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**Standing Committee on
General Government**

Anti-Racism Act, 2017

2nd Session
41st Parliament

Monday 29 May 2017

**Comité permanent des
affaires gouvernementales**

Loi de 2017 contre le racisme

2^e session
41^e législature

Lundi 29 mai 2017

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 29 May 2017

Lundi 29 mai 2017

The committee met at 1400 in committee room 2.

ANTI-RACISM ACT, 2017

LOI DE 2017 CONTRE LE RACISME

Consideration of the following bill:

Bill 114, An Act to provide for Anti-Racism Measures / Projet de loi 114, Loi prévoyant des mesures contre le racisme.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the Standing Committee on General Government to order. Today we are here to go through clause-by-clause consideration of Bill 114, An Act to provide for Anti-Racism Measures. I'd like to welcome the Clerk, legislative counsel and Hansard, as well as broadcasting and all members of the committee.

Ladies and gentlemen, are there any questions or comments prior to commencement of the clause-by-clause? There being none, I would like to remind all members that we are on an order from the House. I shall read from that order in order to provide some guidelines on how to proceed this afternoon:

"That on Monday, May 29, 2017, at 3 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto, one 20-minute waiting period pursuant to standing order 129(a) being permitted."

Are members of the committee ready to proceed? Excellent. So we shall move to section 1. We have government motion number 1, which is an amendment to section 1, clause (f). Ms. Malhi.

Ms. Harinder Malhi: I move that clause (f) of the definition of "public sector organization" in section 1 of the bill be struck out and the following substituted:

"(f) a university that receives regular and ongoing operating funding from the government of Ontario for the purposes of post-secondary education or a college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002,"

The Chair (Mr. Grant Crack): Just for clarification: At the start, "(f) a university that receives regular and ongoing operating funds," you said "funding," I believe.

Ms. Harinder Malhi: "Funds."

The Chair (Mr. Grant Crack): "Funds," okay, just to clear that for the record. Is there any discussion on government motion number 1? Ms. Malhi.

Ms. Harinder Malhi: The motion clarifies that the bill only applies to those universities and colleges that are part of the broader public sector. Without this clarification, the bill could be read to apply to private institutions that receive no operating funds from the government of Ontario. The motion will make the intention clearer, and aligns with the definition of publicly funded universities and colleges in Ontario law.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 1. Those in favour? Those opposed? I declare government motion number 1 carried.

We shall move to government motion number 2, which creates new subsection 1(2). Ms. Malhi.

Ms. Harinder Malhi: I move that section 1 of the bill be amended by adding the following subsection:

"Human Rights Code

"(2) Nothing in this act shall be interpreted or applied so as to reduce any right or entitlement under the Human Rights Code."

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: The Human Rights Code sets out that the code has primacy over all other legislation, and we respect and abide by this provision of the code. We are putting forward this motion in response to a recommendation made by the Chief Commissioner of the OHRC so that there can be harmonization between the requirements under the bill and the requirements of the Human Rights Code. This clarification will more effectively communicate that the code's rights and entitlements may not be considered by a public sector organization to be in any way diminished by the requirements under the bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 2. Those in favour of government motion number 2? Any opposed? I declare government motion number 2 carried.

There are two amendments to section 1. Any discussion on section 1, as amended? There being none, I shall call for the vote. Shall section 1, as amended, carry? I declare section 1, as amended, carried.

We shall move to section 2. We have PC motion number 2.1, which amends subsection 2(3). Ms. MacLeod.

Ms. Lisa MacLeod: I move that subsection 2(3) of the bill be amended by striking out “and black communities” and substituting “black, Jewish and Muslim communities”.

The Chair (Mr. Grant Crack): Further discussion? Ms. MacLeod.

Ms. Lisa MacLeod: I just thought that that would be something that we heard consistently throughout committee. We’re prepared to vote for it.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: I want to thank the member opposite for bringing forward this amendment, and I certainly appreciate the intention behind the amendment. At the same time, after careful and thoughtful consideration of this amendment, we believe that more clear and consistent language is necessary. By accepting this particular amendment, there is a risk of unintentionally excluding communities. The bill, as it is currently written, is inclusive of all communities that are impacted by systemic racism. However, I imagine that when the member wrote this motion and chose to include Jewish and Muslim communities, it is because of the concerns we have all heard around anti-Semitism as well as Islamophobia during our public hearings.

I absolutely agree with the stakeholders who came to these public hearings on these issues, and anti-Semitism and Islamophobia are pressing issues. However, when we use the language “Jewish and Muslim communities,” it becomes unintentionally exclusive, and we want to be able to incorporate more inclusive language. Many Sikhs have also been victims of acts of Islamophobia. Because they may look a certain way, they may have been victimized by it. That is why we want to try to extend the language and go further than saying just the Muslim community. We want to talk about Islamophobia as a whole.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 2.1. Those in favour? Those opposed? I declare PC motion 2.1 defeated.

We shall move to NDP motion 2.1.1, which amends subsection 2(3). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 2(3) of the bill be amended by adding “and groups that are targeted by racially motivated incidents, including Jewish and Muslim communities” at the end.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Peggy Sattler: This amendment responds to the input that we heard during public input, particularly around the difference for the Jewish community of systemic racism versus anti-Semitism and other racially motivated incidents.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: The NDP was actually offered an opportunity to bring forward their amendments—an opportunity by Minister Coteau to submit their motions

early for review. However, the NDP did not give us their motions for review in a timely manner, and the NDP motions were received late this morning, only hours before voting. As a result, we are unable to consider the full impact of the motions put forward by the NDP, and unfortunately, we would not be able to support this at this time.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 2.1.1. Those in favour? Those opposed? I declare NDP motion 2.1.1 defeated.

We shall move to government motion 2.1.1.1, which amends subsection 2(3.1).

Ms. Harinder Malhi: I move that section 2 of the bill be amended by adding the following subsection:

“Same

“(3.1) The initiatives referred to in paragraph 2 of subsection (2) shall include initiatives to address the adverse impact of different forms of racism, including anti-indigenous racism, anti-black racism, anti-Semitism and Islamophobia.”

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: This subsection of the bill requires that the strategy has initiatives designed to advance racial equity. The motion would require government to consider the impact of different types of racism on racialized communities when developing initiatives for the strategy. The motion explicitly names anti-indigenous racism, anti-black racism, anti-Semitism and Islamophobia, but is not limited to these types of racism.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 2.1.1.1. Those in favour? Those opposed? I declare government motion 2.1.1.1 carried.

Section 2 has one amendment that carried, which we just passed. Any discussion on section 2, as amended? There being none, I shall call for the vote. Shall section 2, as amended, carry? Those in favour? Those opposed? I declare section 2, as amended, carried.

We shall move to section 3. There are no amendments. Any discussion on section 3? There being none, I shall call for the vote. Shall section 3 carry? Those in favour? I declare section 3 carried.

We shall move to section 4. We have NDP motion 2.1.2, which amends clause 4(2)(b). Ms. Sattler.

Ms. Peggy Sattler: I move that clause 4(2)(b) of the bill be amended by adding “with the Chief Commissioner of the Ontario Human Rights Commission and” before “with such community organizations”.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Peggy Sattler: Later on in the bill, under clause 6(4), there is a requirement for consultation with the Ontario Human Rights Commissioner. This amendment simply makes consistent the requirement to consult with the human rights commissioner.

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The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: As I said earlier on, the NDP amendments were brought forward very late today. Even though Minister Coteau had offered a briefing and a technical briefing because their critic has just changed due to one of their members pursuing different political opportunities at this moment, we would not be able to support it because we don't know what the full impacts would be.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 2.1.2. Those in favour? Those opposed? I declare NDP motion 2.1.2 defeated.

We shall move to PC motion 2.2, which amends subsection 4(3). Ms. MacLeod.

Ms. Lisa MacLeod: I move that subsection 4(3) of the bill be amended by striking out “and black communities” and substituting “black, Jewish and Muslim communities”—based on what we heard at committee.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Again, I want to thank the member for bringing forward this amendment. After careful and thoughtful consideration of this amendment, we believe that more clear and consistent language is required. By accepting this particular amendment, there's a risk of unintentionally excluding groups and communities. We want to be able to ensure that we have more inclusive language used.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 2.2. Those in favour? Those opposed? I declare PC motion 2.2 defeated.

We shall move to government motion 2.2.1. It's a new proposed amendment, a motion in your packages that is separate from the big binder that the Clerk has handed out this afternoon. It amends subsection 4(3). Ms. Malhi.

Ms. Harinder Malhi: I move that subsection 4(3) of the bill be amended by striking out “systemic racism, including indigenous and black communities” and substituting “racism, including indigenous, black and Jewish communities and communities that are adversely impacted by Islamophobia”.

The Chair (Mr. Grant Crack): Further discussion on government motion 2.2.1? Ms. Malhi.

Ms. Harinder Malhi: We heard that stakeholders felt strongly that the bill should make specific reference to anti-Semitism and Islamophobia. This motion responds to concerns raised during public hearings about explicitly recognizing Islamophobia and anti-Semitism. The language in this amendment is more precise and takes into account how Islamophobia affects Muslim and non-Muslim communities.

The Chair (Mr. Grant Crack): Further discussion on government motion 2.2.1? Ms. MacLeod.

Ms. Lisa MacLeod: I appreciate the government's wording here. Both myself and their colleague Mr. Colle had discussed putting something forward with respect to this, so it will have our support because I think it's very important. We heard from many of the Jewish commu-

ity organizations that they felt this needed to be included, so we'll be supporting this motion.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion 2.2.1. Those in favour? None opposed. I declare government motion 2.2.1 carried.

We shall move to NDP motion 2.3, which amends subsection 4(3). Ms. Sattler.

Ms. Peggy Sattler: Withdraw.

The Chair (Mr. Grant Crack): That is in order. NDP motion 2.3 is withdrawn.

We shall move to government motion number 3, which proposes new subsection 4(4.1). Ms. Malhi.

Ms. Harinder Malhi: I move that section 4 of the bill be amended by adding the following subsection:

“Same

“(4.1) In determining what to do under subsection (4), the government of Ontario shall consider how different racialized groups are adversely impacted by systemic racism, including anti-indigenous racism, anti-black racism, anti-Semitism and Islamophobia.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Section 4 of the bill sets out what the government and the minister must do during the comprehensive review of the anti-racism strategy, which must take place at least every five years. The proposed motion would require the minister to consider how different racialized groups are adversely impacted by the different forms of systemic racism, namely anti-indigenous racism, anti-black racism, Islamophobia and anti-Semitism. The minister's consideration would then inform the government's decision on whether to amend, replace or continue to use the existing strategy.

The Chair (Mr. Grant Crack): Further discussion on government motion number 3? There being none, I shall call for the vote. Those in favour of motion number 3? There are none opposed, so I declare government motion number 3 carried.

There are two amendments to section 4. Any discussion on section 4, as amended? There being none, I shall call for the vote. Shall section 4, as amended, carry? Those in favour? Those opposed? I declare section 4, as amended, carried.

We shall move to section 5. We have NDP motion 3.0.1, which amends subsection 5(1). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 5(1) of the bill be amended by adding “with the Chief Commissioner of the Ontario Human Rights Commission and” before “with such community organizations”.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Peggy Sattler: As mentioned earlier, this responds to input received from the Ontario Human Rights Commissioner and is in line with the later requirement of the bill to require consultation with the Human Rights Commissioner on the data standards.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: As I said earlier, due to the time that these amendments were submitted, we didn't

have time for review. There was an offer made to both parties and I know that Lisa took us up on those offers and that's why we were able to give her motions clear consideration. We had enough time to do so. But we won't be able to support this motion because of the time that it was presented earlier today.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 3.0.1? Then I shall call for the vote. Those in favour of NDP motion 3.0.1? Those opposed? I declare NDP motion 3.0.1 defeated.

We shall move to PC motion 3.1, which amends subsection 5(2). Ms. MacLeod.

Ms. Lisa MacLeod: Chair, given that the government has a motion that they have the numbers to support and it's very similar to mine, I'll withdraw in support of the government motion.

The Chair (Mr. Grant Crack): Thank you. That is in order. PC motion 3.1 is withdrawn.

We shall move to government motion number 3.1.0.1, which is one of the new ones that is submitted aside from the large package that you have, which amends subsection 5(2). Ms. Malhi.

Ms. Harinder Malhi: I move that subsection 5(2) of the bill be amended by striking out "systemic racism, including indigenous and black communities" and substituting "racism, including indigenous, black and Jewish communities and communities that are adversely impacted by Islamophobia".

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: As I said, we've heard from stakeholders that anti-Semitism and Islamophobia—there may be specific reference made to it in this legislation. We wanted to have inclusive language used and that's why we're bringing this motion forward.

The Chair (Mr. Grant Crack): Further discussion on government motion 3.1.0.1? There being none, I shall call for the vote. Those in favour? Any opposed? I declare government motion 3.1.0.1 carried.

We shall move to NDP motion 3.1.1, which amends subsection 5(2). Ms. Sattler.

Ms. Peggy Sattler: In light of the amendment that's already been passed, I'm going to withdraw this amendment.

The Chair (Mr. Grant Crack): That is in order. NDP motion 3.1.1 is withdrawn.

We shall move to section 5, as amended. Is there any discussion on section 5, as amended? There being none, I shall call for the vote. Shall section 5, as amended, carry? Those in favour? Any opposed? I declare section 5, as amended, carried.

We shall move to section 6, which is NDP motion 3.1.2, which proposes new clause 6(2)(c.1). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 6(2) of the bill be amended by adding the following clause:

"(c.1) where applicable, the collection of personal information to identify and monitor other forms of discrimination that intersect with and reinforce systemic racism and racial disparities;"

The Chair (Mr. Grant Crack): Further discussion?

Ms. Peggy Sattler: This amendment responds directly to input that we heard about the importance of understanding intersectionality when you are responding to racism.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: Once again, because these amendments were brought forward so late in time, we were unable to give them careful consideration, even though there were many opportunities given to the other parties to put forth amendments at earlier times so that they could be given full consideration. We're very confident that the amendments that we are passing today are amendments that actually reflect the opinions of the stakeholders and the larger community.

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The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 3.1.2. Those in favour? Those opposed? I declare NDP motion 3.1.2 defeated.

We shall move to NDP motion 3.1.3, which is an amendment proposing a new subsection 6(2.1). Ms. Sattler.

Ms. Peggy Sattler: I move that section 6 of the bill be amended by adding the following subsection:

"Matters to be dealt with

"(2.1) The data standards shall deal with information collected in connection with the following matters:

"1. Education.

"2. Employment.

"3. Policing.

"4. The correctional system.

"5. Housing.

"6. Child welfare.

"7. Health care, including mental health care.

"8. Social assistance."

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This amendment responds directly to input that was received during the public input, and it specifies the most critical areas to collect data dealing with racism.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Because we haven't had time to carefully review this amendment, we would not be able to support it. Once the new critic had been appointed, the ministry made many attempts to reach out so they could comment on amendments. We didn't hear back from the new critic's office. Because of the timelines, we wouldn't be supporting it today.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 3.1.3. Those in favour? Those opposed? I declare NDP motion 3.1.3 defeated.

We shall move to PC motion 3.2, which amends subsection 6(4). Ms. MacLeod.

Ms. Lisa MacLeod: I had a conversation with the minister last week, and he has assured me that I can reach

out to the directorate to deal with this. I think I'll take that option and withdraw this particular motion.

The Chair (Mr. Grant Crack): Withdrawal of PC motion 3.2 is in order.

We shall move to NDP motion number 3.3, which proposes new clause 6(5)(d). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 6(5) of the bill be amended by adding the following clause:

“(d) respecting the collection of information for the purposes of this act by public sector organizations that are health information custodians, as defined in the Personal Health Information Protection Act, 2004.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This amendment responds directly to the concerns that were brought to us during public input about excluding health information custodians from the data collection provisions of the bill, because they are already collecting this data and the data would be very, very valuable to develop anti-racism strategies in this province.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Because of the timelines, we were unable to give this motion careful consideration. Also, we're confident that all of the stakeholders who came here—the amendments that we are passing for Bill 114 are a clear reflection of what they brought forward during public hearings, and we have addressed the concerns that we heard during public hearings.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 3.3. Those in favour? Those opposed? I declare NDP motion 3.3 defeated.

We shall move to NDP motion 3.4, which proposes new subsection 6(5.1). Ms. Sattler.

Ms. Peggy Sattler: I move that section 6 of the bill be amended by adding the following subsection:

“Tabling report in assembly

“(5.1) Unless a regulation is made under clause (5)(a) or (b), the minister shall, on every anniversary of the day the Anti-Racism Act, 2017 receives royal assent, table a report in the Legislative Assembly that includes a detailed description of the progress that has been made in developing such a regulation.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This amendment is critical to ensure full transparency and accountability in the progress that is being made by the government in developing an anti-racism strategy for the province.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Again, we would have been happy to consider it, had these amendments been brought forward in time. But at the same time, the bill has laid out a number of pieces and clauses in it where transparency and accountability are of the utmost importance, and we will be reporting back and doing consultations every five

years to ensure that the bill is still working. Again, we believe that we are confidently reflecting what people want to see in this bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 3.4. Those in favour? Those opposed? I declare NDP motion 3.4 defeated.

We shall move to NDP motion 3.5, which amends subsection 6(7). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 6(7) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: Again, this bill responds directly to the input that we heard about the importance of the data that is collected by health information custodians to inform an anti-racism strategy for the province.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Again, we're confident that the amendments that are being passed today do represent and reflect what we heard from stakeholders. Had we been given that ample amount of time when the ministry reached out and when the ministers reached out numerous occasions to the third party, we would have been more than happy to give their amendments careful consideration. Therefore, we will not be supporting this amendment.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 3.5. Those in favour? Those opposed? I declare NDP motion 3.5 defeated. Hence there were no amendments to section 6.

Is there any discussion on section 6 in its entirety? There being none, I shall call for the vote. Shall section 6 carry? Those in favour? Those opposed? I declare section 6 carried.

We shall move to section 7. We have government motion 4, which amends subsection 7(10). Ms. Malhi.

Ms. Harinder Malhi: I move that subsection 7(10) of the bill be amended by striking out “the collection” at the end and substituting “the day it was last used by the organization”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We are introducing this motion. It's in response to the Ontario Human Rights Commissioner. The Chief Commissioner of the OHRC requested that the minimum retention period be increased to at least five years after collection. This amendment would maintain the retention period of one year, but change it from one year after collection to one year after last use.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 4. Those in favour of government motion number 4? Those opposed? I declare government motion number 4 carried.

We shall move to NDP motion 4.1, which amends subsection 7(10). Ms. Sattler.

Ms. Peggy Sattler: I move that subsection 7(10) of the bill be amended by striking out “one year” and substituting “five years”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: I don’t see this motion as conflicting with the previous motion that was just passed, and it does respond directly to the input that was received from the human rights commissioner to maintain the data for a much longer period of time.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: I do believe that the amendment that we just passed is one that is sufficient to acknowledge the needs that were brought out during the stakeholder public hearings, and that we have looked at what was said and made a change accordingly, so we will not be supporting this motion today.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 4.1. Those in favour? Those opposed? I declare NDP motion 4.1 defeated.

We shall move to government motion number 5, which amends clause 7(14)(b). Ms. Malhi.

Ms. Harinder Malhi: I move that clause 7(14)(b) of the bill be struck out and the following substituted:

“the disclosure is required by law, including as required under section 31 of the Human Rights Code;”

The Chair (Mr. Grant Crack): Just a point of clarification: It would be “(b) the disclosure is required by law....”

Ms. Harinder Malhi: Oh, yes. Sorry.

The Chair (Mr. Grant Crack): Ms. Malhi, further discussion.

Ms. Harinder Malhi: This motion is a part of our government’s response to the recommendations brought forward during public hearings by the OHRC. The motion would clarify that a public sector organization may disclose collected personal information to the OHRC for the purposes of an inquiry under section 31 of the Human Rights Code.

Adding an explicit reference that collected personal information may be disclosed for an OHRC inquiry will help mitigate the risk of uncertainty and delay if a public sector organization was unsure what its duties were in respect to the disclosure of personal information.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 5. Those in favour of government motion 5? Those opposed? I declare government motion number 5 carried.

1430

We shall move to NDP motion 5.1, which amends clause 7(14)(e). Ms. Sattler.

Ms. Peggy Sattler: I move that clause 7(14)(e) of the bill be amended by adding “or the Chief Commissioner of the Ontario Human Rights Commission” at the end.

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: The bill already requires consultation with the human rights commissioner on data standards. This amendment makes that consultation consistent and requires it more broadly throughout the bill.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We won’t be supporting this amendment at this time, just because of the time it was brought forward. Again, we need time to give these things careful consideration. Numerous attempts were made, as were made to the PC Party, who took us up on those offers, but the NDP and their new critic didn’t take us up on those offers. Therefore, at this time, we will not be supporting this amendment.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 5.1. Those in favour? Those opposed? I declare NDP motion 5.1 defeated.

We shall move to NDP motion 5.2, which proposes new subsection 7(14.1). Ms. Sattler.

Ms. Peggy Sattler: I move that section 7 of the bill be amended by adding the following subsection:

“Provision of de-identified information

“(14.1) A public sector organization shall disclose the collected and de-identified personal information to the minister at the times and in the form specified by the minister.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This responds to input that was received by the Colour of Poverty and others when they spoke to the committee during public input on the bill. It allows broader access to the anonymized data that will be collected under the bill.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We will not be supporting this motion at this time. We believe that careful consideration has been given to amendments and to the bill itself, and it ensures that whatever we heard from stakeholders during public hearings and from the larger community has been heard and is reflected in this bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 5.2. Those in favour? Those opposed? I declare NDP motion 5.2 defeated.

There were two amendments to section 7. Is there any discussion on section 7, as amended? There being none, I shall call for the vote. Shall section 7, as amended, carry? Those in favour? Those opposed? I declare section 7, as amended, carried.

We shall move to section 8, which is government motion 6. It proposes new subsection 8(4.1). Ms. Malhi.

Ms. Harinder Malhi: I move that section 8 of the bill be amended by adding the following subsection:

“Consideration of research plan

“(4.1) In determining whether or not to approve a research plan, a research ethics board shall consider the

matters prescribed by regulation for the purposes of this subsection.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: This motion would enable the LGIC to prescribe matters that a research ethics board must consider when deciding whether to approve a research plan. The Information and Privacy Commissioner requested this amendment to provide greater consistency with regard to the matters that a research ethics board must consider. The motion will help ensure that proposed research projects involving sensitive personal information are subject to thorough consideration and are in the best interests of the public.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on government motion number 6. Those in favour of government motion number 6? Those opposed? I declare government motion number 6 carried.

Due to the passage of government motion number 6, section 8 is amended. Is there any discussion on section 8, as amended? There being none, I shall call for the vote. Shall section 8, as amended, carry? Those in favour? Those opposed? I declare section 8, as amended, carried.

We shall move to section 9. Ms. Hoggarth?

Ms. Ann Hoggarth: If it’s all right with everyone, could we bundle when there are several sections in a row with no amendments?

The Chair (Mr. Grant Crack): We have a request for the committee’s consideration. Bundling sections 9, 10, 11 and 12: Would we have consensus on that? We have agreement, so we shall bundle section 9.

Is there any discussion on section 9 or section 10 or section 11 or section 12? There being none, I shall call for the vote on section 9, section 10, section 11 and section 12.

Shall section 9, section 10, section 11 and section 12 carry? Those in favour? Any opposed?

Ms. Lisa MacLeod: You’re making it hard on yourself, Chair.

The Chair (Mr. Grant Crack): I’m just thorough.

I declare section 9 carried. I declare section 10 carried. I declare section 11 carried. I declare section 12 carried.

We shall move to section 13. We have government motion number 7, which amends clause 13(2)(a). Ms. Malhi.

Ms. Harinder Malhi: I move that clause 13(2)(a) of the bill be amended by striking out “research” at the beginning and substituting “information gathering”.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: This motion was recommended by the Information and Privacy Commissioner in their submission in public hearings. The term “gathering information” avoids confusion with the term “research” under other sections of the bill, while still accurately reflecting the required component of the ARIA framework. This amendment would clarify the distinction

between section 8 of the bill, which addresses research involving the use of personal information as governed by the bill, and the minister’s data standards in section 13 of the bill, which addresses the Anti-Racism Directorate’s framework and does not govern the use of personal information by researchers.

The Chair (Mr. Grant Crack): Further discussion on government motion 7? There being none, I shall call for the vote. Shall government motion number 7 carry? Those in favour? Those opposed? I declare government motion number 7 carried.

We shall move to NDP motion 7.1, which proposes new subsection 13(5). Ms. Sattler.

Ms. Peggy Sattler: I move that section 13 of the bill be amended by adding the following subsection:

“Consultation with OHRC

“(5) The minister shall consult with the chief commissioner of the Ontario Human Rights Commission before establishing or amending the anti-racism impact assessment framework.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This bill responds directly to input that was received by the human rights commissioner. It is consistent with the requirement of the bill to engage the human rights commissioner in consultation on data standards.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 7.1? Ms. Malhi.

Ms. Harinder Malhi: We will not be supporting this motion at this time because, as I said earlier, these amendments were not put forward in time for careful consideration, although many, many opportunities were provided.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 7.1. Those in favour? Those opposed? I declare NDP motion 7.1 defeated.

There was one amendment to section 13. Is there any discussion on section 13, as amended? There being none, I shall call for the vote. Shall section 13, as amended, carry? Those in favour? Any opposed? I declare section 13, as amended, carried.

We shall move to section 14. We have one amendment. It’s a new one. It would be in your package that was provided by the Clerk previously. It’s NDP motion 7.2—

Interjection.

The Chair (Mr. Grant Crack): Wait. Sorry; it’s an amendment for clause 14(c.1). Ms. Sattler.

Ms. Peggy Sattler: I move that section 14 of the bill be amended by striking out “and” at the end of clause (c) and adding the following clause:

“(c.1) the de-identified personal information provided to the minister under subsection 7(14.1); and”

The Chair (Mr. Grant Crack): Unfortunately, I’m going to call this one out of order as it was dependent on the passage of NDP motion 5.2 to create a new section,

which would have been 14.1. That didn't happen; therefore, it's out of order.

There being no amendments to section 14, any discussion on section 14? There being none, I shall call for the vote. Shall section 14 carry? Those in favour? Those opposed? I declare section 14 carried.

We shall move to section 15. We have PC motion number 8, which proposes new subsections 15(4) and (5). Ms. MacLeod.

Ms. Lisa MacLeod: I move that section 15 of the bill be amended by adding the following subsections:

“Proposed guidelines for data on crime, etc.

“(4) The directorate shall develop guidelines for,

“(a) the uniform collection by police forces in Ontario of data relating to any offence under the Criminal Code (Canada) motivated by hate or bias and of de-identified data relating to incidents that may give rise to a charge for such an offence; and

“(b) the publication by the government of Ontario of the data described in clause (a).

“Submission of guidelines

“(5) The directorate shall submit the guidelines to the minister who shall forward them to the other appropriate members of the executive council.”

Effectively, I'm putting this forward. It was something that we heard from the Jewish community.

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The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: Hate crimes fall under the Criminal Code of Canada. As such, the directorate is not in the best position to develop guidance on ways for police services to better track hate crimes.

The proposed motion is inconsistent with the approach contemplated in the bill for the disclosure of de-identified information, as it would require the government to publish hate crime data, but not data related to systemic racism. This may result in different or unequal treatment of different data sets without an appropriate justification. So we wouldn't be able to support this motion at this time.

The Chair (Mr. Grant Crack): Further discussion? There is no further discussion on PC motion number 8. I shall call for the vote.

Shall PC motion number 8 carry? Those in favour? Those opposed? I declare PC motion number 8 defeated.

Therefore there are no amendments to section 15. Is there any discussion on section 15? There being none, I shall call for the vote.

Ms. Peggy Sattler: What about 15.1?

The Chair (Mr. Grant Crack): That's a new section that you're proposing, so that will come next.

Ms. Peggy Sattler: Oh.

The Chair (Mr. Grant Crack): We're just dealing with the existing section. We'll go back a step. There is no discussion on section 15? I shall call for the vote.

Shall section 15 carry? Those in favour? Those opposed? I declare section 15 carried.

We shall move to NDP motion 7.3, which creates new section 15.1. Ms. Sattler.

Ms. Peggy Sattler: I move that the bill be amended by adding the following section:

“Anti-racism advisory council

“15.1(1) The minister shall establish an advisory group to be known in English as the Anti-Racism Strategy Advisory Council and in French as Conseil consultative de la stratégie antiraciste.

“Membership

“(2) The council shall be composed of at least 12 and no more than 25 individuals appointed by the minister in accordance with this section and the regulations.

“Same

“(3) The council shall be composed of the following:

“1. Representatives of racialized groups that are most adversely impacted by systemic racism, including indigenous and black communities, and representatives of communities that are targeted by racially motivated incidents, including Jewish and Muslim communities.

“2. Representatives of public sector organizations that are required by a regulation made under clause 6(5)(a) to collect information.

“3. Representatives of labour organizations.

“4. Representatives of chambers of commerce, boards of trade or other organizations representing the business community.

“5. Representatives of faith communities.

“6. Such other members who, in the minister's opinion, have experience that would assist the council in its work.

“Chair

“(4) The minister shall appoint the council's chair from among its members.

“Rules

“(5) Subject to any restrictions in the regulations, the council may make rules governing the conduct and administration of the council's affairs.

“Mandate

“(6) The council shall,

“(a) advise the minister on the development and implementation of the anti-racism strategy;

“(b) advise the minister with respect to ways to increase awareness of and compliance with the anti-racism strategy;

“(c) make recommendations for improving the anti-racism strategy; and

“(d) make recommendations for increasing awareness among public sector organizations and the public in general with respect to the benefits of implementing the anti-racism strategy.

“Regulations

“(7) The Lieutenant Governor in Council may make regulations governing the Anti-Racism Strategy Advisory Council, including the appointment of members, their terms of office, their remuneration, the selection of vice-chairs and the filling of vacancies.”

The Chair (Mr. Grant Crack): Good job. Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This bill responds to input that we heard during the public input day, with the need for labour and other organizations to be actively involved in the development of an anti-racism strategy for the province of Ontario.

The Chair (Mr. Grant Crack): Further discussion? Ms. Malhi.

Ms. Harinder Malhi: We will not be supporting this motion at this time. For one, we did not have time for careful consideration of this motion due to the third party not meeting the timelines that were required and the offers that were made by the minister. Secondly, in the writing of this bill there was a great deal of consultation done with many different groups from all walks of life, and we do believe that there is oversight involved within the bill. Every five years there will be a review, and we've had constant consultation, so we're confident that this bill reflects what we need here in Ontario.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion 7.3. Those in favour? Those opposed? I declare NDP motion 7.3 defeated.

We shall move to section 16. Is there any interest in bundling 16—Ms. Hoggarth? Yes?

Ms. Ann Hoggarth: Yes.

The Chair (Mr. Grant Crack): The request is?

Ms. Ann Hoggarth: The request is to bundle them.

The Chair (Mr. Grant Crack): Bundle 16, 17 and 18?

Ms. Ann Hoggarth: Yes.

The Chair (Mr. Grant Crack): Do we have consensus? We do. That shall be entertained.

Is there any discussion on sections 16, 17 or 18? There being none, I shall call for the vote. Shall sections 16, 17 and 18 carry? Those in favour? Any opposed? I declare section 16 carried, section 17 carried and section 18 carried.

We shall move to the preamble. We have NDP motion number 9: Ms. Sattler.

Ms. Peggy Sattler: I move that the preamble to the bill be amended by adding the following sentence after “indigenous and black communities”:

“Anti-Semitism, Islamophobia and other forms of racism create barriers to the achievement of racial equity.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Sattler.

Ms. Peggy Sattler: This amendment responds directly to the input that we heard about the need to name anti-Semitism and Islamophobia explicitly in the bill.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: We won't be supporting this amendment at this time. We have taken into consideration the request for Islamophobia and anti-Semitism to be specifically looked at within the bill, and we believe that, as amended, the bill does reflect that, so we won't be able to support this change at this time.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on NDP motion number 9. Those in favour? Those opposed? I declare NDP motion number 9 defeated.

We shall move to PC motion 0.1: Ms. MacLeod.

Ms. Lisa MacLeod: I believe it's motion 10. Do we go to 10 first?

The Chair (Mr. Grant Crack): No. There were two that were submitted.

Ms. Lisa MacLeod: Okay, 0.1 and 0.2 I'm going to withdraw in favour of motion 10.

The Chair (Mr. Grant Crack): That is in order.

Ms. Lisa MacLeod: Yes.

The Chair (Mr. Grant Crack): We shall move to PC motion number 10, as a result of PC motion 0.1 and PC motion 0.2 being withdrawn. Ms. MacLeod: PC motion 10.

Ms. Lisa MacLeod: I move that the fourth paragraph of the preamble to the bill be amended by striking out “For example, anti-indigenous racism and anti-black racism reflect the long histories of systemic exclusion, displacement and marginalization of indigenous and black communities” and substituting “For example, anti-indigenous racism, anti-black racism, anti-Semitism and Islamophobia reflect histories of systemic exclusion, displacement and marginalization.”

This was very important to me, Chair. If you want me to—

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. MacLeod.

Ms. Lisa MacLeod: I get ahead of myself. You see, I'm on a different type of committee. I don't do clause-by-clause consideration a lot.

This was important for me. I represent a very large Jewish community who felt that they weren't part of this bill. I believe some of the motions we've put forward today include the Jewish community in a very meaningful way. I was pleased that the minister sat down not only last week but again today to talk to me about this. We worked on wording together in order to ensure that anti-Semitism was included, as well as other groups that have a history of systemic exclusion. I put forward this motion in good faith, with, I believe, the government's support.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Harinder Malhi: I just want to thank the member across for putting this forward in good faith and working with the minister to develop this preamble. We will be supporting it today.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 10? There being none, I shall call for the vote on PC motion number 10. Those in favour? Any opposed? I declare PC motion number 10 carried.

We shall move to government motion number 11, which is an amendment to the preamble. Ms. Malhi.

Ms. Harinder Malhi: We will be withdrawing that.

The Chair (Mr. Grant Crack): That is in order. Government motion number 11 is withdrawn.

Hence, the preamble has been amended with that PC motion 10. Is there any discussion on the preamble, as amended? There being none, I shall call for the vote. Shall the preamble, as amended, carry? Those in favour? Any opposed? I declare the preamble, as amended, carried.

We shall move to the title of the bill. Is there any discussion on the title of the bill? There being none, I shall call for the vote. Shall the title of the bill carry?

Those in favour? Any opposed? I declare the title of the bill carried.

We shall move to the bill in its entirety. There were a number of amendments.

Ms. Harinder Malhi: Recorded vote.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which is in order and shall be entertained.

Any discussion on Bill 114, as amended? There being none, I shall call for the vote.

Ayes

Anderson, Baker, Des Rosiers, Hoggarth, MacLeod, Malhi, Munro, Sattler.

The Chair (Mr. Grant Crack): Any opposed? There being none, Bill 114, as amended, is carried.

One final thing: Shall I report the bill, as amended, to the House? Those in favour? Any opposed? Carried. I shall then report the bill, as amended, to the House.

Thank you very much. I'm sorry, I must have gotten some dust coming through that window, but I want to thank everyone for their hard work this afternoon—support staff here as well, the Clerk's office.

Ladies and gentleman, have a great afternoon. Bill 114 will be reported tomorrow.

This meeting is adjourned.

The committee adjourned at 1451.

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