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**Official Report  
of Debates  
(Hansard)**

**Wednesday 11 December 2013**

**Journal  
des débats  
(Hansard)**

**Mercredi 11 décembre 2013**

**Standing Committee on  
General Government**

Protecting Child  
Performers Act, 2013

**Comité permanent des  
affaires gouvernementales**

Loi de 2013 sur la protection  
des enfants artistes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 11 December 2013

Mercredi 11 décembre 2013

*The committee met at 1631 in committee room 2.*

**PROTECTING CHILD  
PERFORMERS ACT, 2013  
LOI DE 2013 SUR LA PROTECTION  
DES ENFANTS ARTISTES**

Consideration of the following bill:

Bill 71, An Act to protect child performers in the live entertainment industry and the recorded entertainment industry / Projet de loi 71, Loi visant à protéger les enfants artistes dans l'industrie du spectacle vivant et l'industrie du spectacle enregistré.

**The Chair (Mr. Grant Crack):** Thank you very much, everyone. I'd like to welcome everyone and thank everyone in the audience for their patience, as there were some special circumstances in the House this afternoon that have delayed the start of the committee.

Today, we're here to deal with the clause-by-clause consideration of Bill 71, An Act to protect child performers in the live entertainment industry and the recorded entertainment industry. Are there any questions or comments before we start from members of the committee? If not, I believe we'll move to motion number 1. Ms. Damerla?

**Ms. Dipika Damerla:** I move that the definition of "child performer" in section 1 of the bill be struck out and the following substituted:

"'child performer' means a child under 18 years of age who performs work or supplies services for monetary compensation in the entertainment industry as a performer, including as a background performer;"

This is a critical motion because it will align the definition of "child performer" with the definition of "worker" under the Occupational Health and Safety Act and reflect the general status of child performers as independent contractors under the Employment Standards Act, making enforcement easier.

**The Chair (Mr. Grant Crack):** Thank you, Ms. Damerla. Any further discussion? Does the motion carry? Sorry? Oh, those in favour? Motion carried.

The next motion is dependent on the passage or non-passage of section 7 on page 16, and we would need unanimous consent of the committee to stand down that particular motion. Do I have unanimous consent? Okay, so we have unanimous consent. We'll move to number 3. Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 1 of the bill be amended by adding the following definition:

"'week' means,

"(a) a recurring period of seven consecutive days beginning on Monday and ending on Sunday, or

"(b) another recurring period of seven consecutive days selected by the employer for the purpose of scheduling work."

The reason this is required is that the new definition of "week," again, brings the meaning of the term in line with a similar definition under the Employment Standards Act, which is flexible for application in both industries.

Again, this motion is critical because, as drafted, the bill contains definitions of "week," and "live entertainment industry work week" under part IV, live entertainment industry, and references to a seven-day period throughout the bill, which makes interpretation for enforcement and compliance purposes impossible. I also just want to flag that you will see this definition being changed several times as we move along through the bill.

**The Chair (Mr. Grant Crack):** Thank you very much. Any further discussion? There being none, those in favour of the motion?

I'll do it one more time, if that's okay. I don't think they're paying attention over there.

Those in favour of the motion? Carried.

**Ms. Dipika Damerla:** You can't carry it because we still have—

**The Chair (Mr. Grant Crack):** I carried the motion.

**Ms. Dipika Damerla:** Oh, the motion, okay, okay.

**The Chair (Mr. Grant Crack):** Thank you for your guidance, Ms. Damerla.

**Ms. Dipika Damerla:** You're welcome.

**The Chair (Mr. Grant Crack):** We shall move to motion 4. Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 1 of the bill be amended by adding the following subsection:

"Restriction

"(2) For greater certainty,

"(a) a reference in this act to a person as an employee or an employer does not cause the person to be an employee or an employer for the purpose of any other act or law;

"(b) a reference in this act to an agreement as a collective agreement does not cause the agreement to be a collective agreement for the purpose of any other act or law; and

“(c) a reference to this act to an entity as a trade union does not cause the entity to be a trade union for the purpose of any other act or law.”

**The Chair (Mr. Grant Crack):** Could you please re-read section (c), please? I think there was a discrepancy to what’s on the paper.

**Ms. Dipika Damerla:** Okay: “(c) a reference in this act to an entity as a trade union does not cause the entity to be a trade union for the purpose of any other act or law.”

**The Chair (Mr. Grant Crack):** Okay, thank you. Any further discussion on the motion? There being none, those in favour? Carried.

So what we’ll do is we’ll hold off on carrying the section until such time as we’ve dealt with motion 16, which refers to section 7. We’ll move to section 2 at this point. I believe the opposition has a motion.

**Mr. Monte McNaughton:** I move that section 2 of the bill be amended by adding the following subsection:

“Non-application

“(3) Despite subsection (2), this act does not apply to a child under 18 years of age who,

“(a) appears as himself or herself in a production;

“(b) performs in a production as an instrumentalist, musician or conductor of a band, chorus or choir represented by a bargaining agent;

“(c) performs as part of a dancing group or an ethnic, religious, educational, cultural or philanthropic group that is not operated for the profit of its members;

“(d) is a member of the public appearing incidentally as part of a public event or as a member of a studio audience, unless the child is individually coached or directed;

“(e) is performing his or her regular work or professional duties (other than duties that involve working in the entertainment industry) at his or her regular place of work;

“(f) is pursuing his or her normal activities around his or her home, unless the child is coached or directed with respect to individual characterization;

“(g) is a contestant participating in a quiz program or game program, unless the child is coached or directed with respect to individual characterization;

“(h) appears in a news, education or public affairs production; or

“(i) is employed or contracted to perform in a production in the recorded entertainment industry if the working conditions in the production are subject to an agreement between a bargaining agent for employers and a bargaining agent for child performers.”

**The Chair (Mr. Grant Crack):** Thank you very much. Any further discussion? Ms. Damerla.

**Ms. Dipika Damerla:** Chair, we will be opposing this motion.

**Mr. Monte McNaughton:** Recorded vote, please.

**The Chair (Mr. Grant Crack):** Okay, we have a recorded vote. Any further debate? There being none, I shall call for the vote, and I ask the Clerk.

## Ayes

Harris, McNaughton, Yurek.

## Nays

Damerla, Dhillon, Fraser, Paul Miller, Sattler.

**The Chair (Mr. Grant Crack):** Okay, thank you very much. It appears that the motion is defeated.

So, shall section 2 carry? Carried.

There is also a new subsection 2.1. I believe Mr. Miller has a motion?

**Mr. Paul Miller:** Yes, thank you, Mr. Chair. This can be deleted and withdrawn.

**The Chair (Mr. Grant Crack):** Thank you very much, withdrawn. Moving on to section 3. Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 3 of the bill be struck out and the following substituted:

“No contracting out

“3.(1) Subject to subsection (2), no employer or agent of an employer and no child performer or trade union or professional association representing a child performer shall contract out of or waive any right provided in this act and any such contracting out or waiver is void.

“Greater right or protection

“(2) If a provision in an employment contract, collective agreement or another act applies directly to the same subject matter as a provision in this act and the provision in the employment contract, collective agreement or other act provides a greater right or protection to a child performer, the provision in the employment contract, collective agreement or other act applies and the provision in this act does not apply.”

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**The Chair (Mr. Grant Crack):** Okay, thank you very much.

Any further discussion? There’s none. Those in favour? Carried.

Shall section 3, as amended, carry? Carried.

Moving right along onto section 4. Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 4(1) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Disclosure

“4(1) Before employing or contracting for the services of a child performer, an employer shall hold a meeting at which the employer shall disclose to the child’s parent or guardian,”

**The Chair (Mr. Grant Crack):** Okay, thank you. Any further discussion? There being none, those in favour? Carried.

Moving to 8.1—

**Ms. Dipika Damerla:** No, sorry. I have another amendment in section 4.

**The Chair (Mr. Grant Crack):** Yes. Section 4 is an opposition motion, which would be number 8.1.

Mr. McNaughton.

**Mr. Monte McNaughton:** I move clause 4—

**The Chair (Mr. Grant Crack):** I'm sorry. Excuse me, time out.

**Ms. Dipika Damerla:** We don't have a copy.

**The Chair (Mr. Grant Crack):** They don't have a copy.

**Mr. Paul Miller:** We have one copy; we're okay though. We have one copy.

*Interjections.*

**The Chair (Mr. Grant Crack):** I apologize. Mr. McNaughton, could you please commence again?

**Mr. Monte McNaughton:** I move that clause 4(1)(a) of the bill be struck out and the following substituted:

"(a) a general description of the role the child performer will play;"

**The Chair (Mr. Grant Crack):** Thank you. Any further discussion? Okay.

Those in favour? Carried.

Number 9 in your package, Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 4(3) of the bill be struck out and the following substituted:

"Ongoing disclosure

"(3) The employer shall disclose any proposed changes to the matters listed in subsection (1), and the employer shall not implement any of the proposed changes without the ... agreement of the child performer's parent or guardian."

*Interjection.*

**The Chair (Mr. Grant Crack):** Yes. I think you need to reread it, please. Section 3.

**Ms. Dipika Damerla:** "The employer shall disclose any proposed changes to the matters listed in subsection (1), and the employer shall not implement any of the proposed changes without the written agreement of the child performer's parent or guardian."

**The Chair (Mr. Grant Crack):** Any debate? There being none, those in favour? Carried.

Page 10, Ms. Damerla.

**Ms. Dipika Damerla:** Chair, I move that subsection 4(4) of the bill be struck out.

**The Chair (Mr. Grant Crack):** Any debate? Those in favour? Carried.

Now 10.1, Mr. McNaughton.

**Mr. Monte McNaughton:** I move that section 4 of the bill be amended by adding the following subsection:

"Script

"(5) Before production begins, the employer shall provide the child performer with the portions of the script that relate to the child performer's role."

**The Chair (Mr. Grant Crack):** Any debate?

**Mr. Monte McNaughton:** No. A recorded vote on that, please?

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote.

### Ayes

Damerla, Dhillon, Fraser, Harris, McNaughton, Paul Miller, Sattler, Yurek.

**The Chair (Mr. Grant Crack):** Carried.

Shall section 4, as amended, carry?

**Ms. Dipika Damerla:** Wait a minute. I have an amendment here, 4.1, number 11.

**The Chair (Mr. Grant Crack):** It's the next section. It's a new section, 4.1, so we'll deal with this particular section first.

Shall section 4, as amended, carry? Carried.

We shall move to the new section 4.1: Ms. Damerla.

**Ms. Dipika Damerla:** I move that the bill be amended by adding the following section:

"Written agreement required

"4.1 An employer shall not employ or contract for the services of a child performer except under a written agreement."

**The Chair (Mr. Grant Crack):** Debate? There being none, shall the motion carry? Carried.

Shall section 4.1 carry? No? That's it? That's it, sorry.

We'll move to section 5: Ms. Damerla.

**Ms. Dipika Damerla:** I have no amendments.

**The Chair (Mr. Grant Crack):** Okay. Shall section 5 carry?

**Ms. Dipika Damerla:** No.

**The Chair (Mr. Grant Crack):** Sorry?

**Ms. Dipika Damerla:** We're voting against section 5. I said "no."

**The Chair (Mr. Grant Crack):** Okay. Those in favour of section 5? Once again, those in favour of section 5? Those opposed to section 5? Defeated.

It's my first time that I've seen this happen before.

Very good. We'll move to section 6, number 13 in your package: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 6(2) of the bill be amended by striking out "a person over 21 years of age" and substituting "a person who has reached 18 years of age".

**The Chair (Mr. Grant Crack):** Thank you very much. Debate? There being none, those in favour? Carried.

Number 14: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 6(3) of the bill be struck out and the following substituted:

"Overnight travel

"(3) If an employer requires a child performer to be away from home overnight, a parent or guardian of the child performer shall accompany the child at all times.

"Expenses

"(4) The employer shall be responsible for paying the parent or guardian's daily expenses and the costs of travel and accommodation up to the prescribed maximums."

**The Chair (Mr. Grant Crack):** Thank you. Any debate? Those in favour? Those opposed? Carried.

Shall section 6, as amended, carry? Carried.

Moving to section 7, number 15: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 7 of the bill be struck out and the following substituted:

"Tutoring

"7. An employer shall, in accordance with any prescribed requirements, provide time in the work schedule

for a child performer who is of compulsory school age to receive tutoring in accordance with the regulations.”

Oh, sorry, Chair. I missed it. Can I withdraw that and—

**The Chair (Mr. Grant Crack):** You can withdraw that motion at this point.

**Ms. Dipika Damerla:** I move that the following provisions of the bill be amended by striking out “employment” wherever it appears and substituting in each case “employment or contract”:

1. Subclause 7(2)(a)(ii).
2. Subclause 7(2)(b)(ii).

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**The Chair (Mr. Grant Crack):** Thank you. Debate? One second.

*Interjections.*

**The Chair (Mr. Grant Crack):** Okay. Thank you very much.

Debate? No debate? Those in favour? Carried.

Number 16: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 7 of the bill be struck out and the following substituted:

“Tutoring

“7. An employer shall, in accordance with any prescribed requirements, provide time in the work schedule for a child performer who is of compulsory school age to receive tutoring in accordance with the regulations.”

**The Chair (Mr. Grant Crack):** Debate? There being none, those in favour? Carried.

As discussed previously, some particulars in section 1 were dependent on the passage of this, so we shall move back, with the committee’s approval.

*Interjection.*

**The Chair (Mr. Grant Crack):** Oh, I’ve got to pass that one first. Sorry.

Shall section 7, as amended, carry? Carried. Thank you.

Then we’ll move back to section 1, and we’ll go to motion 2. Ms. Damerla.

**Ms. Dipika Damerla:** Thank you. I move that the definition of “school day” in section 1 of the bill be struck out.

**The Chair (Mr. Grant Crack):** That’s it? Very good. Any debate? Those in favour? Carried.

Shall section 1, as amended, carry? Carried.

Now we’ll go to section 8. It should be on page 17. Those in favour—sorry. Ms. Damerla. I’m getting ahead of myself.

**Ms. Dipika Damerla:** I move that subsection 8(1) of the bill be amended by striking out “more than \$1,000 on a production or project, the employer shall remit 25% of any earnings over \$1,000” and substituting “more than \$2,000 on a production or project, the employer shall remit 25% of those earnings”.

**The Chair (Mr. Grant Crack):** Thank you. Debate? There being none, those in favour? Carried.

Number 18: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 8(2) of the bill be amended by striking out “employment” wherever it appears and substituting “employment or contract”.

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Okay, that’s—

*Interjections.*

**The Chair (Mr. Grant Crack):** Ms. Damerla, would you be so kind as to reread, just for clarification, for—

**Ms. Dipika Damerla:** Which one, 8(2), the second one?

**The Chair (Mr. Grant Crack):** Yes, 8(2).

**Ms. Dipika Damerla:** I move that subsection 8(2) of the bill be amended by striking out “employment” wherever it appears and substituting “employment or contract”.

*Interjection.*

**The Chair (Mr. Grant Crack):** Our motion here, Ms. Damerla, says “clause 8(2)(b) of the bill”. I just want some clarification.

**Ms. Dipika Damerla:** Okay, fine, I will read from the new one, because that’s what I have in my copy.

I move that clause 8(2)(b) of the bill be amended by striking out “employment” in the portion before subclause (i) and substituting “employment or contract”.

**The Chair (Mr. Grant Crack):** Thank you very much. Debate? Those in favour? Carried.

Shall section 8, as amended, carry? Carried.

We will just take a pause to allow the Clerk’s office to catch up, as we’re moving along at a rapid pace.

**Ms. Dipika Damerla:** Chair, I do need to slow down because I’m finding that this doesn’t—

*Interruption.*

**The Chair (Mr. Grant Crack):** So we will be moving to section 9. Okay, so we’re going to move on to section 9 at this point. Shall section 9 carry? Carried.

Section 10: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 10 of the bill be amended by striking out “No person shall employ” at the beginning and substituting “No employer shall employ or contract for the services of”.

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Carried.

Shall section 10, as amended, carry? Carried.

We shall move to section 11. Ms. Damerla?

**Ms. Dipika Damerla:** I move that subsection 11(1) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Hours of work

“11(1) No employer shall require or permit a child performer to work more in a day than,”

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Carried.

Ms. Damerla?

**Ms. Dipika Damerla:** I move that subsection 11(2) of the bill be amended by striking out “a person” in the portion before clause (a) and substituting “an employer”.

**The Chair (Mr. Grant Crack):** Debate? Mr. Fraser?

**Mr. John Fraser:** No debate.

**The Chair (Mr. Grant Crack):** Okay. Those in favour? Carried.

Item 22: Ms. Damerla.

**Ms. Dipika Damerla:** I move that paragraph 2 of subsection 11(3) of the bill be amended by striking out “employment” and substituting “employment or contract”.

**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Carried.

Ms. Damerla?

**Ms. Dipika Damerla:** I move that subsection 11(4) of the bill be struck out and the following substituted:

“Notice of work beginning after 7 p.m.

“(4) No employer shall require a child performer to report for work later than 7 p.m. unless the employer has provided 48 hours notice.”

**The Chair (Mr. Grant Crack):** Thank you. Debate? There being none, those in favour? Opposed? Carried.

Ms. Damerla?

**Ms. Dipika Damerla:** I move that subsection 11(5) of the bill be struck out and the following substituted:

“Hours free from work

“(5) An employer shall give a child performer a period of at least,

“(a) 12 consecutive hours free from work in each day; and

“(b) 48 consecutive hours free from work in each week.”

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Opposed? Carried.

Shall section 11, as amended, carry? Carried.

Section 12: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 12(2) of the bill be struck out.

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Those opposed? Carried.

Shall section 12, as amended, carry? Carried.

Section 13, no amendments. Shall section 13, as amended, carry? Oh, sorry, not as amended. Shall section 13 carry? Carried. We’re just getting carried away here.

1700

Section 14, number 26 in the package: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 14(1) of the bill be amended by striking out “A parent” at the beginning and substituting “An employer shall ensure that a parent”.

**The Chair (Mr. Grant Crack):** Debate?

There being none, those in favour? Those opposed? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 14(2) of the bill be struck out and the following substituted:

“Same, more than one child

“(2) If two or more child performers under the age of 16 at the same workplace have the same parent or guardian, the child performers’ employer shall ensure there is one parent, guardian or authorized chaperone to accompany each child.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Opposed? Carried.

Number 28: Ms. Damerla.

**Ms. Dipika Damerla:** I move that clause 14(3)(a) of the bill be amended by striking out “21” and substituting “18”.

**The Chair (Mr. Grant Crack):** Debate?

Those in favour? Those opposed? Carried.

Okay, 29: Ms. Damerla.

**Ms. Dipika Damerla:** I move that clause 14(3)(c) of the bill be amended by striking out “employ” and substituting “employ or contract for the services of”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Those opposed? Carried.

Shall section 14, as amended, carry? Carried.

Section 15: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 15(2) of the bill be amended by striking out “are employed” and substituting “work”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Opposed? Carried.

Shall section 15, as amended, carry? Carried.

I’m not going to make the same mistake again: Shall section 16 carry? Carried.

Section 17, item 31: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 17 of the bill be amended by striking out “No person shall employ” at the beginning and substituting “No employer shall employ or contract for the services of”.

**The Chair (Mr. Grant Crack):** Debate?

Those in favour? Those opposed? Carried.

If I may ask, it would be nice to see everyone who wishes to vote maybe just express it with a little more enthusiasm. Those that aren’t interested, I understand. Just help me to finalize the results of the vote.

So that was carried. Shall section 17, as amended, carry? Carried.

Section 18: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(1) of the bill be amended by striking out the definitions of “live entertainment industry work week” and “week”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? None opposed; the motion is carried.

Number 33: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(2) of the bill be amended by striking out “No person” at the beginning and substituting “No employer”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

*Interjection.*

**Mr. Vic Dhillon:** I would have done that for you, Chair.

**The Chair (Mr. Grant Crack):** Thank you. I will ask next time. I appreciate the offer.

Number 34.

**Ms. Dipika Damerla:** I move that paragraph 2 of subsection 18(3) of the bill be amended by striking out “live entertainment industry work week” and substituting “week”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that paragraph 2 of subsection 18(4) of the bill be amended by striking out “live entertainment industry work week” and substituting “week”.

**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Any opposed? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(5) of the bill be struck out and the following substituted:

“Hours free from work during rehearsal phase

“(5) An employer shall give a child performer a period of at least,

“(a) 12 consecutive hours free from work in each day during the rehearsal phase; and

“(b) 36 consecutive hours free from work in each week during the rehearsal phase.”

**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(6) of the bill be amended by striking out “No person” at the beginning of the portion before paragraph 1 and substituting “No employer” and by striking out “live entertainment industry work week” wherever it appears and substituting in each case “week”.

**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(7) of the bill be amended by striking out “to his or her parent or guardian”.

**The Chair (Mr. Grant Crack):** Thank you. Debate? Debate? Those in favour? Those opposed? That’s three to three, it appears. Can I do that again? Those in favour?

**Mr. Monte McNaughton:** Chair, can we have a recess, please?

**Ms. Dipika Damerla:** We already voted.

**The Chair (Mr. Grant Crack):** I think, in all fairness, I’d like to—

**Ms. Dipika Damerla:** That’s fine, if they want to—

**The Chair (Mr. Grant Crack):** I’ll do it again, just so the Clerk’s office and myself can be clear here. Those in favour?

**Mr. Michael Harris:** Well, then, now we call recess.

**The Chair (Mr. Grant Crack):** Well, I’d already called it. I just need clarification.

*Interjection.*

**The Chair (Mr. Grant Crack):** Well, I’m going to stick by it. The hands were up.

Those in favour? Those opposed? The motion is defeated. I apologize for that; I was uncertain.

Okay, 39: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 18(8) of the bill be struck out and the following substituted:

“Hours free from work during performance phase

“(8) An employer shall give a child performer a period of at least,

“(a) 12 consecutive hours free from work in each day during the performance phase; and

“(b) 36 consecutive hours free from work in each week during the performance phase.”

**1710**

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 18, as amended, carry? Carried.

Section 19: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 19(1) of the bill be struck out and the following substituted:

“Breaks

“19.(1) No employer shall require or permit a child performer to work for longer than two consecutive hours without a break of at least 10 minutes.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 19(2) of the bill be struck out.

**The Chair (Mr. Grant Crack):** Debate?

Those in favour? Carried.

Shall section 19, as amended, carry? Carried.

Section 20, number 42 in your package: Ms. Damerla.

**Ms. Dipika Damerla:** I move that paragraph 1 of subsection 20(2) of the bill be struck out and the following substituted:

“1. The child performer’s parent or guardian, if the parent or guardian is not working in the same production or project in respect of which the child performer is working.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Opposed? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that paragraph 2 of subsection 20(2) of the bill be struck out and the following substituted:

“2. A person who,

“i. has reached 18 years of age,

“ii. is not working in the same production or project in respect of which the child performer is working, and

“iii. is not the child performer’s tutor.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 20, as amended, carry? Carried.

Section 21: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 21(1) of the bill be struck out and the following substituted:

“Child attendants

“21.(1) An employer shall designate a child attendant in accordance with this section to be responsible for monitoring the child performers at the workplace while the child performers are not rehearsing or performing.”

**The Chair (Mr. Grant Crack):** Debate?

Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 21(2) of the bill be struck out and the following substituted:

“Who may be child attendant

“(2) A person may be designated as a child attendant if the person,



“(a) has reached 18 years of age;

“(b) is not otherwise working in the same production or project in respect of which the child performers are working;

“(c) is not the child performers’ tutor; and

“(d) possesses a clean criminal record, as defined in the regulations.”

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Any opposed? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that the English version of clauses 21(3)(a) and (b) of the bill be amended by striking out “child supervisor” wherever it appears and substituting in each case “child attendant”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Ms. Damerla?

**Ms. Dipika Damerla:** I move that clause 21(3)(c) of the bill be struck out and the following substituted:

“(c) where the youngest child performer at the workplace is 10 years of age or over, there is at least one child attendant for every 15 child performers present.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 21, as amended, carry? Carried.

Section 22: Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 22 of the bill be struck out and the following substituted:

“Requirement for clean criminal record

“22. An employer shall ensure that prescribed individuals who may be required to be alone with child performers during the course of the individual’s work have a clean criminal record, as defined in the regulations.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 22, as amended, carry? Carried.

Section 23: Ms. Damerla?

**Ms. Dipika Damerla:** I move that subsection 23(1) of the bill be amended by striking out “and for the parent or guardian of the child performer” in the portion before paragraph 1 and substituting “and for the parent, guardian or chaperone of the child performer”.

**The Chair (Mr. Grant Crack):** Debate?

Those in favour? Carried.

Ms. Damerla?

**Ms. Dipika Damerla:** I move that paragraph 5 of subsection 23(1) of the bill be amended by striking out “remediating” and substituting “reporting”.

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Any opposed? Carried.

Shall section 23, as amended, carry? Carried.

Section 24: Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 24 of the bill be struck out and the following substituted:

“Right to refuse work

“24. For the purposes of subsections 43(3) to (10) of the Occupational Health and Safety Act, if the worker is

a child performer under 14 years of age, ‘worker’ includes the child performer’s parent, guardian or chaperone.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 24, as amended, carry? Carried.

Section 25: Ms. Damerla?

**Ms. Dipika Damerla:** I move that section 25 of the bill be struck out and the following substituted:

“Psychological care

“25. If a child performer is employed or contracted to perform in scenes containing subject matter that the employer knows or ought reasonably to know could cause significant mental or emotional stress to the child performer, the employer shall ensure that appropriate psychological care is provided to the child performer during the period when the child performer is working for the employer in the production or project.”

**The Chair (Mr. Grant Crack):** Thank you. Debate?

Those in favour? Carried.

Shall section 25, as amended, carry?

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**Ms. Dipika Damerla:** No.

**The Chair (Mr. Grant Crack):** Okay. So I’ll—

**Mr. Paul Miller:** Number 53 deals with this again, Mr. Chairman. We’re at 53?

**The Chair (Mr. Grant Crack):** Well, 53 is just a notice. There was only the one amendment—

**Mr. Paul Miller:** They want to strike section 25.

**The Chair (Mr. Grant Crack):** That’s what I see as happening, yes.

**Mr. Paul Miller:** Okay. We’re no. We’re saying no to that.

**The Chair (Mr. Grant Crack):** So shall section—

**Ms. Dipika Damerla:** I’d like to get on the record why we are against it.

**The Chair (Mr. Grant Crack):** Okay.

**Ms. Dipika Damerla:** The reason we are not comfortable voting in support of this section is that the Ministry of Labour does not have expertise in this area and could not properly enforce this section.

It is questionable whether child performers should ever be exposed to significant mental or emotional stress, and subsection 4(1) already requires that the content of the script be disclosed to parents and guardians, including any scenes that may cause the child performer psychological or emotional stress. Parents and guardians may, therefore, make the best decisions for their children. Permitting this exposure is not consistent with the stated purposes of the bill. Our stakeholders have also expressed concerns.

We’re really concerned that this might also make it seem like we are okay with giving stress to a child. We amended it to make it a little bit better than the original, but we are really concerned that it almost makes it look like the government is okay with allowing the child to take part in scenes with psychological stress, so we just would rather not have it.

**The Chair (Mr. Grant Crack):** Okay. Thank you. Further debate?

**Mr. Paul Miller:** I'd like a recorded vote, please.

**The Chair (Mr. Grant Crack):** Shall section 25, as amended, carry?

#### Ayes

Paul Miller, Sattler.

#### Nays

Damerla, Dhillon, Fraser, Harris, McNaughton.

**The Chair (Mr. Grant Crack):** Defeated.

Okay. Thank you. Section 26: Ms. Damerla.

**Ms. Dipika Damerla:** I move that subsection 26(1) of the bill be struck out and the following substituted:

"Healthy food

"26. (1) An employer who provides food to child performers shall provide the child performers with healthy snacks and meals at the workplace as close to the child performer's regular snack and meal times as possible."

**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Any opposed? Carried.

Shall section 26, as amended, carry? Carried.

Section 27: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 27 of the bill be struck out and the following substituted:

"Enforcement

"Application of Employment Standards Act, 2000

"27.(1) The provisions of the Employment Standards Act, 2000 listed in subsection (2) apply with necessary modifications to the application, administration and enforcement of the following provisions of this act as if they formed part of the Employment Standards Act, 2000:

"1. Part II, other than section 4 and subsections 6(1), (2) and (3).

"2. Part III, other than sections 10, 14 and 15:

"3. Part IV, other than sections 17, 20, 21 and 22.

"Same"—

**The Chair (Mr. Grant Crack):** Excuse me, Ms. Damerla. Could you just go back and read section 2, where it begins at "Part III"?

**Ms. Dipika Damerla:** "Part III, other than sections 10, 14 and 15."

**The Chair (Mr. Grant Crack):** Thank you. Continue, please.

**Ms. Dipika Damerla:** "3. Part IV, other than sections 17, 20, 21 and 22.

"Same

"(2) The following provisions of the Employment Standards Act, 2000 apply to the application, administration and enforcement of the provisions of this act listed in subsection (1):

"1. Sections 4, 6, 7 and 8.

"2. Part XXI, other than subsections 8(5)"—

**The Chair (Mr. Grant Crack):** It's 88(5).

**Ms. Dipika Damerla:** Sorry. I'm going to reread that.

"Part XXI, other than subsections 88(5), (6), (7) and (8).

"3. Section 96.

"4. Section 99, other than subsection 99(6).

"5. Section 100, other than subsections 100(2) and (3) and paragraphs 1 and 2 of subsection 100(4).

"6. Sections 101, 102 and 102.1.

"7. Section 108, other than subsections 108(3) and (4).

"8. Sections 110, 115.1, 116 and 118.

"9. Section 119, other than subsections 119(10), (11) and (12).

"10. Sections 123 and 124.

"11. Subsection 131(2).

"12. Section 132.

"13. Section 137, other than subsections 137(4) and (5).

"14. Sections 137.1, 138, 138.1 and 139.

"15. Section 140, other than subsection 140(4).

"Interpretation

"(3) For the purposes of the application of the Employment Standards Act, 2000,

"(a) a reference to an employee in the Employment Standards Act, 2000, shall be read as a reference to a child performer;

"(b) a reference to a trade union in the Employment Standards Act, 2000, shall be read as including a professional association; and

"(c) a reference to a collective agreement in the Employment Standards Act, 2000, shall be read as including an agreement negotiated by a trade union or professional association that governs the terms of a child performer's work.

"Application of Occupational Health and Safety Act

"(4) Parts VIII and IX of the Occupational Health and Safety Act apply with necessary modifications to the application, administration and enforcement of the following provisions of this act as if they formed part of the Occupational Health and Safety Act:

"1. Section 4.

"2. Subsections 6(1), (2) and (3).

"3. Sections 10, 14 and 15.

"4. Sections 17, 20, 21 and 22.

"5. Part V.

"Regulations

"(5) The Lieutenant Governor in Council may make regulations specifying such additional modifications as the Lieutenant Governor in Council considers necessary or advisable for the purposes of subsections (1) to (4)."

That's the longest amendment.

**The Chair (Mr. Grant Crack):** Thank you very much. Debate?

**Mr. Paul Miller:** Can you repeat that?

**The Chair (Mr. Grant Crack):** So we have a request from Mr. Miller to repeat.

**Mr. Paul Miller:** No.

**The Chair (Mr. Grant Crack):** Oh, I'm sorry. Any further debate?

Those in favour? Carried.

Shall section 27, as amended, carry? Carried.

Section 28, Ms. Damerla.

**Ms. Dipika Damerla:** Chair, I move that clause 28(a) of the bill be struck out and the following substituted—

**Mr. John Yakabuski:** Chair, you missed us.

**The Chair (Mr. Grant Crack):** I don't believe so. Are you referring to 58.1?

Excuse me, Ms. Damerla.

*Interjection.*

**The Chair (Mr. Grant Crack):** Sorry?

*Interjection.*

**The Chair (Mr. Grant Crack):** Thank you very much. Ms. Damerla, if you would like to start over, that would be wonderful.

**Ms. Dipika Damerla:** I move that clause 28(a) of the bill be struck out and the following substituted:

“(a) prescribing a parent or guardian’s maximum daily expenses, travel costs and accommodation costs payable under subsection 6(4);”

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Those opposed? Carried.

Fifty-seven, Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 28 of the bill be amended by adding the following clauses:

“(a.1) governing tutoring for child performers during a production or project;

“(b.1) prescribing rules in connection with the establishment of trusts for the purposes of section 8;

“(b.2) governing the time and manner in which money shall be remitted for the purposes of section 8;”

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Carried.

Ms. Damerla.

**Ms. Dipika Damerla:** I move that clause 28(e) of the bill be amended by striking out “employees” and substituting “individuals”.

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**The Chair (Mr. Grant Crack):** Thank you. Debate? Those in favour? Carried.

Motion 58.1: Mr. Yurek.

**Mr. Jeff Yurek:** I move that section 28 of the bill be amended by striking out clauses (f) and (g).

**The Chair (Mr. Grant Crack):** Thank you, Mr. Yurek. Debate? Those in favour? Those opposed? The motion is defeated.

Motion 59: Ms. Damerla.

**Ms. Dipika Damerla:** I move that section 28 of the bill be amended by adding the following clause:

“(h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this act.”

**The Chair (Mr. Grant Crack):** Thank you. Debate? There being none, those in favour? Carried.

I'm just waiting for the Clerk. Thank you.

Shall section 28, as amended, carry? Carried.

Section 29: Ms. Damerla.

**Ms. Dipika Damerla:** Chair, I'd like to change this motion slightly, so do I withdraw it or can I just read it as I would like it to be?

**The Chair (Mr. Grant Crack):** I think we'll hear the motion, and then if any of the committee members wish

to have it in writing, we shall take a few minutes to allow that to happen. Go ahead.

**Ms. Dipika Damerla:** Thank you, Chair. I move that section 29 of the bill be amended by striking out “six months” and substituting “nine months”.

**The Chair (Mr. Grant Crack):** Debate? Those in favour? Those opposed? Carried.

**Ms. Dipika Damerla:** All right. That's it?

**The Chair (Mr. Grant Crack):** There's lots left, folks.

Shall section 29, as amended, carry? Carried.

Section 30, short title: Shall section 30 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 71, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Any opposed? There are none opposed. Carried.

I'd like to thank everyone—

**Mr. Paul Miller:** Before you leave, Mr. Chairman, I owe some thank yous here.

I'd like to thank the official opposition and their members of this committee. I'd like to thank the government and their committee members. I'd like to thank you, leg. counsel, the Clerk's office, the staff of the government who worked very hard on this and my staff. I'd like to thank ACTRA, Equity, PACT, even CMPA, and I'd also like to thank Ms. DiNovo, who originally started this a few years ago. Thank you to you all.

This minority government can work. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much. We appreciate that.

Ms. Damerla.

**Ms. Dipika Damerla:** I just wanted to say that I'd like to move a motion.

**The Chair (Mr. Grant Crack):** Okay. Go ahead.

**Ms. Dipika Damerla:** I move that the Standing Committee on General Government study Bill 11, Ambulance Amendment Act (Air Ambulances), when the House resumes.

**The Chair (Mr. Grant Crack):** Any further debate?

**Mr. Paul Miller:** We have to discuss this.

**Ms. Peggy Sattler:** A five-minute recess.

**Mr. Paul Miller:** A five-minute recess? Because I don't know anything about this. This is new to me.

**Mr. Monte McNaughton:** Should this not be going to the subcommittee? Let them decide, the subcommittee?

**Ms. Dipika Damerla:** Well, the committee can decide if it chooses to.

**The Chair (Mr. Grant Crack):** Yes, there is a motion on the floor. If that's the wish of this committee, to send it to subcommittee, then perhaps that could be an alternative.

**Interjection:** Let's vote.

**Mr. Paul Miller:** You can just say no to it right now. They can reintroduce it.

**Mr. Monte McNaughton:** You can do it at your next meeting.

*Interjections.*

**The Chair (Mr. Grant Crack):** You could also take a five-minute recess to consult.

**Mr. Monte McNaughton:** No. Let's have the vote.

**Mr. Paul Miller:** We don't know anything about this. Nice try.

**Ms. Dipika Damerla:** It's not fair. We just work together and this is the game—

*Interjections.*

**Interjection:** Call the vote.

**The Chair (Mr. Grant Crack):** Okay. Those in favour of the motion? Those opposed? The motion is defeated.

Any further business?

I'd also like to thank everyone for the good work. Mr. Miller, congratulations. To everyone here, all the representative groups and agencies, thank you very much.

This meeting is adjourned.

*The committee adjourned at 1736.*







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