

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

JP-4

**Journal
des débats
(Hansard)**

JP-4

**Standing Committee on
Justice Policy**

Keeping Ontario
Open for Business Act, 2022

2nd Session
42nd Parliament

Tuesday 5 April 2022

**Comité permanent
de la justice**

Loi de 2022
visant à ce que l'Ontario
reste ouvert aux affaires

2^e session
42^e législature

Mardi 5 avril 2022

Chair: Daryl Kramp
Clerk: Thushitha Kobikrishna

Président : Daryl Kramp
Greffière : Thushitha Kobikrishna

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

CONTENTS

Tuesday 5 April 2022

Keeping Ontario Open for Business Act, 2022, Bill 100, Ms. Jones / Loi de 2022 visant à ce que l'Ontario reste ouvert aux affaires, projet de loi 100, Mme Jones	JP-11
Ministry of the Solicitor General	JP-11
Hon. Sylvia Jones	
Police Association of Ontario; Canadian Vehicle Manufacturers' Association; Canadian Union of Public Employees	JP-19
Mr. Mark Baxter	
Mr. Brian Kingston	
Ms. Wynne Hartviksen	
Mr. Venai Raniga	
Ontario Federation of Labour; Automotive Parts Manufacturers' Association; Canadian Civil Liberties Association	JP-28
Ms. Patty Coates	
Mr. Gian Paolo Vescio	
Mr. Thomas Naciuk	
Mr. James Clark	
Ms. Abby Deshman	
Unifor Local 195	JP-37
Mr. Emile Nabbout	

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Tuesday 5 April 2022

Mardi 5 avril 2022

The committee met at 0900 in committee room 1.

**KEEPING ONTARIO
OPEN FOR BUSINESS ACT, 2022
LOI DE 2022
VISANT À CE QUE L'ONTARIO
RESTE OUVERT AUX AFFAIRES**

Consideration of the following bill:

Bill 100, An Act to enact legislation to protect access to certain transportation infrastructure / Projet de loi 100, Loi édictant une loi pour protéger l'accès à certaines infrastructures de transport.

The Vice-Chair (M^{me} Lucille Collard): Good morning and welcome, everyone, to the Standing Committee on Justice Policy that will come to order now.

We are here for public hearings on Bill 100, An Act to enact legislation to protect access to certain transportation infrastructure. As a reminder to everyone, the deadline for written submissions is 6 p.m. on Thursday, April 7, 2022, and the deadline for filing amendments to the bill is 4 p.m. on Friday, April 8, 2022. Are there any questions before we begin?

MINISTRY OF THE SOLICITOR GENERAL

The Vice-Chair (M^{me} Lucille Collard): I will now call on the Honourable Sylvia Jones. Solicitor General, you will have 20 minutes for your presentation, followed by 40 minutes of questions from the members of the committee, and the questions will be divided into two rounds of 7.5 minutes for the government members, two rounds of 7.5 minutes for the official opposition and two rounds of five minutes for the independent member—but I think that this slot will remain vacant, as I'm sitting here.

I will give reminders of the time remaining during the presentation and the questions—so I'll give a two-minute warning before the end of the question time is over, so you can time yourself accordingly.

Minister, the floor is yours.

Hon. Sylvia Jones: Thank you and good morning, Chair. It's my pleasure to speak to you today about Bill 100, the Keeping Ontario Open for Business Act, 2022. This proposed legislation is an important component of our government's plan to keep Ontario open for business. As we're all aware, earlier this year we saw unacceptable disruptions to trade, the economy and public safety when

the blockades shut down the Ambassador Bridge in Windsor and impacted businesses and everyday life for residents in downtown Ottawa. Fallout from the events of February have made it clear that new tools are needed to defend our economy and capacity to protect our borders and trade corridors from future disruptions.

The proposed act would, if passed, provide a framework for responding to events like the blockade of the Ambassador Bridge, without needing to declare an emergency. Specifically, the proposed legislation would help to prohibit all persons from impeding access to or egress from and ordinary use of protected transportation infrastructure if the impediment (a) disrupts ordinary economic activity or (b) interferes with the safety, health or well-being of members of the public.

The proposed act would also help to prohibit, directly or indirectly, causing such an impediment. It would further prohibit providing assistance to and knowingly help someone breach the prohibition on impediments.

Protecting transportation infrastructure means only the following: international borders, international airports prescribed in regulation and other transportation infrastructure prescribed in regulation that is of significance to international trade. Impediments that are trivial, transient or minor in nature or easily avoided would not be prohibited. No one would be prohibited from causing impediments they have permission to cause, such as through a municipal permit.

The act would provide police officers with tools that can be used when protected transportation infrastructure is impeded, as prohibited by the legislation. Police officers would be able to issue certain directions when they have reasonable grounds to believe that a person is breaching the prohibition on impediments or the prohibition on assistance.

Law enforcement can give direction to: stop breaching the act; remove an object that is being used to breach the act because of something a person did, such as remove the vehicle they left parked as part of a blockade, or to make sure someone else removes it; and disperse, if they are part of a group of people who are breaching the act. Compliance with police officers' direction would also be required. Failing to comply would be an offence, and individuals could face a fine, imprisonment or both.

The proposed legislation would grant police officers the ability to remove, maintain possession of and store objects, including vehicles, for 30 days, if the objects are

being used to breach the act. Specifically, if someone refused to remove them after being directed to do so, or if there is no one who could practically be directed to remove the objects. If police officers remove and store objects such as vehicles, they would be required to make reasonable efforts to notify the owner. If required by the regulation, police officers would also have to provide confirmation of the request they made to a person to remove or store said objects.

The maximum punishment for breaching an offence under the proposed legislation, except the failure to identify oneself, is one year imprisonment and/or a fine of up to \$100,000 for individuals. Directors and officers of corporations can face up to \$500,000 in fines or up to one year imprisonment, or both. Corporations can face up to \$10 million in fines. Failure to comply with the proposed requirement to identify oneself would result in a fine of up to \$5,000, which is the default penalty under the Provincial Offences Act.

Enabling police to take immediate action requires the necessary tools to clear road blockades quickly and effectively. Currently, police have a range of tools available to support enforcement where activities involve the unsafe use of vehicles or blocking roadways. Clearly, these need to be supplemented with additional tools to quickly address serious interference with the infrastructure used in international trade.

The legislation provides the authority for police to impose roadside suspensions of drivers' licences and vehicle permits, and to seize licence plates for 14 days, when a vehicle is used in an illegal blockade of protected transportation infrastructure. These provisions would also apply if a vehicle was used to illegally assist a person who was illegally impeding access to protected transportation infrastructure.

Bill 100 also proposes additional tools for the registrar of motor vehicles to suspend or cancel the plate portion of a commercial motor vehicle or trailer permit, or a commercial vehicle operator's registration, or CVOR, certificate. Permit suspensions or cancellations would apply to vehicles such as trucks, buses and commercial trailers. These tools provide significant consequences for the misuse of a commercial vehicle or trailer to interfere with protected transportation infrastructure.

A suspension or cancellation of a CVOR certificate has significant impacts to Ontario-based companies. Under the proposed legislation, the suspension would be in effect for the vehicle identified as being involved in the protest and in effect for the entire company's fleet associated with that CVOR order. Police services and the crown would be able to follow the process under the Civil Remedies Act, 2001, to seek to have removed objects such as vehicles forfeited to the crown.

In addition to being able to maintain possession of an object for up to 30 days, under the proposed act, police can maintain possession of objects pursuant to the Civil Remedies Act, 2001, to allow the Attorney General to decide whether they should start a legal proceeding that would result in the object being forfeited to the crown.

Under the Civil Remedies Act, 2001, police can maintain possession of the object for up to 75 days from the day that a person requests its return in writing or commences a proceeding for the return of the object.

Amendments to the Civil Remedies Act, 2001, will be required to facilitate forfeiture of objects removed and maintained in police possession. Specifically, the provisions regarding the civil forfeiture of instruments of illegal activity would be amended to provide that forfeiture is possible where property was used in unlawful activity and where it was likely to be used to cause injury to the public. The Civil Remedies Act, 2001, would also be amended to expand the definition of "injury to the public" to include the offence of breaching the prohibition on impediments and breaching the prohibition on assistance for impediments under the new act.

If a person is convicted of an offence under this act, and they are fined and fail to pay the fine, a provincial offences court could make an order causing their driver's licence to be suspended and preventing their vehicle permit from being renewed until the fine is paid. This measure requires an amendment to the Highway Traffic Act. Specifically, the proposed Keeping Ontario Open for Business Act, 2022, would be added to a list of statutes in the schedule to section 46 so that a provincial offences court can make these orders in relation to the new act. The proposed new legislation would provide a framework for responding to events like the blockade of the Ambassador Bridge, and would minimize the need to declare an emergency. If passed, this proposed legislation would be one step in the government's comprehensive strategy to keep Ontario open for business.

0910

The Ontario Provincial Police play a critical role in the planning, coordination and front-line response for public safety emergencies. We are therefore also enhancing police capacity to provide effective public-order policing on a sustainable basis through our \$96-million investment in staffing, sharing of best practices and equipment. Notably, within the OPP, we are enhancing positions in public order, emergency management and provincial liaison units, over and above the full-time emergency response team complement, to enable a surge capacity to multiple incidents and to sustain capacity during prolonged events.

As for Bill 100, the Solicitor General would be required to conduct a review of the act once it has been in force for one year, to ensure accountability and transparency. The minister would also be required to prepare a written report, publish it online and table it in the Legislative Assembly within 18 months of the bill coming into force, just as we have done with our 120-day reports for COVID-19-related emergencies and the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.

Now I'd like to talk a bit more about the context for the action, and why this proposed legislation is so vital. As I mentioned earlier, in February, Ontario faced unprecedented economic challenges when protesters set up blockades in Windsor. The Ambassador Bridge in Windsor

alone sees \$700 million of two-way trade every single day, and that trade employs hundreds of thousands of Ontarians who work in auto plants and factories across our great province. Those jobs feed millions of families. They are a lifeline for our province and its economy.

While I appreciate the right to protest, that right cannot—it must not—extend to cutting off that lifeline. Did you know that 70% of products grown by Ontario greenhouse growers flows south? When the blockade was happening, that produce was literally rotting in trucks. If you do not see the value of what Bill 100 will do to make sure that we can clear these illegal blockades, I can tell you that the Ontario Greenhouse Alliance certainly appreciates it and understands.

The six-day blockade of the Ambassador Bridge disrupted billions of dollars of international trade and impacted investor confidence in Ontario as a reliable place to invest and locate manufacturing. This economic disruption was compounded by public safety threats and resulted in significant amounts of overtime and increased policing costs. Enforcement levers such as fines were not as effective at dispersing the crowd when compared to the seizure of vehicles, which allowed for a more efficient response to ending the blockades.

The lack of heavy equipment such as tow trucks, and the unwillingness of certain tow truck operators to voluntarily take part in actions that could negatively impact their business relationships, meant police were limited in their ability to physically clear the blockade. Thankfully, the Premier used his authority to declare a state of emergency in our province, and he convened cabinet to use legal authorities to urgently enact an emergency order that made it crystal clear: It is illegal and punishable to block and impede the movement of goods, people and services along critical infrastructure. The emergency order remains in place until at least April 9 to address the effects of the emergency and, in particular, the real risk that some individuals may attempt to resume disrupting critical infrastructure. Looking at where we were and how, with the right tools, police were able to clear the blockade safely, there is no doubt the Premier made the right decisions.

As the report tabled on O. Reg. 71/22, made under the Emergency Management and Civil Protection Act, describes, it was reasonable to believe the harm or damage caused by blockades would be alleviated by the order, and indeed it was. This report outlines the success of our decisive actions to enable law enforcement to clear blockades and keep trade flowing.

After two years of COVID-19, Ontarians have had enough—enough of disruptions, enough of threats to their financial security. Their well-being is Premier Ford's and our government's top priority, and I am pleased that we were successful in restoring freedom of movement to the people of Ontario.

I note that on the same day the Premier declared a province-wide emergency, he also publicly committed to bringing new legislation forward that would make some measures permanent in law. Bill 100 fulfils that commitment. With this proposed legislation, our government

is taking action to defend our economy and protect it from future disruptions.

The proposed legislation would support the government's overall strategy to keep Ontario open for business. The measures in the proposed legislation would help protect jobs and shield the economy from future disruptions like the blockade of Windsor's Ambassador Bridge that impacted billions of dollars of trade. And it will signal to the world that Ontario is a reliable trading partner and open for business.

We've scoped this legislation very narrowly to protect border crossings. Whereas emergency order O. Reg. 71/22 prohibits persons from blocking critical infrastructure more broadly, protected transportation infrastructure is narrowly defined in section 1 of the proposed legislation to mean any land or water border crossing point between Ontario and the US, any airport that regularly accommodates flights directly between Ontario and a country other than Canada that is prescribed by the regulations made under the act and other transportation infrastructure that is of significance to international trade and that is prescribed by regulations made under the act.

Addressing these kinds of situations often requires collaboration and coordination between multiple levels of government and multiple police services. While the federal government plays a role with respect to the securing of international border crossings and international airports, the province also has an active role to play. The Ontario Provincial Police and local police services are often the first responders at situations of unrest and disruption in communities, including blockades of roadways. At the Ambassador Bridge, due to the size and impact of the blockade, the OPP, the RCMP and other municipal services supported the Windsor Police Service with its response.

The proposed Keeping Ontario Open for Business Act, 2022, is a necessary step to defend our economy from future disruptions and strengthen our laws so that we can protect our international borders, international airports and, if required, other transportation infrastructure significant to international trade, reducing the need to declare an emergency. If passed, the legislation will reinforce our position as a strong and reliable trading partner, ensure that unacceptable disruptions to trade are prevented and make certain that the world sees that Ontario is open for business.

This has been a pivotal moment for our nation, and as the Premier has said, "To the auto workers, truckers and all those affected by the Ambassador Bridge closure ... I say ... we will take whatever steps are necessary to ensure the border is reopened. And to our brave women and men in uniform ... I want you to know that you have my full support as you work to manage this situation and do what it takes to bring these occupations to an end."

Let us make certain that should individuals attempt to shut down our international border crossings, law enforcement has what it needs to restore freedom of movement to the people of Ontario. Let us ensure that people and businesses up and down the supply chain on both sides of

the border, from the steelworker in Hamilton who creates raw material to the auto worker in Michigan who installs a pressed car part, can go to work, earn a living and succeed without disruption.

The Vice-Chair (M^{me} Lucille Collard): Thank you, Minister. We will now start the session with 7.5 minutes of questions, starting with the opposition member. I recognize MPP Gretzky.

Mrs. Lisa Gretzky: My question is going to be around the prohibition impeding access etc. I'm wondering if there is—I mean, there's reference to "Exceptions ... is or is reasonably expected to be trivial, transient or minor in nature." What is the definition of that, and why isn't that language clear in the bill? What exactly would be considered trivial, transient or minor in nature?

0920

Hon. Sylvia Jones: One example would be if there is a blockade that easily has a detour, as an example, so that you could manipulate around or take a different pathway to get to your end destination; that would be an example. The short-term nature: We sit here in Ontario's Parliament often and have demonstrations that occur on the grounds of Queen's Park. They tend to be very short in their duration. People will come for an hour a day and then move on.

Those types of temporary examples would be where there would not be a need to use the powers that are included in Bill 100. I would also reinforce that Bill 100 specifically talks about our international borders, and that is specifically related to protecting our trade—because at the end of the day, if Ontario is not considered a safe and consistent pathway for our trading partners, then we have a problem investing.

Mrs. Lisa Gretzky: I have a scenario, then. We not only have the Ambassador Bridge, but we also have the Windsor Detroit Tunnel in my riding. The workers at the tunnel are unionized, so if there was job action and they were out on strike on the sidewalk outside the tunnel—and, as they normally would do under labour action, they are doing an information picket, so people coming in or out of the tunnel would be stopped for five minutes at a time, at most, before they would be allowed either entry to the tunnel or exit—would that be considered something that this act would be then used for? Or would that be considered transient and trivial, since they are only slowing the flow of traffic in and out of the tunnel?

Hon. Sylvia Jones: It's a great question. Using that example, because the protest or the striking workers, by doing the information picket, are allowing traffic to continue to go to and from on the bridge or in the tunnel, that would not be an example where Bill 100 would need to be used.

Mrs. Lisa Gretzky: Then my question is, why is there not language that clearly defines what this bill, this law would be used for or what it wouldn't be used for—for example, those tunnel workers or other labour unions engaging in a job action, or First Nations communities, which often put up blockades as well? Why is there not a definition in here to make it clear to everyone—not just us

now, but those down the road who would be asked to enforce this or be affected by this—when this bill would or would not be used?

Hon. Sylvia Jones: Again, I would point to the specifics in Bill 100 that make reference to the fact that they must be international borders and they must be blockades—so not information pickets where pieces of paper are given, but then the clear pathway to the United States is still there.

Bill 100 at its core is about protecting our trade corridors. In order to do that, we are putting in place some very scoped and limited powers. Even at the Ambassador Bridge in Windsor, as you would know only too well, it was still six days. When you think of the billions of dollars that rely on that pathway to move materials back and forth, we have to have legislation that allows individuals to act quickly. That's what we're doing. We're not expanding or taking away the right for people to lawfully and legally protest; we're saying, "If you intend to impact the province of Ontario's ability to be an economic good neighbour, then we have tools to ensure that that gets dealt with quickly and expeditiously." That's what Bill 100 does.

Mrs. Lisa Gretzky: Then my question would be, when we look specifically at the Ambassador Bridge blockade, it actually took outside organizations from the auto sector, our chamber of commerce and our municipality to file for an injunction before the government acted in order to end the blockade. And that was five days—five days—before the government declared a state of emergency.

The Vice-Chair (M^{me} Lucille Collard): There are two minutes remaining.

Mrs. Lisa Gretzky: So I'm wondering: When you're talking about a timely response or an ongoing blockade, at what point, under this legislation, does it switch from being a temporary impediment to something where there would then have to be enforcement? What's that time frame?

Hon. Sylvia Jones: Frankly, I think your question reinforces why Bill 100 is necessary. If Bill 100 had been in place, then the need for the legal/jurisdictional pathway through the courts would not have been necessary, because the police would have had the powers to take away that economic driver of: "You can't leave your vehicles and blockade an international border. We are going to deal with it quickly and expeditiously." And that would mean that, frankly, you cannot—

Mrs. Lisa Gretzky: I appreciate that, but because I don't have much time left: The essence of this is that the government took five days to act. So what you have done is brought in a piece of legislation basically to abdicate yourself or any future government of any responsibility in having to make the call as to what is a temporary blockade—

Hon. Sylvia Jones: "Make the call," as in direct the police?

Mrs. Lisa Gretzky:—and how long it has been and as to whether or not, again, it is a temporary blockade or something where—

Hon. Sylvia Jones: Is the member suggesting that we should have been directing the police in Windsor?

Mrs. Lisa Gretzky: I am not suggesting that, and I never said that. What I'm saying is, the government had a tool they chose not to use for five days—for five days—and now what you're doing is you're bringing in a bill to abdicate responsibility for that.

Hon. Sylvia Jones: The tools that the police had were the laying of fines—

Mrs. Lisa Gretzky: So what I'm asking is, what is considered a temporary blockade—

Hon. Sylvia Jones: —and what we discovered is that temporary fines didn't actually motivate—

The Vice-Chair (M^{me} Lucille Collard): Excuse me. We're just going to have one person at a time speaking, otherwise we're not going to be able to get any recording of this. There's only four seconds.

Mrs. Lisa Gretzky: I'm asking for clarification: Where in this bill does it explain what is considered a temporary blockade or something that then law enforcement would have to act on? Is it a day? Is it two days?

The Vice-Chair (M^{me} Lucille Collard): Thank you. We'll have to stop at this. We've gone over time a little bit.

We're going to move to the government side for questions: 7.5 minutes again. MPP Hogarth.

Ms. Christine Hogarth: Thank you, Minister, for being here today. I have two questions for the minister, and then I'm going to pass it off to my colleague MPP Skelly.

Just to follow up on one question that MPP Gretzky had asked, and just to clarify: There are multiple forms of protest that may affect the provincial economy, including labour strikes. And I'm wondering if you can clarify for everyone here: Does the Keeping Ontario Open for Business Act identify any specific groups of protestors or provide exemptions?

Hon. Sylvia Jones: No. What Bill 100 says is very scoped and very clear in terms of, regardless of why you're there, if you are participating in an illegal blockade at an international border, Bill 100 will give the police the tools they need to quickly deal with it.

If I may, Chair, the reference of “nothing was happening” is, frankly, laughable and completely inaccurate. Police were laying charges. Bylaw officers were laying charges. The problem was that those fines have to go through a judicial process, and they were not leaving. When they were threatened with, “You leave or we take your vehicle, we take your trailer, your bus, your tractor-trailer,” then they were motivated. And that's the difference between what we have in January and February and what we will have if the Legislature chooses to pass Bill 100.

Ms. Christine Hogarth: Thank you for clarifying, Minister.

My second question is: A lot of people were concerned, and we heard a lot in the Legislature from the opposition, that officers were given the reasonable authority to ensure that this does not happen again without repressing peaceful protests. I'm just wondering, because the opposition was saying something different in debate: Could you

explain why the existing emergency legislation is not sufficient in combatting this sort of disruption?

Hon. Sylvia Jones: I think that the illegal blockades—what we discovered was that the process of laying fines was a piece of the enforcement that was not effective in immediately dealing with the blockades. As the courts go through and they process those fines, and people have their opportunity to explain why they chose to blockade the Ambassador Bridge for six days, that will go through a judicial system. But it didn't actually get people to leave the area. At the end of the day, we needed to have those trade pathways—those international borders, like Ambassador Bridge, that were closed down—we needed to have that lifted.

0930

I think the other piece that, frankly, a lot of people are missing is that while the blockade at the Ambassador Bridge was occurring, there were threats that they would move: They would move to Niagara; they would move to Sarnia. Having illegal blockades move throughout the province and disrupt other international borders was an ongoing concern and, frankly, a challenge for local police to deal with, so having the ability to immediately seize that vehicle, to pull that commercial vehicle operation registry licence, is a true economic driver that will motivate people to say, “There are other ways to protest, and blocking an international border is not appropriate in the province of Ontario.”

Ms. Christine Hogarth: Thank you, Minister. MPP Skelly?

Ms. Donna Skelly: Thank you, MPP Hogarth, and good morning, Minister. I want to expand a little on the role of policing. As you have clarified time and time again, your role is not to direct policing. But we do support our local police forces, and we have relied heavily on local police and municipal police forces to help us open up the international trade routes and to police it, but that came with a cost. Can you share with us this morning how this proposed legislation would address supporting municipal forces for the costs they incur in the future maintaining the flow of goods across our international borders?

Hon. Sylvia Jones: Yes. That's a great question. Let me start with the positive. The positive is that we saw unprecedented co-operation between the RCMP, the OPP and municipal services. As we have heard from the beginning, the commissioner of the OPP and the commissioner of the RCMP were sharing information proactively with police chiefs from across Ontario, to make sure that they were prepared if and when a blockade or an occupation came to their community, their city. So that was the positive.

The costs are definitely real and definitely there. We had, as Chief Bell has said and as Mayor Dilkins in Windsor has said, unprecedented co-operation from municipal services who came to assist in Windsor, in Ottawa. Many of those police services did that because they understood that it was an Ontario issue and an Ontario concern—

The Vice-Chair (M^{me} Lucille Collard): Two minutes.

Hon. Sylvia Jones:—and as a result, there were additional costs.

What we have put in place with Bill 100 is an expansion of that coordination role. The \$96 million that we are investing is to train more public-order unit officers through the Ontario Police College. We have learned that that public-order unit training was very critical and valuable to ensuring that they could safely remove the occupations that were happening.

The ability to have some equipment in-house, like the heavy tow truck operators, is so that we don't constantly have to rely on or convince others to participate, and to ensure that when we say we are towing the vehicle—when the OPP or the Windsor police say, “We are towing that vehicle”—they have the means to do it quickly.

A lot of Bill 100 is really about lessons learned and how we can do things faster to clear those pathways. The international piece is so important for us to keep our borders open.

The Vice-Chair (M^{me} Lucille Collard): There's 40 seconds to go.

Ms. Donna Skelly: We don't have much time left, but my question is: How has that been received by stakeholders within municipalities and the police services themselves, knowing that there is going to be, if this legislation is approved, some financial support from our government?

Hon. Sylvia Jones: I don't want to speak for all of AMO, the Association of Municipalities of Ontario. I will say that Bill 100 was absolutely worked up in consultation with organizations like the OPP, the Police Association of Ontario. I will let them speak to the comments and concerns that they have regarding Bill 100, but generally, the feedback has been—

The Vice-Chair (M^{me} Lucille Collard): Thank you, Minister. We're over time. Thank you very much.

We'll go back to the opposition members for another seven and a half minutes: MPP Gretzky.

Mrs. Lisa Gretzky: I want to say—and then I'll pass it to my colleague from Ottawa Centre—Minister, you had said that it was laughable to say that the government didn't act fast enough. But I will tell you that after talking to the residents in the west end of Windsor, going to their doors, the people on Dot Avenue, Queen Street, King Street, Sandwich Town, Prince Road, the businesses along the Huron Church corridor, the businesses in Sandwich Town, right on Sandwich Street, have all said that this government did not act fast enough, that they waited far too long to use the powers that they had. This is not about the police. Everybody in my area thinks the police were fantastic, but they are very, very disappointed that this government waited for as long as they did to give us the extra tools and resources that the police needed. So it is not laughable if you talk to the people in my area. That's, frankly, an insult to every one of those businesses and residents in the area that were impacted.

I'm going to pass it to my colleague from Ottawa Centre.

Mr. Joel Harden: Thanks, MPP Gretzky. Good morning, everybody. Good morning, Chair.

Thank you for the presentation. I am trying to understand the work that this committee is doing in reviewing this bill, and I understand a goal of ours is to have some debate over the necessity of this bill. You made the case this morning that the bill is necessitated by what we saw, which, as you said, was unprecedented. But as MPP Collard and I know, being neighbours with the province of Quebec, their experience of this convoy was extremely different from ours. I just want to mention a few facts and get your reaction, Minister.

We know that the Quebec City convoy arrived and left on February 7. We know that the police and ministry insurance and licence officials in that province leafleted convoy vehicles, telling them that their plates would be imminently removed, that their trucks would be imminently towed. We know that MNA Gabriel Nadeau-DuBois, on February 15, passed a motion that was adopted unanimously by all sitting members of that Legislature, saying that they didn't need the help of the Emergencies Act, as proposed by Prime Minister Trudeau and the federal government.

I want your reflection this morning on why Quebec's experience with this convoy was very different from ours. They saw it coming, as we all did, literally rolling across the country, with incredible media coverage, where convoy participants were very clear they were coming to stay for at least a week. But somehow our local police officials believed that they were going to leave on Monday. MTO officials, Minister, not just Ottawa police or OPP, literally chaperoned these vehicles to parking spots all over the downtown—500-plus vehicles.

I want your honest reflection on why Quebec's experience, not requiring legislation like we're debating today, was so much different from ours and why in fact we didn't—and I'm not asking you to direct police. I've never asked this government to direct police. But I have certainly asked this government to direct its licensing officials, its capacity in regulating the insurance of commercial and personal vehicles to take serious and immediate sanction of these vehicles. That is what happened in the province of Quebec, Minister, and I'm wondering why those powers weren't used immediately then, given urgent appeals by myself, MPP Gretzky, city councillor Catherine McKenney, MPP Collard and many others. I'm wondering why we didn't use the powers that the province of Ontario had under licensing—let me be very specific—and insurance, as the province of Quebec did, to compel these folks to leave. Why did we wait for 14 days for a reaction from the province, and does that not suggest to us that we did have powers that we didn't use?

Hon. Sylvia Jones: A couple of things. As the commissioner of the OPP mentioned in his committee remarks to the federal government last week in their committee, the RCMP and the OPP had been proactively sharing with the city of Ottawa as well as other large urban police chiefs the intel, the intelligence, that they had been gathering and sharing as a result of what they were learning as the convoy moved across Canada. That information was proactively being shared with the city of Ottawa and other large city mayors.

If I may, Chair, I want to thank the NDP members who have supported, in second reading, Bill 100. I think that your personal experience in Ottawa has shown that you see the value in what we are doing with Bill 100, appreciating and understanding that it is very scoped in nature. We want to learn from what happened in Ottawa—

The Vice-Chair (M^{me} Lucille Collard): Sorry, Minister.

MPP Harden.

0940

Mr. Joel Harden: Thank you, Chair. I want to make sure the Solicitor General has ample time to respond to my questions, but I also have a limited amount of time, so I want to make sure I ask the questions.

I didn't hear an answer to the pertinent question I asked through you, Chair, to the minister, which was, the province of Quebec's experience during this convoy moment was remarkably different. The Solicitor General is making the case in this committee this morning that we urgently need this legislation. I'm making the case, through you, Chair, to the Solicitor General, that the province of Quebec's experience was very different. Why is it that the Solicitor General believes we need this power? I didn't hear an answer in there, but I did hear the Solicitor General say something that was very important, and that is that as the convoy was rolling across the country—

Ms. Christine Hogarth: Point of order.

The Vice-Chair (M^{me} Lucille Collard): Excuse me. We're just going to have to pause for a second here. I believe there's a point of order from MPP Hogarth.

Ms. Christine Hogarth: Just on a point of order, to the nature of this dialogue, we're asking questions, and that's fair; this is why we're here. But we should be courteous to allow the minister to respond to those without interrupting her, so the people who are watching can actually have the fulsome answer.

Mr. Joel Harden: Is this taking from my time?

The Vice-Chair (M^{me} Lucille Collard): No, we've paused the clock.

Ms. Christine Hogarth: People should actually be able to hear her answer. I think that's why we're here: for people to hear the answer. That's only fair for the people who are tuning in today, the deputants who are here this afternoon. I'm assuming that this afternoon, we are not going to interrupt our deputants when they're speaking, so we shouldn't be interrupting the minister, who is giving her precious time.

The Vice-Chair (M^{me} Lucille Collard): Thank you, MPP Hogarth. I think we need to balance the answer and question. This is a question period, so it's important that people that want to ask questions have the time to ask their questions, too. I don't want the time to be used just to fill time, so we're going to be respecting that, and as the Chair, I'm going to be balancing that. I think the minister had ample time to answer. I understand that we want to get more questions on the record.

MPP Gretzky, another point of order?

Mrs. Lisa Gretzky: Yes, a point of order, just for clarification: It is not unheard of in committees for members who are asking questions with their limited time to ask to

reclaim their time. This is a common practice. It has happened with members on all sides of the House. Because we have limited time, when we believe that the question was answered or whoever we asked the question of is taking most of our time, it is not unheard of and has become common practice and allowed for us to reclaim our time.

The Vice-Chair (M^{me} Lucille Collard): That's my experience as well, and that's why I've allowed the member to intervene: to get another question in.

We're going to start the clock again. With two minutes left now after we have paused, MPP Harden.

Mr. Joel Harden: I just want to inform all members of the committee, I will always give someone at least a minute to answer a question, but if I don't hear an answer to the question, I'm going to take the responsibility upon myself to ask for an actual answer.

Following up on what I just said, the Solicitor General had an opportunity to participate in three meetings, triple jurisdiction: federal, provincial, municipal. My understanding, from statements released from the Solicitor General—she did not attend those meetings; she did not deem them to be important, as the convoy was rolling across the country to Ottawa.

I want to know on the record, why did the Solicitor General miss those meetings? Does she have an explanation for the residents of Ottawa Centre, for the residents of Windsor West? Because those were critical opportunities before the Emergencies Act was declared where we could have gotten on top of a serious security situation. I want to know honestly from the Solicitor General's perspective: Why was it not important to go to three convened meetings by the federal government and the municipalities of Ottawa and Windsor to make sure we could get on top of this convoy situation, that all proper resources were redirected?

Again, I want to remind the Solicitor General through you, Chair: The case is being made this morning that this was extraordinary and we need these new powers. Why didn't the Solicitor General take the opportunity to work with the official decision-makers at all levels to make sure our communities were safe? Why were those meetings boycotted?

The Vice-Chair (M^{me} Lucille Collard): The minister to respond with under 40 seconds, please.

Hon. Sylvia Jones: First of all, I'm not sure how this relates to Bill 100. However, I did speak to the mayor of Ottawa, to the mayor of Windsor, to the previous chief in Ottawa, to the current chief in Ottawa and to the chief in Windsor. I offered to meet with the protesters in Windsor if they agreed to clear the roadway. Why did I do that? Because I did not want to have police having to arrest parents in front of their children. Those are the things that I proactively did to make sure that this was safely dealt with. At the end of the day, I am eternally grateful—

The Vice-Chair (M^{me} Lucille Collard): Thank you, Minister. We're out of time. Thank you very much.

We're going to move to the final round of questions from the government, with seven and a half minutes. MPP Pettapiece?

Mr. Randy Pettapiece: Thank you, Chair. Through you: I think maybe the scope of this bill has been lost here by the members over there. This has to do with border crossings, correct? I think that's what we need to focus on, what this bill is for and why it was proposed. I think we need to get back to that.

It seems to me that the reason you're not allowed to answer the questions is because they don't want to hear them. It's interesting, the questioning.

However, I'm going to maybe focus on the police end of it and the powers that have been given to the police in this act. We do not direct the police. We don't tell them what to do, when to do it or anything else. We give them the tools to do their job; that's what we do for the police forces in this province. I would think that's how this whole thing was done, consultation with the police, and they said, "This is what we need to do, but maybe we don't have the tools to do it quickly or effectively."

I remember in Windsor they were issuing tickets during that whole time, parking fines or whatever the tickets were, all during this time of this blockade, and nothing was happening. The blockade wasn't moving.

So I wonder if you could give me some idea of your thoughts on why we are doing this and what the police really need to do their jobs.

Hon. Sylvia Jones: Thank you for that. I don't want to downgrade the value and importance of what the Windsor and Ottawa bylaw officers were also doing. They were issuing those tickets. Literally, in Ottawa, hundreds of tickets were issued. The problem is that it didn't motivate people to clear the roadways.

Bill 100 is very much about, "You cannot blockade trade routes." You cannot blockade—illegal blockades. The Sarnia mayor said it best when he said, "This is an economic blockade, an economic protest, and we must have the ability to fight back economically." Frankly, that means that we need to be able to remove CVORs and we need to remove those vehicles to ensure that the blockades are lifted and we can actually have those trade corridors.

I think we underestimate the millions of dollars of trade that were impacted in what was a relatively short period of time at the Ambassador Bridge. We cannot have that happen in Ontario and assume that investors and job creators are going to see Ontario as a safe and consistent place to do business. That's what Bill 100 is at its core: very scoped, very narrow in its approach, but making sure we protect those corridors.

Mr. Randy Pettapiece: I might add that certainly the blockade at the Ambassador Bridge was the focus of what was going on, but I do know truckers who usually use that route had to drive around to some other place, either to the Blue Water Bridge or down to Niagara, to get across. And because of the extra flow of traffic to these bridges, they were held back getting across, losing hours of time that they could work.

I don't know the fellow, but I do know a fellow who works for him, and he said they had a driver on the Port Huron side of the Blue Water Bridge who couldn't cross when his time came because he ran out of hours. So he had

to stay there an extra day in order to get across. There was hardships such as this that maybe people have never heard of.

Another trucker had to drive four hours out of his way to go to Niagara. He usually crossed at Windsor and, again, he ran out of hours. He couldn't get to his destination when he was supposed to. So just-in-time freight was really affected big time on this, along with a number of other things.

I wonder, Minister, if you could maybe speak to the economics of what this blockade did to our economy.

Hon. Sylvia Jones: Yes, I'd love to. Again, these are not my stats, but Anderson Economic Group estimates that the freedom convoy resulted in \$144.9 million in lost wages, predominantly from plants in Michigan and Ontario. Again, the auto industry lost almost \$299.9 million between the dates of February 7 and February 15 because of the protests that halted all movement along the border. The losses in Michigan and Ontario in wages are pegged at \$144.9 million. Losses to automakers like GM, Chrysler, Ford, Honda and Toyota—\$155 million.

0950

You know, when you look at those numbers and you see some of the recent announcements that our government has been making with the federal government, with the automakers, investing in Ontario—we can't put that at risk. When announcements like Stellantis, when announcements like Ingersoll, Alliston, and GM in Oshawa are made, it's because they have confidence in the Ontario system and the trade routes, and we can't put that at risk. This is not a temporary, seven-day problem. You have to have faith in your trading partners, and Bill 100 will give our trading partners that confidence that they will continue to make investments in Ontario and with Ontario families.

Mr. Randy Pettapiece: Yes, I have many companies in my riding—Toyota, Honda and the manufacturers making equipment for Ford and GM. So this just didn't affect places that are known for the car industry, but it affected a lot of ridings that had the plants that make parts for the car industry. It was a very scary time. We had plants, actually, in our area that were laying off shifts because they couldn't get their product out. I don't know whether those were figured into the figures that you just went over, but I would suggest that maybe the figures are even higher than that because of what happened, because we couldn't get across the border.

Again, I think that the announcements that our government has made concerning the car industry in the last number of weeks—they have confidence in us, but that can be shaken pretty easily if we don't have the proper tools put in place and our police forces are not given the proper tools to work with.

I want to thank the minister for her answer. And that's just about it, I would think.

The Vice-Chair (M^{me} Lucille Collard): Thank you. There's 10 seconds left, if the minister wants to have the last word.

Hon. Sylvia Jones: Thank you for your comments.

The Vice-Chair (M^{me} Lucille Collard): All right. Thank you, everyone. Thank you, Minister, for your presentation.

This committee will recess until 3 p.m. today.

The committee recessed from 0952 to 1500.

The Chair (Mr. Daryl Kramp): Good afternoon, everyone. We will now resume public hearings on Bill 100, An Act to enact legislation to protect access to certain transportation infrastructure.

The remainder of our presenters today have been grouped into threes for each one-hour time slot. Each presenter will have seven minutes for their presentation, and I will give you one minute's notice when you are winding down. After we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of this committee. The time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the opposition and two rounds of 4.5 minutes for the independent member. Any questions? All clear on that? In the order of questions, we will go opposition, government, independent, and we will repeat that for the second one as well.

POLICE ASSOCIATION OF ONTARIO
CANADIAN VEHICLE MANUFACTURERS'
ASSOCIATION
CANADIAN UNION
OF PUBLIC EMPLOYEES

The Chair (Mr. Daryl Kramp): I will now call on our first presenter, Mark Baxter, president of the Police Association of Ontario. Welcome, sir. You have seven minutes for your presentation. Please state your name for Hansard, and then you may begin.

Mr. Mark Baxter: Good afternoon, and thank you for allowing me to join you virtually today to speak about Bill 100, the Keeping Ontario Open for Business Act. My name is Mark Baxter and I'm the president of the Police Association of Ontario. The PAO is the unifying voice of over 28,000 professional police personnel in Ontario.

You're probably wondering why I am wearing a mask. Due to some scheduling changes, I'm currently at the airport, travelling to Vancouver to meet with executives of large police associations from across Canada to discuss issues that impact all of us. I'm sure that the major role that law enforcement played in restoring order during the demonstrations at border crossings and around Parliament Hill will be one of the issues on the agenda. Given the scheduling changes, I may not be available for the entire hour today, as my flight actually leaves at 4 o'clock, but I'm going to remain here as long as I can during the question-and-answer portion following the deputations. And in keeping with the federal masking rules, since I am at the airport, I will be leaving my mask on throughout my presentation. I hope you're able to hear me okay.

Earlier this year, police members from across the province left their homes and their families to provide needed

support for law enforcement efforts in Ottawa and Windsor. As you know, those communities bravely dealt with an unprecedented disruption to public order and relied on police to keep residents safe, traffic moving and businesses open.

I had the opportunity to spend time with members on the ground in both Ottawa and Windsor, and I want to make it clear how proud the PAO is of these sworn and civilian members and the vital contributions that they made to the peaceful resolution of the illegal occupations.

Through extensive media coverage, I'm glad the people of Ontario were able to hear the stories of the protestors, government officials, business owners and workers. I think a big miss on the part of the media was not sharing the experiences of our members, as they attempted to keep the peace and eventually cleared the areas.

I have spoken to and met with association leaders whose members were affected by the illegal occupations. I've learned of a civilian member working 31 straight days without a day off; officers working two weeks straight, often 15-hour shifts or longer, with their shift schedule being changed without notice. Entire platoons of officers frequently would show up to work, only to be sent home and told to return several hours later and then work 15-plus hours overnight. Officers were rarely provided breaks or relief, even to use the washroom or to grab something to eat, standing for hours in extreme temperatures.

While the members faced these extreme working conditions, this had a profound effect on their family life. The uncertainty of their schedule and the volatility of the situation left family members to care for their children and wonder when they would see their partner next or their children. Many of our members from the OPP and other municipal police services travelled from their home jurisdiction with no clear timelines on when they would return home.

I spoke with many members on the ground who had been deployed days and weeks longer than they had originally been assigned and told their families they would be leaving for, when they left their original jurisdiction. This had a major impact on their families as well as their home detachments, which were forced to run short-staffed, work extended shifts and days off to ensure adequate and effective policing services were provided to their community. It's stories like these that often don't get told enough: the sacrifices that our members make for the safety of our communities.

The emergency measures enacted at both the federal and provincial levels were invaluable in ensuring that police could end the demonstrations without resorting to using force. I was pleased to hear Premier Ford commit to ensuring that some of these measures would be considered for inclusion in legislation, to ensure that police continue to have the tools they need to do the job expected of them by the community.

The work of our members highlighted for me the critical role that police personnel play in the proper functioning of Ontario's economy. Our ports of entry and transportation infrastructure keep goods and people

moving. They allow food to be in our grocery stores, medicine in our hospitals and materials in our factories. When those pieces of critical infrastructure are threatened, it threatens the lives and the livelihoods of many.

That is why the Police Association of Ontario supports Bill 100, Keeping Ontario Open for Business Act. By making it clear what Ontarians will not tolerate when it comes to jeopardizing critical transportation infrastructure, police will have more of an opportunity to negotiate a peaceful end to demonstrations of this nature or prevent them from even taking hold in the first place.

Our review of the act has revealed that the Solicitor General has taken clear notice of what worked in ensuring that people, goods and materials were able to again move freely this past winter. Giving officers a clear statute to point to and explicit powers specifically designed to manage border blockades and other disruptions to critical infrastructure will allow for clear communication and more—

The Chair (Mr. Daryl Kramp): Excuse me, Mr. Baxter, if you could just stop for one second. I will not take this from your time. I have a point of order.

Mr. Gilles Bisson: No, no. I just want to go on the list.

The Chair (Mr. Daryl Kramp): Oh, excuse me. My apologies.

Carry on, please, Mr. Baxter.

Mr. Mark Baxter: Thank you.

We agree that people who intend to use heavy machinery such as trucks and tractors to disrupt our communities should not be permitted to do so. To be clear, the right to demonstrate is a right afforded to all Canadians, but what is not permitted is to attempt to shut down a city, railway, border crossing or airport by creating a blockade. This bill does not prevent Ontarians from sharing their opinions. It does not prevent peaceful protest. It does not curtail freedom of expression. What it does do, in a targeted way, is ensure that people aren't able to shut down the entire province simply because they have access to heavy machinery and wish to misuse it for purposes that were not intended.

I want to thank the Solicitor General for her leadership and the government of Ontario for taking decisive action, both in February and now with the introduction of this bill. By providing our members with the tools that they need to respond effectively to illegal demonstrations like we saw earlier this year, we can be confident that those events will not be repeated. This bill will ensure that people, goods and materials will continue to be able to move freely across the province.

The Chair (Mr. Daryl Kramp): Thank you very much, Mr. Baxter. I respect you respecting our time.

We will now go to the Canadian Vehicle Manufacturers' Association: Mr. Brian Kingston, the president and chief executive officer. Go ahead for seven and a half minutes, please.

Mr. Brian Kingston: Thank you, Mr. Chair, and thank you, committee members, for the invitation to be here today and take part in your study on the Keeping Ontario Open for Business Act, 2022.

The Canadian Vehicle Manufacturers' Association, the CVMA, is the industry association representing Canada's leading manufacturers of light- and heavy-duty motor vehicles. Our membership includes Ford Motor Co. of Canada, General Motors of Canada Co. and Stellantis/FCA Canada. CVMA members currently operate five vehicle assembly plants, engine and component plants, and have over 1,300 dealerships across the country. Auto manufacturing accounts for approximately 135,000 jobs in Canada, and the majority of those, at least 124,000, are located in Ontario. The industry more broadly, if you include indirect jobs, is responsible for 500,000 jobs across Canada.

Canada is and always will be a trading nation. Our collective prosperity depends on being able to produce and trade goods and services with the world, and the United States in particular. Trade is extremely important for the automotive industry, with over 91% of our motor vehicle exports and 48% of our imports with the United States. And due to the highly integrated nature of the North American auto sector, all underpinned by the United States-Mexico-Canada Agreement, CVMA members depend on efficient and reliable trade infrastructure to move auto parts, components and personnel across the border. In fact, Canada's attractiveness as an automotive manufacturing jurisdiction really depends on unimpeded access to the much larger US market.

1510

The blockade that occurred in February had an immediate and significant impact on the automotive industry in Canada due to the importance of the Ambassador Bridge. With up to \$400 million in goods trade crossing that single bridge every single day, the bridge carries approximately one quarter of Canada's total bilateral trade with the United States. So it's a very, very critical crossing point for the economy at the Canada-wide level, in Ontario and, of course, for the auto industry.

For auto, our second-largest export sector after oil and gas, the bridge is a key conduit for vehicle parts and finished vehicles. Auto production relies on what is called the just-in-time model, where the efficient supply chain logistics is critical to deliver parts components and vehicles. The closure of the bridge due to the blockades caused immediate shipping and logistics challenges and ultimately disrupted automotive production not just in Canada, but on both sides of the border. We saw production impacts in the United States, and this had an impact on thousands of people employed in the industry.

At the outset of the blockade, CVMA called on governments at all levels to enforce their laws and end the blockades as quickly as possible. But despite the urgency of the situation, the bridge was closed for six full days, and that impeded hundreds of millions of dollars in trade and it impacted thousands of jobs in the auto industry and more broadly in the Canadian economy.

In conjunction with the city of Windsor, CVMA supported the APMA, who you'll be hearing from later, in their efforts to secure an injunction preventing protesters

from blocking the bridge. While this process was ultimately successful—an injunction was granted—it took too long, given the severity of the situation.

Given the importance of cross-border infrastructure to the auto industry and the economy, we fully support Bill 100 granting the provincial government the enforcement mechanisms required to prevent persons from impeding access to, egress from or ordinary use of protected transportation infrastructure. And while we fully support the right to protest, a small group of protesters should not be permitted to impede critical trade infrastructure for days on end, with devastating economic impacts. The enforcement mechanisms outlined in Bill 100 are reasonable and will ensure that any future blockade will be dealt with swiftly.

With that, thank you for the opportunity to address the committee today, and I look forward to any questions that you may have.

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

We will now go to the Canadian Union of Public Employees. If I don't pronounce your name right, please let me know: Wynne Hartviksen, executive assistant to the president, Ontario, and Venai Raniga, research officer. You have seven and a half minutes—seven minutes. The Chair will get this right eventually. Go ahead, sir.

Ms. Wynne Hartviksen: Hi there. I'm actually speaking. My name is Wynne Hartviksen and I'm the executive assistant to the president of CUPE Ontario, representing over a quarter million workers in the province across the broader public sector. I am joined by my colleague, CUPE national researcher, Venai Raniga.

I understand that you heard from the Ontario Federation of Labour in the last hour. We want to begin by joining in the written submission the OFL has presented to you.

The truth is that there's not much to recommend in this bill. It serves no good purpose that we can see, and we have profound concerns with the government's claim that it is a needed response to the recent so-called freedom convoy.

We should all agree the convoy was horrible, never the peaceful protest it pretended to be, but a gathering organized by well-known anti-government, right-wing and white supremacist forces. The convoy was allowed to quickly dissolve into illegal activities: harassing and threatening residents and front-line workers, blocking roads, promulgating hate speech, jamming emergency services, vandalism, assault and even attempted arson. The government of Ontario waited far too long to intervene—longer, we note with sad irony, than Bill 100 has even been in the Legislature.

But that failure to act wasn't because the necessary legislative tools weren't already there. Blocking roads and traffic are already activities subject to injunctions under the Highway Traffic Act. Violent behaviour that disturbs the peace and threatens public safety is already punishable under the Criminal Code. So we fail to see what this bill accomplishes other than to broaden in the public's mind the definition of what kind of political activity would be

shut down, so that legitimate and constitutionally protected activities are falsely painted with the same brush as the illegal and violent activities of the convoy.

This bill says that any activity that obstructs critical transportation infrastructure will be subject to new harsh measures. Critical infrastructure is defined in the bill, but the bill further gives the government power to designate potentially anything as critical, if the government deems that the economic activity is being disrupted.

The entire system of labour relations is based on the exercise of economic power by both employers and workers, with government meant to serve as a neutral party. Employers exercise their economic powers all the time, both in normal working conditions and during labour disputes when they have the ability to lock out workers and cut off their pay and benefits. In order for that system to be fair and balanced, workers, collectively through their unions, must also have the ability to exercise economic power. That's why strikes and other job actions hold such a central place in labour relations.

The entire point of a strike is to disrupt the ordinary economic activity of the workplace. Yes, a number of workplaces where CUPE members are employed are transportation infrastructure sites, and we fear many more of them could potentially be designated as such under the vast regulatory powers in this bill. The charter right protects strikes, picket lines and other peaceful protests. We need the government to do the same.

What is strange about this bill is its similarity to legislation passed in Alberta directly after the Wet'suwet'en railway protests led by Indigenous people there. It's clear the government of Alberta wanted to dispense with the rights of Indigenous people to protest infrastructure projects on Indigenous land. What is less clear is why, if bills like these are so well suited to phenomena like the convoy, Alberta's legislation was never invoked to help deal with the convoy blockades at the Alberta-US border, even after it became clear some participants at that blockade were extremely violent. Our fear is that the real targets of this legislation, whether intentionally or unintentionally, will be Indigenous, environmental, labour and racialized communities fighting for their rights.

How might this—or a future government—have used this legislation to intervene in recent protests and strikes? Would it have been used against Indigenous land defenders engaged in rail blockades near Tyendinaga Mohawk territory in 2020, or against climate activists demonstrating at the Toronto Pearson airport last fall? Would it have been used against delegations from Black Lives Matter Toronto at the Canadian-US border in early 2018 when they were supporting Haitian migrants, or would it have been used against me, another labour activist in 2013, when we joined the picket lines of striking Porter Airlines workers at the Toronto Island airport?

CUPE Ontario joins the OFL, the Canadian Civil Liberties Association and other civil rights and legal advocacy groups across the province in opposition to this bill and in opposition to the expansion of government powers to shut down legitimate, peaceful protests and

impose severe fines on those who participate. This bill should be rescinded. It is not needed. You had the power to deal directly with the convoy and you didn't. You don't get a mulligan by passing a bill that could be used in the future to trample Ontarians' charter-protected rights to strike and peacefully protest.

We're happy to take questions.

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

We will now go to the round of questioning. We will start with the official opposition for seven and a half minutes. Mr. Bisson?

Mr. Gilles Bisson: Thank you very much, all of you, for your presentations. My question is to both Mr. Baxter and Ms. Hartviksen, maybe starting with Mr. Baxter.

My understanding is, is that part of what happened on the Windsor bridge—I'll leave the Ottawa situation to my colleague, Mr. Harden—was that it was a protracted shutdown that was affecting a whole bunch of places that needed parts supplied just in time, foods, the rest of it. Am I correct in understanding that under the legislation at the time, without the Emergencies Act being presented, the police lacked the ability to do some of the things that they needed to do to open that bridge, and that only through the Emergencies Act were they able to do it, and that's what's being attempted here by way of this bill?

The second part is, I've read the bill and—I'm not sure; maybe I'm wrong—I thought it only applied to international crossings such as the Windsor bridge, not for what we saw on the CN tracks or CP tracks, or legal strikes.

Maybe, Mr. Baxter, you can start with that.

1520

Mr. Mark Baxter: Sure. Thanks for the question, Mr. Bisson. The first part of your question, in terms of what was available to the officers in Windsor—I don't really want to get too much into the operations, but certainly once these emergency measures were enacted, it was very clear what the authorities were and what ability they had to be able to eventually go in and remove the protesters and remove the trucks.

I think what this bill does is it really points to clear, lawful authority for the police to say that if this is happening, bam, here's the real legislative authority to go in, tow that vehicle and issue a 14-day suspension for the driver's licence—which, at least in terms of actions, will hopefully really act as good negotiation power to maybe stop them from beginning in the first place.

Mr. Gilles Bisson: And on the issue of—

Mr. Mark Baxter: And—

Mr. Gilles Bisson: Go ahead.

Mr. Mark Baxter: Sorry. Could you just clarify question number two again?

Mr. Gilles Bisson: The other question is in regard to the comment made by Ms. Hartviksen. That's a serious issue, if that's true. Is it your opinion that this legislation would enable the police to shut down the CP rail in the event of a blockade by First Nations or in the event of a legal strike by a trade union?

Mr. Mark Baxter: It's my understanding, reading the legislation, that this applies to blockades, like you said, at the international border crossings, but also critical infrastructure and roadways. I'm not aware of—and maybe I've missed it—if this applies to the railways or not.

Mr. Gilles Bisson: Ms. Hartviksen? Then I'll pass it over to Joel.

Ms. Wynne Hartviksen: I might let my colleague Venai come in here, if you want, too.

The problem with this legislation is how vast it is. While there is designated transportation infrastructure—so you see borders; you think about your international airports—the bill also gives the government of the day power, through regulation, to designate other critical infrastructure. That is very vague and very broad.

The right to protest and the right to strike—which could have happened, for instance, on the railways; just a couple of weeks ago, the Teamsters were in a strike position there—should never be threatened by what is an over-reaction by a government that could have used many tools available to it to actually shut down the convoy, particularly the occupation of the city of Ottawa, in residents' neighbourhoods, when it did not choose to do that.

But I'll pass it to Venai.

Mr. Venai Raniga: I'm agreeing with my colleague. It can be expanded through regulation to anything designated, any other transportation infrastructure that is significant to international trade. While there are limitations in terms of it being slotted for 30 days, there are no limitations in terms of how often that can be renewed. As well, it's quite easy to put down something within a 30-day time frame, so it becomes quite worrisome because of the ability to expand through regulation what could be designated or what could fall underneath this law.

Mr. Joel Harden: How much time do we have?

The Chair (Mr. Daryl Kramp): Under three minutes.

Mr. Joel Harden: Thank you very much to all the presenters for what you had to say.

This morning, when we were hearing from the Solicitor General about this legislation, one of the things we were very concerned to figure out from an Ottawa perspective is how, in fact, before this legislation existed, we may—or may not, because this committee is having this debate right now—have already perhaps had the powers required to deal with, in particular, licensing and insurance. I think every member of this committee would agree: We do not direct police operations from the Legislature, but we absolutely have an interest in how licensing and insurance played a role or didn't. I'm just going to make a comment and throw it open—perhaps to you, Mr. Baxter, or Ms. Hartviksen or Mr. Kingston—to comment.

I note, from the province of Quebec's perspective, that their convoy left relatively quickly after it was made apparent to them that they could lose their plates or that their rigs be towed almost immediately. The mayor of the city of Quebec, the mayor of Montreal and the officials in charge of the province have been unanimous in their view that emergency measures were not needed in that province. They did not welcome the federal emergency measures.

So as we're trying to figure out what to do with this bill at committee, I'm interested in your perspectives on that. Why was the Quebec experience so different? The convoy went to that province, too. Perhaps, Mr. Baxter, if we could begin with you.

The Chair (Mr. Daryl Kramp): A minute and a half.

Mr. Mark Baxter: Thanks. I can't really speak to specifics about what happened in Quebec, why things were different in Quebec. Quebec has a different highway traffic act than we do in Ontario. I'm not aware of federal laws that they were looking to enforce there. So it's somewhat difficult, without knowing the ins and outs of the Quebec highway traffic act, to know why things were different in Quebec than they were in Ottawa, other than the fact that, obviously, they had the hindsight of seeing what was happening in Ottawa and ensuring that that didn't replicate itself.

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

Mr. Mark Baxter: But I think what's really important now is that when this bill comes in, it's going to give our members clear options available to them. It makes it very clear: Vehicles can be towed, licences can be suspended, plates can be removed from trucks in Ontario now. Perhaps those things already existed under Quebec legislation that I'm not aware of.

Mr. Joel Harden: Okay. Thank you, Mr. Baxter. Sorry to the four other members of the—we're going to have another round.

Just by way of a comment, then, I would only mention that, having talked to a number of OPS members in Ottawa, they were excited for the MTO, for ministry officials to take some of these responsibilities out of their hands so they could focus on immediate security. That's what I'm hoping to get into in the next round: What could Ontario do on the licensing and insurance front to take the pressure off your members, Mr. Baxter? We can pursue that in the next round.

The Chair (Mr. Daryl Kramp): Thank you, Mr. Baxter. The time is up in this round. Perhaps you can save a response for the following round.

We will now go to the government for seven and a half minutes. Ms. Hogarth, please.

Ms. Christine Hogarth: Sure. To start, thank you, everybody, for being here today.

I just wanted to clarify a question that was asked this morning. It got a little muddled in the conversation just now. The Solicitor General was here this morning and she stated, very clearly, that the purposes of the measures of this legislation are narrow in scope and specific to illegal blockades of border crossings that impact economic activity or international trade. They do not impact the right to peaceful, lawful and temporary protests, nor will they impact impediments that are specifically legally authorized or required, or that are caused by law enforcement in the course of their duties. So I just wanted to make sure we clarified that, as the minister answered that question this morning.

First of all, Mr. Baxter, I just want to thank you. And if you could please pass along our thanks to the police

officers that took time away from their families to go to Ottawa and to the bridges to help calm down the situation and alleviate the situation on the bridge. I'd just really like for you to pass along our thanks for the work that they did and that they do every single day to keep our cities and our streets safe. So thank you for that.

My first question is actually going to go to you again, Mr. Baxter. I'm not sure if you watch question period, but in question period, we hear a lot from the opposition that they were disappointed in the lack of charges that were laid during some of the protests. I'm wondering if you can expand upon having tools that can be used to empower front-line officers attempting to clear an illegal gathering, even if charges are not laid.

Mr. Mark Baxter: Thank you for the question. First of all, I think we should not be measuring success on the number of charges that are laid. There are far more—there's lots of things that go into resolving a situation like what our members were faced with resolving. This measuring the success of a scenario like that based on charges laid is not helpful and doesn't really paint a true picture of what happened.

I think what the legislation now has makes it clear that officers don't have to lay charges in the moment. Rather than lay charges, they can take action. They can tow trucks, they can suspend licences, they can remove plates from trucks, which is going to then cause another series of safeties and other things—mechanisms—that will have to take place in order to get those vehicles re-plated again.

I know that one of the things that our members working the front line are trusted to do by the community is use their discretion. Our members use their discretion every day, on a daily basis, in determining which option that's available to them they want to exercise, and often using their discretion doesn't involve just going ahead and laying charges.

Ms. Christine Hogarth: Thank you, Mr. Baxter. I'm going to continue on with you, because I know you may have to go. Many of the statements that we have heard—again, from the opposition and was mentioned earlier today—the Solicitor General was very clear on her point that politicians do not direct the police. Can you go into a little bit of detail of how important it is that politicians do not get involved with directing the police?

1530

Mr. Mark Baxter: I think we should look to a lot of the troubles that we see south of the border. We can understand the problems that happen when politics decide where the police are going to police. I think one of the great things about Ontario's policing framework is that our police officers operate at arm's length from local as well as provincial politics. Certainly, we've got police services boards that have local politicians as well as municipal appointees and provincial appointees on the boards, but we shouldn't be in a scenario where we've got the politicians of the day deciding who in their community gets the benefit of policing and who doesn't. That should be left to the operation of the command of the police service.

Ms. Christine Hogarth: One final question for you: There were a lot of positive things we saw in the response

to the protestors, and one of the positive things was a disciplined response by officers. Many of us saw it on TV. We watched it unfold—some of us were in the lobby of our apartment, some of us were there.

Just about the different police services acting as one unit when they were clearing the Ambassador Bridge, and also in Ottawa: As we said, we saw it. It was amazing to watch. Can you speak of the skills and training that your membership has to ensure a peaceful outcome like we saw, clearing this illegal protest? It was peaceful on the weekend as we watched it unfold. Can you elaborate a little bit on that?

Mr. Mark Baxter: Yes, I'd be happy to, because certainly, as I said in my remarks, every Ontarian, every Canadian watching the events unfold on TV should be proud of how professional our police officers who were on the ground acted. That's not by accident; that's a result of really highly skilled training.

I often tell anyone who will listen, Ontario's police officers are the best-trained police officers in the world. I would challenge that against anything. We have an incredible, strict training regime through the Ontario Police College that is standardized, where all of our members receive the same training.

When members were deployed to Ottawa, we had members from across the country, and by and large, police training in this country far exceeds anywhere else in the world. That's what made it so easy for members from Ontario police services to gel and work so well with their counterparts from across the country: Because they all received very similar standardized training, and they were able to really work seamlessly together to execute the plan that had been put in place.

Ms. Christine Hogarth: Thank you for that. I'm not sure if somebody else wants to ask a question. Safe travels, and thank you very much for making the effort of being here today.

The Chair (Mr. Daryl Kramp): Ms. Skelly, please.

Ms. Donna Skelly: Thank you, Mr. Baxter. My question is also to you. I wanted to have an opportunity to speak with you before you do leave.

Hindsight is 20/20, but with the tools and the teeth in this legislation, what would you have done differently to prevent the convoy from being so entrenched in the community of Ottawa? What could have been done?

Mr. Mark Baxter: Thanks for the question. I don't want to get into second-guessing the operations that took place. I'm not privy to the information that the senior command of the Ottawa Police Service had at the time and the criminal intelligence information that they had at their disposal when we knew the blockade was coming to Ottawa and ultimately when we started, so it would be improper for me to comment on what I may have done differently, because I'm certainly not armed with the information that they had—although I will say I hope that there are some inquiries, so that we can all have a good understanding of the decisions that were made and why they were made.

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

We will now go to the independent member. Ms. Collard, four and a half minutes, please.

M^{me} Lucille Collard: Thank you, everyone, for your presentations. It's very helpful to the committee in terms of understanding the impact that this bill may have in our community.

I want to speak to Mr. Baxter a little bit about the experience of officers. I do appreciate you sharing the experience of officers, because I have to tell you that every day of the occupation in Ottawa, I was in touch with police officers, and they shared with me the hardship and the personal experience they were having as persons, but also the impact on their family members.

It was made known to us very early on that a problem that they were having in terms of being efficient in their intervention was the lack of resources. There were just not enough boots on the ground. Repeated requests were made to the province to send more resources, but these requests seemed to go unanswered, or at least not in a sufficient manner.

So, in terms of what you know, and I know you just mentioned that you were not privy to operational details, but it took almost three weeks for something to happen. And once the appropriate forces were deployed, the situation in Ottawa was dealt with in less than three days. So, in your view and to your knowledge, what could have made a difference? Would there have been a difference if resources would have been sent earlier, and why were they not? What do you know of this?

Mr. Mark Baxter: First of all, I want to thank you for the question. I want to thank you for the recognition of our members and the sacrifices that they made.

One of the stories that I heard from some members on the ground was that this started in early February, shortly after COVID restrictions had been lifted. They had children that were back at home who were just now re-summing sports and other extracurricular activities, and they were away from their families and had to rely on their spouse and they were missing out on those opportunities. So I appreciate your comments. It was a great sacrifice for the members who were deployed around the province.

In terms of getting members eventually into Ottawa, again, I'm not involved in the operations. What I can say, based on the knowledge that I have, is that it's not something that you can just do overnight and pull 1,000 or 800 or whatever the number was of officers from across the province into one location—really, from across the country into one location. It takes time. You need to ensure that there is an operation plan set up, approved and in place for what we're going to do with all of these officers when they flooded Ottawa. Because it would have been a terrible waste of resources if, all of a sudden, very early on, we just sent 800 officers there with no proper plan in place of how we're going to execute this or where we're going to deploy them. So I think it was really important to make sure that there was a proper plan in place and then make the request and get the resources in place.

As I said, members are leaving their communities and leaving their houses literally from across the country,

particularly from across the province, and it's hard to just ask them to up and leave overnight and say, "We don't know when you're going back." It's going to have a big toll, as I've said, on their families, but it also takes a toll on the detachments that they come from that are now running short-shift because their extra resources, which are limited, have now been deployed elsewhere.

M^{me} Lucille Collard: As a follow-up question, then, do you agree that important resources that needed to be deployed were not sent in the first part of the occupation, and that the important number of officers that were required to deal with the occupation were only sent towards the end, when we saw things evolve and get resolved, because it took time to plan or for whatever other reason?

Mr. Mark Baxter: Certainly, it took time to plan, to ensure that there's a proper plan in place when we have officers go there, but also we needed to ensure that the members had proper authority and knew what their legal authorities were going to be.

As I talked about a few minutes ago, our members are very highly trained, the best-trained in the world, and so they understand that they just can't show up in Ottawa—

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

Mr. Mark Baxter:—show up in Windsor and start removing people and trucks without knowing what their authorities are. This bill will really give them the authorities in the future, so it's—

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

We will now go back to the official opposition for seven and a half minutes. Mr. Harden, please.

Mr. Joel Harden: I want to return to where we left off. Mr. Baxter, if you could just help us understand, in particular, the aspects of this bill, in your view, that give the police more power.

Again, I'm wanting to mention—and I take your point and I respect what you said earlier about not being familiar with the statutes in Quebec—but my understanding from my contacts in Quebec was that a lot of what was done in conjunction with policing officials and insurance and licensing officials was a coordinated effort. You're quite right: They had the benefit of hindsight. They didn't get the first wave, as it were—to use a current metaphor for another subject—of this convoy, but it would seem to me that the province had significant power on licensing. What I am told is that when the convoy vehicles arrived into Ottawa, there was an agreement with police folks ahead of time and MTO folks ahead of time. It would seem to be, in the Quebec case, there was a very clear effort to communicate to the particular owner-operators of tractor-trailers that there was a major consequence in overstaying their welcome, particularly in Quebec City at the time of the Carnival, which is a major economic moment and cultural moment for that city.

1540

I would welcome a better understanding from you, because you're the expert, of what this legislation does that the province of Ontario doesn't already offer with its

licensing and insurance powers. That seems to be the hammer that got the folks to leave, finally, on day 25 in Ottawa.

Then, Mr. Kingston, I also want to mention to you that MPP Gretzky is not here, but she's glad the automotive industry is here. She had to head home for a family emergency, but she's glad you're here and standing up for the automotive industry. That's something she particularly cares about.

Over to you, Mr. Baxter, and if there's time, Mr. Kingston.

Mr. Mark Baxter: Thanks for the question again. For the members of the committee: I'm sort of watching my flight board here, so I've got a few more minutes before I jet away.

Mr. Joel Harden: If you have to go, that's fine.

Mr. Mark Baxter: Thanks.

I think what this legislation does is it really points to clear authorities that I would say were either non-existent or not clear previously. I would actually say, now that the emergency orders are all lifted, that they are unclear right now. This legislation points to clear authority to officers on the ground, "Hey, you have the authority to seize that truck. You have the authority to pull the plates off them. You have the authority to suspend licences for 14 days."

To my knowledge, that authority doesn't currently exist clearly on the suspension piece. Authorities that may exist around the seizure and removal of vehicles, I would suggest, are somewhat unclear and are certainly made more clear by this legislation, where, bam, it's pointed at right there. This act says, "They're blocking it. Go and tow it."

Mr. Joel Harden: Quickly, just as my time elapses here: Do think it was the right decision we made with the Emergencies Act—by the way, they expire April 9; we still have them until April 9.

Mr. Mark Baxter: Oh, okay.

Mr. Joel Harden: Do you think it was the right call, for the 39 folks who had their rig suspended for a week, to give them the keys back without penalties? If you have this bill, is that a decision you would support? Was that the right call?

Mr. Mark Baxter: Listen, I don't know what went into the decision-making of giving people back their rigs. At end of the day, the objective was to clear the roadways. That was the role of the police: get Ontario moving again; get us so that we can have control of our roadways again, so that we can get trucks moving and get people moving again.

Any time you deal with penalties in policing—as long as I've been a police officer, in terms of what the penalties are, it's not something that I really get myself involved with. It's not our role. Our role is to enforce the law. Then, whatever happens with the penalties is up to somebody else: the judiciary, or someone through the courts.

Mr. Joel Harden: Mr. Baxter, I think I'm going to pass the mike to my friend from Timmins.

The Chair (Mr. Daryl Kramp): Mr. Bisson, please.

Mr. Gilles Bisson: To Mr. Baxter: I just want to touch on something you said in one of your answers, and I think

it needs to be repeated. We are fortunate that the police in Canada and in Ontario generally receive some of the best training, and we see that more times than not when it comes to how the police react. There are examples of bad policing in Ontario, as there have been across the country. But when you look at us as compared to other jurisdictions, we do not so bad.

A testament to what happened in Windsor eventually with the police and what happened eventually in Ottawa with police is that it was done in such a way that we didn't go in and use excessive force to get people out. I think the police are often left in an unenviable position of having to enforce the law when tempers flare, and you're put exactly in the crosshairs. I just want to say, on behalf of myself and all members of this assembly, that we appreciate the work that you guys and women do within the police forces, because it isn't an easy job.

Mr. Harden, if you have any last questions?

Mr. Joel Harden: I just want to give the rest of my time to Wynne Hartviksen from CUPE Ontario to comment on anything she has heard so far or things she might have left out. It's nice to have you here.

Ms. Wynne Hartviksen: I'm actually going to give my time to Venai, who has to leave us in a minute because he's got a sick kid, as many of you do these days.

Mr. Venai Raniga: Thank you. I just wanted to pick up on a few threads that were mentioned. I think it was commented on that the Solicitor General came on this morning and spoke about this law being limited in scope, and Mr. Baxter spoke about the police using their discretion. It's obvious, I think, that laws themselves are not neutral and police do not neutrally enforce these laws. This is why we see the kind of disproportionality around various demographics of people in Ontario. A Black person is 20 times more likely to be shot by police than a white person in Toronto, and that's coming from the Ontario Human Rights Commission.

Regarding Mr. Baxter's comments about police being peaceful and skilled in training, according to the CBC, over a 17-year period, on average, the police kills someone once every 27 days—

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

Mr. Venai Raniga: Sorry?

The Chair (Mr. Daryl Kramp): It's okay. One minute left.

Mr. Venai Raniga: Right. I have a hard time understanding why we would give police additional powers when they already have a set of powers and they chose not to use them. The worry about this being a slippery slope and expanding past this type of convoy protest is extremely concerning. In the short period of over two years, in 2019 and 2020, there were 143 work disruptions that involved near enough, almost a million people. That's one out of every eight workers in Ontario. The broad scope in which these powers can be expanded could be applied exceptionally unfairly to many Ontarians, and this should give this committee pause.

The Chair (Mr. Daryl Kramp): We will now go to the government for seven and a half minutes. Yes, Mr. McDonnell, please.

Mr. Jim McDonnell: Thank you for attending today. I'd like just a question to follow up with—

Mr. Joel Harden: Point of order, Chair?

The Chair (Mr. Daryl Kramp): Point of order, yes: Mr. Harden?

Mr. Joel Harden: I think Mr. Baxter is trying to signal that he's got to go.

The Chair (Mr. Daryl Kramp): Mr. Baxter, you do have to go now, I understand. Thank you very kindly. We are sorry for the disruption of your schedule. We certainly apologize for that. But, once again, the parliamentary schedule is rather unpredictable as well, too. But please travel safely, and thank you for attending committee, sir.

Mr. Mark Baxter: Thanks for the opportunity to come, and I'm sorry that I have to leave early.

The Chair (Mr. Daryl Kramp): Travel safely.

Okay, we'll now go back to Mr. McDonnell. Thank you, Mr. Harden.

Mr. Jim McDonnell: Sure. I wanted to, I guess, make the point with Mr. Baxter, but I think I can talk to Mr. Kingston about the importance of the supply chain, just-in-time manufacturing, how short disruptions of the day can be handled. But once you have more than that, of course, your inventory drops down and you're looking at jobs being lost. Maybe you could just expand a little bit on that and the importance, because I think we're talking about \$700 million of trade going across that bridge every day.

Mr. Brian Kingston: Yes, I'm happy to speak to that. This blockage could not have come at a worse time, first of all. The industry and the Canadian economy more broadly had been dealing with a number of supply chain challenges related to the COVID-19 pandemic. So we've seen semiconductor shortages around the world, parts and components shortages as a result of lockdowns and shipping challenges that the industry faced, and then the blockade occurred.

And for the auto industry, we operate on a just-in-time model, so we don't carry significant inventories of parts and components. And within hours of the border being closed, we already had notification from member companies that this could be problematic if it continued. So this is why it was such a challenge for us. You really can't have a fully integrated industry be shut out of the US for anything more than a few hours. It starts to have an immediate economic impact, and that translated to jobs. You saw shifts lost as a result of all of this.

Mr. Jim McDonnell: I know that we've gone through quite a few years, and the startling fact that over the last—I think up until 2018, the previous 14 car plant expansions or constructions, none of them were in Ontario. We were, about 15 years ago, the number one jurisdiction in North America. There were 10 in the US and four in Mexico. Even trying to get the cost of manufacturing down, we had become the most expensive place to build, and that was part of the problem. Plus, the confidence you have that if you build here, you can actually get the distribution up and moving and keep your manufacturing going.

I went a few months ago to look at a car at one of the car dealers, and they had none on the lot. They told me if I came back in three months, that they had some coming in in June at the time and I could have a look at them, although they were all pre-sold, but that's the state of it and that was mainly because of the supply chain problems. So it is really critical.

I know that the need to get these blockages open early is two-fold. One is, once they get established—I think in Ottawa, there was a deal between the police and the blockade that they didn't follow through on. And you come in and you trust the parties to be with an agreement, and when that broke down they were well established, and it's very hard to get those moving. They were calling for more police. But if I go in our area, in our detachments in SD&G, there are six different detachments, and typically at night there are two policemen working, so there's not a lot of capacity to gather policemen and send them off because it's not safe to allow one policeman to work in a jurisdiction. Each one of them is about the size of the area of Toronto, so it's a fairly large area—smaller populations, but problems happen.

1550

So maybe just talk about some of the issues you've seen and some of the penalties now that you're trying to clean up in your just-in-time manufacturing as you try to catch up.

Mr. Brian Kingston: The big challenge was with the blockade when it occurred; it wasn't clear to us who would have the jurisdiction and enact what was necessary to make sure that the bridge was freed up. So that lack of clarity is why we welcome this bill, because I think the bill clarifies what can be done, and would allow such a blockade or a protest at a critical piece of infrastructure to be moved expeditiously.

When it comes to our supply chains, it takes a long time to recover from a scenario like that. As you noted, production in the auto industry is down significantly because of the pandemic and related challenges. We're still below our 2019 production levels. We don't expect to reach those until the end of next year, but we continue to face challenges with respect to transportation and conflict and you name it.

We've just attracted \$12 billion in new investment into Canada. This is really exciting for the automotive industry, but for us to be an attractive, competitive place to build and export vehicles from, we have to reassure investors that you can move goods here, you can do it efficiently and you're not going to be faced with a series of crises month after month that impact transportation.

Mr. Jim McDonell: Thank you.

I'm passing questioning on to—

The Chair (Mr. Daryl Kramp): Mr. Babikian, please. You have two minutes.

Mr. Aris Babikian: First of all, thank you to the witnesses for coming and sharing their expert opinion with us and enriching our discussion and deliberations.

My question is—because I don't have too much time to make comments, I will go directly to Mr. Kingston. Mr.

Kingston, some have said this was a one-time event. Do you have any insight into what the impact would be to intermittent border closures, to investment in Ontario's auto sector, especially now when the government is soliciting and encouraging investment in Ontario?

Mr. Brian Kingston: In short, it would be devastating if you had a series of events like this that impacted trade infrastructure. We are a relatively small automotive market, the Canadian domestic market, compared to the United States. Over 90% of what we build goes to the United States, so the real attractive feature of producing in Canada is that you have that unimpeded access to the wealthiest market in the world. If that is no longer the case or if that's constantly being challenged because you have trade infrastructure disruptions, then it does make it hard for any business that depends on selling goods, services, products into the US, to make the case to be in Canada. It's so important as a trading nation that we have infrastructure that is protected, that is reliant and that is resilient, and for the auto industry, I think we're the poster child, frankly, for trade and robust infrastructure.

The Chair (Mr. Daryl Kramp): Thank you very much, but the time is up. Sorry, Mr. Babikian; hopefully, you get another round at some point, sir.

We will now go to the independent member: four and a half minutes, please, Ms. Collard.

M^{me} Lucille Collard: To Ms. Hartviksen, I would like you, if you could, to expand on how the existing powers and legislation could have been sufficient to deal with the occupation in Ottawa. I'm sure you're very well aware of the severity of the situation, how long it went on. We still, to this day, wonder why nothing happened before the time it did. Was it a problem with the existing legislation?

Ms. Wynne Hartviksen: I'm just going to say that my Internet is a bit unstable so hopefully you can hear me. My daughter is home and that's the way of the world.

I just have to say, as somebody who has participated in multiple demonstrations, there are a ton of tools that can be used—injunctions, as a start, which ended up having, in the case of Ottawa, to be done by a young resident of Ottawa when people failed to act.

I go back to the points that Mr. Harden made about the Highway Traffic Act, about using the Ministry of Transportation to enforce its own standards. I believe it might have been Mr. Harden who suggested other parts of government that could have acted, whether it was the Ministry of the Environment looking into air quality in the city of Ottawa or whether it was, frankly, health and safety officers actually looking into the issues of health and safety, whether they were for Rideau Centre workers or for, frankly, front-line members of CUPE who came under attack by convoy participants in Ottawa. There are so many already existing mechanisms.

To the point earlier about the Windsor border: If I was to take my car and drive it down the 409—I live in the city of Toronto—and park it across the 409 to get into the international airport, I would expect I would get towed pretty quick, because that's what the law says: You can come and tow my car if I try to blockade the roads. You

can ticket me. You can do all of these things. It seemed like nobody moved to act. I saw some of those Windsor blockades. Originally they were a few pickup trucks—and not 18-wheelers—and families in SUVs. I don't understand why police weren't immediately acting to clear people away who were performing illegal acts.

What I'm worried about is it has incentivized people. This legislation won't do anything. It has incentivized people to just disregard laws all over the place because they were not enforced in the first place. Frankly, the Ontario government failed to act or even really show up in Ottawa for far, far too long, which I am just super worried about as a citizen of Ontario.

I believe in the right to protest, but lawfully and peacefully, in a non-violent fashion. That's why we have [*inaudible*] laws. This is not needed. It will be overreach and it will be used—despite the Solicitor General's assurances, I am very fearful it will be used to greatly expand the scope and will be used against trades unionists, Indigenous rights activists and other folks who are rightly asserting their rights, and that this will ultimately end up in the courts. And none of it was needed in the first place because people should have acted to clear that Windsor blockade and to clear Ottawa immediately—

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

Ms. Wynne Hartviksen: —not days and, in the case of Ottawa, weeks later.

M^{me} Lucille Collard: Thank you for that. Do you believe that the situation in Ottawa was actually a peaceful occupation? Because—

Ms. Wynne Hartviksen: No, I do not. Sorry, don't take that; no, I do not.

M^{me} Lucille Collard: Okay.

Ms. Wynne Hartviksen: What happened in Ottawa was horrible. It should have been stopped and people should have been arrested and moved and charged with vandalism and all the other things they did to the residents, particularly in Centretown. It almost from the get-go was an illegal gathering of far-right white supremacists. It should have been stopped, and people should have used the laws we had to do it. I don't think it was a peaceful protest, I'm sorry.

M^{me} Lucille Collard: Okay. I just wanted to clarify.

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

M^{me} Lucille Collard: Is there any amendment that you could see would make this bill actually palatable, or do you think it's a no-go?

Ms. Wynne Hartviksen: We have seen other pieces of legislation that have had exemptions for legally protected labour activities, for sure, but that would not necessarily protect Indigenous rights activists or climate—

The Chair (Mr. Daryl Kramp): Thank you very much. Your time is up now. Please feel free to submit any further information to the committee if you do not feel you had an opportunity to respond fully to all the members. That would be in order.

We will now excuse the witnesses. Thank you very, very kindly for coming in here and spending the time with

us today. We will suspend for just a minute while we go on to our next presenters.

The committee recessed from 1559 to 1600.

ONTARIO FEDERATION OF LABOUR
AUTOMOTIVE PARTS MANUFACTURERS'
ASSOCIATION
CANADIAN CIVIL LIBERTIES
ASSOCIATION

The Chair (Mr. Daryl Kramp): Colleagues, we are back in session for our second round of presentations and questions. Here with us, we have, from the Ontario Federation of Labour, Patty Coates, the president, and James Clark, the interim director of research and education. From the Automotive Parts Manufacturers' Association, we have Gian Paolo Vescio, general counsel. And we have, from the Canadian Civil Liberties Association, Abby Deshman, the director of the criminal justice program, and Thomas Naciuk, public interest articling fellow.

You will each have up to seven minutes for your presentation, and then we will go to our traditional round of questioning, which will be seven and a half minutes and four and a half minutes, repeated twice. Right off the bat, please identify yourself.

You are certainly welcome to this committee.

We will start off, please, for seven minutes, with the Ontario Federation of Labour and Patty Coates.

Ms. Patty Coates: Good afternoon. My name is Patty Coates. I'm president of the Ontario Federation of Labour, representing 54 unions and one million unionized workers across the province. I am joined by James Clark, OFL interim director of research and education.

The OFL shares the public's concern about the immediate and lasting impact of hate-filled, potentially violent actions that threaten public health measures and the personal safety and well-being of community members. It is for this reason that the OFL was among the first civil society organizations to speak out about the harmful effects of the so-called freedom convoy that descended on Ottawa and occupied its commercial and residential streets for weeks on end in February of this year.

Bill 100, Keeping Ontario Open for Business Act, claims to take the same position, but its dramatically broad scope and substantial penalties indicate that, if enacted, it would do far more harm than good—the effects on Indigenous communities in Turtle Island as they struggle to assert their land rights and sovereignty; on the labour movement, as it engages in free and fair collective bargaining; and on members of the public, as they exercise their civil liberties. It could be devastating. The OFL therefore calls on the government to withdraw the bill from any further consideration.

Among our biggest concerns is Bill 100's broad scope. The bill prohibits a wide range of activities in relation to protected transportation infrastructure, or PTI, and empowers cabinet to designate any international airport and any other transportation infrastructure that is of significance to international trade as PTI, with no mechanism

for meaningful review or limits on indefinite extensions of the designation.

Clause 2 prohibits any person from impeding access or egress from or the ordinary use of protected transportation infrastructure if this could reasonably be expected to disrupt economic activity or interfere with the health, safety or well-being of members of the public. This clause is exceptionally broad. It covers not only blockades and occupations but also ordinary pickets and protests that are the cornerstone of labour activism and free expression. Even lawful protests are designated to be, in some measure, disruptive. It is by disrupting the status quo that individuals and groups attract attention to an issue and engage with members of the public.

Note that the legislation does not require a significant or substantial interference with economic activity. Any interference whatsoever, no matter how transient or short-term, is enough to trigger the law, despite the inclusion of a couple of exemptions that do not address the serious impacts that Bill 100 has on expressive and associational activity. It captures not only a radical and anti-government occupation shutting down Canada's main international land bridge with the United States but also striking rail workers peacefully picketing at a train station or climate justice activists distributing leaflets at Pearson airport.

Many of the activities that Bill 100 would prohibit are not just important to the political discourse of our province; they are also constitutionally protected. The Canadian Charter of Rights and Freedoms protects freedom of expression, assembly and association. In turn, freedom of association protects the right to collectively bargain, including the right to strike.

Of particular concern to all of us who care about the urgency of Indigenous reconciliation is the way that Indigenous communities would be disproportionately targeted—as they are already—for engaging in legitimate forms of protest to defend their land and assert their sovereignty.

The draconian penalties outlined in Bill 100 provide ample evidence of the legislation's problematic nature. In one instant, protesters may be prosecuted and fined \$100,000 or more, or one year in jail, for each and every day they engage in a protest. For a union member who spends one week on a picket line, that could mean years in jail or fines of nearly \$1 million if their picket happens to take place at a protected transportation infrastructure workplace.

By threatening this type of significant penalty, this bill serves to chill constitutionally protected activities. Even if a particular infrastructure location is not currently subject to Bill 100's prohibitions, there is always a risk that cabinet will use its regulation-making power to designate an employer as PTI and, therefore, effectively criminalize strikes and other legitimate forms of protest.

Even if this bill were amended to apply solely to the kinds of activities that we experienced in Ontario this past January and February, it should still not be enacted. When applied to these kinds of scenarios, Bill 100 is redundant. Federal, provincial and municipal legislation applicable

across Ontario is already able to address large-scale disruptions to infrastructure. For example, courts have broad powers to issue injunctions to prohibit activity that interferes with the use of infrastructure, and they regularly do this. These provisions are enough to provide remedies for both public officials and private persons faced with obstruction causing them significant injury. Note that both provisions were successfully used to resolve the blockade at the Ambassador Bridge.

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

Ms. Patty Coates: It is critical that governments do not bypass these existing injunction powers with the new, extraordinary measures proposed in Bill 100. Section 102 of the Courts of Justice Act, which regulates injunctions in labour disputes, reflects a careful balance between the interests of those seeking injunctions and the rights of trade unions and their members. The important protections afforded by this section would be eroded by Bill 100's new measures.

The actions that the government claims inspired Bill 100 are already illegal. The police and courts have the tools to deal with them. Bill 100 is at best redundant and at worst draconian and unconstitutional. We therefore repeat our call to the government to withdraw this bill in its entirety. Thank you for your time.

The Chair (Mr. Daryl Kramp): We will now go to the Automotive Parts Manufacturers' Association. Please, the general counsel.

Mr. Gian Paolo Vescio: Thank you. Good afternoon, committee. Thank you for allowing me to address you today. My name is Gian Paolo Vescio. I'm general counsel at the Automotive Parts Manufacturers' Association. The APMA is Canada's national association representing OEM producers, parts, equipment, tools, supplies, advanced technology and services to the world-wide automotive industry.

On February 11, the APMA, as the lead plaintiff, successfully argued a motion for an injunction to remove the blockade at the Ambassador Bridge. Upon our initiation of the motion, we were subsequently joined by the city of Windsor, by the Canadian Vehicle Manufacturers' Association—the CVMA, who spoke here earlier—and by Ontario's Attorney General. On February 22, the order for the injunction was continued, further protecting the border crossing and preventing it from being impeded any further. As counsel of the APMA, I led this effort.

The automotive sector in Canada ships approximately \$35 billion in parts and approximately \$85 billion in cars. During the blockade, it was estimated that approximately \$100 million per day worth of automotive parts and supplies were being prevented from freely flowing between Canada and the United States.

Almost immediately after the blockade began, we began receiving calls from our members, advising us that they could not move product and that they would likely have to shut down operations. By the third day, we were completely seized with this matter and having emergency meetings with our board as the industry was on the brink of shutdown. As such, we were left with no other option but to seek a remedy in court.

It is important to note that before we sought the motion at the outset of the blockade, the APMA publicly stated on a number of occurrences that current laws do allow for the removal of the blockade. To that point, our motion for the injunction was successful based on the current common-law test and under the statutory test pursuant to the Municipal Act.

1610

We were also able to establish the point that at no point were any individual rights of the protestors infringed upon in seeking the injunction, even though an injunction is a serious remedy in law. We successfully argued that even though the Charter of Rights and Freedoms sets out various rights and freedoms that we all enjoy, it does not provide constitutional protection for illegal activity or conduct, nor are the rights and freedoms set out in the charter absolute. The extent of an individual's rights or freedoms has to be measured against its effect on other community members and their rights and freedoms.

On the face of it, this seems logical and unsurprising, as it was clear from the outset that the protestors' actions were illegal. The APMA is still of the position that it was not its role to seek judicial clarity on whether you can block a border or a highway for political activism; nonetheless, if we had not stepped in, the damage to the automotive industry would have continued to deepen.

Our experience in this matter has brought to light that even if the legal instruments exist to prevent events like these from taking place, the enforcement and punitive measures need to be clear and transparent for them to operate as intended. I would further submit that though it is well-established law both through the common law and statute that blockades like the one at the Ambassador Bridge are illegal, dealing with these types of protests and public demonstrations that were present at the bridge, and even in Ottawa, perhaps is a new phenomenon in Canada.

Therefore, establishing further legal authority makes sense. Introducing legislation that removes any ambiguity with respect to these matters is prudent, good governance, which is why the APMA would support Bill 100. The bill identifies punitive measures that will be taken should an individual or group obstruct a border crossing or infrastructure that's deemed protected. It further addresses the enforcement matters and clearly provides law enforcement with the direction and tools to deal with such obstruction.

The pandemic and its associated effects have caused an extremely challenging two years in the automotive sector, both domestically and globally. The main damaging factor has been uncertainty. The blockade exacerbated this, and the damage during that time was irreparable. Yet despite this, Canada and Ontario have been able to land many new investments in the industry, and it is sensible to take the necessary steps to protect those investments for the workers and families that will benefit from them.

It may very well be that the demonstrations at the Ambassador Bridge have created a new precedent for others who wish to disrupt the economy to bring attention to their cause or point. Being proactive to prevent any repeat of what took place in February at the bridge denotes

confidence from industry that government will not allow such disruptions in the future. The Ambassador Bridge event made it clear that we need mitigation strategies to ensure that our economic supply lines and our critical infrastructure are protected from those seeking to take it hostage for whatever reason. We believe that Bill 100 is a good first step in that strategy.

The Chair (Mr. Daryl Kramp): We will now go to the Canadian Civil Liberties Association: Abby Deshman and Thomas Naciuk. Go ahead, please.

Mr. Thomas Naciuk: Thank you for inviting me here to speak on Bill 100. My name is Thomas Naciuk, and I'm a public interest articling fellow at the Canadian Civil Liberties Association. With me is Abby Deshman, director of our criminal justice program.

The CCLA stands up for the rights and freedoms of all people in Canada. This includes fundamental freedoms under the charter: freedom of expression, freedom of peaceful assembly, freedom of association. Our democracy not only depends on these most basic rights and freedoms, it is sustained by them. Bill 100 puts these freedoms, the lifeblood of our democracy, at risk. The CCLA believes the bill should be withdrawn, or substantial amendments be introduced to ensure its constitutionality.

Bill 100 is an overcorrection, a fast response to the blockade of the Ambassador Bridge and the occupation of downtown Ottawa earlier this year. It has superficial appeal, given the havoc these incidents caused. Rather than addressing a gap in the law, however, Bill 100 duplicates existing prohibitions in broad and ambiguous terms and expands the powers of police beyond constitutional limits. Although the government may have particular blockades in mind, the bill risks criminalizing a much broader group, including Indigenous, Black and other racialized people who criticize the government, poor labour conditions and the rich and powerful.

First, Bill 100 does not address a gap in the law. It is already illegal to occupy city streets or to obstruct a border crossing for days on end. Assuming all protected transportation infrastructure is property, the obstruction or interference with the lawful use of that property, by definition, is mischief under section 430 of the Criminal Code, regardless of whether it also obstructs ordinary economic activity or endangers others, as Bill 100 would require per subsection 2(1). In more serious cases, where there is a genuine risk of violence, the criminal law goes further still and prohibits unlawful assemblies and riots, as outlined in part II of the Criminal Code. The police have arrest powers to enforce these laws.

Ultimately, these offences are subject to police and prosecutorial discretion, which must be exercised according to the public interest. This discretion already includes consideration of the types of economic impacts emphasized in Bill 100, as well as the importance of dissent. Duplicating existing legislation needlessly complicates the law, making it less accessible.

Second, in effect, the bill impinges on the right to peaceful protest. By defining the prohibitions in section 2

of the bill in terms of interference with the ordinary use of protected transportation infrastructure, it goes beyond what is necessary to maintain the public order and makes no allowances for protests that inconvenience or cause disruptions. Standing up to power is often disruptive. Strikes and picket lines, for instance, are designed to apply pressure against employers through collective action. There is a reason why rallies use megaphones to effect change, not courtesy. The rich and powerful, including the government and the state, would otherwise never listen to some voices.

For the same reason, Indigenous land defenders engaged in rail blockades near the Tyendinaga Mohawk territory between Toronto and Montreal in 2021. Climate activists caused delays at Toronto Pearson airport in the fall and George Floyd protests spread across the world. Sometimes, asking for change politely with a smile is precisely the sort of thinking that contributes to the conditions at issue.

Relatedly, the exceptions for obstructions that are minor or easily avoidable in subsection 2(3) introduce an element of uncertainty in the law. This standard of easiness is highly subjective. If a demonstration can be avoided with a 10-minute detour, it is easily avoidable by car. On foot, in a wheelchair through the snow, in a remote or Indigenous community where there might only be one road, an obstruction might not be easily avoidable, yet protest rights are not confined to the lawns of Queen's Park and Parliament Hill. Democratic expression is protected in rural communities, too. For all these reasons, the CCLA believes Bill 100 infringes upon fundamental freedoms and equality rights.

Lastly, the CCLA believes that police powers should not be expanded lightly, which is especially difficult to justify here since the police have not exhausted the tools already at their disposal. The bill would give police the power to seize objects and vehicles, and suspend driver's licences. The CCLA is especially concerned about the proposed roadside suspension powers under section 7 of the bill. Unlike the provision of the Highway Traffic Act for failing a Breathalyzer test, Bill 100 does not rely on any empirical measure, but on the far more flexible reasonable grounds to believe standard, as assessed by a single police officer in the field. These powers raise important constitutional questions under sections 2, 7, 8 and 9 of the charter.

On behalf of the CCLA, I urge this committee to consider the wider picture. Rights are social relationships that enable or constrain action by people in relation to one another. The CCLA recognizes that protest rights have limits. In a free and democratic society, there must be room to challenge authority, including through disruption, without granting licence to create widespread pandemonium and chaos. Bill 100 strays from this democratic balance, limiting protest rights in a wide range of locations to the point of near-extinguishment. This bill should be withdrawn or significant amendments made to ensure its constitutionality. Thank you. This concludes my submissions.

The Chair (Mr. Daryl Kramp): Thank you very kindly—muchly appreciated.

We will now go to a round of questioning. We'll start off with seven and a half minutes. Mr. Harden, please.

Mr. Joel Harden: Thank you to all the presenters this afternoon. I want to begin with an anecdote that will explore some of what I heard. Something that happened in 2021 was that there was a protest of convoy drivers who operate dump trucks in the province of Ontario. At that point, the government decided very quickly through the Ministry of Transportation, Ontario, to levy—or to threaten, I should say, for accuracy—very significant fines for those dump truck drivers who were being asked—they'd been grandfathered up to a point, if I'm understanding the story correctly—to retrofit their vehicles at a cost of, depending upon the modification, \$12,000 to \$25,000 for those modifications.

1620

Bob Punia, who is the president of the dump truck drivers association of Ontario, said those were too onerous; his members couldn't afford it. They make very modest incomes, less than \$50,000 a year. But the province of Ontario's response was, "Do it, or else. You've been grandfathered. That's it. You've reached the end of the rope. You must do it."

It was made very clear to Mr. Punia, which I've confirmed, that his members were engaging in criminal activity. Their licences could be pulled and their dump truck rigs could be towed. When they were in this city protesting outside the MTO offices, that was made explicitly clear to them.

This evolves into the theme we're exploring this afternoon, which is that we're trying to figure out how to make this legislation as effective as possible to deal with emergencies that we've seen. Why was the full force of the state brought to bear on dump truck drivers through the province—not asking policing officials to do it, but through the province—but not in the case of the Ottawa convoy?

If I'm understanding our friend from the APMA correctly, your reading of the law as a solicitor is that, in fact, there were powers under existing statutes, as we've heard already from the Canadian Civil Liberties Association, which you felt compelled to intervene.

I'm wondering if you could help us explore the powers the province does have versus what's being contemplated in this bill. I should say before passing you the microphone, sir, that MPP Gretzky sends her regrets. She had to get back to Windsor for a family emergency, but she's glad you're here.

Mr. Gian Paolo Vescio: I would simply say, as I stated, that the laws, through common law and statutes, allowed at the time for the blockade to be removed. I am not a law enforcement expert and I'm unaware of the specific context at that time at the bridge—what was required in order to have that moved. That being said, we made a number of public statements saying that the laws exist to have them removed and that that should be done.

In that case, like any private citizen, we were able to seek remedy through the courts, which is what we did.

The seriousness, however, of the blockade which took place caused harm that will last for a very long time, at least speaking from an automotive perspective, and I think it's prudent to make sure this doesn't happen again. If that means enacting new legislation, we would support that. Obviously, the process here is to make sure that that legislation is enacted in an appropriate and legal manner.

Mr. Joel Harden: I appreciate what you said.

There's a relationship here, Chair, to the situation in Ottawa in that the first injunction we got to silence the convoy horns was another citizen-led injunction. It wasn't led by the city of Ottawa. So I guess I'm asking the Canadian Civil Liberties Association and our friends at the Ontario Federation of Labour, what are some of your thoughts on this issue we're trying to unravel with this committee work? What provincial powers do we already have that could have been used instead of what's contemplated here?

Either one of you can go first. You can decide.

Mr. Thomas Naciuk: There's a host of, as we've already discussed, injunction powers. Under the Municipal Act—we saw that used in Windsor—contravention of bylaws can be enforced through injunction. That can be brought by a taxpayer or the municipality.

There's also the Trespass to Property Act, which affords a variety of tools, including most noticeably there is notice that is given, and that legislation specifically contemplates vehicles. And, as I mentioned in my submissions, the Criminal Code has various provisions for both unlawful assemblies and for more serious incidents—riots—and there's also a power for a deputy of the mayor to read a proclamation saying to disperse and you have 30 minutes to do so, in the case of a riot. So we do have tools at our disposal, and they're conditioned by prosecutorial and police discretion.

Mr. Joel Harden: Okay. To the Ontario Federation of Labour—hi, Patty and James. Could you just elaborate on anything you might have missed as you're looking at the civil liberties implications for trade union members in Ontario?

Ms. Patty Coates: If I can just give a couple of examples, then I'll pass it over to James to say a few words.

I've been on picket lines and I've been on picket lines at the airport where there have been injunctions and they've used the trespassing laws very quickly, within 24 hours, and we had to move.

Also at Canada Post, out in west end Toronto, I was on the picket line during their strikes and job action. Within hours we had the police in front of us reading us an injunction, and we only had a few hours to disperse and move on. So those laws are in place; they have been used. We've seen them used for Indigenous folks who are picketing for their rights and sovereignty. We've seen it used with Black Lives Matter. We've seen it used for Occupy Toronto and occupy other places, so there are already laws in place.

I'll pass it over to James if he wants to add anything.

Mr. James Clark: I'll just quickly say, because I imagine we're running out of time for this section, that there are three main problems with the bill: The scope is far too broad, the penalties are draconian and the provisions that are provided are redundant and unnecessary.

As Patty and others have noted, the current impasse was resolved using existing measures. If there was any hesitation, on the political side, of leaders to intervene at whatever moment of the impasse, that's not about the law, that's about politics. We should have a discussion about why there would have been hesitation from some political leaders to activate the tools that were already at their disposal when they could, and so that gap that opened up should not be filled with draconian measures and expanding police powers that are completely unnecessary.

The question that should be posed is, why was there a hesitation on the part of the leadership in the province? Why did the leadership have to be prompted by civil society to speak out against the outrageous attacks that were happening on equity-seeking groups in the city of Ottawa? Why was it that citizens, for weeks on end, had to beg for some kind of relief from government, but it was only when employers began to seek relief that the government began to move?

I think this entire experience is a history of contrasts, and I appreciate the anecdote we heard from MPP Harden at the beginning: the contrast between two very similar situations, but a very different application of the law depending on what—

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

Mr. James Clark:—the interests of the government are. That's a question that we need to consider as we continue this discussion.

The Chair (Mr. Daryl Kramp): Thank you for your responses in your questioning.

We will now go to the government side for seven and a half minutes. Yes, Ms. Hogarth, please.

Ms. Christine Hogarth: I'm just going to have a quick question. I just want to clarify again to the group that I had talked to—the Solicitor General was here this morning and questions were asked of her about this proposed bill. I just want to clarify: One of the deputants talked about Indigenous peoples and land claims. The proposed measures of this bill are narrow in scope and are specific to illegal blockades of border crossings that impact economic activity or international trade, regardless of who organizes it. They will not impact the right to peaceful, lawful and temporary protests, and will not apply to protests anywhere else in the province. I just want to make sure that was clear here today.

My first question actually goes—my only question, actually—to Ms. Coates. We're talking about this legislation today, and it's to help the province respond quickly to future disruptions at bridges, airports and other critical border infrastructure that interferes with public safety and impacts the economy and international trade. My question to you is, to your knowledge, have any labour groups ever decided to block, directly, a border crossing, yes or no, and if so, for how long?

Ms. Patty Coates: One thing I want to say is that, if this legislation passes, the government of the day, according to this bill, empowers cabinet to designate what is considered a protected transportation infrastructure, and—

Ms. Christine Hogarth: Well, I'm actually asking you a direct question: Is there any labour group that ever decided to block, directly, a border crossing? Are you aware of that?

Ms. Patty Coates: I'm not aware of that, but that doesn't mean it's not going to happen—

Ms. Christine Hogarth: Okay. Well, that's all. Thank you very much.

The Chair (Mr. Daryl Kramp): Yes, Ms. Skelly, please go ahead.

Ms. Donna Skelly: My question, and I hope I'm pronouncing this correctly, is for Mr. Vescio.

Mr. Gian Paolo Vescio: Yes.

Ms. Donna Skelly: You are general counsel, but I'm hoping, perhaps, you can speak to the bigger picture in terms of the impact. You did mention some numbers in terms of the economic impact of the illegal blockade at the Ambassador Bridge.

Four years ago, when we formed government, we inherited an economy that had been decimated by the previous Liberal government. We'd lost 300,000 manufacturing jobs. We were short hundreds of thousands of skilled labourers. Over the course of the past four years, I'd say it's been a historic turnaround. We've seen hundreds of thousands of manufacturing jobs return to the province of Ontario. We're working closely with our colleagues in the skilled trades sector to address that issue, introducing that particular sector to children at a younger age, working with unions to attract more and more people into the skilled trades. And we've seen a confidence, with hundreds of millions—I'd say even billions—of dollars in investment now in this particular sector.

1630

But then we have the illegal blockade at the Ambassador Bridge. What do you think, in your opinion, in your experience, that does to the confidence that potential investors would have from outside of Canada, looking at Ontario? How would that impact their level of confidence to invest in our province?

Mr. Gian Paolo Vescio: I can say that the APMA spends a lot of its time promoting Ontario, promoting Canada, as a place for ripe investment in the automotive sector. We spend a majority of our days trying to go out, in Washington, in other parts of the world, saying, "If you are an automotive company and you are looking for ripe investment, this is the place to do it." And we have seen a response in that, in the last little while. I would say that, irrespective of everyone's right to protest and have their voice heard, blocking an economic and, I would assume, safety supply line like the bridge does not look favourable on Ontario, on Canada.

I will say that there was concern from our, I guess, colleagues in the United States as to: Is this something that is going to continue to happen, or is this a case study? I

think that, in our opinion, this was a one-off situation that has now cleared up, and we are having a discussion as to whether or not it makes sense to enact laws to make sure that this doesn't happen again.

The impact, if I can echo my colleague from the CVMA, was dire; there is no question. When you stop automotive manufacturing, you cannot get that manufacturing back. And so four days, five days of unplanned shutdown caused a very serious ripple in our sector, especially where—we are not a large automotive sector, but we are very nimble and we are very talented, and people come to Ontario because of how good our manufacturing sector is.

The automotive sector works on a just-in-time—I believe Mr. Kingston already discussed this—manufacturing process, which means we work very closely with the assemblers. So you're not carrying a lot of inventory. You're working closely with the car manufacturers and you need to get your parts or your supplies or your services directly to where the need is. The pandemic caused a number of issues already and, as I stated, it was exacerbated by the blockade.

Ms. Donna Skelly: You did make a reference at one point to a dollar figure. Are you able to identify the impact, the financial implications, of that particular blockade at the Ambassador Bridge?

Mr. Gian Paolo Vescio: In total, it's difficult for me to say an exact number. We estimate that about \$100 million worth of supplies and parts go across the border every day. So times that by how many days it was blocked.

Ms. Donna Skelly: And back and forth.

Mr. Gian Paolo Vescio: And back and forth, yes.

Ms. Donna Skelly: It's not just unidirectional; that was one of the big issues.

In terms of jobs, were any of your stakeholders forced to either slow down lines or shut down lines because of the blockade?

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

Mr. Gian Paolo Vescio: Without getting specific, we did field calls about some of our members, some companies in Ontario, that were fearing to either shut down or shift down, just because they were unable to produce to then ship.

Ms. Donna Skelly: And just one last final comment from you, if I may: Are you confident that we are going to be able to prevent similar blockades in the future, or at least the blockage of the bridge itself?

Mr. Gian Paolo Vescio: At least the blockage of the bridge itself. Our injunction is reported law, and I believe that now we have the tools or we understand how to act in a manner that would not impede the bridge from being blocked again.

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

Mr. Gian Paolo Vescio: And legislation like this, perhaps, is necessary in order to mitigate that strategy.

Ms. Donna Skelly: Thank you.

The Chair (Mr. Daryl Kramp): Great. Thank you very kindly. Thank you to the government side.

We'll now go to the independent member: Madame Collard, four and a half minutes, please.

M^{me} Lucille Collard: I'm going to address my first question to Mr. Vescio. You've talked about how you used the injunction successfully at the beginning, but you think that establishing new legislation makes sense. However, in the case of illegal protests, blockades or occupations, wouldn't an injunction be more appropriate, since it is limited in time as to legislation as a permanent application, with the risk that it may be used in cases where it wouldn't be appropriate like a labour strike? So I would like to hear your opinion on that, about the necessity, and how do you reconcile that? You know, the other presenters are claiming that the legislation is redundant and that the power already exists, such as using an injunction.

Mr. Gian Paolo Vescio: I wouldn't dispute the benefit or usage of an injunction in order to stop something that is illegal. I would say that it is quite the haul to assemble lawyers and get to court in order to secure an injunction. Notice is provided. In our situation, for example, we attended court on a Thursday. However, because of procedural fairness and all of the rights that are afforded within our legal system, notice needs to be provided. There are a number of steps that have to be taken. Also, an injunction is a pretty serious remedy at law, and judges, though they give them out, really want to make sure that it's appropriate that they're done.

If legislation is enacted to prevent specifically things that took place at the Ambassador Bridge in order for economic supply lines not to be impeded, then I think that's a benefit. Now, I'm not here to comment on its redundancy in its scope if it goes too far, according to people who are probably better equipped to discuss that than me, but specifically for industries, specifically for the auto sector that depends on that lifeline so much, I think it is important that a proactive attitude is taken so that doesn't happen again.

M^{me} Lucille Collard: Okay. Thank you for that. Maybe I'll move to somebody from the Canadian Civil Liberties Association to answer. You're saying that the bill is redundant, the powers already exist and we've got legislation. In your view, if we already have all that's necessary for law enforcement, why do you think that the occupation in Ottawa that had such a big impact on the life of people and was really detrimental for their own liberty—how is it that it was allowed to go on for so long, in your view, if the powers were there? Why wasn't it used to stop the situation?

The Chair (Mr. Daryl Kramp): Just a little over a minute.

Ms. Abby Deshman: I think that's a really important question, and certainly, we saw in other cities law enforcement outside of Ottawa taking proactive steps to ensure that the streets were not completely blocked, that people did come downtown and protest. I live in downtown Toronto, and they closed off streets for several weekends in succession, and very successfully managed to facilitate protests alongside a busy downtown city. So for me this law is a hammer in search of a nail. It was not a

legal problem that led to the impacts on residents—the impact on residents in Ottawa, in particular. These were law enforcement decisions on how to enforce our current laws, and they were taken, I think—there were some errors made, particularly in Ottawa, and that doesn't mean that we should be passing new legislation that short-circuits the court's due process and puts all the power in the hands of the police to shut down lawful protest activity. It shouldn't be there.

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

We'll move on to the second round of questioning. Go ahead, Mr. Harden, please: seven and a half minutes.

Mr. Joel Harden: So another way in which, in Ottawa, we're trying to process what's happened—the dust has really not cleared, as you know, Chair, in the greater Ottawa area. We're trying to figure out what the right balance is between what could be a new form of protest activity, and the ways in which we can try to mediate conflict ahead of time. I want us to have, in this round, a little bit of a conversation about that, because it seems sometimes that we're debating the aftermath of a huge outpouring of discontent in this country, two years into a historic pandemic, and then this happens. And what I just want to say for the record is, I know councillor Catherine McKenney and I—councillor Catherine McKenney representing Centretown in Somerset ward—took the opportunity to visit with a number of the convoy protesters, who I would not describe as white supremacist, intolerant folks. I met a lot of people from rural Ontario, like me, who had lost their housing, lost their jobs because of their opinions on vaccinations or mask mandates.

1640

I guess I'm going to take this opportunity in this round to ask our presenters: What could Ontario have done to try to figure out a way in which this dialogue and debate about vaccine and mask mandates could have been handled in such a way where people didn't feel so motivated to travel, in some cases, as I understood it from some people I talked to, from the prairies, from the west coast of this country, all the way into chaperoned parking spots in our downtown? I would be curious to know from all of your perspectives what Ontario could do better to make sure that people do not feel so desperate that they need to forsake their own—most of these folks, as I understand it, Chair, were owner-operators of small businesses, tractor-trailer owner-operators. They were willing to sacrifice their livelihoods to do this. I would like to know, from the presenters' perspectives, what we can do better to make sure that those folks feel like they were heard and they didn't have to go to this extent, so we don't require legislation like this.

I guess I would pass it over to Abby. If you want to have the first hack at that, go ahead.

Ms. Abby Deshman: Sure, let me try, because we have been working for a couple of years on engaging in an evidence-based, informed discussion about pandemic restrictions and what makes sense.

As the pandemic has worn on, divides have become sharper and more antagonistic. There has been increasing

scapegoating and finger-pointing, and people are frustrated and stressed out, and for really good reason. So it's definitely a fractured social seam. I think it behooves us all to take a step back and recognize that people are coming from their own individual circumstances and sometimes do have legitimate concerns. If we don't improve the dialogue, we don't improve discussion. We don't improve public policy by pointing fingers and scapegoating people when they're trying to raise their own perspectives from their own point of view. We may deeply disagree with them about science, about policy, about what makes sense, but we need that dialogue to be sustained in order to maintain social cohesion.

I think some of the scapegoating that we've seen by different public figures and public leaders really has harmed the ability for that dialogue to take place in a nuanced, respectful way and does lead to divides where people are not listening to each other, where they are going to their own independent news sources, their own authoritative voices and are not willing to hear people on the other side.

Mr. Joel Harden: I'm curious, from an industry perspective—Mr. Vescio, do you have comments on this as well?

Mr. Gian Paolo Vescio: Yes. The pandemic affected all of us, touched us all. I have a 10-month-old daughter, Giulia, and I feel it's going to be very difficult for me to explain to her what happened when she was born. It's going to be an interesting bedtime story.

I would say that obviously, communication is key in times of emergency. But if we can't guarantee supply chain lines, then we are going to be offside with the supply security culture in Washington, in Tokyo and in the rest of the world, with whom we're competing. So as much as it is important that everybody is able to express their political opinions, whatever they may be, for us to be able to guarantee that we can keep our economy moving, that we can keep people working I think is extremely important and needs to continue to happen in this dialogue.

Mr. Joel Harden: Chair, I'm sorry. How much time do I have left?

The Chair (Mr. Daryl Kramp): You have two and a half minutes.

Mr. Joel Harden: Okay. A quick comment, and then I'll throw it open again: What I would invite us to consider, given what's already been said, is discussions around heartfelt issues. We know masks and mandates and COVID-19 policies have become the most heartfelt issue for many Canadians. We either handle this right or we handle it in situations of significant conflict, as we've seen in our city, that have human rights implications, that have economic implications.

I'm wondering if anybody here can comment—perhaps I could throw it to the folks at the Ontario Federation of Labour. I know you've been dealing with this. Unions have been dealing with this internally, dialogue amongst trade union members about this. How do we approach this in a way so people feel heard, so people feel like they can disagree but they don't feel compelled to dehumanize

other people, to think that we need to squeeze and honk our horns at 83 decibels in the downtown to make our point? What do you think?

Ms. Patty Coates: I'll pass this to James to provide our response.

Mr. James Clark: I think there are bigger public health policy and social policy issues at play here. If we're talking about what we share in common here, we wanted to avoid as many lockdowns as possible. We didn't want disruptions to the economy. We didn't want disruptions to our working lives and to our families. We didn't want these restrictive measures.

The problem is that governments at many levels put all their chips on vaccination and vaccination alone, and ignored the science and many other public policy measures that were called for. So this government's failure to implement employer-paid sick days actually exacerbated the pandemic. It caused more waves and concentrations of infection in parts of the province—

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

Mr. James Clark:—where people, because of the low wages they earn, had to work in multiple jobs in multiple workplaces and contributed to conditions that spread the virus.

Also, this government's deregulation of long-term care; the cancellation of the minimum wage—all these things contributed to work conditions where people were working in unsafe public health situations that helped spread the virus. So it's not just about vaccine mandates, it's all about the broader public health measures the government pursued.

Bill 124, failing to provide the kind of supports that health care workers needed in the pandemic, and continuing to restrict their benefits and suppress their wages when they're already exhausted—all these things had knock-on effects that deepened and worsened the pandemic. Decisions that were made well before the pandemic, which we knew were bad then, were exacerbated in that public health emergency because the government—

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

Mr. James Clark:—in its short-term vision, thought that it was helping the economy, but made short-term decisions that actually prolonged the pandemic and the lockdowns, and further harmed the economy—

The Chair (Mr. Daryl Kramp): Thank you very kindly for your comments.

We will now go to the government for seven and a half minutes. Mr. Babikian, please.

Mr. Aris Babikian: Thank you, Mr. Chair, and thank you again to the presenters and witnesses for coming and sharing with us your point of view. Regardless of what industry, what sector you come from, this is all valuable information we need to hear, to listen to, so that we can make future policies which will prevent us from living or witnessing what we have seen.

I would say that whatever transpired on the Ambassador Bridge and in Ottawa were unprecedented events. I would say that not only were the Ottawa and Ambassador Bridge events unprecedented, but mankind,

in the last two years, lived in unprecedented times. No one had a magic solution to any of the developments or challenges we experienced in the last two years. The time will come where people will sit down, analyze what transpired and come to a conclusion on how to move forward. For now, it is inappropriate for us to sit down in hindsight, start armchair-quarterbacking and come to some kind of who did what, who was right, who was wrong.

My question is to you, Mr. Vescio. Some have said that this was a one-time event—I'm referring to the Ambassador Bridge event. Do you have any insight into what the impacts would be of intermittent border closure to investment in Ontario's auto sector?

Mr. Gian Paolo Vescio: Pretty simply, the automotive sector in Ontario works almost like a large jurisdiction between Ontario, Michigan and Ohio. When it comes to automotive, it sometimes acts like one jurisdiction.

As the pandemic showed us—I'll use the example of experts flying from, let's say, Toronto or Windsor to Detroit. When there were travel restrictions, it was extremely onerous on the automotive sector because of how many people go back and forth in the same company, and if you have a problem out in the factory and you need an expert from the United States or Canada to fly over, you need to be able to move quickly. That's just with respect to persons.

The amount of automotive parts and services and systems that go across the border every day is like \$100 million a day that goes back and forth. If that's blocked, which it was for four days, that is production that we'll never get back. So, if this happens again, it is potentially catastrophic to our automotive sector.

1650

Ontario and Canada have been the beneficiaries of new investment from multinational corporations, from companies that have been here.

The automotive sector between Canada and the United States has existed for over 100 years. If a bridge and other economic supply lines, like borders, are blocked, it essentially creates a total shutdown. I don't know if I can overstate the impact; the impact is awful.

Mr. Aris Babikian: Now that the pandemic is almost behind us, and various levels of government are trying to stimulate the economy to put the economy back on track, what kind of impact could an extended blockade have on jobs in your sector, and how can that reflect on the overall employment situation in Ontario?

Mr. Gian Paolo Vescio: I would say that the automotive sector is probably one of the most nimble. When the pandemic hit, we were able to quickly retool to make PPE and make ventilator parts at the flip of a hat. If blockades or impediments to the supply lines continue, or if this becomes a habit, then I would foresee our sector begin to diminish because of the confidence in not being able to secure the ability to be able to move parts, supplies and services freely.

Mr. Aris Babikian: Do you think legislation like the one we're discussing today can help prevent such events

happening in the future and send a strong message to investors and our partners around the world that we are a stable place to do business?

Mr. Gian Paolo Vescio: I think it's important to continue to enact laws that make the environment in Ontario ripe for investment. I think it's important to make sure that you don't have situations like you had at the Ambassador Bridge. If it means enacting new legislation like this one to do that, then industry would support it, and I think it makes sense to have discussions like this and debate to make sure that that law is enacted in the most appropriate and directed manner.

Mr. Aris Babikian: Thank you. My colleagues—

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

Mr. Jim McDonell: Yes, in line with that, we talk about peaceful protests and the importance of being able to penalize your employer, but in this case here, it's become known now that a group can impact the country. I'm sure if this was to continue or happen again, we would put close to 200,000 jobs, and some of our best-paying jobs, in jeopardy in this province because we can't ensure that our supply chain will meet the needs of this industry.

Mr. Gian Paolo Vescio: When, for example, the mandates were enacted, most truckers who were supplying automotive parts who did not want to get vaccinated were rerouted to do domestic travel.

The automotive industry has fostered and has succeeded so much in Ontario because of its stability. If the border is blocked between Windsor and Detroit, that stability is gone.

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

Mr. Gian Paolo Vescio: So it's important for the government—whatever government of the day; whatever stripe—to make sure to secure that supply line and to make sure that something like this doesn't become a habit.

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

And closing off now for this round of questions, Madame Collard, four and a half minutes, please.

M^{me} Lucille Collard: We have this bill before this committee that the government has put forward with intentions of addressing an existing problem in society. The work of the committee is really to study the bill, to look at it, to maybe identify some flaws, and maybe identify some improvements that may be needed. Some of you alluded to the fact that if the bill cannot be withdrawn—because that's what you wish—some significant amendments should be brought. I would like to hear you on some of those proposed amendments that you would like to see, because more likely than not, this bill is going to go forward.

Mr. Thomas Naciuk : If withdrawing the bill is not an option here, there are several amendments that could be made. One of them is removing the Lieutenant Governor in Council's power to add extra sites to the scope of this bill for 30 days at a time. That power is qualified by a vague qualification that it must be of significance to international trade. That could apply to almost anything.

That could be construed in a variety of ways. So if the government is serious about stressing that this is not applied to certain types of labour demonstrations or even minor border crossings that are not the Ambassador Bridge—Ontario has a border with the United States that's quite long. There's a variety of crossing points. Not all of them are as significant. Some of them could be removed from the scope of this act. We might consider that ferry operators at Billy Bishop airport would not have the same extent of impact.

You could also include a carve-out, as was proposed in Bill 3 in the same legislative session, that “for greater certainty, nothing in this act prevents peaceful protests or labour demonstrations such as picketing or other efforts by workers to improve their wages or working conditions.” If the government is serious about stressing that it doesn't affect those things, this type of language could be included to really drive that point home.

M^{me} Lucille Collard: Thank you. Would anyone else like to suggest—yes, Mr. Vescio?

Mr. Gian Paolo Vescio: The APMA wouldn't ask for any amendments.

M^{me} Lucille Collard: You don't have any amendments that you would like to see.

Ms. Coates?

Ms. Patty Coates: I would like to see the bill withdrawn. But I agree with what the CCLA has said: It needs to be very specific as to what this legislation is for, who it impacts and that labour and peaceful demonstrations, and demonstrations of our Indigenous folks, racialized folks, environmental groups and so on, should not be under this legislation.

M^{me} Lucille Collard: Thank you.

The Chair (Mr. Daryl Kramp): That's it? There are no further questions?

To our witnesses, thank you very, very kindly for your attendance today. It's very much appreciated. As always, travel safely and take care. Thank you.

We will suspend until we have our next witness.

The committee recessed from 1657 to 1700.

UNIFOR LOCAL 195

The Chair (Mr. Daryl Kramp): Colleagues, we will resume. We have a witness here for the 5 o'clock time from Unifor Local 195, Emile Nabbout. Mr. Nabbout, you will have seven minutes for your presentation, and then there are two rounds of questioning from both the government and the opposition for the normal prescribed time or whatever they see fit to use.

We will go to you, sir. You have an opening for up to seven minutes. Please go ahead.

Mr. Emile Nabbout: Hello, and thank you. My name is Emile Nabbout and I am the president of Unifor Local 195 in Windsor. Thank you for allowing me to speak on Bill 100.

Just a little brief about our local and what we do here in Windsor: Our local represents around 5,000 members in 46 different workplaces in the city of Windsor and Essex

county; 22 of these workplaces are in the automotive sector.

Our union was built on the principles of freedom and democracy, allowing any Canadian, including our members, a public opportunity to express their voices to campaign for better working conditions, pay, and voice challenges from education to health care.

We want to continue with our right for political opinion. Many of us in leadership positions understand that this is the key foundation to building any nation, and we definitely want to keep it that way. We do not want to turn this country or this province into a police state.

However, on February 7, 2022, self-proclaimed freedom fighters clogged the entrance of the Windsor-Detroit Ambassador Bridge with big rigs and trucks, leaving our cross-border supply chain stranded in gridlock, and the international crossing was forced to close. That impacted many of our workplaces and shut down our economy.

We all know that the law enforcement in the city of Windsor needed additional enforcement, and not additional power, because legislation was given to them to address those types of situations. Our local also represents the workers at the Windsor tunnel. We do understand how important it is to keep the flow of goods between two major countries, Canada and the USA, running smoothly.

In a labour dispute, we need to ensure that we are able to protest, strike and slow traffic to ensure our voice is heard when we have a dispute with an employer. I think the most important information I'm asking our government for today is how Bill 100 will impact labour rights, with the following questions:

(1) Is this bill impacting our rights during labour disputes and action, and protecting the fundamental right to strike, protest and slow down traffic?

(2) Can the government define “impediment,” what this definition includes and how it can be broadly used by law enforcement officers?

(3) How is this legislation different from what law enforcement already has? As I looked into it, we believe that they have everything they need, other than additional enforcement and resources.

Finally, it is worth it to note how important it is to highlight the negative impact the February blockade had on the labour community and businesses in the Windsor area and Essex county. We believe the impact was detrimental on many of us, because it impacted the vital international trade in our community because of the complete shutdown of the border. This happened because of the lack of additional support to law enforcement and proactive intelligence information-gathering on this huge plot by these demonstrators to shut down our country.

With this, I want to thank you for this opportunity to voice our concerns with Bill 100. I hope our point in regard to labour disputes will be addressed in this bill.

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

We will now go to the round of questioning. We will start off with Mr. Harden, please.

Mr. Joel Harden: First of all, let me say off the top how much we appreciate the work of your members, Mr.

Nabbout. I'm coming to you from Ottawa, but we give a deep and abiding respect for the work you folks do. Thank you very much—not just to the folks in automotive manufacturing; the folks at the tunnel.

I also have to confess, hearing your deputation, that I come from a family half of which is Lebanese, and I love hearing the Lebanese accent of English spoken in this place.

Mr. Aris Babikian: That makes two of us, Joel.

Mr. Joel Harden: I knew that, MPP Babikian. I knew that.

It is nice to see you, my friend, for a variety of issues. I'm wondering if, for our collective benefit and for the record, you could get into a little bit more detail on the impact on your members and stories you've heard about the impact on families. We saw the sights of the Ambassador Bridge—as you know, our city of Ottawa was occupied for 25 days—but could you give us a little bit more insight about the impact this had on the people you work for in Local 195?

Mr. Emile Nabbout: Yes, thank you for the question. As you see from my testimony and my questions, I am not trying to be biased in any shape or form. We highlighted the impact of the demonstrators and the blockade at the Ambassador Bridge and how this has affected many of the workplaces, not only Local 195.

You know that Windsor is an automotive hub, and many of our employers had to scramble to find additional resources, fly in a plane, and so on and so forth to get the companies running. Some of them, unfortunately, were not able to do so. That will impact our members directly, whether it's a short-term layoff or a last-minute cancellation of shifts. There is no doubt that that is a huge impact on the economy, a huge impact on the families.

We are not taking this lightly. We believe that the demonstrators do have a right to express their opinion and their dissatisfaction, maybe, with some of the outstanding issues surrounding COVID-19. But in no shape or form do we believe that the blockade should completely shut down a major border crossing because somebody would like to express their opinion and opposition to the government.

Sharing some of this struggle our workers had at that time, it is important to note that many of the people lost pay for a week or so. They couldn't regain payment from anybody. The struggle we have, as well, is with the noise and the mess and the disturbing things to the community. We were bothered by those issues.

But, again, I want to make sure everybody understands it's equally important that we believe in and we support the right of people to demonstrate and the right of the people to be able to speak against things, but without the full closure of the border, which is vital to our business between Canada and the US.

Mr. Joel Harden: Yes, I totally understand what you are saying. When I have been briefed about your industry in the past, it has been explained to me in normal times that sometimes product in modification doesn't arrive to the plant on time and people lose hours, without a blockade at the bridge. Just-in-time production really is

just-in-time production. Those trucks that are coming over the border are often timed to the half-hour, even sometimes less, to make sure that as much efficiency is found in the supply chain, so I take your point.

I'm also interested to explore further with you what you mentioned about the labour movement's history. I think about 1937 in Oshawa, and I believe it was 1945 in Windsor, where you saw thousands of vehicles sometimes gridlocking a city, fighting for union recognition. I hear loud and clear from you, and we've heard it from other presenters this afternoon, about the right to collectively organize and the right to—in some cases, if it needs to be done; no one wishes it—strike and to inflict an economic message on the employer. Could you give us a little bit more perspective? Because I know your union is one of the leading unions in the country, and you've been willing to take collective action before. Are you worried about potentially losing that option?

We are hearing from the government, and I take their word to an extent on this, that they want it to be very specific, that they want it to be focused on the border. But I heard you say and clarify for us, “We don't necessarily want to send a chilling message on the right to collectively organize, to inflict an economic message on an employer who deserves it.” Could you just elaborate on that a little bit for us?

Mr. Emile Nabbout: Absolutely. Again, I refer to my statement today in front of you all that the majority of our worries about this bill are how it will impact the labour movement and the rights of the union when they have a labour dispute with the employer.

1710

We have an equal opportunity as an employer and a union; we take our chance to go on a picket line and strike, and one of the means is to be able to do certain things like strike, slow down things to make it not easy for the employer, in the hope that they come back to the bargaining table and we'd be able to strike a—whether a negotiation or something else. It is very important and vital for the labour movement to continue having a right, and we're going to make sure this bill is not going to infringe on our right to continue with demonstrations, to continue to have protests. Sometimes, we have to slow down traffic. Sometimes, we may have to do whatever means necessary to get the employer to listen to us, to come to the table and find a resolution.

It is equally important to the government, as well, when you see people are standing in a picket line and not having any additional earnings, and they have no ability even to pay taxes—that the government sits in the middle instead of taking a side. So we do have a concern with this bill—

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

Mr. Emile Nabbout: —that may infringe on labour rights, and we're trying to get those clarifications.

Mr. Joel Harden: That came across loud and clear. Again, thank you very much to you and to your members. For those of us in Ottawa who lost pay as well, we feel you. We should be continuing to share stories from your city.

I should have begun by saying your member of provincial Parliament, Lisa Gretzky, regrets not being here in person. She's back on her way to your city because of a family matter, but she wanted to make sure I said hi. Thank you so much for joining us. And when you're in Ottawa, if you're visiting Harry Ghadban and friends from Unifor local, I will take you to the best shawarma in Canada, my friend. Okay, take care.

Mr. Emile Nabbout: Thank you.

The Chair (Mr. Daryl Kramp): Attempted bribery at this committee? No.

Okay. To the government side round of questioning: Ms. Hogarth, please.

Ms. Christine Hogarth: Thank you, Emile, for being here today. Thank you for the work you do, and I thank your members for the work that they do for our province and our country.

I just want to clarify some questions that you asked, and I asked those similar questions to the minister this morning to make sure that people were aware, because for some people, there's some muddling around of what this legislation actually does and what it actually means.

When we're talking about protest, we, as a government, and I'm sure everybody here in this room, will always support freedom of speech and the right to protest. But that should not come at the expense of people in this province, as it did at the Ambassador Bridge blockade. So I want to clarify that these proposed measures are narrow in scope, and they're specific to illegal blockades of border crossings that impact economic activity or international trade, regardless of who organizes it. They will not impact the right for peaceful, lawful and temporary protests, and they do not apply to protests elsewhere in the province. So it is very narrow, and I want to make sure that you had that information and you are able to pass that along to your members.

You also asked a question with regard to why the existing emergency legislation is not sufficient in combatting this sort of disruption. I also asked the minister that question this morning, and I really want to share some of the words that she used.

She said that to amend the existing legislation and regulations would still leave police in a challenging position, and with limitations on executing an effective, timely response. The proposed legislation will provide provincial offences officers, including police officers, with additional enforcement tools to direct owners and operators of vehicles to remove their vehicles from illegal blockades; remove and store objects making it an illegal blockade; and suspend driver's licences and vehicle permits of those taking part in an illegal blockade. We felt that these are important tools that should be available to law enforcement to be able to respond quickly, and without the need for an emergency order. So I want to make sure that you feel comfortable with what we're moving forward with; it's very narrow in scope.

As you talked about borders and people working and products being stuck at the border, it has to be an illegal blockade, not just a protest. But the impact on some of

your workers—they were sitting on the borders, waiting to cross to bring produce or whatever they were bringing back and forth. How important would you say it is for government to have the tools to open up trade across the border, back and forth? How important is it that we have these tools to make sure this doesn't happen again?

Mr. Emile Nabbout: Thank you for the question. Again, I think it is very important that the government have the tools, and I believe, looking through the existing legislation—I think they still have all the tools available and at their disposal to do what they have to do.

My experiences through that blockade is the law enforcement in the city of Windsor, in comparison to the demonstrators, was not balanced. I think that's why there was hesitation from law enforcement in the city of Windsor to take action. That's what I stated in my remarks that we need additional enforcement and we need some intelligence gathering prior to such a big demonstration. It was boiling on social media for a couple weeks or months prior to that, and I think this is an important tool for our government and intelligence department, to put forward information and to have been proactive, to put additional resources on such an action like this. It is very important.

So we believe the flow of goods is very important at an international border like the city of Windsor. We believe that, yes, there has to be some mechanism, and the mechanism is available but the resources were not enough. I don't believe this bill, at this point, will make any significant difference. And there is a concern for us in the labour movement: It can infringe on our rights during a labour dispute and so on so forth.

Therefore, I said in my statement as well that I represent the workers at Windsor tunnel, and sometimes, we are bargaining. And if we don't achieve what we need to achieve, one of our mechanisms is to protest and put a picket line. We do know that we may end up slowing down traffic, but not a complete shutdown to the border. That's why my question is that it infringes on our rights to do an acceptable means to protest, to strike and slow down traffic—not a complete shutdown to the border, because we understand how important—how this bill will impact us.

Ms. Christine Hogarth: So this bill is about disruptions to bridges, airports and other critical border infrastructure that interfere with public safety and impact the economy and international trade. Now, I did ask this question to the former delegation. Do you know how many times in the past a union has blocked a border crossing as part of labour activities?

Mr. Emile Nabbout: I don't know exactly the year, but in the Windsor tunnel, we had a last-minute labour dispute and ended up slowing traffic at the Windsor tunnel. We did not shut it down completely, but we had lots of cars circulating the area and it slowed down traffic across the border. So we did have some scenario like this before, but that's part of our concern at this point.

Ms. Christine Hogarth: I can probably alleviate some concerns, because that question was asked earlier this morning. The Solicitor General was very clear that it was

not a blockade and that that incident would not have been affected by this legislation. So that would not have been affected.

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

Ms. Christine Hogarth: That blockade at the Windsor tunnel would not have been affected by this legislation.

I would think one of my other colleagues had a question. I don't want to take up all the time. So thank you for your time, and I'm going to pass it over to MPP Pettapiece.

Mr. Randy Pettapiece: Thank you, sir, for your input. In one minute it's going to be a little tough to ask a question. Just a comment: I grew up in Essex county and actually worked in Chrysler's car plant years ago, in the engine plant, that old engine plant that they had there. So I'm familiar with the industry, how important it is to you and, certainly, the economy of Essex county and Ontario. I live up north of Stratford now and we have a number of car plants up our way, so it not only affected plants in Essex county, but it affected our plants, too, which make parts for all these car plants. So this was an Ontario problem, an Ontario issue. It wasn't just affecting one part—

The Chair (Mr. Daryl Kramp): Thank you, Mr. Pettapiece. We will certainly give you an opportunity in the second round to finish your line of questioning, should you wish.

Madame Collard, please.

1720

Mme Lucille Collard: Thank you, Mr. Nabbout, for your presentation. You clearly agree, like most of us, I guess, that the freedom of protest needs to be limited so not to impede on rights of others to live peacefully and go about their business. I think that's pretty clear. So in your opinion, does this bill bring clarity as to what those limits should be?

Mr. Emile Nabbout: To be quite honest, looking at the existing legislation, I don't believe this bill is going to have any additional clarity. I think the interpretation—and maybe some of the law enforcement are not aware of what the existing legislation will give them a power to use and exercise during those types of demonstrations and a blockade at the Windsor border. I think this bill is not significantly different from the existing one, so just a concern that it may infringe on other rights in the labour movement and any other protest. That's why we have a vested interest to address those issues.

Mme Lucille Collard: Thank you, and we've heard some other comments today. And you did ask some questions about this bill lacking some kind of clarity. We've heard that this bill is supposed to be narrow in scope, but maybe it lacks some specificity as to how it applies and what the exemptions are.

Have you given thought about the kinds of amendments that you would like to see in the bill to make it more responsive to your concerns?

Mr. Emile Nabbout: I did give it some thought. It was all surrounding around the—during the strike and the labour dispute. Maybe this matter will be addressed within

the labour law more than it is in this Bill 100. We would like to have a clear reference that this bill will not infringe during any labour dispute on a right of a worker to protest and do what they have to do during bargaining and disputes with the employer.

Mme Lucille Collard: Okay. Thank you very much for your presentation and for answering our questions. I don't have any more questions, Chair.

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

We will go back to the official opposition. Do you have any further questions, sir?

Mr. Joel Harden: What I would only say, Mr. Nabbout: Is there anything that you didn't get a chance to talk about with respect to the severity of the blockade? I know we saw—frankly, we were horrified with the sight of the children gathered in the human chain on the bridge. I know MPP Gretzky has spoken about the impact of not just this on automotive sector workers—your members—but the small businesses in Sandwich Town and the neighbouring communities. I'm just wondering if there's anything you haven't had a chance to talk about. My time is your time. Over to you.

Mr. Emile Nabbout: I think we addressed everything, other than I want to stress on the work of our intelligence groups and our government, whether in the province or federally, to take a proactive role and to ensure that they are doing their homework and putting in all the proper planning. Because if we don't use those tools, basically our intelligence work is not going to be effective.

And, definitely, the children and the families on the highway, the safety concerns: Absolutely it raised some concern, because the people—sometimes when they are determined to raise some issue and raise their voices and their disagreement with the government, they use any means possible, including bringing their own kids on the road and sometimes maybe putting them at risk. Yes, there is a concern with that. We need to make sure that those are being addressed as well.

But, again, from my questioning and my remarks today, mostly focused on continuing to have the right to protest, freedom of speech and continuing to have labour be able to do what they have to do when they are in dispute. It is fundamental for us in the labour movement. It's fundamental to our nation to continue having people able to lead and go to demonstrations and speak their own view. Otherwise, this country will lose its name.

Mr. Joel Harden: Those are fitting words on which we should end, Chair.

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

Back to the government.

Ms. Christine Hogarth: I think we're fine.

Ms. Donna Skelly: We're fine.

The Chair (Mr. Daryl Kramp): No further questions.

Thank you very kindly, Mr. Nabbout. Your presentation was very, very welcome here today and very

much appreciated as well, by all the members of the committee on all sides. Thank you, and you have yourself a good day, sir.

Colleagues, as a reminder just before we adjourn for the day, the deadline to send in written submissions will be 6

p.m. Eastern Daylight Time on April 7. The deadline for filing amendments to the bill will be 4 p.m. on Friday, April 8.

The committee is now adjourned until 9 a.m. on April 12.
The committee adjourned at 1725.

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Vice-Chair / Vice-Présidente

M^{me} Lucille Collard (Ottawa–Vanier L)

M^{me} Lucille Collard (Ottawa–Vanier L)

Ms. Christine Hogarth (Etobicoke–Lakeshore PC)

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Ms. Natalia Kusendova (Mississauga Centre / Mississauga-Centre PC)

Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Ms. Suze Morrison (Toronto Centre / Toronto-Centre ND)

Mr. Randy Pettapiece (Perth–Wellington PC)

Mr. Gurratan Singh (Brampton East / Brampton-Est ND)

Ms. Donna Skelly (Flamborough–Glanbrook PC)

Ms. Effie J. Triantafilopoulos (Oakville North–Burlington / Oakville-Nord–Burlington PC)

Mr. Kevin Yarde (Brampton North / Brampton-Nord ND)

Substitutions / Membres remplaçants

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Gilles Bisson (Timmins ND)

Mr. Lorne Coe (Whitby PC)

Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)

Mr. Joel Harden (Ottawa Centre / Ottawa-Centre ND)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Clerk / Greffière

Ms. Thushitha Kobikrishna

Staff / Personnel

Ms. Amanda Boyce, research officer,
Research Services