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Standing Committee on Finance and Economic Affairs

Pandemic and Emergency
Preparedness Act, 2022

2nd Session
42nd Parliament

Monday 11 April 2022

Comité permanent des finances et des affaires économiques

Loi de 2022
sur la préparation
aux pandémies
et aux situations d'urgence

2^e session
42^e législature

Lundi 11 avril 2022

Chair: Ernie Hardeman
Clerk: Michael Bushara

Président : Ernie Hardeman
Greffier : Michael Bushara

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS

Monday 11 April 2022

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Lundi 11 avril 2022

*The committee met at 0900 in room 151.*PANDEMIC AND EMERGENCY
PREPAREDNESS ACT, 2022

LOI DE 2022

SUR LA PRÉPARATION AUX PANDÉMIES
ET AUX SITUATIONS D'URGENCE

Consideration of the following bill:

Bill 106, An Act to enact two Acts and amend various other Acts / Projet de loi 106, Loi visant à édicter deux lois et à modifier diverses autres lois.

The Clerk of the Committee (Mr. Michael Bushara): Good morning, honourable members. In the absence of the Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Bouma.

Mr. Will Bouma: Yes, thank you. I nominate member Walker.

The Clerk of the Committee (Mr. Michael Bushara): Does the member accept the nomination?

Mr. Bill Walker: He does.

The Clerk of the Committee (Mr. Michael Bushara): Are there any further nominations?

There being no further nominations, I declare the nominations closed and Mr. Walker elected Acting Chair of the committee.

The Acting Chair (Mr. Bill Walker): We'll bring the meeting to order. Good morning, everyone. I call this meeting of the Standing Committee on Finance and Economic Affairs to order. We are meeting today for clause-by-clause consideration of Bill 106, An Act to enact two Acts and amend various other Acts.

Mark Spakowski from legislative counsel is here to assist us with our work, should we have any questions for him.

A copy of the numbered amendments filed with the Clerk has been distributed electronically. The amendments are numbered in the order in which the sections and schedules appear in the bill. If a member indicates that they wish to move additional amendments, we will take a short recess to allow the member to consult with legislative counsel to draft a motion. Are there any questions before we start?

Seeing none, as you will notice, Bill 106 is comprised of three sections and seven schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone the first three sections of the bill in order to dispose of the

schedules first. This allows the committee to consider the contents of the schedules before dealing with the sections on the commencement and short title of the bill. We would return to the three sections after completing consideration of the schedules.

Is there unanimous consent to stand down the three sections of the bill and deal with the schedules first? The member from Waterloo.

Ms. Catherine Fife: Usually, we would start with some opening comments on the process. Is that not happening today?

The Acting Chair (Mr. Bill Walker): I'm understanding that will happen. You're just way ahead of the curve, as always.

Ms. Catherine Fife: Okay. So you'll go through this process and then we'll have comments? Because usually, we would do comments—

The Acting Chair (Mr. Bill Walker): That is correct.

Ms. Catherine Fife: Okay. Carry on.

The Acting Chair (Mr. Bill Walker): Is there unanimous consent to stand down the three sections of the bill and deal with the schedules first? Agreed? Agreed.

Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration. Are there any comments or questions on the bill as a whole? MPP Fife.

Ms. Catherine Fife: Thank you, Chair. Sorry about getting ahead of myself there.

It's a pleasure to join the committee today to go through clause-by-clause. As all of you know, Bill 106 has moved very quickly through the House, faster, actually, than any other piece of legislation that I have seen move through this Legislature, with the exceptions of those that pass second and third reading on the same day, which has been rare; I believe it has happened only two times.

I will say, though—and many of you will be tired of me saying this—that process does matter in order to get legislation right. While the public consultation was fulsome and we heard from very connected members who have various concerns with regard to this legislation, what we heard from the public has not been reflected in the amendment process. By that I mean that the government has not deemed their testimony worthy of putting forward any amendments to this legislation.

Bill 106 is supposed to be a piece of legislation that is informed by our experiences over the last two years. Government members will be, I hope, speaking throughout the

course of the day about what they learned through this process, be it on how you treat front-line health care workers, how the health care system is managed and funded or how priorities are set within the health care budget, and then also what we have learned around the innovation sector and how personal protective equipment is maintained, procured, stored and monitored.

So no changes—the government has decided that Bill 106 is fine as it stands, unless the government is going to be bringing forward amendments to the floor today, throughout the course of the day.

I was obviously not here during the public consultations, but I was able to watch the minister. I was able to review the testimony, particularly from the nurses and from the medical innovation sector. There are certainly many outstanding concerns that Bill 106 does not address. That's unfortunate, because as we're seeing right now in Ontario, we are probably in the middle of the sixth wave of COVID. The lessons that we should have learned in wave 1, 2, 3, 4 and, most recently, wave 5, have not been reflected in the piece of legislation. What we have genuine concerns about is that this will leave the next government making the same mistakes that this government has made, and that does not serve the people of this province well.

We obviously had very limited time to put forward some amendments. The planning meeting for last week, before it went in camera, was 3 o'clock on Friday. I was in Waterloo. It's absolutely impossible, at 1 o'clock, to get in to Queen's Park to participate in the democratic process. I only mention that to the government because we no longer have Zoom meetings. I could have participated in that planning discussion while I was in Waterloo once it moved in camera; however, the public timeline for amendments, was just later that day, I believe.

We had more amendments to bring to Bill 106—full disclosure—particularly on the procurement piece, how this province has decided to solicit and draw from the people of this province and those businesses who have made it their business to be prepared for the next wave. When you look through some of the testimony, you can definitely see that there were a number of organizations that found Bill 106 lacking. I know my colleague and friend Ms. Sattler will talk at length about schedule 7, but for us—and for me, because I have recently become very interested in procurement and getting procurement right—Supply Ontario has a long way to go before we get there, as does the new legislation known as BOBI.

0910

But when we do see what folks came to say to this committee—one was Mark Keating—who want to include a provision that Ontario companies producing PPE that are able to provide a reasonable supply of products meet all quality standards and expectations and are of fair market value be given supplier priority, including where additional suppliers are required to meet full requirements or that the procuring department provide adequate reason as to why supplier priority may not apply or be desired—this hits home. It should hit home, actually, for all of us who care about getting procurement right, because in

Kitchener-Waterloo, we had The Canadian Shield. The Premier went there and the Minister of Economic Development. They rallied. They did what the province and the government expected of them. Once their stockpile was accrued, they were unable to get into the Ontario health care market.

One other delegation came to this committee. This was from CAPPEM. They said that the current stockpile is for health care applications, not for the general public. That is a huge concern, that Bill 106 does not address that. If we get a new lethal virus, there is no stockpile for that. This is part of the delegations that you heard. So people took their time, they took their expertise, they came to this committee, they shared their knowledge, and the government chose not to pay attention to that.

One other delegation, just on the procurement piece, was from DSS. Everyone remembers how panicked people were around getting respirators. I hope that they do remember. But DSS said:

“There should be a robust domestic respirator manufacturing industry to ensure sufficient supply for health care and other high-risk settings, with capacity to ramp up production during respiratory emergencies such as another pandemic or surge....

“The supply chain of respirator manufacturing must be considered a national and economic security priority.”

So I don't understand how the government could hear that kind of testimony, which is very compelling, and I would say very accurate given what people have experienced, and then decide not to amend Bill 106. This would be a friendly amendment in some regard because the government has been very chatty on the supply chain issue, because there are supply chain interruptions that are happening.

Finally, ONA—because everyone remembers health care workers who used garbage bags during the first wave. This is when full panic was happening, and I hope that you do remember that. ONA said: “Please ensure the schedule requires the supply of PPE and critical supplies and equipment, CSE, to ensure the precautionary principle can be met and supported with specific planning and accountability measures.” Again, though, no amendment came through for that.

As I already mentioned, we found out about this meeting at 1 o'clock on Friday and amendments were due later that day. Legislative counsel has been incredibly busy because of the chaos in general.

Finally, when Minister Sarkaria came to this committee and deputed, he had said the plan was built on three pillars—expanding Ontario's health workforce. Bill 106, as a legislative mechanism, maintains one of the biggest barriers to retaining staff and attracting health care staff to this field, and that is with Bill 124. I said this in the House last week. I have to say that I am genuinely surprised at this stage—the election is in 21 days. You are seriously running out of a runway to deal with a legislative option, a legislative solution, perhaps a budgetary solution, to the attraction and the retention of nurses in our system.

The minister went on to say that a lump-sum retention incentive would work. Now, we have full knowledge that this is actually not working.

When the nurses came to this committee, Cathryn Hoy emphasized that Bill 106 is being rushed through to further undermine nurses' and health care professionals' rights, including collective bargaining. We will be expanding more on that as the day proceeds.

But the summary of where this bill is right now, as described by the Ontario Nurses' Association: an omnibus bill in which the government throws many issues within one bill to pass them all, does not address the urgent need to fix nurse and health care staffing issues, nor does it spur increases in full-time positions with benefits and pensions. Of course, this is really timely, because tomorrow is Equal Pay Day. There's a whole workforce out there in Ontario right now who feel and are validated in their feelings by the actions of this government that female-dominated professions are not being respected, are not being valued, especially with a piece of legislation that holds the line on a 1% increase.

So, Bill 106: The government has a majority. You will likely walk all over our amendments and speak from the press releases that you seem to believe are accurate. But, at the end of the day, Bill 106 will still fail the people of this province, especially the health care workers who have been working so hard to see us through these waves of the pandemic.

With that, Chair, I'll conclude my opening comments around the process and the undermining of our democracy through this process.

The Acting Chair (Mr. Bill Walker): Other comments from the government side? I see none.

Further comments from the opposition? I recognize MPP Sattler.

Ms. Peggy Sattler: Unfortunately, I have ceased to be shocked or disappointed or amazed by the speed with which this government pushes through legislation with no regard to enabling public participation in the legislative process and taking into account the feedback that is provided to this committee, to any standing committee that's looking at legislation when timelines are so very short.

So we are at less than two weeks since this bill was introduced. It was introduced on March 29. The following day—one day MPPs were provided to review the legislation before the government brought it forward for second reading debate in the Legislature. That is a disservice to MPPs. We are expected to do due diligence and review and analyze legislation, seek feedback from the people we represent, from organizations that have a direct stake in the legislation, that are directly affected by the legislation. There was one day between the introduction of this bill and it being brought forward for debate in the Legislature.

It was brought forward March 29; second reading debate, all finished, done, rammed through in one day, March 30; voted on, passed by this government on March 31. The following day, April 1, was the deadline that witnesses had to request to appear before this committee. That was all in the same week. This bill is introduced,

debated, passed and then there's this deadline for witnesses to put in a request to appear. Last week, we had two days of public input, April 5 and April 6. April 6 was also the deadline for written submissions, and then the end of the week, Friday, April 8, was the deadline to submit amendments for consideration during clause-by-clause.

So that is not a good process. That is not the way that we ensure that the legislation that is being debated and passed by this Legislature actually responds to the priorities and concerns of Ontarians.

I want to make some comments about this bill, and I want to centre those comments on the remarks from the minister, and in particular, what he described as the first pillar of Ontario's pandemic preparedness plan, which is expanding Ontario's health care workforce. I want to make very, very clear that the official opposition believes that every front-line health care worker in this province deserves to be fairly compensated for the work that they do—and that is not only PSWs and nurses; it is RPNs, it is activity aides, it is dietary aides, it is cooks, it is house-keeping aides, it is laundry aides, it is all of those workers who are on the front lines of the health care workforce either providing that direct care to patients or providing auxiliary services for front-line health care provision. We absolutely agree that all of those categories of front-line health care workers deserve fair compensation. This bill will not do that. This bill says that the government "may" create a compensation enhancement program. It does not identify anywhere either PSWs or nurses—which is the government's stated purpose of this bill. That's what they were very proud to declare in media releases and press conferences—"We're going to make PSW pandemic pay permanent. We need this legislation in order to provide nurses with that retention bonus." But that is not in this bill. The government is misrepresenting this bill as legislation that is required to make that pandemic pay bump permanent and to provide the retention bonus to nurses. So I think that the public has to understand that what the government says in the media about this bill is very different from what is in this bill, and we know that from some of those witnesses who, thank goodness, were able to meet these impossible timelines and appear before this committee.

0920

This government does not need Bill 106 in order to make the PSW pandemic pay permanent. It doesn't need Bill 106 in order to provide the retention bonus for nurses. It doesn't need Bill 106 to enhance the wages of all of those front-line health care workers I mentioned earlier. There have been years of the government implementing wage enhancement programs that have not required legislation. Those are wage enhancement programs for a whole variety of workers—no legislation required. So that's the first point I want to make.

The second point that we heard loud and clear from the deputants who spoke to this committee is that the workforce crisis that this government claims to want to solve—as I mentioned, the minister's first pillar of pandemic preparedness, expanding Ontario's health care

workforce, creating that stability and that expansion we need in our health care workforce—will not be addressed in any way, shape or form by Bill 106.

It was made very clear to this committee that the workforce crisis has been caused by Bill 124. The workforce crisis could be solved by repealing Bill 124. Instead, this government chose to implement measures in schedule 7 of this bill, by stealth, that are a direct attack on the charter rights of workers and, in particular, on the pay equity rights of women workers. We know who is the health care workforce: It is women. It is a female-dominated profession. Almost all of those categories of front-line health care workers and auxiliary workers are women. And many of the auxiliary positions—the PSW positions, the RPN positions—are racialized women. So this government, by attacking the charter rights of those workers, by undermining their collective bargaining rights, by gutting their pay equity rights, is launching an assault on women workers in this province and, in many cases, some of the most vulnerable women workers in Ontario.

I want to highlight some of the testimony that was provided to this committee by some of the presenters. In particular, Fay Faraday spoke on behalf of the Equal Pay Coalition as a constitutional lawyer, someone with 30 years of experience in litigating charter challenges in addition to pay equity challenges in the courts. Fay Faraday, constitutional lawyer, came to this committee and said there is no question at all that Bill 106 is unconstitutional, just as Bill 124 is unconstitutional.

And Fay Faraday was not the only lawyer who said that. We had Adrienne Telford, who is a labour and human rights lawyer who has also worked very closely with unions fighting for pay equity rights of women in the health care sector, fighting on behalf of midwives, fighting on behalf of women who work in nursing homes. She was part of that historic—historic—Supreme Court decision in favour of nurses who work in for-profit retirement homes, to get them the same rights to compensation as those who work in the non-profit sector.

Ms. Telford came to this committee and also said very, very clearly that this bill is unconstitutional, and it is unconstitutional on two fronts. It undermines workers' charter rights under freedom of association—that is section 2(d) of the charter—because it cuts out any role for unions in the negotiation of wage increases of these compensation enhancement programs and in challenging the government's decisions about compensation enhancement programs. That is a direct attack on organized labour, on the bargaining agents of these workers in the health care sector. The Supreme Court has very clearly ruled that any attack on a worker's ability to unionize, to be represented by their union, is an attack on their charter rights.

This Bill 106 is also an attack on women's rights to equality under the charter. It entrenches sex discrimination in pay by removing women's rights to pay equity adjustments. And let's be very clear: Pay equity adjustments are not something that is bestowed by the government out of the goodness of their heart. Pay equity adjustments are human rights remedies—human rights remedies—that are

ordered to correct historic injustices in the workplace in terms of pay structures that exist. They are human rights adjustments that are intended to raise the salaries of broader public sector workers in health care and in education and in transit and in any broader public sector or community service or social service kind of occupation. It is intended to raise the wages of those workers to be equivalent to the wages of public sector workers who are paid directly by the government. This bill states that any wage enhancements that this government may choose to create can be deemed to be a pay equity adjustment, which is a perversion of what a pay equity adjustment is supposed to be.

0930

I suspect we're going to hear this government say, "Oh, the NDP doesn't support wage increases for PSWs. Oh, the NDP doesn't support retention bonuses for nurses." But let me tell you who came and spoke to this committee. We heard from ONA, the Ontario Nurses' Association, which is the voice of 68,000 nurses in the province of Ontario, plus an additional 18,000 nursing students. These are the nursing graduates who we want to complete their studies and enter the health care workforce. We heard from SEIU Healthcare, which is the voice of 60,000 front-line health care workers in Ontario. We heard from CUPE, which is the voice of a quarter of a million broader public sector workers in this province, and that means, as I said, health care, as well as education, transit and many other community and social services. We also heard—not at committee, but in a written submission—from the Amalgamated Transit Union, which is another very important stakeholder in terms of the provision of community service.

But on the health care side, when you have ONA, when you have SEIU Healthcare, when you have CUPE, the bargaining agents for the vast majority of both PSWs and nurses in Ontario, coming to this committee and saying, "Repeal schedule 7. This government does not need schedule 7 in order to make pandemic pay permanent. This government does not need schedule 7 in order to provide a retention bonus to nurses"—when you have those unions coming and saying that to this committee, it is stunning that this government is so determined to proceed—but not surprising, frankly, because this is a government that has never cared about workers in this province and especially has never cared about women workers.

The fact that we are doing the clause-by-clause process today, April 11—this bill will likely be reported back to the Legislature tomorrow and can then be debated. And what day is tomorrow? Tomorrow is April 12; tomorrow is Equal Pay Day in the province of Ontario. Equal Pay Day represents how much time into the next year a woman has to work in order to earn the same amount that a man earned on average in the previous year. Women in this province have to work an additional three and a half months in order to be able to earn the same amount of salary on average as men workers in this province.

We are going to be debating tomorrow, for third reading—because much as I would hope that this government will listen to our amendments today, I'm not holding

my breath to see if that's going to happen. So I fully expect that this bill will proceed without amendment and will be debated tomorrow, on Equal Pay Day—a bill that guts women workers' rights to pay equity under the Pay Equity Act.

What this legislation does is create this shell of a wage compensation program, of a compensation enhancement program, without any details whatsoever. There is nothing in this bill that says who is going to be eligible for this wage enhancement. Will it be PSWs? I don't know. Will it be nurses? I don't know. There is nothing in this bill about eligibility, nothing about whether this wage enhancement will be, again, temporary or will it be permanent—nothing in this bill to clarify that, nothing in this bill about when this compensation enhancement will be provided, nothing in this bill about what kind of funding will be flowed through the wage enhancement program; and a complete exclusion of unions in the bargaining of wage enhancement programs.

This process that the government is proposing to engage in has been described as classic union-busting activity, because now this government is going to be picking and choosing which workers they deem worthy of possibly getting a wage enhancement and which workers they don't. If they do provide that wage enhancement, it's going to be because of the government. It's not going to be because of the hard work of unions like SEIU Healthcare, like ONA, like CUPE bargaining on behalf of their members. That is classic union-busting, to cut out the role of unions in the negotiation—

The Acting Chair (Mr. Bill Walker): Thank you, Ms. Sattler. I apologize that I have to interrupt you, but according to standing order 112, “Unless expressly provided by the standing orders or by unanimous consent, no member shall speak for more than 20 minutes at a time in any standing or select committee.” There is no limit on the number of times a member may speak, unless otherwise agreed to by the committee. Thank you for your attention to this rule.

I ask if there is any further debate or comment on this matter. I recognize MPP Hunter.

Ms. Mitzie Hunter: I was very much thinking about this bill and just how wrong it really is when it comes to the problem that we're trying to solve, which is the fact that we are in the midst of a global pandemic and that this is about our response in terms of this emergency, and yet, buried in this bill, is a schedule that is really shocking, just based on the witnesses that have come forward and, really, based on what the government should be doing, which is to correct a wrong that has been allowed to persist for the duration of the pandemic, which is Bill 124.

Bill 124 has been consistently raised across many different sectors as a hindrance in terms of collective bargaining. Nurses themselves have said, “You call us the heroes of the pandemic, yet you limit and restrict our right to negotiate a fair wage.” That's the wrong that should have been corrected here by the withdrawal of Bill 124. But instead of addressing that, the government has instead buried, in the midst of this omnibus legislation dealing

with emergency response and preparedness, a section that further tramples on those rights and limits those rights.

It has a heading that I find very shocking: Supporting Retention in Public Services Act. It's very, very clear that we're not doing that. There are reports that we have 2,000 front-line health care workers either off sick or who have left the profession, at a time when we need them more than ever to protect our vulnerable and exposed population from the unknown risks of a deadly virus.

What I hope is that the government is listening and that you don't believe that you know everything and that you have all of the answers, because it's very evident, based on what we heard in this committee, that that's not the case. In fact, the purpose of committee is to improve bills. My hope is that that's what we're doing here and that you are seeing that there have been some errors that need to be corrected.

These workers deserve our respect. They deserve our thanks. They deserve to be compensated and to be recognized for the work that they do. I can tell you, having a loved one right now in hospital, we rely on these people. We rely on them to keep our loved ones safe. If they don't feel that they are protected and respected in any way, then why do we expect them to just go do their jobs?

0940

I've talked to and heard from many of those front-line health care workers who have spent their life and their career giving and serving in this way. I think that they feel they have given all that they can during the pandemic and they don't see a return on that. They don't see that the government is respecting them in terms of the compensation that they believe they deserve and that they have the right to bargain and to negotiate for.

The whole premise of our charter is to respect the right of collective bargaining. Why the government has chosen to legislate and not—I asked the witnesses about that, because I myself have never seen a piece of legislation that actually explicitly says that you cannot work with your union on your own compensation. It's actually anti the purpose of labour negotiations. Labour negotiations are there as the rights of workers to collectively bargain, and the employer comes to the table with a compensation package that is discussed with the representative, which is the union. For the legislation to say that that is not allowed, I think, is really egregious, and I'm pretty sure we're going to hear about this from a challenge, which seems to be a squandering of our resources as a province at a time when we can ill afford to do that.

We need to have everybody focused on what the task is, and the task at hand really has to be, how do we fight this pandemic? How do we emerge from this pandemic stronger and as whole as possible? If we think that we can do that without our front-line people, that's a big mistake. I think that we need to show them that they are needed, that they are valued, that they are respected and that they are appreciated, and that we actually appreciate how much they have given.

Some of these workers have given their lives. I know the first PSW to succumb to the first wave of COVID-19

is a PSW that worked at many long-term-care homes in Scarborough. She was a member of SEIU, extremely beloved, and she succumbed to COVID. The exposure and the risk that our front-line workers take on in order to protect us should not be ignored. The least we can do in legislation is to give them the room and the space that they need to bargain and to negotiate what they deem to be a fair wage. I don't believe that they should be told what that is without even being given an opportunity to be represented by their union.

And so here we are, reviewing a piece of legislation as expeditiously as the government wants it to be done. Under the cover of COVID and under the cover of this legislation, we see that there is very damaging legislation in schedule 7 that really, I think, threatens the rights of labour unions and of collective bargaining, not just here in Ontario; it sets a precedent in this country. Why would we want to do that when we know that this is an offence to our charter and it's an offence to the rights that have been so hard gained by previous generations? I don't say that lightly. I have seen where groups of workers have fought for their rights through collective bargaining because the conditions which they were working under were just terrible. Those rights were earned.

I don't think that a government should use its legislative power, which is quite sweeping, in a way that is an abuse of that power. I actually think that this is something that should be used in the most careful of ways, putting the needs of the workers and the citizens, frankly, of our province first. That is not what I see here in this legislation.

I was hopeful, perhaps, that the government would have come to this table today in clause-by-clause to withdraw schedule 7, recognize that it has erred and perhaps take the time to speak with those representatives who seem to want to work with the government and to speak about the needs of their workers. Why wouldn't we want to hear what they have to say and improve any such legislation that is seeking to address pay equity and pay transparency? This doesn't do it.

I can tell you that forcing it down doesn't make it go down. I think this will come back, and workers will not give up their hard-won and fought-for right to collective bargaining; they're just not going to do that. I don't think this is something that we should ask them to do at all.

Because the government has sort of snuck this schedule 7 in here, it has taken away, perhaps, from the debate that we could have had around the pandemic, around preparedness, around lessons learned and how we can respond to future pandemics. We should have been talking about supply chains and the disruption. There is a global issue happening right now when it comes to that. What are we going to do here in Ontario to become more resilient, to become more robust? Where are those opportunities that we see to strengthen our supply chain when it comes to medical equipment and essential inputs? What are priority sectors? What is essential? We got to hear from some witnesses around that when it comes to PPE and masking, but perhaps we didn't have as fulsome a debate and discussion as we could have had had the government not

sought to put this legislation in here that tramples on workers' rights.

Which class of workers could be more essential in an emergency—a global health emergency—than our front-line health care workers? There is no class of workers, really, that is as essential. When we were all told to shelter in place and to stay home, I remember doing that for weeks and weeks and weeks on end. But you know who didn't do that? Those nurses. They put on their uniforms and they went to work every single day, 24/7. They didn't take a day off. Some of them were scared because they had to take transit, and we didn't know in the early days what risk that posed to their lives. But they did it anyway.

I think that requires and demands our consideration. If we're not going to do that now, when can they trust that we would ever do it? As legislators, as parliamentarians—frankly, this is a majority government. So it is really up to the government to recognize their contribution, not in the way that you're ramming through and telling them, "This is good for you," but actually in a way that you have a conversation with them and you come to a mutual understanding. I know that's hard to do. It takes time, but it is possible to do that.

0950

I think that the requests that were being made are not unreasonable. One of the aspects to this that I think is even more egregious is that this is about women. At a time when women have fought for the right to be treated equally, to be respected and valued, here we are setting back all the work and all the gains that have been made. I actually believe that we're going to hear from these groups and they're not going to allow that to happen, because it's too hard-fought. We've only just celebrated 100 years of women earning the right to vote. Just imagine that—and that's not even all women, because for Indigenous and Black women, it was not until the 1960s that that was granted. So this is not the time to be setting back those gains that we've made.

I'm wondering about this committee process and the opportunity that we have, as a committee, to do the right thing and to make the corrections that are needed to this bill, to improve the bill, to improve its intention and to improve what it says it is intended to do, which is to strengthen our pandemic response and our pandemic preparedness in an emergency. We certainly know that we can have all the equipment in the world, but if we have nobody to administer that equipment and we have nobody to utilize it, it's of no good. It will just sit there.

I'm wondering if the government isn't seeing that people are sort of voting with their feet on some of these decisions by looking at the number of nurses that are retiring and actually leaving that profession. When we think about, maybe, an ICU nurse who has 30 years of experience, it is very difficult to transfer that knowledge to new nurses.

What I'm also seeing in the constraint is that the new nurses are being overwhelmed because they don't have the mentorship time that they would normally have. They're busy and stretched, covering absences, covering gaps and

becoming overwhelmed themselves, so maybe not wanting to stay in the profession that they've just trained for. But we're losing that talent and that knowledge, and what are we doing to retain them?

Withdrawing Bill 124 would do that because you would remove that cap on them and give them a chance to fairly bargain with their unions. However, we haven't seen that stance from the government. Instead we see this attempt, which falls way short.

I remember speaking to one of the witnesses and just asking, "Does this do harm?" And they said, "This does a tremendous amount of harm." At a time when we need these front-line workers the most, why would we put forward any legislation that will do harm to these workers—these workers who deserve our respect, deserve our thanks.

Instead, we are seeking to take away their right to collectively bargain, which it says in the legislation. It actually says, in "Rules re: labour matters," in the legislation, that they would not have an opportunity to fairly negotiate their own wages with any union, with any trade union. It says that right here: "An agreement between an employer and a trade union or a bargaining agent regarding the payment of compensation enhancements is not required for the employer to make payments under the compensation enhancement program to eligible employees."

It's saying that the role of the labour unions that is enshrined in our charter, which is attached to our Constitution of this country as bedrock guidance—the Ontario Legislature, under this government, is trying to legislate that right away. Why would you think you're going to get away with that? I just can't see, even if it goes to the Supreme Court of Canada, that they would not take the arguments of the labour unions to say that these are enshrined rights and they cannot be legislated away; that those protections for workers must be in place; that you can't legislate the role of their representatives away.

We could save ourselves money and time—frankly, the fallout within the professions that we rely on—by withdrawing that schedule in its entirety. Maybe as quietly as it was put in, it should be quietly removed and taken out. There are other aspects as well that are problematic in this bill, but that clause was what stood out to me as very, very poorly written—

The Acting Chair (Mr. Bill Walker): Thank you. My apologies; according to standing order 112, "Unless expressly provided by the standing orders or by unanimous consent, no member shall speak for more than 20 minutes at a time in any standing or select committee." There's no limit on the number of times a member may speak, unless otherwise agreed to by the committee. Thank you for your attention to this rule.

Are there any other further comments?

Mr. Sol Mamakwa: Meegwetch, Chair. The tea is good this morning—colonial tea. I say that because I listen, I hear people talk when they do their deputations, and I begin to understand how this place, this machinery of government, this Parliament and the committee hearings, is nothing but partisan politics. I see it. It's a place

where victory is putting somebody down. One of the things I really notice is this is an institution that ignores the minority. This is a place where the party is greater than the people.

I say that because we have this bill, Bill 106, An Act to enact two Acts and amend various other Acts. I don't even know what that means—I mean, I know what it means, but the people of Kiiwetinoong would not even understand that. The bill is just going so quick, so fast, to be able to implement the process going to third reading.

Since I've been here, I have brought up the issue of the boil-water advisories in far northern Ontario. Today, I have 14 long-term boil-water advisories—there is one that has been just over 27 years of long-term boil-water advisories—and this government does nothing at all to have access to clean drinking water.

The systems that are there, the machinery of government, the machinery of the Parliament, again, it goes back to: It ignores the minority. It ignores the fact that thousands of people in the north do not have access to the basic, basic human right of access to clean drinking water.

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I know that sometimes, we listen to the deputants, the people that make presentations to us, but even though we may listen, we do not hear them. And that's what I mean by, it ignores the minority—the party is greater than the people that we serve in Ontario. Again, this place is nothing but partisan politics. It's a system of oppression for people in the minority. I have normalized that myself as Anishinaabe, as a First Nations person. It has become a way of life, because when you see something on a daily basis, when you live it on a daily basis, you just learn to accept that's just the way things are.

I say that because I know one of the things that this Bill 106, when passed in this format—it will deprive women, collectively, of millions of dollars of pay equity debt that they are owed by the government, and it will continue to erode their pay equity rights and undermine their collective bargaining rights.

I saw that happen last week when we had those hearings. I saw these very strong women speaking to the committee, and you had men across the way trying to argue with them. And when it was time for questions for them, they just totally ignored those questions to them, but they asked the men good questions. And I see that. I think that's what I mean by: This place is where the party is greater than the people, this party is greater than the women that spoke. Again, you listen, but you do not hear. You don't hear us. You don't hear them.

Another one: I listened intently as well when the Northern Ontario School of Medicine University presented. I know one of the things they said was that there certainly would be another pandemic, and we must be better prepared with PPE, sustainable health care resources and a system that is flexible, that can adapt to the needs of our communities.

Sometimes, when we talk about the north, far northern Ontario, we have people that are making decisions in southern Ontario, in Toronto, policy decisions that have an

impact on the life, on the wellness, on the health of northern people, whereby they do not understand who we are; they do not know who we are. I say that because I'm talking about the health system, access to health services. I know despite the success of the Northern Ontario School of Medicine University, we've always been very clear that in northern Ontario—sometimes I refer to it as “the other Ontario,” because they treat us differently; it's almost as if we don't belong in Ontario—we are dangerously short of physicians and lack sufficient health human resources. Over the last few weeks we've heard of hospital emergency departments closing, but it's been like that before, where emergency rooms have been hanging by a thread.

I think, as MPPs, as politicians, we represent everybody in Ontario, no matter what colour, what we believe in, what party. I'm not sure who controls those strings on how to vote; there's somebody behind there that controls you. I've seen it when I keep asking for the basic human right of access to clean drinking water. You have this government trying to access our resources, traditional resources, in our traditional territories, and you can't even build new water and sewer systems at a cost of \$50 million each. And you waive these licence fees, refund these fees, at a cost of—I don't know what the amount is; over \$1 billion, anyway.

I think that's the work that we need to do. I know that elections are coming up, and I see that talk, how governments, how MPPs just attack each other and put each other down. That's your system; that's not my system. I don't play along with your system. You have these talking points at each other—you'll hear it in question period, I'll bet you. I can see why you're not running there, Mr. Chair, for the next election. Just kidding.

I just wanted to make those comments. Meegwetch.

The Acting Chair (Mr. Bill Walker): Any further comments? I recognize the member from London West.

Ms. Peggy Sattler: Can we have a recess, Chair?

The Acting Chair (Mr. Bill Walker): Is it the will of the committee that we have a recess? I heard a no.

It is my understanding that there can be a recess granted by unanimous consent of the committee. If the member would like to raise that and put a specific time frame to it, I would be happy to entertain the will of the committee.

I recognize the member from London West.

Ms. Peggy Sattler: I'd seek unanimous consent for a five-minute recess.

Interjections: No.

Ms. Mitzie Hunter: Can I speak to that, Chair?

The Acting Chair (Mr. Bill Walker): I recognize the member from Scarborough–Guildwood.

Ms. Mitzie Hunter: I don't know when our committees dissolved into such a partisan state that an honourable member of the Legislature cannot request a brief recess of this committee and that that be granted. It's not a partisan request; it's a short recess that is being asked of the committee.

I do recognize that the government has altered the standing orders for its own purposes, as a majority govern-

ment; I get that. At the same time, parliamentary procedures are part of our convention and part of the courtesy that we have as individual members. The ability to ask for a recess within a committee setting is not a partisan issue; it's actually just perhaps a courtesy that the committee can extend to individual members.

I don't see what the fear is of the government members to not be able to allow a short pause of the committee to have a recess. It could be for any reason—it could be a physical need; it could be to get information that is required to do the work. We don't need to have that reason put forward; we just need to extend the request, and that request has been done, I think, in good faith. As an independent member on the committee, I would welcome and need to support her request for a short break. Maybe it is about putting a parameter of the timing on that request—is it a five-minute or a 10-minute recess that we're asking for?

We do have time that has been set aside by this committee to do the appropriate work in the committee in terms of our clause-by-clause analysis and to make sure that we are thorough in our work. But I think the convention of agreeing to someone asking—

Interjection.

Ms. Mitzie Hunter: I'm speaking to the request; that's what I've been asked to do.

I'm giving an opportunity for all of us just to think about why we are here. We're here to make laws and to support the people of Ontario. That's why we're here, and—

Interjection.

The Acting Chair (Mr. Bill Walker): Point of order. I recognize the member for Aurora–Oak Ridges–Richmond Hill.

Mr. Michael Parsa: Unanimous consent was called, and we said no. I don't know why this discussion is continuing when a unanimous consent was not accepted. It's not a valid point of order. I'll leave that in your very capable hands, obviously—

Ms. Mitzie Hunter: I didn't ask for a point of order.

Mr. Michael Parsa: A point of order was requested, and there was a no.

Ms. Mitzie Hunter: I didn't ask for a point of order. I was speaking to the motion before us.

The Acting Chair (Mr. Bill Walker): The member was speaking to a further comment, and at this point, I was allowing her to do that. We will, at some point, come back to that and ask for whether there will be unanimous consent granted.

Interjection.

The Acting Chair (Mr. Bill Walker): Point of order?

Mr. Stephen Crawford: She asked for unanimous consent, and we said no.

The Acting Chair (Mr. Bill Walker): Another member did speak and raise it again, so we are allowing that person—the member from Scarborough–Guildwood is speaking to that request.

I will remind the committee that there are abilities for you to ask for unanimous consent—and that is the ability

for unanimous consent to be either granted or not granted. The Chair also has the ability to grant a recess.

Seeing that the clock is at 10:15, this committee will stand recessed until 1 p.m. this afternoon.

The committee recessed from 1015 to 1302.

The Acting Chair (Mr. Bill Walker): Good afternoon, everyone. Welcome back to this meeting of the Standing Committee on Finance and Economic Affairs. We are meeting today for clause-by-clause consideration of Bill 106, An Act to enact two Acts and amend various other Acts.

Before we recessed this morning, we were entertaining general comments and questions on the bill as a whole, pursuant to standing order 83. Are there any further comments? I recognize MPP Crawford.

Mr. Stephen Crawford: Thank you very much, Chair. It's good to see you in the chair today.

In the spirit of co-operation, I know the NDP and the Liberals made it pretty clear this morning that they didn't have enough time to think about the bill over the last couple of weeks, so we would be more than happy to give them a few hours more to be able to catch up. So I move that the committee recess until 5 p.m. today to resume clause-by-clause consideration of Bill 106.

The Acting Chair (Mr. Bill Walker): MPP Crawford is suggesting a motion that we have a recess until 5 p.m. today. Any debate? MPP Fife.

Ms. Catherine Fife: Chair, I just want to say that it's good for the government to at least recognize that their process is flawed and that not enough time has been allocated to perhaps draft some further amendments to ensure that Bill 106 actually does what it was intended to do. So thank you for giving us additional time to address the gaps in Bill 106. It's a reach across the aisle that we truly appreciate.

The Acting Chair (Mr. Bill Walker): Further debate? MPP Crawford has placed a motion on the table that the committee recess until 5 p.m. today to resume clause-by-clause consideration of Bill 106. We are ready to vote? All in favour, please raise your hands. All those opposed? It is carried.

We'll now recess until 5 p.m. today.

The committee recessed from 1304 to 1700.

The Acting Chair (Mr. Bill Walker): Good afternoon, everyone. Welcome back to this meeting of the Standing Committee on Finance and Economic Affairs. We are meeting today for clause-by-clause consideration of Bill 106, An Act to enact two Acts and amend various other Acts.

Before we recessed earlier this afternoon, we were entertaining general comments and questions on the bill as a whole, pursuant to standing order 83. Are there any further comments?

Seeing none, let's go to schedule 1. There are no amendments to sections 1 to 10 of schedule 1. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 10 of schedule 1? Are the members prepared to vote? Shall schedule 1, sections 1 to 10, inclusive, carry? Carried.

Schedule 1 as a whole: Is there any debate? Shall it carry? Carried.

Schedule 2: There are no amendments to sections 1 to 3 of schedule 2. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 3 of schedule 2? Are the members prepared to vote? Shall schedule 2, sections 1 to 3, inclusive, carry? Carried.

Schedule 2 as a whole: Any debate? Shall it carry? Carried.

There are no amendments to sections 1 to 2 of schedule 3. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 2 of schedule 3? Hearing none, are the members prepared to vote? Shall schedule 3, sections 1 to 2, inclusive, carry? Carried.

Schedule 3: Any debate? Are the members ready to vote? All in favour? Carried.

There are no amendments to sections 1 to 3 of schedule 4. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 3 of schedule 4? Are the members prepared to vote? Shall schedule 4, sections 1 to 3, inclusive, carry? Carried.

Schedule 4: Any debate? All in favour? Carried.

There are no amendments to sections 1 to 20 of schedule 5. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 20 of schedule 5? Are the members prepared to vote? Shall schedule 5, sections 1 to 20, inclusive, carry? Carried.

Any debate on schedule 5 as a whole? Hearing none, does it carry? Carried.

There are no amendments to sections 1 to 4 of schedule 6. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 4 of schedule 6? Are the members prepared to vote? Shall schedule 6, sections 1 to 4, inclusive, carry? Carried.

Schedule 6: Any debate? Shall schedule 6 carry? Carried.

Schedule 7: There are no amendments to sections 1 to 4 of schedule 7. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Is there any debate on sections 1 to 4 of schedule 7? I recognize MPP Sattler.

Ms. Peggy Sattler: I would like to point out that section 3 refers to compensation enhancement programs, and this bill does not anywhere define what is a compensation enhancement program. That was input that was provided to this committee: concerns about the lack of definition of a compensation enhancement program. I think that this certainly weakens this schedule of the bill and is a big problem when the bill is giving cabinet the power to pick and choose who is going to get a compensation enhancement program, if they get one at all. There is no formal definition for what constitutes a compensation enhancement program.

The Acting Chair (Mr. Bill Walker): It's noted. Any further comment on section 3? Is there any debate on sections 1 to 4 of the schedule? Further comment?

Are the members prepared to vote? Shall schedule 7, sections 1 to 4, inclusive, carry? Carried.

Schedule 7, section 5: I recognize MPP Sattler.

Ms. Peggy Sattler: The NDP recommends voting against section 5 in its entirety for several reasons. The first: Section 5(1)1 states, "An agreement between an employer and a trade union or a bargaining agent regarding the payment of compensation enhancements is not required for the employer to make payments under the compensation enhancement program." 5(1)2 states, "No employer, tribunal, arbitrator, arbitration board, officer or court may expand eligibility for or require the payment of a compensation enhancement under" this program.

Basically, this section is what raised many of the concerns about the unconstitutionality of this bill. The Charter of Rights and Freedoms, section 2(d), guarantees the right to freedom of association to every Canadian, and the Supreme Court has ruled numerous times that the right to freedom of association includes the right to be represented by a trade union and to engage through that trade union, through that bargaining agent, in the process of collective bargaining. This legislation says that collective bargaining, negotiating at the bargaining table, is not necessary for these wage compensation programs to take effect, and it is completely undercutting the role of unions and bargaining agents in the negotiating process. Further, it says that this bill legislates out of existence the ability of a tribunal or a labour arbitrator or an arbitration board to expand eligibility for the compensation enhancement program.

Subsection 5(2) also prohibits any complaints to be made under the Labour Relations Act or the Crown Employees Collective Bargaining Act. So it removes the right of a union or a worker to make any allegations of unfair labour practices through these other pieces of legislation that we have in place to protect and to govern the process of collective bargaining in this province. This clause, as we heard from the lawyers—the constitutional lawyer Fay Faraday, who appeared on behalf of the Equal Pay Coalition; Adrienne Telford, a lawyer with years of experience in labour and human rights; ONA, who was here with legal counsel to make a presentation. These lawyers have all pointed to the unconstitutionality of this section of schedule 7.

1710

I also want to recognize CUPE Ontario, who made a presentation raising the same concerns about the unconstitutionality of this section; and ATU, the Amalgamated Transit Union, also provided a written submission raising the same concerns.

This section is completely unsupportable. This whole process of whatever the government decides to do or not do in terms of wage enhancement, it's going to throw it all to the courts. It's going to open up years of legal challenges because of the process that this government has decided to follow, in complete contravention of the Charter of Rights and Freedoms.

We heard from Adrienne Telford. One of her recommendations to the committee was that the government take this bill to the Attorney General's office and get an opinion on the constitutionality of this, because it is so clear that this is an egregious assault on charter rights of workers.

Let's not forget who health care unions represent. In nursing, about 90% of the workers represented by ONA, the Ontario Nurses' Association, are women. The majority of workers represented by the other unions that spoke to us, SEIU Healthcare and CUPE—the vast majority of health care workers and broader public-sector workers in general are women. So not only does this represent an assault on the collective bargaining rights of workers in this province, it is an assault on the collective bargaining rights of women workers in this province. For those reasons, the NDP cannot support legislation that includes this section.

The Acting Chair (Mr. Bill Walker): Further debate?

Ms. Catherine Fife: Just to follow on what my colleague has raised for committee members, we're under no illusions that you're going to listen to this counsel. You had an opportunity—albeit a short opportunity, but of course, you set those timelines—to perhaps amend this legislation, particularly this schedule 7, which is ironically called the Supporting Retention in Public Services Act, and it will do exactly the opposite.

From the Ontario Nurses' Association's delegation, they say, "If Bill 106," and in particular this schedule 7, "is truly this government's view of what is required to prepare for a future pandemic, ONA members face a challenging and difficult time ahead. It is a future that continues to disrespect and undervalue ONA members and their work, and the bargaining agent who represents them."

They go on to say that "Bill 106 continues the current government's unconstitutional approach to dismantling workers' rights and women's equality rights. This bill is unconstitutional"—full stop. "ONA makes six main points regarding schedule 7, schedule 1, schedule 5 and schedule 6"—essentially, what they say is that it violates ONA members' right to free collective bargaining. It's definitely a step backward for the province's female workers and nurses.

"Bill 106 undermines ONA members' right to equality and pay equity rights, which ONA just had affirmed by the Supreme Court of Canada in *ONA v. Participating Nursing Homes*. ONA was successful in this 15-year-long battle to maintain pay equity rights for RNs working in nursing homes. Bill 106 attempts to erase nurses' hard-won rights and violates women's equality rights guaranteed by s. 15 of the charter."

So all government members who are in this room are knowingly undermining these hard-fought rights of female workers in Ontario, and particularly nurses. They have already proven that they're in for the fight. They came here and they're ready to fight, but their most important thing is that they want to make sure that the profession as a whole is not further undermined by a piece of legislation, and certainly a schedule ironically called Supporting Retention in Public Services.

The Acting Chair (Mr. Bill Walker): Any further debate? I recognize MPP Hunter.

Ms. Mitzie Hunter: We had a couple of hours of recess which was granted to the committee, and I was hoping that the government would come back and open its eyes that, on the eve of Equal Pay Day, this is not the legislation to jam through this committee, that this clearly violates hard-fought, hard-won collective bargaining by our front-line care workers. They have come forward to this committee and have said that unequivocally.

However, that's not what I'm seeing happen right now, and I think it's a very sad moment. It's a sad moment for women and girls in this province when the government is not seeing how their legislation will do harm. The Equal Pay Coalition has made that very, very clear.

Schedule 7, section 5, under the heading of "Rules re: labour matters," is very explicit that the collective bargaining rights that have been earned by workers in this province will not apply here, and certainly we've seen many concerns raised about the constitutionality of that. It's an explicit violation of the Charter of Rights, as well as the rights of women in terms of their representation. This legislation really cancels that out, and I think we can't just go by it and not note it, because these rights are the rights that were earned by the workers in this province.

I think about when I asked SEIU about who was affected and who was most impacted. They talked about a workforce that was dominated by women, mainly racialized women—women who, oftentimes, are working more than one job to make ends meet, and who have been working very hard with their representation through the labour unions to advance themselves. To see that that is all in vain because of legislation that overrides those rights—I think it's just unfortunate, and to have it happen on the eve of Equal Pay Day just really underscores this issue.

When we look under schedule 7, section 5(1)1 and 5(1)2, it really describes the fact that this legislation is shutting down the entire bargaining process, so not only is it the right for representation through the labour unions and collective bargaining, but also the process itself through the employer, through the tribunals, through the arbitrators, through an arbitration board. The whole, entire collective bargaining process that is set up to protect the rights of workers—this government is trouncing on that through this legislation. I guess it's reflective—it's very reflective—because it's not as if people haven't come here to warn the government of its actions and to say, "Don't go down this road."

We recognize that Bill 124 has been harmful to workers, and many groups have come out and spoken against that. Instead of correcting that by withdrawing Bill 124, the government has come up with Bill 106 and has tucked in there, quite hidden, schedule 7, with these grave concerns. Many have come before this committee to warn that it will do harm, and it's unfortunate.

1720

I certainly want to note my objection to this part of the bill. I hope we have an opportunity, Chair, to declare that and to make that, on record, known.

The Acting Chair (Mr. Bill Walker): That is recorded.

Further debate on schedule 7, section 5? Seeing none, are the members prepared to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Bouma, Crawford, Kanapathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): I declare schedule 7, section 5 carried.

Schedule 7, section 6: I note that the NDP has given notice. I recognize MPP Sattler.

Ms. Peggy Sattler: Similar to our concerns about section 5 of this bill, we also heard from numerous deputants that section 6 may also be a violation of the constitutional rights of women under the Charter of Rights and Freedoms, section 15, which guarantees the right to equality.

This section of the bill basically guts the Pay Equity Act. It eliminates pay equity rights that have been negotiated over decades in this province, and it denies the rights of women workers to have the equal pay remedies that have been set in order to address historic sex discrimination under the Pay Equity Act.

What this section of the bill does is it deems wage increases that are made under any compensation enhancement program as being made for the purposes of achieving pay equity. That, Chair, is a perversion of what pay equity settlements are supposed to represent. It also eliminates that pay equity debt that the government has accumulated over decades, as I said, because of the wage disparities between broader public sector and public sector workers.

So we believe that this is a shameful attack on women workers. It's an appalling attack on the pay equity rights of women workers in this province. It creates a very troubling precedent that will enable this government to claim that they are dealing with pay equity when they are not. We know that the process of determining pay equity settlements is a collaborative process that is done through the course of collective bargaining.

What this bill does is it allows the government, it allows cabinet, to determine which categories of workers are going to be bestowed with wage increases by this government. Therefore, if there is a pay equity order outstanding, then this government will say that whatever wage increase is granted was done for the purposes of achieving pay equity. It will do nothing to close the wage gap. There's a 32% wage gap between the average earnings of women workers in Ontario and the average earnings of male workers in Ontario, which is why tomorrow, when this bill is very likely to be called for third reading in the Legislature—tomorrow is Equal Pay Day,

because it takes three and a half months longer for a woman to earn what a man would earn in a single year. It would take until the middle of April for a woman to earn the same salary, on average. So on a day when we should be doing everything we can to commit to closing that wage gap, this government is doing the exact opposite. They are entrenching, they are legislating a permanent discrimination in pay for broader public sector workers. And it is unconscionable and completely unsupportable by the NDP, which is why we are, in the strongest possible terms, urging this government to withdraw this section of the bill, stop attacking the pay equity and equality rights of women workers and start making the changes that are necessary for those workers to get the wages that they deserve.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Fife.

Ms. Catherine Fife: Just to give government members something else to consider, ONA made a very clear connection between working conditions, remuneration and the quality of care that is happening right now in our health care system. In point 8, they said, “Keep in mind that the successful outcome of care for the sick and vulnerable depend on excellent conditions of work. ONA members are advocates for their patients, residents and clients. Our members are increasingly alarmed by what they see happening in Ontario’s public health care system.”

They go on to say: “A disrespected, undervalued, burned out and understaffed nursing workforce will negatively affect care for all Ontarians. The government’s failure to address the nursing shortage and redress the systemic inequalities in compensation and working conditions means that our members’ patients, residents and clients are not getting the quality care they need and deserve.”

So you are essentially just pushing them to the very brink—and it would be encouraging to see a government member defend this rationale around reversing and undermining the Pay Equity Act. I mean, people do expect you, as representatives, to speak if you believe in something. If you believe in undermining women’s ability to collectively bargain and receive fair compensation, then, by all means, please speak up.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Hunter.

Ms. Mitzi Hunter: So we’re going further here in the government’s denial of women’s rights to fair wages. You know, these are a hard-fought gains. The Pay Equity Act emerged from a recognition that women were systematically paid less than men for comparable work and, therefore, there is an imbalance that was and is created as a result of that.

This act is trying to correct that. It’s meant to have redress and to compensate women for that gap, and that requires the opportunity to sit down and to negotiate that, and to negotiate a remedy that is fair and that is agreed to by both parties. Nowhere did the Pay Equity Act say that the government will unilaterally decide. Yet in its own use of power, that’s exactly what it is doing in this section: It is determining what the compensation amount is deemed

to be for the purpose of achieving pay equity all on its own, when the act itself talks about parties coming together and negotiating that remedy. It’s the wrong thing to do, it’s not the spirit in which the act was put together, and it’s just taking away the rights of women to have fair bargaining.

1730

Why would we do that? Why would you want to be part of that? I just don’t see how that is fair, really, but I’m not surprised.

I remember being in this committee—it wasn’t that long ago—when, in omnibus legislation, the government struck out the enactment date for the Pay Transparency Act. Just by the stroke of a pen, all of that work bringing transparency for women who work in the public sector was taken out, just by removing the enactment date so that that legislation never came to bear.

Here we are again with the Pay Equity Act. All of a sudden, there’s legislation that is predetermining an outcome that should be negotiated with parties, between parties that are affected. It clearly says in the act that where there are unionized members it’s their bargaining agents that would be their representative in terms of that remedy. This legislation that is before us today, Bill 106, is denying those rights to women workers.

That’s what this is dealing with, right? The Pay Equity Act is stemming from a history of paying women less for the same and comparable work as men. Over time, that gap has persisted. When it comes to racialized women, that gap is even bigger, and none of that is being discussed here. None of that is in this legislation. It is simply just unilaterally determining—and I think that this is an egregious error on the part of the government. It sends the wrong signal, sends the wrong message. The Pay Equity Act covers not only public sector but also private sector employers as well, so that clarity that they need is now all of a sudden tied up in all this legislation.

Another caution to this government: a very problematic schedule 7. I would advise the government, if it’s listening—there are quite a few members here today—why would you want this to be your legacy? It doesn’t make any sense whatsoever at a time when we need to see equal pay for equal work and we need to address and correct the wrongs of the past. Why would we go down this road? It doesn’t make any sense.

Chair, once again, I just want to stress my strong opposition to schedule 7 and section 6 because I believe that it does violate the Charter of Rights in terms of the right to representation, and it goes even further, because it does harm to women, who have fought so hard for equal pay for equal work, and it sets back that process when the government unilaterally decides and determines what compensation should be deemed to be made for the purposes of pay equity. It does it all on its own, without a fair conversation for the affected parties.

I hope that we will note that I just cannot support this.

The Acting Chair (Mr. Bill Walker): Your thoughts are noted.

Further debate? I recognize the member from London West.

Ms. Peggy Sattler: The other point that I forgot to raise is the issue of court challenges. Certainly there is the constitutionality of this section, which is for sure going to be pursued through legal channels. But also, we heard from Fay Faraday that there's 30 years of jurisprudence showing that wage enhancements cannot be considered pay equity adjustments.

There are multiple legal grounds that this government is opening the door to, for this legislation to be challenged. I don't think that's something that people in Ontario deserve from a government: to introduce legislation that is essentially illegal and then have to go to court to try to uphold something that is clearly unconstitutional.

The Acting Chair (Mr. Bill Walker): Further debate?

Ms. Catherine Fife: Recorded vote, please.

The Acting Chair (Mr. Bill Walker): I'll do that, yes. Are the members prepared to vote? A recorded vote has been requested.

Ayes

Bouma, Crawford, Kanapathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): I declare schedule 7, section 6 carried.

Now, I move to schedule 7, section 7. I note that there is a motion to be tabled. I recognize MPP Sattler.

Ms. Peggy Sattler: I move that section 7 of schedule 7 to the bill be struck out and the following substituted:

"Repeal of the Protecting a Sustainable Public Sector for Future Generations Act, 2019

"7(1) On the day the Pandemic and Emergency Preparedness Act, 2022, receives royal assent, the Protecting a Sustainable Public Sector for Future Generations Act, 2019, is repealed.

"Same, retroactive collective agreements

"(2) Bargaining agents and employers whose collective agreements were subject to moderation measures in the Protecting a Sustainable Public Sector for Future Generations Act, 2019, including but not limited to those set out in sections 9 to 16, 23 and 24 of that act, or any ministerial orders made under section 26 of that act may, pursuant to section 17 of the Labour Relations Act, 1995, give notice and bargain in good faith and make every reasonable effort to make a collective agreement retroactive to April 1, 2019, or such other date as may be mutually agreed to by the parties."

The Acting Chair (Mr. Bill Walker): On NDP motion number 1, to the committee members, an amendment is inadmissible if it proposes to amend a statute that is not before the committee. I therefore rule the motion out of order because the Protecting a Sustainable Public Sector for Future Generations Act, 2019, is not opened by the bill.

Further debate?

Ms. Peggy Sattler: Can I have unanimous consent to consider this amendment?

The Acting Chair (Mr. Bill Walker): MPP Sattler has asked for unanimous consent to consider this amendment. I heard a no.

Any debate on schedule 7, section 7? I recognize MPP Sattler.

1740

Ms. Peggy Sattler: The Ontario NDP recommends voting against section 7 of schedule 7 to the bill.

The purpose of the amendment that I introduced is because that is what we heard repeatedly from the deputants who appeared before this committee. There is no question that we are in the midst of a very serious health workforce crisis. We have nurses exhausted and burnt out and leaving the profession in droves. Cathryn Hoy from ONA, the Ontario Nurses' Association, estimates that the shortage could be as many as 30,000 nurses. That's how many nurses we need to be able to deliver the care that patients deserve. We are seeing long-term-care homes where PSWs have literally minutes to get a resident out of bed or toileted or fed because there are so few staff to care for the residents in those homes. There is a chronic shortage of health care workers across the sector, and not just nurses and PSWs. It is a crisis.

What everyone from the sector agrees would go a long way to solving the crisis is to repeal Bill 124. Bill 124 was legislation that was introduced in 2019 by this government before the pandemic and it capped public sector wage increases at 1%, so it affects all public sector workers. But when you're in the middle of a global public health emergency, the impact of that legislation is particularly acute on health care workers.

It was clear from numerous witnesses who appeared before the committee or made submissions, despite the very limited timelines for people to request to come to committee, but those who did were very clear that the crux of the problem is Bill 124, and fixing the problem means repealing Bill 124.

This section of the act kind of offers a workaround to Bill 124, because this government—I just gave them the opportunity, through unanimous consent, to have a discussion about the urgency of repealing Bill 124. But they want to keep that legislation in place for whatever reasons, ignoring the feedback that they are receiving from workers in the health care sector. But because that legislation is in place and because this bill is creating the possibility of wage enhancement programs, they had to do something to deal with the fact that there is this 1% increase.

This section, saying that any "amounts received by an employee under a prescribed compensation enhancement program are deemed not to be an increase to a salary rate," which is their workaround for Bill 124, but that is also a complete insult to the workers who are receiving the compensation enhancement—maybe, if cabinet decides to implement that compensation enhancement program.

We all agree, on this side at least, that all front-line health care workers should be fairly compensated for the critical work that they do. All workers in the care economy

should receive wages that enable them to support their families, that provide decent working conditions. If you want to honour the work that these front-line heroes do, you should increase their salary. You shouldn't put in legislation that says that whatever additional monies the government is going to design to offer to these workers are deemed not to be an increase to a salary rate. That's a complete insult to these front-line heroes who have kept us going through the pandemic.

We are opposed to this section of the bill for those two reasons: (1) It ignores the real issue, which is Bill 124, and doesn't propose repealing Bill 124, but (2), it's just so demeaning and insulting to whichever workers end up being on the receiving end, maybe, of this compensation enhancement program, to say that those wage increases will not reflect an increase in the salary rate that is earned by those, for decades, underpaid and undervalued care workers.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Fife.

Ms. Catherine Fife: Obviously, it's a very one-sided conversation or debate over here in the finance committee today.

I just need to put it on the record, though: Legal counsel has said that schedule 7, section 6, makes profound and unconstitutional changes to the Pay Equity Act. Schedule 7 actually overrides the Pay Equity Act provisions and the entire human rights basis of the act to redress systemic discrimination in compensation. So that is what you are supporting as legislators, as lawmakers, if you do not make any changes whatsoever, which you don't seem to be amenable to do at all. This is a serious turning point in Ontario labour law.

This is from ONA's deputation. They said, "With a wave of a legislative pen, schedule 7 profoundly overrides the Pay Equity Act's key sections that apply to women in female-dominated workplaces, such as nursing homes and home care establishments, and other female-dominated workplaces." So not only are you changing the very fabric of collective bargaining, but you are targeting women.

It's quite something to see, to actually even be part of this. I think I'm going to remember this for a very long time, because it is—somebody on that side has to recognize how damaging this is. Really, who is driving this decision-making process? Who is behind the green curtain, pulling the levers on this? Because it's incredibly serious. And whoever wins the next election is going to have to pick up the pieces of this mess, just like Bill 115 in 2012, when the former Dalton McGuinty government brought in that. That took nine years to go through the legal system.

For people who don't like red tape, you're embracing it, you're wrapping it around the entire Legislature today, because this is going to be tied up in red tape, in court, and the lawyers are going to do very well, but women workers in this province are going to be seriously hurt by this legislation.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Hunter.

Ms. Mitzie Hunter: Chair, the government should have repealed Bill 124. Time and time and time and time and time again, we've heard about the damage that Bill 124 is doing to retention and compensation for front-line health care workers. The government refuses to do that, and instead of repealing Bill 124, has jammed in section 7 in a piece of legislation that is supposed to be about pandemic and emergency preparedness.

1750

This is not going to do anything to help with retention. It is not going to do anything to help those front-line workers feel that their work is being recognized and rewarded appropriately, because they don't feel that today. So taking away their rights that they've earned to have representation that negotiates a fair and agreed-to compensation on their behalf is not going to solve the problem. In fact, it's going to make the problem worse and it's going to detract from the outcome that—at least in title, this is saying "supporting retention in public sector services." That's not what's going to happen here. What's going to happen here is that workers are going to feel that their rights are being trampled on and denied, and they're going to seek a way to regain those rights.

The fact that it's the government itself that is using its legislative power to do that is unbelievable. At a time when we know that we have thousands and thousands and thousands of positions that are short today in our health care system, a health care system that is stretched and stressed, and where certainly nurses, personal support workers and others—they have other titles; I know we always say nurses and personal support workers, but there are many front-line care workers who are caught up in this and who are not feeling recognized, who are on the brink of burnout. Some have already passed that point.

They were looking for recognition and they were looking for relief, and that's not what they got. What they got was a bit of a slap in the face, because here, they were anticipating a process of redress, a process of remedy, a process of recognition, potentially the withdrawal of Bill 124 so they can proceed with free and open bargaining, and instead what they got was a hidden schedule in an omnibus bill titled Pandemic and Emergency Preparedness, without consultation. I asked that question explicitly: if the government had openly consulted, given how clearly this legislation was put together to potentially satisfy the Pay Equity Act. Why wouldn't you consult with those that are the most impacted by the legislation? And yet, that was not done. They were equally as surprised and got the limited amount of time to review the legislation and to assess its impact on their members and to recognize how severe it is.

I think we're just here, saying to the government members, "Pause. Slow down. Don't do this, because it is harmful to the very workers that you say that you want to protect and have a sustainable public sector for future generations." Well, that's not what's going to happen here. People are going to know that their rights are being violated, and they're going to speak up against that.

And so, once again, I want to just be on record, for section 7 of schedule 7, that I disagree with this unilateral

process that's being forced upon these vulnerable workers at this stage, because they are the ones that are taking the brunt of the pandemic. We should be here, as legislators, looking to see how we can protect those workers, how we can equip them to be as safe as possible so that they can do their work of protecting our vulnerable loved ones in the best way that they can. And instead of doing that, we're putting forward a piece of legislation that is literally a slap in the face for them, and yet we expect them to show up and give their best to our loved ones. That's what we expect, yet we're not doing the same for them. In our capacity here, as legislators, we're not doing that. We're not using our abilities and our authorities to lift them up and to show them, "You care for our loved ones. We care for you." We're not doing that.

I have to say, to the members on the government side: Why do you want this to be what you associate with? Why would you want that? You are trampling on the rights of front-line care workers, the majority of whom are women, all of whom have shown up for us during this pandemic. When we got a moment to lift them up, we didn't do that.

So, Chair, I just want to note my strong opposition to this section, and hopefully we can record that.

The Acting Chair (Mr. Bill Walker): Noted.

Further debate? Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Bouma, Crawford, Kanapathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): I declare schedule 7, section 7 carried.

Now, schedule 7, section 8: Further debate? I recognize MPP Sattler.

Ms. Peggy Sattler: The Ontario NDP is recommending voting against section 8 of schedule 7. This is, once again, the government's attempt—successfully, perhaps—to indemnify itself from any legal action against the crown or ministers resulting from the implementation of this act. As we have said numerous times, what this bill will do is allow the government to pick and choose who's going to get a wage enhancement and who's not, how much the wage enhancement is going to be, how long the wage enhancement will last, without any involvement of unions in the process.

We cannot support this section of the schedule because the crown should be accountable for these decisions, and, in fact, these decisions should be made as the result of a collective bargaining process between bargaining agents, trade unions and the employer—not the government.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Hunter.

Ms. Mitzie Hunter: Well, Chair, of course those that are responsible for this legislation want to cover themselves from the future court challenges that will arise from the violations that this bill—this legislation and its schedule 7, as has been noted—will cause. So, written into the legislation, it washes their hands of any responsibility for their own legislation, for what they've inflicted on women workers and their representatives and others. Schedule 8 is really meant for them to wash their hands of it.

I guess it's very telling that it's there, because I think that they know that they're ramming this through, using the majority that the government members have, and that there will be repercussions, potentially, down the road with respect to court challenges—potentially even a charter challenge, as it relates to this, which is going to be costly. It's going to be costly to the people of Ontario, when we're all here telling the government not to do this. There are other ways of resolving this. In fact, the Pay Equity Act outlines the path very clearly on how to establish redress and remedy. It's all explained in the act.

1800

The right to bargain is a historic right that exists for workers. The government can go ahead and provide enhancements, should it choose to, in recognition of pandemic efforts, but don't take away people's basic rights. That was not necessary.

The cover that the government is seeking for the crown, for the current or former ministers, agents, appointees or employees is simply that: It's just cover for what is to come based on these violations.

I would like to register my not supporting this, because it's directly tied to the actions of what has been laid out in schedule 7, sections 5, 6 and 7.

The Acting Chair (Mr. Bill Walker): It's noted.

I note that it is almost 6 o'clock, so I would ask: Is it the pleasure of the committee that we continue with debate or that we take a recess from 6 to 6:30?

Interjections: Continue.

The Acting Chair (Mr. Bill Walker): Continue? Anyone opposed?

Further debate? Seeing none, are members prepared to vote?

Ms. Catherine Fife: Recorded vote.

Ayes

Bouma, Crawford, Kanapathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): Schedule 7, section 8 is carried.

There are no amendments to sections 9 to 13 of schedule 7. I therefore propose that we bundle these sections. Is there agreement? Agreed.

Further debate? I recognize MPP Hunter.

Ms. Mitzie Hunter: I just want to register, in terms of the commencement, that this act, the Pandemic and Emergency Preparedness Act, lost its focus with the inclusion of schedule 7, sections 5, 6 and 7. Even the short title of Supporting Retention in Public Services Act—I highly doubt that will be achieved, given the contention that will be caused by taking away and trampling on people's collective bargaining rights and the rights to representation, as are guaranteed under the Charter of Rights and Freedoms in Canada and Ontario.

The Acting Chair (Mr. Bill Walker): I recognize MPP Sattler.

Ms. Peggy Sattler: I would like to point out the section here dealing with regulations, which is one of the big concerns that we heard in committee. Aside from all of the constitutional problems with this bill, the other issue is that it creates this shell of a compensation enhancement program without any details. All of the details are left to regulation, and those are eligibility, how long, whether it's permanent or temporary, who gets it. These are all details that are completely absent from this bill.

For the government to go out there and tell the media to tell PSWs that they need this legislation to make pandemic pay permanent—there is nothing in this legislation that says that PSWs will get permanent pandemic pay. All this bill talks about is a compensation enhancement program that's undefined, with regulations to be set later as to who's going to get it, how much it's going to involve, whether it's permanent or temporary, and anything else about this compensation enhancement.

The Acting Chair (Mr. Bill Walker): Further debate? Are the members prepared to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Bouma, Crawford, Kanapathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): I declare the motion carried.

Any debate on schedule on schedule 7 as a whole? I recognize MPP Sattler.

Ms. Peggy Sattler: The Ontario NDP recommends voting against schedule 7 to the bill. Despite our efforts to try to make this schedule adhere to the Charter of Rights and Freedoms, respect collective bargaining rights of workers, respect equality rights and pay equity rights of women workers in this province, and repeal Bill 124—which this government should know is really the crux of the health human resources crisis that we're facing in this province because it denies front-line health care workers and all public sector workers the ability to bargain wages that compensate them fairly for the work that they do; it caps public sector salaries at 1% wage increases. That is

what should be done to support retention in public services, not the measures that have been laid out in this schedule.

There was no consultation with any of the unions that came to this committee: with the Ontario Nurses' Association, with SEIU Healthcare, with CUPE Ontario. There was no consultation with lawyers and legal experts about this bill, and that's what we heard from lawyers representing the Equal Pay Coalition and others. This schedule is an affront to all workers in this province.

The president of the Ontario Federation of Labour also participated in an emergency press conference last Thursday, calling on this government to withdraw schedule 7. The fact that this government is refusing to listen to the voices of workers, and women workers in particular, is deeply disturbing—not surprising, unfortunately. But we simply cannot state in stronger terms our complete opposition to this schedule of the bill.

The Acting Chair (Mr. Bill Walker): Further debate? I recognize MPP Hunter.

Ms. Mitzie Hunter: I want to just say that we heard very loud and clear—the Ontario Equal Pay Coalition came forward. We had others, like SEIU and the Ontario Nurses' Association, representing female-dominated employment classes. Really, it's a credit to them, responding at such a last minute to this legislation being jammed through the Legislature. They have been very clear that this is going to do harm to women who are seeking pay equity in this province. This legislation is going to do harm. Their advice was to correct it, and we could simply do that with the withdrawal of schedule 7, by changing it, by taking out sections 5, 6 and 7, which are so harmful to those bargaining rights and to the right to representation, which is guaranteed under the charter.

1810

Let's not forget that pay equity was hard fought for, over many, many, many years, and it affects public sector as well as private sector employers. The government stepping in to unilaterally assign compensation really takes that ability away from the parties to come to a resolution and a remedy themselves, which is what the act, in and of itself, asks for.

I just want to register again, Chair, the strong opposition to this legislation because of the errors in it, the flaws in the legislation, in section 7, in particular. It does harm to women. It does harm to classes of women that have been historically disadvantaged, systemically, in terms of pay and compensation—racialized women, women who have really shown up to work each and every day without receiving the fairness that they deserve.

This legislation is really overlooking all of that effort and is setting up the government, really, for court challenges and for a charter challenge, potentially. It could have been avoided if the government had just listened and withdrawn the schedule or the sections within the schedule that were pointed out to them numerous times by the witnesses.

I want to just register, on behalf of the Ontario Liberals, my opposition to section 7 in its current form.

The Acting Chair (Mr. Bill Walker): Further debate? Seeing none, are members prepared to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Bouma, Crawford, Kanpathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): Schedule 7 is carried.

Now we go back to section 1 of the bill. Any debate on section 1 of the bill? Shall section 1 carry? Carried.

Is there any debate on section 2 of the bill? Seeing none, shall section 2 carry? Carried.

Any debate on section 3 of the bill? Seeing none, shall section 3 carry? Carried.

Bill 106, An Act to enact two Acts and amend various other Acts: Shall the title of the bill carry? Any debate? Seeing none, carried.

Shall Bill 106 carry?

Ms. Peggy Sattler: Recorded vote.

Ayes

Bouma, Crawford, Kanpathi, Parsa, Dave Smith, Triantafilopoulos.

Nays

Fife, Hunter, Sattler.

The Acting Chair (Mr. Bill Walker): Bill 106 is carried.

Shall I report the bill to the House? Any debate? All those in favour? All those opposed? I will report the bill to the House.

This concludes our business for the day. The committee now stands adjourned. Thank you for your service.

The committee adjourned at 1815.

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