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**Official Report
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(Hansard)**

F-27

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(Hansard)**

F-27

**Standing Committee on
Finance and Economic Affairs**

Working for Workers Act, 2023

1st Session
43rd Parliament

Tuesday 2 May 2023

**Comité permanent
des finances
et des affaires économiques**

Loi de 2023 visant à oeuvrer
pour les travailleurs

1^{re} session
43^e législature

Mardi 2 mai 2023

Chair: Ernie Hardeman
Clerk: Vanessa Kattar

Président : Ernie Hardeman
Greffière : Vanessa Kattar

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Tuesday 2 May 2023

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Mardi 2 mai 2023

The committee met at 1001 in room 151.

WORKING FOR WORKERS ACT, 2023

**LOI DE 2023 VISANT À OEUVRER
POUR LES TRAVAILLEURS**

Consideration of the following bill:

Bill 79, An Act to amend various statutes with respect to employment and labour and other matters / Projet de loi 79, Loi modifiant diverses lois en ce qui concerne l'emploi, le travail et d'autres questions.

The Chair (Mr. Ernie Hardeman): Good morning, everyone. I call this meeting of the Standing Committee on Finance and Economic Affairs to order. We're meeting today for clause-by-clause consideration of Bill 79, An Act to amend various statutes with respect to employment and labour and other matters.

Julia Hood from legislative counsel is here to assist us with our work, should you have any questions.

A copy of the amendments filed with the Clerk has been distributed electronically.

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

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

As you will notice, Bill 79 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 will 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?

MPP Jamie West: Point of order, Chair.

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

MPP Jamie West: We would get to the amendments afterwards?

The Chair (Mr. Ernie Hardeman): Yes.

MPP Jamie West: Okay.

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

We will now go to schedule 1 of the bill. We have an NDP amendment. That would be the first amendment in the list here.

It's moved by MPP West.

MPP Jamie West: I move that section 0.1 be added to schedule 1 to the bill:

"0.1 Subsection 3(1) of the Employment Protection for Foreign Nationals Act, 2009 is amended by,

"(a) striking out 'who, pursuant to an immigration or foreign temporary employee program, is employed' in paragraph 1 and substituting 'who is employed';

"(b) striking out 'pursuant to an immigration or foreign temporary employee program' at the end of paragraph 2; and

"(c) striking out 'pursuant to an immigration or foreign temporary employee program' at the end of paragraph 3."

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

I therefore rule the motion out of order, because section 3(1) of the parent act is not opened by the bill.

MPP Jamie West: Am I able to speak to this or is it just out of order?

The Chair (Mr. Ernie Hardeman): No. The Chair's ruling is undebatable.

MPP Jamie West: Chair?

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

MPP Jamie West: Am I allowed to move for a UC that it be accepted?

The Chair (Mr. Ernie Hardeman): Yes.

MPP Jamie West: I'd like to move for unanimous consent that amendment 1 be allowed to be discussed for debate.

The Chair (Mr. Ernie Hardeman): Unanimous consent has been requested. I hear a no.

There are no further amendments to schedule 1. I therefore propose that we bundle sections 1 to 3 in this agreement. Is there agreement? Everybody agreed to that, so we bundle that.

Is there any debate on sections 1 to 3? MPP West.

MPP Jamie West: Yes. It might be out of order, Speaker, but I feel like the amendment would have helped to—

The Chair (Mr. Ernie Hardeman): No debate to the amendment.

MPP Jamie West: All right.

The Chair (Mr. Ernie Hardeman): Okay. Any further debate? Is the committee ready to vote on sections 1 to 3? All those in favour? All those opposed? The motion is carried. Sections 1 to 3, inclusive, carry.

Is there any debate on schedule 1 as a whole? If not, are the members ready to vote? All those in favour of schedule 1? All those opposed? Schedule 1 is carried.

Schedule 2: We have an amendment on schedule 2 from MPP West.

MPP Jamie West: I move that section 0.1 be added to schedule 2 to the bill:

“0.1 Sections 50, 50.0.1 and 50.0.2 of the Employment Standards Act, 2000 are repealed and the following substituted:

“Personal emergency leave

“Personal emergency leave

“Definition

“50.(1) In this section, “qualified health practitioner” means,

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

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

“Personal emergency leave

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

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

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

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

“Same

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

“1. The employee’s spouse.

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

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

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

“5. A brother, step-brother, sister or step-sister of the employee.

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

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

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

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

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

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

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

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

“Advising employer

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

“Same

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

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“Limit

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

“Same, entitlement to paid leave

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

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

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

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

“Leave deemed to be taken in entire days

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

“Paid days first

“(9) The 10 paid days must be taken first in a calendar year before any unpaid days that are otherwise provided under the terms of the employee’s employment can be taken.

“Personal emergency leave pay

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

“(a) either,

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

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

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

“Personal emergency leave where higher rate of wages

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

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

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

I’m nearing the end, Chair.

“Personal emergency leave on public holiday

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

“Evidence

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

“Same

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

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

I therefore rule the motion out of order because section 50, 50.0.1 and 50.0.2 of the parent act is not opened by the bill.

MPP West.

MPP Jamie West: I’d like to move unanimous consent that this amendment be open for debate. It would replace the inadequate pandemic three-day leave the Conservative government has recently ended.

The Chair (Mr. Ernie Hardeman): Do we have unanimous consent? We don’t have unanimous consent.

We now go to the NDP’s “section 0.2 be added to schedule 2” of the bill, page 3 in our amendments. MPP West.

MPP Jamie West: I move that section 0.2 be added to schedule 2 to the bill:

“0.2(1) Section 50.1 of the act is amended by adding the following subsection:

“Clarification

“(1.2.1) For greater certainty, the entitlement to paid leave referred to in subsection (1.2) is in addition to any other entitlement to paid leave under section 50.’

“(2) Subsection 50.1(1.3) of the act is amended by striking out ‘three paid days’ and substituting ‘14 paid days’.

“(3) Subsection 50.1(1.7) of the act is amended by striking out ‘three paid days’ and substituting ‘14 paid days’.

The Chair (Mr. Ernie Hardeman): I rule the motion out of order because section 50.1 of the parent act is not opened by the bill.

MPP West.

MPP Jamie West: I will move unanimous consent that we consider this leave. This would help, if we were to have another pandemic similar to COVID-19, to provide 14 days’ paid leave for workers.

The Chair (Mr. Ernie Hardeman): There’s a request for unanimous consent. No.

Number 4: MPP West.

MPP Jamie West: I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 50.2(1) of the act is amended by striking out ‘leave of absence without pay’ in the portion before clause (a) and substituting ‘paid leave of absence’.”

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

MPP Jamie West: This motion terms the proposed leave guaranteed for members of the Canadian armed services reserves and it turns it into paid leave. This is a way of supporting our reservists who take time off for training. We think that what the government is trying to do in the first part of this act makes sense, to have them have the time off, but we think that it would be easier to recruit people into the reservists and have the reservists be able to train and practise if they had paid leave for it. This was a move supported by advocates for armed service members or the reservists. We think it’s a good way to move forward.

Very similar, during committee, we had heard—I apologize, I can’t remember if it was in this committee or another one. We had heard from armed service reservists about the importance of having something like this, because currently what happens if they can’t afford to make ends meet is they use their vacation time, which takes them away from their family and their family isn’t able to have vacation with the reservists. So we think it’s just a meaningful way to support the reservists, who support our country.

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

Mr. Deepak Anand: I just want to say that nobody respects more than this government when it comes to the reservists, and that’s why we made these amendments in this bill.

Respectfully, I want to say this to the member opposite: Reservists are paid by the Canadian Forces for the time they volunteer for the service. Under the ESA, there is no restriction on the length of reservists’ leave. But having said that, we’ve seen it, over time—reservists can be deployed for an operation inside and outside Canada for several months. For an example, a deployment typically lasts one to 12 months. In addition, treatment, recovery or rehab in respect to physical or mental health illness resulting from active duty and training is unlikely to have a certain end date and could take several years.

It would be extremely costly and anomalous for the employers to be required to provide paid leaves that may last for several months. I appreciate the intent that the

member has, but respectfully, I would recommend voting against this motion.

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

MPP Jamie West: I appreciate that as a comment. I think that there is room in this to clarify that it would compensate when there are cases where they are not being paid by the Canadian Armed Forces, as we had heard from the reservists that it's sometimes difficult for them to find time for training which isn't including pay and that they have to use vacation time for it. It would just improve the standard as it is. The idea is to make it go from good to better.

The Chair (Mr. Ernie Hardeman): Further debate? No further debate. Are we ready to call the question?

MPP Jamie West: Point of order, Speaker. I'm going to ask for a recorded vote. Can I just ask for one for the entire amendment so I don't have to interrupt all—

The Chair (Mr. Ernie Hardeman): Okay, a recorded vote has been requested.

Interjection.

The Chair (Mr. Ernie Hardeman): The question was for a recorded vote on the amendment?

MPP Jamie West: Just a recorded vote for all the amendments so I don't have to—I can do it for each one, if you want. Am I able to ask just one time?

The Chair (Mr. Ernie Hardeman): You're required to do it for each one.

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MPP Jamie West: Okay. Recorded vote.

The Chair (Mr. Ernie Hardeman): Okay. All those in favour—

Interjections.

The Chair (Mr. Ernie Hardeman): This is the vote on amendment 4, just on the amendment.

Ayes

Begum, West.

Nays

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

The Chair (Mr. Ernie Hardeman): I declare the vote lost.

Any debate on schedule 2, section 1? No further debate? Shall I call the question? All those in favour?

MPP Jamie West: A recorded vote, Chair.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

The Chair (Mr. Ernie Hardeman): Schedule 2, section 1 is carried.

New section 1.1: MPP West.

MPP Jamie West: I move that section 1.1 be added to schedule 2 to the bill:

“1.1 Subsection 51(4) of the act is repealed.”

The Chair (Mr. Ernie Hardeman): I rule the motion out of order, because subsection 51(4) of the parent act is not opened by the bill.

MPP Jamie West: Point of order.

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

MPP Jamie West: I ask for unanimous consent that the committee consider this section for debate. It would allow reservists to continue contributions to the benefit plans of the employees while on leave as reservists.

The Chair (Mr. Ernie Hardeman): Unanimous consent? No unanimous consent.

Amendment number 6: MPP West.

MPP Jamie West: I move that section 1.2 be added to schedule 2 to the bill:

“1.2 The act is amended by adding the following section:

“Financial support program

“53.1.1(1) The minister shall implement a financial support program as described in this section.

“Same, cost of personal emergency leave

“(2) The financial support program shall provide for temporary financial support to be given to employers to help them adapt to any increased costs associated with paid leave under section 50, as established by the amendments to this act made by the Working for Workers Act, 2023.

“Same

“(3) Subject to subsection (4), the minister may provide funding to employers under the financial support program for the purpose referred to in subsection (2).

“Appropriation required

“(4) The minister may only make a payment under subsection (3) if money has been appropriated for that purpose by the Legislature.”

The Chair (Mr. Ernie Hardeman): I rule this amendment out of order. An amendment is accordingly out of order if it is governed by or dependent on an amendment which has already been negated.

MPP Jamie West: Point of order.

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

MPP Jamie West: Again, Chair—I think you know where this is going—I'm going to ask for UC that we consider this amendment.

The Chair (Mr. Ernie Hardeman): Unanimous consent has been requested. We do not have unanimous consent.

There are no further amendments to schedule 2. I therefore propose that we bundle sections 2 to 8. Is there agreement? Okay. Is there any—

The Clerk of the Committee (Ms. Vanessa Kattar): There was no agreement.

The Chair (Mr. Ernie Hardeman): Oh, there was no agreement? I thought there was.

Interjections.

The Chair (Mr. Ernie Hardeman): From 2 to 8: Is there agreement to bundle them together for one vote?

MPP Jamie West: Yes; apologies, Chair.

The Chair (Mr. Ernie Hardeman): Is there any debate?

MPP Jamie West: Recorded vote.

The Chair (Mr. Ernie Hardeman): Is the committee prepared to vote? Shall schedule 2, sections 2 to 8, inclusive, carry?

Mr. Deepak Anand: Recorded vote.

MPP Jamie West: I did ask for a recorded vote.

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

MPP Jamie West: Please.

The Chair (Mr. Ernie Hardeman): Okay, there we go.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

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

Is there any debate on schedule 2 as a whole? Any further debate on schedule 2? MPP West.

MPP Jamie West: Just briefly, Chair, the amendments we're bringing forward are to take this bill, the Working for Workers Act, and improve it so that it is more effective for working for workers.

The Chair (Mr. Ernie Hardeman): Any further debate on schedule 2 as a whole? If not, all those in favour? All those opposed? The motion is carried.

Schedule 3: There are no amendments to schedule 3. I therefore propose that we bundle sections 1 to 6. Is there agreement? Is there any debate on schedule 3, 1 to 6 inclusive? If no debate, shall I call the question? All those in favour? All those opposed? The motion is carried.

Shall schedule 3 carry? I'll call the question. All those in favour? Opposed? The motion is carried.

Next, amendment number 7 is a new schedule 3.1. MPP West.

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

“Schedule 3.1

“Labour Relations Act, 1995

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

“Definitions

“73.1(1) In this section,

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

““person” includes,

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

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

““place of operations in respect of which the strike or lock-out is taking place” includes any place where employees in the bargaining unit who are on strike or who are

locked out would ordinarily perform their work. (“lieu d'exploitation à l'égard duquel la grève ou le lock-out a lieu”)

“Application

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

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

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

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

“Interpretation

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

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

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

“Use of bargaining unit employees

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

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“Use of newly hired employees, etc.

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

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

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

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

“Use of others at the strike, etc., location

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

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

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

“3. An employee or other person, whether paid or not, who is transferred to a place of operations in respect of which the strike or lock-out is taking place, if he or she was transferred after the earlier of the date on which the

notice of desire to bargain is given and the date on which bargaining begins.

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

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

“Prohibition re replacement work

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

“No reprisals

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

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

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

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

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

“Burden of proof

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

“Definition

“73.2(1) In this section,

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

“Permitted use of specified replacement workers

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

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

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

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

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

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

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

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

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

“Same

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

“(a) danger to life, health or safety;

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

“(c) serious environmental damage.

“Notice to trade union

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

“Time for giving notice

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

“Same, emergency

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

“Consent

“(7) After receiving the employer’s notice, the trade union may consent to the use of bargaining unit employees instead of specified replacement workers to perform some or all of the proposed work and shall promptly notify the employer as to whether it gives its consent.

“Use of bargaining unit employees

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

“Working conditions

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

“Priority re replacement workers

“(10) No employer, employers’ organization or person acting on behalf of either shall use a specified replacement

worker to perform the work described in subsection (2) or (3), unless,

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

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

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

“Exception re emergency

“(11) In an emergency, the employer may use a specified replacement worker to perform the work described in subsection (2) or (3) for the period of time required to give notice to the trade union and determine whether the trade union gives its consent to the use of bargaining unit employees.

“Application for directions

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

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

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

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

“Reconsideration

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

“Same

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

“Burden of proof

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

“Agreement re specified replacement workers

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

“Formal requirements

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

“Same

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

“Term of agreement

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

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

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

“Prohibited circumstances

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

“Enforcement

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

Interjection.

MPP Jamie West: Thank you.

“Filing in court

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

“Reinstatement after lock-out, etc.

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

“Same

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

“Right to displace others

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

“Same

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

“Insufficient work

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

“(a) if the collective agreement contains recall provisions that are based on seniority, in accordance with seniority as defined in those provisions and as determined when the strike or lock-out began, in relation to other

employees in the bargaining unit who were employed at the time the strike or lock-out began; or

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

“Starting up operations

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

“Continuation of benefits

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

“Lawful strike or lock-out

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

“Payments

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

“Same

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

“Cancellation of benefits

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

“Denial of benefits

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

“Effect of contract

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

“Commencement

“2. This schedule comes into force on the day the Working for Workers Act, 2023 receives royal assent.”

I move in support. Thank you to my colleague for the water.

Mr. Deepak Anand: Well, you’re my son’s MPP. I have to take care of you.

The Chair (Mr. Ernie Hardeman): “An amendment is inadmissible if it proposes to amend a statute that is not

before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

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

MPP Jamie West: Point of order.

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

MPP Jamie West: I was considering doing a UC and reading it all again, but I won’t do that. I’m looking for unanimous consent. We all know right now that PSAC is on strike. We know Windsor Salt is on strike, using replacement workers, and the Kingston ferry workers are on strike, using replacement workers. This is legislation that would be helpful—

The Chair (Mr. Ernie Hardeman): MPP West, unanimous consent does not require an explanation.

MPP Jamie West: Apologies, Chair.

The Chair (Mr. Ernie Hardeman): Is there unanimous consent? He asked for unanimous consent. I heard a no.

That concludes schedule 3.1.

Schedule 4: There are no amendments to schedule 4. Therefore, I propose we bundle sections 1 and 2. Is there agreement? Agreed.

Is there any debate on schedule 4, sections 1 and 2? If there’s no further debate, shall I call the question? All those in favour of schedule 4, sections 1 and 2 inclusive?

MPP Jamie West: Recorded vote.

The Chair (Mr. Ernie Hardeman): A recorded vote has been requested.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

The Chair (Mr. Ernie Hardeman): Okay, the motion is carried.

Is there any debate on schedule 4 as a whole? No debate. Are the members prepared to vote? All those in favour of schedule 4? All those opposed? Schedule 4 carries.

Schedule 5, section 1: We have an amendment, amendment number 8, for those who are keeping track. MPP Begum.

Ms. Doly Begum: I move that section 0.1 be added to schedule 5 to the bill:

“0.1 Subsection 29.1(1) of the Occupational Health and Safety Act is amended by adding ‘to a worker who works for a public transit system operated by a municipality, to a worker who is present at the workplace to perform a service at the workplace, or’ after ‘on request.’”

The Chair (Mr. Ernie Hardeman): “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

I therefore rule the motion out of order because subsection 29.1(1) of the parent act is not opened by the bill.

Ms. Doly Begum: Point of order, Chair.

The Chair (Mr. Ernie Hardeman): Yes?

Ms. Doly Begum: I was just hoping that the members on the committee would consider this schedule for debate, because it specifically asks for transit workers to have something that is available in this bill—

The Chair (Mr. Ernie Hardeman): Before we go any further, you must get unanimous consent to get a debate prior to—if there's no unanimous consent, there's no debate to the Chair's ruling. Okay? Do you want unanimous consent?

Ms. Doly Begum: I ask for unanimous consent for discussion.

The Chair (Mr. Ernie Hardeman): There's a request for unanimous consent. No, you don't have unanimous consent, so it's lost.

Ms. Doly Begum: Point of order, Chair. I just wanted to ask, why can't we discuss a point for transit workers to have access to public washrooms?

The Chair (Mr. Ernie Hardeman): There is no discussion and arguing with the Chair's ruling. This amendment is out of order.

Amendment number 9: MPP West.

MPP Jamie West: I move that section 0.2 be added to schedule 5 to the bill:

“0.2 The act is amended by adding the following section:

“Diesel particulate matter

“42.1 Despite any other provision of this act or the regulations, where diesel-powered equipment is operated in an underground mine, the time-weighted average exposure of a worker to elemental carbon shall not be more than 0.02 milligrams per cubic metre of air.”

The Chair (Mr. Ernie Hardeman): The proposed amendment is out of order as it is out of the scope of subject matter of the schedule. An amendment to the bill must be relevant in that it must always relate to the subject matter of the bill or to the clause therefore under consideration.

MPP West.

MPP Jamie West: I'd like to move unanimous consent to consider this so that we can get to 0.02 milligrams that the miners have been looking for.

The Chair (Mr. Ernie Hardeman): There's a request for unanimous consent. I heard a no. It's out of order.

There are no further amendments to schedule 5. I therefore propose that we bundle sections 1 and 2. Is there agreement? Hearing no objection: Any debate on sections 1 and 2 of schedule 5? MPP West.

MPP Jamie West: All of the amendments so far have been voted down. The amendments really are to improve the Working for Workers bill in terms of what workers have come to talk to us—and, I'm sure, the government members as well—about what would improve legislation for the workers of Ontario.

The Chair (Mr. Ernie Hardeman): Further debate? No further debate. Shall I call the question? All those in favour of sections 1 and 2 of schedule 5?

MPP Jamie West: Recorded vote.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

The Chair (Mr. Ernie Hardeman): All those opposed? Sections 1 and 2 are carried.

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Is there any debate on schedule 5 as a whole? No debate. Shall I put the question? All those in—yes, MPP Begum.

Ms. Doly Begum: Thank you very much, Chair. I wanted to just make a few notes on the schedule and say there are, surprisingly—and I'm pleasantly surprised—some good sections added to this which allow for workers to have the ability to have access to clean washrooms.

Our motion that we had brought forward on a section to OHSA that would, if passed, have granted access for not just public transit operators that is conferred in a limited way but also to delivery workers, as well as open to other classes of workers—

The Chair (Mr. Ernie Hardeman): I'd just caution the member. The motion that was ruled out of order is not debatable. So I would caution in your discussion not to debate a motion that didn't appear on the table.

Ms. Doly Begum: Thank you very much, Chair. I'll keep my comments specifically to the schedule and say that I was hoping the government would consider workers who are not included in this schedule to be included, especially when they work jobs that are precarious and do not have access to public washrooms or other amenities that are necessary for their well-being in their workplaces.

The Chair (Mr. Ernie Hardeman): Any further debate on schedule 5 as a whole? If not, shall I call the question? All those in favour? All those opposed? Schedule 5 is carried.

Schedule 6: There are no amendments to schedule 6. I therefore propose that we bundle sections 1 and 2. Is there agreement?

MPP Jamie West: Can I make a point of order?

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

MPP Jamie West: I believe this is the time. I want to give notice that the Ontario NDP recommends voting against schedule 6 of the bill. The reason for the notice rather than a motion is the committee wishes to remove an entire schedule from the bill. The rules of parliamentary procedure require the committee to vote against the schedule rather than pass a motion to delete it.

The Chair (Mr. Ernie Hardeman): Any further debate on sections 1 and 2 of schedule 6? MPP Begum.

Ms. Doly Begum: I understand that for schedule 6, there was a submission made by the Information and Privacy Commissioner of Ontario, and I hope to read this for the record in this discussion. It is to the Chair and to the Standing Committee on Finance and Economic Affairs for the Legislative Assembly of Ontario. It's for schedule 4 but also for schedules 6 and 7:

“As the officer of the Legislature with a mandate to protect the privacy and transparency rights of Ontarians, I

am writing with respect to schedules 4, 6 and 7 (herein referred to as the ‘schedules’) of Bill 79, the Working for Workers Act, 2023....

“The Office of the Information and Privacy Commissioner of Ontario (the ‘IPC’) recognizes the intent of the government of Ontario’s employment services transformation (‘EST’) and its laudable objective to better integrate programs and services and improve ultimate outcomes for all job seekers, including those who receive social assistance. Equally important, however, is that these critical supports be grounded in a legislative framework that protects the privacy of Ontarians who avail themselves of such programs or services, and is transparent and accountable to them, and to all Ontarians.

“To achieve the EST objective, the IPC understands that the Ministry of Labour, Immigration, Training and Skills Development (the ‘ministry’) and the Ministry of Children, Community and Social Services intend to use a shared database for the collection, use and disclosure of the personal information under the schedules. Given the significant volume and sensitivity of the personal information contemplated by the schedules, including information relating to the medical, psychiatric, psychological and employment history of social assistance recipients, the privacy implications of the schedules must be thoroughly and carefully assessed prior to their adoption.

“The IPC has three main comments with respect to the schedules, that we set out below for your consideration.

“(1) Legal authority for the ministry’s delivery of employment programs and services is not clear.

“Any government proposals related to the delivery of programs and services should be grounded first and foremost in clear legal authority to deliver those programs and services.” And I hope my colleagues will listen to this specific section, Chair, that the IPC wrote: “Based on the information received by the IPC and the provisions set out in the schedules, it is not clear that the ministry (or those who deliver services on behalf of the ministry) has the legal authority to deliver the employment programs and services for which the proposed collection, use and disclosure authorities under the schedules are intended to support. Moreover, it is not clear whether the ministry’s proposed activities include delivering employment programs and services under all three statutes in the schedules.

“(2) Authorities for collection, use and disclosure of personal information under Freedom of Information and Protection of Privacy Act should be utilized.

“Clarifying the ambiguity in respect of the legal authority referred to above is a critical part of assessing whether the ministry has the requisite lawful authority to collect, use and disclose personal information needed to properly administer the employment programs and services as being contemplated under the EST. Where an institution has proper lawful authority to deliver employment programs and services, it may then rely on the applicable direct and indirect collection, use and disclosure provisions enumerated under the Freedom of

Information and Protection of Privacy Act (FIPPA). This includes the ability to collect personal information as long as it is necessary for the proper administration of its lawfully authorized activity and to use and disclose personal information for purposes consistent therewith or other permissive purposes set out in FIPPA. If the ministry determines it is necessary to establish express new collection, use and disclosure authorities under another statute, as is being proposed under the schedules, it must be well-justified and well-constructed in both its purpose and limitation. Overbroad data collection, use and disclosure provisions in other statutes should not be used as a way of exempting government activity from independent scrutiny and circumventing the privacy protections afforded under FIPPA.

“(3) The schedules do not adequately address data minimization principles.”

And this is very important, what the IPC highlighted: “Any new proposed authority should, at minimum, be balanced by data minimization principles that prohibit, (1) the collection, use and disclosure of personal information if other information will serve the purpose, and (2) the collection, use and disclosure of more personal information than is reasonably necessary to meet the stated purpose. The schedules, as drafted, do not adequately address these principles. For example, schedule 6,” sections 53.1(1) and (2), “and schedule 7,” sections 72.1(1) and (2), “appear to permit the ministry to collect personal information without the expectation of using it. The ministry has not provided clear rationale as to why it should be able to collect Ontarians’ personal information when doing so is not necessary for the purpose of delivering the employment programs and services being contemplated as part of the EST.”

The IPC’s recommendations therefore are:

“The IPC usually strives to recommend concrete amendments that can help achieve the policy intent of a proposed bill with minimal incursion on the right to privacy and transparency. However, in this case, we do not believe that the above issues can be resolved simply by amending the schedules as currently proposed. As a result, we strongly recommend the schedules be withdrawn from the bill to give the ministry additional time to clarify the significant ambiguities identified above and address our comments in a more holistic manner. Doing so will enable the ministry to better protect the privacy and confidentiality of individuals while also achieving the ultimate objective of transforming employment services for the benefit of Ontarians.

“The IPC remains available to consult with the ministry, should the schedules not proceed within the bill. In the spirit of openness and transparency, I am providing a copy of this letter to the minister, as well as the deputy minister, and will be posting this letter on my office’s website.

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“Thank you for receiving my comments regarding the schedules and I would be pleased to answer any questions committee members may have.”

It's signed by Patricia Kosseim, the commissioner.

I thank you, Chair, for letting me read the letter that the IPC has sent us. I hope that the government members will reconsider and withdraw these schedules as recommended by the commissioner because of how dangerous they are and the possible threat they pose to the people of this province.

The Chair (Mr. Ernie Hardeman): Is there any further debate on sections 1 and 2 of schedule 6? MPP Anand.

Mr. Deepak Anand: Respectfully, I want to communicate this to the Information and Privacy Commissioner for the good work she's doing: We do acknowledge and we thank the IPC commissioner for the work that has been done. We, as a ministry, engaged with the Office of the Information and Privacy Commissioner before introducing the bill on March 31, 2023. As the commissioner noted, our bill is a good step forward helping workers in Ontario. The IPC "recognizes the intent of the government of Ontario's employment services transformation ... and its laudable objective to better integrate programs and services and improve ultimate outcomes for all job seekers, including those who receive social assistance."

The changes the commissioner recommends are better suited for privacy legislation. Chair, our government takes protecting the privacy of everyone in Ontario very seriously. We will continue to work together. We look forward to working with the commissioner as we draft the regulations that will accompany this legislation.

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

MPP Jamie West: With respect to the Clerk's and other committee members' time, I won't reread the letter, but I think it's worth pointing out that the Information and Privacy Commissioner of Ontario is non-partisan. They're there to serve all of us as members with good advice, good recommendations. Their very thoughtful letter is three pages long. I trust the advice of the commissioner.

I'll just read one section: "The IPC usually strives to recommend concrete amendments that can help achieve the policy intent of a proposed bill with minimal incursions on the right to privacy and transparency. However, in this case"—speaking to this bill—"we do not believe that the above issues can be resolved simply by amending the schedules as currently proposed. As a result, we strongly recommend the schedules be withdrawn from the bill to give the ministry additional time to clarify the significant ambiguities identified above and address our comments in a more holistic manner."

There's also the offer to work with the ministry to improve this.

Again, I'm going to remind the committee about the recommendation to vote against this schedule.

The Chair (Mr. Ernie Hardeman): Any further debate on sections 1 and 2 of schedule 6? MPP Begum.

Ms. Doly Begum: I also want to note that as member Anand has pointed out, the government is willing to listen to the IPC commissioner. As member West has pointed out, the commissioner is non-partisan. The recommendation here is to withdraw these sections and for the ministry

to do a better job in protecting the privacy and confidentiality of individuals while ultimately achieving the main objective, which is to make sure that we're serving the workers of this province.

So I really hope that the government members will reconsider how dangerous it is to go through with these schedules and pass this bill without really considering the harm that it will do to Ontarians.

The Chair (Mr. Ernie Hardeman): Further discussion? If there's no further discussion, shall I put the question?

MPP Jamie West: Recorded vote, Chair.

The Chair (Mr. Ernie Hardeman): A recorded vote is requested.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

Nays

Begum, West.

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

Are the members prepared to vote on schedule 6? No further debate on schedule 6? All those in favour? All those opposed? The motion is carried.

Schedule 7: There are no amendments to schedule 7. I therefore propose that we bundle sections 1 and 2. Is there agreement?

MPP Jamie West: Point of order.

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

MPP Jamie West: I'm just providing notice: The NDP recommends voting against schedule 7 of the bill. The reason for the notice rather than a motion is that if the committee wishes to remove an entire schedule from the bill, the rules of parliamentary procedure require the committee vote against the schedule rather than pass a motion to delete it.

The Chair (Mr. Ernie Hardeman): In order here, if we can vote on the bundling, then we can discuss the whole after that.

MPP Jamie West: Apologies.

The Chair (Mr. Ernie Hardeman): Is there agreement on bundling sections 1 and 2 of schedule 7? Okay, so then we will put the question. Debate on sections 1 and 2 of schedule 7? There we go, MPP West.

MPP Jamie West: I'll provide notice. The Ontario NDP recommends voting against schedule 7 of the bill. As I said, the reason for the notice rather than a motion is that if the committee wishes to remove an entire schedule from the bill, the rules of parliamentary procedure require the committee vote against the schedule rather than pass a motion to delete it.

The Chair (Mr. Ernie Hardeman): Any further debate on sections 1 and 2 of schedule 7? No further debate. Shall I call the question?

MPP Jamie West: Recorded vote.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

Nays

Begum, West.

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

Any further debate on schedule 7 as a whole? MPP Begum.

Ms. Doly Begum: Just as I mentioned for schedule 6, the same concern remains for schedule 7. The ministry has failed to provide any clear indication and rationale for why—just as the commissioner had pointed out, as I was reading in the past—the government would be collecting data and how it's going to be used if it's not for the purpose of the programs that they are delivering, which is highlighted in this bill and the other Working for Workers legislation.

If the government is not demonstrating what their intent is—if they're not specifically, explicitly detailing the need for this collection—then there is no rationale for the collection of Ontarians' personal data and, once again, I would say we need to withdraw schedule 7. The Ontario NDP recommends that, and we will be voting against it.

The Chair (Mr. Ernie Hardeman): Further debate on schedule 7? MPP West.

MPP Jamie West: This, again, comes to privacy. We know that privacy for individuals is becoming more and more important. You're seeing legislation passing which allows people on computers and phone apps to remove themselves from information that used to be just collected randomly and shared all over the place. We really think that privacy for individuals is important. I'm sure my colleagues in the Conservative Party would agree with this.

We are recommending to vote against this schedule so that we can amend the privacy issues that are of concern, but also move forward with the bill so that they're able to share the information required. The details are really murky in this on what's allowed to be shared, and so we want to ensure that we're able to use the program effectively without sharing personal information that shouldn't be shared.

I would ask the Conservative government to consider this in terms of—when the public has asked to see the information behind the greenbelt or the mandate letters for the ministries, the Conservative government has been very good about shielding that privacy from the public, and I would ask for them to be as forthright and efficient in fighting for workers' personal information protection as well.

The Chair (Mr. Ernie Hardeman): Further discussion on schedule 7? MPP Anand.

Mr. Deepak Anand: I just want to repeat what I said earlier as well, that what members West and Begum are talking about is better suited for the privacy legislation. Again, our government takes protecting the privacy of everyone in our Ontario very seriously. We are working together, and we will look forward to working with the commissioner and the members as we draft the regulation that will accompany the legislation.

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

Ms. Doly Begum: That's wonderful to hear, which is why I would repeat again that the commissioner is asking for this government to put these schedules on hold. She has offered herself to come and go through this schedule to make it better and to make sure that there is discussion and there are amendments or anything that needs to be changed and improved.

So why don't we put these schedules on hold to just do exactly that, which is to show that we care about the privacy, confidentiality of Ontarians?

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

MPP Jamie West: Similar to what my colleague had said, it's not enough to say that the Conservative government cares about privacy. In light of the letter that came from the Information and Privacy Commissioner of Ontario really cautioning the government about moving forward on this, saying that they care about privacy and voting for this to go forward anyway without addressing the concerns that are brought in this doesn't mean that you care about privacy. It means you like to tell people that you do, but you're not walking the talk.

So I'm recommending that you vote against this so that you walk the talk and really demonstrate to the workers of Ontario that you care about their privacy as much as we do.

The Chair (Mr. Ernie Hardeman): Any further debate? Shall I put the question?

MPP Jamie West: Recorded vote, Chair.

The Chair (Mr. Ernie Hardeman): A recorded vote is requested.

Ayes

Anand, Babikian, Byers, Crawford, Dowie, David Smith, Triantafilopoulos.

Nays

Begum, West.

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

We have a new schedule 8, amendment number 10: MPP Begum.

Ms. Doly Begum: I move that schedule 8 be added to the bill:

“Schedule 8

“Respecting Workers in Health Care and in Related Fields Act, 2023.

“Purpose

“1. The purpose of this act is to improve the working conditions of personal support workers, homemakers and workers in certain health care settings in order to encourage these workers to remain in these career fields as well as encourage future workers to enter these career fields.

“Definitions

“2. (1) In this act,

“‘minimum wage’ has the same meaning as in the Employment Standards Act, 2000; (‘salaire minimum’)

“‘minister’ means the Minister of Labour, Immigration, Training and Skills Development or such other member of the executive council to whom responsibility for the administration of this act may be assigned or transferred under the Executive Council Act. (‘ministre’)

“Health care providers

“(2) A reference in this act to a health care provider means a member of a college under the Regulated Health Professions Act, 1991, provided that the member is acting within the scope of the member’s practice at the relevant time.

“Permanent and full-time employment in certain health care settings

“(3) The minister shall take all necessary steps, including introducing legislation if necessary, to ensure that, if a hospital, long-term care home, home care agency or health care provider employs more than 20 individuals, no less than 70 per cent of the total number of individuals employed by the hospital, long-term care home, home care agency or health care provider are employed on a permanent and full-time basis at the hospital, long-term care home and home care agency or with the health care provider.

“Personal support workers

“4. The minister shall take all necessary steps, including introducing legislation if necessary, to introduce that,

“(a) an individual who is working as a personal support worker is paid at least \$8.00 more than the minimum wage for each hour worked as a personal support worker;

“(b) an individual who is working as a personal support worker on a full-time basis in a calendar year is entitled to no less than 10 days of paid leave for the calendar year with respect to a personal illness, injury or medical emergency of the personal support worker;

“(c) an individual who is working as a personal support worker on a part-time basis in a calendar year is entitled to a certain number of days of paid leave for the calendar year, pro-rated in proportion to the 10 days provided for in clause (b) based on the number of hours worked in the calendar year, with respect to a personal illness, injury or medical emergency of the personal support worker; and

“(d) an individual who is working as a personal support worker on a full-time or part-time basis is entitled to receive health benefits and be a member of a pension plan.

“Homemakers

“5(1) The minister shall take all necessary steps, including introducing legislation if necessary, to ensure that,

“(a) an individual who is working as a homemaker is paid at least the minimum wage for each hour worked as a homemaker; and

“(b) Parts VII (Hours of Work and Eating Periods) and VIII (Overtime Pay) of the Employment Standards Act, 2000 apply to an individual who is working as a homemaker.

“(2) In this section,

“‘homemaker’ means a person who is employed,

“(a) to perform homemaking services for a householder or member of a household in the householder’s private residence, and

“(b) by a person other than the householder.

“Commencement

“6. The act set out in this schedule comes into force one year after the day the Working for Workers Act, 2023 receives royal assent.”

The Chair (Mr. Ernie Hardeman): If we could just go back to page 2, the bottom line in paragraph 3. If we could read that again.

Ms. Doly Begum: “... long-term care home or home care agency or with the home care provider.”

The Clerk of the Committee (Ms. Vanessa Kattar): And then this one.

Ms. Doly Begum: “Personal support workers

“The minister shall take all necessary steps, including introducing legislation if necessary, to ensure that,”

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

The proposed amendment is out of order, as it is out of the scope of the bill. In the case of a bill referred to a committee after second reading, an amendment is inadmissible if it proposes to amend a statute that is not before the committee.

Ms. Doly Begum: I’d ask for unanimous consent.

The Chair (Mr. Ernie Hardeman): Unanimous consent has been requested. The request is not agreed to.

Moving on: Next is a new schedule 9. MPP West.

MPP Jamie West: Thank you very much, Chair. I believe this is the final amendment that we have today.

I move that schedule 9 be added to the bill:

“Schedule 9

“Workplace Safety and Insurance Act, 1997

“1. Section 43 of the Workplace Safety and Insurance Act, 1997 is amended by adding the following subsection:

“No earnings after injury

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

“1. Earnings from an employment that the worker is not employed in, unless the worker, without good cause, failed to accept the employment after it was offered to the worker”—this is basically about deeming.

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

“Commencement

“2. This schedule comes into force on the day the Working for Workers Act, 2023 receives royal assent.”

I move this and support this. This would help a lot of workers who have been injured in the workplace.

The Chair (Mr. Ernie Hardeman): The proposed amendment is out of order, as it is out of the scope and the principle of the bill. In the case of a bill referred to a committee after second reading, an amendment is inadmissible if it proposes to amend a statute that is not before the committee.

MPP West.

MPP Jamie West: I'm sure it comes as no surprise that I'm looking for unanimous consent to consider this amendment, so that we can help these workers who have been legislated into poverty, who have been injured on the job.

The Chair (Mr. Ernie Hardeman): Thank you. A request for unanimous consent—no unanimous consent. We shall move on.

That concludes the schedules. We will go back to the first three sections.

Section 1: Is there any debate on section 1? MPP West.

MPP Jamie West: In general, so I don't bring this up several times, it's frustrating to make the trip from Sudbury here to bring amendments that would improve the legislation for workers across Ontario—injured workers, foreign workers, international workers and day-to-day workers, including homemakers and PSWs—to have all the amendments either ruled out of order, even on unanimous consent.

We have a bill that I described during debate as a “headline bill.” There's not a lot behind the surface. Really, these amendments would have improved things for Ontario's workers and made life for Ontario's workers a lot better. It would have been interesting to have a debate and improve this bill, which I think is the intent of what we all want to do as elected members.

The Chair (Mr. Ernie Hardeman): Any further discussion on section 1? If there's no further discussion, shall I put the question? All those in favour of section 1? All those opposed? Section 1 carries.

Section 2: Any debate on section 2? No further debate on section 2. Shall I put the question? All those in favour of section 2? All those opposed? Section 2 carries.

Section 3, short title: Any discussion on section 3? MPP West.

MPP Jamie West: We're talking about the short title, Working for Workers 3. Again, I want to point out that there are many amendments that would improve workers' lives that were moved as amendments that were either ruled out of order or voted against. It's very frustrating for workers in Ontario having a hard time making ends meet to find out that the Conservative government is not in favour of working a little bit more for workers.

Hopefully, these amendments will come forward in the future. Not to sound insulting, but I'm not going to hold my breath for them.

The Chair (Mr. Ernie Hardeman): Further discussion on section 3, short title? If not, shall I put the question? All those in favour? All those opposed? The motion is carried.

Shall the title of the bill carry? All those in favour? Opposed? The motion is carried.

Shall Bill 79 carry? All those in favour? Opposed? The motion is carried.

Shall I report the bill to the House? All those in favour? Opposed? The motion is carried. Consider it done. As you wished, I will report it to the House.

Thank you all for your indulgence. The committee now stands adjourned until Wednesday, May 10, 2023.

The committee adjourned at 1124.

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