

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## **Official Report of Debates (Hansard)**

SP-3

## **Journal des débats (Hansard)**

SP-3

**Standing Committee on  
Social Policy**

**Comité permanent de  
la politique sociale**

Working for Workers Act, 2021

Loi de 2021 visant à oeuvrer  
pour les travailleurs

**2<sup>nd</sup> Session  
42<sup>nd</sup> Parliament**  
Monday 15 November 2021

**2<sup>e</sup> session  
42<sup>e</sup> législature**  
Lundi 15 Novembre 2021

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Chair: Natalia Kusendova  
Clerk: Tanzima Khan

Présidente : Natalia Kusendova  
Greffière : Tanzima Khan

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## LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

Monday 15 November 2021

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Lundi 15 Novembre 2021

*The committee met at 0901 in committee room 1 and by video conference.*

## WORKING FOR WORKERS ACT, 2021

LOI DE 2021 VISANT À OEUVRER  
POUR LES TRAVAILLEURS

Consideration of the following bill:

Bill 27, An Act to amend various statutes with respect to employment and labour and other matters / Projet de loi 27, Loi modifiant diverses lois en ce qui concerne l'emploi, le travail et d'autres questions.

**The Chair (Ms. Natalia Kusendova):** Good morning, everyone. The Standing Committee on Social Policy will now come to order. We are here for public hearings on Bill 27, An Act to amend various statutes with respect to employment and labour and other matters.

As a reminder, the deadline for written submissions is 6 p.m. Eastern Standard Time on Thursday, November 18, 2021. Legislative research has been requested to provide committee members with a summary of oral presentations and written submissions as soon as possible following the written submission deadline. The deadline for filing amendments to the bill is 6 p.m. Eastern Standard Time on Friday, November 19, 2021. The Clerk of the Committee has distributed committee documents virtually via SharePoint.

We have the following members present in the room: MPP Deepak Anand and MPP Wayne Gates. We have the following members present on Zoom—I will only call those who were not here for the pre-meeting.

MPP Aris Babikian, please state your name and that you are indeed in Ontario.

**Mr. Aris Babikian:** I'm Aris Babikian. I am in Toronto.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. MPP Begum?

**Ms. Doly Begum:** I'm here in Scarborough.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. MPP Amy Fee?

**Ms. Amy Fee:** I am in Kitchener South-Hespeler this morning.

**The Chair (Ms. Natalia Kusendova):** Thank you very much. MPP Andrea Khanjin?

**Ms. Andrea Khanjin:** I'm Andrea Khanjin, calling in from Toronto.

**The Chair (Ms. Natalia Kusendova):** Thank you very much.

We are also joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little bit of time for your audio and video to come up after I recognize you, please take a moment before beginning. As always, all comments should go through the Chair. Once again, in order to ensure optimal sound quality, members participating via Zoom are encouraged to use headphones and/or microphones, if possible. Are there any questions before we begin?

MINISTRY OF LABOUR, TRAINING  
AND SKILLS DEVELOPMENT

**The Chair (Ms. Natalia Kusendova):** Seeing none, it is now my pleasure to call upon the Honourable Monte McNaughton, Minister of Labour, Training and Skills Development.

Minister, good morning. You have 20 minutes for your presentation, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition, and two rounds of five minutes for the independent member. I will give reminders of the time remaining during the presentation and the questions. Please state your name for Hansard before you begin.

Over to you, Minister.

**Hon. Monte McNaughton:** Good morning, everyone. I'm Monte McNaughton, Ontario's Minister of Labour, Training and Skills Development.

First, I would like to thank the Chair and members of the committee for the opportunity to speak to the Working for Workers Act, 2021. The work that all of you do is so vitally important and such an important part of the legislative process here in our province.

Second, I want to pay tribute to our Premier. He has truly been the leading force behind this legislation to ensure that workers are in the driver's seat as we build back a better province, coming out of the pandemic.

Third, I want to say thanks to everyone who contributed to the legislation we're discussing today. My parliamentary assistant, my colleagues on our caucus advisory team, my office team and my ministry officials all dedicated an immense amount of time and effort to crafting this bill that's before all of you. Their work and feedback ensured the changes reflected in this bill capture the perspectives of workers, labour leaders, businesses, academics, associations and other stakeholders. I can't thank them enough for all the work and time that they've dedicated to this process and getting us to where we're at today.

And lastly, I want to give a shout-out to our colleague MPP Wayne Gates. It's great to see MPP Gates back in action today.

Our government is rebalancing the scales. The moves included in this bill are unprecedented, but also long overdue. The changes being proposed today ensure that Ontario remains a province of opportunity. We must act now to protect the progress that we've made. Ontario is, and should always be, a place where hard work pays off and where big dreams come to life. Workers across Ontario are all different, and the type of work they do is different, but their work ethic and dedication to building Ontario unites all of us.

Looking back over the past two years, nobody has worked harder than our front-line workers. Many of them, such as those in grocery stores, braved it all to keep us safe during the pandemic, from stocking shelves to getting us the supplies that all of us needed. We know it hasn't been easy.

Earlier this month, I was proud to join labour leaders from across Ontario to stand with the Premier, the Minister of Finance and my parliamentary assistant and announce our plan to raise the minimum wage to \$15 an hour, starting next year. This change means that a full-time minimum wage worker could see a pay raise of \$1,350 a year. By extension, other wage groups are also increasing proportionately. For example, students could see their earnings rise by \$780 a year. That's good news for workers, families and communities across Ontario.

In addition, our legislation would apply the standard minimum wage to servers, who currently can be paid less than other workers. Servers work hard, are on their feet all shift, and many were hit hard by COVID-19. This is an important way to treat them fairly. Our changes mean they could see a raise of \$5,100 next year. Across the food and beverage services sector, this is more than \$80 million in the pockets of our servers.

I mention these changes because the Working for Workers Act builds on them. Everything our government is doing is part of the same goal: to protect, support and attract the best workers to our province; give businesses a hand up; and ensure Ontario remains the best place to live, work and raise a family.

The world of work has been changing for decades, but the pandemic has dramatically accelerated the rate of change here in Ontario and everywhere around the world. Millions of office workers adapted quickly to working

from home, as workers on the front lines worked tirelessly to keep us all safe. I know that many families, including my own, had to balance this new reality with online school and other mounting responsibilities. Some of these changes are temporary and will soon be gone as we return to normal, but many of these changes will continue to transform how we work long after the pandemic ends.

That's why, in June of this year, our government established the Ontario Workforce Recovery Advisory Committee. We asked the committee to examine the changing landscape of work and to provide recommendations that would position Ontario as the best place in North America to recruit, retain and reward workers. From June to September, they met with over 150 workers, union leaders, advocacy groups and employers. They also reviewed and analyzed an additional 550 written submissions and surveyed over 2,000 people who work and live in Ontario. Through this research and in their discussions, they explored how we could adapt and move forward. They also looked at how we can grow our economy by helping workers develop their skills and by changing our employment policies.

#### **0910**

I'm proud to say that through the legislation that we're discussing today, we are already moving forward on several of their key recommendations. For example, Bill 27 includes legislating that employers have right-to-disconnect policies and would ban the use of non-compete agreements. I'd like to address the first part of this, which is an important step to ensuring that people can unplug at the end of their workday.

As I mentioned, the pandemic has drastically changed the landscape of work. It has pushed many workers online who once commuted to office jobs. Many of us now attend meetings from our kitchen tables while keeping an eye on our kids and juggling other responsibilities. And even when we're off the clock, we're always watching our phones for work-related emails.

There's no question that the pandemic has blurred the lines between work and home life even more than was already the case. Ontario cannot be a province where people burn out from endless work and family time comes last. We need to give our workers a break. We need time to be more than our jobs, to watch our kids grow up, to pursue our hobbies, to participate in faith communities and to volunteer with charity organizations. That's why we're proposing to require employers to establish policies to let workers unplug from their devices. The policy could include, for example, clear expectations about response times for emails and encouraging employees to put out-of-office notifications on when they aren't working. We've seen it done successfully in other jurisdictions, including Ireland and France.

Our next proposed legislative change relating to the future of work would ban employers from using non-competition agreements. While these agreements are generally unenforceable, employers often use them to intimidate their workers, even those working in entry-level positions. These agreements generally say that a worker

can't seek other opportunities at other companies in the same field for a period of time after they leave their current job. This stops many of them from pursuing exciting opportunities that would help them grow professionally and earn bigger paycheques. This isn't fair to workers who are eager to advance their careers, and this isn't fair to the thousands of small start-ups we have right here in Ontario who are starved for talent, especially in the tech sector. Leaders working in Ontario's innovation corridor, like Communitech, which has more than 1,600 member companies, have told us this change is critical to unleashing their sector. The change we're proposing would help our groundbreaking start-ups find the entrepreneurial workers with the skills they need to scale up, grow and prosper. We're not competing against Edmonton, Halifax or Vancouver; we're competing against Silicon Valley, New York and Austin, Texas. With these changes, we can make Ontario known worldwide as the best place to live and work—a place that respects you, your work and your workplace, wherever it may be, and a place where the future works for you.

Another change coming out of the pandemic has been the sharp increase in demand for delivery services to bring us the products we need just in time. When we could not go into stores, more of us were shopping online and ordering through apps and websites. I commend everyone who did their part by supporting local merchants and shopkeepers over the past two years.

But we cannot forget the more than 240,000 drivers who kept goods moving and the economy going throughout the pandemic. These heroes made sure we had food on our tables, clothes on our backs and other critical supplies when we needed them the most. Because of their hard work, those most at risk could stay home and still get food and other necessities delivered.

Drivers and couriers work long hours on the front lines. It's not uncommon for these workers to drive up to eight hours to make a delivery in areas where there are not many rest stops. If they need to go to the washroom, they have few choices. They can either go where they're delivering or picking up or try to find a restaurant or café—which were all closed during COVID-19.

These drivers had our backs during the pandemic, and it's time that we were there for them. They deserve our respect and reliable access to washrooms. That is why we are proposing to require business owners to allow workers who are delivering or picking up items at their business to use a washroom. At the start of the pandemic, our government opened rest stops to couriers and truck drivers, even when they were closed to the general public. These changes go a step further to show our front-line workers that we care and we support them.

In addition to shining the spotlight on our front-line heroes, this pandemic has also exposed a great injustice in our province. While most temporary help agencies and recruiters are upstanding operations, this pandemic has shown us there are some who are breaking the law. This is unacceptable, and it needs to stop. Underground operators should not be making millions of dollars off the backs of

workers while not paying minimum wage, not paying holiday pay and not paying overtime pay. It's time we return these stolen paycheques back to the workers who earned them and level the playing field for agencies and recruiters who follow the rules.

The plan our government is proposing is the most comprehensive in the country. If passed, it would require agencies and recruiters to get a licence, pay an application fee and be listed on a public online database. Those who fail to get a licence or choose to use an unlicensed agency or recruiter could face the highest fines in our country. We're putting vulnerable workers and honest employers first, while shining a light on rule breakers. Breaking the law is not a cost of doing business. If you're not following the rules, we can and we will shut you down. These steps will protect our young people, women and recent immigrants, who are often the most exploited by these bad agencies.

Next I'd like to talk about the proposed amendments to the Fair Access to Regulated Professions and Compulsory Trades Act, 2006. Canada's population is aging. More and more people are retiring or will be soon. In the skilled trades, where there are many fantastic opportunities available today, the average age of a journeyperson is 55. In other words, one in three of our women and men in the trades will be soon hanging up their tool belts.

Already we rely heavily on immigration to meet the demand our employers need, it's not always easy for people and their families to settle and find jobs in their chosen field. When we look at the national statistics, immigrants earn less than those who were born in Canada, and this earnings gap has worsened even though immigrants are increasingly highly educated. The reality is that there are barriers that people, no matter how skilled or experienced, face when they come to Ontario with foreign credentials. This is especially true when it comes to regulated professions like engineering, architects and accountants. Many internationally trained workers can't afford to go through the administrative hurdles to transfer their professional credentials, and even if they do, these processes can be confusing and time-consuming.

That's why we are proposing changes that would, if passed, help make a real difference. To begin, we are proposing to eliminate Canadian experience requirements for professional registration and licensing, unless an exemption is granted because it's necessary for public health and safety.

We are also proposing changes to streamline language-proficiency testing requirements. This would mean newcomers are not tested again and again and again. Right now, many newcomers are tested when they immigrate, and again when they are going through the process to become registered with a regulated profession. This duplicative testing offers no additional information, and it's frustrating, time-consuming and stressful.

Other proposed changes would, if passed, enable the creation of regulations to speed up the time in which regulators are required to make a decision. Every day that a newcomer is not practising their profession is a day

where they are missing out on earning more for their family and our communities are missing out on the skills that we need. Needless delays in processing regulatory decisions have a cost to them. Our changes will ensure regulatory bodies are taking a customer service approach.

The need for speed is especially important during emergencies. That is why these proposed amendments would also enable the creation of regulations to ensure faster registration processes are implemented where there is an acute need, like during a natural disaster.

Not only would these proposed changes, if passed, help get immigrants working in their chosen field, they could help speed up the process as much as five years sooner.

**0920**

It is time that we provide newcomers with a clearer path to starting their careers. These proposed amendments, if passed, would help give newcomers the pride of continuing their careers in regulated professions and contributing their knowledge and experience to their new home, all the while knowing our government has their backs; and they would empower newcomers to contribute their skills to building Ontario.

I urge the committee to support Bill 27, the Working for Workers Act, 2021. The world of work is obviously shifting quickly, and to protect workers, our laws need to keep up. Workplaces are drastically different than they were just two short years ago, but some things have not changed. We know people need to feel confident that they can support their families and provide for their future. We also know they want well-paying jobs, where they have their employment rights protected and have an opportunity for growth and advancement. If passed, this bill would ensure these basic rights are protected and our economy remains strong in the years to come. Our mission is to give workers a hand up to better jobs and bigger paycheques.

Ontario is a province of leaders. We're not afraid to be the first in Canada, in North America and even around the world to act. Looking to the future, we're not going back to where we were before. We're levelling the playing field and lifting everyone up. The way we work has changed, but I'm confident that the measures outlined today would, if passed, ensure Ontario continues to be the best and safest place to live, work and raise a family.

Chair, again, I want to thank you and the committee for the opportunity to be here today and for your time this morning. I look forward to taking questions from my colleagues.

**The Chair (Ms. Natalia Kusendova):** Thank you very much, Minister. We will now begin with seven and a half minutes of questions from the government side.

**Mr. Deepak Anand:** Thank you, Minister, for the deputation.

Chair, MPP Martin would like to start.

**The Chair (Ms. Natalia Kusendova):** MPP Martin, go ahead.

**Mrs. Robin Martin:** Thank you, Minister, for presenting to us.

It's a really interesting piece of legislation. As a lawyer, some of the changes with respect to non-competes and

stuff like that are news to me and kind of interesting—this whole notion of labour market mobility and making sure that labour can move easily and, therefore, people can have all the opportunities available.

I was just wondering if you could talk about the non-competes. Some businesses have expressed a concern that this might make it difficult for them to protect their intellectual property. How are we addressing that in this piece of legislation?

**Hon. Monte McNaughton:** Well, thank you so much, MPP Martin. Thanks for your leadership, as well, in the caucus [*inaudible*] and your great work.

You're right; I think in terms of the tech sector, there are about 28,000 companies here in Ontario, and labour mobility is something that is important.

We need to retain talent here, and we also need to attract talent. I think of attracting talent from places like Boston and Austin and Silicon Valley. This is a barrier—knowing that Ontario has non-compete clauses.

In the legislation, we are protecting IP, like you asked. That's certainly important.

But, again, for me, this is also about protecting vulnerable workers. For example, workers who work in fast-food restaurants were coming forward, saying, "My boss made me sign a non-compete agreement." These are being used to intimidate the workers.

Again, we need to lead the country on this to ensure that we are a jurisdiction of labour mobility. I'm very excited about this. It's going to go a long ways. It has been endorsed by workers, obviously, labour and the business community.

**Mrs. Robin Martin:** Thank you, Minister. I understand that a bit better now.

The other concern I had is that the bill seems to put a lot of new requirements on our employers. It has been a difficult time, obviously, especially for small businesses through the pandemic. They're just starting to get their legs under them to start building our economic recovery here. So I'm just wondering if there are other actions that your ministry is taking concurrently with this to try to support our small businesses in our communities.

**Hon. Monte McNaughton:** Absolutely. Some 90% of people in Ontario work in small businesses. I come from a small business background. It's important that we keep our main streets open and continuing to grow to create jobs.

We're doing a lot for small businesses in terms of the billions of dollars our government has provided to small businesses throughout the pandemic to help them.

Our ministry is taking action to reform the WSIB, for example. In this legislation, we're creating a formula where surplus dollars are returned to businesses across the province. We built a sustainable WSIB system to ensure that this insurance system is in place for workers and businesses for generations to come. When I first got to Queen's Park 10 years ago, the system was on the brink of bankruptcy. It has been turned around, in part because of businesses paying higher premiums, so it's time we ensure that we return those premiums to workers and to businesses, and that's exactly what we're doing.

**Mrs. Robin Martin:** I think my colleague MPP Babikian now has a question for you.

**The Chair (Ms. Natalia Kusendova):** Go ahead, MPP Babikian.

**Mr. Aris Babikian:** Minister, thank you very much for the opportunity to speak to you and discuss this very important bill.

To me, the most interesting and the most exciting aspect of the bill is on the internationally trained newcomers to Ontario. I speak from experience about the struggle that newcomers, ethnic communities and new immigrants have been going through to practise their own trade, which they have been trained to do overseas. I speak with the experience of 30 years. When I was member of the Canadian Ethnocultural Council and of the National Ethnic Press and Media Council of Canada, we saw how difficult it was. We lobbied so many different levels of government, but nothing happened. Finally, there is a minister and there is a government that is taking this task head-on. I am very grateful, and I'm sure that hundreds of thousands of other newcomers will be grateful.

Can you shed more light on this aspect of the bill and how that will benefit newcomers and Ontario?

**Hon. Monte McNaughton:** Thanks, MPP Babikian. You played a huge role in making this a reality.

I'm really excited about this. We're the first province in the country to take action on this.

For me, it's about two things: It's about helping newcomers to live life to their full potential, to earn more money for themselves, but most importantly to provide more take-home pay for the families. When you think about how in Ontario only 25% of immigrants are actually working in a field that they've studied, that's an injustice to newcomers. I've been clear that governments of all stripes for the past couple of decades should have taken action on this, so I'm proud of Premier Ford and our government for moving on this.

Secondly, we have a huge labour shortage in the province. Today in Ontario, 316,000 jobs are going unfilled. We need to ensure that we have workers who have the skills to fill the labour shortage out there. For example, in the skilled trades—

**The Chair (Ms. Natalia Kusendova):** One minute remaining.

**Hon. Monte McNaughton:** —we're short 100,000 workers over the next number of years in construction alone. If we want to build infrastructure projects on time and on budget, we need workers to do that important work.

**The Chair (Ms. Natalia Kusendova):** We have 45 seconds remaining.

**Mr. Aris Babikian:** Minister, do you know what some of the industries are where workers will benefit from it?

**Hon. Monte McNaughton:** Well, I highlighted accounting, for example, and architecture and engineering. The list goes on and on and on. But I see, when it comes to the skilled trades shortage, for example, that this will play a key role in filling those labour shortages.

**The Chair (Ms. Natalia Kusendova):** With that, I will turn it over now to the official opposition for seven and half minutes. MPP Sattler.

0930

**Ms. Peggy Sattler:** Thank you, Minister, for appearing before the committee today.

I have to say that this bill is very much a mixed bag, from our perspective. There are some deeply concerning aspects of this bill—in particular, schedule 6; I know my colleague Wayne Gates will have more to say on that. Even the schedules that provide some incremental improvements are sadly lacking in measures that would help them be effective. So I want to begin by asking some of those questions about the shortcomings of the schedules in particular that deal with temporary help agencies and some of the other changes in the bill.

With regard to temporary help agencies: I wondered if your ministry had given any thought to including financial penalties for employers who use unlicensed temporary help agencies. I think there is a big concern that without a significant financial penalty, there is no incentive for an employer not to use an unlicensed temporary help agency. Even though you've put in a requirement for licensing, there will still be unlicensed temporary help agencies used by employers because employers don't have any skin in the game.

**Hon. Monte McNaughton:** Thank you so much for your question.

I hope the official opposition will support this legislation, the Working for Workers Act. It really is all about rebalancing the scales, putting workers in the driver's seat. We're not going back to where we were before the pandemic started.

Specifically on temporary help agencies: We are bringing forward the most comprehensive plan in Canada. Those temporary help agencies and recruiters that break the law are going to be faced with the highest fines in the country and possible jail time. We know the overwhelming majority of temporary help agencies and recruiters play by the rules, but there are some that do not, and we're bringing in comprehensive legislation to address this problem. Furthermore, we're also creating a dedicated team of investigators and inspectors to hit the ground running in the next number of weeks to ensure that we're addressing some of the problems we're seeing.

No worker should be afraid to go to work. No worker should have their passport locked up. No worker should have their movements tracked. No worker should be paid below minimum wage. No worker should be sleeping on hay bales. These are some of the things that we're addressing, and I can assure you that we will have the highest fines in the country and there will be jail time for lawbreakers.

**Ms. Peggy Sattler:** But your ministry is okay with having temporary workers receive a lower rate of pay than the regular employee they're working side by side with. You did not move forward with reinstating the equal-pay-for-equal-work provisions of the Employment Standards Act for temporary workers. Your ministry is okay with not making employers liable for health and safety issues on

the job. We know what happened at Fiera Foods and many other workplaces like that, which heavily rely on temporary workers and yet have no accountability for the health and safety of those workers on the job.

If you really cared about the situation of temporary help workers, I'm wondering why your ministry didn't look at those changes. Why did you not bring in equal pay for equal work? Why did you not make a commitment to move forward with the WSIA subsection 83(4) changes that would have made employers—not the temporary help agency, but the employer—financially responsible if there is a death or injury of a temporary worker in a workplace?

**Hon. Monte McNaughton:** Everything we're doing in this legislation is about ensuring that workers have bigger paycheques, that they have more workplace protections, and that we're creating opportunities for workers to have jobs with pensions and benefits.

We are bringing in the most comprehensive plan in the country when it comes to temporary help agencies.

We're moving forward with increasing the minimum wage. As I said, for someone earning a general minimum wage, they're going to get a pay increase, starting in January, of about \$1,400 per year. If you're a restaurant server serving liquor, for example, that pay increase is going to go from \$12.55 an hour to \$15 an hour; that's \$5,100 more per year.

We're moving forward with a right-to-disconnect policy in Bill 27 to ensure that employers with 25 or more employees will have a policy in place. We all know that the lines have been blurred between work time, personal time and family time. We need to bring transparency to that, since the world of work has changed quickly.

We're banning non-compete clauses to ensure that workers aren't intimidated by bosses out there, to improve labour mobility.

When it comes to returning the surplus at the WSIB, that will be distributed to safe employers, based on their health and safety records.

Again, everything we're doing is about bigger paycheques for workers and their families, more workplace protections and creating more opportunities for all workers to spread opportunity more widely and fairly.

**Ms. Peggy Sattler:** Fiera Foods would be considered a safe employer, because despite the fact that five temporary workers died at that workplace, there's nothing on their WSIB record about those workplace deaths. So that is a huge concern.

If you cared about temporary help workers, you would be making those employers where those workers are placed liable for their health and safety on the job.

I want to go to the schedule that deals with access to washrooms. Certainly, this is a health and safety concern. I spoke with gig workers myself, and I know that it was one of the many, many issues that they raised about their workplace conditions.

You will be familiar with the Gig Workers' Bill of Rights, I expect, as Minister of Labour, and you will know—

**The Chair (Ms. Natalia Kusendova):** Thank you very much. We are out of time.

Seeing as we do not have the independent member present with us, we will go back to the government side. MPP Anand.

**Mr. Deepak Anand:** Minister, the member opposite was talking about the bathroom access. I do remember I got a call from a couple of truck drivers in my riding. One of them was Satinder; the other one was Shahid Mughal. It was very devastating to see these front-line heroes who are supporting us, working with us—and then they have to sometimes walk as much as two kilometres to get a simple, basic thing as washroom access.

My question to you is, how does the requirement to provide bathroom access help workers—not only us, but for the federally regulated industries as well?

**Hon. Monte McNaughton:** Well, thank you, PA Anand, and I have to say thank you for your leadership on the entire legislative package that we're bringing forward, but on this specifically. I remember, in the early days of the pandemic, you and I hearing from truck drivers, and they would send us photos—I remember one in particular. A transport truck driver went to a warehouse, he went up to the door, and there was a picture on the door that said, "Washroom facilities for team members only."

Truck drivers are team members in Ontario. They got us pharmaceutical supplies. They got us food to grocery store shelves. They ensured that we had those basic necessities that all of us depended on and took for granted, quite frankly.

This is really, really important to ensure that couriers, truck drivers, app-based food delivery workers get access to washroom facilities. We're bringing forward legislation in Bill 27, the Working for Workers Act, that would ensure that if you're picking up a product or delivering a product from a commercial place of business, you will have access, by law, to their washroom. This is the very least we can do for these heroes.

**Mr. Deepak Anand:** I actually got a lot of calls. People were appreciating, thanking—and actually, in the truck world, there were two articles written on this specifically, thanking you. But then I got calls from Uber drivers, I got calls from other drivers, and they were concerned. They were saying, "Is it only for the truck drivers, or are you going to include more drivers?" What would you like to say to those people?

0940

**Hon. Monte McNaughton:** I met with dozens of app-based food delivery drivers as well, with couriers. I remember speaking with a Purolator driver out in front of my office just last week who was ecstatic that Premier Ford and our government moved forward with this. And, of course, as you know, we met with many truck drivers.

This is going to benefit more than 200,000 drivers in the province. They will now have access, if our legislation passes, to washroom facilities. On the gig worker side, specifically, this was their top health and safety ask.

So I'm proud that we're taking action to support all workers out there. Again, everything we're doing is about

bigger paycheques, more workplace protections, and creating more opportunities for workers in every community.

**Mr. Deepak Anand:** Minister, I want to switch gears.

As you know, I came to Canada on January 15, 2000. I had my chemical engineering background in India, and I worked there for about five years. But when I came here, the first thing I realized was that I could not work anymore as an engineer, because this profession is licensed.

And then we heard from MPP Sheref Sabawy. He talked about how he had to work at Tim Hortons.

So, yes, we talk about all these things—that there are going to be regulatory changes for foreign credential recognition. But when you spoke to the regulatory body, what was their response? How did they react to you? I think this a key piece which people want to know as well.

**Hon. Monte McNaughton:** Absolutely. We are the first province to take action on this issue in the country. In fact, in many parts of this legislation, we're the first in North America to take action. So I'm proud of our government to have the backs of workers.

This is something that should have been dealt with years ago. Unfortunately, under Premier Wynne and Premier McGuinty and even further back than those two Premiers, it was never addressed. We all know new Canadians who are driving a taxi or Uber. It's an injustice. That's why we need to take action to create a clear path for new Canadians to fully apply their skills right here in the province of Ontario. When you think about it, only 25% of immigrants are actually working in a field or profession that they've studied. That truly is an injustice. When we talk about workers having more take-home pay, this is one of the biggest things that our government can do to support new Canadians and help those 75% of immigrants who are actually here in Ontario get into more meaningful employment, to get jobs with pensions and benefits, something that we, as Conservatives, support.

**Mr. Deepak Anand:** Thank you, Minister. That was wonderful.

MPP Babikian would like to ask the next question.

**The Chair (Ms. Natalia Kusendova):** Go ahead, MPP Babikian.

**Mr. Aris Babikian:** Minister, many people keep asking the question about the number 25 cut-off limit. Can you elaborate more on that issue and how you reached the conclusion of the 25 number?

**Hon. Monte McNaughton:** Are we talking on the right-to-disconnect policy?

**Mr. Aris Babikian:** Correct.

**Hon. Monte McNaughton:** Our legislation is clear that we're requiring employers that have 25 or more employees to develop right-to-disconnect policies.

Again, the lines between work and personal time and family time have been blurred during this pandemic. These workplace policies could include, for example, expectations about response time for emails and encouraging employees to turn on out-of-office notifications.

Everything we're doing is leading not only in Canada but across North America. I highlighted Ireland and France, for example, who brought a right-to-disconnect

policy in. Ninety per cent of workers in Ontario know that the future of work has changed because of the pandemic. We need to respond in a timely manner to support our workers. This is a start, a lot of the things that we're doing, but I'm really excited about this, to really give transparency to workers.

**The Chair (Ms. Natalia Kusendova):** At this time, I'd like to signal the presence of MPP John Fraser. Welcome. We will get to you in the next round of questions.

I will now turn it over to the official opposition for seven and a half minutes.

**Mr. Wayne Gates:** To the minister: Thanks for coming here before the committee. You talked for 20 minutes, sir, and no mention of injured workers in your 20 minutes—none.

Schedule 6 is the poison pill in this bill. My other colleagues can talk about the other five, but that's the issue that's facing Ontarians today. I know—because I've sent you the document—the Occupational Disease Reform Alliance is an alliance of workers and widows demanding justice for their loved ones. Their loved ones had their lives cut short for no reason other than the fact that they went to work where they were exposed to cancer-causing chemicals. The ODRA is sick of hearing you say that you have no ability to help them get justice, so they drafted four specific legislative acts for you to right this wrong. You know this because I provided your office with a copy of their materials, which I'm sure you've read. Will you commit here today to include provisions in this bill to expand coverage for workplace cancers and meet their four demands, or are you just telling them your government will continue to ignore justice for these workers?

I want to finish by saying that you keep talking about workers and how much you care about workers. These are workers who went to work and got hurt on the job. Do you know what happened to them? They're living in poverty. They got deemed. They lost their houses, they lost their families, and they lost their responsibility in the community. It's an absolute disgrace for this province. You're going to talk about workers and bring schedule 6 here? All the money, the \$3 billion that's going to go back to employers—why isn't it going to those widows and to those workers who died on the job, who got hurt on the job and now they're living in poverty?

Maybe you could answer that question, because I know they're listening today and they want to hear what you have to say about this, Minister. It's a disgrace.

**Hon. Monte McNaughton:** It's unfortunate that the NDP are not supporting this legislation.

We all agree, and we all know, that every worker deserves to come home safely after a hard day's work. We're bringing in and strengthening workplace protections. It's important that we have a WSIB system that's going to be there for workers for generations to come.

As I said, I remember when the WSIB was on the brink of bankruptcy, with a huge unfunded liability. We built back a better system for workers to ensure that those benefits will be there for them. And we're only ensuring that premiums, if they're reduced, are for safe employers.

We've seen great progress in workplaces across the province where they're investing previous WSIB premiums in health and safety programs to ensure that workplaces do a better job of protecting workers.

We're going to continue improving workplace conditions every single day to ensure that we have a WSIB system for workers and employers, and continue to make improvements.

**Mr. Wayne Gates:** Thank you for your response, although I don't agree with it, obviously. Whether we're supporting the bill or not really isn't the issue here. The issue is about injured workers who are living in poverty.

Fiera Foods is going to get a large sum of money—that's a big employer in the province of Ontario that killed five workers—no liability to them. So don't tell me how safe employers are going to be rewarded. You're going to reward Fiera Foods in the millions of dollars, and they had five people get killed on the job, from agency employers, because there's no responsibility—

**The Chair (Ms. Natalia Kusendova):** Mr. Gates, I'd like to remind you to make all comments through the Chair, please.

**Mr. Wayne Gates:** Well, it's tough to talk to the Chair on Zoom, but if that's what you want, sure.

Minister, under your watch, 50% of workers in Ontario who got injured in a workplace live in poverty. I know you don't live in poverty. I don't live in poverty. Under your watch, getting injured in Ontario means a sentence to poverty. One of the biggest reasons for this is because you are allowing loopholes known as "deeming." I have a bill before you that I've talked about passionately, right here in this chair, talking about deeming. Stop the deeming. When you talk about surpluses—there's where your surplus is. What you did is, you cut workers off. You cut the responsibility of paying them. So that surplus grew, but workers didn't get any pay. They're living in poverty. They lost their homes. They lost their families. That's what deeming is doing, and you know that.

I think you know what you're doing as the minister, but on deeming you know the way to make sure that that money is going back to employers is, don't do deeming and let people live in poverty. That's disgraceful. You can't care about workers if you don't care about injured workers, because they are workers.

**0950**

Despite the fact that we tabled common-sense legislation to ensure WSIB practice conformed with the regulations used by the EI federally, you have refused to end the practice of cutting workers' benefits because they have phantom jobs. Can you explain why you continue to support this practice? Because I don't understand it, Minister; I really don't.

**Hon. Monte McNaughton:** It's important that we build back a better WSIB system to be there for workers, their families and our small businesses across the province. Employers with a strong health and safety record are the ones that see a premium reduction. I'm proud that as a government, we've been able to reduce premiums, especially for those small businesses. Again, it was only a short

time ago when the WSIB was in serious financial health. Just think of what would have happened if we didn't have a WSIB system to pay workers. That's why it's important that we build back a more sustainable system that's going to be there for decades to come.

I'm proud to say that, with the changes we're making, we're rewarding safe employers. We're ensuring that there are more health and safety programs that they can invest in. We've hired 100 more health and safety inspectors to improve workplace health and safety. We've put out hundreds of guidelines and guidance documents in multiple languages. We're bringing forward legislative changes to crack down on temporary help agencies and recruiters that break the laws.

We will be there for workers every single day. And actions speak louder than words. Our Working for Workers Act is leading not only Canada but North America in bringing forward changes that improve paycheques for workers, more take-home pay for themselves and their families, more workplace protections, and creating opportunities so people can have jobs with pensions and benefits, something that we as Conservatives support.

**Mr. Wayne Gates:** Can you stay on schedule 6, please? I've heard all that for the last 20 minutes.

**The Chair (Ms. Natalia Kusendova):** Forty seconds left.

**Mr. Wayne Gates:** Okay. Under your watch, the government before you—the WSIB has reduced payable benefits from \$4 billion down to \$2.1 billion. Essentially, this surplus has been achieved by cutting benefits to workers. Now you're proposing sending those workers' benefits back to employers.

Can you explain why schedule 6 of this bill completely ignores the services cut to injured workers and why there are no provisions in it for them to be treated with dignity?

And answer this question: Is Fiera Foods a safe employer that you're going to give millions of dollars back to? If you're saying your employers are going to be safe—are you going to give any money to Fiera Foods? We know—

**The Chair (Ms. Natalia Kusendova):** I'm so sorry, but we are out of time.

Now I'd like to turn it over to our independent member, MPP Fraser.

**Mr. John Fraser:** The minister can answer that question, if he wants to say yes or no.

**Hon. Monte McNaughton:** Only employers that have a strong health and safety record will see reductions—

**Mr. John Fraser:** That's not a yes or a no, but we'll take that.

Thank you very much, Minister. I've got four and a half minutes, five minutes, so I'm going to try to condense what I missed. Please bear with me. I think my colleague MPP Gates said a lot of things that I wanted to say, so I'm not going to repeat those.

There are some good things that are in the bill; there's no question about that.

The access to trades and professions is a very important change. I don't think you're going to get all the results you think you're going to get out of that. Canadian experience

is one thing—it's education. Those regulated professions are at arm's length from government, and it has been a real challenge over 15 years actually getting those things to change. So I think you're going to have to talk about education as well as experience, because I think in the case of engineers, as my colleague across the way said, that's the block there. I think you still may have a long way to go unless you put something stronger in this piece of legislation with regard to regulated professions. But I want to thank you for putting in what you have put in.

I want to talk about two things. Schedule 4—not a question; just to let you know that there are a lot of people in the agricultural communities who are really concerned about schedule 4 and their information. I don't know if you've heard that yet. I'd be happy to talk to you about it. I know that my NDP colleague MPP Vanthof has raised that issue in the Legislature.

And I want to talk about schedule 6. I'm trying to understand why, if we don't have coverage for all workers who are essentially doing the same things in the same settings—and I've talked to you about this before. I have a private member's bill with regard to DSWs and PSWs. If they're working in a retirement home or a long-term-care home, basically doing the same work, some are covered and some aren't because of the legislation. If you're working in a group home that's run by the province, you're covered by WSIB, but if you're contracted to the province, you're not covered—doing the same work, same risks.

I see the changes in here, but I'm looking for the balance. What's on the workers' side of things? Are we actually expanding coverage to those people who really should be covered? There are more than just what I described here.

On top of that, from an employer perspective, I don't know why we're not more comprehensively going to a rate review and aggressively looking at all the risk assessments that we have for all businesses. Maybe we have surpluses because we're charging them too much. It's kind of the cart before the horse.

I get this. The thing is, WSIB should not just be taking money in and then having it sit in a surplus account—how much time do I have?

**The Chair (Ms. Natalia Kusendova):** Two minutes.

**Mr. John Fraser:** Okay. I'm going to give you a chance for an answer; don't worry.

It's the balance between making sure that people who are covered and who should be covered because they're doing the same work in the same setting, but, because their employer is different, they're not covered—number one.

Number two, why are we not looking at employers and saying to them, "I think we're charging you too much, because we're charging these people over here this much and you that much, and you've got the same workers and the same kind of record"? We know we have those problems.

My take is, why aren't we doing something more concrete on that legislatively and actively in government instead of just coming forward with this right now?

**The Chair (Ms. Natalia Kusendova):** One minute remaining.

**Hon. Monte McNaughton:** I'm happy to respond.

Prior to this legislation, we did bring forward a new rate framework so, again, safe employers would see premium reductions.

I know you have a private member's bill on the table; thanks for your advocacy. You and I have spoken many, many times about this.

Again, we've brought forward a number of changes to improve the WSIB system for workers and employers.

You're right; this legislative change creates, essentially, a distribution framework when those funds are returned to employers—but only safe employers. I think that's the important thing to remember. We brought in a market-driven approach based on safety records of employers, which will improve health and safety programs in businesses. We're seeing that across the province.

On the foreign credentials—

**The Chair (Ms. Natalia Kusendova):** I'm so sorry, Minister, but we are out of time. Thank you so much for your presentation this morning.

Thank you to all the members and the staff.

That concludes our business for today. This committee now stands adjourned until Tuesday, November 16, 2021, at 3 p.m.

*The committee adjourned at 0958.*





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