

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Official Report of Debates (Hansard)

F-69

Journal des débats (Hansard)

F-69

Standing Committee on Finance and Economic Affairs

Organization

Working for Workers Five
Act, 2024

1st Session
43rd Parliament

Tuesday 22 October 2024

Comité permanent des finances et des affaires économiques

Organisation

Loi de 2024 visant à oeuvrer
pour les travailleurs, cinq

1^{re} session
43^e législature

Mardi 22 octobre 2024

Chair: Ernie Hardeman
Clerk: Vanessa Kattar

Président : Ernie Hardeman
Greffière : Vanessa Kattar

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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400
Publié par l'Assemblée législative de l'Ontario

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS

Tuesday 22 October 2024

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Mardi 22 octobre 2024

The committee met at 0900 in room 151.

The Chair (Mr. Ernie Hardeman): We will call the meeting of the Standing Committee on Finance and Economic Affairs to order.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. Ernie Hardeman): Before we begin the clause-by-clause consideration of Bill 190, we need to appoint a new member to the subcommittee. Changes to the membership of the committee yesterday have resulted in a government vacancy on the subcommittee on committee business.

Are there any motions that members wish to make? MPP Hamid.

MPP Zee Hamid: I move that MPP Smith be appointed to the subcommittee on committee business, please.

The Chair (Mr. Ernie Hardeman): I notice the MPP is not present at the time, so he won't object.

Any further debate? MPP Fife.

Ms. Catherine Fife: Just a procedural question: Does the member not have to be here to accept the nomination to—

The Chair (Mr. Ernie Hardeman): No.

Ms. Catherine Fife: Okay.

The Chair (Mr. Ernie Hardeman): MPP West.

MPP Jamie West: I'm just curious—because I stood on the Standing Committee on Procedure and House Affairs, and there have been changes to how members are added and removed from committees. I don't know if this is aligned with the changes or not. I'm just looking for clarification from the Clerk.

The Clerk of the Committee (Ms. Vanessa Kattar): The changes from yesterday's motion in the House resulted in MPP Crawford being removed from the committee. He was our subcommittee member, so it's up to the committee to determine who the new subcommittee member would be. It does have to be someone from the government party, because MPP Fife is the NDP subcommittee member from the opposition.

MPP Jamie West: Oh, I'm sorry. I thought he was being appointed to the committee.

The Clerk of the Committee (Ms. Vanessa Kattar): No. The subcommittee.

MPP Jamie West: Thank you.

The Chair (Mr. Ernie Hardeman): Any further discussion?

Mr. Wayne Gates: No discussion. I was just smiling to myself because it's my type of humour that I have—it's

the fact that he's the same individual who got a raise before he even got into the House, so I don't know why we would even be arguing that we are appointing him.

The Chair (Mr. Ernie Hardeman): If there's no further discussion, is the committee ready to vote? All those in favour of the appointment? All those opposed? The motion is carried.

WORKING FOR WORKERS FIVE
ACT, 2024LOI DE 2024 VISANT À OEUVRER
POUR LES TRAVAILLEURS, CINQ

Consideration of the following bill:

Bill 190, An Act to amend various statutes with respect to employment and labour and other matters / Projet de loi 190, Loi modifiant diverses lois relatives à l'emploi et au travail et à d'autres questions.

The Chair (Mr. Ernie Hardeman): We will now begin the clause-by-clause consideration of Bill 190, An Act to amend various statutes with respect to employment and labour and other matters. Julia Hood from legislative counsel is here to assist us with our work, should we have any questions—at least I think she should. A copy of the amendments filed with the Clerk has been distributed electronically. Hard copies have also been provided to you.

Before we begin with consideration of specific sections of the bill and accompanying schedules, I will allow the members to make comments on the bill as a whole. Afterwards, debate will be limited specifically to the amendments, sections or schedules under consideration.

Committee members, pursuant to standing order 83, are there any comments or questions on the bill as a whole? MPP West.

MPP Jamie West: I'm looking forward to the amendments that are being put forward. I think that this is the fifth Conservative Working for Workers bill. We heard some good feedback yesterday about washroom facilities, about the wildland firefighters. I know we're trying to get that right. If we're passing legislation that is colouring around the edges, it sounds good to the average person who is maybe not involved with those fields, but I don't think it's very effective legislation, and I don't think it demonstrates a real commitment to improving the lives of workers.

I talked about wildland firefighters. I wasn't aware of this, so I didn't think of it, as well—and I don't assume that the minister would: the amount of exposure that a wildland firefighter has to carcinogens. When you think of a typical

urban or rural fire—you can exit the building and get to fresh air; also, they have breathing apparatuses. But for the wildland firefighters, there is nowhere to exit. The smoke is all around. Any of us who remember the Parry Sound fire, in my neck of the woods—my house was far from Parry Sound, and I could smell smoke all the time. And so, recognizing that the legislation doesn't match the reality, that they need so many years but they only work—not much burns when it's wintertime. Changing that and addressing that, I think, is something we could all be aligned on.

Something else I've been thinking about recently, and I think because the Minister of Labour has been saying it pretty much every time he talks about the washrooms and bringing the standards of Bay Street to Main Street—as somebody who worked in construction and had to use porta-potties, and we're talking about more than 25 years ago, almost 30 years ago—we're not bringing any standard to these construction workers when we're bringing porta-potties. I'm sure if we went to Bay Street now, we would not be able to find one single porta-potty there. Pretending people who are dressed like us and wearing suits like us, people who work on Bay Street, are excited or attracted to that field because of porta-potties is a joke. We really need to rethink this.

The reality is that in the construction industry, there are portable trailers. They have changing rooms. They have hot and cold running water. They have real facilities. When you're at a construction site, you may have a hand pump to put water on, you might have hand sanitizer—but basically what we're talking about is a little room with a plastic toilet seat over a bucket. I'm trying not to be offensive to anybody, but that's the reality.

If we think that we're going to attract young people—not just women and girls; young people of any side. If you think you're going to attract them to any industry by offering a porta-potty to them, you've lost the thread. That is not the reality.

We have the opportunity to really attract—we're basically going to lose two thirds of our construction workers, our trades workers in a short amount of time. We need to get with the times. We need to actually reflect what's going on on Bay Street, where they have heated washrooms, with doors that close, with hot and cold running water, with showers, with places to put your gear. If you go into any enclosed washroom, there's a place to hang your jacket. But if you go to a porta-potty, you take your coveralls and you wrap them around your legs and you hope for the best; you hope they don't spill onto the ground.

The other thing is, many things in this bill sound great in press conferences, but they already exist. I'll give you an example. There's already a requirement to provide washrooms through the Construction Act—it's very detailed; it goes through several pages. I find it embarrassing that the Ministry of Labour doesn't understand this, that nobody on that legal team brought up the fact that this legislation already exists—and we're reannouncing more legislation. The same goes for the requirement to clean washrooms. Cleaning washrooms is already a requirement under the general duties of the employer and the duties of the super-

visor—to keep their equipment in good repair. So it sounds great—it's a great stump speech—but you're not offering the workers of Ontario anything new or anything helpful to them. You're not offering anything in those sections that doesn't already exist.

I also want to say, about the fines—because I know my colleagues want to say stuff. Increasing the maximum fine from \$50,000 to \$100,000—I had asked, actually, for an amendment to increase it to \$100 million, and the reason I did is because this government is reluctant to use the maximum fine. One of the people who did the deputations had one example, in the last 15 years, of a \$50,000 fine; I was searching, and the highest I could find was about \$30,000. So doubling it is meaningless. When you're doubling a fine that you're never handing out—I say let's make it a million dollars, let's make it \$10 million, because you're not going to use it. This is what my friends would call a plastic carrot. It looks good from a distance, but there is nothing there for you to bite onto. So for the workers who are out about \$20 million in wage theft, the fact that the Conservative government—and the Liberal government before them—doesn't see fit to apply the maximum fine but thinks that they're going to pull the wool over—I don't think I could say that—that they're going to tell workers that we're taking this seriously because we're doubling the fine—the fines that we don't table.

We had an excellent example from Waterloo about a grocer who, for more than 10 years, has been ripping off workers' wages. He has collected about half a million dollars now. Even though he has been served with penalties, which he hasn't paid and he has been fighting for the past two years, complaints continue to come in.

I've been through three Ministers of Labour here, no disrespect to any of them, but I do not see the Working for Workers—I don't see that rubber hitting the road. I see platitudes. I see a lot of buzzwords, and as we would say in the mines, "All sizzle, no steak."

The reality is, people are hurting out there. Affordability is a major issue. When you have an employer who for 10 years can steal wages from workers in the most egregious ways—these are primarily Ukrainian immigrants who came here during the war. Their first job experience is getting ripped off by an Ontario employer? We should be throwing the book at them. We should be using every power we have. But, no, we drag our feet.

0910

The final thing I want to say is that I believe the reason the Conservative government doesn't take wage theft seriously is because when they passed Bill 124, this government became the biggest wage-theft employer in the province. They stole millions of dollars from the workers, and they fought these workers every step of the way, even though we told them—they knew; I know they knew, because legal council would have told them it was unconstitutional. I told them during the debate that it was unconstitutional. I brought up questions telling them it was unconstitutional. They chose to fight it. Even when they heard from the Superior Court that it was unconstitutional, they appealed that. To date, we're paying over \$4 million in penalties—

not to mention what else has to be going on in the background.

This is a disgrace—it's a disgrace to call yourself "working for workers" with bills like Bill 28, when you step on the neck of education workers; with Bill 124, when you penalize those workers; or when you're offering construction workers, who are in dire need of having people attracted to their employment, a plastic toilet seat over a bucket.

Nothing in this bill stands on the face of working for workers and addressing the needs that they have today.

The Chair (Mr. Ernie Hardeman): Further discussion? MPP Gates.

Mr. Wayne Gates: I certainly do like the passion that my colleague has shown—because it's kind of how I feel.

I read the bill again last night. He talked about washrooms. There's nothing in the bill that I'm aware of, that I could find, that talks about sanitary products on work sites, although that was part of the press conference that they put forward.

I went through all the notes on who you consulted with on this bill. I'm like Jamie; I've been here for three ministers, and I'm not saying anything bad about any of them—but I've gone through five in long-term care, so I understand that. They did not even meet with the federation of labour on this bill. They didn't meet with them on bill 4; they didn't meet with them on bill 3, bill 2, bill 1. How do you say that you're working for workers when you don't even meet with the voice of workers in Ontario? They represent 1.1 million workers in Ontario, yet you won't meet with them, and then you say, "We're working for workers."

My colleague talked about Bill 124. Bill 124 was a disgrace. Do you know you're paying out \$6.7 billion to workers because you lost in the courts—something that this man, my colleague, said over and over again was unconstitutional? I think every member of the NDP—including other parties—said it was unconstitutional. It was ruled unconstitutional. And do you know what you did? Because it wasn't your money, it was taxpayers' money, you just appealed it, and then we found out you spent \$4.3 million of taxpayers' money on lawyers.

The best job in the province of Ontario is being a lawyer for the PC Party. It's like a licence to print money.

All you do is attack workers, and quite frankly, I'm fed up with it—because I have to stand here and come here this morning and say you're working for workers. You're not working for workers—every one of you, except maybe the young man right here in the end who I don't know yet. He wasn't here—

The Chair (Mr. Ernie Hardeman): We would advise that we are speaking to Bill 190—

Mr. Wayne Gates: This is Bill 190—

The Chair (Mr. Ernie Hardeman): Through the Chair—not directly across.

Mr. Wayne Gates: I apologize.

This is Bill 190—because I'm talking about workers. The bill is called Working for Workers, so anything I raise this morning is going to be about workers, because do you

know what? I'm a worker. Yes, I'm an MPP now, but I spent 40 years in a plant working with workers, talking to workers, representing workers. I know what a worker is, and I know when an attack against a worker is an attack against a worker. Bill 124 was an attack against workers. Bill 28 not only was an attack against workers, but it was an attack against their collective bargaining. What we all try to do is to get collective agreements that are fair and balanced so everybody can proceed. They've done nothing but attack workers.

The one that has really upset me, and I've said it—sorry; through the Chair, again. My fingers kind of get going on this one: deeming injured workers. Workers who get out of bed every single day and go to work—do you know what they want to do? They want to go to work. They want to work for a fair day's pay. They want to work eight hours. They like working eight hours. They want to put in a fair day's work for a fair day's pay. What they don't expect to do is get injured on the job.

Workers in this province, including skilled trades workers, by the way, are being injured every single day, and they won't claim compensation. Do you know why? They end up getting deemed—they put them in a phantom job that's not there—and they end up living in poverty. This is a worker who has a family, who has a mortgage, who has their kids. They want to put them in figure skating, they want to put them in ice hockey, whatever it is, and all of a sudden, they're cut off because WSIB deems them. What happens? They end up living in poverty. Do you know what happens to that family? The family, in a lot of cases, splits up. He loses his wife. He loses his family. He ends up homeless because he's living in poverty.

You're working for workers. So why haven't you passed a deeming bill? Five of these bills—and every time I raise it, every time I say, "Raise this," they all sit over there and they're silent. They don't talk about injured workers. These injured workers are firefighters, they're police officers, they're skilled trades workers, they're auto workers—they're all the workers they're saying they're working for. But guess what? I haven't seen it in the bill yet, not once. It bothers me.

Here's the one that makes no sense, Chair—I respect the fact that you're listening, by the way; I'm looking right at you: How, in the province of Ontario, do we still not have anti-scab legislation? How do we still have it that we are protecting employers that won't go to a bargaining table and negotiate a fair and just collective agreement for both parties?

In this province—I know, because I bargained 150 collective agreements; I had one three-day strike. I know we can get to the bargaining table. I know that we can get agreements with employers in the province of Ontario. Do you know what stops some of these employers? They know they're allowed to bring scabs into those workplaces and leave those workers out on the picket line, instead of going to the bargaining table.

Do you know how many collective agreements we get in this province that get settled without a strike? It's 98%.

Do you know what that means? That means the unions that are representing them are very good at what they do and they want to get a collective agreement. I never had one worker in the 12 years that I was president of my local union say to me, “Gatesy, can you take us out on strike? I want to go out and be on the picket line.” They want to go to work. They want to make a paycheque. They want to raise their family. They want to pay their mortgage.

Why are we doing it? In 2024, we still don’t have anti-scab in this province, to protect 2% of the employers, the bad employers—which, by the way, is the government, because they brought in Bill 124. Monte called them a name—I forget what it was.

MPP Jamie West: Bad actors?

Mr. Wayne Gates: We’ll say “bad actors.” That’s not the word he used. It was a lot harsher than “bad actors.” He was right on the money. But he forgot that he brought in Bill 124 and supported Bill 124.

The other one that’s really bothering me, and you guys know about—I know my colleagues here have raised it a number of times. We need paid sick days for workers. How can you say that you care about workers, but you don’t have paid sick days in the province of Ontario? How can you do that? We’ve asked for 10 paid sick days. Every time I pick up the bill, I read the bill, I go through the lines—I listened to the presentations when I could, over the summer—what do they raise all the time? We need paid sick days. People are coming to work sick. What do they do when they come to work sick? They make somebody else sick. It makes absolutely no sense. Your doctors’ notes in the bill—you talk about a wishy-washy in the bill. “You might have to get a doctors’ note; you might not have to get a doctor’s note.” It’s not clear in the bill. You know it’s not clear. “We’re going to leave it up to regulation.” Give me a break.

I want to finish by talking about firefighters. It was the NDP, by the way, who started to get presumptive language for cancers for firefighters in the province of Ontario, and we fought for years. I’m glad that finally—because this is what I’ve always said: A good idea is a good idea. It doesn’t matter whether it’s from the NDP, the Liberals, an independent or the Conservatives; if it’s a good idea, we should work together and make sure we get it done. It was a good idea to come up with presumptive cancer coverage for firefighters—it should be for a lot of other professions as well.

I have a bill before the House on PSA testing. Men are dying—13 men will die today of prostate cancer. Think about that. As we’re sitting here, somebody is dying in a hospital today. This government can change that tomorrow by having PSA coverage covered when it’s recommended by physician. What I found out in my last press conference—guess who gets prostate cancer more than the average person working in the workplace, whether it be in an auto plant or whether it be in a steel mill? Firefighters are 1.41 times more likely to get prostate cancer than the average population. This is a government that says they care about firefighters, yet everyone who’s over there today, except one, has voted against that bill.

0920

I’m lucky; as a matter of fact, Chair, you’re lucky—and some of the men here are lucky; they haven’t got prostate cancer yet. I can tell you that in my office, I have four employees, and three of them—their dads have prostate cancer, but they caught it early. When you catch prostate cancer early, do you know what happens? You get to live longer—at least five years, sometimes 20 years. But you’ve got to catch it. There are people out there who can get the PSA test—because it’s not covered by OHIP. There are people out there who can’t afford it, whether it be because of mental health, because of their situations. They’ve got to choose between getting a prostate test that they’ve got to pay for or putting groceries on the table for their family.

If you want to come here and say you care about workers and have the bill, then let’s start caring about workers. Let’s talk to the Ontario Federation of Labour. Let’s talk to other unions. Let’s talk to all the unions. What do you need to make it better for workers in the province of Ontario? You’re not getting it in Working for Workers. This one might be one of the weaker ones, although there are some good things in here—and it’s my understanding my colleague has said that—but it’s not what we need. It’s not what workers need. We need anti-scab.

We need for them to apologize for Bill 124, for what they did. We’re still suffering from Bill 124. I don’t mean to go back to it so quick, but I just thought of it. It’s early in the morning. My mind gets going after a while. I’m telling you, we’re still suffering because we have shortages in our hospitals, because the nurses were so frustrated, and we have such mental health issues—because of Bill 124. They felt disrespected, and they left. We still have that shortage because of Bill 124.

Bill 28—that’s not working for workers. I’ll let our critic say how our party is going to vote, but I can tell you every day—and I asked to be here this morning, because I’m a worker. That’s all I am. I may not be as smooth as some people when it comes to talking and all that stuff, but I know what it’s like to go to work at 6:30 in the morning. I worked 20 years on city midnights—one marriage later. Do you know why I worked steady midnights? I’ve never told anybody. Because of steady midnights, my union got me an extra 10%, and that extra 10% allowed me to pay for my daughter’s figure skating. As she got better and better, it got more and more expensive, so I decided I was going to stay on steady midnights, and then I stayed on steady midnights so I could coach her baseball team. It was about making sure that I could provide for my family.

Deeming is making it harder to provide for families, for injured workers. It’s absolutely a shame and disgusting that that has not been in one of these five bills. I’ll just leave it at that.

Oh, one other thing: inspectors. You’re raising the fines. We know that nobody ever gets the maximum fine; it hasn’t happened—I’ve seen \$30,000, but I haven’t seen the \$50,000. We had workers right here, in a bakery, and four employees were killed—they didn’t even get the maximum fine. We used to have inspectors in the workplace when

you started bringing these bills in. How many years has it been now? Five, six years—whatever it has been. We had 2,345 inspectors who would go into workplaces and inspect workplaces. Under this particular government, the PC government, do you know what it's at today, in 2024? It's 788—about a third. So we've lost two thirds of inspectors in workplaces. And you say you're increasing the fines because—you can't inspect the places anyway, because you don't have enough inspectors.

To the PC Party: We all care about workers. If you're going to bring bills forward, let's take care of workers. Let's get rid of deeming. Let's get rid of—anti-scab. Let's talk to the OFL. Let's talk to unions. Let's find out what we need in our workplaces to make them safer so we can be more productive, so we can get more jobs in the province of Ontario. This is not helping; trust me.

Thank you for allowing me to say a few words. I'd like to thank my colleagues for allowing me to come this morning and talk, as well.

The Chair (Mr. Ernie Hardeman): For the benefit of all the committee, I want to read a line that's very important. I'd like to remind all the honourable members that their remarks should be kept relevant to the matters before the committee. Standing order 25(b)(i) states: "In debate, a member shall be called to order by the Speaker if he or she ... directs his or her speech to matters other than ... the question under discussion"—not the broad discussion; the discussion to the bill. This is for the whole committee. We've run into this a number of times.

MPP Kernaghan.

Mr. Terence Kernaghan: I'd like to thank my colleagues for their excellent comments—especially our critic for labour, stating that this Working for Workers bill is an ironic title, at best.

The fact that this is the fifth iteration of a bill that has been done not in consultation with workers, completely absent of any real discussion with people who are fighting for workers' rights, is unconscionable.

Without repeating the words of my excellent seatmates—when it comes to the way in which this government has treated educational assistants, nurses, with Bill 124, and firefighters, it's shocking.

The fact that this legislation does not have things that workers have been calling for for years, which would be an end to scab labour; making sure that there are fair collective agreements that are bargained with employers who are doing the right thing, not employing scab labour—this government seems to put their heads down and ignore it. They've had the opportunity time and time again to support workers by voting for anti-scab legislation, and yet when it comes time for the rubber to hit the road, this government puts their head down.

You can't have a bill that is titled Working for Workers and not support these types of legislation. Again, putting an end to deeming, putting an end to phantom jobs—this government, by their inaction on these files, is literally pushing workers onto social assistance, because these workers are not getting the supports from WSIB, supports that they have paid for, supports that we all pay for. It's because of the lack of worker protections and supports.

This committee itself, in its report on the 2024 budget consultation, included that wage parity was an issue that is affecting the retention of talented, skilled people across health care sectors—yet this government has done nothing to address that wage disparity.

When it comes to health care workers who are working in home care, they are paid the lowest of the low. They can only survive on that so long. They might be ideally suited for that workplace. It might be exactly the best employment for them. And yet, unfortunately, because of the cost-of-living crisis, these workers have no other choice but to seek better-paying employment. That means people from home care will end up wanting to go to long-term care because it pays slightly more. But after a while, those long-term-care workers might want to go into acute care because that is the gold standard; that is where the best pay is. That leads to a retention and recruitment crisis.

If we had wage parity across this province, we would have health care sectors that were able to rely on one another, that were robust, that would support one another. As we know, in health care in this province, all of these different sectors rely on one another to function properly.

I want to focus on comments from the Workers' Action Centre and Parkdale Community Legal Services, who made some very powerful and important recommendations to this government—this is not new news; this has been there for a while. They pointed out that \$22 million was stolen from workers last year in wage theft. For this government not to act upon that—it's not that you're simply condoning this wage theft; you are literally endorsing wage theft. You are saying it is okay.

0930

Proactive workplace inspections under the ESA make sense in so many ways—in terms of process, in terms of procedure, in terms of logistics. It also makes good fiscal sense. Why do we wait to punish people after bad things happen? Make sure the bad thing doesn't happen in the first place.

You also need to have opportunities for workers to stand up and protect themselves. This government, with their ministry enforcement tools—for 90% of all violations under the ESA, there is no penalty. We still have this complaints-based model, and regardless of the amount of complaints, there is no broader consequence for these bad actors; there's no broader consequence for these bad employers. There is no enforcement—and that's down to this government.

You are not working for workers. No matter how many pieces of legislation you title this way, your words are empty, your words are hollow, your words are nothing more than a sound bite, because when it comes time for voting for workers, when it comes time for voting for anti-scab legislation, when it comes time for voting to stop deeming, when it comes time to vote for ensuring workers have protections and are not being pushed onto social assistance, we hear crickets from this government.

So, please, if you're going to have legislation that legitimately supports workers, include the things that workers are asking for. Consult with workers. Don't simply say

that you're working for workers, when this bill lacks so much.

The Chair (Mr. Ernie Hardeman): Further debate? No further debate? We will then move on to deal with the bill.

As you will notice, Bill 190 is comprised of the preamble, three sections and six schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone the first three sections of the bill in order to dispose of the schedules first. Is there agreement to do that? This allows the committee to consider the contents of the schedules before dealing with the sections on the commencement and the short title of the bill. We would return to the three sections after completing consideration of the schedules. Unanimous consent? I believe I heard that, so with that, we will move on.

There are no amendments to schedule 1, sections 1 to 3. I therefore propose that we bundle sections 1 to 3. Is there agreement? Agreed.

Is there any debate on schedule 1, sections 1 to 3? No debate? Shall I call the question? All those in favour? All those opposed? Schedule 1, sections 1 to 3, is carried.

Is there any debate on schedule 1? Are the members prepared to vote on the schedule? All those in favour? All those opposed? The motion is carried.

There is an amendment—NDP amendment 1. MPP West.

MPP Jamie West: I move that schedule 1.1 be added to the bill:

“Schedule 1.1

“Digital Platform Workers’ Rights Act, 2022

“1. The Digital Platform Workers’ Rights Act, 2022 is amended by adding the following section:

““Deemed employees

“3.1 Every worker to whom this act applies is deemed to be an employee for the purposes of Ontario legislation unless the operator establishes to the satisfaction of the board that the worker is not an employee.”

“Commencement

“2. This schedule comes into force on the day the Working for Workers Five Act, 2024 receives royal assent.”

I so move.

The Chair (Mr. Ernie Hardeman): To the members of the committee:

Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee....”

I therefore rule the motion out of order because the Digital Platform Workers’ Rights Act, 2022, is not opened by the bill.

MPP Jamie West: Chair?

The Chair (Mr. Ernie Hardeman): MPP West?

MPP Jamie West: I’m seeking unanimous consent to allow this to be added to it. The Digital Platform Workers’ Rights Act has a lot of holes in it from the previous Working for Workers bill—

The Chair (Mr. Ernie Hardeman): The motion is not debatable.

Interjection.

The Chair (Mr. Ernie Hardeman): He can ask for unanimous consent.

MPP Jamie West: There are many holes in it, and this is an opportunity to fix it before—it doesn’t come into effect until next year. We could be repairing this before it hits the floor, instead of doing what typically happens with a lot of these bills—pass bad legislation, and you have to pass new legislation to fix it.

The Chair (Mr. Ernie Hardeman): Is there unanimous consent? I’m supposed to ask for unanimous consent—and there isn’t, so we will move on.

Schedule 2: There are no amendments to sections 1 and 2 of schedule 2. I therefore propose that we bundle sections 1 and 2. Is there agreement? Agreed.

Any discussion on the bundle? If not, is the committee ready to vote? All those in favour? All those opposed? Schedule 2, sections 1 and 2, is carried.

Shall schedule 2, section 3—

Interjection.

The Chair (Mr. Ernie Hardeman): We have a government amendment for schedule 2, section 3. MPP Barnes.

Ms. Patrice Barnes: I move that the French version of subsection 3(2) of schedule 2 to the bill be amended by striking out “pas” in subsection 50(6.1) of the Employment Standards Act, 2000.

The Chair (Mr. Ernie Hardeman): You’ve heard the amendment. Debate? No debate? Is the committee ready to vote on the amendment? All those in favour? All those opposed? The motion is carried.

Shall schedule 2, section 3, as amended, carry? Any discussion? Ready to vote? All those in favour? All those opposed? Schedule 2, section 3, as amended, is carried.

Section 3.1 is an NDP amendment. MPP West.

MPP Jamie West: I move that section 3.1 be added to schedule 2 to the bill:

“3.1 Sections 50, 50.0.1 and 50.0.2 of the act are repealed and the following substituted:

““Personal emergency leave

““Definition

““50. (1) In this section,

“““qualified health practitioner” means,

““(a) a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the employee or to an individual described in subsection (3), or

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

““Personal emergency leave

““(2) An employee is entitled to a leave of absence because of any of the following:

““1. A personal illness, injury or medical emergency.

““2. The death, illness, injury or medical emergency of an individual described in subsection (3).

““3. An urgent matter that concerns an individual described in subsection (3).

““Same

““(3) Paragraphs 2 and 3 of subsection (2) apply with respect to the following individuals:

““1. The employee’s spouse.

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

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

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

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

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

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

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

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

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

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

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

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

“Advising employer

“(4) An employee who wishes to take leave under this section shall advise his or her employer that he or she will be doing so.

“Same

“(5) If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it.

“Limit

“(6) Subject to subsection (7), an employee is entitled to take a total of 10 days of paid leave under this section in each calendar year.

“Same, entitlement to paid leave

“(7) If an employee has been employed by an employer for less than one week, the following rules apply:

“1. The employee is not entitled to paid days of leave under this section.

“2. Once the employee has been employed by the employer for one week or longer, the employee is entitled to paid days of leave under subsection (6), and any unpaid days of leave that the employee has already taken in the calendar year shall be counted against the employee’s entitlement under that subsection.

“3. Subsection (9) does not apply until the employee has been employed by the employer for one week or longer.

“Leave deemed to be taken in entire days

“(8) If an employee takes any part of a day as paid leave under this section, the employer may deem the employee to have taken one day of paid leave on that day for the purposes of subsection (6) or (7).

“Paid days first

“(9) The 10 paid days must be taken first in a calendar year before any unpaid days that are otherwise provided

under the terms of the employee’s employment can be taken.

“Personal emergency leave pay

“(10) Subject to subsections (11) and (12), if an employee takes a paid day of leave under this section, the employer shall pay the employee,

“(a) either,

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

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

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

“Personal emergency leave where higher rate of wages

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

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

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

“Personal emergency leave on public holiday

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

“Evidence

“(13) Subject to subsection (14), an employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

“Same

“(14) An employer shall not require an employee to provide a certificate from a qualified health practitioner as evidence under subsection (13).”

The Chair (Mr. Ernie Hardeman): To the committee members: Bosc and Gagnon note on page 771 of the third edition of the House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

I therefore rule the motion out of order because sections 50.0.1 and 50.0.2 of the parent act are not opened by this bill. MPP West.

MPP Jamie West: I’m just looking for clarification. That part of the bill does refer to the need for sick notes from doctors, or other forms of evidence, and I feel like this is related, but I stand to be corrected.

The Chair (Mr. Ernie Hardeman): I read the ruling, and it’s out of order. You can ask for unanimous consent, if you would like to debate, and we’ll see if you have it or not.

MPP Jamie West: I would like to ask for unanimous consent. With the amount of COVID and RSV respiratory viruses going around, I think this would help us ensure that more workers are able to return to work—

The Chair (Mr. Ernie Hardeman): Do we have unanimous consent?

Interjection: No.

The Chair (Mr. Ernie Hardeman): Thank you.

Is there any debate on schedule 2, section 4? No debate on that section? Ready for the vote? All those in favour of schedule 2, section 4? All those opposed? The motion is carried.

Section 5: We have a government amendment. MPP Anand.

Mr. Deepak Anand: I move that section 5 of schedule 2 to the bill be amended by adding the following paragraph to subsection 141(1) of the Employment Standards Act, 2000:

“17.1.1 Defining what constitutes compensation for the purposes of part III.1.”

The Chair (Mr. Ernie Hardeman): You’ve heard the motion. Debate on the amendment? Is the committee ready to vote on the amendment? All those in favour? Opposed? The motion is carried.

Shall schedule 2, section 5, as amended, carry? Are you ready to vote? All those in favour? All those opposed? Schedule 2, section 5, carries.

Is there any debate on schedule 2, section 6? No debate. Is the committee ready to vote? All those in favour? All those opposed? Schedule 2, section 6, carries.

Is there any debate on schedule 2 in its entirety? If there’s no discussion, are you ready to vote? All those in favour? All those opposed? Schedule 2, as amended, carries.

Is there any debate on schedule 3, section 1? No discussion. Is the committee ready to vote? All those in favour? All those opposed? Schedule 3, section 1, carries.

Schedule 3, section 2: We have a government amendment. MPP Hamid.

MPP Zee Hamid: I move that section 2 of schedule 3 to the bill be amended by striking out clause 12.1(5)(b) of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 and substituting the following:

“(b) if the regulations so provide, obtain the Fairness Commissioner’s approval of the policy or updated policy or implement the changes to the policy or updated policy required by the Fairness Commissioner.”

The Chair (Mr. Ernie Hardeman): You’ve heard the amendment. Any discussion on the amendment? If not, is the committee ready to vote? All those in favour? All those opposed? The amendment carries.

We have another government amendment. MPP Hogarth.

Ms. Christine Hogarth: I move that section 2 of schedule 3 to the bill be amended by striking out clause 12.2(5)(b) of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 and substituting the following:

“(b) if the regulations so provide, obtain the Fairness Commissioner’s approval of the plan or updated plan or implement the changes to the plan or updated plan required by the Fairness Commissioner.”

The Chair (Mr. Ernie Hardeman): You’ve heard the amendment. Any discussion on the amendment? If not, is the committee ready to vote? All those in favour? All those opposed? The amendment carries.

Shall schedule 3, section 2, as amended, carry? Any discussion? No discussion. All those in favour? All those opposed? Schedule 3, section 2, as amended, carries.

Schedule 3, section 3: a government amendment. MPP Saunderson.

Mr. Brian Saunderson: I move that section 3 of schedule 3 to the bill be amended by striking out clause (c.3.1) of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 and substituting the following:

“(c.3.1) for the purposes of clause 12.1(5)(b) or 12.2(5)(b), providing that, or prescribing the circumstances in which,

“(a) the Fairness Commissioner’s approval is required; or

“(b) the Fairness Commissioner’s changes must be implemented.”

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The Chair (Mr. Ernie Hardeman): You’ve heard the amendment. Any discussion on the amendment? Is the committee ready to vote? All those in favour of the amendment? All those opposed? The motion is carried.

Shall schedule 3, section 3, as amended, carry? Discussion? All those in favour? All those opposed? Schedule 3, section 3, as amended, carries.

Is there any debate on schedule 3, section 4? Any debate? If not, is the committee ready to vote? All those in favour? Opposed? The motion is carried. Schedule 3, section 4, carries.

Is there any debate on schedule 3, as amended? Are the members prepared to vote? All those in favour? All those opposed? Schedule 3, as amended, carries.

I have a new schedule 3.1, an NDP amendment. MPP West.

MPP Jamie West: Sorry, Chair; I thought we were still doing the other amendments.

This is going to be amending it to include the anti-scab that was brought up earlier.

I looked it up—ACTRA has now been locked out for two years, five months and 26 days. Not only is the Conservative government not supporting this—

The Chair (Mr. Ernie Hardeman): MPP West, you must move the amendment first.

MPP Jamie West: Okay. I just wanted to point out that the Conservative government is buying ads from the people who have locked out these workers for two years, five months and 26 days, and they seem pretty cool with that.

Let me move the amendment.

I move that schedule 3.1 be added to the bill:

“Schedule 3.1

“Labour Relations Act, 1995

“1. The Labour Relations Act, 1995 is amended by adding the following sections:

““Definitions

“73.1(1) In this section,

“““employer” means the employer whose employees are locked out or are on strike and includes an employers’ organization or person acting on behalf of either of them (“employeur”)

“““person” includes,

“(a) a person who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations, and

“(b) an independent contractor; (“personne”)

““place of operations in respect of which the strike or lockout is taking place” includes any place where employees in the bargaining unit who are on strike or who are locked out would ordinarily perform their work. (“lieu d’exploitation à l’égard duquel la grève ou le lock-out a lieu”)

“Application

“(2) This section applies during any lockout of employees by an employer or during a lawful strike that is authorized in the following way:

“1. A strike vote was taken after the notice of desire to bargain was given or bargaining had begun, whichever occurred first.

“2. The strike vote was conducted in accordance with this act.

“3. At least 60% of those voting authorized the strike.

“Interpretation

“(3) For the purposes of this section and section 73.2, a bargaining unit is considered to be,

“(a) locked out, if any employees in the bargaining unit are locked out; and

“(b) on strike, if any employees in the bargaining unit are on strike and the union has given the employer notice, in writing, that the bargaining unit is on strike.

“Use of bargaining unit employees

“(4) The employer shall not use the services of an employee in the bargaining unit that is on strike or is locked out, including an employee receiving benefits under the Workplace Safety and Insurance Act, 1997.

“Use of newly hired employees etc.

“(5) The employer shall not use a person described in paragraph 1 at any place of operations operated by the employer to perform the work described in paragraph 2 or 3:

“1. A person, whether the person is paid or not, who is hired or engaged by the employer after the earlier of the date on which the notice of desire to bargain is given and the date on which the bargaining begins.

“2. The work of an employee in the bargaining unit that is on strike or locked out.

“3. The work ordinarily done by a person who is performing the work of an employee described in paragraph 2.

“Use of others at the strike etc., location

“(6) The employer shall not use any of the following persons to perform the work described in paragraph 2 or 3 of subsection (5) at a place of operations in respect of which the strike or lockout is taking place:

“1. An employee or other person, whether paid or not, who ordinarily works at another of the employer’s places of operations, other than a person who exercises managerial functions.

“2. A person who exercises managerial functions, whether paid or not, who ordinarily works at a place of operations other than a place of operations in respect of which the strike or lockout is taking place.

“3. An employee or other person, whether paid or not, who is transferred to a place of operations in respect of which the strike or lockout is taking place, if he or she was transferred after the earlier of the date on which the notice of desire to bargain is given and the date on which bargaining begins.”

Mr. Tyler Allsopp: Chair, point of order.

The Chair (Mr. Ernie Hardeman): We have a point of order. MPP Allsopp.

Mr. Tyler Allsopp: Chair, this relates to the Labour Relations Act, 1995, which is not otherwise amended by Working for Workers Five, so it appears to me—

The Chair (Mr. Ernie Hardeman): This is not part of the debate. We’re hearing the motion to see what they’re proposing before we react and make a ruling on whether it is or not.

Mr. Tyler Allsopp: Absolutely, Chair.

The Chair (Mr. Ernie Hardeman): MPP West.

MPP Jamie West: Should I start from the beginning?
Laughter.

Interjection: I think you should.

The Chair (Mr. Ernie Hardeman): It’s you putting the motion on the record, so you can do it any way you please.

MPP Jamie West: I will continue.

“4. A person, whether paid or not, other than an employee of the employer or a person described in subsection 1(3).

“5. A person, whether paid or not, who is employed, engaged or supplied to the employer by another person or employer.

“Prohibition re replacement work

“(7) The employer shall not require an employee who works at a place of operations in respect of which the strike or lockout is taking place to perform any work of an employee in the bargaining unit that is on strike or is locked out without the agreement of the employee.

“No reprisals”—this one is important.

“(8) The employer shall not, because of a person’s refusal to perform any or all of the work of an employee in the bargaining unit that is on strike or is locked out,

“(a) refuse to employ or continue to employ the person;

“(b) threaten to dismiss the person or otherwise threaten the person;

“(c) discriminate against the person in regard to employment or a term or condition of employment; or

“(d) intimidate or coerce or impose a pecuniary or other penalty on the person.

“Burden of proof

“(9) On an application or complaint relating to this section, the burden of proof that an employer did not act contrary to this section lies upon the employer.

“Definition

“73.2(1) In this section,

““specified replacement worker” means a person who is described in subsection 73.1(5) or (6) as one who must not be used to perform the work described in paragraph 2 or 3 of subsection 73.1(5).

“Permitted use of specified replacement workers

“(2) Despite section 73.1, specified replacement workers may be used in the circumstances described in this section to perform the work of employees in the bargaining unit that is on strike or is locked out but only to the extent necessary to enable the employer to provide the following services:

“1. Secure custody, open custody or the temporary detention of persons under a law of Canada or of the province of Ontario or under a court order or warrant.

“2. Residential care for persons with behavioural or emotional problems or with a disability as defined in section 2 of the Accessibility for Ontarians with Disabilities Act, 2005.

“3. Residential care for children who are in need of protection as described in subsection 74(2) of the Child, Youth and Family Services Act, 2017.

“4. Services provided to persons described in paragraph 2 or 3 to assist them to live outside a residential care facility.

“5. Emergency shelter or crisis intervention services to persons described in paragraph 2 or 3.

“6. Emergency shelter or crisis intervention services to victims of violence.

“7. Emergency services relating to the investigation of allegations that a child may be in need of protection as described in subsection 74(2) of the Child, Youth and Family Services Act, 2017.

“8. Emergency dispatch communication services, ambulance services or a first aid clinic or station.

“Same

“(3) Despite section 73.1, specified replacement workers may also be used in the circumstances described in this section to perform the work of employees in the bargaining unit that is on strike or locked out, but only to the extent necessary to enable the employer to prevent,

“(a) danger to life, health or safety;”—incredibly important.

“(b) the destruction or serious deterioration of machinery, equipment or premises; or

“(c) serious environmental damage.”

Good ideas.

“Notice to trade union

“(4) An employer shall notify the trade union if the employer wishes to use the services of specified replacement workers to perform the work described in subsection (2) or (3) and shall give particulars as to the type of work, level of service and number of specified replacement workers the employer wishes to use.

“Time for giving notice

“(5) The employer may notify the trade union under subsection (4) at any time during bargaining, but in any event, shall do so promptly after a conciliation officer is appointed.

“Same, emergency

“(6) In an emergency, or in circumstances which could not reasonably have been foreseen, the employer shall notify the trade union as soon as possible after determining that he, she or it wishes to use the services of specified replacement workers.

“Consent

“(7) After receiving the employer’s notice, the trade union may consent to the use of bargaining unit employees

instead of specified replacement workers to perform some or all of the proposed work and shall promptly notify the employer as to whether it gives its consent.”

The Chair (Mr. Ernie Hardeman): The hour of 10 o’clock has arrived, and the committee now must adjourn until 3 o’clock this afternoon.

With that, we’ll let the—

Mr. Deepak Anand: Unanimous consent, Chair, to finish this.

The Chair (Mr. Ernie Hardeman): MPP West can catch his breath.

Mr. Terence Kernaghan: We do not consent.

The committee recessed from 1000 to 1500.

The Chair (Mr. Ernie Hardeman): I call the meeting back to order. We will now resume clause-by-clause consideration of Bill 190.

When we recessed, MPP West had begun moving amendment number 8. I look to the member to resume moving his amendment.

Mr. Brian Saunderson: I’m pretty sure you were on page 11.

The Chair (Mr. Ernie Hardeman): I believe the page was page 6, at the word “consent.”

MPP Jamie West: Chair, there seems to be confusion. I can start again if you want.

Laughter.

MPP Jamie West: I made a mark. I was at page 6. The last thing I said was “Consent” and then “Subsection (7).” I won’t read that paragraph again. I’ll go on to subsection (8):

“Use of bargaining unit employees

“(8) The employer shall use bargaining unit employees to perform the proposed work to the extent that the trade union has given its consent and if the employees are willing and able to do so.

“Working conditions

“(9) Unless the parties agree otherwise, the terms and conditions of employment and any rights, privileges or duties of the employer, the trade union or the employees in effect before it became lawful for the trade union to strike or the employer to lock out continue to apply with respect to bargaining unit employees who perform work under subsection (8) while they perform the work.

“Priority re replacement workers

“(10) No employer, employers’ organization or person acting on behalf of either shall use a specified replacement worker to perform the work described in subsection (2) or (3), unless,

“(a) the employer has notified the trade union that he, she or it wishes to do so;

“(b) the employer has given the trade union reasonable opportunity to consent to the use of bargaining unit employees instead of the specified replacement worker to perform the proposed work; and

“(c) the trade union has not given its consent to the use of bargaining unit employees.

“Exception re emergency

“(11) In an emergency, the employer may use a specified replacement worker to perform the work described in sub-

section (2) or (3) for the period of time required to give notice to the trade union and determine whether the trade union gives its consent to the use of bargaining unit employees.

“Application for directions

“(12) On application by the employer or trade union, the board may,

“(a) determine, during a strike or lockout, whether the circumstances described in subsection (2) or (3) exist and determine the manner and extent to which the employer may use specified replacement workers to perform the work described in those subsections;

“(b) determine whether the circumstances described in subsection (2) or (3) would exist if a strike or lockout were to occur and determine the manner and extent to which the employer may use specified replacement workers to perform the work described in those subsections; and

“(c) give such other directions as the board considers appropriate.

“Reconsideration

“(13) On a further application by either party, the board may modify any determination or direction in view of a change in circumstances.

“Same

“(14) The board may defer considering an application under subsection (12) or (13) until such time as it considers appropriate.

“Burden of proof

“(15) In an application or a complaint relating to this section, the burden of proof that the circumstances described in subsection (2) or (3) exist lies upon the party alleging that they do.

“Agreement re specified replacement workers

“(16) The employer and the trade union may enter into an agreement governing the use, in the event of a strike or lockout, of striking or locked-out employees and of specified replacement workers to perform the work described in subsection (2) or (3).

“Formal requirements

“(17) An agreement under subsection (16) must be in writing and signed by the parties or their representatives.

“Same

“(18) An agreement under subsection (16) may provide that any of subsections (4) to (11) do not apply.

“Term of agreement

“(19) An agreement under subsection (16) expires not later than the earlier of,

“(a) the end of the first strike described in subsection 73.1(2) or lockout that ends after the parties have entered into the agreement; or

“(b) the day on which the parties next make or renew a collective agreement.

“Prohibited circumstances

“(20) The parties shall not, as a condition of ending a strike or lockout, enter into an agreement governing the use of specified replacement workers or of bargaining unit employees in any future strike or lockout, and any such agreement is void.

“Enforcement

“(21) On application of the employer or trade union, the board may enforce an agreement under subsection (16) and may amend it and make such other orders as it considers appropriate in the circumstances.

“Filing in court

“(22) A party to the decision of the board made under this section may file it, excluding the reasons, in the prescribed form in the Superior Court of Justice and it shall be entered in the same way as an order of that court and is enforceable as such.

“Reinstatement after lockout, etc.

“73.3(1) If, at the end of a lockout or lawful strike, the employer and the trade union do not agree about the terms for reinstating employees, the employer shall reinstate them in accordance with this section.

“Same

“(2) Subject to subsections (5) and (6), the employer shall reinstate each striking or locked-out employee to the position that he or she held when the strike or lockout began.

“Right to displace others

“(3) Striking or locked-out employees are entitled to displace any other persons who were performing the work of striking or locked-out employees during the strike or lockout.

“Same

“(4) Despite subsection (3), a striking or locked-out employee is not entitled to displace another employee in the bargaining unit who performed work under section 73.2 during the strike or lockout and whose length of service, as determined under subsection (5), is greater than his or hers.

“Insufficient work

“(5) If there is not sufficient work for all striking or locked-out employees, including employees in the bargaining unit who performed work under section 73.2 during the strike or lockout, the employer shall reinstate them to employment in the bargaining unit as work becomes available,

“(a) if the collective agreement contains recall provisions that are based on seniority, in accordance with seniority as defined in those provisions and as determined when the strike or lockout began, in relation to other employees in the bargaining unit who were employed at the time the strike or lockout began; or

“(b) if there are no such recall provisions, in accordance with each employee’s length of service, as determined when the strike or lockout began, in relation to other employees in the bargaining unit who were employed at the time the strike or lockout began.

“Starting up operations

“(6) Subsection (5) does not apply if an employee is not able to perform work required to start up the employer’s operations, but only for the period of time required to start up the operations.

“Continuation of benefits

“73.4(1) This section applies with respect to employment benefits, other than pension benefits, normally provided directly or indirectly by the employer to the employees.

“Lawful strike or lockout

“(2) This section applies only when it is lawful for an employer to lock out employees or for employees to strike.

“Payments

“(3) For the purpose of continuing employment benefits, including coverage under insurance plans, the trade union may tender payments sufficient to continue the benefits to the employer or to any person who was, before a strike or lockout became lawful, obligated to receive such payments.

“Same

“(4) The employer or other person described in subsection (3) shall accept payments tendered by the trade union under that subsection and, upon receiving payment, shall take such steps as necessary to continue in effect the employment benefits, including coverage under insurance plans.

“Cancellation of benefits

“(5) No person shall cancel or threaten to cancel an employee’s employment benefits, including coverage under insurance plans, if the trade union tenders payments under subsection (3) sufficient to continue the employee’s entitlement to the benefits or coverage.

“Denial of benefits

“(6) No person shall deny or threaten to deny an employment benefit, including coverage under an insurance plan, to an employee if the employee was entitled to make a claim for that type of benefit or coverage before a strike or lockout became lawful.

“Effect of contract

“(7) Subsections (4), (5) and (6) apply despite any provision to the contrary in any contract.”

“Commencement

“(2) This schedule comes into force on the day the Working for Workers Five Act, 2024, receives royal assent.”

I so move.

The Chair (Mr. Ernie Hardeman): That amendment was very well-written and very well-read, but Bosc and Gagnon note on page 771 of the third edition of the House of Commons Procedure and Practice, “An amendment is inadmissible if it proposes to amend a statute that is not before the committee....”

I therefore rule the motion out of order because the Labour Relations Act, 1995, is not opened by this bill.

We now will move to a vote on schedule 3—

MPP Jamie West: Chair, can I move a unanimous consent?

Interjection.

The Chair (Mr. Ernie Hardeman): Oh, he has asked for unanimous consent for reconsideration? Do we have unanimous consent? I hear a no.

Interjection.

The Chair (Mr. Ernie Hardeman): No, there’s no vote on that.

We now will go to schedule 4. We have an amendment from the NDP on schedule 4. MPP West.

MPP Jamie West: This one is a lot shorter.

I move that section 1 of schedule 4 to the bill be amended by adding the following subsection:

“(6) Section 1 of the act is amended by adding the following subsection:

“Same, confirmation

“(6) Where information is posted pursuant to subsection (5), the employer shall ensure that every employee has also received the information that is posted.”

I so move.

The Chair (Mr. Ernie Hardeman): We have heard the amendment. Any debate on the amendment? MPP West.

MPP Jamie West: When we were hearing from people from the public, the building trades council brought this forward, and I think it’s suitable as an amendment. Basically, what we’re talking about is having electronic documents, and this is to ensure that people who don’t have computer literacy or access to computers—for example, a lot of mines don’t have access to computers, especially in the workplace. Without general wireless technology, it just ensures that the employee sees the information that’s there and that there’s an option for them to have a written copy or some way to confirm that they know the joint health and safety committee information that’s shared.

The Chair (Mr. Ernie Hardeman): Any further debate on the amendment? No further debate. Are you ready to vote? All those in favour? All those opposed? The amendment is lost.

1510

With that, shall schedule 4 carry? All those in favour? Opposed? The motion is carried.

Is there any debate on schedule 4, section 2? Further debate? Any discussion? If not, shall schedule 4, section 2, carry? All those in favour? Opposed? The section is carried.

We have another amendment on section 3, an NDP amendment. MPP West.

MPP Jamie West: I move that subsection 3(2) of schedule 4 to the bill be struck out and the following substituted:

“(2) Subsection 9(33) of the act is repealed and the following substituted:

“Meetings

“(33) A committee shall meet at least once every three months, and may be required to meet by order of the minister, and, for greater certainty, the holding of a meeting outside of the workplace does not extinguish any of the other responsibilities of the committee under this act.”

The Chair (Mr. Ernie Hardeman): You’ve heard the motion.

Discussion? MPP West.

MPP Jamie West: Honestly, Speaker, I’m not politicking about this. I was surprised the last motion was voted down—this is about ensuring that workers in the workplace are aware of what’s happening in the workplace, and this is very similar to it. This allows to have the virtual meetings, which I think reflects a lot of workplaces where people aren’t always together.

What this amendment would do, basically, is ensure that other parts of the bill that are related to people being in person aren’t overlooked, and so that people don’t get the wrong idea on the worker side or the employer side that, for example, you could do inspections virtually or that you can change the way that the worker safety repre-

sentative has to be notified of critical injuries or deaths in the workplace, or that the workers trade committee has to be established.

In section 11 of the Occupational Health and Safety Act, for example, you're required to consult with the joint health and safety committee or the worker safety representative on industrial hygiene testing—so we want to ensure that that isn't changed inadvertently and make an error. The work refusal process, for example, which is an issue that gets mishandled a lot—there are often orders about retraining on work refusals, and so changing that to be a virtual process—where that's not the intent of section 43 of the act.

As well, in section 54, under "Powers of inspector," the inspector has the—well, the representative either from the joint health and safety committee, or if it's just a worker member, has the ability, or to a representative, to accompany the inspector; the inspector has the ability to consult with workers, and people who are consulting with the inspector or meeting the inspector have the entitlement to time away from work. If this comes out as a blanket statement to people, there is the chance that people will believe that these rights that people fought for would be removed.

This is something the provincial building trades council has called for. We heard them. They know we're filing these amendments, and they're going to be very shocked that the last one was voted down. So, Chair, what I'm looking for is, will the Conservative government listen and make the changes that they're calling for as the building trades council?

The Chair (Mr. Ernie Hardeman): Further debate on the amendment? Is the committee ready to vote?

MPP Jamie West: Recorded vote, please.

Ayes

Kernaghan, West.

Nays

Anand, Barnes, Hamid, Hogarth, Saunderson, Dave Smith.

The Chair (Mr. Ernie Hardeman): The amendment is lost.

Shall schedule 4, section 3, carry? All those in favour? All those opposed? Carried.

Is there any debate on schedule 4, section 4? No debate? Ready to vote? All those in favour? All those opposed? Schedule 4, section 4, carries.

We have an amendment from the NDP on section 5 of schedule 4. MPP West.

MPP Jamie West: I move that section 5 of schedule 4 to the bill be amended by adding the following subsection to section 23.1 of the Occupational Health and Safety Act:

"Washroom facility

"(1.1) Washroom facilities shall include a toilet that meets the following requirements:

"1. The toilet is connected to a sanitary sewer system or a holding tank.

"2. The toilet has a trap or positive seal separating the bowl from the sanitary sewer system or holding tank.

"3. Waste in the toilet is flushed from the bowl by means of a flow of water or a mixture of water and chemicals."

The Chair (Mr. Ernie Hardeman): Any debate on the motion? MPP West.

MPP Jamie West: I encourage my colleagues to join the debate. If there's a reason they're voting against these things that were brought forward by the provincial building trades council, they really should have it on the record why they think it is acceptable.

We heard very clearly from the provincial building trades council about the importance of moving the milestone farther ahead than it was in the 1950s and before that. I'm sure none of us right now have an outhouse. We used to have one at my camp; we don't even have that one anymore. We remember the old one. The kids would ask, "What did this used to be?"

The world has moved on to portable flush toilets, to heated washrooms, to storage for your equipment, which is really important for people who are in the trades, especially because there is an issue when you are in the trades, with different workgroups together—that you want to bring your pouch with you. You want to make sure that your lucky screwdriver doesn't go missing accidentally, if someone borrows it and forgets to bring it back. So you're lugging a lot of stuff into a washroom that's basically the size of a very small closet, with a porta-potty.

I think that if we're very sincere about attracting people into the trades—which is a critical role, we've all agreed as all parties. We want people to be involved with trades work. The "silver tsunami" that's coming towards us, and all the other buzzwords that are used—if we're serious about this—we're not going to attract people when we're telling them you're basically going to have a plastic outhouse.

This has to do, really, with ensuring sanitary conditions. I know that we do a lot of focus on women in the trades, but honestly, I'm a guy, I'm a bit of a roughneck, and I'm not thrilled about using porta-potties, even the clean ones—very disgusting. It's not an exciting thing to do. It's not fun to do. It's even more annoying when you're trying to hold your coveralls and all of your equipment is sitting on your lap, on a freezing-cold toilet seat. This is not dignity.

Like I said in my opening comments, when the Minister of Labour talks about bringing Bay Street to Main Street in terms of washrooms—I've been to washrooms on Bay Street. They don't have one-ply toilet paper that you can see through. They don't have a little Purell pump. Their sinks aren't operated by a foot pump that's outside in the cold. They have solid washrooms. They have doors, they have heat, they have a place to hang up your things, they have not just paper towels—they sometimes have actual towels that you throw into a thing to be laundered.

If we're serious about attracting young people into the trades, if we're thinking of attracting people as a second career and we want them to believe that this is something

that we want them to do, we can at least move them to the dignity that we have here.

I brought this to the attention of all the members here in the past, in debate and also in committee: that there's a porta-potty just north of Queen's Park—right across the street from Queen's Park, on the north side, right on the corner. Quick show of hands if you've ever used the porta-potty that's there. As MPPs, it would be the sort of thing that would excite us and want us to run—

The Chair (Mr. Ernie Hardeman): Comments through the Chair.

1520

MPP Jamie West: Sorry.

Chair, I can't imagine any of us would be excited to pass the washrooms that are inside here and to go outside, into a porta-potty, as an alternative.

What this talks about, really—and we heard clearly from the provincial building trades council—is that right now you're offering, basically, a bucket. What they're saying is that there is new technology that has been around for a long time; it has been around for more than 25 years. It basically brings a washroom as a trailer. It provides a place to change. It provides showers, hot and cold running water. It has a trap—a trap, if you don't know, is the thing that keeps water in the little loop so that smells don't come back towards you. This ensures that we have a sanitary place that brings the actual conditions that you'd have in your home to the workplace—the conditions that we expect at any other workplace that is not a construction site. They are not extremely unaffordable. This is something we can bring forward.

I'm going to go on. I'm not trying to beat a dead horse, but I want to talk about what they're doing in British Columbia, because they're a step ahead of us. We should be setting the bar in Ontario—we're the economic powerhouse—and we're trailing behind BC. We have the opportunity to catch up to them with this amendment, but if we don't, basically what we're saying is that we don't care about these trades workers as much as we're pretending to when we're waving flags. We need to walk that talk.

“Flush Toilets Coming to BC Construction Sites”—there was a news release that came from their Ministry of Labour. “Construction workers can soon say goodbye to unsanitary portable toilets on most construction sites and say hello to cleaner flush toilets.”

Mr. Deepak Anand: “Most.”

MPP Jamie West: Let me get into it.

“Changes to the Occupational Health and Safety Regulation will make it mandatory for employers at construction sites with 25 workers or more to provide flush toilets, handwashing facilities and clean washrooms.” So we're almost there. We're asking for the washrooms to be cleaned.

I'll just skim down. You can read the whole article if you want. I'll send it to you. “We all know how unpleasant porta-potties can be, but this is actually a health-and-safety issue for construction workers,” said the Minister of Labour. “We have heard clearly from the building sector that it is an important issue for workers, and it contributes

to the sector's ability to attract and retain workers, including women.”

Let's hear from one of the women: “I love my job, but one of the worst parts of going to work is facing the nasty conditions inside of construction site porta-potties,” said Tiffany Madden, a member of IBEW 213.... ‘These new rules mean myself and my colleagues will be treated with the basic dignity of having flushing toilets with running water, something workers in most other industries take for granted. This is a game-changer for the construction industry and could even attract more women into the trades’—which is something we want to do, Chair.

It's not a long article.

“This regulation addresses one of the most egregious and long-standing indignities that construction workers have had to face in their daily lives,” said Brynn Bourke, executive director, BC Building Trades. ‘The requirement for flush toilets on large construction sites means workers building BC's next generation of major infrastructure will have much-improved washroom facilities, along with running water for hand-washing. A sincere thank you goes out to the provincial government for bringing this regulation into effect and to the thousands of workers who fought for these changes.’

“WorkSafeBC's guidelines will allow for flexibility if flush toilets are not practicable. However, the onus will be on the employer to provide a rationale and evidence for being unable to provide these facilities.”

I have two final quotes.

Don Wightman, board member of the BC Construction Association, and president of PML Professional Mechanical Ltd., said, “This is a positive change for our industry. We fully support this initiative so that our workforce has access to safe and clean washrooms on our project sites. This is an important step in providing a positive and healthy workplace for all of our workers.”

And Clive Yule, president, Total Energy Systems Ltd., said, “Without highly skilled and hard-working employees, construction companies cannot be successful. These new regulations will give workers much better sanitary conditions that will help keep them healthy and productive while building BC's critical infrastructure.”

Chair, I'll wrap up with this: The BC government is an NDP government. This is what an NDP government commits to. This is what an NDP Ministry of Labour commits to. It's a higher standard of washroom facilities, because they take trades workers seriously, and they understand that if we want to attract people to the trades, we're going to provide clean washrooms like we have in our house and not provide lip service about Bay Street using porta-potties.

The Chair (Mr. Ernie Hardeman): Further debate? MPP Anand.

Mr. Deepak Anand: First of all, I want to say thank you to the member opposite for talking about workers and even talking about the small businesses that are in the business of supplying washrooms and supporting them at the same time. I am not going to say that this is not a good thing to do, but, at the same time, I want to be mindful of balance. We have to make sure, thinking about a fly-in

community, for example—if there is a project and we make it mandatory, what’s going to happen to that project?

I just want to say that the construction projects regulation, subsection 29.1(4), makes an exception to the requirement for sewerer toilet facilities or non-sewerer flush toilet facilities, and that is if a construction project is being carried out in a remote and unpopulated area where it is not reasonably possible to provide these types of toilet facilities, in which case other types of toilet facilities must be provided. This exception is in regulation because there may be some projects where it may be reasonably impossible for a constructor to provide sewerer or non-sewerer flush toilet facilities. For instance, there may be no sewer system in a remote, unpopulated area, which may not be accessible by road and which may be outside the catchment area of the supplier of potential non-sewerer flush toilet facilities. In this case, it may not be reasonably possible for a constructor to have these types of facilities supplied and to have them serviced regularly by the supplier—which would be by pumping out the waste and replenishing the facilities as necessary.

I agree with you that we need to provide good service and good facilities, but at the same time, I would say that blanking it out and doing it this way would increase the cost and may make it unreasonable for some of those contractors to fulfill their commitment.

I would strongly oppose this amendment at this time.

The Chair (Mr. Ernie Hardeman): Further debate on the amendment?

MPP Jamie West: I think that telling people who are working in downtown Toronto—if you look around outside the building, Chair, you will see a lot of high-rises going up that have more than 25 workers. The opportunity to provide them with washrooms like they have at home or washrooms they have in the training facilities where they work or washrooms that they would have in schools or high schools, as the government is asking for kids in high school to start going into the trades—that opportunity, and telling these young kids, telling these second-career people, telling these people who want to get into trades: “I’m sorry, but it’s going to be a little bit costly. Your sanitation isn’t worth the cost; your health and safety, to the Conservative government, isn’t worth the cost; your dignity, to the Conservative government, isn’t worth the cost, because our priority, even though we talk about working for workers in the bills, is to ensure that the employer maximizes the value on the backs of you.”

It’s shameful that they’re against this. This is an amendment that was brought forward by the provincial building trades council. They represent tens of thousands of employees. They are the voice of those workers in those workplaces. We could be doing a service in attracting a lot of people. We could be doing what the NDP government is doing in BC. Instead, we’re doing the exact same thing we’ve done with the last four Working for Workers bills: colour around the edges and pretend we’re helping people. They are not helping people in these situations.

The Chair (Mr. Ernie Hardeman): Any further debate? If there’s no further debate, are we ready to vote on amendment number 11?

MPP Jamie West: Recorded vote, please.

The Chair (Mr. Ernie Hardeman): Section 5, schedule 4: A recorded vote has been requested.

Ayes

Hazell, Kernaghan, West.

Nays

Anand, Barnes, Hamid, Hogarth, Saunderson, Dave Smith.

The Chair (Mr. Ernie Hardeman): The motion is lost. Shall schedule 4, section 5, carry? All those in favour? All those opposed? The motion is carried.

There are no amendments to sections 6 to 10 of schedule 4. I therefore propose that we bundle sections 6 to 10. Is there agreement? Any debate on schedule 4, sections 6 to 10? If not, are the members ready to vote? All those in favour? All those opposed? Sections 6 to 10, inclusive, of schedule 4 are carried.

We are now on schedule 4, section 11. We have an amendment, number 12, from the NDP.

1530

MPP Jamie West: Just a point of order for the Clerk: I think, because number 12 is related to number—is it relevant to 11?

Interjection.

MPP Jamie West: Okay, I’m going to withdraw it because they voted against the previous one, so it wouldn’t make any sense. They voted against the washrooms, and this clarified the language, so I think it makes sense to withdraw.

The Chair (Mr. Ernie Hardeman): That one is withdrawn.

Shall schedule 4, section 11, carry? All those in favour? Opposed? The motion is carried.

Is there any debate on schedule 4? Are you ready to vote? All those in favour of schedule 4? All those opposed? Schedule 4 carries.

There are no amendments to schedule 5. I therefore propose that we bundle sections 1 and 2. Is there agreement?

Is there any debate on schedule 5, sections 1 and 2? No debate. Are you ready to vote? All those in favour? Opposed? Schedule 5 is carried—

Interjection.

The Chair (Mr. Ernie Hardeman): —schedule 5, sections 1 and 2, inclusive. Isn’t that what we just voted on?

Is there any debate on schedule 5? If there’s no debate, are you ready to vote? All those in favour? All those opposed? Schedule 5 carries.

Schedule 6: We have an NDP amendment, number 13. MPP West.

MPP Jamie West: I move that section 1 of schedule 6 to the bill be amended by adding the following subsection:

“(0.1) The definition of ‘firefighter’ in subsection 14(1) of the Workplace Safety and Insurance Act, 1997 is amended by striking out ‘or’ at the end of clause (a) and by adding the following clause:

“(a.1) an Ontario FireRanger, or”

I so move.

The Chair (Mr. Ernie Hardeman): Further debate on the amendment? MPP West.

MPP Jamie West: What we’re trying to accomplish with this—and I think the government side would see it, as well—is to recognize the wildland fire rangers as the same as firefighters; they’re exposed to similar products. It just ties them together. I think it’s something that makes sense in terms of ensuring the coverage for these people who, basically, are heroes.

Every time we talk about the firefighters, we recognize they put themselves in harm’s way and are subject to risk. We want to minimize that risk. But if anything happens to them in terms of occupational disease, things they’re inhaling—as the person who had deputed from the wildland firefighters talked about, they put their hands in the soil, so they absorb carcinogens as well. I think that we’d want to make sure they’re taken care of in the Workplace Safety and Insurance Act, and adding them to that ensures that we value the work that these wildland firefighters do.

The Chair (Mr. Ernie Hardeman): Any further debate on amendment number 13? If not, are you ready to vote? All those in favour—

MPP Jamie West: Recorded vote.

Ayes

Hazell, Kernaghan, West.

Nays

Anand, Barnes, Hamid, Hogarth, Saunderson, Dave Smith.

The Chair (Mr. Ernie Hardeman): The amendment is lost.

Shall schedule 6, section 1, carry? Any debate? If not, all those in favour? All those opposed? Schedule 6, section 1, carries.

Schedule 6, section 2: We have an NDP amendment 14. MPP West.

MPP Jamie West: I move that subsection 2(1) of schedule 6 to the bill be amended by striking out “10 years” in subsection 15.1(4.4) of the Workplace Safety and Insurance Act, 1997 and substituting “five years”.

The Chair (Mr. Ernie Hardeman): Debate on the amendment? MPP West.

MPP Jamie West: As we heard from Noah Freedman, who was representing the wildland firefighters on behalf of OPSEU, I think this is a reasonable amendment that we just overlooked, in terms of all parties. It seems like basically what we’ve done or what the proposals from, I believe, this bill—the intent of this bill and the previous Working for Workers bill is to have the wildland firefighters in line with what our traditional firefighters in cities have,

and so we use the same recognition of 10 years. The reality though, as Noah Freedman brought forward to us, is that the wildland firefighters, in order to get 10 years of service, would actually have to work for 20 years, because they’re exposed to high levels of concentration for the fire season, but once the snow flies, the fire season stops. So the reality is that we’ll be overlooking workers. It will sound really good. It will sound like we’re taking care of them. But the reality is that we will be overlooking workers with high levels of carcinogen exposure, who simply would have to work twice as many years as a traditional firefighter.

The difference, as well, and I think that, at a glance, it may not seem fair—because half a year versus one year. But the reality is that wildland firefighters work constantly in the firefighter—whereas traditional firefighters go to calls, they come back home, they go to calls, they come back home. You live on site when you’re a wildland firefighter, as was explained by the wildland firefighters to the committee.

This is just to ensure that we are trying to do what the bill is intending to do and not simply trying to use it as a stump speech or something that people will clap to but don’t understand that we’re leaving these workers behind when they get occupational disease.

The Chair (Mr. Ernie Hardeman): Further debate on the amendment? MPP Barnes.

Ms. Patrice Barnes: I just want to point out that we have done considerable consultations across multiple sectors in regard to this, along with the Ontario firefighters’ association, and we have committed to continue to talk with the wildland firefighters about additional changes that would affect them directly. I just want to put that on record.

The Chair (Mr. Ernie Hardeman): Further debate? MPP West.

MPP Jamie West: I just want to note—because I feel like the member opposite is indicating that it’s going to be a “no” vote, which is unfortunate—that these workers make substantially less money. These workers go into remote areas. They’re basically dropped off. They work as a team. They live, sleep and breathe this. They wear the clothing constantly. They don’t have shower facilities. We were talking earlier about washroom facilities. They don’t have a way to clean off, so anything that’s absorbed in their skin is staying on their skin for long periods of time. The food they eat is often being contaminated, as well. There is a high level of risk to these people.

If we’re serious about wildland firefighters, if we want to talk about firefighters as heroes, we need to recognize the conditions they’re in. It’s unfortunate—if you’re going to be voting against. This is something that’s going to affect workers and their families, because their families ultimately take care of it. We know that many workers who are involved with occupational disease and are unable to work end up on ODSP, and we know that ODSP ends up being a pathway to becoming homeless, because ODSP doesn’t cover the cost of rent and food and other bills.

So, basically, we are failing these workers at the front end, then we'll be failing them when they're on ODSP, and we'll be failing them when the Premier calls them bums for not getting to work. It's shameful.

The Chair (Mr. Ernie Hardeman): Further debate? If not, are you ready to vote? I'll call the question: All those in favour of the amendment?

MPP Jamie West: Recorded vote, please.

The Chair (Mr. Ernie Hardeman): Recorded vote.

Ayes

Kernaghan, West.

Nays

Anand, Barnes, Hamid, Hogarth, Saunderson, Dave Smith.

The Chair (Mr. Ernie Hardeman): The motion is lost. Amendment number 15 is also an NDP amendment to section 2 of schedule 6. MPP West.

MPP Jamie West: I move that section 2 of schedule 6 to the bill be amended by adding the following subsection: “(1.1) Section 15.1 of the act is amended by adding the following subsection:

“Calculation

“(4.5) In making a calculation of years of service for the purposes of this section, a wildland firefighter is deemed to have served one year for every wildfire season, being the period beginning in May and ending in August, served by the wildland firefighter.”

I move and support it.

1540

The Chair (Mr. Ernie Hardeman): Further debate? MPP West.

MPP Jamie West: Much of what I would say would be similar to before. We all have Hansard, and we were all here when they said it. This is a second opportunity to accomplish what I was trying to accomplish before.

This is our fifth Working for Workers bill. I've got to tell you that these bills feel like headline bills—they're something you want to stand up in a crowd and people will clap and say, “Oh, congratulations for all that you did; the wildland firefighters too.” We're hearing from wildland firefighters that this is not going to protect them. I think that the intent was to protect them. I know sometimes, as different parties, we throw barbs at each other. I sincerely think the intent was to provide the same protections, but we've missed the mark on it, not recognizing the workplace.

This is the opportunity to address that and get it right so these workers could be protected. We're hearing first-hand from the workers that this is what they need. But it is frustrating for the previous one to not be there, because I've met many workers who are dealing with workplace cancers and workplace disease, occupational disease. It's a sad way of life for them. I have to tell you, every single one of them is worried about their family. They're fighting for WSIB, because that system is completely broken, and

they're hoping there's going to be some benefit or contribution for their families, so their families won't be left behind. They're dealing with COPD; they're dealing with all sorts of things that reduce their quality of life. This is our opportunity to fix it and actually be working for workers and not just working for headlines.

The Chair (Mr. Ernie Hardeman): Any further debate on the amendment? MPP Barnes.

Ms. Patrice Barnes: I just want to point out, the proposed motion is for the existing wildland firefighters who are contracted under MNR. Their fire service season is already equal to one year. Like we have said, we will continue to consult around the other wildland firefighters who fall outside of that. We are improving presumptive coverage, for firefighters, fire investigators and volunteers, for primary skin care cancer by lowering the present duration from 15 to 10 years, bringing Ontario to one of the lowest requirements—across the province.

The Chair (Mr. Ernie Hardeman): Further debate? MPP West.

MPP Jamie West: What we heard, basically, was a polite way of telling these workers that we don't care about them. I apologize for being harsh on it, but we have missed the point.

Ms. Patrice Barnes: We are the lowest across—

MPP Jamie West: You're not the lowest—you're one of the lowest.

Sorry; the member opposite made a comment.

We want to be leaders in Ontario in everything, except for when it comes to protection for workers. When it comes to protection for workers, we're fine if we're last; we're fine if we place somewhere. This is an opportunity to be world-class leaders, to reflect what they actually need in the workplace. We are setting a standard that doesn't match what is required for the workers, to take care of them. I know it's going to be very helpful when you knock on doors and get to wave and say, “Look what I did.” But what you're doing is leaving these workers behind, and that should trouble your conscience.

As I said before, in good faith, we thought this was going to address the cause, but it is not. I am pleading, on behalf of these workers and the families they're going to leave behind, that we are missing the point on this, and this is the opportunity to address it. This will be our second chance. You voted against the first one. The second chance—I urge you to vote in favour of, so we can address the needs of these workers and their families.

The Chair (Mr. Ernie Hardeman): Further debate? MPP Saunderson.

Mr. Brian Saunderson: I have to respond to some of the comments by the member opposite—when we're talking about leaving Ontario workers behind. That is absolutely not the case here, as indicated by my colleague. In the last vote, we have reduced our presumptive period from 15 years to 10 years, and that is the best in Canada; that is leading-edge.

We are improving the lives of our workers. We are recognizing the dangers that they go into, in performing the service that they do. We are acknowledging the need

for us to reduce that presumptive period, and we have done that in this legislation.

As also indicated, contract firefighters from the MNR are getting equal recognition of one season for one year. This is a big step forward.

So I cannot leave my friend's comments uncontested, because they are simply inaccurate.

The Chair (Mr. Ernie Hardeman): Further debate?

MPP Jamie West: I just wanted clarification: Is he able to say that? I just wasn't sure if it was unparliamentary.

Mr. Brian Saunderson: I said it was inaccurate.

The Chair (Mr. Ernie Hardeman): If what was unparliamentary? I didn't hear anything unparliamentary.

MPP Jamie West: I only repeated what I was told—that we were one of the best.

I appreciate the clarification.

If we are the best, I still want to reiterate that we are not meeting the needs of these workers. It may make you feel good to say that it's better than it used to be, but what we're telling these workers is, "A little bit of cancer is okay with me." I don't agree with that. New Democrats don't agree with that. It's fine if the Conservative government agrees with that.

The Chair (Mr. Ernie Hardeman): Any further debate on the amendment? If not, are we ready to vote?

MPP Jamie West: Recorded vote, please.

Ayes

Hazell, Kernaghan, West.

Nays

Anand, Barnes, Hamid, Hogarth, Saunderson, Dave Smith.

The Chair (Mr. Ernie Hardeman): The motion is lost.

Shall schedule 6, section 2, carry? Any debate? No debate. All those in favour? All those opposed? Schedule 6 carries.

Is there any debate on schedule 6, section 3? Are you ready to vote? All those in favour? Opposed? Schedule 6, section 3, carries.

New section 3.1, NDP amendment number 16: MPP West.

MPP Jamie West: I move that section 3.1 be added to schedule 6 to the bill:

"3.1 Subsection 43(2) of the act is amended by striking out '85 per cent' in the portion before clause (a) and substituting '90 per cent'."

This will ensure a 5% increase for these people who had that clawed back years ago by the Mike Harris government.

The Chair (Mr. Ernie Hardeman): Again, as the previous one, well-written and well-read—but Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, "An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill."

I therefore rule the motion out of order because section 43 of the parent act is not opened by the bill.

MPP Jamie West: I'd like to ask for unanimous consent on this motion. We're going to be pulling people out of poverty with a 5% increase.

The Chair (Mr. Ernie Hardeman): Unanimous consent? I heard a no.

MPP Jamie West: They don't want to pull people out of poverty. I got it.

The Chair (Mr. Ernie Hardeman): We have another amendment, NDP amendment number 17. MPP West.

MPP Jamie West: I move that section 3.2 be added to schedule 6 to the bill:

"3.2 Section 43 of the act is amended by adding the following subsection:

"No earnings after injury

"(4.1) The board shall not determine the following to be earnings that the worker is able to earn in suitable and available employment or business:

"1. Earnings from an employment that the worker is not employed in, unless the worker, without good cause, failed to accept the employment after it was offered to the worker.

"2. Earnings from a business that the worker does not carry on."

This is otherwise known as the deeming bill, where we give people phantom jobs so they can pay their bills with phantom paycheques.

The Chair (Mr. Ernie Hardeman): Again, as with the previous one—Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice, "An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill."

I therefore rule the motion is out of order because section 43 of the parent act is not opened by the bill.

MPP Jamie West: Chair, could I move unanimous consent on this motion?

The Chair (Mr. Ernie Hardeman): Unanimous consent is requested.

Interjection: No.

Mr. Terence Kernaghan: So disagreeable.

MPP Jamie West: They're quick, eh?

The Chair (Mr. Ernie Hardeman): Is there any debate on schedule 6, section 4? MPP West.

MPP Jamie West: I've had lots of opportunity to debate, so I haven't used this before, but I do want to say these last two things are ways that we could move people out of poverty, ways that we can help injured workers, who often are construction trade workers who get injured and suffer from the side effects and aren't able to support their families. It's mentally difficult, physically difficult.

These are two missed opportunities. I'm hopeful that a government in the future will bring this forward as amendments—

Mr. Brian Saunderson: Point of order.

The Chair (Mr. Ernie Hardeman): MPP Saunderson.

Mr. Brian Saunderson: Thank you, Mr. Chair. You've made your ruling and, while I respect the member opposite's passion, I think the situation is closed.

The Chair (Mr. Ernie Hardeman): I would remind the committee that there is no debate on the Chair's ruling.

With that, the question that is up for debate here is schedule 6, section 4. Is there any further debate on schedule 6, section 4? If there is no further debate, is the committee ready to vote? All those in favour? All those opposed? The motion is carried. Schedule 6, section 4, carries.

Is there any debate on schedule 6? Are the members prepared to vote? No debate? All those in favour? All those opposed? Schedule 6 carries.

We'll go back to the beginning of our tenure here. Shall section 1 of this act carry? All those in favour? All those opposed? Section 1 carries.

Section 2: Any debate on section 2? I'll call the vote. Shall section 2 carry? All those in favour? All those opposed? Carried.

Section 3, the short title: Any debate on the short title? If not, shall the short title carry? All those in favour? All those opposed? Section 3 carries.

Shall the preamble carry? All those in favour? All those opposed? Carried.

Shall the title of the bill carry? All those in favour? All those opposed? Carried.

Shall Bill 190, as amended, carry? Discussion? No discussion. All those in favour? All those opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? Carried.

Thank you, everyone. The committee now stands adjourned.

The committee adjourned at 1553.

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