians." Ironically, I've heard some PC members counter with, "What is two paid days anyway?"

I think that my colleague MPP West, this morning, made a very compelling case for how life takes a turn for the worse sometimes, and how employees need to have an avenue where they can support families during stressful times.

The other thing is, I just want to share a story. There is a company in Waterloo called Miovision. It's an incredibly successful company. It was started as a tech start-up eight years ago, with eight employees, and now they have 200 employees. They have unlimited paid leave: emergency leave days, vacation days and sick days.

Andrea Horwath and myself and Laura Mae Lindo, the MPP for Kitchener Centre, toured it and we said to them, “How can you afford to have unlimited paid leave days?”, whether it be sick or emergency leave or vacation. Basically, Kurtis McBride said to us, “Listen, we trust the people who work for us. We trust that if they need a day, we don’t want them to come into our workplace. We don’t want them to come in sick. If they have an emergency, their focus won’t be on the work anyway.”

It’s interesting, because their model is being reviewed by all these multinational companies. Grand and Toy was one of them, and they came in and said, “How can you trust your employees to do this?” Kurtis McBride from Miovision said, “Listen, if you don’t trust the people who are working for you, then you have bigger problems at play.”

We tried to get the Liberals to do the right thing back in late 2017 and early 2018. They didn’t. We felt that we were going to try it again. We’re going to bring it back to the floor, bring it back to this committee. You heard MPP West speak to this this morning. We can increase. We can be more compassionate and smarter as legislators when it comes to supporting employees in the province of Ontario.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I think that the other thing we have to keep in mind is, not only is this turning back the clock from where we are now in the province of Ontario, but it’s also running contrary to jurisdictions around the world—145 countries provide paid sick days.

We heard last week, during public input, of the number of US jurisdictions. The US is our biggest trading partner. Their business is something we watch very carefully to make sure that we maintain our strong competitive advantage. In the US, there are 10 states and the District of Columbia that provide paid sick days.

Ontario is lagging. Ontario’s economic competitiveness is going to suffer. But more than that, our health—the health of our population—is going to suffer. When people feel that they can’t afford to take time off work because they are sick, they’re going to go into their workplace sick.

We are right now on the cusp of flu season in this province. Doctors have highlighted the fact that when people don’t feel that they can afford to stay home and take care of themselves when they have the flu, it is just going to spread those germs like crazy.

We have a hallway health care crisis in this province. We can’t have people dragging themselves out of their sickbed to go to a doctor so they can get a doctor’s note to be away from work. But more than that, we can’t afford to have people dragging themselves out of their sickbed to go into their workplace.

We heard the physician who came and talked to this committee and who mentioned that food service workers with gastroenteritis are going into work because they can’t afford to miss a precious day on the job because they have families to feed. That is putting all of us at risk.

We also heard from the mother whose two-year-old was exposed to the flu virus in a child care centre.

This is devastating for the health and well-being of all of us—the health and well-being of those workers, of their co-workers, of the people who are riding the subway with them on their way to their employment, the other sick people who are in the doctor’s office when they’re having to go in to get a note.

It’s bad economic policy, but it’s bad health care policy, and it’s bad public policy. That’s why we’ve moved this amendment.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We will now move to amendment number 14, NDP: section 19 of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 19 of schedule 1 to the bill be amended by striking out subsection 50(6) of the Employment Standards Act, 2000.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This motion strikes out the existing limits on employees with less than one week accessing leave. Technically, it’s in line with our other PEL provisions.

The Chair (Mr. Stephen Crawford): Any further debate? Are members ready to vote?

Ms. Catherine Fife: Recorded vote.

1520

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to NDP amendment number 15, section 19 of schedule 1 to the bill: Ms. Sattler.

Ms. Peggy Sattler: I move that section 19 of schedule 1 to the bill be amended by striking out subsection 50.0.1(7) of the Employment Standards Act, 2000.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Sattler.

Ms. Peggy Sattler: This amendment is in line with our earlier amendment to change the personal emergency

leave formula to provide five paid days' leave for every Ontario worker, plus five unpaid days. For all of the reasons that we have set out before, we believe this is very important.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to NDP amendment number 16, section 19 of schedule 1 to the bill: Ms. Sattler.

Ms. Peggy Sattler: I move that section 19 of schedule 1 to the bill be amended by striking out subsection 50.0.2(7) of the Employment Standards Act, 2000.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This is a technical amendment relating to, obviously, our previous motions, numbers 15, 14, 13 and 9, to bring the Employment Standards Act in line with our proposed changes to the protections of the personal emergency leave. Specifically, these provisions further clean up the ESA to remove requirements to provide proof of need of leave.

I have to say, I really felt that this would be one area we could find some consensus on. I've had personal conversations with my PC colleagues, and they recognize, on a personal level, that having to secure a doctor's note—or other health care professional, if you will—proof of a death of a family member, is onerous and, quite honestly, makes no sense from an employer's perspective, from a health care system perspective.

The Canadian Mental Health Association has spoken out about this move by the government to open the door for employers to insist on getting a doctor's note or a medical leave note.

Doctors have been very vocal. I know that the OMA and the current government and the OMA and the last government have a lot of issues, but this is something which will tax the system from an energy perspective, from a cost perspective—to have a sick employee have to go to a doctor's office; or, in the case of Waterloo, where two out of every 10 citizens don't have access to a doctor, they'll have to go to an emergency room to seek a note.

One employee who makes minimum wage at a very large bookstore, Chapters, told me that she was asked to go in, and she couldn't go in for her afternoon shift, but she had to get a doctor's note, and that doctor's note cost \$35.

So you have sick people going out in public where they shouldn't be and then also adding to the pressure that's already on our health care system.

I don't know if the members want to speak to this—if you tried to get the government to be more reasonable on this one issue; if it's still open, perhaps, for a Hail Mary third reading. Can someone please ask Dean French if he would be okay with this? We should not have employees getting notes. There has to be some level of trust here. This is basically my pleading with the government to actually do something rational on this piece.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. Gates.

Mr. Wayne Gates: I don't even know how to start with the Conservative Party on this one.

I've represented workers almost my entire life. Quite frankly, if you have an absenteeism problem in any workplace—union, non-union—there are ways to take care of that. But to go and force employees who are good employees, who go to work every day and perform incredible work for that employer—whether it's in the tourist sector, whether it's in the manufacturing sector, or no matter where you work—and who go to work every day—to go to that employee when they're sick, with the number of flus that are going around and all the things that are going around today, and ask them to bring a doctor's note—you should all be ashamed of yourselves. We're not kids.

People who work in the province of Ontario are very talented. They give their heart and soul to that employer that they work for in 99% of the cases. To go to that employee, who may take a day off or two days off in a year, and say, "You need a doctor's note," and then they have to go, in most cases—my colleague talked about not everybody having a doctor. They go to a clinic, or they end up in an emergency room, and then they go to that doctor, who doesn't want to do the doctor's note. He doesn't have time. He has other patients he wants to take care of.

I think if there's anything in this bill where the PC Party could come together and say, "You know what? We're not showing the workers in the province of Ontario any respect. We're not showing our doctors any respect." Quite frankly, you're not showing the businesses any respect on how they can handle their employees.

This is absolutely ridiculous to be in this bill. I don't know how to convince you guys. But of all the things that I've seen, this is probably the stupidest I've seen. I don't know if that's the right word, but that's how I feel.

The Chair (Mr. Stephen Crawford): Any further debate?

Interjection.

The Chair (Mr. Stephen Crawford): Please, if I could ask you to use appropriate language, though.

Mr. Wayne Gates: I apologize. Sure.

The Chair (Mr. Stephen Crawford): Mr. West.

Mr. Jamie West: I just want to speak specifically about the proof. We've been talking a lot about proving that you're sick, but I want to focus on the bereavement leave.

Jill Promoli, when she talked about the loss of her son, and her son being a twin—imagine the grief and heartache.

She was very well composed, but I was having a hard time holding it together, just thinking about my own kids, or friends of ours with children as well. I'm sure the government side felt the same way. Imagine being in that circumstance where you lose a small child with a twin. You're at a funeral, you're burying your child, and you come to work and they say, "I need proof," and how difficult that is on you.

I agree with the government that there are many employers who are not going to ask for proof, who care about their employees. But like I keep saying, this doesn't have anything to do with the many employers. This has to do with the ones at the edges who need boundaries. Giving them the ability to do that, and to abuse an employee like Jill—this allows you to really abuse somebody. I know "abuse" is maybe too strong. But at a difficult, vulnerable time in their life, to say, "Look, I don't believe that your loved one died. I don't believe that you're related to that person. I need you to get proof"—that's a tough thing. Especially with the focus on mental health that we have, with the caring society we're trying to build, it really sticks in the wrong way.

I know a lot of the conversation is on the amount of sick leave, but I also don't want to forget that mourning is part of this and bereavement is part of this as well.

The Chair (Mr. Stephen Crawford): Okay. Any further debate? Ms. Sattler.

Ms. Peggy Sattler: For the record, I want to carry it a little bit further from where my colleague MPP West left off. He talked about bereavement leave. I wanted to focus on those three unpaid family emergency days that are included in this bill's leave provisions.

I think it's important to keep in mind that people take leave for family emergencies differently, depending on whether they are a male or a female. We know that men took 26% of their leave for personal family responsibilities, while women—surprise, surprise—took 56% of their leave for personal family responsibilities.

To designate a maximum of three unpaid family emergency days unfairly disadvantages women, because the leave that they need is more likely to be in that category of personal family responsibility, which is another reason why it is so problematic, the approach that the Conservatives have taken to designate the specific uses of those leave days.

1530

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Okay, a recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 19. The NDP has filed notice. Is there any debate on the section? Ms. Fife.

Ms. Catherine Fife: I just want to say very quickly—because this is becoming a very painful process—that ever since we had a recess, the government side has not weighed in on some of the motions, even though I know members across the way have very strong opinions on these issues.

I think that it is important for us to understand that following the Bill 148 consultation, we did land in a place where we could find some consensus on issues, and the fact that we have not been able to find any consensus on any of these issues is incredibly troubling. You may have thought the pendulum swung really far to the left last time; now it's swinging all the way to the right, in a very stark manner.

To have the member speak about the progressiveness of having personal emergency leave days but having none of them compensated is truly not progressive. So we'll be voting against this again.

The reason there are so many NDP amendments is that we went through that large box of letters from constituents across the province, including constituents in your ridings, and we tried to reflect what we heard in these amendments. That's the way the process is supposed to work.

If you feel strongly about taking two paid sick days away from employees, then you should speak to it. That's what this part is about. If you think it's the right thing to do, then speak to it.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 1, section 19, carry?

Ayes

Stan Cho, Parsa, Piccini, Martow, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The section is accordingly carried.

There are no amendments to schedule 1, sections 20 to 25. I propose that we bundle sections 20 to 25 of schedule 1 and consider them together. Is there agreement? Agreed.

Is there any debate on schedule 1, sections 20 to 25? Are the members ready to vote? Yes. Shall schedule 1, sections 20 to 25 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are accordingly carried.

We'll now move on to NDP amendment 17: subsection 26(1) of schedule 1 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 26(1) of schedule 1 to the bill be struck out and the following substituted:

“(1) Paragraph 2.0.1 of subsection 141(1) of the act is amended by striking out ‘subparagraph 1 v or 2 v’ and substituting ‘subparagraph 1 iii o 2 iii’.”

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This is an example that we probably could have come to common ground on. We support the three-hour rule. We think that if an employee shows up and things change, they should get paid for those three hours. But what the government did was take out the penalties, take out the enforcement mechanism, so you’re still leaving employees out there without the protection that they need.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

We’ll now move on to amendment 18, NDP: subsection 26(1) of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 26(1) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Sattler.

Ms. Peggy Sattler: This is an amendment that strengthens the requirements of the three-hour rule to make sure that employers actually implement that rule. We believe that it is important that there be some requirements of employers in place, and that there also be some penalties of employers who don’t engage in fair scheduling practices, specifically with regard to the three hours. That is the purpose of this amendment.

The Chair (Mr. Stephen Crawford): Any further debate? Okay, are the members ready to vote?

Ms. Peggy Sattler: Recorded.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 26. Is there any debate on schedule 1, section 26? Are the members ready to vote? Shall the section carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The section is accordingly carried.

We’ll move on now to amendment number 19, NDP: subsections 27(2) to (5) of schedule 1 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsections 27(2) to (5) of schedule 1 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: This motion reverses the repeals in Bill 47 of the scheduling provisions in Bill 148. For instance, under Bill 148, employees have the right to refuse shifts scheduled with less than 96 hours’ notice, and Bill 47 repeals this.

Having the right, with an agreed-upon time frame, to refuse to come in to a shift, be it for personal reasons, emergency reasons, illness, is a fundamental right that workers should have, with the 96 hours’ notice. It’s not just a courtesy; it’s clarity between employees and employers.

1540

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I have spoken several times about the impact of this legislation, specifically, on women. The reality is that women make up the majority of minimum wage earners.

Think for a moment: If you are a lone parent, a woman, and you have had to work very hard to find affordable child care arrangements, but you have been able to put those arrangements in place on the assumption that you will know what your shifts are like and that you will have made arrangements for your child to be in child care when you are expecting to be called in to work—this means that that woman, that lone parent, will not have the right to refuse a shift that is scheduled with less than 96 hours’ notice if she can’t find child care. What is she supposed to do with her child—find a stranger off the street and ask the stranger to take that child because she can’t risk not going in to work because she’s worried about losing her job?

We have to think about the impact of the policies that we are making in this place, and we have to think about the gendered impact of those policies.

This is a very clear example of how women and people—any employee, actually, who has the primary responsibility for child care—will be negatively impacted by the changes that are proposed.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: I just want to expand on this. All of us have family, and if there’s a major event such as a wedding or a baptism or anything like that that you schedule—let’s say that my sister is getting married in June, because that’s trendy, and I tell my employer today,

in November, “My sister is being married on June 6. I intend to be there. I’d like to have the day off,” and he says yes, and then I go through several months to get to June, and the day before, he says, “I’m sorry, Jamie. I’m short-handed. You can’t go to that wedding.” That’s what this law says. That says it’s fair. That’s a broken system. When you look at fairness, you have an employee, in this case with several months’ notice—but there are examples where there are several weeks’ notice—and the employer is saying, “I have a business to run,” and overrules you. That doesn’t make sense. You can make the argument that it’s a business and they need to keep the line moving and all that stuff, but ultimately a government that purports to be for the people is creating rules that don’t help many people. That’s what this speaks to. It’s an extreme example, but it’s one that reflects a real example that I’ve heard in my lifetime.

You’re telling people, “At any time we can take away your right to come to work or not come to work because the needs of the business supersede the needs of your personal life at all times.”

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: Because schedule 1 and this fascinating debate on this particular schedule is coming to an end, I just want to pose a question to the government side, because on this particular one—the examples that have been given are real-life examples for workers in all of our ridings across the province. What is the rationale for the government to not support an amendment like this, where there’s open and transparent communication between employer and employee and everyone knows the rules of engagement? It’s not a rhetorical question. You’ll have to answer this question for people in your ridings. Where is the evidence that says that having clear guidelines around scheduling protections doesn’t strengthen an economy—because it does. When workers are supported, you have a stronger economy and you have stronger businesses. We hear silence because there’s no good rationale for not supporting this amendment.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 1, section 27. Is there any debate on schedule 1, section 27?

Ms. Catherine Fife: Chair?

The Chair (Mr. Stephen Crawford): Ms. Fife.

Ms. Catherine Fife: This is the final schedule change, right? This is the notice? Is that where you are right now?

Ms. Peggy Sattler: We’re not doing the whole schedule yet.

The Chair (Mr. Stephen Crawford): We’re on section 27.

Ms. Catherine Fife: Okay. Thank you.

The Chair (Mr. Stephen Crawford): Are the members ready to vote? Shall the section carry? All those in favour, please raise your hand.

Mrs. Gila Martow: Can we bundle—

The Chair (Mr. Stephen Crawford): Pardon me, Ms. Martow?

Mrs. Gila Martow: Can we bundle these three sections?

The Chair (Mr. Stephen Crawford): We’re on section 27.

Mrs. Gila Martow: Oh, yes. I see: schedule 1, section 27. We can’t bundle schedule 1, sections 27, 28 and 29?

The Chair (Mr. Stephen Crawford): We’ll get to that in a few moments. That’s the next one. For 27, we have this amendment.

Mrs. Gila Martow: Oh, I see. Okay.

The Chair (Mr. Stephen Crawford): Shall the section carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The section is accordingly carried.

There are no amendments to schedule 1, sections 28 and 29. I propose that we bundle sections 28 and 29 of schedule 1 and consider them together. Is there agreement? Agreed.

Is there any debate on schedule 1, sections 28 and 29? Are the members ready to vote? Shall schedule 1, sections 28 and 29 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are accordingly carried.

There are no further amendments to schedule 1. The NDP has filed notice. Is there any debate on the section? Ms. Fife.

Ms. Catherine Fife: We have introduced almost 20 amendments just on schedule 1 of this piece of legislation. The Employment Standards Act is the only piece of legislation, the only act, that workers who are non-unionized, which is a growing number of workers in the province of Ontario—precarious workers, contract workers, temporary workers—this is the only protection they have. The fact that the government has been intentional, and even mindful, in the face of evidence of rolling back those protections for workers, of increasing the power imbalance between employer and employee in this legislation, makes absolutely no sense whatsoever.

It’s going to take us a long time to correct what’s happening here today, but I can guarantee you, we, of course, would never support the changes that you have brought in. Workers are really just waking up to the fact that this is happening. Our challenge will be to ensure that those workers understand what this government is doing

to them by lessening their protections and lessening their rights as workers in the province of Ontario.

1550

It's particularly concerning that the ministry has paused and rolled back proactive inspections, because the smart money in any workplace is to ensure that the worker knows what their rights are, the employer knows what his or her rights are, and that there's a mechanism to hold both to account, including the workers in the province.

To say that this is a serious step back, after so much work to get the Liberals to actually listen to workers in the province, and then, in the space of 120 days, when this government comes into power—I see these changes for what they are. I think of them as very callous. I don't think of you personally as being callous. I think of this legislation as being incredibly callous and dangerous to the people of this province. I'm disappointed that you can't even speak to it, because I think that this debate is very timely and it's very important for all citizens across the province.

New Democrats will not be supporting this. In fact, as soon as this piece of legislation passes, which it will, we will start to try to undo the damage that you've done through schedule 1, and that will happen immediately.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I echo the comments of my colleague. This schedule, the rollback of employment protections that were included in the Employment Standards Act, is an attack on every worker in this province. But more than that, it is an attack on the most vulnerable, marginalized workers in this province, and that is, I think, the government's modus operandi. We've been seeing that from the very beginning.

The thing that is most troubling is that they only seem to want to listen to one side.

I pointed out earlier today that we heard from the people who came on Thursday that it is the big business lobby that benefits the most from the changes that have been made in schedule 1. It is the corporations with more than 500 workers that are the ones who employ the majority of minimum wage workers in this province.

This government only seems to care about big business, the largest corporations. They don't care about the woman who has to send her two-year-old to child care and worry that there are going to be other children there who come with a flu virus because their families can't afford to take a day off work to stay home with their sick child. These are the people we should be listening to.

This government didn't even give us enough time to read the submissions that have been made to this committee. Just today we got another big box of submissions that have been made by citizens in this province, who have a right to participate in the public policy process of this government.

It is disrespectful to democracy, the way that this government is behaving. But it's more than that. It is directly harmful to the people that all of us represent in all of our ridings, and it's only to implement what big business and

the largest employers of the province have said that they want to see, so that they can maximize their profit margins while everyone else is left to struggle even more than they have in the last decade in Ontario.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): This schedule is accordingly carried.

We're proceeding now to schedule 2, section 1. This is amendment number 20, NDP: section 1 of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 1 of schedule 2 to the bill be struck out and the following substituted:

"1(1) Clauses 6.1(9)(a) and (b) of the Labour Relations Act, 1995 are repealed 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."

"(2) Subsections 6.1(12) and (13) of the act are repealed."

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Ultimately what this comes down to is providing a fair playing field. We're all aware that the right to unionize is constitutionally protected and that all workers have that right, but what happens is that if you don't have access to talk to employees or if you don't know who the employees are because many people now are working from home or working at different locations—and even employees in the same work group don't even know who all their colleagues are. What happens in this case is that workers who would like to unionize and who are interested in it don't have access for the union to be able to speak to their colleagues and to have a discussion about the benefits, or perhaps workers don't want to agree to it.

As an employer, you always have access to all of your employee information. You have the right to contact them all. You have to send your tax information and everything

to them, so you have all their contact information at all times. You end up in a situation now where workers who want to unionize don't have the access to speak with their colleagues and reach out to their colleagues because that's hidden away from them.

I know that there's conversation about how this is freedom of information and these are privacy issues. All of that is already taken care of in the act, about how that information is controlled and destroyed after use. It's a bit of a red herring. What this is about, really, is, if you think of changing workplaces and people, like I said, working at home, working at several different locations, the fact that we don't all show up at the same Tim Hortons every morning and walk to work together—time has moved on.

You have a situation where workers who would like to unionize don't have the ability to reach out to all their colleagues, to make contact with them; they don't know how to find them; they don't even know who they are. The only way to get that is through the employer. I know that we talk again and again about the great employers out there, but there are some employers who aren't that great. Realistically, most people, when they unionize—it's not a dollar value. What they unionize about is dignity and fairness and their treatment at work. So you have workers who are afraid and you have workers who feel like they're being treated unfairly, who are trying to seek unionization in their workplace and need a way to reach out to the other workers. This doesn't guarantee unionization; this just guarantees equal access to information. Right now, the way it's written, when we pull away the right to pull up this information, what you're doing basically is saying to those workers, "Even though you have a right to a union, we're not going to let you know who your colleagues are, so you can't speak with them."

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Shall the motion carry?

Ayes

Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 2, section 1. The NDP has filed notice. Is there any debate on this section? Ms. Sattler.

1600

Ms. Peggy Sattler: I think that my colleague set out a very compelling argument as to why this amendment is important. We want more unionized workplaces. We know that unionized workplaces provide greater equity in the workforce. There's much less pay discrimination or

pay disparity on the basis of gender or any other basis. These are good jobs. Unionized jobs are good jobs.

As my colleague said, this isn't an attempt to stack the deck in favour of union organizers; this is a way to make sure that access to information is available to both sides. The employer has this information; the prospective bargaining unit should also have this information.

We know that that change is not going to be supported, so we can't support this section of the bill.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow.

Mrs. Gila Martow: I think the member opposite, if they looked at the next motion, would realize that it actually takes care of this issue. I suggest that we vote on this and we move to the next government amendment, which actually solves this issue.

Ms. Peggy Sattler: No, it doesn't.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 2, section 1 carry? All those in favour, please raise your hand.

Mrs. Gila Martow: What?

The Chair (Mr. Stephen Crawford): This is for schedule 2, section 1.

Mrs. Gila Martow: Oh, I see. Okay. Yes. Carried.

Mr. Jamie West: Thank you for joining us.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Sattler, West.

Mrs. Gila Martow: I apologize; I was speaking to your previous motion. Sorry.

Mr. Jamie West: I thought for a minute I convinced you.

The Chair (Mr. Stephen Crawford): The section is accordingly carried.

There are no amendments to schedule 2, sections 2 and 3. I propose that we bundle sections 2 and 3 of schedule 2 and consider them together. Is there agreement? Yes.

Is there any debate on schedule 2, sections 2 and 3? No further debate. Are the members ready to vote? Shall schedule 2, sections 2 and 3 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are accordingly carried.

We'll now proceed to amendment 21, NDP: section 4 of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 4 of schedule 2 to the bill be struck out and the following substituted:

"4. Subsections 15.1(4) and (5) of the act are repealed."

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Basically, the motion eliminates the provision that would allow the labour relations board to unilaterally decide unit consolidation and composition. In the past, this was basically a road labour piece, and has been strenuously opposed by many labour groups.

Basically, it comes back to fairness and equality. What we believe is that the people involved should be making these decisions; it shouldn't be made by a third party. That's why we want to make this change.

The Chair (Mr. Stephen Crawford): Is there any further debate? Ms. Martow.

Mrs. Gila Martow: The next motion takes care of this, so I say that we vote on this if we need to and then we move to the next motion.

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Are the members ready to vote? I guess they are. Recorded vote.

Ayes

Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Next, we'll move to amendment 22, from the government: section 4 of schedule 2 to the bill. Mr. Cho.

Mr. Stan Cho: I move that section 4 of schedule 2 to the bill be struck out and the following substituted:

"4. Section 15.1 of the act is repealed."

The Chair (Mr. Stephen Crawford): A motion has been moved by Mr. Cho. Is there any debate? Ms. Martow.

Mrs. Gila Martow: The government heard some concerns regarding the implementation of this proposal, and I think that this will provide greater certainty for now for businesses and the trade unions. I'm guessing that the NDP might consider supporting this.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I appreciated hearing that the government listened to at least one concern that was raised throughout this very rushed process, but I did want to point out that the fact that the government has to bring in an amendment to its hastily crafted legislation just underscores the problems that arise when you draft legislation in a hurry and try to rush it through. It would be interesting to understand why this is the only input that the government has decided to listen to. Certainly, we heard many, many concerns on this particular piece of the bill—but on the entire bill itself. It's curious that they have decided to make this change.

Regardless, it's also interesting to us—the fact that the government didn't support our amendment, which did pretty much exactly the same thing. I guess they want to play partisan games and didn't want to support even a single amendment that the NDP has brought forward, and

voted down our amendment in favour of their own. I guess that's the way they want to do things. I don't think that's a very constructive way to work together around this table.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Shall the motion carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is accordingly carried.

There are no further amendments to schedule 2, section 4. The NDP has filed notice. Is there any further debate on the section? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 2, section 4, as amended, carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 4, as amended, carries.

Moving along to amendment 23, NDP: section 5 of schedule 2 to the bill: Ms. Sattler.

1610

Ms. Peggy Sattler: I move that section 5 of schedule 2 to the bill be struck out and the following substituted:

"5. Subsections 15.2(1) to (4) of the act are repealed and the following substituted:

"Election

"(1) A trade union applying for certification as bargaining agent of the employees of an employer may elect to have its application dealt with under this section rather than under section 8."

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Basically, what we're talking about is the card check certification. Previously, I had discussed how difficult it is to contact employees and speak with employees. It doesn't matter if you're talking about the bargaining unit or you're talking about other employees who wish to be part of a unionized workplace. If you have a difficult time reaching out to your workplace because they work in different locations or they're at secure facilities or any of that type of thing—there's no other institution where you have two votes. We were all elected as MPPs on a vote in June. There wasn't a secondary vote to double-check if we were okay.

What we want in this is, it just comes back to fairness. Ultimately it would be great if, in every workplace, workers felt comfortable and safe. But the reality is that there's an imbalance of power when it comes to the employer and the employees. The employees are dependent on the employer to continue paying them and employing them, and they feel very uncomfortable.

Anyone who, for the first time, has had to call in sick knows how awkward that is, when you're genuinely sick but you're concerned that you're letting your employer down. There's a real concern. Even with the best employers in the world, there's a real imbalance of power and a sense of unfairness.

What we're looking for is to have the card check certification so that people can vote confidentially, in private, without being pressured by external parties, and can put their cards in, after voting the first time by card, without being subject to a very strong anti-union campaign, because the employer has the ability to contact all the employees, and because the employer can have all the employees gather in one room and can show them anti-union ads and pressure them and tell them everything is going to be okay "if you just do it this one time." It really, really creates an imbalance of power. It really pushes back against your constitutional right to be in a unionized environment.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: I think that this one really is troubling. I think that there is this general sense of who PC Party members are, and who New Democrats are, and who Liberals are, if you can figure that out. So I think that this really speaks to the box that PC members don't support unions at all, under any conditions.

I've actually had really good, constructive conversations with individual PC members about why unions have served a really, truly important role—around pay equity, for instance, for women. It was in my lifetime as a worker that I was working next to a male clerk in the old Toronto Board of Education, and he was actually getting paid more money than me. That really prompted me to pay attention to what was going on in my union.

The 40-hour workweek, and workplace safety—the 40 hours, of course, is somewhat negotiable for a lot of workers in today's world, but unions serve an important role. If workers decide to organize, they should have a very clear, streamlined process by which they can organize themselves.

Making it more complicated, especially for temp workers—this also falls under the concerns that we have around the sharing economy, where you have workers who never come together as one, so they have no cohesiveness, and that makes it more difficult for them to organize.

Certainly, having two votes around forming a union is an obstacle. It's a hurdle and it will really diminish workers' ability to organize and fight for their rights in a workplace.

The Chair (Mr. Stephen Crawford): Any further debate? Are members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 2, section 5. The NDP has filed notice. Is there any debate on the section? Ms. Sattler.

Ms. Peggy Sattler: Once again, I want to reiterate some of my earlier comments about the importance of fairness for workers in Ontario. Workers have constitutionally protected rights to join a union, and governments should not be putting barriers in front of them that undermine those constitutionally protected rights.

We're just talking about levelling the playing field, about allowing prospective bargaining agents to have information about who their prospective members might be, and about the process for workers to go through if they do decide that they want to join a union. It's fair, it's democratic and it also respects those constitutionally protected rights of workers to join a union and bargain collectively. We can't support this section without the changes we had proposed earlier.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 5 carries.

There are no amendments to schedule 2, sections 6 and 7. I propose that we bundle sections 6 and 7 of schedule 2 and consider them together. Is there agreement? Yes.

Is there any debate on schedule 2, sections 6 and 7? No debate. Are members ready to vote? Yes. Shall schedule 2, sections 6 and 7 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are, accordingly, carried.

We'll now move to amendment 24, NDP: a new section, 8.1, of schedule 2 to the bill.

Mr. David Piccini: Section 8.

The Chair (Mr. Stephen Crawford): My apologies. Schedule 2, section 8. The NDP has filed notice. Is there any debate? Mr. West.

1620

Mr. Jamie West: We're filing notice against it. Basically, it has to do with contract flipping. What that is, for those who aren't aware, is that you work in a workplace; you have a unionized environment perhaps for the first time or perhaps for a long time. That company is bought

up by another company; you do the exact same work; you wear the exact same uniform—perhaps you have a new logo on the side of it—and you have to renegotiate your contract. In many sectors, this happens again and again on a regular basis. It’s a way to just undermine the collective bargaining process.

What we’re saying is that we need fairness from the government. We need fairness in legislation that if someone negotiates a contract, simply changing the title on the outside of the building doesn’t mean that it’s a brand new contract. The contract should stay in force and be renegotiated regularly and not just flipped every time you change the name.

There are also allegations that sometimes these numbered companies are actually the same shareholders—just changing names and changing hands in order to break contracts.

Ultimately, what it comes down to is consistency and predictability, like the government often says, but for the workers as well as the employer so that their contract stays consistent and doesn’t change every time the business number changes or the logo changes on the building.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 8 is accordingly carried.

We now move on to amendment 24, NDP: a new section, 8.1, of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 8.1 be added to schedule 2 to the bill:

“8.1 Subsections 69.1(1) and (2) of the act are repealed.”

The Chair (Mr. Stephen Crawford): Committee members, the proposed amendment is out of order because it seeks to amend sections of a parent act that are not before the committee. As Bosc and Gagnon note on page 771 in the third edition of House of Commons Procedure and Practice: “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

There are no further amendments to schedule 2, section 9. The NDP has filed notice. Is there any debate on the section? Mr. West.

Mr. Jamie West: Very similar to the previous conversation about contract flipping and successor rights, it just repeals the regulation-making authority that would allow other sectors to be open to successor rights.

Again, it’s about fairness for those workers and predictability for those workers and for them to have the same contract no matter whose name is on the front of the door or whose logo is on their uniform.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 9, is accordingly carried.

There are no further amendments to schedule 2, section 10. Is there any debate? No debate. Are the members ready to vote? Shall schedule 2, section 10 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 10 is accordingly carried.

Moving along to amendment 25, the NDP subsection 11(1) of schedule 2 to the bill: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 11(1) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): The motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife?

Ms. Catherine Fife: This has to do with weakening a right to return to work following a strike or a lockout. Bill 148 provided a robust set of protections to ensure that striking workers were entitled to return to work following the conclusion of a strike or lockout no matter how long it was in duration. Bill 47 repeals these protections and returns to the pre-Bill 148 rule in which workers are only legally entitled to return to work if they make an unqualified request to return within six months of the commencement of the strike or lockout.

In addition, other protections, such as the right to displace replacement workers and access to the grievance procedure to enforce the right to return to work, will be repealed.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: Just further to what my colleague was saying: The interesting thing with a labour dispute—a lockout or a strike action—is that it gets newspaper coverage and news media attention, so people have the opinion that unions and unionized workplaces are often in labour disputes. It really is that somewhere around 95% are resolved without any kind of job action or a lockout.

What this does is—you have a constitutionally protected right, as a worker, to withdraw your labour from the workforce. In simplest terms, if you think of a mom-and-pop shop, it’s basically the employer and the employees

seeing who could go the longest to starve each other out to come back to the table.

What we're seeing with that less than 5% that can't find an agreement is what's known as hard bargaining, where the employer, because of their resources, because of often being internationally funded and having resources come in from other places, can extend the strike indefinitely. It goes on for a very long time. More and more strikes and lockouts are now lasting beyond six months, beyond a year, in some cases beyond two years.

What we're saying is that these workers, if they have a constitutional right to withdraw their labour in order to fight for changes to their collective agreement—and the employer has that right, as well—should not be punished at the end by losing their jobs, by having an arbitrary six-month limit to how long they can withdraw their labour without being punitively affected.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I just wanted to make the comment that the very first piece of legislation we saw this government introduce was to legislate the end to the York University strike, and one of the unique features of that back-to-work bill was that it allowed reprisals of the striking workers. That is a very, very troubling precedent. It has been an accepted principle in labour relations, as my colleague said, that workers who withdraw their labour, as is their constitutional right to do, should not be punished for that when they return to work. I think that this government's signal from day one and perhaps in response to employer pressure—employers wanting to be able to punish workers who have engaged in strike action. This bill systematizes what we saw in the very first bill of this government upon taking office.

1630

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: I was going to mention the York strike, but my colleague has.

We also saw last year a very, one could say, high-profile strike right here in Toronto, and it was the food terminal workers who primarily were, for some reason, Buddhists. They were, as a group, unilaterally falling outside the Employment Standards Act. Their hours were not negotiated in good faith. All of them were being paid at different levels. There were no clear guidelines around merit. Working conditions were often unsafe, and when they tried to refuse unsafe work, they had nothing to fall back on. So they walked out. These are workers who perform a very important job in the city. They walked out and they went out on strike. Bill 148, the modernized version of Bill 148, protected them. In fact, it was a major factor in getting the employer and the employees back to the table and ensuring that reprisals were not a major factor in that negotiation. I remember talking to one fellow on the picket line who said that was their number one fear: that standing up for their rights would actually result in them losing their jobs.

At the end, there was a successful negotiated contract where these workers understood their rights and the employer, who needed those workers to do this important work, had a contract for those workers.

We have really recent examples of how the return to work following a strike or lockout can positively impact a successful completion, if you will, or the successful end to a strike action. That benefits everybody, including the people who benefit from those services.

The Chair (Mr. Stephen Crawford): Any further debate? Yes, Ms. Martow.

Mrs. Gila Martow: I believe it was the leader of the official opposition who said during the last campaign that she would never use back-to-work legislation. I just wanted to put that on the record. That really affects the balance of power in these negotiations.

The Chair (Mr. Stephen Crawford): Further debate? Mr. West.

Mr. Jamie West: Just to clarify, I don't think that was what the Leader of the Opposition said. I think what was inferred by the leader of the third party, the Liberal government, was that the leader would never use back-to-work legislation. That was in several of their advertising campaigns. I could be wrong, but I do remember the leader of the Liberal Party saying that several times in their advertising campaigns during the election.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: Just to Ms. Martow's point, the York workers who were legislated back under a piece of legislation that opened the door for reprisals actually created—nothing was solved during that long strike. The resolution and the working conditions and the disparity in pay scales for part-time and contract workers versus people who were doing similar work—the best resolution between two parties, the employer and the employees, is a negotiated settlement. It's one thing to legislate workers back, but if you legislate them back to the very same conditions, then nothing gets solved. There's no benefit whatsoever in that instance.

One of the reasons that I'm actually here today is when Bill 115 was brought in by the Liberal government to legislate teachers back to work, so that they can look more like Conservatives—that actually created a poisoned environment in our schools, and the government lost in court. If you want to open that Pandora's box, we have lots of examples of how having a clear process where workers can exercise their rights and negotiate contracts with the employer actually benefits both parties at the end of the day.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving along to amendment 26, NDP: subsection 11(2) of schedule 2 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 11(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Are the members ready to vote? Okay.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall the motion carry?

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 2, section 11. The NDP has filed notice. Is there any debate on the section? Ms. Fife.

Ms. Catherine Fife: Once again, changes are contained within Bill 47 which make it impossible for us to support. They facilitate the process of lessening the protections around organizing workplaces. They undermine effective collective bargaining. They reduce the protection that workers would have from reprisals during organizing campaigns and strikes. To quote Goldblatt Partners, “Bill 47 will systematically dismantle many of these important protections and erect serious barriers to both organizing and effective collective bargaining in Ontario.”

That is what is going on with this schedule. Nobody on that side of the House, on that side of the table, on that side of the committee room, can justify and say that this is good for the economy, because it is not.

The Chair (Mr. Stephen Crawford): Any further debate? Okay. Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 2, section 11 carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 11 carries.

We’re going to proceed to amendment 26.1, formerly 39, NDP: a new section, 12.2, of schedule 2 to the bill.

Interjection.

The Chair (Mr. Stephen Crawford): Okay, so we’re now on schedule 2, section 12. There are no amendments. Is there any debate?

Interjection.

1640

The Chair (Mr. Stephen Crawford): All right. We’ll now be proceeding to take up schedule 2, section 12. Following that, we will take up amendment 26.1, formerly number 39. Is there any debate on schedule 2, section 12? Are members ready to vote? Shall schedule 2, section 12 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 12 carries.

We’ll now proceed to 26.1, formerly 39, NDP: a new section, 12.2, of schedule 2 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that section 12.2 be added to schedule 2 of the bill:

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

“Register of journeypersons and apprentices

“86.2(1) The Minister of Training, Colleges and Universities shall maintain a register containing the names of every journeyperson and every apprentice in a trade in Ontario.

“Regulations

“(2) The Lieutenant Governor in Council may make regulations,

“(a) governing the collection of information for the purposes of maintaining the register;

“(b) governing content that must be included in the register;

“(c) governing the publication of the register.”

The Chair (Mr. Stephen Crawford): On NDP motion 26.1: Committee members, as Bosc and Gagnon note, “An amendment is ... out of order if it is moved at the wrong place in the bill...” As written, the proposed amendment seeks to amend a section to the bill that does not exist, and is therefore out of order.

There are no amendments to schedule 2, sections 13 to 15. I propose that we bundle sections 13 to 15 of schedule 2 and consider them together. Is there agreement? Yes.

Is there any debate? Are members ready to vote? Shall schedule 2, sections 13 to 15 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are accordingly carried.

We’ll now move on to amendment 27, from the government: subsection 16(1) of schedule 2 to the bill. Ms. Skelly?

Ms. Donna Skelly: I move that subsection 16(1) of schedule 2 to the bill be amended by adding the following subsections to section 122 of the Labour Relations Act, 1995:

“Application

“(0.1) The provisions of this section apply, subject to any rules made under subsection 110(17) or (18).

“Presumed receipt of mail

“(1.1) For the purposes of this act and of any proceedings taken under it, any notice or communication sent by mail shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

“Same

“(1.2) For the purposes of this act and of any proceedings taken under it, any notice or communication sent by the minister, the board or the director of dispute resolution services by a method mentioned in subsection (1) shall be presumed, unless the contrary is proved, to have been received by the addressee.”

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Skelly. Is there any debate? Ms. Martow.

Mrs. Gila Martow: I just want to say that the changes proposed in this motion would allow for a more effective and proper implementation of provisions in Bill 47. This would allow the minister to receive requests and notices through modern communication methods, which we all use all day long here, and would provide greater certainty to the ministry and affected parties.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: We live in a digital age. There are other methods of communication aside from regular mail. There is sometimes some uncertainty about the receipt of regular mail.

One of the changes that was made in Bill 148, that this amendment reverses, was to expand the kind of communication that could be undertaken by the Labour Relations Board when there are questions around discipline, disputes, bargaining unit composition, applications etc.

We will not be supporting this amendment and this legislation. We think that this amendment is going in the wrong direction. It’s moving us backwards instead of recognizing the realities of modern communication.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Martow.

Mrs. Gila Martow: Before I ask for a recorded vote, I just want to say that it facilitates data and document collection and the development of a more complete collective agreement database that would be accessible to the government and the public. I think that it actually does use the modern digital world, and that’s part of the point of it.

Anyhow, if we can have a recorded vote. Thank you.

The Chair (Mr. Stephen Crawford): Is there further debate? Mr. West.

Mr. Jamie West: I want to note that it has only been 27 days since the bill was tabled, to us speaking today, and it has been a pretty hectic schedule.

Just for clarity on this, the way I’m reading this is that if either party says, “I sent that by mail,” and a reasonable amount of time has passed—a week or two weeks—then it’s presumed to have been sent by mail. Is that how I read

this? It does not require a courier or a signature. I can say the cheque is in the mail, and the other party has to prove that they didn’t receive it? That seems like a difficult thing for someone else to prove—it doesn’t matter what side you are, government, employer or employee—to say, “I never received it,” and have one of the other parties say, “Yes, I sent it.”

The Chair (Mr. Stephen Crawford): Further debate? Ms. Fife.

Ms. Catherine Fife: Just a similar question: The government has made a fairly big deal about going paperless and getting rid of fax machines and landlines and going digital. If two parties are engaged with the Ministry of Labour or the Labour Relations Board in matters of discipline or dispute or bargaining, and documentation is required, there’s a pretty clear path to holding both parties accountable by sending those documents, and you can even see that those documents have been read. You’re limiting this notice requirement to regular mail. That sort of goes counter to what the government has said about going digital. So what’s going on?

The Chair (Mr. Stephen Crawford): Further debate? Ms. Martow.

Mrs. Gila Martow: I think it very clearly spells out that, for the purposes of this act and any proceedings taken under it, any notice or communication may be sent (a) by mail, (b) by courier, (c) by fax, (d) by email, or (e) by any other method that may be prescribed. So we’re leaving ourselves open to modernizing the communication.

1650

The Chair (Mr. Stephen Crawford): Any further debate? Are members ready to vote?

Mrs. Gila Martow: Recorded vote, as I said before.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The motion is accordingly carried.

There are no further amendments to schedule 2, section 16. Is there any debate? Are the members ready to vote? Shall schedule 2, section 16, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 16 carries.

We’ll now move on to amendment 28 from the government: section 17 of schedule 2 to the bill. Mr. Piccini.

Mr. David Piccini: I move that section 17 of schedule 2 to the bill be amended by striking out subsection 122.1(1) of the Labour Relations Act, 1995 and substituting the following:

“Requests, applications etc. to minister

“(1) Any request, application, notification, report or filing that is given or made to the minister under this act shall be given or made by,

“(a) delivering it to the minister’s office on a day and at a time when it is open;

“(b) mailing it to the minister’s office using a method of mail delivery that allows delivery to be verified;

“(c) sending it to the minister’s office by fax or email;

“(d) electronically filing it with the minister’s office; or

“(e) sending it to the minister’s office by any other method that may be prescribed.”

The Chair (Mr. Stephen Crawford): A motion has been moved by Mr. Piccini. Is there any debate?

Mrs. Gila Martow: So, again, these are changes that are being proposed to allow for what we consider to be proper implementation of Bill 47, and to allow the minister to receive requests and notices through the modern communication methods that we’ve all been talking about, and to provide greater certainty to the ministry and all the affected parties.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Mrs. Gila Martow: Recorded vote, please.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The motion is accordingly carried.

Further amendments to schedule 2, section 17: Is there any further debate? Okay. Are members ready to vote? Shall schedule 2, section 17, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 17, as amended, carries.

Moving along to amendment number 29 from the government: subsection 18(2) of schedule 2 to the bill. Mr. Parsa.

Mr. Michael Parsa: I move that subsection 18(2) of schedule 2 to the bill be struck out and the following substituted:

“(2) Clauses 125(1)(i.1), (i.2), (i.3) and (i.4) of the act are repealed and the following substituted:

“(i.1) prescribing information for the purposes of subsection 18(2.1);”

The Chair (Mr. Stephen Crawford): A motion has been moved by Mr. Parsa. Is there any debate? Ms. Martow?

Mrs. Gila Martow: I just want to say that this amendment would facilitate improved collection and accessibility to collective agreements for the government and the public, including businesses and trade unions.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife?

Ms. Catherine Fife: This appears to be a technical cleanup amendment that now removes the minister’s

ability to regulate the definitions of the three sectors permitted to have card certification, and that includes home care, building services and temp agencies. This is not something that we could support because we feel that those sectors should have the right to pursue—or to at least not tie the hands of the minister to regulate or define those three sectors.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Mrs. Gila Martow: Recorded vote, please.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The motion is accordingly carried.

Moving along to amendment 30 from the NDP, subsection 18(2) of schedule 2 to the bill: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 18(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): I am ruling this amendment out of order as it is inconsistent with the previous decision that the committee made on the section of the bill.

Moving along to amendment 31 from the NDP, subsection 18(3) of schedule 2 to the bill: Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 18(3) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Are members—

Mrs. Gila Martow: The section is already amended by a government motion, so it’s not ruled out of order—just so that I understand.

The Chair (Mr. Stephen Crawford): I’m ruling this amendment out of order as it is inconsistent with the previous decision that the committee made on the section of this bill.

Interjections.

We’ll proceed with amendment 31 from the NDP, subsection 18(3) of schedule 2 to the bill.

1700

Mrs. Gila Martow: It’s not out of order?

Ms. Catherine Fife: I thought that you ruled it out of order.

The Chair (Mr. Stephen Crawford): The amendment was in order.

Ms. Catherine Fife: Oh, it was in order. Okay.

The Chair (Mr. Stephen Crawford): So the committee can consider it. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Listen, our understanding is that this is a technical amendment that we’re putting forward to ensure that universal card certification is defended in

workplaces. The motion that it pertains to was a previous one, and that motion reversed the first Conservative motions to undo even the limited-in-scope card certifications permissible in Bill 148. Our concerns have always been around home care, building services and temp agencies.

While I know that motion 30 was ruled out of order, this is obviously another attempt on our behalf to ensure that those workers in those sectors have the right to organize and come together and establish contracts for themselves.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): This motion is accordingly lost.

There are no further amendments to schedule 2, section 18. Is there any debate? Are members ready to vote? Shall schedule 2, section 18, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 18, as amended, carries.

There are no amendments to schedule 2, section 19. Is there any debate?

Mrs. Gila Martow: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 19 carries.

Moving to NDP amendment 32: subsection 20(1) of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 20(1) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: This is basically a technical amendment reversing the repeal of the first-contract protections that were established in Bill 148. It would amend the Crown Employees Collective Bargaining Act, 1993.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to amendment 33, NDP: subsection 20(2) of schedule 2 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 20(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Basically what we're looking for here is to keep mediation and arbitration. The Bill 47 wording is basically to remove "mediation" from any wording and just have arbitration. That creates a number of problems for employers and employees because of the limited amount of arbitrators who are out there, and also because mediation can often be a lot more effective and cost-effective for all parties involved.

When you have more options and more ability, it creates, as the government said, a more predictable work life and planning, because you're not scheduling things out for months or perhaps years waiting for an arbitrator, and you have more access to mediation. The mediators actually do a fairly good job of helping people understand the different sides of the table and trying to get consensus and agreement without having to go to the next step and an arbitrator. It actually takes a lot of the workload and stress off of the employer and employees, and it's an important thing to have.

When you talk about being "for the people," this is something that helps people in the workforce, including the employers, including the employees and their customers, who could be affected by unstable lack of consistency while they wait for a ruling.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to amendment 34, from the NDP: subsection 20(3) of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 20(3) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Similar to the previous debate, this government talks about removing red tape; you're creating more red tape because of the limited resources of arbitrators. You have more options to move things forward when you have access to mediators and arbitrators as well. Limiting that scope doesn't help anybody from any of the parties. You have better labour relations when people have an opportunity to resolve their differences as quickly as possible.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to amendment 35, NDP: subsection 20(4) of schedule 2 to the bill. Ms. Sattler?

Ms. Peggy Sattler: I move that subsection 20(4) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Fife.

Ms. Catherine Fife: Our motion seeks to reverse the repeal of related provisions on mediation and arbitration in the Labour Relations Act. This motion specifically would reverse the subsection in Bill 47 that would restore the power of the minister to determine timelines for the awards from arbitration. Our motion would restore provisions found in the act—the result of Bill 148.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to amendment 36, from the NDP: subsection 20(5) of schedule 2 to the bill. Ms. Sattler?

1710

Ms. Peggy Sattler: I move that subsection 20(5) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: Just for the record, it's related to the previous motions—motions 35, 34, 33 and 32—which all have to do with mediation and arbitration. Limiting the access to having it resolve and having people work out their differences, or have a final solution, is not good for any party involved with labour relations. What we're saying is that more access is better than less access.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

Moving to amendment 37, from the NDP: subsection 20(6) of schedule 2 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 20(6) of schedule 2 to the bill be struck out.

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Mr. West.

Mr. Jamie West: It's similar to what I said earlier. This has to do with more options in mediation and arbitration. For whatever reason, mediation, which is very effective, was removed or not considered by the government. It was previously allowed in this legislation, and it's being removed. It is, again, us signalling that we want business and employers and labour to have more options to resolve differences and not less options.

The Chair (Mr. Stephen Crawford): Any further debate? Are the members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no further amendments to schedule 2, section 20. The NDP has filed notice. Is there any debate on this section? No further debate. Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 2, section 20, carries.

There are no amendments to schedule 2, sections 20 to 25. I propose that we bundle sections 20 to 25—

Mrs. Gila Martow: Sections 21 to 25. We already did section 20.

The Chair (Mr. Stephen Crawford): My apologies. There are no amendments to schedule 2, sections 21 to 25. I propose that we bundle sections 21 to 25 of schedule 2—

Mrs. Gila Martow: Can we have a recorded vote, please?

The Chair (Mr. Stephen Crawford): —and consider them together. Is there agreement? Agreed.

Is there any debate on schedule 2, sections 21 to 25? Any further debate? Are the members ready to vote?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The sections are accordingly carried.

There are no further amendments to schedule 2. The NDP has filed notice. Is there any debate on schedule 2? Mr. West.

Mr. Jamie West: It comes down to what we talked about earlier in terms of fairness, schedule 2. What we've talked about here is access to mediation as well as arbitration, that there are ways to resolve things without moving towards arbitration, as well as having fairness for workers who would like the opportunity to unionize. It doesn't guarantee them the ability—there will still be a vote; there will still be a process—but having the right to contact their co-workers and reach out in terms of conversations about unionization, so you don't have a thumb on the scale or an unfair balance, gives you that fair, even playing field for both parties.

The changes would also eliminate contract flipping, where the same employee is doing the same job they always have, but the name outside the door or the badge that they're wearing has a different employer name on it and they have to renegotiate their contract. It's all about consistency and predictability, which the government again and again says that they're for, but apparently it

seems to be for it when it's for business and not necessarily when it's for the workers. This is why we can't support this schedule.

Previously we had several motions all based on, "Could you please put the word 'mediation' into here?"—again and again and again. What we're talking about is fairness, and for a government that says "for the people"—well, we want it to be fair for the people as well as the employers, so we can't support this.

The Chair (Mr. Stephen Crawford): Further debate? Ms. Fife.

Ms. Catherine Fife: With Bill 148, particularly on the labour side, it took a long time for us to drag the Liberals kicking and screaming to the table on really modernizing the Labour Relations Act. The last time it had been reviewed in its entirety was 1995, and there were a number of innovative amendments to the LRA which we were able to push forward; some of them weren't successful because the Liberals dug in.

But the LRA was designed to empower workers to exercise their constitutional right to freedom of association through unionizing and collectively bargaining with employers. This includes facilitating the process of organizing workplaces, which Bill 47, under this schedule, reduces; enabling effective collective bargaining, which Bill 47, under this schedule, compromises; and protecting workers from reprisals during organizing campaigns and strikes.

You have undermined the entire labour relations progress that we have actually made in the province of Ontario, and you've been very strategic about it: removing the right to obtain employee lists, removal of card-check certification for specific industries. You've weakened remedial certification. You've removed access to educational support in collective bargaining. You've made additional requirements when requesting conciliation. You're restricting the expansion of successor-right protections. You've reduced the penalties for violating the Labour Relations Act. This will be the weakest LRA in the entire country, and in our opinion that really isn't anything to be proud of.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Sattler.

Ms. Peggy Sattler: I do want to point out again that it is women who are going to be disproportionately affected by the changes that have been proposed in schedule 2. We know that access to child care and unionization are probably the two most effective strategies that governments can use to help close the gender pay gap. Women in this province earn 70 cents on every dollar that a man earns, and certain groups of women—racialized, under-represented, disabled, Indigenous—earn much less than that. Access to unionization helps lift women out of poverty. It ensures that they get fairness in their workplace.

1720

What schedule 2 does is make it more difficult for workplaces to unionize. So we absolutely cannot support this schedule, and we call out the government for its

refusal to support any of the amendments that we brought forward, because those amendments were based on what we heard from representatives of the labour movement and others who came and spoke to the committee and sent submissions in. This government had no interest in hearing from those representatives. The only people they were interested in were the biggest employers, the business lobby in this province, who want to make it more difficult for workplaces to unionize.

The Chair (Mr. Stephen Crawford): Any further debate? Are members ready to vote?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote. Shall schedule 2, sections 21 to 25, as amended, carry?

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The sections are, accordingly, carried.

Interjection.

The Chair (Mr. Stephen Crawford): Schedule 2, as amended, was carried.

There are no amendments to schedule 3, sections 1 to 12. I propose that we bundle sections 1 to 12 of schedule 3 and consider them together. Is there agreement?

Mrs. Gila Martow: Agreed, but recorded vote.

The Chair (Mr. Stephen Crawford): Okay. Is there any debate on schedule 3, sections 1 to 12? Are the members ready to vote?

Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): The sections are, accordingly, carried.

We're going to proceed with NDP amendment number 38: new section 12.1 of schedule 3 to the bill. Ms. Sattler.

Ms. Peggy Sattler: I move that section 12.1 be added to schedule 3 to the bill:

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

"Minister's report

"86.1 Within six months after the day the Making Ontario Open for Business Act, 2018, receives royal assent and within every six-month period after that, the minister shall prepare a report setting out the following and publish it on a website of the government of Ontario:

"1. The ways in which fees paid to the college are being used.

"2. The ways in which any surplus funds held by the college are being used.

"3. Any preparations that are being made to wind up the college, including preparations regarding the college's assets, liabilities and employees."

The Chair (Mr. Stephen Crawford): A motion has been moved by Ms. Sattler. Is there any debate? Ms. Martow.

Mrs. Gila Martow: I just want to comment that we are committed to an orderly wind-down of the Ontario College of Trades. We need to ensure that it's a smooth transition, and we're working with the college to get that done.

I also want to thank the ministry for all of their work and advice that the staff at the ministry has given us on how to proceed through this process.

We think that the NDP's amendment was very hastily done and does nothing to actually encourage transparency. Instead, we think that it introduces a burdensome and redundant reporting mechanism that takes valuable time and resources away from our effort to modernize the apprenticeship system. I'm getting tired here.

It's about allowing all of the young people in our province, and some maybe-not-so-young people, to find those apprenticeship programs that they aren't able to get right now because of the lack of journeymen. We know the baby boomers are retiring and taking with them a lot of those skilled trades. We need to get the skilled trades up and running, get people trained and get Ontario back on track to be the engine of Canada.

The Chair (Mr. Stephen Crawford): Any further debate? Ms. Fife.

Ms. Catherine Fife: I just want to point out that the reason we had to bring forward this amendment—which was not hastily crafted like this piece of legislation—is that there is no plan and transition strategy in place for the Ontario College of Trades.

Our amendment would require the minister to report on the wind-down, which is a transparency mechanism that the minister should be using, including—and this should be of interest for the PC members—the use of any dues collected or surplus from the collection of dues from the Ontario College of Trades.

There's a lot of money that went from memberships into that organization. There was always a lack of transparency as to where the funds were going, how the funds were being spent, who was benefiting from the use of those funds. So New Democrats are seeking clarity and transparency on that strategy.

This is your last chance. It's the last-chance amendment to actually show that you care about the transition and the wind-down of the Ontario College of Trades.

We went to the briefing—myself and MPP West. This question was asked of the ministry. I want to thank the ministry staff as well, because they were catching up to this legislation, because this legislation did not go through the regular channels of how you craft a good piece of

legislation. This is essentially a spiteful piece of legislation that looks to pull back the protection of workers and does not address, in any substantive way, the skilled trades crisis that we have in the province of Ontario.

But at the very least, at the bare minimum, the bottom-of-the-barrel expectation is that there is some reporting mechanism of what's going to happen with the College of Trades. Where is the money going to go? Who will have responsibility for ensuring that workplace health and safety strategies are in place?

There was a really good op-ed that was posted in the Hamilton Spectator. It asked of this government whether there will be a "joint commitment to ensuring the health and safety of the workers, apprentices, journeypersons and supervisors," and why one size fits all for industrial, construction, power and service, because those are all important parts of the trades.

I want to know, and people in the trades want to know, how the surplus around the collection of dues will actually play itself out. If you care about financial transparency and fiscal responsibility, you would want to know too.

How the government side can say that this is not an important amendment to the wind-down of the Ontario College of Trades is beyond me, honestly.

The Chair (Mr. Stephen Crawford): Any further debate? Mr. West.

Mr. Jamie West: The comment was made that it was a hastily done amendment. It seems very well thought out and well spelled out.

The previous comment from the government was, "We're committed to an orderly wind-down." Chair, I used to be a university sessional professor, and I'm used to students fudging what has been done and using words like "several" or things like that. I would like to see details of the orderly wind-down and not just a thumb-suck promise on what that looks like. I don't mean that as insulting; I mean like a "check the wind" thumb-suck.

When you just say, "We're going to do an orderly wind-down; trust us," it has the same weight as "we're removing cap-and-trade and, trust us, we have a plan coming" in the past, right? The government so far, since I've been elected, has a tendency to say, "We're getting rid of this legislation we think is bad and we don't have a plan to replace it. But, trust us, we're going to have a plan."

What we're saying in this amendment is, "What is the plan, and how do we make sure that the beans are counted and?"—

The Chair (Mr. Stephen Crawford): Thank you, Mr. West.

Committee members, pursuant to the order of the House dated November 12, 2018, 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 47 and every amendment thereto.

One 20-minute waiting period is permitted at this time, pursuant to standing order 129(a).

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 members like to take a 20-minute recess?

Interjections: No.

Ms. Catherine Fife: We agree on something.

Mr. Jamie West: Chair, could we take a five-minute recess? Because it has been a long time with a lot of liquid, and that would be great.

The Chair (Mr. Stephen Crawford): Is that acceptable to everyone here? Is there unanimous consent on a five-minute break? Okay, so we'll take a five-minute break and come back at 5:36.

The committee recessed from 1731 to 1736.

The Chair (Mr. Stephen Crawford): Okay, we will now proceed. We are on amendment 38 from the NDP: a new section, 12.1, of schedule 3 to the bill. Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Fife, Sattler, West.

Nays

Stan Cho, Martow, Parsa, Piccini, Skelly.

The Chair (Mr. Stephen Crawford): The motion is accordingly lost.

There are no amendments to schedule 3, sections 13 and 14. I propose that we bundle sections 13 and 14 of schedule 3 and consider them together. Is there agreement? Are the members ready to vote? Shall schedule 3, sections 13 and 14 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The sections are accordingly carried.

We'll now move on to amendment 40 from the NDP: section 15 of schedule 3 to the bill. Are the members ready to vote? Shall the motion carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is accordingly lost.

Shall schedule 3, section 15 carry?

Mrs. Gila Martow: Can we bundle sections 15 and 16? In fact, what does it mean, "The NDP intend to vote against," when we're not discussing anything? Shouldn't we just go to, "Shall schedule 3 carry?"

The Chair (Mr. Stephen Crawford): We'll do it separately right now.

Shall schedule 3, section 15 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 3, section 15 is carried.

Moving along, shall schedule 3, section 16 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 3, section 16 carries.

Shall schedule 3 carry?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Schedule 3 carries.

Shall the title of the bill carry? All those in favour, please raise your hand. All those opposed, please raise your hand. The title carries.

Shall Bill 47, as amended, carry?

Ms. Peggy Sattler: Recorded vote.

The Chair (Mr. Stephen Crawford): Recorded vote.

Ayes

Stan Cho, Martow, Parsa, Piccini, Skelly.

Nays

Fife, Sattler, West.

The Chair (Mr. Stephen Crawford): Bill 47, as amended, carries.

Shall I report the bill, as amended, to the House? All those in favour, please raise your hand. All those opposed, please raise your hand. I shall report the bill, as amended, to the House.

Thank you very much for everybody's attendance and participation today. I now conclude the hearings on this bill.

The committee adjourned at 1742.

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Also taking part / Autres participants et participantes

Mr. Wayne Gates (Niagara Falls ND)

Clerk / Greffier

Mr. Timothy Bryan

Staff / Personnel

Ms. Catherine Oh, legislative counsel