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**Official Report
of Debates
(Hansard)**

SP-5

**Journal
des débats
(Hansard)**

SP-5

**Standing Committee on
Social Policy**

**Comité permanent de
la politique sociale**

Working for Workers Act, 2021

Loi de 2021 visant à oeuvrer
pour les travailleurs

2nd Session
42nd Parliament
Wednesday 17 November 2021

2^e session
42^e législature
Mercredi 17 novembre 2021

Chair: Natalia Kusendova
Clerk: Tanzima Khan

Présidente : Natalia Kusendova
Greffière : Tanzima Khan

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

Wednesday 17 November 2021

The committee met at 1300 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. on Thursday, November 18, 2021. Legislative research has been requested to provide committee members with a summary of oral presentations and written submissions as soon as possible following the written submission deadline.

The deadline for filing amendments to the bill is 6 p.m. Eastern Standard Time on Friday, November 19, 2021.

The Clerk of the Committee has distributed committee documents virtually via SharePoint.

We have the following members in the room: MPP Anand and MPP Gates. Welcome.

The following members are participating remotely—I will ask you to please identify yourselves and state that you are indeed in Ontario.

We have MPP Aris Babikian.

Mr. Aris Babikian: It's Aris Babikian. I am in Toronto at Queen's Park.

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

We have MPP Amy Fee.

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

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

We have MPP Peggy Sattler.

Ms. Peggy Sattler: It's Peggy Sattler, and I am here in Ontario.

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

We have MPP Jim McDonell.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Mercredi 17 novembre 2021

Mr. Jim McDonell: It's MPP Jim McDonell, and I'm in Williamstown, Ontario.

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

We have MPP Toby Barrett.

Mr. Toby Barrett: I'm Toby Barrett, MPP, in the province of Ontario.

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

We have MPP Doly Begum.

Ms. Doly Begum: I'm MPP Doly Begum, joining you from beautiful Scarborough.

The Chair (Ms. Natalia Kusendova): Thank you. Have I missed anyone at this time?

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

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

I see that MPP Jeff Yurek has joined us. Good afternoon.

Mr. Jeff Yurek: How are you? I'm in Ontario still.

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

ONTARIO WASTE
 MANAGEMENT ASSOCIATION
 WINDMILL MICROLENDING

The Chair (Ms. Natalia Kusendova): We are ready to begin with our first group of presenters. Each presenter will have seven minutes for their presentation, for a total of 21 minutes, and the remaining 39 minutes of the time slot will be questions from members of the committee. The time for questions will be broken down into two rounds of seven and a half minutes for the government members and opposition members respectively, and two rounds of four and a half minutes for the independent member when he does join us. Are there any questions at this time?

Seeing none, I am pleased to invite our first group of presenters for this afternoon. We have Mike Chopowick, chief executive officer from the Ontario Waste Management Association. Welcome. You have seven minutes, and you may begin by stating your name for the record.

Mr. Mike Chopowick: Thank you, Madam Chair. It's Mike Chopowick here. I'm the chief executive officer of the Ontario Waste Management Association.

The Chair pronounced by name in the Ukrainian way that my grandmother, my baba, used to, so thank you for that.

By way of introduction, the Ontario Waste Management Association represents both municipal and private sector waste service providers across the province. In total, our members employ 17,000 front-line workers who collectively manage over 12 million tonnes of waste and recycling every year. That activity contributes over \$3 billion to the provincial GDP in Ontario and also generates well over half a billion dollars a year in tax revenue.

I'll keep my comments very short.

In summary, OWMA supports the passage of Bill 27. I want to commend the Minister of Labour, Training and Skills Development and his policy staff for bringing these proposals forward. We feel, overall, these changes are going to help make Ontario a top choice to attract workers who will live and work in this province, and help put Ontario on a more level playing field with other jurisdictions when it comes to attracting skilled talent. And let's face it: A lot of these changes simply recognize the modern economic landscape that we're now in as we emerge from the pandemic. In the waste management sector in Ontario, one of our top challenges is attracting skilled and talented workers, and retaining them as well. It's absolutely one of our largest operational challenges going forward.

Just a couple of either suggestions or recommendations for the committee—I first want to point you to part VII of Bill 27, where Bill 27 would require employers that employ 25 or more employees to have a written policy on what's referred to as disconnecting from work. We take this to mean that workers would not be required to engage in work-related communications, emails or phone calls outside of work hours. I think, in its current form, Bill 27 doesn't really specify what information we'll need to include in that policy or which employees might be exempted, so we just want to point out some considerations. For example, in the waste management sector, if we're dealing with a hazardous waste spill at 3 a.m., we want to make sure that our employers can still be within the bounds of the law to contact workers who would be able to respond outside of regular work hours to deal with dangerous incidents that could impact health, safety or the environment.

Secondly, we hope perhaps as the bill progresses there will be some added clarification on schedule 5 in Bill 27, which requires owners of workplaces to provide washroom access to workers. We just want to point to the exact wording in the legislation: workers that are delivering anything to the workplace or collecting anything in the workplace. I think the argument could be made that we'd

commonly think of that as including parcel delivery or pickup or delivery of goods, but perhaps it could include collection of waste from a workplace. As you can imagine, we have many waste workers who spend their entire day in the cab of a truck travelling from property to property collecting waste materials. That's a vital service to the province's economy, so we're hopeful that at some point that could be clarified by the ministry.

Thank you, Madam Chair and members of the committee. That concludes my comments.

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

Now it is my pleasure to introduce Claudia Hepburn, the chief executive officer, and Oumar Dicko, the national director for government partnerships, representing Windmill Microlending. Welcome. You have seven minutes for your presentation, and you may begin by stating your name for the record.

Ms. Claudia Hepburn: My name is Claudia Hepburn. I'm the CEO of Windmill Microlending. I'm joined, as you mentioned, Madam Chair, by my dear colleague Oumar Dicko, our national director of government partnerships.

1310

I'd like to thank the Chair, members of the committee and staff for inviting us today to speak in support of this important legislation, and I'd like to say how pleased I am to see that a significant number of the committee members are close to the issue under discussion today.

Oumar and I will confine our comments today on Bill 27 to schedule 3, on fair access to regulated professions.

Each year, Ontario welcomes over 120,000 immigrants and refugees, many of them highly educated and with valuable work experience in regulated professions and trades. But too often, their credentials and experiences are not recognized, and without access to affordable credit, they are unable to pay for the costs of reaccreditation here in Ontario. This leads to long-term underemployment and poverty among newcomers, and Ontario loses valuable talent in professions where their skills are critically needed. There's an abundance of evidence documenting labour shortages in Ontario's regulated professions and trades, and a wealth of data that shows that immigrant talent is going to waste.

Founded in 2005, Windmill Microlending provides an innovative solution to this costly problem. Our charity provides affordable loans and supports to skilled immigrants working to restart their careers in Canada who lack access to affordable credit. Since 2014, we've supported over 2,500 immigrants and refugees in Ontario. Our clients more than triple their incomes as a result of our financial literacy training, mentorship and affordable client-centred loans. Our repayment rate is 98%, and unemployment among our clients drops from 42% to 7% once the loans are repaid. Over 50% of our clients are employed in the health care sector.

Ontario employers face acute skills shortages that threaten our competitiveness, economic growth and prosperity. Our ability to employ internationally trained immi-

grants at a level commensurate to their skills and experience will help alleviate this issue, particularly post-pandemic.

That's why we are supportive of Bill 27, particularly schedule 3. It's the first of its kind in Canada, and this legislation will reduce regulatory and licensing barriers for skilled immigrants in Ontario. By removing Canadian work experience requirements for professional registration and by reducing the cumbersome duplication of official language proficiency testing, our skilled immigrants will be employable faster.

While the work of immigrant-sector organizations is critical to facilitate the professional integration of newcomers, there remain significant barriers. Bill 27 is a step forward in addressing the issue of underemployment of skilled newcomers and Ontario's labour shortages.

I'd like to point out section 17(c) of schedule 3, which references the provision of information to support the registration of internationally trained individuals. We encourage the government to help ensure that ITIs are aware of Windmill loans and coaching supports sooner, on their arrival in Ontario. The sooner our ITIs have access to the knowledge and financial supports that will enable them to restart their careers, the better off all Ontarians will be.

The reality is that talent is in short supply, and with declining birth rates globally, competition for international talent is going to increase. Jurisdictions that facilitate an equitable, efficient and affordable process for integrating internationally trained individuals will prosper and flourish while others lose out.

There are many indirect benefits that will result from the changes proposed in schedule 3. These include:

- an increase in the mental health of immigrants, which comes from professional recognition and a community of respect;
- an increase in the well-being of children of immigrants, who will grow up in families with higher incomes;
- an increase in the income and sales tax paid to the province;
- an improvement in Ontario's brand internationally as a jurisdiction that values its immigrants; and
- perhaps most importantly of all, a more inclusive and equitable society.

It's time that we consider and support innovative solutions, such as the ones proposed under Bill 27, to ensure immigrants and refugees can put their talents to use where they are critically needed. This new legislation is an important step in the right direction, to be emulated across Canada.

We appreciate all the work you and your colleagues in the Legislature are doing to address labour shortages, to facilitate the integration of skilled immigrants, and to create an equitable and prosperous Ontario for all. Thank you very much.

The Chair (Ms. Natalia Kusendova): Thank you very much. You have two more minutes remaining. Are you finished with your remarks?

Ms. Claudia Hepburn: I am finished. I'll turn it over to my colleague Oumar, in case he has anything he would like to add.

Mr. Oumar Dicko: That concludes our remarks. But we are very supportive of Bill 27, particularly schedule 3, as Claudia mentioned. The bill will certainly speed up the process of licensing, re-licensing and registration of newcomers in Canada, and facilitate the labour market integration.

At Windmill, our ultimate goal is to turn the potential of those skilled immigrants into prosperity, not only for them and their family, but also for Ontario. So we're certainly supportive of any legislation and policy that will facilitate the labour market integration of skilled immigrants. Thank you very much.

The Chair (Ms. Natalia Kusendova): Thank you very much. Seeing as we do not have our third presenter with us today, we can begin our questioning period with the official opposition. You have seven and a half minutes. I recognize MPP Gates.

Mr. Wayne Gates: First of all, thanks for being here for the presentations today. I'm going to start with the Ontario Waste Management Association, and we'll try to get to the other presenter as well, particularly on the issues on immigration. And then I'm going to turn it over to my colleague after that for either what's left of this or the second part of the questioning.

The employees working in your industry—this is to the Ontario Waste Management Association—would you say that their job is physically demanding? Is there a possibility of any injuries on the job?

Mr. Mike Chopowick: Mr. Gates, thank you for the question.

Absolutely. You're talking about a work environment that often involves manually lifting heavy loads and operating heavy and potentially dangerous equipment. We concede the waste management sector does come with inherent workplace risks to health and safety. I believe our members are at the forefront of managing those risks and putting health and safety first—frankly, even during the pandemic and before the pandemic—things like PPE, and making sure we have sanitary workplaces. We were actually proud to have had those practices in place long before the pandemic started, just as a matter of health and safety protocols. But, yes, the nature of the work, as I said, does involve manual labour and working around heavy equipment and heavy vehicles.

Mr. Wayne Gates: I appreciate that. How many employees did you say you employ?

Mr. Mike Chopowick: Front-line workers in Ontario? Over 17,000.

Mr. Wayne Gates: Both presenters—there were supposed to be three, but there are only two—talked about schedules that you guys thought were good, and that you're supportive of this particular bill, but I noticed that your company never raised schedule 6. With the type of work that you have—it's very heavy. I know you have a lot of cases, big turnover and that, because of how dangerous the job is, and sometimes, rates of pay. But there was

no mention of schedule 6. So, I'm letting you know that, as far as we're concerned, from the NDP, the poison pill of this bill—quite frankly, it's all about schedule 6. The rest is really window dressing for other stuff.

Schedule 6: I'm going to ask you a question on that. I'd really like an answer from an employer. I heard all day yesterday from the unions and how they feel about it. I know how I feel about it, quite frankly. I've spoken on it. I have bills that are trying to make it better for workers in the province of Ontario.

Do you think that reverting billions of dollars from WSIB back to employers, rather than working to address health and safety concerns—which you raised in your comments, by the way—in an industry like yours, is a good decision by government, or quite frankly, by anybody?

Mr. Mike Chopowick: Mr. Gates, I appreciate the question.

I'll have to tell you I would have to consult with my members a bit further on that provision. Unfortunately, I can't speak to that provision in the bill today.

Obviously, like I said, worker safety is job number one in our sector, and it's really important to us. Anything we can do to improve that is important.

1320

Mr. Wayne Gates: Mike, I appreciate your comment. You came before the committee to make a presentation, which we're appreciative of, but you also said very clearly that you support the bill. That would tell me that you've read the entire bill, that you've taken a look at all aspects of that bill, to say, "What's good for my workplace?" You've talked about what's good for Ontario waste management and your contribution to jobs. I don't know if they're good-paying jobs or what the rate of pay is, but you talked about the tax base. You talked about all the reasons why we need to make some improvements.

If it's a bill about workers, one of the things that's going to happen in your workplace, for sure, unless you can correct me—I would think that some of your workers get injured, some of your workers have mental health issues, some of your workers are being denied WSIB. So schedule 6 is a very, very important part of this documentation, and I see it different than maybe you do or other businesses do.

I worked out of a plant. I'm not a lawyer. I'm not a doctor. I worked at General Motors for close to 40 years. I was involved with my union. I watched people get injured on the job. I wheeled workers out of the plant who got killed and crushed in machines. So I know how important WSIB is, and I know how important it is to those spouses.

I don't know why you'd have to talk to anybody. They call it a surplus. Workers, as you know, put money into WSIB. It's not a surplus. It's workers' money.

Do you believe that that money shouldn't go back to injured workers and making sure that our workplaces are safe?

Do you know that right now 94% of people who put in a WSIB claim for mental health are denied?

I appreciate that you've got to go back. I'm going to ask you, I'm going to encourage you, because I have another question for you that's very similar, to please go back to your workplace, talk to your colleagues—not just the workers, but the front-line workers, who I'm really addressing. They're the ones who are getting hurt. Not too many people are falling off their chairs in the executive boards. It's happening on the front line. It's happening to those people who are on the streets every day, who are working in the cold, who are doing everything that they're supposed to do—slips and falls and all that other stuff. Please take this message back, that if you're going to read the bill and you're going to come in front of the committee and say you support it—which is fair; it's a fair comment—read the whole bill before you say you support anything. I don't sign a loan for my car without reading all the particulars on how it's going to cost me down the road.

I'm not trying to pick on you, but I'm very passionate about workers who aren't being treated fairly in the province when it comes to WSIB. People are living in poverty.

I went to work—I'll finish that story, if you don't mind, Chair—every day. I worked in a very tough thing. I was a tool setter. I worked around machinery. I had to lock out machines. I had to be safe.

Do you know why I went to work, sir? Do you have any idea? Do you know why people go to work in your business? Why do they go?

Mr. Mike Chopowick: Well, to earn a rewarding living.

Mr. Wayne Gates: Exactly. I went to work to provide for my family. I was paid fairly. I got a pension. I had benefits. I had all those things. I didn't go there to get injured. I didn't go there to lose my life.

When I get injured, there has to be a mechanism in place—and that's WSIB. And to take that surplus, instead of making sure that people are being taken care of who get injured in the work, whether it's mental health—our nurses are going through incredible—

The Chair (Ms. Natalia Kusendova): Thank you so much. I'm so sorry to interrupt.

Mr. Wayne Gates: That's it?

The Chair (Ms. Natalia Kusendova): Yes. In fact, I gave you 20 seconds extra. We will have another round.

We do not have our independent member with us currently, so we will move on to the government. MPP Anand, go ahead.

Mr. Deepak Anand: Thank you to the presenters for coming and taking time to go through the bill and talking passionately about what is in the bill.

Before I start, Chair, I want to acknowledge that this bill is practically the voice of the people. If you look at schedules 1, 2, 3, 4, 5 and literally go through all of these schedules, these are the practical problems which people faced. They came to us, and we talked about—I'm not sure why my friend Doly Begum is smiling, if she's watching something else, or if she laughed at my comment. I can answer it. When we talked about, for example, those

drivers who had to walk two kilometres just to use a washroom—that's the voice of the people. They came to us to say that it needed to be fixed, and that got done.

My friend MPP Begum—I'm sorry; I don't know her riding, so I'm just using her name—is passionate about foreign credentials. That's what is talked about in this bill. I am a live example. Many of my colleagues—MPP Sabawy had to work in a Tim Hortons, and he had a team of his own back home. Working under a foreign credential—it, again, came from the people. The people asked us to do it, and I truly believe that it was required. I can go on and on about that.

But here, who we want to talk to is our presenters, to hear from them, so I'll talk about the rest in the next.

First of all, I want to say thank you to Claudia from Windmill Microlending. I wasn't even sure about an organization like this, to be honest with you. When I came to Canada and I couldn't find a job, I actually found a job in something different than what my field was, something different than what I was trained for, and I wish I had known that there was somebody like you there, holding the hand of newcomers. I want to acknowledge and appreciate and thank you for doing this. I will be reaching out to your organization, because in my riding, 61% of the residents are born outside Canada. Malton, as everybody knows, is a hub of new Canadians. They're wonderful people. They want to come and assimilate with Canada.

Claudia, can you explain to me how some of these residents can reach out to you and how they can get the advantage of the community service that you're doing?

Ms. Claudia Hepburn: I really appreciate those kind comments, and the question.

I would encourage them to check out our website, at windmillmicrolending.org. We have an eligibility quiz that anyone can do in two minutes. There are about four questions that a newcomer can do to see if they are eligible for our loans. We also have a toll-free number that they can call during business hours to speak to one of our wonderful intake staff. Our intake staff are first- or second-generation immigrants themselves. All our employees are very passionate about this cause and making a difference in our clients' lives. I would encourage them to reach out in one of those two ways.

Mr. Deepak Anand: I know once you come here, there's a chicken-and-egg. I do remember many times, when we were new—to give an example, just to rent an apartment, we needed a credit history. To get a credit history, I needed to have a job, I needed to stay here for a long period of time. So how difficult is it to get somebody this help?

Ms. Claudia Hepburn: To get a Windmill loan, or to get—

Mr. Deepak Anand: To get the loan.

Ms. Claudia Hepburn: We approve about 95% of applicants who are eligible and suitable, meaning that they need a loan either for professional accreditation in Ontario or because they want to change careers, because perhaps, like you, they don't want to do the same career as they had

back home, or because it's too expensive and too long and too risky.

For instance, many medical doctors decide, particularly if they are a specialist doctor, that the chance of them getting a residency is too high and it's too expensive and they'd rather do something else in the medical field. So we talk to them about those other options, and we provide them with loans to make a career change or to get professional development.

As you know, many newcomers may have the skills, but they need some kind of Canadian piece of paper, a diploma, to make employers trust them. We will help them with those costs, and our loans are up to \$15,000.

Mr. Deepak Anand: Wow. I appreciate it.

My colleague MPP Barrett wants to ask next.

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

Mr. Toby Barrett: I want to ask Mr. Chopowick a couple of questions in the context of the Working for Workers Act proposed legislation.

You indicated that about 17,000 people work in this industry. I envision that much of it is perhaps outdoor work, tough work, maybe not the most attractive work for a lot of people. I'm assuming with the virus, changes in demographics—we certainly find, in agriculture and construction, it's hard to find young people who would wade into some of this kind of outdoor work.

1330

I wonder if you could give us a bit of a thumbnail sketch of where your industry is at and, further to that, how some of the proposals in this legislation might help out. I know there has been made mention of, for those who are hauling garbage, perhaps there's a problem with accessing washrooms—and to what extent changes in the WSIB policy might be beneficial or not.

Mr. Mike Chopowick: Everything you just said was 100% correct.

It is a demanding job. Like I said, one of our biggest challenges is attracting and retaining workers to this sector. Although, obviously, we think it's rewarding work for those who pursue a career in it, it is a tough and challenging role. Absolutely, it's not your conventional 9-to-5 office job. You're out there in tough conditions, whether it's working outdoors at a landfill or disposal site or on the truck or in a transfer station.

That's why I opened up by saying that, overall, Bill 27 provides the right balance—

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

Back to the official opposition: MPP Begum.

Ms. Doly Begum: First, before I actually start my questions, let me just take a moment, if you'll indulge me, Chair, to respond to my friendly colleague on the other side, MPP Deepak Anand. The reason I just couldn't stop myself—and I think it's necessary to point out that this bill is such an insult to many of the workers. Maybe in his position, in his cozy chair, he has forgotten the struggles that many of us, I know, as immigrants, have gone through.

Do you know what a lot of the workers had asked for? If this bill is the voice of workers—transit workers, taxi drivers, Uber drivers. They wanted access to washrooms as well. There are so many exemptions made in this bill that people who need to access the washroom will not be able to.

I think my colleague from Niagara Falls did a fantastic job in calling it window dressing.

When we look at a bill, we have to look at the real meat of the bill.

I appreciate the presenters who came today, because it takes a lot of work, a lot of effort to prepare the presentations, to look at the elements that are presented here.

It's important to point out that bills are not incremental; they don't happen throughout the years. Once a bill gets passed, it takes probably another decade, sometimes many more decades, for it to come back to the floor and be amended and changed—for another round of changes made. So once this bill gets passed, there are going to be a lot of things that are set in stone that impact the lives of many people, many workers.

I can't help but read something that one of the workers who was injured and has been advocating shared with us. He said, "Between 2010 and 2017, WSIB benefits paid out to injured workers were cut by more than half. And the Ford government's solution is to give employers more money back on top of the 52% cut in premiums in 2018, 2019 and 2020"—and he goes on.

The point here is that over the past years, we have seen employees, who, by the way, pay into WSIB, and their money now will be put into a bucket, a pool and that money will be—when there's a surplus because employers did not give that money to their employees—given back to the employers. It's sort of like an incentive to employers to say, "The more money we save from not giving our employees will come back to us." So it really disincentivizes employers from paying out WSIB payments—which we know there's a strong record of, so it's very unfortunate. It's almost laughable, MPP Deepak Anand, because that's the reality of this bill, and schedule 6 is that poison pill in there.

I'm a huge fan of schedule 3.

I know the two presenters here—Oumar Dicko, as well as Claudia Hepburn. Thank you so much for being here.

And Mike Chopowick, thank you so much for presenting.

I'll start off with schedule 3, because this is sort—I can call it my baby for the last couple of years, as well as something that we've been working on in our community in Scarborough and across the province, with many different professions.

My first question—and I think you hinted towards that as well, with the work that you do—is, do you think that cost is a huge factor for many immigrants who come here with the skill set to get into a profession?

I'll pass it over to you, Oumar.

Mr. Oumar Dicko: Thank you for the question. Thanks for having us here today.

Cost is certainly a huge factor. Access to the financial support for skilled newcomers to get the qualifications and the skills they need to work in Canada continues to be a factor. The work that an organization like ours is doing on the ground with immigrants is certainly helping to alleviate and address some of that issue, but there's still certainly more work to be done in terms of providing information to skilled newcomers when they come to Canada about the resources that are available to them, like the loans and the support that Windmill provides. That is why our organization is always willing to work with the government and any member of the Legislature to inform their constituents, if you have skilled immigrants in your constituency, of the work that we do, the services that we can offer and the supports that we have.

Ms. Doly Begum: This is something that we actually heard from a lot of immigrant workers who come here with a skill the federal government recognizes. The unfortunate reality is that cost is one of the biggest factors, and this bill does not touch on any of the issues when it comes to cost or understanding how we have programming that helps them go into that—the bridging program or the transition work they need, or supporting organizations that are trying to do the work.

Frankly, a lot of the people who have 10 or 15 years of experience—should they really be spending money again to go through another level of layers of barriers and pass through that? That's a rhetorical question. I know that it's not really fair for immigrants to go through that.

I'll go back to Claudia. I know you looked at schedule 3 very carefully. One of the biggest setbacks for us was that it does not include medical professionals. Especially after COVID-19, we know how many nurses we need in our health care system. We know the backlog that we're facing right now. Unfortunately, this bill completely excludes all medical professionals.

The schedule only allows for Canadian experience removal for regulatory bodies. I'm sure you deal with a wide range of professions. This means that employers can still ask you for Canadian experience. This means that you can still go through barriers. There are also exemptions for regulatory bodies, so colleges, and only professions that have colleges and have a regulatory body may use this bill to remove that barrier. Otherwise, everybody else can continue to set that barrier of Canadian experience. For some professions, it may be necessary, but for others that's going to be a big hurdle.

Do you think we could have done better by consulting with some of the workers, consulting with organizations that are in this field, that are doing the work, to make sure that we have a comprehensive schedule that focuses on many of the professions, including medical professionals, as well as having a very comprehensive schedule that looks at what kind of barriers people face, including Canadian experience, and removing it in the right way?

Ms. Claudia Hepburn: Thank you so much, MPP Begum. It's really wonderful to see someone like you, who is so knowledgeable about these issues and passionate, like we all are at Windmill, about solving them.

I would say that, absolutely, you point out some very valid concerns and issues, things that we can look at going forward. We never—

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

We will go back to the government members now. MPP Barrett, please.

1340

Mr. Toby Barrett: I would like to continue with the discussion—we may have been cut off because of the time constraints—in the context of the legislation, but again the concern with attracting workers, retaining workers.

Further to that, I'll throw in another question, if I could. And I think MPP McDonell has a question after mine.

To what extent has the industry been able to rev up, as far as research or innovation or any technological changes? I know you're fairly highly mechanized as it is, but we have such a sophisticated kind of supply chain system to get food and materials into the stores and to the consumer, and then there's the end result, where you guys are dealing with it after that. So where might the industry be heading, and where could government be helping?

Mr. Mike Chopowick: Thank you for asking that, Mr. Barrett.

Our workers operate in Ontario, right now, with a fleet of over 4,650 trucks that are used for collecting and hauling waste materials and recyclables. And yes, we're looking at automation, looking at modernizing the vehicle fleet, looking at automation of equipment and waste facilities and sorting facilities. But even with that, even with advances in technology and automation—and we could always use support from the government in those areas—in any given week, we're short 300 to 400 front-line workers. That's the reality. Still, for some time, we'll be a labour-intensive sector. The stream of waste and recycling in Ontario is growing as well, so we have to keep that in mind. So, yes, we're completely looking at any investments we can make in technology and innovation.

Like I said, this is why Bill 27 is so important as well, because it brings that balance and helps our employers and businesses be more competitive in attracting the skilled workers we need.

One thing we learned during the pandemic is that the flow of waste doesn't stop. When a lot of other business activities stopped, waste generation didn't—food waste, recyclables, household waste. It's a 24/7 job.

Mr. Toby Barrett: Chair, I think my colleague had a question.

The Chair (Ms. Natalia Kusendova): MPP McDonell.

Mr. Jim McDonell: I know that previous question about the cost of getting trained for newcomers coming over—for instance, we have a program that provided \$115 million to train or educate PSWs, which included newcomers coming to the country, because there's an extreme shortage in that area. I know that, in speaking with Minister McNaughton, the bill doesn't apply to the medical practitioners, because there are colleges there that look after or are responsible and they're working with those

groups. But they are another nut to crack, and they continue to work on that through the Ministry of Health.

I have a question for Claudia. You talked about, for instance, loans being available. Maybe you can go over some of the other services for newcomers. Coming to a new country, I'm sure—or anywhere new, let alone a new country—there are a lot of challenges, especially if you have a family, just getting familiar with an area, what services are available. As an organization, what are some of the services you provide?

Ms. Claudia Hepburn: I'll give a quick stab at the answer and then turn it over to my colleague Oumar.

We're one of a group of service providers. We're a very specialized organization that focuses on financial literacy and affordable loans and helping people to figure out the pathways to get from where they are to where they want to be. We're not the first point of contact that a newcomer will have; often, they will work with an immigrant sector agency that's focused on settlement. They will need to make sure that they have the language skills and figure out what they need to qualify in the profession they want to pursue in Canada before they get to us. We make sure when they come to us that they understand their options—if they were a CA in their country of origin, when they come to Canada, do they want to pursue that path, considering how long it takes and the costs that are involved, or do they want to change professions?

We want to make sure that they make the best choice for their family, and then we help finance it. And then if one of our clients falls into hardship when they have the loan, one of the things that we do very differently from a for-profit financial institution is, we'll reschedule the loans. So if somebody fails an exam and needs longer to pay, or if they have a family health crisis and they can't make their payments, as long as they tell us, we'll work with them so that they can keep a good credit score, they can build that credit score, and they'll have that as an asset, as well as their high-paying profession, when they finish with the loan.

At the end of the day, it maybe costs us a little bit more to deliver a loan, but our clients triple their income as a result and have a great credit score and can contribute to solve labour market shortages in Canada.

Mr. Jim McDonell: Are you seeing a lot of the issues around Canadian work experience being a requirement? How much of a roadblock is being removed when we remove that? I can imagine.

I know that our immigration program with the federal government is over-subscribed. We have requested more. We have a pilot in SDG, in the Cornwall area. Those companies are wanting to hire people, but they're only allowed a minimal number, and then, of course, we exceed that every year, following with that type of issue.

Ms. Claudia Hepburn: Yes, definitely, lack of Canadian experience is a common problem. So many of our skilled newcomers feel really disrespected by Canada when they hear that experience or a degree from outside the country is worth nothing here. There are various ways that people get around that.

One of our board members is a skilled immigrant from Nigeria. He's an IT professional and a successful entrepreneur now. He said he did a course here not because he needed what he learned but so that he would have something that was a stand-in for Canadian experience, and that was—

The Chair (Ms. Natalia Kusendova): Thank you very much. That concludes all the time we have today.

I'd like to thank our presenters from the first group.

UNITED FOOD AND
COMMERCIAL WORKERS
CANADA
ACEC-ONTARIO
IAVGO COMMUNITY
LEGAL CLINIC

The Chair (Ms. Natalia Kusendova): We will now move on to our next group of presenters. We will begin with Tim Deelstra, coordinator, government relations and member engagement, representing United Food and Commercial Workers Canada. Welcome. You have seven minutes for your presentation, and you may begin by stating your name.

Mr. Tim Deelstra: My name is Tim Deelstra. I'm the coordinator of government relations and member engagement at UFCW's Locals 175 and 633.

Good afternoon, members of the committee. Locals 175 and 633 represent over 707,000 workers in Ontario, who work in most sectors of the economy, including retail, industrial, hospitality, service, health care, and more. We appreciate this opportunity to give you input into Bill 27, the Working for Workers Act, 2021.

As the major private sector union representing workers in most Ontario communities, we're concerned with the nature of the bill, particularly with respect to the proposed changes to the Workplace Safety and Insurance Board. While I will touch on other aspects of the bill, the majority of my comments will be focused on those changes to WSIB and why we believe they should not go forward.

Locals 175 and 633 operate a department dedicated to providing highly qualified representation to the membership who are dealing with compensation claims. The union carries an average of over 500 claims annually, ranging from initial entitlement, health care benefits, non-economic loss awards, loss of earnings and more. Due to considerable delays in the WSIB claims process, this number is consistent year over year. The need for a real system of worker compensation, sadly, remains as pressing today as it ever was. Despite that need, in recent years, compensation levels for workers have been reduced, not improved. The rationale provided for those cuts was largely a response to an unfunded liability in the plan. It's difficult to see how the system could then be viewed to be fully or overfunded when those levels of compensation have not been increased or returned to previous levels.

The operational review report has noted that the number of WSIB claims has risen since 2015. Despite this increase

in claims, the WSIB's financial reporting has shown the benefits paid out to workers have been decreasing since 2010. For example, the benefit cost in 2010 was reported at \$4 million, whereas in 2015 it was reported at \$23 million.

1350

In addition, these costs do not factor in the additional supports for work-related chronic mental stress that was added to legislation in 2016. Despite that addition, the WSIB has reported that only 6% of chronic mental stress claims have been allowed. The WSIB reports an average allowance rate of 78% for all other injuries. These claims are failing to be addressed by the system and should be considered again before deciding that the system is fully or overfunded.

It's also worth saying that the world continues to grapple with the COVID-19 pandemic. Many essential workers, rightfully described as heroes, have been continuously exposed in the workplace to the risk COVID-19 presents, with many falling ill. This includes many UFCW members who kept us fed, safe and healthy through the pandemic and didn't have an option to work from home.

The WSIB reported receiving more than 29,000 COVID-19-related claims as of July 30, 2021, additionally reporting that 92% of these claims were allowed. The full effects of this pandemic are still unknown, as we're just beginning to understand the long-term complications from COVID-19 infection. There is a high likelihood that workers who were infected in the course of their employment may require additional compensation supports in the future.

For all of those reasons, it's puzzling to understand the value of returning funds allocated to WSIB back to employers, particularly given the reduction made to the contribution rates earlier this year. Reducing incoming money and giving already collected funds back will not provide for future security of the plan, let alone actually compensating workers who are dealing with what is likely one of the most difficult experiences of their life. The portions of Bill 27 that touch on WSIB should be removed from the bill.

Other measures contained in the bill are small, positive steps forward for workers, particularly ensuring access to washrooms for drivers and beginning to regulate temp agencies. UFCW is not opposed to those measures.

However, there are many more pressing needs that are a priority for workers in Ontario that this bill does not touch on at all. What would really work for workers are paid sick days; affordable child care; agricultural workers getting full employment rights, including the right to join a union; ensuring that gig workers and other precarious workers are treated with respect and also fully protected by laws and our social safety net. These are all measures that would provide a real, meaningful change to workers, and we respectfully suggest that the government implement these immediately and work with the other parties to do so.

UFCW remains committed to trying to provide the best possible work experience for our members and for workers in Ontario, and we would be pleased to work with any party toward that goal.

Thank you for the time. I look forward to any questions that the committee may have for me. That concludes my comments.

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

We will now move on to Bruce Matthews, the executive director, and Joe Sframeli, the chair of the board of directors, representing the Association of Consulting Engineering Companies of Ontario. You have seven minutes for your presentation, and you may begin by stating your name for the record.

Mr. Bruce Matthews: Thank you, Madam Chair, and good afternoon, members of the committee. My name is Bruce Matthews. I'm the executive director of the Association of Consulting Engineering Companies-Ontario, or ACEC-Ontario. Joining me this afternoon is Joe Sframeli, chair of the ACEC-Ontario board of directors and an executive vice-president for transportation and infrastructure at WSP Canada.

ACEC-Ontario is the industry association representing the business interests of almost 140 consulting engineering firms in the province, who together employ over 22,000 people. Our mission is to promote and advance the business interests of our member firms and the value of the engineering work they do.

We are here today to speak in support of schedule 3 to Bill 27, that schedule being the proposed amendments to the Fair Access to Regulated Professions and Compulsory Trades Act, or FARPACTA for short. These amendments will serve to address two significant challenges being experienced by consulting engineering firms in relation to recruiting engineering staff, and therefore they will enhance the capacity of the market to deliver the myriad of infrastructure and engineering projects planned for Ontario over the next decade.

Like medicine and law, professional engineering is a regulated profession with a defined scope of practice. Professional Engineers Ontario, PEO, is the regulatory body established under the Professional Engineers Act that sets the standards of qualification and issues licences to qualified applicants. The qualification framework established by PEO is predicated on three things: knowledge, skill, and judgment. Knowledge is gained through formal education, and PEO generally requires applicants to have a bachelor's degree in engineering. Skill and judgment are gained through training and experience. PEO requires applicants to have at least 48 months of engineering work experience and requires them to provide verification of their experience through references who can speak to the applicant's judgment.

On the surface, PEO has established a reasonable framework for determining qualifications. Unfortunately, PEO's requirement for 48 months of experience includes a sub-requirement for at least 12 months of Canadian experience. This creates the first challenge.

ACEC-Ontario's member firms have reported difficulties in recruiting qualified, licensed professional engineers with intermediate levels of experience, typically in the range of 10 to 18 years. We know there is a good supply of internationally educated and experienced engineers of this type who have immigrated to Ontario, but PEO's Canadian experience requirement creates a Catch-22: They can't get a P.Eng. licence without 12 months of Canadian experience, and many of our member firms can't employ them without a P.Eng. licence.

The Office of the Fairness Commissioner has identified PEO's Canadian experience requirement to be an artificial barrier to licensure that is discriminatory, breaches human rights laws, and breaches PEO's duties under FARPACTA. PEO defends its Canadian experience requirement by saying that it ensures an applicant has "sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering." However, the majority of the other engineering regulators across Canada do not require any minimum amount of Canadian experience prior to licensure. In Alberta, for example, they use a competency-based assessment tool to determine knowledge of codes and standards. In Nova Scotia, they've identified specific courses or programs of study to address this issue.

Schedule 3 will amend FARPACTA to prohibit a regulator like PEO from requiring applicants to have Canadian experience. This is a positive step and ACEC-Ontario is supportive of it.

We note, however, that the amended FARPACTA will allow a regulator to apply for an exemption by submitting documentation and reasons why the exception is necessary for the purposes of public health and safety. Virtually all regulated professions impact public health and safety to some extent. Otherwise, they wouldn't need to be regulated. Therefore, we believe that the application for exemption should be more stringent, requiring the regulator to also demonstrate why the risks that would be mitigated through Canadian experience cannot be mitigated through other means.

The second challenge facing consulting engineering firms is that even when the requisite experience has been obtained, PEO takes an inordinate and unpredictable amount of time to process a P.Eng. licence application. A 2019 independent review described the PEO process as being lengthy, bureaucratic, complex and difficult to follow. PEO itself recently reported that the average processing time from receipt of a licence application to approval is over three years. Such multi-year delays are adversely impacting the livelihoods of qualified immigrants seeking their P.Eng. licence and disrupting the businesses of engineering firms seeking to employ them. The disruptions affect the capacity of engineering firms to deliver the services required to make Ontario's public infrastructure projects a reality.

Schedule 3 will amend FARPACTA to allow for regulations to be made that would establish "a maximum time period within which a regulated profession shall make a decision." We anticipate that such regulations will be

made for time limits regarding decisions on licence applications. Such time limits will not create an unreasonable burden on PEO as it already has flexibility under the Professional Engineers Act to employ alternative means of managing risk and processing applications in a timely manner that will continue to serve and protect the public interest.

To conclude, we support the proposed amendments to FARPACTA described in schedule 3. Prohibiting Canadian experience requirements and setting time limits for decisions will alleviate the challenges being experienced by the consulting engineering sector, though we recommend a strengthening of the criteria for granting exemptions to that prohibition.

Those are our submissions. I thank the committee for the opportunity.

1400

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

Now we have several members representing the IAVGO Community Legal Clinic. We have vice-chair Navi Aujla, we have caseworker/paralegal David Arruda, we have staff lawyer Rita De Fazio, and we have community legal worker Sang-Hun Mun. Welcome to all of you. You have seven minutes, and you may begin by stating your name for the record.

Ms. Rita De Fazio: My name is Rita De Fazio. I'm a staff lawyer at IAVGO Community Legal Clinic. We're here today to provide our opinion on schedule 6 of Bill 27, regarding the division of the WSIB surplus to employers.

Our position is that schedule 6 should be removed from the bill until all stakeholders are consulted. The WSIB is failing in its obligation to injured workers. The WSIB has systematically reduced benefits paid to workers since 2010, when \$4.8 billion in benefits were paid out, versus \$2.53 billion in 2020. Today, we'll discuss the ways in which the surplus could be allocated to workers to account for this reduction and address the real-life impact of the issues we're discussing.

Turning first to loss of earnings, the WSIB has continued with its practice of deeming workers in fictional jobs that are not actually attainable when considering the realities faced by these workers. Workers who are not capable of returning to work have had their loss-of-earnings benefits slashed based on the presumption that they should, at the very least, be able to work a minimum wage position. Such a decision is often made without consideration of what training the workers have had and what restrictions a worker's doctor has recommended. This has a huge impact on workers' benefits.

For example, if a worker made \$17.50 an hour before their injury and the WSIB now deems that they can work a job at the same amount of hours that earns \$15 an hour, the worker will only make 85% of the net difference, so approximately \$2.05 an hour, regardless of whether or not they actually have the job. This is not a living wage.

The surplus would be better used toward paying workers the earnings they deserve and ending the practice of deeming.

I'll now turn it over to my colleague David.

Mr. David Arruda: Thank you, Rita. My name is David Arruda. I am a community legal worker and caseworker at IAVGO. I will speak to chronic mental stress claims.

The WSIB currently applies a discriminatory chronic mental stress policy to adjudicate harassment in the workplace. The surplus will be better put towards ensuring the fair adjudication of these claims, and funds should be set aside to avoid shortfall from any benefits that may be awarded in the future.

Currently, 94% of chronic mental stress claims are denied, compared to approximately 25% of claims for other injuries. This is the result of the different standard that is in place for mental stress injuries, which are required to be the predominant cause of the worker's symptoms as opposed to a significant contributing factor in other cases. Once this discriminatory policy is addressed, claims that were previously denied may be overturned, resulting in significant loss-of-earnings benefits for workers. The surplus should be reserved for this liability.

I will now speak about claim suppression. Allocating the WSIB's surplus back to employers could incentivize greater claim suppression. At a time when employers are trying to minimize costs in any way that they can, allowing the surplus to be returned to employers with a good track record in terms of workplace injuries motivates employers to keep the number of claims as low as possible.

The WSIB's most recent operational review report indicates that the WSIB failed to conduct sufficient claim suppression audits. This runs contrary to Minister McNaughton's comments on November 15, when he stated that the surplus would only be going to safe employers. The report demonstrates that the WSIB does not have adequate tools to assess claim suppression, which is an important metric of addressing workplace safety.

How can it be said with any accuracy that the money will be returned to safe employers and not employers that are expertly hiding their claims?

Instead of giving the surplus to employers, these funds could be used to improve the audit process and prevent further claim suppression.

I will now turn it over to my colleague Sang-Hun.

Mr. Sang-Hun Mun: My name is Sang-Hun Mun. I'm a community legal worker and personal-injured worker myself. I would like to share some of the lived experience of injured workers. In the following three stories, I hope you can see how the surplus in schedule 6 of the bill is not the employers' money; it's the injured workers' money.

The first story: I know a migrant worker from Jamaica who worked in the agricultural industry. The employer called him back year after year for 30 years. One day, he got seriously injured. When the employer found out, he booked a flight the next day to send him back to Jamaica. This way, the employer doesn't have to file a WSIB claim, and the employer premiums don't increase.

Another story: There is a Spanish-speaking worker in a food-processing plant. She experienced harassment and abuse because of the language barriers and racism in the

workplace. When she talked to the employer about filing a WSIB claim for chronic mental stress, the employer claimed that this was a personal health condition and denied her case. WSIB just sided with the employer without doing a proper investigation.

The last story: After a non-unionized construction worker got injured on the job, his doctor recommended treatments and time off work, at least a few months. After the WSIB claim was filed, the employer called the worker, saying they had modified work and to come back to work right away. This way, employer premiums don't go up. The problem is, the modified work is not suitable and the injured worker cannot return to work. The WSIB-funded doctor overrode the three doctors' recommendations. The worker ended up losing his job and got nothing from WSIB, for being unco-operative.

Now I'm passing it to Navi.

Ms. Navi Aujla: My name is Navi Aujla. I'm vice-chair of the board at IAVGO. I'm also the executive director at Labour Community Services of Peel, where we also mostly work with racialized immigrant workers, many who are struggling to navigate the WSIB system. As Sang-Hun shared, there are many stories, but these are definitely not isolated incidents. These are systemic issues.

Injured workers are consistently treated as disposable. I want to tell you that things are currently desperate for injured workers. They're already going through physical, mental and financial turmoil. Because family resources are strained, this often leads to family breakdowns.

To talk of surplus is to talk of money stolen from injured workers who are denied rightful benefits. Consider that about 50% of injured workers with a permanent disability in Ontario are living in poverty. Rewarding employers with rebates feels like a betrayal. Injured workers are angry about schedule 6. We know that it will make things worse for workers. Instead, the surplus funds can be used by WSIB to meet its obligations to injured workers, listen to treating doctors, and provide necessary health care, provide income security, accept more mental stress claims and improve the audit process to make sure that employers are held accountable.

If you speak with injured workers, you will hear endless stories of how broken the WSIB system is and how distorted it feels to be returning the surplus to employers, rather than fixing the significant amount of issues that injured workers have been highlighting for years. We—

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

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

Mr. Wayne Gates: Thanks for raising schedule 6, the poison pill, quite frankly, of this bill. I held this up yesterday. I don't know if all of you can see it, but what it says here very clearly is, "Employers to hit a WSIB jackpot"—at the expense of workers in the province of Ontario. It's an attack against injured workers, their families and, quite frankly, their communities.

I want to start with Tim from UFCW. It's off the deeming and injured worker part, but I'm going to get back to that with the community legal clinics. I recently heard that the UFCW is raising reports of the dangers of workers working alone. It seems to me that Ontario is falling behind BC in legal protection for workers who work alone. Can you expand on that and tell us how this bill could protect those workers?

Mr. Tim Deelstra: Thank you for the question.

We do experience at UFCW and some of the workplaces we represent frequent examples where a worker is assigned to work alone. We have this in the hospitality sector, where sometimes we have clerks who work at the front desk alone. And we have this happen often at the Beer Store, which is represented by a UFCW local, where again you might have one worker who is working alone. Sometimes these settings bring in people who are not in the best state, making them somewhat precarious and unsafe. This is another example of something that would have been helpful to go into this kind of bill, as there is currently no measure in the Employment Standards Act or the Occupational Health and Safety Act that protects these workers who are working alone, as compared to other jurisdictions like British Columbia. That would have been something that would have been appreciated by many workers.

Mr. Wayne Gates: You can answer this with the next question that I give you. Was your union consulted on this bill? You can answer that after you do the question.

This bill was to give surpluses back to companies with supposedly clean health and safety records. Under the definition of this government, that includes places like Fiera Foods, which has had five workers die on their watch—many who were temp workers and some who were new Canadians.

Do you think that companies where workers have died on the job should get rebates from WSIB? That can go to Tim and the community legal clinic, as well, if they want to answer.

1410

Mr. Tim Deelstra: Thank you, again, for the question.

As I said in my comments, we don't believe that there should be any rebates going back to employers, regardless of their status, as we believe the compensation system is not fully sufficient to meet the needs currently, and in fact needs to be deepened and improved in order to provide protections for workers.

With respect to your question about being consulted directly on this particular bill—we were not. There was, earlier, a consultation that was put out to employers around the concept of a rebate of WSIB premiums, which, although it wasn't sent our way, we did in fact put a submission in on, in which we stated the exact oppositions that I set out in my presentation.

Mr. Wayne Gates: The community legal clinic would like to answer that question as well. Go ahead.

Ms. Navi Aujla: To comment on the Fiera Foods company—instead of giving rebates to employers, WSIB

should really be focusing on closing loopholes for employers that are finding ways to avoid their responsibility to injured workers. One of the ways that Fiera Foods does that is by employing temp agencies, as do many companies. When they do that, the temp agency is the actual employer of the employee, even though the employee is working at the work site and being supervised and directed by the client company, which in this case was Fiera Foods. But because the temp agency is the employer, when they're injured or even die on the job, the client company isn't held liable. It only shows up on the temp agency's record. So you're going to have companies, like Fiera Foods, who have a clean record and are seen as safe employers, when really, temp agency workers, new immigrants, precarious workers are dying at their workplaces because they don't care for their safety.

Mr. Wayne Gates: I want to say to the community legal clinic, on behalf of my staff—the incredible work that you do, even though the government has cut your funding. I want to say thank you to all the community legal clinics right across the province of Ontario. I don't know what we would do without your expertise in helping people in these types of situations. I wanted to say thanks and make sure that's on the record as well. You do incredible work.

I have a bill for deeming, which should be included in this—to get rid of deeming in the province of Ontario. It has forced workers into poverty. It has made workers, quite frankly, lose their families, lose their community. This government has had an opportunity, I think, three times now during the course of this term, and they will not include it in any of the labour bills.

Do you believe that my bill to stop deeming in the province of Ontario should be supported by all parties and included in this bill? I'll ask both Tim and the legal clinic to respond to that, please.

Mr. Tim Deelstra: Thank you, again, for the question.

We do think that should be the case. We have heard frequently from my colleagues and our workers' compensation department that this is a significant problem, so we would support your bill.

Mr. Wayne Gates: Would somebody from the clinic elaborate on why it would be important?

Ms. Rita De Fazio: Yes, I can elaborate on that.

Deeming is one of the main issues that we focus on at our clinic, and it's something we see all the time. For instance, we deal a lot with migrant workers, who will be repatriated after they're injured, and then when they're back home in their country, they're deemed in a job in the Ontario market that they have no opportunity or possibility of receiving, and then their lost earnings are cut off because of that.

I also have a client who waited about 10 years for the WSIB to accept his occupational disease claim, and then it turns out he was deemed after that in a job that was unsafe for him, given his occupational history, and his lost earnings were cut on that basis after all that time waiting and all that time fighting the WSIB.

It's a discouraging process for these workers.

Mr. Wayne Gates: I've got a question for both of you. You both touched on mental health. We're really seeing that in the health care sector. I think we've had two bills on presumptive language, and both times the Conservatives have turned them down and not supported them, which didn't make a lot of sense to me. When you see that only 6% of people with mental health claims are being compensated through WSIB, there's got to be a problem.

Tim, you represent a lot of workers and a lot of health care as well.

I know the legal clinic is probably seeing individuals with this.

Can you elaborate on what's going on with mental health with workers in the health care sector and how important it is that it get recognized as a compensational injury?

Mr. Tim Deelstra: Sure, I can comment on that. We do represent about 8,000 workers who work in health care across the province, largely in retirement and nursing homes. Even before the pandemic, these were very difficult jobs that had a significant mental health stressor on the workers, and there isn't much help available to them. As you outlined, MPP—

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

At this point, I would like to welcome our independent member, MPP Fraser. Please introduce yourself and state that you are indeed in Ontario.

Mr. John Fraser: I'm John Fraser, and I am here at Queen's Park in Ontario.

Ms. Natalia Kusendova: Thank you very much. You have four and half minutes, and you may begin.

Mr. John Fraser: I want to thank all the presenters who have presented so far today. I'm sorry I missed some of the earlier presentations. If I miss something, please let me know.

I want to direct my first question to Mr. Deelstra from the United Food and Commercial Workers. By the way, I was a member of UFCW for about 10 years. I was in the grocery business for a long time, and so I want to thank you for that 10 years of time that I had in the grocery business. It helped support me and support my family—having been represented.

Schedule 6: We've heard, I think pretty consistently, concerns that labour organizations, community legal clinics and injured workers have expressed about the lack of balance that seems to be happening here. In other words, it seems to be tilted towards the employer, and there are no measures in this bill that would address some pretty critical issues. There's the recommendation to just withdraw schedule 6.

Are there any actual legislative changes that would apply here that would be helpful with regard to some of the things that we've talked about today? Obviously, there's a fair number of them, but which ones do you think would be really important if we were going to amend this bill?

I hope that's a fair question.

Mr. Tim Deelstra: Yes, and I thank you for the question.

I believe you might not have been here for my presentation, but our perspective at UFCW is that although the WSIB portions of the bill should be removed, there are portions of the bill that we would support—particularly access to washrooms for drivers. Again, we have many members who deliver packages to all kinds of different industries, including workers at the Beer Store and the brewers distribution system, where this has been a problem, and so that is a small change that is good.

There are other changes within the bill that we do support as well. A beginning of a regulation of the temporary help agency system would be good. That is a good beginning step, although certainly not the end of that.

But from our perspective, where we see our members needing assistance and where we see workers in the province needing assistance is with things like paid sick days, with dealing with gig and precarious work, which is increasing and will increase as time goes on. We need to make sure that these people who do that work are protected and regulated and treated with respect. So we do think that there is a lot that the bill missed that could have been added in.

Mr. John Fraser: Yes, I guess that's the challenge that we see in front of us. There are things in the bill that are good things, but then you have this challenge where there seems to be not a recognition of some of some of the things that need to be done with regard to injured workers. It does seem to be very employer-focused.

So that's my question. It may be a bit rhetorical. But what I'm really driving at is, I know there are a lot of things to do, but what are the most important things to do in that regard with regard to—and I'm going to ask the community legal clinic this, maybe in my next round, because I'm probably running out of time, Chair?

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

Mr. John Fraser: Okay, there we go. I don't know if we're going to get there, Mr. Deelstra.

Mr. Tim Deelstra: Maybe the community legal clinic could chime in.

Mr. John Fraser: Well, we'll get them in the next round, because I'm not sure they're going to have enough time to fully explain.

Thank you very much for taking the time.

The Chair (Ms. Natalia Kusendova): With that, we will move on to MPP Anand.

1420

Mr. Deepak Anand: First of all, I want to say thank you to Tim from United Food and Commercial Workers. I was looking at it—it says that you represent members from the food processing and food retail industry. The last 18 months have been especially tough, and we can't thank enough the workers from your industry, from the union that you represent.

I always use the words “intent” and “impact.” When we talk about this bill, our intent is very simple. The intent is to be with the workers, for the workers. I hear many times about Fiera Foods, and we do talk internally as well. We

truly believe that only the safest employers will benefit from the proposed changes. To be clear, any business that chooses to use an unlicensed agency—and I'm talking about the temporary health agencies right here—could face the highest fines in the country and jail time. Outsourcing workers' work does not allow for outsourcing responsibility. That's not our intent. So we are and we will be stepping up to close the loopholes and ensure that businesses like Fiera Foods do not hurt workers. We want to continue to hold bad actors accountable.

I've got some of the examples, which—thanks to the staff—they have provided me. Upper Crust bakery was convicted of a violation of the Occupational Health and Safety Act, and then there was a fine of \$325,000; plus, a 25% victim fine surcharge was imposed in May 2021. And there are a few more examples.

We hear it loud and clear—there is definitely more work to be done on the WSIB. We want to assure you we will continue to work on the WSIB, and we want to be with the workers. We appreciate the work that has been done by the workers.

On temporary help agencies: One of the biggest challenges—and because my riding is Malton, and we have a lot of new Canadians, and now, even international students have come. What more can be done on the temporary help agencies? What would you suggest?

Mr. Tim Deelstra: Thank you for the question.

Certainly, the steps taken in the bill, as I said to MPP Fraser's question, are good steps, from our perspective, as a beginning to find a way to register who these groups are and who do these things. We see often at UFCW, particularly in the industrial sector, abusive temp agencies—where people are employed by a temp agency and work in a location as a full-time worker for 10 years or more, and it's very clear that they're not actually a temp worker, that they are a permanent worker, and that that particular group is just utilizing a loophole with this temp agency in order to avoid things like WSIB liability, paying EI and other measures.

So these are things that we would also like to see strengthened—and make sure that workers get protection, that there is an acknowledgement, for example, that there's only a time limit in which somebody can employ a temp agency, after which they have to be declared a permanent employee of that particular employer. That would go a long way to stopping some of that loophole abuse. These are measures that we are prepared to discuss at greater length, as well, to try to work on a system that can provide decent work for people.

Mr. Deepak Anand: Chair, how much time do I have?

The Chair (Ms. Natalia Kusendova): Four minutes.

Mr. Deepak Anand: I want to acknowledge that I have an undergrad degree in chemical engineering. When I came to Canada on January 15, 2000, the first thing the person who picked me up at the airport—a very good friend; he's like a brother to me—said was, “Don't remember that you have a degree. You won't be able to work in that.” I was surprised. I said, “I came to a developed country. I'm in the most beautiful country in the world”—

and I still believe it is, but maybe there are some changes which were required. I want to say thank you to Minister Monte McNaughton for taking that effort and doing that and making sure that the changes are coming ahead—and thank you to the association of consulting engineers for that shout-out. We really appreciate it.

I just want to share the data. Again, thanks to my ministry staff—Ryan, who is always here to support us. There are much-needed roles, and 33% of such roles are filled by newcomers. Only one in four is working in the field they were actually educated in, which means three in four are not working at that. On the other hand, we have 291,000 jobs going unfilled.

This change would impact 23 trades and 14 professions—lawyers, engineers, architects, plumbers, electricians, accountants, teachers, early childhood educators, and so on. We did consult with Professional Engineers Ontario, the College of Nurses of Ontario, the College of Physiotherapists of Ontario, the Ontario College of Teachers, the college of physicians, and so on.

What do you think would be the impact of this change? I will have a follow-up question after this. What do you think is going to happen? Say, for example, somebody like me—if I had this opportunity, how much would that have made an impact in my life or my family's life?

Mr. Tim Deelstra: Was that question directed to me?

Mr. Deepak Anand: No, that question was directed to the association of consulting engineers.

Mr. Bruce Matthews: Thank you very much. As I mentioned in my presentation, it's a two-edged—although both being positive—improvement to the situation.

First, with the elimination of the requirement for 12 months of Canadian experience, it opens up doors immediately. There may be employers who are quite willing to take on a relatively recently landed immigrant to begin work and start the licensing application sooner than they might have otherwise.

Second, of course, is the ability for the Fairness Commissioner to make regulations to set time limits for decisions and what would be ultimately considered as a reasonable time frame for a regulatory body to make a decision on a licensing application. I would think anything in excess of 12 months can't be justified as reasonable. It should be possible for a properly working regulatory body to make those kinds of decisions inside of a 12-month period. Therefore, it may just be a matter of—obviously, as people get that experience, we're saying that as the time frame between application and licensing gets shorter, newly landed immigrants aren't going to experience what you did, where they're almost immediately told, "Don't bother."

This is a problem that, frankly, has been around for decades. I used to do work for the Professional Engineers Ontario, and the stories of engineers driving cabs was a reality back through the 1990s and early 2000s—

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

We will now move back to the opposition members. MPP Begum, go ahead.

Ms. Doly Begum: I'll give an opportunity to the ACEC to share a little bit of what Mr. Bruce Matthews was talking about, because this is a piece that's very important to us as well—schedule 3.

When we look at foreign credential recognition—in your presentation, you mentioned a few things in terms of the timeline, the exemptions and struggle that people have gone through. Like you said, this has been going on for many decades, and I'm really glad that we're finally looking into this. That means we have to get it right. We have to make sure that the regulations that are set in place—that this bill looks at the barriers that you have seen many of the engineers and other professionals go through. One of the things that I want to highlight—and we had other deputations on this as well—is the lack of medical professionals included in this bill, which is another set of professionals that is not going to be able to benefit from it. However, I did have a chance to talk to quite a few engineers, and I'm sure you've been hearing from them as well.

One of the things that this bill does is, it looks at the regulatory body to remove the barrier of Canadian experience. I know, specifically, some engineers who have that barrier, who will be benefiting from that.

The thing that worried me was, when I was listening to MPP Deepak Anand speak in this House—he said, "As I talked about, foreign credentials: Once they have the licensing in place—and they can actually expedite their licensing as soon as five years. They don't even have to work on the minimum wage." To me, that is a very worrying number of years, because that means they're working for minimum wage for those five years.

1430

When we look at the timeline—I know you've mentioned 12 months. Would you say that we have to be very careful with how we implement this bill, and the regulations, so that it does not actually prolong the process and make it worse for many of these immigrants?

Mr. Bruce Matthews: Thank you for the question.

Certainly, some level of care must be taken. First and foremost, ACEC-Ontario believes in a strong and focused engineering regulator. The public interest risks associated with the practice of professional engineering are sufficiently great that a properly functioning professional regulatory body is absolutely essential.

The problems that we have today are a function of the regulatory framework that PEO itself has set up. It has the power, under the legislation, to create the regulations, and it's the regulations that define the qualifications.

I fully support the idea that an applicant should require 48 months of experience prior to licensure. The idea with foreign-educated and people with foreign experience is that they may already have 48 months of qualified experience. So again, the challenge that I expressed—and I'll turn it over to Joe in a moment—the challenge that our member firms are encountering isn't with newly minted foreign-trained individuals, just out of a degree; it's the people who are coming across having 10- or 15-plus years of experience now getting in line for three years or more, waiting to get licensed. That's where the challenge is, and

I think the nature of the changes here are going to be good to address those problems.

Joe?

Mr. Joe Sframeli: Thank you, Bruce. I would echo those comments.

From an association perspective, it is taking too long to get engineers their licence. Like I said, waiting three years, to me, is unacceptable. When I received my engineering licence, I think it took less than six months. And at the end of the day, the industry needs professional engineers. There's a lot of work out there. This is something that's not just associated with our firm; all our member firms are in the same boat. To me, it's something that needs to be addressed, and that's something that's with PEO, as far as the timeline.

As far as the one-year experience—in my experience, we've hired a lot of foreign-trained, foreign-experienced engineers, and they have the technical expertise. They do have the knowledge. Learning Canadian codes is something that doesn't take a lot of time to do. As I said, it doesn't seem practical to have just 12 months of Canadian experience. It's more important to have four years of technical experience, regardless of where it comes from.

Ms. Doly Begum: What I'm hearing is that we have to be very mindful—and I want the government members to listen to this as I say this. To me, the five-year process of licensing for someone who has 10 years of experience working in the field—that is unacceptable, especially when they have to work minimum wage jobs, drive taxis or whatever just to get by, just to make sure they provide food on the table for their families, just to make sure they can keep up with it.

Another thing is cost. Once they come here, they have to get their transcripts etc., the equivalency of that, which has a cost when they do the federal immigration process. Then, once they're in the province, to get the licensing, they have to do the equivalency processing again, which is another additional cost.

You mentioned the exemption and how that needs to be stronger. I completely agree with you. The way it's set out right now in the schedule gives the ministry a lot of power to set those restrictions and to really give exemptions to any association, any colleges. It needs to be with the Fairness Commissioner, and it needs to be done in a fair way, where if there is a risk, then there is an exemption. However, like you said, many professions have risks. They have other, different ways of looking into risk factors, and we have to make sure that we're very careful in that.

I do want to give a chance to UFCW and IAVGO to talk a little bit about temp agencies and the enforcement mechanism.

We know schedule 6 is a poison pill. I'm really happy about schedule 3, and then here is schedule 6 in this bill, which is a poison pill. Unfortunately, there is no way we can support that. I wish they were separate. They should not be in an omnibus bill together. They're two different issues that we're facing in the province, and we could have done it separately and done it right.

I'll go to Navi to talk a little bit about enforcement mechanisms. Do you think there should be enforcement

mechanisms to make sure that we're actually protecting our workers?

Ms. Navi Aujla: Definitely. Thank you for giving me the opportunity.

MPP Anand also asked what could be done for temp agencies. Well, a lot of the solutions are already there. Licensing is something that was already done before, but it wasn't effective because it wasn't enforced—

The Acting Chair (Mr. Deepak Anand): Thank you so much. I apologize; the time for the opposition is over.

Now we have MPP Fraser. You have four and a half minutes, sir. You can start now.

Mr. John Fraser: I'll let you finish your answer to that question—the legal clinic. You were just answering my—

Ms. Navi Aujla: Thank you.

Mr. John Fraser: You're welcome.

Ms. Navi Aujla: [Inaudible] licensing is one step, but it's ineffective without enforcement. One of the first things that this government did was to cut Ministry of Labour funding for enforcement and more officers who could be doing the enforcement piece of it. So licensing in itself isn't very effective. It is something that was used in the past and didn't quite work.

Another thing is, the fine for a company that uses a temp agency that is not licensed is still very minimal. It's not a mechanism that would discourage companies from doing it.

More things that are needed, for example, are to prevent perma-temping, as Tim mentioned. After three months, temp agency workers should have to be hired directly, because at that point, you're not using them on a temporary basis.

Another thing that was cancelled by the government was equal pay for equal work, which meant that a temp agency worker would have to be paid the same as someone who was hired directly. That would be another mechanism to discourage companies from perma-temping and using temp agency workers as a way to avoid their liability.

Another piece that already exists is under the stronger economy act, 2014, Bill 18. Schedule 5 has already been passed, which would hold client companies liable for injuries that also happen to temp agency workers. All that needs to happen is that the regulations need to be brought into effect. But the act already exists and has been passed, so that's another very easy solution that could be used by the government to prevent injuries and ensure that temp agency workers aren't exploited.

Those are some actual, effective solutions that would really support temp agency workers.

Mr. John Fraser: So it's a piece of the act that hasn't been enacted yet.

Ms. Navi Aujla: [Inaudible] the regulation just needs to be brought into effect, but [inaudible].

Mr. John Fraser: Yes. It already exists. Thank you very much.

I will ask the same question—I don't know if we'll have enough time. Schedule 6 is problematic because it seems it does tilt in one way. Some of the things that you've talked about in terms of protecting workers aren't addressed in this bill—so there's removing schedule 6 from

the bill. How would you amend this bill? I know there are a lot of things that you'd like to do, but if you had to choose three or two or one—what's the most important thing, from your perspective?

Ms. Navi Aujla: Injured workers have been making demands for years and highlighting things in WSIB—

Mr. John Fraser: I know, yes. Sorry.

Ms. Navi Aujla: No problem. Some of the main ones, I'm happy to share, are: to end deeming; to listen to treating doctors, as opposed to WSIB-funded doctors; to improve and provide income security; to accept mental stress claims; and to improve the audit process.

I also want to turn it over to my colleagues to add anything that I may have missed.

Mr. David Arruda: I was just going to say, as MPP Gates had alluded to before, he has proposed a bill that would essentially end deeming. If that bill or even language from that bill were to be incorporated in schedule 6, what is now a poison pill would actually show that this government does, in fact, care about workers. In a bill that's being named "working for workers," this section has a lot of reference to employers and no reference to workers at all.

Mr. John Fraser: How much time, Chair?

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

Mr. John Fraser: A quick question: I take it you're supportive of a registry for businesses that are using agencies—not just for agencies. Is that correct?

Mr. David Arruda: I'll let Navi speak to that.

Ms. Navi Aujla: What we're trying to say is, licensing is one small step, but it's not going to do much in actually ensuring that temp agency workers' rights are enforced and that the Ministry of Labour is doing that piece of making sure that their rights aren't violated.

1440

We know from the Ministry of Labour studies themselves that temp agencies have extremely high rates of violations. So there needs to be much more than just licensing. There needs to be much more emphasis on enforcement and then a lot more changes in the law to prevent the use of temp agencies so rampantly as a way to avoid liability, and to prevent perma-temping.

The Chair (Ms. Natalia Kusendova): We will now go back to the government side. MPP Babikian, please.

Mr. Aris Babikian: Thank you to the presenters.

Before I ask a question, I want to make some observations.

Yesterday and today, some of the presenters focused on one part of the bill. Of course, everyone knows that a bill has many sections and they address different issues. Usually the bill sets up the parameters or general guideline to the law, but the regulations are discussed and address all the details of the issue. Unfortunately, some of our presenters, even without seeing the regulations, jump to conclusions, and they start presenting cases or scenarios where doom and gloom has been taking place without even having any evidence on the outcome of the bill.

This bill has so many positive aspects. I understand that some people might have a problem with schedule 6, but there are so many schedules in this bill. Every impartial

person praised this bill and considered it a positive step, especially when it comes to the right to disconnect and the foreign credentials. There were some presenters who had praised this bill on these issues.

Yes, some part of the bill might not be conducive to some people, but you should not jump to judgment and start focusing on one aspect and ignoring all the rest of the bill, because to be honest with you, by doing so, you are doing a disservice to your own members and the stakeholders you are trying to help and trying to serve.

Some of the issues that, for example, this government has done—we invested \$68 million to help internationally trained immigrants access programs designed to bridge their experience with the needs of employers in their community.

My colleague Deepak Anand already stated that this bill will help improve the quality of life and employment conditions for 23 trades and 14 professions. There was a wide consultation with the regulatory institutions and colleges on how to address some of the issues which were raised during these public hearings. Some of the people they have consulted with: Professional Engineers Ontario, the College of Nurses of Ontario, the College of Physiotherapists of Ontario, the Ontario College of Teachers, the College of Physicians and Surgeons of Ontario, the Royal College of Dental Surgeons of Ontario, the Ontario College of Pharmacists, the College of Midwives of Ontario, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, the College of Occupational Therapists of Ontario—and it goes on and on.

It is true that this bill doesn't address some of the sectors in the health care industry, because that particular industry is beyond the parameter of the Ministry of Labour's jurisdiction. It has to be coordinated with the Ministry of Health so that it could be addressed. I'm confident that down the road—the Ministry of Health sets the rules, so it will address this foreign accreditation issue.

Some of the other positive things that happened—for example, the government spent \$200 million on SDF projects to retrain injured workers for new and better jobs. Furthermore, when it comes to deeming—and the deeming issue was raised in this session—according to 2019 figures, 88% of the people who return to work return to their pre-injury job with 100% of their salary.

I don't expect that everyone will agree with the bill, but we have to give it a fair shake and address some of these issues. If you don't think there are many positive aspects to improve the quality of workers in Ontario in this bill, we should not forget that some of these issues have been left unaddressed and ignored for decades. Now this government is trying to tackle all these issues at once.

Things will improve. Things will change. Is it the perfect solution? No one can state that it is perfect, but it is a start.

I will leave it at that and see if any of our panellists will be able to address some of the other issues we're also focusing on in this bill.

Mr. David Arruda: Thank you for your comments.

We are at the point right now where we are trying to improve upon this bill, and we are making comments

about the negative aspects of this bill so that the bill could work better for everybody.

I want to touch on your comments regarding return to work. When we're speaking to deeming, we're speaking to a lot of workers who, it has already been determined, cannot return to their pre-injury jobs, so they go through a stage that is called work transition. If you were to bring up stats on that—this is coming from the WSIB's opinion—they'll say, "Yes, these workers have successfully completed work transition" because, yes, in their opinion the workers have completed work transition. However, they're not doing the adequate research to show that, oh, by the way, these workers are actually not finding the jobs that the WSIB has actually deemed them able to find.

I want to leave time for other panellists to make comments, but I wanted to speak to what you said about the return-to-work statistics.

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

That concludes the time we have for this group of presenters.

We do not currently have the next group, so we will recess for five minutes.

The committee recessed from 1448 to 1454.

The Chair (Ms. Natalia Kusendova): Welcome back to the Standing Committee on Social Policy. We will continue our public hearings on Bill 27, An Act to amend various statutes with respect to employment and labour and other matters.

I am thrilled to welcome our next group of presenters. We will begin with Ms. Sylvia Boyce, the health and safety coordinator, Ontario and Atlantic Canada, as well as Andy LaDouceur, USW district 6 health and safety committee representative, from the United Steelworkers. Welcome. You have seven minutes for your presentation, and you may begin by stating your name for the record.

I'm not sure if you heard me the first time around, but I'm thrilled to welcome representatives from the United Steelworkers. We are a little bit ahead of schedule, so we can go ahead and begin with your presentation. You have seven minutes, and you may begin by stating your name for the record.

Failure of sound system.

The Chair (Ms. Natalia Kusendova): I'm so sorry. It seems like we are having a technical issue, so we will take a brief pause until that issue is resolved. Thank you for your patience.

The committee recessed from 1454 to 1456.

UNITED STEELWORKERS
CANADIAN UNION OF
POSTAL WORKERS
THE CANADIAN
PAYROLL ASSOCIATION

The Chair (Ms. Natalia Kusendova): Let's try that again.

Welcome back to the Standing Committee on Social Policy. We will continue our public hearings on Bill 27,

An Act to amend various statutes with respect to employment and labour and other matters.

We will begin with representatives from the United Steelworkers: Sylvia Boyce and Andy LaDouceur. Thank you very much for being with us. You have seven minutes and you may begin by stating your name for the record.

Ms. Sylvia Boyce: I'm Sylvia Boyce, health and safety coordinator for the United Steelworkers, district 6.

Mr. Andy LaDouceur: I'm Andy LaDouceur, United Steelworkers district 6 health and safety committee member.

The Chair (Ms. Natalia Kusendova): You may begin your presentation. You have seven minutes.

Ms. Sylvia Boyce: Thank you, Madam Chair, and thank you to the Clerk, committee staff, interpreters and all committee members for the opportunity to make a submission and join you today.

My name is Sylvia Boyce. I'm the health and safety coordinator for district 6 of the United Steelworkers. Joining me today is my colleague Andy LaDouceur from our district 6 health, safety and WSIB committee.

USW represents over 75,000 workers in virtually every economic sector in Ontario and across the Atlantic. USW is the largest private sector union in North America.

The government named Bill 27 the Working for Workers Act, and five of its six sections seem to fall under that title. The best that can be said of five of the six sections is that they seem to fall under that title, and even if they don't help workers, they may not hurt them.

As for the sixth section—specifically, the proposal to grant the Workplace Safety and Insurance Board the power to hand out refunds to employers while workers go without the help they deserve—it would let the WSIB write cheques to businesses with workers' money, opening the door to privatization of this government's support, and has no place in this bill.

The minister claimed this bill would "put workers in the driver's seat," but this proposal throws workers under the bus.

Along with many others, we made a submission to the WSIB insurance fund surplus distribution model consultation just a couple of months ago. Again, along with many others, particularly anyone speaking on behalf of labour, we were disappointed but not surprised to see that the government completely ignored our submission when they wrote this legislation.

Even at the beginning of the so-called consultation, it was clear the government already knew where they were heading. When looking at a sudden surplus in the WSIB, they did not ask how they could improve access, fairness or common sense. They did not ask how they could tear down barriers and help people get the help they need, the help that the WSIB was designed to provide. No, they didn't even reflect on the recommendations of the 2020 WSIB operational review report they had commissioned themselves. They only asked in what way they could take money intended to help injured workers and dish it out to employers. That's all this legislation seeks to do.

The WSIB is not supposed to be a piggy bank for employers. As it says in the name, it is an insurance program owed to workers. I'm not aware of any other insurance scheme that provides rebates for the employer, but this legislation would make sure employers have not one, not two, but three ways to take workers' money and put it in their own pockets.

Ultimately, ensuring workers have support if they suffer an injury or contract a disease while at work is a benefit to not only workers themselves but also to the employers and the rest of society. So at a time when across the province we are seeing increasing poverty rates among persons with disabilities, including occupational disease victims and other injured workers, how can this government in good conscience champion rebates to employers while these workers and their families are left in poverty by a system that is increasingly stacked against them?

Ask any of us who do this work, and we can tell you countless stories about deserving families who have been denied what they deserve. Still, while the WSIB has the same number of claims, payments to injured workers have been slashed from over \$4 billion annually to around \$2.4 billion. For five years in a row now, employer premium rates were also cut. And of the 3,000 occupational cancer cases in Ontario every year, WSIB has only recognized approximately 170 of them.

Beyond that, increasingly we have seen workers being pushed back to work, often too soon, and frequently to inappropriate or non-existent jobs. This is true all across the board for almost all benefit categories.

It couldn't be more clear: This surplus has nothing to do with efficiencies. It's all about helping even fewer workers and offering less.

The only people with a legitimate claim on this money are the injured workers, the widows, widowers and families.

At the very least, all recommendations in the report this government commissioned themselves on the WSIB should be carefully considered and, ideally, consulted on.

I recognize we are dealing with what may seem like a complex program, and I know we are in an increasingly partisan period in the electoral cycle. But allow me to end by reminding you what this is really about. It's what we spend our days fighting for and what the United Steelworkers are committed to. It's about fairness. It's about standing up for and helping workers.

Madam Chair, members of the committee, the victims, the injured and the lost and their families across Ontario are looking to you to have their backs. They are asking you to support one basic premise: No money should be handed to employers until no Ontarians are denied the compensation they deserve. All is not lost. You can still make this bill about helping workers.

In our submission in August and again in the one to the committee today, we have outlined a few key first steps this committee could call on the government to take that would actually benefit injured workers.

I would also like to take the opportunity to reiterate our support for the Occupational Disease Reform Alliance's demands.

Thank you. We look forward to your questions.

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

Our next presenters are from the Canadian Union of Postal Workers. We have Qaiser Maroof, the president, as well as Adele Chaplain, first vice-president, Toronto CUPW. Welcome. You have seven minutes for your presentation. You may begin by stating your name.

Mr. Qaiser Maroof: My name is Qaiser Maroof. I'm the president of the Canadian Union of Postal Workers, Toronto Local. We are the postal workers. We deliver mail.

We strongly believe that justice must prevail in regard to the insurance fund surplus distribution model consultation of the Workplace Safety and Insurance Board.

I'm just echoing the OFL and injured workers. They have presented all the policy and their verdict about it in their presentation.

What I would like you to consider: When the former Liberal government first directed the WSIB to work towards full funding, it was to do so by 2027. Reaching what the WSIB considered to be full funding by 2018 should be a matter of deep concern rather than pride. In fact, it should be a source of deep shame, as the board was only able to amass such a huge sum off denying injured workers, ill and fallen workers, and their families, due compensation.

Madam Chair, I would also like to encourage a couple of historic data—2011, 2012, 2014, 2010 to 2018. Specifically between those periods, the compensation benefit provided to injured workers was reduced over \$2 billion annually—and these are the sources from ONIWG. In 2017 and 2019, while the WSIB was trying to reduce the unfunded liability, employers enjoyed cuts to their premium rates, which is not right.

The aggressive campaign to decrease the unfunded liability and therefore increase the WSIB's funding ratio is directly correlated to the deregulation of the injured workers benefit. There is a human and public cost on it. We have to look into what the potential legal ramifications are on it.

Also, in Bill 27, schedule 6 needs to be removed and does not serve or support the workers. It removes the funds that are set aside to ensure that workers who are injured on the job or made ill by toxic workplace exposures have access to financial benefits and supports and, instead, gives those funds back to some of the very employers whose workplaces caused the workers' injuries and illnesses. This results in suffering of workers and families that is fully avoidable.

The Ontario government's position that section 6 of this bill will allow surplus in the Workplace Safety and Insurance Board's insurance fund to be distributed over certain levels to businesses, helping to cope with the

impacts of COVID-19, is a shameful decision by the government. It is a shameful decision—the authority decision of the government—since this government should be working for the people, not against the people. We strongly, strongly object to this.

Just to reiterate, the postal workers, when COVID-19 hit, including the gig workers and transportation workers, could not find a place to even use the washroom, even to go for a pee. It took the government 19 months to get a resolution on it. Shame on them.

We pay premiums and there is a workplace, so why does the family have to suffer? Workers in Ontario, and the GTA more exclusively, which I can speak of, experience workplace-related injuries and illnesses, and these levels are way high. We are currently being recognized by the Ontario Workplace Safety and Insurance Board, and there is a demonstrated need to reform the WSIB. That's very important.

With that reform, the Ontario Federation of Labour and labour affiliates—everyone must be there. The existing surplus of employer-contributed WSIB funds was created because of the failure of the Ontario WSIB over many years [*inaudible*] to recognize the existence and extent of occupational [*inaudible*] suffered by Ontario workers. It's not acceptable—

The Chair (Ms. Natalia Kusendova): We're having some technical difficulties. Let's see if we can resolve them in the next few seconds. It seems to be on the presenter's end.

1510

Mr. Qaiser Maroof: Can you hear me?

The Chair (Ms. Natalia Kusendova): We can hear you. Could you please turn off your video? That way we can hear your presentation.

Mr. Qaiser Maroof: Okay. I have turned off the camera.

The Chair (Ms. Natalia Kusendova): You may continue your speech. You have a minute and a half remaining.

Mr. Qaiser Maroof: Okay. We have to go to the root cause of it and where it is coming from. Given the many serious concerns outlined in the submission, it is beyond frustrating that the government is even considering this relocation of the funds. It's shameful. As we all have illustrated, this money is overdue for injured workers and ill workers and their families. We imagine that this is why the government did not invite us to be part of the consultation and to be in a broader [*inaudible*] spectrum.

We postal workers are perplexed as to why this is a priority for government and it's spending its time and energy on it. With the COVID-19 pandemic still ongoing and the aftershocks experienced by the economy, the WSIB is not projected to be in a surplus position in the immediate future. In fact, we know that WSIB revenue projections are going down due to the COVID-19 pandemic, so again, the question why the government is asking for this kind of submission—which is section 6.

In conclusion, we would like to say it is a fundamental question missing from this submission—that what is an

outstanding obligation needs to be met with a properly funded, full and fair workers' compensation system. Devastating cuts have been systematically made to injured workers' benefits, done in the name of reducing the unfunded liability. Madam Chair, anything short of the restoration of workers'—

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

We will now move on to Peter Tzanetakis, the president, as well as Rachel De Grâce, director, government and legislative affairs, representing the Canadian Payroll—

Mr. Qaiser Maroof: —is insulting, unjust and criminal.

The Chair (Ms. Natalia Kusendova): Thank you so much. We are now moving on to our next presenters, Peter Tzanetakis and Rachel De Grâce, from the Canadian Payroll Association. Welcome. You have seven minutes. You may begin by stating your name for the record.

Mr. Peter Tzanetakis: I'm Peter Tzanetakis, president of the Canadian Payroll Association.

Ms. Rachel De Grâce: I'm Rachel De Grâce, director, government and legislative affairs, with the Canadian Payroll Association.

Mr. Peter Tzanetakis: We thank the committee for providing us with the opportunity to provide our input to the Working for Workers Act, which includes an amendment to section 159 of the Workplace Safety and Insurance Act and would enable the province to enter into an agreement with the Canada Revenue Agency for the administration of WSIB premium collection from employers.

The Canadian Payroll Association has been representing Canadian employers' payroll interests for over 40 years. Our advocacy and education programs provide the legislative compliance content used in the payroll processing and remitting services of over half a million small, medium and large employers, and to the payroll service and software providers that house this payroll data.

Canada's employers annually pay over \$1 trillion in wages and over \$350 billion in payroll taxes, workers' compensation premiums and other deductions to federal and provincial governments, while complying with over 200 legislative requirements.

Last year, we commissioned a study by PwC entitled The Cost of Employer Compliance and Public Policy Implications, which highlights that Canada's current payroll requirements are costly and complex, creating repercussions for the economy, labour markets and Canadian businesses. The study pegged the annual payroll compliance costs for Canadian employers at \$12.5 billion. This was without taking into account the now over 500 policy announcements related to COVID-19 by federal and provincial governments that have a direct impact on payroll. The cost to employers to administer workers' compensation benefit premiums was estimated at \$280 million.

The Ontario government has worked with us to reduce unnecessary compliance burdens for Ontario employers and increase appeal to out-of-province investors. We

remain committed to helping the government assist businesses in their recovery by lowering costs for employers and reducing administrative complexity and redundancy.

Our members were pleased to see that Bill 27 could reduce administrative costs for employers by allowing WSIB to enter into an agreement with the Canada Revenue Agency for the administration of WSIB premium collection from employers. The association made this recommendation in October 2019 and again as part of our pre-budget submission to the Minister of Finance in January 2021. Both of these submissions were made available for your review.

I'll now turn it over to my colleague to discuss additional details of our recommendations.

Ms. Rachel De Grâce: Employers and industries that are covered by the Workplace Safety and Insurance Act must currently register with the WSIB and send payroll remittances directly to the board. Since employers must also send payroll remittances to the CRA related to CPP, EI and income tax, the current requirements result in employers having to send payroll remittances to two separate government bodies. This administrative redundancy leads to inefficiencies for employers, who must juggle multiple and often competing deadlines to ensure timely remittances while also having to make additional trips to the bank to ensure that their WSIB remittances are received on time.

Through the adoption of Bill 27, WSIB could contract out payroll remittance collection functions to the CRA. This would mean that employers would remit workers' compensation premiums to the CRA, which would then direct these funds to the WSIB. While remittance collection would be through the CRA, the government of Ontario would continue to exercise sole authority over premium setting, work and safety policy, adjudication of claims etc.

Think of the small business owner who could stay open for business longer if all payroll remittances were rolled up into a single trip to the bank each month. Small employers would also be less likely to be fined for non-compliance due to a lack of understanding surrounding their responsibilities, while larger employers would benefit from a more streamlined administration for the millions of dollars they remit each year.

Since WSIB must facilitate the collection of payroll remittances, they are not given the opportunity to place their entire focus on core worker support initiatives. WSIB currently takes on additional tasks, such as educating employers on their remittance responsibilities, administering remittances, and investigating remittance compliance issues. It's important to note that Ontario already contracts out income tax remittance functions to the CRA.

In 2010, the association worked collaboratively with Revenu Québec and the province's workers' compensation board to develop their currently combined remittance process, resulting in 20,000 new registrants that had previously been unaware of their obligation to register for workers' compensation protection for their employees. This represented a 15% surge in new registrants in the first

year once employers were required to remit workers' compensation premiums to Revenu Québec along with the other statutory deductions in that province. This is compared to an aggregate annual increase of 2%. If we assume that the increase in registration that occurred in Quebec would also occur in Ontario, we can then estimate additional revenue to the WSIB of over \$663 million annually.

While the WCB board and Revenu Québec were already both operating within the same province, making the combined approach somewhat easier to negotiate, there is also a federal-provincial example outside of Quebec. CRA has been administering workers' compensation premium collection for Nova Scotia for over 15 years, saving the province millions of dollars in administration. Nova Scotia's workers' compensation board has offered to share with WSIB, finance and labour officials its experience and the efficiencies gained by the board and employers across the province—

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

1520

This brings us to our first round of questions, beginning with the official opposition. MPP Gates.

Mr. Wayne Gates: Thanks to all the presenters.

I want to say to CUPW and to steel, both of you—the passion that you brought this afternoon talking about injured workers.

We all know that injured workers, particularly injured workers who have been deemed, are living in poverty, because of deeming.

I have a bill that I have been trying to get into a number of labour bills that they put forward. They will not include it. It needs to be included in schedule 6—and I think one of the comments was that there is no mention of workers in schedule 6 at all; it's all about employers. I showed this earlier today to presenters. Hopefully, you can see it. I know in the House you can't do this, but I think I can do it in these committee rooms. I'm going to read it to you: "Employers to Hit a WSIB Jackpot." They all know it. It's a poison pill of this bill, at the expense of workers in the province of Ontario.

I'm going to start with CUPW, and then I'll go to steel.

Do you feel this bill properly understands the stress that CUPW members go through, and does it address those stresses?

That's to CUPW. Is he there? See if we can get him on. I don't know what's going on. Can somebody check, please? If not, I'll just go to steel and come back if you guys can figure out what's going on.

The Clerk of the Committee (Ms. Tanzima Khan): Unfortunately, he has left the call. I think he was having some technical issues.

Mr. Wayne Gates: Okay. I will ask these questions to steel as well.

You mentioned in your presentation how you feel about schedule 6. Almost everybody from labour who has come forward—the OFL was here yesterday, which represents 1.1 million members. There were others. CUPE was here yesterday.

Were you consulted on this bill?

Ms. Sylvia Boyce: I would like to give my colleague Andy LaDouceur an opportunity to partake in the responses to the questions as well.

No, we were not, Wayne.

Mr. Wayne Gates: Yes, that's what we're hearing. They keep throwing up a couple of union leaders, but the reality is that the labour movement wasn't consulted fully on this bill. I would think that if you're going to do a bill that's supposed to be for workers, you would at least talk to the Ontario Federation of Labour. That's why you end up with schedule 6.

Schedule 6 is only here for one reason. It's to give money back to employers. That's all it's about. They don't care about injured workers.

I have been actually begging, as an MPP, to take care of injured workers. Nobody should go to work, get hurt at work—I know steel has some issues, as well—and come home to their family and then be deemed and then live in poverty and then lose their home, lose their family, lose their community because this government wants to give billions of dollars back to companies instead of workers. It's disgraceful, quite frankly.

You talked about the cancer clusters. I know that steel has been dealing with cancer clusters in Sault Ste. Marie, Kitchener and Sudbury. Some of those workers have been denied compensation for years—whether that be the worker themselves or their widows. Can you elaborate on that, please?

Mr. Andy LaDouceur: Sure, I can handle that question.

I'm actually with a local in Sault Ste. Marie. We had an occupational disease intake clinic in 2008. We've had a number of successes, but I can tell you that the denials far outweigh the successes. Even having over 200-some allowed claims—we have well over 700 denied claims. Some of them just seem like they're grasping at straws, holding it to a high standard. For example, we have a cluster of glioblastoma multiforme—it's a very rare brain cancer—in workers of the coke ovens. It's a cluster of four. It may seem small, but the odds of getting that brain cancer are very low. To have four people in the same workplace, in the same department have the same cancer just speaks volumes about the fact that there is a workplace risk, and the WSIB fails to recognize that. They're looking for scientific certainty. They have denied those widows their just compensation—widows who lost their husbands in their early 50s. That's not a very long life. They were still very active, they were still working, and then they got that deadly diagnosis. Within less than a year from the time that they had the diagnosis, even with surgeries and everything else to try to stop the cancer, they died. Their widows are still fighting for compensation, and the government is proposing spending that money on rebates to employers under the guise of COVID-19 relief, which this should never be used for.

Additionally, we can't even ensure that the employers who need COVID-19 relief would be entitled to a rebate, because there are other factors that are in play. One of

them would be safety records. Even in their health and safety excellence fund that the board currently has right now, offering voluntary rebates—which is one of the three rebate programs that would be in existence if schedule 6 passes.

Mr. Wayne Gates: I'm a worker. You guys all know I come out of a plant. I come out of General Motors. I have watched a lot of my colleagues have occupational disease.

I'll tell you what workers—and I want these employers who might be listening, who have been on this call for the last two days. Do you know what I owe an employer? I owe him a fair day's work for a fair day's pay, so I can support my family. I don't owe you my life through cancer. I don't owe you any of that. If I get sick, I believe employers have an obligation to make sure that I'm being taken care of. And if I die—and that's what happened in these workplaces—my family and my partner deserve to be taken care of, and not denied compensational benefits.

We get into a bill like this—schedule 6, that's saying to all of those people who had their spouses die in those workplaces, "We're going to take that worker's money that your partner worked so hard for, and we're going to give it to employers. We're going to give it to employers like Fiera Foods," which killed five workers, but they're going to be deemed an employer that's safe. We know that, because they used agency employees so they didn't have any obligations.

So if the employers are listening here, schedule 6 in this bill—whether it's steel, whether it's CUPW, whether it's the Ontario Federation of Labour, we are united in saying to this government: Take schedule 6 out of the bill. Let's work on the other five schedules and make it better, make it so it's a good bill, but take schedule 6 out of this bill.

I'm saying to steel and CUPW and all the other unions, yell as loud as you can. We're in for a battle here. The injured workers are going to suffer, long-term, if this money is taken away from them, and we know it.

Do you believe that schedule 6, if they leave it in, should include my bill to end deeming in the province of Ontario?

You guys can both answer if you like.

Mr. Andy LaDouceur: That was part of our recommendations in the written submission that was sent to this committee. It was also part of our recommendations when the government posed those three questions in the summer regarding the WSIB surplus distribution model. Most definitely, we support that. Schedule 6 should not pass as written.

I know there are people here supporting the additions to section 159. The issue we have with that section is that it's—

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

We will now move on to MPP Fraser.

Mr. John Fraser: Thank you, Chair.

Please finish your answer.

Mr. Andy LaDouceur: Thank you. I was just going to say that it's written so broadly that it opens the door to privatization. It doesn't just open the door to contract with

Canada Revenue Agency. They're not specifically stipulated in there. Once privatization starts, I don't know where you stop it. I do believe that it's a dangerous road to start down.

It's not that we're trying to create undue burden on the employer.

I don't know what CUPE would say about it—because it could affect their bargaining unit employees, that the government is saying, "Well, you can contract out their job next round of negotiations." There are issues with that that I don't believe were contemplated.

1530

Mr. John Fraser: Thank you very much for raising that point.

I don't have a lot of questions. I'm going to refer what you just said to the folks who are here from the Canadian Payroll Association, to see what their response to that is, as well.

I want to thank you and CUPW for your presentations.

It's clear that schedule 6 is problematic for a bunch of reasons, and there's a problem with what's not in the bill and what needs to happen to create some sort of balance with regard to workplace safety and insurance.

The comment regarding the contracting out or how open the legislation is in terms of contracting out not exclusively to CRA—I don't know if the payroll association has any comment on that.

Mr. Peter Tzanetakis: Thank you, Mr. Fraser. I think the focal point of our submission was really around the administration of the premiums. We have identified the Canada Revenue Agency as one of those third parties—in the context of making it more efficient for employers to essentially make remittances to one agency as opposed to both the WSIB and the Canada Revenue Agency. This is done in another province, and the administration benefits have been proven in the province of Quebec.

We're not really commenting on what other third parties are. I think our focal point was that there are significant administrative benefits and additional compliance and additional revenues to the WSIB by entertaining an agreement with the Canada Revenue Agency to oversee the premiums, but nothing to do with policy, adjudication or oversight of the WSIB. The way those premiums are going to be split, how unfunded liabilities are treated or how surpluses are treated in the future would still reside within the province of Ontario.

Mr. John Fraser: In Quebec, is it CRA that they contract with or that they've come to an agreement with, or is it another agency inside Quebec?

Mr. Peter Tzanetakis: There isn't an agreement in place. It opens up the door for it. Our recommendation is—

Mr. John Fraser: No, in Quebec. You mentioned they're doing it in Quebec. Is that correct?

Mr. Peter Tzanetakis: Rachel, you can respond to that question because you deal with Revenu Québec directly.

Mr. John Fraser: Oh, it's Revenu Québec. Okay.

Ms. Rachel De Grâce: Exactly; it's with Revenu Québec that the CNESST has partnered with.

May I address the issue about the potentially displaced workers at WSIB?

Mr. John Fraser: Yes.

Ms. Rachel De Grâce: We have undergone an analysis of that as well. The workers who are currently looking after everything to do with the administration of employer premium remittances over at WSIB—part of the agreement could be that these individuals would carry on similar functions, but at the CRA, and so the net impact on Ontario labour would be nil. They would simply be working for the CRA instead of WSIB.

The Chair (Ms. Natalia Kusendova): We will now move on to the government. MPP McDonell, please.

Mr. Jim McDonell: Thank you to the presenters who have come out today. Out here it's not so nice, with freezing rain, but it's always a challenge.

I have a question for Peter. We talked about the payroll taxes that are involved in Ontario. We don't go back very far—where we had car companies leaving, and the reason was, Ontario was the most expensive place in North America to operate a business. We know, as I'm sure a lot of our retirement plans are based on shares from companies, the Big Three and some of the imports that are over here manufacturing cars and trucks—it's important that they make a profit if we're going to, of course, keep the jobs here, create new jobs and also help the shareholders, which in many cases are the retirement plans that we all belong to.

Schedule 6 comes up quite a bit, but let's be clear that safety is our top concern here, and that's what WSIB is all about. There was an operational review that talked about the surplus that was there and the need to address that—providing members of the WSIB with a return of some of the premiums for the good players. We have addressed some of the measures for safety. We've hired inspectors. We have more inspectors now than we have had in the history of the plan. That all goes to say that we want to make sure that not only people aren't getting hurt but they're working in a safe operation and a safe work environment.

I know the owners in our riding talk about the need for safety and the need to make sure that things are looked after so that their workers are not at risk. I see that accidents are accidents, and we want to make sure they're reduced as much as possible. Workers should expect to be able to work in a safe environment. I think we've taken steps to do that, and we're seeing benefits from it with these surpluses.

Do you have any comments on that, Peter?

Mr. Peter Tzanetakis: Thank you for the question.

One of the most important things that we look at is the cost of doing business in the province.

I think one of the key points that we're trying to make is that if you want to look at ways that we can streamline administration of remittances, which are in the hundreds of billions of dollars, it's effective for the province to enter into agreement with the Canada Revenue Agency to do that. There's precedence here, obviously—as Rachel mentioned, there are the tax collection agreements. Also,

even at the time when there was a move from the provincial sales tax to the harmonized sales tax, those efficiencies were clearly gained, and a lot of those staff who were in the province moved to the Canada Revenue Agency to support the administration of the collection of the HST. That's an important element.

The other important element is that we need to reduce costs to businesses, because by doing so, it will allow the WSIB to focus more on the core issues of its mandate, not necessarily the collection of the premiums. I think that's an important element, and as I hear the discussion going on today here at the committee, that is something that should be the focal point, in terms of putting those resources into the safety issues related to workers.

The Chair (Ms. Natalia Kusendova): I just want to signal that the president of the postal workers is back, and we can ask him questions as well.

Mr. Jim McDonell: Okay. I think that looking after employees and also looking after their jobs to make sure they're secure wherever we can—changes like this.

At the ministry, we've set up reduction of red tape. I think this is all a part of that, where we're looking at moving basic expenses, trying to reduce redundancy, reduce needless regulation. In my riding, I hear employers talk about that all the time. We just want to do what's logical and what makes sense. So I'm glad to see that we're taking some of these steps to return to the best actors, the people who have a surplus and are avoiding accidents through their hard work.

Coming from a farm background and working as a farm worker, sometimes you're involved in cases that—when I was growing up—we wouldn't think of today just because of the importance of safety that's now put onto it, and long-term injuries that some people run into. So—

The Chair (Ms. Natalia Kusendova): I'm sorry to interrupt. I see that MPP Anand is also raising his hand.

MPP Anand, over to you.

1540

Mr. Deepak Anand: I want to say to the Canadian postal worker, Mr. Maroof, that I really love that passion. A lot of my friends from Malton work at the Canada Post at Eglinton and Dixie, and I am going to tell them about your passion.

By the way, I am a recent recruit to the Ministry of Labour and I'm still learning. I promise you, I have learned a lot today as well. When I usually talk to the minister, that's what I hear from him. He says, "Deepak, we have to improve workers' protection and we have to create more jobs and opportunities for those workers, because at the end of the day, this helps us to create bigger paycheques." Think about the situation: When you have a bigger paycheque, you can invest that money into your family and yourself and in our province. So at the end of the day, we are team Ontario. We are on the same page.

I want to share with you what I learned today. WSIB collects money from the workers and then they invest that money, and then this premium plus the money they make through the investment—they buy, I think, buildings, and they buy other investment products. They take that money

together and pay some of it to the workers, and the rest has become a surplus.

So rest assured, we're not asking in this bill that WSIB stop paying or reduce paying. We're not asking them to pay less. We're just saying, when you have excess money—let's say you have—

Interjection.

Mr. Deepak Anand: I'm going to be back. I guess there's another—

The Chair (Ms. Natalia Kusendova): We're out of time. We'll have another round.

Back to the official opposition: MPP Sattler.

Ms. Peggy Sattler: Thank you so much to our presenters today.

I want to start with Ms. Boyce from United Steelworkers. I very much appreciated your comments and your perspective. I think it's a pretty damning indictment of a bill when you said that the best that can be said of the first five schedules is that they don't actively harm workers. You also highlighted the damage that schedule 6 will do to injured workers.

I want to focus on a comment that you made about the increasing poverty among people with disabilities and the number of injured workers who are living in poverty. We heard from the Ontario Network of Injured Workers Groups about the fact that when injured workers don't get the benefits to which they are entitled, they go onto public assistance programs. They go onto ODSP. They go onto Ontario Works. They're using OHIP-funded services instead of the rehab and the treatment and the support that they should be receiving from WSIB. I wondered if you wanted to elaborate a little bit on that? Is this a fair shift of burden away from employers to public assistance programs?

Ms. Sylvia Boyce: Those are really good comments you just made. No, this is not a fair shift whatsoever. This shift should not be put onto the taxpayers. Injured workers have suffered significantly and they are in poverty, losing their homes, living on the streets, losing everything that they hold dear to them, including their families.

You have to remember, too, when we talk about the report that was commissioned by this government and the recommendations that the report included, nothing has happened since.

There have also been three independent audits of the WSIB, and it came at the expense of injured workers, both under compensation for the claims and also an outright denial of claims based on outdated science and inappropriate decision-making. The denial rate is significant, which is what forces workers to go on the Ontario Disability Support Program, because there is no other alternative for them. This is something that is quite common. The losses that injured workers or widows and widowers and families suffer are astronomical, and it's heartbreaking. It really tears at the very heart of anyone's soul, who has a conscience and truly wants to do the right thing.

One of the most important things, too, about this surplus is that while the government and the WSIB themselves would like to suggest that this new surplus is the

result of better management and efficiencies, there have been three independent audits and that's not at all what they're saying. That's certainly not what's being said in the report. That's not what we heard this week in these hearings, when we heard from ODRA, the Occupational Disease Reform Alliance group. We have heard from other speakers from other unions, the OFL. This is not what we're hearing. Since 2010 until, I believe, now, there have been no improvements whatsoever. In fact, there have been cutbacks to injured workers, which has led these workers to be forced to be put on ODSP and other government support benefits.

That's why we've been saying all along some simple things, like reinstating full indexing for injured workers' benefits, eliminating the practice of deeming—which Wayne Gates has been emphatic in emphasizing and trying to get that bill pushed forward; it's a huge priority—ending discriminatory practices regarding the chronic stress claims by repealing certain sections of 159, and restoring the loss of retirement income contributions to what it was, 10% at one time; it's at 5% now.

There are so many things in our recommendations in the document that Andy and I supplied to you. The government can take these concrete steps, and it will certainly make this a program and a plan that is actually working for workers.

I hope that answered your questions.

Andy, I don't know if you want to add anything.

Mr. Andy LaDouceur: Yes, I was just going to talk a little bit about a worker I represented who had a severe head injury, a concussion. It resulted in chronic headaches, almost migraine-like. The employer couldn't continue to accommodate him, because if he exerted himself too much he would pass out. Obviously, there was a health and safety risk. The WSIB decided that even though a large employer couldn't accommodate him, he was still able to work, and they deemed him able to work. There were two appeals on that deeming because some of the stuff they did was absolutely ridiculous. He couldn't wear a hard hat, yet they deemed him able to be a supervisor in a construction-type industry where he would have to wear a hard hat. Their obvious error was overturned on that. Then they said he could do something else, and we had to go to the tribunal. The best the tribunal could do, because the legislation is written the way it is, is deem him able to work at minimum wage, full-time. I advised him to try it to see if he could do it and that if there were issues we could try to pursue a reconsideration. It did seem to me that he was being punished for being an injured worker.

That's the human cost in all of this—that workers are being punished. Whether they're being denied benefits or having benefits cut, whatever the case may be, it's a punishment to workers.

Then to reward employers—and employers get rewarded based on what WSIB considers a safe employer. Historically, that has left out fatal injuries. They were never calculated into whether or not an employer was safe. They would get rebates, up until 2008, when WSIB finally was embarrassed and changed their policy and eliminated

rebates to employers that have fatal claims. They also don't consider the occupational diseases. People can die of cancer, it can be accepted as work-related, and they're still considered a safe employer, still entitled to rebates. That is, again, offensive to all those injured workers—whether their claims were allowed or denied—the fact that the employer is getting rewarded and they're being punished.

1550

The Chair (Ms. Natalia Kusendova): We will now move on to MPP Fraser. He's still here, just not on camera.

Failure of sound system.

The Chair (Ms. Natalia Kusendova): MPP Fraser, are you with us?

Mr. John Fraser: Hi, Chair. Did you have a question for me? I did actually tell the Clerk that I was not going to participate in my second round of questions—unless somebody has something they want to tell me right now. I'd be happy to hear any comments from any of the presenters. But I didn't have any further questions.

The Chair (Ms. Natalia Kusendova): Would you like to forgo your time, MPP Fraser?

Mr. John Fraser: Yes, that's what I had intended.

The Chair (Ms. Natalia Kusendova): Thank you for clarifying.

We will now move back to the government.

Mr. Deepak Anand: This is what I've understood about the WSIB: They collect money, they invest that money, and then the total revenue they get is from the return from the investment plus the premium. Then they pay it to the worker, and whatever is left behind is called surplus. I want to share that in this bill nowhere does it say that they should not pay or that they should pay less. We are not encouraging them to pay less through this bill. All we're saying is, when there is money left, which is called surplus—what happens? It becomes 100% of their obligation, then it becomes 115%, then it becomes 125%, then it becomes 150%, as an example. That pool of money is sitting with them. All we're saying through this bill is that rather than sitting that money in the pool with them, it should go back to the people who paid the premiums.

I want to assure you—that's what I started with, and I said that earlier—at the end of the day, we are team Ontario. We want to work with the workers. I am going to go back, I am going to work more on WSIB, and I am going to work more on this issue—how we can look through different provinces and make sure how that WSIB premium is treated and used.

I want to assure you of one thing: When this bill was put together, it was a bill—the title is not wrong. The title was “Working for Workers”—and that was the intent. When we were talking about “Look at the schedules 1, 2, 3, 4, 5,” it is exactly everything—I actually consider it not just working for workers; it’s the voice of workers. Most of the stuff that is in this bill is what workers have told us.

We heard it loud and clear multiple times—we heard from the workers that there are temporary help agencies and we need to fix them. We heard it for many, many years. When I was not an MPP, back then I heard about

how we need to fix the temporary help agencies. Nothing was done—and it is in there.

It's the voice of the worker talking about—Mr. Maroof talked about that we're actually late; this issue with a washroom should have been dealt with many, many months back. Again, it is the voice of the worker.

And I actually have to say this, Mr. Maroof: This idea, this issue, this change is not from us; it is from you.

I actually got a call from one of the CN railway drivers. His name is Satinder Singh. There's another one; his name is Shahid Mughal. They were the ones who called me many months back. They said, "This is what's going on right now. Many times we have to walk two kilometres to use a washroom." I spoke to the minister. We took some decision, some action at that point—not a legislated change but some action. The email and the letter was sent to the employers. More service stations were opened because of that—and again, it was the voice of the workers.

This bill is, again, the voice of the workers. I just want to clarify this: Nowhere in this are we trying to ask WSIB that they don't pay the worker or reduce the payment. All we're saying in this is what to do with the surplus. I agree with you. I am going to go back, I am going to look at that, I am going to work on that—about how we can make sure that we look at the issues with the WSIB and protect the workers. The workers are the people who we are actually supposed to represent, and that's our strength. Maybe I'm a little bit emotional, but that's what I wanted to share with you.

Again, I want to thank you for being on team Ontario and working for the workers.

I want to talk about the CRA remittance, and I'm just going to go through my notes—the Canadian Payroll Association, if you can help me out here. The bill would allow the WSIB and CRA to establish one window for payroll remittances, which means businesses would be able to pay WSIB premiums through the CRA at the same time they report and make payments for other payroll purposes such as CPP and EI. Why is it required? Because it's a legislative change. It will help to make sure that efficiencies are met and the costs are low.

Is anything wrong with what I said? I just want to clarify and ask you, if there is anything that needs to be changed, do let us know so that I can take it back to the minister.

Mr. Peter Tzanetakis: Thank you for the question.

That's correct. I think there are some other additional benefits to doing this. The government would have to enter into an agreement with the CRA. That's not what the legislation says; it opens the door for it, so that is a next step that would have to happen. Some of the additional benefits are that it increases compliance of those businesses that are unaware that they have to collect WSIB premiums, and it also increases coverage for workers here in Ontario. But the agreement would have to happen. We have, obviously, encouraged the federal government to look at this issue, but we can't speak on behalf of the Canada Revenue Agency. That would be an agreement that has to happen between the province and the CRA. As I mentioned

earlier, there are also agreements that are already in place to administer other types of taxes and other types of remittances.

Rachel, did I miss anything?

Ms. Rachel De Grâce: Peter, you said it very well.

This would result in a win-win-win: a win for employees because of the additional coverage; a win for employers because of the decrease in administrative costs; and a win for government, the WSIB, in increased revenue, as we saw with Nova Scotia and Quebec once they entered into such an agreement.

Mr. Deepak Anand: Chair, how much time do I have?

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

Mr. Deepak Anand: Okay. It's tough—I'm still trying to ask the United Steelworkers.

Again, I want to thank you for your passion for the workers, and I want to assure you that we are team Ontario.

With 291,000 jobs unfilled, the foreign credential change—do you think it is a positive step, or is it something that is not positive?

Mr. Andy LaDouceur: As Sylvia said at the beginning, we aren't taking a huge issue with the first five schedules. They could help. They don't seem like they would harm.

We're hearing that there would be increased coverage for workers, but that's simply not true. If an employer doesn't pay their WSIB remittance, that doesn't leave the worker uncovered, if they are mandatorily covered—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm sorry; that's all the time we have.

Thank you very much for your participation in today's discussion.

INJURED WORKERS COMMUNITY LEGAL CLINIC

MIGRANT WORKERS ALLIANCE FOR CHANGE

OCCUPATIONAL SAFETY GROUP

The Chair (Ms. Natalia Kusendova): Now we are ready to welcome our next group of presenters. We have with us Kathrin Furniss, who is a lawyer, as well as Orlando Buonastella, community legal worker, from the Injured Workers Community Legal Clinic. Welcome. Thank you for joining us. You have seven minutes, and you may begin by stating your name.

Ms. Kathrin Furniss: Hi, there. I'm going to let my colleague Orlando speak first.

The Chair (Ms. Natalia Kusendova): Orlando?

Mr. Orlando Buonastella: Our clinic has represented injured workers with permanent impairments since 1969.

We have provided you with detailed submissions, a critique of Bill 27—the schedule 6 part—as well as proposed solutions and amendments.

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Injured workers are speaking about restitution, giving back compensation that was taken away from them to eliminate the WSIB's unfunded liability.

Bill 165, in 1995—and I presented to them—was honest about it. It reduced cost-of-living adjustments for the purpose of eliminating the unfunded liability.

Bill 99, in 1998—and I also presented there, along with other colleagues and injured workers' groups—was equally honest about it. It reduced compensation by \$18.4 billion in the name of the unfunded liability being eliminated. It provided measures, cuts to compensation for chronic pain, further reduced cost-of-living provisions, slashed retirement provisions and reduced the basic compensation rate.

Thus, as soon as workers get injured, they already have a 15% loss of earnings, and then when they are deemed—and you heard a lot about deeming—they are often further reduced into poverty.

The recognition of occupational disease was also reduced.

So this is on the record: \$18.4 billion taken from injured workers in the name of eliminating the unfunded liability.

Then came the financial crisis of 2008, which was not caused by injured workers but by financial speculators. The investments of the board went down. Well, the McGuinty government hired a banker then, David Marshall, who brought in severe austerity to workers, with very significant cuts that we have outlined in our submission. For the WSIB's bank account, it was a tremendous success.

The board is now sitting on \$40 billion. It has more money than it needs, achieved in record time. But injured workers were strangely forgotten from the celebration.

Restitution—according to the Oxford dictionary, it means giving money back that was stolen or taken away. In this case, it was not technically stolen but was taken from injured workers without their consent for a specific purpose that has now been achieved. If you are an injured worker or if you're a reasonable Ontarian, would you not expect acknowledgement and restitution? If you borrow money from the bank, you repay it with interest. In this case, there was no thank you, no recognition, no restitution, no interest. How would you feel if you were in their shoes? Should government not take care of the most vulnerable Ontarians—and that includes injured workers?

This is a question for the committee. Why is Bill 27 counter-posing the interests of workers employed by agencies and other vulnerable workers—and they need protection, I agree. Why should their interests be counterposed to the interests of injured workers? Why should the needs of one group be counter-posed to the needs of another group? If I were an MPP, I would feel trapped. I'd like to help all, and I have to choose between helping one group and hurting the other. That is not the way it's supposed to be. Surely we can fix that with amendments or the elimination of schedule 6.

Why should injured workers be ignored while employers are rewarded twice—twice—as assessment

rates were already reduced by 55% since 2018? Where is the balance?

Please recognize injured workers, restore the balance, and avoid at all costs pitting injured workers against other vulnerable people.

My colleague Kathrin will go on from here.

Ms. Kathrin Furniss: Thank you, Orlando.

Thank you to the committee for allowing us the opportunity to appear before you today. We do hope you will amend this bill so that it works for injured workers too.

Our most important message to you today is that the inadequacies of the workers' compensation system need to be addressed before any surplus distribution to employers is considered. In order to accomplish this, the proposed section 97.1 must be amended to prioritize the distribution of funds to programs and services for the benefit of injured workers and not only permit or mandate the distribution of funds to schedule 1 employers. Schedule 6 of Bill 27 is otherwise inexcusably pandering to employer interests and not working for workers at all.

It is incumbent on the WSIB to identify and address any gaps in services and liabilities before considering itself in a surplus position, so that those needs can be met before taking money out of the system through employer discounts. Therefore, we recommend that a further subsection be added requiring consultation with stakeholders to identify any obligations or needs of the workers' compensation system that should be met before any distribution is approved. This type of assessment should be a consideration contemplated in the proposed section 100(f.3) and/or (f.5), which address the board's ability to prescribe the criteria and method of calculating the sufficiency ratio. In other words, whether the WSIB can determine itself to be in a surplus position must require an analysis of system inadequacies.

We are also very concerned with the power yet lack of direction this bill gives to the WSIB regarding how any potential surplus should be distributed amongst employers. We heard from the Minister of Labour at the start of these hearings that the government's alleged intention is to reward safe employers. The current bill gives the WSIB the power to judge who is a good or a safe employer in the context of surplus distribution, but the WSIB has no handle on claim suppression, so a good employer based on claims records could be a bad or illegal employer based on actual safety. Since the system makes employers pay premiums according to the number of claims and costs to the WSIB, there is a proven incentive for employers to avoid these costs. An act designed to protect workers should ensure this does not happen and offer protection from these types of actions. This requires an increased number of WSIB audits—

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

We will move on to our next presenters: Syed Hussan, the executive director, as well as Jhoey Cruz, migrant care worker and organizer, representing the Migrant Workers

Alliance for Change. Welcome. You have seven minutes, and you may begin by stating your name.

Mr. Syed Hussan: My name is Syed Hussan. I am the executive director of the Migrant Workers Alliance for Change. We are a membership-based organization led by farm workers, domestic workers, migrant students, undocumented people and other migrant workers from across the country.

My colleague Jhoey will speak to you first, and then you will hear from me.

Jhoey, go ahead.

Ms. Jhoey Cruz: Thank you. My name is Jhoey Cruz. I came to Canada in July 2016 and worked as an in-home child caregiver. I am currently an organizer at the Migrant Workers Alliance for Change, where I support the self-organization of care workers. I am in regular communication with our membership—over 1,000 care workers.

I came here, like others, through an agency based in Ontario, and I paid \$2,000 in fees. The promise of a better life, family reunification, good working hours and workers' rights made me want to work in Ontario. I had to pay the fees to secure my spot for work. I sent payment through Western Union, but not in the name of the agent. She gave me another person's name to receive the payment. In Canada, by the time I found out that I shouldn't have been charged, it was already too late. I didn't have any evidence. In my work, I have realized that I paid less than others. Our members paid at least \$7,000 to \$10,000 each. Some of them paid \$20,000. Most of them paid cash to their agencies and didn't receive receipts. At our last meeting, everyone who was in the meeting had paid fees.

Some of our group members—Ethel, Janet, and some others—came to Canada after paying \$8,000 to \$10,000 in fees. They were promised employment. They paid their fees in cash, and as soon as they arrived, they were dropped off at an empty house and left to fend for themselves. They were initially promised that they would be brought to the employer's house but ended up being told that the employer changed their mind. They didn't know what to do. They were alone and in a new country. They were forced into undocumented work by the recruiter. Eventually, they got in touch with us and the legal clinic. They filed a complaint. Four of the six were denied, one was granted because he had a text from the recruiter, and one died without receiving justice, even though all their situations were the same. The recruiter still continues to work in Ontario today.

Ethel was unable to be here today. She's at work now and can't take time off. She told us that she's not even allowed to sit down and eat.

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Janet also told me to tell you that "they give you a promise to come to Canada and charge you a huge amount of money for it, and then when you come here, you are lost. I had to find a new employer who will sponsor me and complete my 24 months—and now that I have applied for PR and I'm going through the screening again. I still do not have access to the equal rights. We need PR on arrival so we can protect ourselves against employers."

My colleague Mr. Hussan will now outline the changes necessary to the bill.

Mr. Syed Hussan: Thank you. As Ms. Cruz outlined, most employers of Ontario need to use a recruiter to hire migrant workers from outside the country, and almost all recruiters charge fees of thousands of dollars to workers. To pay these fees, workers go into debt. Fees are charged even though it has been illegal since 2010 for care workers and since 2013 for all temporary foreign workers. They're charged because what we have is a complaints-based system, where the onus is on workers after their rights of been violated to file a claim with the Ministry of Labour and prove that they were illegally charged fees. A complaints-driven process does not work for two reasons. First, recruiters know not to leave any paper trail, as Ms. Cruz outlined. Second, and most importantly, migrant workers face a significant power imbalance because they don't have permanent resident status. Putting the burden on migrant workers to prove their rights have been violated does not work because speaking out can mean losing their job; becoming homeless because you live in employer-provided housing; being forced to leave the country, or being threatened with it; not being able to work because you can only work for the employer listed on the permit; not being able to come back; and losing your chance of getting permanent residency in Canada for not billing hours of work for clients.

It's crucial to understand that recruiter fees aren't just a financial matter. When workers arrive in Ontario, saddled with immense debt, they are far less likely to speak about any other rights violations.

As it stands, Bill 27 needs to be amended to be proactive, as outlined in our submissions. This includes:

First, register and license employers. Make them jointly liable. Have them pay a large security bond and establish hefty fines. This will ensure that employers only use regulated recruiters.

Second, have recruiters put up a large security bond. Set the fines to hurt their bottom line. Remember, they make thousands of dollars per worker, and the fine now could be as low as a slap on the wrist.

Finally, reverse the onus. Workers should not have to prove that they paid fees, but rather, recruiters must prove that the supply chain is clean.

There are two other changes needed:

(1) Most migrant workers are unable to access workers' compensation when they're injured at work. WSIB must be distributed to workers, not back to employers.

(2) The proposal to collect personal information of migrant agriculture workers in this bill includes no guarantee of information-sharing firewalls with federal authorities and no reasoning on how it could ensure more rights for workers. If the idea is to simply know where workers are, an employee registry as we propose will meet the same need.

Both schedules 6 and 4 should be rescinded. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you very much. We have one minute remaining, but if that's all, we can move on to the last presenter, from the Occupational

Safety Group: Benjamin Kropp, vice-president, government relations. Welcome. You have seven minutes, and you may begin.

Mr. Benjamin Kropp: Chair Kusendova, Vice-Chair Karpache and the distinguished members of this committee, it is an honour, a privilege and a pleasure to be speaking with you today on Bill 27, the Working for Workers Act.

Occupational health and safety in this province largely remains an unknown unknown; that is to say that many employers don't know that they don't know their responsibilities and duties under the Occupational Health and Safety Act, its regulations nor the Employment Standards Act. While Ontario enjoys the strongest health and safety record of any province or territory, there is still a great deal of work to be done.

The contents of Bill 27, the Working for Workers Act, seek to further Ontario's reputation as the safest and best province in which to work. Of great concern is health, safety and well-being of vulnerable workers. Vulnerable workers are less likely to be trained in legally mandated programs, are less likely to receive adequate on-the-job training, and are less likely to know their rights, and are therefore more likely to be injured, critically injured or killed at work.

Vulnerable workers are those among us working purely to provide food and shelter for themselves or their families. A vulnerable worker likely does not have a savings account, a retirement plan nor a health and dental plan. A vulnerable worker is often placed in a situation where to lose the work they have is to lose the roof over their heads. It is these workers who are not protected. It is these workers who do not have mandatory worker awareness training, mandatory workplace violence and harassment training, mandatory AODA training, or mandatory WHMIS training.

While a vulnerable worker may know their right to participate, their right to know and their right to refuse unsafe work, the likelihood of exercising these rights without fear of reprisal is low. While protection for anyone working in Ontario is found in the OHSA and ESA, vulnerable workers are less likely to know these protections exist, much less exercise them. While the act states "without fear of reprisal"—that is precisely what the vulnerable worker knows and fears.

The province has yet to develop a working definition of a vulnerable worker, and has yet to properly identify this action needed to ensure their safety. That statement applies to every government since the formation of my lifetime.

Under schedule 2, we begin to see the right to disconnect. Many Ontarians work nights and weekends to get their presentations to standing committees done, many are called into work with little notice, and many are chased down for answers late at night. Bill 27 seeks to rectify this through the Employment Standards Act by enforcing disconnect policies, allowing workers the freedom to take time for themselves, for their families and for their health. While I'm certain there is a reason, the policy threshold is 25 or more employees; it is my belief that it should be 20.

When I have a question about how HR policies work, questions about how health and safety for staff goes or how we could improve workplace policies by working with government, I call Lauren. Lauren is incredibly dedicated, kind and thoughtful and an absolute human resources professional. Sadly, not every business is blessed with somebody like Lauren. That is to say that not every business—and, in fact, very few small businesses—has access to any form of human resources team. What these businesses do have, or are required by law to have, is a joint health and safety committee. Through legally mandated training that's already in place, every business with 20 or more workers must have a joint health and safety committee. It is the joint health and safety committee which equally represents workers and management. Working with senior leadership, a business with 20 or more workers should have the right to disconnect.

Also under schedule 2 is the prohibition of non-compete agreements. With the difficulty of seeing and litigating non-competes, this is surely a welcome piece of legislation. It is, however, likely to bring non-solicitation agreements and confidentiality agreements into play.

Further, schedule 2 begins with a licensing scheme to temporary help agencies. The application, maintenance and reapplication processes are all quite standard. What is missing is legally mandated training information. These agencies should be required to submit their legally mandated health and safety representative training or joint health and safety committee training records, whichever apply. The agencies should also be required to have the business where the worker is to be placed provide their legally mandated training records. It should also be mandatory for the worker to have their core four; that is, the four that were referenced earlier. Those records must be in place.

If the worker is employed in construction and working at a height greater than three metres, they must by law have their working-at-heights training. If they are to be working with or near chemicals, they have the right to know and must by law have WHMIS training. It should be and must be incumbent on all parties to ensure they are, very simply, following the law.

Definitions are also problematic. I fail to see and look forward to rationale for why the definitions of "employer" and "employee" are used, and not the definitions of "employer" and "worker," which are stated in the Occupational Health and Safety Act.

Finally, in section 74.1.15(1), it is stated, "The director may authorize an individual employed in the ministry to exercise a power conferred on the director under sections 74.1 to 74.1.14, either orally or in writing." Conferring power by conversation is irresponsible. It undermines the public trust and would be free and clear of any Freedom of Information and Protection of Privacy Act requests.

Section 6 deals with the sufficiency ratio of the WSIB. Considering conversations not long ago, we see the WSIB suddenly in a place where it can contemplate a 125% sufficiency ratio. I'm happy to see that the legislation included, as standard, different distribution amounts for

non-compliance with the act. I'm also happy to see the other considerations for distribution amounts, such as health and safety violations, be taken into account. Those can be found with the Ministry of Labour, Training and Skills Development, and not with the WSIB.

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What is missing here is prevention. If we want to see a reduction in injuries, critical injuries or fatalities, we must invest in prevention. One of the greatest threats to worker health is occupational disease: latent illness caused by exposure to harmful substances. We know that we can reduce fall fatalities with working-at-heights training; we know that we can reduce fatalities in manufacturing, transportation and warehousing, and heavy equipment operation, all using the hierarchy of controls and the internal responsibility system.

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

Mr. Benjamin Kropp: What we do not know is what is killing us now. Without research into the causes and prevention of occupational disease, we simply wait to find out what comes next.

While we are not here to rewrite Bill 27, I will submit that \$10 million of that total disbursement be allocated to research grants for post-secondary institutions in Ontario. Elimination, substitution, engineering controls, administrative controls and PPE are in place to prevent identifiable hazards. Occupational disease—

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

We will begin now with seven and a half minutes for the official opposition—

Interjection.

The Chair (Ms. Natalia Kusendova): Sure. We can begin with the government side this time. MPP Anand.

Mr. Deepak Anand: I have to say thank you to Syed from the Migrant Workers Alliance for Change. I do want to talk to him.

I did not get the name of the other presenter from your organization—but I do want to talk to you as well, and I want to let you know that I really feel the pain that you talked about. I usually say only the wearer knows where the shoe pinches. I can only think about the pain, but you're actually physically living in that pain. I don't claim that I know your pain, but I'm sympathetic to your pain.

Before I do that, Chair, I know Kathrin was saying something, and I think the time was over.

Kathrin, if you don't mind, I'm happy to share one minute. I know that time is a very limited commodity here, but if you can kindly finish it in 60 seconds, that will be appreciated.

Ms. Kathrin Furniss: Thank you so much. I was just saying that I think that an increased number of WSIB audits is required to be able to more accurately control and identify good or safe employers. In fact, significantly increasing audits was a specific recommendation of the 2020 Speer-Dykeman operational review of the WSIB. Recommendation 16 was in that operational review specifically.

We propose additions to section 161 of the act, which would require sufficient workplace audits annually. We suggest specific written wording in our submissions. We think that increased audits are necessary in order to be able to figure out who are good employers that would deserve any sort of distribution. We think that this bill should be amended to require a statistically significant number of audits and allow surpluses to be distributed for other purposes such as increased audits and improved health and safety programs, as well as programs and services for the benefit of injured workers, who deserve restitution and a fair workers' compensation system.

Thank you again for allowing me that extra time to finish.

Mr. Deepak Anand: Absolutely. Again, I want to reassure you that we are team Ontario. At the end of the day, we have a common goal.

Syed, first of all, thank you. I didn't even know that organizations like yours exist. I'm a first-generation immigrant, and I thought my pains were big when I came here and I had to go through a lot of challenges, but listening to the presenter here, I felt my challenges, my pains were much smaller.

Jhoe, in our culture we say that exploiting anyone is bad and it's a sin, and being exploited is an even bigger sin. So thank you for talking about it, and thank you for supporting and making sure that the people who are in a similar station like you are not being exploited. I can't thank you enough on that.

If you have a sister or a cousin back home who is applying as a migrant worker and she wants to know a simple thing, how are you doing in Canada, what would be your answer?

Ms. Jhoe Cruz: Being promised one thing is different—and when you get here, it's also different. Like I mentioned earlier, the situations before were good working hours, kinder employers, people are actually following the rules, the laws for work—but when you get here, it's totally different. Not all employers follow the rules, and they even tell you that—that nobody ever follows the rules.

Most of the time, it's paying the very expensive fees to get here—because most of us actually pawn our lands back home, we get into debt, and we borrow money from the banks just to pay for the fees. For example, I applied from Hong Kong. I paid \$2,000. Like I said, many people pay HK\$50,000, and our salaries there were like \$4,000. Here, we pay back the money that we owed.

Here, employers are also limiting our time. They work with the agencies to make agreements without even telling the employees. The employees suffer a lot, especially when we are working inside a closed work permit. We didn't really have any choice. We're always in fear of losing our job, losing the way to support our family, because family is very important to us. The mere fact of losing the way to support your family, plus being out of work and homeless, is very scary to us in a new country, without relatives here to support us.

Mr. Deepak Anand: Jhoeys, I can tell you, when you decided to come to Canada, you didn't decide to come to Canada because you were going to a bad place; you were actually going to a better place.

Again, if your sister or your friend back home is trying to apply, what would you advise them? Come here? Do not come here?

Ms. Jhoeys Cruz: I would say, come here, and then let's fight for our rights. Let's fight for a better Canada, I guess. I would still say, come here, because I want my family to be here with me. The thing is, because of a lot of the different difficult requirements that they require nowadays, it's also hard for them to come.

Mr. Deepak Anand: I totally agree with you. That was not a trick question. I wanted to hear that you should say that they should come here. The reason is because it is a beautiful country. I came in 2000 and became an MPP in 2018. I can't thank Ontario enough. I can't thank Canada enough. So the answer is, absolutely, if there are a few bad holes or parts on the street, that does not make the whole street bad, and tripping once doesn't mean that we should stop walking. That's not the intent.

Our Chair actually works on human trafficking issues. She's very passionate about it. And I would rather request my Chair out here to look into this—I know her plate is full, but add maybe more to this as well.

Syed, a quick question to you—

The Chair (Ms. Natalia Kusendova): I'm so sorry, but with that, we are out of time. We can continue in the next round.

I will pass it on now to the official opposition.

Mr. Wayne Gates: I'll just answer to help that lady answer that question.

We live in the greatest country in the world, but we're not without fault, and when we have First Nations in this country that don't even have clean drinking water, when we still have racism, when we have all kinds of things that as a country we can do better, that doesn't mean anything.

So, to your question there, it is a great country, but we have lots of faults, and we've got to get better as a society, as a country and as a province.

I'll talk to the Injured Workers Community Legal Clinic. You said something that's fairly interesting to me about the bill that I didn't think of, and I appreciate you raising it. When you take a look at the schedule—you were saying that this bill really pits worker against worker. It pits all these other schedules against the injured worker. I thought that was very fascinating. I didn't pick up on that, but you're absolutely right; it's what it does.

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I'll ask the question. Was there any consultation with the Injured Workers Community Legal Clinic on this bill?

Mr. Orlando Buonastella: No, there was no consultation.

Rather, we made comments to the Speer-Dykeman report, which was circulated among the employer community. We got wind of it, and we made a detailed submission to it, which is attached to our submission. In it, we pointed out the history of the unfunded liability, how it

was paid off by the injured workers. We also pointed out that the Speer-Dykeman report suggested that there be a huge increase in WSIB audits to deal with claim suppression.

We have a lot of stories about claim suppression—workers who claim, who have an injury, but then they're threatened, directly or indirectly, and they don't report. In effect, what we have in Ontario is—statistically, the situation looks pretty good, but it doesn't reflect the reality that a lot of injuries are simply not reported.

The Speer-Dykeman report basically said, "The system is not credible"—they used the words "not credible"—"unless there are audits." An auditor can actually go in a workplace and look at the first aid records and check with the worker—"Was this your injury?" "Yes." "Did you go on compensation?" "Oh, no." "Why not"—and figure out that there was a claim repression there. I hear that from the few audits that are taking place, and there should be a lot more so that we are actually confident that the health and safety situation reflects the reality rather than the statistics.

Mr. Wayne Gates: I appreciate your comment, because I come out of a plant that—what a lot of employers are doing now so people don't report injuries is, they're offering them incentives. They put these big signs out front of the workplace—"100 days without a lost-time injury," and for that, everybody on shift is getting a pizza. That's the stuff that goes on—or they're getting a ball cap or a T-shirt. That's what they do to try to make sure that people don't report their injuries, and then there's that peer pressure within that workplace. If you report the injury, they say, "Well, now you've cost us a pizza night." That's what goes on. People look at that and say, "Wow."

I thank you. I really appreciate you bringing up Bill 99. The mess around compensation started under the Harris government, the PC government. Bill 99 was absolutely disgraceful to injured workers, and I'm really glad you brought that up. We know, through all this, when they talk about workers, they never mention what was done by the PC Party, going back, in 1999. That really was the start of the attack on injured workers, and it has just gone on for the last number of years.

Deeming is a bill that I think we need if we're going to have schedule 6. I think schedule 6 should be right out of this bill; it does absolutely nothing. But deeming is something that—I believe my bill should be in.

Do you agree, if we're going to have schedule 6, that deeming for injured workers—to stop them from living in poverty—should be in this bill?

It doesn't matter; one of you guys can answer it. I'm going to try to get to the Occupational Safety Group as well, but I know this goes quick.

Ms. Kathrin Furniss: Yes, we absolutely believe that your deeming bill should be passed. When my colleague Orlando was talking about restitution to injured workers—that's part of that whole piece of the puzzle. We think that this whole discussion around surplus distribution is entirely premature. The WSIB should not be considering itself in this surplus position, because it should actually be correcting both historic wrongs and other inadequacies of

the system, and one of those is the overuse of deeming. That is an actual step and measure that needs to be taken, and that will end up costing the WSIB a little bit more in terms of loss of earnings.

So we think those types of things need to be passed and need to be addressed before WSIB starts doling out money to employers—money that they consider surpluses.

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

Mr. Wayne Gates: Thank you very much. I will talk to the Occupational Safety Group, but I do want to say that I really enjoyed the legal clinic's presentation, and I thank you for everything you do for injured workers. I know you don't get thanked enough. I know you get yelled at a lot. It's very frustrating when injured workers are living in poverty and they're coming into your office, just like they're coming into our offices. I just want to say from the bottom of my heart, thank you for what you do. It's appreciated; you don't hear it enough, but it certainly is. So I just want to say thank you for everything you guys do.

The Occupational Safety Group touched a little bit on joint health and safety committees.

I disagree with your position on schedule 6, sir. I think schedule 6 should be gone—period. It shouldn't be in this bill. There's no place for it to be in this bill. It's workers' money. It should be used for workers—period. That's what we should be doing. If there's any extra money, it should go to workers, bring them up and take care of cancer clusters and all the other stuff it doesn't do. So I disagree with you there.

I want you to talk about the joint health and safety committees; there are 20 or more. I can tell you that when I got involved with COVID-19, as we watched our moms, our dads, our aunts, our uncles, our grandparents die in long-term-care facilities and retirement homes, and when I went in and talked about what was going on with their health and safety committees, how often were they meeting—I can tell you that most of those committees are not meeting; they're non-functional. Is there anything the Occupational Safety Group can highlight to get the message out that, yes, employers are supposed to have them? They may have the group in theory, but they're not meeting. They're not doing their job in these workplaces, and I really think why—not the only reason, but certainly part of the reason why 4,000 people died of COVID-19 in long-term care and retirement homes was because we didn't have safety committees functioning and warding off all these other problems that ended up with COVID-19. Could you answer that? Are you aware that they're not functioning the way they should?

Interjection.

The Chair (Ms. Natalia Kusendova): I'm so sorry, but we are out of time. We'll have one more round.

Mr. Fraser, go ahead for four and a half minutes.

Mr. John Fraser: I want to thank all the presenters for their depositions today. They were all excellent. Hopefully, I'll get a chance to speak to each of you, but I'd like to pose a question to the Migrant Workers Alliance for Change.

First of all, Jhoey, I want to say thank you very much for your very personal presentation about the challenges you found here, what you've experienced, and what other people whom you know have experienced.

I agree with my colleague MPP Anand that this is a great place to be and live, but there's a lot of work to do to protect migrant workers in this province.

I'm interested in schedule 4—a couple of things, and schedule 4 is one of them.

Syed, you said there are concerns for migrant workers about the collection of that information. I'd like to understand that a bit better, because we did hear from the agricultural communities, and a large number of employers in this sector were concerned about that same collection of information as well, too. Are there guardrails that need to be put there? I know you are suggesting removing it in total. If you could comment on that, that would be great.

Mr. Syed Hussan: As we know, in 2020-21, migrant farm workers faced a human rights catastrophe in Ontario. Thousands fell sick and many died, and the response to that has been to create only, basically, one of these new pieces of legislation that says to gather this personal information. But there need to be firewalls. This information cannot be shared with federal immigration authorities, federal immigration enforcement. It is a mass collection of data, and no one knows why. There's no attachment that this will then be used to ensure rights.

What we're proposing instead is a registry of employers, as part of the previous schedule 1—

Interjection.

Mr. Syed Hussan: —which would ensure that we know where workers are, but that this information is not being sucked in, because it will create further difficulty for people to be able to assert their rights when this information is with the provincial government.

Mr. John Fraser: So that section 4 would create a framework which then could create a registry of employers—

Mr. Syed Hussan: No, it's just taking information about employees, not employers—

Mr. John Fraser: It's just employees. Okay.

Mr. Syed Hussan: —no reasoning provided. If you look at the schedule, it just says we're doing this, but why? To what end? Who will it be shared with? This personal information—where is it being placed? Why aren't we doing this with all workers in Ontario? What is the reason for focusing on agricultural workers?

Mr. John Fraser: I'll have to go back and check with my source on the concerns in the agricultural community, because they were concerned for different reasons about the collection of information. Maybe I don't clearly understand it or the person I've been talking to doesn't clearly understand it. So I appreciate that.

1640

The registry of employers—we said this earlier today: not creating a registry of employers and creating other registries and requirements of people who are recruiting workers is like an open-ended equation. Not to have that there just makes the law weaker. Is that—

Mr. Syed Hussan: Absolutely. And I was talking about it last year; the first time was in 2008. The reason provided by Ontario is that this information is otherwise available and the federal government would provide it. But it hasn't been provided in the last 13 years, so I don't know why it would be provided in the future.

Secondly, many of the provinces have already created employer licensing regimes, including security bonds, higher fines, as well as an annual process of reviewing the licensing. This is a no-brainer. It can be done. It has been done. This legislation is a copycat of other legislation, which is good. But it has just taken away the good parts of some of that legislation for, really, no reason.

Mr. John Fraser: So it's copied legislation but actually left out a part like this which would be creating this kind of regime?

Mr. Syed Hussan: Totally, and there's no reason to not do it. The federal government has not provided this information in 13 years. We shouldn't be assuming it will just come some other way. Currently, nobody knows who hires a migrant worker in Ontario. Why wouldn't the government want to know that? Why—

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

Back to the government side: MPP Barrett.

Mr. Toby Barrett: Out of interest, I'd like to continue the discussion from MPP Fraser with respect to the migrant workers or temporary foreign workers—the discussion with Syed, with Migrant Workers Alliance for Change.

I have worked as a migrant worker. I have done most of that work over the years. I've worked in several countries in South America, and I've worked in three different states in Australia, doing that kind of outdoor work. I have tremendous respect for our temporary foreign workers, and I say that in a riding where we would have during the season, at any one day, probably 7,000 people out in the field and, of course, living in bunkhouses. I've lived in a bunkhouse for a number of years myself.

First of all, it's a federal program.

As I think people are aware, the Ontario government, certainly with the advent of the virus, tried to do everything they could to protect the health and safety of our offshore workers—masking, and compliance through the Ministry of Labour, and a tremendous amount of education through the ministry of agriculture and food. Something like \$36 million was spent in areas covering everything from education, as I mentioned, in languages like Spanish, for example—the testing, the vaccination program.

But because it's a federal program—and I heard Syed mention the concern about the information being shared. Well, my understanding—that's correct. The federal government does not share the information with the provincial government. My perception is that would make it very difficult for the provincial government to continue to do everything they can to ensure the health and safety of workers, oftentimes, as we know, living in a congregate setting, when you're dealing with a contagious disease. I think that answers the question. The information is not

shared, and why share it? It's mainly just to find out where people are to better help them.

Further to that is certainly planning for a new planting season in the spring, although much of the work in greenhouses is year-round.

What suggestions would the alliance have to better serve migrant workers in the coming year?

Mr. Syed Hussan: I just want to be very clear: 2,000 people fell sick, three died in Ontario. They died and they fell sick because of the decisions made by the Conservative government in Ontario. We faced a human rights catastrophe that was caused by deliberate decisions, including the Ford government actually giving permission to asymptomatic workers to work and not in any way expanding labour rights to migrant workers. Today, most foreign workers are excluded from minimum wage, overtime pay, hours of work, weekends, and days off—the five basic labour laws.

In the context of this one bill, what we're calling for is an actual registry and licensing of the employers, as well as a joint and several liability and setting fines, because currently those fines are basically non-existent and they reverse the onus if the workers don't have the proof, as we pointed out.

If you wanted to say, "How can you make migrant workers included"—it's very simple. Almost every law in this province excludes migrants. You can't get health care. You can't get public housing. You can't get social assistance. You can't get most basic labour rights. You can't get post-secondary education. All of these are provincial matters. This is not a federal issue. Every one of these migrant and undocumented people are excluded. Hundreds of thousands of people live as second-class citizens based on the decisions that they have made. So there are very clear amendments that, in this bill, need to happen.

If you really want to make conditions better, then I think a complete overhaul of this mass exclusion of racialized, low-wage, working-class people on the basis of their places of birth—which this government has just continued what previous governments have done.

Mr. Toby Barrett: Well, I do reiterate, it's a federal program.

Mr. Syed Hussan: It's not a federal issue. I listed only provincial policies: education, health care, labour. Again, why would you kick this off over there? This is called shirking responsibility.

The Chair (Ms. Natalia Kusendova): MPP Anand wants to ask a question now.

Mr. Deepak Anand: Syed, thank you for that passion. Trust me, you can't achieve anything without passion, so thank you for the passion. But we're trying to understand—I'm trying to understand, and so is MPP Barrett, who is in a much better position, because he is from the agricultural farming community. He is probably hiring such people.

Jhoei talked about some of these people who are taking money. If you come to know about these people, what is your alliance doing in that case? What do you do?

Ms. Jhoei Cruz: Right now—

Mr. Deepak Anand: Jhoey, it's for Syed.

Mr. Syed Hussan: As Jhoey pointed out—and she was about to speak to it—when migrant workers come to us, we try to support them to file claims under the Employment Protection for Foreign Nationals Act, which is the overarching bill that this would be under. The bill requires evidence that simply doesn't exist, as Jhoey pointed out. There are no receipts. People are asking for cash money, or they're asking for it to be transferred to their accounts.

Therefore, what we're saying is, create a disincentive for employees to exploit workers. Set a fine high enough, make a deposit large enough that they will think 10 times before engaging in these practices.

Workers, as I pointed out, are structurally unable to speak up because of all of these federal and provincial laws that work together to make it impossible for people to assert their rights. The reprisals are too high. The risk is too high.

We need to create a proactive system, which means a large enough financial stake for employers and recruiters so that they don't carry out these practices. And then if a complaint is made, reverse the onus, because currently we don't have evidence that we can—

Mr. Deepak Anand: My understanding, Syed, is that it is not the recruiter; it is the people who are back home, sending these people, who are the ones who charge that money.

Mr. Syed Hussan: Again, it's a single recruiter chain.

The Chair (Ms. Natalia Kusendova): I'm sorry; I have to interject here. We are once again out of time.

Back to our MPPs from the official opposition: Doly Begum.

Ms. Doly Begum: I want to thank all of you for coming in today, for your presentations and for the work you do. My colleague MPP Wayne Gates talked about it, but I think a lot of the work you do, especially representing injured workers, representing migrant workers, focusing on—when we look at the power imbalance and those who are the most vulnerable workers, you are here advocating for them. So I want to thank you very, very much for everything that you do to uphold their rights and to fight for their rights.

1650

I have a lot of questions, but I know I have a limited amount of time. I want to go back a little bit in terms of what the Injured Workers Community Legal Clinic presentation talked about.

Orlando, you mentioned about the times you deputed in the 1990s. You talked about how you have, many times, gone back to some of the bills, and at least in those bills there was a sense of honesty in terms of what they were trying to accomplish.

When I look at this bill, when I look at some of the schedules—and there are some good parts. I look at schedule 3; there are some things that we are trying to achieve. We could get it right. We could make some amendments and make it a lot better. But we've been calling it window dressing, because schedule 6 is a poison pill, and there are a lot of sections that exclude workers,

that exclude a lot of different professions and exclude migrant workers from the rights they could have benefited from.

If you were to give us a few amendments, what would it be that you would recommend the government change in this legislation?

Mr. Orlando Buonastella: Well, I find it contradictory and somewhat offensive that the legislation—I can't refer to it exactly; I'm paraphrasing the legislation—says that once the WSIB fund arrives at 115% to 125%, the board may give the money back to employers, and it shall give it back to employers once it reaches 125%. At the very least, I would say add the injured workers to that—at the very least. Although, the real solution is to take that out of the act completely and have a specific bill for injured workers and not mix things up.

I'm glad that your colleague heard my feeling that the bill pits injured workers against the others. If you don't know the history, that injured workers paid off the unfunded liability, it looks like a fair compromise. You help certain vulnerable workers, and you give some money back to employers. It's a compromise. But once you know the history, you know that giving money back to employers actually hurts injured workers. It actually hurts them because they pay for it.

That's why I talk about entrapping MPPs, who are forced to choose one against the other. Why do you have to sell out the interests of one group of workers to recognize the others? It should not be. The MPPs should be helping everyone equally.

So I would suggest, take out that section, or at the very least amend it to include injured workers in the redistribution. But I don't think that is good enough; I'd prefer taking it out.

Ms. Doly Begum: Kathrin, did you want to add anything to that?

Ms. Kathrin Furness: Yes, my first thing was obviously the same as what Orlando said: We should be adding the possibility of also distributing surplus funds to injured worker programs—100%.

Also, another specific amendment would be to require a consultation on what is missing from the system or needs to be addressed in the system before deciding to dole out money to employers. Before any money could go back to employers, there should actually be an assessment, an analysis and a consultation as to if there is anything with the system that needs to be funded or addressed right now before we divest from the system by giving it back to employers.

I think both of those things in tandem—requiring a consultation on what's needed in the system before any surplus distribution, and then also allowing that surplus distribution, if you ever get there, to be able to be distributed to programs that support injured workers. I also agree that schedule 6 should be completely removed. But if we're looking for specific amendments—those ones, and also adding amendments that include increased claim suppression audits, because that ties into how any surplus distribution would go to employers. Right now, they

assume that they know who the good employers are, who they would be giving this surplus to, and they don't.

Ms. Doly Begum: Benjamin, I want to give you a chance to add to that. I know you didn't get a chance to finish your recommendations at the end of your preparation, but you had a list of things you were talking about in terms of how we could have addressed it better. Did you want to share a little bit of the recommendations that you had?

Mr. Benjamin Kropp: First and foremost, I would like to correct Mr. Gates on his assertion. We have no position on schedule 6. Our position is on prevention and what we are trying to do is ensure that occupational disease going forward does not continue to inflict individuals in this province.

Our stance on this is that we're not trying to strip this bill for parts; what we're trying to do is make it better. The way that we see making it better is to ensure that occupational disease is a thing of the past, and that's where we see taking an allotment out of what's already placed in schedule 6 and ensuring that it goes towards occupational disease research funding.

We knew for a fact that asbestos was the perfect substance, and it wasn't. We knew for a fact that Agent Orange was a perfect defoliant, and it's not.

Now we know for a fact that silicosis is being caused by cutting stone, something that nobody felt would happen. So when you're driving down the road and you see home improvements happening and someone is slicing stone and all that cloud is in the air, that's killing that person, and we don't have any research going towards that.

Our focus is on prevention, but I will correct Mr. Gates in stating that whether or not schedule 6 passes falls outside of our purview. We're more focused on prevention.

Ms. Doly Begum: Would you support the way it is right now in terms of the [*inaudible*]? It is an incentive for employers not to pay out, I think, the way it's set out right now because giving the surplus, which is the employees' money, which is people's money going back to the employer—is that really the way we want this bill to be passed? As it is right now, do you support schedule 6?

Mr. Benjamin Kropp: Again, that falls outside my purview. It's not something that I can comment on.

When we look at our statistics that we see, 30% of the data that comes out of the WSIB is incorrect. It's not something that—looking at the O'Grady report and other reports that have been cited that we focus on. Again, our focus is on prevention, and we're doing everything we can on that front. We see a space here to allocate funds to Ontario—

The Chair (Ms. Natalia Kusendova): Thank you very much. We'll move to Mr. Fraser for our last question period.

Mr. John Fraser: I will let Benjamin finish his answer. I don't think he's quite finished.

Mr. Benjamin Kropp: Again, it's solely that we fall under prevention. What we're ultimately focused on when it comes to vulnerable workers, whether they be migrant

workers, whether they be workers here as citizens, is prevention.

I will correct and state that the Occupational Health and Safety Act does apply to everybody working in the province of Ontario regardless of their citizenship status. Absolutely everybody is entitled to those rights under the OHSA. Inspectors will enforce those rights. That is true in agriculture. It is true in manufacturing. It's true across the board.

Again, looking at what we've seen so far in this act, there's a lot of room to place vital legislation to ensure health and safety in the workplace. It's something that, unfortunately, does not get any attention. It's not sexy, but unfortunately we get bulletins every day about people who died at work for no reason.

Mandatory training in this province is already the law. I'm not asking for new laws to be put in place. I'm asking for current laws to be enforced, and unfortunately that's not happening. But I do appreciate the opportunity to speak to that.

Mr. John Fraser: Yes, I think that's critically important. We have laws on the books, but if we don't actually enforce them and people don't respect those laws, people still get injured; people still get hurt. So I take that point very well.

For clarification: You're not against schedule 6. You're not about to parse the bill, but would it be fair to say, you're doing one piece of this, but there's a whole bunch of other things that you haven't—like occupational health, other measures that would be good to take in conjunction with schedule 6, to create a balance around workplace safety insurance? Would that be fair?

Mr. Benjamin Kropp: As I've said, we don't have a position on schedule 6. What we do have a position on is how that money is ultimately allocated. We're not here to strip this bill for parts, as I said. What we are here to do is to say there are ways of allocating that funding when this bill is ultimately passed, which it is likely to do, that will assist in prevention objectives in this province; specifically, occupational disease. If you look at occupational disease, that is the one thing that is not getting any interest in this province, and it's the one thing that is killing everybody silently.

Again, we knew asbestos was a perfect product. We knew all kinds of things were perfect for us, and that led to violent diseases that are latent illnesses, and we can't place blame anywhere. We can't say that this person picked up that disease at that place 20 years ago, because they've been dealing with that chemical for 40 years.

1700

Mr. John Fraser: So what I'm hearing from you is, there are other things that we need to invest in. In other words, we're giving back a surplus, but there's work that we have to do with regard to prevention. And what I'm hearing from other organizations is, "Well, there are injured workers."

I also know that there are workers across this province who are doing similar work in similar settings. One person is schedule 1, and the other person is maybe insured by an

employer but doesn't have the same kind of coverage. My point in that is that to simply write this bill and the only thing that you're doing with workplace safety insurance is giving the surplus back to an employer is not going to actually fix what needs to be fixed. Would that be fair to say?

Mr. Benjamin Kropp: Will it fix prevention? Possibly. If that employer decides to reinvest that money into occupational health and safety training, then yes. Whether or not that happens—I highly doubt it.

Unfortunately, again, when we look at workplace records, even people who have joint health and safety committees don't listen to them. People who are supposed to have working-at-heights don't have it. You can drive anywhere in downtown Toronto and look at a building being built and see that someone is not wearing a harness when they really should be. We can scream and yell about things that need to get done, but the employers aren't doing it, and ultimately, workers are being injured. Those workers who are being injured, who are vulnerable, are showing up at the hospital saying they fell off of a ladder at home. They're not saying that it happened in a workplace.

So again, what happens during schedule 6 falls outside our purview. As I have understood it, this thing is likely to become law. If it is likely to become law, then I want to ensure that there are protections in place for prevention, and where I see that happening is in occupational disease.

Mr. John Fraser: It's interesting that there are things that are already law within the purview of labour legislation that haven't been enacted—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm afraid that concludes our time.

Thank you to all presenters and to all the members for the insightful discussion.

MS. FAY FARADAY

TRIEC

ONTARIO HOME
BUILDERS' ASSOCIATION

The Chair (Ms. Natalia Kusendova): We will now move on to our next group.

We can begin with Fay Faraday. You have seven minutes. Please begin by stating your name for the record.

Ms. Fay Faraday: I'm Fay Faraday. I'm a labour and human rights lawyer. I've been working with migrant workers across Canada and globally for the last 30 years. The area of recruitment and licensing has been one of my key areas of focus. That's largely what I'm going to direct my comments to today, although I will give you my full written submissions by tomorrow's deadline.

The whole rationale for having a recruiter licensing and registration system is so that the government can eliminate known abusive practices, they can protect workers, they can impose effective remedies, and they can place the burden of enforcement on the party that actually has the capacity to pursue enforcement. It's good that Ontario is

taking this step. Most of the provinces across the country have already introduced this legislation—Manitoba first, back in 2008—and advocacy has been ongoing here since that time. I believe, at this point, Alberta is the only province without.

Ontario has an opportunity, with that record of proactive licensing and registration and policies in place across the country, to implement a Canada-best policy. This is not it. There are significant elements missing that don't measure up even to some of the other pieces of legislation that are in place. I do think it's important to take this step, but I think it's important to take the opportunity to make sure that it's the strongest one in Canada, because we have that experience and because Ontario is the place where the highest number of low-wage migrant workers are employed.

It's important to note that most low-wage migrant workers are paying these illegal predatory fees, or bribes or extortions, to get jobs in the province. This is not a theoretical problem.

If I look at the licensing program that has been proposed here—let me just run through some critical amendments that need to be made. You have a system where it proposes to license businesses or organizations rather than individuals. That is a much looser form of regulation than is in place across the country and than is recommended under international human rights law. You can amend that, and I strongly recommend that you amend that so that it is individual recruiters who are being licensed. Every individual recruiter at a business should have their independent licence, and they must be non-transferable.

Another protection that is in place across the country and that Ontario needs to adopt is to restrict the categories of people who can serve as recruiters, who can be licensed under this system. What's done elsewhere is to restrict that pool to lawyers and immigration consultants, who are subject to their own professional regulatory body, so that there's another angle of enforcement for good practice, because this is a seriously problematic area.

A third thing that's missing that is crucial, without which this will not provide the protection it needs, is that each licensed recruiter must put down an irrevocable security deposit. Back in 2008, Manitoba required a \$10,000 security deposit. In 2013, Saskatchewan required a \$20,000 security deposit. I strongly recommend that you put in the legislation a requirement for at least \$25,000 per recruiter, because that is reflective of the losses that an individual worker would suffer currently in terms of how much they're paying in illegal fees and additional charges, plus the damages they suffer as a result of that.

It's important, as well, to ensure that migrant workers can file anonymous or third-party complaints that organizations can file on their behalf, because the risk in terms of violence to migrant workers and their families back home is significant.

One thing that's really troubling for me in this legislation is that you've only put in half of the system. Recruiter licensing, across the country and under international best practices, is also to run alongside employer

registration, so every employer who seeks to hire a migrant worker must also be regulated. That is in place in the other provinces. It's necessary because it ensures that the Ministry of Labour has the information where every migrant worker is and also proactively screens employers to ensure that they're in compliance with Ontario laws before authorizing them to hire people who are even more precariously placed and unlikely to be able to enforce their laws.

Let me take you back to the EPFNA, the Employment Protection for Foreign Nationals Act. It's a good beginning that you have made recruiters joint and severally liable for everyone within their recruitment chain, but what's absolutely critical is that employers must be joint and severally liable for everything that is done by recruiters in the course of recruiting workers into their workplace. It is ultimately employers who are responsible, who are benefiting from the service, who are benefiting from the fact that recruiters off-load the costs to workers, and so the liability has to ultimately go back to the person who cannot escape it, who is the employer, who is in the jurisdiction at all times.

1710

Another thing I'd like to point out is that in the licensing section, you've identified, both for temporary help agencies and for recruiters, that employers shall not knowingly engage someone who is not licensed—

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

We will now move on to the following presenters: Adwoa K. Buahene, chief executive officer; Waheeda Rahman White, incoming board chair; and Shamira Madhany, board director, representing TRIEC. Welcome. You have seven minutes, and you may begin your presentation by stating your name.

Ms. Adwoa Buahene: My name is Adwoa Buahene. I'm the CEO of TRIEC. I'd like to thank you for the opportunity to appear before the social policy committee today to discuss Bill 27. I will talk a little bit about our organization's work very briefly and then our response to the bill.

TRIEC was founded in 2003. The Toronto Region Immigrant Employment Council helps employers capitalize on the skills and experience of newcomers to the greater Toronto area and helps newcomers secure work in their field of expertise. In partnership with corporations, individual supporters, community organizations and government, we work to remove barriers to the labour market and to support the retention and advancement of newcomers in the workplace.

Our Professional Immigrant Networks represent the voice of more than 150,000 immigrant professionals in the GTA across a wide range of occupations. TRIEC has collaborated with more than 130 employers in building inclusive leadership teams and building diverse and inclusive workplaces. Additionally, TRIEC has undertaken research on career barriers facing immigrants, providing insights that will help inform employers and policy-makers.

In relation to schedule 2 of the Employment Standards Act, 2000, we welcome the proposed changes to allow

workers to disconnect from work and not engage with work-related activities outside of work hours. The future of work, as it's widely known, is not just about labour shortages and skills. Rather, it is also about the quality of work. This proposed policy would be the first of its kind in Canada, protecting workers from unpaid overtime and helping to ensure wellness. It is critical to ensure labour standards reflect the realities of today's workplaces.

The future of work is also about flexibility. Workers who opt to work outside of non-regular hours must be fairly compensated. Employers will need to ensure approaches that are transparent and equitable to all employees. Further, a right-to-disconnect policy will benefit workers in some occupations and industries more than others. Minimum standards must be considered and extended for non-traditional workers.

New immigrants are overrepresented in precarious gig-work jobs and struggle for decent work conditions. The gig economy is here to stay. Moving forward, TRIEC hopes the government will further labour reform to be inclusive of workers in this sector.

As it relates to schedule 3, TRIEC supports the removal of the Canadian experience requirement, long viewed as an obstacle facing new immigrants in regulated professions and trades seeking commensurate employment. Furthermore, the proposed measures mean newcomer professionals would find jobs that match their training faster. Reducing the wait time reduces lost productivity. This goes beyond just the economics, of course. It also allows immigrants to maintain professional dignity by working in their chosen fields.

In Toronto, immigrants account for half of its workforce. Nationwide, immigration will account for all net labour force growth amid an aging population and declining birth rates. Yet Canada has not fully tapped the skills, international knowledge and experiences of newcomers. Despite a points-based immigration system that favours the best and the brightest, newcomers are often screened out of hiring processes for a lack of Canadian experience, as a code word for soft skills, cultural fit and the right fit. The practice reflects the marginalization of labour market access for immigrants and, since 2013, has been recognized by the Ontario Human Rights Code as discriminatory.

We recommend extending the removal of Canadian experience to the health care sector, which is grappling with an acute labour shortage. The problem is unlikely to go away any time soon. Demand for elder care will almost double in the next 10 years. Consistent job vacancies have battered the long-term-care sector, and the turnover rate is high. This chronic situation has been exacerbated by the pandemic. Worse still, 54% of health care workers in Ontario say they are considering leaving the health care system, primarily due to poor wages and unsafe working conditions.

There are at least 13,000 internationally trained physicians and more than 6,000 internationally trained nurses, as well as medical lab technicians, respiratory therapists

and other health care professionals in the provincial database of internationally educated health professionals, IEHPs, seeking licensure in Ontario. If properly utilized, IEHPs can fill the skills shortage. Additionally, they are linguistically and culturally diverse and uniquely suited to serve the province's multicultural communities.

TRIEC recommends:

- extending the removal of Canadian work experience requirements to health-related occupations;
- specifying occupations where competencies specific to the practice of a profession or a trade in Canada are deemed necessary to meet standards and for regulators to consider new tools to assess competency; and
- setting out clear time limits for regulators to confer a decision on occupational licensing.

We will also be submitting by tomorrow's deadline a more fulsome written submission that will address further some of these points we have made today.

We appreciate the opportunity to share our observations and feedback on the proposed amendments in Bill 27.

The Chair (Ms. Natalia Kusendova): We'll now move on to the Ontario Home Builders' Association. We have Bob Schickedanz, president, and Alex Piccini, manager of government relations. Welcome. You have seven minutes, and you may begin.

Mr. Bob Schickedanz: Good afternoon, Madam Chair and Vice-Chair, committee members. I want to start by thanking the committee staff and all presenters for taking the time and providing the opportunity and privilege to speak to this important piece of legislation. My name is Bob Schickedanz. I'm a new home builder and a partner in my family-owned business, FarSight Homes. I'm also the president of the Ontario Home Builders' Association. I'm joined this afternoon by Mr. Alex Piccini, who is a manager of government relations at OHBA.

Bill 27, the Working for Workers Act, 2021, is a critical piece of legislation that will help open countless opportunities for the skilled trades and apprentices in Ontario. Let me explain. This positive legislation takes positive steps forward to help unlock skilled trades and apprenticeship opportunities, as well as make life easier for workers. My colleague Alex will speak to those specific details, but before that, I want to set the table and elaborate briefly on why the trades in Ontario are absolutely critical to our economy, to the future, to Ontario families and to our province, and how the proposed measures of the Working for Workers Act will help to protect, support and attract workers to our province.

Every single day, skilled trades workers help build Ontario by constructing and maintaining infrastructure like our homes, schools, hospitals, roads, farms, parks. Skilled trades workers play an essential role in the social and economic well-being of our province through their hard work and support, and the core objectives of growing the economy to create new jobs and build up our province.

Right now, Ontario is at a key point. Our recovery is dependent on having the labour force we need to build Ontario, recover from this pandemic and reignite Ontario as the economic engine of Canada. A key part of this will

be the new home construction sector, which will contribute to addressing the housing crisis that we're experiencing and delivering keys for new and newly renovated homes to awaiting Ontario families.

The challenge is that we're in desperate need of both skilled and unskilled trades. This skilled trades gap makes it harder for our home builder members to deliver keys to awaiting families and complete projects on time. Let's remember, these are good-paying jobs, in demand jobs. In fact, BuildForce Canada estimates that Ontario will need to recruit 100,000 new construction workers, mostly in the voluntary trades, over the next 10 years to replace and offset retirements.

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A shortage of workers, especially those with the right skill set, is a challenge that continues to constrain growth. A July 2021 survey of the business community by the Bank of Canada found that although positive sentiment is on the rise, many firms said that labour-related constraints would cause some or significant difficulties in meeting unexpected increases in future demand. Companies linked labour-related constraints to difficulties finding skilled or specialized labour, especially in the skilled trades, a situation that's expected to continue—and the pandemic, including constraints caused by travel restrictions and labour-market disruptions.

Bill 27 contains key measures to help unlock these incredible career opportunities for workers and make other common-sense changes that protect, support and attract workers to our great province.

I look forward to any questions you may have.

Now I'll turn it over to my colleague Alex.

Mr. Alex Piccini: Good afternoon, Madam Chair, Vice-Chair and committee members. I want to start by quickly thanking the committee, staff and all presenters for taking the time to review and speak to this important piece of legislation. My name is Alex Piccini. I'm the manager of government relations for the Ontario Home Builders' Association.

My colleague Bob laid out the critical situation facing the trades in Ontario. I want to briefly highlight how schedule 3 of Bill 27 will help to support, protect and attract skilled tradespersons in Ontario.

Removing barriers such as Canadian work experience for internationally trained individuals to get licensed in a regulated profession will help many more tradespersons get access to jobs and careers that match their qualifications and skills. This is often cited as the number one barrier Canadian immigrants face in obtaining a job that matches their level of qualification. Schedule 3 would also reduce burdensome duplication on official-language and proficiency testing so that we're not having multiple, numerous tests just for the purposes of licensing, but rather streamlining that process to ensure that qualified people are able to work—and work safely. It would ensure that the licensing process is also completed in a timely manner to help internationally trained immigrants start working in careers with the skill sets that they have, to start building those incredibly rewarding, well-paying [*inaudible*].

In residential construction, what does this mean? This means more architects, more engineers, more electricians and plumbers working in the field. It's a significant boost that will help many Ontarians access great-paying and rewarding careers in their—

The Acting Chair (Mr. Deepak Anand): Forty seconds.

Mr. Alex Piccini: It will provide opportunities to those individuals and their families, while also helping to realize the economic potential of an incredibly talented workforce in our province. I think we can all agree we have the best workforce here in Ontario. It's fantastic to see measures that can help connect them to the rewarding careers that enable them to bring forward their full potential.

We're pleased to see this change and also the partnership that is shown here by government to work with labour, to work with workers and to work with employers in making an economic situation in Ontario that's going to reignite our economy.

The Acting Chair (Mr. Deepak Anand): Thank you so much. We're going to start with the opposition. MPP Sattler.

Ms. Peggy Sattler: I'd like to thank all three presenters for joining the committee today, late on a Wednesday afternoon, to provide some input on this bill.

I want to begin with some questions for Ms. Faraday. I wondered if you could elaborate on the limitations of a regulatory scheme that only licenses the recruiting agencies, without having any consequences for employers who use unlicensed recruiting agencies, and also why you believe that an employer registry is so necessary to make this effective?

Ms. Fay Faraday: Ultimately, it's the employer who is seeking these workers. The recruiters have developed as an industry in order to supply workers to employers, and the conditions under which that relationship with the employer and the recruiter is set are what drives this market. As recruiters compete between each other for employer clients, they do that by passing the costs on to the worker, and so it's the employer who is ultimately in control of whether recruitment happens in a way that is exploitative or not.

The employer is the party who can stop it by not engaging with predatory recruiters. In legislation that says they will only be subject to penalty if they knowingly use people who aren't licensed, it means that they can just not ask. It's an incentive to not ask, to be wilfully ignorant of the status and to continue without any penalty.

The other reason is that employers are the ones who create the conditions of whether the work is exploitative or not, and the extent of control over a worker that an employer has is in large part based upon the leverage that the threat of termination has when there are enormous recruitment debts owed. A worker ends up being forced to continue working in exploitative conditions in order to pay back the recruitment debt.

Employers need to be registered because they're the other half of that relationship. Recruiters aren't just operating in this silo by themselves; they're serving this very

specific market, and so the best practices across Canada and globally are to regulate both ends of that relationship and to put employers in a position where they're joint-and-severally liable, because they can make this stop.

In addition to that, it's absolutely critical that any legislative scheme around registration and licensing is proactively enforced. Right now, it's set up so that individual workers have to come forward and complain. We know that when they do, they are immediately terminated, they still have to pay back the recruitment debt, and they're under threat of deportation, so there is no effective enforcement. In provinces that have had this legislation—Manitoba has the longest history of it—they have said that 100% of the enforcement has come through proactive enforcement by government. So unless this legislation is backed up by funding and resources and human power to proactively enforce, it's going to be a dead letter.

Having serious penalties on the people who are subject to employers—to not engage with the practice, to recruiters to have to put up their security deposit—is a reinforcing of good behaviour rather than an incentive to say, "Well, there's something there, but we can get around it if we just close our eyes."

Ms. Peggy Sattler: How much of a step forward do you see schedules 1 and 2 to be in terms of protecting migrant workers, vulnerable workers who are employed by temporary help agencies?

Ms. Fay Faraday: It's a tiny step forward, in the way that EPFNA was when it was first introduced. But there has been very little enforcement under the legislation, because individual workers can't drive enforcement. It really is a systemic problem. It is the business model of this industry, not just in Canada, but globally. Unless there is a proactive commitment by the government to root it out, to enforce it, there's no safety for workers. Right now, there's no safety for them in coming forward, and without a security deposit, there's no guarantee that they're going to get their money. We know, under employment standards, that even when workers are given an order and employers are supposed to pay them, it takes years to actually get that money, if they ever do.

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Ms. Peggy Sattler: I wondered if you had a chance to look at schedule 6. We've heard a lot of feedback today with huge concerns about schedule 6—recommendations that it be removed from this bill. Did you have any comments about that?

Ms. Fay Faraday: Yes, I absolutely agree that schedule 6 should be repealed in its entirety. The fact that there is a surplus is reflective of the fact that workers have not been given access to meaningful benefits, that the eligibility has been tightened in a way that's not reflective of the harm that workers are suffering. To give that back undermines the entire notion of this being a system that's designed to support workers when they've been injured at work—not to give a rebate.

Another portion of it I have concerns with is on the temp agency side. The bill sets up this licensing of temp

agencies. But honestly, this is going to be just as impossible to enforce because, again, the most precarious workers would have to drive complaints. Temp agencies are notoriously fly-by-night, can shut down and—

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

Mr. John Fraser: Ms. Faraday, you can finish your answer on that if you would like.

Ms. Fay Faraday: Thanks. What drives the entire dependence on low-wage strategies using temp workers is the fact that, under the Employment Standards Act, there's a loophole that allows employers to pay temp agency workers less than direct hires who are doing the exact same job. Temp agency workers are paid 50% less and don't get benefits. So the way you get rid of the problem, instead of having to build an additional architecture for enforcement, is to reinstate the equal-pay-for-equal-work provision that had been introduced by the previous government and that was endorsed by the Changing Workplaces Review, which recognizes that that's the source of the problem. If you take away the source of the problem, it's a much stronger, more direct remedy. And if you back that up by requiring that workers be converted to permanent status after a short period of temporary work, it ensures that temp agencies are supplying workers to do work in jobs that are truly temporary, not to create an exploitable second-tier workforce that fuels a low-wage strategy.

Mr. John Fraser: I want to thank all the presenters for being here late on this afternoon. Your presentations were very good, very informative.

Chair, I have no further questions, and I will cede my remaining time.

The Chair (Ms. Natalia Kusendova): We will now move on to the government members. MPP McDonell.

Mr. Jim McDonell: Thank you all for coming today. I know it's getting late in the day.

Locally, I don't see as much in the way of temporary workers in our area, but I was quite surprised last year to go out and—a lot of the larger berry farms, fruit farms, are involved. We were out talking to the different farmers and some of the workers. I was surprised to hear that there's quite a succession set up, where they come up and they will work for the strawberry farmers, first off, until sometime in July, then they will move over to the apple farmers for a period of time, and then they come back. I think the newest worker had been here about 14 years in a row—and some of them over 20 years. They come up every year, and it really is a way of life. They go home during the wintertime, whenever Canadians are heading south to Mexico. It was surprising.

The issue I was called up on was because of the delays because of COVID-19. Workers were not able to get up as quickly. I'm sure there are lots of impediments.

A question to Adwoa: What are some of the main impediments you see with the system, and what could be changed to make it work better? If there are any changes, what would you recommend?

Ms. Adwoa Buahene: Are you referring specifically to migrant workers, or immigrants and newcomers in general?

Mr. Jim McDonell: Migrant workers who are coming up. Would you be involved with that?

Ms. Adwoa Buahene: At TRIEC, our focus, generally, remains on the professional immigrants who come. Certainly, we are concerned about just work for all who are here in our province and in our country. I think Fay is probably best to speak to the migrant workers. It's her area of expertise. But, certainly, we do support many of the things that Fay has spoken about as well today.

Mr. Jim McDonell: Fay?

Ms. Fay Faraday: I'd be happy to speak to that. What particular aspect are you concerned with? You were mentioning that you see a lot of migrant workers here and how things can be done better. Is that—

Mr. Jim McDonell: Well, are there any roadblocks you see with the workers? They've been coming back, many of them, for over 20 years—the same workers coming back to the same farms.

The issue where I got involved, really, was of course last year, with the delays and COVID-19. Hopefully, this is a once-in-a-lifetime issue we're having. Of course, they were delayed as they went into isolation. There were a lot of one-time issues, when they were delayed coming up, so of course the farms were trying to and could not get local help at work. They were taking in volunteers, neighbours who could help out.

Ms. Fay Faraday: Apart from the delays due to travel bans and the fact that different borders were closed, everything else has been going on for generations, since the 1960s. Some of these workers have been working literally 40 years in the program. They keep coming back because the program is one that allows them to have employment. They're coming from communities that are deeply impoverished, where they are underdeveloped, where there are not jobs at home. They continue to come back because they have no access to permanent status in the country, even if they spent their entire adult lives working here. So one issue is the lack of access to permanent status. I'd encourage Ontario to advocate strongly with the federal government to ensure that workers have access to status on arrival.

The big issue last year was around overcrowded housing and the way that COVID-19 spread rapidly through the bunkhouses and other places where workers were living. That's a problem that has been known, again, for decades. Submissions have been made to government for decades about this. There was a federal review on housing standards, and significant pushback from employers to establishing national standards on housing. That continues to mean that workers are living in overcrowded, substandard housing that none of us would consider acceptable.

The risks to health and safety are all known issues that need to be addressed, and they are not unique to COVID-19.

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Mr. Jim McDonell: Over to the home builders: Locally, we're having a severe shortage of labour. I know a number of people who are waiting to build houses.

Contractors can't get work. My son is an electrician, and there's so much work—he's telling his employer that they have to give up some of the work because they just can't get it done for the winter.

Maybe you can relay some of the issues you're having, because I'm sure the trades are severely limited in Ontario. And what would this bill mean?

Mr. Alex Piccini: Thank you, MPP McDonell, for that comment.

Certainly, a lot of work is going unfilled right now because there are labour gaps across the province. Different trades—and you mentioned electrical. There are definitely also some regional nuances. Issues up in eastern Ontario, where you are, may be different than in southwestern Ontario or northern Ontario. These labour gaps mean that there aren't enough trained professionals to do this kind of work. In our sector, what that means is delivering keys to waiting families—when there is such a backlog, and there aren't the right professionally trained folks to do that work.

This bill—in particular, schedule 3—helps to unlock that potential, to recognize that there are internationally trained individuals who bring their talents, their efforts and their commitment to what they do. It's imperative that we open up those incredible career opportunities to them and not have limitations, hurdles get in the way of that while working safely. I must emphasize—

The Chair (Ms. Natalia Kusendova): Thank you very much. I'm sorry for interrupting.

We will now go back to the official opposition. MPP Begum.

Ms. Doly Begum: Thank you to all the presenters for coming today and for the work that you do in your fields. It's very much appreciated, and your expertise is very much appreciated.

I want to begin with TRIEC. Waheeda Rahman White and Shamira Madhany haven't spoken yet, so I want to ask both of you—and Adwoa, you could chime in as well. We're all excited, I think, for something like this in schedule 3 because it has been a very long time coming. A lot of you have been working on this bill for a very long time. I myself—for the past four years, I think—have been begging in the Legislature for this to happen. So when this was proposed, we were ecstatic. However, when we look at the schedule—and I know Alex Piccini from the home builders just talked about what it means for us to unlock the potential that we have in our immigrant workers who come here with expertise, who come here with many years of skills and experience.

The schedule right now looks at only removing Canadian experience for regulatory bodies—and I did have a chance to talk to a lot of the engineers, construction workers, horticulturalists and many others, including health care workers. First, I'll note that health care workers are very, very upset and really disappointed that they have completely been excluded from this legislation, especially during COVID-19.

Adwoa, you mentioned that during COVID-19, we know about the shortage of nurses in our province. Right

now, this bill excludes this. One of the things I've been mentioning is that bills are not incremental, so we may not get a chance to look at something like this for a very long time.

Do you think that health care workers should have been included in here and we should have consulted with organizations like yours—or were you consulted?

Right now, it only looks at regulatory bodies. However, we know employers require Canadian experience. So the removal of this barrier actually does very little to remove that barrier that workers face, and it will actually be limiting in terms of how a lot of professionals can take advantage of that.

I open the floor to all of you from TRIEC to respond to that.

Ms. Shamira Madhany: I'll start, MPP Begum, in terms of the conversation.

We are actually urging, as you suggest, that the spirit and intent of schedule 3 should be expanded to Ontario's health care lobbies. If we look at the schedule in the bill, there are only 15 regulatory bodies on the professional side and 15 on the trade side. And yet, 50% of all regulatory bodies are health-related. As we know, in fact, as a result of COVID-19, we have a very large number of individuals who are going to leave the sector. We don't have enough coming into the sector, and we have a demographic of an aging population. So, from our perspective, we should have included the health sector because there is already a global shortage. We already are having a Canadian shortage, an Ontario shortage, and it's just not going to do us well if we don't include the health sector. So I think that it is prudent and forward-thinking for this bill to include the health sector.

With respect to the Canadian-experience clause—which is very important, because we do know that, in fact, whether it's employers or regulators, they use this as a mechanism to basically leave out people because of country of origin, language proficiency etc. Really, in their mind, Canadian experience is—"Well, I don't know you, and so therefore I won't consider you." Instead, it's what are the necessary tools that you have to assess somebody's prior skills so that they can integrate into our labour market.

Our perspective is that you start with the regulators, because that's where licensing takes place. With employers, we could include them. I think that part of the bill should be to consult with employers to make sure that they're part of the process—the employers that actively take in licensed professionals. So it's basically the regulators that are part of the bill and employers who will hire them, like the hospitals and other sectors. I think that's really important to do.

Ms. Doly Begum: Chair, how much time do I have?

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

Ms. Doly Begum: I'll pass it over to my colleague MPP Wayne Gates. I know Waheeda wanted to chime in as well—so just briefly, in about 45 seconds.

Mr. Wayne Gates: I'll do my best.

First of all, I want to thank the home builders for being here, and I want to thank the great builders that we have right across the province of Ontario, because I know that the skilled trades are the best there are in the country. Our skilled trades are wonderful.

Having said that, we do have some problems. As a critic for health and safety, I know that there are instances that aren't being reported. I've talked to some of the unions. I know we've had some people killed on the job. We can't hide from that. I think we're up to around 18, including a young man who was 21 years old with a family. We've got some opioid crises, which I know the carpenters' union is highlighting, and mental health.

Do you think that the health and safety training is sufficient in the trades, or could more be done?

Mr. Alex Piccini: Certainly, health and safety is critical to everything that we do on the employer side, whether it's building a culture of health and safety or improving processes on-site. We can take COVID-19 as a great example. Our industry really worked to ensure that when the pandemic hit, we were making those needed adjustments and changes, because everything was in flux, to put health and safety as the foremost priority. That's something that we've done throughout the pandemic, and we've seen that very few cases of COVID-19 have been attributed to residential construction. So what we're seeing is that commitment to building a strong health and safety culture on-site, to continuing that and working through that. There are always things that—

The Chair (Ms. Natalia Kusendova): I'm sorry to interrupt. I believe MPP Begum has one last question.

Ms. Doly Begum: Can I get Alex to finish—and then Waheeda, just in the last few seconds? I know we have a very limited amount of time—

The Chair (Ms. Natalia Kusendova): Okay. You have 15 seconds, and then we must move on.

Mr. Alex Piccini: There are always processes we can reflect upon to make sure that we're working towards the best processes. We have such an incredible skilled workforce in this province, and it's critical that labour, employers and government are working together to ensure that health and safety is the core, fundamental priority.

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

Now we will move on to MPP Fraser.

Interjection.

The Chair (Ms. Natalia Kusendova): Okay. He is no longer with us, so we will now move on to the government. MPP Babikian.

Mr. Aris Babikian: Thank you very much, everyone. It was quite an enlightening discussion—suggestions, input—yesterday and today. It shows how much this industry, the labour market, the labour force, was ignored for so many years.

Finally, our government is taking on the challenge. We are not going to solve every issue overnight, but I believe, and other people have also stated, that this is a good first step to start addressing some of the issues. Down the road,

there are many areas that we need to still improve on, including the health care sector. I am sure that the Minister of Labour and the Minister of Health are in discussions about this issue. There are certain issues of sensitivity in that area that we need to consider, but we cannot hold the rest of the bill from being tabled and addressed.

My question is to the Ontario Home Builders' Association. I want to address the issue of schedule 6, and specifically, the impact of the surplus redistribution on the Ontario Home Builders' Association. Can you elaborate a little bit more on how your industry feels about this issue and how it will impact you?

Mr. Alex Piccini: Thank you, MPP Babikian, for that question.

With regard to the WSIB surplus: Employers rely on WSIB to ensure that there is that social safety net for injured and ill workers, and we also rely on WSIB to determine what that social safety net looks like. In terms of the surplus itself, I think that we can look at that rebate as a sign of the success of the system—that it's creating safe working environments, that it's creating safety cultures. That would be where we sit there.

I think there are always conversations to have on how we can make adjustments to the system to ensure that we're getting the right outcomes for employees and at the same time that we're building up the capacity in our province to deliver homes to families. I can only speak from the residential construction perspective, but overall, it's all tied in. There are joint health and safety committees that many members are a part of, both employer and employees, and we are working collaboratively. Our members are working collaboratively with employees to ensure that that culture of safety and the standards are applied, and are applied appropriately.

I'll go to Bob for anything else he may wish to add.

Mr. Bob Schickedanz: Thank you for the question, Alex.

Yes, I call it "the proof is in the pudding." The true testament is the fact that there are surpluses, which indicates that we are doing a better job in keeping our workers healthy and safe on job sites.

A pledge on behalf of our association: Nothing is more important, nothing is more paramount, than the health and safety of our employees.

Is there room for improvement? There is always room for improvement, until we get that number down to zero. But we're working diligently and we will continue to double down on our efforts to make sure our job sites are safe for all our employees.

Mr. Aris Babikian: Chair, how much time do I have?

The Chair (Ms. Natalia Kusendova): Three minutes.

Mr. Aris Babikian: Okay. As a follow-up to that question, and touching on another section of the bill, and that is the foreign skilled trade workers—this bill, from your presentation, I understood would help you to recruit more skilled workers to improve the quality of the industry, the delivery, the speed etc. By doing that, we are also helping the shortage of housing in Ontario by delivering more homes to the market. Are there any other

benefits from this bill, indirectly, to your industry, to the entire society, to the other areas of our workforce?

Mr. Bob Schickedanz: In terms of what is driving this, OHBA did an independent study using the government's projections that over the next 10 years we need to build in this province a million homes—100,000 units every single year. At this point in time, we're building anywhere from the low 60,000s to maybe 70,000 units a year, falling well short of that target. That's the reason why house prices are escalating so dramatically. Our industry, right now, with the labour force we have in place, is stretched to the maximum.

As I said, we're falling well, well short of the goal of building 100,000 units a year. We view this as a collective responsibility—not only our industry, but governments, employment organizations, the labour pool—to work together to have a safe, qualified skilled labour pool so we can deliver these homes. That is so important. Otherwise, we will not be able to tackle the housing affordability crisis.

So that's a true benefit. The more skilled labour we have to produce the housing that we need—that we're experiencing today and that we will continue to experience. It's so important; I can't stress how important, and as I said, it's a collective responsibility. So that is certainly the overall benefit to all Ontarians.

Mr. Aris Babikian: Our government is very dedicated to addressing this issue. Years of neglect are being addressed. Of course, we are spending millions of dollars to retrain workers, to provide opportunities for apprenticeships and other programs to help the industry keep up with—

The Chair (Ms. Natalia Kusendova): Thank you very much. That concludes all the time we have.

I'd like to thank all the members for a very respectful debate today—all of our presenters and our staff.

This concludes our business for today. Our committee stands adjourned until tomorrow, November 18, 2021, at 9 a.m.

The committee adjourned at 1758.

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