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**Thursday 16 April 2015**

**Journal  
des débats  
(Hansard)**

**Jeudi 16 avril 2015**

**Standing Committee on  
Justice Policy**

**Ontario Immigration Act, 2015**

**Comité permanent  
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en Ontario**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE POLICY**

**COMITÉ PERMANENT  
DE LA JUSTICE**

Thursday 16 April 2015

Jeudi 16 avril 2015

*The committee met at 0900 in committee room 1.*

**ONTARIO IMMIGRATION ACT, 2015  
LOI DE 2015 SUR L'IMMIGRATION  
EN ONTARIO**

Consideration of the following bill:

Bill 49, An Act with respect to immigration to Ontario and a related amendment to the Regulated Health Professions Act, 1991 / Projet de loi 49, Loi portant sur l'immigration en Ontario et apportant une modification connexe à la Loi de 1991 sur les professions de la santé réglementées.

**The Chair (Mr. Shafiq Qaadri):** Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice.

As you know, we're here to meet to consider Bill 49, An Act with respect to immigration to Ontario and a related amendment to the Regulated Health Professions Act, 1991.

**LAW SOCIETY OF UPPER CANADA**

**The Chair (Mr. Shafiq Qaadri):** I invite our first presenters, from the Law Society of Upper Canada, to please come forward and to please have a seat at the front. Introducing yourselves, they are Rob Lapper, CEO; Elliot Spears, general counsel; and Sheena Weir, director of public affairs.

Very briskly, five minutes to make your presentation and then five minutes for questions, with only one caucus per presenter. It will be enforced with military precision, beginning now.

**Mr. Rob Lapper:** Thank you, Mr. Chair. My name is Rob Lapper, as you've said, and I'm here with Ms. Sheena Weir, our director of public affairs, and Ms. Elliot Spears, our general counsel.

Le Barreau du Haut-Canada est l'organe indépendant de réglementation de plus de 47 000 avocates et avocats et plus de 7 000 parajuristes titulaires de permis en Ontario. Le barreau se réjouit de l'occasion qui lui est offerte de contribuer à l'étude par ce comité du projet de loi 49, la Loi de 2015 sur l'immigration en Ontario.

Today, the law society wishes to comment on three aspects of the bill that relate to the law society's mandate to regulate Ontario's lawyers and paralegals in the public interest. These three aspects are, firstly, safeguarding solicitor-client privilege; secondly, ensuring that the

bill's definition of a "representative" is drafted to be consistent with existing law as to who may act as a representative; and third, providing for continued dialogue between the government and the law society to ensure that areas of concurrent regulation in the new immigration system are addressed by having our regulatory spheres work in concert.

Turning to the first point on solicitor-client privilege, the bill requires representatives and recruiters to disclose information and expressly permits warrantless searches of representatives' premises in certain circumstances. These are set out in subsection 23(2).

As the definition of "representative" includes lawyers and licensed paralegals, these disclosure requirements and search powers would apply to lawyers, paralegals and their offices. Investigators would be able to obtain materials which would otherwise be privileged and confidential. Applied to lawyers and paralegals, these requirements are at odds with protections granted to clients through confidentiality and solicitor-client privilege.

As described in detail in our written materials, which you have, the Supreme Court of Canada has repeatedly emphasized the importance of privilege. It has stated that privilege "must remain as close to absolute as possible if it is to retain relevance." Privilege is accorded this high level of protection because our system of justice relies on full and frank communication between clients and their legal representatives. As the Supreme Court of Canada has also stated, "Without it"—the "it" referring to privilege—"access to justice and the quality of justice in this country would be severely compromised."

The law society would expect that the bill's provisions would not require disclosure of privileged information and that the protections set out by the courts to govern such searches would apply.

An amendment to the bill to make the protection of privileged information explicit would be appropriate. The law society has expertise in this area that we've frequently shared with the government in working on this kind of thing, and we would appreciate the opportunity to work with the government in this instance to develop an appropriate amendment.

Turning now to the second point, which relates to the definition of the term "representative" having regard to current law: As presently drafted, lawyers and licensed paralegals would be able to act as representatives.

The Law Society Act grants the law society the authority to regulate the practice of law and the provision of

legal services in Ontario. The law society is authorized to establish classes of licences, to determine the scope of activities authorized under each class of licence, and to impose limitations and restrictions on any class of licence.

In exercising its authority, the law society is guided by its functions and principles set out in its statutes, including ensuring that “all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide.”

In Ontario, lawyers and paralegals practise law and provide legal services within the scope of activities—

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Mr. Rob Lapper:** —defined for them by the law society.

The third point is that the law society anticipates that there will be regulation coming out of this bill—concurrent regulation of lawyers and paralegals governed by the law society who would act as representatives. The law society would appreciate receiving more information about any contemplated regulatory oversight of representatives and any proposed regulation of persons acting as both recruiters and representatives.

**Le Président (M. Shafiq Qaadri):** Merci pour vos remarques introductoires. Maintenant je passe la parole à M. Smith of the PC caucus. Five minutes.

**Mr. Todd Smith:** Thank you, Mr. Lapper, for coming in and presenting to us today—and to Ms. Weir as well.

Can I ask, in your opening concerns about solicitor-client privilege, what would be the types of things that you would like to see in the legislation going forward if given the opportunity to work with the government when we make amendments at clause-by-clause in a couple of weeks?

**Mr. Rob Lapper:** I’m going to turn to Ms. Spears for that as she is the expert.

**Ms. Elliot Spears:** I think what we would do is draw your attention to the principles that were set out by the court in Lavallee and also confirmed in the most recent Supreme Court of Canada case that dealt with the money-laundering legislation. We would encourage that sort of approach. We also have guidelines for law office searches, and we would also encourage the government to look at those.

**Mr. Todd Smith:** Okay. On the second point, which was the involvement of other professionals from the legal profession, can you expand a little bit? You have the time now to expand a little bit on what you mean in that section. I know your time was cut short so I’d like to give you a little bit more.

**Mr. Rob Lapper:** Thank you for the opportunity to do that. The point there really is that the law society defines the scope of practice for our various licensees, lawyers and paralegals. It would just be important that the bill recognize that the scope of practice is defined by the law society and not somehow either expanded or changed by the bill itself. To say that every licensee can

practise immigration law is not necessarily, I don’t think, the intent of this bill. It would change the intent of what the Law Society Act is, which is to preserve to the law society the ability to define who can practise in what area.

**Mr. Todd Smith:** Okay. And the third point that you had—you had a little bit more, I believe, you wanted to get to. Go ahead. The floor is yours. You can use the time.

**Mr. Rob Lapper:** Well, your Chair was very effective. Thank you.

**Mr. Todd Smith:** Yes, he is.

**Mr. Rob Lapper:** All I would say is that it would appear to us that there must be some contemplation of regulation coming out of the bill. The bill contemplates that any individual may act as both a recruiter and a representative, and it is possible that some lawyers and paralegals will act as both. It’s possible that both the bill’s offence of acting as a representative without the authority to do so and the law society’s regulatory efforts to address unauthorized practice would be targeting the same behaviour or problem. So all we’re saying is, to the extent that there is going to be regulation coming out of the bill, we’d like an opportunity to sit down with the government and ensure that the regulation meshes, dovetails, is consistent, and that we don’t undermine each other in the process of doing it.

**Mr. Todd Smith:** Right, okay. Is there anything else that you’d like to add while you have the time?

**Mr. Rob Lapper:** I think we’re good.

**Mr. Todd Smith:** We’re all good? Okay. I’m good too, Chair. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Smith. I should just mention that it’s not often that a doctor gets the opportunity to formally interrupt legal counsels, so I savour that moment. But in any case—

**Mr. Rob Lapper:** Well, I can’t think of a better person to do it, so thank you.

**The Chair (Mr. Shafiq Qaadri):** —on behalf of the committee, we appreciate your presentation and the written submission. I would now respectfully dismiss you and invite our next presenters to please come forward.

#### INFORMATION TECHNOLOGY ASSOCIATION OF CANADA

**The Chair (Mr. Shafiq Qaadri):** They are Lynda Leonard, who is senior vice-president of the Information Technology Association of Canada. Welcome, Ms. Leonard. As you’ve seen the protocol, you have five minutes for an opening address to be followed by questions by Ms. Armstrong of the NDP. Time begins now, please.

**0910**

**Ms. Lynda Leonard:** Well, good morning, Mr. Qaadri. My thanks to you and to the members of the committee for the opportunity to represent ITAC, which is the Information Technology Association of Canada, and to share our views on Bill 49.

ITAC is the voice of the information technology industry in Canada. We represent one of the fastest-growing sectors in the economy. We're an important enabler of competitiveness and productivity across the whole economy, but in Ontario, in particular, our direct economic impact is particularly important. We are the third-largest industrial sector in the province, contributing nearly 6% of GDP and directly employing about a quarter of a million Ontarians.

A couple of other metrics about our industry will help the committee understand why we view immigration policy as critical to our success. ICT's unemployment rate currently hovers between 2% and 3%, which economists consider to be full employment. Our workforce is well-paid, with an average wage 52% higher than the Canadian average. Our employers are also well-educated and highly skilled. Some 44% of them have a university degree, compared with a national average of 25%.

Domestic supply of ICT workers is not robust. Like the rest of the economy, our workforce is aging and approaching retirement. It's clear that we cannot fully replace retirees with new graduates in the coming years. We've witnessed troubling declines in computer science and other disciplines that feed our industry.

The Information and Communications Technology Council, which tracks the health of our labour market, forecasts that cumulative hiring requirements between now and 2019 will reach about 182,000 positions.

In order to address the gaps in our labour market, ICT employers have relied heavily upon programs for permanent and temporary foreign workers. We've followed the reforms introduced by Employment and Social Development Canada and Citizenship and Immigration Canada with keen interest and are also pleased to share our views with you on this bill today.

Generally speaking, we share with you the underlying belief that frames this bill. Immigrants play an important role in the economic growth of our province, and they have made a huge contribution to the technology industry. Simply put, we believe that ready access to the global information and communications technology workforce is vital to our ambition to continue to build a robustly competitive ICT industry in Canada.

As a global knowledge-based industry, technology also depends upon its ability to draw from the best talent from around the world for assignments of shorter-term duration that may not be permanent. Getting the policy framework right for the free flow of global ICT workers who may or may not be seeking permanent residence is important to us. We are doing our utmost, in collaboration with all levels of government, to adapt to changes in program rules and to seize the opportunities of new programs like Express Entry.

At this point, I should also underscore how important the government's strong stewardship of the provincial nominee program is to our industry. We're avid users of PNP and are pleased to see the increased allocation of spaces for Ontario, though we are conscious that we compete with other sectors for access to this rich pool.

We believe it's important for legislators to understand the cumulative compliance burdens that we bear as we reform old programs and introduce new ones. Employers seeking to access foreign workers must, first of all, have a profound understanding of all the rules governing TFW and IMP introduced since last June. They must also be able to discern which programs are best suited to a particular engagement. For example, the ICT services segment of our industry, which is, incidentally, the fastest-growing component of our industry, is a classic outsourcing business model. The requirement imposed by the new TFW rules requiring client attestation that the use of foreign workers will not result in negative impacts on the Canadian labour market is problematic in that model.

Companies that are in a position to do so are inclined to use LMIA-exempt models, such as IMP and PNP, to fulfill their mandates. Even with these programs, there is considerable discretion and ambiguity in the new rules and processes—

**The Chair (Mr. Shafiq Qadri):** Thirty seconds.

**Ms. Lynda Leonard:** So while we do support the overall intent of Bill 49, we must record our key concerns.

First of all, we're concerned—we're wondering why the need for a registry in the first place. We're opposed to some of the provisions of the bill that provide for the inspection of workplace premises without warrant. We feel the financial penalties for employers in breach of compliance are unreasonably onerous. And our members are concerned about lack of due process for the banning applications.

Finally, the provision for offence—

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Leonard. To Ms. Armstrong of the NDP: five minutes.

**Ms. Teresa J. Armstrong:** Thank you, Ms. Leonard, for coming in this morning to present on Bill 49.

**Ms. Lynda Leonard:** My pleasure.

**Ms. Teresa J. Armstrong:** I realize the time that we have for presenters is somewhat limited, so if you would like to take some time to expand on those notes, I'd be happy to allow that.

**Ms. Lynda Leonard:** I would like it. Thank you for the opportunity to expand on some of our concerns.

**Ms. Teresa J. Armstrong:** I do have one question, if you don't mind keeping that in back of your mind, if you can get to that later: What does the association see as the needs for high-tech industry in terms of foreign recruitment over the next five years—so a good projection. And how many Canadian IT-ready recruiters will there be in that time?

**Ms. Lynda Leonard:** Unfortunately, I cannot speak for the recruiting segment of our industry. What I'm trying to represent are the views of the employers within our industry who may recruit directly themselves, and frequently do through their international mobility program, so I'm a little bit adrift on that.

Just to come back to that ICTC figure of about 180,000 vacancies, obviously we're not going to fill all

of those with foreign workers, but foreign workers contribute a very large part of capacity for the reasons I explained earlier: We're an aging workforce; we're seeing declines in enrolment; and the domestic source of supply is not robust. Retraining is a capability, but because of the high skill levels in the industry, it becomes very challenging to retrain for a PhD software scientist. Our challenges are about the low unemployment rate and the high skill demand within the industry.

The best strategy faced with that kind of constraint is to look at who can do that job globally. It's a global industry. We have global customers run global enterprises. Even mid-sized companies are running global enterprises, so the ability to reach into your global workforce for a short- or long-term duration is really critical to us. To do that with a system of clarity, with a system that honours natural justice and is predictable, is particularly key when we're trying to prosecute business in Ontario.

**Ms. Teresa J. Armstrong:** But you've also said it's the fastest-growing industry—

**Ms. Lynda Leonard:** It is.

**Ms. Teresa J. Armstrong:** So as it gets bigger and bigger—and the start-ups are huge. In London, there are many initiatives that have been taken. In terms of this legislation, do you see, obviously, a need that's going to be growing and how it can work with that need?

**Ms. Lynda Leonard:** The industry was certainly in hyper growth at around the turn of the century, just prior to the dot-com bubble. Our growth is somewhat curtailed since then, but the anticipation is that those growth rates will return.

In that period of rapid growth we benefited from, basically, a fast-tracked immigration process that required none of the kinds of regulations that we're seeing in this legislation and in regulations relative to federal programs. That was specific to the ICT sector. We lived through that without any significant disruption in the wage rate or in the unemployment rate. So our questions are fundamentally: Why can't we go back to that? Why this continuing need to impose process on employers?

**Ms. Teresa J. Armstrong:** Okay. Would you mind addressing your five points just so we can get on—

**Ms. Lynda Leonard:** Once again, perhaps with a breath drawn between.

**Ms. Teresa J. Armstrong:** Perfect.

**Ms. Lynda Leonard:** We question why there is a need for a registry. Participating in all existing programs for the recruitment of foreign workers requires full disclosure of pertinent information from the employer, so we're questioning why we need the registry as an additional burden of compliance loaded on.

We're opposed to some of the provisions of the bill that provide for warrantless entry. We've made comments about our perplexity about the need for warrantless entry in this and other forums.

We feel that the financial penalties under consideration for employers in breach are hugely onerous, and there's no cap. We've done the math, and that could be an enterprise-ender for a small business out of compli-

ance, whether wilfully or accidentally. I should stress that the rules governing immigration programs are ambiguous, complex and subject to discretion, so it's really easy to fall out of compliance even with the best of intent.

We're also concerned, as I said, about the lack of due process relative to banning applications.

And the provision for offence by other parties is unclear about the employer's limitation of liability. I'm not quite sure how deep into the organization that—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Armstrong, and thanks to Ms. Leonard for your deputation on behalf of the IT Association of Canada.

**Ms. Lynda Leonard:** Thank you, sir.

0920

#### HIGHLINE PRODUCE LTD.

**The Chair (Mr. Shafiq Qaadri):** I'd now invite our next presenter to please come forward: Ms. Friesen of Highline Produce Ltd. Welcome. I invite you to please begin now. You'll be followed by questions by the Liberal side. Go ahead.

**Ms. Susan McBride Friesen:** Good morning. I'm Susan McBride Friesen. I am the director of human resources for Highline Produce.

Highline Produce—we're mushroom growers. A matter of fact, we're the largest mushroom farm in Canada and number three in North America. Every week, we grow 1.1 million pounds. We pick, package and ship those mushrooms across Canada and the United States. Our industry is very manually intensive.

We employ 1,120 workers in the province of Ontario across our four farm locations. Of those 1,120 workers, 174 currently are temporary foreign workers. We use them primarily to supplement our labour force in harvest. We cannot attract enough harvesters to that job position. I have 445 harvesters right now; 174 are temporary foreign workers.

We have a labour crisis. It is very difficult in agriculture to attract long-term permanent employees. It's not an industry that really is attractive to a lot of Canadians. As we've heard earlier, we are an aging workforce, and this is a very manual type of job.

We also struggle for recruitment for reasons such as our rural locations. The individuals that we attract typically have not sought post-secondary education or they are newcomers to Canada. They tend to settle in the urban centres. They're not close to rural locations. They could be more than an hour away, not have transportation—there's no infrastructure available for transit from places like Windsor to Leamington or our farm in Prince Edward county in the Wellington area. We do really struggle for staffing.

So what's happened: We are not eligible to access the Seasonal Agricultural Worker Program that's been in existence for 40-some years, which recognizes that it is difficult to get farm labour. Because we are year-round and have the technology to harvest and produce 365 days a year, we're forced to rely upon the Temporary Foreign Worker Program.

We started using this program back in 2007-08. As a result, we had workers who were with us for seven and eight years when the changes went into effect on April 1, 2015. In 2011, the federal government instituted that you could not stay longer than a four-year cumulative period. Unfortunately, our workers, although we deem them to be highly skilled—mushroom harvesting is not an easy job, and it's not for everyone. They have to properly harvest, not bruise—it's very, very delicate tissue. You want to not bruise it. They have to do it at a fairly quick pace, and they have to know how to harvest to maximize future pounds, or the pounds die; they're lost.

What happened was, we ended up losing, in our Wellington farm—on April 1, 2015, we lost 25% of our harvesters in one day. We have been actively trying to recruit replacements locally, as well as putting in new labour market impact assessments, which take six, seven or eight months now to get. The one that we put in September, for example—34 people to replace the 33 exiting—30% of those did not get visas, so we don't even find out until six months later that we're not going to get the full amount.

The answer for us is not the Temporary Foreign Worker Program. We've been talking to the federal government. We want a stream that will allow us to hire these individuals, and that's why we're here today. We'd like to see Ontario open up the PNP to temporary foreign workers in this job classification. Currently, our immigration policies exclude anyone in a national occupation code C or D, considered low-skilled. We do allow professionals and skilled individuals. We believe it should be open to these individuals as well. This is an area that is chronically understaffed. We have a permanent labour problem.

We are poised to grow. Mushrooms are a growing commodity. They're highly nutritious. In the US, we're seeing this blendability, where we're taking mushrooms, blending them with meat products and putting them in school cafeterias for higher nutrition content. We could be supplying more of that, but we can't. We cannot grow the business. I can't get any more people to operate. So that's what we're here to talk about today.

**The Chair (Mr. Shafiq Qadri):** Thirty seconds.

**Ms. Susan McBride Friesen:** We need a permanent solution. We'd like to see the PNP open—for this class to be able to apply for permanent residency, as they currently are not.

I think those are my main points, and I've given you all a summary.

**The Chair (Mr. Shafiq Qadri):** Thank you very much. To Ms. Martins of the government side: five minutes.

**Mrs. Cristina Martins:** Thank you, Ms. Friesen, for coming in today and raising your concerns with us here. I have a certain respect for your industry, the mushroom industry, since my mother-in-law, who lives in Chatham, worked in that industry for many years. So I'm very familiar with the wonderful products that come out of your industry. I'm glad that you're able to raise the con-

cerns here with us today. We will definitely be bringing that back and seeing how they can be adapted.

You mentioned that you have been in discussions with the federal government. You know that the Temporary Foreign Worker Program is strictly a federal jurisdiction at this point, with no light of it changing, from my understanding. How have those discussions been going? What type of response are you getting from the federal government? I know what response we're getting.

**Ms. Susan McBride Friesen:** A very, very slow response. We've been in these discussions for well over a year. Obviously, we knew that this was coming. However, they seem to be listening to the industry as to our long-term needs and they said that they're going to work with us.

We know that they recently granted an extension in Alberta to the workers whose permits were expiring, but Alberta's PNP allows for NOC C and D to apply and so that's how Alberta, the agriculture industry, got an extension there.

So we know that they're working. Actually, we were told to start looking to the province, to the PNP program, to see if that's a way that we can access permanent. We know it sits with them, though, ultimately.

**Mrs. Cristina Martins:** Right. And with regard to the Seasonal Agricultural Worker Program, is that one of the programs that you also seek to bring people in?

**Ms. Susan McBride Friesen:** No, we can't because we're year-round. You see, that's a program where you can bring workers in year after year after year for the harvest, but they're seasonal and they go home, but the same skilled workers come back every year. What's happening to us is, we're sending home all these workers who are highly skilled, trying to bring in new workers who can't do the job for probably six months to a year. It's a very, very specific skill set. It's not an easy job. So we have no access to the seasonal because of that and it wouldn't work for us. It's eight months and we're 12 months a year.

**Mrs. Cristina Martins:** And in terms of trying to attract and retain workers from across Ontario, programs you have in place, your attempts to do that—very difficult, you said earlier?

**Ms. Susan McBride Friesen:** It is extremely difficult. We're on it all the time. We work with all our local refugees and settlement agencies and people bringing in newcomers to Canada. We work with the local schools and the college. We have offered busing from—in our Wellington farm location we have a bus that brings our temporary foreign workers in. So we've offered it to any local workers. We give supplemental travel pay to every worker. They get an extra, I think, \$6.50 a day just for travel expense, or they're on our bus or in a cab.

So we're doing what we can. We have a benefit package. We have a pension plan—you know, we have a lot to offer. It's not enough. We don't have enough people. I put in my paper—the labour conference of Canada says that we're going to have a labour shortage of 364,000 people by 2025. They said that in 2007. It's 2015, and it's here; we have a labour shortage.

Again, mushroom growing is not a really sexy occupation. People are not attracted to go and work in farming. Despite everything we do, we're going to have a permanent problem here. I'd like to grow this area—

**Mrs. Cristina Martins:** No pun intended. Right?

**Ms. Susan McBride Friesen:** Actually, it is intended—and be a bigger player and be able to have more exports. We could do it, but we can't right now.

**Mrs. Cristina Martins:** And currently, you export how much of your product, you said?

**Ms. Susan McBride Friesen:** Some 30% of our product is exported to the mid-US. Our main competitor would be the Pennsylvania area and then California in the US, but our quality is far better. I might be bragging, but, yes, our quality is far better, and we grow without pesticides or herbicides. So it's a very safe, nutritional product, and it's something that I think is good for Ontario to be locally grown.

**Mrs. Cristina Martins:** I don't have any further questions. I just wanted to once again thank you for coming in. If you want to take whatever time we have—Mr. Chair, I'm not sure how much time—

**The Chair (Mr. Shafiq Qadri):** Thirty seconds.

**Mrs. Cristina Martins:** —to state anything else you'd like to state.

**Ms. Susan McBride Friesen:** I think I've said I would like to see us follow what Alberta has done. I believe Saskatchewan and Manitoba are currently looking, similarly, in support of the agricultural industry and year-round agriculture. I know that that's one of the government initiatives, to grow our agri-food industry. It is a growing area, but we need this support.

I thank you for listening to me today.

0930

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Martins, and thank you, Ms. Friesen, for your deputation on behalf of Highline Produce Ltd.

## TORONTO REGION

### IMMIGRANT EMPLOYMENT COUNCIL

**The Chair (Mr. Shafiq Qadri):** I now invite our next presenters, Toronto Region Immigrant Employment Council: Ms. Eaton, the executive director. Welcome. Please begin.

**Ms. Margaret Eaton:** Thank you. I'm Margaret Eaton. I'm the executive director of the Toronto Region Immigrant Employment Council. Thank you very much for the opportunity to speak today.

The Toronto Region Immigrant Employment Council creates and champions solutions to better integrate skilled immigrants into the greater Toronto region labour market. We help employers make the most of the greater Toronto region's culturally diverse workforce and we help immigrants connect to employment that fully leverages their skills and experience. We fundamentally believe that when immigrants prosper, we all do. That is why we welcome the Ontario Immigration Act as the first of its kind in Canada.

There are three parts of the bill that I would like to comment on today. First, we welcome the suggestion of an employer registry, which will protect newcomers from fraudulent job offers. However, we are keen to make sure that any new system is not so onerous that it discourages employers from participating in the application process. Large employers may well be able to meet the demands, but small and mid-sized employers, the largest group of employers in Ontario, continue to tell us that they struggle with capacity issues. An effective process for registration that protects the vulnerable is paramount, but a transparent process for employers is necessary to ensure that those with legitimate job offers are well served.

Secondly, we applaud the Ontario Immigration Act's recognition of the important role played by the not-for-profit sector in settlement and employment of new immigrants. In Ontario, our settlement agencies have been on the front lines of welcoming and supporting newcomers for decades. Access to services by newcomers is extraordinarily important in ensuring the short- and long-term success of new immigrants. We're encouraged that this bill recognizes that important work.

Thirdly, the bill refers to collaboration with municipalities and employers as being essential to address Ontario's short- and long-term labour market needs. The ministry has already taken steps to include employers in the conversation through the minister's employers round table. We certainly applaud that step. Those short-term labour market needs can be pressing. We believe that permanent migration needs to be prioritized if we are to meet long-term labour market needs.

Canada's fertility rate is too low. We are not replacing ourselves. Even with our current rate of immigration, we will not be able to compensate for declines in population. A system that focuses on temporary workers does not address the long-term need we will have to maintain and grow our population in order to maintain our current standard of living. Permanent migration should be our goal to ensure the prosperity of all Ontario citizens.

It is extremely encouraging to see the provincial government taking a leadership role in creating this act. At a time when the status and contribution of immigrants is being questioned, this legislation is even more important. The discourse around immigrants has changed, and we need to take our formal opportunities to state, as the bill does, the importance of immigrants to Ontario.

Immigrants still struggle. The unemployment rate for skilled immigrants is twice as high in Ontario as for similarly skilled Ontario-born citizens. Employers continue to discount education and experience earned abroad. Therefore, we welcome the Ontario Immigration Act as a tangible sign of Ontario's commitment to helping employers and immigrants succeed.

Ontario is and continues to be the leader in Canada in immigration. Ontario created the first Fairness Commissioner role, and our programs and practices for integrating immigrants are internationally renowned. With the legislation, we continue this important role, setting a high

standard for other jurisdictions about what it really means to be a truly welcoming and inclusive province.

Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thanks very much, Ms. Eaton. To the PC side: Mr. MacLaren, five minutes.

**Mr. Jack MacLaren:** Could you just sum it up and tell us what are your main concerns with this bill? What problems are there, I guess, really? What changes would you like to see made?

**Ms. Margaret Eaton:** I think the bill, as presented, is fine. I'm more concerned about the implementation, and how the implementation rolls out, particularly around the employer registry. As we heard from the IT sector, the concern is that with the federal system of Express Entry, employers are now going to be very responsible for bringing in our citizens to this country. Even that process is onerous, with having to create the LMIA to sign up to the job bank. Having an additional registry on top of that in Ontario, while I think it is a beneficial idea because we do want to stop fraudulent offers and protect migrant workers, at the same time we have to make sure that the process is transparent, that it's clear, that there isn't a financial cost that prevents people from participating, and that there is some sort of appeal process. These things are referred to in the bill, but we want to keep those things centre.

**Mr. Jack MacLaren:** Basically, you're identifying more or less the same things that were identified by the Information Technology Association?

**Ms. Margaret Eaton:** Similar, yes.

**Mr. Jack MacLaren:** Too much red tape.

**Ms. Margaret Eaton:** Pardon me?

**Mr. Jack MacLaren:** Too much red tape.

**Ms. Margaret Eaton:** It may be, yes. We know it's tough for business. They often don't wish to participate in government programs because it can be so onerous. We want them to be an active part of the labour market of immigrants.

**Mr. Jack MacLaren:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. MacLaren, and thanks to you, Ms. Eaton, for your deputation.

#### ONTARIO BAR ASSOCIATION

**The Chair (Mr. Shafiq Qaadri):** I now invite our next presenters to please come forward: Mr. Moses, Ms. Seligman and Mr. Kuzminski of the Ontario Bar Association. Welcome, colleagues.

**Ms. Robin Seligman:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Please be seated. I invite you to please begin now. It will be followed by five minutes of questions from Ms. Armstrong of the NDP. Please begin.

**Mr. Jason Kuzminski:** Thank you. My name is Jason Kuzminski. I'm a lawyer and volunteer with the Ontario Bar Association. I'm joined by Marvin Moses, chair of the OBA's citizenship and immigration section, and Robin Seligman, executive member of the section.

The OBA represents 17,000 lawyers, judges, law professors and students who believe in our role in assisting you in making laws that are effective and efficient. Our objective for being here today is to support the immigration regime and tools you and the government wish to create. But we also wish for you to address some elements of this bill that create uncertainty and that risk making the regime and tools less effective and less efficient.

We have a written submission that focuses on four concerns, but in the interests of time, Marvin and Robin will speak to two of them.

**Mr. Marvin Moses:** Thank you. Basically, what are we here for? We're looking at: What does the government want to accomplish? What do we seek? We want to find the vulnerabilities in the proposed system. We all seek the same: an efficient, effective, transparent and working regime.

As is, the government's reliance on certain sections will lead to court challenges and a fight over what is legal, which will end up in certain sections being struck down. We want to avoid these inefficiencies and a less efficient system.

When looking at absolute liability for AMPs, administrative monetary penalties—that's found in section 26 of the Ontario Immigration Act, the proposed act; it's page 3 of our OBA submission—what is the objective of the government? To get rid of the bad players. We agree with the objective, but what is the result from the legislation as worded? It's going to deter the good players.

What does section 26, in effect, state? If the current regime imposes absolute liability and allows for AMPs, even if the director and/or employer and/or lawyer acted reasonably, honestly and took all possible care, they would still be liable. It must be recognized by that lawyers, employers, like some of the ones we've heard from today—directors—all rely on representations made by third parties. Even if due diligence is exercised, even if these persons acted reasonably, honestly and took all possible care, the legislation states that this is irrelevant.

As counsel and with knowledge of the sector and many years of experience in working in the sector, we can't recommend that employers and directors use the regime if changes are not made. The legislation, as worded, does not achieve what the government and we both want: to rid the system of bad players while not deterring the good players. We all seek the same: an efficient, effective, transparent and working regime.

Robin?

**Ms. Robin Seligman:** Thank you. I will speak to the issue of warrantless searches of law offices. We commend the province of Ontario for expanding their role in selecting immigrants for Ontario, but it's important to do it right. The warrantless inspections are in breach of solicitor-client privilege, a well-recognized, fundamental civil and legal right in Canada. We support the submission of the law society in this area with respect to lawyers.

On a practical level, an inspector attends a law office and asks to look at a file. What are they looking at?

They're looking at documents, solicitor-client-privileged documents. In effect, it's a search, which is in breach of solicitor-client privilege and the Supreme Court of Canada provisions in this regard. It's not the same as inspecting a restaurant, where the inspector would go in and do a physical search of the premises.

The objectives of the act are to instill integrity of and compliance with the program. However, this provision will ensure that the program will not be recommended by good lawyers, who would not support a program that would allow warrantless inspections of their offices.

**0940**

Section 23 should be amended to exempt law offices from warrantless searches. Our recommendations appear on pages 9 and 10 of our submission and appendix 1. Searches with a warrant must be conducted in accordance with law society search provisions and guidelines and the Supreme Court of Canada criteria set out in appendix 1 of the OBA materials.

The Ontario Bar Association will be happy to assist in advising and assisting in this regard as we have extensive experience and knowledge. Thank you.

**Mr. Marvin Moses:** I will speak to the final issue that we're going to address today, which is unlimited discretion to refuse an application—

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Mr. Marvin Moses:** —the rule of law and natural justice.

Under subsection 16(4) of the act, page 13 of our submission, we address it. What does 16(4), in effect, state? Even if all the criteria are met by an applicant, the application can be refused. What should be the objective? Enhancing the international reputation of the regime encourages more users by making the regime more transparent and fair instead of the need for back-end remedies, which is what will be required under the legislation as currently worded. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Moses. To Ms. Armstrong of the NDP.

**Ms. Teresa J. Armstrong:** Good morning to all of you and thank you for coming out with your presentation.

I do have a concern that many presenters are feeling rushed through this whole process, so I will allow for some time for you to contribute any other concerns you have. But one of my questions that I wanted you to consider while you're presenting further was to explain the impact the proposed regulation of the act has on your actual members. What does that impact look like? Could you offer alternatives to how to regulate or oversee bad actors or bad players in the recruiting process?

**Ms. Robin Seligman:** I think the area that you're referring to is one that's covered by the law society and that I spoke to with respect to warrantless searches. Again, there's no intention here to protect bad players, but there is a system. If there is a problem and there's a suspicion and serious evidence, there's nothing prohibiting the government from going to get a warrant and being able to do it under the provisions that are already recognized by the Supreme Court of Canada and the law

society rules for regulating searches. They're very particular. Privileged information is sealed, and we set out all the criteria in appendix 1. There has to be an independent person there and there have to be proper procedures set in place.

It's very important to protect the integrity of the legal justice system. You want to be able to have proper solicitor-client confidentiality in all areas of the law.

**Ms. Teresa J. Armstrong:** So you think that particular part of the act is weak when it comes to that section, the search and seizure?

**Ms. Robin Seligman:** Definitely, and in terms of the practical implications, if a lawyer knows that somebody can just walk in their office one day and say, "We're here to conduct an inspection. Give us your file," we'd be put in a situation where we'd be in conflict. We'd say, "Well, we can't give you the file because it's in breach of our solicitor-client confidentiality," but under these existing provisions we'd be in breach of the provisions and we could be subjected to serious fines and penalties for not complying.

So the very act of walking in and saying, "Give us your file"—as I said, I contrasted that to, let's say, a restaurant where they may feel there's some other reason they have to go in to inspect. It's not the same. You'd walk into a restaurant and see that there's either—whatever they'd be looking for. It's not the same as taking a file and looking at the actual documents that are privileged. It's a quite different situation.

**Ms. Teresa J. Armstrong:** And the third point that you were trying to get to: Would you mind expanding on that a little?

**Mr. Marvin Moses:** Sure. Similarly, because as a lawyer—our constituency, as one of the representatives and the way the AMPs work, we could potentially be subject, along with our clientele, the employers or persons who are receiving information—and even if they and we are acting all in good faith, there's no defence of due diligence. There's no defence of, "We acted honestly and carefully and we did everything that could be expected to be done." That, as written, doesn't care. We would still be caught.

One of the recommendations is that there should be a defence of due diligence and honest, reasonable, mistaken belief in order to be able to avoid these penalties. Otherwise, we're getting in a situation—what Robin is referring to is the same—where we're looking at a back-end remedy, where a fine or a penalty is being imposed and then after the fact we're fighting it out. That takes up a lot of resources. It's a new regime you're creating. While you're creating this new regime, let's get it right from the start instead of having to go back, amend things, change things and deal with things after the fact. Nobody wants to deal with all that trouble and extra resources you need when you're on limited resources—

**Ms. Teresa J. Armstrong:** You're presumed guilty before your hearing.

**Ms. Robin Seligman:** Yes, I was going to—

**Mr. Marvin Moses:** Potentially. And how could we recommend to the stakeholders we deal with that they use

this system, knowing that there's this potential—and a very high risk—that no matter what they do, there's a risk that they have on their head that could hit them.

**Ms. Teresa J. Armstrong:** Yes, regardless of their due diligence, and they were acting in a proper manner—

**Ms. Robin Seligman:** I was going to say, it's specifically set out that even if they act reasonably, act honestly, do everything they can, it's not a defence. It says, "Even if you do those, you're still liable." It's very rare that you would see that. You've done everything—

**Ms. Teresa J. Armstrong:** So you'd like to see some changes to that, perhaps—

**Ms. Robin Seligman:** That would be a defence, if you've acted reasonably. What is the behaviour that they're looking to suppress? It's not good behaviour. It's not honesty.

**Ms. Teresa J. Armstrong:** Have you submitted an amendment to the government on that?

**Ms. Robin Seligman:** Yes, we have, and it appears in our materials at page 6, "Proposed Solutions."

**Ms. Teresa J. Armstrong:** Okay. Thank you very much. No further questions, unless you'd like to add anything else in whatever time is remaining.

**Mr. Todd Smith:** Chair, is there an opportunity—

**The Chair (Mr. Shafiq Qadri):** Not here. Question period will start in about an hour.

Thank you, Ms. Armstrong, and thanks to colleagues from the Ontario Bar Association. I respectfully dismiss you.

#### MIGRANT WORKERS ALLIANCE FOR CHANGE

**The Chair (Mr. Shafiq Qadri):** I would now invite our next presenters to come forward, please: Mr. Hussan, of the Migrant Workers Alliance for Change.

Welcome, Mr. Hussan. You have five minutes in which to make your remarks, followed by questions from the government side. Please begin.

**Mr. Syed Hussan:** Good morning. My name is Hussan, and I'm the coordinator of the Migrant Workers Alliance for Change. We're a national coalition of migrant worker groups, unions, faith-based organizations and legal clinics. We're the largest such coalition in the country, as well as here in Ontario. We work primarily and only with people on work authorizations and work permits.

As you have heard today, there are quite a number of people in the Temporary Foreign Worker Program in this province—about 100,000 within the Temporary Foreign Worker Program and the international labour mobility program. There are 84,000 international students in this province, many of whom are on work permits. There are refugee claimants on work permits, and there are approximately 200,000 undocumented people in this province, who have no immigration status.

Many migrant workers—this is what we believe—work in dangerous conditions. People are working where, because of the work authorization, they have no choice

but to follow the instructions of bad employers, if that's where they end up. Many Ontario services, including health care, social assistance, education and full labour protections, are actually off-limits to these people. So when we're here today to hear about the Ontario Immigration Act, we are frankly a little bit surprised by how little there is in this law about migrant workers.

In our conversations with the Ministry of Citizenship, Immigration and International Trade, we've been told over and over that this bill is only about the provincial nominee program, which, at its height, is 2,500 people. We want to try and figure out a way for Ontario to step up and actually work on behalf of migrant workers, who are the majority of migrants who are in this province. These are the people who are the most vulnerable to work conditions.

Now, often we hear that it's the federal government's responsibility to deal with these issues, and I want to be very clear: Multiple jurisdictions—Manitoba, Nova Scotia and Alberta—have made changes to labour, social assistance, education, health and other provincial legislation and regulation, to ensure better protections. We think Ontario needs to take that step, and it needs to take it now.

One of the things, of course, as has been said before, is that the provincial nominee program actually excludes these low-waged workers, right? It is one of the few provinces where that happens, and we need to start thinking about how we can change that. That is obviously not a full solution, because of how small the program is, but Ontario needs to play it smart, to give access to citizenship to people who have worked here for many, many years.

Obviously, overall changes are needed. This is one bill. It says it's an Ontario immigration act; we believe an Ontario immigration act would include migrant workers. But one of the things we need to talk about is, we need to see legislation around the recruitment process. The reason I bring it up is because the Ontario Immigration Act has a recruitment system in it. Now, understand that because it only applies to the provincial nominee program and the 2,500 people in it, most of those people are actually already in Canada. They're not being internationally recruited. So it's a little bit uncertain why this piece is in here, but even so, the way it's written, it's all about changes that will come in regulations. We don't actually know how that system works.

**0950**

What we do know is what an actually effective recruitment regulation regime looks like that ensures real protections for migrant workers, because it's been tested in these jurisdictions that I laid out: Manitoba, Nova Scotia and, in some ways, Alberta.

Specifically, this is what needs to happen: Ontario today does not know who recruits migrant workers in this province. People just don't know. That's a little bit unreasonable. We are asking for Ontario, like the rest of the country, to license recruiters, register employers and then hold them jointly financially responsible for fees paid.

Today, migrant workers coming into this province pay \$10,000 to \$20,000 to get a job to work here. When you've paid that much money to start a job, you are not going to speak out about abuses against you because it will mean you'll get fired, and once you're fired you may end up leaving the country, and you can't go home with that much debt. The recruitment process, in and of itself, makes it very hard for people to leave. It has an overall depressing impact—

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Mr. Syed Hussan:** —on economic conditions.

Recruitment process: We have an entire regime that we are proposing in our submissions, but specifically, registration of recruiters, licensing of employers, and making them jointly and financially responsible. This is a system that is already working in other parts of the country. Ontario can act; it can do so now. Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Hussan. Maintenant je passe la parole à M<sup>me</sup> Martins du gouvernement : cinq minutes.

**Mrs. Cristina Martins:** Est-ce qu'on va parler? Oui? Merci.

Thank you so much, Mr. Hussan, for coming in today and sharing with us, with such passion, your advocacy on behalf of the Migrant Workers Alliance for Change. You often made reference to the PNP and the 2,500 value, I guess, or allotment that Ontario has. I'm not sure if you're aware, but the federal government was a little bit generous with us and increased that to 5,200, so we now have 5,200 allotments under the provincial nominee program, from which Ontario can invite people to come to Ontario to work.

You also talked about the vulnerability of the migrant workers and the recruiters and perhaps the unscrupulous recruiters that we have. With this proposed legislation, we tried to put provisions in place that would hopefully eliminate and deter unscrupulous recruiters and people within the legal profession to ensure that these most vulnerable newcomers and people of Ontario are not taken for granted and taken advantage of.

You also talked about the Temporary Foreign Worker Program. As you know and rightfully said, it is the federal government. I'm not sure what types of discussions and conversations you have had with the federal government with regard to temporary foreign worker programs.

**Mr. Syed Hussan:** Just on the second part, that this bill will actually ensure regulation of unscrupulous recruiters: It's very unclear what this legislation will actually do. Most of it gives the government powers to do something; it does not actually legislate much.

What we do know is that it is not clear that this will apply to all recruiters in the province. What we do know is that it does not hold them jointly financially responsible. So what is the actual licensing mechanism of these recruiters? There are just not a lot of details.

I also think that it's sitting in the wrong ministry. Recruitment is a labour practice. In other provinces across the country it's labour that has responsibility, so training a new set of officers within the citizenship min-

istry to go out and deal with recruitment seems counter-productive, and it's very unclear if they'll actually be able to uphold labour regulations.

As it's written, the recruitment regime doesn't make sense. We believe there should be new legislation that prioritizes protection of vulnerable workers. This legislation is aimed at facilitating recruitment of people into the provincial nominee program, which is a totally different system.

**Mrs. Cristina Martins:** I guess the organization that you're with, the Migrant Workers Alliance for Change—you're probably the first interface for a new immigrant coming to Ontario with the rest of society, if you will, and you provide them with various programs that can help them in terms of integration into society.

Can you tell me a little bit more about how your organization works to ensure that these newcomers have an easier transition to life in Ontario, and more specifically to your point and your concern, the concern you repeatedly addressed and brought up here today, on ensuring that these vulnerable workers do not fall into the hands of unscrupulous representatives?

**Mr. Syed Hussan:** Right. As we work with migrant workers, these people are denied a path to permanent residency. There isn't a system to integrate these people into our community, right? What we are doing is producing a patchwork of rubber-band and partial solutions. What we need is a path to citizenship, and this legislation does not allow for that. It does not force Ontario to take a stand and say, "We need to recruit and ensure that low-waged workers are actually able to get citizenship."

Now, the question of the work that we're doing: Yes, we're providing services. We're dealing with the fact that there are no legal mechanisms to ensure that unscrupulous recruiters don't get away. At one point, we had some workers actually film recruiters charging them money. We have had recruiters walk workers to ATMs on the first of every month and withdraw money and take it home with them. That is happening right now, and it's more or less legal.

When those things have hit the mainstream media—these have been covered on CTV, Global News and CBC—not much happens. The police can't act; it's not a policing issue. It's actually a labour issue, and the employment standards branch simply does not have the tools to make it work.

**Mrs. Cristina Martins:** So the licensing of these recruiters—I guess your organization would provide guidance to those seeking any—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Martins. Thanks to you, Mr. Hussan, for your deputation on behalf of Migrant Workers Alliance for Change.

Is our next presenter here—Mr. Stevens of Mushrooms Canada?

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Colleagues, we are in recess until exactly 10:05, which will give us the 10 minutes before break for question period.

We're still awaiting Mr. Stevens. He has been sighted, so I presume he's en route.

So, until 10:05, approximately.

*The committee recessed from 0957 to 1005.*

#### MUSHROOMS CANADA

**The Chair (Mr. Shafiq Qadri):** Thank you, colleagues. I welcome now Mr. Stevens, chief executive officer of Mushrooms Canada. Mr. Stevens, you will see you have five minutes to make your address, and then you will be asked questions by the PC caucus for a further five minutes. Please begin now.

**Mr. William Stevens:** Thank you, Mr. Chairman. I will read my address. I think there are some handouts. I think I'm the second delegate from the fungi crowd, so bear with me.

According to the George Morris Centre—which is a think tank in Guelph, Ontario—report on the economic impact of temporary foreign workers on the Canadian mushroom industry in October 2013, the mushroom sector of Ontario agri-business contributes approximately \$500 million to the economy. Furthermore, 50% of all the mushrooms grown in Ontario leave the province. Approximately half go to eastern Canada and the other half to the United States.

Our members in Ontario employ approximately 2,000 Canadians and 500 temporary foreign workers from Asia, eastern Europe and Latin America. Most of the temporary workers are employed as mushroom harvesters. All workers are guaranteed provincial minimum wage. In addition, mushroom harvesters are paid a bonus based on productivity, which increases their earnings to between \$15 and \$20 per hour.

It has been demonstrated repeatedly that temporary foreign workers in primary agriculture are not displacing Canadian workers. Mushroom growers are excluded from the Seasonal Agricultural Worker Program because mushrooms are harvested year-round. Consequently, mushroom growers are dependent on the temporary foreign worker low-skill, low-wage program to augment their Canadian workforces.

For the past four years, mushroom growers across Canada have been preparing for the loss of their most productive harvesters on April 1, 2015. That is the date when the low-skill/wage temporary foreign workers who have accumulated four years of employment in Canada must return to their home countries, to be replaced by new, untrained temporary foreign workers, if their LMIA applications are approved. The impact of this four-in/four-out regulation is not only a significant drop in production of fresh mushrooms but also the potential loss of employment to Canadians. If the mushrooms are not harvested—my favourite phrase: If you don't harvest them, you can't pack them and sell them. The people who pack them and sell them are Canadians. We are in the middle of that crisis at this time.

One of the programs that could alleviate this critical situation is the provincial nominee program in Ontario.

Specifically, we propose that the Ontario Minister of Citizenship, Immigration and International Trade apply to the federal Minister of Citizenship and Immigration to amend the Ontario provincial nominee program to include semi-skilled workers in agriculture. Similar amendments have been implemented in Alberta, Saskatchewan, and possibly British Columbia, New Brunswick and PEI. I can't get it straight from those provinces.

We note that the PNP allows an avenue for skilled workers to apply for permanent residency but excludes semi-skilled workers. The inclusion of semi-skilled workers in the PNP would have a profound impact on the Ontario agri-food sector by stabilizing a labour force of experienced workers, reduce the need for low-skilled temporary foreign workers, increase the employment of Canadians, and contribute to the prosperity of Canadian agriculture and horticulture. It would be a positive step towards fulfilling the Premier's challenge to the Ontario agri-food industry to create 120,000 new jobs, I believe, by 2020.

Thank you for the opportunity to submit that.

**The Chair (Mr. Shafiq Qadri):** Thank you very much, Mr. Stevens. To the PC side, five minutes: Mr. Smith.

**Mr. Todd Smith:** Thank you very much, and thank you to Mr. Stevens as well. Of course, we had Susan McBride here earlier from—

**Mr. William Stevens:** Yes, it was supposed to be a tag-team match but I couldn't find parking.

**Mr. Todd Smith:** We split you up. There's more power—strength in numbers; right?

Thanks for coming. You've outlined some of the same concerns that Susan outlined from Highline. Highline is the biggest employer in Prince Edward county, where I come from. I know it's a big employer right across the province in various communities.

What will this mean to companies in Ontario if we can't get this right? Will these producers end up moving to other jurisdictions if we can't sort this out in Ontario?

**Mr. William Stevens:** Two or three answers to that, sir: The impact right now is a reduction of 10% of the Ontario industry. If that's valued at \$500 million, we're talking a reduction of \$50 million in products sold.

We also know that there are production lines across the province—possibly Ms. McBride mentioned it—that are sitting idle.

I also try to answer that question by saying that, as a consuming public, we really have a choice to make. We can have our fresh produce produced in Ontario and harvested by temporary foreign workers, or we can have our fresh produce produced elsewhere and harvested by those same workers. It's a matter of local, the green concept of minimum transportation. All of those factors are coming to bear.

Specifically, in answer to your question, I would not be surprised to see some of these jobs leave the province.

**Mr. Todd Smith:** Right, and, as I mentioned, it's a huge employer in my area, in Prince Edward county, and we would obviously hate to see that happen.

I hope the government isn't set on just blaming the federal government for this, and I hope that we can work out some kind of a solution here at the Ontario level, like they have done in other provinces. Can you tell me what has happened in those other provinces to make this work, and has it been a long process?

**Mr. William Stevens:** The one that got the most publicity, obviously, is Alberta. Alberta is suffering hugely not only in primary agriculture, but in the processing sector.

Their provincial nomination program—I would suggest an arrangement was made between Minister Kenney and Mr. Prentice that those low-skilled temporary foreign workers who had applied for residency prior to July 1 last year—because of the backlog in the applications in that province, they have been afforded a year's extension on their work permits in order to have their cases heard. That gets most of the publicity, and sometimes that's interpreted as a Canada-wide policy. It is not a Canada-wide policy.

**Mr. Todd Smith:** Right.

**Mr. William Stevens:** The other piece is that we have been active in dealing with the federal government. In fact, I looked it up the other day: Our first letter on this went in 2010, so I personally have been active for at least five years on this file.

We have been in the Prime Minister's office a couple of times. We have met with the minister who is responsible for—the new minister, Pierre Poilievre. We have met with CIC. We have met with the Ministry of Agriculture. We've met with the opposition parties and their critics.

So we're still active, even though April 1 has passed us by.

**Mr. Todd Smith:** Right. But the lines here—many of them are idle in Ontario, because those workers have left. I know they're referred to as low-skilled workers, but this is a pretty unique skill set that these employees—

**Mr. William Stevens:** It takes about six months to train somebody to be productive, because the marketplace dictates this—

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Smith. Thanks to you, Mr. Stevens, for your deputation on behalf of Mushrooms Canada.

Colleagues, the committee is in recess until 2 p.m. today. Thank you.

*The committee recessed from 1014 to 1400.*

**The Chair (Mr. Shafiq Qadri):** Thank you, colleagues. We'll resume our committee hearings. Justice policy: Bill 49, An Act with respect to immigration to Ontario and a related amendment to the Regulated Health Professions Act, 1991.

#### ONTARIO CHAMBER OF COMMERCE

**The Chair (Mr. Shafiq Qadri):** I'll invite our first presenters to please come forward. From the Ontario Chamber of Commerce: Ms. Alexandra Schwenger and Mr. Liam McGuinty. Mr. McGuinty, I believe I've met

both your mother and father on various occasions. In any case, welcome home. I invite you to please begin now—five minutes.

**Mrs. Cristina Martins:** Mr. Chair, just on a point of order.

**The Chair (Mr. Shafiq Qadri):** Yes, Ms. Martins?

**Mrs. Cristina Martins:** Just on a point of order, Mr. Chair: It is my understanding that we have all-party consent that our committee meeting next week will be adjourned after 10:15.

**The Chair (Mr. Shafiq Qadri):** Let's deal with that after the witnesses.

**Mrs. Cristina Martins:** Okay.

**The Chair (Mr. Shafiq Qadri):** Thank you.

You may resume. The time is at zero.

**Mr. Liam McGuinty:** Thanks very much, Chair. As you mentioned, my name is Liam McGuinty. I'm the interim vice-president of policy and government relations at the Ontario Chamber of Commerce. I'm here with Alexandra Schwenger, who is a policy analyst at the OCC. Thank you for having us.

We'll be brief in our remarks, and we do want to leave time for some questions. Alex will take you through a bit of our sentiments on the bill. I think we are largely supportive, and in fact, there's not much that we take issue with in this bill.

We've had a long and constructive relationship with the Ministry of Citizenship, Immigration and International Trade. I'm very happy to see Cristina Martins here, who we've worked with. We've also worked with all parties on this file, and we look forward to continuing to do so.

With that, I'll pass it on to Alex.

**Ms. Alexandra Schwenger:** We're very pleased to be here today to speak on Bill 49, the Ontario Immigration Act. The Ontario Chamber of Commerce believes that immigration is vital to Ontario's future economic prosperity. Demographic trends suggest that over the next 25 years, immigration will account for all of the increases in Ontario's working-age population and is therefore expected to be a main source of future labour market growth. As well, labour market projections indicate 70% of new job openings will require skilled workers.

Some forecasts project over two million job openings between 2012 and 2022, which cannot be met by domestic supply alone. Therefore, it will be critical to attract and retain highly skilled immigrants to meet Ontario's labour market needs and contribute to Ontario's future prosperity. That's why, for the past two years, we have been eager participants in the minister's employers' tables. In collaboration with the Ministry of Citizenship, Immigration and International Trade, we have hosted the minister's employers' tables with employers from across the province.

In 2013, we consulted with employers on the design parameters of Express Entry, the federal government's new application management system for economic immigration. In 2014, we asked employers to identify emerging labour market needs, and gathered and verified

regional labour market evidence. Ontario employers understand better than anyone else that immigration plays an important role in filling labour market gaps and ensuring continued growth for Ontario's labour force. We heard from many employers who are having difficulty meeting their labour market needs. Immigration will help employers more easily access the skilled talent they need to grow their businesses.

The Ontario Chamber of Commerce is supportive of any initiative that gives Ontario greater control over its economic future, and immigration will play a tremendous role in that future.

We are also in favour of weeding out fraud from the system. We're pleased to see strong checks in place in this bill, including fines. Fraud in the system hurts all businesses. The bill will also increase information-sharing with immigration partners by allowing Ontario to communicate with other provinces to share information about fraudulent practices.

**The Chair (Mr. Shafiq Qaadri):** Thank you. If you're ceding your time, I'll offer the floor to questions, then. Okay, we will start with the NDP. Mr. Natyshak: five minutes.

**Mr. Taras Natyshak:** Thank you, Mr. McGuinty and Ms. Schwenger, for your deputation. I'd like to give you a little bit more opportunity to elaborate on what exactly the economic impact is on members of the Ontario Chamber of Commerce as it relates to new immigrants coming who don't have their foreign credentials recognized. I'm certain that you've done elaborate studies on that. It seems as though the issue continues and is pervasive. But I'd like to give you an opportunity to elaborate on that.

**Mr. Liam McGuinty:** Sure. If I might, that's a great question. The issue of foreign credential recognition: The Ontario Chamber of Commerce represents 60,000 businesses, all sectors, all regions of the economy. We also represent sector bodies, regulatory bodies—often those bodies that regulate professions. So if you take a look—and I think of the accountant bodies in particular—there has been some good work done toward recognizing foreign credentials, but there is a lot more work to do. It's not hard to go out and find stories of someone who is professionally certified in another country who is not able to have their credentials recognized here. So it's a topical question, and we hope to be looking at that subject in a bit of greater detail over the next year.

I would say—and I think it frames the picture a little clearer—that 33% of our members say that they can't fill a job right now because they can't find someone with the right qualifications. So one third of Ontario businesses—and we do the biggest survey of business opinion in the province; in the country, as far as I know—say they can't fill a job because of the “skills gap,” and we do believe there is a skills gap. Yet, at the same time, we have these very high pockets of unemployment among new Canadians. In fact, new Canadians with a university education have a 14.4% unemployment rate, compared to 3.3% of Canadians with a university degree. So something is clearly amiss there, right?

When you consider that fact, and you consider this paradox of high unemployment but big pockets of people who can't find jobs, something has to give. Foreign credentials is a piece of that. I don't want to overstate the problem, but it certainly is a piece of that in those professionally regulated professions. We see ourselves as having a virtuous role in helping overcome some of those barriers.

**Mr. Taras Natyshak:** What do you think about the collective impact of restricting thousands of low-wage temporary foreign workers through the recent changes to the program federally? What, specifically, is the impact there, through the lens of the Ontario Chamber?

**Mr. Liam McGuinty:** Here's what I would say about the TFW program and others: There were abuses in the system, clearly. You could read many, many media reports that support that. So the Labour Market Opinion switched to a Labour Market Impact Assessment as a result of some of those problems in the system, and there were real problems.

Here's what I want to say: The LMIA is a new process for employers. It's fairly onerous. It doesn't necessarily recognize established and recognized skills shortages in a particular sector or region. It doesn't necessarily recognize good employer behaviour. So if an employer has used the LMIA or TFW before, it doesn't necessarily reward that behaviour.

What businesses are looking for comes back to the same principle, whether we're talking about Express Entry, whether we're talking about TFWs or any other program—PNPs etc. They want quick access to labour. The TFW in particular, as opposed to Express Entry, is much more focused on what I'll call lower-skilled labour. A lot of our businesses, especially in the agricultural sector and comparable sectors, really need that quick access to labour and have difficulty finding those types of employees in Ontario. The TFW system was not perfect, and continues to remain imperfect. But I think the principled approach we take is that we need to ensure that employers have rapid access to the talent they need.

**Mr. Taras Natyshak:** Thank you, Chair.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Natyshak, and thanks to you, Mr. McGuinty and Ms. Schwenger, for your deputation on behalf of the Ontario Chamber of Commerce.

#### METRO TORONTO CHINESE AND SOUTHEAST ASIAN LEGAL CLINIC

**The Chair (Mr. Shafiq Qaadri):** I would now invite our next presenters to please come forward: the Metro Toronto Chinese and Southeast Asian Legal Clinic. Natasha Tso and Ms. Wang, articling student, please come forward. Have a seat and please introduce yourselves. Your time begins now.

**Ms. Natasha Tso:** Good afternoon. My name is Natasha Tso. I am a staff lawyer at the Metro Toronto Chinese and Southeast Asian Legal Clinic—MCSA, for

short. I'm here with my colleague Ms. Ruoxi Wang, an articling student at our clinic.

Mr. Chair and members of the committee, MCSA is pleased to appear before you this afternoon to discuss Bill 49. MCSA is a community-based legal clinic funded by Legal Aid Ontario, which provides free legal services to the low-income Chinese, Vietnamese, Cambodian and Laotian communities in Toronto.

MCSA has represented workers who have filed complaints with the Ministry of Labour concerning Employment Standards Act violations such as unpaid wages, unpaid termination and vacation pay, and excessive working hours; discrimination and human rights complaints before the Ontario Human Rights tribunal; and workplace safety issues. MCSA also represents clients in regard to immigration matters. This may include processes to regularize clients' status in Canada or to appeal denials of applications for permanent residence or citizenship. The vast majority of the clients of MCSA are newcomers and immigrants who have arrived in Canada within the last 10 years.

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MCSA regularly convenes public legal education seminars to educate the community about their legal rights. MCSA has long advocated for worker rights and protections for all residents of Ontario, including migrant workers and newcomers.

MCSA welcomes the introduction of Bill 49, as it is an opportunity for this government to show leadership in providing real protections for all workers in Ontario, and migrant workers in particular, as they are especially vulnerable. In our view, however, much more can and should be done under the authority of a bill designed to not only recognize the important role of immigrants in Ontario's economy, but also the commitment of the Ontario government to family and humanitarian issues that Bill 49, as currently written, may be capable of achieving.

My colleague, Ms. Wang, will now give our comments on our technical recommendations on the bill.

**Ms. Ruoxi Wang:** I will give a summary of our recommendations. Please refer to our written submissions, that we have already handed out, for details.

First, we recommend removing the latter part of subsection 16(3). The bill empowers the director to grant an application under the selection program. Subsection 16(3) provides that the director can dismiss the application if, among other things, the applicant has been represented, advised, or assisted by a person or body that is subject to a ban under the legislation.

This provision is problematic for two reasons. First, it punishes the applicant for the representative's or recruiter's violation of the law, and it puts the burden of finding out whether a representative or a recruiter is subject to a ban on the shoulders of already vulnerable migrant workers.

Also, read together with subsection 14(2) of the bill, which specifically allows an individual to give advice on an application directly to the representative of such an

application, an applicant would be required to find out whether the representative is subject to any ban and also whether any of the individuals who have advised that representative are subject to a ban. Such a requirement is an unfair burden and reinforces the power imbalance between migrant workers and employers.

The second recommendation is to remove section 18(1)(c)(i). Once the application is approved, section 18(1)(c)(i) permits the director to cancel the approval upon the employer's written request. This provision opens the floodgates to abuse, because employers are already in a more powerful position in terms of controlling the work conditions and the employment terms. It provides employers with unfair bargaining power in negotiating employment terms.

Also, if employers are given power to have a direct say on whether a migrant worker's work permit should be cancelled—

**The Chair (Mr. Shafiq Qadri):** Thirty seconds.

**Ms. Ruoxi Wang:** —it enables employers to use the worker's immigration status as a weapon against them.

The third recommendation is to revise subsection 18(1) and section 28 to provide appropriate restrictions and penalties for violation of any labour law, including human rights law.

The next recommendation is to add provisions to allow an applicant to request the director to hold a hearing, to decide whether to ban an application—

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Wang. The floor goes to Ms. Martins: five minutes.

**Mrs. Cristina Martins:** I want to thank the Metro Toronto Chinese and Southeast Asian Legal Clinic for taking the time to be here today, and for your submissions and your deputations here this afternoon. I want to thank you for all the fine work that you do.

As you know, we sometimes hear stories of recent immigrants who come to Ontario. We talk about these vulnerable immigrants and their lack of understanding of their rights and how to navigate the system here in Ontario. Can you tell me a little bit about how your organization works to ensure that these newcomers have an easier transition to life in Ontario and in Canada?

**Ms. Natasha Tso:** Thank you for your question. One of the many things that we do is, we engage in public legal education seminars. There's a great deal of community outreach that we partake in as part of our work. We really hope to educate the public more, but especially within our community, because we are a specialty legal clinic and we serve the community, which has trouble accessing justice because of the language barriers in the Chinese, Vietnamese, Laotian and Cambodian languages. We do quite a bit of outreach to these communities in order to educate them about their legal rights, not just with respect to workplace violations and standards and human rights discriminations and things like that. So we do quite a bit of that.

As well, we do representative work in these areas. We represent clients in their complaints with the Ministry of Labour, before the Ontario Human Rights Tribunal and also with certain selected immigration matters.

**Mrs. Cristina Martins:** As you know, the Temporary Foreign Worker Program is a federal program, and, unfortunately, we do not have any jurisdiction over that particular program here in Ontario.

They've recently made a number of changes to the program. We heard earlier this morning some of the hardships that this has imposed on many of the new immigrants coming to Ontario. I just wanted to get your view on how these changes are impacting temporary foreign workers during their stay here in Canada. What has been your experience with this?

**Ms. Natasha Tso:** I think the key for any migrant worker to Canada is that, really, their immigration status puts them in a more precarious position as compared to workers who have regularized status in Canada. We are so heartened by this bill, because it actually brings workplace safety, employment standards control and immigration within the control of the Ontario government. We see this as a really positive sign to be able to join those two things together because they are absolutely related. There is a strong and direct connection between an immigrant who comes to Canada and to Ontario because of their work status, because of a work permit and their ability to work in Ontario, and their immigration status hinges on that.

We really feel that this is a good opportunity for this government to show leadership in that regard, to protect worker rights through the combining of employment standards and workplace safety issues together with the immigration status of the individuals. Although there are a number of changes that are expected to the TFW program, we are really heartened by this new bill.

**Mrs. Cristina Martins:** Thank you very much. Those are all my questions.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Martins, and thanks to you, Ms. Tso and Ms. Wang, for your deputation on behalf of Metro Toronto Chinese and Southeast Asian Legal Clinic.

#### LONDON-MIDDLESEX IMMIGRANT EMPLOYMENT COUNCIL

**The Chair (Mr. Shafiq Qadri):** I invite our next presenter to please come forward, Mr. Kotsiomitis of London-Middlesex Immigrant Employment Council. Welcome. You know the protocol. I invite you to begin now.

**Mr. Gus Kotsiomitis:** Good afternoon. My name is Gus Kotsiomitis. I'm the vice-president of commercial markets for RBC Royal Bank in the London-Middlesex-St. Thomas region. Here, I'm wearing a different hat, as the chair of the London-Middlesex Immigrant Employment Council. The LMIEC is a business-led organization that is connecting local employers to Canadian newcomers and, in turn, growing our local economy.

I was also privileged to be part of the expert panel back in 2012 on immigration and the recommendations, some of these that you are seeing here in front of you. I was also past president of the London Chamber of Commerce, so I talk from various voices.

I'm very pleased to speak with you today on the importance of Bill 49, the establishment of the Ontario Immigration Act, in particular to our region of London-Middlesex.

I would like to provide you a little bit of context about LMIEC and how LMIEC supports Bill 49 and the implementation of the Ontario Immigration Act.

I've had the pleasure of chairing the LMIEC since it was launched in 2008. I can tell you it wasn't very popular in the business community back at that time, in 2008. Since that time, London's unemployment rate has been, as we all know, at times among the highest in the country and well above the provincial average. Job creation in our community has been relatively flat, and the total number of people employed has dropped and our labour force has actually decreased in size—not good.

Despite these challenges, businesses in London continue to report difficulties in finding talent they require to grow to their businesses. As reported by the Ontario Chamber of Commerce—and we heard earlier from our friend Liam from the Ontario chamber—32% of employers surveyed in London reported difficulty in filling job openings because they couldn't find the right qualifications, the right individuals. This was a higher percentage in other municipalities, including Toronto, Windsor, Niagara and Kitchener.

Labour shortages are different from skilled shortages, as we've heard. Proactive steps need to be taken to help businesses connect with the talent they require or they will go elsewhere. It's a war for talent.

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Of course, London is not alone. Many cities in this wonderful province are experiencing a skills crunch, and our community is no exception. More and more industries are requiring highly specialized skills today and, more importantly, for tomorrow. With aging populations, skill gaps are only going to continue to grow. Companies in Canada's mid-sized centres and smaller cities are the hardest hit, for obvious reasons.

The LMIEC has grown from an initial task force of 14 employers to a council of over 250 employer leaders connecting over 1,000 regional businesses to date. As regional business leaders, we are all aware that attracting and retaining skilled immigrant talent is a critical element of fuelling transformational change in what we want to do in the London and Middlesex community.

The LMIEC helps companies in London to connect to top newcomers who want to settle in our community, and to draw talent from other regions and fill their skilled talent needs today and fuel job growth for all Londoners.

I simply think that it is directly tied to our standard of living. If we don't do this right, we're going to pay a price down the road.

The LMIEC is working with local employers to address short-term labour shortages and also look at proactively being in position for what they need going forward.

Many cities across Canada have immigrant employment councils. These immigrant employment councils

are key allies to local communities. In Ontario, there is the TRIEC, the Toronto Region Immigrant Employment Council, and North Bay, Niagara and Ottawa have their own councils. So we really support these, and would encourage the committee to support these, from a business-led perspective, and that's why I've been engaged for the last eight years. When this happens, companies grow, fuelling job creation etc.

These resources include three very important Ontario bridge-training programs. This is what we've done recently: the LMIEC Job Match Network, attracting, screening and shortlisting qualified talent for job opportunities that are presently going unfilled. We make SMEs aware of what these opportunities are. We pre-screen language level; a lot of these medium enterprises don't have the time or resources to do that. We also have the mentorship program. I've been a mentor for six or seven years, and it's a wonderful experience. I would encourage all of us to do that. We also have the Access Centre for Regulated Employment. We talked about that a little bit earlier. In addition to these resources, LMIEC employers continue to express the need for additional resources.

The act: LMIEC believes that new Ontario-determined immigration programs designed to attract international—

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Mr. Gus Kotsiomitis:** Thank you. We also support the provincial registry. A recruiter registry is key.

I'll just summarize. In conclusion, I would also like to note that LMIEC strongly supports, as I said, the strategy to help the province achieve its strategic goals. Raising the proportion of economic immigrants to 70%—that's what we recommended, with the expert panel, back in 2012—from the current level of 52% is key. A significant increase in Ontario's provincial nominee program is key. Providing more resources for employers to recruit—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Kotsiomitis.

**Mr. Gus Kotsiomitis:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Now the floor passes to Mr. Smith and Mr. MacLaren—five minutes.

**Mr. Jack MacLaren:** Do you have any concerns about the legislation as it is written at the moment?

**Mr. Gus Kotsiomitis:** If I wear my LMIEC hat, no, absolutely not. We're very happy with it. As I said, the journey has been, for me, personally, the last three or four years—but certainly, the key will be to make sure that we assist the small and medium enterprises that create the wealth and economic opportunities, to make sure it's simple and fast, and the resources are managed appropriately, and we make it as easy as possible for these entrepreneurs.

**Mr. Jack MacLaren:** We've had previous presenters being concerned that there was some red tape included here, like registry councils. For small and medium-sized business, like you're talking about, less red tape is usually a good thing?

**Mr. Gus Kotsiomitis:** Absolutely.

**Mr. Jack MacLaren:** So is that something, if that was made simpler or less, that you would like to see included?

**Mr. Gus Kotsiomitis:** Absolutely.

**Mr. Jack MacLaren:** Is this registry something that you see as necessary?

**Mr. Gus Kotsiomitis:** Absolutely. I was at a chamber meeting just yesterday with a number of business leaders in London. One concern is we're seeing more red tape, not less. The last thing we need is an immigration act to make it more difficult for these highly skilled individuals—that we want to keep in this province—to find gainful employment, because they'll go elsewhere. They don't need to stay here.

**Mr. Jack MacLaren:** Do you see a need for the registry at all?

**Mr. Gus Kotsiomitis:** I think the registry provides some balance. Again, a lot of these SMEs and smaller businesses don't have the resources. So as long as it meets the timelines that it needs—I think we need to have it. We can't have a completely open forum. I think it needs some kind of—how do I say it?—process in place. The challenge we've had in the past, as we all know, is that it has taken far too long.

**Mr. Jack MacLaren:** Right. Is there anything else you'd like to say?

**Mr. Gus Kotsiomitis:** No. On behalf of LMIEC, and certainly the organizations where I've worked in the past, I want to applaud the province for moving here. It has been a journey and I'm happy to see it, after my personal inclusion back in 2012 and other discussions I've had with the ministry. It's wonderful. I applaud the province for bringing it to this level. It's high time in coming, and well done.

**Mr. Jack MacLaren:** Thank you.

**Mr. Gus Kotsiomitis:** Thank you.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Kotsiomitis, for your deputation on behalf of the London-Middlesex Immigrant Employment Council.

#### LA PASSERELLE-INTÉGRATION ET DÉVELOPPEMENT ÉCONOMIQUE

**Le Président (M. Shafiq Qaadri):** Maintenant j'ai le plaisir d'accueillir notre prochain présentateur, représentant La Passerelle-Intégration et Développement Économique, M<sup>me</sup> Léonie Tchatat. Correct?

**M<sup>me</sup> Léonie Tchatat:** Oui.

**Le Président (M. Shafiq Qaadri):** Oui, d'accord. Asseyez-vous. Vous avez cinq minutes, comme vous le savez. S'il vous plaît, commencez maintenant.

**M<sup>me</sup> Léonie Tchatat:** Merci. Monsieur le Président du comité, mesdames et messieurs, bonjour. Je m'appelle Léonie Tchatat et je suis la directrice générale de La Passerelle-Intégration et Développement Économique, un organisme basé ici à Toronto. La Passerelle a été créée il y a 20 ans. Notre mission est de soutenir l'intégration et le développement économique des jeunes francophones de toutes origines.

En tant qu'organisme leader franco-ontarien, La Passerelle soutient entièrement la recommandation de l'adoption unanime du projet de loi 49 par l'Assemblée législative de l'Ontario. Cette adoption unanime enverrait un message mondial clair que l'Ontario est ouvert aux immigrants.

S'il est adopté, le projet de loi 49 donnerait au gouvernement des outils juridiques nécessaires à une mise en oeuvre fructifère de la Stratégie ontarienne en matière d'immigration. Cette stratégie est importante pour les Franco-Ontariens, et pour tous les Ontariens.

Dans le cadre de la stratégie d'immigration, le gouvernement de l'Ontario a consulté un ample éventail de chefs de file franco-ontariens dans les domaines de l'immigration, de l'éducation, de la santé et d'autres secteurs, de partout dans la province, en vue de saisir les besoins et aspirations franco-ontariens en matière d'immigration. La stratégie d'immigration intègre et répond entièrement aux besoins et aspirations de la communauté franco-ontarienne dans ses principes et méthodologie et par l'entremise d'une cible claire et explicite : 5 % des nouveaux immigrants par année en Ontario sont des francophones. Elle s'engage à utiliser tous les mécanismes à la portée du gouvernement provincial pour atteindre cette cible, tel que le Programme des candidats de la province. Ces principes et ces engagements ont été largement célébrés par la communauté franco-ontarienne dans son ensemble.

Outre ces aspects relatifs à la communauté francophone de l'Ontario, notre soutien à l'adoption du projet de loi 49 prend appui sur les deux raisons suivantes : il traduit, pour l'Ontario, la compréhension la plus prometteuse du soutien mutuel entre une intégration juste, efficace et significative des immigrants, d'une part, et la prospérité économique de la province, d'autre part; et, tout en faisant preuve d'une forte emphase sur la prospérité économique, il y a un équilibre entre les engagements dans un tel domaine et ceux relatifs à la catégorie familiale, les réfugiés et l'immigration humanitaire.

Nous sommes fiers que la loi reconnaisse l'apport des immigrants francophones à l'économie de l'Ontario, qui, de par leur bilinguisme et leurs connexions à l'international, ouvrent des ponts commerciaux entre les pays francophones du monde.

Avant de clore mes remarques et de répondre à vos questions, j'aimerais partager avec vous quelques chiffres pertinents pour l'immigration francophone en Ontario et la prospérité économique de la province. Un document récent du centre Mowat souligne l'impact positif du fait de compter sur des diasporas pleinement intégrées en termes de capital humain, connexions mondiales et commerce international. La Francophonie internationale est responsable de 20 % du volume du commerce mondial. L'Afrique est le continent à la croissance la plus rapide et dont le produit brut aura doublé au cours de 10 ans pour atteindre 3,7 milliards de dollars. Il y a un énorme potentiel pour l'Ontario si on puise dans l'immigration francophone de manière optimale et possible.

Je vous remercie.

**Le Président (M. Shafiq Qaadri):** Merci, madame Tchatat. Vous avez maintenant cinq minutes avec mon collègue du NPD, M. Natyshak. Cinq minutes.

**M. Taras Natyshak:** Merci, monsieur le Président, et merci, madame Tchatat. C'était un plaisir d'entendre votre présentation. J'ai deux simples questions. Je comprends qu'en fait vous donnez à ce projet de loi un appui universel. Je voulais seulement savoir s'il n'y a aucun problème dans ce projet de loi que vous envisagez en ce moment ou si c'est un projet de loi qui adresse tous les « concernés » que les francophones ont.

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**M<sup>me</sup> Léonie Tchatat:** Voilà. Merci, monsieur. Je pense que, pour le moment, ça se traduit très bien par la volonté de la communauté francophone et de La Passerelle d'appuyer ce projet de loi. Certainement dans l'avenir et la mise sur pied de ce projet de loi, on voudrait voir encore plus de participation active des francophones au sein de ce projet de loi.

Il faut aussi noter qu'on va célébrer cette année les 400 ans de la francophonie, donc ça tombe pile, un tel projet de loi qui vient effectivement supporter tout le positionnement de la communauté franco-ontarienne dans le cadre du développement de la prospérité de la communauté.

**M. Taras Natyshak:** Et voilà pourquoi nous sommes tellement fiers de vous avoir ici en présentation aujourd'hui. Si vous pouvez nous donner un exemple des défis auxquels les nouveaux immigrants font face quand ils viennent ici à la province de l'Ontario, si c'est en trouvant de l'emploi ou les services en langue française? Donnez-nous des exemples, s'il vous plaît.

**M<sup>me</sup> Léonie Tchatat:** Au fait, La Passerelle travaille depuis les 20 dernières années à l'intégration des immigrants francophones et à leur épanouissement, une fois établis.

D'ailleurs, nous avons lancé récemment, avec votre gouvernement, une campagne qui promeut encore l'apport de l'immigration francophone.

Mais en tant qu'exemples clés, je pense qu'il est important pour les immigrants de bien comprendre, même avant leur départ, dans quel contexte et dans quel pays ils vont s'intégrer. C'est pour ça que quand j'étais membre du comité de la table ronde, j'ai proposé qu'il y ait vraiment des services adéquats pour les immigrants avant leur arrivée en Ontario. Ça facilite le processus d'intégration une fois sur pied.

Et aussi, nous avons développé à La Passerelle un programme en compétences culturelles qui sensibilise les immigrants qui viennent d'arriver à la nouvelle terre d'accueil, mais qui sensibilise aussi les institutions, les organismes et les employeurs à embaucher les immigrants francophones comme une valeur ajoutée.

De l'autre côté, c'est vrai que quand les immigrants arrivent, tout le processus de réfection de leur profil, par exemple dans le cadre de la recherche d'emploi, dans le cadre de la compréhension même du système en général, c'est souvent un défi, et aussi la question du bilinguisme. Certains sont francophones, la raison pour laquelle à La

Passerelle nous encourageons beaucoup nos clients à parler anglais s'ils veulent vivre à Toronto, par exemple.

Je veux rapidement vous faire une petite anecdote. Il y a quelques mois, nous avons fait un sondage auprès de notre clientèle. Ce sont de jeunes immigrants entre 18 et 35 ans qui ont trouvé un emploi, qui parlent anglais et qui travaillent dans les institutions financières et autres. Ça, c'est le profil positif des immigrants. Ils sont bien établis. Ils se sentent en sécurité et ils contribuent à la valeur économique et à la prospérité économique de l'Ontario.

**M. Taras Natyshak:** Bon, merci pour tout le travail que vous faites et merci pour votre présentation ici aujourd'hui.

**M<sup>me</sup> Léonie Tchatat:** Merci beaucoup.

**Le Président (M. Shafiq Qaadri):** Merci, monsieur Natyshak, et à vous aussi, madame Tchatat, pour votre députation représentant La Passerelle-Intégration et Développement Économique.

#### ASSEMBLÉE DE LA FRANCOPHONIE DE L'ONTARIO

**Le Président (M. Shafiq Qaadri):** Maintenant je voudrais accueillir notre prochain présentateur, M. Hominuk, directeur général de l'Assemblée de la francophonie de l'Ontario. Bienvenue. Asseyez-vous, s'il vous plaît. Comme vous avez vu le protocole ici, vous avez cinq minutes pour vos remarques introductives et après des questions par le gouvernement. S'il vous plaît, commencez.

**M. Peter Hominuk:** Avant de débiter—before I start, we're going to distribute a medallion to each of you. As you know, the francophone community is celebrating 400 years of francophone presence this year. It's commemorating also the arrival of Samuel de Champlain in 1615. What an appropriate time to speak about immigration, as he was one of the first immigrants to our province.

**Le Président (M. Shafiq Qaadri):** Le premier cadeau aujourd'hui.

**M. Peter Hominuk:** Votre premier cadeau. En tout cas, merci beaucoup.

Honorables membres du comité, je suis heureux d'être ici. Je suis Peter Hominuk, directeur général de l'Assemblée de la francophonie de l'Ontario. Je vous remercie de nous convier à cette discussion portant sur l'étude que vous menez actuellement concernant le projet de loi 49, la loi portant sur l'immigration en Ontario.

Le préambule de ce projet de loi mentionne que l'un des objectifs de cette loi est de « permettre aux collectivités de partout en Ontario, y compris les communautés franco-ontariennes, d'attirer, d'accueillir et d'intégrer les immigrants ».

Cet énoncé montre manifestement que la loi revêt une grande importance pour les francophones de l'Ontario puisqu'elle énonce clairement la nécessité de protéger les intérêts des francophones de l'Ontario en matière d'immigration.

La communauté est reconnaissante que la lentille francophone fasse partie du projet de loi en matière d'immigration et que la province se soit donné une cible

de 5 % en immigration francophone. Nous sommes en accord avec ce qui est proposé dans ce projet de loi.

La raison de notre intervention aujourd'hui tient plutôt d'une inquiétude de la communauté sur le plan de la mise en oeuvre de cette loi. La communauté souhaiterait avoir la possibilité d'appuyer beaucoup plus les actions gouvernementales en matière d'immigration francophone dans l'optique de développer une gestion par et pour les francophones. Nous voulons travailler de concert avec les deux paliers de gouvernement en vue de concevoir un plan d'action pour la francophonie ontarienne. Les Franco-Ontariens désirent être impliqués à chaque étape du développement de la stratégie en immigration francophone et ils veulent pouvoir en être les maîtres d'oeuvre.

L'Ontario regroupe la plus grande communauté francophone en milieu minoritaire au Canada. Elle se chiffre présentement à 611 500, et c'est plus de la moitié des francophones hors Québec. Devant un tel constat, on voit à quel point l'immigration francophone a une grande importance pour l'Ontario français.

C'est dans cette perspective que je vous présente les recommandations qui suivent au nom de l'assemblée :

—qu'il est impératif d'améliorer les structures communautaires existantes pour réussir l'inclusion et l'intégration des nouveaux arrivants au sein de notre communauté et que des ressources financières adéquates soient fournies;

—qu'il y ait une meilleure coordination entre l'Ontario, CIC et la communauté francophone de l'Ontario. L'absence de coordination entre ces trois intervenants engendre des difficultés notoires;

—que le gouvernement de l'Ontario travaille plus étroitement avec le gouvernement fédéral et Citoyenneté et Immigration Canada afin de développer rapidement un plan d'action visant à atteindre la cible de 5 % d'immigrants francophones que la province s'est fixée;

—que le gouvernement de la province s'implique dans l'élaboration d'outils de promotion à développer un partenariat avec la communauté francophone de manière à présenter aux futurs immigrants les possibilités de vie en français ici en Ontario;

—que le seuil de rentabilité des régions minoritaires et éloignées soit adapté à la réalité de ces régions et que d'autres services soient ajoutés aux appels d'offres si les investissements ne sont pas justifiables;

—que la formation à l'employabilité soit faite par les institutions francophones ou bilingues capables de veiller à l'inclusion des immigrants dans la communauté francophone, tout en tenant compte du besoin en anglais langue seconde et en formation, afin que ces initiatives répondent adéquatement à l'objectif d'inclusion et d'intégration dans la francophonie ontarienne.

Enfin, l'assemblée appuie les 32 recommandations formulées dans le rapport final de la Table ronde d'experts sur l'immigration, qui a été produit en septembre 2012. Je vous promets, je ne lis pas les 32 recommandations. Vous les avez en annexe dans la documentation qui vous a été distribuée.

Merci.

**Le Président (M. Shafiq Qadri):** Merci, monsieur Hominuk. Maintenant, je passe la parole à M<sup>me</sup> Martins : cinq minutes.

**M<sup>me</sup> Cristina Martins:** Merci, monsieur le Président, et merci, monsieur Hominuk, d'être ici aujourd'hui et pour contribuer à cette discussion sur le projet de loi 49.

You talk here about—and I believe what you're insinuating here is that you agree that we do and should have the 5% target for francophone immigrants. You see that it is important that we include that as part of this bill.

Can you tell me about the positive impacts that francophone immigration has on Ontario's communities and why it is so important, then, that we ensure that we meet that 5% target?

**Mr. Peter Hominuk:** Thank you very much for your question. Francophone immigrants are positive within the francophone community in terms of helping us maintain this. We're at about 5% of the population of Ontario, and to us, immigration is one of the ways we can continue to maintain that 5%. For us, the 5% is very important. That's why the province set the 5% as the target.

In terms of what they contribute to the province of Ontario, I think a lot of it is economic. It's in all facets of life here in Ontario. Francophones and francophone immigrants contribute in science and education, in all spheres of life here in Ontario. They are a very important part of the francophone community.

**Mrs. Cristina Martins:** What countries would you suggest we reach out to in terms of tapping into that pool of knowledge?

**Mr. Peter Hominuk:** I'm not the expert in francophone immigration, but we're meeting a lot of francophones who have integrated very well in Canada who are from Africa, from Congo, from all the other African countries where they speak French, and definitely France, Belgium, Switzerland and the European countries. But, you know, there are immigrants who speak French in other parts of the world—Romania, China—so there are francophones who are from everywhere.

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Statistics show that within 20 years, over 700 million people on the planet will speak French, so it's still one of the important languages on our planet, and we need to make sure that Ontario capitalizes on that talent pool that is out there and helps make Ontario a more competitive place economically, and the great place to live that it is now today.

**Mrs. Cristina Martins:** Thank you. As you know—and you were sort of touching on that here, as well, with regard to Ontario's vision for immigration and it being based on inclusivity, diversity and respect for the cultural diversity that we do have here in this province. I'm very proud that I actually represent a riding that is perhaps one of the most diverse here in Ontario, so I know how important it is to maintain our cultures and understand where we come from.

With the proposed legislation that we have here on the table, how do you see it helping communities, in particular the Franco-Ontarian communities across Ontario,

to attract, welcome and integrate immigrants here into Ontario?

**Mr. Peter Hominuk:** Well, I think this is one of the questions and one of the reasons we wanted to be here today. There's no plan to do that, necessarily. The francophone community in Ontario wants to be part of putting in place a plan. We do have three réseaux de l'immigration that are working in the three regions—north, south and eastern Ontario—but we need to have a provincial plan that helps integrate and make sure that our colleges and universities are included, that our school boards are included, that the health system, where it does exist in French, is included, so that we can bring all these people together and make sure that, when we do bring people to Ontario, we are helping them integrate, that we're helping them and showing them that they can actually exist and live in French in Ontario. Because if we're not doing that, why would we spend money to bring people to live here in French and then not help them stay francophone?

This is a message we gave to the official languages committee of the federal government a few weeks ago. To us, the two governments really need to work together, because it has to be an all-encompassing strategy that's put in place, and we would really like to help put that strategy in place with the government.

**M<sup>me</sup> Cristina Martins:** Thank you. Pas d'autres questions maintenant. Merci pour le cadeau.

**M. Peter Hominuk:** Merci beaucoup.

**Le Président (M. Shafiq Qadri):** Merci, madame Martins, et vous aussi, monsieur Hominuk, pour votre députation, et aussi mon cadeau.

#### ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS

**The Chair (Mr. Shafiq Qadri):** I would invite our next presenter to please come forward: Ms. Debbie Douglas, executive director of the Ontario Council of Agencies Serving Immigrants. Welcome. You have five minutes in which to make your presentation, to be followed by questions from the PC side. Please begin.

**Ms. Debbie Douglas:** Thank you. As you've heard, my name is Debbie Douglas and I'm from OCASI, the Ontario Council of Agencies Serving Immigrants. The council was founded in 1978 to act as a collective voice for immigrant-serving agencies in Ontario, and to coordinate responses to shared needs and concerns. We have about 220 member agencies across the province. We are a registered charity and we are governed by a volunteer board of directors. We do appreciate the opportunity to provide comments on the draft legislation.

The Ontario Immigration Act is the first of its kind in the province. OCASI welcomes the strong commitment to immigration and immigrant settlement and integration, including francophone immigration and settlement, expressed in this proposed legislation, and recognition of Ontario's family and humanitarian commitments. The bill affirms the importance of immigrants to Ontario and

the role that they play in shaping the economy, as well as Ontario's communities and society.

We welcome the recognition of the not-for-profit sector as a collaborative partner and recognition of the important role played by the sector in immigrant settlement and integration. We are encouraged by the intention to improve the protection of migrant workers, especially given the significant number of migrant workers in Ontario as temporary workers, notwithstanding the federal government's "four years in, four years out" rule.

We have a number of recommendations, but, being mindful of the time that I have, I will focus on the three key ones. I think you all have copies of my presentation. We offer the following suggestions with the intention of strengthening the bill.

First, prioritize permanent immigration over temporary migration. The bill identifies collaboration with municipalities and employers to address Ontario's short- and long-term market needs as a goal. Permanent, rather than temporary, migration should be Ontario's preferred method of building a strong economy, as well as strong communities. Allowing employers to rely on temporary workers, particularly migrant workers, to meet long-term labour market needs is short-sighted. It creates a marginalized and vulnerable population of workers, drives down wages, widens regional labour market disparities, and worsens bad working conditions and unsafe workplaces.

A recent report by the Office of the Parliamentary Budget Officer warns that reliance on temporary migrant workers can also discourage employers and businesses from making important productivity-enhancing investments that help to boost overall workforce innovation and economic growth.

Among all the regions in Canada, Ontario has, and continues to receive, the highest number of migrant workers, and the total number, regardless of category, is higher than the total number in Alberta. The number remains high despite a reduction in our share of permanent immigrants. Ontario receives the largest share of migrant workers, at 35.5%, compared to 20% for Alberta, and these are 2012 numbers. In 2012, there were 119,000 migrant workers here in Ontario.

Between 2004 and 2013, the number of temporary foreign workers in Ontario grew from 16,652 to 22,896, and migrant workers in the International Mobility Program grew from 22,000 to over 58,000.

During the same period, the number of permanent residents dropped from 125,000 in 2004 to 103,000 in 2013. We know that in 2011, it had gone as low as 99,000.

Our second recommendation: Expand selection for the provincial nominee program. Recently, thousands of migrant workers, especially those in low-skilled jobs, saw their work permits expire as of April 1, 2015, the deadline imposed by the federal government in 2011. Many employers, including several in Ontario, have called on the federal government to allow the affected workers to stay permanently, thus acknowledging that they were in fact filling long-term rather than short-term

labour market needs. However, only a small fraction of migrant workers qualify to become permanent residents.

**The Chair (Mr. Shafiq Qaadri):** Thirty seconds.

**Ms. Debbie Douglas:** We are especially asking the province to take a look at using our PNP program to allow those who are not in the professional or highly-skilled trades to be able to use the PNP as a pathway to permanent residence. We especially want to highlight the role of international students with less than a master's degree program, who should be able to qualify through PNP without a job offer.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Ms. Douglas. The floor passes now to the Conservative side: Mr. Smith.

**Mr. Todd Smith:** Debbie, you have a lot of information here, and if you want to continue, please continue to present.

**Ms. Debbie Douglas:** Thank you very much. I think the third one, that I really want us to pay attention to—the bill talks about a registry for employers of migrant workers. We believe the registry should be mandatory, especially for International Mobility Program workers, seasonal agricultural workers and domestic workers, both live-in and live-out caregivers.

But the bill does not stipulate that it should be compulsory. Without a compulsory registry for employers, the provincial government must rely on the federal government to identify employers of migrant workers. A compulsory registry will make this information more easily available to the province for proactive inspection and enforcement. This measure is particularly important to protect the rights of migrant domestic workers, who are typically invisible and isolated.

Immigration consultants often act as recruiters. Ontario will have to rely on the Immigration Consultants of Canada Regulatory Council to identify those involved with migrant workers' recruitment to Ontario. However, all recruiters may not be registered. A compulsory recruiter registry will give the province an additional mechanism to enforce provisions meant to protect migrant workers from recruiter exploitation.

As you can see, there are a number of recommendations here. There is a proposal in the bill to have investigation and inspection be housed within the Ministry of Citizenship and Immigration. We are strongly suggesting that any inspection and investigation function is more appropriately located within the Ministry of Labour, which is already responsible for those functions.

The bill also makes a proposal that we have a two-year delay for the implementation of this piece. We're suggesting that if it is located within the Ministry of Labour, there is then no need for a delay in terms of implementation, because then it will be an extension of the work that the Ministry of Labour staff are already doing.

**Mr. Todd Smith:** There's also a section in there that gives the minister discretion to refuse applications. Is that a concern for you at all?

**Ms. Debbie Douglas:** As long as there is some reporting-out mechanism—whether or not it's on an

annual basis in terms of when that discretion has been used—so that we have a sense of which categories of immigrants are being refused, then yes, I think some ministerial discretion is sometimes necessary.

**Mr. Todd Smith:** Okay. You have a number of other points here, and I'm curious about number 5: "Hold recruiters and employers jointly financially liable for violating labour protections." Can you expand on that one?

**Ms. Debbie Douglas:** The province of Manitoba is very clear that both recruiters and employers should be held responsible for any exploitation of migrant workers, as opposed to having them play off against each other. We are suggesting very strongly—and if you look under our number 7, other recommendations, we are strongly suggesting that Ontario take a look at the Manitoba legislation, which outlines very clearly some of these remedies.

**Mr. Todd Smith:** How much time do I have?

**The Chair (Mr. Shafiq Qaadri):** Two minutes.

**Mr. Todd Smith:** The Manitoba legislation: Is that the preferred legislation in the province—

**Ms. Debbie Douglas:** Yes, it is. In terms of governing migrant workers, yes.

**Mr. Todd Smith:** Okay. We talked at length this morning about issues in the mushroom industry, and I'm sure if you're aware of them at OCASI—

**Ms. Debbie Douglas:** No, I'm not.

**Mr. Todd Smith:** One other question that I did want to ask you and OCASI about—the immigration that is occurring in the province: Is it being spread out enough across the province? There are unique needs in rural Ontario. Do you find that it is being spread out enough, or is it concentrated more in the GTA?

**Ms. Debbie Douglas:** It tends to be concentrated in the greater Toronto area. I was just in conversation with some colleagues from Windsor who are very much concerned at their low numbers. We know that unemployment numbers are high in Windsor, but they are also concerned that they're not getting in as many immigrants as they would expect. Our colleagues in the north are also concerned.

What that remedy is, though—I know that the province through its settlement and integration program through the Ministry of Citizenship has tried to put investments in terms of services in the north. There may have to be some more incentives for getting immigrants to the north. I think we're all waiting for the development of the Ring of Fire. There's an expectation that that will create jobs and then generate communities, because folks not only tend to migrate to places where there are good jobs, but also to where communities have been established. So we're hoping that some sort of significant movement in terms of workplaces that will draw and attract huge communities will be an incentive for immigrants to be able to populate the north—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Smith.

Thanks to you, Ms. Douglas, for your deputation on behalf of the Ontario Council of Agencies Serving Immigrants.

Ms. Martins, you had a suggestion or a point of order regarding committee business?

**Mrs. Cristina Martins:** Yes, I do, Thank you, Mr. Chair. On a point of order: I believe that you will find that we have unanimous consent to adjourn next week's committee meeting at 10:15 and then reconvene the following week.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Does my colleague speak the truth?

**Mr. Todd Smith:** She does indeed in this case.

**The Chair (Mr. Shafiq Qaadri):** So be it. If that's the will of the committee, we'll—

**Mr. Bob Delaney:** She is a woman of honour.

**The Chair (Mr. Shafiq Qaadri):** The deadlines for the amendments stand as written. Our next official meeting will be only in the morning of next week, which is also budget day.

If there's no further business—

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** The official amendment, as I'm ably advised by my Clerk, is: amendment deadline 5 p.m., Tuesday, April 21, 2015, to her.

Thank you. The committee is adjourned.

*The committee adjourned at 1454.*







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