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**Official Report
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(Hansard)**

EM-2

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(Hansard)**

EM-2

**Select Committee
on Emergency Management
Oversight**

Emergency orders review

**Comité spécial de la
surveillance de la gestion
des situations d'urgence**

Étude sur les décrets d'urgence

1st Session
42nd Parliament

Tuesday 22 September 2020

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42^e législature

Mardi 22 septembre 2020

Chair: Daryl Kramp
Clerk: Christopher Tyrell

Président : Daryl Kramp
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**SELECT COMMITTEE
ON EMERGENCY MANAGEMENT
OVERSIGHT**

**COMITÉ SPÉCIAL DE LA
SURVEILLANCE DE LA GESTION
DES SITUATIONS D'URGENCE**

Tuesday 22 September 2020

Mardi 22 septembre 2020

The committee met at 1601 in room 151 and by video conference.

The Chair (Mr. Daryl Kramp): Seeing how it is 4 o'clock and the time for the meeting, I will now declare this meeting in order.

COMMITTEE BUSINESS

The Chair (Mr. Daryl Kramp): Mr. Fraser?

Mr. John Fraser: I'm putting forward a motion before the committee. I think the Clerk and everybody has a copy of that. I'm not sure if people have that online.

The Chair (Mr. Daryl Kramp): Maybe if the Clerk would just distribute that for us—I need a copy.

Okay. The Chair will confer with the Clerk in one second, but I would ask, Mr. Fraser, if you would read your motion in, please.

Mr. John Fraser: I move that the government provide a written briefing to committee members prior to any verbal updates to ensure members have the required information to ask questions of the Premier or his designate. This includes, but is not limited to, orders that were extended during the reporting period, a fulsome list of all extended emergency orders and expiry dates for orders.

The Chair (Mr. Daryl Kramp): I believe that is in order. I would just confer with the Clerk. Is that in order?

Interjection.

The Chair (Mr. Daryl Kramp): Thank you very much. I've been referred to the actual original order from the House, and I will read it. It says "that a Select Committee on Emergency Management Oversight be appointed to receive oral reports from the Premier or his designate(s) on any extensions of emergency orders by the Lieutenant Governor in Council related to the COVID-19 pandemic and the rationale for those extensions." I think that's pretty crystal clear; the motion states only oral.

Mr. John Fraser: Having said that, we're in a select committee here, and, in order for all members on all sides to be prepared, having simply—I think we amended 30 or 34 orders. I know that it's public information. All I'm asking for is simply that those amendments that were made that are public information are provided to us, as opposed to all of us running out and getting that. I realize that it's out of order and not in your explanation, Chair, but I think it's pretty reasonable. It's kind of unusual that we have

absolutely no materials with which, at least on this side, or maybe on that side—the information that we need. So I just put that request out there to the government, and it's up to them.

Can I ask for unanimous consent to debate out of order—

The Chair (Mr. Daryl Kramp): No, I'm sorry. I would like to do that for you, but the motion has been ruled out of order based on the comment that I first stated. I'd be willing to sit and have a discussion with the honourable member after, and perhaps we can try to find a vehicle to facilitate your concern, but at this particular point, it is out of order.

Interjection.

The Chair (Mr. Daryl Kramp): Mrs. Martin on a point of order.

Mrs. Robin Martin: Yes. If I can just help Mr. Fraser: MPP Fraser, if you want to sign up for the news release on the website, every time there is an update, we're required under the act, section 11, to publicly report. It goes onto the Ontario Newsroom, and you can sign up so they'll come directly into your inbox. On that, it lists every emergency order that was stopped during the period. It also lists every order that is extended or amended. You can click on them and you have the exact things right there. It's all done already.

The Chair (Mr. Daryl Kramp): Thank you very much for that information.

EMERGENCY ORDERS REVIEW

The Chair (Mr. Daryl Kramp): We will now proceed with our meeting. Of course, I would note that we are also joined by the staff from legislative research, broadcast and recording, and House Publications and Language Services.

To make sure that everybody can understand fully what is going on here today, it is important that all participants speak slowly and clearly. I have a habit sometimes of speaking a little too quickly myself, so I apologize as your Chair. Should I do that, feel free to rap me over the knuckles. But we do need to proceed today, and I'm just trying to be respectful of everybody here.

Please wait until I recognize you before speaking. Please also remember to unmute yourself. Are there any other questions now before we go ahead?

Seeing none, pursuant to the order of the House dated July 15, 2020, the select committee has been appointed to receive oral reports from the Premier or his designate or designates on any extensions of emergency orders by the Lieutenant Governor in Council and related to the COVID-19 pandemic and the rationale for those extensions.

The Solicitor General, the Honourable Sylvia Jones, who has been designated by the Premier, is here with us today to provide this committee with that report. Per the motion, the committee is empowered to meet as follows: similar to our first meeting, up to 30 minutes for the Premier or his designate to make an opening statement; up to 60 minutes for members of the recognized parties to pose questions to the Premier or his designate, and three rounds of 10 minutes for each party; and up to 10 minutes for the independent members to pose questions to the Premier or his designates in two rounds of five minutes each.

Following the Solicitor General's opening remarks, we will proceed in the question rotation as follows: similar to our first meeting, it is 10 minutes to the official opposition starting off, then 10 minutes to the government and five minutes to the independent member. We will then repeat the same process in the second round: 10 minutes to the official opposition, 10 minutes to the government and five minutes to the independent member. In the third round, there's 10 minutes to the official opposition and then 10 minutes to the government.

Are there any questions on clarity before we begin?

HON. SYLVIA JONES

The Chair (Mr. Daryl Kramp): Seeing none, Minister, please proceed with your introductory remarks.

Hon. Sylvia Jones: Thank you very much, Chair. It's a pleasure to join you for the second meeting of the Select Committee on Emergency Management Oversight and speak about the extensions of orders under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

This committee is an important part of our government's ongoing management of the COVID-19 pandemic. By providing legislative oversight regarding the rationale for extensions of orders that are helping to manage this public health crisis, your work contributes to our government's commitment to be transparent and accountable to all Ontarians.

I'd like to thank the Chair, Daryl Kramp, the member from Hastings–Lennox and Addington, and all members of the committee, as well as the staff here at Queen's Park, for allowing us to meet safely.

Since this committee's inaugural meeting on August 24 less than one month ago, COVID-19 continues to be a major threat to all of us as we see the case numbers climb. Much of our government's work continues to be within the context of this global public health crisis and the firm hold it has on our province.

Following the end of the provincial declaration of emergency in July, we have gradually and safely chartered

a path to recovery. We moved cautiously, members of this committee will recall, to open regions of the province in stages and not all at the same time, based on case counts and other information about what was happening in different regions; and we closely reviewed the guidance of our public health officials across the province as we carefully took each step to move forward. Over the past few weeks, we've continued on the path to recovery, but the path has not been smooth. We've had ups and downs, and it looks like the route should continue that way for a while.

That said, there has been progress. With restrictions and supports in place to help prevent the spread of COVID-19, schools are reopening across the province and students are getting back to learning, both in class and online with their classmates and teachers. In long-term-care homes, more visits are happening with loved ones, and residents can once again leave their home for short stays and temporary absences. And in communities across Ontario, people are cautiously resuming more activities with friends, families and neighbours, while limits on indoor and outdoor gatherings continue to be in place. These are examples of progress towards recovery that is possible, thanks to the collective efforts of Ontarians who are following public health guidance while the threat of the COVID-19 pandemic continues.

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Unfortunately, the progress has been tempered by recent spikes in the numbers of COVID-19 cases not only here in Ontario, but across the country. It is clear that the fight against this deadly virus is far from over. We need to stay vigilant, keep our gatherings with friends and family small, wear our masks and follow public health guidelines. This is where the reopening Ontario act comes into force. The act provides the province with the flexibility to continue its path to recovery while maintaining the measures necessary to keep Ontario safe from the ongoing threat of COVID-19. We have been clear from the start of the pandemic: All options remain on the table to protect Ontarians and stop the spread of this deadly virus. This includes slowing reopening plans if needed, taking a pause or taking other necessary measures, should another wave of COVID-19 hit Ontario.

Members of this committee will recall that the reopening Ontario act allows the government to extend orders under the act for a period of up to 30 days at a time. It also allows the government to amend certain orders if the amendments are related to specific subject matters. It does not, however, permit the government to create any new orders.

In August, I presented the first report to the members of the Select Committee on Emergency Management Oversight. On the extension of orders, all orders were extended to September 22, except the education sector order, which ended August 31, and the limitation periods order, which ended on September 14, allowing suspended time periods to resume. That report provided committee members with a detailed description of each order and the rationale for its extension. This detailed sharing of

information is an extension of the transparency and accountability to the people of Ontario that has been pivotal in the government's response to this pandemic from the onset.

As I stressed last time, decisions to extend or amend orders under the act are subject to careful consideration. The decisions are guided by public health advice and by our resolve to stop the spread of COVID-19 and ensure the health and well-being of all Ontarians. Orders are revoked or permitted to expire only if they are no longer necessary and it is safe to do so. The recent spikes in COVID-19 cases in Ontario tells us that now is not the time to revoke orders or allow orders to expire. Indeed, the increase in cases demonstrates the need to continue to be cautious and responsible and to keep measures in place or modify measures in response to emerging risks until the situation improves. Measures should only be relaxed or lifted when safe to do so.

Following consultation with the Chief Medical Officer of Health and public health experts, the government has extended all orders currently in effect under the reopening Ontario act. Extending the orders provides the government with the necessary flexibility to address the ongoing risks and effects of COVID-19 and to ensure important measures remain in place to protect vulnerable populations, such as individuals in long-term-care homes. Some 34 orders have been extended for an additional 30 days, until October 22. We will continue to conduct ongoing reviews and assessments of these orders to determine if they are still necessary or whether any modifications to these measures are warranted, leading up to October 22.

Before I speak further to the rationale of these extensions, I also briefly want to speak about the amendments our government announced last week. As I noted, we have seen recent spikes in cases in Ontario, in particular in large urban centres such as Ottawa, Peel and Toronto. It is critical that we remain flexible and nimble to respond to these emerging risks.

For that reason, our government amended the order setting out rules for areas in stage 3 to reduce the number of people able to attend unmonitored social gatherings and organized events in Ottawa, Peel and Toronto to 10 persons if an event is held indoors and 25 persons if it is held outside, subject to limited exceptions.

In consultation with the Chief Medical Officer of Health and public health experts, the same lower gathering limits were also extended across the rest of Ontario. This reduction in the number of people allowed to attend applies to such gatherings or events as social functions, parties, dinners, gatherings, barbecues and wedding receptions held in private residences, backyards, parks and other recreational areas.

To better support compliance with these orders, both within these three regions and across Ontario, we are also proposing amendments to the Reopening Ontario (A Flexible Response to COVID-19) Act that would, if passed, create a new offence regarding hosting or organizing a gathering in residential premises or other prescribed premises that exceeds limits under an order, and a

minimum fine of \$10,000 for organizers of gatherings that exceed these limits. If passed, this would be the highest fine in Canada for organizers of social gatherings.

The amendments would also authorize the Lieutenant Governor in Council to prescribe additional types of premises for the purpose of the new offence. The amendments would also give authority for a peace officer, special constable or First Nations constable to order the temporary closure of a premise where there are reasonable grounds to believe that any gathering exceeding the number of people allowed is taking place, and require individuals to leave said premise.

Based on the data and reports from local medical officers of health, unmonitored social gatherings are a significant source of the increased transmission of COVID-19. This swift and decisive action will help mitigate further outbreaks and protect the health and safety of Ontarians. With the recent rise in COVID-19 cases, a continued agile and proactive response to the evolving public health situation is vitally important.

On behalf of Premier Ford and my fellow ministers, I am now pleased to speak further about the rationale for recent order extensions to the committee. For ease of reference, I will group the orders into the following categories:

- (1) orders that directly support limiting the spread of COVID-19;
- (2) orders that support continuity of service;
- (3) orders that support businesses and the safe reopening of our economy;
- (4) orders that address staffing shortages and/or improve coordination of services of vulnerable persons; and
- (5) orders that provide cost relief to Ontarians.

Limiting the spread of COVID-19: This category includes orders that help limit the spread of COVID-19 to protect the health and well-being of Ontarians. It includes, for example, the closure of places and spaces, regulation of how businesses and establishments can be open to provide goods and services in a safe manner, and orders that facilitate outbreak management and digitalization of services. There are nine orders extended in this category.

O. Reg. 82/20, rules for areas in stage 1: While there are no public health regions in stage 1 at this time, it is essential to extend this order as a precautionary measure. While significant planning is under way to prevent this, the government needs to retain the flexibility to do so if needed.

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O. Reg. 263/20, rules for areas in stage 2: As with the previous order, it is essential to extend this order also as a precautionary measure.

O. Reg. 364/20, rules for areas in stage 3: This order is necessary to ensure that current public health measures or restrictions can be placed on amenities, businesses, services, gatherings etc. Given the recent spike in COVID-19 cases and the ongoing risk of the virus, these measures need to remain in place to protect the health and safety of the people of Ontario. As indicated earlier, this order was amended on September 18 to reduce the number of people

permitted at social gatherings and organized public events in Toronto, Ottawa and Peel public health units. Social gatherings indoors are now reduced to 10 people; if held outdoors for these regions, 25, subject to limited exceptions. On September 19, the same lower gathering limits were extended across Ontario.

O. Reg. 363/20, stages of reopening: Given the continued risk of COVID-19, the order remains necessary in order to retain the ability to return a public health unit region to stage 1 or 2, if required, and to outline which public health units are in stage 3.

O. Reg. 114/20, enforcement of orders: This order is necessary as it provides police officers and other provincial offences officers with the necessary powers to effectively enforce all orders.

O. Reg. 76/20, electronic service: This order allows document service in legal matters to be handled electronically instead of in person. The continuation is needed to reduce unnecessary contact between individuals in order to slow the spread of COVID-19.

O. Reg. 129/20, signatures in wills and powers of attorney: Stakeholders have indicated to the Attorney General that they are still relying on the order to ensure wills and powers of attorney can be safely executed, as there are no alternate processes available.

O. Reg. 210/20, management of long-term-care homes in outbreak: Long-term-care homes are experiencing outbreaks. This order is necessary to allow existing mandatory management orders to continue and to expedite processing of new orders issued by the ministry. These management orders would enable the director to swiftly take appropriate actions to reduce or alleviate harm to residents and staff in homes that are in outbreak.

O. Reg. 240/20, management of retirement homes in outbreak: Like the previous order for long-term-care homes, this order is necessary because retirement homes are still affected by outbreaks as well. It is important to ensure measures are in place to allow the Retirement Homes Regulatory Authority to act quickly in case of outbreak and in those instances where an operator is unable or unwilling to manage operations of their home.

Supporting continuity of services: This category includes orders that continue to ensure necessary services can be provided to Ontarians. There are eight orders extended in this category.

O. Reg. 75/20, drinking water systems and sewage works: Due to limited availability of training and the current significant disruption of the 2020 training year, many waste water operators will not be able to complete the 40 hours of annual training required by the regulation. This order reduced the required training that waste water facility owners are required to provide to their operators to 10 hours for the 2020 year only. Without the reduction in the annual training hours, owners of facilities would be out of compliance if they could not provide their operators 40 hours of training in 2020. This order is still necessary; otherwise, waste water operators would be required to complete 40 hours of training for 2020 instead of the 10 hours required under the order. Compliance with this

requirement will continue to be assessed through the ministry's regular facility inspections.

O. Reg. 95/20, streamlining requirements for long-term-care homes: This order is continuing to ensure that long-term-care homes have the flexibility they need as they transition to a more stable state. Streamlining requirements under the order ensure adequate staffing and resident safety in long-term-care homes.

O. Reg. 192/20, certain persons enabled to issue medical certificates of death: This order allows registered nurses appointed as coroner investigators to complete medical certificates of death instead of a physician or a nurse practitioner. This gives physicians and nurse practitioners more time to focus on patient care.

O. Reg. 190/20, access to personal health information by means of the electronic health record: Public health officials and coroners need to continue to access the electronic health record to support ongoing needs of pandemic management and the medical system in the immediate term. For public health purposes, this includes ensuring instant access to reliable data in provincial systems. For coroners, this includes supporting the determinations of death within hospitals and long-term-care homes, thereby enabling other medical and health care staff to continue to provide needed care.

O. Reg. 195/20, treatment of temporary COVID-19-related payments to employees: Extending the order provides the government with the necessary flexibility to address the ongoing risks and effects of the COVID-19 outbreak and ensure important measures remain in place to protect vulnerable populations.

O. Reg. 241/20, special rules re temporary pandemic pay: Extending the order will help facilitate the implementation of temporary pandemic payments for work performed during the temporary pandemic pay eligibility period.

O. Reg. 132/20, use of force and firearms in police services training: This order has been extended so police personnel can continue to keep our communities safe. Use-of-force and firearm training requirements were suspended during the provincial declaration of emergency. Additional time is needed for police services to reinstate regular training, particularly given that public health restrictions that impact delivery continue to be in place.

O. Reg. 141/20 regards temporary health or residential facilities. The Ministry of Health, hospitals and municipalities need adequate capacity in the hospital sector and in the emergency shelter system to address possible future outbreaks of COVID-19 during the flu season. The ability to install new temporary health and residential facilities and to convert existing buildings for this purpose will be needed until there is no threat of new cases of COVID-19.

Supporting businesses and safe reopening of the economy: This category includes an order that enables businesses to establish or expand bar and restaurant patios while allowing for proper physical distancing. We will continue to support businesses as they are an important part of our economy and a strong driver for employment.

O. Reg. 345/20, regarding patios: This order has been extended to allow municipalities to quickly authorize the

establishment or expansion of bar and restaurant patios. The continuation of this order is needed by the hospitality sector to optimize and stretch the patio season into the fall and to create hospitality sector jobs.

Addressing staffing shortages, improving coordination of services for vulnerable persons: This category includes orders that continue to provide flexibility and allow various employers to redirect or restrict their staffing and financial resources to essential tasks in areas experiencing staffing shortages, including across different employers. These orders continue to ensure that patients and residents can be cared for and protected. Fourteen orders are extended in this category.

O. Reg. 121/20, staffing flexibility measures for a service agency providing services and supports to adults with developmental disabilities: This order has been extended so developmental service agencies and intervenor service providers will continue to have the authority and flexibility they need to redeploy their staff to support critical services for vulnerable individuals.

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O. Reg. 145/20, staffing flexibility measures for service agencies in the violence against women, anti-human trafficking and crisis line services sector: This order has been extended so violence against women and anti-human trafficking service providers can continue to provide and have the authority and flexibility they need to redeploy their staff to support critical services for survivors of violence against women and victims of human trafficking.

O. Reg. 157/20, work deployment measures for municipalities: This order has been extended to continue to provide municipalities the flexibility they need to act quickly and continue to provide their communities with critical and essential services. Continuity of service delivery at the municipal level is critical to the health and safety of Ontario's communities and province-wide efforts to curb the spread of COVID-19. We have also heard from municipal leaders, including Toronto Mayor John Tory and the GTHA mayors and chairs, that this order continues to be needed within their municipalities.

O. Reg. 154/20, work deployment measures for district social services administration boards: This order is necessary so that district social services administration boards will continue to have the authority and flexibility they need to redeploy their staff to support critical services. Boards are being surveyed about the order, and extending the order will allow sufficient time to assess responses to determine next steps.

O. Reg. 177/20, congregate care settings: The order has been extended so that staff movement across multiple employers and development services, intervenor services, violence against women and anti-human trafficking sectors will continue to be limited as an important infection prevention measure to protect staff and vulnerable clients. As the province reopens and restrictions are lifted, it is critical to ensure these measures are still in place to help prevent or manage an outbreak.

O. Reg. 74/20, work deployment for health service providers: The hospital sector continues to experience

increased demands and pressures as a result of COVID-19. An extension of the order is necessary to address surgical backlogs and health human resource shortages across long-term-care homes and to ensure sufficient hospital beds to address a potential second wave.

O. Reg. 116/20, work deployment measures for boards of health: As the province progresses through the recovery framework, there will likely continue to be increased demands on public health units. This order allows boards of health and public health units to take, with respect to work deployment and any staffing, any reasonably necessary measures to respond to, prevent and alleviate the COVID-19 pandemic.

O. Reg. 118/20, work deployment measures in retirement homes: This order allows flexibility for retirement home operators to recruit and reassign staff and remains crucial for helping to prevent and manage potential outbreaks and to ensure stability and quality in resident care, especially with the increases in cases in recent weeks.

O. Reg. 156/20, deployment of employees of service provider organizations: The need to extend the order is based on ongoing staffing issues at long-term-care homes and retirement homes.

O. Reg. 163/20, staffing flexibility for mental health and addictions agencies: This order is necessary to give health service providers the required authority to maintain health human resource flexibility, especially as mental health and addictions providers begin the gradual resumption of in-person services and with the potential for a second wave of cases.

O. Reg. 193/20, hospital credentialing processes: This order is still necessary because the hospital sector continues to experience increased demands and pressures as a result of COVID-19. Maintaining flexible health human resources will be critical to ensure hospitals can continue to respond and address these demands.

O. Reg. 77/20, work deployment measures in long-term care homes: The order is extended because flexibility for long-term-care operators to recruit and reassign staff remains crucial for helping to prevent and manage potential outbreaks and to ensure stability and quality in long-term-care homes.

O. Reg. 146/20, limiting work to a single long-term-care home: This order is necessary because limiting the number of staff moving across multiple settings is an important component of infection prevention and control practices in long-term-care homes.

O. Reg. 158/20, limiting work to a single retirement home: Like the order for long-term-care homes, this order remains necessary because limiting staff from working in other retirement homes, long-term-care homes and other health care settings is an important component of infection prevention and control practices within retirement homes.

Providing cost relief to Ontarians: This category includes orders that continue to protect Ontarians already impacted by COVID-19 from excessive pricing of necessary goods and by reducing the cost of electricity. There are two orders extended by this category.

O. Reg. 98/20, prohibition on certain persons charging unconscionable prices for sales of necessary goods: Our

government took decisive action against retailers and individuals exploiting consumers by charging excessive prices for goods. Ontarians need to protect themselves and their families during the COVID-19 pandemic. Public reports of price gouging continue for the necessary goods set out in the order and which remain in short supply, so there is a need for the order to be extended.

O. Reg. 80/20, electricity prices for RPP consumers: On May 30, the government announced that regulated-price-plan electricity consumers to pay time-of-use rates will be billed at a flat COVID-19 recovery rate until October 31, 2020. This order will no longer be required as of 12 a.m. on November 1, 2020.

That concludes the list of orders that have been extended under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

The Chair (Mr. Daryl Kramp): Thank you, Minister.

Before we proceed to questions, we will welcome an additional member. Ms. Triantafilopoulos, welcome to the committee today. Can you confirm that you are in Ontario? Please unmute. Have you unmuted?

Ms. Effie J. Triantafilopoulos: Yes, Chair. I'm at Queen's Park.

The Chair (Mr. Daryl Kramp): Great. Thank you very kindly.

Okay, so now we will go to the rounds of questioning, and we will start off with 10 minutes for the official opposition. Mr. Bisson.

Mr. Gilles Bisson: Thank you. I just want to say up front it's a pretty truncated way of being able to delve down into some of the issues that we have to deal with through this pandemic and with these emergency orders, but we will do the best that we can. This is the process that was established, much to our chagrin, as you well know. We thought that the original system actually worked well, but this is what we've got, so here we are.

I've got a number of questions, and I've only got 10 minutes to do it so I'm going to do the best I can. One of them I'm just going to do right off the top. I was a little bit shocked today, because first, we heard a question in the House by our education critic, I believe it was, where a parent had called into a member's office here in Toronto and complained about what was going on in regards to the difficulty in dealing with getting their children into the classroom. The response was, "Well, you know, there's always private school."

That on its own is bad enough, but then we hear this afternoon the Premier going to a press conference, and when asked about the testing system that we have in Ontario and the need to expand it—because we all see the big lineups; if it's Timmins or Toronto, we're seeing the same thing—his comments were, "Oh, well, I'm in favour of the private sector playing a role."

A very straight question here: Is the government looking at using this pandemic as a way of increasing privatization in Ontario?

Hon. Sylvia Jones: So I think what the Premier was suggesting was when there is a pandemic, we need to have all hands on deck. And the suggestion that we would

utilize existing operational lab testing capacity is something that, frankly, the people of Ontario need and deserve. Let's keep in mind that when you go to have your test done at a private lab, you still use your health card; it is still covered by OHIP. What we are trying to ensure is that we get as many people as possible tested and get those results back as quickly as possible.

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Mr. Gilles Bisson: You and I will agree to disagree in regard to the role of the private sector in the health care system. But my specific question is, is the government looking at increasing the role of the private sector, both in education and in health care, as a result of this pandemic? Yes or no?

Hon. Sylvia Jones: What the government is doing and has been doing is utilizing all resources, including public tests and labs that are in our hospitals, that are located within our communities in private facilities, continuing to use our OHIP-funded health care system.

Mr. Gilles Bisson: So a public-paid system, but with an increasing role for the private sector. Okay.

Let me get to the next thing. This is just something that bothers me a bit. First of all, I agree with the government in the sense that we need to make sure that the public is part of the solution. The public has to do its part, along with public institutions, in reducing the risk of infection when it comes to COVID-19. How I interact in my community and how you interact in your community is part of the solution. We all agree on that.

But it seems that the government, over the last little while, has been spending more time talking about fining people if they do something wrong, like having too many people at their backyard barbecue or whatever it might be—and I understand the need to limit that. That's not my argument here. But you seem to be spending more time on trying to blame others than saying, "Here's what we're going to do: We will provide smaller class sizes. If we're going to do what we did, which was a good thing—limiting the ability of staff to move from one long-term-care facility to the other when it comes to work—we need to make sure that we pay these people a comparable wage of what they were making before; otherwise, they're going to leave the system and then we'll be short-staffed."

So it's just my impression that the government would like to spend more time talking about, the problem is somebody else's actions—and your lack of action is less looked at. Is that part of the strategy?

Hon. Sylvia Jones: I think what you and I can probably agree on, Mr. Bisson, is that the people of Ontario have been incredibly respectful and following the health guidelines. The challenge, and what the numbers have shown us, is that there are a limited number of individuals who are not respecting those guidelines and, as a result, putting the rest of us at risk. When a large, unauthorized gathering—similar to what happened in Hamilton over the weekend, of reportedly up to a thousand people at a car show—happens, all of those individuals go home to friends and family and put those people at risk.

Mr. Gilles Bisson: We agree on that. That's not the question.

The question is, do you find that the government is putting more emphasis on trying to blame somebody else rather than it stepping up and doing more?

Hon. Sylvia Jones: What we're trying to do in a very targeted way is to find out where the challenges and the non-compliance, bluntly, is, and then from there, in a very focused way, highlight it. That is, frankly, why we were driven—

Interjection.

The Chair (Mr. Daryl Kramp): I recognize Mrs. Martin on a point of order.

Mrs. Robin Martin: I'm so sorry to interrupt, Chair, but I'm just wondering if these questions aren't completely outside of the scope of what this committee is here to discuss, which is the emergency orders and their extensions and amendments under the reopening Ontario act.

The Chair (Mr. Daryl Kramp): The Chair finds that the questions are in order. It's all pertaining to what we are dealing with. Some of the answers and questions, quite frankly, can be borderline, but the Chair is going to allow it to continue at this point.

Mr. Gilles Bisson: Questions and answers, you said.

Let me get to my next question. We'll see where the answer goes.

Earlier, I think it was yesterday, in the House, in answer to the question of our leader, Andrea Horwath, the Minister of Long-Term Care said, "You know what? You guys are scaremongering. Everything is a lot better than you're making it out to be." The next day, we get—

The Chair (Mr. Daryl Kramp): Mr. Bisson, I would just ask you to not be repeating statements made in the House with allegations. Let us pertain to the emergency orders that we are dealing with.

Mr. Gilles Bisson: I'm responding to a letter. So we have a letter—

The Chair (Mr. Daryl Kramp): Respond to the emergency management orders.

Mr. Gilles Bisson: It's part of the emergency orders, and specifically to that.

The Ontario Long Term Care Association, AdvantAge Ontario, CAMH, Ontario Long Term Care Clinicians, family councils and others have written to you, and they say, "We need to say plainly and directly that the government of Ontario has not yet put the necessary supports and preventative measures into place that we in the sector have long made clear are essential to protecting our residents [and] staff" etc. in anticipation of the second wave. Clearly, they're saying, as the experts in the field, that there is a problem. Do you feel that your orders have not dealt adequately with the concerns that these people have?

Hon. Sylvia Jones: Well, I believe, as I said in my opening remarks, part of why many of those orders have continued, particularly as it relates to long-term care and retirement redeployment issues, is to give the operators of those homes the flexibility that they need when there is an outbreak or if there is a second wave. The ability for us to agilely and quickly redeploy hospital employees when long-term-care homes did not have sufficient staff or had

them off on self-quarantine just speaks to how important these particular redeployment emergency orders are.

Mr. Gilles Bisson: Just a very quick question: This is from a constituent of mine. I'm not going to read the whole letter, but it has to do with one of the orders that you mentioned earlier in regards to lowering how many people can be in a backyard and in a house compared to a public facility. What he's asking is, "I'm writing to see what constitutes a staffed event. I'm planning a wedding in October, outdoor, to be catered, to have bartending services, all of it done outside. We're willing to hire security."

What constitutes a staffed event and not a staffed event in that particular case where they're using a contractor, essentially, to run the event, with a crowd smaller than 50? How is that different than doing it, let's say, at the community hall, is his question.

Hon. Sylvia Jones: Yes, and it's a great question. The difference truly is that businesses, when we asked them to put additional controls and protections in place, they stepped up and they did that—

Mr. Gilles Bisson: And he's suggesting to do that, so I'm just wondering, would that be the same? Would he be allowed?

Hon. Sylvia Jones: The challenge is that with a business, you can monitor that. With a private home, it is much more challenging for law enforcement and bylaw officers to confirm that the PPE, the separation, the wearing of masks, the sanitation has been adhered to. What we are seeing is, in the—

The Chair (Mr. Daryl Kramp): Thank you very much, Minister. We've completed that question. Thank you, Mr. Bisson. We will now go to the government for 10 minutes. Yes, we have Mr. Oosterhoff.

Mr. Sam Oosterhoff: Thank you very much, Chair, and thank you, Minister, for appearing before the committee today and for all the work that you and your colleagues in the ministry have been doing, working across ministries to ensure that we are, of course, looked after. I do appreciate that work, and I also appreciate the fact that in our first meeting you answered questions very clearly and spoke to the concerns of the committee.

I want to begin by acknowledging that we have seen a recent unfortunate spike. It's, of course, important that we look at things in that context. I've had a lot of people reach out to me over the weekend asking about the changes that were made over the weekend and then also asking for clarification about what the future changes could be. I guess I'm asking, what would the next steps be that you would expect to see to crack down on COVID-19 if those measures that were taken don't work? Should Ontarians expect a return to stages 2 or 1?

Hon. Sylvia Jones: Excellent question. Look, I don't have a crystal ball, and last time I checked, no one else on this select committee does. So I am not going to try to predict what will happen if we continue to see the numbers increase or if there are outbreaks in certain parts of the province or sectors in our economy. What I can tell you is, it is really incumbent on and important for us to be able to

react and respond very quickly. So, looking at the change that we made in gathering limits announced on Thursday in Toronto, Peel and Ottawa—to have within a couple of days the other local medical officers of health and their corresponding mayors reach out to the Premier, to cabinet and to colleagues and say, “We would like those same gathering limits because we are concerned that people who are limited to a gathering in one region will just jump a border and go to another.” So we acted very quickly on that request, and that’s where you saw the change.

1650

The Premier has made it clear that from the 28 days we don’t anticipate any changes, but I think we do have to constantly monitor the advice that we’re getting from the health command table, and watching other jurisdictions across Canada and to the south.

Mr. Sam Oosterhoff: Thank you. Perhaps to build off of that: I live in West Lincoln in the riding of Niagara West, a beautiful area. We have zero COVID-19 cases and we have had zero deaths from COVID-19 in that area, and we’re very grateful for that.

I also have seven siblings and I have six in-law siblings. Under these rules that came into place over the weekend, I can no longer go to Thanksgiving dinner with my family. My question is: Why are people in rural Ontario and places like West Lincoln being punished for the behaviour of a few bad actors in places like Toronto and Peel?

Hon. Sylvia Jones: Yes, you do have a beautiful riding, as does Dufferin–Caledon, but I will say that the 1,000 people who gathered in Hamilton over the weekend is literally across the border from Niagara. So, to suggest that there is no ability for people to move throughout Ontario across municipal boundaries is, I don’t think, reasonable.

I get it. I come from a large family. There are nine people in my family and I’m, frankly, very disappointed that we have not been able to get together for celebrations or to mourn lives lost. So I understand how challenging this is, but I also understand that I do not want to be the person who gives COVID-19 to an immune-compromised family member or a senior. That would not weigh well on me and I’m sure it would not weigh well on you.

I think we as parliamentarians have to show that we’re willing to walk the talk and have that same leadership to say, “This is important. This is why we’re doing it. And if we do it right, then we can get through this faster.”

Mr. Sam Oosterhoff: Perfect. My last question, just briefly: Previously with some other decisions, the government let local authorities decide, for example, to put in place masking bylaws to meet their local needs and respond to the recommendations of the local medical officers. Why wasn’t that approach taken in this particular case? And do you think we will see a more regionalized approach in the future?

Hon. Sylvia Jones: The regionalized approach is actually still happening. I will highlight, Chair, my own community. The Wellington-Dufferin-Guelph Public Health unit has last week made an additional section 22 ruling that says masks must be worn in all religious services and building. So, there are individual medical

officers of health who continue to make further restrictions than what the provincial standard is.

I think the main reason why we went to province-wide gathering limits was upon the request of local officers of health and local mayors who said, “I cannot control who comes over my border from an area that is restricted.” That’s why we moved to that direction, but absolutely, local officers of health continue to have the ability, if they so desire and use, to impose further restrictions within their own communities.

Mr. Sam Oosterhoff: Thank you. I believe my colleagues have questions.

The Chair (Mr. Daryl Kramp): Ms. Hogarth? Three and a half minutes you have.

Ms. Christine Hogarth: Thank you, Chair, and thank you, Minister, for being here once again and sharing your deputation on what’s been going on so far with COVID and our orders.

As we know and as what my colleague Mr. Oosterhoff just talked about, our numbers have been increasing recently. I know, as you mentioned, we don’t have a crystal ball; but we hear businesses and people in my community. They’re concerned about a possible emergency lockdown. I’m wondering, if that happens, can you tell us the details of the steps that would be taken before that decision would be made?

Hon. Sylvia Jones: Tough question. First of all, I have to start with, I sincerely hope it is not necessary. We have 13 and a half million people across Ontario, and the vast majority understand and are willing to comply with the restrictions because they want COVID-19 to not impact their friends and their communities.

That work will continue. As has driven all of our decisions in the past six-plus months, as we learn where the outbreaks are and why they are happening, those decisions will be made, driven by the advice and recommendations of the command table and the health experts in the field.

Ms. Christine Hogarth: Thank you for that answer. I know it’s really important for people and especially businesses to hear that.

Again, we’re talking about numbers creeping up. Do you feel the framework of the ROA poses any challenges in being able to react quickly when needing to respond to the changing landscape of COVID?

Hon. Sylvia Jones: It hasn’t seemed to. The framework that we have put in seems to be—the businesses and the commercial operations seem to be willing to make the necessary changes. I think they understand, at the end of the day, that if they don’t—the last thing any of us want is further limitations. So the fact that businesses have been able to amend how they serve people, how many they serve, the PPE that they offer their staff—the changes and the additional cleaning that they have put in place does drive some of the motivation to say that right now, we’re not seeing the outbreaks happening in the commercial sector. We’re seeing it in these unauthorized, unplanned, unorganized events.

Ms. Christine Hogarth: Thank you, Minister. Chair, do I have any time left?

The Chair (Mr. Daryl Kramp): You have one minute.

Ms. Christine Hogarth: Oh. Well, I'm just going to leave that be. I don't think I'll be able to get an answer in anyway. Thank you very much, Minister, for your comments today.

Hon. Sylvia Jones: I'll try to be shorter and to the point.

The Chair (Mr. Daryl Kramp): No problem. There are 40 seconds left, if the government wishes to comment.

Interjection.

Mr. John Fraser: Thank you, Chair. Thank you very much, Minister, for being here. You maybe heard me make this request at the beginning of committee. I just want to ask you personally, not the committee: Will your ministry provide a list of all the regulations that were changed or extended or ended, one day in advance of the committee? Not your notes, simply a list. Yes or no?

Hon. Sylvia Jones: So, John—sorry, MPP Fraser.

Mr. John Fraser: Oh, you can call me John. That's fine.

Hon. Sylvia Jones: Since the beginning of the pandemic, I have kept a written copy of all of the orders. They are all on the Ontario registry, pretty easy to access and print. I would suggest that if you need a three-ring binder, I'm happy to provide that for you.

Mr. John Fraser: I know the regulations you're changing and amending, and I respect the member from Eglinton–Lawrence and her excellent suggestion. All I'm simply asking for is just a list, so that when we sit down—it doesn't sound like you want to do that, so I'm not going to belabour the point.

Here's a committee that's providing oversight into things that are overriding people's charter rights: overriding their collective agreements, overriding their ability to go to a place of worship, if necessary, or affecting their ability to have gatherings in their house. They're really significant infringements on people's civil liberties. I think that if we're going to be an oversight committee that doesn't get any notes ahead of time, that doesn't actually have a committee report in which you can have an opinion or a dissenting report that's reported back—it doesn't seem to me to be oversight. I appreciate and respect the fact that you're here and the decisions you're making and working at doing, but it's making it very difficult for us to do our jobs.

Having said that, since I have a minute and 40 seconds left—

The Chair (Mr. Daryl Kramp): Three minutes, actually.

Mr. John Fraser: What's that; sorry?

The Chair (Mr. Daryl Kramp): Three minutes, actually.

Mr. John Fraser: Three minutes? Good. Actually, it is three minutes: You're right. It's not going backwards here on my clock. I read it the wrong way.

What I'm trying to understand is, last week, when they made the orders for stage 2 in Ottawa and those three communities—my community of Ottawa—and then one day later, they extended that to Ontario, what happened

within that 24-hour period? What it would seem to me to be is we made a decision that we knew we would have had to have made because of what previously happened to us in terms of making an order. So I just want to understand why there was that one-day lag.

1700

Hon. Sylvia Jones: What happened was we have a Premier who listens and responds. Almost immediately, when we announced the limit restrictions in Toronto, Peel and Ottawa, mayors in York region and other parts of Ontario were publicly saying—and in some cases saying with their health units—that they, too, wanted to be included because, as I referenced earlier, when your neighbouring municipality is in a restriction and you choose to disregard those orders, chances are you're also going to disregard the respected norm of not going into someone else's community. So neighbouring municipalities reached out because their health unit doctors had approached them and said, "We want that same limit restriction, because we are also seeing that that's where the outbreaks are that we can't manage. We're not tracking the numbers. We don't know who was at that event or that gathering and therefore it's much more challenging for the health unit to track and trace."

Mr. John Fraser: Thank you, Minister. I've only got a minute left.

The other thing that I'm trying to figure out—you spoke about doing things in a targeted way. What I'm trying to understand, irrespective of the gatherings and class sizes, which I think are a bit of a hard thing to figure out—when we take a look at what's happening inside some businesses, I'm trying to figure out why in places like Quebec and other provinces they've closed things like strip clubs and nightclubs, which are very hard to do contact tracing for. I'm making a case in point. If you talk about being in a targeted way, they pose a risk. They pose a risk for some people—maybe not the whole province, but they are risky places. So is there any consideration being given to high-risk establishments like karaoke bars or strip clubs or nightclubs, restricting their hours? They've done that in Quebec and other provinces. Are you going to do that?

Hon. Sylvia Jones: What we have been doing is following, where possible—because as I mentioned in my previous answer, if it's an unorganized gathering, if there is no one who is taking names and phone numbers as we have today in the province of Ontario when you do a sit-down restaurant—

Mr. John Fraser: You don't always get good names from a person.

Hon. Sylvia Jones: As we do that, we find that it is those unorganized large gatherings that are the problem, and—

The Chair (Mr. Daryl Kramp): Thank you very much.

We will now go to the second round of questioning, and 10 minutes to the official opposition. Mr. Rakocevic.

Mr. Tom Rakocevic: Thank you very much, Minister. Thank you for being here today.

I'd like to begin my questioning by pointing out, as you were going through your presentation, you talked about the most recent uptick in cases. You didn't use the words "second wave." The Premier very recently did talk about the possibility of a second wave, saying that there was in fact a plan but then pivoting and talking about a flu vaccine strategy. Where's the plan for the second wave?

Hon. Sylvia Jones: The Minister of Health and the Premier will be announcing over the next number of days a series of steps that relate to it. But I think it is important to remember that preparing for the flu season is part of the preparation for COVID because, as we all know, answering those three questions every place we go in, there are many similarities in the symptoms between the flu and COVID-19. So the Minister of Health has rightfully spent the time and made the investment to ensure that we are not just focused on COVID-19 but we are also preparing for the flu season that's coming in 2020-21.

Mr. Tom Rakocevic: Thank you very much for the answer. But the concept of the second wave was discussed even in the midst of the first wave. So if there is a plan out there, why release it piecemeal? Why not have it out in front of a potential second wave so that everybody feels the confidence that there is a plan, rather than just wait and have it come out piecemeal?

Hon. Sylvia Jones: You, as committee members, have the insight into why the orders were brought forward. It is very comprehensive. It covers off many different ministries. In the same way, any conversation about second waves and preparation for second waves is not a single pathway. We have the additional need to look at things like surgeries that had been delayed as a result of the declaration and preparing hospitals for ICU patients. So it's not just COVID-19 that we're factoring now; it's the flu season, it's making sure that we can ramp up the capacity within our hospitals to restart surgeries, and that carries through every single ministry.

Mr. Tom Rakocevic: Thank you. I'll move on, but presumably a second plan would have been developed even in the midst of the first wave, and it should be something that would be put out there. But I appreciate the answer.

I'd like to go back to LTC and build on what our House leader was talking about earlier. It was something very disturbing. It came from the Ontario Long Term Care Association. Again, he had read their quote, but what they were talking to was that experts had recommended that about 40 or more infectious disease specialists were to be put in place, put into long-term-care facilities to ensure that they were following guidelines similar to hospitals. But when you actually go and look at what they say now, the same experts are saying that in the absence of these measures and support from government, Ontario's long-term-care homes are not currently ready to manage a second wave of COVID-19. So we are talking about a second wave, but the experts, the associations, are saying that we're actually not ready. What do you have to say to them?

Hon. Sylvia Jones: Well, frankly, I think it reinforces the importance of the redeployment—

Interjection.

The Chair (Mr. Daryl Kramp): Point of order. Mrs. Martin.

Mrs. Robin Martin: Thank you, Chair. I hesitate to interrupt again, but I don't think the minister is here to answer every possible question on government policy in all areas of our COVID-19 response generally. She's here to talk about the emergency orders, and that's what the whole committee is established to discuss. I know she's perfectly capable of answering all of these questions, but I think people want to hear about the emergency orders and justifications for them. I think that's why we're here today, and I think we're straying outside the scope of our committee.

The Chair (Mr. Daryl Kramp): Thank you very much for that. We'll allow the question to continue, but please bring it closer to the emergency order, rather than just simply broad-based general policy. Thank you,

Mr. Rakocevic, you have the floor.

Interjections.

Hon. Sylvia Jones: I was just going to say that it speaks to exactly why we need to continue the redeployment piece. We have so many experts within our health care system, including infection control personnel. Some work in health units, some work in hospitals and, in fact, some work in long-term-care facilities. But it's also important to remember that we have not had outbreaks in the vast majority of long-term-care homes in the province of Ontario, so when there is one, it is critically important that we have the ability to move those specialized staff into where there is a problem.

The Chair (Mr. Daryl Kramp): Four minutes left—four and a half minutes, actually.

Mr. Tom Rakocevic: Okay, thank you. I appreciate the answer. It's just very concerning, and it's concerning for all who watch when experts and associations like this are calling out and saying that we don't have a plan. It's very scary for people who have loved ones in long-term care.

But I'd like to move on to schools. Again, as was discussed, we're seeing a reduction in the number of people that are allowed to gather, both inside and outside. At the same time, SickKids put out a report and made comments saying that you cannot safely social distance when you have more than 15 children in a classroom.

My constituency, the Premier's constituency and a number of others have been amongst the hardest hit in terms of per-capita cases of COVID. Within my constituency, I'm hearing from parents who are coming into school and then deciding to pull their children out of school at the same time. What commitments can we give to these parents to tell them that according to this government, it's safe to have more than 15 kids in a class, when in fact we're hearing the opposite from SickKids and others?

Hon. Sylvia Jones: I want to start with how what your and my vision of a classroom is isn't necessarily what is occurring in every single school, so it's important that school boards have the flexibility to do what they need to do. I will give a very specific example in my own community: They collapsed three JK classes together into

two JK classes. However, what was included in that is that single JK class is actually spread over two physical classrooms. You can do that because you have the staff personnel.

1710

I don't want to attempt to speak to every single scenario that happens in every single school, because we've all been in them and they're all very different in how they make their physical space. That's why the Minister of Education has given the boards of ed the fiscal, the financial assistance but also allowed them the flexibility to make sure that it's not a cookie-cutter solution, that every single classroom doesn't look the same and that they have the flexibility to make it work for their own school

The second thing speaks to what we often talk about in government, and that is the silos. If a certain sector believes that they do not have the resources—if COVID-19 has taught us anything, it is that we can leverage across ministries. We can leverage our hospital expertise with our long-term care partners, with our retirement care partners if we put the processes in place to have that happen. Respectfully, Chair, I think we have done that and it has ended up being quite successful.

The Chair (Mr. Daryl Kramp): Thank you, Minister, but please continue your direction towards the emergency orders rather than general government policy.

Mr. Tom Rakocevic: Perfect. Thank you.

How much time do I have left?

The Chair (Mr. Daryl Kramp): You have almost a minute and a half, close to it—1:20.

Mr. Tom Rakocevic: Okay.

The last thing I just want to talk about is the testing, within the orders. What are you doing to provide that we're seeing more consistent testing that's predictable in terms of where it's going to be and to limit these really long—in some cases, eight-hour—lineups where seniors and others who might require bathroom facilities or whatnot are being made to be there? Is there anything within this that you're able to help with, the long lines—to tell us about?

Hon. Sylvia Jones: Yes, so—

Interjection.

The Chair (Mr. Daryl Kramp): Point of order. Mrs. Martin.

Mrs. Robin Martin: I'm sorry, I don't think there are emergency orders—we went through all of them—that have anything to do with testing. I don't know why we're talking about testing. It's just another question period or something the opposition is going through here, but we have question period. We're here to have oversight on the emergency orders which I, for one, am very interested to know about. The minister has gone through each one of them carefully. I don't know why we don't have any questions about those.

The Chair (Mr. Daryl Kramp): Thank you. But testing is obviously a major, major portion of the emergency orders, and so please continue.

Mr. Tom Rakocevic: Thank you. I know there are people out there who want to hear answers. This is an

opportunity to be able to hear from the minister, and I look forward to what she has to say.

Hon. Sylvia Jones: Again, I will choose my own community because it is, frankly, the one I know the best. Our testing assessment centre has seen a huge jump in access in literally less than seven days. There are a lot of anecdotal conversations about why that is—

The Chair (Mr. Daryl Kramp): Fine. Thank you very much. Time is up on that one now.

Interjection.

The Chair (Mr. Daryl Kramp): You were just rolling along very, very nicely, but unfortunately now we move on to the next round. We'll go back to five minutes—now, where are we at? With the government?

Interjection.

The Chair (Mr. Daryl Kramp): With the government. Fine. Thank you. The government for 10 minutes.

Interjection.

The Chair (Mr. Daryl Kramp): That's okay. Appreciate it.

The government? Ms. Triantafilopoulos, you have the floor.

Ms. Effie J. Triantafilopoulos: Thank you, Chair. I'd also like to ask our minister, going back to the decision that was made just last week in terms of the emergency order limiting the social gatherings, originally in the first three regions of Ottawa, Peel and Toronto, and then within a matter of the course of a couple of days the decision was made to extend the order to the entire province.

I'd like to ask the minister if she could go into some greater detail around the decision-making process that led to that decision, and also if she could give us some understanding of what the evidence was that was used and what the decision was based on.

Hon. Sylvia Jones: Right. Thank you. As I mentioned previously, when the announcement was made on Thursday to limit the public unauthorized gatherings to Ottawa, Peel and Toronto, the Premier and members of caucus and cabinet were immediately receiving calls from their local health units, or the municipal leaders that they represent, requesting that they be included in because what they were concerned about was if there was a gathering limit in Peel, then they would move across the border to York or Wellington. As a result of that—and there was a large number of those phone calls made—a discussion was held that we would extend that gathering limit to all of Ontario.

The Chair (Mr. Daryl Kramp): Ms. Triantafilopoulos, you have the floor.

Ms. Effie J. Triantafilopoulos: I'd also like to ask the minister about these new proposed fines for people who are organizing these social gatherings over the capacity limits. I know that some might argue—and some people have, in fact, reached out and argued—that they find the minimum fine of \$10,000 to a maximum fine for non-compliance up to \$100,000 as being rather punitive. I wonder, Minister, if you could speak to that, in terms of why such a significant fine.

Also, is there a risk of pitting neighbour against neighbour, in that we as a government could perhaps be considered to be encouraging people to report social gatherings to the local police? What does that do in terms of good neighbour relationships?

Hon. Sylvia Jones: Respectfully, I think good neighbour relationships suggest that you comply with the orders that say 10 people inside or 25 people outside.

And I want to clarify that the fines have not been passed into legislation. That is something that all parliamentarians will have the opportunity to debate and vote on.

I hope that we don't have to levy a single fine. I hope that people see that very high deterrent as a deterrent. To channel the Premier—use your head and don't attend or don't organize these gatherings that put the rest of Ontario at risk.

The Chair (Mr. Daryl Kramp): You have six minutes left. Further questions from the government?

Ms. Effie J. Triantafilopoulos: Those were all the questions I had.

The Chair (Mr. Daryl Kramp): Any other government member? Mr. Bailey.

Mr. Robert Bailey: It's a great session today. I'm enjoying all the presentations and questions, of course.

Thank you, Minister, for being here today—a second shot at this.

A question I had—I don't think it has come up yet today—from the last meeting when you were here surrounds the enforcement of the emergency orders. From my understanding, there continue to be regulations in place regarding the enforcement of the emergency orders, which include a requirement to identify for the purpose of enforcing. We've heard some very concerning news out of Hamilton—I think someone else referenced it already—where hundreds of individuals were breaking those limits. No fines were laid. In your mind, are you confident that the orders can and will work?

Hon. Sylvia Jones: I'd like to believe that the vast majority of people are willing to comply, but serving as Solicitor General, I have to tell you that not everybody follows the rules, Mr. Bailey.

I want to go back to that event in Hamilton on the weekend. You talk about the cost of the fine being set at \$10,000. It took three different police forces to disperse that crowd. So if we want to talk about the cost of compliance and the cost of—what happens if only 1% of those 1,000 people who purportedly attended that event catch COVID-19 and end up in a hospital? What is the cost at that stage? What is the cost of those individuals going back and infecting their senior or immunocompromised friend or neighbour? I understand that the \$10,000-minimum fine is punitive, but it is meant to be punitive, because people who are not respecting the rules need to be told in a very clear way told, “If you continue to do this, we will catch and we will fine you, and yes, it will cost your pocketbook.”

1720

The Chair (Mr. Daryl Kramp): Mr. Bailey, three minutes left.

Mr. Robert Bailey: Thank you, Minister. That's music to my ears, because I follow the media quite a bit. Long before COVID, I've never agreed with a lot of the demonstrations—I'll leave it at “demonstrations”—that I see going on about what it costs for police, EMS, fire and health. Overtime must be going through the roof in some of these situations—and there's only one taxpayer, as we all know.

So anyway, I was glad to hear that answer. I'm glad that I asked the question so that you could explain it a little better and assure people like me that like to see law and order.

One other question I had, on the proposed amendments to [*inaudible*] on the Reopening Ontario Act: Can the Solicitor General, in the little time she has left, explain why she chose to bring them forward now and how they mesh with the commitment that we made earlier not to produce any new orders? Maybe you can expand on that in the little time that you have left.

Hon. Sylvia Jones: Yes, it actually speaks to, frankly, why our Ontario chamber did not prorogue and why we have the ability to bring forward these amendments into the legislative chamber so that we as parliamentarians can all participate in the debate and ultimately vote on whether we agree with the amendments as prepared.

The Chair (Mr. Daryl Kramp): Yes, Ms. Park.

Ms. Lindsey Park: Just to continue on that theme, I know something I was hearing from mayors, the regional chair and public health in my area was, one of the reasons why regional orders on private gatherings were not preferable from their perspective was because of the different enforcement tools that fall to the regional health units, versus enforcement that is done with a provincial order. Can you just explain that difference? Because certainly in what I heard in my area, that was the very reason why they were picking up the phone to the Premier and asking for a province-wide order.

Hon. Sylvia Jones: Yes, it's a good point. Look, when the Premier of Ontario stands up in front of a podium and explains what the new changes are, the vast majority of people listen or talk about it. So that's one advantage, as opposed to having a local mayor or a local medical officer of health make a section 22 amendment.

The other piece is, frankly, the police and special constables and bylaw officers and First Nations officers and conservation officers who have the ability to enforce these orders all have other additional responsibilities. I think having a provincial-wide order appealed to many local mayors because they saw it as a much more consistent approach, and everybody was on the same page.

The Chair (Mr. Daryl Kramp): Now, five minutes to the independent member, Mr. Fraser.

Mr. John Fraser: Thank you very much, again, Minister, for being here, and I know it's a bit to prepare for these things. It would be great for us to be able to prepare as well, but I won't go on about that. It would be nice to know exactly—

Hon. Sylvia Jones: I'll send you the links, John.

Mr. John Fraser: No, why don't you just—it's a simple request.

Can you confirm this for me? In the existing regulations, the government is still able to regulate the number of people that can gather just about everywhere. Is that correct?

Hon. Sylvia Jones: There are limits on gatherings for commercial operations, for private gatherings, for—

Mr. John Fraser: Public office buildings?

Hon. Sylvia Jones: Some of the public office buildings are decisions that are made individually. Anecdotally, it is my understanding that there are businesses that have chosen to have their employees continue to operate at home, not because the provincial government has put any order in place but because that is a business model that they have chosen to adapt to.

The Chair (Mr. Daryl Kramp): Mr. Fraser, we are hearing from the emergency management orders that were put in—

Mr. John Fraser: Yes. I'm just confirming that under those—

The Chair (Mr. Daryl Kramp): I just need you to refer to that, please.

Mr. John Fraser: No. I'm just saying that under those orders you can still say, for instance, "Churches, you're going to have to close."

Hon. Sylvia Jones: No, that's not the case.

Mr. John Fraser: You can't amend that order?

Hon. Sylvia Jones: That is not the order as it is in place currently.

Mr. John Fraser: Okay. You would have to issue a new order to do that?

Hon. Sylvia Jones: We have no plans to do that.

Mr. John Fraser: No. I just want you to confirm that you'd have to issue a new order to do that.

Hon. Sylvia Jones: There would have to be a decision made based on the health table recommendations, based on the fact that there were outbreaks or concerns raised. But to be clear, there is no intention to close down places—

Mr. John Fraser: I'm not suggesting that; I'm giving that as an example. But what I'm saying is, you have the ability—

Hon. Sylvia Jones: Respectfully, I don't like to play in the what-if game.

Mr. John Fraser: I'm just asking if you have the ability in places to—for instance, as you've done right now, you've just said in my backyard I can't have 25 people. You can do that just about everywhere is the point I'm trying to make.

Hon. Sylvia Jones: Actually, in your backyard, you can have 25 people.

Mr. John Fraser: Oh, I can have 25 people?

Hon. Sylvia Jones: You can only have 10 inside your home.

Mr. John Fraser: Ten inside; okay. So I can only have 10 inside my home. We'll split some hairs—

Hon. Sylvia Jones: And they still have to physically distance, and they still have to wear masks, where appropriate.

Mr. John Fraser: I appreciate the example that you've given in terms of the JK class in your community, and that's a really great thing. The point that I think we were trying to make is, it's the number. It's the number that you're driving towards. Just like only 10 people in my house, the advice that we've got is 15 children in a classroom.

Personally, for myself, my granddaughter is in a class of 27 and my two grandsons are in a class of 25. Why would the government not issue an order that would limit class sizes, because that's the number that's important? What's happening right now is, the class size number is about a funding formula; it's not about public safety. That's my point.

Hon. Sylvia Jones: Respectfully, I disagree. So I will go back to the comparison because you made the comparison of the backyard and the classroom. In that unorganized event, no one is tracking who is there. No one is able, if there is an outbreak, to do the contact tracing that is so critical to figure out who needs to be get tested and who has tested positive.

In a classroom model, everyone who is in that school, everyone who is in that classroom, is traceable and they know who it is. So there are controls that we, the school board, the teachers and the principals can adhere to, because it is not an unorganized event. It is not people showing up—if you went to your grandchild's classroom today, you would not be allowed in for—

The Chair (Mr. Daryl Kramp): Thirty seconds.

Mr. John Fraser: Respectfully, Minister, I only have 30 seconds. What I would like to say is, with that argument what you're saying is they could have 50 kids in class—just simply because we can contract trace, it's okay. It's about the size of the physical area and reducing the risk of the spread of COVID-19. That's the whole point around that number. It's not about our ability to contact trace—and yes, I understand what you're saying. In those unregulated areas, it's much more risky—

The Chair (Mr. Daryl Kramp): Thank you very much. Time is up. Thank you, Mr. Fraser.

We will now go to the official opposition. Ms. Singh, you have the floor—10 minutes.

Ms. Sara Singh: Thank you to the Solicitor General for your impassioned, detailed delivery of the emergency orders. I appreciate that.

Just a couple of things I want to pick up on that my colleagues touched on, and this is in regard to preparedness for what is an oncoming second wave, especially in our long-term-care homes. We heard very clearly from the Ontario Long Term Care Association that they just don't feel ready. They have clearly shared with the province what those recommendations are in order to help them prepare, if I could just quote:

"We know what actions need to be taken today in order to protect our residents, families and staff. You must act now if we are to avoid the events of the first wave."

I'm going to continue, because there's just a second part to the quote:

"In the absence of these measures and support from government, Ontario's long-term-care homes are not currently ready to manage a second wave of COVID-19."

1730

Today marks the first day of fall—it's the fall equinox—and I think many people in this province expected to hear a real, concrete plan and understand what resources were going to be allocated to help us prepare for this oncoming second wave. Where is the plan, Solicitor General?

Hon. Sylvia Jones: As I mentioned previously in answer to your colleague's question, it is very comprehensive and it will be released over the next coming days. But I really want to reinforce to the committee members and to the people of Ontario that I believe, and I will correct my record if I am wrong, that 97% of long-term-care homes in the province of Ontario are not in an outbreak. To suggest that the entire sector is "not ready" I think really belittles their ability as a sector to prepare and plan ahead with the Minister of Long-Term Care.

I get it. When there is an outbreak at a home, it is incredibly stressful to the staff, to the family members and to the individuals who are living in those homes, but let's not blow this into "every single long-term-care home in the province of Ontario has an outbreak," because it has never been true and it is certainly not true right now.

Ms. Sara Singh: I can appreciate what you're sharing, Minister, but I just want to reiterate that this is not the opposition that is sharing these concerns; this is the Ontario Long Term Care Clinicians, AdvantAge Ontario and CanAge. These are the people who are responsible for delivering the service, and they've been very clear about what needs to happen in order to help them. There may not be outbreaks at the moment, but what they are saying is that those outbreaks will happen if they do not get the resources and staffing supports that they need, because that is essentially what contributed to the outbreaks in the first wave that we experienced.

So I think that we were able to learn a lot. I can understand that perhaps in the first wave there were elements of the system that were broken and perhaps a lot of unknowns, but at this point now, as we navigate the fall and a second wave that is upon us, we know what we know and we know what needs to be done, and these folks have been very clear. They aren't fearmongering, as we've been accused of doing. I think they are signalling to the government that there needs to be a proactive approach.

So again, I think what we're trying to understand and what isn't clear is why those investments aren't being made, why these staffing shortages are still permitted to be in place and why there isn't a comprehensive strategy that is going to address what we know is an impending crisis in our long-term-care homes.

Hon. Sylvia Jones: Well, again, I will say that the Minister of Health and the Premier are unveiling that strategy over the next number of days, but it is not just a Ministry of Health strategy, it is across ministries, across sectors, because it needs to be, because we need to leverage where the resources are. I really want to reinforce that I have more faith in the long-term-care sector because I have seen in the last six-plus months that the number of outbreaks, while stressful and while terrible and while

tragic, were not occurring in the vast majority of long-term-care homes in our province.

Ms. Sara Singh: Okay, thank you very much. I'm just going to switch topics to schools, because currently that is where we're seeing the numbers increasing steadily. I know that other members have asked the question around capping class sizes, and I know that in addition to serving as the minister, you also serve as the member for Dufferin-Caledon, and that's part of Peel region—part of it is.

We, last week, the official opposition, led by MPP Kevin Yarde from Brampton North, put forward a motion to call for additional resources—sort of a regional approach, which you said earlier is in place. But at this point, we haven't really seen a firm commitment from this government to flow dollars to those regions or what the actual financial—

The Chair (Mr. Daryl Kramp): Ms. Singh, we're not here to discuss what is going on in the Legislature with regard—we are here to discuss the emergency measures that the government has taken, so please keep your comments to that. Thank you.

Ms. Sara Singh: I appreciate that, Chair. I'm going to try to direct my comments towards the emergency orders.

The Chair (Mr. Daryl Kramp): Thank you.

Ms. Sara Singh: But I think that if we understand that certain regions are experiencing an increase in outbreaks and potentially need additional support, I guess my question to the minister is, what is this government doing to ensure that those regions are getting the support that they need, and in a timely fashion—and I'll just underline "timely fashion."

Hon. Sylvia Jones: Yes, so, much of that planning, as the member would know, has been occurring since the pandemic began in March. Five hundred nurses have been hired to be placed in schools across Ontario, and \$10 million has been resourced to mental health, because we understand that when children have been out of their classroom and away from their peers since March break, there are some that are going to need some additional mental health support.

More custodians have been hired. More bus drivers have been hired. I know this because the police record checks funnel through the Solicitor General's stakeholders. The work is happening. But I am not going to direct and, I am sure, Minister Lecce is not going to direct every single unique school board and school on exactly what they need. That is their role and responsibility, and frankly, the vast majority of them have been doing an excellent job.

Ms. Sara Singh: I think we're hearing the opposite from Ontarians and from school boards. I think they're having a really hard time with implementing what is being requested, because there really simply aren't resources.

You provided the example that perhaps in a rural community, they could collapse several JK classes and have the space to disperse those children, but we have the opportunity through emergency orders to limit the number of students who are being crammed into our classrooms. It really, I think, boggles the mind of many Ontarians as to

why the government is not taking that opportunity. When we limit the number of folks who can gather at social gatherings, why we would still permit 27-plus students to be crammed into a classroom? Can you maybe help us understand the rationale for allowing students to be forced into these situations, whereas we're limiting the number of folks who can gather in private settings?

Hon. Sylvia Jones: I think part of the challenge that principals are having and school boards are having is that as we see the numbers rise, parents and guardians are making choices, and that's okay. If that choice means that on September 15, they intended for their daughter or their son to be in a physical classroom and when they saw the numbers rise so dramatically in the last week, they made an alternative choice to go online, that's not something that I believe we as parliamentarians should be judging. They make those decisions, their personal decisions, based on what they're seeing with their child, reacting and how the school board is doing it.

Anecdotally, every person I talk to, I say, "How is your son or daughter doing in the classroom?" By far, I get far more, "They are so happy to be back in the classroom, to see their friends, to be with their peers." Is it easy? No, but they want to do it because they know that for their child, that's what they want to do. I'm actually really proud of how Minister Lecce has been able to make sure and put in place and put the resources in place to allow those options, whether it's online, whether it's in person or whether it's a composite of the two.

Ms. Sara Singh: I appreciate that, and I think a lot of parents expected to have options. I think students expected to have options. But what the reality is, as we saw here at the TDSB and at the Peel District School Board, is that when those parents went to enrol their children, they were being told they had to wait for those classes. So it's really not a real option that's available to parents in all parts of the province, and I think it's not—

The Chair (Mr. Daryl Kramp): Thank you, Ms. Singh. Your time is up.

We will now go to the government for 10 minutes. I'm sorry; the hand up was, please? Yes, Mrs. Martin.

Mrs. Robin Martin: Thanks very much, Chair, and thank you, Minister, for your answers to all these questions, which have been, in my view, rather wide-ranging and outside the scope of the committee. However, here we are.

One of the things that seems to be of concern is public reporting about the emergency orders. I was wondering, Minister, if you could just explain to us how you publicly report under the reopening Ontario act, and maybe the ways in which you do that and maybe what's available publicly for people.

Hon. Sylvia Jones: Oh, Chair, the lawyer has to ask me that question, right?

First of all, we all know that the Premier and many members of caucus and cabinet announce the changes from the podium every day at 1 o'clock. That, frankly, is probably the fastest and quickest way for the people of Ontario to know when changes have been made.

1740

I perhaps was a little too flippant with my colleague MPP Fraser, but all of the regulations and all of the changes that I referenced in my opening remarks are available online. It's not just available for parliamentarians but, in fact, everyone in the province of Ontario who has access to Internet. If they don't, they have an MPP that they can call and they can get those details of the Ontario regs that explicitly say what the regs are and how they're impacting individual citizens.

Mrs. Robin Martin: Thank you, Minister. I actually went on the Ontario Newsroom, I don't know if you're familiar with that website, and I found a news release, Ontario Extends Orders Under the Reopening Ontario Act, 2020. I was very impressed by the thoroughness of the news release in the sense that it actually lists on it the two orders that were not extended and also lists on it all of the existing emergency orders. All of those have separate links to the actual orders, which I found very helpful because you can easily find them, as well as a link there to the actual act and the e-Laws website. And if I'm not mistaken, the e-Laws website also is a place where you can find all of the acts and the orders separately. Is that not right?

Hon. Sylvia Jones: That is correct.

Mrs. Robin Martin: Okay. That's something we use regularly as MPPs. Maybe other people might be less familiar with it, but that's why it's on the Ontario Newsroom site. Is that correct?

Hon. Sylvia Jones: That is correct.

Mrs. Robin Martin: Okay. I was also very impressed when I was listening to you about—you mentioned a couple of times in going through each of the orders how you're consulting with people. We've certainly heard that on the new order, when it was initially just the three municipalities that are the major areas, people phoned and said, "Look, we want this extended to the other regions," and asked for you to do that. But you also mentioned it, I think, in relation to the DSSABs, that you're constantly talking to people. Can you just tell us a little bit about how those conversations go and how the government is working with various sectors on these orders?

Hon. Sylvia Jones: For sure. Each of the Ontario regs have what I would call a ministry that is attached to it. For example, the long-term-care redeployment would have been something brought forward by the Ministry of Long-Term Care. What happens is we in Solicitor General reach out to those ministries that are the lead and confirm that they either want to extend the order or if they want to have it expire, and confirm that they have had those consultations occurring with the impacted stakeholders within their ministry. That is happening across government and each ministry, I'm sure, would have their own pathway as to how that consultation occurs. But I have been assured that as these orders are extended, that they, in fact, have first been vetted by the lead ministry as well as their stakeholders that are impacted by it.

Mrs. Robin Martin: Okay. And I just have one quick question. I didn't see in that list of orders any orders dealing with schools. Is that correct?

Hon. Sylvia Jones: That is correct.

Mrs. Robin Martin: And there is no order specifically dealing with testing, is there?

Hon. Sylvia Jones: No, there isn't. There is one order that previously was in place, related to schools, but that was allowed to expire on August 31.

Mrs. Robin Martin: Okay, that's my recollection. Right now, are there any orders limiting the number of people by number, in a restaurant, for example?

Hon. Sylvia Jones: No, it's on a percentage basis.

Mrs. Robin Martin: Okay. Thanks very much. I think my colleague Ms. Park has some questions.

The Chair (Mr. Daryl Kramp): Ms. Park, you have the floor.

Ms. Lindsey Park: I'm going to go back to a topic I was talking about earlier before my time expired regarding gatherings in private residences. Perhaps, Solicitor General, you and I have not been hosting these kinds of parties and so we wouldn't necessarily think that it was needed—

Hon. Sylvia Jones: I don't have that many friends.

Ms. Lindsey Park: —the opportunity to enforce the fact that you should not be having hundreds of people in your home at this time in the province of Ontario, really, out of respect for your neighbours and loved ones.

But I did hear, in consulting with my municipal officials, that, for example, there have been these large parties that they have not been able to prevent or enforce against in Uxbridge, where cases are growing; in Port Perry, same thing, when I spoke to the mayor of Scugog. In fact, I'll reiterate that our local head of public health, Dr. Robert Kyle, was asking for this provincial power to enforce.

Can you clarify when the increased fines will come into force, and what that will mean? If they were going into a house party in Uxbridge, for example, what additional tools will they have?

Hon. Sylvia Jones: With the opposition House leader in the room, I'm not going to speculate on when the legislation would be passed, if it in fact will pass. The change in fine limits would not occur until after the legislation that is currently being debated before the House receives royal assent. That, of course, is Bill 204.

In terms of what we are trying to prevent, I have learned in this role that there is no lack of creativity for people who choose to break the law. Anecdotally, to your point, what we are discovering, and what local mayors and police agencies are discovering, is that people go online and they

promote an event and they charge for that event. These are not friends and neighbours, to be clear. These are not people who have 1,000 friends and invited them over. These are often organized events where people pay for a ticket, and only when they have paid for a ticket do they get notification of where the event is, and that's ultimately why it is so challenging for mayors, bylaw officers and policing partners to be able to lock them down.

If passed, one of the things that we will be empowering municipal bylaw officers and police to do is as they learn of an event that is being promoted for two days from now, or a week from now, they can proactively go to that owner of the property or business and shut it down before it occurs. At the end of the day, what we're trying to do is stop the unauthorized gatherings, because that stops the spread of COVID-19.

The Chair (Mr. Daryl Kramp): One minute.

Ms. Lindsey Park: I wonder—this is kind of a tough question, but I think we've experienced along the way—we're trying to be as clear as possible, as a government, on what we mean by the orders we make. Can you just clarify what is meant by this private gathering limit? Again, people are speculating—the opposition House leader had a question about whether if it was a supervised wedding in a backyard, if that would be okay. Can you just clarify the meaning, or will additional clarification be coming out from the government on that?

The Chair (Mr. Daryl Kramp): Ten seconds.

Hon. Sylvia Jones: Sorry?

The Chair (Mr. Daryl Kramp): Ten seconds.

Hon. Sylvia Jones: Okay. The real difference is one organized by a commercial entity, business, restaurant, convention centre or place of worship, and one that is held in a private facility that has no liquor licence, that has no valid reason to have 1,000 people show up at their home or property.

The Chair (Mr. Daryl Kramp): Minister, thank you for appearing before the committee today. You are now excused.

Colleagues, we will be going into closed session now for report writing and for commentary. But prior to that, we will suspend for five minutes prior to going into closed session.

The committee recessed at 1750 and later continued in closed session.

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