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Tuesday 1 December 2015

Journal des débats (Hansard)

Mardi 1^{er} décembre 2015

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Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

Président : Peter Tabuns
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 1 December 2015

Mardi 1^{er} décembre 2015

The committee met at 1600 in room 151.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here for clause-by-clause consideration of Bill 12, Bill 33, Bill 117 and Bill 141.

I propose that consecutive sections with no amendments be grouped together unless any members would like to vote on a section separately. You are agreeable to those rules? Excellent.

PROTECTING EMPLOYEES'
TIPS ACT, 2015LOI DE 2015 SUR LA PROTECTION
DU POURBOIRE DES EMPLOYÉS

Consideration of the following bill:

Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities / Projet de loi 12, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les pourboires et autres gratifications.

The Chair (Mr. Peter Tabuns): First, we'll look at Bill 12, An Act to amend the Employment Standards Act, 2000 with respect to tips and other gratuities. Are there any general comments or comments before we proceed? Yes, Mr. Singh.

Mr. Jagmeet Singh: Yes. This is a question—I guess I could have waited till the motion. I just want to clarify with respect—well, maybe I can just wait till the motion is brought forward and ask the legislative counsel some questions around this motion.

The Chair (Mr. Peter Tabuns): If it's an amendment, yes, why don't you wait until the amendment is brought forward.

Mr. Potts, did you want to speak?

Mr. Arthur Potts: I do. I would like to make a motion. I have nothing in general to say at this moment, except that I'm delighted this is moving forward.

The Chair (Mr. Peter Tabuns): Excellent. Good.

Mr. Singh.

Mr. Jagmeet Singh: Actually, there is one comment I'd like to put on the record, to do justice to the previous member from Beaches-East York, Mr. Prue. I think this is an important moment for what Mr. Prue intended to bring forward, his goal of providing more fairness for servers. He was a pioneer in that field and I want to acknowledge his great work. He brought the bill forward

a number of times and at some points it did move forward but was not ever brought to fruition to this point. So I want to acknowledge, also, Mr. Potts for carrying on the torch of Mr. Prue to bring us to this point.

It's an important bill that does indeed protect servers who deserve that protection. I want to acknowledge the work that's been done before.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Singh.

We can now proceed to section 1. We have government motion 1, Mr. Potts?

Mr. Arthur Potts: I would like to move that subsection 14.1(2) of the act, as set out in section 1 of the bill, be struck out and the following substituted:

"Same

"(2) 'Tip or other gratuity' does not include,

"(a) such payments as may be prescribed; and

"(b) such charges as may be prescribed relating to the method of payment used, or a prescribed portion of those charges."

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts.

Mr. Singh, you wanted to speak to this amendment?

Mr. Jagmeet Singh: I do, indeed. I want to ask legislative counsel: What is the effect of this bill, in your opinion? Does it narrow the protection or does it provide a potential loophole through the employer?

Mr. Eric Chamney: If you're asking for the legal effect of it, we're adding an extra clause to say that "tip or other gratuity" does not include, in addition to the current such other payments as may be prescribed, "such charges as may be prescribed relating to the method of payment used, or a prescribed portion of those charges." The effect is to provide an additional regulatory method of prescribing methods of payment that would not be included in the definition of a tip or gratuity.

Mr. Jagmeet Singh: My concern is: Does this in any way create a grey area? In a scenario where money is left on the table that's intended to be a tip but may be deemed to be such payment as may be prescribed, it could be deemed to be a payment of some other source. Maybe it's deemed to be a cleanup fee or deemed to be something other than a tip. Would it open up the potential interpretation of money that's not clearly defined or not clearly indicated? It's just left on the table and the individual walks away. Would it open up the potential interpretation of that money to be something other than a tip?

Mr. Eric Chamney: To be a tip or gratuity, it has to fall within the definition that has previously been provided. This subsection provides things that fall within that definition but that are subsequently not included. You're adding another way that they can be included. Whether or not it captures what it's meant to capture is a policy question for you to discuss amongst yourselves, but it simply adds another limitation on the definition of a tip or other gratuity.

Mr. Jagmeet Singh: Okay, my final question, then: A lot of this will depend on how it's prescribed, so the way it's defined in regulation. It leaves the interpretation or the assessment of whether or not a payment is a tip to regulation. Am I correct?

Mr. Eric Chamney: Yes, it will be done by regulation.

Mr. Jagmeet Singh: I'm concerned that this doesn't enhance protection and, in fact, it might create more confusion than benefit. So now my question is directed to the government, if they choose to answer. How would this improve protection in any way and why is it necessary to include this? I would suggest leaving the bill as it was before this amendment would have provided, perhaps, more protection. I don't see how this increases protection. Perhaps the government could provide an explanation.

The Chair (Mr. Peter Tabuns): I'll allow Mr. Potts to answer, if he wishes to answer.

Mr. Arthur Potts: Yes, I'd be delighted to, actually. I thought if I put the motion—I normally would go first to explain the rationale so it would alleviate the concerns they might have opposite. So let me alleviate your concerns.

The intention here is, in a sense, to restrict, but it's to restrict because the number one concern I received from owners of restaurants and the association—and in my discussions with a lot of servers, they agreed that this would not be an unreasonable restriction—is that the owner of an establishment could recover the costs associated with the processing, so credit card fees: the 2.5% or 2.25% to 3% that gets tacked onto a bill. If they've received the money on a credit card, the owner could recover that piece.

For an individual tip, it's not a lot of money, but when you look at it and aggregate it in a large operation over the course of a year, it's a significant amount of money. We figured that was a reasonable exception to include, that they can recover the costs associated with processing the transaction.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Miss Taylor, I'll put you on the list. I have Ms. Martow ahead of you. Ms. Martow.

Mrs. Gila Martow: I have a couple of quick concerns. One is that the percentage that is paid on Visa, MasterCard and American Express—there are other charges in addition to that: renting the actual machine and things like that. I'm concerned that restaurants will say, "Well, the Internet that we had to put into the restaurant was all because of having credit cards. Otherwise,

we wouldn't have Internet in our restaurant," and they're going to want to recoup all those fees back from their servers. So I'm a little concerned about that.

I'm also concerned that if a bill comes, and say it's \$250 and somebody leaves a \$50 tip—nobody ever says that clearly, "The tip is the cash, and we want the server to have the cash," so they don't have to pay the 2% or 3% or whatever it may be—the restaurant will say, "Well, we're putting the \$50 towards the price of the food and now the tip is on the credit card. Therefore, you have to pay the credit card fees." It benefits the restaurant, because the restaurants do want cash and not to have to pay these credit card fees. It's for their benefit to get as many payments in cash as possible.

I'm sort of a little bit concerned that this will allow restaurants to take tips that were given in cash in good faith, so that the server shouldn't have to pay that percentage, and put that cash towards the actual purchase, and then all of a sudden, the servers are being told, "No, no, no, that \$50 was towards the food and your tip was on the credit card." I don't see any protection for the servers.

I'm a little bit leery that people aren't going to get their money. Are we saying that they have to be paid promptly each week or each month or whatever it may be? I'm worried the restaurants might say, "Oh, it takes us time to do this administrative work. We have to get the bookkeepers in to figure it out."

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. I have Miss Taylor and then I will go back to Mr. Potts. Miss Taylor.

Miss Monique Taylor: I have deep concerns about this clause now that I've heard the explanation for it. When a tip is left, it is left for the server, not to pay the cost of doing business for a restaurateur or whoever that may be. I think it goes against the whole framework of the bill. The bill was put in place so that nobody could touch a server's tips, and yet this would allow them to bite into a small piece of that—so be it—but still into the tip that was left directly for the waitress, and not for the management.

I just think that this goes against the whole premise of the bill.

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The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: Thank you, Chair.

To Ms. Martow's suggestions first: The cost of the food is the cost on the menu is the cost on the bill, The definition of tips within the act makes it very clear that anything over and above the cost which is left as a voluntary—or directed—amount is considered a tip. Therefore, I'm not concerned about the issue that you raised, because cash tips actually won't be affected by this section because this is only going to charges. Cash tips may become more of the norm if you wanted to compensate a server because they would not have to have a portion of that come off.

To Ms. Taylor's comment: The issue becomes—using a credit card, for instance—an easier way of collecting

the money. The restaurant associations and the servers I spoke with were all in agreement. This was the price of getting an agreement: If you allow a reasonable amount, so the employer doesn't have to suffer paying off the charges and so that the server gets 100%, and now it costs them additionally—this was a reasonable compromise. The server benefits from the fact that the money is there; it's in front. Rather than receiving a personal cheque or something, which might bounce, they get it, it's in a credit card and that's the service fee associated with their tip.

We agreed that that would be a reasonable compromise, and we'll certainly be supporting the motion.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts.

Ms. Martow, and then Mr. Singh.

Mrs. Gila Martow: I'm supportive. I'm just saying that I'm a little concerned that I would have liked to have seen that if a bill is paid part in cash and part on credit card, which does happen fairly often, I imagine, the cash—that was all I was saying—is put towards the tip. That was my only previous comment; I'm sorry if I wasn't clear enough. I would just like to see that somehow clear, that the restaurant can't come back and say, "No, the cash was going towards the food, and now you have to pay towards credit card fees."

Just to speak towards the third party and Ms. Taylor's comments: I don't think that by charging servers, if they collect their tip on a credit card, they're paying for the cost of running the business. That additional amount of money put on the credit card costs the restaurant the same 2% as any other charges. I think that we have to look at servers, in a way, as small business people: They're running their own business, and in a way, they should be thankful that their tips are going on the restaurant's credit card machine. Otherwise, they would have to maintain their own account—now you can swipe on an iPhone—it's running through the business, and in fact, the business is doing a fair amount of administrative work for them, with a lot of expenses that are accrued. It's not just that percentage, as I said before; it's also the cost of having the machine, the account, the Internet, the hardware and all that. I think this is fair.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Mr. Singh.

Mr. Jagmeet Singh: I want to understand it and then raise my concern. What's being proposed is that if a tip is left—a \$100 meal, and you put a 20% tip on there, so \$120. On the \$20 portion, the tip that's meant to go to the server, whatever the service fee for the entire bill—a portion of that would apply to the \$20. If the credit card charges a 5% service fee, that 5% would be shared over the entire \$120, and so the server would lose that portion out of that \$20 tip. Is that what this amendment does?

The Chair (Mr. Peter Tabuns): Mr. Potts, would you like to respond?

Mr. Arthur Potts: Sure; I'd be happy to.

To Ms. Martow's point, I appreciate that. I get the distinction, and you'll see in the definition of what a tip

includes is that it's what any reasonable person would assume. If I paid the bill on a credit card, which is exactly the amount of the bill, and I left money, a reasonable person would assume that that is a tip and that would be treated as the tip.

To your point: Take, in your scenario, \$100 and leave a 20% tip. If the tipping processing fee was 5%, that would be \$1. So \$1 on the \$20 would come off and they would keep \$19, if it was 5%.

You'll know that most credit card charges, particularly if you're a member of a restaurant association, are more in the order of 2.25%. That's how it would be interpreted and that's what the regulation—but I'd love to have your input on regulations when we get to that point to ensure that it's only the portion of a credit card charge associated with a tip that's coming off of it. We'd be very insistent that that was the intention.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Potts. Mr. Singh?

Mr. Jagmeet Singh: I think in the interests of fairness, the restaurant has to run—that's a small amount if you think about an individual server, but it will add up over time and, in the fairness equation, the restaurant has a certain cost of doing business; they're going to have those fees anyway. To apply that fee to the server amount just seems to be unfair and it seems to go against the spirit of the bill, which was to ensure that the servers were able to keep the entire portion of their tip and not have to pay for the use of the credit card machine.

Though that is a cost of business and restaurants have to field that, a server is providing an excellent service that's also invaluable to the restaurant—they need someone to do that—and in order to make sure there's fairness—I think this goes against the spirit of the bill; this goes against the spirit of making sure that the server gets the entire tip amount. Putting fees on top of what the server gets out is unfair and, in the balancing equation, I think the employer is in a superior position.

I think we have an interest here to protect the servers. That's why this whole issue came up: There were issues around servers getting the full amount. This doesn't do justice to that issue. For that reason, we won't be supporting this and we want to make sure our concerns are on the record.

I also want to indicate, Mr. Chair, that we will request a recorded vote.

The Chair (Mr. Peter Tabuns): I take that as a request, Mr. Singh.

No further discussion? Are the members ready to vote? All those in favour of government motion 1?

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts.

Nays

Singh.

The Chair (Mr. Peter Tabuns): The motion is carried.

Shall section 1, as amended, carry? Opposed? It's carried.

For sections 2 and 3, I have no amendments. With the committee's permission, I will have a vote on them at the same time. Shall section 2 and section 3 carry? Opposed? It's carried.

Shall the title of the bill carry? Opposed? Carried.

Shall Bill 12, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Okay. Congratulations.

Mr. Arthur Potts: Thank you.

The Chair (Mr. Peter Tabuns): One down.

SAFEGUARDING OUR COMMUNITIES
ACT (FENTANYL PATCH FOR PATCH
RETURN POLICY), 2015
LOI DE 2015 POUR PROTÉGER
NOS COLLECTIVITÉS
(POLITIQUE D'ÉCHANGE
DE TIMBRES DE FENTANYL)

Consideration of the following bill:

Bill 33, An Act to reduce the abuse of fentanyl patches / Projet de loi 33, Loi visant à réduire l'abus de timbres de fentanyl.

The Chair (Mr. Peter Tabuns): Now we move to our second bill, Bill 33, An Act to reduce the abuse of fentanyl patches. Are there any general comments or questions before we proceed? You're ready? Okay.

Before we start, are there any comments, questions or amendments to any section of the bill and, if so, to which section? Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: Yes, Chair. I'd like to refer to motion 1. I have an amendment.

The Chair (Mr. Peter Tabuns): Sorry. I'm going to come to the motions very shortly.

Ms. Indira Naidoo-Harris: Sorry. Apologies.

The Chair (Mr. Peter Tabuns): Okay. So I'll start in, then.

Section 1, government motion 1: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Yes, Chair.

I move that section 1 of the bill be amended by adding the following definition:

“‘controlled substance patch’ means,

“(a) a fentanyl patch, or

“(b) any other patch that contains a drug and that meets the criteria provided for in the regulations;”

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. As some of you are well aware, I will find this amendment beyond the scope of the bill as set out by the parameters of the bill, and I therefore rule the amendment out of order.

But I also understand that there is a consensus about unanimous consent to bring this forward. Can I ask if that's the case?

Interjections.

Mr. Victor Fedeli: It's unanimous.

The Chair (Mr. Peter Tabuns): Okay. There is unanimous consent to bring it forward. Is there any debate on this amendment?

There being no—Mr. Fedeli?

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Mr. Victor Fedeli: The only comment I would make, then—and I won't comment on all the motions all the way through—is that this will indeed expand the scope of the fentanyl patch bill to incorporate future controlled substance patches. So rather than coming back to this Legislature in the future when the next fentanyl replacement is found, this will usurp that.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Fedeli. Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Again, we are doing this because it's important that the dispensing rules can be applied to other dangerous drug patches in the future, and we want to ensure that we have in place something that will protect individuals when the time comes.

The Chair (Mr. Peter Tabuns): Okay. No further discussion? The committee is ready for the vote.

Do you support this amendment? All those in support? All those opposed? Carried.

We go to government motion 2: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that the definition of “dispenser” in section 1 of the bill be struck out and the following substituted:

“‘dispenser’ means,

“... a person who is authorized to dispense a drug in a pharmacy under the Drug and Pharmacies Regulation Act, or

“... a person provided for in the regulations;”

The Chair (Mr. Peter Tabuns): Now, you did mean in both cases to have (a) and (b) before those phrases?

Ms. Indira Naidoo-Harris: Yes, I did.

The Chair (Mr. Peter Tabuns): Thank you. Any debate on this matter? There being none, the committee is ready to vote?

All those in favour? Those opposed? The motion is carried.

We go to government motion 3: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that the definitions of “prescriber” and “prescription” in section 1 of the bill be struck out and the following substituted:

“‘prescriber’ and ‘prescription’ have the same meaning as in the Drug and Pharmacies Regulation Act;”

The Chair (Mr. Peter Tabuns): Is there any debate? The committee is ready for a vote?

All those in favour? Opposed? It is carried.

We go to government motion 4: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 1 of the bill be amended by adding the following subsection:

“Application to other controlled substance patches

“(2) Subject to the regulations, the provisions of this act specifically referring to fentanyl patches apply to all controlled substance patches.”

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. I find that the amendment is beyond the scope of the bill as set out by the parameters of the bill. I therefore rule the amendment out of order, but I understand there is some interest in going forward on a unanimous consent.

Ms. Indira Naidoo-Harris: Yes, Chair. We would prefer to go forward on this bill. We feel that the bill would be amended to add a new section, and this new provision would allow the patch-for-patch rules in the bill to apply to other dangerous drug patches in the future, subject to regulations.

The Chair (Mr. Peter Tabuns): And you ask for unanimous consent.

Ms. Indira Naidoo-Harris: And I'm asking for unanimous consent.

The Chair (Mr. Peter Tabuns): Do I have unanimous consent? Excellent. We can go forward.

Any further debate on this motion? There being none, all those in favour? All those opposed? It is carried.

We go to vote on the section as a whole. Shall section 1, as amended, carry? All those in favour? Opposed? Carried. Excellent.

We go to section 2 and government motion 5: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that subsection 2(1) of the bill be amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

“(c) comply with any other requirements provided for in the regulations.”

The Chair (Mr. Peter Tabuns): Is there any debate or discussion on this motion? There being none, the committee is ready to vote? All those in favour? All those opposed? It is carried.

Now the section as a whole: Shall section 2, as amended, carry? All those in favour? Opposed? It is carried.

The Clerk of the Committee (Ms. Valerie Quioc Lim): As amended.

The Chair (Mr. Peter Tabuns): As amended. Thank you.

We go to section 3, then. We have government motion 6: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that paragraphs 1 and 2 of subsection 3(1) of the bill be struck out and the following substituted:

“1. The name and location of the pharmacy must have been recorded on the prescription by the prescriber, subject to any exceptions provided for in the regulations.

“2. The pharmacy must have been notified by the prescriber about the prescription before any fentanyl patches are dispensed, subject to any exceptions provided for in the regulations.”

The Chair (Mr. Peter Tabuns): Is there any debate?

There being none, the committee is ready to vote. All those in favour? Opposed? It is carried.

We go to motion 7: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that subparagraph 5 i of subsection 3(1) of the bill be struck out and the following substituted:

“i. The dispenser does not collect any used fentanyl patches or collects fewer used fentanyl patches than the quantity of fentanyl patches to be dispensed under the prescription.”

The Chair (Mr. Peter Tabuns): Any debate?

There being none, the committee is ready for the vote. All those in favour? Those opposed? It is carried.

Shall section 3, as amended, carry? There being none opposed, it is carried.

Section 4: We have no amendments.

Mr. Arthur Potts: I'd like to comment on section 4.

The Chair (Mr. Peter Tabuns): Yes, absolutely.

Mr. Arthur Potts: We would like to vote against this section. We believe it is unnecessary. I'll turn it over to my colleague to explain why in more detail.

Ms. Indira Naidoo-Harris: The government recommends voting against section 4.

Reason for notice rather than motion: If the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

We feel that it would be a good idea to vote against section 4.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. Mr. Potts, you have commentary?

Mr. Arthur Potts: We want to vote against section 4, which would deem non-compliance with the bill an act of professional misconduct under the Regulated Health Professions Act. Section 4 is not necessary, and should therefore be voted down.

There are existing health-profession-specific regulations that already specify that non-compliance with a statute like this one would be an act of professional misconduct; therefore, it is unnecessary to meet the intent of the bill as we wanted.

The Chair (Mr. Peter Tabuns): Any further commentary?

There being none, the committee is ready to vote. All those in favour of section 4? Mr. Fedeli. All those opposed?

Mr. Victor Fedeli: Oh, no. I'm sorry. Were we voting in favour of striking it?

Interjections.

Ms. Indira Naidoo-Harris: Could you clarify?

The Chair (Mr. Peter Tabuns): Okay. All those in favour of striking—

The Clerk of the Committee (Ms. Valerie Quioc Lim): No, no.

The Chair (Mr. Peter Tabuns): It's going the other way?

All those in favour of section 4, which is how Mr. Fedeli voted? He voted in favour of section 4.

Mr. Victor Fedeli: No, I'm voting in favour of striking it.

The Chair (Mr. Peter Tabuns): Oh, you're voting in favour of striking it.

What I have is: Shall section 4 carry? You can vote against section 4.

Shall section 4 carry? I don't see any votes in favour. Those opposed? It is lost.

Mr. Victor Fedeli: That was a confusing way to do that.

The Chair (Mr. Peter Tabuns): My apologies, colleagues.

We go to section 5, and we have government motion number 8: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following clause:

"(a.1) establishing different classes of prescribers and dispensers and establishing different rules for the prescribing and dispensing of fentanyl patches by those classes and requiring compliance with those rules;"

The Chair (Mr. Peter Tabuns): Any discussion or debate?

There being none, all those in favour? All those opposed? It is carried.

We go to government motion number 9: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following clause:

"(d.1) providing for and governing anything that this act refers to as being provided for in the regulations;"

The Chair (Mr. Peter Tabuns): Any further debate?

All those in favour? All those opposed? It is carried.

We go to government motion number 10: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 5 of the bill be amended by adding the following subsection:

"Controlled substance patches

"(2) The Lieutenant Governor in Council may make regulations clarifying or modifying the application of this act with respect to controlled substance patches that are not fentanyl patches and, without restricting the generality of the foregoing, may make regulations establishing different classes of prescribers and dispensers of such patches and establishing different rules for the prescribing and dispensing of such patches by those classes, and requiring compliance with those rules."

1630

The Chair (Mr. Peter Tabuns): Members of the committee, I find that the amendment is beyond the scope of the bill as set out by the parameters of the bill, and I therefore rule the amendment out of order. I understand that you may want to ask for unanimous consent for it to go forward. Is that correct?

Ms. Indira Naidoo-Harris: Yes, Chair, I do ask for unanimous consent.

The Chair (Mr. Peter Tabuns): Do I have unanimous consent? I do? All right.

Any debate on this amendment? Mr. Fedeli.

Mr. Victor Fedeli: This would be the final piece required to allow other, future patch supplements to be covered by the same patch-for-patch guideline.

The Chair (Mr. Peter Tabuns): Any further debate on this? There being none, all those in favour? All those opposed? It is carried.

Shall section 5, as amended, carry? Carried.

We go to section 6, and we have government motion number 11: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 6 of the bill be struck out and the following substituted:

"Commencement

"6. This act comes into force on a day to be named by proclamation of the Lieutenant Governor."

The Chair (Mr. Peter Tabuns): Any debate? There being none, the committee is ready to vote. All those in favour? All those opposed? It is carried.

Shall section 6, as amended, carry? All those in favour? None opposed? It's carried.

We go on to government motion 12: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I move that section 7 of the bill be struck out and the following substituted:

"Short title

"7. The short title of this act is the Safeguarding our Communities Act (Patch for Patch Return Policy), 2015."

The Chair (Mr. Peter Tabuns): Any discussion? There being none, the committee is ready to vote. All those in favour? Opposed? The motion is carried.

Shall section 7, as amended, carry? Opposed? There being none, it is carried.

We go on to the title. The government has amendment 13: Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I move that the long title of the bill be amended by adding "and other controlled substance patches" at the end.

The Chair (Mr. Peter Tabuns): Any debate? There being none, all those in favour of the motion? All those opposed? It is carried. The title has been amended.

Shall the title of the bill, as amended, carry? Opposed? There being none, it is carried.

Shall Bill 33, as amended, carry?

Interjection: Recorded vote.

The Chair (Mr. Peter Tabuns): Recorded vote.

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh.

The Chair (Mr. Peter Tabuns): All those opposed? None. It is carried, as amended.

Shall I report the bill, as amended, to the House? Carried. Excellent.

Congratulations, Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. I do want to say thank you to the committee, but I also want to say thank you very much to the Ministry of Health, who worked so diligently and so quickly. I want to thank the minister as well for allowing this to come through.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: If I may, Chair, I also wanted to congratulate Mr. Fedeli on this bill. As a long-

time health care professional, I believe this is a very important bill going forward, and I very much appreciate everybody's work on it to get it right. I think it's a good addition.

The Chair (Mr. Peter Tabuns): Thank you.

Mr. Arthur Potts: Chair?

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: A very unusual request: I'm seeking unanimous consent that we go back to Bill 12 and we do a recorded vote on "Shall the bill pass," if that's permitted. I wanted to vote in favour and I didn't catch the point which we went—I wanted to have a recorded vote on passing the bill.

Mr. Victor Fedeli: I thought we did.

Mr. Arthur Potts: We passed it, but by voice.

Mr. Victor Fedeli: I thought we had a recorded vote—

Mr. Arthur Potts: On yours, but not on mine.

Interjections.

The Chair (Mr. Peter Tabuns): Excuse me, I'm just getting an opinion. I'll be back with you in a second.

Interjections.

The Chair (Mr. Peter Tabuns): Yes, according to our records, there was not a recorded vote.

Mr. Victor Fedeli: What was the recorded vote on?

The Chair (Mr. Peter Tabuns): The motion.

So, we would have to reopen. Is there unanimous consent to reopen?

Interjection.

The Chair (Mr. Peter Tabuns): One second—I've got Mr. Singh and Ms. Taylor.

I need to know if the committee as a whole is agreeable to unanimous consent to reopen the final motion on Bill 12 so that we can have a recorded vote. Unanimous consent? Unanimous consent.

Shall Bill 12, as amended, carry? Recorded vote.

Ayes

Anderson, Fedeli, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh.

The Chair (Mr. Peter Tabuns): Carried, as amended. We go on to the next bill.

Interjection.

The Chair (Mr. Peter Tabuns): You're very welcome, Mr. Potts.

PROVINCIAL ADVOCATE
FOR CHILDREN AND YOUTH
AMENDMENT ACT, 2015
LOI DE 2015 MODIFIANT LA LOI
SUR L'INTERVENANT PROVINCIAL
EN FAVEUR DES ENFANTS
ET DES JEUNES

Consideration of the following bill:

Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of

critical injury or death / Projet de loi 117, Loi modifiant la Loi de 2007 sur l'intervenant provincial en faveur des enfants et des jeunes en ce qui concerne les avis de décès ou de blessures graves.

The Chair (Mr. Peter Tabuns): Our third bill is Bill 117, An Act to amend the Provincial Advocate for Children and Youth Act, 2007 with respect to notices of critical injury or death.

Are there any comments, questions or amendments to any section of the bill, and if so, to which section, before we—

Interjection.

The Chair (Mr. Peter Tabuns): Miss Taylor?

Miss Monique Taylor: Chair, can I just begin with my motions?

The Chair (Mr. Peter Tabuns): No. Beyond what we had before us, are there any other comments, questions or motions you want to make?

Miss Monique Taylor: I'm just pleased that we're here today, and that we are making some inroads for our oversight issues within the Children and Youth Act of Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. We'll proceed, then, to section 1 and NDP motion 1: Miss Taylor.

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be struck out and the following substituted:

"Death or serious bodily harm

"18.1 An agency or service provider, as the case may be, shall inform the advocate in writing and without unreasonable delay if it becomes aware that a child has died or suffered serious bodily harm while seeking or receiving approved services under the Child and Family Services Act at any time within the 12 months preceding the death or the incident causing serious bodily harm."

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. Is there any discussion or debate?

Miss Monique Taylor: May I speak?

The Chair (Mr. Peter Tabuns): Yes, Miss Taylor, you may.

Miss Monique Taylor: Thank you so much, Chair. I'm hopeful that this section and this motion will pass. I think it's an extremely important amendment that was brought forward by experts in this field. We've heard from the child advocate, we've heard from the Ontario Association of Children's Aid Societies and we've heard from UNICEF stating the importance. Quite frankly, it was their idea bringing this forward in the hope that we could expand the purview to match the existing mandate of the child advocate. I think it's important, so I hope that all members of this committee will support it.

The Chair (Mr. Peter Tabuns): Is there any further debate on this motion? Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I really feel that this amendment increases the scope of the bill dramatically by broadening the new reporting requirements to include the death or serious injury of children who may receive any services under the Child and Family Services

Act. It's because of this that I really recommend voting against this motion, because children who have sought and received the services of a Children's Aid Society are actually uniquely positioned from children who have received any other service under the Child and Family Services Act.

The essential difference between these two groups of children receiving services is that children who have sought or received services from a CAS are more likely to lack a parent or guardian able to act in their best interests as their advocate, so we believe that the provincial advocate must therefore be available. I would recommend voting against this motion.

1640

The Chair (Mr. Peter Tabuns): Thank you, Ms. Naidoo-Harris. I have Miss Taylor, Ms. McGarry and then Mr. Singh. Miss Taylor?

Miss Monique Taylor: Exactly, Ms. Naidoo-Harris. It does put a broader scope on the bill, which actually makes sense for the protection of children in our province and currently already under the act of the provincial advocate.

Like I said, it has been brought forward by the experts; it's suggested by the experts. Children who are in corrections and who are in mental health facilities or have special needs need the voice of the Provincial Advocate for Children and Youth to be able to stand up for them. That is the reason why we have the provincial advocate. I think that stifling him in some parts of his mandate is unjust to the children of this province.

The Chair (Mr. Peter Tabuns): Thank you, Miss Taylor. I have Ms. McGarry.

Mrs. Kathryn McGarry: I wanted to just comment that I commend the member for bringing the bill forward. I think that those of us who have worked with children—I spent 10 years of my nursing career at the Hospital for Sick Children, so safety for children has often been at the forefront of what I've done professionally, and I certainly appreciate it.

The concern I would have—again, just echoing my colleagues' position—is that the amendment dramatically alters the scope of the original bill. I always think that we should look at each amendment through a lens of how this amendment will help children attain better outcomes. We're always happy to support anything that would have better outcomes for any kids, but I'm not convinced that there's any evidence that this policy change would help the children to achieve better outcomes.

I guess there's a concern of mine that the additional reporting requirements will direct resources that are currently being focused on front-line services to the administrative functions of reporting. I don't think that that necessarily improves the outcomes for the children. I feel that it's probably more appropriate to support the government amendment that restores the original scope of the bill, with the reporting only required for children who have had contact with a children's aid society.

But I think, too, that the scope also fits neatly into PACY's mandate. The MPP accountability and

transparency act gave PACY investigative oversight over the child welfare sector. The reporting mechanism laid out in Bill 117 appropriately supports PACY's new responsibility which he gained under Bill 8 when we passed that earlier.

The Chair (Mr. Peter Tabuns): Mr. Singh?

Mr. Jagmeet Singh: I just want to ask for a recorded vote whenever we get to that point.

The Chair (Mr. Peter Tabuns): Recorded vote? Fine. Ms. Jones?

Ms. Sylvia Jones: I appreciate that there was only time and opportunity for four presenters, but two of the four presenters actually asked for this expansion in scope on the bill. I just want to remind members who weren't here during the presenters yesterday that in fact both the children's aid society and the Provincial Advocate for Children and Youth did request this expansion of the bill and amendment.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: I understand the concerns about broadening the scope of this bill. I just want to remind the members in the room that there is an amendment that we're proposing that I feel would take care of the concerns that the member opposite may have, and it will really maintain the original scope of the bill and the intention of the bill.

As my colleague here mentioned, I'm really not sure what this kind of complete broadening will do in terms of improving the outcome for vulnerable youths, and I feel that the amendment that we're proposing will take care of that.

The Chair (Mr. Peter Tabuns): Miss Taylor?

Miss Monique Taylor: One last kick at the can: This is something that the advocate, the OACAS and UNICEF have all asked for. They're the experts in the field. We are here to make sure that they have the tools to do the best job possible by the children of our province—the most vulnerable children of our province. Including this bill in the child advocate's entire mandate really makes sense. I'll just leave it at that.

The Chair (Mr. Peter Tabuns): Is there any further debate? There being none—I understood, Mr. Singh, that you'd asked for a recorded vote, but you're not—

Miss Monique Taylor: I would like to ask for that recorded vote, please.

The Chair (Mr. Peter Tabuns): You're asking for that? The committee's ready to vote?

Ayes

Jones, Martow, Taylor.

Nays

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to government motion 2. Who will be presenting that? Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: Yes, Chair.

I move that section 18.1 of the act, as set out in section 1 of the bill, be struck out and the following substituted:

“Death or serious bodily harm

“18.1 An agency or service provider, as the case may be, shall inform the advocate in writing and without unreasonable delay if it becomes aware that a child has died or suffered serious bodily harm, and the child or youth, or the child or youth’s family, has sought or received a children’s aid society service in the 12 months preceding the death or the incident causing serious bodily harm.”

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris, I may have misheard you: “society service within 12 months”? I thought I heard you say “in”—

Ms. Indira Naidoo-Harris: “Children’s aid society service in the 12 months preceding the death or the incident causing serious bodily harm.”

The Chair (Mr. Peter Tabuns): So “within”?

Ms. Indira Naidoo-Harris: Yes, “within.”

The Chair (Mr. Peter Tabuns): Thank you. Okay. Any debate on this? Ms. Jones.

Mr. Arthur Potts: No, it doesn’t say that. Do we have a different iteration of this?

Ms. Sylvia Jones: Mine says “within.”

The Chair (Mr. Peter Tabuns): Before we go to the speaker, I’ve got government motion 2 and the words “within 12 months of the death or incurrance of harm.”

Interjections.

Mr. Arthur Potts: Does it?

Interjection: It does.

Mr. Arthur Potts: My apologies.

The Chair (Mr. Peter Tabuns): It is “within”?

Ms. Indira Naidoo-Harris: Within.

Mr. Arthur Potts: No, it doesn’t.

The Chair (Mr. Peter Tabuns): Okay. So, Ms. Jones, I noticed you first. You may speak and then I will go to Ms. Naidoo-Harris.

Ms. Sylvia Jones: Yes. In the interests of writing clear legislation, I do have concerns—and I’m prepared to support the amendment—with the phrase “without unreasonable delay.” I think that opens up some ambiguity that will cause confusion with the child protection agencies who are under the obligation.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris, then Ms. Martow.

Ms. Indira Naidoo-Harris: Chair, I just feel that this amendment maintains the original scope of the bill by specifying that this new reporting mechanism only applies to children and youth who have had some contact with the child welfare system in the previous 12 months.

MPP Jones, the portion that you feel may bring in some question I feel actually ensures that there will not be unreasonable delay and allows some protection for youth who are in this situation.

The Chair (Mr. Peter Tabuns): Thank you. Ms. Martow.

Mrs. Gila Martow: I just want to make two quick comments. One is that in the medical field things are

done not just promptly; they’re done immediately if somebody presents in an ambulance to an emergency room and a specialist is paged. They’re not paged to come promptly. They’re paged to come immediately. I think that this is something of utmost importance. These are professionals, and there’s no reason in today’s world, with software, that there can’t be communication—prompt; immediate; whatever you want to call it—through electronic means, that all these agencies in a very serious situation are able to communicate.

The Chair (Mr. Peter Tabuns): Thank you. I have Ms. McGarry, Miss Taylor and Mr. Potts. Ms. McGarry.

Mrs. Kathryn McGarry: I know that everybody around the table here is trying to ensure that we have our children protected. I feel that this motion maintains the original scope of the bill, but it also aligns neatly with the PACY’s new responsibilities under Bill 8, the MPP and public sector accountability act, and that gives the advocate investigative oversight of the child welfare system.

I think, too, that the additional reporting mechanisms outlined in this amendment will support the provincial advocate in his investigative oversight role over child welfare. So I think the articulation of the bill supports better outcomes for children and youth, which goes back to my original point: that we’re looking for better outcomes for children and youth.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. I have Miss Taylor.

Miss Monique Taylor: My concerns with this motion as written—“unreasonable delay” again is something that is, I believe, very grey-area’d. “Promptly” or “immediately” would ensure that the information was given to the child advocate at the same time that it was given to the coroner and to the ministry. So that’s a concern for me.

1650

Once again, I’ll reiterate the portion that was in the previous motion that I put forward: that it would be in the scope of the Child and Family Services Act, which is the exact same portion that is mandated under the provincial advocate’s mandate. So I find it unfortunate that this motion is in front of us.

The Chair (Mr. Peter Tabuns): Thank you. Mr. Potts?

Mr. Arthur Potts: I was going to just indicate that I’d like to have a recorded vote on this section, but I also want to point out that the NDP motion that preceded ours also uses the words “unreasonable delay.” So to be picking up on “unreasonable delay” when your own motion came forward with it seems a little superficial. But, thanks. I hope we get a recorded vote on this.

The Chair (Mr. Peter Tabuns): You’ve asked for a recorded vote; we will have a recorded vote.

Mr. Arthur Potts: Thank you, sir.

The Chair (Mr. Peter Tabuns): Any further debate? Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to make one last comment because the word “debate” reminded me that when this bill was debated in second reading, we were really returning to the original scope. I really

wanted to follow up in my comments that the government bill here maintains the original scope that was debated in second reading. That's why I'm going to be supporting this particular motion.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Ms. Jones.

Ms. Sylvia Jones: I'll just say again, in the interest of making legislation that works, if you were a legal expert, "without unreasonable delay" is pretty waffly. It does not give clear direction to anyone, most importantly the child protection agencies that are going to have the obligations, as to a clear direction and expectation.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Jones. Seeing no further debate, the committee is ready to vote. I've had a request for a recorded vote.

Ayes

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

Nays

Jones, Martow, Taylor.

The Chair (Mr. Peter Tabuns): The motion is carried. We go to NDP motion 3. Ms. Taylor?

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsection:

"Provision of information to the advocate

"(2) Information provided to the advocate under subsection (1) shall be unredacted."

The Chair (Mr. Peter Tabuns): Ms. Taylor, did you want to comment?

Miss Monique Taylor: I certainly do, Chair. It would have, I think, benefited the work that the child advocate does for our most vulnerable children in this province if the information that he received was unredacted. Receiving redacted information definitely makes it difficult to be able to do investigations that he has now been given the power to do under Bill 8.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Taylor. I have Ms. Martow, then Ms. Jones and Mr. Potts—

Mr. Arthur Potts: No, no.

The Chair (Mr. Peter Tabuns): No? Ms. Naidoo-Harris.

Mrs. Gila Martow: I just want to remind everybody that the representative from UNICEF, who coincidentally was an advocate, I believe, in Saskatchewan, said yesterday that all these provinces that he was able to list across Canada have moved to not having these types of records in these situations be redacted. He felt that not only was Ontario not leading—even if this bill passed in its entirety, not only are we not leading, but we're playing catch-up and we're not even quite catching up.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. Ms. Jones.

Ms. Sylvia Jones: I won't duplicate what my colleague just raised.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I'm opposing this motion, Chair, because I feel that the proposed amendment would require that service providers provide the personal information of the children and youth who died or were injured to the office of the provincial advocate.

Really, what this does is—you know, you have to remember that in Ontario, as opposed to other Canadian jurisdictions, the children's aid societies are individual, not-for-profit organizations with independent boards of directors. This means that the Ministry of Children and Youth Services never handles individual cases. In fact, the ministry never sees the personal information of children involved in the child welfare system.

What I feel is that this amendment actually contravenes the existing privacy provisions of the Provincial Advocate for Children and Youth Act. This is really a privacy question. I think it may have unintended outcomes impacting on the privacy of other citizens, and that's why we will be opposing this amendment.

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: I echo my colleague's sentiments, but when it comes to privacy information, I know there has certainly been tightening up of the privacy legislation in Ontario over the last several years through several different pieces. But I just want to point out that subsection 45(8) of the CFSA prohibits any person from publishing or making public "information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family."

The Freedom of Information and Protection of Privacy Act also sets out certain restrictions around the collection and disclosure of personal information in the possession of the ministry. Again, with this one, it's privacy issues that I'm most concerned with, and again, there is no clear benefit to children's outcomes. Providing personal information to the PACY would not support improved outcomes for children and youth.

The Chair (Mr. Peter Tabuns): Ms. Jones.

Ms. Sylvia Jones: I wasn't going to speak to this amendment, but the comments from the Liberal members have motivated me.

Your statements are basically suggesting that the Office of the Provincial Advocate for Children and Youth, which I remind everyone is an independent officer of the Legislative Assembly, one of only eight we have in Ontario—we don't trust him and his office to keep private information private. By his very nature, by his very mandate, all of the cases and all of the issues he deals with are highly confidential and highly personal in nature, and to suggest that this one very minor amendment that is just saying, "Give him all the information he needs to properly investigate," shouldn't be allowed because we can't trust him to keep it private—I'm quite offended by the comment, actually.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: Actually, I'm continuing in the same vein as my colleague, which is to say that it sounded a bit to me like the government was saying that because it's for these non-profits and non-government agencies, somehow their privacy should be protected. If they're doing this type of work, they are professionals and they should be treated like professionals. I think that anybody interacting with other professionals—there's a level of confidentiality that is respected, or none of them should be in those positions.

In the medical field, as I mentioned before, there is sharing of information from hospitals to clinics to private doctors' offices. All the information is shared—every tiny bit of information—and it's very personal and private information, as everybody here can appreciate. Everybody trusts that the others, including all their staff, are respectful of that privacy.

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: I'm going to defer to my colleague.

The Chair (Mr. Peter Tabuns): Thank you, Mrs. McGarry.

Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Chair, I just want to clarify that what we are actually saying is that this amendment contravenes the existing privacy provisions of the Provincial Advocate for Children and Youth Act, and that's what we're trying to be clear about. We don't want to contravene those existing privacy conditions.

The Chair (Mr. Peter Tabuns): Mr. Potts.

Mr. Arthur Potts: I think we may be making a little bit too much of this on the other side, because the reality is that there's nothing in law to preclude the families. What we're saying is that the agencies entrusted with this information are not in a position to be able to give the information over. That's protected by privacy. If the families want to release that information, there's nothing to stop them, and the children's provider can move forward.

The Chair (Mr. Peter Tabuns): Miss Taylor.

Miss Monique Taylor: Back in our previous motion, we talked about the child advocate not being able to expand the purview because those other children more than likely had parents and were under just the CAS. Now we're talking about the parents having the right of the privacy act. Either we're doing this in the best interests of children or we're not.

1700

This is where the child advocate will get the information to be able to do the investigations. That was given to him in Bill 6, to be able to do that job. The problem, and where this has come from in the first place, is oversight and the lack of oversight within our child and youth act.

If we're going to once again strangle the person that we're planning on giving, hopefully, some of the oversight abilities to, then I'm confused.

The Chair (Mr. Peter Tabuns): Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: I just want to clarify: The motion, in my opinion, is of no real, clear benefit to children's outcomes. If we're all here because that's what we're looking out for, then let me emphasize that: This is of no clear benefit to children's outcomes. Providing their personal information is of no clear benefit.

The Chair (Mr. Peter Tabuns): Thank you. Ms. McGarry?

Mrs. Kathryn McGarry: I just wanted to reiterate that I'm not going to be supporting a motion that contravenes the existing privacy provisions of the PACY act.

Miss Monique Taylor: Can I ask for a recorded vote, please, Chair?

The Chair (Mr. Peter Tabuns): Yes. A recorded vote is asked for. I see no further debate. The committee is ready to vote. Recorded vote.

Ayes

Jones, Martow, Taylor.

Nays

Anderson, Hoggarth, McGarry, Naidoo-Harris, Potts.

The Chair (Mr. Peter Tabuns): The motion is lost. The next motion is NDP motion number 4. Miss Taylor?

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Provision of information to the advocate

“(2) Information provided to the advocate under subsection (1) shall include a summary of the circumstances surrounding the death or serious bodily harm.”

The Chair (Mr. Peter Tabuns): Any comment, Miss Taylor?

Miss Monique Taylor: No, other than I'm thankful that some of these amendments have passed through. I will be supportive of this, of course, and look forward to other discussion.

The Chair (Mr. Peter Tabuns): Mr. Potts?

Mr. Arthur Potts: Yes. Actually, I think this gets to the problem that you identify in your previous motion, without identifying the details of the children involved. Therefore, we will be supporting this motion because it's going to bring the information to the advocate so they can do their work properly.

The Chair (Mr. Peter Tabuns): Any further debate? There being none, you're ready to vote? All those in favour? All those opposed? It is carried.

Government motion 5: Ms. Naidoo-Harris?

Ms. Indira Naidoo-Harris: “I move that section 18.1 of the Provincial Advocate for Children and Youth Act, 2007, as set out in section 1 of the bill, be amended by adding the following subsection:

“Duty to report under the Child and Family Services Act

“(2) Nothing in this section affects the duty to report a suspicion under section 72 of the Child and Family Services Act.”

The Chair (Mr. Peter Tabuns): Did you wish to comment?

Ms. Indira Naidoo-Harris: Yes. I feel that this proposed amendment clarifies that none of the reporting laid out in this bill precludes the duty to report suspected child abuse under the CFSA.

The Chair (Mr. Peter Tabuns): Any further comment? Ms. Jones.

Ms. Sylvia Jones: Yes. This was requested very specifically by the Ontario Association of Children’s Aid Societies, and I think it’s a good amendment clarification.

The Chair (Mr. Peter Tabuns): Any further debate? The committee is ready to vote? All those in favour? Opposed? It is carried.

NDP motion 6: Miss Taylor.

Miss Monique Taylor: I move that section 18.1 of the act, as set out in section 1 of the bill, be amended by adding the following subsections:

“Provision of information to parents

“(2) An agency or service provider, as the case may be, shall inform the parents of a child that has died or suffered serious bodily harm in the circumstances described in subsection (1) about the advocate and shall provide the parents with contact information for the advocate.

“Provision of information to a child

“(3) An agency or service provider, as the case may be, shall inform a child that has suffered serious bodily harm in the circumstances described in subsection (1) about the advocate and shall provide the child with contact information for the advocate.”

Mrs. Gila Martow: Sorry, “provide the parents.”

Miss Monique Taylor: Did I miss something there?

Mrs. Gila Martow: You said “provide the child.”

Miss Monique Taylor: Provide the child—

The Chair (Mr. Peter Tabuns): Yes, it is providing information to a child.

Miss Taylor, did you want to comment?

Miss Monique Taylor: No. I’m happy to move forward.

The Chair (Mr. Peter Tabuns): Fine. Ms. McGarry.

Mrs. Kathryn McGarry: I will be recommending that we support this motion. I think that the advocate’s role is to advocate on behalf of children and youth, and this will make sure that the people who require this advocacy are able to contact PACY’s office.

The Chair (Mr. Peter Tabuns): No further debate?

Mr. Arthur Potts: Could we have a recorded vote on this?

The Chair (Mr. Peter Tabuns): A recorded vote is requested by Mr. Potts.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): Opposed? There being none, it is carried.

Shall section 1, as amended, carry? It is carried, as amended.

Section 2: We have government motion number 7. Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: I move that section 2 of the bill be struck out and the following substituted:

“Commencement

“2. This act comes into force six months after the day it receives royal assent.”

The Chair (Mr. Peter Tabuns): Any commentary?

Ms. Indira Naidoo-Harris: We feel that this amendment is important because it would provide the ministry with time to work on issues of implementation with the service sector. This is making sure that people have the time that they need.

The Chair (Mr. Peter Tabuns): Further debate? The committee is ready to vote. All those in favour? Those opposed? It is carried.

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): Pardon?

Mr. Arthur Potts: Sorry; never mind.

The Chair (Mr. Peter Tabuns): Shall section 2, as amended, carry? Carried. Section 2, as amended, carries.

Section 3, short title: There are no amendments. Any debate? There being none, shall section 3 carry? It is carried.

We go to the title, and we have two motions. NDP motion number 8: Miss Taylor.

Miss Monique Taylor: I move that the long title of the bill be amended by striking out “critical injury” and substituting “serious bodily harm”.

The Chair (Mr. Peter Tabuns): Any debate? There being none, the committee is ready to vote.

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote is called for.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): The motion is carried.

Motion 9—

Mr. Arthur Potts: We’ll withdraw.

The Chair (Mr. Peter Tabuns): —has been withdrawn.

We go to vote on the title. Shall the title of the bill, as amended, carry? It is carried, as amended.

Mr. Arthur Potts: Recorded vote on this act.

The Chair (Mr. Peter Tabuns): Right. Shall Bill 117, as amended, carry? Recorded vote.

Ayes

Anderson, Hoggarth, Jones, Martow, McGarry, Naidoo-Harris, Potts, Taylor.

The Chair (Mr. Peter Tabuns): All those opposed? It is carried, as amended.

Shall I report the bill, as amended, to the House? Yes. That's carried.

Congratulations.

Interjections.

The Chair (Mr. Peter Tabuns): Well done, committee. We now have one more bill.

PREGNANCY AND INFANT LOSS
AWARENESS, RESEARCH
AND CARE ACT, 2015

LOI DE 2015 SUR LA SENSIBILISATION
AU DEUIL PÉRINATAL, LA RECHERCHE
SUR CE GENRE DE DEUIL ET L'AIDE
AUX PERSONNES VIVANT UN TEL DEUIL

Consideration of the following bill:

Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day / Projet de loi 141, Loi exigeant des recherches et des programmes sur les pertes de grossesse et les décès néonataux et proclamant le 15 octobre Journée de sensibilisation au deuil périnatal.

The Chair (Mr. Peter Tabuns): We now move on to our fourth and final bill for today: Bill 141, An Act to require research to be undertaken and programs to be developed for pregnancy loss and infant death and to proclaim October 15 as Pregnancy and Infant Loss Awareness Day.

Are there any general comments or questions before we proceed? Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. I just wanted to take this opportunity to thank Mr. Colle for bringing this bill forward. As an opposition member and a critic, I'm often able to tell the bad sides of a bill or critique them and be negative. After the deputations yesterday and the debate and reading the bill, I'm quite glad to know Mr. Colle and I'm glad that he brought this bill forward. We look forward to ensuring that this gets through third reading.

The Chair (Mr. Peter Tabuns): Excellent.

We go to section 1. There are no amendments—Ms. McGarry?

Mrs. Kathryn McGarry: Sorry; I just had a couple of comments as well. I also wanted to note that there was a lot of support for this bill in the House. I'm very proud that this bill is coming forward. I think that, if we pass it, it will be certainly meaningful to many families in Ontario.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Mr. Colle, we're about to go into the section-by-section. Did you want to speak before?

Mr. Mike Colle: I just wanted to say that, yesterday, I think the members who were here saw the incredible

impact that this bill might have on thousands of lives. I think that spoke for me, yesterday.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Colle.

We go to section 1, and I have no amendments. The committee is ready to vote? Shall section 1 carry? Opposed? It is carried.

I go to section 2, and I have government motion number 1: Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraphs 11 to 15 of subsection 6(1) of the Ministry of Health and Long-Term Care Act, as set out in section 2 of the bill, be struck out and the following substituted:

"11. To undertake research and analysis on pregnancy loss and infant death that assists those, including mothers and families, who experience such loss and that informs the establishment or expansion of programs related to such loss."

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Did you want to speak to that?

Mrs. Kathryn McGarry: I just want to reiterate my comments: I think that anything that we can do for these families is very important, and I think that this will be a very meaningful change to families and mothers in Ontario who experience pregnancy loss.

The Chair (Mr. Peter Tabuns): Thank you, Ms. McGarry. Any further commentary? There being none, the committee is ready to vote? All those in favour? All those opposed? The motion is carried.

Now to vote on section 2 as a whole. Shall section 2, as amended, carry? None opposed. Section 2, as amended, is carried.

Sections 3 and 4: I have no amendments, and I'll take them together. Shall section 3 and section 4 carry? No opposition; both are carried.

We go to title. Shall the title of the bill carry? It is carried.

Shall Bill 141—

Mr. Arthur Potts: Recorded.

The Chair (Mr. Peter Tabuns): A recorded vote requested. Shall Bill 141, as amended, carry? Recorded vote.

Ayes

Anderson, Hoggarth, Martow, McGarry, Naidoo-Harris, Potts, Singh, Yurek.

The Chair (Mr. Peter Tabuns): Opposed? It is carried.

Shall I report the bill, as amended, to the House? I shall report the bill. Congratulations, Mr. Colle. Well done.

Colleagues, we shall adjourn. We've done our work for the day.

The committee adjourned at 1712.

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