

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

SP-4

**Journal
des débats
(Hansard)**

SP-4

**Standing Committee on
Social Policy**

Working for Workers Act, 2021

2nd Session
42nd Parliament

Tuesday 16 November 2021

**Comité permanent de
la politique sociale**

Loi de 2021 visant à oeuvrer
pour les travailleurs

2^e session
42^e législature

Mardi 16 novembre 2021

Chair: Natalia Kusendova
Clerk: Tanzima Khan

Présidente : Natalia Kusendova
Greffière : Tanzima Khan

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House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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Salle 500, aile ouest, Édifice du Parlement
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Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1710-9477

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 16 November 2021

Mardi 16 novembre 2021

The committee met at 1500 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 afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here to resume 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. EST 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 Anand and MPP Gates. We have already done our attendance check for our members participating remotely. We are also joined by staff from legislative research, Hansard, 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 always take a brief pause 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 or microphones, if possible.

Are there any questions before we begin?

**ONTARIO FEDERATION OF LABOUR
CANADIAN UNION
OF PUBLIC EMPLOYEES
ONTARIO NETWORK
OF INJURED WORKERS GROUPS.**

The Chair (Ms. Natalia Kusendova): We will begin with our first group of presenters. Each presenter will have seven minutes for their presentation, for a total of 21 minutes. The remaining 39 minutes of the time slot will be for questions from members of the committee. This time for questions will be broken down 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 members, and two rounds of 4.5 minutes for the independent member. Are there any questions at this time?

Seeing none, I'm happy to call on our first group of presenters this afternoon. We have Patty Coates, president, and James Clark, interim director of research and education, from the Ontario Federation of Labour. Welcome. Please state your name for Hansard before you begin, and you have seven minutes for your presentation.

Ms. Patty Coates: Good afternoon. My name is Patty Coates. I am the president of the Ontario Federation of Labour, representing 54 unions and one million unionized workers across the province. I am joined by James Clark, OFL interim director of research and education.

The OFL is disappointed but not surprised by the content of Bill 27, the so-called Working for Workers Act. Ontario workers urgently need legislation that includes strong enforcement and compliance mechanisms, the implementation of best practices they have long been calling for, and concrete measures that finally end the scandal that so many injured workers live in poverty. Sadly, Bill 27 includes none of these things.

My remarks today will focus on four issues:

—the bill's further erosion of Ontario's occupational health and safety system, the Workplace Safety and Insurance Board;

—the bill's failure to take the most immediately impactful steps to protect temporary workers' rights;

—the bill's failure to include deterrents and enforcement mechanisms that would make gig workers' protections meaningful and effective; and

—the bill's failure to make the refusal of overtime or work outside normal business hours a job-protected right.

These issues have become even more urgent during the pandemic. Indeed, the pandemic has drawn attention to the plight of precarious workers in Ontario, especially temporary and gig workers, and elevated their demands for greater protection.

One of the most serious flaws of Bill 27 is its accelerating erosion of workers' access to the WSIB. The standing committee should be aware of two stark facts: that nearly one quarter of Ontario workers, about 24% of the workforce, has no WSIB coverage at all; and that nearly half of Ontario's injured workers live in poverty as a result of being denied benefits or of excessively low benefit rates. No piece of legislation can claim to be working for workers when it worsens the circumstances of the most vulnerable segment of the workforce, injured workers.

Schedule 6 must be removed from Bill 27. Instead of allowing billions to be given away to employers, such as Fiera Foods, where five workers have been killed on the job since 1999, the bill should expand WSIB coverage to all workers, improve benefit rates and make it easier for their claims to be approved.

Another serious flaw is the absence of deterrent and enforcement mechanisms in the proposed licensing regime for recruitment and temporary help agencies. Likewise, the bill fails to include in a public registry employers that use these agencies to recruit migrant workers. If Bill 27 aims to end their exploitation, especially the widespread use of illegal recruitment fees, it must create strong incentives for compliance with a licensing regime, including:

- expanding joint and several liability to all parties in the recruitment supply chain for any illegal fees charged;
- expanding joint liability to employers who use recruiters that charge illegal fees;
- requiring a security deposit as a condition of licensing;
- creating minimum set fines at an amount that strongly incentivizes compliance; and
- ensuring that temporary workers are able to report violations easily and anonymously.

Beyond Bill 27, there are other steps the government has failed to take, including the long-overdue implementation of the regulation in subsection 83(4) of the Workplace Safety and Insurance Act, 1997, as amended by the Stronger Workplaces for a Stronger Economy Act, 2014, which would make employers and the temporary help agencies they use jointly and severally liable for the health and safety of temporary workers. An order in council is all that is required to bring this change into immediate effect. This small act would quite literally save lives. Given that two temporary agency workers have died on this government's watch, enacting subsection 83(4) can't come soon enough.

Similarly, Bill 27 fails to provide deterrent and enforcement mechanisms that would prevent employers from easily securing exemptions to the requirement to provide washroom access to workers making deliveries to or from workplaces. The widespread use of gig workers to make

deliveries during the pandemic has highlighted their appalling working conditions, including their frequent inability to access a washroom while at work. The government's announcement that this problem has finally been addressed does not align with the reality of Bill 27, which makes it easier for employers to avoid the requirement than to comply with it. The OFL is calling for the full-scale protection of gig workers, like every other worker covered by the Employment Standards Act or the Labour Relations Act. This would mean the implementation of the gig workers' bill of rights.

These same shortfalls exist for workers who wish to refuse overtime under the auspices of disconnecting from work. Again, the pandemic has highlighted the experience of workers who rely on mobile or computer technology, especially when working remotely, who feel pressured to work outside of normal business hours. Without a job-protected right to refuse overtime, the reasonable expectation to disconnect from work will be repeatedly dashed, and possibly with a threat of discipline or termination.

The OFL would have welcomed any move towards improved protections of workers' rights, but Bill 27 relies more on rhetorical gestures than concrete, enforceable measures. As Ontario workers struggle to make their way out of a devastating pandemic, they deserve better than having their legitimate aspirations exploited for purely electoral ends.

The OFL will continue to organize until every Ontario worker has the legal protections they truly deserve. Thank you.

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

Now I invite Fred Hahn, the president of CUPE Ontario, representing the Canadian Union of Public Employees. Welcome. You may begin. Please state your name for Hansard.

1510

Mr. Fred Hahn: Thanks for the opportunity to speak to you about how Ontario could actually start working for workers.

I'm Fred Hahn, the president of the Canadian Union of Public Employees Ontario. We represent 280,000 workers in the province, working on the front lines, providing vital public services in health care, education, social services, municipalities, universities and airlines.

If you truly want to ensure that Ontario is working for workers, it's going to take a whole lot more than what's here in Bill 27, especially since some of what's here is actually harmful to workers.

CUPE members know what it takes to make working conditions better and to make Ontario a humane and decent place to work. That's why it's shocking that the government failed to consult us.

The government said its proposed changes reflect the advice and recommendations of the Ontario Workforce Recovery Advisory Committee established in June—a committee that we, along with most of the labour move-

ment, criticized for its complete lack of labour representation. The flawed and incomplete Bill 27 is not a completely unsurprising consequence of this failure to consult.

The last time the province passed major labour legislation, in 2017, it was preceded by two years of consultation, with open, public hearings that both employer and labour groups alike participated in, known as the Changing Workplaces Review. As incomplete as those changes were, your government tossed those reforms aside as soon as you came into office.

Now you're bringing forward a bill that's rushed, not based upon consultations with labour, and weaker than what you scrapped upon being elected.

With or without Bill 27, workers will remain, by every objective measure, worse off under your government than they were the day you took office. The cruelest measure of this—although it's not part of this bill—is the average of \$5,300 in wages that minimum wage workers lost because you repealed a planned minimum wage increase. Even though you just recently announced it, three years too late, it's now far too little.

The right-to-disconnect section of this legislation is kind of bizarre, especially considering that there are hours-of-work and overtime rules that already exist. Bill 27 does nothing to expand those rights. Bill 27 contains no new enforcement mechanisms or penalties for employers who pressure workers to overwork. It merely tells employers that they have to have a policy about performing duties outside of working hours. In all likelihood, employers will just put into writing a policy that says they'll abide by the Employment Standards Act, and the culture of pressuring workers to overwork will continue, unaffected—and what does the bill propose happen if that actually did occur? Nothing. This is an empty reform designed, perhaps, for media headlines, or the government's electoral fortunes. But let's be clear: It's not going to help workers.

You've offered here bathroom access to workers, which most would consider the bare minimum. However, this bill allows for many exemptions; notably, washroom access need not be provided if it would not be reasonable or practical. This exemption is fertile ground for refusing access.

Meanwhile, you've ignored the many calls by workers and unions for actual reforms that would protect gig workers, like employee status under the Employment Standards Act, or equal pay for equal work—rules that already existed but that you repealed when you came into office.

I do want to spend some time on the worst part of this bill, which is schedule 6, focused on the Workplace Safety and Insurance Board.

Let me first note that we're proud that the workers at the Workplace Safety and Insurance Board, or the WSIB, are members of CUPE Local 1750.

The WSIB exists to support Ontarians who get sick or are injured at work, and yet, during the pandemic, instead of shoring up the WSIB, instead of expanding supports to workers who showed up at their jobs and went home sick or injured, this government is using this labour reform bill

to weaken the WSIB, to shrink the supports injured workers need.

You're choosing to continue attacks on the WSIB by reducing premium payments to the WSIB by about \$168 million, bringing the total reduction of premiums, since 2008, to \$2.4 billion. Premiums have been reduced by tons over the last six years. In fact, this move represents the sixth reduction in premiums through a rebate proposal.

Bill 27 would allow the WSIB to refund premium payments to employers any time the fund reaches over 115% funding levels, and it would require refunds when funds reach 125%. Based on current funding levels, it means an immediate removal of \$1.2 billion. That's \$1.2 billion that could be used to pay workers' injury claims, to ensure stability of the WSIB for generations.

In the recent past, the WSIB dealt with decades of unfunded liabilities. Where did those unfunded liabilities come from, and how did Ontario turn to this current modest surplus, which you're now only too eager to hand over to employers as rebates?

As you will see in our detailed written submission, the past unfunded liabilities emerged in the first place because employer premiums in Ontario were kept artificially low, and Ontario paid for them by steadily reducing benefits to injured workers for decades. Right now, we're second from the bottom of all provinces in benefit payouts per \$100 of covered payroll, and we're third from the bottom, 10% below the Canadian average, in the percentage of workers receiving coverage. And at a time when the public is coming to terms with the importance of mental health in the workplace, the Ontario WSIB maintains a 94% denial of workplace mental health claims.

We also know—and you will see this in our written submission—that racialized workers are disproportionately exposed to workplace hazards and unsafe working conditions.

If you actually want to work for workers, this bill should be legislating universal WSIB coverage and expanding the criteria for benefit eligibility, especially in the areas of mental health.

The current surplus of the WSIB is not free money; it's workers' money, earmarked to protect them when they're most vulnerable. It has been withheld from them in many ways, over many years. To give out to employers now this so-called surplus of the WSIB and have it continue to operate at bare bones is unconscionable.

We're asking that you remove schedule 6 from this bill, if you intend to go ahead with it.

I'd be very happy to answer any further questions about ways the bill could be improved. Thank you.

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

At this time, I'd like to welcome MPP John Fraser. Please state your name and that you're in Ontario.

Mr. John Fraser: I'm John Fraser. I'm the MPP for Ottawa South. I'm here at Queen's Park.

I have to log off at 3:30—I'll be logging back on at 4—so I won't be participating in the rounds of questions, but I'll hear all the depositions.

I just want to thank everybody for their depositions.

The Chair (Ms. Natalia Kusendova): Thank you, MPP Fraser.

At this time, I'd like to invite Willy Noiles, acting president, and Eugene LeFrançois, treasurer, from the Ontario Network of Injured Workers Groups. Welcome. You have seven minutes. Please begin by stating your name for the record.

Mr. Willy Noiles: Thank you for allowing us to speak to Bill 27 today.

I'm Willy Noiles, the acting president of the Ontario Network of Injured Workers Groups, and I live in St. Catharines. I'm also joined by Eugene LeFrançois, our treasurer, from Thunder Bay.

ONIWG is the advocacy arm for our 25-plus injured workers support groups located in communities across the province.

Our concern with Bill 27 is specifically section 6, the plan to refund WSIB surpluses to employers. We have to ask: What about injured workers, the primary stakeholders at WSIB? When the province invited written submissions about this idea back in the summer, injured workers weren't asked. We only found out about it because one of our members happened to be surfing the depths of the WSIB website. Shouldn't injured workers, or ONIWG, as a recognized advocacy group, have been invited to submit? We did, but it certainly wasn't because we were made aware of it.

Since the former Liberal government and the Auditor General of the day raised the red herring of WSIB's unfunded liabilities, injured workers have borne the brunt. I use the term "red herring" because, as a government agency, it was never legally required to have enough money set aside for all possible claims, as private insurers are. As well, WSIB had billions in the bank at the time. It was not bankrupt. Despite this, WSIB embraced the goal of eliminating the unfunded liability and managed to have it eliminated by 2018. Since then, the story that has often been told is that employers were the ones who paid the price to eliminate that unfunded liability. But WSIB's own numbers dispute the scenario. Yes, employers did see an increase to their premiums in 2010, but in 2011 they saw a decrease by just one percentage point less than the increase. So in two years, there was a 1% increase.

1520

Then in 2017, the government reduced rates for several sectors in the construction industry. The following year, the Liberals reduced premiums as an acknowledgement that an increase in the minimum wage would increase employers' expenditures. And when the current government took office, they reduced employer premiums by 30%, followed by about 17% the following year. But between 2010 and 2017, injured worker benefits were cut by more than half.

In 2010, benefit payments made to injured workers stood at \$4.8 billion annually. By 2017, payments had been reduced to just \$2.3 billion. Payments have not been restored to the 2010 levels despite a WSIB surplus—and this doesn't even take into account the money saved in retirement investments.

For those who are medically deemed to be permanently injured, WSIB used to put aside 10% of their annual loss-of-earnings benefits, which would be paid out when they reached 65, knowing there wouldn't be money set aside in CPP. As part of the cost-cutting that started in 2010, the money set aside for those injured workers was reduced to just 5% of their loss of earnings. That amount has remained at 5% even though the unfunded liability is gone and WSIB is posting surpluses. This means these injured workers are looking at long-term poverty into their so-called golden years.

The biggest reason why WSIB was able to eliminate its unfunded liabilities so quickly and has been able to post surpluses since has been primarily through their use of deeming. Deeming is this perverted mechanism by which WSIB pretends that one is able to work a full-time job and then deducts those imaginary wages from this phantom job from their loss-of-earnings. If deeming involved real jobs the workers were suitable for, with real wages, ONIWG wouldn't have a problem. But when deeming involves telling an injured worker they could be a full-time greeter at Walmart, we have a problem, especially since we know Walmart doesn't hire full-time greeters—or a high-rise window cleaner who fell and broke both ankles being told he could be a parking lot attendant or a light assembler, even though his doctor ruled that he was not suitable for either of those jobs and there were none available in his area.

The result of deeming now is that many thousands of workers are on the Ontario Disability Support Program instead of WSIB. Based on a 2017 FOI request, we know that there were about 3,300 injured workers who had been deemed and were now receiving so little in loss-of-earnings that they had been forced to rely on ODSP to top their income up to the maximum allowable under that program. We don't know how much each of those injured workers is being topped up by ODSP, but one conservative estimate put it at \$20 million a year—and this doesn't count those who have been deemed to have no loss of earnings or their case had been denied. There is no doubt the social assistance costs of supporting deemed injured workers is much greater than \$20 million a year.

Those working at the Injured Workers Community Legal Clinic and IAVGO have advised us that 25% of all claims are denied at the outset to date, with many disabilities being blamed on pre-existing conditions instead of a workplace accident or disease. For those whose claim is initially approved, WSIB often ignores the treating physician and sends them back to work before they're fully healed, often leading to subsequent injuries or workers on the job who are popping opiates just to make it through the day. Yet those 25% who are—

The Chair (Ms. Natalia Kusendova): I am so sorry to interrupt, but we are out of time. Thank you very much for your presentation.

We will begin with the official opposition for seven and a half minutes of questions. MPP Gates, go ahead.

Mr. Wayne Gates: I'm just going to hold this thing up really quick. It says, "Employers to hit a WSIB jackpot with Bill 27."

It's pretty clear what this bill is all about in schedule 6.

I'm going to ask questions to all three of you, and I'll start off with the OFL.

Do you see any part of schedule 6 that represents the hard-working women and men of this province?

Ms. Patty Coates: Thank you, MPP Gates, for that question.

No, we see this bill as a pretty Christmas package that doesn't really have much for workers inside that package.

We need to ensure that workers are protected. We need to ensure that injured workers have access to the funds they need to survive.

I've got a family member who has been trying for three years to be compensated through the WSIB system, and they're being denied, their doctors aren't being listened to.

Before I became elected at the OFL, I represented educational assistants in the school system. I will tell you that those educational assistants had the highest number of accidents and incidents. Many would apply for WSIB and were denied again and again and again when their injury was so evident.

I think it's really imperative that this government ensures that workers are protected. That's what WSIB is for. It is for injured workers, and they should not live in poverty at any point during accessing WSIB.

Mr. Wayne Gates: I agree 100%. No injured worker in the province of Ontario should live in poverty, lose their home, lose their family, lose their identity and their community.

This one is for Mr. Hahn—Brother Hahn, I guess—from CUPE. Why do you believe that schedule 6 returns surpluses to employers but ignores the workers?

Mr. Fred Hahn: I think it's because of a misplaced priority and a misunderstanding of what the WSIB actually is and the system that's needed in the province. The WSIB, as I said earlier, is there for workers when they become sick or injured at work, at a time when they are most vulnerable and when they deserve and need support.

We heard really eloquently—and quite shocking statistics—from Willy Noiles from ONIWG about the ways in which over the last number of years the benefits paid out by the WSIB have fallen by billions of dollars. We're talking here about returning \$1.2 billion to employers that could go to pay injured workers, claims that actually could start to approximate the kind of need that exists.

What's also really quite disturbing, given the pandemic, given the last 19 months, given the, I think, collective understanding of the need to support mental health and mental health illness and injury in workplaces, when the WSIB has a 94% refusal rate of mental health claims—when this legislation misses the opportunity to expand and address those challenges that workers are facing today, it's worse than a missed opportunity; it's a travesty.

Mr. Wayne Gates: Fred, you're absolutely right. The \$1.2 billion could go to the widows and the workers in the

cancer clusters right across the province, including Peterborough.

Mental health has become such a big issue in the province of Ontario, including during this pandemic, with our—they call them heroes, but they're health care workers who are suffering from mental health issues, and when they apply for WSIB, they're being denied. You're absolutely right; it's 94%.

I'll give this to Willy. As you know, I've been trying for years now to get legislation passed to outlaw deeming in the province of Ontario. It's really where this surplus has come from. Can you explain to this committee how the practice of deeming has allowed the WSIB to build its surplus at the expense of injured workers?

Mr. Willy Noiles: As I mentioned, they come up with this idea that you could do a phantom job. They're saying, "This person could be a greeter at Walmart, working 40 hours a week." So they're going to take the minimum wage that you would make from this supposed job and reduce it by your loss of earnings. Even though you don't have that job, they're reducing it from the loss of earnings, so there is a nice savings that they can give out to employers now, when all that money should be going back in to help injured workers, to bring the cuts they've made back up to the 2010 levels at the very least.

1530

The whole idea of trying to say that somebody could go work some kind of a job that (a) half the time isn't even there or (b) that this person could not even do is reprehensible.

We appreciate your private member's bill and we hope that you will continue to fight for it.

Mr. Wayne Gates: I'll continue to fight for it. I've been begging my colleagues to support it and pass it. Nobody in the province of Ontario should live in poverty because of [*inaudible*].

Any of the three presenters could answer this: Why do you think that the Conservative government never consulted with anybody who presented today? Why do you think they didn't talk to CUPE or the OFL, which represents one million workers—CUPE, I think you're about 280,000 workers—and, Willy, all the injured workers you talk about? Why do you think the government, if they're going to come with a bill for workers, never talked to people who represent workers in the province of Ontario? Maybe start with Patty, and then go to Fred, and then go to Willy.

Ms. Patty Coates: That's a really good question.

We have submitted many, many requests, through letters, emails and phone calls, to meet with the government on the various items of importance to workers. We have the voice of workers. We listen to the voice of workers. We work with community groups. I really don't understand why this government isn't consulting the very people who represent those workers. I think it's important that we do have those voices sitting at the table, that we have those voices and we hear the struggles and hear the stories. It's unfortunate that this government has chosen not to consult or even speak with labour. I'm always here,

I'm always open. But it has already been three and a half years—

The Chair (Ms. Natalia Kusendova): Thank you very much. We will now move on to the government members. MPP Babikian.

Mr. Aris Babikian: Thank you very much, first of all, to the presenters for their passionate presentations.

The way it looks—anyone who didn't have a chance to read the bill would think that this bill presents a doom-and-gloom scenario for the entire work industry and workers and the labour force in Ontario. The issue is that there are so many positive things in this bill that people have been waiting for for years, for decades.

I can speak personally, from my own experience dealing with the accreditation issue for foreign workers and their skills. Before I became an elected official, an MPP, I dealt with so many different ethnic communities through the Canadian Ethnocultural Council and the National Ethnic Press and Media Council of Canada on this issue. We lobbied so many different governments hard, but no government wanted to take the challenge.

Finally, there is something positive for the foreign-accredited worker. We know that these foreign skilled workers—there are hundreds of thousands of them. They are working as taxi drivers and gas station attendants, and if they had the opportunity to work in their own trained industry, they would be contributing so much to Ontario to improve the quality of life.

All of us know that currently there is a shortage of over 300,000 jobs in Ontario, and this bill will help us improve that situation. For example, some of the industries I can cite to you that it will benefit—architects, plumbers, electricians, accountants, hairstylists, teachers and early childhood educators, lawyers, engineers.

All of us know that newcomers create businesses in our communities, fill much-needed roles in our society and spark our entrepreneurial spirit. They account for 33% of Ontario's labour force.

In 2016, only one quarter of internationally trained immigrants in regulated professions were working in jobs that matched their level of qualification.

And most recently, about 300,000 jobs are going unfilled.

To create a clear path for them to fully apply their skills, the Ontario government intends to propose changes that would, if passed, help remove barriers for newcomers to get licensed and find jobs that match their skills. Reducing immigrants' unemployment and helping them find good jobs could increase Ontario's GDP by \$12 billion to \$20 billion in each of the next five years. These changes, if passed, would build on work that the province is already doing to highlight skilled, internationally trained immigrants—and find work in their field of expertise. The Ontario government is investing \$68 million to help internationally trained immigrants access programs designated to bridge their experience with the needs of the employers in their community. I can go on and on.

I spoke to so many stakeholders and ethnic community leaders after we brought this bill. All of them don't have anything but praise for this bill.

Over 35 years, at least from my own experience—I have been working in this field to make some changes.

So you don't think these changes are beneficial and can help to improve the quality of the workforce and bring quality, skilled people to full employment, instead of wasting their time in gas stations and as taxi drivers?

Whoever wants to answer the question—Mr. Hahn, if you want to go with it.

The Chair (Ms. Natalia Kusendova): Go ahead, Mr. Hahn.

Mr. Fred Hahn: I appreciate you raising this component of the bill. I think it's an important thing for us to talk about.

What I understand the legislation to be doing is to outlaw the requirement for Canadian experience, which was, in many ways, an impossible hurdle for folks who were trained in other jurisdictions to meet in order to qualify. It's a half measure, in some ways, because it doesn't require there to be an actual recognition or a process by which qualifications from other jurisdictions will be recognized. So it sounds really good, just like it sounds good that workers should be able to unplug from work and it sounds good that people should have access to use a washroom. These things sound good. The question becomes, with the crisis that you've articulated and the long-standing challenge in communities where people—all of us know folks who are doing jobs where they're qualified to do so much more. What this legislation does is miss the opportunity to actually address this in a meaningful way for people with foreign qualifications.

The Chair (Ms. Natalia Kusendova): Mr. LeFrançois, you wanted to add something to that? One minute remaining.

Mr. Eugene LeFrançois: Okay. Yes, of course it sounds good. It's like my friend just said—it's great, but if those guys get injured, they're going to get screwed by the WSIB, so where are we?

All the employers are going to get money back. The elephant in the room is, how much is the taxpayer going to get back? If you're going to pay the employer, that's fine, because he's doing his job. How much is the taxpayer going to get paid—because of all the appeals that are in the system, all the denied claims, and just the way the WSIB runs? The arm's-length relationship between the WSIB and the government is broken in half, and right now the doctors are saying that it cannot be rebuilt, so it is gone. The appeals right now—

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

1540

I believe MPP Fraser is no longer with us? Okay.

So we will go back to the official opposition for another round. MPP Peggy Sattler.

Ms. Peggy Sattler: Thank you to the presenters for coming here today and sharing your feedback on this bill.

I have a couple of questions, and I want to start with Patty from the OFL.

You referenced section 83(4) of the WSIA as a measure that would really make a meaningful difference for temporary workers. I wondered if you wanted to comment on that section of WSIA, section 83(4), and the connection to the WSIB and this money that is going to be going back to employers because they have so-called clean WSIB records.

Ms. Patty Coates: I'm going to give my colleague an opportunity to speak on this, so I'm going to pass it over to James Clark to respond, if that's all right.

Ms. Peggy Sattler: Yes.

Ms. Patty Coates: Thank you.

Mr. James Clark: Thanks, Patty, and thanks, MPP Sattler, for that question. I think this is a great question that gets to the meat of the matter on this question.

We have a situation in Ontario where employers can essentially contract out their responsibility to look after the health and safety of their employees. The way this happens is by using recruiters or temporary work agencies, which take on the liability of the health and safety of those workers. So you have a situation where an employer—and I'll give you the example of Fiera Foods, which is a very large employer in Ontario. In the last number of years, since 1999, there have been five temporary workers who have died on the job at Fiera Foods, but they aren't held liable because section 83(4), which could have been implemented anytime under this government and the previous government, has not been implemented. It requires a stroke of a pen for the government to bring that into being, and because they haven't done that, there's a situation where these workers continue to be vulnerable and not protected.

So with Bill 27, where we're massively raising expectations that we are working for workers, we're in a situation where that joint and several liability that we require of those employers has not been enacted.

Can you imagine a situation where you have an employer where five workers have died on their watch and they might actually be considered a safe employer and could receive millions of dollars from this so-called surplus at the WSIB?

I would just add that the word "surplus" is not an accurate term to describe that money at the WSIB. Those are benefits that have not been paid out to the injured workers who need them. When we use the word "surplus," we're actually using it in an inaccurate way. That is money that should be paid out to the injured workers in Ontario, half of whom are living in poverty.

Section 83(4) is incredibly important. In fact, even without the passage of this bill, the government could sign an order in council and immediately enact section 83(4) and bring in joint and several liability so that it's not just those agencies—those recruiting agencies and the temporary work agencies—that are responsible for the health and safety of their workers. It has to be the employers that profit from contracting out that responsibility.

Ms. Peggy Sattler: Thank you very much for that response.

I now want to pose a question to Mr. Hahn from CUPE. Thank you for your presentation. You talked about the need for expanded WSIB coverage for workers who have experienced mental health issues—in particular, during the pandemic. I wondered if you wanted to share some reflections on the mental health needs of the workers you represent. Is it improving during COVID-19? Has it gotten worse? And is there an increased need for WSIB coverage for these mental health issues that workers are experiencing?

Mr. Fred Hahn: Thanks very much for this question. It's incredibly important, and I think it has been important for some time.

After the last 19 or 20 months under the pandemic, what we've seen from our members is a heroic response, working in conditions, particularly in the early days of the pandemic, when there was so much uncertainty and so much worry. And yet, people went to work every day, continued to do their very best to keep people safe and to keep their communities safe. The amount of stress that has caused—we often have said in our union that it's going to take us years to fully appreciate the impacts, particularly, that front-line health care workers, those in long-term care and in public health have experienced.

We also are privileged to represent folks who work in communities at safe injection sites, where the opioid crisis has also been so massively impacted during this same time. The post-traumatic stress that workers are dealing with as a result of the sheer loss of life and the amount of stress that they've dealt with over the last number of months is incredible. And alongside this, where workers are actually able to finally work with their employers to file a claim at the WSIB, they have an antiquated system where 94% of those claims are denied.

This is one of many opportunities to actually modernize and update the system to deal with the realities that workers have been through and are going to face in the future, and this bill does nothing about that. In fact, it takes resources that could be utilized to actually deal with mental health injury and illness as a result of the pandemic and gives it back to employers.

Ms. Peggy Sattler: Thank you very much for that response.

Now I want to ask a question of Mr. Noiles and Mr. LeFrançois. Thank you very much for being here today and for sharing those shocking statistics that you shared about the year-over-year cuts that have been made to WSIB.

Specifically with regard to deeming, you talked about the fact that that policy, that practice that the government has implemented means that employers are effectively off the hook, that the health care needs of injured workers are transferred to public programs like social assistance and ODSP. Do you think that this bill and what's proposed here in schedule 6 is going to do anything to help that? What do you think are going to be the consequences of this bill in terms of the public impact on—

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

We'll go back to the government members. MPP Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: Thank you to all of the presenters for a very informative session.

I think we can all agree that the way we work has been changing and, certainly, COVID-19 has accelerated this change. The future of work is already here before us. That's why our government is introducing this legislation, based on important recommendations received from the Ontario Workforce Recovery Advisory Committee after consulting with workers, employers and unions.

The changes that our government is proposing include helping workers leave their work behind at the end of the day and spend time with their families by mandating a disconnect-from-work policy, and banning non-compete agreements, which limit opportunities for workers and career growth. These proposed actions would, if passed, position Ontario as the jurisdiction that has the most competitive framework for workers and businesses to both benefit from our new world of work.

We are also taking actions to improve and expand transportation, telehealth and broadband Internet access across the province, making it easier for more people to work from anywhere they wish in Ontario.

1550

Our government is really focused on the health and safety of every worker, including those employed by temporary help agencies—and I know there were a number of presenters who touched on that today.

We all agree that it's unacceptable that some temporary help agencies are paying people below minimum wage and denying them other employment rights while also gaining a competitive advantage over law-abiding agencies by undercutting the rates. To protect these workers, the government is intending to propose legislation that would, if passed, require temporary help agencies and recruiters to have a licence and pay a security deposit to operate anywhere in Ontario. These proposals would also require companies to use agencies and recruiters that are licensed.

Before licensing is implemented, Ontario is forming a dedicated team of officers to identify temporary help agencies and recruiters that are exploiting workers. This team will crack down on illegal practices and recover unpaid wages for exploited workers.

The proposed changes would help protect vulnerable workers and help ensure businesses can feel safe addressing their staffing needs through licensed temporary help agencies and recruiters. Only the safest employers will benefit from our proposed changes to the WSIB premiums. To be clear, any businesses that choose to use an unlicensed agency could face the highest fines in the country and jail time.

Outsourcing work does now allow for outsourcing responsibility. We're stepping up to close the loopholes and ensure businesses, like Fiera Foods, do not hurt workers. We will continue to hold bad actors accountable.

I've got a couple of quotes here from colleagues of yours.

Smokey Thomas, the president of OPSEU, said, "These agencies are preying on the most vulnerable workers—often women, immigrants and those from racialized communities—at one of the most difficult times in modern history. It's criminal, and it's high time it came to an end."

Jerry Dias, the national president of Unifor, is actually supportive of the government's proposals to protect workers by regulating temp agencies in this legislation. He said, "These fly-by-night agencies have damaged communities by exploiting the most vulnerable workers, including racialized workers, women, newcomers and migrant workers.

"We commend the government for listening to advocates and community members and introducing—"

The Chair (Ms. Natalia Kusendova): We have a point of order from MPP Gates.

Mr. Wayne Gates: We're only allowed a few minutes here, and we have labour leaders from across the province here. Could she ask a question instead of making a speech, please?

The Chair (Ms. Natalia Kusendova): It is within the purview of all members to use their time as they like. But MPP Triantafilopoulos, if there is a question, that would be wonderful.

Ms. Effie J. Triantafilopoulos: I think, MPP Gates, that is not a proper point of order. Certainly, I will refrain from interrupting you when it's your turn to ask a question.

What I would like to ask our panel is, do you agree with Mr. Dias and Mr. Thomas that these proposals will make a difference in protecting workers who seek employment through temp agencies?

Ms. Patty Coates: When governments consult, they should consult with everyone. They should consult with the entire labour movement. The Ontario Federation of Labour represents over 54 unions and over one million workers in Ontario, and we have not been consulted.

As I said in my presentation, there are a number of fails within this bill. We need to go further. We need to ensure that every single worker is protected, and there are ways to do that.

I will cede my time. I know that the time is running out, and I will turn it over to Fred Hahn. I think he wanted to say a few words.

Fred?

Mr. Fred Hahn: I'll just quickly say that I couldn't agree more with what Smokey Thomas, the leader of OPSEU, said when he talked about the ways in which these temporary agencies prey on mainly racialized women and newcomer communities. That's why I wonder if you and the government would commit to actually enacting section 83(4) of the WSIA, which could help to really protect these workers today.

The Chair (Ms. Natalia Kusendova): We have a little over one minute remaining. MPP Anand.

Mr. Deepak Anand: I'm going to be quick so that, if possible, I can give back the mike to MPP Triantafilopoulos.

I was looking at each of your organizations. First of all, thank you for representing the workers. I actually started working with the minister, and that's something he said—working for the workers is our primary responsibility. That includes the drivers, for example.

I got a lot of calls from these drivers. Some of them are probably part of your unions as well. Many times, they had to travel as much as two kilometres because there was no washroom access.

I want to ask you a quick question. With respect to the washroom access, is there anything more that we can add to this bill?

The Chair (Ms. Natalia Kusendova): Ten seconds.

Ms. Patty Coates: I did say that there are ways that employers and workplaces can ask for an exemption. We need to get rid of that. We need to make sure that all of the gig workers or—

The Chair (Ms. Natalia Kusendova): I'm so sorry to cut you off, but our time is now up.

I'd like to thank all the presenters from the first round. Thank you very much for coming and delegating to us.

TOURISM INDUSTRY
ASSOCIATION OF ONTARIO
ONTARIO SOCIETY
OF PROFESSIONAL ENGINEERS
CANADIAN ASSOCIATION
OF PROFESSIONAL
IMMIGRATION CONSULTANTS

The Chair (Ms. Natalia Kusendova): Now I'd like to welcome our next group of presenters, beginning with the Tourism Industry Association of Ontario, represented by Christopher Bloore, president and chief executive officer. Welcome. You have seven minutes for your presentation, and you may begin by stating your name.

Mr. Christopher Bloore: Thank you for the opportunity to be here today. My name is Christopher Bloore. I am the president and CEO of the Tourism Industry Association of Ontario. We're an advocacy organization that is seen as the official voice of the tourism industry within Ontario, and we have a membership of nearly 2,000 businesses across the province, in every riding. We speak on behalf of an industry that contributed, pre-pandemic, \$36 billion to the provincial economy and is the path to livelihoods for over 500,000 jobs for Ontarians within this province.

I apologize for the background for my remarks this afternoon. My family is about to welcome a baby boy in just a matter of days, and so what used to be my home office has fast become a nursery. So I apologize for the background for this really serious topic and something that we care very passionately about.

I have just a few minutes to explain why TIAO is supportive of the establishment of a licensing framework for recruiters and temporary help agencies, but this is a file that TIAO has been speaking about and raising with ministers at conferences and Queen's Park lobby days for

a very long period of time. For a long time, government has worked to create pathways to help bring workers from all over the world to Ontario, and tourism has been particularly dependent on the availability of temporary labour to meet the seasonal demands of our industry, but we have not acted to regulate the recruiters who do that. This has led to an underground, sordid system where some illegal recruitment practices have become, unfortunately, all too commonplace within certain sectors, including ours. That is why these proposals regarding establishing a licensing framework for recruiters and temporary help agencies in the Working for Workers Act, 2021, is good news for workers and good news for our industry.

Workers are at the heart of the tourism industry. They are the reasons our hotels, restaurants and attractions in Ontario are some of the most sought-after destinations in the world.

But while our members are leaders in keeping their workforce safe, we know that some unscrupulous actors have been active within our sector. We've seen examples of where bad recruiters will advertise or recruit for a job that doesn't exist, or put workers in substandard and often unsafe housing, whilst at the same time exercising coercive control to frightening levels. We've heard examples of where recruiters have been caught charging employers and workers for their accommodation costs.

Now, we know that the Ministry of Labour inspections have found multiple temporary help agencies paying workers below the minimum wage and denying basic employment rights, examples of where recruiters have been making millions from not paying holiday pay or overtime pay and charging workers illegal hiring fees. They have literally been stealing money out of the pockets of hard-working Ontarians and those who have come to this country to get on and contribute and support their families.

1600

We know many are international workers who come to Ontario, and it's important that the government is taking the lead to ensure that every worker in our province is protected against those who seek to exploit them and operate labour trafficking. I feel very strongly that these workers, who make our industry one of the finest in the entire world, who simply want to provide for their families, should be protected from those willing to exploit them.

But this act isn't just good news for workers; it's creating a level playing field for those law-abiding temporary help agencies and recruiters who are often undercut by unscrupulous actors within the market. TIAO members are leaders in keeping their workers safe, offering support and advice to employees to make sure they know their rights, but we know from many of our members that it has been increasingly difficult to evaluate who is a good recruiter and who is a bad recruiter. The provisions put forward in this legislation will help employers make better choices for their businesses and make better choices for those people seeking work.

That is why it's great to see the government leading on this file by putting forward one of the most comprehensive licence systems in Canada and helping to put transparency and accountability at the heart of work practices. The threat of licences being revoked and strong punitive response to rule-breakers is an appropriate deterrent to ensure all those agencies working in this market operate in a fair and just manner.

All workers deserve a fair day's wage for a fair day's work. They deserve to be treated with dignity, and we should always hold those who seek to exploit them accountable. As an industry that has fallen afoul of some of these actors looking to exploit workers, we're delighted to endorse the provisions of the Working for Workers Act, and we thank Minister McNaughton and his team for including TIAO in this process.

Thank you, and I'll pass it back to you, Chair.

The Chair (Ms. Natalia Kusendova): Thank you very much. There are two and a half minutes left. Did you finish your presentation?

Mr. Christopher Bloore: Yes.

The Chair (Ms. Natalia Kusendova): Okay. Thank you.

So we will move on now to Andrea Carmona, who is the lead for policy and government relations representing the Ontario Society of Professional Engineers. Welcome. You have seven minutes, and you may begin by stating your name for the record.

Ms. Andrea Carmona: Good afternoon, esteemed members. My name is Andrea Carmona, and I am a policy and government relations lead for the Ontario Society of Professional Engineers, or OSPE, as we like to call ourselves. First, I want to thank you for the opportunity to speak today regarding the proposed Working for Workers Act. For those of you who don't know us, OSPE is the advocacy and member services body for the engineering profession in Ontario.

Today, engineers work in several of the most strategic and influential sectors of Ontario's economy. They are inventive thinkers who develop comprehensive solutions that consider costs, benefits, sustainability and public safety.

I would like to start by indicating that OSPE supports the implementation of this proposed legislation, which, if passed, will address two core recommendations that we have been advocating for for years. These include implementing time limits for licence application processing, a recommendation that was also recently outlined in the external regulatory review conducted of Professional Engineers Ontario, our engineering regulator here in the province. Currently, PEO is facing an extensive backlog of applications, one that has only grown over the course of the pandemic and has disproportionately affected international applicants.

The second is the elimination of the requirement for 12 months of Canadian experience for licensure, a requirement that the Office of the Fairness Commissioner has repeatedly identified as an artificial barrier that hinders applicants who are internationally trained. Take the story

of our member Pat Murphy, a professional who obtained his education in Ireland for five years and his 23 years of engineering experience in the European Union. When he arrived in Canada in 2011, he worked in medical device design and manufacturing. When he submitted his application to PEO, he was asked to complete 10 exams, despite having submitting evidence that demonstrated that he had already completed comparable exams and could be exempt from some of these. He was not given the opportunity to contest or otherwise provide input or feedback into the decision on his application. Pat described the process as lacking transparency and clarity. When he inquired about it, he was provided few details.

Pat has since become the global head of an engineering company, managing six sites across the world. He has obtained his professional chartered engineer designation from Ireland, and was awarded the title of international professional engineer, and yet this process with PEO was so discouraging that he gave up on his desire to obtain a licence in Ontario.

While extremely problematic, Pat's story can be seen as a good-news story. He came to Canada from a country where English is the first language. He had extensive experience in his profession and was able to obtain employment without his licence in Ontario. He went on to continue a successful career despite the licence and not because of it.

Not all international engineering graduates have this experience. Many are forced to completely abandon their careers. According to OSPE's analysis of 2016 census data, 50% of international engineering graduates are underemployed. This means they're working in jobs that don't require a degree. These talented engineers could be driving Ontario's innovation economy, creating jobs, solving problems. Instead, they're driving Ubers, serving you coffee or working on the factory line—all honest and important jobs, but not jobs that align with their education, passion and aspirations.

The proposed changes in this bill will solve part of the problem, but if you take one thing from this presentation, it's that they are not sufficient to solve the issues that are keeping international engineering graduates from obtaining their professional licences in Ontario.

In a recent anti-racism and anti-discrimination report, independent consultants Patricia DeGuire, now chief commissioner for the Ontario Human Rights Commission, and Shashu Clacken revealed significant vulnerabilities throughout PEO in respect to racism and discrimination. Leaving aside the 12 months of Canadian experience, PEO's licensing process is described as highly subjective, lacking consistency, providing unreasonably high bars for some and being unfair. An interviewee quoted in the report stated, "Many applicants are far along in their experience and would have a hard time passing these exams ... even Canadians at that equivalent stage in their careers would have ... difficulty passing these university-curriculum exams." If these exams are unfair and unreasonable, how could we trust that competency exams that will likely replace the 12 months of Canadian experience will be fair?

Even more concerning is the part of their report that discusses PEO's culture and practices of discrimination. Here is a direct quote from this section: "One committee member told us that there are committee-selection discussions where candidates are excluded because of their accents. One example concerned a candidate of East Asian descent. Another committee member ruled this candidate out, saying the candidate 'didn't even speak English.' This, the interviewee told us, was not true.... The candidate" simply "had a strong accent." How can we trust a regulator that discriminates individuals based on accents to treat international engineering graduates fairly? I invite you all to read this report, as I promise that what you will find will surprise you and disturb you.

Our province welcomes thousands of talented immigrants annually. They add to the diversity that makes Ontario a great place. If the government is committed to supporting workers and supporting internationally trained professionals, you must do more to address the failures of the organizations that you oversee. The engineering profession will not truly prosper until Professional Engineers Ontario becomes a focused and strong regulator that implements fair and effective practices. We urge the government to consider OSPE's recommendations for changes to the Professional Engineers Act and hold PEO accountable, to truly ensure that you're not leaving workers behind.

Thank you, and over to you, Chair.

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

And now, for our last presenter of this round, we have four members joining us. We have Dory Jade, chief executive officer; Avni Marfatia, chair of the board of directors; Prateek Babbar, member, board of directors; and Andrew Lubowitz, communications coordinator, representing the Canadian Association of Professional Immigration Consultants. Welcome. You may begin. You have seven minutes. Please begin by stating your name for the record.

Mr. Dory Jade: Thank you, Madam Chair, and fellow members of the committee. Ladies and gentlemen, thank you for having us here today.

For those who don't know CAPIC, the Canadian Association of Professional Immigration Consultants, we represent the largest number of immigration consultants in Canada. We operate in all provinces, and our headquarters is in Toronto, Ontario. We have been advocates for immigrants, for a better system—and definitely for a better system that governs the workers who come to Ontario.

First, we support the act, and we would have one recommendation and two points to bring forward. Therefore, our first recommendation would be: We encourage the government of Ontario, because of the Canadian Constitution, which gives the right to regulate professionals in the provinces—therefore, unlike countries who do regulate the professionals in the country, Ontario, like Quebec, for example, can go into agreements with those countries in order to facilitate the integration of foreigners. I can hear what the previous witness was mentioning.

1610

So what we're looking for here is definitely a process that allows the foreigners to come to Canada with their

professional skills and integrate the market. We can also give you an example. Some of the countries that may be reached are, for example, Ireland—an example previously given on this panel mentioned an Irish citizen—and we also would bring, I would say, a greater number of workers.

Let's remember, Ontario gets 50% of the immigrants every year. So with this number of immigrants coming in and having all the shortages, it is very clear that Ontario needs to make their legislation much more to the point in order to help those to come and work right away in Ontario.

So I leave the floor now to my colleague, the chair of the board, Avni Marfatia, to tackle the second point. Thank you.

The Chair (Ms. Natalia Kusendova): Go ahead, Mr. Marfatia.

Ms. Avni Marfatia: Thank you, Madam Chair, and—

The Chair (Ms. Natalia Kusendova): Oh, sorry—Ms. Marfatia. My apologies.

Ms. Avni Marfatia: That's okay.

I'm Avni Marfatia, chair of the board members of CAPIC. CAPIC supports the Ontario government's efforts to better protect workers through the proposed Working for Workers Act, 2021. CAPIC is especially encouraged by the measures to remove barriers such as Canadian experience requirements for internationally trained professionals to get licensed in a regulated profession.

This is a brilliant step to address labour shortages. This ensures individuals such as foreign-trained doctors; engineers, as Andrea mentioned; and tradespersons are able to access suitable careers to match their qualifications and skills. Similar measures at the federal level, specifically the privatization of certain NOC codes for health care workers during the pandemic, such as the TR-to-PR pathway and the health care pathway for non-economic classes, have illustrated the value of removing barriers for individuals with foreign credentials.

CAPIC recognizes the importance of maintaining safeguards to protect citizens and suggests that in certain sectors, such as health care, a tiered licensing procedure should be established to make sure that individuals with foreign credentials are fully versed on Canadian standards. Proper checks and procedures need to be put in place to verify previous experience. Candidates must pass all other immigration qualifications as well. CAPIC also suggests increasing the pool of skilled workers for in-demand occupations in Ontario.

Thank you for the opportunity to participate in the stakeholder consultation. I will hand it over to Prateek.

The Chair (Ms. Natalia Kusendova): Thank you. Please go ahead.

Mr. Prateek Babbar: Thank you, Madam Chair. My name is Prateek Babbar. I'm a member of the board of CAPIC. I will talk about licensing of recruiters.

CAPIC agrees with the act's provision regarding recruitment. Licensing recruiters is a concrete step to protect vulnerable workers. This would ensure recruiters are held to strict requirements. This measure has also been

adopted by several other provinces, such as British Columbia's Temporary Foreign Worker Protection Unit. British Columbia has a public registry of employers. They issue them a certificate of registration with a validity of up to three years.

To conclude, this is a great step in the right direction, and CAPIC would like to thank the Minister of Labour, Training and Skills Development for the preparation of this act, as well as the government of Ontario for the opportunity to participate in stakeholder consultation during this process. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you. There are one and a half minutes remaining.

Mr. Dory Jade: Thank you, Madam Chair, for the time given to us. We would allocate that time for others, probably, if there are questions.

The Chair (Ms. Natalia Kusendova): Okay, thank you very much.

With that, we can begin our round of questioning. We will begin with the opposition for seven and a half minutes. Ms. Begum, go ahead.

Ms. Doly Begum: Thank you to all of you for being here today. I just want to say I appreciate the work you have been doing for many, many years, especially in regard to schedule 3, which you had talked about, with recommendations to foreign credential recognition. This is something that's close to my heart, as the critic for immigration, [*inaudible*] foreign-credential recognition. So I do appreciate the work you have been doing.

First, I'll go to OSPE. Andrea, your presentation was wonderful. I honestly believe you resonated with so many of the other people that we have talked to—I think you talked about Patricia, and many other engineers—many of whom have looked at this bill and focused on how we really can remove barriers.

In schedule 3, one of the things—and I want to be very clear. I know many of the government members know this. The schedule that we are seeing in this bill does not remove the actual barriers many other people have highlighted, especially when we talk about discrimination, when we talk about anti-racism—we talked about the Anti-Racism Directorate—and the other problem, of how you have to build a network in order to get a job. You have to build your resumé to have an employer call you back.

When we look at schedule 3 and the main removal of Canadian experience, it is only for regulatory bodies. Therefore, if an employer requires Canadian experience, unfortunately, that can still be a barrier to many of the trained professionals who come here with the trained profession as their point system. So the federal government actually recognizes them, but when they come to Ontario to work, unfortunately, that's not recognized.

When I was talking to a few engineers, they highlighted the same thing, because for some of them—and, engineers, there is a wide range of them. You can go from different types of engineers. Some of them said, "Well, it's actually a good thing to have Canadian experience, because we want to make sure that we utilize the right tools." Some said, "No. We don't need it. The regulatory body should

not be asking for it, nor should the employer, if they understand that we have worked in the same environment."

So my question is, do you think that the government would have benefited from consulting with many of the workers, including many of the people that you represent, to understand better what some of those barriers are, and then gone ahead and outlined what's in the bill? Because right now, it's very limited and might not help a lot of people.

Ms. Andrea Carmona: Absolutely. Thank you, MPP Doly Begum. I really appreciate your question.

It's a comprehensive set of barriers. It's not just one thing that is holding workers back in this province, especially internationally trained workers. When it comes to engineers, there is a lot of bias in the profession. There is a lot of discrimination, which of course also permeates employers, not just the regulator. So it would have been beneficial, I think, for our members to be around that decision-making table, to share their stories so that we could have a more comprehensive approach to this.

However, we are happy to see that removal, as we do see it as a first step towards progressing in this area. But it's certainly not sufficient. Like I said in my presentation, that is the one thing that I want us to take away today: that more needs to be done.

Ms. Doly Begum: Thank you so much. I think I'll go to the Canadian Association of Professional Immigration Consultants. You all have highlighted different parts of it. Avni, you talked about how we have seen the need for doctors and nurses during this pandemic. When I saw this bill, when I saw schedule 3—because there are other parts of the bill that are very problematic, when it comes to schedule 6, for example. It's an omnibus bill, so it includes different things. But focusing on schedule 3, I was very excited, because it included something that we've been waiting for for a very long time. However, it excludes medical professions altogether. Right now, we have a shortage of nurses, doctors. We're really looking to improving the way that we can end the backlog that we're seeing.

I'll open it up to anyone from the Canadian association. Do you think we should have included medical professionals and maybe consulted with all of you as well as some of the medical organizations that we have in the province?

Mr. Dory Jade: If I may take that question, the point is—I highlighted this in my first comment and recommendation. The recommendation is clearly mentioning that, like the province of Quebec, which, because of the constitution, had that potential to close an agreement with the government of France, where professionals in all fields, including health care, can go between the country and the province without having to look into their credentials again and assess them—Ontario could do the same. This way, that particular point could be resolved. This is the recommendation we brought forward. So by closing agreements with some of the countries where, I would say, English is not a barrier—for example, all those countries where English is the native language—those

professions of health care and other professionals, but health care in particular, can come to Ontario and fill the shortage.

1620

Ms. Doly Begum: Avni or Prateek, did you want to add anything?

Mr. Prateek Babbar: Our federal government became lenient on the ruling when this pandemic happened, so they did allow some health workers to actually enter Canada and granted them some sort of special permit or allowance, as a matter of fact. Also, they developed a provision where someone who has the experience, the temporary foreign workers or students—mainly international students in Canada—could actually work for a time in health care because there was a huge demand and there was a shortage of supply. That's another example we can probably look into.

Ms. Doly Begum: My last question is for Christopher Bloore. First, congratulations.

The Chair (Ms. Natalia Kusendova): Thirty seconds.

Ms. Doly Begum: You mentioned agency workers and how we can support them. One of the things that I think a lot of us are concerned about is, many of the workers who would have been actually benefiting from the bill will not be recognized as workers in the province because of their status, for example. Migrant workers face the situation as well, and some of the benefits that they could be getting from this bill may not be beneficial. I think recognizing these workers with full-time or with—

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

We will now move to the independent member. MPP Fraser, you have four and a half minutes.

Mr. John Fraser: I want to thank all the presenters who are here this afternoon. I'm sorry I was a little late coming back in.

My first question is for Ms. Carmona. When we take a look at access to professions, I know there are some good things in this bill. As you said, it's a start.

One of the challenges is the recognition of credentials and education. I've seen that over a number of years in a number of professions, where it's not just the experience—it's not clearly defined in that piece of legislation that education is in there. I don't take it that the word "experience" means "education." So I think that's a piece that's missing from there in terms of the ability of the government to talk about the kind of agreements that one of the presenters talked about today. If you could talk a little bit about that and about what you think we could do to solve that problem, and additional measures that could have been in this bill, that would be helpful.

Ms. Andrea Carmona: Thank you for the question. You're correct in saying that education and experience aren't the same thing.

When I told the story of Pat Murphy, one of our members—he had 23 years of engineering experience, but he also had gone through a five-year engineering degree in a country that actually has a convention with Canada to recognize credentials. When he then spoke to the regulator

regarding why his education and his experience wasn't sufficient, there was never any clarity; it was very inconsistent.

So in terms of what the government can do—I think we really need to look at how we can create more consistent and clear processes across regulators, across professions. It's not just engineers; I'm sure this happens at other regulators. I can only speak to our own profession. We really need some clear and consistent guidelines for how education is being assessed and why it's being assessed in that way, and why we're not recognizing it as equivalent to Canadian education. I think that inconsistency and the lack of clarity is hurting the profession.

Mr. John Fraser: I think that you're right. It's something that I see consistently, not just in engineering but in a number of professions where people are—that piece on education, sometimes the objections are reasonable, what they're asking people to do is unreasonable, and it's not very clear.

I think schedule 3, again, is a good step. I don't want to be negative on it. But the complaint was that we hadn't put enough teeth into the stuff we'd done with the Fairness Commissioner. I think we have to find a clearer process, to actually put some teeth in it, to say to regulators, "No, this is not reasonable. Does it meet a reasonable test?" I've seen it too often, too many people who have been recruited to come here on the basis of their profession, arrive here with a profession, because they're refugees, and they get here—and to me, it's just incredible. I just think there was an opportunity that's missed in this bill.

I don't know if there's anything else that you want to add in regard to things that you think would be good, besides this point, to put in this bill.

The Chair (Ms. Natalia Kusendova): Thirty seconds.

Mr. John Fraser: Okay. Well, I won't make you try to do it in 30 seconds. Thanks a lot.

The Chair (Ms. Natalia Kusendova): And now on to the government side: MPP Martin.

Mrs. Robin Martin: Thank you to all the presenters. It has been very interesting to hear all of your comments, and I appreciate them.

I think we all know that we're very proud here in Ontario that we're a destination for so many newcomers from all over the world. I firmly believe that the most important thing that we can do is to have everybody working to their fullest potential. Everybody would be happier if they could work to their fullest potential. They would have better jobs. We would have a better economy.

I do appreciate that there is more work to do, as Andrea Carmona, for example, indicated, and some of the other presenters as well. There is more work to do, but it is a step, I think, in the right direction.

I'm the parliamentary assistant to the Minister of Health right now, and I know MPP Fraser, who was just asking the question, was also a parliamentary assistant to the Minister of Health in the former government. Of course, the health care professions are ones that we would like to create better paths for. I want to assure everybody listening, all of you and all of my colleagues and also

anyone watching, that our government is working on this issue to assess if changes can be made for health professions in the future so that we can get them included as well. This act, of course, only applies to non-health workers, but I know that the Minister of Labour and his team did consult with some of the health regulatory colleges. So there are steps being taken, and they're working in that general direction. We're working to try to determine how best to streamline and facilitate the processes.

I think Dory mentioned that we're not constrained because of the Canadian Constitution, but there are some constraints that exist with the fact that we have self-governing regulatory bodies, and there is work to do there to make sure that we can, as MPP Fraser was suggesting, match credentials, match education and make sure that we get to where we'd all like to get to, which is to make sure we have those people who are here working to their fullest potential.

I think we're all on that same page. In fact, Ontario, as we have seen through COVID-19, needs all of these people, and we need them to be working to their fullest potential, and I can't imagine a better outcome. So I'm hoping we're going to get there with everybody's good efforts.

Andrea, you were just invited to say any suggestions you had about things that you might put forward, either in the engineering profession or any other, for how we could improve things. I just wanted to invite you to comment, because you got cut off.

Ms. Andrea Carmona: Thank you. I appreciate that.

I think my message is pretty clear. I think we need a focused and strong regulator in the province of Ontario for the profession of engineering. I think a focused regulator will give us some of these things that we're lacking in terms of clarity and transparency and consistency when it comes to assessing foreign credentials. So I really just invite the government to take a look at some of the recommendations that OSPE has put forward on how we can get there and how can achieve that within Ontario.

1630

Mrs. Robin Martin: Thank you for that. We will look at those.

I want to ask CAPIC—and I don't care which of you answers; whoever you feel is most appropriate. Because of your work, what are some of the biggest obstacles that you feel are facing newcomers when they first arrive here in Ontario, and how can we improve our legislation or future legislation to address those obstacles?

Ms. Avni Marfatia: Basically, what happens is, when we are assessing our clients and they are coming here as new immigrants, their education credentials are—based on equivalency of their education, they come here. But after coming here, they do not get jobs in their own field as the licensing requirements are not met.

The licensing requirements are really very extensive, and because of that, it takes many, many years for them to get into the field that they have come from, and the experience that they have can be [*inaudible*], so it becomes very difficult for them. Some of them just give up through

the process because, after coming here, they have to get going with their work. Basically, that's what we face, that most of them—and especially even some of them, the education credentials are not even stated equivalent to Canadian education. That's also another issue.

Mrs. Robin Martin: Well, it seems like there are still many issues to unpack for them. But I understand from what you've said that you feel that the streamlining of not having the Canadian requirements and stuff like that is a step in the right direction. How do you think that will help to get newcomers into workplaces here, in the places they'd like to be?

Ms. Avni Marfatia: With their past experience—say, if the past experience is for a certain number of years that is expected by the Ontario government, if they have that experience and the education required, then after coming over here, they could complete their licensing faster and assimilate in the labour market faster. So they would expect that, prior to coming here, they have to only do a certain number of years for licensing and they're to meet the licensing requirements.

Mrs. Robin Martin: I haven't asked you a question, Chris. I've been wondering about the significance—you talked about it a little bit, I think, in your opening remarks—for your industry as you work to recover from COVID-19, which I know has been particularly devastating for the tourism industry. What is the significance of this legislation in that context for you guys?

Mr. Christopher Bloore: Our labour crisis that we're going through as an industry right now won't be answered by simply just hiring Ontarians or trying to attract new people to our industry. We do need that strong supply of temporary labour, often from outside this country. So it's vital that those people who are looking at Ontario as a possible destination to come to have confidence that they're going to be treated fairly, that they're going to be paid the proper amount, and that they're going to have dignity when working. That's what is so important about this legislation being put forward. It almost seems simplistic—about what is being put forward, in that it should have been around for a very, very long time. But there is a serious underground operation of some unscrupulous recruiting agencies. That is happening within this province as well as the rest of Canada.

What I am very impressed about in the legislation put forward is that there's actual teeth to address those who are breaking the law and exploiting people, moving forward. I'm very hopeful that this will be something where other provinces see the extent to which Minister McNaughton is going forward and adopt it, so that we can give people confidence that not only are they going to be part of a great industry—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm sorry to cut you off, but we are out of time.

Now to MPP Gates.

Mr. Wayne Gates: I'll go to Chris as well. You're getting lonely there just paying attention.

As we know, in Niagara, in my riding, which is Niagara Falls, Niagara Lake and Fort Erie, overnight we lost

40,000 jobs in the tourist sector. We were hit the hardest, we were hit first, and it's going to take us the longest to recover, without a doubt. We do have a college in our area that provides skilled workers—Niagara College does a great job of providing workers, whether that be in craft breweries or the wine industry or cooks. So we have to give a shout-out to Niagara College and the great work they do around tourism.

I have a \$1,000 tax credit for families who take a vacation in Ontario that I think would be really, really good to do—domestic, spend it here, and create jobs.

The issue we have right now, Chris—and I don't know if your organization is aware of it: Our casinos aren't back to full capacity. They're operating at 60% capacity. Sixty per cent of the employees are back. Some are full-time; most are part-time. The provincial and federal governments do not have any programs for those workers now. Their EI has run out, their CERB has run out, and these workers now are applying for social assistance. Some of these workers have worked 25, 26, 27 years, or 17, 18 years in the industry, and they have no jobs. The winter is not looking good—in Niagara, it doesn't shut down, but it certainly is a lot smaller than what we have in the summer. We get 14 million people who come in the summer—hopefully, 15 million, 16 million or 17 million when we get back and COVID-19 is out of here. I'm really asking you to please take this message to your organization. Talk to the provincial government. Talk to the federal government. It's not just in Niagara; it's right across the province. It's in Windsor. It's in Sarnia. It's at Woodbine. All these casinos have a problem.

Yes, it's nice that we're looking at bringing in foreign workers, and we can have that discussion as we go forward, but right now I think we have to take care of the people who live in our province, and we've got to find a way to get them to the other side, until we get to the spring, when everything is going to come back.

Do you think a \$1,000 tax credit for domestic tourism would be good for the industry?

Also, can you commit that you'll take a look at what's going on with casinos and talk to governments, both federally and provincially, to see what we can do to help them?

Right after you answer, I'll pass it back to my colleague Peggy.

Mr. Christopher Bloore: Thank you, MPP Gates, for your constant support of the industry over the last 20 months. You have constantly been at the side of the tourism industry, not just because of your riding, but because you understand the importance of the industry to our provincial economy and the many people who rely on it for their livelihoods.

You're absolutely right that we face a position where many of our workers don't have jobs to go back to as of yet. That is a tragedy within our industry that we're facing, because our industry is based on personal experience. It's based on human interactions, something this pandemic has stripped from us in many, many different ways.

I can commit to this, MPP Gates: We're constantly talking to the provincial government and the federal government about increasing the reasons to encourage Ontarians to rediscover their province and get out and spend money. If we could get to a situation where, perhaps, the staycation credit became a permanent part of that solution moving forward, like we support other industries, we would certainly accept it.

We are grateful for the support that has been put in place, but we certainly won't leave any stone unturned to get as much support as we can to our industry.

As you rightly say, our industry makes the majority of its money between May and September. This is going to be a very difficult time for our industry as we try to get through to 2022.

We are undoubtedly going to need continued provincial and federal supports to support our industry moving forward. Nearly half a million Ontarians rely on our industry for their livelihoods. We have to rebuild our visitor economy to get our provincial economy rebounding; that's the same for our national economy as well.

We're doing what we can, MPP Gates, and we're grateful for your support.

And I will take a specific look into the issue of the casinos that you just raised and come back to you.

Thank you for your question.

Mr. Wayne Gates: Peggy?

Ms. Peggy Sattler: I also want to ask a question to Mr. Bloore of TIAO. I very much appreciated your comments about the concern of tourism businesses for the health and safety of their workers, and to not use a model that exploits those workers.

I was also a bit surprised to hear you say that you believe that there are strong enforcement measures in the schedule that deal with the licensing of the temporary help agencies and foreign recruiters, because that is actually not the view of others who have commented on this legislation. Prior to this panel, there were a number of presentations that talked about the lack of enforcement and, in particular, the fact that for employers who use unlicensed temporary help agencies and unlicensed recruiters, there really are no significant penalties. Many people have said that unless you can make the employers accountable, you're not going to get at the systemic problems of a workforce that's driven by employer demand for cheap labour.

1640

I want to hear your perspective on the enforcement measures that are included in this bill and why you think that it will be an effective deterrence.

Mr. Christopher Bloore: I appreciate that feedback. This is an issue that we as an organization have been speaking about and raising for years. Whilst we do want to see a situation where, perhaps in the future, a review of this legislation and how it's working on the ground—and if the teeth that has been given to the government to enact it and police it isn't working, of course we will ask for strengthened powers for the ministry to follow up. But for us, this is the beginning of the process. This is something

that we've asked for for a very long time, and it's something that we think will give employers greater confidence and employees greater confidence moving forward.

Can we always improve legislation? Absolutely. But we think this is a good start, and I think the threat of recruiters and THAs losing their licences is a good start. If it isn't working and it isn't doing what it says on the tin, then we will of course get feedback, and that's something that we have been working with our members on throughout this process—to get their feedback on its implementation as we get to 2024. But I think this is a good starting point, and I think we have to be careful not to make perfect the enemy of good. This is something that we have been asking for a long time, so to see it finally in legislation is an important step—

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

Now I will move on to the independent member, MPP Fraser.

Mr. John Fraser: My question is for CAPIC, for anybody who would like to answer this question.

In this legislation, should the government have put in nurses, physicians and other medical professionals?

Mr. Dory Jade: The point here is, we do believe it should be included. However, our recommendation was clear in that sense: You cannot, in Ontario, get individuals to the skills required by the regulators without having a matching threshold. In other words, you need a benchmark. In order to get that benchmark done, it is up to the province of Ontario, in our opinion, to get agreements with governments overseas that regulate differently from our Constitution in order to get those benchmarks set between regulators across the board. That would definitely include the nurses, the physicians and all the health sector.

In fact, there is a piece of legislation that is already done in Quebec. Because of the French non-barrier between Quebec and France, such an agreement is signed and individuals, in particular professionals of health care in France, come work in Quebec, and that has helped the province a lot because of the difference in the wages between France doctors and nurses and the Canadian/US standard.

Mr. John Fraser: No further comments, Chair.

The Chair (Ms. Natalia Kusendova): We will now move on to the government for seven and a half minutes. Mr. Anand.

Mr. Deepak Anand: My question is to the professional engineers.

When we were having this conversation, I reached out to—Andrea, I actually met you in the past; I do remember. Thank you for the advocacy for the engineers and the engineering profession.

As you know, there are a lot of people who come from different parts of the world and they have education in engineering, but one of the challenges they have is, if they want to get licensing, they cannot work; or if they can find work, many, many times, by the time they get settled, it is too late or they're not motivated anymore to do the licensing. So in this case, what do you think this bill will do?

But what I really want to do is ask you, how does a career in engineering provide a good, well-paying job for professionals and their families? What is the uptake on that?

Ms. Andrea Carmona: I'll start with the first part of your question, MPP Anand. It's nice to see you again.

In terms of what the bill will do, I think the time limits on licensure will be a huge help for prospective engineers in the province looking to obtain their licence. Currently, we have a process that takes upwards of one to four years. If you're internationally educated, you're looking at probably three to four years, depending on how many exams you have to take and also whether you have your Canadian experience, which is the one-year requirement. Removing the Canadian experience and putting a time limit on the licensure process will significantly improve the experience for the applicants.

I think engineering is such a diverse career opportunity. Engineers work in all sectors of the economy. They create jobs for other Ontarians. They innovate. They solve problems. It's truly a great profession. Currently, we have about 40% of professional engineers actually working in engineering jobs, but a big percentage of the rest of those who aren't working necessarily in engineering jobs are professionally employed in occupations that are leading to their success. They're working in banks, and they're working in institutions that provide a really good quality of life.

I hope that answers your question.

Mr. Deepak Anand: Definitely, that answers the question.

I actually have the statistics as per this: Newcomers create businesses in our community, fill much-needed roles and account for 33% of Ontario's labour force. Only one in four are working in their own profession. By reducing immigrant unemployment and helping them find good jobs, it's not just giving them happiness, but it's actually going to create Ontario's GDP, increasing it from \$12 billion to \$20 billion in the next five years. So it's a win-win situation for all of us.

Thank you for that support and the kind words.

Moving over to the Canadian Association of Professional Immigration Consultants, my question is simple: As I was just asking Andrea, what advantages do you think this bill will have for new immigrants? Anyone can answer it.

Mr. Dory Jade: We believe it's a move in the right direction. In fact, CAPIC has been advocating for over 10 years for something like that to happen, especially in terms of allowing the credentials to be recognized, allowing the entrance to the profession, allowing all those who come to Ontario—and I should not tell you; you know the statistics better, MPP Anand, that 50% of immigrants who come to Canada come to Ontario. As you said, only one in four are working in their profession, so three out of four are not. The reason is the facility of accessing the profession and the labour market. I believe it's a step in the right direction. I've been with governments for years, probably, and never seen a piece of legislation that is impeccable. This is the

first step, and I think that will probably require improvement and amendments in the future, seeing how it will go.

Mr. Deepak Anand: I see that MPP Babikian would like to ask a question.

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

Mr. Aris Babikian: Thank you very much, MPP Anand, for providing me the opportunity to participate in this.

I am delighted to see so many stakeholders in the immigration and newcomers settlement industry participating in this productive and fruitful discussion and input.

As Dory said, this is a good first step, but how can we strengthen this bill? How can we improve on this bill in the future to make it much stronger, much more accountable, and to enforce various industries? I would like to hear some of your constructive suggestions on this issue.

Like you, I was involved in this industry before I became a citizenship judge, and I am still until now dealing with newcomers to Canada, especially refugees who were brought to Canada in the last five years. I see how demoralized they are when they do not practise their own profession and they have to work in jobs that are demeaning.

So I would like to hear more from you, and your suggestions. Avni or Prateek?

Mr. Prateek Babbar: I'm not sure if I can directly answer your question. However, I see that, regarding—and I'll especially talk about the licensing in recruitment. There has to be the strongest level of enforcement—it “shall” be mandatory—for this bill to work.

There are thousands of stories from employees, mostly temporary foreign workers, who have been exploited by their employers. There was a recent example in Brampton somewhere, where about 300 employees who raised their voices against the truck-owner companies or owners—

The Chair (Ms. Natalia Kusendova): Thank you very much. Unfortunately, we are out of time.

I'd like to thank all of our presenters from this round.

We will now take a brief recess until 5 o'clock. Thank you.

The committee recessed from 1653 to 1700.

WORKERS' ACTION CENTRE
PROVINCIAL BUILDING
AND CONSTRUCTION TRADES
COUNCIL OF ONTARIO
OCCUPATIONAL DISEASE
REFORM ALLIANCE

The Chair (Ms. Natalia Kusendova): Welcome back to the Standing Committee on Social Policy. We will resume our public hearings on Bill 27, Working for Workers Act.

Now it is my pleasure to introduce our next group of presenters. We have with us Deena Ladd, the executive director, and Mary Gellatly, responsible for policy, representing the Workers' Action Centre. Welcome. You have seven minutes for your presentation, and you may begin by stating your name for the record.

Ms. Deena Ladd: Hello. I'm here with my colleague Mary Gellatly. My name is Deena Ladd. I'm with the Workers' Action Centre, and I'll be presenting. Thank you so much for the opportunity to speak with you about Bill 27.

For the past 25-plus years, my colleague Mary and I have both been working with workers who are non-union, misclassified, migrant, temp, low-wage, as well as workers working in sectors dominated by precarious work with little or no benefits. We're here because we want to see some real, significant changes that will address the inequality that is embedded in our labour market that is greatly impacting immigrant, migrant and racialized communities, where there is such a massive gap in protections for workers.

I want to start by first addressing schedules 1 and 2, which are focused on licensing recruiters and temporary help agencies. The licensing of recruiters is an important aspect of this bill. As you know, these agencies play a central role in the transnational recruitment of migrant workers who work in Ontario in agriculture, fisheries, food supply, transportation, tourism, or who do child care work in the home, with the elderly and with people with disabilities, foodservice and so much more. The exploitation of migrant workers by recruiters who charge thousands of dollars in recruitment fees for jobs has been absolutely well documented over the past many, many, many years.

Bill 27 would require recruiters to be licensed and employers of migrant workers to use those licensed recruiters. Those recruiters in Ontario would be responsible for any illegal fees charged here or abroad. So what this is basically doing is ensuring that the law will be amended to make the recruiter corporation and its directors and other recruiters down the supply chain jointly and severally liable to repay fees charged to a foreign national. While the recruiter that has charged the fee is primarily responsible, workers will now be able to proceed against all recruiters and directors, and there would be a public registry of licensed recruitment agencies. We think that these are a few good first steps that our organizations have been calling for since 2008.

However, if the government is really wanting to make sure that workers are protected in a meaningful way from illegal fees and employment standards, there are a number of significant amendments that are needed in these schedules.

First of all, Bill 27 does not make employers of foreign nationals liable for illegal recruitment fees. So the only consequence for using an unlicensed recruiter is a possible compliance order or a contravention order. We're basically talking about a \$250 fine, which is literally nothing. This would not compel an employer to use a licensed recruiter, if all they were required is a \$250 fine. It's really the employers who use the recruitment agencies in the first place that drive this whole business model, and it is their demand for migrant workers that creates this supply chain in the first place. We need to make sure employers are jointly and severally liable so they're

responsible when they use these recruitment agencies. If they are liable, they are only then going to be forced to use recruiters that do not charge illegal fees.

Basically, our recommendation 1 is that employers of foreign nationals must be jointly and severally liable with recruiters for compliance under this legislation. Otherwise, there's no real point.

The other significant amendment that's needed is to require that a security be a condition of licensing, not just "may" require—and for the amount of security to be set by regulation, we recommend that this security be less than \$25,000 so that if a recruitment agency is actually serious about ensuring that their business model follows the law, they will actually put up this money up front.

I think what's also really important is that there need to be monetary penalties for effective deterrent. Bill 27 merely requires that recruiters be licensed and that employers use licensed recruiters. Again, the consequence for non-compliance for the recruiter will be difficulty getting a licence and a possible part I ticket of 250 bucks to 300 bucks. The consequence for the employer is also the same type of ticket. These enforcement tools are entirely inadequate. What we are recommending is that there be a minimum set automatic fine of \$15,000 for employers that fail to use a licensed agency, directly or indirectly.

The other key area of amendment that we are pushing for is that for those employers that use migrant workers, there needs to be a registry. Bill 27 does not require a registry. When you look at other jurisdictions that license recruiters, they require employers of workers with temporary work permits to be registered with the province. We think that this is incredibly important, because a mandatory employer registry would help migrant care workers and help all workers, really, because in our experience, we see employers who violate employment standards and continue to hire workers, only to repeat the violations, such as unpaid hours of work, overtime and illegal deductions.

Mandatory employer registration would also enable the Ministry of Labour to conduct effective, targeted, proactive inspections, as it will have all the information it needs to do so.

Our recommendation is that there be a mandatory licensing system, including a registry of employers.

Other recommendations are that migrant workers must be able to make anonymous complaints—

The Chair (Ms. Natalia Kusendova): I'm sorry to interrupt, but unfortunately, we are out of time. Thank you for your presentation.

Next, we have Carmine Tiano, director of occupational services, and Marc Arsenault, assistant business manager, representing the Ontario building trades. You have seven minutes. Welcome. You may begin by stating your names.

Mr. Marc Arsenault: Good evening, and thank you for having us. My name is Marc Arsenault. I'm business manager-elect with the Provincial Building and Construction Trades Council of Ontario. I am joined by

our organization's director of occupational services, Carmine Tiano.

Our organization is made up of 12 skilled-trade craft unions in the construction sector. We represent 150,000 tradespeople and apprentices who are employed on publicly and privately funded projects, building up Ontario. Our industry partners and workforce have built our city skylines, power generation stations, subway and light rail systems, schools, hospitals, and other pieces of infrastructure that Ontarians depend on every day.

We have a long history of working with governments of all stripes to help ensure that workers are well trained to meet industry needs and to promote healthy and safe workplace conditions. The Provincial Building and Construction Trades Council of Ontario will partner with any government or industry organization that is committed to meeting the needs of the construction sector.

1710

Before I turn things over to my colleague, I would like to take this opportunity to raise some related issues, more specifically in the context of schedule 3.

For more than 100 years, hard-working immigrants have been critical to meeting our province's need for skilled construction workers. For this reason, the Provincial Building and Construction Trades Council supports the proposed amendments to the Fair Access to Regulated Professions and Compulsory Trades Act. The current procedures used by the Ontario College of Trades are fair and fully compliant with the act. Establishing maximum timelines for evaluating an application is a reasonable provision which our council fully supports.

Firstly, we believe that the current trade equivalency assessment process could be streamlined without undermining standards. The current trade equivalency assessment process relies on a worker documenting his or her experience. In many cases, this is feasible, but for many workers this documentation is impractical or, if feasible, costly to undertake, since the worker must have the documentation translated by an official accredited translator. We propose, as an alternative for those who choose it, that our training centres be designated to carry out an assessment by conducting an oral review of a worker's experience and a hands-on test of their skills. This will open up access to Ontario's trade system to a larger cohort of skilled workers.

Secondly, the new Skilled Trades Ontario agency should authorize training delivery agencies to deliver approved courses that will support holders of a provisional certificate of qualification in preparing to write the examination in their trade.

Thank you, and I look forward to your questions or feedback.

I'll now turn it over to Carmine Tiano.

Mr. Carmine Tiano: Good afternoon. When it comes to schedule 2, the requirement for people to disconnect from work—the Ontario building trades support that. Our recommendation is for the MLTSD and the office of prevention to start bringing out the idea of creating psychologically safe workplaces. This could be something

that could be done through the prevention office's five-year strategic plan.

Schedule 2, no more non-compete agreements: Again, the Ontario building trades support that. Essentially what's happening is that the Legislature is basically codifying what the courts have already said, with exceptions in there to protect intellectual property.

When it comes to other amendments to employment standards, especially the licensing of temp agencies—we support the licensing. We're asking the committee to make amendments to Bill 27 to put more onus on the host employer of the temporary agency worker. If there's a critical injury or a death, it's unfair that there's a loophole that the host employer is not charged a WSIB experience rating or any other charges because they're not the employer. We're asking that that amendment be made to rectify a long-standing problem.

Schedule 6: More contentious is the WSIB surplus. The Ontario building trades have no issue with an employer being given a rebate when it comes to a bona fide, real occupational health and safety intervention preventing critical injuries or deaths. We are opposed to the idea of what happened in 1984, with experience ratings just being given by paper statistics. What we would like to see specifically with this surplus is the surplus being targeted for implementing Dr. Paul Demers's 2020 report on occupational disease and its various recommendations.

Looking at what has happened since 2010, with workers' benefits being cut from \$4 billion in 2010 to around \$2 billion now, there needs to be a look at exactly what's happening. In there, you can look at deeming, a lack of appropriate training, job stress etc. Remember: Workplace insurance should be looked at as a balanced and fair approach.

Also, scheduling more occupational diseases within the schedule: The building trades unfortunately have a high propensity of occupational disease claims, and the WSIB is routinely denying them, forcing us to go to an appeal or tribunal so someone down the road can make the right decision.

I think that if there is going to be a look at how to distribute funds, let's take a balanced approach. Let's do what my colleague Marc said. Let's work together and create a proper strategy, so that an employer that has a good safety record gets premium relief, the ones that don't are going to be charged higher premiums, and workers actually start to get some of the benefits that have been taken away since 2010 as a result of these unfettered austerity measures that are basically being put on injured workers and their families.

And I think that when it comes to deeming, every single political party, from the NDP in 1990, to the Liberals from 2003 to 2018, to the Conservatives, hasn't really dealt with deeming.

Let's have a grown-up discussion. Let's look at what's happening and create a path forward for a balanced and fair workers' compensation system.

The Chair (Ms. Natalia Kusendova): Thank you very much. Now we will move on to Sue James, who is chair

and member of the Occupational Disease Reform Alliance, representing that organization. You may begin. You have seven minutes. Please state your name for the record.

Ms. Sue James: Good evening. My name is Sue James. I am speaking as a member and chair of the Occupational Disease Reform Alliance; herein, I will refer to this as ODRA.

My father worked at the General Electric plant in Peterborough from 1947 to 1983, and he died of lung cancer due to occupational exposure. I also worked at the same facility from 1974 to 2014, and witnessed, first-hand, what multiple toxins and carcinogens did to my work-mates. Along with my work colleagues and members of ODRA, we continue to bear witness, every day, to the devastation of losing our co-workers, friends and family members in our communities, and the failure of government and the WSIB to address this effectively.

For the record, I would like to note that two submissions have been forwarded to this committee by ODRA, one of which addresses our strong opposition to schedule 6 of this bill, and another that addresses the urgency and recognition of ODRA members' four demands that would deeply enhance and constitute reform to the WSIB's occupational disease benefits and survivors program.

Members of ODRA are a grassroots organization. We are made up of occupational disease victims, widows, widowers, family members and worker representatives from across Ontario.

In order to have a better understanding of the magnitude of the epidemic of occupational disease, I invite you to read through the submissions and testimonies I noted earlier, to garner a better understanding of what workers have been going through for many, many decades. We also ask that you listen to the constituents in your own ridings and those of your colleagues, so that no worker, past, present or future, will be forced into navigating this broken system.

We would like to make it clear: We are vehemently opposed to schedule 6 of the bill, the schedule which would amend the Workplace Safety and Insurance Act and allow surpluses in the WSIB insurance fund to be distributed, over certain levels, to businesses. To even consider giving back surplus to the very employers that did not protect the workers in the first place adds insult to these grievous injuries, and sends a clear message that profit and corporations are more important than human life.

Furthermore, workers were never asked to participate in any way when this government chose to make all these decisions.

We in the injured workers community are well aware of the illusion that the WSIB was on the brink of bankruptcy. I can only say it was not the fault of the workers that WSIB was believed to be in crisis with their funding, and yet it was the workers who have been, and still are, paying the price by being denied just compensation and having slashed injured worker benefits.

In 2018, the WSIB took a victory lap for ridding themselves of a \$14.2-billion unfunded liability in five short

years, 10 years ahead of schedule, and are now happy to say they have a surplus. It has been said that any surplus will only pertain to the good employers, but we beg to differ by bringing your attention to the fact that none of these companies that exposed workers to frightful working conditions and toxins were ever held accountable.

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WSIB's all-new experimental experience rating plan generates premium refunds and surcharges based on an employer's accident cost experience but automatically excludes from its calculations claims arising from long latency conditions and diseases. How can you assure occupational disease victims and their families that surplus won't be given back to these types of employers? How, in good conscience, can this government allow rebates to employers while occupational disease victims, their families and all injured workers have been left with nothing but grief and poverty?

This brings me to the next submission put forward, the four demands issued by ODRA directly to the Minister of Labour to implement and enforce these changes through legislation:

(1) Grant entitlement for occupational diseases when they exceed the levels in the community.

(2) Use the proper legal standard. Do not wait for scientific certainty. Instead, the WSIB must be directed by legislation to use the evidence at hand, including the evidence gathered by workers in communities about occupational diseases.

(3) Expand the list of compensable diseases presumed to be work-related.

(4) Accept and recognize diseases resulting from multiple exposures to carcinogens and irritants.

In summation, the Working for Workers Act should reflect what the very name implies: that our elected officials are listening and putting forth every effort in truly working for workers. For years, worker advocates and activists have been lobbying the government to reform a compensation scheme that is fundamentally broken. Is it any wonder that we are outraged by this callous effort to give back to employers, the very businesses that did not protect the workers in the first place, or that primary stakeholder demands are not being considered in this bill? Again, it sends another clear message to workers that we are not worth listening to and rewarding bad behaviour by giving back surplus to employers is fundamentally okay, putting profit over human life.

Workers from across Ontario feel we have been dismissed as a casualty of doing business. We ask that you consider all submissions to this committee and listen to what workers are saying. Therefore, we are asking the members of this committee to commit to removing schedule 6 and assure us that any surplus money goes to workers first, as well as incorporating ODRA's four demands into this bill to provide for a compensation system that is designed to assist workers and their families, rather than deny them their rightful—

The Chair (Ms. Natalia Kusendova): Thank you very much. We will begin with seven and a half minutes of questions by the official opposition. MPP Sattler, go ahead.

Ms. Peggy Sattler: Thank you to all three presenters for coming here late in the afternoon.

I want to begin with Workers' Action Centre, Deena and Mary. You didn't get to your thoughts on schedule 6. You were able to hear what our final presenter and ODRA—their concerns about schedule 6. I wondered if you wanted to share some of your feedback on that schedule with this committee.

Ms. Mary Gellatly: Thank you, Peggy, and to the other folks who also spoke about this.

We, too, think that schedule 6 should be repealed, removed from the bill in its entirety. We work with people who are pushed off of WSIB or are trying to scrape by on amounts that are simply not enough to live on, and the impacts of drawing down on those surpluses are going to continue the practices which penalize injured and ill workers in this province. So we certainly believe that it should be repealed.

I think the other important part that was also addressed by the building trades was with temp agency workers. The government looked into temp agencies and recruiters because of the health and safety problems under COVID-19, yet they have right in their hands a tool to really help protect temp agency workers, and that is section 83(4) of WSIA, which basically is in the legislation. It was a tribute to the client company in premium penalties, the amounts for temp agency workers who are killed or injured or become ill on the job, and that just needs to be signed off by cabinet, by the Lieutenant Governor. That would be a very quick step to be able deal with health and safety with temp agencies and recruiters.

Ms. Deena Ladd: The other thing I would just say is that many client companies use subcontracting companies and temp agencies to avoid their liability for injuries. So those same companies that may have used agencies, where workers have been injured or killed on the job, like Fiera Foods, for instance, that have had five temp agency workers die on the job—their accident record is clean because it's the temp agency that is held liable. So, in fact, what we could be having is a situation where schedule 6, if passed—which would be terrible—would pay back millions of dollars to companies that are using temp agencies as subcontractors to avoid their responsibility; in fact, rewarding companies for bad employer practices. In some ways, this is a complete contradiction, in Bill 27, where workers through a temp agency are not protected and yet those companies using those workers that are so vulnerable will also be rewarded for using temp agencies in the first place.

We absolutely are opposed to schedule 6.

Ms. Peggy Sattler: In your presentation, you focused mainly on the recruitment agencies. Were some of your recommendations that you made regarding recruitment agencies—do they also apply to temporary help agencies in terms of the enforcement piece and other measures to

make sure that the registry, the licensing process is going to be effective? Can you elaborate a little bit on that?

Ms. Mary Gellatly: Absolutely. In fact, for temp agencies in Ontario, licensing is not new. There was a licensing regime for temp agencies up until about 2009, and it didn't prove that effective because it wasn't enforced and there was no real cost for violation.

So what we would call for is the same thing: that temp agencies be required to put in a security of \$25,000 or more—it would have to be at least \$25,000, because we know many temp agencies open and shut. There's very little infrastructure required and a lot of companies move, close down and start up again.

There also has to be a fine for temp agencies' failure to obtain a licence. And, again, for client companies—they also have to be liable. If they don't use a licensed temp agency, they too should be liable. They're the ones with the power. They're the ones that have the responsibility.

I'll turn it over to Deena.

Ms. Deena Ladd: I think that the penalties for temp agencies have to absolutely hit the client company because they ultimately, again, just as recruitment agencies, are sort of running the business model. So it's quite critical that the client company faces stiffer penalties if they're using an unlicensed temp agency.

The other thing that I would say is that the recommendations in this bill do not address the primary concerns that temp agency workers have been raising for the past 20 years. Temp agency workers want to be hired directly after three months and not be used as flexible, cheap labour and make wages that are subpar as opposed to regularly hired workers. This bill does nothing to address those fundamental issues. In fact, that has led to people such as Enrico Miranda, who was working through the same temp agency for five years, doing the same job at Fiera Foods until he died on the job. There's nothing in this legislation that would stop what happened to him.

I think it is really egregious that we have legislation before us that does very little to deal with the fundamental health and safety issues that temp agency workers face on the job.

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Ms. Peggy Sattler: How much time do I have, Chair?

The Chair (Ms. Natalia Kusendova): Thirty seconds.

Ms. Peggy Sattler: You talked a lot about migrant workers when we were talking about the international recruitment agencies. Can you comment quickly on schedule 4?

Ms. Mary Gellatly: Yes, we're opposed to schedule 4. It is wide open in allowing the ministry to have an incredible scope to secure information of migrant workers in the agriculture sector with no information about what's going to be used, where it's going to be used or how it's going to be used. So for a vulnerable migrant worker—

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

We will move on to MPP Fraser.

Mr. John Fraser: I would like to thank everyone who has presented so far this late afternoon. I very much appreciate you being here.

I would like to address my first question to the Workers' Action Centre. I listened with interest when you talked about having a requirement for employers to be registered. It just makes sense that they are part of the equation, and in not doing that, you're leaving an open-ended equation that makes it hard to apply the principles that you're putting into law.

Do you have any other examples of where they've introduced this kind of legislation, where they register employers—who does it—and maybe what kind of success they've had with it?

Ms. Mary Gellatly: Absolutely. There are a number of jurisdictions across the province and across the country that have licensing regimes. Most of them have employer registries for migrant workers where recruiters are being regulated—Manitoba and BC. That's because that legislation recognizes that the employers that are at the top of the recruitment chain certainly have a lot of power and ability to influence what happens further down that chain.

It's also really good for proactive enforcement in terms of the ministry being able to do the education and all of that kind of stuff.

Mr. John Fraser: You mentioned section 83(4) of WSIA. I just found it interesting—this is obviously not my sphere of expertise; I assumed that workplace insurance was about the place more than the employer. In other words, to subcontract to somebody else, you're also operating in an environment that the ultimate employer has responsibility for. Obviously, that's not the case, but what you're saying is that there is something that could be enacted right now that would prevent that loophole from happening.

Ms. Deena Ladd: This is the reason why temp agencies get used in the first place. This has been proven by many research studies that have looked into why companies use temp agencies in the first place. Many of them are quite open about saying, "If I'm concerned that some of my own workers will get injured on the job, I will bring in a temp agency"—to unload a shipping container or skids, work that would be considered more dangerous—because if a worker is injured, the temp agency is considered to be the employer on record. It would be their record that would be impacted by an injury, an accident or a death—not the client company. That's why you see such a proliferation of temp agencies. Employers are avoiding their responsibility.

Your government, in 2018, passed legislation that would share that responsibility for that injury between a temp agency and a client company, and put the responsibility where it belongs, which is on the client company. Many agency workers don't even have any relationship with their temp agency. They sign up online, but it's the client company that dictates what job you're going to do, how much overtime, whether you're going to operate machinery, unpack a load or pack a load. So the client company really has to feel the impact of and feel that

responsibility and liability for that worker, and that is currently not the case.

The legislation was passed in 2018, and Premier Ford—all he has to do is to sign that legislation so that it comes into effect. We've been now waiting for three years for that—

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

We will now move on to the government members. MPP Anand.

Mr. Deepak Anand: First of all, thank you, everyone, for coming.

Deena, thank you. I was reading about you. WAC represents thousands of workers, including recent immigrants. I do remember when I landed on January 15, 2000. I wish you were there or that I would have found you. In any case, thank you for that work.

I do want to talk about when I landed. I had a chemical engineering degree back home, but when I landed, I was told I couldn't work as an engineer.

So what we're trying to do through this is, for the new immigrants especially, to create a clear path for them to fully apply their skills. The government is intending to propose changes that, if passed, will help remove barriers for newcomers to get licensed and find jobs that match their qualifications.

As you know, right now, only 33% of Ontario's labour force work in their own field, and one in four actually work in these technical jobs. So we did invest \$68 million to help internationally trained immigrants across many programs.

This change we're proposing would impact 23 trades and 14 professions, such as lawyers, engineers, architects, plumbers, electricians, accountants and early childhood educators. So my question is very simple: In this case, do you support this initiative, and what would you like to see in the bill?

Ms. Deena Ladd: Absolutely, this is a huge issue for many immigrants and newcomers coming into the country. I was surprised as to why health regulated professions are not included, given the massive health crisis that we're in. As you can imagine, we have so many talented doctors and nurses and health care professionals coming from all around the world. So that was a huge surprise.

The other thing that concerns me is, how do we enforce this? How do we make sure that employers actually feel that they cannot continue to discriminate and that they—you can have all the regulations you want, but as you know, as you go into a company, the treatment that you get can be very different. So I think it's incredibly important that we ensure strong enforcement and real teeth to this legislation, so that employers know that if they violate this law, they will be held accountable.

I also think that what's not in the legislation is timely assessments, registration, so that workers know that they're not going to be left waiting in limbo for years and years and years. They're having to do survival jobs, meanwhile. We know what happens to people when they're in those jobs—that's where injuries happen. That's why the

workers' compensation system is so important, to protect workers.

The Canadian experience has been, as you know, a long-served excuse to keep our communities in low-paid jobs and to not be able to use our full potential in the labour market.

Mr. Deepak Anand: I agree with you.

When we were looking at the numbers, it's a win-win situation. Right now, as we know, there are about 291,000 jobs which are unfilled. By providing the skill set which people already have, we can actually create Ontario's GDP—increasing by \$12 billion to \$20 billion in the next five years. We can take that money and invest it back into the services and things which you just talked about.

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How much time do I have?

The Chair (Ms. Natalia Kusendova): Three and a half minutes.

Mr. Deepak Anand: Okay. The next question I have, Chair, is for the director of occupational services at the Ontario building trades.

Carmine, are you still around?

Mr. Carmine Tiano: I am.

Mr. Deepak Anand: Perfect. I want to thank you, and I really want to applaud you for the background that you have, supporting women in the trades, one thing which we definitely need to work on more.

Can you suggest to us certain things that we can do—and I can take it back to the ministry—on supporting women in the trades?

Mr. Carmine Tiano: Thank you for the question.

I'm the director of occupational health and safety. We do have a program which has been funded by the MLTSD to actually get women into the trades. There still is a stigma set up in the school system that basically says that trades are almost something that you shouldn't be doing. This could also be a cultural thing; it has been systematic.

One thing you could do is the idea of getting tradeswomen who have gone through an apprenticeship to get into the schools and say, maybe starting in grade 10, "It's cool that you want to go to college or university, but here's an opportunity where you could get into a program that not only gives you an education; it gives you multiple skills. You'll be earning money while you learn." I think the best thing you can do is to have these programs and get the information out to people at a young age.

The other thing that's very important is for them to understand what it is to be a building trades worker. A building trades worker isn't someone who's digging a ditch. This is someone who has been given a skill set. It could be welding or reading blueprints. In many ways, how I would define what a building trades worker is—they're almost like an engineer, because you've got to remember: When the engineer gives these blueprints, it's our building trades who actually make it work.

I think that if the thing you can do is keep this funding to break the stigma, if you do that, within five years, not only will you deal with the so-called skills shortage, but you'll actually create a diverse workplace—it could be

people of colour; it could be women. I think that's what your government can do. But these things need to continue; they can't just be one-offs.

Mr. Deepak Anand: I totally agree with you. Every time I go anywhere, this is the first thing we hear: "We have a labour shortage." I look at it on the other side—"My goodness, that's a good problem to have"—but it's not good to have this problem forever.

Mr. Carmine Tiano: But on the labour shortage: Is there a labour—

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

Back to the official opposition: MPP Gates.

Mr. Wayne Gates: I'm not going to go to the Workers' Action Centre, only because Peggy used up the entire seven and a half minutes on that.

I really think we should hear from the Occupational Disease Reform Alliance group, who are having workers die on the job and widows spending years and years fighting a WSIB system that doesn't work.

I will make a couple of comments, and then I'll ask a skilled trades question, and then I'll move on to the Occupational Disease Reform Alliance.

Schedule 6 should be removed from this bill, period. I think that should be the position.

This is for the building trades. The OFL was here earlier today. They said they weren't consulted. I would like to know whether the building trades were consulted on this bill. Trades work hard. They do incredible work. You already talked about what the skilled trades do, whether it's building our hospitals, our schools, our infrastructure. They're getting injured on the job as well. They have mental health issues in the trades. We have an opioid crisis. A lot of the times in the trades they get hurt on the job, and because they're big macho guys, in some cases, they don't report some of those injuries and try to work through it. So there are a lot of things that the trades need WSIB for.

In the province of Ontario today, under this government, 50% of injured workers live in poverty. Every day, our brave trades workers face dangerous situations to provide us with the services we need.

Do you believe this bill does enough to provide for trades workers who are injured on the job?

Mr. Carmine Tiano: I think that when it comes to WSIB, there needs to be a real look at what's happening. For the building trades, when I see a letter that comes into my office, I shudder to open it, because I know that it's going to be a denial. I think, out of this Bill 27, if there can be a look at what has been happening since 2010—we have cut so much money from the system, and this is not a problem that was started with the current government. This was something that started as a result of bringing down the unfunded liability. The numbers don't lie. You cannot go from \$4.8 billion in benefits being paid out in 2010 down to \$2.2 billion. These are numbers right out of the WSIB's annual report. How do you cut so much? It's very simple: Deny entitlements, make the threshold so high for a worker to get benefits, and, moreover, allow the

playing of the modified work game: Carmine gets hurt. Employer A offers Carmine a job. This job is a concocted job. Carmine's doctor says, "Carmine, you shouldn't do that." Carmine says no. Automatically, benefits are cut, and Carmine is deemed uncooperative. Why are we allowing this game to be played?

At the same time, follow some of the policies that are actually there. I give you an example: When it comes to esophageal or gastrointestinal cancers, the policy has been set. Just follow it. When a worker meets the criteria for exposure, allow the claim. Don't allow us to fight the same issue over and over again. Maybe there needs to be consideration. Should we be looking at bad-faith language—the same way in the private industry, when a claim is denied just because of improper adjudication?

Those are the kinds of things that are affecting building trades workers, and all workers, by the way. All workers are vulnerable. We've got to remember, union or not—

Mr. Wayne Gates: Thank you very much.

Sue, I'm going to ask you some questions. I met with your group. Your group has brought tears to, I think, a lot of people across the province.

How long have some of the people in your group been fighting for justice?

Ms. Sue James: They've been fighting for justice for anywhere from 10 to 25 years.

Mr. Wayne Gates: Has the minister agreed to meet with your group yet to discuss your four demands?

Ms. Sue James: No. We just introduced those demands on October 29 and submitted them to his office, so we are still waiting and looking forward to it.

Mr. Wayne Gates: So nobody has even called to confirm they received it?

Ms. Sue James: No.

Mr. Wayne Gates: I want you to tell the story, quite frankly, about workers who get cancer—tell exactly what has happened to some of the workers from GE who have died.

And I'll ask a question: Do you believe the bill today does justice to the families in communities like Sarnia, Peterborough, Dryden, Kitchener, Niagara?

Tell the story of what you've gone through over the last 10, 12, 15 years, being denied benefits, and how workers have ended up living in poverty in places like Peterborough, with GE and others.

You've got about two minutes. Say whatever you want, because I think everybody needs to hear it.

Ms. Sue James: It's really hard to pinpoint, because for many, many years—and we're talking about industry that was in the 1940s onwards, before a lot of workplace health and safety measures were put into place. So they worked with no protective equipment. They worked in poorly ventilated facilities.

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Starting in about 1994 in our own community and every other one of these clusters across Ontario that has come forward—like Sarnia, with the mesothelioma and these cases—what we saw were the alarm bells that something was wrong. We were working in an industry—and quite

frankly, a lot of us were women in the trades, and we were very proud about that. What we saw was that people were dying. They were in their late thirties, maybe early forties, and they were dying in clusters. It was really heart-breaking, and yet we couldn't connect the dots. Everybody said, "Wow. I guess it's just the luck of the draw." But when you look at the number of chemicals and carcinogens and toxins and endocrine disrupters, we have a path forward.

We have to learn from the past in order to protect our kids, our grandchildren, going forward, so that this does not happen again. Our voices—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm really sorry to interrupt, but we are out of time.

Now I will move on to MPP Fraser.

Mr. John Fraser: I'll give her a minute to finish what she was saying. I wanted to hear that.

Ms. Sue James: Thank you. What we found was that these people were all dying and we had no recourse. They'd go into the WSIB system, and nothing is consistent there, nothing is fair there. You see one gastrointestinal disease being accepted, and then the person who worked right next to them is not accepted. So there's no consistency. It has really hurt our communities. It has made us feel this shroud of despair, really and truly.

We're proud of our communities. We love our communities. Not one person I have ever talked to has said that the money is what they're after. These people just want acknowledgement. They simply want recognition. If your partner or your son or your daughter dies from one of these diseases because of exposures, then no amount of money—people call it blood money—is going to bring that person back. That's all they want.

Mr. John Fraser: Thank you for sharing that and for coming and being here today.

I want to direct this to building and trades: Schedule 6 is something that has come up a lot in these hearings. We have heard the concerns that everybody, actually, who has presented today has had with schedule 6, and it seems like the government is putting the cart before the horse.

Do you think schedule 6 should remain in that bill? If you think it's going to remain, what are the things that should be in the bill that are going to create some sort of balance or fairness on the side of workers? Carmine or Marc, if you can answer that question—I hope I was clear on it.

Mr. Carmine Tiano: [*Inaudible*] preface his comments that the building trades is not opposed to an employer that can justify—I'll give you an example; we'll use COVID-19. An employer that, since the pandemic in March 2020, has done something like the following: PPE; put real protocols in place; when a worker needed to be removed from the employer, may have just paid them the 10-day quarantine; put protocols to ensure sequencing of work—in those cases, objectively, you can show that there has been a bona fide real occupational mitigation that created a diminished risk. That employer would be shown to be responsible, and there would be relief. What we do not want is just money for the sake of giving them back money: "Hey, we collected \$4 billion. We have a 125%

funding ratio. We're just going to give it, like we did from 1984."

At the same time, if you're going to be allowing relief to employers—and you've got to remember, and no one has mentioned this, that since 2016, employers have generally gotten around 52% in reduction of premiums. In construction, the average premium rate has gone down 63%. Despite those reductions of premiums, the accidents haven't gone down, the critical injuries haven't gone down, the deaths haven't gone down. As a matter of fact, in 2020, with increased focus on COVID-19 and increased inspections, there were 20 deaths in construction and 355 critical injuries. So guess what? Giving reductions in premiums and giving money back hasn't helped.

When it comes to looking at benefits, let's look at what's happening with this idea of deeming—

The Chair (Ms. Natalia Kusendova): Thank you so much. I'm sorry to interrupt, but we are out of time.

The final round of questions goes to the government. MPP Anand, go ahead.

Mr. Deepak Anand: Susan from the Occupational Disease Reform Alliance, I want to share with you—and any government, for that matter, when we say the health and safety of every worker is our priority and should be our priority—that I truly believe that every worker deserves to come home safe after a hard day's work, wherever they're working.

I have a background in chemical engineering. I actually worked on chlor-alkali, so I worked with chemicals myself.

Absolutely, I agree with you; many times it's that hug, that comforting word, more than anything, that is required. So I just want to say my thoughts and my prayers are with the workers who have been injured and their families. I'm sorry for that.

I do want to acknowledge that occupational diseases are just as serious as physical injuries.

I know that the exposure limits proactively ensure safe working conditions. In our province of Ontario, we have exposure limits for over 750 chemical agents. We have even stronger limits for 36 substances, that come into force for July 1, 2020.

I want to understand from you what you think about the Occupational Health Clinics for Ontario Workers—OHCOW—fund which has been provided. I have a few examples, but I don't have all of them—one of them is \$6 million for an occupational cancer research centre; \$2.6 million was for McIntyre Powder Project; \$500,000-plus to the Kitchener-Waterloo Rubber Workers Project; \$1.3 million to GE Peterborough and Ventra Plastics project. What do you think of these funds and the research that has gone into occupational diseases? Is that anything that you think is a good step?

Ms. Sue James: Absolutely, it's a good step. But as long as the WSIB system is not working to recognize these—again, we're talking about a time when a lot of this research had not been done. So these people were denied just compensation only because science hadn't caught up with what people were going through and what we were seeing.

1800

I absolutely agree that a lot of the research that is being done is good and will help formulate better outcomes in WSIB and better protections. We need all that research, but time has run out, because the people I see and in my generation—we are part of that generation that doesn't have time left. People are dying every day; I see it in the papers, I see it throughout. We've missed the boat somewhere. So, yes, I would encourage that we continue to research so that it will make it a better world for our children, but it does not help the ones who have suffered through it from the past.

Mr. Deepak Anand: Again, I'm just going to make some notes—so anything that you want me to take back to the group who is working on OHCOW. What is the line I should tell them? Is there anything that needs to be improved? What should that be—to the group who is working on OHCOW, on the research front?

Ms. Sue James: I'm not familiar with that group, actually.

Carmine, do you know that?

Mr. Carmine Tiano: I think he's talking about OHCOW, yes. Go ahead, Sue.

Ms. Sue James: Okay. I'm sorry. Yes, absolutely, OHCOW and OWA have been life supports for people going through occupational disease. Yes, I fully support any monies that can go in the OCRC. It would be nice to see them all, a collaborated effort, helping one another.

Mr. Deepak Anand: Thank you for that feedback. I definitely will pass that feedback back.

I do apologize, Carmine; you were trying to talk about it and the time lapsed—we were talking about the job shortage and the labour shortage. Go ahead.

Mr. Carmine Tiano: Thank you. Quickly on that—but then I want to pull the thread a little bit more which you just did with Sue.

When it comes to labour shortages, is there a real labour shortage or a shortage of people who want to work for

minimum wage? I don't want to get into that discussion now.

However, I think when it comes to the disbursement of funds, one thing I would like is to piggyback on what Sue just said. Right now, we have all these entities. Yes, they need to be working synergistically together to move forward. I think when it comes to the research, the research is basically there. I do not want to go down the game of, "Let's do more research." We know what's causing illness; we have the evidence. Let's implement it into real policies, scheduling diseases, and move on.

When it comes to disbursement of some of the money from the surplus, let's look at funding things like the Princess Margaret screening program for mesothelioma. Why do the building trades have to put in millions of dollars to fund a screening program? That screening program at Princess Margaret should be funded by the WSIB; it shouldn't be funded by the building trades. That mesothelioma program is fantastic. It has created not only a screening program, advanced research into mesothelioma treatment—and it only comes from one place, by the way: exposure to asbestos. So why don't we take some of that money and pump it into Princess Margaret in five-year funding blocks? We could improve the lives of workers who are diagnosed with this deadly disease. No one else in the world is researching this, because it is an occupational carcinogen that causes it. So—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm so sorry, but that concludes the time we have today.

I would like to thank all of our presenters for a great presentation, our members for a respectful dialogue and, of course, our wonderful staff for keeping us on track.

That concludes our business for today. This committee now stands adjourned until Wednesday, November 17, 2021, at 1 p.m.

The committee adjourned at 1805.

STANDING COMMITTEE ON SOCIAL POLICY

Chair / Présidente

Ms. Natalia Kusendova (Mississauga Centre / Mississauga-Centre PC)

Vice-Chair / Vice-Présidente

Ms. Bhutla Karpoche (Parkdale–High Park ND)

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Jeff Burch (Niagara Centre / Niagara-Centre ND)

Ms. Amy Fee (Kitchener South–Hespeler / Kitchener-Sud–Hespeler PC)

Mr. Michael Gravelle (Thunder Bay–Superior North / Thunder Bay–Supérieur-Nord L)

Mr. Joel Harden (Ottawa Centre / Ottawa-Centre ND)

Mr. Mike Harris (Kitchener–Conestoga PC)

Ms. Bhutla Karpoche (Parkdale–High Park ND)

Ms. Natalia Kusendova (Mississauga Centre / Mississauga-Centre PC)

Mrs. Robin Martin (Eglinton–Lawrence PC)

Ms. Effie J. Triantafilopoulos (Oakville North–Burlington / Oakville-Nord–Burlington PC)

Mr. Jeff Yurek (Elgin–Middlesex–London PC)

Substitutions / Membres remplaçants

Mr. Deepak Anand (Mississauga–Malton PC)

Ms. Doly Begum (Scarborough Southwest / Scarborough-Sud-Ouest ND)

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

Mr. Wayne Gates (Niagara Falls ND)

Ms. Peggy Sattler (London West / London-Ouest ND)

Clerk / Greffière

Ms. Tanzima Khan

Staff / Personnel

Ms. Pia Anthony Muttu, research officer,
Research Services