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**Official Report
of Debates
(Hansard)**

SP-29

**Journal
des débats
(Hansard)**

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**Standing Committee on
Social Policy**

Working for Workers Four
Act, 2024

1st Session
43rd Parliament

Monday 12 February 2024

**Comité permanent de
la politique sociale**

Loi de 2024 visant à oeuvrer
pour les travailleurs, quatre

1^{re} session
43^e législature

Lundi 12 février 2024

Chair: Brian Riddell
Clerk: Lesley Flores

Président : Brian Riddell
Greffière : Lesley Flores

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 12 February 2024

Lundi 12 février 2024

The committee met at 1000 in committee room 2.

**WORKING FOR WORKERS FOUR
ACT, 2024**

**LOI DE 2024 VISANT À OEUVRER
POUR LES TRAVAILLEURS, QUATRE**

Consideration of the following bill:

Bill 149, An Act to amend various statutes with respect to employment and labour and other matters / Projet de loi 149, Loi modifiant diverses lois en ce qui concerne l'emploi, le travail et d'autres questions.

The Chair (Mr. Brian Riddell): Good morning, everyone. I call this meeting of the Standing Committee on Social Policy to order. We are here for public hearings on Bill 149, An Act to amend various statutes with respect to employment and labour and other matters. The Clerk of the Committee has distributed today's meeting documents with you via SharePoint.

To ensure that everyone who speaks is heard and understood, it's important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments should go through the Chair.

Are there any questions before we begin?

**STATEMENT BY THE MINISTER
AND RESPONSES**

The Chair (Mr. Brian Riddell): I will now call on the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development.

Hon. David Piccini: Good morning.

The Chair (Mr. Brian Riddell): Good morning. Minister, you will have 20 minutes to make an opening statement, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition members and two rounds of five minutes for independent members of the committee. I will provide reminders of time remaining during the presentation and questions. Please state your name for the Hansard before you begin.

Hon. David Piccini: Good morning, members. My name is David Piccini. I'm Minister of Labour, Immigration, Training and Skills Development. Thank you all for having

me here today. It's a pleasure to be here with all of you. I apologize for not being there in person.

I just wanted to start off my remarks by thanking the great team at labour for all the work that they do, both in my ministerial office and also within the broader public service, Deputy Meredith and the team, as well as my two incredible parliamentary assistants, PA Anand and PA Smith. I greatly value the work they've done contributing to this bill.

I'm proud to be here this morning with you to speak to the merits of Bill 149, the Working for Workers Four Act, and our government's plan to ensure Ontario remains a leader in protecting and supporting workers. We're working to create change that is needed, that is demanded, to make sure employment laws and regulations support our commitment to protect workers, help them earn bigger paycheques and help newcomers contribute to a stronger Ontario. With Bill 149, we're building on the strong success of our three previous Working for Workers acts. Under the leadership of Premier Ford, we're continuing our work to attract and keep workers in the province of Ontario and to spread opportunity and good-paying jobs to every corner of the province. By putting workers first, we can bring the Ontario dream within reach for more people and ensure Ontario remains the best place to live, work and raise a family. We're working with businesses and labour leaders like never before to make that happen, and we're looking for your support to report this bill back to the House.

Let me begin by what we're doing for job-seekers with some of our job-seeker transparency measures. New technology is changing the world without question, and the way we work is changing with it. That change is happening faster and faster every day, and we need to do everything we can to help people prepare for and find good jobs to address this labour shortage and adapt to the way that work is changing. Government needs to keep up, and we need to update and support our supports and protections so that workers and job-seekers can keep up and employers can find the skilled workers they need.

One of the many changes is that finding a job has become even harder. Despite nearly 250,000 new jobs in Ontario going unfilled, job-seekers face cycles of résumés, cover letters, interviews and rejections that can seem never-ending. And when they do make progress and get a job offer, sometimes the job just doesn't pay enough to pay the bills, or pays less than the one that they already have.

That's why our government has introduced legislation that would, if passed, require Ontario employers to include salary ranges in job postings. It's an unfortunate reality that that's not the case today. We know as well that there are far too many women in the province of Ontario who earn less than their male counterparts. By including salary ranges with job postings, we will continue to help close the gender pay gap. I know this is not a silver-bullet solution, but it's one of many steps that will help tackle that gender pay gap. It would also allow companies to find qualified candidates faster and improve retention and help reduce the burden businesses face by helping tackle the labour shortage. In short, making more information available at the start of the job process is a win-win for everyone.

To support workers, we need to ensure our laws and protections keep up with the changes in how we work. As artificial intelligence tools and algorithms are adopted by Ontario businesses at a rapid rate, they generate high volumes of personal data about job applicants and employees. When a worker applies to a job through an online ad, within seconds of hitting send on their résumé, sometimes that recruiter's AI system can choose them as a preferred candidate or screen them out among hundreds of other applicants. AI systems can tell age, sex, race, religion, political affiliation and can even evaluate social media accounts to see if someone's personal traits would be a good fit for the company's culture.

A lot of this personal information deserves protection, and much of this is deeply concerning, which is why, in response to growing concern about the ethical, legal and privacy implications of AI, our government is also proposing to require employers to disclose in job ads if AI is being used in their recruitment process, because it's critical that we balance protecting job applicant and employee privacy and transparency while supporting technological innovation that helps businesses keep up.

I now want to move to some of the steps we're taking to support newcomers. Every year, more immigrants choose to settle in Ontario over any other province in Canada, and we're proud to help put them on a path to success. They come here in search of great opportunities for themselves and for their families. This is no different than the trip my grandfather made across the ocean from Italy. They bring a wealth of knowledge, skills and abilities.

Yet despite attracting some of the best and brightest to our province, we still fall short in helping them fully utilize their skill set and education in the work and in the fields they studied. We need to ensure that qualified workers are not barred from in-demand jobs by red tape or discrimination. And unfortunately, immigrants with a degree from abroad are twice as likely as their Canadian-educated counterparts to work in jobs that only require a high school education.

Our government is reducing barriers, and we know that helping internationally trained newcomers work in the professions they studied for could increase Ontario's real GDP by up to \$100 billion over the next five years. So removing unfair barriers for newcomers is not only the right thing to do, it's the smart thing to do. That's why our government has introduced legislation that, if passed, would make Ontario the first province in Canada to prohibit

employers from including any requirements for Canadian experience in publicly advertised job ads or associated application forms. Simply put, if you're competent to do the job, you should be considered for it. This will help make sure that newcomers with the right job qualifications are not screened out, having the door shut on them before their skills are even considered.

This change builds on previous work we've done in Working for Workers bills, which made Ontario the first province to ban regulated professions from requiring a discriminatory Canadian experience requirement in licensing for more than 30 occupations, to improve oversight and accountability of how regulated professions like accountants, architects, geoscientists and so many more use third-party organizations to assess international qualifications.

We've also taken steps to work with Skilled Trades Ontario to lead some of the first foreign-credential recognition programs in the skilled trades. And we've introduced changes that, if passed, continue to help ensure those assessments are fair, transparent, objective, impartial and don't present new barriers to newcomers trying to get a job and contribute to our communities. We want to make sure that newcomers can work in their fields, use their skills and qualifications, and help build stronger communities right here in Ontario.

Next, I'd like to change to some of the work we're doing to protect hospitality and service workers in the province of Ontario—another group of people we are working for. We know that they do important work and that the hospitality and tourism sector was hit hard during the pandemic and, as many have said, will take the longest to recover.

Our restaurants and service industries are made up of more than 400,000 great workers, more than 6% of the province's workforce, and I don't need to tell anyone here how hard they work. They all work exceptionally hard on the front lines, keep a smile on their face and a can-do attitude, because tips can make or break their night. But often, these people are the same ones who do so much to make sure we have a good time when we're out, and they're falling through—no fault of their own.

While Ontario's laws generally require employees to be paid for all hours worked and prohibit pay deductions, like when customers dine and dash or gas and dash—did you know that, in 2022, gas thefts cost Ontario businesses over \$3 million? And the fact that unpaid trial shifts and punitive deductions of stolen property are still common in the restaurant and service industries—this is unacceptable.

1010

The fear of wages being withheld has led to tragic consequences, including workers being injured or worse when trying to stop someone from running out on their meal or not paying at the pump. If someone steals from a store, runs from a restaurant or a gas pump, that's a matter for the police. Let me be clear: No worker should have to give up part of their paycheques when a table dines and dashes, and no worker should be asked to offer their services for free in an unpaid trial shift. That's why our bill would, if passed, better protect restaurant workers and others across the service industry and beyond by updating

our Employment Standards Act to provide that employees must be paid for trial periods and make clear employers can never deduct an employee's wage in the event of a dine and dash or gas and dash or any other property stolen by a customer.

If passed, our legislation would also require employers to post in the workplace if they have a policy of sharing in pooled tips, something that is only allowed if they perform the same work as their staff. I had a good round table in my riding with a number of small businesses, and this not only is the right thing to do—many good employers are already doing it—but I think it's important that we make sure this is done across the province of Ontario to help ensure service workers are paid when they are owed and help them understand how their tips are calculated and distributed. Empowering workers with this information is the right thing to do.

Finally, in response to the rise of digital payment platforms in the service industry, which can include fees for workers to access their tips, as well as technical and security issues, our changes would also require employers who pay tips using direct deposits to allow their employees to select which account they want their tips deposited to. This would help workers avoid fees they did not agree to. They shouldn't have to pay just to access their own tips, and we know, increasingly, with new apps used on phones and digital devices, this is the case. This seems like common sense to me but hasn't been done, so it's important that we all galvanize together to ensure that we protect these workers.

Every worker also deserves to come home safely to their family at the end of their shift. I'm pleased to elaborate a little further on some of the important work we're doing to protect injured workers. In every workplace, injury and illness should be preventable. My ministry invests \$100 million annually in workplace health and safety for this very reason, but while we go upstream to prevent workplace injuries, we know that from time to time they do happen, and it's important that we have a robust system in place to protect injured workers in the province of Ontario. In fact, over 134,000 workers rely on the Workplace Safety and Insurance Board for compensation as a result of physical and mental injuries or illness they suffered on the job.

While our number one goal is always to give these men and women the support they need to return to work to contribute to Ontario's economy and build their communities, we know that we can always do more, and that is why we introduced legislation that would, if passed, support injured workers by enabling super-indexing increases to the WSIB benefits above the annual rate of inflation. This hasn't been done before but is an important piece and the right thing to do to support injured workers. For an injured worker who earns approximately \$70,000 a year, a 2% increase could mean an additional \$909 annually on top of the cost-of-living adjustments, which were 6.5% in 2023. We have heard loud and clear from injured workers that they need more support, and we are answering that call right here and right now.

In addition to that, we're expanding cancer coverage for firefighters. With our Working for Workers Four Act, we are standing up for the firefighters who are on the front lines, protecting our lives every day in communities across Ontario. These brave men and women are there for us in times of our greatest need, and they put their lives on the line to save others. In return, we have to be there for these firefighters and their families when they are ill or injured. That is why we have introduced legislation that, if passed, would protect these heroes by lowering the length of employment needed to receive automatic compensation if firefighters are diagnosed with esophageal cancer.

Right now, you need to be employed as a firefighter for at least 25 years to receive this automatic compensation; however, we are reducing this down to 15 years. This means that a firefighter with 24 years of service would no longer have to prove that their cancer was work-related, giving them faster access to WSIB benefits and other critical services. We have to make sure that firefighters and their families receive fair treatment should they become ill or disabled or die because of their occupation and service to the public. We know, sadly, that firefighters are four times more likely to get cancer because of these work-related exposures. It is the right thing to do.

I will say, on a very non-partisan note, that I think that members from across the Legislature recognize that this is the right thing to do. I want to thank my colleague MPP Burch for working with us on this, and the Ontario Professional Fire Fighters Association, the OPFFA, for the work that they've done to work with our ministry on this.

I want to take a minute to tell you about another measure we have recently taken to help Ontario workers, which complements our Working for Workers legislation. With new regulations, our government has added chlorine, ammonia and hydrogen sulphide poisonings when associated with related work, such as chlorine poisoning in the pool industry, to a list of presumed work-related occupational diseases. This will make it easier and faster for injured workers and survivors to get access to WSIB supports and compensation. Once again, it's common sense and the right thing to do.

I appreciate the work that WSIB has done to work with our government and sectors across Ontario's economy to make sure that WSIB is easy to navigate, to make sure that it's there for injured workers when they need it, but to also look at working upstream to ensure we prevent workplace illnesses and injuries.

All of these measures that I've spoken to you about are part of our fourth flagship bill to give Ontario workers and job-seekers a hand up to better jobs and bigger paycheques. They complement other Working for Workers legislation that we've introduced. I will conclude by asking you to support this bill. We want to ensure an Ontario that works for everyone—for newcomers, for workers—and an Ontario that has the labour force needed on the front lines of record investments in the automotive sector, and up north to support the critical minerals we need to support that sector. When every facet of our Ontario economy thrives, we all thrive. An economy that doesn't work for workers doesn't work

at all, so I'm pleased to say we've taken a number of steps through successive Working for Workers bills. I look forward to working with Ontarians to continue implementing legislation that ensures a strong Ontario for workers of this province and ensures an Ontario where people can earn bigger paycheques and have access to a better job.

Ultimately, that's what this is all about. It builds on important work that Premier Ford and our government have done to create a competitive economy, an economy that opens the doors for more men and women to collect paycheques, an economy where more men and women are working today than when we first took office. I'm pleased to work with all of you to ensure we have a thriving economy and an economy that protects workers. I look forward to answering any questions you may have on this bill, and I sincerely appreciate the opportunity to speak with you all about this bill today.

The Chair (Mr. Brian Riddell): Thank you, Minister Piccini, for your presentation.

The round of questions will start with the government members. I recognize MPP Pierre.

Ms. Natalie Pierre: Good morning. Thank you, Minister, for your remarks. Bill 149, the Working for Workers Four Act, follows three previous Working for Workers bills. I'm hoping you can take a few minutes and tell us how this legislation builds on the measures already introduced by the government to help improve the working lives of Ontarians in every part of our province.

Hon. David Piccini: Thanks, MPP Pierre. I appreciate that, and I really appreciate the job you're doing to support the next generation. I was especially touched by how passionate you are for youth in the skilled trades when I visited the great work you're doing with Habitat for Humanity, really looking in the faces of these young men and women in Burlington who are getting the skill sets they need to have a job in the skilled trades. It's a career, and it's a career for life, so thanks for your leadership on this.

I will say, I'm glad you mentioned that we have taken steps every year to introduce legislation that protects workers in the province of Ontario. I'm a student of history, and when I think back, I don't think that any government has put forward measures like this every year. I'm proud of what we've done.

1020

Through these bills, we've taken a number of steps that have required employers with 25 or more employees to implement written disconnect-from-work and electronic-monitoring policies. We've increased fines under the Occupational Health and Safety Act, OHSA, for officers and directors failing to ensure a safe work environment. Previous governments could have done that; they didn't. We did.

We mandated a licence for temporary help agencies and recruiters to operate, safeguarding vulnerable employees, and I'm looking forward to implementing regulations this year on that. We've banned certain non-compete agreements to enhance employee opportunities and career growth. We've required business owners to provide delivery persons access to workplace washrooms, expanded reasons for reservists to

take leave and reduced the length of employment required for job-protected leave. These are some of the many steps we've taken.

We've implemented properly fitting PPE for women on job sites and simple things like having access to a washroom. Statistically, these steps are working. We've seen a 30% increase in registration among women in the skilled trades—this is big—and a 116% increase in women in the building construction trades, which is great, and a big shout-out to the many building trades unions that are working closely with us to break down barriers in supporting workers on job sites. And, of course, with this new Working for Workers bill, we hope to continue our track record of being one of the only governments in Ontario's history that is consistently working for workers and helps workers and their families to secure better jobs and bigger paycheques.

The Chair (Mr. Brian Riddell): I recognize MPP Wai.

Mrs. Daisy Wai: Thank you, Minister, for the remarks. I would like to say thank you for the changes that you have made to have the newcomers and immigrants contribute their talents into our market. What I'd like to know is, how might this legislation level the playing field? Also, how would we ensure that the talents and experience fit with our market needs?

Hon. David Piccini: Thank you, MPP Wai. And thank you for your leadership in standing as a strong role model for so many newcomers who come to Ontario to seek a better future.

I think this has been widely well received. We're the first province in Canada to ban Canadian work experience requirements and, of course, if this legislation passes, we'd be the first province in Canada to do that. I've spoken with a number of newcomers about what that means. I think, without question, as a sort of non-partisan statement, we can all recognize that there are jobs without people, people without jobs, and it's about how we merge that divide. We recognize that there are too many people living in Ontario right now who have the skill sets to contribute—for example, to work on the front lines. We hear too often that my Uber driver or my cab driver is a health care professional. So we're working with the regulatory bodies to reduce those barriers.

Another important step—because again, MPP Wai, I think if there was a silver bullet for all this, we would have taken that. But I think it's about better recognizing foreign credentials, something we're doing, working with our regulatory bodies to mandate response times; in fact, among the fastest turnaround times in Canada. I was at a recent federal-provincial-territorial meeting and many of my provincial counterparts—a lot of the work that Ontario is doing on that. And then, banning Canadian work experience requirements: Again, it's just asking that if you're competent to do the job, you should be given a fair shake. We also recognize that if your competencies are slightly below what our regulatory bodies or certification bodies would require of you, we have training funds like SDF to help bridge that gap and bring you up to those qualifications.

This is part of a suite of things we're doing to ensure that people have the opportunity to achieve their full potential in the province of Ontario. Again, we would be the first

Canadian province to do this, and again, at our federal-provincial-territorial meetings, I can't tell you the number of other governments of all political stripes who are looking at implementing the same thing that Ontario is doing. I think this is, again, ensuring people have the opportunity to achieve their full potential so that our economy can fire on all cylinders in the province of Ontario.

Mrs. Daisy Wai: Thank you, Minister. This is encouraging and promising.

The Chair (Mr. Brian Riddell): I recognize MPP Jordan.

Mr. John Jordan: Minister, I wonder if you can describe in a little more detail the support that this bill provides to our firefighters—in particular, firefighters who have previously been denied by WSIB.

Hon. David Piccini: Thanks, MPP Jordan, for the work you're doing. As someone from rural Ontario, I appreciate your passion and commitment to protecting our front-line heroes. We know, especially in rural Ontario, that we've got a great volunteer firefighter force and community paramedicine program that our government supported, which are helping people on the front line.

When I sat down with the OPFFA, I don't think I truly grasped the sorts of exposures they're getting in one single event. When I was down in Burlington with MPP Pierre, we spoke about—

The Chair (Mr. Brian Riddell): Thank you, Minister. The time is up.

We'll now go to the official opposition. I recognize MPP West.

MPP Jamie West: Good morning, Minister. I'll stay on that. I just wanted to recognize that I think that is a positive move, the presumptive coverage for esophageal cancer for firefighters, and I appreciate the opportunity of working—I don't know if you've worked with MPP Jeff Burch, but I know for Jeff Burch, this is something he's passionately working on, and I think it's great when we can celebrate things together. So I do want to recognize that. I'm going to urge you in future bills to maybe extend that to the wildfire firefighters, but I won't ask for a commitment today because I don't want to put you on the spot with that. It is important to point out when we work together.

One of the things that concerns me in this bill is the Digital Platform Workers' Rights Act. Basically, what's happening in this bill is that it's going to enshrine that these gig workers, as people know them—Uber, Lyft, food delivery drivers—are only paid while they're on assignments.

I was just at a press conference this morning by RideFair. They released a report that's called Legislated Poverty. On the front page of it, it says, "Under current city and provincial regulations, Toronto's ride-hail drivers' median pay is an estimated \$6.37-\$10.60/hour, a collective annual loss of up ~\$200 million/year"—and, as you know, Minister, much below what you'd expect for minimum wage.

Instead of enshrining that these workers are gig workers, enshrining that they're different from other workers, why aren't we working together to find a way for these workers

to be recognized as employees, or finding a way that they are at least earning minimum wage for the hours they're working?

Hon. David Piccini: Thanks, MPP West, for that question. I just wanted to start by thanking you for supporting the piece on esophageal cancer. You're right, and yes, MPP Burch was with me at that announcement. I mentioned other work that he's done because, again, I think when we can finally, on non-partisan pieces, come together, it is a good thing, and it's a good thing for the future MPP Wests and Piccinis to look and see that you can work together. Far too often, that's not reported on. So I appreciate that.

Your comment on wildfires, yes, is one that our natural resources minister and a couple of our northern members have mentioned as well, so it's something that I'm working with the association on and among a myriad of others. I recall vividly going up north and seeing first-hand how firefighters work and operate up there. So I appreciate that comment and will work closely with you when the Legislature returns on that, and I'll follow up with you on that.

I think, on gig workers, we were the first in Canada to have legislation that really leads the way in protecting all these workers. When it comes to pay and compensation, I think, far too often, they were compensated on far too frequent means that really were placing undue burden on the worker. So we want to make sure that they're obviously well compensated for the work that they do while protected. I'm certainly open to doing more for those workers, but it's a requirement that digital platform workers make at least minimum wage, and that establishment is under the Employment Standards Act, but also that when they're compensated, as I said, that this is done in an easy-to-understand manner and that they're paid what they deserve—

1030

MPP Jamie West: Just because of the time, I'm going to cut you off on it.

One of the phrases that you say often is the importance of bigger paycheques. I think workers should be getting bigger paycheques, especially with the affordability issues, but what you're saying isn't matching what's going to happen in this law. What this schedule is going to do is ensure that these workers are only paid while they're on assignment. So, if you're an Uber driver, for example, and you're waiting for a call, you do not get minimum wage for the time you're waiting. It's typically about 40% of their shift that they're not working. Over an hourly schedule, they don't even make minimum wage, so why wouldn't we be making these workers at least—especially, Uber is doing okay; they've got deep pockets, right? They should be paying their workers a minimum hourly wage for the time that they're working. Wouldn't you agree with that?

Hon. David Piccini: As I've said to you, I believe in supporting workers in getting bigger paycheques, better jobs. We trained half a million workers in the province of Ontario through our Skills Development Fund, so we're very much leading the way in doing that. We obviously are working with our gig partners in the digital platform, working with them and working with workers.

I had an opportunity to speak with a number of Uber drivers and others, and I think not only is it a recognition of protecting them on the job, but it's also reducing barriers for them. Just the other day, I was in an Uber, and he recognized the work that the government has done to remove Canadian work experience requirements—because he didn't come here to drive an Uber; he came here to be an engineer. Or those who came who have health care experience—we so desperately need them on the front lines.

So I think it's not just in terms of protecting drivers who drive Ubers; it's also about breaking down barriers so they can get a better job and a bigger paycheque. We're achieving so many firsts in Canada in terms of supporting these workers.

MPP Jamie West: At a minimum, I think you would agree that workers should be making minimum wage. The Employment Standards Act ensures that all workers, except for these gig workers, these misclassified contract workers, are making minimum wage. I think that if we want to demonstrate the Conservative government is working for workers—this is the fourth bill with that title—a step forward would be to ensure that, at a minimum, they make minimum wage.

For example, Minister, I come from the mining industry. If there was a gas leak and we were waiting in the lunch room, we were paid our hourly wage while we're waiting for work. If you work at a corner store or a 7-Eleven or a Shoppers Drug Mart—

The Chair (Mr. Brian Riddell): One minute remaining.

MPP Jamie West:—and no employees show up, you are paid your hourly wage while you're there. The thing with these workers is they're misclassified, and this law allows them to be paid only when they're working. So while they're waiting for a call, while they're unable to do anything else—and if you think of food delivery, where they're driving a bike for food delivery, there is nothing else they're doing. It's not like they're hanging out with their family; they are at work waiting for a call to come in. Every other workplace has to pay them. My colleague has a Dairy Queen. He pays his workers while he's there, not just while they're making ice cream. What I'm suggesting to you is that we have to eliminate this loophole so that these billion-dollar companies don't keep profiting off of these workers they're exploiting.

Hon. David Piccini: I'll say we're the first province in Canada to implement even transparency for these workers in terms of how their pay and how their work assignments are assigned, and that's a big first step. And then, as I said, we go beyond that in terms of supporting these workers in accessing a better job and a bigger paycheque. So I'll continue—

The Chair (Mr. Brian Riddell): Thank you, Minister.

We'll now go to the independent members for five minutes. I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you, Minister, for your time this morning. Within Bill 149, schedule 4, sections 3 through 6, it talks about the additional indexing factor. You talked about it a bit in your 20 minutes, but at least one group that has approached us has said that this is

super-indexing and that it's highly unnecessary. The idea that it's going to be left to regulation is also of concern. I have a saying that the devil is always in the details.

A recent study by the Institute for Work and Health regarding benefit adequacy indicates benefits under the WSIA do provide adequate levels of income replacement for injured workers in comparison to those provided to non-injured workers. So, for transparency's sake, I'm wondering what evidence you have or what policy rationale exists within your ministry to support the idea that the current worker benefits provided under the WSIA are not adequate.

Hon. David Piccini: Thanks very much, MPP Brady, for the question. I think that obviously our goal, first and foremost, is to avoid workplace injuries so that people can come home; that when they kiss their kids goodbye in the morning, they come home in the same condition in which they left—if not better, having had a fulfilling day of work. But for far too many, that's not always the case, so we have to have a robust system that's there to protect them.

I just want to acknowledge that the WSIB system, over decades, has gotten to the healthy position that it's in today. It's not without important lessons learned. What I would say is that we need look no further than the recent pandemic. In an increasingly unstable world, we always want to take steps to support injured workers, and it's never a bad day to say to injured workers, "We're going to support you and we're going to increase supports for you." In some of the most severe incidents, these workers deserve additional supports. It's what we've heard from injured workers' groups; it's what I've seen when visiting and meeting with injured worker advocacy groups and speaking with injured workers.

I think I know which group you're referencing, but if you could, for the sake of everybody, highlight where you're hearing this—because I do think we have to be very careful that we don't start to suggest that injured workers don't deserve more—

Ms. Bobbi Ann Brady: For time's sake, I'll just jump in here. The Council of Ontario Construction Associations is the one who has drawn some concern over this. I don't think anyone wants to treat injured workers unfairly, but I'm still waiting for the rationale and the evidence that there is not adequate compensation.

I guess I would ask you about the Institute for Work and Health. Is their data, their research, inaccurate according to the ministry?

Hon. David Piccini: What I would say is it's never a bad day to put more money in the pockets of injured workers. And so, as I said to you, with things like the COVID-19 pandemic, speaking with injured workers' rights groups, we're taking this step—a step that, quite frankly, should have been taken in the past and a step that we're proud to take here. We're confident that this will put more money in the pockets of injured workers, without putting undue costs on businesses.

I would also say, let's not forget that it's this government that has kept premiums low for employers and that recognizes that employers succeed, workers succeed—

The Chair (Mr. Brian Riddell): One minute remaining.

Hon. David Piccini:—and when workers succeed, employers succeed.

I've had a good conversation with Ian Cunningham and the team on this, and we'll keep working closely with COCA and others.

Ms. Bobbi Ann Brady: Great. Thank you for all that.

Just one more follow-up question: If it was warranted and if the compensation was not adequate, is there no other way that the ministry could go about putting more money in injured workers' pockets, rather than super-indexing?

Hon. David Piccini: Well, we've said and my predecessor and I have maintained that we're looking at increasing potential loss of earnings from 85% to 90% of pre-injured salaries. We're continuing to study that. I will never not sit down with both employers and workers alike to understand how we can better support workers and ensure that we keep a competitive economy, an economy that, under Premier Ford, is attracting record investments that directly benefit—

The Chair (Mr. Brian Riddell): Thank you, Minister.

We'll now go to the government for seven and a half minutes. I recognize MPP Quinn.

Mr. Nolan Quinn: Minister, you were speaking on the firefighters and what we've done in the legislation. Did you want to touch on that before I ask my question?

Hon. David Piccini: Yes, thanks very much. I appreciate that, and again, I appreciate the question from another fellow rural Ontarian about supports that we can have for firefighters. I think OPFFA—I value the work that they do. I think they would acknowledge that they've had a very accessible Premier and an accessible government.

Often, good public policy starts with a story. MPP West recognized that the story we were talking about here was the story of Alisen Bowman and her husband. Captain Bowman served with the Welland firefighter department. It was one of my first days on the job that I had a long conversation with her about her husband, who hung on and had the same courage that so many firefighters face when they run into fires as we run out of them. He went into hospice for his final days with the same courage, saying he's only going to be there a few days and then he will leave. Of course, that wasn't the case, but he hung on because he wanted that commitment: the commitment that his family would be protected and that his wife, Alisen, and their two children, Lexi, who has been a big champion now—it has irreparably, I think, altered her calling in life, and she has become such a passionate advocate for firefighters.

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Recognizing that these sorts of exposures that Captain Bowman had when fighting fires, that firefighters are four times more likely than others—and they may receive a greater exposure in fighting one fire than we would in our entire lives. Being responsive and listening to that, recognizing esophageal cancer, is the right thing to do for firefighters. Recognizing that, often, as I said, good public policy starts with a story—in this case a tragic one. But he died knowing that his family would be protected, and it's in his honour and with his legacy in mind that we're taking these steps.

I've shown a willingness, as I think we all have in this Legislature, because I've received letters from members of all political stripes, independent and opposition members alike, to look at expanding presumptive coverage in a variety of different workplace exposures. I'll continue to work with members all over the Legislature to do the right thing.

I want to make sure that hopefully, in the future, we're having fewer and fewer of these tragic stories. But I thank Alisen for her courage. I thank her family. I thank the Welland firefighter department. I thank the OPFFA. I thank MPP Burch. I thank my predecessor and so many who've worked hard on this. It's the right thing to do.

Mr. Nolan Quinn: Thank you, Minister, for explaining the importance of this legislation for our firefighting community.

How might this legislation targeting non-transparent business practices positively impact the overall experience of employees and job seekers in the future?

Hon. David Piccini: As I mentioned, in particular for hospitality workers, technology is changing, and it's changing our work experience. I think that we're seeing employers utilize various apps on your phone for paying tips. I think, increasingly, and this is just a matter of fact, that when we go in, we're paying now with a tap of our phone or a tap of our card. The cash flow is much smaller now in restaurants. They work hard during the day, so we're empowering them to understand that, in the cases of small businesses that I visit, where the owners are the last to get paid, working on the front lines, doing everything that their employees are doing, they're obviously eligible for the tip-out, but that these tip-out policies are made public for workers to know.

I recall some of my first jobs working in the back of a kitchen. We'd get access to the tips as well, because if you weren't doing your job in the kitchen, that made the life of the server that much more difficult out in front-of-house. Again, on those tip-out policies—that there's transparency and that we're putting power in the hands of the workers to make sure that those tip-outs are going to their account or wherever they say that these tips should be going. I think it's unfair that an app or a tech company would be deducting X dollars, X cents off of a tip and that a worker wouldn't even know. So we're, again, empowering them to do that.

Again, on the job-seeker, for those who want a better job, a bigger paycheque—you go through all the steps, you do all the right things. I spoke to a single parent the other day who went through all of that. It's almost like taking out a second job. I think for any member of this Legislature that has been doing continuing professional development while they're here, it's a lot of work. For those working on the front lines doing that, applying for a new job is almost a second job in and of itself. You go through all of that just to find out that you're going to earn less in the new job. So this job transparency on salary ranges—we've heard great feedback from Ontarians so far. It's the right thing to do. I think for those that are working hard, knowing before they embark on tweaking their résumé, on all the steps, researching their potential new employer, doing all the right things and knowing that you're chasing that better job,

bigger paycheque—and that’s what this will do: empower them with more information from the get-go.

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Nolan Quinn: Thank you, Minister.

The Chair (Mr. Brian Riddell): MPP Barnes.

Ms. Patrice Barnes: Thank you, Minister. Considering the rollout of the bill and the labour shortages we are facing right now, how are we looking at assisting newcomers to secure good jobs? What kind of strategies are we considering to—there seems to be a gap between people that are looking for jobs and people that are hiring.

Hon. David Piccini: Thanks very much, MPP Barnes, and thanks for the work you’re doing in education, K to 12. That’s so important, and then, of course, when you’re in the workforce, we’ve got to continue to support workers as well. You’ve been such a champion on this, and I really appreciate that.

I think, especially when we’re dealing with newcomers, it is a more vulnerable group that we’re supporting here, and I just—

The Chair (Mr. Brian Riddell): Thank you, Minister.

We’ll now move on to the official opposition. I recognize MPP Gélinas.

M^{me} France Gélinas: My first question will have to do with preventive coverage for firefighters. Thank you for the change we have in the bill. I’m curious to see if you would be open to other changes.

Primary leukemia: Right now, Ontario is the only province that asks for 15 years of service. British Columbia, Alberta, Saskatchewan, Manitoba, PEI, New Brunswick, Nova Scotia, Newfoundland, Yukon and Northwest Territories—five years. Why is it that Ontario is still at 15?

Non-pulmonary mesothelioma: Quebec covers it; Ontario does not.

Laryngeal cancer: I mean, we can all see that—what you breathe. Quebec covers it. Other provinces cover it. Ontario does not.

Soft tissue sarcoma: Same thing—Alberta covers it, other provinces; not Ontario.

And, as well, one that is not cancer but has to do with an injury to the heart that manifests within 24 hours of an emergency response: Saskatchewan, Nova Scotia, Newfoundland, other provinces cover; we don’t.

Would you be open to at least be in line with what every other province and territory in Canada does?

Hon. David Piccini: First, thank you for the question. I think we all can agree that we’ve got to protect our front-line heroes. I think, the way you’ve characterized that, I would take some umbrage there, because when you look at thyroid, pancreatic—so many of the cancers that we’re doing—we are now a leader in Canada. I know other provinces look to us for the steps we’re doing.

In short, to answer your question, are we looking to do more? Always. So I would absolutely be willing to sit down with you, the WSIB, other firefighter advocates to make sure that we’re constantly looking at ways to support those heroes on the front line. Bottom line, yes, I’m always willing to sit down and to look at expanding. In fact, OPFFA had

their lobby day right before we broke for the winter break to get back to our constituencies. Not only did I have meetings there but then I continued them while on constituency break with firefighters in my own community, and they’ve brought forward steps. So yes, we always want to make sure not only are we in line but we’re leading in a number of respects, and I’m always open to sitting down with firefighters to improve these protections.

M^{me} France Gélinas: That’s encouraging. Thank you.

You keep talking about bigger paycheques, better jobs, but for everybody, a better job means that you have sick days. A better job means that if you are really sick, you don’t have to go to work and risk losing your job because you haven’t shown up. Are we going to be at Working for Workers 295 before we get sick days for every worker in Ontario?

1050

Hon. David Piccini: I would say we’ve led the way in Canada when it comes to matching job-protected leave and we’re constantly looking at taking greater steps.

When I think to the story of my grandfather who worked in the steel sector, it’s no different than so many. They had access to build a better future.

We’re constantly taking measures, from removing Canadian work experience requirements to empowering and supporting our hospitality workers to earn a bigger—

M^{me} France Gélinas: People do get sick. People do get injured. You don’t choose to get sick, you don’t choose to get injured, but it happens. And for a lot of workers, if you don’t show up, you lose your job. Ask my grandson. Ask many, many precarious workers. If you don’t show up, you lose your job. Did you choose to have a car accident? No. Would a few sick days have changed everything? Yes.

Why is it that Ontario does not guarantee sick days for everybody?

Hon. David Piccini: Again, what I would say—you talk about car accidents and others. We’ve taken big steps when it comes to protecting injured workers with the WSIB. We saw super-indexing, among others. I appreciate your passion here. We want to make sure that it’s an Ontario that works for everyone, with all of these record investments.

Let’s not forget: More people are collecting paycheques working today than when we first took office. All of the steps we are taking to empower the automotive sector and critical minerals are steps that you have not supported. It’s important. We want an Ontario that works for workers. We want an Ontario in which we are seeing these world-class automotive investments. We’re seeing record supports for workers, breaking down stigmas and barriers in the skilled trades. We’ve seen a record number of women put on—

M^{me} France Gélinas: Sick days is what I was talking about, but I think I’ve got my answer.

You talked about labour shortages. The court will rule on the constitutionality of Bill 124 in a few hours, if they haven’t already. Bill 124 affected every nurse, every hospital worker, every school worker, early childhood educators, teachers, long-term-care workers, PSWs. It affected a ton of women. These women feel disrespected by Bill 124.

The shortages we see in our hospitals right now, the shortages we see in our long-term-care homes, the shortages we see in home care and many other sectors of our health care system: There's always a direct trace to how those are human beings, human beings who need to feel valued. When their government brings in a bill that takes away their right to bargain and then appeals it in court once it's deemed unconstitutional—the response to the appeal is coming. Are you willing to show respect to these women?

The Chair (Mr. Brian Riddell): One minute remaining.

M^{me} France Gélinas: Are you willing to put Bill 124 behind and say that it was a huge mistake?

Hon. David Piccini: A couple of things: I look forward to the ruling, and no doubt my colleagues at Treasury Board will be studying that ruling.

But I would first say that I think everybody recognizes that I'm not showing respect to future generations if I don't deal with the means at our disposal to tackle our debt and deficit. When it comes to those nurses on the front lines, more registered last year than at any point.

More investments in hospitals, two new medical schools—all of these things, you have voted against. For our next generation who want to work on the front lines of our health care system, they know that you said no to that and that in this government we have a government that is saying—

M^{me} France Gélinas: I've advocated for more spaces for the Northern Ontario School of Medicine since it was opened. To say that I don't support new places in our universities and all of this—I'm on record many, many times—

The Chair (Mr. Brian Riddell): Thank you, Minister.

We'll now go to the independent members, and we'll go to MPP Fraser.

Mr. John Fraser: I want to thank the minister for begin here this morning to answer a few questions. I don't have a lot of time, so you'll have to excuse my question that will meander a bit. It will make a point.

I think the super-indexing of benefits is something that is favourable toward workers. There's no question about that. It's unclear to me the criteria by which those decisions will be made. My assumption is that it's going to come from surplus funds and WSIB. It will be interesting—and I'll get back to this in my question—about how the determination of that super-indexing happens. Whether it's 2%, a quarter per cent, 0.5%, 3%, it would be interesting to know the rationale.

There are three things you can do with a surplus: You can provide more benefits, you can reduce rates and you can expand coverage. In this bill, you've expanded coverage for firefighters, which I think is a great thing. It's a great thing.

There are a lot of workers who are not covered, and for six years, I have introduced five times and debated twice—I think you may be aware of this bill—WSIB Coverage for Workers in Residential Care Facilities and Group Homes Act. These are mostly women who are PSWs and developmental service workers who, because their employer is who they are, don't get covered. But people doing similar work in similar situations are getting covered by WSIB.

The reason that this is important is that, first of all, these people care for the people who we care for most, and it's dangerous work. Many of them work more than one or two jobs, and what happens is, if you get injured on one job and you don't have coverage, you're not covered by private insurers. You get paid for that one job you have. Under WSIB, workers would get paid for their lost income.

So I appreciate what the minister is doing with super-indexing. I appreciate what the minister is doing with esophageal cancer. I guess the thing I'm trying to determine is—the point of WSIB is to make sure that as many Ontarians as possible are protected in the workplace. So I would like to know—I think I know where the money's coming from—how you're going to determine that super-indexing, but how you're going to create a balance to make sure that, for instance, these, as I said, personal service workers, developmental service workers, who are mostly women, working more than one job, will be covered the same as the people who are doing it that are working in a long-term-care facility or working in a provincially run facility. It's unfair that they're not covered. I've been on it for about six years, and that's why I'm using my five minutes this morning to ask you how we're going to get them covered.

Hon. David Piccini: Thank you, MPP Fraser, for the work you are doing on that. I look forward to getting a critical path charted out with you when the Legislature resumes. I recall this being, I think, put the day or within a few days after becoming minister, and we had a chat right thereafter about that critical path. So I'll start by saying: Let's sit down and chart out a path forward.

I appreciate finding common ground on where we can increase WSIB supports for workers. I hear what you're saying—and, I believe, MPP Brady—on rationales. I had a good conversation—

The Chair (Mr. Brian Riddell): One minute remaining.

Hon. David Piccini: —Ian Cunningham and COCA on that. The bottom line is, we've got a healthy WSIB, a WSIB that is stable. We don't need to look back too far to see a time when premiums were high, when injured workers didn't have the supports that they have today and when those manufacturing jobs were leaving, but today there is more stability there.

I appreciate you recognizing that these aren't tax dollars; these are employer dollars that are put in. We're taking steps to go after bad employers and to make sure that we're protecting injured workers, expanding that coverage.

As I said to MPP Gélinas and West and others, I'm always willing to sit down on ways we can expand coverage for, in particular, heroes on the front line. We obviously want a healthy WSIB that has a sufficiency ratio and a surplus, and that those surpluses are going back—

The Chair (Mr. Brian Riddell): Thank you, Minister, for your time today and for your presentation. I will now—

Hon. David Piccini: Thank you very much, Chair.

The Chair (Mr. Brian Riddell): Go ahead, Minister.

Hon. David Piccini: Thank you very much, Chair. I appreciate the opportunity and appreciate everyone's time and questions. I look forward to sitting down with every-

one to continue, and I've made notes of their comments. I look forward to sitting down with you when the Legislature resumes. Thanks, all.

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The Chair (Mr. Brian Riddell): Thank you.

RESTAURANTS CANADA
EQUAL PAY COALITION
ONTARIO NONPROFIT NETWORK

The Chair (Mr. Brian Riddell): I will now call on Tracy Macgregor from Restaurants Canada. She's the chief operating officer.

As a reminder, each presenter will have seven minutes for their presentation. After we have heard from all presenters, the remaining 39 minutes of the timeslot will be for questions from members of the committee. The time for questions will be divided into two rounds of seven and a half minutes for government members, two rounds of seven and a half minutes for official opposition members and two rounds of four and a half minutes for the independent members as a group.

Welcome. Please state your name for Hansard, and you may begin.

Ms. Tracy Macgregor: Thank you. I'm Tracy Macgregor, of Restaurants Canada. Good morning and thank you for this opportunity to address the committee today.

Restaurants Canada is here in support of the Working for Workers Four Act. The changes that are proposed to the Employment Standards Act represent best practices and are followed by the vast majority of operators in our industry. They give food service employees the protection they deserve, and they ensure a safe and healthy workplace. It ensures that employees' earnings are safeguarded from patrons who dine and dash, and reinforces that employee's hard-earned paycheques and gratuities are their own.

At the same time, we have some concerns with just a couple of areas that we want to work with the ministry on, in the operational policy, to ensure that these changes don't result in increased costs for operators. We are reassured that these are being addressed. Some 56% of restaurants are operating at a loss or just breaking even right now, and for the majority of the industry, added costs don't cut into profits; it's a dive further into deficit.

The wording and definition of "employer" in subsection 14.1(1) around tipping is a concern as CRA rules around direct and controlled tips are very stringent. There's a need to ensure that this also includes employee gratuity committees, unions or third parties hired by employee gratuity committees, such as tipping platforms, to direct these tips to employees to avoid gratuities being considered pensionable and insurable earnings. We look forward to this being clarified in the operation policy to ensure that there aren't any unintended consequences that result in either liability or costs for restaurants.

Our other concern is the additional WSIB indexation referenced in the bill. We want to ensure that this won't

increase costs for employers through an increase in premium rates.

In conclusion, Restaurants Canada is in support of these changes, and we look forward to working with the ministry to ensure that the operation policy protects the employees, but doesn't result in additional costs to employers in the areas that we've highlighted. Thank you again for your consideration and your time this morning.

The Chair (Mr. Brian Riddell): We will now go to Fay Faraday, co-chair of the Ontario Equal Pay Coalition, and Jan Borowy, co-chair of the Ontario Equal Pay Coalition. Please state your names for Hansard, and you may begin.

Ms. Fay Faraday: Hello. I'm Fay Faraday. I am the co-chair of the Equal Pay Coalition.

Ms. Jan Borowy: And I'm Jan Borowy, co-chair of the Equal Pay Coalition as well.

Ms. Fay Faraday: The Equal Pay Coalition is an organization made up of over 40 women's groups, business organizations, professional organizations and unions that have been fighting for women's rights and against discrimination in pay since 1976. We are focusing only on the proposed amendment to the Employment Standards Act, section 8.2, which purports to introduce a so-called pay transparency provision around job posting. That section requires employers to include a salary range in advertised job postings for each position. The government has described this as pay transparency. I want to be clear: It is not, and I'm going to make five points.

First, this is simply a job-posting administrative requirement. The entire point of pay transparency is to put an onus on employers to disclose wages and their pay structure to ensure that wages are non-discriminatory. The first flaw with this provision is that it doesn't actually require employers to identify the real compensation that people are being paid. It allows them to introduce or to identify a range of salaries. In the United States, where a number of states have introduced legislation exactly like this—the legislation that this provision is modelled on—the business press in the US—Forbes, Fortune magazine, Bloomberg, the New York Times, the big recruiter Indeed—all have for several years identified that this legislation enables employers to actually hide discriminatory pay. What they've identified is that the extent to which employers identify actual pay has decreased and instead employers are identifying massive salary ranges—like, Netflix, for a customer service position, has identified a range from \$60,000 to \$290,000. That is useless. What they've also done is dropped the bottom so that they can actually hide the fact that they're paying women less and men higher.

The law further weakens this by actually creating exemptions so not everybody is covered, and it gives workers no real remedy or no real consequences for employers should they not comply.

But the most significant failing is that this so-called pay transparency provision undercuts the real Pay Transparency Act, 2018, that is on the books. It was introduced in 2018. It was supposed to take effect at the end of 2018. The Ford government, when it took power in 2018, amended

the effective date so it doesn't come into effect until some unnamed date in the future to be proclaimed. Needless to say, it has been shelved, and the government has effectively shelved this equality rights legislation without facing the political heat of repealing it. That full Pay Transparency Act is the real deal. It gives the full suite of protections that are required to actually eliminate wage discrimination.

So what we are asking is that the government immediately implement the full Pay Transparency Act, 2018, that they've frozen, and it is in place of this weak section 8.2.

In addition, the coalition supports all of the submissions of the Workers Action Centre and Parkdale Community Legal Services on the other portions of Bill 149. And I want to note that, in the written submissions that we circulated to you, there is an appendix A that identifies all the criteria that you require for a true pay transparency act, and you'll note that every single thing on the checklist is missing from Bill 149.

Ms. Jan Borowy: Thanks very much, Fay.

We are here because pay transparency has become, internationally, one of the most critical and important tools to redressing systemic discrimination. What Bill 149 does is completely ignore and dismiss what is meaningful and important pay transparency—key provisions that will make a difference in terms of closing the gender pay gap.

Bill 149 requires individual workers to file individual complaints as they try to enforce their right to discrimination-free pay. It does nothing to advance any new enforcement mechanisms to ensure that women have access to new modes to ensure that they could know something about their employer's pay structure. It continues to put the onus on employees, not employers, with respect to the types of pay structures that are set up. You'll find in our submissions, on page 9—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Jan Borowy: I encourage you to look at paragraphs 45 through 47, which spell out exactly how workers should have access to pay transparency.

Ontario is lagging. We encourage you to take a look at the federal government's most recent pay transparency provisions at equivision.services.gc.ca. This is a new website devoted to pay transparency, where workers see the pay gap that actually exists in their workplaces. Actually, perhaps in the discussion with the committee in the next few minutes, we would be happy to show you this new pay transparency tool that has been launched.

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Pay transparency can be done simply. It is being done internationally, in the UK—

The Chair (Mr. Brian Riddell): Thank you for your presentation.

We will now call on the Ontario Nonprofit Network, with Pamela Uppal-Sandhu, a policy director. Please state your name for the Hansard.

Ms. Pamela Uppal-Sandhu: Good morning, Mr. Chair and committee members. Thank you for the opportunity to present today. My name is Pamela Uppal-Sandhu. I'm the director of policy at the Ontario Nonprofit Network, otherwise known as ONN. It's nice to see so many familiar

faces. Thank you for your ongoing support of non-profits in Ontario.

As some of you may know, ONN is the network for the 58,000 non-profits and charities in Ontario. We engage our network of diverse non-profits to bring their voices to government and other stakeholders. ONN supports your government taking action on pay transparency and disclosure of AI use in recruitment processes and job postings, as it benefits both employers and workers in Ontario.

According to various studies on the effectiveness of pay transparency, workers, particularly women and those from equity-deserving communities, depend on pay transparency to ensure they are being compensated fairly. For employers, pay transparency minimizes the disconnect between salary expectations of job seekers and what other organizations are prepared to offer, saving employers valuable time and money in the recruitment process.

As AI becomes an integral part of the hiring processes for many organizations in Ontario, we need safeguards in place so AI tools do not perpetuate unfair and discriminatory hiring practices, nor put at risk applicant data.

Many non-profits are actually already practising pay transparency in their job postings, including ONN. It has been our policy to include salary ranges in all job postings for a number of years. We also mandate that any non-profit posting a position on our job board include salary ranges. Annually, over 400 jobs are posted on our Connect Jobs board with this mandate. In addition, ONN also discloses that we do not use AI in our recruitment processes, and we will probably start mandating disclosure on our job boards soon. Quite simply, it's about time our employment standards caught up to what should be the norm.

Today, I want to share with you four regulation considerations in order for the proposed amendments to really make a difference for workers and employers.

Number one: Ensure no employers or jobs are exempt from both pay transparency and disclosing AI use in recruitment processes. Pay transparency and AI disclosure only work if everyone does it. For this reason, regulations must apply to all public and private sector employers of all budgets and sizes, and for all types of jobs. Any exemptions will defeat the purpose of the legislation and not create an even playing field for both workers and employers across sectors and jobs during a generational labour shortage in Ontario. Pay transparency is particularly critical in those sectors, organizations and jobs where there is more likely to be wage inequality, such as in higher-paying jobs and/or male-dominated jobs, sectors, such as manufacturing and construction. Disclosure of AI use in recruitment processes is critical for all employers, because technological biases transcend AI tools and thus employers.

Number two: Require pay transparency with reasonable salary ranges. Pay transparency will only work for both employers and workers if the salary ranges are reasonable—that is, the range supports wage equality, rather than further exacerbates it or nullifies the transparency in the first place. Reasonable ranges also help job seekers have an easier time identifying whether they're an appropriate candidate and whether the position and its compensation

are the right fit. This is a much more efficient hiring process for both applicants and employers, as well as minimizing the risk of wage inequalities appearing throughout organizations in the future.

Moving to recommendations for AI safeguards: As a safeguard regulation, ensure organizations conduct an annual bias audit of the AI tools used in the recruitment processes. Reporting requirements can ensure employers are held accountable and are rewarded for taking steps towards eliminating discrimination in all parts of the hiring process.

Class-action lawyers have outlined that AI employment discrimination cases are anticipated to subtly rise as more companies implement AI in their hiring processes. That is because the algorithms underpinning AI encompass the biases and values of its builders and those who develop the data sets the algorithms use. When those builders are from a homogeneous group and/or incentivized to build a system for for-profit and not necessarily fairness, the technology can profoundly perpetuate and deepen inequities.

In the same vein, it is imperative that the decisions made by AI be easily explainable: that is, which factors, features and data sets are used in decision-making and which ones are not and why—especially when those decisions are about people. Any negative impact and harm will disproportionately be felt by people from equity-deserving communities.

Other jurisdictions are already developing and implementing public policy to combat the same. In 2021, the city of New York's Department of Consumer and Work Protection implemented a policy that mandates that all employers using AI tools in their hiring process to subject their tools to a robust bias audit. Similar regulations in Ontario will protect employers from complicated legal issues that waste time and money and ensure that the best possible candidates are being recruited for their jobs. At the same time, workers will be provided with assurances that they are not being excluded from jobs due to technological biases and make informed decisions on their job search. The province would not be starting from scratch to build such safeguards, as it can rely on and utilize its trustworthy AI framework.

We are conscious of reporting burdens on particularly small and medium-sized employers and so suggest that reporting requirements be applied to all employers with 50 or more employees and consist of the following:

- the results of the bias audit are published publicly within a year of using the AI tool and made available on the employer's website in a clear manner in perpetuity;

- the same prescribed reporting period should apply to all employers; and

- the Ministry of Labour inspectors are empowered to deliver fines to employers who violate the bias audit reporting requirements.

Our last recommendation for safeguards for AI regulation is to protect Ontarians' personal data—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Pamela Uppal-Sandhu: —when AI is used in recruitment processes. It is vital that the government consider the repercussions of employers collecting applicant data and inputting it into open-access AI tools. Personal data should not be allowed to be inputted into an

AI tool unless the applicant gives informed consent and the employer can guarantee that the applicant's personal information will not be misused for purposes beyond their intended use.

Ontario can lead the way in ensuring pay transparency and the introduction of AI tools in recruitment processes. It can create an equal playing field for workers, one that is fair and transparent, while ensuring employers are recruiting top talent. But we need enabling regulations and enforcement to meet their intended outcomes.

Thank you for your time.

The Chair (Mr. Brian Riddell): We will now go to the presenters' group of questions. We'll be starting with the official opposition for seven and a half minutes. I recognize MPP West.

MPP Jamie West: I'm going to start with Fay and Jan from the Ontario pay equity coalition. I like one of the comments that you had said. It was that this is just a job-posting rule; it's not pay transparency. And I think that really summarizes—when I'm critical of bills like this, I often talk about how they feel like they're written for headlines, so you can do media and a photo op, and it sounds like you're doing something effective, but all you're really doing is saying, "Tell me the range of wages that are available."

I'm glad that you brought up that there was the Pay Transparency Act that received royal assent on May 7, 2018. This was supposed to come into effect, like you said, on January 1, 2019; it was blocked by the Conservative government.

And just as some details—because I wrote them down here:

- it would require employers to include wage rates or salary ranges in job postings;

- it prohibits employers from asking job applicants about their pay rates in previous positions;

- it requires employers with over 100 employees to produce yearly transparency reports, which they would have to file with the Ministry of Labour and post for the employees;

- the reports must include information about workforce composition and differences in composition with respect to gender and other prescribed characteristics; and

- the employers would be prohibited from intimidating, dismissing, or otherwise penalizing employees for making inquiries about the employees' compensation, disclosing compensation to another employee or asking the employer to comply with the requirements of this legislation.

So, all of that I know you're aware of, because you spoke about it, but I wanted to get it on the record for Hansard and for people who are following this. Can you just spell out why it's important to have pay transparency and what it means for people who don't have access to this information?

Ms. Fay Faraday: Absolutely. For workers who are not unionized, they are often told that they cannot share their pay information. They cannot ask about it. If they do, they can be terminated or disciplined. If you do not know what the employer's wage structure is, you cannot enforce

your right to equal pay for equal work. You cannot enforce your right to pay equity. Pay transparency is an access-to-information law that enables people to enforce the fundamental human rights that have been in place for generations, but that have not been enforced because employers have been able to hide in pay secrecy.

We agree with you about the performative nature of this legislation. In our submissions, we call it a fig leaf that employers can hide behind to actually shield information about discriminatory pay structures while they replicate them.

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I want to note that—with ONN identifying the importance of rigorous salary disclosure—in the not-for-profit sector, which is almost 100% female-dominated, the wages there are so suppressed compared to the identical work in the direct public sector or in the private sector. So in that case, knowing the salaries enables you to see how suppressed a female-dominated work sector is and how deep the discrimination is.

We've just had today the Court of Appeal confirm that Bill 124—that, again, suppressed those wages—was unconstitutional. Being able to disclose that, just at a really limited level, allows people to see that. But pay transparency is way deeper than that, it's way stronger than that, and it ensures that employers must proactively prove that they are complying with their existing legal obligations. Right now, we know that the vast majority of employers are not.

The Equi'Vision tool that Jan spoke about, you can scroll through it, employer by employer, and identify: What is the pay gap for women? What is the pay gap for Indigenous workers? What's the pay gap for racialized workers? What's the pay gap for workers with disabilities? This is all really basic payroll information. In the UK and around the world where this law is in place, and for Canadian employers who have to comply with those laws when they're working overseas, the cost for doing this is \$1,000 per employer. It's basically the time for someone to run a couple of spreadsheets. That's literally how easy it is to disclose pay.

All this performative stuff about putting your actual salary—except they're not even requiring actual salaries, right? The fact that the business news, the business media, are calling companies out for gaming the system on weak laws like this shows you how bad it is.

MPP Jamie West: I think, as well—it would be an extreme use, but—you could make the range basically minimum wage to a million dollars and be in compliance with this.

Ms. Fay Faraday: That's what they have done in the States, literally. The example I gave from Netflix isn't even one of the worst ones.

Ms. Jan Borowy: And then there's no follow up to say, as you would have in even the Pay Transparency Act, 2018—there's no follow-up with an employer's report that says, "Well, this is actually the gender breakdown," and who's getting paid what.

What pay transparency is about is redressing systemic gender discrimination, and there is no way that Bill 149 allows that.

Ms. Fay Faraday: There's not even a remedy if they offer you a salary that's outside the range that's posted. This is strictly a posting requirement, and there's no remedy for workers.

MPP Jamie West: Just in terms of time, you had mentioned the non-profits, and we have Pamela from the Ontario Nonprofit Network, and I think it's important to talk to her about similar things.

One of the things I hear a lot, Pamela, from non-profits when I meet them: First of all, the funding has been frozen or very minimum over many years—as inflation, I think, last year, was 6% or 7%, but typically is 2% or 3%, and many of these non-profits have had no increases. And what I hear from the workers is this really heartfelt, familiar phrase of "I have to leave," where they love their job, they love the work they do, they understand the value of what they're doing but they have to leave because they can't make ends meet.

So how would pay transparency help for the ONN?

Ms. Pamela Uppal-Sandhu: Thank you for your question. I don't think it's of any surprise to anyone that the sector is also experiencing labour shortages. We have an HR crisis that's been going on for the past two years, and what that means is that we can't recruit and retain folks. People are leaving our sector to do the same job—to other organizations or the public sector, and that's been a reality for the last two years.

As Fay pointed out, the funding isn't the same. The funding constraints of our organization don't allow us to pay how we want to pay.

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Pamela Uppal-Sandhu: We want to pay better. With more money, we would pay better, but that does not mean that we don't want pay transparency. Even if it means showcasing that we have lower wages, it's about workers, and it's about supporting workers. That's why we support pay transparency.

MPP Jamie West: Would the pay transparency be able to demonstrate that in other, similar workplaces, they're making an average rate that is higher than what you're able to pay your employees?

Ms. Pamela Uppal-Sandhu: Yes. Because if the salary ranges are reasonable, then yes, they would be able to see that.

MPP Jamie West: I think I have seven seconds, so I'll just cede the rest.

The Chair (Mr. Brian Riddell): We'll now go to the independent. I recognize MPP Fraser.

Mr. John Fraser: Thank you very much to all the presenters.

My first question is to the Equal Pay Coalition. Thank you very much for your presentation. I agree, and I'm not going to repeat my colleague's assessment of what we're dealing with here, just in terms of a posting really being just that: a posting, with no other mechanism by which to

use that information in a way that would advance things. There's nothing wrong with transparency, but what we need to do here is to try to advance, get the ball moving.

We know about the Pay Transparency Act, 2018. You said that it should be implemented; I agree. On top of that, if they implemented that act, what would be the next three things that you would like to see done if that act was, in fact, in force right now?

Ms. Fay Faraday: What are the things that would make a difference?

Mr. John Fraser: Yes.

Ms. Fay Faraday: They would be: first of all, yes, implement the Pay Transparency Act, 2018. It would be to actually, particularly in the broader public sector and the public sector, fund the sectors for the value of the work and the value of the services to the communities.

We see all of the broader public sector and the front-facing health care sector work that is vastly female dominated. It is profoundly underfunded. Instead of actually putting the funding into supporting those systems that deliver critical essential services to the community, this government is privatizing that work and putting public dollars into private coffers. So fund the work for the real value. Give money for value. Stop privatization and have very rigorous, proactive enforcement of all employment standards.

When you have systems that rely on individuals to come forward and file complaints, when they are particularly low-paid and otherwise oppressed and not unionized in the workplace, that system never works. We've had literally generations of academic research that confirm that people do not enforce their rights until after they've left that abusive job, so it only works if you have proactive enforcement.

You've got to fund the sectors in the way that actually represents the value to society. You need to ensure that workers in all those low-paying sectors can unionize, including restaurants.

And we need to stop with legislation like Bill 124 that intentionally, knowingly overrides constitutional rights.

There's a lot of work to be done, and all of it adds real value, not just in terms of closing the discriminatory pay gaps; it's actually a massive benefit to the economy. The Ontario government itself commissioned Deloitte LLP to do research on the effect of the pay gap, and Deloitte identified that the impact of the gender pay gap in Ontario is the—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Far Faraday:—equivalent of eliminating the entire auto and auto parts sector from the economy. That's how much money women are losing every year.

There's a lot that can be done. This doesn't touch it. It doesn't even begin.

Ms. Jan Borowy: Bill 149 doesn't offer a remedy to any workers, and that's a key part of this: that there is no proactive enforcement to ensure that systemic discrimination is redressed. It just simply doesn't go there because it's a fig leaf of a posting provision.

Ms. Fay Faraday: Even with the Canadian-experience provision, that's been the law for more than a decade. That's actually been the law for a decade, that requiring Canadian experience is discriminatory. So we're not moving the needle on anything here.

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Mr. John Fraser: Thank you very much.

The Chair (Mr. Brian Riddell): Thank you very much. We will now go to the government for seven and a half minutes. I recognize MPP Quinn.

Mr. Nolan Quinn: Thank you to all four of the presenters. My question today is for Tracy at Restaurants Canada. Just for full disclosure: I do own a Dairy Queen, as my colleague from the opposition did mention earlier.

As the minister mentioned, 6% of Ontario's workforce does work in the restaurant industry, so I think it's a pretty significant portion of our economy.

Tracy, based on your experience, what elements of Bill 149 do you see as the most important priorities for the restaurant sector?

Ms. Tracy Macgregor: The provisions around the dine-and-dash were very important to us. It's a safety issue for staff who, if they are held accountable for things like that, will put themselves in danger to ensure that it doesn't happen. So that was a very important piece for us to see there.

Certainly, just the provisions around the tipping and those areas as well were important. Again, because those tips belong to the employees without question, we want to make sure that everybody's on a level playing field for that. We have some concerns, but it's in the wording and we believe that that will be addressed in the policy piece to enable the restaurants to still follow CRA rules, which are very strict.

We've created a tipping tool kit for all of our operators so that they know the best practices around that and how to ensure that they're doing that fairly. But having that in the Employment Standards Act just helps to ensure that everybody is following those practices. Even though the majority are, we want to make sure that there aren't any outliers and that people are following these pieces. From that perspective, those are very important to us.

Mr. Nolan Quinn: Thank you, Tracy, and thank you for the work you do for the restaurant industry. I know it hasn't been an easy haul throughout the pandemic.

The Chair (Mr. Brian Riddell): I recognize MPP Pierre.

Ms. Natalie Pierre: Thank you to all of today's presenters. My question is also for Tracy. In terms of all of the amendments proposed in the bill, do you anticipate any implementation challenges within the restaurant sector if the bill were to pass?

Ms. Tracy Macgregor: I think any challenges that it brings forward, again, are in the current wording of the pieces that really affect tipping. An employer, as defined by CRA, also needs to—it changes the nature of the tipping from control to direct, so we just need to make sure that employee committees are covered and unions are covered, and that third-party tipping platforms that are always used by an employee committee are outlined in

that. That is a problem because if it isn't outlined, it will bring around a \$30,000 cost to each and every restaurant, and that's just at the outset, at the bottom line.

Right now, restaurants are obviously operating at a loss or just breaking even. It's not a time they can take on any more costs, to be honest. We're at a breaking point already. Those are the concerns. But we also feel assured that the ministry is aware of those and will be taking that into consideration in the operational policy.

Ms. Natalie Pierre: Thank you very much.

The Chair (Mr. Brian Riddell): I recognize MPP Wai.

Mrs. Daisy Wai: Thank you, all parties, for your presentations. My question is for Pamela. I just want to say thank you to ONN for partnering with me together in doing this as it's non-profit appreciation week. I thank you for all the work that ONN has been doing.

Thank you for your remarks and your presentation. I want to know: How do you feel the amendments in this bill as a whole will affect the membership?

Ms. Pamela Uppal-Sandhu: Thank you for your question, MPP Wai. And yes, happy non-profit appreciation week to everyone.

I think the way that pay transparency and AI disclosure can be strengthened is in the regulations, which is why we're putting forth four. In order for it to work, everybody has to do it, so no one should be exempt. For it to work for workers and to work for employers, they need to be able to have salary ranges that are reasonable. To Fay and Jan's point in the beginning of their presentation: If your salary ranges are minimum wage to a million dollars, that's not going to help anyone, and so those two are really important.

For AI, we're concerned about applicant data being fed into free AI tools, which will not protect applicant data. So there need to be some sort of safeguards built in there as well.

How this will impact our membership, as I shared before: Non-profits want to pay people better. We rely on people. People are our biggest asset in our sector. We need good people, the right people, the most talented people to be taking care of our communities, and pay transparency is a way to do that.

And it's not always the case that our sector is paying less. For instance, if you compare child care workers in non-profits to for-profits, we actually pay more, and we have more benefits and pension. If we're thinking about the Y, that's one really great example of that. So it's a way for us to recruit better, which is important.

Mrs. Daisy Wai: Thank you very much. I understand the labour shortage is a big challenge. It is across the board for everyone, too. But thank you very much for all the work that ONN has put in.

The Chair (Mr. Brian Riddell): MPP Pierre.

Ms. Natalie Pierre: My question is for Pamela also. You mentioned that many non-profits already practise pay transparency in their job postings, and I think you actually mentioned that ONN already does this as well. Can you tell us how these organizations calculate or determine what is a reasonable range for a given job posting?

Ms. Pamela Uppal-Sandhu: For sure. It depends on the organization. If you take our example, we're small.

We're 14 staff. Even though we're small, we have an internal wage grid, and that wage grid is based on market research for similar jobs, similar positions, qualifications, experience, so they're reasonable in that sense. They're based on research, and they're comparable to market. We don't compare it to just our sector but the market overall, and then, based on those salaries' internal wage grid, that's the salary range that we put in our posting.

For example, I'm hiring for a policy analyst right now, and the wage range is there. It makes sure that we are being transparent around what type of experience and what we're able to offer, which saves time. It makes sure the worker knows exactly what we're ready to offer. It's particularly important for women; when they go into a job and they want to negotiate or they want to pose how much they should get paid, they know exactly where it could be and what that range is.

And the smaller the range, the better. For instance, right now—

The Chair (Mr. Brian Riddell): Thank you.

We'll now go to the official opposition. I recognize MPP Gélinas.

M^{me} France Gélinas: I will actually start with you, Pamela. Do you want to finish your sentence?

Ms. Pamela Uppal-Sandhu: No, go ahead.

M^{me} France Gélinas: No? Okay. My first question is kind of off topic a bit. You went through a series of changes that you would like to see about AI, about fairness. Do you have a written copy of your submission by any chance that you could share with us?

Ms. Pamela Uppal-Sandhu: Yes, we've submitted it online, but we can share it afterwards for sure.

M^{me} France Gélinas: We have submitted to the Clerk already?

Ms. Pamela Uppal-Sandhu: Not to the Clerk, but to the official consultation submission.

M^{me} France Gélinas: Okay, because we were looking for it, and we did not find it.

Ms. Pamela Uppal-Sandhu: I can check after.

M^{me} France Gélinas: If you could send it, the sooner, the better. The deadline for amendments is tomorrow night, so the window is really, really short.

If you could take me through the—you talked a lot about discriminatory practices, and how to put legislation in place so that they don't happen. Could you explain to me some of those practices and how they affect people?

Ms. Pamela Uppal-Sandhu: For pay transparency, AI or both?

M^{me} France Gélinas: Let's start with pay transparency.

Ms. Pamela Uppal-Sandhu: Okay. The two that I would repeat again are that no one is exempt—everyone has to do it, otherwise it won't work, so no exemptions across public, private, budget, sizes, number of employees. And the second one for pay transparency is reasonable salary ranges, as I was sharing before, to make sure that salary range is tight: It's part of your internal wage grid, so there are no inequities that rise after, which is often what we see, particularly with women, who end up negotiating less.

M^{me} France G elinas: So right now, the way the bill is written, you don't feel comfortable that it would apply to everyone? You want to see in the bill "no exception"?

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Ms. Pamela Uppal-Sandhu: As it's written in the bill right now, it just says "pay transparency." There is no specificity around who, what, where, and so we're proposing that the regulations at least have that.

Then, for AI, we have two regulatory safeguards. One is around a bias audit tool, so making sure that folks are using AI tools that protect people and that end perpetuating discrimination in hiring practices; and then the second one is around protecting personal data. So if folks are using AI tools that are free, like ChatGPT etc., you're not putting applicant data out into the abyss without informed consent.

M^{me} France G elinas: Oh, I see. I never thought of it that way. I thought they would go search. But they could take your application and put it out there.

Ms. Pamela Uppal-Sandhu: If you are using a free AI tool—which probably will be the case with the majority of employers because good ones are expensive—to really at least be concerned or have some sort of safeguard in that applicant data without informed consent isn't being shared broadly into a free tool, because that becomes their property, right? That data forms algorithms etc.

M^{me} France G elinas: Thank you. And, as soon as you can, please send an email with your written comments.

Ms. Pamela Uppal-Sandhu: Sure—apologies for that.

M^{me} France G elinas: My next questions are for Fay and Jan from Equal Pay. Again, you talked about the pay structure that basically goes against discrimination. You talked about some of the summary that you have on page 9 of your submission. I have looked at page 9 of your submission. I'm not knowledgeable enough about pay discrimination. If you could take me through—either, Fay or Jan, whoever.

Ms. Jan Borowy: Actually, if I could answer the question that you posed to Ms. Uppal-Sandhu, which is, "What basic amendment would you like to see?" I think from our vantage point, we need section 8.2 removed. What's replaced is that, in effect, the Pay Transparency Act, 2018, is now in full force and effect, because at this stage, with respect to wage discrimination, the act itself does not address in any way, shape or form or shine a spotlight on the wage structures of an employer's workplace. It does not identify—and pay transparency acts do this—Equi'Vision, and I encourage you to really look briefly at that Equi'Vision tool that's been created by the federal government. It actually shows the gender wage gap in a workplace. This bill—

M^{me} France G elinas: I think we don't know this in Ontario; we don't keep those stats in Ontario. The federal government has it, but the Ontario government does not.

Ms. Jan Borowy: In fact, your own Ontario Pay Equity Commissioner—and we've outlined this at paragraph 5 of our submission—keeps track of the intersectional wage gap in Ontario, and it's shocking. Black women, Inuit women, First Nations women face a gender pay gap of 42%. That's from your own Pay Equity Commissioner.

But when it comes to the level of an individual employer, Ontario currently quite frankly—the government, in 2018, stopped that. It was about to be implemented and it was stopped.

So we actually have legislation sitting there to address all aspects of pay transparency, to really shine a spotlight on discrimination in wage structures and all you need to do is flip a switch or add a small amendment to Bill 149 that says the Pay Transparency Act, 2018, is now in full force and effect.

Ms. Fay Faraday: If the Ford government hadn't blocked the Pay Transparency Act, 2018, this May we would have had the fifth annual report—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Fay Faraday: —from employers that would be publicly posted that would have all the data that is currently in the federal Equi'Vision database. That is what the legislation required.

Jan and I were involved in deep consultation with the federal government and the provincial government and with the big employer organizations and they all said, "We have this information. We could give it to you like that, and we could give you a whole lot more." As I said, it only costs employers a maximum of \$1,000 to implement it. It's no big deal.

If you don't have that information in your payroll, you've got way bigger problems than pay transparency, right? Like, your business is not being well-managed, so—

M^{me} France G elinas: I have a quick, quick question for Tracy: You mentioned 56% of restaurants are at a loss or barely making it. How much of it has to do with workers versus cost of food and change because of COVID and all this? Can you tell?

Ms. Tracy Macgregor: No—

The Chair (Mr. Brian Riddell): Thank you.

We'll now move on to the independent members, and I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you to all our presenters for taking time this morning to share your concerns.

My question is for Tracy. I think you touched on this in your presentation, but I kind of missed it and would like to hear again your thoughts on the additional indexing.

Ms. Tracy Macgregor: Our only concern around the additional indexing is that it's already indexed for inflation, and while obviously we want to make sure that injured workers are taken care of, it's the concern that it will impact premiums and it could impact the surplus that has helped some of our employers through some of this. So that's the concern there, really: What is that additional indexing going to mean in cost?

Ms. Bobbi Ann Brady: Yes, in an industry where 56% of them are operating at a loss and are just trying to break even and trying to recover from the pandemic, I guess the devil is in the details as to what this would look like. Do you have any numbers on what this could look like to some operators?

Ms. Tracy Macgregor: We don't at this point. We have had conversations. We're assured that it will be minimal, but we just want to ensure that that is the case. It's in an

industry that's being hit from every direction on food increases, labour increases, guest counts going down because of inflation and the economy. It's a real concern. Anything right now is a real concern around cost. That's just what it comes down to.

Ms. Bobbi Ann Brady: The minister said this morning that we all have to look after injured workers, and we all agree with that. Can you think of a better way of doing that rather than additional indexing?

Ms. Tracy Macgregor: Well, at this point, we would have to look further into it with our counterparts. I know ORHMA, the Ontario Restaurant Hotel and Motel Association, is looking into it, so we will do that together.

Again, we were assured that this won't fall on employers, but I just don't know, if you're increasing costs, how it doesn't fall on employers and employees down the line, so that would be why it was raised as a concern.

Ms. Bobbi Ann Brady: Great. Thank you.

The Chair (Mr. Brian Riddell): I recognize MPP Fraser.

Mr. John Fraser: My question is for you again, Tracy, just around tipping. We've all noticed that tipping happens just about everywhere now, in places where we didn't tip before. It's a good thing. A lot of it is electronic, though. So when I look at posting something somewhere so we know what the split is and how it's getting split up—I'd like to know that as a customer. I don't know if they're meaning that for just employees.

I'm just expressing this because you're here in front of me and this is something I think about quite a bit. I want to make sure the bulk of the money, hopefully, is going to the person who's serving me, but it's equitable and fair. Are there any best practices, or is there a code of conduct amongst Restaurants Canada for how to handle electronic tipping in terms of transparency and openness? It's not necessarily the division, because things are different, but as a consumer, not as an employee, I want to know.

Ms. Tracy Macgregor: To answer that question: Yes, we invested heavily into the costs to create a tipping—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Tracy Macgregor: —for restaurants, so they know best practices around that, and they do have to assign an employee committee to decide how that is split up. It's that employee committee that then dictates that piece; it's not management. It has to be the employees.

Mr. John Fraser: That's great. Thank you very much.

The Chair (Mr. Brian Riddell): We'll now go to the government for seven and a half minutes. I recognize MPP Jordan.

Mr. John Jordan: I'm going to direct my question to Pamela and ONN. You mentioned that you're in the recruitment mode right now. Certainly this legislation requires the transparency of wages and the transparency of a range of wages. I think the range is very important. For example, in my old career, if you're recruiting a nurse practitioner fresh out of college or fresh out of university, as opposed to one with multiple years of experience, they want to know what that range of salary is so that you can place them accordingly and fairly on your wage scale.

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I'm wondering if you can comment on recruitment and retention and how this legislation, the transparency of those salaries and the range of salaries will assist employers with the recruitment and retention struggle these days.

Ms. Pamela Uppal-Sandhu: I think it will equal the playing field for both workers and employers, and employers of all kinds. It's important for workers to have all the information when they're job searching and to be compensated fairly. Pay transparency allows for them to see what that compensation will look like based on what's in the posting in terms of qualifications, education, experience etc. As I shared before, our sector heavily relies on people. We need the best people to care for our communities, and people are happy working in our sector if they're getting compensated fairly.

The other piece that I wanted to point out is that it's actually easy for employers to do and it's better for them in the long run. Again, as Jan and Fay were sharing, folks usually already have this information. They have internal wage grids already that specify who should get paid what, and having those translated into job postings means there's not internal inequities going on in perpetuity.

You might have, if you don't have any of this information, two people doing the same thing in the same organization getting paid very differently because one negotiated a higher salary and the other one didn't, which is not fair. So, for us, in terms of recruitment and retention, as I said, we need the best people to care for our communities, and this will just make sure that we're supporting our workers and are providing them with decent work, which makes them want to stay in the sector.

Mr. John Jordan: Thank you.

The Chair (Mr. Brian Riddell): I recognize MPP Martin, who's been very quiet this morning.

Mrs. Robin Martin: I'm trying to turn over a new leaf. Everybody will know it's hard for me to be quiet, but I appreciate you recognizing that, Chair. Thank you. I'm trying to be on my best behaviour for everybody today.

I wanted to ask Pamela a question as well—Uppal-Sandhu; sorry, none of us are using your last name—double-barrelled, Uppal-Sandhu. It was really about the why behind your comments that no employer should be exempt from both the pay transparency and the disclosing of AI use in the recruitment process. I just wondered if you could elaborate a little so I understand a bit better how that impacts things. I'm 60, and the AI stuff just—I'm having a little bit of trouble catching up to that.

Ms. Pamela Uppal-Sandhu: For sure. Thank you for your question. I want to be clear: In order for the legislation to work the way in which it is framed right now, we need the regulations at least considered, at the minimum, that we've proposed. In terms of the why, pay transparency and AI disclosure only works if everyone does it. If you have some employers not doing it, if you have some jobs where it's not applicable, if you have some positions where it doesn't matter or sectors that are not doing it, it will not create an equal playing field. It will defeat the whole purpose of the amendments in the first place. We

need to make sure that no one is exempt, everyone is doing it. That's the equal playing field around both pay transparency and AI disclosure.

Again, salary ranges: It won't work if we don't have reasonable salary ranges. It will nullify the pay transparency intended outcome. So having salary ranges, whether they're part of the internal wage grid of an organization or however the regulatory amendments come down—they need to be reasonable in that they support wage equality and they don't exacerbate it.

And then on the AI tool front, AI is great if we use it in a good way. We're seeing a lot of class-action lawsuits coming out of the States. If AI is just used without any considerations or safeguards it will harm workers and employers more than help them through the recruitment processes, which is why we're recommending that there be some sort of bias audit done of the tools that are being used and real consideration around informed consent of applicant data being fed into free or otherwise not protected AI tools.

Mrs. Robin Martin: Thank you. There's a lot to consider with those new tools, and having a better understanding of how they work is helpful, because then you can see some of the potential issues. Thank you for raising those.

I wrote down carefully what you said when you were making your submissions, and I understood that you were proposing four potential regulations for the legislation. Is that correct?

Ms. Pamela Uppal-Sandhu: Yes.

Mrs. Robin Martin: So not amendments to the legislation, but regulations that would spell out some of the details that you would like to see.

Ms. Pamela Uppal-Sandhu: Yes.

Mrs. Robin Martin: Okay. Thank you.

Anybody else with a question? I think we're done.

The Chair (Mr. Brian Riddell): Thank you to all the presenters. The committee will now recess until 1 p.m.

The committee recessed from 1155 to 1304.

The Chair (Mr. Brian Riddell): Good afternoon, everyone. We will now resume consideration of public hearings on Bill 149.

YMCA OF GREATER TORONTO
INFORMATION AND PRIVACY
COMMISSIONER OF ONTARIO
COUNCIL OF ONTARIO
CONSTRUCTION ASSOCIATIONS

The Chair (Mr. Brian Riddell): I will now call on Teresa Costa, general manager of immigrant services at the YMCA of Greater Toronto.

As a reminder, each presenter will have seven minutes for their presentation. After we have heard from all presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. This time for questions will be divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition

members—we have one now here—and two rounds of four and a half minutes for the independent members as a group.

Please state your name for the Hansard, and you may begin when you're ready.

Ms. Teresa Costa: Sorry about that.

The Chair (Mr. Brian Riddell): It's okay. Please state your name.

Ms. Teresa Costa: I will: Teresa Costa from the YMCA of Greater Toronto.

Good afternoon, honourable members of the committee and distinguished guests. I am the general manager of immigrant services at the YMCA of Greater Toronto. It's a charity that has been working to serve Canadians for over 170 years. Today, we deliver programs and services at 460 locations, of which 17 are employment and immigrant services centres.

The YMCA of Greater Toronto is a key provider of employment and newcomer services in the region. We have over 95,000 participants benefiting from our employment and newcomer services each year, both within our centres and out in the community: for example, in various hotels housing refugees and in high schools with high immigrant populations.

In fact, the YMCA is the first stop for thousands of newcomers every year. We provide settlement- and employment-related services, both prior to and upon arrival in Canada. We assess their needs and the needs of their families. We provide warm referrals to community agencies and institutions. We connect them to language training and bridge-to-work programs, and we offer newcomers of all ages, including youth, access to meaningful volunteer opportunities and other opportunities to grow their social and professional networks.

Most relevant to this discussion are the in-person and virtual pre- and post-arrival employment-related services that we offer, which enable both youth and adult newcomers to overcome the various obstacles and barriers in securing employment. With support from our experienced staff, newcomers and other job seekers are confidently prepared to write and submit quality résumés, ace job interviews and access, when needed, wraparound services while employed, to stay employed. For a small group of refugee youth claimants, we also have the opportunity to provide them with invaluable work experience as paid interns.

Our mission is to ensure that those accessing services and programs at the Y believe in themselves and their ability to build brighter futures for themselves and their families. The reach of the Y goes beyond the greater Toronto area. We are a national organization. In particular in the province of Ontario, we have over 15,000 staff serving over 1.2 million people: offering employment-related services to tens of thousands of youth and adult job seekers, helping them find meaningful employment, obtain skills training, launch their own business and explore other new paths to careers.

It's a privilege for me to be here today with you addressing Bill 149, which we consider to be a transforma-

tive initiative that aligns with the Y values of integrity and well-being. In our journey, both as an employment service provider organization and a large employer, the disclosure of salary transparency stands as a beacon of empowerment. Our experience affirms that it greatly benefits both clients in their job searches by providing them with the tools to navigate the job market effectively and advocate for their compensation. Likewise, we recognize the potential challenges and the ethical concerns related to AI in this space. Transparency hereto emphasizes a commitment to address issues such as data privacy, bias and inclusivity, issues that affect the kinds of future employees that we work to serve on a daily basis.

Our clients invest considerable time and effort in their job searches and preparing for interviews, often sometimes discovering late into the process that the salary may not meet their needs. I invite you to think of the single mom who has spent weeks, if not months, going through a number of interview stages only to find out that the revealed salary will be insufficient to cover things like rent and child care for the family.

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Policy changes outlined in Bill 149 will significantly empower job seekers by streamlining the recruitment process, enhancing trust and fostering a transparent job search process. It also ensures that relevant candidates apply for particular positions. This both benefits employees and employers. From the employer perspective, like the YMCA, it would also help to fortify diversity and inclusion efforts, strengthens reputations and yields long-term cost savings.

Integrating AI into salary transparency practices likewise enhances diversity and inclusion, fortifies reputation and results in long-term cost savings. It ensures a careful consideration of potential challenges—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Teresa Costa: Thank you—like the risk of excluding potential candidates.

Finally, on including requirements related to Canadian work experience in employer job postings and application forms, it is something that the Y strongly welcomes. This move works to promote inclusivity and ensures that qualified candidates are not unfairly excluded from opportunities. It's a move that aligns completely with our commitment to serving newcomers and immigrants and facilitating their successful integration into the workforce and civil society. It benefits qualified newcomers and their families, and it helps them to establish themselves in Canada. It benefits our economy by ensuring that qualified people can work in the field in which they're trained or in an equally meaningful alternative career. This change not only impacts newcomers—

The Chair (Mr. Brian Riddell): Thank you very much.

We'll now move on to the next presenter, Patricia Kosseim, commissioner, and Christopher Parsons, manager of technology policy, Information and Privacy Commissioner of Ontario. Please state your name, and you may begin.

Ms. Patricia Kosseim: Good afternoon. My name is Patricia Kosseim. I'm Information and Privacy Commis-

sioner for the province of Ontario, and I'm accompanied by Dr. Chris Parsons, manager of tech policy from my office.

I want to thank Mr. Chair and members of the committee, ladies and gentlemen, for the opportunity to present my views on Bill 149. My focus will be on schedule 2 of the bill that would amend the Employment Standards Act to require employers to disclose in any public job posting whether they are using artificial intelligence, or AI, to screen, assess or select applicants.

I recognize the government's efforts to promote transparency about the use of AI in the hiring process. However, I do not believe this step is enough to address the significant risks associated with the increasing use of AI in Ontario. AI is rapidly emerging and evolving. The accelerated adoption of electronic monitoring technologies enabled by AI is raising significant privacy concerns in the workplace. AI is used not only during recruitment; it can also be used throughout the employment relationship to evaluate employees' on-the-job performance. Employees' actions, moods, sentiments, voice and facial expressions can lead to inferences and predictions about their productivity, their level of attention on the job, their ability to stay calm under pressure and their effectiveness in providing good customer service. In turn, these inferences and predictions can feed into employers' decisions about promotional opportunities, compensation and even termination of employment, having significant impacts on employees' well-being and economic livelihood.

A recent study found that 70% of surveyed employees across Canada indicated that some aspect of their work was digitally monitored. About 32% said that invasive forms of surveillance, such as location tracking, keystroke monitoring or the collection of biometrics such as voice prints and facial features were also part of the job. These employees reported significantly higher stress, lower levels of job satisfaction and reduced trust in their employer.

Moreover, we know, through many well-documented examples, that AI is fallible and has led to inaccurate and discriminatory impacts that could be harmful. For example, when Amazon developed an AI-driven system to sort through job applications, the automated tool ended up discriminating against women who applied for technical positions based on bias in historical data used to train the algorithms. Other studies have found that AI hiring tools often discriminate based on inferences drawn about candidates' names, creating additional barriers for individuals who are already disadvantaged in some way.

Examples like these are why the new transparency provision in Bill 149, though laudable, will not be enough. It will not provide workers with any insight into what personal information about them is being collected and how it is being used. It won't protect their privacy against invasive uses of AI or give them any meaningful recourse against unfair decisions based on inaccuracies.

Ontario workers need protections beyond just being told that AI is being used in the hiring process, and they need protection throughout the entire employment rela-

tionship, not just at the initial recruitment phase. These issues are too big to be addressed through tweaks to the Employment Standards Act. That's why we need a more comprehensive approach to governing privacy protection and use of AI in the province.

In March 2022, I raised similar concerns about Bill 88, now law, which requires certain employers to develop and make available a policy on the use of electronic monitoring in the workplace. Bill 149, like Bill 88, takes a narrow and ad hoc approach to protecting employee privacy rights by introducing a limited transparency requirement. I urge the government to adopt a more comprehensive statutory regime that would cover a broader range of data protection rights, including for the employment sector, and would contain appropriate guardrails for protecting Ontarians from potentially harmful digital technologies, including AI.

Federal privacy law covers only federally regulated workplaces. For decades now, British Columbia, Alberta and Quebec have had their own laws to protect the privacy of their provincially regulated employees, yet in Ontario, approximately 7.5 million workers have to this day no statutory privacy protections.

The kind of provincial privacy law we need for Ontario is similar to what was proposed in the government's 2021 white paper on modernizing privacy in our province, on which we have seen no further action since. But given the increasing safety- and privacy-related risks associated with the rapid emergence of digital technologies in the workplace, I believe all employees in Ontario should benefit from strong statutory privacy rights and that no Ontarian should be left behind.

Ontario workers deserve real transparency, accountability and privacy protection. While requiring employers to publicly disclose that they are using AI during hiring is a step in the right direction, it's not enough to protect Ontario workers from the increasing use of electronic monitoring and AI in the workplace.

The comprehensive privacy law reform the government has initiated—and I am recommending they pursue it—goes beyond just tweaking or refining the existing proposal. Privacy rights in the age of digital technologies must be entrenched within a more comprehensive and coherent privacy regime. Absent the needed guardrails, Ontario workers will not be sufficiently protected from the real and growing threats posed by unsafe and unfair applications of AI.

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Patricia Kosseim: I believe such guardrails would also benefit employers by giving them more certain, predictable and clear parameters within which they could innovate with greater confidence. I encourage the government to embark on a more thorough endeavour of law reform, and my office stands ready and willing to support that effort in any way we can. Thank you very much.

The Chair (Mr. Brian Riddell): Thank you.

We'll now call on the Council of Ontario Construction Associations, with Ian Cunningham, president, and Les Liversidge, barrister and solicitor.

Mr. Ian Cunningham: Good afternoon, Chair. My name is Ian Cunningham and I am the president of COCA. Sharing my time is Les Liversidge, a lawyer who practises exclusively on WSIB matters and is widely acknowledged as the foremost expert on WSIB history and policy. While we are generally aligned, Les has no affiliation with COCA and his remarks should be considered as his own.

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Our deputation and our responses to your questions will be limited to the additional indexation provisions contained in schedule 4 of Bill 149, which amend the Workplace Safety and Insurance Act. We're limiting our deputation in this way because these may be the most consequential proposals in the bill, they're receiving very little attention, and they are unnecessary, inappropriate, and create serious financial risk.

COCA is an active participant in the activities of the Ontario Business Coalition, a multi-sector organization that focuses exclusively on WSIB issues. COCA fully supports the OBC's submission. It's an easy-to-read primer on how the province's compensation system is designed and supposed to work, and it provides reasoned explanations why the additional-indexation provisions are unnecessary, inappropriate and create serious financial risk. If you haven't already, I urge you to read this submission.

As a starting point, let me state unequivocally that the vast majority of employers believe that workers who become sick or injured because of workplace causes must be compensated fairly.

So why is additional indexation unnecessary?

(1) Injured workers already receive benefits that are fully indexed for inflation annually.

(2) Studies have demonstrated that the WSIB provides adequate levels of income replacement.

(3) During the pandemic, injured workers continued to receive fully indexed benefits while many of their non-injured counterparts were laid off or had their hours significantly reduced.

(4) In recent years, inflationary increases to WSIB benefits have exceeded wage increases in the labour market.

Why, then, are they inappropriate?

(1) Benefit enhancements must be implemented only after an open and transparent discussion regarding benefit adequacy.

(2) Benefit changes must be made to the actual benefit in the Workplace Safety and Insurance Act.

(3) Additional indexation should not be used to share the surplus from the WSIB's investment fund. Surplus distributions are only one of several tools to maintain an appropriate funding level. They're not a reward to employers.

And what about the serious financial risk?

(1) Implemented in-year, the additional indexation factor will create an in-year unfunded liability.

(2) Their ad hoc implementation will undermine the WSIB's efforts to keep its financial house in order. We fear the implementation of a 2% additional indexation factor will have dramatic implications for the funded status of the insurance fund, possibly dropping the funding ratio below the target range, thereby completely undermining

the WSIB's financial planning, premium rate setting, funding policy, and creating unplanned financial pressures and risks for employers.

(3) The government's own adviser, Sean Speer—and Harry Arthurs—advised against increasing benefits in-year, after premium rates have been set for that year.

(4) Because the use of the additional indexation will likely lead to employer surcharges, it is inconsistent with the government's objective of helping struggling businesses to recover from the pandemic.

In conclusion, we recommend that these provisions be removed from Bill 149; we encourage the government to engage a reputable research organization to conduct a benefits adequacy study; and we demand that the government and/or the WSIB release their cost estimates—something which, to date, they have been unwilling to do.

I'll turn the balance of my time over to Les Liversidge.

Mr. Les Liversidge: Thank you, Ian, for that generous introduction.

As Ian mentioned, my name is Les Liversidge. I'm a lawyer with a practice focused on workers' compensation. I've been involved in pretty much every workers' compensation reform initiative over the past four decades, dating back to the seminal 1980s study of Professor Paul Weiler, which leaves as its legacy much of the modern workers' compensation scheme, including automatic benefit indexing.

Like Ian, I'll focus on the super-indexing provisions. I have four issues with that. The first is that, really, as Ian pointed out, no evidence has been presented to show the need for those. There have been some assertions that workers should be supported—and of course, everybody in Ontario would entirely agree with that—and that somehow super-indexing supports injured workers against the rising costs of inflation. I tend to disagree with that, because injured workers presently are adequately protected against the cost of inflation through automatic indexing linked to CPI, tied into the Workplace Safety and Insurance Act. There has been an assertion that the pandemic has hit injured workers particularly hard. I don't disagree. It's hit every Ontarian particularly hard. But, as Ian pointed out, injured workers continue to receive benefits, properly so, and those continue to be indexed against inflation.

My biggest problem with this bill is that once you start indexing benefits greater than inflation, that tends to adjust the remedial compensatory nature of workers' compensation. Keeping benefits in sync with inflation keeps it compensatory. Once you start going beyond inflation, you're adding something else to the system.

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Les Liversidge: Thank you very much.

The third point is that if there is evidence that workers are falling behind due to inflation, then find out why that is, because that would mean simply that the CPI mechanism doesn't work. To my knowledge, there's no such evidence. I turn to a quote from labour minister Bill Wrye back in 1985, when automatic indexing was first introduced in Ontario. Minister Wrye said this: "From this day forward, injured workers will never again be in that hu-

miliating position ... of having to come cap in hand to the steps of the Legislature" to get increases for inflation. So if the current system doesn't work, explain why and then propose something better that does work on an automatic basis.

I'll just conclude with Ian's suggestion that the cost implications of this provision have to be released before proceeding further.

The Chair (Mr. Brian Riddell): Thank you, sir.

I will now move on to the Ontario Business Coalition, with Dave Wells.

Interjection.

The Chair (Mr. Brian Riddell): We're going to do the rotation instead. We'll start with the independent member for four and a half minutes, and I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you to all of our presenters. Thank you so much for taking time out and imparting your concerns with respect to this bill.

I do want to point out, Ian and Les, that I thoroughly read your report—

Mr. Ian Cunningham: I could tell from your questions this morning.

Ms. Bobbi Ann Brady: Okay—and it is very well done, and I have it well highlighted. But I did ask the minister this morning to talk about his rationale and if there was evidence that this was needed to bring that forward, and he did not. The only thing the minister continued to say was that we want to treat injured workers fairly, and as both of you have said, nobody would argue that. Can you confirm for me—I don't care who answers the question—that all injury-related medical expenses are picked up by WSIB and already covered under WSIA?

Mr. Ian Cunningham: Correct.

Ms. Bobbi Ann Brady: Okay. In my opinion, there seems to be no problem to solve. So the three of us could agree that this needs to be removed entirely.

Mr. Ian Cunningham: Agree.

Ms. Bobbi Ann Brady: Okay. And you talk about the significant costs. Can you reiterate what those costs would be?

Mr. Ian Cunningham: Well, we don't know what the costs are. We've asked the WSIB to release those costs. They have not been forthcoming. I went to an FOI and a mediation, and it points to—and I got this just this morning. They refer to the 2022 annual report. I think it's footnote 17 on page 92 that says that a 100-basis-point increase creates almost a \$1.5-billion increase in the liability. Now, Les and I agree that, in our gut, that seems to overstate the case. We think it's significant, but we don't think it's that much.

Les may have something to add.

Mr. Les Liversidge: Yes, thank you very much, Ian.

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We don't know. We should know. The board is obliged to inform the government. No doubt they have done so. I would presume that a study exists that establishes the cost, but I do know this: The last time, in 2007, when temporary ad hoc indexing measures were initiated and passed, the Liberal government put in three years of increases of 2.5%

per year for three years, and those were priced at \$750 million. The Auditor General, in the seminal 2009 report which kind of changed the landscape of workers' compensation, commented on those developments and indicated that had those been an ongoing matter, they would be in the neighbourhood of almost \$2 billion. So I think that Ian's comment of 1%—if that's a permanent point, yes, it would go up, probably, \$2 billion to \$3 billion.

Certainly, on an ad hoc basis, nobody knows what the costs are, and that's a serious problem with the Ontario workers' compensation system. If you cannot pre-cost it, prepare for it and have those costs—

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Les Liversidge: —premium rates, the system might very easily fall back into the malaise that we just got ourselves out of.

Ms. Bobbi Ann Brady: One last question: If the minister could provide the data that proved that indexing was warranted, can you think of other ways that we could increase benefits without super-indexing?

Mr. Les Liversidge: Yes, I can. First of all, if you have the data that says you need this, then that means there's some problem with the current act, because the current act was designed so that you don't need it—exactly that. Injured workers really should not have to come, as Bill Wrye said almost 40 years ago, cap in hand: "Please, sir, may we have more?" That's simply inappropriate. It's wrong, and it is not the way that the system should be structured. So if you do need it, that means the—

The Chair (Mr. Brian Riddell): Thank you, sir, for your answer.

We'll now go to the government for seven and a half minutes. I recognize MPP Wai.

Ms. Daisy Wai: Thank you to all the presenters for coming.

First of all, I'd like to ask Teresa a question.

This week is Non-Profit Sector Appreciation Week, and I really want to say thank you to YMCA for all the work that you've done in the community, especially for the new immigrants and newcomers.

Based on your experience, how do you see that Bill 149 will—its most important priorities for the newcomers?

Ms. Teresa Costa: I think Bill 149 is extremely important for newcomers. One of the first things, obviously, the removal of Canadian work experience—that not only impacts newcomers, but it actually also impacts Canadians born and raised and educated here, who leave for international experience. I have colleagues who went to the University of Waterloo, worked in five different countries, came back and were asked, "Well, where's your Canadian work experience?" So if it happens to those of us born, raised and educated here, we can only imagine what kind of barrier it sets up for newcomers.

In terms of salary ranges and making those public—again, in particular, newcomers and immigrants are at a disadvantage. They're navigating a system they do not understand. They potentially have very little concept of what fair compensation looks like, so the transparency of having salary ranges is paramount to the process of

securing meaningful employment and understanding what the salary means to their livelihood, especially in a province like ours.

The Chair (Mr. Brian Riddell): MPP Martin.

Ms. Robin Martin: There's also something in this legislation about making sure that trial shifts that are sometimes used to test out workers are actually paid. Is that something you see as beneficial for newcomers who may not understand the context?

Ms. Teresa Costa: Absolutely. We are firm believers that trial periods, or what we call in our programming the prep to employment, should very much be compensated. It is part of the process of the job.

The Chair (Mr. Brian Riddell): MPP Barnes.

Ms. Patrice Barnes: This question is for Patricia. I want to talk a little bit more about the AI portion. You see the section that we are rolling out in regard to protecting workers who are applying for jobs. Under the privacy commission, we recognize that AI is sort of becoming the "Wild, Wild West" of—very much like the Internet is. It's emerging a lot faster than we are responsive for. So I'd like for you to share what some of the things are that you would really like to see us work on next in regard to AI and the work around privacy.

Ms. Patricia Kosseim: Thank you for the question. I think the provision in Bill 149, as I said, is a good first step, but it's only a very small sliver of what we need to govern privacy protection and AI in the province.

There are, really, I would imagine—and I encourage—two steps, but in fact rolled into one. One is to implement and to develop basic privacy protections for employees in the workplace. When I say that there are 7.5 million workers in Ontario with no statutory privacy protections at all it surprises people, because they assume that the federal privacy law applies, but it doesn't. It applies only to employers who are federally regulated. Basic privacy protections for employees in Ontario is long overdue, especially with this age of digital electronic surveillance and monitoring, enabled increasingly by AI.

The second step is to include, in an overarching comprehensive privacy protection regime, provisions that deal with automated decision-making, that deal with AI. The white paper introduced in 2021 certainly went down that road and had some very good and thoughtful draft ideas for integrating automated decision-making and protections for not only employees but all Ontarians. I encourage you to continue that important work that had been initiated and to look at AI within a much broader framework that includes not just employees—all Ontarians—and not just data protection but also includes artificial intelligence and all other technologies that are emerging.

Ms. Patrice Barnes: Just to follow up, I just want to clarify: The system that is in place now under the federal government for federal employees would be an acceptable form or a starting point, you are saying, provincially, for all workplaces?

Ms. Patricia Kosseim: Thank you for the question. The federal law is undergoing potential reform. There is a bill that's tabled and being debated on how to strengthen the long-existing federal legislation that has been in place

for 20 years or more. They are looking at reforming it, which will include some provisions to protect employees from automated decision-making, as well as a portion of the legislation of the bill that deals with AI governance.

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Patricia Kosseim: That is certainly an important model to look at, as are other models around the world, including what's happening in the EU, both with not only the evolution of the general data protection regulations since 2018 but also their important steps just recently, in December, approving an AI act in the EU. The world is moving around us and is providing us with good models to consider for Ontario as well.

Ms. Patrice Barnes: Thank you.

The Chair (Mr. Brian Riddell): Thirty seconds.

Ms. Patrice Barnes: Oh, 30 seconds?

Thank you for being here. Thank you to all our presenters. We appreciate you bringing your time and sharing your thoughts and concerns. I really appreciate you being here.

The Chair (Mr. Brian Riddell): We will now go to the official opposition. I recognize MPP West.

MPP Jamie West: Thank you to all of you for your presentations.

Teresa, if it's okay, I'll start with you. I think that your advocacy for these schedules is commendable. Earlier today, I had mentioned that a lot of the schedules in this bill are actually existing legislation and that it feels to me that the Conservative government uses this opportunity to have press conferences and talk about how they're protecting workers. But, for example, you had talked about Canadian work experience and having to declare it. This was already illegal. It was illegal since 2013, as part of the Human Rights Code. The unpaid work during trial periods is already a law. Wage theft, for example, is already a law. In fact, there's almost \$10 million owing to employees that hasn't been enforced by the government—the Liberal government, previously, or the Conservatives now.

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With that in mind—I know it's coming out the wrong way. I love the YMCA and the work that you do—Sudbury, in particular, is where I'm closest to it. But if we're going to have these in place and we're going to spend time in committee like we are today, I think that a better use of our efforts is to enforce existing laws, not write new ones that parrot laws that already exist. Those are great for headlines, and they're great when you're making a press conference, but they don't help workers who are being negatively impacted by these today or by employers who are breaking these rules.

That being said, what are you seeing in terms of workers coming forward—in what ways is this legislation affecting workers you represent?

Ms. Teresa Costa: You mentioned that these things do actually exist. I'm here, obviously, representing the Y. I'm not an expert in former bills.

What I know in terms of on the ground, how all of this works, is that there are many ways of going around legislation. For example, the fact that you no longer can ask for Canadian work experience: There are many ways to ask

the question without directly asking the question, and I know it still happens. I understand, from an employer perspective, the concerns around, "How do I know this person can work in a Canadian environment?" Maybe we're not talking so much about the technical skills; we're talking about social skills, transferable skills. All I can say is, perhaps we need to reinforce in writing—not only just reinforce the fact that employers may or may not be following legislation.

Trial periods, for example: Newcomers are extremely vulnerable to that. Of course, sometimes they think that they're volunteering when in fact they're actually doing a full-time job, and that should be compensated.

MPP Jamie West: I agree with you, and it's a shame that the violations are happening.

I would urge the government to have more inspectors, and even information, because sometimes things are happening and the employer just isn't aware of what they're doing—it's not always someone being unscrupulous.

I want to thank Patricia—I don't know where Chris is—for all the work in the document that you have, from the privacy commission. I want to echo your call to call on the Ontario government to expand privacy protections for all Ontarians through a comprehensive privacy law. I know that with artificial intelligence, with data-gathering and how it's moving fast that everyone is a couple of steps behind. I didn't know that the country, federally, had some legislation and that Quebec, British Columbia and Alberta are already a couple of steps ahead. This is really important. I feel like the term "artificial intelligence" is a bit of a misnomer, because it isn't intelligence like we have; basically, it pulls things together and puts it back. So you could have bias and things. You can have misinterpretation. There's an old computer expression, GIGO: garbage in, garbage out. So you really could taint it. I want to thank you for advocating for this and bringing it forward, because it is really important.

I think it's great that the government is ensuring that people are aware that AI is looking for things in the job applications, but I think your claim that people should have some privacy, or should have more than some privacy is very important.

Can you give an example of things that AI is able to do or ways that workers can be illegally affected by this?

Ms. Patricia Kosseim: I will hand it over to my colleague Chris to elaborate on the technology, but I just want to emphasize that AI is used not just at the recruitment stage to screen and assess potential candidates, but right through the entire employment relationship, right to basing decisions of termination. A lot of it is based on surveillance technologies enabled by AI that, as I said, assess mood, sentiments, facial expressions, keystroke logging, location tracking, and make inferences based on those activities in order to make decisions about promotions, salary, compensation, right up to performance management and termination.

I'm going to hand it over to Chris, because he spends all his days thinking about specific examples. Go ahead, Chris.

Mr. Christopher Parsons: Thank you for the question. AI technologies—I take the point—are not a single tech-

nology. There's a large number of them, the result being that in some cases, computer vision is used; in other cases, it'll be large language models to just scour thousands or hundreds of thousands of résumés, to identify individuals who are identified as best suited for any particular job or opportunity or role.

One of the challenges is all of these technologies have a tendency to be—

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Christopher Parsons: —biased in one way or another. As such, one of the items that we have spent some time looking at is that there is a real risk that historical hiring data can lead to ongoing discrimination and bias, especially affecting vulnerable or discriminated populations.

As a result, the IPC has come out with the Ontario Human Rights Commission and suggested that all AI technologies be safe, privacy-protective, transparent, accountable and human-rights-affirming, with the idea that these will enable employers in other sectors to adopt AI technologies in responsible ways and encourage innovation, while simultaneously protecting individuals from the prospective harms from the AI-based technologies.

MPP Jamie West: And basically, this protection—would it protect the people of Ontario and make good decisions for the people of Ontario, which is what they're counting on us as legislators to do?

Mr. Christopher Parsons: We believe that these principles would help that, yes.

MPP Jamie West: I'm surprised I got that under the wire; I didn't think there was any time left.

The Chair (Mr. Brian Riddell): You had three seconds.

I will now go to the independent member. I recognize MPP Brady.

Ms. Bobbi Ann Brady: I'm just going to follow up with Patricia and Chris on this AI business. My colleague across the way said this morning that trying to keep pace with it is difficult and, as we have learned, we are a few steps behind some other provinces.

But I feel like this is a piece of legislation that is supposed to protect workers, and yet, with respect to AI, we've missed the mark, or we are those few steps behind as AI makes its inroads in the workplace. I've heard from employees who are very concerned about being monitored, being tracked—or they are already being monitored or tracked—and it creates a lot of conflict within themselves. It creates mental health issues. It creates anxiety.

I'm just wondering if your office has any data on workplace conditions, on what their perception of the workplace conditions are and their psychological health.

Ms. Patricia Kosseim: Thank you for the question. We'd be happy to follow up with the study that I was referencing earlier that did find that employees, in fact, were the subject of increased monitoring surveillance, in particular some invasive forms of AI, which affected their levels of stress, their trust in their employer and their overall well-being. We would be happy to provide that study with you as a follow-up to this appearance.

I think the important thing is the sentiment of being constantly surveilled. While there is certainly great importance for employers to ensure accountability, good allocation of resources and employee productivity, there are real risks of going too far and actually affecting employees: not only their productivity, but their level of creativity, their level of trust in the workplace. Over-surveillance, or surveillance beyond what is certainly reasonable and appropriate in those circumstances, can actually have adverse impacts on employee productivity and health.

These are important issues to not stop all AI or digital surveillance technologies, but to put guardrails around them so that employers can manage their workplace, but employees can feel safe, can feel their privacy is respected and that their human rights are being protected in the process.

Ms. Bobbi Ann Brady: Great. Thank you. And just for time's sake: You talked about the need for a comprehensive approach and you touched a bit on that. But with respect to this piece of legislation, is there a suitable amendment that could be made to ensure that we get it right?

1350

Ms. Patricia Kosseim: I think my overall message is that it goes beyond tweaking the Employment Standards Act. One provision in the act that requires employers to reveal or disclose in public job postings that they're using AI in the job-hiring process is not a bad thing. It's one up in terms of transparency, but it doesn't go nearly far enough and I don't think that tweaks or changes to the Employment Standards Act are where—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Patricia Kosseim: —this more comprehensive approach and protection to basic privacy rights, but also to automated decision-making that can be very impactful, not only in the employment sector, but every aspect of people's lives.

So I think a much more thoughtful, comprehensive approach through a comprehensive regime of privacy protection, including AI, from AI technologies is what Ontario needs.

Ms. Bobbi Ann Brady: Great, thank you.

I don't know if I can get it in, but Ian, in your report, it says that unless a sound public policy explanation is presented and properly costed, Bill 149's super-indexing provisions risk undermining stakeholder confidence. Have you heard from stakeholders, and what are they saying?

Mr. Ian Cunningham: They're saying exactly that. Quite frankly, the thing that most employers look at is their invoice and they want to make sure that it's not more than it was last year. And so—

The Chair (Mr. Brian Riddell): I'm sorry, I'm going to have to cut you off there and go over to the government. I recognize MPP Wai.

Mrs. Daisy Wai: This question is for Ian Cunningham. Thank you for sharing with us your concern with the financial impact from the WSIB, which we already hear, what you're seeing. My question now is more about how you think workers feel about the increased use of AI in the workplace.

Mr. Ian Cunningham: I said in my introduction that I was going to limit my comments to the additional indexation provision, so: No response. I don't know.

Mrs. Daisy Wai: Okay. Any others want to dip into this question here, though? You already said quite a bit, but—yes, please.

Ms. Patricia Kosseim: If your question is, “How are employees reacting to the increased use of AI?” again, we would be happy to provide, certainly, studies and documented examples that have resulted in employees actually being impacted negatively based on inaccurate inferences that were made about them based on algorithms that were trained on historical data that, historically, has always worked against particularly disadvantaged groups and marginalized communities. And so, algorithms that train on this historical data only perpetuate those biases and those discriminations. That's why, among other things, a comprehensive regime that protects individuals from AI would ensure, from the provenance of the data and the source of the data, that it is appropriate for its purpose and is appropriately collected and cleansed, if you like, of its historical bias so that decisions can be made more accurately.

I don't know, Chris, if you want to add anything to my explanation.

Mr. Christopher Parsons: We have a number of guardrails that we think could be helpful in these situations—to begin, restrictions on how data is used. So, within this piece of legislation, while it's positive that applicants would understand that AI was being used, they wouldn't necessarily know how the data was being used. Was it going to be used to train an algorithm? Was it going to be used to assess the accuracy of algorithms, and if so, how? And the degree to which applicants would understand how an AI system actually works—so, how transparent is it, or how explainable is it? Those are pieces that are also important generally in AI policy and certainly in the legislative environment.

I would just note, attached to it, we think developing AI impact assessments is something that could be productively done so that employees, as well as employers, for that matter, fully understand how these technologies operate and how to control them from having harmful effects and reaping the benefits of the technology.

Mrs. Daisy Wai: Anything to add, Teresa?

Ms. Teresa Costa: I won't, obviously, speak to the challenges because I think other panellists have spoken eloquently and knowledgeably about it. I do believe that they are real challenges. I think it is an opportunity for us to catch up and to use the technology actually in the benefit of.

So are employees concerned? Absolutely, for the reasons raised in terms of how the system is trained. If I look at the possibilities, how wonderful would it be that the system is trained actually to remove more bias than when we deal with human beings? That would be the ideal, especially for a newcomer, where you don't look at someone's last name, you don't look at the country that they're coming from, you don't look at any of those variables. But I do believe that that is the biggest challenge. Thank you.

Mrs. Daisy Wai: Thank you.

The Chair (Mr. Brian Riddell): MPP Pierre.

Ms. Natalie Pierre: My question is for Teresa from the Y. I recently had the opportunity to visit the YMCA in my community of Burlington and learned first-hand about the work that they do with newcomers and internationally trained individuals as they look to find employment here in Ontario. Thank you for providing those services. I know first-hand the impact it has not only to newcomers in my community but also to employers who are struggling to fill a lot of jobs that are vacant.

So a couple of questions for you: Just based on your experience, what elements of Bill 149 do you see as the most important priorities for these vulnerable newcomer or second-career individuals?

Ms. Teresa Costa: The YMCA of HBB is a wonderful YMCA, by the way, and they're doing amazing work, absolutely.

We've mentioned it before: I think one of the key things for newcomers in particular with Bill 149 is that notion of the trial period. I think that is really key, having newcomers understand when it's volunteer work and when it is not. I know, for example, in the Niagara region, that newcomers are tapping into, are being exposed to, for example, positions in the hotels. And that's wonderful, in one way; the other way is, are we actually creating a pool of employees who are actually being paid unfair wages because the demand is so high? So I think that's critical. The trial period and the volunteer piece, in particular for non-for-profits now, is becoming key, because, of course, it speaks to that whole way of getting Canadian work experience, but it can also be exploitation.

What else? The salary. That is huge—salary ranges. We as an employer are facing that. We've always had our ranges posted. We now do recruitment rates, for example, and still sometimes it's insufficient for someone looking for work.

The Chair (Mr. Brian Riddell): One minute.

Ms. Teresa Costa: Making sure that people understand how expensive it is to live in different communities: I think that's critical. If you've got a salary range, at least that's another piece of information that the newcomers seeking work can use in order to make decisions as to whether or not this is an opportunity to take or an opportunity to pass. Thank you.

The Chair (Mr. Brian Riddell): I'd like to thank the presenters for coming in today—

Interjection.

The Chair (Mr. Brian Riddell): We have one left: official opposition. Sorry about that.

M^{me} France Gélinas: No worries.

I would like to start with Teresa Costa, general manager of immigration services over at YMCA Toronto. I'll start by saying I'm a big fan of the YMCA. I have been a member of the Sudbury YMCA for 41 years. They do phenomenal work. Thank you for what you do.

I also wanted to mention that some of the barriers that you see with the people in Toronto are replicated throughout the province. This bill takes a very tiny step when, really, great distances need to be done. I appreciate some of the

clarification that you've put out as to what would be real help for newcomers to our communities so that they are respected when they try to start their work. I appreciate what you've said. Anything else you wanted to add as to a modification that we should do to this bill so that we achieve the goal that you shared with us?

1400

Ms. Teresa Costa: Thanks very much. I'm feeling the love, especially on a day like today.

The one thing I would like to say, in addition, is, what more can the Y across Ontario do? I do appreciate that some of the issues and the challenges that we have in big urban centres are actually that much bigger in smaller towns and communities within our great province.

Our role: We see our role not only with the newcomers and the future employers, but we actually see our role also with employers. How we look at this bill and our role would be to support employers in terms of building awareness, working with them—in particular, those who are going to hire, maybe for the first time, newcomers—and how to help them adjust themselves, as employers, and their workplaces for newcomers coming into the space providing their gifts and talents.

M^{me} France Gélinas: Thank you.

My next question is to you, Commissioner. You have in your document made it clear that you want 8.4(1) to be changed, and you suggest some changes. The changes that you have in the two key recommendations that you have in your written brief—I will put those recommendations out as amendments. I will make sure that everybody knows that those are amendments that come from the Information and Privacy Commissioner of Ontario. What will happen if they vote them down?

Ms. Patricia Kosseim: Thank you for the question. The two basic recommendations are—actually, I don't make any recommendation to change 8.4(1); I say it's not nearly enough, and I'm calling for a much broader, comprehensive regime. As I said, in and of itself, it's one small sliver towards transparency in the use of AI.

But even as prospective employees are told that AI is being used in the hiring process, they really can't do anything about it. They can't challenge. They can't ask for an explanation. They can't find out the source of the data. They can't find out how the algorithm is being used or how information about them is being collected. Even when they are hired, they can't challenge the ongoing use of AI throughout the employment relationship, as I said.

So it's beyond 8.4(1), really, and this is why I'm calling, with quite some urgency, for a much broader approach. Now, 8.4(1) doesn't hurt, but it's not the solution.

The other recommendation I make is—in any definition of AI that will be, if this bill passes, included in the regulations—to be very careful in adopting a consistent definition of AI, particularly with other frameworks that are being developed. I think the member mentioned earlier that one of the most challenging aspects of regulating AI is conflicting definitions of what it means and exactly what kinds of technologies are being referenced when you speak about AI. So I think any definition would have to be very

carefully crafted to be consistent with other frameworks—like the Ontario public sector trustworthy AI framework that's under development, and other jurisdictions, as well, because you want to make sure there's a harmonized approach to AI governance across the country and, ideally, even internationally.

M^{me} France Gélinas: Do you have any idea why there was no follow-up to the white paper that was done?

Ms. Patricia Kosseim: No. I hope there is. As I said, I encourage the government to pursue that very, very important initiative that I think was very thoughtful—had a lot of important ideas and provisions in that white paper. I think that work needs to be picked up on and continued.

M^{me} France Gélinas: My next question is to Ian Cunningham, president of COCA.

I'll give you an example: There's a new mine being constructing in my riding—Iamgold, just across the street from Gogama, and 1,800 workers all live in bunkers, 10 days in then 10 days out. Every time there is a shift change—and most people live in Sudbury—I guarantee you that we will have an increase in the number of opiate overdoses and chances of death. We had 112 deaths from overdose. The great majority of those are young men working in construction. They are young men who have trades; they are young men who have good salaries, good jobs, who work in construction and die—

The Chair (Mr. Brian Riddell): One minute remaining.

M^{me} France Gélinas: —two of them, every single week. Do you have any recommendations? How can the government help so that we keep our workers?

Mr. Ian Cunningham: I think there's an education piece that has to be done. Workers should be informed about the dangers of these substances. There should be lots of oversight at the facility. Of course, there's legislation in place that requires the employer to have naloxone kits on sites. It is a tragedy. In Belleville this week, there was a horrible emergency there with, I think—

M^{me} France Gélinas: But how come in construction? We have lots of miners. We don't lose miners; we lose construction workers. How come?

Mr. Ian Cunningham: I think there's high incidence of smoking in construction. I think there's high incidence of, probably, alcohol abuse. Some of it probably stems from use of prescribed medication—

The Chair (Mr. Brian Riddell): Thank you, sir, for your response.

I'd like to thank the presenters for coming in today and for their insight. You're excused.

ONTARIO BUSINESS COALITION
ASSOCIATION OF CHARTERED
CERTIFIED ACCOUNTANTS
PARKDALE COMMUNITY
LEGAL SERVICES

The Chair (Mr. Brian Riddell): We'll now move on to our second group: the Ontario Business Coalition with Dave Wells, treasurer, and Maria Marchese, secretary/secretariat.

Please state your name for the Hansard, and you may begin.

Mr. Dave Wells: Sorry, did you call on the OBC to present first? It did cut out. I didn't hear you.

The Chair (Mr. Brian Riddell): You may state your name, and you can begin.

Mr. Dave Wells: Thank you. Good afternoon. My name is Dave Wells. I will be presenting with Maria Marchese. We are with the Ontario Business Coalition. We want to thank you for the opportunity to provide comments regarding Bill 149, An Act to amend various statutes with respect to employment and labour and other matters.

The OBC was established 16 years ago and advocates for an Ontario workplace compensation system that contributes to the province's competitiveness, serves the needs of employers and compensates injured workers in a fair and efficient manner. OBC represents schedule 1 employers in manufacturing, auto assembly, construction, fuels, temporary staffing and some schedule 2 employers.

Our focus today will be on the proposed super-indexation provision under the Workplace Safety and Insurance Act. OBC strongly opposes sections 3 through 6 of schedule 4 to Bill 149, which would amend the Workplace Safety and Insurance Act, 1997, by allowing the government to create a regulation permitting an additional indexing factor to be applied to benefits under the Workplace Safety and Insurance Act in addition to the current indexing factor based on the statistics, Canada's Consumer Price Index, the CPI.

1410

OBC respectfully requests that the government abandon the super-indexation proposal as it is unnecessary and inappropriate, and creates a serious financial risk to the workplace safety and insurance system and Ontario employers who fund the system. Such a provision may also create serious financial inequalities between injured and non-injured workers.

I'm going to turn my time over to Maria.

Ms. Maria Marchese: The Workplace Safety and Insurance Act already includes a yearly adjustment process for benefits whereby they are indexed annually based on the CPI. This process is not only fair to injured workers, but it adjusts benefits such that workers' compensation benefits are adjusted at a higher rate than that received by the general working population. All earnings-based benefit entitlements under the WSIA are indexed at the same level: namely, full cost of living based on CPI.

The purpose of annual indexation is to ensure that benefit entitlements remain aligned with the cost of living. It is not meant to provide protections to injured workers greater than those afforded to workers in the general population. It is noteworthy that the CPI-based indexation factor for 2023 was 6.5%, and for 2024 will be 4.4%. During 2023, the average non-unionized salary increases were 4.1%, projected to be 3.5% for 2024 respectively.

Super-indexation is aimed at a problem that doesn't exist. As a result of yearly adjustments, injured workers experience a level of income protection and security not enjoyed by many workers in Ontario. The existing annual

indexing approach is clear and transparent and provides system predictability.

We submit it's inappropriate to use super-indexation as a tool to address perceived benefit inadequacy. Benefit enhancements should be data-driven and evidence-based. Potential increases should be implemented based on demonstrated need and demonstrated inadequacy of current benefit levels, done within a transparent public policy consultation process.

If the government feels that current WSIB benefits are inadequate, it should commission a benefits adequacy study by the Institute for Work and Health to provide data-driven findings as to whether benefit enhancements are needed. In fact, the Institute for Work and Health has previously conducted such a study and found that, on balance, the Workplace Safety and Insurance Act provides adequate levels of income replacement for injured workers when compared to non-injured workers. An update of that study should be considered.

We also oppose the use of super-indexation as a political response to criticisms of past WSIB surplus distributions from the insurance fund to employers. Surplus distributions are not a reward to employers, but a redistribution of employer premiums collected by the WSIB over what is needed to pay benefits. The WSIB must maintain a target funding range of 110% to 120%. When the insurance fund surplus level goes above 115%, funds can be returned to employers, because the surplus was funded by employer premiums, as they are the sole providers of the workplace compensation system. There are no contributions to the system by Ontario workers.

This funding provision for surplus funds distribution was introduced by this Progressive Conservative government, recognizing the need to enshrine the method to address the WSIB surplus in the act. Ad hoc indexation will re-introduce significant uncertainty into the WSIB financial-planning and annual premium-setting process.

Despite our request, neither the government nor the WSIB has disclosed the cost implications of the super-indexation proposal. We repeat our request that the government provide a financial impact analysis before proceeding further. We feel that a potential 2% super-indexation increase could drop the funding ratio below the target funding range, creating unplanned financial pressures and risks for employers and the system.

A further unintended consequence could be that the WSIB will create a reserve for the potential use of the super-indexation power, again adding financial risk to the system and compromising premium rates.

In conclusion, super-indexation should not proceed, as it is an unnecessary tool which increases worker benefits where there is no data to suggest the inadequacy of current workplace compensation benefits. It is inappropriate for addressing perceived benefit deficiencies, the remedy for which should be a detailed benefit adequacy study; is unnecessary, as the current process already generously compensates injured workers relative to the general working population; and is an unnecessary tool which—my apologies—and will result in unpredictability—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Maria Marchese: —all of which is inconsistent with this government's articulated commitment to unnecessarily burden employers who are supporting Ontario's economic recovery.

Thank you for the opportunity to present here today.

The Chair (Mr. Brian Riddell): Now, we will go on to the Association of Chartered Certified Accountants: Jillian Couse, head of ACCA North America.

Ms. Jillian Couse: Great, thank you very much. Jillian Couse. I'm the head of ACCA North America.

Good afternoon, members of the Standing Committee on Social Policy. I'm pleased to be here today on behalf of the Association of Chartered Certified Accountants, or ACCA, and our members. We're here today to outline our support for Bill 149, the Working for Workers Four Act, specifically the proposed removal of the requirements related to Canadian work experience in any job postings or associated application forms.

Firstly, I'll provide a bit of background about ACCA, our work globally and our talented members. ACCA is the largest international accountancy body. We have 247,000 members and 536,000 future members across 181 countries. We have more than 7,000 members and students across Canada, with more than 3,800 in Ontario, 98% of our members are immigrants, having relocated to Canada from regions including the UK, Asia, Africa, the Middle East, Europe and the Caribbean. Canada is actually the second most sought-after destination market for our members and future members, with Ontario being the top destination province.

ACCA is a founding member of the International Federation of Accountants, being subject to the same rigour, benchmarks and standards as CPA Canada. Achieving ACCA membership is a challenging path. Our members complete a rigorous process of 13 examinations, an ethics and professional skills module and 36 months of related work experience and also must adhere to ACCA standards. We want to see our members flourish and succeed here, continuing to support and develop the accountancy profession locally.

ACCA welcomes the action the government has taken to support workers in Ontario through the Working for Workers act. The policy reflected in Bill 149 will not only help attract global talent to Ontario, but I think, more importantly, encourage full employment of foreign-trained professionals already here in the province, allowing these professionals to utilize their skills and education to support the local accountancy profession and Ontario's economy.

This policy is also going to help address the labour shortage in accounting and finance currently facing Ontario. This talent or skills shortage is a worrying trend in the accounting industry, and we're hearing from employers every day that they're having difficulty recruiting for positions, with not enough new job seekers to fill these roles. But as we know, many employers require Canadian work experience, discouraging or disqualifying applicants who do not meet this criteria. This is why the removal of requirements for Canadian work experience is much needed.

We anticipate that if foreign-trained accountants are able to easily access the local profession, it is going to help alleviate Ontario's talent shortage. And this is not the first time ACCA has supported the Working for Workers act, specifically as it relates to removing barriers for internationally trained professionals, supporting a more inclusive work environment and harnessing talent. In fact, removing employment barriers that discourage diversity within an organization—as requiring Canadian experience currently does—will encourage job applicants to pursue careers within these very organizations.

ACCA's new Global Talent Trends report surveyed almost 10,000 professionals across the globe. It found that 71% of respondents here in North America believe that a strong diversity and inclusivity culture is a key factor to choosing an employer. Removing the Canadian work experience requirement will help demonstrate to job seekers that all experience is valuable, whether it's earned in Canada, the UK, Nigeria, or perhaps somewhere in between.

Currently, ACCA qualification holders who immigrate to Ontario are restricted from referring to their professional accounting designations apart from certain specific, limited contexts, even in circumstances where their use of the ACCA designation does not imply that they are a member of CPA Ontario.

As the government continues to take steps to provide a more streamlined path for foreign-trained professionals and utilize the talent that we have here in Ontario, we ask for your support in helping us navigate this remaining obstacle ACCA members face: the ability to refer to their hard-earned qualification and achieve full employment in the province. This will not only ensure that we're able to retain and harness the talented ACCA professionals locally, but also develop a pathway for ACCA members in Ontario to gain access to the level of employment which matches their qualifications and skills without having to go through duplicative retraining. And Ontario wouldn't be the only province to take action as it relates to international qualifications and credentials.

1420

Recently, in British Columbia, they demonstrated their commitment to reducing barriers for internationally trained professionals with Bill 38, International Credentials Recognition Act. Similar to the Working for Workers Four Act, BC's legislation enhances fairness by removing Canadian work experience, but goes further to streamline the process for foreign-trained professionals seeking jobs in the province. Legislation has also been proposed in Alberta to address current and future labour shortages. Bill 203, the Foreign Credential Advisory Committee Act, proposes the creation of a committee to facilitate the recognition of foreign credentials in Alberta. So, should these talents and skills of foreign-trained accounting professionals not be recognized here in Ontario, the province does risk a migration of talent to provinces where they can enjoy full, productive employment.

We look forward to continuing this important discussion on supporting foreign-trained professionals and how we, together, can address the remaining unnecessary road-

blocks for foreign accountancy professionals here in Ontario. We encourage the committee and all members of provincial Parliament to support the passing of the Working for Workers Four Act; specifically, the prohibition on requiring Canadian work experience. Thank you.

The Chair (Mr. Brian Riddell): Thank you.

We will now go to Parkdale Community Legal Services. We have Mary Gellatly, a community legal worker, and Ella Bedard, WAC staff lawyer. They will be virtual.

Ms. Mary Gellatly: My name is Mary Gellatly. I work at Parkdale Community Legal Services. We thank you for the opportunity to speak with you today. With me is Ella Bedard from the Workers' Action Centre. Together, we have provided a submission to the committee members. Hopefully, you've all had a chance to take a look at it.

Each year, our organization supports thousands of workers who face violations of basic employment standards. Through this work, we see first-hand how discriminatory practices and substandard employment conditions have become the norm, because employers know there's little risk that they'll be found out about their illegal activities, and even if they are found out, they'll not be penalized for things like employee misclassification, illegal deductions or wage theft.

While Bill 149 proposes many changes to Ontario's employment laws, they'll not protect workers' rights and entitlements under the law.

Before we turn to the specific problems of Bill 149, we want to note what's actually not on the table today, and that is the licensing regime of temporary agencies and recruiters. The new licensing requirement will make it easier to protect workers from illegal fees and wage theft. It was supposed to come into effect January 1. We were all looking forward to that, but Labour Minister Piccini stopped that and is now considering eroding the licensing requirement because of recent complaints by temp agencies and recruiters. This is long after we've gone through careful consideration at committee, debated in the House, consultations with stakeholders, regulation—it has been through full review.

So we call on the government to immediately implement the licensing section of the ESA without any concessions to business that will undermine the effectiveness of this important protection for precarious workers.

Turning to Bill 149: Schedule 1 of the bill would amend the Digital Platform Workers' Rights Act that was passed in April 2022 but, fortunately, has not yet come into effect. It carves out platform workers like Uber drivers and SkipTheDishes delivery people from protections under the ESA for things like minimum wage, hours of work and termination notice. The act as it's currently written would give huge corporations like Uber and SkipTheDishes the right to not pay their employees, on average, 40% of the work time that they work—waiting for the assignment.

We have the opportunity now, because it has not been brought into effect, to really take a sober second thought on this problematic act. It's fundamentally flawed in taking these low-wage and largely racialized workers out of the ESA and giving the corporations a free hand to provide

substandard work at less than minimum wage. It's time to repeal the Digital Platform Workers' Rights Act in its entirety.

And now, Ella is going to talk about schedule 2.

Ms. Ella Bedard: Thanks, Mary.

The minister has said that Bill 149 will ensure workers keep their hard-earned money, but a more expedient way to do this and promote equity and diversity in the workplace would be to enforce laws that already exist: namely, the Employment Standards Act, the Employment Protection for Foreign Nationals Act and the Human Rights Act.

Section 8 of schedule 2 of Bill 149 sets out requirements relating to artificial intelligence and salary range, and prohibitions against Canadian experience requirements in publicly advertised job postings. These new administrative requirements provide a veneer of transparency without actually holding employers accountable. The newly proposed section 3.1 gives workers a bit more information about the jobs that they are applying for and the methods their employers are using to select candidates, but they do not create any reporting or disclosure mechanisms which would make it possible to track whether employers continue to make discriminatory hiring decisions. A worker has virtually no power or ability to combat discrimination in the hiring process. These new requirements don't effectively change that. We strongly support the submissions of the Equal Pay Coalition and call on the government to enact a robust pay transparency act.

In addition, several of the other amendments in schedule 2 restate protections for workers which already exist in legislation. Amendments made to section 1, the definition of "employee," make employers liable for wages earned during a training shift, but employers are already, under the existing language of the ESA, obligated to pay workers during a training shift.

Similarly, amendments made to section 13 of the act restate that employers cannot deduct wages from an employee after a customer dines or gases and dashes. Employers are already prohibited under the language of the act from making such deductions.

Bill 149 also prohibits employers from including Canadian experience as a requirement of public job postings. This amendment merely makes explicit the prohibition against discrimination based on citizenship and place of origin, which has long been prohibited under the Ontario Human Rights Code.

What we think this shows is that Ontario already has a pretty decent set of laws—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Ella Bedard: Thank you—and if they are not being applied, it's because the current complaints-based approach to employment standards enforcement is not working.

At the Workers' Action Centre, we often hear about the same employers committing wage theft and discrimination over and over again. That's because, without real financial consequences, employers breach minimum-standards legislation, and they actually gain a business advantage over their law-abiding competitors this way. Significant resources need to be put towards proactive enforcement, such as inspection

blitzes, and at the same time, the ministry should be levying the penalties and fines which it already has at its disposal under the ESA and using all methods available to it to enforce unpaid wage orders that have been issued against employers.

Finally, workers need wrongful dismissal protection and stronger protections against employer retaliations, both individually and collectively. All of this is laid out further in our written submissions and we look forward to your questions.

The Chair (Mr. Brian Riddell): Thank you for your presentation.

We will now go to the government for the first round. I recognize MPP Martin.

Mrs. Robin Martin: Thank you very much and thank you to all of the witnesses for coming in today and sharing your expertise and input on these various things.

I was interested by the submission from Jillian Couse, the head of the Association of Chartered Certified Accountants, and the impact of some of these provisions on getting more newcomers into the workforce and the challenges your profession is facing with that. I was wondering if you could talk a little bit about the importance of this Canadian experience barrier being eliminated for people and how this will really benefit members of your organization.

1430

Ms. Jillian Couse: Sure, I'm happy to answer. Thank you very much for the question.

I think, first of all, banning the Canadian work experience requirement is going to help attract global talent to Ontario, and it's also going to encourage full employment of foreign-trained professionals and ACCA members that are already here in the province, so this is going to further support the accountancy profession.

Right now, we are facing a skills shortage. We have employers telling us every day that they're looking to fill roles without adequate talent. So I think that that is probably the most important for us in terms of this bill.

Mrs. Robin Martin: My understanding is that there are a lot of people who have trouble meeting that requirement and it has put up a lot of barriers for people.

I'm wondering if there's anything else in the legislation you think would be helpful to removing barriers to newcomers, to make sure we get more of them into the workforce and productive.

Ms. Jillian Couse: From our position at ACCA, I think really removing the Canadian experience requirement has been the biggest barrier that our members face. So we're very much in support of that. I can't think of anything else that we would choose to add at this time that relates to accountancy and finance.

Mrs. Robin Martin: One of the other witnesses we had before us today was talking about salary ranges and how, if we were posting salary ranges, that might help people, for example, by giving more information to them, so that they have a better understanding of the context of that position—perhaps expectations for salaries for that kind of

position in the Canadian context. Could you see that being useful to some of those employees as well?

Ms. Jillian Couse: Absolutely, because I think—certainly, for our members—they face a level of under-employment and I think having a little bit more information around salary ranges would be very helpful for them.

Mrs. Robin Martin: One of the issues I'm also concerned about is our labour participation rate and how we have a number of, I think, mostly young people sitting out of the workforce for longer periods of time. I'm wondering if there's anything you see in this legislation that might assist with getting some of the younger people into the workforce faster.

Ms. Jillian Couse: That's a very interesting question. I think, certainly, our members that are transitioning to Ontario tend to be further along in their careers, so we don't have a number of members that perhaps would be younger and just starting out. It might be perhaps a better question for one of the other witnesses today.

Mrs. Robin Martin: Fair. I wanted to pose it to you because I'm struggling with getting my own children into the workforce.

Ms. Jillian Couse: Well, they should study accountancy and finance.

Mrs. Robin Martin: I think one of them should be in that area, but they haven't quite gone there, so I thought I would just ask. Thank you very much.

The Chair (Mr. Brian Riddell): MPP Barnes.

Ms. Patrice Barnes: Thank you so much for the opportunity and thank you to the presenters. I just wanted to follow up with OBC in regard to the indexing portion that you've spoken about. You seem to have an opposition to that particular piece of the bill, and I'm just trying to understand a little bit more why. Because we're looking at the opportunity to support workers, to put more money in workers' pockets, and I just want to get a little bit more detail on some of the barriers that you think are in place that would not be good with this bill.

Ms. Maria Marchese: Thank you for the question.

I just want to refer back to the main point that we made in our presentation: that it was noteworthy that the CPI-based index for the years 2023 and 2024 were—for 2023, 6.5%, which is what the benefits adjustments will be for benefits for injured workers in 2023, and it was 4.4%, or will be 4.4% [inaudible] the adjustment the workers received was 6.5% and during that same time, in 2023, the average non-unionized salary was 4.1%.

So our point was to establish that, in fact, the consumer price index compensates injured workers at more than a fair rate. It actually compensates them better than the general working population is compensated. And that's why we don't believe that there is an issue with the current process in place under the Workplace Safety and Insurance Act for ensuring that workers' benefits continue to be aligned with the cost of living.

Does that answer the entirety of your question?

Ms. Patrice Barnes: Yes, thank you.

The Chair (Mr. Brian Riddell): I recognize MPP Jordan.

Mr. John Jordan: Just a follow-up for the OBC on that one: Given there is a surplus—and we've heard about the super-indexing concerns today—without the super-indexing, what would be the impact on the premium rates?

Ms. Maria Marchese: Without the super-indexing, what would be the impact? Premium rates are set based on an analysis of the prior claims costs and projected future claims costs. As it is, there's a very stringent process in place for premium rate setting.

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Maria Marchese: Without adhering to that process, which right now provides predictability in the system for all employers, you would have a surplus, but the surplus is because employers have already paid more in premiums than the WSIB had projected their costs would be. That's what has contributed to the surplus currently at the WSIB. Employers are the sole sources of revenue for the WSIB and the investment income that their premiums bring in.

Mr. John Jordan: Just a quick follow-up: Is there an opportunity there for a lowering of premiums?

Ms. Maria Marchese: Well, that's done by the WSIB through their rate-setting process. Some employers will see a lower premium; some employers will actually still see a higher premium, all based on their performance. That's the whole rate framework structure that's been put in place that was developed almost over a decade ago, or during that period, to ensure that rates reflect the true costs of claims for employers.

The Chair (Mr. Brian Riddell): That now completes this section. We will now go to the official opposition. I recognize MPP West.

MPP Jamie West: We'll start with the Parkdale Community Legal Services. One of the things that you said that was interesting, that I've been telling people who are deputizing today: There are sections of this legislation that already exist in law—three of them, in fact. There's the requirement for Canadian experience, which was illegal under the Ontario Human Rights Code of 2013, unpaid work during trial periods is illegal under the Employment Standards Act already, and wage theft is illegal under the Employment Standards Act already.

In your deputation, you said that the same employers are violating these laws over and over again as you represent workers. Why is it that we have legislation that is more than 10 years old that isn't being enforced adequately, that isn't deterring employers from doing the things they're doing? I'm talking about unscrupulous employers, obviously. But if you have repeat offenders in any other—if you have repeat speeders, if you have repeat people stealing from stores, there are consequences for that. But it seems like for these areas there isn't any consequence for violating sections of the Employment Standards Act or the Human Rights Code.

What is going on with this, and what can we be doing instead of re-tabling legislation that already exists that would help to deter these things from happening so we can have a better workplace for Ontario's workers?

Ms. Ella Bedard: Thank you. I'm from the Workers Action Centre, but Mary and I—the Parkdale Community Legal Services—work very closely together. We at WAC

see at least 1,200 workers a year, and we have 500 workers who are our members who are in low-wage or precarious work. So we become familiar with the same sort of repeat offender employers often.

The reason that this keeps happening, we believe, is that the complaint-based employment standards enforcement system just simply is not working. There are a couple of reasons for that. One is that employees tend to make complaints after they leave a job, because, in their very rational assessment, it's better to have a bad job than to have no job at all, and they know that it's very, very likely that their employer will retaliate against them—fire them, push them out, harass them—if they raise concerns while they're still working. So they wait till they leave the job and then they make a complaint, if they make a complaint at all.

The complaint-based system requires the individual worker to be able to jump over the administrative hurdles that come with filing a complaint, which include language barriers, computer illiteracy, other forms of literacy issues, and being able to put in their evidence and all of that. And if they are successful, there's basically less than a 50% chance that the Ministry of Labour will be able to collect on the orders to pay that have been issued against their employer.

Those are the numbers. There's been coverage of this in the Toronto Star, if you want to refer back to that. Workers often do a cost-benefit analysis. It's not worth it to them to make an ESA complaint.

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The other thing is, we often hear from workers who say, "I'm doing this because I want my co-workers to have it better. I know that I was fired because I tried to bring this up at work, but it will be better for them." We have to say to them that, unfortunately, the Ministry of Labour is not going to do a broader investigation. They're going to look at their very narrow claim, and they're not going to say, "Wait a second. We've had 15 complaints from this one workplace. What's going on there? We need to be investigating that." That's not currently the practice. That's just one of the reasons why the complaints-based system does not work. As we said in our presentation, the lesson employers learn from this is that they can get away with it, and there's actually a business case in their mind for continuing to infract.

Mary, do you want to add anything?

Ms. Mary Gellatly: Proactive inspections, where the officers go into workplaces and detect violations when workers are still in the workplace, have declined 68% since 2018, so they've gone down, which is a real shame, because proactive inspections would be much more effective. Labour Minister Piccini talked about the rampant violations of unpaid trials in the restaurant sector. Well, if we had an effective, proactive inspection regime that could go in and bring employers into compliance, then we wouldn't have workers having to file claims after.

The other thing is, since 2018, we've seen a decline in the cost of violations. People who have been found to violate the employment standards—there has been a 93% decline in fines over the past number of years.

So the message is quite clear to employers that you really are not going to pay a consequence for violating the law, which is why we need enforcement.

MPP Jamie West: Basically, what you're saying is, the employee—if they complain at all, there's a 50% chance of collecting. There are fewer inspections. There is less cost in violating—a 93% decline in fines. The lesson of the day is they can get away with this.

To me, this sounds like this isn't a Working for Workers bill at all; this is a "working for employers" bill—and not good employers; employers who traditionally violate the law and flaunt their nose at it and do a cost-benefit analysis and say, "We can get away with this"—at a time when the government should be standing up for workers. The record-high affordability issues, inflation issues—I know, for example, the last number that I had was, there's a little over \$9 million owing in wage theft to workers. This is what has been reported, that the Ministry of Labour is aware of. It's not being collected. It's not being pursued. There is no—

The Chair (Mr. Brian Riddell): One minute remaining.

MPP Jamie West: —slowly getting in there.

Would you agree that this doesn't really reflect what you'd call a Working for Workers bill?

Ms. Mary Gellatly: Yes, we agree. We do not think it works for workers. There's much more that can be done.

Ms. Ella Bedard: Our colleagues at the Equal Pay Coalition called it a fig leaf. I think that is an apt description of what this act does. It sort of reframes a lot of things that already exist in the law, as opposed to ensuring that those decent laws that exist on the books are actually being put into force.

MPP Jamie West: It's a great sound bite. It's a great thing for a headline. But if you're not enforcing laws that exist, then what's the point of doing them?

Thank you, again, for everything. I apologize; I wish there was more time to talk to everybody. It's the way they set this system up—you're not able to fit it all in well.

The Chair (Mr. Brian Riddell): Now we will go to the independent members. MPP Fraser.

Mr. John Fraser: Thank you to all the presenters for being here today.

I'd like to focus on the super-indexing—we were talking about it this morning—of WSIB payments. I'm trying to understand, when I look at this, what the framework is for it. There's no number on it. It seems to be very discretionary. I would assume that it's being based on the surplus that exists in WSIB. There are a few things you can do with that. You can increase rates. You can decrease premiums. You can do what they're doing here with super-indexing, do the reverse thing with an employer, or they can expand coverage, because there are a lot of workers in Ontario who aren't covered who are doing the same work as people who are being covered. It's just their employer is different.

From the business coalition's perspective, I do want to say that I understand you're concerned there's no borders around this; it's just, "We're going to do this, and somehow it's just going to come out." There's no assurances, I think, either for workers—other than the fact that it will happen—or for employers.

I would like to just say one thing before I ask you a question. I would say that I think that WSIB is a benefit that is a workers' benefit, so there is some value to the worker in that, and that to return some of that money to the worker is not a bad thing, in the form of either increased coverage or more workers being covered; I think it's a good thing.

I know you want to remove super-indexing. I don't think the government is going to do that. If they were going to do that, how would you want them to do it? And then maybe you say, "We don't want them to do it at all," but I just think that's the reality.

Ms. Maria Marchese: No. As we said in the beginning, we believe in fair compensation for injured workers. That's what all of our members would be looking for for their injured employees. There's a process in place. There's the Workplace Safety and Insurance Act. It sets all the entitlements. If the government truly believes that workers are not being adequately compensated, then they should open the act, they should do an analysis to see what the gap is in the benefit adequacy levels, if in fact there is a gap, and then they should open the legislation in a clear and transparent public policy consultation process. If you feel 85% is not adequate, open the act, do your analysis, get your figures, get your costs, because what we don't want to do is go back to the many decades—and there were 30 of which I was part of—in this field where you had an unfunded liability on employers. It was quite the noose around their necks. That would be what I would think the government could do. It has at its disposal the policy amendment process.

Dave, would you like to add anything?

Mr. Dave Wells: I think, from the business community—we want the stability in the system. If you have an unstable system, the benefits will not be available to the workers the same capacity as if you have a fully funded system.

In 2018, the average premium cost for employers was \$2.35. When the UFL was retired in 2019, it went down to \$1.65—

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Dave Wells: —which was a 29% reduction in rates. That reduction in rates allows the WSIB to make a smart, concerted effort to look at benefits, to have the money available to them, because they're not funding an unfunded liability. They're not paying interest on the credit card, when you look at it this way, so there is money in the system. We do support a stable system, and basing it on the CPI allows employers to conceptualize and to understand exactly what it's going to be earlier in the year without it being an ad hoc benefit distribution.

Mr. John Fraser: Thank you very much.

The Chair (Mr. Brian Riddell): You have 22 seconds.

Mr. John Fraser: Twenty-two seconds? I'll just let you go forward. I don't think I can do anything in 22 seconds and get an answer.

The Chair (Mr. Brian Riddell): We'll now go back to the government. I recognize MPP Pierre.

Ms. Natalie Pierre: My question is for Jillian from ACCA North America. I'm curious: You talked about a shortage of talent and skills, and you mentioned a migration of candidates to other provinces in Canada. Do you have any data or do you have any numbers that you could share with the committee?

Ms. Jillian Couse: I could certainly pull some information together, and I could submit it, of course, yes. But we have seen that recently, particularly with members. Actually, I was just in Nova Scotia a few months ago, and they have been quite open in terms of their hiring practices, and so we have seen a number of our members—actually, particularly from Nigeria—who have decided to go to the east coast because of the availability of jobs, and they tend to find jobs that actually match their skills and background.

Ms. Natalie Pierre: Apart from Nova Scotia, are there any other provinces where you are seeing candidates migrate to?

Ms. Jillian Couse: Yes. I would say Alberta and BC.

Ms. Natalie Pierre: So what are they doing right that we're not doing?

Ms. Jillian Couse: Well, there's other things, I think, at work in the province of Ontario that put restrictions and limitations around our members being able to use their ACCA letters, so I think that that also has something to do with it, but again, I can pull together some information from what we're hearing from employers and submit it, but most certainly they're being very open in their hiring practices and actually looking at experience that's coming from a variety of countries. Obviously, in Alberta, because it's huge in oil and gas—we have a number of members who have worked in oil and gas in their home countries, and so that is just a good fit. We also have a very large number of members who are from Asia so you can imagine that going to BC is also highly attractive because of the distance.

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Ms. Natalie Pierre: Are there any other barriers that you see for candidates with international experience coming to work here in Ontario specifically?

Ms. Jillian Couse: Again, there are certain barriers for our members in other acts that are fairly protectionist that make it more difficult for our members to be able to use their letters, but other than that, it just tends to be the ask, and it can be under the table or around Canadian experience and really not thinking about any experience that they've had prior to coming out to Canada, and just saying, "You know what? Come back. We don't care what you do, even if that means taking a level which is below what you should be getting, and once you have that Canadian experience, then come back to us." But it tends to be that barrier that continuously comes up for our members.

Ms. Natalie Pierre: So do you see any impacts of the proposed changes in Bill 149 that could have an impact on your organization or the accounting and financial sectors at large?

Ms. Jillian Couse: I think, again, it's going to help address the skill shortage, and it's going to ensure to job

seekers really that all experience is going to be valuable regardless of where it's coming from.

Ms. Natalie Pierre: Thank you.

The Chair (Mr. Brian Riddell): MPP Jordan.

Mr. John Jordan: I'm going to direct this question to Parkdale Community Legal Services. You did mention a number of existing legislation that's in place that you did feel was perhaps replicated in this legislation. So my question is around strengthening the existing legislation through Bill 149. Do you see any opportunities within this to strengthen that legislation?

Ms. Mary Gellatly: A way to strengthen the intent of the provisions would be—and we've made recommendations on this—to give workers some power to actually try and enforce their rights in the workplace. And so, in our experience, the anti-reprisals provision when somebody is disciplined for asking for their rights does not work in workers' favour. Only 32% of those claims are successful because of the huge barriers for workers putting forward their case.

What workers really need is protection when they come together to deal with—for example, restaurant workers, when they come together to deal with the problems of tips, they do it together because of their shared experiences. They can all be disciplined, but if we draw from the experience of the states where they provide protection for considered activity where workers are trying to raise their basic employment rights in the workplace so that they're protected from being disciplined and fired—that would actually help, because there would be an actual tool that people could draw on for accessing those rights.

Ms. Ella Bedard: I would just say that, as we said, and it's explained further in our submission, there are good laws on the books that need to be enacted, in particular the temporary agency licensing regime that was outlined in previous Working for Workers acts. That is a really good accountability mechanism that's direly needed for temp agencies, and it needs to be enacted right away and brought into force as soon as possible.

Similarly, the Pay Transparency Act, which exists on the books: It just needs to be brought into force. It needs to be enacted. Those would be two things that the government could do without needing to make any amendments to this bill.

The Chair (Mr. Brian Riddell): We'll go to the official opposition now for seven and a half minutes. I recognize MPP Gélinas.

M^{me} France Gélinas: I'll start with Parkdale Community Legal Services. In your brief, you talk about the removal of Canadian experience, but then in your recommendations you go and you make recommendations such as increase funding to the Human Rights Tribunal of Ontario to speed up claims-processing time and address the backlog of cases at the tribunal. How are those two related?

Ms. Mary Gellatly: They're related because there has long been a prohibition in the Ontario Human Rights Code to even asking workers about their Canadian experience.

It's a prohibited ground because it exposes a place of origin. That has been there. It hasn't been effective for folks.

What would help is if we could have a much more proactive enforcement of our human rights. We used to actually have a much more robust, accessible human rights system with the human rights commission. Now we've got the tribunal, which has 9,000 cases in backlog, so it's not even really a remedy anymore for people to try to enforce their rights.

Human rights are, again, much more robust in recognizing the harm that's done, so the remedy is stronger than, say, merely posting a requirement.

M^{me} France Gélinas: You go on to say to create a proactive enforcement mechanism to enforce the Human Rights Code, particularly in relation to hiring and job application processes. I guess this is what you're talking about right now: that people have already faced discrimination, have put in a complaint with the commissioner and are in line with 9,000 others for the human rights tribunal to rule. Wow. If we were serious that we wanted to help people who are being discriminated against, how could we work on that? I fully agree.

Then you go on to say to create other deterrent mechanisms, such as reporting requirements and fines, instead of relying solely on a complaints-based enforcement system for the Human Rights Code. Do you know of any provinces that do that? How would that look?

Ms. Mary Gellatly: I'm trying to remember back to when we had the Ontario Human Rights Commission, which actually worked with individuals around their complainants. I do believe they did a bit more systemic projects to look at larger practices of discrimination. I'm not sure about the other jurisdictions. I'd have to take a look, and I'd be happy to get back to you with anything I can find.

M^{me} France Gélinas: Okay. But here in Ontario, can you think of a mechanism that would work that you would like to see implemented?

Ms. Ella Bedard: Perhaps similar to the infrastructure that was outlined in the Pay Transparency Act, having employers be required to report to their own workers and also to the government on a regular basis about the foreign and Canadian experience of their workers, and provide other demographic information about their workforce, would increase the meaningful transparency.

M^{me} France Gélinas: I agree.

My next question is to the Association of Chartered Certified Accountants. You've talked about not asking for Canadian experience, but you also said that other provinces—I think BC and Alberta—have put other measures in place. Would those be worth implementing in Ontario also?

Ms. Jillian Couse: Thank you for the question. I think right now in Alberta it's too early to tell, because it has not been passed yet. But in BC, it was recently passed in late 2023, so I think what's going to happen is that they will implement a superintendent who is going to, I guess, oversee. It is too early to tell, but they are moving in the right direction. Perhaps in six to 12 months or so we can provide a bit more feedback then.

M^{me} France Gélinas: The superintendent position would make sure that different employers follow the law?

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Ms. Jillian Couse: The superintendent's office, from what I understand—and it's supposed to be established in June—is going to oversee foreign-credential recognition just to ensure that there is transparency and fairness in the process.

M^{me} France Gélinas: I fully agree.

When it comes to chartered certified accountants, except for mandating Canadian experience, what are the barriers to recruitment?

Ms. Jillian Couse: That tends to be the main one. It's really around the Canadian experience requirement. Typically, what happens is, when our members come to Canada, they face a level of underemployment because they do not have Canadian experience, so it takes them some time and effectively kind of stunts their career progression.

M^{me} France Gélinas: To the Ontario Business Coalition: I don't know if you could hear when I asked this question to the Council of Ontario Construction Associations. I know that you represent quite a few construction workers with the Ontario Business Coalition. I was talking about the opioid epidemic in northern Ontario that, for reasons unknown, is really targeting young construction workers, whether they have trades or are labourers. In my community, 112 people died of opioid overdoses last year, and the great majority of them were young men who had good-paying jobs working construction. Do you have any idea what we could do?

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Maria Marchese: We agree with the comments that were made by COCA. There's a huge opportunity from an education perspective.

We focus solely, as a group, on the workers' compensation system in Ontario—the workplace safety and insurance system.

There's always an educational component, if analysis has shown you that there are certain findings in certain industries—you have current laws, you have current regulations, and there are enforcement abilities in each of those pieces of legislation that give the government the tools that they need to deal with what they may see as a crisis, or they have the tools to provide the proper education to those various segments of industry.

Dave?

Mr. Dave Wells: I do agree with Maria; it's kind of out of the purview of the OBC. It seems more of a broader societal issue—

The Chair (Mr. Brian Riddell): Thank you.

We'll now move on to the independent members. I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you to all our presenters this afternoon.

My first question is for the Workers' Action Centre and Parkdale Community Legal Services. In your report, it says new technologies are rapidly changing the world of work. And please forgive me, because I don't understand fully how this AI business all works. We heard from the

privacy commissioner just before you folks came in, and the privacy commissioner said that the bill does not address AI in a comprehensive manner. Your report says gig work and AI human resource tools are widely used already. You mentioned that your regulatory apparatuses are playing catch-up. Can you explain that statement?

Ms. Ella Bedard: There are a number of ways in which AI and digital technologies are making their way into workplaces, whether it be through apps like Uber and SkipTheDishes or the HR tools that can sort of grab a bunch of data about a person and allow employers to use that information to make their hiring decisions. There has been a lot of research done that shows that there's algorithmic science that ends up bringing in discriminatory recruitment and hiring practices based on gender, race and personality traits. The administrative requirement that's in Bill 149 just asks that the employer then say in the job description whether or not they're using those tools. I guess maybe theoretically that gives the worker the option to then say, "Oh, I won't apply for that job," but we know that's not really how it works. If they're applying for jobs, it's because they need a job, and they'll apply regardless of whether or not AI is being used in the hiring and the recruitment process.

Ms. Bobbi Ann Brady: So the use of AI could increase the stress and anxiety surrounding the application process?

Ms. Ella Bedard: Yes.

Ms. Mary Gellatly: Yes, but it's not even just that. We talked about platform work earlier, and there are just reports coming out this week that look at the "machine learning" of the app, which basically identifies behaviours and identifies which workers would choose to take a delivery at a lower wage rate or for a longer distance. It can begin to, basically, classify groups of workers that will take lower rates and start shifting pay schemes to those sectors of workers. And so, it's quite insidious in a variety of different ways in the changing ways of work. Being able to take a pause and really begin to look at how it's being used in our workplaces around speed-ups, deteriorating conditions and biases, I think, would be very good.

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Bobbi Ann Brady: My other question is for the Ontario Business Coalition. This morning I asked the minister to bring forward his rationale for including additional indexing in this bill, and, as many presenters have said, the problem doesn't exist and the minister couldn't seem to demonstrate the need. So I'm wondering: Have you had any discussions, or do you have any knowledge or insight on why the ministry chose super-indexing over other avenues to support injured workers?

Ms. Maria Marchese: We just wanted to go back to those numbers that we presented, and they had to do with the CPI index levels. I think the other part of this is the fact that there was a surplus distribution to employers. Again, the surplus distribution is monies that the employers have already paid in excess of what the board needed to cover the benefits for those injured workers—

The Chair (Mr. Brian Riddell): Thank you for your response.

We'll now move on to the next group at 3 o'clock, so thank you to all the presenters who came in today. Thank you for your attendance.

CANADIAN CANCER SOCIETY
ONTARIO NETWORK
OF INJURED WORKERS GROUPS
INJURED WORKERS COMMUNITY
LEGAL CLINIC

The Chair (Mr. Brian Riddell): I would like to call up the Canadian Cancer Society: Hillary Buchan-Terrell, advocacy manager; and Daniel—I'm going screw up your last name—Nowoselski, manager of hospice palliative care. Daniel is going to be virtual.

Please state your name and you can begin.

Ms. Hillary Buchan-Terrell: Hi. Good afternoon. My name is Hillary Buchan-Terrell of the Canadian Cancer Society. Thank you for having me here today to speak on behalf of the Canadian Cancer Society.

Sadly, cancer remains one of the leading causes of death in Canada, accounting for nearly 26% of deaths in 2020. According to our recent special report on cancer prevalence, over 627,000 Ontarians are estimated to be living with or beyond cancer. That's more than the population of Ontario communities like Burlington, Barrie and Peterborough combined. It was expected that over 94,000 people in Ontario would be diagnosed with cancer and 32,200 are projected to have died from the disease in 2023 alone. In fact, I'm sure there are some in this room that have been impacted, either by your own diagnosis or that of a loved one. It's frightening and daunting for anyone, but most importantly, it's life-changing.

At the Canadian Cancer Society, we are committed to improving and saving lives. That's why we are always thinking about how we can advocate for well-rounded support for those with a cancer diagnosis such as take-home cancer drug coverage, affordable tests and job-protected leave. We think about how life-changing it really is to receive a cancer diagnosis and are committed to how best we can support people from the moment they receive their diagnosis.

We know that government shares a similar commitment, as seen in previous Working for Workers legislation, which has provided for changes to presumptive cancers under WSIB, for example. These changes were expanded on in the most recent Working for Workers legislation, which extended esophageal cancer coverage for firefighters with 15 years of service instead of 25.

According to the International Agency for Research on Cancer, firefighters have a 9% higher risk of cancer diagnosis and a 14% higher risk of dying from cancer than the general public.

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We welcome any steps to remove the red tape for those facing primary site esophageal cancer to get coverage through WSIB for their care, as this proposed legislation does. In every community, firefighters are on the front

lines each and every day, saving lives, and they deserve to get the care and support they need.

We've also seen that this government is committed to workers receiving the job-protected leave they deserve. Working for Workers 3 also gave military reservists serving our country the job protection they deserve when they're deployed. This is an excellent example of being flexible to the needs of the individual, and we believe those living with cancer deserve the same.

We know that one of the most daunting parts of a diagnosis is the unexpected costs that come with it. Ontarians with cancer and their loved ones often worry about their employment security and how they're going to pay their bills while they undergo treatment, especially in our time of rising expenses. In addition to a decrease in income during treatment, they also face new expenses such as medications that may not be fully covered by government or private plans, travel costs to and from appointments, parking, home care costs, assistive products and so much more. This is all on top of their pre-existing expenses like taking care of their families or paying rent on time.

In a recent survey done with Angus Reid we released on World Cancer Day, we found that a staggering 90% of people in Canada feel a sudden cancer diagnosis would impact their household finances. Over two thirds noted that additional monthly out-of-pocket expenses related to cancer care would make it more difficult for them to manage financial necessities like paying for household expenses, making mortgage or rent payments and paying off debts; 30% said they would have to go into debt to pay for the out-of-pocket costs of cancer diagnosis while an additional 10% said they would need to ask friends or family to cover the financial costs. Markedly, 63% of Canadians said that the financial burden of cancer-related expenses would have a significant impact on their stress and mental health. Notably, 32% of Ontarians fear losing their job if they choose to undergo cancer treatment, and nearly 20% of Ontarians are uncertain. This means only half of Ontarians are free from the fear of job loss when considering cancer treatment. The uncertainty is even greater amongst Ontarians with household income of less than \$50,000.

These numbers are staggering and represent the real anxiety people are facing at a time when adding financial weight to someone is unconscionable. While facing a decrease in income and the added stress of navigating cancer, they deserve peace of mind, knowing that their job is waiting for them.

We believe that supporting the financial, medical and employment needs of those requiring time away from work to face a chronic illness is a deeply Canadian value—a value shared by 93% of Canadians, from a 2022 Ipsos poll. Ontarians don't want to see our neighbours, colleagues or loved ones struggle with their finances or their futures when they should be focusing on their health. Ontarians want to see those who are diagnosed with cancer take the time to prioritize their health rather than spend time worrying if they will be let go from their jobs. They want to know that they will be supported if they're the ones receiving a cancer diagnosis.

In Ontario, workers with cancer are only eligible for three sick days under the Employment Standards Act—three—three days where Ontarians fighting cancer are certain they will have a job when they come back to work from receiving treatment. There is no research that shows that someone can receive treatment for cancer and recover in the span of a long weekend. That means those in Ontario who are entitled to receive the federal EI sickness benefit do so at the risk of losing employment. This is why the Canadian Cancer Society has been advocating for the Employment Standards Act to be amended to protect their jobs while receiving treatment as part of the Working for Workers initiatives this government has put in place to stand up for Ontario's workers. This system is well overdue for revisions that better support people with cancer and other serious illnesses and prioritize their health and healing journeys.

In Ontario, we must increase job-protected leave—

The Chair (Mr. Brian Riddell): One minute remaining.

Ms. Hillary Buchan-Terrell: —to 26 weeks to match the federal EI sickness benefit. Job-protected leave should allow for flexibility in how the leave is taken and divided up in the 52-week period.

Currently, employees who are caregivers or support family members already receive job-protected leave when caring for people who have a critical illness. To stand with workers in Ontario, the Employment Standards Act should more closely align with the personal job-protected leave that caregivers of people with a critical illness receive, to ensure that those who are actually fighting the illness are better supported. We need to ensure Ontarians have greater job security while they focus on their health.

Through Working for Workers legislation, the government has shown they will stand by vulnerable workers across Ontario and respond to the needs. Today, I'm asking the government to stand with our neighbours, our brothers, our sisters, our kids and friends who are facing cancer, because nobody should have to choose between treatment and recovery and their job. We're asking you to move forward with job-protected leave for cancer patients and others facing critical illness in Ontario to ensure those who have cancer do not have to face the stress of feeling like they are choosing between treatment and being able to support themselves and their families.

The Chair (Mr. Brian Riddell): Thank you for your presentation.

We'll now move to the Ontario Network of Injured Workers Groups with Wayne Harris, the vice-president. Steve Mantis, the chair of the research action committee will be virtually with us. Please state your name and you can begin.

Mr. Wayne Harris: Wayne Harris, UA Local 853 Sprinkler Fitters of Ontario. I'm on our executive board and I'm our political education chair. I'm also the Ontario Network of Injured Workers Groups' VP.

Today, I hope to explain why it is necessary for injured and ill people to listen to their doctors so they may heal. I hope you will listen as I talk about my experiences with opiates, the WSIB system and my concerns moving

forward. I hope in my own words to explain why I feel that the WSIB should not have the power to deem workers fit and capable for work using WSIB-paid doctors for their opinions. These doctors have no duty of care over the injured or ill. In 1914, workers traded their right to sue for duty of care. Hopefully, after hearing my story, you will understand why the WSIB needs to take a look at the 80% overturn rate that happens at the WSIAT as its basis to make changes to better serve its role in society for the injured and ill.

I was your average hard-working person enjoying life with my family and friends. I had not a thought in the world about being injured on the job or what it would look like. I was a healthy, active dad doing what I could to provide for my family.

In 2012, wrestling to loosen a pipe, the ladder flexed. As I tried to break my fall, my arm got caught in the ladder. My diagnosis from the WSIB doctor was that I had a sprained right shoulder.

In the following months, the use of my arm was very limited. The pain was getting worse and I was getting agitated as my world as I knew it had stopped. I just wanted to get back to work and my old life.

My doctor suggested that I see another surgeon, have some further testing to see what was going on and take these painkillers as needed. It didn't seem like a sprain. The MRI arthrogram showed that I had a torn labrum. I was scheduled for surgery.

Things were progressing well until I got a phone call from the WSIB citing that the operation I had would take 12 weeks to heal. I'd have to go back to work. If I didn't go back to work, the WSIB would no longer cover me. My surgeon and treating doctors advised me not to go back to work yet. I had to support my family. I went back to work. At first, to modified, undignified work, then back to my regular job way too soon. The excruciating pain continued, and it wasn't long until a failure of this operation occurred. My surgeon told me there was only one thing he could do, a full shoulder replacement, but I was too young.

During this time, the WSIB would start and stop their support of my medication, my physio and my recovery. I now had two surgeons telling me that the only option I had was a full shoulder replacement, but I was too young. Not only had I lost my job; I lost my ability to provide for my family. I couldn't do the things that made me feel alive, the things that I loved. I had to sit in this pain-filled body totally depressed and watch as everything I worked so hard for disappeared.

I was on the phone fighting with the WSIB for my health, proving that each intervention was required, proving that I mattered. Once again, with the help of my doctor, I found a surgeon who was willing to operate. I would have a full shoulder replacement. Finally, things were headed in the right direction, or so I thought.

An aspiration showed I had a P. acnes infection. Before I could have my full shoulder replacement, I needed to have the infection removed. Surgery was scheduled for August 2018, and when I healed, I would have my full shoulder replacement.

In May, I received a phone call from the WSIB, my caseworker excited to tell me that I needed to get a job because my 72 months were up. At this point in my life, my pain was off the charts. I could only focus on getting better. My mental health was most important as I looked at back-to-back surgeries before I could have the use of my right arm.

1520

I was deemed fit and capable for work at the beginning of 2018, and two thirds of my pay and support from the WSIB were cut. The hell I now found myself in, struggling to provide for myself and my two boys—it didn't take long to go through the money I had for a rainy day. As I couldn't pay the rent, I found myself living in my car. I had to give up my rights to my youngest son to the children's aid society, with absolutely no hope.

I put everything I had into the fight with the WSIB. I had support from new friends, a clearer mind and a will to ensure no one else falls through the same holes with the WSIB.

I've had seven shoulder surgeries, the last being a full reverse shoulder replacement in October 2022.

Hopefully, Bill 57 will remove the adversarial environment that I and other injured workers find themselves in during the deeming process.

It's disappointing to think about how it has become socially acceptable to go back to work while on opiates. The WSIB has the power to put someone back to work—and that the WSIB knows their doctors are prescribing. From what we know about the dangers of opiates, no one should have to go back to work on opiates—no one. The WSIB has the ability to change this.

I am a WSIB success story—retrained, ready to go back to work with a phantom job and a phantom employer. In reality, I am a product of what happens when you're not allowed to listen to your doctors, you go back to work on opiates, have all your financial securities taken away.

Duty of care should entitle workers—

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Wayne Harris: —to listen to their doctors, take medications as prescribed, and have time to heal from their injury or illness, even if this doesn't fit the WSIB's timelines.

In closing, I'm grateful for the opportunity to tell my story today. I remain hopeful that the WSIB and the government will remove deeming, allow injured and ill workers to listen to their doctors, and remove injured workers from the poverty they find themselves in today by super-indexing. Thank you.

The Chair (Mr. Brian Riddell): We'll now have the Injured Workers Community Legal Clinic, and John McKinnon, lawyer and director. Please state your name, and you may begin.

Mr. John McKinnon: My name is John McKinnon. I'm with the Injured Workers Community Legal Clinic, which is one of the clinics in Legal Aid Ontario's clinic system. Thank you very much for the opportunity to speak with you about Bill 149. We welcome your interest in improvements to the workers' compensation scheme. We're

going to limit our comments to schedule 4 of the bill. I think you've got our written submission, so I'll try to just touch on some of the highlights within seven minutes or so. We do have some comments on what the bill provides and also on what the bill could provide with the appropriate amendments.

My office sees the difficult cases, and you've heard of one from Wayne here. It's true; the vast majority of claims that are reported to the WSIB are success stories. They get the medical treatment they need; they recover; they get back to work, earning the same wages. That's truly great. It's the other 13% that we need to be concerned about here.

Every year, the WSIB recognizes that about 17,000 injured workers have permanent impairments or permanent disabilities; just counting from 2020, that's about 65,000 newly injured workers with permanent disabilities. Those are the people who seek your help. They seek help from my office. They seek help from injured workers' groups. This is the group that research shows experiences high levels of poverty and high levels of unemployment.

The strong financial position of the WSIB right now creates the opportunity to make some significant improvements in compensation for injured workers with permanent disabilities. The board has assets in excess of \$5.8 billion after its return of \$1.2 billion to employers in rebates. And the average premium rate, as we've heard, is the lowest that it has been in more than 20 years.

This is all a direct result of legislative changes made in 1998. The government was concerned about the WCB's unfunded liability. The 1996 report by Cam Jackson, the Minister without Portfolio for workers' compensation reform, costed out the savings from various cuts to injured workers' benefits. The report said reducing inflation indexation would be \$9.3 billion savings, reducing benefits from 90% of net to 85% of net would save \$3.1 billion and reducing compensation for the loss of retirement income from 10% down to 5% would save \$1.4 billion.

As a result of these benefit reductions that were borne by injured workers and their families, the unfunded liability was eliminated in record time, and in our submission, now is the perfect opportunity for the government to consider rebalancing the workers' compensation system.

I'll speak a bit about the benefit indexation provisions, and then, if there are questions, we can go into more detail. The reduction of inflation indexing was the biggest cost savings in the 1998 benefit reductions, but full adjustment for inflation was restored effective in 2018. To some extent, there has been progress on that. There is an ongoing disagreement between the Ontario Network of Injured Workers Groups and the WSIB about the correct formula that the legislation requires, and perhaps the indexing provisions in the bill could be used to adjust benefits by whichever rate is higher, but as others have said, the indexing provisions are discretionary, they're complicated and they're vague. It's not entirely clear what else they could do, and there are other benefit improvements that we'd like you to consider that are more clearly needed to rebalance the workers' compensation system.

Let me speak first to the possibility of restoring wage loss benefits to 90% of net earnings. Prior to 1998, wage loss benefits were based on 90% of net average earnings. Many people have argued it should be 100%. If you're injured while doing your job and you spend a month in the hospital, why should your income be reduced because of that? But anyway, it was reduced from 90% to 85% of net solely as a cost-saving measure, and restoring the rate to 90% is not a concern or a cost for that 87% of success stories of people who get back to work, but it is for injured workers with permanent disabilities, people like Wayne, who will face reduced or non-employment for the rest of their lives.

Most provinces are now paying 90% of net. PEI, Quebec, Saskatchewan, Alberta, BC and the Northwest Territories are all paying 90% of net. So Bill 149 could be amended to restore benefits to 90% of net earnings for all workers, and given the WSIB's financial position, consideration should also be given to a retroactive change in the benefit level.

I'll speak for a minute to the loss of retirement income benefit. When we adopted the wage loss model that we have now back in 1990, it was based on the difference in earnings before and after the injury. Benefits stopped at age 65, because we allowed mandatory retirement at age 65 and most people left the workforce at that time, but it was important for the compensation to cover the loss of retirement income resulting from the injury. WSIB—or the WCB, at the time—would put an amount equal to 10% of the wage loss benefit into a loss-of-retirement-income fund. It was 10% because that's what the CPP contribution was: 5% for employers and 5% for workers. But in 1998, that was cut to 5% purely—

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. John McKinnon: —as a cost-saving measure.

I'll also then jump to speak about the age-based termination of wage loss benefits. Compensation for loss of earnings ends at age of 65 or two years after the injury, whichever is later. The obligation to re-employ an injured worker ends at age 65, and for workers injured after age 65 there's no compensation for loss of retirement income.

Mandatory retirement was normal in 1990, but many Ontarians want to continue working past age 65, and many have to for economic reasons. Ontario needs them. The Canada Pension Plan allows workers to contribute until they're age 70. Alberta and British Columbia provide an opportunity for an injured worker to extend the compensation for lost earnings by showing an intention to continue working to a later date.

I'll just move to my conclusion, then. We do endorse the submission of the—

The Chair (Mr. Brian Riddell): Sorry, sir. I'm going to have to cut you off there.

Let's go to the official opposition for seven and a half minutes, and I recognize MPP West.

MPP Jamie West: John, would you like to finish your submission and the last little bit you were going to say?

1530

Mr. John McKinnon: Well, sure. Thank you, Mr. West. I was just going to say that the improvements in occupational disease compensation are also very important because the failure to recognize the true extent of occupational disease has got huge social and economic costs. When occupational diseases are not recognized by the WSIB, there is a significant additional burden on our health care system, which is already overstressed. Health costs that should be covered by workers' compensation are shifted to the taxpayers. And our social assistance system has to bear the cost of supporting those who are too sick to work. That's why we endorse the submission of the Occupational Disease Reform Alliance.

The WSIB has been in a surplus for several years now, and now is the time that we can rebalance the system. We can restore benefits to the pre-1998 levels, we can end the age-65-related limits on benefits, and we can expand the use of presumptions to reduce the difficult burden of proof that injured and ill workers have in establishing work-related occupational disease.

MPP Jamie West: Thank you for that. I was going to ask Mr. Harris a question, but I think you might be able to answer this, as well. Not everyone is well-versed on WSIB, and what I find often is people think that it works, and then when it happens to them, it doesn't work as efficiently.

Can you, as briefly as possible, because I only have about seven minutes, describe the Meredith Principles and what the historic compromise was and how it's beneficial for employers and employees?

Mr. John McKinnon: Well, there were several principles that Meredith laid out in his report. One is that workers' compensation should be on a no-fault basis; that it should be solely funded by employers; that compensation should be provided for as long as the disability lasts—and this is a very important principle that has been disregarded since the age-65 limitations were brought in on benefits; and, finally, that workers' compensation should be administered by an independent agency that can basically be a surrogate for the courts—because the whole origin of workers' compensation is to give people the justice that they would have got through the courts but through a faster, more accessible system that doesn't necessarily require the intervention of lawyers like me and others.

MPP Jamie West: Okay. So basically, we don't see those million-dollar payouts to workers who are injured like you would in the States because of the system we have here.

Mr. Harris, I want to begin by thanking you for telling your story. A lot of the reason that WSIB doesn't work well is because people don't want to talk about what happened to them. It's a difficult conversation to have, and I want to thank you for the courage of bringing it forward and talking about what happened. It would be a difficult thing to say, that you were living in a car or that you lost rights to your kids, and to something that's recorded, and so I want to congratulate you on the courage for that.

One of the things that I have heard a couple of times today—I'm paraphrasing the phrases—was that injured

workers enjoy a level of income security, and WSIB provides adequate levels of income replacement. Are you seeing that in your experience with the Ontario Network of Injured Workers Groups?

Mr. Wayne Harris: No. People that we see at the Ontario Network of Injured Workers Groups are people that have fallen through the cracks. They don't have any support from anyone else other than the group, and we try to provide peer support because we feel that is a very strong thing to help people through difficult times. It's hard to listen to the WSIB when they're telling you not to listen to your doctors. It just doesn't make sense, and we try to make sense for people.

MPP Jamie West: You talked a couple of times about deeming, and I think most of us around the room are aware, but if anyone is watching online, what happens when you're talking about deeming? What's an example of that?

Mr. Wayne Harris: The WSIB, with the help of their paid doctors, say that you're fit and capable of working even if your treating doctors are saying different. It's concerning that these two physicians or surgeons are so far apart in their opinion, and one is being absolved of duty of care over that person. So if they're taking that time to make that decision to say that that person can do such a thing, what happens to that person that isn't able to do that and that doesn't happen for that person? That's terrible.

MPP Jamie West: Is there a requirement for the WSIB doctor to see you and to assess you in person?

Mr. Wayne Harris: Personally, I did a couple of times see the WSIB doctors, but mostly it was just their opinions on paper that made my story.

MPP Jamie West: Okay. And then when you talked about phantom jobs—when they deem that you're able to do a job, if that job doesn't exist where you live, does WSIB then pay you what you would have made for that phantom job or do they just remove you from WSIB?

Mr. Wayne Harris: They remove what they figure you should be making from that job off of what—and for some people, that's a zero, a big fat goose egg.

MPP Jamie West: Right. Now, I've heard that injured workers end up on the Ontario Disability Support Program because they fall through the cracks with WSIB. Is this something you're seeing through your organization as well?

Mr. Wayne Harris: Yes, 100%, unfortunately. WSIB is employer-funded and our tax base system shouldn't bear the burden for the cost of injured workers.

MPP Jamie West: Just to outline that, we're looking at a wage amount for ODSP for an individual that's—off the top of my head—about 1,200 bucks, just over \$1,000 a month. If you think of your wages as a tradesperson prior to that going down to \$1,000 a month, that's a loss of mortgages or car payments and all those other things, so it basically destroys your way of life for you and your family.

Mr. Wayne Harris: Yes, 100%.

The Chair (Mr. Brian Riddell): You have one minute left.

MPP Jamie West: Hillary, I apologize for not getting to you earlier. Can you very quickly reread the section

where you said this is a Canadian value? It was right after you said workers with cancer are only eligible for three sick days under the act. I just think it's powerful.

Ms. Hillary Buchan-Terrell: Yes, absolutely. It's a value shared by 93% of Canadians. There's some polling we did in 2022 that says we're in favour of job-protected leave for Canadians who face a chronic illness like cancer and need time away from work so they can be supported by the federal EI program but also have their job protected at the same time.

MPP Jamie West: I think that's an excellent recommendation. I know I'm over time.

The Chair (Mr. Brian Riddell): We'll now move on to the independent member. MPP Fraser.

Mr. John Fraser: Thank you very much to all the presenters today. Hillary, it's nice to see you again, and Daniel. I'm going to start out—I'll get to you in the second round, but I want to thank you, Mr. Harris, for your presentation. It's important that we hear that. I've had the privilege of working in a community office—which is now mine; it's been mine for 10 years—but before for 15 years, and hearing stories like yours where people fall between the cracks, and the support, the connection for them, is not there through WSIB.

We had conversation today about super-indexing and it was kind of back and forth. We heard from the Ontario Business Council. They essentially said the same thing that, Mr. McKinnon, you're saying, which is, if the benefits aren't enough, then they should take a look at opening it up: open up the act, because the discretionary nature of this super-indexing that really has no form other than really—literally, it's the government saying, "We're going to give you more money than you expect. We don't know how much. We don't know how we're going to do it. There's no rules around it," and it's got no form. So I just think that that's kind of—I'm trying to understand why you would do that if you were trying to solve a problem, which is ensuring that workers are supported.

This isn't coming out as a question, but I just don't understand why we wouldn't take that approach as government to say, "Okay. Well, let's actually make sure that people are taken care of," that you use the surplus that's in here in a way that's going to support workers, and employers too, because it's a cost. I just don't understand. Do you have any ideas why that is?

Mr. John McKinnon: I do have a guess, and Minister Piccini hasn't confided in me his reasoning, but there is an ongoing dispute, as I mentioned, between the Ontario Network of Injured Workers Groups and the WSIB about what formula is prescribed under the act to adjust for indexing. That's already been to the Divisional Court to confirm that it's a benefit issue, it's an appealable issue, and now it's going through the process. Because the WSIB interprets the legislation differently, that means sometimes their formula will produce a higher cost of living adjustment; sometimes the formula that the Ontario Network of Injured Workers Groups believes is in the act will produce a higher formula. One way out of the dilemma is to give injured workers whichever formula results in a higher

cost-of-living indexation. But it's a difference in the mathematical process. That just went to court last year, and there's about to be a test case on what is the correct interpretation of the indexation, so that made me wonder whether this super-indexing is at least to deal with that difficulty.

1540

Mr. John Fraser: That's very helpful. Now I understand. So there's a possibility that super-indexing is really just a way to deal with a pending court decision. Would that be—

Mr. John McKinnon: Yes, or a pending court challenge.

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. John Fraser: A pending court challenge in which the government could say, "Well, don't worry about it. We're good. We'll make you whole. Just go away."

Mr. John McKinnon: Possibly.

Mr. John Fraser: That's very helpful. Thanks very much. You eventually get to the bottom of things, right?

Mr. John McKinnon: It's just a guess.

The Chair (Mr. Brian Riddell): We'll now go to the government for seven and a half minutes. I recognize MPP Martin.

Mrs. Robin Martin: Thank you to all the witnesses. I thought it was very informative. I'm learning a lot. Thank you very much for sharing your expertise, your experience. It's very important that we hear that.

Also, thank you to the Canadian Cancer Society for bringing that perspective as well on injured workers and what we can do to help them. That's why we're all here.

This act, among other things, is helping with changing the requirements for firefighters for getting treatment for esophageal cancer. I want to start with the Canadian Cancer Society and get your comments on that part of the legislation.

Ms. Hillary Buchan-Terrell: If I may, I'll bring in my colleague Daniel Nowoselski, who is on video.

Mr. Daniel Nowoselski: Thank you very much.

My name is Daniel Nowoselski. I'm the advocacy manager for hospice palliative care, but I often cover other files, including occupational cancers.

We're enthusiastic to see the easing-in provisions in terms of access to WSIB. For firefighters experiencing esophageal cancer, we welcome the decision to lower the number of years of service required for firefighters, be they volunteer or professional firefighters, in terms of increased access to that coverage—so moving from 25 years to 15 years. We think that removing these barriers and this red tape, the additional requirements for firefighters to serve in order to get this coverage—that's a tremendous step forward, and we hope that this is an opportunity to look at other eligibility for coverage for firefighters going forward, as well.

Mrs. Robin Martin: Ms. Buchan-Terrell, I know you mentioned the job-protected leave. As the legislation was introduced, the government announced it would be consulting on the potential for new, longer-term Employment Standards Act leave for critical illness. I wondered if you could share your views on that.

Ms. Hillary Buchan-Terrell: The main ask that we have of government—and this is in our pre-budget sub-

mission—is to increase the length of leave from three days to 26 weeks. This would help to match the federal EI sickness benefit. There are a couple of other corresponding changes that we think are helpful with regard to this change. We want to make sure that the eligibility criteria aligns with other forms of leave, and we want to make sure that people are afforded flexibility in how they take it.

People's cancer journeys are all unique and different. There may be some periods of time where they may be undergoing treatment and recovery—periods when they're not able to work, and then periods when they may be able to return back to work. The benefit of this, really—and I speak from the cancer patients' perspective more so than the business community. What that helps with is not having to hire new people on to train for those jobs—and that kind of turnover. So that's a real added benefit, as well, to employers that I hope you'll consider.

And it changes the dynamic of what we would do in the future. Instead of coming to this committee and having to go through the legislative changes of opening up the ESA, we would allow this to change by regulation—so if there are future changes to the federal EI program, that it would be easily amended through regulation to kind of match that so that we don't have any gaps in coverage.

The Chair (Mr. Brian Riddell): I'll recognize MPP Quinn.

Mr. Nolan Quinn: This is either for John or Wayne, if you don't mind. What are the main challenges injured workers face when interacting and navigating the system? How can we reduce barriers to make the process simpler for people to navigate? Knowing that you have lived experience and you have lots of experience in your clinic as well—either of you, please.

Mr. Wayne Harris: I would just say that I know it's not a great business model, but at the end of the day, if someone who is injured or ill isn't allowed to listen to their treating doctors, then they're never going to heal, and if you are allowing people to go back to work on opiates, there are going to be costs—maybe not to the WSIB, but to that person and probably society.

Mr. Nolan Quinn: John, do you have anything further to add?

Mr. John McKinnon: Well, on the same point, it really is the people with permanent disabilities, who are not going to be able to get back to their old work, who run into the greatest difficulties, and those are the people who need the most help from the workers compensation system.

There is a tremendous conflict between the urge to get injured workers back to work and the importance of listening to the treating doctor and providing time to heal. There was a report, a study done a few years ago, which basically said that there was some reverse logic involved: "Since 87% of the injured workers get back to work with no loss of wages within a year, let's try and get everybody back to work within a year, and everything will be okay." But that doesn't work for people with significant disabilities and when there is a conflict of medical opinion.

Mr. Nolan Quinn: Outside of just listening to the doctor, are there any other tangible ways that we can support injured workers? I know, Wayne, you had mentioned just

listening to the doctor and understanding that they're not wanting you to go back to work, but are there any other tangible specific ways you could think of that we could help support those injured workers, knowing that that is the most obvious, with the doctor's recommendation?

Mr. Wayne Harris: John, do you want to say something? I'm just drawing a blank right now.

Mr. John McKinnon: The biggest reason that injured workers end up unemployed and in poverty is the process that Wayne talked about, which is deeming, where an injured worker is considered able to return to some form of employment which ought to be available out there somewhere, but that direct connection, of course, isn't made and can't be made.

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. John McKinnon: There is a bill from Wayne Gates. I think it's number 55 or something—

Mr. Wayne Harris: It's 57.

Mr. John McKinnon: —Bill 57, which addresses the difficulty with deeming and says that if compensation was based on the difference between your actual post-injury earnings and your pre-injury earnings, that would ensure that workers are supported with their permanent disability.

Mr. Nolan Quinn: Thank you all for your presentations today.

The Chair (Mr. Brian Riddell): You have 34 seconds.

Mr. Nolan Quinn: I'm good.

The Chair (Mr. Brian Riddell): We'll now move back to the official opposition for round 2. I recognize MPP Gélinas.

M^{me} France Gélinas: My first questions will be to Hillary from the Canadian Cancer Society. I was too slow at typing when you were speaking. You started by saying, for presumptive coverage of esophageal cancer, going to 15 years rather than 25 is a good thing. Then, you gave us two statistics as to high risk of getting cancer within firefighters and high risk of dying, and I was too slow to write them down.

Ms. Hillary Buchan-Terrell: Well, I'm too fast at talking, so no problem there. I'll just repeat it. The International Agency for Research on Cancer says firefighters have a 9% higher risk of cancer diagnosis and a 14% higher risk of dying from cancer than the general public.

M^{me} France Gélinas: In those statistics, do you know if they look at forest firefighters with all of the forest fires we've had in the past, but certainly last year? Are those people ever included?

Ms. Hillary Buchan-Terrell: That, I'm not sure of. I'm just going to leave it for Daniel. He might have an answer.

Mr. Daniel Nowoselski: Thank you, MPP Gélinas, for that question. Generally speaking, most studies related to firefighters and cancer are done in urban and built environments. In the Occupational Cancer Research Centre's most recent report on gaps in research for firefighters, generally speaking, there is a lack of research done on folks who are called wildland firefighters, who generally in Canada are mostly forest firefighters, as well as women who participate in firefighting. So there are certainly substantial gaps in research, and we certainly take your point that climate change will exacerbate that challenge.

1550

M^{me} France G elinas: So there is active research specifically for wild firefighters?

Mr. Daniel Nowoselski: It's an identified gap that the Occupational Cancer Research Centre, which CCS has supported, is hoping to close going forward. We are aware that there is not as much information or studies being done on that particular population of firefighters.

M^{me} France G elinas: Okay. Thank you.

Back to one of you: Your main ask is, really, "Let's support people who need to go through cancer treatment by giving them flexible, job-protected leave." Do any other provinces do a good job of it that we could copy and paste in Ontario?

Ms. Hillary Buchan-Terrell: This is actually a big pan-Canadian issue. Quebec is the only province that actually has this amount of leave. Other provinces do not have anywhere near as much leave as is required for treatment.

I skipped over some of the numbers because I found myself running out of time a little bit. In terms of cancer treatment, really, there's not enough for the typical types of cancer. When you're talking about colon cancer, the average time is about 37 weeks. For breast cancer, it's between 26 and 36 weeks. So that's sort of where we're aiming to get towards, and no province is currently doing that other than Quebec.

M^{me} France G elinas: So what Quebec has done, has there been pushback from employers who didn't want this, or did the people of Quebec rally and say this is the right thing to do?

Ms. Hillary Buchan-Terrell: I don't know the full history on it. They have had it for some years, I think dating back to the early 2000s, if I'm remembering correctly from my colleague. But, no, I don't think that we really have.

Through our discussions with government, through Minister Piccini and previously Minister McNaughton, it sounds like the government says, "We want to do this. This is the right thing to do. This makes sense." I think there's not really a lot of debate on that. It makes perfect sense, especially when you consider other types of leave that are already available.

Employers already account for, now, the new reservist leave, parental leave. One thing that I didn't mention was the fact that we have a caregiver leave for people who are supporting people with critical illnesses, and that covers folks—if you're an adult, you can get 17 weeks of job-protected leave if you're caring for an adult and 37 weeks if you're caring for a minor, somebody under the age of 18. We're already providing that for caregivers. This is really just an extra step to fill the gap, that we're not providing it for the people who are actually experiencing the critical illnesses.

M^{me} France G elinas: I'm going to take you a little bit away from—you name employment security, but you also talked about travel, parking, drugs, assistive products etc. How big of a difference would it make for people to have take-home cancer drugs covered?

Ms. Hillary Buchan-Terrell: Certainly, it would be a huge burden lifted off of Ontarians, being one of the only

provinces across Canada, other than Atlantic Canada, where those drugs are not covered. So if you have private insurance, it may cover a portion of it. Others have to go through the Trillium Drug Program, which really becomes a huge administrative burden, a lot of red tape to go through that and waiting for their drugs to be covered. And then on top of that, they often have co-pays and deductibles to still pay for those cancer drugs, where other provinces would not have patients pay for those drugs, period, no matter if they're IV or oral or, as we call them, take-home cancer drugs.

M^{me} France G elinas: Thank you.

Mr. Harris, thank you for sharing a very personal story with us. Unfortunately, I have also heard similar stories—I have been an MPP for a long time—and it shouldn't be happening. What happened to you is wrong. The system failed you. And it is up to us as politicians, as legislators, to change this so that it never happens again. There is a tiny little window opening with this bill, but I don't give people false hope that things will change dramatically.

The Chair (Mr. Brian Riddell): One minute.

M^{me} France G elinas: I'd like to come back to the deeming part. In my riding, they will say a miner, who had a great job, a grade 12 education, worked underground all of his life—gets severely injured and now they say, "Oh, you're fit enough to be a secretary." But he doesn't want to be a secretary. He doesn't know how to use a computer, doesn't want to answer the phone. He wants to go back underground and muck. Is this what deeming is all about for your group as well?

Mr. Wayne Harris: Yes. For a lot of the instances, WSIB will fix or basically tell you what kind of job you're going to be doing moving forward. They do provide training, stuff like that, but for most people, like—what do you call them? A parking attendant. They say you can be a parking attendant. But I don't know; in downtown Toronto, it doesn't seem like there's very many parking lots, and up north and stuff like that, there are no parking lots, and for them to say that they can do that is—

The Chair (Mr. Brian Riddell): We'll now move on to the independent member. I recognize MPP Fraser.

Mr. John Fraser: Thanks again for being here and for your presentations. It's not easy to tell your story, and it kind of strikes me as—when we look at deeming, it's how is WSIB helping that worker get to where they need to be? A deeming is just, as you say, a phantom job. So when we're talking about addressing problems with WSIB, how do we actually get that to where people are being helped, where people are getting to that thing that they can do?

Really, both of your presentations are very helpful, and maybe it would solve the problem—to me is why we're super-indexing, but maybe not. I guess I think it's important to get to the bottom of what we need to do to make it work better for those people who are insured. That's the point. That's why we started it.

I'm going to turn my questions over to my friends from the Canadian Cancer Society. Thank you for your presentation. It does seem incredible that a caregiver can provide care and get job-protected leave, but people can get sick

and not get job-protected leave. I think we've all heard that here. I think we all know people who would find themselves in that circumstance. So, hopefully, the government—whether they do it in this piece of legislation, which would be an opportunity, or another piece of legislation, they need to do it.

I do want to say something about take-home cancer drugs. Thank you for the long advocacy. It's been years. I remember—it's been a good 10 years; it's been a decade. Many other provinces—governments of different stripes in this Legislature have not done it. It's time that we do it. It's straightforward. If other provinces can do it, the richest province, Ontario, can do it. And I think we would all want that for our families. It's not a criticism. I'm not—what I'm saying is a pox on all our houses that we haven't done it yet. So I just would encourage my colleagues across the way, and I know you think about this, and I know that you advocate for it. I think that you do. I believe that you do—

The Chair (Mr. Brian Riddell): Please address your comments through the Chair.

Mr. John Fraser: I believe that they do, Chair, and I just want to encourage them.

I've seen this presentation as long as I have been an MPP, and maybe France has seen it even longer. So it's not—I'm not saying it as a criticism. It's just that we've got to get there, because there are so many people who would benefit from this, and there's inequality, because some people do. Some people can through their private insurance. Other people don't.

I just want to thank you for coming here again and telling us what we should be doing here to help people.

I don't know if you want to add any comments. You probably have a bit of time; I haven't used it all up yet.

The Chair (Mr. Brian Riddell): You've got a minute and 29 seconds.

Mr. John Fraser: There you go. It's all yours.

Ms. Hillary Buchan-Terrell: Thank you, MPP Fraser. I appreciate the chance to talk about this. One of our top things that we're talking about now is out-of-pocket costs, and certainly, take-home cancer drugs are one of them. Job-protective leave isn't necessarily an out-of-pocket cost nor will it really cost the government anything to do, but take-home cancer drugs are. And when you look at the statistics, we're talking about 90% of people in Canada feeling like a sudden cancer diagnosis—I don't know how many people expect a cancer diagnosis—

The Chair (Mr. Brian Riddell): One minute.

Ms. Hillary Buchan-Terrell: —would impact their household finances, and 30% would go into debt. These co-payments and deductibles, once they go through the Trillium Drug Program, are about \$4,000. That's a huge expense that I don't think a lot of people could afford. So these are the messages that we're delivering to government. Take-home cancer drugs are a part of our pre-budget submission again this year. As others have mentioned, this has been a part of our advocacy for over a decade with other groups, and we're happy to provide that context.

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We have some reporting done to talk about the cost of those take-home cancer drugs for coverage. I'm happy to go into those details. But really, out-of-pocket costs are huge, and it spans across take-home cancer drugs and diagnostics and testing. If your financial security, by going through a cancer treatment and already being on EI, which we know won't cover a full salary—on top of that—

The Chair (Mr. Brian Riddell): Thank you for your comments.

We'll now move to the government. I recognize MPP Jordan.

Mr. John Jordan: Thanks to all the presenters for your presentations. One of the things this government has done is created a ministry of red tape, and I'm wondering, maybe Wayne, through your personal experience—and the others as well—if you can comment on the process that you went through and what your thoughts are about changes in that process, that system, where the red tape could be reduced, the information could be flowed easier and your approval times could be quickened.

Mr. Wayne Harris: I think one thing that was taken away back—I believe it was Bill 99 that removed time to heal and so on; the fact that before, injuries were covered for as long as that injury lasted. Since removing it back to 65 and saying that we don't have to deal with that person, it's actually taking skin out of the game for the WSIB. Now, actually, it's become a mathematical equation. They now know that if that person is injured at 50 or whatever and it's a permanent impairment, they basically don't have to look after that person. So do they really have to listen to the doctors? Do they really have to provide the best care for that? Well, I say yes. Workers in Ontario gave up their right to sue their employer on an employer-funded basis for duty of care, and duty of care does, for me, now especially, mean listening to my doctors. If I'm going to heal, I have to listen to my doctors. As a worker in Ontario, I deserve the respect—and so does every other worker—to listen to their doctor.

I'm thankful that everybody said that it was good that I came here and I spoke about this, but the reality is that the WSIAT overturns these cases and then the WSIB does not even know that they've adjudicated these cases wrong, because there's no loop-around. The WSIB has got a bag of money and they're just giving it back to employers. I'm sorry, that's just how I feel. It's true. They said, about this unfunded liability—and then in record time, it was fixed. Now, all of a sudden, you gave authority to give back to the employers.

People injured in this province are suffering, and instead of being covered by WSIB, they're now going on tax-funded programs. That's wrong, and it needs to change. I hope everyone here decides to really sit down and change things for people in need.

Mr. John Jordan: Thank you very much. John?

Mr. John McKinnon: There was a suggestion by Dr. Ron Ellis, one of our administrative justice scholars, who passed away recently. He was the founding chair of

the Workplace Safety and Insurance Appeals Tribunal, and so he had quite extensive experience. His recommendation was that the WSIB should set up a complicated-case adjudication unit, because it's only, whatever, 10%, 15% of the cases which are serious permanent injuries where people are going to have problems for the rest of their life, and they should be dealt with by more senior people and people who have the authority to make significant benefits decisions. When the cases are just distributed across everybody, one case may take half an hour a week and one case may require a four-hour conversation with a worker, and that's just not working for quality decision-making.

So if we set up an adjudication branch to deal with those cases of significant permanent injuries, there might be time for the staff to work on those cases and an opportunity to give them the time and attention that they need to do what the board needs to do, which is to investigate and to call for more medical reports from the treating doctors and look for the availability of work. I don't think that the average case manager at the WSIB really has time to deal with somebody with a complicated situation like Wayne, and that's how some people fall through the cracks.

Mr. John Jordan: Thanks very much.

Hillary, anything to add?

Ms. Hillary Buchan-Terrell: Sure, yes. Because we were talking about it in terms of take-home cancer drugs, there's a huge financial burden. But one of the other things that we also talk about and that's in our pre-budget submission is a huge administrative burden. I kind of mentioned it: If you're going through the process through your private drug insurance plan, you know the process there. Not everybody has that money to shell out in the beginning to be reimbursed later. If, on top of that, you don't have coverage, you're underinsured or you're uninsured entirely and you're going through the Trillium Drug Program, they've just recently revised the forms so they're now online, but that's a tremendous burden.

We had a patient advocate here last year at Queen's Park who has brain cancer, and she talked about going through the process. Whether it's on paper or on a computer screen, I don't think it's very helpful for her treatment and recovery to have to fill out a bunch of paperwork and wonder whether she's going to be able to get the money to be able to pay her bills on time. This is somebody who has some private insurance, but it certainly doesn't cover it all. These drugs are tremendously expensive.

But really, there is a whole separate bureaucracy set up, as well, for managing this program. You've got doctors and drug navigators who are helping patients to go through, to help with their private insurance plans and maybe connect with the pharmaceutical company to get compassionate coverage. This takes time and energy away from doctors to be able to make sure that they can spend their time treating patients—

The Chair (Mr. Brian Riddell): One minute.

Ms. Hillary Buchan-Terrell: —instead of filling out paperwork.

Again, just to underscore our main purpose of being here: Imagine going through this process and, on top of

that, your employer doesn't cover short-term or long-term disability. All of a sudden, you're wondering, "I've got EI; I've got reduced income; I don't know if I can afford my cancer treatment and, on top of that, I may not have a job to come back to." So this just compounds all of the out-of-pocket costs that we're talking about, and some simple things that we believe the government can do through Working for Workers legislation—maybe this one or maybe the next one—that can really make a difference in Ontarians' lives.

Mr. John Jordan: Thank you.

The Chair (Mr. Brian Riddell): Go ahead, MPP Barnes.

Ms. Patrice Barnes: John, I just want to ask you quickly: We talked about the shadow job opportunities. What would be something that could be put in place to deal with that? Are we talking about apples to apples versus apples to oranges, or could there be a—

The Chair (Mr. Brian Riddell): That concludes this session. Sorry about that.

THUNDER BAY AND DISTRICT INJURED WORKERS SUPPORT GROUP

MS. JENNY TANG

INTERFAITH SOCIAL ASSISTANCE REFORM COALITION

The Chair (Mr. Brian Riddell): We'll now move on to our 4 o'clock. We're just running about eight minutes behind. We'll start off with the Thunder Bay and District Injured Workers Support Group, with Eugene Lefrancois, president, and he is virtual.

Thank you to the presenters for coming today. We appreciate your time.

Mr. Eugene Lefrancois: Okay. Do I go now?

The Chair (Mr. Brian Riddell): You can start now. Just say your name for the record and you can start.

Mr. Eugene Lefrancois: Eugene Lefrancois, Thunder Bay and District Injured Workers Support Group.

IWC put in a submission. It's very good; I agree with that. Tomorrow, OIRA is going to put in a submission. That's great. The United Steelworkers are putting in a submission from Andy LaDouceur—perfect. And there's a whole bunch of other submissions that are in there that are great, so I'm not going to really talk about the submissions because—

The Chair (Mr. Brian Riddell): Sorry. Could you speak closer to your mike?

Mr. Eugene Lefrancois: Can you hear me?

The Chair (Mr. Brian Riddell): I can hear you better now.

Mr. Eugene Lefrancois: Okay.

AWAs: You guys funded AWAs. The WSIB funded AWAs for years, yet we could never get funding. The Ontario Network of Injured Workers Groups could never get funding, but AWAs did. I wonder why that was. Personally, I think it's because you didn't want to advocate on injured workers talking about injured workers. You

didn't want that. You just wanted a bunch of trained puppies. Well, you got them.

1610

I'm glad that you guys are going to put \$100 million to help injured workers, firefighters—great job you guys are doing. You could do more. There's a hell of a lot more cancers. Did you know that there's a lot of workers out there who have cancer who got no coverage like the firefighters? So I'm just wondering: Why are the firefighters treated different than any other worker in Ontario? That's a question for you guys. I don't know who is going to answer that.

Claim suppression: There's a sawmill up here at half a million man hours with not one lost-time claim. I find that hard to believe in a sawmill—no lost time. I would really like to talk to the workers and see if anybody had lost time that was counting dots on the ceiling.

Get rid of experience rating. You want to save money? Get rid of experience rating. That would solve everything with a flat rate for all Ontario employers. But, "Oh, no, that makes sense. I'm sorry."

Bringing in all kinds of workers—that's perfect. But you guys screw them when they get injured. Did you know that, right now, with the numbers, about half a million workers a year get hurt? About 20,000 to 40,000 a year will never go back to work. So, in five years, that was basically the population of Thunder Bay. They're maimed. They can't do nothing. They're not in the workforce, so where do they go? Hmm, let's see: They went on welfare.

So we are giving the employers a subsidy to take care of their elder workers. When does somebody get healed at 65? You got no pension, right? It took 100 years to murder Meredith and you did. You actually murdered Meredith. You can't write this shit up, you know. Stephen King would have a field day if he heard this.

Bill 149—yes, but Bill 99 is what started all this. Harris—you guys remember Harris? Well, he really screwed us—really big time. We're still paying for Harris, and Ford is doing the same thing. Liberals didn't help. NDP—well, okay, they did a little bit too, but everybody had a kick at the cat. But the worst ones? PCs and Liberals. That's the worst enemy that injured workers have.

Oh, yes, we lost a lot of percentage. You're talking about, "Oh, we can't go over 4.6%." My pension went up half a per cent for years. Yes, that kept up with the cost of living, right?

Platform for Change—you guys have got to get a copy of that and read it. You have got to get a copy and read it. We put it together. It's our wish list. Are you guys going to even look at it? No.

Opiates: I heard Wayne was talking about opiates. I can take a handful of opiates, go in my car, drive and probably—if the police stop me—I'm going to get charged. But yet I can go operate a crane, potentially killing a whole lot of workers, but that's perfectly legal, right? Perfectly legal. Why do they have those heart machines on job sites now? Maybe it's because of opiates—the employer knows it, right? He's allowing this to happen on his property.

I'm not happy with you guys, not one single bit, but you guys have to get rid of experience rating.

We, as injured workers, have never seen the Premier, never seen the top gun. We hardly ever see the Minister of Labour. How can we talk to you guys when you won't let us in the door?

The Chair (Mr. Brian Riddell): One minute remaining.

Mr. Eugene Lefrancois: Thank you very much.

So, get rid of experience rating. I mean, it's as easy as that. All you've got to do is get a law and sign it. That's all you've got to do. OIRA basically has four laws already written. All you've got to do is sign them. But for some reason, you guys can't.

I think it is because you guys are all—and I'm not personal—but you all sold out to the man. I'm upset, pure upset. And the only way I can figure—we're fighting money. How can I, myself, fight money? I don't have any. I'm going to be getting cut off this year. In April, I'm getting cut off of all my supplements, so all I've got is a pension.

The Chair (Mr. Brian Riddell): Thank you for your comments, sir.

Now we will go to Jenny Tang. Please state your name for the record.

Ms. Jenny Tang: Sure. Can you hear me clearly? Okay. My name is Jenny Tang, and I'm here to talk about an NDA, a non-disclosure agreement. Before I start, I want to make a declaration that my current employer has nothing to do with this, but it's based on the story of my previous employer before 2022.

On June 6, 2023, the Ontario Legislature passed the first reading of a bill regarding NDAs. The next day, the alleged sexual harassers of my complaint of 13 years wanted a settlement with me. I rejected the NDA clauses because I couldn't do it and I did not get any compensation.

My reason for rejection of an NDA was not about many of the arguments out there about it. It was due to a mental disability. I graduated from University of Toronto computer science in 1988. In 2010, with 20-some years of seniority, I was injured on the job, then hospitalized repeatedly and then nearly died. PTSD, or post-traumatic stress disorder, is the aftermath of trauma beyond one's capacity to handle. Despite my extraordinary recovery, I still tank. Powerful triggers can push me into episodes of mood swings which change faster than the weather and cognitive impairment, including memory problems.

A mentally disabled person has little credibility. In legal battles, we are systemically dismissed for not having reliable memories, despite being well prepared and not in a sick period of time because of PTSD or other mental health episodes. Ironically, this NDA—it's okay now to thrust a legal onus on us to remember for a lifetime even during times of sickness.

Anxiety is an illogical fear, by definition, that reasoning such as "Oh, you don't need to be scared" can't fix. Veterans with PTSD can be triggered into a combat mood in an instant despite the fact they know that the battlefields are continents away.

NDAs instill such illogical fears: first, the fear of litigation that might come; second, fear of punishment or bad consequences; thirdly, fear of breaching an NDA. The fear is there with you when you cry or laugh. You can't make

a joke without being afraid of slipping your tongue. This is against everything we've been taught for psychological recovery: Do not isolate; do things joyfully and be free.

Some NDAs are even more harmful than others like I mentioned above. Examples: One type is not to disclose the existence of the settlement itself. Nobody should know there was a settlement. For example, Lisa LaFlamme, the former CTV chief news anchor, uncomfortably held back from answering when she was asked about the settlement. I felt sick at the thought of doing it without Lisa LaFlamme's professionalism.

1620

Secondly, in a democracy, it's crucial to have conversation between the government and the citizens, like me, just like what we're doing here for public consultations. But an NDA can block such conversation, specifically with a deposition. For example, let's say that I had signed an NDA—then I couldn't be here to talk today. Luckily, I didn't. The extent of such practice is unascertainable because it silences the victims, whoever signed it.

Certainly, by rejecting an NDA, the victim forgoes compensation. I paid the harassers on separate orders five times with my after-tax money, from my pocket, while they deducted business expenses for their legal fees.

My re-injuries taught me to recognize red flags. Yet for thousands of participants in a survey by Can't Buy My Silence, an organization, 95% of those who signed one suffered mental impacts. Why such a high rate? Why is it 95%, not 5%? Because NDAs collide with trauma treatments.

Research has attested, to quote from a research paper: "To help traumatized individuals process their traumatic memories, it is critical that they gain enough distance from their sensory imprints and trauma-related emotions," and that treatments "help PTSD"—

The Chair (Mr. Brian Riddell): Thirty-five seconds remaining.

Ms. Jenny Tang: Okay—"help PTSD patients gain emotional distance from traumatic stimuli and make sense of their traumatic intrusions."

Yet NDAs impose the stimuli right in front your face. "Watch out. Watch out. Don't cross that line. You're in trouble." This is disabling to the victims and alarming to our society. Just think of the mental health bill we have to pay for that 95% of people who signed—

The Chair (Mr. Brian Riddell): Thank you for your presentation.

We'll now move to the Interfaith Social Assistance Reform Coalition: Shalom Schachter, rabbi. You have the floor. State your name, please, for the record.

Rabbi Shalom Schachter: My name is Rabbi Shalom Schachter, and I want to thank you for offering the Interfaith Social Assistance Reform Coalition, known as ISARC, the opportunity to appear before you with comments on Bill 149. ISARC is a multi-faith coalition speaking on behalf of marginalized populations, primarily in the areas of social assistance, housing and precarious work. ISARC's values and major participants are set out at the end of our written submission.

Bill 149 attempts to redress some of the inequities in employment law. However, especially in schedule 1, it fails to recognize the loopholes the government has created in the law to enable businesses to tilt the playing field even further against workers. The law empowers employers to deny full legal rights to digital platform and similar workers by allowing employers to label these workers as independent contractors while only dependent contractors have the full rights of employees, such as minimum wage, holidays, vacations and collective bargaining rights. The law places the burden on the worker to prove that she or he is a dependent contractor rather than on the employer to prove that the worker is an independent contractor.

Businesses claim that they are supporters of digital platform workers because they wish to respect the interest of such workers to choose when they would like to work instead of being obliged to adhere to a work schedule established by the employer. Businesses claim that the only way to respect this interest of these workers is to classify them as independent contractors. However, this is not the case. For decades, workers in the health care sector in Ontario have had the right to control the hours that they are available for work. This type of worker is classified as a casual employee, and they have the same legal rights as all other employees, including the same hourly wage.

Schedule 2 of the bill already contains an amendment to the Employment Standards Act. The real solution to protect the right of digital platform and similar workers is to broaden schedule 2 to amend the Employment Standards Act to require all persons supplying goods and services to be treated as employees, unless the business is able to satisfy the Ontario Labour Relations Board that such worker is truly an independent contractor with the bargaining power to meaningfully negotiate the terms of the contract with the business as well as the right of this worker to delegate the performance of the work to another person.

The other revision to Bill 149 that we seek concerns schedule 4. Schedule 4 amends the Workplace Safety and Insurance Act. Unfortunately, that act does not sufficiently cover employees of retirement homes. Operators of such homes have the option of declining to cover their employees under this act, and instead secure private liability insurance. Most of the private carriers only provide employees with income protection in the event of injury and not in the event of illness. The widespread outbreaks of COVID in retirement homes infected not just residents, but also workers. Those workers were denied the benefits of income support, medical treatment and rehabilitation available to other workers. Given the expectation of future outbreaks of COVID and other infectious diseases, it is no longer acceptable to deny the workers in these homes the full scope of benefits under the Workplace Safety and Insurance Act. Schedule 4 should be expanded to amend the Workplace Safety and Insurance Act to cover these workers.

I've abbreviated my opening remarks to make more time for questions, and I look forward to them.

The Chair (Mr. Brian Riddell): Thank you. We will now go to the independent member for four and a half minutes. I recognize MPP Fraser.

Mr. John Fraser: Thank you to everybody who has presented so far in this hearing right now. I appreciate the time and effort that you've put into your submissions.

I want to start in this round and just thank you, Rabbi Schachter, for bringing up that coverage issue that exists, not just with retirement home workers but developmental services workers and workers who, by the virtue of who their employer is, not the kind of work they do or the type of workplace they have—their employer—are not fully covered.

One of the challenges, too, and you may be aware, is that, as is the case with many of these workers, many of whom are women who hold more than one job as a PSW or developmental services worker—if you get injured on one job, under a private insurer, you get paid for that job. You don't get paid for your other job. You lose income. People go to work injured and sick. If you have WSIB, your income is replaced.

So I don't understand why we haven't got there yet. I've had a private member's bill that deals with this for the last six years. I've introduced it five times, debated it twice. There's an opportunity in this bill for us to do the right thing, and I think we can do that in this bill, and make sure that there is fairness here. These are people who care for the people we care for most. And they're dangerous jobs. Working in a retirement home is a dangerous job. It's as risky as working in a long-term-care home—who, by the way, are fully covered by WSIB.

Developmental services workers: It's a dangerous job, sometimes a very dangerous job. If you work in a provincially run institution, you're covered, but if you work in a group home that's contracted by the province, you're not.

When we talk about making improvements to WSIB, we have to look at these things. We were just talking about super indexing and what's that going to do. Well, we've got these issues here of coverage, and I'm sure that in your work, as well, you see many people who go from WSIB to ODSP. I don't know if you want to add any comments with regard to that.

Rabbi Shalom Schachter: Well, you've identified a broader problem, and that is of part-time work. Many sectors in health care, in retirement homes and long-term-care homes that I'm familiar with, and probably in the other types of employment that you've raised, employers deliberately structure their workforce to have a high proportion of part-time workers. This negatively impacts continuity of care. It creates the problem of carrying a disease that might have been received in one workplace—when the worker goes to the next workplace, they carry that disease and the infectious potential with them. Aside from this bill, it would be very helpful if the Legislature would enact legislation that would remove the incentive of employers to structure their workplaces with such heavy part-time work.

1630

The Chair (Mr. Brian Riddell): One minute.

Rabbi Shalom Schachter: Part of the problem is that part-time workers have received lower total compensation than full-time workers, and the law should provide that employers should have to at least provide equal total hourly

compensation to part-time workers that they provide to full-time workers, and in that way remove some of the incentive that employers have to use part-time workers.

Mr. John Fraser: Great. I think we had a law like that.

Rabbi Shalom Schachter: We had a law that dealt just with hourly wages. That law was repealed, but even that law didn't go far enough, because it didn't deal with total compensation, which includes benefits.

Mr. John Fraser: Thank you very much.

The Chair (Mr. Brian Riddell): We'll now go to the government for seven and a half minutes. I recognize MPP Jordan.

Mr. John Jordan: I'm going to direct this question at Rabbi Schachter. Contract workers: I'm not an HR professional, but I believe part of the definition or requirement is that they're in charge of their own schedule, they provide their own equipment and tools, and they have total charge of when they work and what contracts they accept. That's the differentiation that I've come across in my career with part-time workers, many of whom would be designated as employees, because we were in charge of their schedule and told them when we needed them and when they would work.

So given that definition and the fact that you're asking that they be included the same as employees, how would you describe a contract worker from your perspective?

Rabbi Shalom Schachter: Well, I don't think the key term is "contract worker." I think it's irrelevant whether the worker has total control over their schedule. As I explained, in health care there are such workers who have total control, and they are still treated as employees and have full rights under the Labour Relations Act and the Employment Standards Act.

The crucial issue is economic dependence. Is that contract worker in a position to meaningfully negotiate the terms of their contract with the employer, or does the employer have so much bargaining power in that relationship that the contract worker is really given a take-it-or-leave-it situation? I'm proposing that the burden of proof should be on the employer to show that the person who they are engaging with has sufficient power to meaningfully negotiate the terms of their contract. One of the key elements of a contract worker who is independent is that they have the right to delegate the performance of work to another person and not have to do all the work themselves.

Interjections.

The Chair (Mr. Brian Riddell): MPP Martin.

Mrs. Robin Martin: Thank you very much, Chair. Sorry, we had some confusion as to who was going next.

I have a question for Jenny—or should I say Ms. Tang? Nice to meet you. Thank you. I thank all the witnesses for being here and giving us input today.

You raised an issue which hasn't come up yet, the non-disclosure agreements. Our government's first and foremost priority is really trying to keep people safe when they're at work. As part of that, we've got this legislative initiative which includes, as I think the minister mentioned in his speech, a consultation on the use of non-disclosure agreements in the workplace.

Many people, I think, may not know, but when there is sexual harassment, abuse or violence at the workplace, sometimes employers—or, you could say, bad actors—may choose to have workers sign a non-disclosure agreement to, amongst other things, keep a victim silent. In some cases, this can shield people who are responsible for these actions which don't meet the appropriate standards, perhaps, from facing the consequences of their actions, and we don't really think this is appropriate. Our government has made some changes in the university sector with these non-disclosure agreements.

You mentioned a few comments that I caught about—it doesn't square with trauma treatment etc. What else did you want to tell us about what we should be doing with this consultation and what you would like to input into that consultation?

Ms. Jenny Tang: As I mentioned, the extent of sexual harassment always puzzles me. Based on Canada's statistics and in many other surveys, the rate is so high, but you don't hear it out there. And even when I talk to people, some people are deeply affected, but other people say, "What are you talking about? That's crazy," or something. I don't know.

Recently, I found out that 95% of people—they are all silenced. They have mental effects on them, but they can't talk about it. On the other hand, the WSIB rarely cover—they have rules that cover it, but according to the Toronto Star—I didn't go to that research—95% of the cases are not being covered, processed. So I think this is a serious problem.

According to my calculations, the \$98 billion health bill, on mental health—maybe two years ago—is averaging out to buy one helicopter for the military per day. That's a staggering number. For Ontario, it's the total of tomatoes, wheat, fruit—everything we need, everything you put on the table. I added it up; it was the same. So I think we have to do this.

Number two: Canada ratified the United Nations convention for disabled people, and we have to deal with that. We take care of disabled people. We accommodate their needs. We don't disable them again.

It's not anyone doing wrong, in terms of government. But I don't think people know that NDAs have such a huge effect on mentally disabled people.

I didn't sign it. I told my union—they are really good to me. I said, "I can't do that. I promised you to accept any deal, but I can't. I'm going to get sick."

The Chair (Mr. Brian Riddell): One minute.

Mrs. Robin Martin: I'm just a little confused about how it impacts disabled people. Could you elaborate on that?

Ms. Jenny Tang: That's what I said about—against the principle of the treatment, because the treatment says "separate," but when you have an NDA, it's always in front of you. "Don't cross the line." That's trauma, bad consequences, and it's very scary.

Mrs. Robin Martin: So it makes it worse by—

Ms. Jenny Tang: Way worse. That's why the 95%.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Brian Riddell): We'll go to the official opposition. MPP West.

MPP Jamie West: Thank you to all three of the presenters.

Ms. Tang, I won't have time to ask you many questions, just because I want to get to the other presenters, as well. I did want to let you know that when you talked about the NDA blocking the ability of a constituent—someone from the public, like you—to consult with the government, consult with legislative members, that really stood out to me. If there are flaws in the process and the NDA process doesn't allow you to tell us what the flaws are, we won't make good legislation. So I just wanted to say that that did connect with me.

Rabbi Schachter, you talked a lot about independent contractors being misclassified as gig workers.

There was a report that came out today that said Uber's proposed provincial policy is a poverty trap, not a gig-work solution. I'm just going to read two lines from it:

"After expenses, none of the 96 weekly pay stubs"—that's from Toronto—"provided to us by the Rideshare Drivers Association of Ontario reached Ontario's minimum wage standards; in many cases, drivers lost money....

"At current engagement rates, Uber's 120% model"—this is the model that Uber is talking about, but only while you're working or actively doing something—"works out to an average of \$11.92 per hour before expenses.... Once you consider costs, that translates at best to \$2.50, and nothing stops earnings from dropping below that level."

1640

There was a press conference this morning about legislated poverty from RideFair saying that Toronto's ride-hail drivers' median pay is estimated between \$6.37 and \$10.60 an hour.

This bill enshrines the ability of rideshare organizations and food delivery services to treat these workers, who are misclassified as independent contractors—to have them continue to be misclassified and earn less than minimum wage. Is this a reflection of a bill that should be called Working for Workers?

Rabbi Shalom Schachter: As I said, I think that the bill only deals with the margins, trying to do things in terms of pay transparency and others, but it misses the main issue. The previous piece of legislation that was also called Working for Workers that set a minimum wage for these workers but only for the time that they were actually doing the work—I think one of the criticisms I saw was, is a nurse only paid when she's giving an injection, or is the dietary person only paid when they're peeling the potato? So you can't just look at the time that they are driving the passenger or other similar examples.

Casual workers, for example: If the employer wants them to be available for work but not actually at work, they're paid on call. That premium may vary from one collective agreement to another, but it's recognized that the employer has some obligation to pay them. In terms of these gig workers, if they're not going to be treated as employees, at the very least, the previous law should be amended so that they're paid for all the time that they click on until

they click off and maybe have some differential for when they're driving and when they're not, but they shouldn't not be paid for that downtime, if you like. But again, the real solution is for everyone to be classified as employees unless the employer can satisfy the labour board that these people are really independent contractors.

MPP Jamie West: Hopefully we'll have time to write that into the amendments, because, basically, we're going to close for deputations tomorrow and have to have amendments in within two hours or three hours of that. I think that's an amendment worth moving forward where we ensure that the onus of proving this moves from the workers to the employer. I mean, it's their business. Uber has a lot of money and lawyers. They should be able to prove this with these workers undoubtedly instead of these workers individually doing it, especially considering a lot of them are newcomers, marginalized people who don't have those resources.

Eugene, you're obviously very frustrated in what's going on with WSIB, and I appreciate all the feedback you had. One of the things that you said was to get rid of the experience rating. So one of the things that I find frustrating with the WSIB is—we talked about this surplus and giving back to the employees, so \$3 billion was given back to these employees as a safety rebate. But there are corporations like Fiera Foods, where five workers died, who got money back. There are corporations like National Steel Car, where four workers died.

Mr. Eugene Lefrancois: There's no oversight.

MPP Jamie West: Do you want to just expand on what you were saying?

Mr. Eugene Lefrancois: I mean, the experience rating right now, who checks it? Who checks the experience rating? Who does it? It's the WSIB. Who goes out there and does all the safety inspections for the rebate? Not one. No one. Fiera probably said, "Hey, I'm doing good because they were not my workers," but yet, they died on the spot.

Right now, I told you about the sawmill. A worker died on that property, but you'll never see it in the books because he was contracted. Okay, I can agree with that. Okay, it's not your worker. You had nothing do with it. But maybe his equipment wasn't all that good. I'm sorry; it's a tiny bit off topic.

But I have never met an employer—you can have the rate at zero and they'd still complain that it's too high. It's just a fact of life. That's all it is.

MPP Jamie West: With the remaining time that I have, can you just talk about how your compensation changed from the time when you were working until you became injured?

Mr. Eugene Lefrancois: Okay. I got hurt in 1985. That was the golden age, I've got to say, the golden age. Right now, you can't even recognize it. The Meredith Principles don't exist.

Back then I had proper rehab—

The Chair (Mr. Brian Riddell): One minute.

Mr. Eugene Lefrancois: I got to talk to my adjudicator and actually see her in the eyes there. With my claim, I had

an adjudicator come to my house for supper. Try doing that today. We don't even have an office of WSIB in Thunder Bay. It's gone. So how are you going to talk to somebody, really? I get the pension until I'm dead. My chum? Same injury, same age: He loses it at 65.

MPP Jamie West: Right.

Mr. Eugene Lefrancois: Meredith is dead. You guys killed him—not you, personally.

MPP Jamie West: That's okay.

All right. Thank you, Chair.

The Chair (Mr. Brian Riddell): We'll now move on to the independent member. I recognize MPP Fraser.

Mr. John Fraser: Ms. Tang, I want to thank you for your presentation and expressing your own personal experiences. I think it's important, when we look at something like non-disclosure agreements—it's a technical term, it's an abbreviation, an acronym, and it has an impact on people's lives. So hopefully, as the government goes through this consultation, it's thorough and there is an end result to it that's relatively soon. So I want to thank you for taking the time to give us your presentation. I know, on this side, we're strongly encouraging the government to have a fulsome consultation. I'm sure that they will, Mr. Chair.

And I would like to say to Eugene, thank you very much for your very passionate presentation and, obviously, your frustration. One of the things that we've been talking about here is super-indexing, which is this idea that they're going to give all workers more than what the cost of living is. That's one way of the government dealing with a surplus. I look at it, and you said your friend, who has exactly the same injury as you and is the same age—that you're going to have a benefit that he's not going to get. Do you think it will be better to invest in that than super-indexing across the board? Just from your point of view as somebody who represents all injured workers.

Mr. Eugene Lefrancois: I used to be the president of the Ontario network, so I do have a handbook. But to save some money, forget the super-indexing; just go back to Meredith. You've got an injury and you wait until it's healed. If it doesn't heal, well, you pay till he's dead. If you have treatments, why, right now, does OHIP have to pay for my treatment? How many members of my members—injured workers—have to go on welfare? The subsidy is to the employer. This is a subsidy to the employer when you don't have to pay for your responsibility.

In Dryden, we have 400 workers out there that were gassed with some poisonous stuff. At the beginning, they were all misdiagnosed because, as it's in Dryden, they all thought it was mercury poisoning. Well, it was, but there was an awful lot of other stuff. So if we go back to the Meredith Principles, and if we do all employers with a flat rate, it would be much happier. You're not pitting workers against each other. You're not pitting employers against each other.

There you go. Simple like that: Just get the pen and sign it. That's all.

Mr. John Fraser: Yes, from the flat-rate perspective, I'm not advocating for WSIB, but as an insurer, you've got to measure risk, and if you spread that risk over employers—

Mr. Eugene Lefrancois: The entire—

Mr. John Fraser: Yes, it's harder to get those employers to actually—because some people you're going to subsidize and other people are going to be paying more. So I understand why they do that. It makes it complicated, but it also puts—

The Chair (Mr. Brian Riddell): One minute.

Mr. John Fraser: —pressure in the system for employers to keep their rates down by doing the right thing.
1650

Mr. Eugene Lefrancois: Claim suppression. If I have no claims, I get a rebate. If I hide a few, I still get a rebate. That doesn't help the injured worker, not one bit, because after a while he's gone. They fire him. It's, "Well, he doesn't have a claim," so he's screwed; he can't prove continuity.

Mr. John Fraser: Thank you very much.

Mr. Eugene Lefrancois: Thank you for allowing me to speak.

The Chair (Mr. Brian Riddell): We'll now move on to the government for seven and a half minutes. I recognize MPP Barnes.

Ms. Patrice Barnes: Surprisingly, the opposition asked a lot of my questions. I just have another question for Eugene. Eugene, you talked a little bit about that indexing piece and the experience funding that is done. If you were able to correct that, what would you put in place under this bill?

Mr. Eugene Lefrancois: Nothing. I wouldn't have an experience rating. Right now, the employers pay into OHIP, right? Do they get any money back if none of their employees go to the hospital? No, they don't. It would be basically the same thing with the employers. The employers wouldn't say, "Hey, why did you go to the hospital?" So you wouldn't see that. If you get hurt, you get hurt. You're covered. You don't need anything else.

Because that's all it is, is trouble. And we're not an insurance company, even though we are. Marshall—Liberals, thank you very much—really kicked the shit out of us. All that nice money that they got was on the backs of us. We took a cut in everything—benefit levels, everything. Take a look at what they did. Go look at the nitty-gritty numbers.

I want to cry right now. I just want to start crying my eyes out, but I've got my big dog here and he'll bite me if I cry.

Ms. Patrice Barnes: Okay, thank you. We don't—

Mr. Eugene Lefrancois: He's a mastiff, an English mastiff.

Ms. Patrice Barnes: Well, we don't want that to happen.

Mr. Eugene Lefrancois: I know. I don't want it, because I got bitten by him once for crying last time.

Ms. Patrice Barnes: Okay. Thank you, Eugene.

My other question is to the rabbi. In regards to the people that you represent, you often represent people who are on the margins, who are our most vulnerable. And you talked about the piece around declaring all workers, espe-

cially in the gig economy, as workers versus independent contractors. What is something else that you'd see under this bill that would be effective in really doing supports for the people who you represent?

Rabbi Shalom Schachter: Well, again, this bill is focused on different workplace pieces of legislation, so it doesn't really get into the issues of social assistance and housing that our coalition advocates for.

In terms of workers' compensation, others can speak more knowledgeably than me about gaps in the system in terms of limitations on levels of compensation, on duration of compensation, on being cut off. I myself, in fact, had experience when I was an employee of not being at a proper workstation and getting a repetitive strain injury. Fortunately, I didn't miss a day's work, but I did have to go for therapy. There was one opinion that I reached my maximum level of recovery, and I was then cut off from further physical therapies even though the injuries, if you like, remain. I think there are a number of improvements that can be made to workers' compensation, and again, some of those you've heard from the other witnesses before you.

In terms of gig workers, though, in particular, I don't think anything in terms of improving things on the margins is really going to help when the straightforward answer is to treat those persons the same as all other employees with full rights. And if they have collective bargaining rights, then they will at least have some measure of bargaining power to try and raise their working conditions and compensation, so that they get a true income and not, as was pointed out, having to have incomes of less than the minimum wage, keeping in mind downtime as well as having to pay for expenses. If I'm an employee and I incur expenses and the performance of my work, it's the employer's obligation to reimburse me for those expenses. The same should be the case for gig workers.

Ms. Patrice Barnes: Okay. Thank you.

No further questions.

The Chair (Mr. Brian Riddell): Any further questions? Okay. That ends this section. I would like to thank—

Interjection.

The Chair (Mr. Brian Riddell): I'm so sorry, again. Why do I forget you guys? It's not on purpose.

Go ahead, MPP Gélinas.

M^{me} France Gélinas: Rabbi, I would like to start with you. You sent a written brief where you are really specific. You want to "broaden schedule 2 to amend the Employment Standards Act to require all persons supplying goods and services be treated as 'employees' unless the business is able to satisfy the Ontario Labour Relations Board that the such worker is truly an independent contractor." You've made a very good case as to how this impacts and affects many workers in Ontario. Do you know of any other jurisdiction who does this well, who has the right language to make sure that an employee is treated as an employee, not as an independent contractor?

Rabbi Shalom Schachter: Unfortunately, I did not do that type of research. I'm sure that I can do a little bit after these hearings, if that's of interest to you. But whether or

not any other jurisdiction does it better doesn't leave this Legislature off the hook when the answer is so simple.

I guess the only other thing I would add is that there used to be an office of employee support to help workers when they were dealing with challenges to their rights under the Employment Standards Act. I think that if the government does introduce legislation, putting the onus on the employer to prove independence, the worker will still need support to be able to make sure that their case is properly heard by the labour board and that the employer doesn't win by default.

M^{me} France Gélinas: Makes sense. Okay. Thank you. We'll try really hard. I don't make any promises.

Ms. Jenny Tang, your story was really at times hard to listen to. People facing PTSD should get the care they need. We do have effective treatment, we do have effective strategies to help people who deal with PTSD, and certainly, signing a non-disclosure agreement is not part of that, not by a long shot. If you were to describe—how would you like this to go? If you had all powers, how would it go?

Ms. Jenny Tang: I think I would regulate NDAs, because they simply cannot be applied, cannot be used against people with mental disability. The majority of victims actually are all mentally injured. That's as simple as that. It doesn't work on them, because it's against the treatment principle.

M^{me} France Gélinas: Agreed. Well, I have very limited time.

« Eugène Lefrançois. » Est-ce que tu parles français?

Mr. Eugene Lefrançois: No, never up here. My dad comes from Quebec. He was treated really miserable—like, bad. So he says, “The boys are all going to learn English.” My mother, Ojibway, was also treated very bad, and she says, “The boys are going to learn English. Maybe they'll be treated better.”

M^{me} France Gélinas: It was interesting to listen to you to see the difference as to—your injury was in 1985, and the way WSIB helped people back then. We all know the changes that were put into place to try to get rid of the deficit at WSIB, all of this at the expense of access to care for injured workers. If you were to focus on—you talked about deeming. You've talked about different things. What would be your top three, if you had Doug Ford in front of you? I know you haven't had the pleasure, but if you had Doug Ford in front of you, what would be your top three?

1700

Mr. Eugene Lefrançois: (1) The Meredith Principles. We go back to the Meredith Principles, so repeal Bill 99, repeal Bills 162 and 165, and let's start over, before Weiler.

(2) A flat rate for everybody—all employers, flat rate, and that means all employers. They can't hide behind, “Oh, I don't have to pay it.” No, you are an employer in Ontario. That's business. It's just business, people.

(3) I wish you could give me back my health, honest to truth. I got hurt when I was 26. I was pensioned off when I was 27. It really doesn't give me a lot of money, you know. At least keep the standard, what we can get, right?

It wasn't injured workers who set the rates, or who did the spending, or who did the cuts and all that. It wasn't us, but we'll blame somebody else. It wasn't us, but we get the brunt of it.

M^{me} France Gélinas: Thank you.

Mr. Eugene Lefrançois: Thank you.

The Chair (Mr. Brian Riddell): Any further questions?

M^{me} France Gélinas: I'm good.

The Chair (Mr. Brian Riddell): Okay. Thank you very much to the presenters today. I appreciate it.

ONTARIO RESTAURANT HOTEL
AND MOTEL ASSOCIATION
ACHÈV

The Chair (Mr. Brian Riddell): We will now move to the next group. We are waiting for the next one to arrive virtually, so our next presenter is the Ontario Restaurant Hotel and Motel Association: Tony Elenis, president and chief executive officer.

Interjections.

The Chair (Mr. Brian Riddell): Would you please state your name for the record?

Mr. Tony Elenis: Tony Elenis, president and CEO of the Ontario Restaurant Hotel and Motel Association, known as ORHMA.

The Chair (Mr. Brian Riddell): You can start at any time, sir.

Mr. Tony Elenis: Thank you and hello, Mr. Chairman and members of the Standing Committee on Social Policy. Thank you for allowing me to speak.

In my view, most of the intent of Bill 149 is to strengthen employer practices for their employees. Employees are the biggest asset a business has. In many ways, business success is driven by its culture, made up of employer-employee practices. In many ways, the standards proposed in this act can be categorized under the heading, “It's the right thing to do.” ORHMA is supportive. Clear, transparent rules are essential to support regulated standards; therefore, we do have concerns about unintentional consequences in three areas.

Relating to cash shortages and lost property etc., we strongly agree with the standard: Employees should never have to pay for the likes of dine-and-dash and breakages. The vast majority of hospitality employers are practising these standards. It is wrong to have employees pay for this type of occurrence. But there are unique incidences such as an employee partnering with friends who are customers to scam the restaurant, an employee vandalizing a place or even charging a large tip that cannot be collected. Therefore, we recommend including exemptions to the regulations for those unique areas, realizing that some of these types of examples might lead to termination or some legal action.

Relating to employees' tips and method of payment: We strongly agree that employees should not pay a fee when receiving their tips. Tipping policy is complex. Our

concern is the wording specifically in subsection 14.1 that can be interpreted as employers must pay tips over to their employees directly. This creates a critical issue and has major implications related to CRA rules that would result in adding significant costs to struggling food service operators and place many of them out of business. The rule, as it is written, will have employers participate in the handling and administration of tips, classifying this tipping practice as “controlled tips,” where there are potential liabilities to pay CPP and EIA on those tips, as if they were wages paid to employees. We understand that amendments around this concern would be identified and supported during the technical or operational stage of this regulation. We do welcome this.

Relating to WSIB additional indexing: Many of us recall WSIB’s \$14-billion unfunded liability. Through the smart work of WSIB’s leadership, government and contributing stakeholders, WSIB eliminated it and became a healthy financial institution. WSIB has been able to support businesses through lower premium rates and surplus payments while ensuring injured workers receive secure support. Lower rates have been welcoming in such a devastating climate as hospitality has been going through these recent years, which continues to critically impact many restaurants today.

We are concerned that an increase in indexation will impact employer rates or lead to employer surcharges. WSIA already protects injured workers against inflation as the board must adjust benefits by CPI every year, but depending on the timing of a specific injured worker’s claim, an injured worker may gain or lose under a different CPI calculation than the CPI portal uses—and this is not good for some injured workers. Irrelevant of any changes to indexation, this approach will carry on. And if the aim is to support all injured workers consistently, this needs a revisit and might be a good alternative in moving forward.

We are not aware of the methodology behind the proposed new indexation. So let me be clear that the right support for injured workers is critical. Therefore, our recommendation is to conduct a benefits adequacy study and examine the results to determine the type of increases and outline any impact to employer rates. But we are in support of Bill 149 and brought up these concerns to ensure that you, as a committee reviewing the proposed standards, understand there can be unintentional punitive penalties. Our stated recommendations, whether they are adopted through amendments now or through the technical operational stage, will ensure proper guidance and compliance, supporting both employees and employers.

The Chair (Mr. Brian Riddell): One minute.

Mr. Tony Elenis: In conclusion, I thank the government for thinking of ways to support employees, and you, the committee, for the work you are doing to determine fair and good standards for all. Thank you.

The Chair (Mr. Brian Riddell): We will now go to Achēv: Tonie Chaltas, chief executive officer; Kristen Neagle, director; and Marsha Parry-Folkes, senior vice-president. State your name for the record, and you can begin.

Ms. Kristen Neagle: Good afternoon, committee members, and thank you for the opportunity to speak before you

today on Bill 149, the Working for Workers Four Act. My name is Kristen Neagle, and I’m the director of government relations and strategic partnerships for Achēv. I’m joined virtually today by our CEO, Tonie Chaltas, and our vice-president, Marsha Parry-Folkes.

For more than 30 years, Achēv has been dedicated to putting newcomers and Canadians on a faster path to prosperity. We’re one of the largest non-profit providers of employment and newcomer, language, youth and women services across the GTA. Each year, more than 100,000 people access our services, and we work with thousands of employers annually. It’s these experiences and individual stories that inform our insights today.

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I’m now going to pass it over to our CEO, Tonie.

Ms. Tonie Chaltas: Thanks, Kristen, and hello, I’m Tonie Chaltas. Good afternoon, Mr. Chair and committee members. As you know, Bill 149 builds on the previous Working for Workers Act to further expand workers’ rights in Ontario. The proposed changes in Bill 149, we believe, are good for Ontarians.

Today, I’d like to speak specifically on the provisions that would ban Canadian work experience requirements from publicly posted job postings. Each year, Achēv helps approximately 80,000 newcomers in Ontario with their settlement and employment goals. For years, we have seen first-hand how the requirements of Canadian work experience have continued to be a significant barrier for newcomers finding employment that’s commensurate with their skills and their experiences. In fact, it is the number one barrier that our newcomer clients face.

Achēv recently released a report on addressing barriers to employment for immigration and racialized women and youth. We interviewed 119 immigrants and racialized women in the GTA:

- 69% had a minimum of a college-level education, with the majority having a university or postgraduate degree;

- 60% of our participants indicated that their current job did not align with their education or previous career; and

- 56% indicated they’d changed their career since arriving in Canada due to employment barriers they encountered.

One of the consistent themes amongst the participants was the barrier created when employers required Canadian work experience. Their previous experience, including those who had worked in the United States, was dismissed. To quote one of our study participants, “I had the experience of working for international organizations and working internationally, but I was astonished because I kept sending my CV and applying for jobs and no answer because I had no Canadian experience.”

Our newcomer clients are facing this discriminatory barrier every day. Despite coming to Canada with in-demand skills and experiences and vacancies that map to those skills, they cannot secure the jobs that leveraged their talents. Whether it’s conscious or unconscious bias, employers focus on experience only, not considering competencies or skill-based hirings, a recruitment process that screens newcomers out, not in. The deck is stacked

against them, and the default at the heart of most explanations is often the lack of Canadian work experience.

That's why we support the changes in Bill 149 to ban Canadian work experience requirements in job postings. Removing barriers for newcomers entering the workplace is a long journey, but each step such as this legislation makes it easier for newcomers to realize their dreams and, in turn, contribute to our economy.

I'd like to pass it over now to Marsha, who will continue.

Ms. Marsha Parry-Folkes: Thank you, Tonie, and thank you, committee members. We believe that this proposed change in Bill 149 is not only good for newcomers, but also for Ontario's employers. By broadening their talent pool to include newcomers without Canadian work experience, businesses gain access to a wealth of untapped potential. They are not just fulfilling a quota; they are harnessing a diverse array of perspectives, experiences and skills that enrich their teams and drive success. It's a win-win scenario where employers thrive, newcomers flourish and our economy prospers.

Canadian work experience requirements have served as a barrier for newcomers striving to build a life and contribute to our economy for far too long. It is unjust, discriminatory and ultimately limits our province's collective potential. Thanks to many of the new changes introduced in Ontario over the past few years, we're finally witnessing a transformative shift, one that champions fairness, diversity and inclusivity. By eliminating this arbitrary barrier, newcomers will be empowered to showcase their abilities on an equal footing. Their potential will not be overshadowed by a rigid prerequisite, but celebrated for the value it brings to our workforce.

Thank you for listening to our perspectives today. We would be pleased to answer any questions from the committee.

The Chair (Mr. Brian Riddell): Thank you.

We will now go to the government for seven and a half minutes. I recognize MPP Quinn.

Mr. Nolan Quinn: My question is to Tony from the Ontario Restaurant Hotel and Motel Association. Just for full context—I explained it this morning—I do own a Dairy Queen as well, so I understand some of the work that you're doing; not that I'm part of your association, but I appreciate the work you're doing on behalf of the tourism industry.

I have two parts to my question. Do you foresee any implementation challenges with the restaurant, hotel and motel industry implementing any of these changes?

Mr. Tony Elenis: There will always be a few, but the vast majority are doing it already and will continue to do so.

Mr. Nolan Quinn: Okay. And then, you had indicated specific concerns around the tips provisions of the bill. In your view, to what extent is the issue related to CRA interpretation of their rules, versus it being related to ESA amendments?

Mr. Tony Elenis: Well, there are two types of systems that the CRA looks at when it comes to tipping: It's direct tips or controlled tips. If the employer has paid the tip to the employee, then it's under controlled tips and they need

to pay the taxes. If the employer has not paid the tip to the employee, then it is a direct tip; there are no taxes to be paid.

The taxes we are talking about here—WSIB; EHT, for those that are under the EHT; CPP; EI—will end up, for an average restaurant, about \$30,000. The wording right now, the way it is in the act, can be interpreted that the employer must pay the employees. That needs to change. We did have a chat with the technicians, I guess, within the ministry, and they did commit to us that they will look at the wording at this point.

Mr. Nolan Quinn: So what you're stating is it's a wording issue, as it is? I know my colleague MPP Fraser had mentioned that most tips now are digital; they're being paid on a debit card or a credit card in that regard. Just for clarification on my behalf, would those tips be then paid through the employer and be taxable?

Mr. Tony Elenis: It depends on how the tipping pool and the administration of the tipping is orchestrated. They can be either. If the tips earned—it's irrelevant how—are given to the employees directly through an employee committee, or through to the bank accounts as some electronic systems are doing today, then it's fine. They're called direct tips and we're fine with that.

But if the employer even takes the envelope the tips are in and places it in their own safe, that is controlled tips, according to CRA. It's very finicky, if I can use the word, and there are many details around it. We've consulted with taxation lawyers—probably the finest there are—to come to this conclusion.

Mr. Nolan Quinn: So it definitely sounds like it's a larger CRA issue at play then with regards to the taxation on it.

Mr. Tony Elenis: Right. And just the way it's worded, it will have some employers going backwards and handling the tips to the employees. That needs to be realigned.

Mr. Nolan Quinn: Well, Tony, thank you for your input on this and your suggestions and your comments. And to everyone else, all the other presenters, thank you as well.

I will pass it over to MPP Martin.

The Chair (Mr. Brian Riddell): MPP Martin.

Mrs. Robin Martin: Thank you very much, Chair. Thank you to all presenters today and thank you for the lesson in tax law. Now I understand why all the tax lawyers make the higher hourly rates, because it's so complicated. It's like dancing on the head of a pin, some of these distinctions, so thank you, Tony, for giving us that insight.

My question is for Achēv. You talked a lot about the Canadian experience provision and the difference that can make for newcomers particularly. I'm very excited about anything we can do to help newcomers to the province work to their full potential. It has been years, I think, that we've been talking about this in Ontario, so it's nice to see some steps being taken that will hopefully help more newcomers get into the workplace sooner and work to their full potential.

1720

I was just wondering if you could talk about these provisions, the difference it will make for your clients and

the people you work with about how they can achieve more here with these kinds of changes.

Ms. Tonie Chaltas: I'm pleased to start, and I'll pass it to my colleague Marsha if she wants to add after me.

I think opening a gateway to employment means that people have the opportunity to thrive. They support families; they support community; in turn, the economy grows. It is really a win-win-win in so many ways: removing a barrier that someone faces at a time when they are often struggling to learn a new language, to settle in, to build a new life with children—to be able to make it a little easier to create a faster path for them can change their lives and can support a family. It is, as we've said, the number one barrier that our clients are constantly articulating, so the removal of that can fundamentally change someone's path to securing employment sooner.

Marsha, was there anything else you might want to add?

Ms. Marsha Parry-Folkes: Thanks, Tonie. I would also add that we also see from the clients who we serve at Achēv, almost 80,000 of whom are newcomers annually, that they bring fantastic skills and experience. So by removing these actual criteria in job postings, it is also going to be supporting the labour market and employers as well. I can't emphasize that enough.

The Chair (Mr. Brian Riddell): One minute.

Mrs. Robin Martin: These are both important objectives. Thank you, Chair.

The Chair (Mr. Brian Riddell): Now, we'll go to the official opposition. I recognize MPP West.

MPP Jamie West: I'm going to be asking Mr. Tony Elenis a question, but I think my colleague across the way got most of it in terms of the wording in subsection 14.1 about tipping, so most of the things I didn't understand I think you explained really well there.

What I'm trying to understand is—I believe the intent that workers get the tips. That's probably what we're trying to do here. What is the wording that would work for us? We'll be in amendments in two days, so what is the wording that you would recommend it be changed to?

Mr. Tony Elenis: The wording that will take away from the employer being involved in issuing tips directly to the employees. And we've made some suggestions to the ministry when we brought this up to them.

MPP Jamie West: Okay. I don't understand how the devices work. It's magic. I point my card or my phone at it, and money comes out of my account. Is there a way that the machines could be just set up so it doesn't violate this?

Mr. Tony Elenis: There is an electronic model right now that works with the POS, the point-of-sale system in the restaurant, and the type of credit card payments that are out there and delivers the tips directly to the employees' accounts without the employer being involved. That's perfect. That works.

MPP Jamie West: Okay. Then, I'm going to go over to Achēv, Ms. Neagle or Ms. Parry-Folkes, if you want to respond, or anyone actually. I appreciate the emphasis you had on banning the requirement for Canadian work experience. It's already illegal under the Human Rights Code,

but it apparently isn't being enforced really well, so I guess having it in another legislation isn't the worst thing.

One of the things that you were talking about, and I think all of us as MPPs have had this experience, is where you meet a worker and you talk to them and the role that they're in makes no sense compared to what their qualifications are. During Bell Let's Talk day, I was at an event at Cambrian College in Sudbury, and there was a student who was volunteering for that who was taking the dental assistant program. When I asked why he was taking this program, he said, "Because I'm a dentist in India. Not only am I a dentist; I was managing several locations for dentists and their work, but I'm not recognized here."

He was originally in BC and now in Ontario, and now he's doing a dental—not apprentice; I'm trying to think of the right word, but the people who do the cleaning and stuff—assistant program. I asked him half-jokingly, "How different are the teeth in India compared to my teeth?" because it seems pretty standardized. He was very transparent. There were a couple of procedures that we do here that they don't do there, and he thought it was fine to be able to understand that. But his pathway to becoming a dentist was almost like he had to start again as if he had just graduated from grade 12.

So I really support this requirement. My dentist is my age. He's going to retire before my teeth give out, so I need a dentist to come along. Once this goes through—I'm assuming this bill is going to go through—what can we do to ensure that this doesn't continue, because, right now, it's against human rights to do it and it's happening with bad actors. How do we ensure that this requirement of Canadian work experience, once it becomes part of the Employment Standards Act, is able to be enforced as well?

Ms. Tonie Chaltas: MPP West, that's the critical question. So much is left in the hands of employers, and what I've learned over the last year as I've been talking to employers is, half the time, they actually aren't seeing the system playing out in a discriminatory manner. They really feel like what they're doing is bringing the best talent to bear. We at Achēv work with employers to help them understand how they can eliminate some of the barriers through the recruitment process.

One of the things that I think will make a big difference, and you heard it earlier today from Teresa at the YMCA, is more work with employers to help them understand where their barriers are, conscious or unconscious. Breaking those down to create a more inclusive process—incredibly important. The streamlining on the internationally trained professionals is a huge challenge. The self-regulatory bodies are stepping up to various degrees. There's a lot of work that has to be done there. But there's no question that there's a lot of work that the employers need to do.

Giving the benefit of a doubt, I think sometimes it's understanding what more can be done and organizations like Achēv being given more opportunity to work closely with employers more so than what we do now to help them identify how they're creating barriers and how they can access skills versus experience. If I can end with that, MPP West, that's a critical piece: disassociate experience with

skills and take a look at transferable skills and competencies. Not all employers, of which the vast majority in Ontario are small and medium-sized businesses, are necessarily skilled at doing that, so experience is the easy default.

MPP Jamie West: Okay. I appreciate that. It's very good.

I don't think I have very much time, but I did want to emphasize, Mr. Elenis, that I loved when you started off and you said that business success is driven by the culture of employer-employee relations. I really think that's an important thing to remember because as we try to navigate these legislations, we have to make sure it's fair for the employers and the employees, and so feedback from you and Achēv and the other people who have come is very important for us today.

Do I have time?

The Chair (Mr. Brian Riddell): One minute and 12 seconds.

MPP Jamie West: Oh, my goodness. I didn't think I would have that much.

Continuing on what's going on with the hotel and motel association, you were talking about the lower rates especially helping the businesses that are struggling following through COVID and having an increase could be harmful to the business. What makes sense to you in terms of ensuring fair compensation for workers who are injured and also being fair to the employers?

Mr. Tony Elenis: That's why I recommended a study to understand. The CPI increases that are currently paid to employees: How does that look, perhaps, in potentially what that super-indexation might be? We do not know at this point. It is important that we treat those injured workers right and pay them fairly; absolutely it is. I can go back to the rates and the support the hospitality industry has been—

The Chair (Mr. Brian Riddell): I'm going to have to cut you off there, sir. Thank you for your comments.

We'll go to the independent member. I recognize MPP Fraser.

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Mr. John Fraser: If you want to finish what you were saying, Mr. Elenis, that's fine with me.

Mr. Tony Elenis: Sometimes you hear governments—irrelevant which government is in office—that they deleted about 20,000 regulations out there. But I can tell you, in the last few years nothing has been more powerful to support the industry than the WSIB rates and the favourable support given to the industry through that. It's a good thing for industry.

Mr. John Fraser: Are you concerned about the super-indexing?

Mr. Tony Elenis: Absolutely, we are concerned, yes. We need to know a little bit more. There has to be a study in order to determine that.

Mr. John Fraser: I'm going to get to Achēv in my next go around, but I just want to ask you some more technical questions here, just in terms of tip pooling. We know now that, not just in restaurants and hotels, where we're familiar with paying tips and that tip would be directed electronically towards the employee that received the tip—but

in a lot of, would you say, fast food or franchise operations, there's tipping there now. So does that work for tip pooling as well, too? I have to be honest; I always wonder, where does it go? I tip and I just do it as if it's an act of good faith, which is like, "I hope it's going to who it needs to go to." Can you give me, for my own peace of mind—

Mr. Tony Elenis: The tipping the pool is an option for an employer to implement in a workplace, irrelevant what type of business you have. It can be shared with support employees or management as long as that support deployment is part of the service delivery. It could be cooks, it could be dishwashers, it could be the bartender or the host or hostess. It's up to the employer to determine a percentage that would go. But it is important to ensure there's an employee committee that is driving that, not the employer.

Mr. John Fraser: That's correct. I'm trying to get my understanding of this bill in terms of—again, I'm talking as a consumer, not as an employee. The arrangements for tip pooling or how tips are being handled are to be posted. Is it your understanding in this bill that that's something for employees to see or for patrons to see?

Mr. Tony Elenis: I believe it is for employees, to ensure that there is fairness in who receives the payments.

Mr. John Fraser: Okay, great. Thank you very much.

The other piece: I just wanted to confirm that in the event of tip pooling, where tips are received electronically, that money would be sent directly to a fund that was dispersed based on the decision of that employee committee. Is that correct?

Mr. Tony Elenis: Actually, these new electronic systems deliver it directly to the employee's bank account.

Mr. John Fraser: Oh. So, in other words, they would—yes. Okay. I can understand that. That might be complicated in a busy restaurant with different schedules.

Mr. Tony Elenis: It's being modelled out there right now. I've seen test pilots in that. It's working well, and it's expanding.

The Chair (Mr. Brian Riddell): One minute.

Mr. Tony Elenis: Keeping in mind, this legislation came through because there were some systems where there was a fee to be paid by the employee to ensure that they used a specific bank that wasn't theirs. And that is not fair for the employee, absolutely not.

Mr. John Fraser: No, it's not. Thank you very much for your time.

Mr. Tony Elenis: You're welcome. Thank you.

The Chair (Mr. Brian Riddell): We'll now go to the government for seven and a half minutes. I recognize MPP Barnes.

Ms. Patrice Barnes: My question to Tonie and to Achēv is, we're talking about this ability to remove the Canadian experience. What would be additional pieces that would make a bigger impact on really closing that gap that we're seeing between there being jobs available and there being newcomers but we're not really making that connection?

Ms. Tonie Chaltas: I think, beyond removing the Canadian experience and, I referenced earlier, providing more resources to organizations such as us to be able to work with employers to help them understand how to better take

advantage of this incredible talent that's out there, certainly the streamlining of foreign credential recognition is extremely important. I think the government has made headway there; I think there's more that could be done.

The other thing I think you could be thinking about is there are pre-arrival services that support people who have been approved to come to Canada, and there could be a range of work that is done with those newcomers to help them start to understand Canadian workplace culture, the opportunities, to really start to home in on specific opportunities, potential employers, so that they can hit the ground running, if you will. I do think that that is another area where there could be opportunity to expand supports that would be very helpful in their journey.

Ms. Patrice Barnes: Thank you very much.

My next question is back to the restaurant association—a little bit more on the tipping piece. You were mentioning that there were pilots that are presently running that were successfully doing electronic deposits into banks. Can you expand a little bit more on that?

Mr. Tony Elenis: Well, the system itself—I guess it's integrated with the technology that is needed to bring in the point-of-sale system where the tips are rung up after the customer settles and the credit card provider systems, and through the calculation that is agreed for the tipping pools, the amount owed to that employee that earned it is extracted and, through technology, it's delivered right to their bank account.

I would not even say it's in test pilots anymore. I think it's out there; it's working. We've seen it back in late 2023, and we've heard great comments from some of the restaurateurs that are involved in it.

Ms. Patrice Barnes: So is that per transaction, or it just goes into a central pool and then at the end of the night it disburses?

Mr. Tony Elenis: It adds up each transaction and summarizes up as a total with reports to ensure that everything is documented.

Ms. Patrice Barnes: Okay. Thank you so much.

Mr. Tony Elenis: You're welcome.

The Chair (Mr. Brian Riddell): No more questions? All right.

Let's go to the official opposition for seven and a half minutes. I recognize MPP Gélinas.

Mme France Gélinas: I think I will start with Aché. I take it that you are located in the GTA. How big of a geographical area do you serve?

Ms. Tonie Chaltas: We are primarily in the GTA. We do offer online services that expand throughout Ontario and nationally, but our primary base is in Peel region, Toronto, York and Pickering-Ajax.

Mme France Gélinas: Okay. You mentioned that you're happy to see that Canadian experience won't be necessary, cannot be part of the job posting or anything like this. As it was mentioned by my colleague, it is already illegal in Ontario to do this, but there is no enforcement. I don't give people false hope. We will have another bill that makes the same thing illegal. If nothing else is added to it, we may very well end up in the same boat we are in.

That being said, helping 80,000 people—this is big numbers; congratulations on what you do. What else would be helpful to you? When you've talked about going in to see an employer and working with them to realize that diversity is something positive etc., are there some of those best practices that you use employer by employer that could be made best practices throughout Ontario?

Ms. Tonie Chaltas: I think a particular struggle that we see is this move away from experience to skill-based recruiting or competencies, and helping employers actually articulate them in a way that's meaningful for the role they are recruiting for is an area where a lot of small businesses struggle. So the development of tools and templates and online supports might be an area where that could be expanded, because I do feel that, in some cases, this is moving away from the traditional way recruitments have always been done. People have looked at a CV and looked for that experience.

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The ability to actually pull out those specific skills, those competencies, may not come easy, so supports in that area, tool kits—the development of those kinds of additional supports for employers in Ontario, I think, can be very generic. They are not region-specific. They're not sector specific. So I think those kinds of things might also be very helpful, making those available to employers, alongside some additional supports through their journey. Service providers like Aché are actually funded by Ontario through Employment Ontario to provide some of those supports.

Mme France Gélinas: So am I stretching things too far by thinking that the Ontario government could ask you to put such a best practice together and then hire you, or the government does it themselves or whatever, to make this available throughout? Am I going off the deep end here, or is this making sense?

Ms. Tonie Chaltas: No, you're not going off the deep end at all, madam. I do believe that organizations such as Aché—and there a lot of us across Ontario—have various different experiences working with employers. I think if there was the ability for us to be paid for some time to look at something like that and develop tools, they could be distributed.

I think the sector is very good at collaboration to begin with. We have an association that we can work through to do some of that work. But, like most charities these days, every dollar is squeezed, so the opportunity to actually see some support to expand something like that, I think, could be beneficial.

But I don't want to underestimate the removal of those Canadian barriers, and the ability for it to be talked about, promoted, forced, continually pressed will help remove those barriers in a meaningful way. That's the biggest step, I think.

Mme France Gélinas: That's very helpful. Thank you.

My next question will be for Tony Elenis. I represent a riding in northeastern Ontario. We have no snow, which means that none of the snowmobile trails are open, which means that none of the motels in my riding, called Nickel

Belt, have any clients whatsoever. That also includes their restaurants having no clients whatsoever either. Have you seen government programs before that are helpful when situations like this arise?

I know that through the pandemic, the chamber of commerce told me that over a third of small businesses in my riding either closed or went bankrupt. With this winter of no cold, no snow, no snowmobilers and no tourists, I have a feeling I will see many more of them. They're reaching out right now to show me: It's cancellation after cancellation. People come to go snowmobiling, and the snowmobile trails are not open.

Mr. Tony Elenis: Yes, we continually hear that, but overall and right across Ontario, the inflation has been hurting many, in many cases worse than during the pandemic. During the pandemic, there was government support and there was hope. We were out of it and thinking that we would be in greener pastures, but I can say to you, from statistics surveys we've done and others have done—

The Chair (Mr. Brian Riddell): One minute.

Mr. Toney Elenis: —that 50% of restaurants are not generating profit, and it's critical.

We hear the issues with the weather right across from the Sudbury area to the cottage area. There hasn't been anything from government that we've seen that has worked yet, and there should be.

M^{me} France Gélinas: Would you like to see something?

Mr. Tony Elenis: Absolutely.

M^{me} France Gélinas: What would it look like?

Mr. Tony Elenis: Even if it is training dollars for employees that are coming in, especially in this day and age, that would help their labour and that would offset the bar a lot. It's not just getting cash out, but supporting some of the expenditures that are there.

M^{me} France Gélinas: I agree. Thank you.

The Chair (Mr. Brian Riddell): We will now go to the independent member. MPP Fraser.

Mr. John Fraser: To everyone from Achēv, thanks very much for being here and for all the work that you do to get people employed and using the skills that they've acquired elsewhere. It's not just a good thing to do for people; it just makes economic sense to leverage the money that people have spent in another jurisdiction to support our economy.

I think it's a good thing that Canadian experience can no longer be listed as a requirement for a job. The reality is it can't be listed, but it still can be looked at as a benefit to a potential employer or a bias for potential employer,

without actually stating it out loud. I have some concerns that we have to do more to support employers, I think as my colleagues mentioned here, in terms of their ability to help people recognize people's credentials and people's skills and get them there.

I think the thing that concerns me most is this persistent problem that we have with regulatory colleges and other associations. I have met too many people—my colleague described meeting a dentist—engineers, people who have experience and literally can't work in their field at all. It's hard on that person, and it's wrong. It just doesn't make any economic sense. It's not a good thing for our economy.

I guess my question is, how do we crack that nut? Does the government have to come in with a heavy hand and say, "Thou shalt do X," to those regulatory colleges? I think we've all seen it, those who have been around; I have seen it for 25 years. I know some of it has got better, but there are some that haven't changed.

I'd just like to put that out. The question is, what would you like to see? I know right now you are focused on trying to help people and don't necessarily want to have to take on regulatory colleges, but what could we do?

Ms. Tonie Chaltas: We don't have the silver bullet on that one. However, when you take a look at the myriad different approaches they're taking, I think government has done a good job of putting a spotlight in a few areas where changes really need to be made. We've seen some adjustments in nursing. You mentioned engineering. Engineering actually has moved the yardstick and proactively, I think, was one of the first to remove Canadian experience. I think it's continuing to put a spotlight on them and on setting pressures and hopefully some directives, as much as they can, to try find efficiencies. It's a real challenge.

The Chair (Mr. Brian Riddell): One minute.

Ms. Tonie Chaltas: There's no silver bullet in all of this, but every single step that we can take—with every piece of legislation, with every change—helps to make it easier for us to get people settled and contributing into the economy and creating faster paths to prosperity.

Mr. John Fraser: Thank you very much.

The Chair (Mr. Brian Riddell): That concludes our business for today. Thank you, again, to all the presenters. The committee is now adjourned until 10 a.m. on Tuesday, February 13, 2024, when we will resume public hearings on Bill 149.

The committee adjourned at 1749.

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