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**Official Report
of Debates
(Hansard)**

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(Hansard)**

SP-30

**Standing Committee on
Social Policy**

Working for Workers Four
Act, 2024

1st Session
43rd Parliament

Tuesday 13 February 2024

**Comité permanent de
la politique sociale**

Loi de 2024 visant à oeuvrer
pour les travailleurs, quatre

1^{re} session
43^e législature

Mardi 13 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**

Tuesday 13 February 2024

Mardi 13 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?

INJURED WORKERS ACTION FOR JUSTICE

MS. MARILYN MCMAHON-AYERST

**OCCUPATIONAL DISEASE
REFORM ALLIANCE**

The Chair (Mr. Brian Riddell): I will now call on Injured Workers Action for Justice: Sang-Hun Mun, member; Capleton Tomlinson, member; and Novlette Evans, member.

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

Mr. Sang-Hun Mun: My name is Sang-Hun. I'm a member of Injured Workers Actions for Justice.

Can I share my screen now for our presentation here? Yes? Okay.

I don't know if our members actually joined the Zoom here, Capleton and Novlette. I don't see them here yet, so I'm going to start, and if they join, then we will have—

The Chair (Mr. Brian Riddell): Please speak into the mike, too, sir.

Mr. Sang-Hun Mun: Yes. Can you hear me?

I have two members from our group to present here. I don't see them here right now, but when they join, I will pass it to them to speak.

I'm here with our members to talk about schedule 4, Workplace Safety and Insurance Act, around indexation. We'll talk about who we are as a community group, and we'll talk about the WSIB issue and the workers' experiences around work injuries. At the end, we'll talk about some recommendations.

Injured Workers Action for Justice, a community organization, was started in 2010 by injured workers and allies, mainly racialized injured workers in precarious workplaces, and we are fighting for fairness and respect from WSIB.

I want to start off with one of the main systematic issues at WSIB that puts a lot of injured workers in poverty. WSIB's deeming practice pretty much is saying they can go back to work, earn their earnings, while the reality is, many injured workers cannot actually go back to work because of their permanent disabilities. There's no income, but still, WSIB has the power to end injured workers' benefits, and that puts a lot of injured workers in poverty.

Also, WSIB has been using the crisis of unfunded liability for many decades to cut injured workers' benefits, but now, WSIB is saying they have a surplus. So if they have a surplus from injured workers, why can't they pay it back to injured workers instead of paying it back to employers—\$1.2 billion in 2022—while many injured workers are still in poverty and dealing with health issues and things like that?

The cuts to the benefits service—a lot that we can talk about, but, pretty much, the nature of WSIB, proactive denial of injured workers' benefits and rejecting their claims, puts a lot of pressure not just on themselves but on the families in their communities, especially those working in precarious workplaces, like migrant workers and things like that. When they send them back to their countries without proper support, they're pretty much going through a very, very difficult time, with mental health issues and things like that.

What we are basically saying is, this proposed bill's schedule 4 for super-indexing is not really helping injured workers out of poverty. That's the bottom line. What we are pretty much saying—I don't know if our members are here to share their experience. Let me check. Are Capleton and Novlette on Zoom?

The Clerk of the Committee (Ms. Lesley Flores): They haven't joined.

The Chair (Mr. Brian Riddell): No one has joined.

Mr. Sang-Hun Mun: Okay, then I will just summarize their experience. Our members do not get the health care they need and WSIB consistently denies necessary medical treatments. Also, those workers are sent back to their country when they get injured in Ontario. There is no access to health care in their country and there is no income they can earn in their countries, so they are suffering with their family and their children in their community.

Many of our members struggle to communicate with WSIB. Their phone calls are not returned, and especially for those people out of Canada who actually try to connect with WSIB, it's really difficult with international calls and things like that. There is no proper communication with those workers sent back to their country. Also, the interpretation and translation is another language barrier. Especially for those migrant workers, in terms of how they file the claims and how they get the proper benefits for health care and income, it is extremely, extremely difficult because of their immigration status and things like that.

So that's why we are here talking about the deeming. It really forces injured workers into poverty. What we are here to recommend to this committee is to really look at—we know there is the bill, introduced two times in the last couple of years, but never moved, never actually done anything—to end this deeming policy at WSIB. That's the main thing that impacts injured workers and pushes them into poverty. Also, with the Better at Work approach at the WSIB, it's really difficult for those workers to try to return to work before they've fully recovered, or there's not enough medical support, medical devices, ergonomics and training at the workplace—a lack of that support from WSIB.

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

Mr. Sang-Hun Mun: So those things are really, really important for injured workers to fully recover and return to work, but it's not there to support them. This government, before the election, promised that they were going to raise loss of earnings to 90%. That's not happening yet. All those things really can help injured workers out of poverty, so that's what I'm here to speak about and recommend to the committee to consider. Thank you.

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

We will now go to Marilyn McMahon-Ayerst.

Ms. Marilyn McMahon-Ayerst: Very good. Thank you.

The Chair (Mr. Brian Riddell): From the Occupational Disease Reform Alliance.

Ms. Marilyn McMahon-Ayerst: No, I'm just an independent.

The Chair (Mr. Brian Riddell): Okay. I stand corrected. You could do both.

Ms. Marilyn McMahon-Ayerst: There we go.

The Chair (Mr. Brian Riddell): State your name and you may begin.

Ms. Marilyn McMahon-Ayerst: I am Marilyn McMahon-Ayerst, and I'm here today to ask you to correct an unfair practice dating back to 1985 respecting compensation for workers injuries and, in some cases, their ultimate sacrifice on the job.

What difference does one day make? To many families of injured workers, the difference is thousands of dollars. Before April 1, 1985, survivor benefits were a flat rate and did not reflect the worker's wages. A surviving spouse with two children received a total of \$900 per month or about \$10,800 per year. On that day in 1985, the benefits changed. The same spouse would receive 85% of the worker's wages. For a worker earning \$2,000 a month, that would translate to a monthly benefit of \$1,700 with no children—basically double.

Reforms to workers' compensation that followed did not address this enormous compensation gap. In the meantime, pre-1985 victims' families struggled just as the cost of living increased. In many respects, especially in post-secondary education, the cost increase far outpaced inflation and any indexing. This wasn't a one-off. The impact of the lower pre-1985 rate continued to affect survivors and their families for years thereafter.

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I realize that Bill 149 allows additional indexing to increase benefits above the annual rate of inflation which may apply to pre-April 1, 1985, injured workers and families, but Bill 149 in its present state does not actually set an additional indexing rate, nor does it commit to a timeline for this additional indexing to take pace for pre-April 1, 1985, victims and their families.

Bill 149 needs to be improved to specifically include that pre-April 1, 1985, compensation rates will be corrected to match compensation rate changes, effective January 1, 1998.

For those injured workers and workers' families, especially for those who gave their life on the job, the insufficiency of the pre-April 1, 1985, rate is especially staggering today. A 1985 spouse whose spouse's wages were not reflected in a benefit rate received a flat monthly compensation rate of \$900, which, in 1985, included benefits for two children. With existing indexing over 38 years, it is a monthly benefit rate of \$1,787, or \$21,400 annually, and that's with 2023 4.4% indexing. The same spouse post April 1, 1985, with no children whose spouse earned an example of \$2,000 monthly received \$1,700 in 1985, equivalent to \$3,375 per month today, or \$40,504 annually—and it's adjusted for inflation alone. Due to more generous indexing, this amount is actually higher.

Indexing across the board does not resolve this disparity. The 2023 indexing rate of 4.4% gives the pre-1985 spouse a \$75.33 monthly increase, while giving the post-1985 spouse an increase of \$145 a month. Indeed, indexing across the board makes this disparity greater. The pre-1985 compensation rate has not caught up and will never do so unless corrective action is taken.

Predecessor governments, including the Progressive Conservative ones, have realized that many aspects of workers' compensation reform had unfairly affected many

categories of claimants. For example, the 1997 reform rightly included reinstatement of benefit for spouses who had lost benefits by remarrying prior to April 1, 1985. It is time now to address the unfair disparity between those who had active claims before and after April 1, 1985. You, as legislators, can correct this, such as:

- (1) Implement additional indexing for pre-1985 claims to bring their rate in line with post-1985 rates;
- (2) Implement the effective rate going forward now;
- (3) Make it retro to 1985 as much as possible, such as was done for unfairly disentitled spouses in the 1997 reform;
- (4) Make it effective on the same dates which are already in Bill 149 for other changes.

Bill 149 makes the compensation process fairer for workers and their families, such as firefighters who, for too long, have had to prove something obvious. I submit to you that it is just as obvious that there is no difference between a worker who lost their life on the job at 11 p.m. on March 31, 1985, and a worker who did so one minute after midnight on April 1 of the same year. Each and every worker is important and the magnitude of their sacrifice is unaffected by their profession, by their origin, by their beliefs or by the time of their sacrifice. So unaffected should be their families' entitlements to benefits.

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

Ms. Marilyn McMahon-Ayerst: All went to work to build our communities and provide for their families, and too many returned injured, or did not return at all. Each and every one of those losses is indelible and painful.

Our economy has been stewarded to a more prosperous position. Our workers' compensation system is on a sustainable footing and in a surplus of almost \$1.2 billion. The momentum for better workers' compensation is visible to all who are present in this room. The time for change is right. The time for change is now.

On behalf of all pre-April 1, 1985, injured workers, fatalities and their families, I thank you very much for this opportunity to address you today. Thank you.

The Chair (Mr. Brian Riddell): Thank you. We will now start with our first round and we will start—

Interjection.

The Chair (Mr. Brian Riddell): Oh, there is one more person, virtually: Sue James. She is the chair of the Occupational Disease Reform Alliance. Is she on?

Ms. Sue James: Yes. Good morning. My name is Sue James. As chair and member of the Occupational Disease Reform Alliance, known as ODRA, I am speaking on behalf of its members and to the submission sent to this committee.

ODRA members include victims and families of occupational cancer and disease, worker advocates, unionists and partners with other injured worker groups seeking justice for workers. We come from communities across Ontario. Together, our knowledge and experience reflect direct contact with thousands of claimants and cases.

In many ways, workers are the evidence, because they have the lived experience of being exposed to the workplace environment. They see their neighbours, friends and co-workers at the doctor's office, the hospital, the cancer

clinics and hospice. These patterns, or clusters, are first noticed by the community members, workers and retirees, based on their observations. This evidence should be considered some of the best evidence available and should be reflected in the decision-making process, as well as policy.

We call on the provincial government and the WSIB to implement necessary reforms to begin repair of Ontario's broken compensation system. We focus on what is missing in Bill 149 and draw attention to workers' desperate state due to major deficiencies in the current Workplace Safety and Insurance Act, and the bureaucratic culture of denial developed over many years that functions essentially as a claim suppressant.

The piecemeal provision of Bill 149 does not address major problems with disease recognition. The current system leaves workplace victims of disease and their families in dire straits due to under-recognition of occupational disease.

In a recent report, Dr. Demers, director of the Occupational Cancer Research Centre, provided strong empirical evidence of the gaps and barriers in the system, with recommendations in aid of recognizing occupational disease. By denying workers' claims, the WSIB has been able to return \$1.2 billion to employers and has now achieved a surplus of 118%.

We will remind the government of the direct impact of occupational disease on victims and their families when claims go unrecognized. The economic benefit of denied claims for employers shifts the cost of occupational disease on to the taxpayer. This applies not only to claims that are denied, but also to disease claims that are never filed by workers. In effect, this shifting of the economic burden on to taxpayers provides no incentive for employers to accept responsibility for occupational disease or make the necessary changes to protect health workers.

Both underreporting and the low rate of acceptance for work-related diseases also subvert disease prevention and distort the regulatory process. Recognizing and approving claims provides the basis for identifying the nature and extent of hazards in the workplace and what measures are required to protect workers.

Another significant problem is that the WSIB appeals branch too readily shifts unresolved cases up to the tribunal level, rather than conducting the necessary research and investigation required, relying instead on historical biases such as a worker's personal habits or family history in their denials.

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Given the devastating impact of not reporting and addressing work-related diseases for both workers and their community, there is a real urgency for this government to broaden the scope of these hearings and consider fundamental reforms to the Workplace Safety and Insurance Act. This begins with ensuring an independent agency whose first mandate is to address the needs of injured and ill workers; that is, a workers' compensation based on the original Meredith principles.

To better operationalize these principles, ODRA proposes the following amendments to the Workplace Safety

and Insurance Act in order to address the evidential basis for adjudicating claims at the board level of appeal, investigation and decision-making:

- (1) Compensate occupational disease claims when workplace patterns exceed the community level;
- (2) Use the proper legal standard, not scientific certainty;
- (3) Expand the list of compensable diseases presumed work-related; and
- (4) Accept multiple exposures combined cause disease.

In closing, in January of 2022, ODRA engaged and called upon the provincial government and the WSIB to implement necessary reforms to begin repair of Ontario's broken compensation system for occupational disease victims and their families by implementing the four recommendations with legislative amendments to the Workplace Safety and Insurance Act.

On the Day of Mourning, April 28, 2022, a private member's bill was introduced by MPP Gates entitled the Justice for Victims of Occupational Disease Act, an act to amend the Workplace Safety and Insurance Act. This bill serves as an important demonstration of how the Workplace Safety and Insurance Act, 1997, can be amended to reflect ODRA's four proposals.

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

Ms. Sue James: We recommend broadening the scope of schedule 4 and reintroducing and passing the Justice for Victims of Occupational Disease Act. Failure to address these issues will mean that workers and their families in Ontario communities, along with our stressed health care system, will only continue to suffer the consequences.

Thank you for listening.

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

We'll now go to the official opposition for round one for seven and a half minutes. I recognize MPP West.

MPP Jamie West: Sue James, I'm going to start with you. Very similar information from all three groups—I wanted to reread; I was looking at the document: "The IAVGO report, entitled 'No Evidence' is based on a review of WSIAT decisions showing that a large percentage of rejected claims are not based on any evidence. Based on WSIB-reported acceptance claims, Buonastella and Furniss"—I apologize if I'm mispronouncing those—"noted that during a period of austerity under the leadership of David Marshall (2010-2016) rejected injury claims more than doubled in number to address WSIB's 'unfunded liability.'"

This came up with all three presenters today: The unfunded liability is used as a wedge so that workers live in poverty and aren't able to make ends meet, which has a negative impact on their mental health, which ends up failing their families and having families fall apart—not to mention their mental health.

We are repeating this pattern on a regular basis; would you agree? With the return of the unfunded-liability surplus, instead of going to the workers who are injured, who are living in poverty, with many on ODSP or OW—instead of actually funding the workers and carrying out the intent of the Meredith principles that founded the

WSIB process, this money is given back to employers. And as a result, when you have employers who have workplace deaths and are getting refunds for being safe workplaces, where workers have been injured and workers have been killed, what message do you feel this sends to workplaces when they're rewarded for not being safe workplaces?

Ms. Sue James: It's a negative one. I can say that—as you said, Jamie—the theme here continues.

One of the things with occupational disease is it is not part of the metric or the experience rating set out by the WSIB to enforce premiums. It has been always under the radar, so how do we know which workplaces cause these diseases from multiple exposures? What we have been trying to show is that there are patterns of clusters of all of these communities that had industry. Who should be held to account? It doesn't enforce the employers to do anything about it, because profit has always been over human life. So I would absolutely agree that we haven't gone far enough and the themes continue to happen.

MPP Jamie West: I think the other thing to emphasize is that for people who are suffering from occupational disease or workplace cancers, these aren't like the sudden impacts that you find when there's a workplace fatality.

In Sault Ste. Marie, for example, there was an explosion. I think the people were injured—not critically injured—but that makes the news. Somebody, after 25 years of work, getting occupational disease—COPD, asbestosis; any of those things—doesn't make the news. In many cases, those workers are retired. The co-workers aren't even aware that they're ill.

The outcome of this—I'll read here from a report: "Ontario has the lowest claim acceptance rate at 2.9 per 100,000 compared to 15 per 100,000 for Germany at the high end, and 4.7 for Belgium at the low end." When I read things like this, what it means to me as a taxpayer is that you have a workplace that's exposing workers to unsafe chemicals and products, and the outcome of that ends up with the person being ill, their life cut short. And the taxpayers end up paying for this instead of the workplace, and there's not an incentive for the workplace to capture the dust or gas or contaminates that are there. Would you agree with that?

Ms. Sue James: I would absolutely agree, Jamie. Most of these historical places, like the big corporations, the big industries—a lot of them, when it gets too difficult and the profit margins are going down because they have to put in proper ventilation, then they just close up. In the area where I live, there are brownfields and fences around an industry that was once thriving.

And you're right: The only way we see it is reading the obituaries, where we see colleagues and our friends and our family members that have died. It's the under-recognition that really plays a big part of it, and the acknowledgement: Like, who should be held accountable?

MPP Jamie West: Yes. Well, one of these workplace clusters is at a GE plant that's in the Minister of Labour's riding, so I'm hopeful that with his new role as the Minister of Labour, he'll look into this and address it. I

know those workers have been fighting for a long time for recognition.

Just because of time, I want to go on to Sang-Hun Mun—did I pronounce that properly?

Mr. Sang-Hun Mun: Yes.

MPP Jamie West: Something we heard yesterday as well from people representing injured workers: When you said injured workers with permanent disabilities live in poverty, you talked about the mental health and the family breakdown, and also—I think very important for your organization—you mentioned and spoke about how racialized injured workers have a more difficult time. We all hear calls all the time in my office where WSIB doesn't return phone calls, doesn't respond to people, but when there is a language barrier, it's even more difficult, or if you move back home, it's even more difficult. So I want to thank you for bringing that forward.

You talked about deeming. I agree 100% with MPP Wayne Gates that we have to get rid of these phantom jobs; you can't pay your bills with phantom money. But when you said that super-indexing does not help workers out of the poverty, what would you recommend? Because I keep hearing about the poverty injured workers are having. What do you recommend that we do?

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

Mr. Sang-Hun Mun: Yes, definitely, it's deeming. Deeming is one of the main systematic problems that puts injured workers in poverty, especially with those who have a permanent disability and cannot go back to work—no income at all. Still, WSIB has the power to end their benefits and health care, so how are they going to survive in this situation?

So we have actually—Novlette can actually share a little bit about her experience as a newcomer in Canada, but also, we have Capleton. I have his message as well, because he tried to join today from Jamaica, but their Internet is not stable, so he couldn't join. But I can actually read, if we have time.

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MPP Jamie West: It might have to wait for the next round to come around.

I think the Better at Work approach is important to bring up too. When you tell people they're better at work, if they're asked to do something that will aggravate or hurt an injury, they have to do that work or else they can be fired for insubordination. So, you perform the work, you get re-injured, then you re-appeal—

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

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

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

My question is for Occupational Disease Reform Alliance. Sue, I spent over 23 years working as a staffer in an MPP office, so I understand exactly what you are sharing with us this morning because our office was often the last line of assistance for them when they were at their wits' end. When I see this government including things like additional indexing in this bill, I feel like it's a detraction or a

distracted from the actual issue of occupational disease. So I'm wondering—I noticed proposal number 2 was in your brief, but can you elaborate for the record what the balance of probabilities looks like and just put that on public record for us, please?

Ms. Sue James: Recommendation number 2 is use the proper legal standard, not scientific certainty. That includes when a policy is not in place at the WSIB, the front-line adjudicators work on the balance of probabilities. They work on the merits and justice of each individual case, not bringing into the numbers of maybe cancer X that has gone across the board, like out of different industries. They have the merits of justice, the decision policies and the balance of probabilities.

The balance of probabilities from the claims that we have seen really doesn't reflect a balance at all, in our opinion. Quite often, they will say that the only cause for a specific disease or cancer is smoking, lifestyle, age, and they have no idea—I even read a claim where the person probably didn't eat leafy green vegetables, and that was the cause of esophageal cancer. The balance weighs heavily on non-occupational factors rather than the factors of what was going on in and around the environment when people were working inside this for a minimum of 40 hours a week, daily dosing and multiple known carcinogens. But they say that, "Well, that didn't affect you because you weren't working directly with asbestos," or, "You weren't working directly with metalworking fluids." The mists, the sprays and everything were around us. We weren't in haz-mat suits or with respiratory equipment. We find that—

Ms. Bobbi Ann Brady: Sorry; can I just jump in there for a second, Sue? I just have another question before we run out of time.

One of the responses I often received back from WSIB was that you fight your file with medical evidence. What are we missing with respect to the lack of medical evidence to fight these types of cases?

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

Ms. Sue James: The medical evidence, quite often, has been destroyed because a doctor has died, or the records are only kept for so long. We are forced to have some assumptions and to believe that that is correct data. The evidence of participatory research that workers have done, come together, is the evidence. A lot of the medical is based on people who didn't—they were diagnosed; they died within a week or two, and the family doesn't ask for an autopsy, so we really don't know all the implications. But they have gone through that, so—

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

We will now move to the government for seven and a half minutes. I recognize MPP Jordan.

Mr. John Jordan: My question is for Susan again. Thank you for your comments around the recognition of occupational disease. I know, from my past experience, that we have a very robust health and safety system, including inspections, particularly around hazardous materials. I'm wondering if you can comment on that, if you can see

changes to the health and safety system to better track occupational disease relative to organizations with these hazardous materials.

Ms. Sue James: I believe that we have put WHMIS in place. We have the workplace health and safety centres to provide training. But that didn't exist in the eras where a lot of people have come from: the 1950s onwards to about 2000. So we put in place things that would help workers to avoid trip hazards and avoid fall hazards, but we've never delved into what toxic hazards have been in place during this time. We pull from the environmental scans; we pull from the health scans where there is an elevated risk, and that has largely gone ignored.

We have the government today saying, "We're going to do another review. We're going to do another—" but there's no concrete actions towards defining what are the high-risk industries so that it doesn't happen again, we don't keep repeating the same thing, that we've learned those lessons and look at ways to enhance the toxic hazards. These people went into work with no protective equipment—none. And we have come to recognize that, yes, maybe they need it, but there was not proper ventilation, and if it was imposed, the company would refuse it because it cost too much money and basically workers were unaware.

This is all part of raising public awareness and raising the public confidence that our government is truly working for workers.

Mr. John Jordan: Thanks very much. So we're after the fact trying to discover what happened previously before the system was changed. Would that be a correct conclusion on it?

Ms. Sue James: Yes.

Mr. John Jordan: Thanks.

Maybe I'll just go over to Marilyn for a bit. Pre-1985: That's a while back. Do you have any data on how many workers were in that ballpark that you described with the lack of indexing and the lower rate not tied to their employment?

Ms. Marilyn McMahon-Ayerst: Actually, I did try to get that information through my MPP, Nolan, and I haven't been able to ascertain that, but I'm sure it's there. We just have to get someone to give it to us.

Interjection: Dig deeper.

Ms. Marilyn McMahon-Ayerst: Yes. I mean, the thing is, don't get me wrong, I'm sure that there is a decent amount of them. But the bottom line is, pre-April 1, 1985, persons that were injured or lost their lives are a reality. So if people April 1 onward were looked after, why not those that were before? And the thing is, pre-1985, yes, there is going to be a lot of [inaudible] no longer inactive claims. But I'm just saying, they were a group that was left out and there's no logic as to why, other than—well, we all know it's dollars. But the injury or the fatality shouldn't come down to dollars.

Mr. John Jordan: Thanks.

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

Mrs. Robin Martin: Thank you to all the presenters today. I did just want to mention that our government has

created, or is creating, Canada's first-ever Occupational Exposure Registry. This is in response to some of the things that have been mentioned today and the evidence being given. The new registry includes comprehensive exposure records, help with earlier diagnoses and contributions to expanding the list of presumptive illnesses in Ontario, guaranteeing worker compensation.

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Also, we're creating an Occupational Illness Leadership Table which will include some of the provinces foremost medical voices, along with labour leaders. So we are working to try to improve some of these historic deficits in some of the issues that were identified, and we're certainly open to looking for ways that we can improve these processes and make sure that our workers are being treated fairly and getting compensation etc. for their injuries.

I wanted to thank everybody for coming and sharing their views with us today. What I wanted to know was whether the occupational disease registry for exposure, which I just outlined a bit, is going to be helpful, in your opinion. I'm directing that first to Ms. James.

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

Ms. Sue James: Thank you for that question. I do recognize that has gone in, and I believe it's like trying to re-create the wheel of the evidence that we have put forth. I think it's a good thing, but it's a little bit late in the coming, because this has been going on for probably 40 years. So I recognize that. We would also like to be part of that and we have given a commitment to continue working with government on this, so I hope that happens, I do. Thank you.

Mrs. Robin Martin: Well, thank you, Ms. James. I always think it's never too late to do the right thing. We can certainly build on some of the work already done by people such as yourself to put forward this evidence and make sure that we're making improvements for workers in Ontario. That's certainly our objective.

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

We'll now move to our second round, and we'll go to the official opposition for seven and a half minutes. I recognize MPP Gélinas.

M^{me} France Gélinas: I note that Sang-Hun told us a little bit of the injustice that injured workers are facing. Ms. Novlette Evans, would you like to take a few minutes to share your story?

Ms. Novlette Evans: Yes, thank you. Good morning. From my own experience, I, as an injured worker and as a newcomer, feel the pain for all injured workers, whether it be migrant workers or steelworkers, chemical or asbestos, workers who have only started a job one day and never come back—that is also an injury—or who have also lost their job or been displaced from their family.

What happens when you cannot buy your kids a birthday gift? What happens when you cannot top up your Presto card for a bus or a train ride? What happens when you cannot explain yourself because you no longer have the will to speak up for yourself? And what happens when migrant workers are sent back home in wheelchairs and with walking sticks, or when families only see the corpse

of their loved ones, or when their children can no longer go to school? This is the case of migrant workers. Where do they turn? Who helps?

Have you lost an eye or a limb or your cognitive functions? What happens when our lives have changed without the hope to recover? Where do we live? We hear insults and statements like, “Get out. We don’t want you here. Your time is up. You can’t pay your rent.” Please, I beg of you, standing committee, to reconsider schedule 4 of Bill 149, so that injured workers are saved from this unending squalor. Thank you.

M^{me} France Gélinas: If you don’t mind, what changes would you like to see to schedule 4 or what changes would you like to see so we put things on a good path and avoid the stories like you just shared?

Ms. Novlette Evans: Thank you for that, madam. As Meredith had stated some years ago, it’s about how workers have given up their rights to allow the WSIB claim to reflect everyone. That’s the change we want to see. We want to see a change where you don’t only get \$1,200 and the rent is \$1,100, because nothing else is left to buy food, nothing else is left to pay the hydro, and that puts us in a very tedious state.

M^{me} France Gélinas: Thank you.

Mr. Sang-Hun Mun, would you like to add a few things to that?

Mr. Sang-Hun Mun: Yes, definitely. As Novlette mentioned, the Meredith Principles, that injured workers have to give up our right to sue the employer—in return, we have the WSIB benefit, but it’s not happening. So many injured workers, especially workers in precarious workplaces, are not getting proper workers’ compensation or health care benefits. They’re not getting them, and many of them are in poverty. Also, those sent-back workers, there’s no social assistance program in their country to access health care and income support.

So we want to end the deeming as soon as possible. We had an opportunity two times in the past. Nothing happened.

M^{me} France Gélinas: Number one: End the deeming.

Mr. Sang-Hun Mun: Yes.

M^{me} France Gélinas: Okay.

I would go to you, Marilyn. Your ask is, I’m guessing, pretty small in the scheme of things. How many injured workers from 1985—that’s almost 40 years ago, 39 years ago—could there be? A very small ask: Do we have an idea as to how many pre-1985 active WSIB cases we have?

Ms. Marilyn McMahon-Ayerst: See, with MPP Nolan Quinn, we were trying to get that answer. We haven’t at the moment, but we will continue to work together, and we could get that answer and resubmit it to you at a future meeting. Realistically, that is 40 years ago, so unless the worker or their family were young, in their early twenties—well, even if they were 30, there can’t be that many.

The bottom line is, realistically, if you look at the ones that are living, and they’re getting \$1,787 today—when the act changed in 1998, that was 13 years later. It wouldn’t have been so hard to bring them in, but it didn’t happen,

and that’s life. But the thing is that with the ones who did get it in 1998, and they were retroed back to April 1, today they’re getting \$3,375-plus a month. It’s such a huge difference.

M^{me} France Gélinas: Almost double.

Ms. Marilyn McMahon-Ayerst: Well, that’s exactly right. And the thing is, you figure those victims 40 years ago had to go through it on that meagre amount, so for those who have survived and everything, wonderful. But if we could make a difference, I just think the time is now, and it’s something that would have been nice if it would have been done in the past.

M^{me} France Gélinas: I fully agree.

Sue from the Occupational Disease Reform Alliance: There are lots of different occupational diseases. Does any other jurisdiction or province do better at being proactive at identifying occupational diseases, at putting in place health promotion and disease prevention in those workplaces, at mandating employers to take the precautionary principle into account in their workplace? Does anybody do that well?

Ms. Sue James: Yes. In fact, Dr. Demers’s report—the evidence and scientific principles, I believe it was, that he put out in 2020—remarks upon the jurisdictional scan across Canada, looking at other provinces. They virtually stay around the same, because they are beholden to the association of workers’ compensation boards. That all filters in, each province’s compensation board. But he also looked across Europe and other countries; really, their occupational disease was greater. And they also track—wherever their worker is, they keep that history of their workplaces. It doesn’t matter what country you’re in; they follow you. And if a compensation case came for either injury or illness, they would track that.

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

Mr. John Fraser: Thanks to all the presenters for being here this morning. I’ve been listening to the questioning in the go-around and your testimony. What comes to mind is something we heard yesterday, which is, 87% of claims are settled relatively—well, a few problems. It’s about 13% of claims where there are challenges. What I’ve heard from all of you is those challenges that exist. And I think of the super-indexing that this bill is talking about, which is essentially taking money from what is now a surplus and applying it across the board to that 87%, not the 13%.

In this bill as well, too, we’re addressing occupational cancers in firefighters, which we’ve done I think fairly well over the last 10 years, but what I’m hearing from you, Sue, is that we’re not doing so well in the rest of the workforce.

I’ll go around to each of you, but what I think I’m hearing is, why are you super-indexing when you’ve got these unresolved problems? Why are you applying this surplus to where there is no problem and not applying the surplus to where there are problems? So, (a), tell me if I’m right or I’m wrong; and (b), what’s your top priority in terms of applying the resources that are available?

We'll just go into the room and then finish. Go ahead.

Ms. Marilyn McMahon-Ayerst: I agree; the super-indexing needs to be directed and it needs to make commitments to especially the pre-April 1, 1985, victims and their families. As MPP Gélinas had mentioned, how many pre-then are there? Well, Bill 149 is dealing with occupational diseases such as in firefighters and inspectors. They're going back to January 1, 1960. That's a lot longer than 1985.

So, to me—I agree; we need to fix that 13% where there are problems, look after those families and injured workers, look after them well, then if there are still monies available, continue forward.

Mr. John Fraser: Thank you.

The Chair (Mr. Brian Riddell): One forty-eight.

Mr. Sang-Hun Mun: I just want to say that, in our experience, 13% is not the correct number. There's academic research that's saying almost 50% of injured workers with a permanent disability are living in poverty. That's the reality. What we want as the injured workers group, keep telling the government, is saying that the deeming is the main factor putting workers into poverty, especially those workers in precarious workplaces, like migrant workers and things like that. That's the priority.

Mr. John Fraser: Deeming—thank you. Sue?

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

Ms. Sue James: I would say that you're absolutely right. Why are we throwing money out to people who probably don't need it? Look at where research, where all of these things could go in. I would suggest that there is probably 50% of occupational disease victims and their families that have never received compensation, for a number of reasons.

Mr. John Fraser: Thank you very much.

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

Mr. Nolan Quinn: No real question, I just wanted to make a comment: We did really try to find those answers for Marilyn. We spoke on Friday on the phone, and unfortunately, the timing just wasn't necessarily correct, but our team is looking into getting some of that information for you. It's just, in the turnaround time, we weren't able to necessarily provide the pre-1985 questions. But I do thank you for your passion on the subject, because I know there have been some that have fallen through the cracks pre-1985, and we want to ensure that everyone is looked after with the system.

I have no real question other than, Marilyn, out of the four recommendations, what would be your most crucial one or the most important that you believe we should be following through with?

Ms. Marilyn McMahon-Ayerst: To be very honest, I think the most important is just to do something. Whatever timeline you deem is appropriate, hey, it's better than where they are now.

You speak of poverty. In 1985, the example I used was about \$900 and it's now \$1,787 a month. That's \$21,400.

They are just a smidgen over the poverty level. So whatever can be done, I think you have to have good conscience, look at it and say, "Okay. How do we help these pre-1985 persons? What is it that we didn't do and why didn't we?" In your best heart of hearts, look at it. I think they will be grateful for anything you can do.

Mr. Nolan Quinn: Thank you, Marilyn. Thank you for your passion. I appreciate it.

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

Ms. Patrice Barnes: This question is for Susan. We talked a little bit about health and safety with MPP Jordan. I'm just wondering if you think that imposing compliance and fines would lead to more compliance with employers around health and safety, around those pieces that you are particularly concerned about, the longevity of carcinogens and those sorts of things that workers are subjected to?

Ms. Sue James: I'm not sure I understand what you're asking me. I think enforcement is absolutely critical to identify at-risk and high-risk industries, and I believe that with the combination of the four recommendations that Odra puts in—and they have to be combined, because they all work together—that would help to alleviate the stress on the worker, for sure. It would alleviate the stress of the backlogs of all these claims going through, and by enforcing in the industry, these enforcement rules would also cause them to have a safer workplace for workers.

Ms. Patrice Barnes: Thank you.

The Chair (Mr. Brian Riddell): You have four minutes left. Any questions? Okay. Then we will move over to round two for the official opposition—

Interjection.

The Chair (Mr. Brian Riddell): No? We're done. Okay. I should have had more coffee.

CANADIAN MANUFACTURERS AND EXPORTERS

UNITED HERE LOCAL 75

The Chair (Mr. Brian Riddell): Let's go to the Canadian Manufacturers and Exporters: Vincent Caron, director of policy and Ontario government relations.

Thank you for your presentations, for the earlier group.

You can come up, sir. Please state your name for the record, and you may begin.

Mr. Vincent Caron: Hi. My name is Vincent Caron. I'm the director of policy and Ontario government relations at Canadian Manufacturers and Exporters.

Mr. Chair and committee members, thank you for having me today. I'm grateful for the opportunity to address this committee today on behalf of Ontario manufacturers on Bill 149, or the Working for Workers Four Act, as we know it.

Six years ago, Ontario ended the vicious cycle of unfunded liabilities for the Ontario workers' compensation system. As Minister Fedeli and the Premier often remind us, this enabled the government to reduce the cost of doing business in Ontario. By lowering premiums and redistributing surpluses on an objective basis, Ontario

created a more predictable environment that contributed to the halting the decline of manufacturing investment we had seen since the early 2000s.

We now see the reward of that work in the form of very strong manufacturing construction, much higher than elsewhere in Canada and almost on par with what the US is enjoying following implementation of the Inflation Reduction Act, but this is a fragile balance. In a time of elevated interest rates and global instability, we do see a slowdown in consumer demand, which is impacting the sector. Now is not the time to create more uncertainty on WSIB premiums, which is why we are concerned with the provisions of Bill 149, creating super-indexing. I will speak more about this in a moment.

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But first, I would like to recognize the importance of direct supports through our workforce, which Bill 149, in its entirety, represents. I heard comment yesterday at this committee that almost suggested that Working for Workers has to run counter to the interest of employers, and I would like to disagree on this. Working for workers is also working for manufacturing employers when it is done right. There is no manufacturing recovery without workers able, willing and happy to go to a physical location and collaborate in real time with colleagues to make the goods we rely on. It matters for future growth, because there were 18,500 manufacturing job vacancies in Q3 of 2023. We expect as many as 18,000 manufacturing workers to retire over the next few years, and that's every year. So growing vacancies will be an issue, especially as the economy recovers.

This calls for an important effort to bring the services, supports and complete communities that support our workers and their families. After all, there are many everyday obstacles that can prevent people from taking advantage of job opportunities. Take, for example, a single dad working the night shift as a millwright who is struggling to find daycare options, or a recently graduated autoworker, passing on the dream job, because she can't get to the assembly plant from a place where she can afford to live.

Luckily, there are also solutions, and we outlined a few in our latest report, Manufacturing Ontario's Future. The province must continue to provide targeted supports for workers. As a major association, representing manufacturing employers, we support measures from this bill and previous Working for Workers bills that removed Canadian experience requirements in the certification of skilled trades and job postings; promoted the availability of life-saving measures like naloxone kits to prevent health issues that may occur in the workplace—and tragedies, quite frankly; and introduced measures to bring more integrity in the temporary help industry. We were part of those discussions, and those were positive discussions.

The key for us is to support workers in ways that create competitive marketplaces that promote labour market participation, upscaling, learning, general health and safety and, of course, fair compensation and support when injuries do happen, which brings me to the provisions amending the Workplace Safety and Insurance Act. An important

area of concern for employers in Bill 149 is the super-indexing provisions. We heard from the Ontario Business Coalition yesterday. We support their submission, and they drew from some of the top experts of the health and safety system in Ontario. Everyone here should read that submission. I know some of you have, and it's an important submission.

In short, what the provisions amount to, as has been discussed already, is modifying benefits through the back door. Those benefits are legislated, and it's always legitimate for government to change them through legislative amendments, but using the indexing formula is problematic on a few fronts. First of all, it ignores that it is employers who fund WSIB benefits. When the system had an unfunded liability in previous years, employers paid elevated premiums to pay it back. It accepts and furthers the idea that WSIB premiums are like regular taxation and can be used at the discretion of government for policy purposes.

It bears repeating: This is an insurance regime. If it collects more money than it needs to pay benefits, premiums should go down. Doing otherwise only invites more political use of WSIB benefits in the future. It is not a transparent way to support workers. There's nothing in the bill today that tells us how much the cost of benefits will increase. We do have statements made at the time of announcing Bill 149 but no guidance in the law on how the authority will be used.

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

Mr. Vincent Caron: Actuarial cost projections should always be considered in this process.

It undermines the predictable indexing of benefits based on an objective measure, which matters for investment. Previously, we could tell businesses it would grow at a rate equal to CPI every year. Now it's CPI plus a question mark.

Finally, and based on my remarks earlier—I think it's the most important point—the government of Ontario is broadly pursuing the right economic policy. It lowered costs for businesses, aggressively improved supports of training and upskilling, and it's developing, currently, an industrial strategy to tie it all together. As a result, manufacturing construction is up. So why would we risk any of that, is the question I would ask.

The Chair (Mr. Brian Riddell): Thank you. We'll now call on the Canadian Manufacturers and Exporters—*Interjection.*

The Chair (Mr. Brian Riddell): Oh, excuse me. Unite Here Local 75: Guled Warsame, president and Canadian director. And he is virtual.

Mr. Guled Warsame: Good morning. I hope you can hear me. My name is Guled Warsame, and I'm the president of Unite Here Local 75 and the Canadian director of Unite Here Canada.

Unite Here is the largest hospitality sector union in North America. We represent over 400,000 workers across North America, 22,000 hospitality workers in Canada from coast to coast to coast, and over 8,000 Unite Here Local 75 members in the greater Toronto area. The major-

ity of our members are women, people of colour. They come from all corners of the planet, as immigrants, refugees and recent newcomers. For some of our members, they have achieved over 40 to 50 years of experience in the industry.

Unite Here appreciates the level of co-operation from the government to address the challenges hospitality workers are facing. I would like to thank the Standing Committee on Social Policy for the opportunity to appear in front of this committee to present our perspective on Bill 149, Working for Workers Four Act.

As we go in depth into discussions surrounding Bill 149, it's essential to highlight the hardships faced by our union members, particularly in the aftermath of COVID-19. Hospitality workers have been on the front lines during the pandemic, facing immense difficulties that extend beyond our conduct health concerns. Hospitality workers are essential to the Ontario economy, our restaurants, hotels and other establishments that define our province.

Workers are facing a complex economic landscape due to inflation, the very rapid rising cost of living and other post-pandemic challenges. It is urgent that Ontario improves legislation to protect workers' rights, enhance working conditions and provide economic security.

Bill 149, with its proposed amendments to the Employment Standards Act, ESA, represents an important stride towards acknowledging the invaluable contribution of hospitality workers. However, as we navigate through these amendments, it's crucial to recognize that the journey towards securing the well-being of our workers is ongoing, and we have to do it every day.

I appreciate that the bill stands against wage deductions for stolen goods or services. Protecting workers and their wages ensures we have a healthy, thriving workforce. While I know this is not a common practice within our union and within our properties, bad actors within the industry, who enact wage deductions for stolen goods, create unsafe work environments and deeply impact workers' health and well-being—at the end of the day, what they take home. This change codifies protection for all workers and ensures that the onus is no longer placed on of the workers to protect goods and services—a common-sense change that prevents potentially dangerous pressures on the workers in the case of theft incidents.

I support the changes to ensure work trials are paid. Any task completed for an employer that has intrinsic value to the business, the company should be paying. The worker, no matter their employment status or its duration, must be paid for work performed. That's just a common-sense approach to running a business with workers. Still, there is an opportunity to ensure fair compensation during trial periods. This could be achieved by including trial periods in the definition of training.

The new changes mandate employers to publicly disclose their tip redistribution policies and to allow for workers to know how their tips are paid to them. Both of these changes create more protection for workers' pay and are important steps for greater transparency.

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Tips are ingrained in how service workers, like some of my union members, are paid. The process of tip distributions can create inequities in who gets what and who takes what home as part of their pay and how managers share that tip distribution. We worked very hard to make sure that our workers get their fair share. These changes will create greater transparency, protect against employers who want to make unfair deductions on what workers are owed and allow all workers to better understand why they take what they take home at the end of the day.

There is more that can be done to ensure how tips are distributed is fair for workers. Similar to health and safety legislation, tip distribution policies should be formulated and adjusted with management and workers in the process to ensure these policies include workers' voices.

As a union that serves and represents a large number of immigrants and recent newcomers, I appreciate the bill's stance against requiring prior Canadian experience. As an industry, hospitality has been one of the most welcoming of newcomers from every corner of the world. A lot of times, it's the first stop for many recent immigrants. Our membership reflects that diversity.

Our unwavering commitment is to ensure that every hospitality worker in Ontario is afforded the right conditions to work, protected from exploitative practices and provided with a paycheque that reflects the dignity of their labour.

I welcome these positive steps taken through Bill 149. We'll not lose sight of our ultimate goal: to create an environment where one job is truly enough.

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

Mr. Guled Warsame: As we work toward economic recovery, we must collectively strike that not only values the contributions of its workers but actively invests in their well-being. I truly believe that we can continue to work together toward a future where Ontario is not just the best place to work and raise a family but a province that cherishes and protects its workers.

Thank you for your time and attention. I'm open to any questions that you may have.

The Chair (Mr. Brian Riddell): We will now turn to the independent members.

Interjection.

The Chair (Mr. Brian Riddell): She's not showing.

Mr. John Fraser: You're right this time.

The Chair (Mr. Brian Riddell): It's rare, but thank you so much, John, for pointing that out. I appreciate that.

Mr. John Fraser: It's just this morning, right?

The Chair (Mr. Brian Riddell): If you noticed, I am drinking my coffee, so thank you for that. Are you ready, sir?

Mr. John Fraser: I am ready, thank you.

The Chair (Mr. Brian Riddell): MPP Fraser, go ahead.

Mr. John Fraser: That's actually my family motto, the Frasers: "I am ready."

I thank you very much, Chair. And thank you very much to both the presenters for being here this morning.

I'm going to begin in this round with you, Mr. Caron, about super-indexing. We've kind of heard from both sides about super-indexing. I understand the concern of the manufacturers and exporters, which is, "What does this mean?" It's an open-ended bargain. There are no criteria, and it seems to be a distribution of a surplus over a large group of people. Then we've heard, subsequent to that, from workers, which is that we have these problems from an insurance perspective, where it's not working for some people, which affects—if you've got an employee who has been injured, who is having difficulty in dealing with WSIB, it costs you in the sense that that person is not coming back to work. It creates pressure in different things inside your organization.

In terms of the use of the surplus, I understand, because you do pay the premiums as an employer, but it is a benefit that is something that employees depend on. Would you agree that it would be a better use to look at how you could strengthen the program to ensure that it worked more for all workers, as just opposed to using the surplus in that way, as opposed to super-indexing, which is spread out all over the place?

Mr. Vincent Caron: Yes, I think you diagnosed the issue correctly with the policy vehicle that's selected here. As I mentioned in my remarks, governments can always revisit benefits, and there have been studies that have been quoted by the Ontario Business Coalition that benefits were broadly adequate, but we always need more study. We always need more realities to be explored, so that we can confront that and make sure that benefits are adequate, to your point.

That's also the point of my remarks, I think: We should never see working for workers as in opposition to working for employers. Really, the two go in hand. If the employees are not in a position where they are healthy and can contribute to the workplace, then no one wins. The employer doesn't win there.

Mr. John Fraser: Yes, I think that the policy approach is broad and leaves itself to—nobody knows what's going on. So I think what I've heard from you and from others is, if you're going to look at benefits, look at benefits, right?

From workers, we've got these challenges. We just heard about pre-1985 and the difference one day makes, where people are disadvantaged, and that's an injustice. It's not pointing at any particular government—it's over 40 years—but we should address things like that and take a look at those challenges with that surplus and take a look at what we're doing with occupational disease, which would apply, I guess, in the case of some of your members.

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

Mr. John Fraser: Are we adequately addressing occupational disease? Are we doing justice by the workers, to make sure that—

Mr. Vincent Caron: And I would add to that making sure that harms don't happen in the first place. When we also remove money from employers, to always just look at the compensation side, we also forget the important part, which is all the health and safety measures that need to be

in place to get to that zero-injury vision that we all want to strive towards.

Mr. John Fraser: Yes, it's a position of supports and pressures, to be able to get to that. Thank you.

I don't think I have much time left.

The Chair (Mr. Brian Riddell): You have 13 seconds.

Mr. John Fraser: I'll give it up to these guys. I won't forget.

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

Mrs. Robin Martin: Thank you very much to all of the presenters for your helpful comments and input. We appreciate you coming here and taking the time to share your opinions with us.

I think I've already asked a few questions about labour market participation, and I know that Mr. Caron mentioned in his presentation that we should support workers in ways that promote labour market participation. It has kind of become a bit of an obsession with me, despite the fact that the government is seemingly on the path to manufacturing recovery, for example, doing well compared to comparable jurisdictions and doing well even compared to the US—in Ontario, anyway. It is important, I think, that we continue to make sure there is increased labour market participation.

I was just wondering if you could share with us what your thoughts are on what ways we can further support labour market participation. I opened your report that you mentioned, so I'm looking at that, but there are a lot of recommendations to try to sift through, so I'm just interested in this idea.

Mr. Vincent Caron: Well, two things that we can do and continue doing—first of all, support for parents with affordable daycares: There have been considerable measures that have been already brought by both levels of government, the federal and the provincial government, to make daycares more affordable. We heard in our consultations last year in support of the Ontario Advanced Manufacturing Council from several companies that there are targeted situations where daycare is hard to access. We're not a pure 9-to-5 sector. There are night shifts, and so obviously it's a different type of daycare in that context. Sometimes it would be in a family environment, because the child will be sleeping, but we need to have these targeted services for workers.

And the same thing goes with southwestern Ontario, which is sometimes a hard region to navigate and get to places from congestion. There is the availability of transit for workers that may not have a car, but the manufacturing plants and factories are most often outside the city centre, and the industrial areas and residential areas need a bit of buffer to really coexist effectively. Anything that gets workers to work and makes it more convenient for them really helps manufacturers.

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Mrs. Robin Martin: Thank you very much for that. I'm wondering if you have any suggestions, or if the CME has any suggestions, about how to get groups that are

historically not participating into the workforce, or something more specific for, perhaps, newcomers who might face barriers to getting involved in the workplace.

A particular obsession of mine is people, for example, on the autism spectrum, who may have different needs to get into the workplace. Some of them are very high functioning; some have more challenges, but if there were barriers we could remove there may be a whole group of people we could get working. People with developmental disabilities is another example. If CME has any specific recommendations about getting those kinds of groups that may not have just the general barriers—they may have other barriers that perhaps could be addressed—I wondered if you had any insights specifically on those groups.

Mr. Vincent Caron: Absolutely. For newcomers, I'd say that's a very big area of interest of ours. We have a program called the Manufacturing Readiness Program. What this program is, essentially, is for people who are interested to be transitioned to the manufacturing sector. It could be people recently arrived to Canada; it can be people who are transitioning from other sectors. We offer foundational training so that they know what to expect. It's a bit of Lean—so, working smarter—and it's a bit of health and safety. You have employees who, before even going to see employers, know a little bit more about being safe in the workplace and maybe are a bit more equipped when they do get that training from their employer. It really reinforces things they already know, and then maybe they feel a little bit more confident saying, "Hey, well, this doesn't feel safe over here," and create more of that dialogue that is needed with employers. We all create safe workplaces together.

Mrs. Robin Martin: I'm not that familiar with the statistics about labour market participation, but I think part of the issue is younger people staying out of the workplace longer. I wonder if a program like the one you just described would also be useful to help younger people consider those options, and if you do any outreach to colleges, universities, high schools.

Mr. Vincent Caron: That's another recommendation of the report. We really work early with learning institutions. We have an initiative that is in the pilot stage right now called the regional industry council and it's in southwestern Ontario. We do meetings with high school OYAP coordinators, universities, colleges. Importantly, we put them in the room with the manufacturing employers and we go see something. We go see a facility. We think about, in that context of a manufacturing facility, how do we really gear our learning system. It's in high school; we even think about what we do in elementary to get people thinking about a career in manufacturing. That's work that we obviously want to grow, have one in every region of Ontario and be very aggressive with that.

Mrs. Robin Martin: Thank you.

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

Ms. Natalie Pierre: Thank you to both of this morning's presenters. My question is for Unite Here and Mr. Warsame. The proposed changes that we're proposing to amend the ESA, about dining and dashing, payment of

wages and tips, disclosure of tipping-out policies and unpaid trial shifts would all affect employers in the hospitality industry.

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

Ms. Natalie Pierre: I'm just wondering if you would comment, based on your experience, on what elements of Bill 149 you see as the most important issues that would affect members of your Local 75.

Mr. Guled Warsame: Thank you very much. For one, allowing workers to choose how tips and gratuities are paid to them ensures that the process is accessible and transparent. Right now, one of the things that we're going to have to try to negotiate when our contracts expire—most hotels in the Toronto area. This July, it's these new machines and how workers are tipped. One of the things that we want to put in our collective agreement is that any fees or any administrative fees don't go to the workers, that workers don't bear that cost.

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

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

MPP Jamie West: Mr. Warsame, did you want to finish what you were saying?

Mr. Guled Warsame: Sure. We just have to make sure those tips go—as we are changing to a cashless society, we just negotiated at the Park Hyatt hotels, where now almost all the hotels are cashless. There are no fees for the workers, but those are workers who have a union; there are many, many workers in the hospitality sector, many of them vulnerable, who don't have a union. This protection will help them.

Also, the dine-and-dash: Even though we don't have it in the unionized places, there are many places where workers, we hear, especially when they come to the union—those dashes are deducted from their paycheques. So it would be a good move to protect all workers.

MPP Jamie West: When I first heard about the tip distribution, I was hoping that there would be a requirement to post it somewhere where the customers could see it too, because as a customer, I would like to know that my tips are going to the people who are doing the service, and I think it would raise awareness about—we tend to see the front-line staff, but we don't always see the dishwasher or the other people who help with the service.

On the three things that you mentioned: There was wage theft, or dine-and-dash; work trials being paid; and requiring Canadian experience. Now, all three of these already exist as legislation. Wage theft already exists under the Employment Standards Act, work trials already exist under the Employment Standards Act and requiring Canadian experience is against the law, under the Human Rights Code. In fact, there are 8,000 cases of complaints that are on it. In your position as the president—I think you said national president, or international president—

Mr. Guled Warsame: I'm the national president, but also I'm the local president.

MPP Jamie West: Okay. Unite Here Local 75 is a really strong union with really amazing members, but like you just said, there are a lot of workers who don't have

this union. They don't have these people who are able to educate them and advocate for them.

How can we ensure that these three schedules, which are basically mimicking what already exists in legislation, are carried out effectively? Because what we heard yesterday is that there are some bad actors on the employment side who do this on a regular basis, and we're hearing that the complaints come from them on a regular basis but they don't seem to be stopping.

Mr. Guled Warsame: Education is going to have to be one big part. Passing the legislation, Bill 149, the Working for Workers Four Act, is a major step.

Although we know that as unionized members, they have a little bit more protection than non-unionized, we hear many stories. We hear stories like how our workers had to bring their own cleaning supplies to the hotel and then go home, or sometimes stay after work to finish the rooms.

So all this will be good protection for workers who do not have, say, a collective agreement, but even with the collective agreement, many times we find ourselves defending those rights that exist in the act. So it's a lot of education; a lot of publicizing of what this bill will protect would be a very good step forward.

MPP Jamie West: Well, I guess if the government isn't effective at enforcing this legislation, it would make it easier for unions like yours to unionize these workplaces where they're being exploited.

Mr. Guled Warsame: We are trying every day.

MPP Jamie West: Mr. Caron, I appreciated your conversation. I think you said a couple of times there's no manufacturing recovery without workers. Focusing on child care and transportation, I've seen that in my own riding; almost everything is 50 minutes away, where people can't get to jobs because the transportation doesn't work effectively.

I think this is good from the business perspective, because we've heard from several worker representatives and injured workers' groups about how members, particularly with permanent disabilities, end up in poverty and their family life falls apart. I know you have that concern about—"CPI-plus?" is how I wrote it down; I think that's how you said it. How do we balance this? I know there are good manufacturer places out there—I know there are; I'm not trying to be dismissive—but how do we balance this between workers being able to earn a living and, if they're injured, being compensated so their family life doesn't fall apart and they aren't sent into poverty?

Mr. Vincent Caron: Well, we have to balance it, and the big picture is, the benefits do balance it. They are indexed to CPI, and last year was 6%, and wage appreciation was not 6%. Obviously there are effective indexing provisions, which is why we're addressing these specific provisions in the act. This is not a broad argument. We agree that fair compensation needs to happen when employees are injured, so these benefits need to keep up with the cost of living, which they are right now.

1130

The question of gaps in delivery, potentially—that's something that we would need to study separately. It would need to have its own evidence and also its own actuarial projections to see, if you want to create a new benefit, here's the cost to the system, and here's how this benefit reconciles with the other benefits that already exist." That's our point on this.

MPP Jamie West: It almost feels like it's an elastic band. The unfunded liability was a crisis, and so it stretched really far and more claims aren't being accepted. And then as it increases, it stretches far the other way and we've got to catch up by doing a plus question mark—

Mr. Vincent Caron: But that's it. That's where that reaction is not necessary, because there are natural mechanisms within the WSIA to bring down the premiums. So if we pay too much into it, then premiums come down so that this is in alignment. There's a range; I think it's 110% to 120% of the benefits that you have to pay for. There's a warning zone that tells you, "Okay, now we're in that zone where we need to redistribute funding to employers." These mechanisms have been there for years. They function effectively. We are, thankfully, not in an unfunded liability situation, and we cannot fool ourselves to think this will last forever.

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

Mr. Vincent Caron: Because we could have a government say, "We'll redistribute a little over here," and then the next government comes and does something different. If you create that political pressure in the system, you'd never know when you're going to be in that unfunded liability territory again. Right now, it's objective. Let's keep it objective.

MPP Jamie West: Right. I think you talked about—I don't see my note here, but I know I wrote it down—requiring more workers to come in. What I've heard continuously since I've been elected is the importance of stability and predictability for business. That's been heightened a lot coming out of COVID. I think also in manufacturing, a lot of workers—it was kind of out of sight, out of mind, or were steered away from it through guidance or whatever else and not recognizing there's good jobs in that field.

Mr. Vincent Caron: Yes, absolutely. Thank you.

MPP Jamie West: Thank you, Chair.

The Chair (Mr. Brian Riddell): We'll now move on to round two, to the independent member. I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you to our two presenters.

My questions are for Vincent. I agree with you that perhaps your take-away from yesterday's consultations was that it was an employer-versus-employee or employee-versus-employer situation. We should be developing a symbiotic relationship between employer and employee. As policy-makers, when we make these decisions, we should be aiming to do that. Perhaps this legislation was intended to do that, but we do see some situations in the bill where it could be perceived that it's pitting employee

against employer or vice versa. Especially when we see Restaurants Canada—they were here yesterday. They indicated that 56% of their establishments are operating at a loss, and adding further burden to an industry or industries that are already struggling undoubtedly means that businesses will close and there is the fear of lost jobs.

I asked the minister yesterday to prove the policy rationale. Surely if super-indexing is required, if it's to be included in this bill, certainly he would have data to prop up that policy. He failed to provide that information, and he spoke largely about the importance of supporting injured workers. As we've all ascertained yesterday and today, none of us would deny that. Having healthy workers is obviously of benefit to folks like you.

So I don't understand why it's being included. It seems that the government is trying to fix a problem that doesn't exist. Certainly they knew that before we came into these consultations, because I would think the government would consult on such an important piece of the legislation.

So my first question to you is whether or not you or the manufacturers and exporters were consulted on this piece of Bill 149 before it was introduced?

Mr. Vincent Caron: I'll have to answer no on that provision.

Ms. Bobbi Ann Brady: Okay.

I'm a bit suspicious of super-indexing. We have the saying that the devil is always in the details, and I'm worried about the devil in the details. I'm wondering if you have any intelligence or any knowledge as to why super-indexing might be included in Bill 149.

Mr. Vincent Caron: I won't answer that question, because I can't guess the motivations. I think we all want to support workers at the end of the day, and there are various ways to achieve that. I don't think there's anything nefarious here, but it's also the role of committees like this to look at legislation and see if there are things we can improve, and I think it's really the spirit of what we are doing today.

Ms. Bobbi Ann Brady: That's a good lead-in to my last question. I believe that injured workers' medical expenses, for the most part, are covered. You mentioned CPI and the fact that they are not falling behind, as other presenters have tried to articulate. You mentioned daycare, transportation—

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

Ms. Bobbi Ann Brady: Are there any other items that you think could be included that would support injured workers in a better fashion?

Mr. Vincent Caron: The government is very supportive of health and safety measures. We have the Health and Safety Excellence program, which we've had for four years, where we invite the WSIB into our workplaces and show them how safe they are; 4,000 employees in four years have participated in that. It has been a tremendous success, something the government has been really supportive of.

There are other measures here that I've mentioned in my statement where we support the government in wanting

to support workers. We want to continue working with government on that—very positive.

I think this is one little piece of the bill. We should make improvements, but there's very good support to workers right now. There's a lot of commitment and a lot of money for training, for apprenticeships—for apprenticeships earlier; when students are in high school, they can pursue apprenticeship earlier. That's a very positive point—

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

We will now move to the government for seven and a half minutes. I recognize MPP Pierre.

Ms. Natalie Pierre: Thank you, Chair. I'd like to return to Unite Here. I heard you speak about tips as an important issue, and paying out of tips and wages as an important issue for your membership. I wondered if you could you take a moment or two and talk about the dine-and-dash or having to pay for thefts, and the unpaid trial shifts, if those are issues that you have heard from some of your members.

Mr. Guled Warsame: Thank you. Dine-and-theft is not what our members hear a lot of times, and the reason we don't hear it and it works is because we do have a collective agreement that specifically specifies that they cannot be deducted from workers. But many times, although it might be difficult to organize for a union, we hear from the non-unionized hotels and restaurants where for some workers, if a customer leaves without paying the bill, it is deducted from their wages. And they're always afraid and scared to complain, because they know they could be terminated, and then it's an uphill battle once that worker is terminated to get their job back without a union and not knowing where to go.

For me, it actually brings all those non-unionized workplaces to the same level as unionized workplaces, where people do not fear, "Am I going to go home tonight actually losing money while working?" If a couple of customers leave in a busy establishment, they will be deducted, right? I think it's really important that they don't have that fear that it will be deducted from their paycheque.

Ms. Natalie Pierre: We've talked a lot about health and safety for employees today, and I would imagine that an employee or someone working in the hospitality industry might actually put their own safety at risk by trying to stop someone maybe doing a dine-and-dash. So I'm hopeful that these changes will have a positive effect on that side, as well.

The other thing that I wanted to talk about with you is about our government's continued investment with the hospitality sector through the Skills Development Fund, and I'm curious about your thoughts on the partnership through the Skills Development Fund and the hospitality industry and how you would like to see this program evolve.

1140

Mr. Guled Warsame: Unite Here and hospitality workers in Ontario, we are very grateful, with the Skills Development Fund. When the pandemic happened, our members and hospitality sector workers in general were one of the

hardest-hit industries. From our experience during SARS, our members were the first ones to be laid off, and they were the last ones to come back. We knew, with the magnitude of COVID, it was going to even be bigger. With the government funding, we were able right at the onset of the pandemic to establish a virtual training centre where workers were being trained, were being upskilled. They were kept in shape to go back when the economy reopens. So it has been very, very helpful.

I don't have the numbers with me, but also in the non-union hospitality sector, many workers have been trained. We just had our last culinary program, where 25 new Canadians took place, and all those ones will be hired by one of our employers. So this partnership has been great. Now, we are expanding, hopefully, to what will become the first physical hospitality training centre in Ontario where, like the building trades, there is training for hospitality workers where they can be placed in the industry. So it's been a very successful story.

Ms. Natalie Pierre: Thank you.

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

Ms. Patrice Barnes: My question is to the Canadian manufacturers, Vincent. We've heard a lot of discussion about the indexing piece. So, I would ask you, in regard to representation, what would you like to see that look like, or what would you put in place within the bill that would give a little bit more certainty to employers and still address the concern of workers?

Mr. Vincent Caron: I would amend the bill to remove the provisions on super-indexing. And that would maintain the current system, which is CPI indexing, which is appropriate.

Ms. Patrice Barnes: Okay. Thank you.

And to, I want to say, Unite Here, there are some things that the government had done in regard to changing things that really impact immigrant workers to be able to get into the job, the workforce, to be able to upskill their skills. So, what would be some of the other things that you would like to see done that would be very effective for your workforce?

Mr. Guled Warsame: Thank you very much—and I know it's a very hard name to pronounce, Guled, sometimes.

Look, this WSIB super-indexing, I think it will be a good step for injured workers. In our industry, many people don't realize how difficult it is to be a housekeeper or to be in the back of a kitchen that moves so fast. When you get injured, you have extra costs that actually add to your regular costs Monday to Friday, going to work, taking one bus. You have to go to physio. There are so many hidden costs that workers endure that we hear about it. We do have a fund that we negotiated.

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

Mr. Guled Warsame: We try to help the underprivileged workers but it will be good, from our point of view, if it was super-indexed to the cost of living, because cost of living has been very out of whack for the last few years, and I don't expect it's going to be like this, but it would be

good to have that security in the back pocket in case if you get injured.

Ms. Patrice Barnes: Thank you.

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

Mme France Gélinas: Vincent Caron, I will start with you. You made it clear that in order for businesses to do as good as they could, they want predictability. This new amendment in the bill, changes in the bill, brings question marks rather than certainty. This is kind of the main reason against this clause. Am I reading you right?

Mr. Vincent Caron: Yes.

Mme France Gélinas: On a different path, you've mentioned a program through WSIB that helps some of your members learn about health protections. What else could the government do to help as many of your members as possible to look at health promotion, disease prevention, to be as safe a workplace as possible? Is there a role for government to help your members in there?

Mr. Vincent Caron: I think yes. Those existing programs, to have them also predictable and stable, that's really important. The Health and Safety Excellence program is—I think it showed it brings employers to the table on the safety conversation, and it creates good financial incentives for companies to just get rid of injury, because that's what really is the enemy here.

I would not bring anything grand here, because I think we've got it right, mostly. Largely speaking, the liability has been eliminated. The benefits grow at a rate that's predictable according to objective metrics. We can always support more safety upfront. An ounce of prevention is worth a pound of cure—it's a cliché, but it's so true—so if we want to look at public policy to help injured workers, I would focus first on them not being injured in the first place.

Mme France Gélinas: Is there an openness within your sector for that kind of training that comes, or are some more willing and others more reluctant? You represent a huge sector area.

Mr. Vincent Caron: We represent a huge sector, and we can't know what individuals think about training. I think when there's cost to training, there's always danger that employers who are less profitable start cutting corners. We don't want that, so also, we have to make sure the affordability pressures are taken care of, that health and safety programs are generous, so they make it so compelling for an employer to be safe that he never considers the alternatives.

Mme France Gélinas: You mentioned that 4,000 employees have participated in the WSIB. Would you know how many employees there are altogether in your sector?

Mr. Vincent Caron: In Ontario, there are 780,000 employees. In terms of employers, it's—you're testing my memory here, but I think it's closer to 20,000, 30,000 businesses. I would need to check that number. I don't remember it off the top of my head.

M^{me} France Gélinas: Okay, so, tens of thousands of businesses and over 700,000 workers, and 4,000 have participated. I say we still have a lot of room to grow.

Mr. Vincent Caron: I'd say yes. I say I don't understand sometimes why employers won't participate in this program because it's a very attractive program for them. It's like in any insurance regime: If you're healthier, your insurer rewards you for that. That program creates that incentive. We would urge all manufacturing employers to look at the Health and Safety Excellence program. We have details on the CME website. I say it's a program that we promote to everyone who will listen, and more companies need to take advantage of it.

M^{me} France Gélinas: Okay. Thank you.

Guled, I would like to ask you—I realize that you represent workers who are unionized, so they have protection, they have somebody to turn to. But could you share with us some of what would be considered unfair practices for sharing tips, practices that you don't think should continue to carry on, and share with us what would fair tip sharing look like, if I'm using the right words.

Mr. Guled Warsame: Sure. In most of our contracts, we negotiate how we share tips. Managers get a percentage; we get a percentage. There is also transparency where we can look at the functions: how many functions were there, how many tips were there and how they distributed it.

One of the things that I think will help workers in general is to have transparency on the tips distribution and for management not to withhold any tips.

When it comes to any fees, these machines bring—as we know, we've moved more now into automated tips. We used to have management fees, in our properties, that we were able to get rid of. So now the tips are shared transparently, and we know what workers are getting on a daily basis, weekly basis and monthly basis. We can audit those tips.

M^{me} France Gélinas: So management always gets a part of the tip? I must say that when I tip someone, I never expected that I was tipping management.

Mr. Guled Warsame: I'm talking about the functions, like when you book—

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

M^{me} France Gélinas: Sorry; I didn't hear.

Mr. Guled Warsame: Sorry. Those were the banquet functions. But for all the general tips at the restaurant, all those—100%—go to the worker.

M^{me} France Gélinas: So you don't want the workers to be responsible for the fees associated and you want the distribution to be fair.

There's often an envelope, when you stay in a hotel, so if I put 20 bucks in there, does it go to the person who makes my room, or does she or he have to share it with everybody?

Mr. Guled Warsame: Right now, it goes to the person who cleaned your room. One of the things that we have negotiated since the pandemic, because our contract didn't expire, is all these new machines that now are coming—that you can tip through the machines. Right now, they're going to the workers, but that—because it's not clear lan-

guage, at any time, the company can change and say, "Now there is a fee"—

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

This ends this morning's session. We will now go into recess until 1 o'clock this afternoon, and we will resume then.

The committee recessed from 1152 to 1301.

MR. SEAN THOMAS KENNEDY

SOUTH ASIAN WOMEN AND
IMMIGRANTS' SERVICES

IAVGO COMMUNITY LEGAL CLINIC

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

I will now call on Sean Kennedy to please come forward.

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

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

Mr. Sean Thomas Kennedy: My name is Sean Thomas Kennedy. I have been a bicycle courier with Uber Eats since 2021. I'm here to talk about why this so-called Working for Workers act needs to be repealed immediately.

Every year that I have done this job, the pay has decreased dramatically. When I started in 2021, I would typically make about \$20 or \$30 an hour doing this kind of work. When this bill was rolled out in 2021, it was reported that we were going to get paid minimum wage. And I should say, these days, the average for this kind of work—when you see these guys downtown, they're making \$7 an hour before expenses. When this bill was rolled out originally, it was widely reported that we were going to get paid minimum wage. I want to state unequivocally that this is a lie. This notion of "engaged time," only getting paid for a portion of the time you're at work—this is a ludicrous fabrication created by the Uber corporation, and it's one of the main ways Uber is making billions of dollars off the backs of hard-working couriers like me and many others and paying us less than minimum wage.

To give you some context, I want to talk a bit about some of my experience doing this job.

One of the worst experiences I have had doing this is when I worked more than 35 hours in the coldest part of winter and made less than \$200—and when I say "coldest part of winter," I mean minus 10, minus 20. I'm out there on my bicycle. I would get on all my winter gear, my

layers. I would bike downtown to where this app would tell me there's work, there are orders, and I would get no orders. For hours, I would go without getting orders, I'd be biking around, and I did not get paid during this time. And if this so-called Working for Workers act was being enforced, I still would not be getting paid during this time, because none of this time when I'm working, biking around in arctic weather, is considered engaged time. But I'd like to ask you, if I'm not working during this time, what is it that you think I'm doing?

My experience is not unique in the slightest. When I talk to other couriers out on the street, they all say similar things. The pay is around \$7 an hour before expenses—it could be more; it could be less. It's unpredictable piecework. You can get lucky, have a good day and make more than minimum wage—but it's just luck.

We can't control who the algorithm is giving orders to. We don't know how it decides who to send orders to or how much the pay should be. Uber has all the control, and we are just gambling with our time.

The idea of paying minimum wage for engaged time is laughable. The reason we are getting paid less than minimum wage is because we are not paid for all the time that we are working.

With this so-called Working for Workers act, this government is legitimizing these horrible working conditions. We know that we are not independent contractors; we are employees of these app companies, who are not receiving all the rights and benefits that we are entitled to under the Employment Standards Act.

An officer of the Ontario Ministry of Labour ruled that an Uber Eats courier is an employee of Uber, based on the amount of control that Uber exercises in the relationship. Why is this government not enforcing that ruling and giving us all the rights that we desperately need? We are getting paid less than minimum wage because we've been carved out of the Employment Standards Act. If this government was serious about working for workers, they would move to enforce the Employment Standards Act for all app-based delivery workers as soon as possible.

People who do this work are making less than \$10 an hour. With inflation, the housing crisis, the whole cost-of-living crisis, this absurdly low pay falls even shorter than it did a short time ago.

If this government is serious about working for workers, it is time to start listening to workers. It is time to give us the rights and protections that we deserve. It is time to stop allowing Uber and other big app delivery companies to get away with treating us like this. It is time to repeal this so-called Working for Workers Act and give us our rights under the Employment Standards Act as quickly as possible, because there are thousands of people suffering under these working conditions, making far less than minimum wage during a housing crisis and cost-of-living crisis. This situation is more than a crisis; it's an emergency.

The Chair (Mr. Brian Riddell): We will now go to the South Asian Women's and Immigrants' Services, Sultana

Jahangir, executive director and social worker, and Arshadun Nessa Niva, peer support worker.

Ms. Sultana Jahangir: Thank you for giving us an opportunity to talk in here—

The Chair (Mr. Brian Riddell): Please state your name for the record, and then you can start.

Ms. Sultana Jahangir: Okay. My name is Sultana Jahangir. I'm calling from the South Asian Women's Rights Organization, and I'm going to be covering the whole part in seven minutes, since my co-worker got sick.

I just want to say that I'm representing a community that is lots of people working in the precarious labour market and doing jobs on digital platforms such as Uber and also working in the retail and manufacturing sector, where the whole job is very unstable, on-call and precarious, so even though some of the jobs, especially in the manufacturing and retail sector, are minimum wage, but they cannot earn at the end of the day their living expenses because they are not full-time and stable.

SAWRO has been supporting for real jobs and a living wage for a long time. Our concern is a feeling that this bill needs to be edited a lot, because this Working for Workers bill—should have to be listened—by the worker. It should be getting more proportion for the worker benefit and everything, but somehow, when we read this bill we find out that some of the things in this bill are not working in a proper way, especially the minimum wage. Even if they put the minimum wage, they're not giving an eight-hour shift or the worker is waiting for a long time; that hour is not paying anything. These are the concerns of this bill. I think these jobs should have to be more than the minimum wage; they should be close to living wages.

One more thing also in this bill: talking about not asking about the Canadian experience in the job sector, but we find out that our community has totally been addressing the concern for a long time, that underemployment is the root cause of poverty. There are two kinds of underemployment we always face. One is underemployment that their foreign credentials are not recognized by the Canadian employer. Another underemployment is when they're not getting a job in their field they're forced to work below minimum wage or minimum wage unstable, on-call jobs, which are not good for them to [*inaudible*] the living expenses in the house.

So, these underemployment—we need to find out how this bill, if they say that employers are going to ask about Canadian job experience, how are they going to be monitoring? Because the total bill is very complaint-based-driven, not enforcement-based-driven. We want to know, if this kind of bill is passing, how the policy-makers will ensure that the employer is following this bill. Does the worker have to go to the Ministry of Labour and complain? Because most of the workers are very vulnerable. They cannot go and complain about these things because every single day they have to fight for their bread and butter. If they go for a complaint, they might lose their job. These are the things we need to think about before we bring this bill to the table, how this bill is going to be enforced and how this bill is going to be monitored.

I totally agree with the previous presenter, that this bill has to do a little bit more revision, deep revision to make it a worker-driven bill, not an employer-driven bill.

1310

Definitely, I know that the living wage is not part of this act, but definitely we should talk about increasing the minimum wage and match it to living expenses so that workers can survive in Canada. That's it. Thank you.

The Chair (Mr. Brian Riddell): Okay. We will now go to IAVGO Community Legal Clinic with David Arruda, community legal worker; Maryth Yachnin, lawyer; and Caeleb Goff, law student, and they are virtual.

Ms. Caeleb Goff: Good afternoon. My name is Caeleb Goff, and I'm a law student and caseworker with the Industrial Accident Victims' Group of Ontario. IAVGO has a vested interest in Bill 149 and especially on schedule 4, which refers to the Workplace Safety and Insurance Act, or WSIB.

IAVGO, as a specialty clinic of Legal Aid Ontario, not only provides free legal services to injured workers, but the clinic was actually founded by injured workers in 1975. IAVGO is deeply connected to the community and works with organizations like Injured Workers Action for Justice, whom you heard from this morning.

Like the Injured Workers Action for Justice, we hear from injured workers who are deeply impacted by the ineffectiveness of legislation as well as the WSIB. We recognize that Bill 149 is an effort to support injured workers, but it fails to meet this goal. What we will present today are the current problems that are faced by workers and what can be done to truly work for workers.

Ms. Maryth Yachnin: My name is Maryth Yachnin. I'm a lawyer at IAVGO. I just want to give a little context before I talk about what's wrong.

Many of our clients, indeed most of them, when they come to us, when we help them, aren't getting benefits from WSIB. As a result, many of the workers we speak to are forced to rely on employment insurance, on Ontario Works, on ODSP. Why are they put in this position? They're put in this position because of treatment that is not dignified and that is based on a bunch of bureaucratic systems, a bureaucratic cultural denial, as Sue James explained this morning, systems that ignore the reality of their lives.

That's the backdrop, but even for workers who manage to navigate these hurdles and actually get any benefits, their impact is frozen in time. For example, young workers or new immigrants who would have made much more money in their careers if not for being hurt are frozen into loss-of-earnings benefits that reflect lower rates of pay than they would have had. For example, we speak to many new immigrants at our clinics who, for example, are engineers and come here with specialized skills, but are not able to break into the Canadian labour market and then are injured in the course of, say, doing manufacturing work, and then their benefits are frozen at that rate of pay, and not only are they frozen at that rate of pay but they lose 15% of their benefits. They get only 85% of their after-tax income.

Insult to injury: Many of the clients we spoke about, as you've heard from other stakeholders, are affected by pernicious effects of deeming. Even more insulting: Every time the minimum wage goes up to protect other workers, as it should, injured workers suffer. Because those people have been deemed, they see their benefit cut as the minimum wage is increased, even though they are not working, based on fake and phantom jobs.

In all this context, discretionary CPI increases really feel to workers like window dressing. And more than that, discretionary CPI increases, unfortunately, can make workers' interests a political football weighed against the interests of employers, and pit workers and employers against each other in a way that is not productive or consistent with the purposes of the scheme. And discretionary indexation increases are unpredictable for workers and unreliable. Workers need to know if they will have money to pay their rent. They don't need to know that there's a chance they might have money to pay their rent.

Also, workers have seen, especially over the last couple of years but certainly for many years, that discretion often fails them. For example, Ontario's employers—the government proposed a \$1.5-billion rebate to them in 2022, and employers received a \$1.5-billion rebate. The government also proposed an increase to compensation benefits from 85% to 90% in 2022, but workers have not received that compensation increase, and that is where unfortunately discretion is often left to workers.

I'm going to turn it over to my colleague David to talk about what should be done.

Mr. David Arruda: Thank you. My name is David Arruda. I'm a community legal worker with IAVGO. We're going to speak to what some of the presenters on this call—which is getting to the bread-and-butter issues that face workers, and particularly injured workers.

Changes that could be made, in fact, that could benefit workers substantially would be putting an end to deeming. As you've heard in other presentations, Bill 57, which was introduced by MPP Gates in the summer of 2022, would have introduced language that would have eliminated the practice of deeming. However, although this bill was carried to second reading, it still hasn't happened. We're saying that language that is in that bill could be introduced in Bill 149 to eliminate that practice.

The second suggestion that we would bring would be to increase loss-of-earnings benefits from 85% to 90%, as was proposed in April 2022. Unlike the current language that speaks to super-indexing benefits, this is a stable and predictable way in which workers can look towards their benefits and see these are the benefits that I will receive and this is how I can pay for my benefits.

And the government is aware of this. In their news release, they spoke to how a worker who is receiving \$60,000 a year with an increase from 85% of their LOE to 90%—

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

Mr. David Arruda:—see a benefit of \$2,315 per year.

The last suggestion that I will say in this one minute is an increase to the NEL quantum. The NEL is the benefit that is supposed to account for permanent impairments and lost overtime. Right now, it's capped at approximately \$100,000 and individuals who would be seeking non-pecuniary damages in court can receive up to \$400,000. We ask, why is it that workers who are injured at the workplace can only get upward of \$100,000? An example would be a 26-year-old worker who has lost both of their legs and would look to be receiving, in the current system, approximately \$53,000 for a benefit that is supposed to account for permanent impairments for the rest of their life. That, in and of itself, does not seem sufficient.

Thank you.

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

Mr. John Jordan: Thanks, Sean, for coming in. When I walk home in the wintertime and I see you courier guys out at minus 30 or whatever it is, it's a tough job. I appreciate that.

A couple of questions with your relationship—are you working for Uber?

Mr. Sean Thomas Kennedy: I am a bicycle courier for Uber. I'm a misclassified employee. Your own Ministry of Labour ruled that an Uber Eats courier was an employee and the government is not enforcing this decision.

Mr. John Jordan: So do you have a contract with Uber now?

Mr. Sean Thomas Kennedy: Yes.

Mr. John Jordan: Okay. And you supply your own bike, I would expect?

Mr. Sean Thomas Kennedy: Yes.

Mr. John Jordan: Okay. And as far as scheduling, are you in charge of your own schedules? Do you pick your own hours, or do they tell you when they want you on call?

Mr. Sean Thomas Kennedy: They say when it's busier and when it's not.

I will say, this bill will also affect DoorDash and Skip workers who do not choose their own schedule. They get shifts. That's something else to take into consideration.

Mr. John Jordan: Okay. This settlement or determination that you're referring to, when did that happen? I'm not familiar with it.

Mr. Sean Thomas Kennedy: I think it happened in 2021 or 2022. The courier in question was Saurabh Sharma.

Mr. John Jordan: Okay. Basically, the rules around who is an employee and who is a contract worker would have to change in the Employment Standards Act for you to be considered an employee. Was that—

Mr. Sean Thomas Kennedy: No. I think, based on the relationship that already exists, you could just enforce the act and give us the rights that we need. The amount of control these companies exercise over us—we're not independent contractors.

Mr. John Jordan: Yes, so that control: Can you explain that to me?

Mr. Sean Thomas Kennedy: If you—you can decline an order. You can decline an order and you can decline a

bunch of orders. You don't know if they'll stop giving you orders. Like, I did thousands of deliveries, and they just stopped giving me orders. I had a 100% acceptance rate. They have all the control. I have no way of negotiating the price of the orders or anything like that.

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I'll say again that this is also affecting Skip and DoorDash workers who cannot decline as many orders as they want. If you decline a certain amount, they'll stop giving you work and stop giving you shifts. So saying that those people are independent contractors is just outlandish, but with Uber, I think it applies too.

Mr. John Jordan: So there is a certain amount of control over what you do, or you'll be penalized. Is that what you're saying?

Mr. Sean Thomas Kennedy: Yes.

Mr. John Jordan: Okay. Thanks a lot, Sean.

Mr. Sean Thomas Kennedy: Thank you.

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

Mrs. Robin Martin: Thank you to all presenters for giving us your input and your time to come here and tell us about your experiences and perspectives.

It was difficult to hear a little bit of what IAVGO, I guess—was it IAVGO?—was saying, and also the SAWIS presenters. I'm trying to follow, but my understanding is that both of you think the removal of the Canadian experience requirement, which is part of this legislation, is a good thing. Is that correct? Maybe take a turn. SAWIS, do you want to start?

Interjection: I think she's muted.

Ms. Sultana Jahangir: Hello? Okay. I'm so sorry that you could not hear me, because there is some issue about the microphone or something.

Mrs. Robin Martin: It's okay. Thank you for your input. I got some of it. I just didn't get all of it.

Ms. Sultana Jahangir: I just want to say that I have two concerns. One concern is about these digital platform workers. We just want to give you the concern that those women we are supporting right now, most of them, get work in the child care sector, and child care is a women-driven sector, but right now, this sector becomes very [*inaudible*] right now, and it is creating contractual worker concerns in here. They hire the worker for very few, through the apps, and the workers are going here and there to put the woman in a job.

Most of the time, they're working two hours in the morning and two hours in the afternoon, but they have to be available for eight-hour shifts, so only they get paid four hours. These are the jobs they're creating in the market, to make more precarious positions. This is one concern we presented in here, that even if giving the minimum was in here, workers are not getting a full eight hours' work and are not getting full pay for this thing. Another concern is that we need to think about how we can bring the minimum wage very close to the living expenses. So this is one concern.

Another concern: We're talking in here about the employers asking workers about their Canadian experience, because most of the time we find out that even

though you make this bill—how are you going to control that employer mindset? Like, how is it going to be monitored? Is this going to be a complaint-based procedure, or is it going to be enforcement-based? Because if it's enforcement-based, the Employment Standards Act still has to be monitored by the employer. Put some proportion: "Okay, you can hire the international professionals—five persons, 10 persons—when you hire the other group." How are you going to monitor that the employers are not discriminating people based on their current credentials or lack of Canadian experience?

Mrs. Robin Martin: Thank you very much. My understanding is that the Canadian experience requirement will not be advertised as a requirement to apply, so the applicants who can submit, whether they have Canadian experience or not, are broader.

Enforcement is always tricky with everything, and that probably remains to be seen, how this stuff can be enforced. But it is an issue across the board in every sector, always, because it requires a lot of manpower to enforce. You can't be everywhere at once. But one thing I would say is that we have some human rights provisions, for example, and if employers violate those things and an employee or potential employee points that out, that is a real problem for that employer.

So I think there is some requirement for people to be good actors when there are rules in place. So this rule, taking away the request for Canadian experience and taking away the fact that that screens people out before they even have a chance to apply, will allow more people to put forward their résumés, and hopefully employers are going to see that there's a lot of people that they haven't been considering that can bring a lot to the table and have a better chance to get good jobs. That's sort of what I think they're aiming at doing.

Personally, I think we need to get everybody working to their fullest potential. We need them. We need people working to their fullest potential, and that includes all of the newcomers and people—

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

We'll now go to the official opposition for seven and a half minutes. I recognize MPP West.

MPP Jamie West: I'm going to start with the Mr. Sean Kennedy. I did a quick search because I also remembered the class action suit. For my colleagues across the aisle: August 12, 2021, a class action was certified in Ontario. "The Ontario Superior Court of Justice has certified" the "landmark \$400-million class-action lawsuit against Uber, filed on behalf of Uber drivers who have been misclassified as independent contractors by the ridesharing giant."

There was also, on February 22, a decision from the employment standards officer—that's an Ontario officer: "Katherine Haire found several violations of the Employment Standards Act—and employment lawyers and advocates say the ruling sends a clear message on the issue of employment status that gig platform workers have long fought for.

"Haire ordered the company to pay Uber Eats courier Saurabh Sharma wages he argued were deducted without

notice last August, along with wages to make up for missing public holiday pay and minimum wage discrepancies, adding up to a total of \$919.37.

"The ruling also dinged the company for not allowing required breaks during all of Sharma's shifts."

I want to couch that, because today and yesterday we heard a lot of: "Well, maybe you really are an independent contractor. Have you thought about this? Have you thought about this?" I think that people coming to tell their lived experience have been very clear that you're not.

Uber is worth \$141.99 billion. You're telling me that, since 2021, you've gone from about \$20 an hour to \$7 an hour before expenses. Is that right?

Mr. Sean Thomas Kennedy: That's about right. I mean, it's unpredictable. Like I said, it's like gambling. You could have a good day, but on average, the average has gone way down, yes.

MPP Jamie West: Okay. And I referred to this several times a day, this legislated policy document from RideFair that says that, after expenses, it gets closer to \$2 an hour because of maintenance you have to pay for your bike and other expenses like that.

So, in this bill, the Working for Workers Four Act—and I think you're relevant to say, "I'm not sure it's working for workers"—what the Conservative government is doing is that they're enshrining the ability for Uber, a multi-billion-dollar company, to pay you less than minimum wage for the work that you're doing.

Mr. Sean Thomas Kennedy: Yes.

MPP Jamie West: That's a shameful practice.

You had said you had worked 35 hours—was it 35 hours and you made \$200?

Mr. Sean Thomas Kennedy: Yes, around that, or less than \$200.

MPP Jamie West: Less than \$200?

Mr. Sean Thomas Kennedy: Yes.

MPP Jamie West: So the app tells you to bike to certain areas. You're there in the winter, it's freezing out, and basically that penalizes you because there aren't any customers when you go.

Mr. Sean Thomas Kennedy: Yes. I don't know if there are not customers or they're just—the algorithm decides who gets what order. So they could be given to other people. Who knows? It's a mystery. We don't have any control.

MPP Jamie West: Right, and that lack of control is kind of what makes you an employee.

Mr. Sean Thomas Kennedy: Exactly.

MPP Jamie West: I think back to when I had a minimum-wage job—because at least you should be at minimum wage. I think you should make more than that, but at a basis, I think that we shouldn't have workers fighting to get minimum wage. When I was in high school, I worked at Baskin Robbins and there was a lot more customers in the summer than there was in the winter, but I was paid for the time I was at work. I wasn't paid based on how many people came in. I wasn't told that if I'm just walking around the store, then I'm not actually working,

if I'm ready to work. And so I find it really disturbing that you have this.

This is the fourth “Working for Workers” bill—I put it in quotes—that doesn't seem to be helping workers like you. We have more and more workers who are gig workers and vulnerable workers. What would you like to have happen in this situation? What's a way to fix this bill? Because it clearly isn't working for you.

Mr. Sean Thomas Kennedy: Like I said before, I think it should be repealed and I think the Employment Standards Act should be enforced for all app platform workers.

MPP Jamie West: I would agree with that. I think that, if a Ministry of Labour inspector is ruling on something, if the Ontario Superior Court of Justice has ruled on something that is saying you're an employee, then the onus is on the Conservative government to ensure that you're being treated like employees. Otherwise, you change the name of this bill to “working for billionaires,” right? Because you're talking about making \$7 an hour; Uber is—I lost the number—it's multi-billion dollars: \$141.99 billion is their market cap right now. There are some other ones that were higher; I just went for the one that was at the top of the page. So I think that Uber is doing okay, and I think that paying their workers a decent wage—at least going back to what you were making before—is not something that's an overreach for the Conservative government of Ontario. If they want to walk around saying, “We're working for workers,” they've got to do more than just hold flagpoles up and make statements about standing for workers, and actually do the work that would help workers like you and your colleagues. Would you agree?

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Mr. Sean Thomas Kennedy: Yes, I agree 100%.

MPP Jamie West: I might run out of time, but I'm going to go to South Asian Women and Immigrants' Services. Thank you for your presentation—thank you to all three presenting groups for your presentations.

You said that this bill is not working for workers, especially workers earning minimum wage. One of the things you talked about was Canadian work experience, and I've become sort of a recording on this, because that is actually already illegal—requiring Canadian experience—through the human rights. The reason I'm flagging that is that I think it's important. What you said afterwards was about vulnerable workers having a hard time complaining—they're precarious workers—and how will the Conservative government monitor and enforce this and how will they ensure it's not violated? That's the question I'm asking, as well, because this law already exists. So all I see is that they're re-tabling this, pretending it's new legislation so that people who don't know how workers are exploited think that they're working for workers. It's all sizzle, no steak.

So what should be done to ensure that this new law or the existing human rights law is enforced?

Ms. Sultana Jahangir: We have lots of communities' recommendations. We sit with the workers and we ask

them what has to be done. The workers say that government has to pay attention, to make the jobs more stable and full-time, and give them a living wage for these jobs so that people can survive in Canada in a proper way.

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

Ms. Sultana Jahangir: Another thing is the real jobs with all benefits—employers like Amazon and Uber should pay their workers in a proper way. Government is the referee between the workers and employers. They should play a game so that workers, at the end of the day, can go home with their livable expenses.

And for that policy, that underemployment—right now, in Canada, lots of doctors are driving cabs and engineers are delivering pizza. It should not be inhumane conditions. Underemployment is very inhumane. It's not okay. We are normalizing this already in the system. We should do a public inquiry to find out why this underemployment still exists in society and what is the remediation. Find out the remediation and implement this thing so those—

The Chair (Mr. Brian Riddell): Thank you for your presentation. I'm going to have to cut you off there.

We'll go to the independent member for four minutes and 30 seconds. I recognize MPP Fraser.

Mr. John Fraser: Thank you to all the presenters for being here today. I'll try to use my four and a half minutes as best I can.

Thank you, Ms. Jahangir, for your presentation. What's in this law is essentially allowing people to apply for jobs, to put in an application, and to your point, there's more that needs to be done beyond that to actually improve access for people. How do we make that happen? So I don't want to say it's a bad thing. I just think many of us, on this side anyway, would agree we have to do more—and probably on the other side, as well.

Mr. Kennedy, thank you very much for your very thoughtful presentation. You were under time, which a lot of us struggle with. It was very good.

The point of labour law in Ontario is to create a balance between workers and the people they work for and to protect workers, and what you described is, there's an imbalance in that relationship. Although we look at them as being new jobs, they're just old jobs being delivered in a different way. So to your point about the relationship as an independent contractor or dependent contractor—that's something that has to be changed, because there's just too much power in the hands of an employer. When there are large multinationals that we had to convince to pay tax here and then to pay insurance for their drivers, and we have to convince them every step of the way to pay their fair share, I think that we need to look at that, as a government.

I do want to ask a question, though, of IAVGO, just in terms of what's proposed in this bill in terms of super-indexing. We've heard, yesterday and today, about people on both sides saying, “Why are you doing this? There are so many other places where you could address using a surplus.” So what would be your top priority for the government if, in fact, you don't want super-indexing and

you'd want them to do something else—or with WSIB—with those resources?

Ms. Maryth Yachnin: Thank you for that question. If we're allowed to, we're going to give two. We would say that the top priority, as I think you've heard from other stakeholders, would be to end deeming. Deeming's pernicious effects cannot be overstated. It's a deeply unfair part of the statutory scheme.

And then the other one would be to deliver on the promise to increase benefits back to the historic 90% wage rate that's historically where benefits were at. That corresponds with benefits in other provinces, and that is fair, given how well the WSIB is doing and how poorly workers are doing, to restore benefits to 90%.

Mr. John Fraser: Thank you very much.

Any time?

The Chair (Mr. Brian Riddell): You have one minute and 24 seconds.

Mr. John Fraser: I'll go back to IAVGO: Is there anything else that you want to add? You have the floor.

Mr. David Arruda: I just wanted to confirm: Can you hear me? I know there were comments about not being able to be heard.

Mr. John Fraser: I can hear you clearly.

Mr. David Arruda: Okay. I'm seeing nods.

I spoke to the NEL award, which is given to workers who have a permanent impairment. Currently under the legislation, the maximum is about \$104,000.

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

Mr. David Arruda: An individual who is seeking similar non-pecuniary damages in court can get upward of \$400,000. The example I gave is a 26-year-old worker who lost both their limbs is, doing the math, likely to receive \$53,000, approximately, for their lifetime impairment if they go through the WSIB, which they have to. So an increase in the maximum NEL award would be another possible and, I would say, substantial benefit to injured workers.

Ms. Maryth Yachnin: Yes. And in the remaining five seconds, I'd just note that workers surrender their right to sue, so they are entitled to compensation that reflects that surrender.

Mr. John Fraser: Thank you very much.

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

Mrs. Robin Martin: Thank you very much, Chair. I didn't know if some of my colleagues also had a question, so I didn't want to hog the opportunity.

Just going back to IAVGO and the representative of SAWIS—I'm sorry; I didn't get your name—Sultana. I was asking about the Canadian work experience requirements, and I'm just wondering if you could maybe share some of the experiences that some of your individuals who you've helped get jobs had faced, what kind of experiences they're facing when asked for Canadian work experience requirements. And maybe share with us some of the things that you suggest we could do to help newcomers be more fully employed, as that's part of what

we're looking for here in the Working for Workers legislation we're bringing forward.

Ms. Sultana Jahangir: Thank you for giving me this opportunity. I don't want to talk about a lot of things; I just want to talk about the child care jobs.

Those who were teachers in their own country, with their professional experience of teaching at elementary schools, at high schools, and also teaching at daycare centres—when they come here, their foreign credential is not recognized. All the employers request at least one week of experience to work in a daycare centre, so they look for Canadian experience, even for the early child care assistant position. That position does not really need any Canadian education. That position also requires some sort of Canadian experience.

When we go into our community, most of the people are coming as skilled immigrants, and their skill is not recognized here. We have experience: a lot of engineers, a lot of finance workers, a lot of teachers, who have more than 10 to 12 years' experience from their sending country—their experience is not recognized here. They're not doing these kinds of jobs here. Either employers don't recognize them, or there is a problem. So that is the thing.

So we want the investigation to be done, to find out why that many internationally trained professionals are not in their professional job. This is really a lot of waste, and also very inhumane, being a person from a country where the person has international education and is not recognized here, forcing them to work delivering pizza and also forcing them to work in Uber driving. So we need to find out why it's happening and what is the solution.

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Definitely, a community-based organization—you can work with us. All of you, I shared books with our organization's recommendations. We did an investigation, more than 300 people. So those books can give all of you the identification of what the community wants, what kind of recommendation is in here, because we know those who are impacted by the issue can give the real recommendations, real solutions.

Thank you for giving me the opportunity to talk.

Mrs. Robin Martin: Thank you.

Maybe IAVGO could also respond.

Ms. Maryth Yachnin: Yes, and thank you for that question. I do want to clarify: We don't take a position on the part of the bill that addresses Canadian work experience requirements, because we're focused on workers' compensation. But certainly, as I mentioned and as we spoke about, there is a significant concern, because when a new immigrant comes here and is working in a job that does not reflect their work experience in their home country, and then they get injured in that low-paid job, they are essentially frozen in time at that low wage, and there's a deep unfairness. So even if they are able to get benefits, those benefits are not a fair reflection of their earning potential in our workforce, and that needs to be addressed.

But even more insulting: You often have workers who come here, engineers and other professionals, who are

injured in the course of that employment that they're doing in a manufacturing plant. They have a serious injury, it stops them from doing the work they were doing, then the board tells them, "No, don't worry; you can be a retail sales representative." So they end their benefits by deeming them able to work in retail sales, when these are people who have, for example, language barriers and other barriers to working in retail sales, and then they receive absolutely no support anywhere and then end up on welfare. These are the downstream effects that we see on a regular basis.

Mrs. Robin Martin: Thank you.

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

Mrs. Daisy Wai: This question is for Sean. I really felt it as well, and I do agree, when MPP Jordan was mentioning how you have to undergo very cold weather and do delivery. I especially appreciate you for taking time today to come to do your presentation. Thank you very much.

I still have something I maybe just do not understand: Does it mean that Uber is your employer, or are you being subcontracted with the work?

Mr. Sean Thomas Kennedy: Well, all couriers with Uber have an identical contract that we don't have a way to negotiate. But like I said, an officer of the Ontario Ministry of Labour has ruled that an Uber courier, who has this identical contract as me, was an employee, so we are misclassified employees.

Mrs. Daisy Wai: I see. Is there any way that you can as a team further discuss things with Uber or not?

Mr. Sean Thomas Kennedy: You can call Uber support. It's like customer service. They don't really know what's going on. You call them and it's pretty useless. You get transferred from person to person. They're usually people in another country. If there's a problem with your pay or something, you could be on the phone with them for 40 minutes and nothing happens. But in terms of talking to Uber about the whole condition, no, you can't talk to them.

Mrs. Daisy Wai: I see. Who determines the tips to be paid to whoever is delivering the products?

Mr. Sean Thomas Kennedy: Yes, customers can leave tips. Something I'll add: When you receive an offer on Uber, the price that is shown is the combination of what Uber pays and the tip.

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

Mr. Sean Thomas Kennedy: So we don't know what we're getting paid when we accept an offer. It's like, "Oh, \$9." You accept it, and it's \$1, because the customer removed the tip.

Mrs. Daisy Wai: I see. Thank you very much for clarifying that. Thank you for your presentation.

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

Ms. Patrice Barnes: How much time?

The Chair (Mr. Brian Riddell): You've got 36 seconds.

Ms. Patrice Barnes: I'll cede my time.

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

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

MPP Jamie West: I'm going to move onto IAVGO Community Legal Clinic. Caeleb, when you were just

talking about increasing the maximum NEL award, the one-minute warning came out when you were talking about the \$53,000 award versus—and it was something else. I couldn't hear through the mike what you had said. Are you able to repeat that?

Mr. David Arruda: Sorry, yes. I was speaking to damages that could be awarded in court, not pecuniary damages, which cover similar things that WSIB is hoping to cover for the NEL award, which is harm and other damages that the worker may be facing as a result of being permanently impaired, losses that are not necessarily economic in nature but go beyond that. Currently, a worker who goes through tort, let's say, or goes to court through tort, would be able to get upward of \$400,000, where a worker who is injured at work doesn't have that capability because they've given up the right to sue. So, the only benefit that is available to them is this NEL award.

Again, I'll use the same example, because I think it worked well: A young worker, 26 years old, who has lost both of their legs, what they're looking to receive when they do get a NEL award would be about \$53,000. But when you see that comparison—why is it that an injured worker is going to receive significantly less for such a significant injury? Something like that, even just increasing the maximum NEL, could be, again, a more substantial way in which to assist workers or to work for workers, as the legislation is supposed to do.

MPP Jamie West: I don't want to put you on the spot, but as you talk about this and we've heard from several injured worker groups, they'll talk about the historic compromise where employees lost the right to sue the employer and the employer had a pooled system. Have you ever considered if the system would work better if there wasn't this historic compromise, if workers could sue the employers like you see in the States, where there's these multi-million-dollar—hundreds of millions of dollars—awards going to them? If you haven't, I don't mind if you just say no.

Ms. Maryth Yachnin: We don't have an official position on that, but I can certainly tell you that many of the people we speak with would like such a system. Many of the workers we speak with really find it a very hard pill to swallow when we tell them what they stand to gain, what they're going to get in compensation for their pain and suffering. When we have to tell a worker who had an injury that ended their life as they knew it that they're going to get \$10,000 for their pain and suffering and that's all they can ever get and they have no right to go after anything else, it is a very difficult pill for workers to swallow. The historic compromise is being tested to its very limit in the last few years for injured workers.

MPP Jamie West: Okay.

You also talked about deeming. I had two questions about it. One, you said, as minimum wage goes up, deeming workers get cut, and I didn't fully understand that. And the second one—maybe you can answer it more quickly first—was, the Respecting Injured Workers Act by MPP Wayne Gates has been tabled. It's at second

reading. Is this something the Conservative government should move forward on this bill and just pass it?

Ms. Maryth Yachnin: Yes, they should pass it. It's good in its existing form.

On the minimum wage: That is a Kafkaesque thing to explain, but I'll try. So, in the example I gave before of an engineer who is injured in manufacturing work, making minimum wage, the board will tell that person, "Okay, we know that you were in manufacturing work. You can't do that anymore, but you can work in retail sales, and so you would be making right now the minimum wage." You'd be making, at the time—say, it's a couple of years ago, the minimum wage is \$15.50. "So, we're cutting your benefits by \$15.50. You still have a partial benefit. You were making \$18 before. You're going to get 85% of the difference."

Then, on October 1 or whenever the new minimum wage came in, they were like, "Hey, congratulations. Your minimum wage"—meanwhile, this worker is not working. They were not able to work in retail sales because they don't speak English. Their benefit is cut by the amount that the minimum wage goes up. It is Kafkaesque, and how do you explain that to workers, right? "We know you're not working; they know you're not working. But if you were working right now, your salary would be going up. Your benefits are going down."

MPP Jamie West: Wow. Yes. So, really, if we were to really dig into WSIB making it actually work the way it should, this would be a true working for workers bill. A new WSIB bill would affect a lot of workers who have been injured and be fair to them, and I think we could find ways to be predictable to the business community as well.

1350

You talked as well about the importance of restoring benefits to 90%, and that this was an April 2022 Conservative promise, to move from 85% to 90%. I might be skeptical, but it feels like an election promise. We all get painted with that brush when those promises aren't fulfilled or when promises are broken, because two years have gone by and there has been no movement on raising this up. What would it mean to workers to have this 5% increase? For a lot of people, you hear 5% and it seems small.

Ms. Maryth Yachnin: The people we speak with are often living on the very margins of affordability. Our clients are struggling to make rent; are having to borrow money from their communities, from their religious communities, the churches; are owing money to friends. So every little bit makes an absolutely huge difference, so 5% is a huge difference for the people who need it the most.

MPP Jamie West: What does that lifestyle do to somebody's mental health or stress or relationships with others when you're on that edge?

Ms. Maryth Yachnin: It's the majority, I would say, of people who we speak to who have a permanent injury who also have some mental health consequences as a result, and it's no wonder why because of the stress that it causes.

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

Ms. Maryth Yachnin: The biggest concern for us as legal people is that when workers suffer those psychological harms, the WSIB is wilfully ignoring it and not even identifying it as problems, so most workers who develop chronic pain or develop depression or anxiety are not getting its help. They're just ending up on welfare or borrowing money from people and ending up in poverty.

MPP Jamie West: So WSIB has become a pathway to poverty?

Ms. Maryth Yachnin: Yes.

MPP Jamie West: That's shameful.

I think I have, like, 20 seconds, so I'll just cede the rest of my time.

The Chair (Mr. Brian Riddell): We will now move on to the independent member. I recognize MPP Brady.

Ms. Bobbi Ann Brady: Thank you to all our presenters. Sean, I'm with my colleague Mr. Jordan across the table in that I have a real appreciation for the hard work that you do when it's cold and you're trying to manoeuvre through the chaos of places like downtown Toronto. Thank you very much for coming today and sharing your views with a great deal of passion. We appreciate that.

Sultana, first and foremost, I agree wholeheartedly that all employees must be protected from employer reprisals and loss of employment if they question an employer, and my colleague Mr. West here articulated that in the first round. We know these complaints are happening and they're filed, but nothing really ever becomes of them, so we have to do better. I mentioned earlier today that a symbiotic relationship between the employer and the employee is really what is needed for the best outcome for everyone. I'd like to believe that most employers understand that keeping their workforce healthy and safe is in everyone's best interest, including theirs and including their bottom line, so I appreciate your comment as well.

I'm going to move to IAVGO—I'm not sure how do that acronym. But anyway, I just want to double check: I wasn't sure if you are supporting super-indexing or you spoke against it.

Mr. David Arruda: Well, our position is that if this is what the government would do, we would support it. However, we think that the efforts would be better used implementing other potential benefits like the ones that we've suggested today.

Ms. Bobbi Ann Brady: Right. I concur with that, because super-indexing leaves it open. We wouldn't know what the rate would be set at, at this point in time, so that would be hard to determine.

Other presenters over the past two days have talked about the idea that injured workers are falling behind. I'm just wondering if you might be able to give me some examples of reasons why they're falling behind. Are there medical procedures and services that they are paying for out of their own pocket, that OHIP isn't covering?

Mr. David Arruda: I guess one thing we could speak to, as well, is that when a worker is on WSIB—and workers who we're seeing are not working for the same

employer, or they're not working at all. With that, they lose the entitlements or benefits that they would have had with their employers.

I can speak for myself: As someone with type 1 diabetes, if I didn't have my medical benefits through my employer, I don't know how I would afford my insulin. Although there are some government programs that do assist with that, most of it is paid for by my benefits, and the injured workers that we see are in the same type of position where, if they have other medical bills that aren't work-related, any benefit that they're receiving has to go towards that, on top of their other expenses. When it comes down to rent and medical bills, rent comes first. When comes down to food and medical bills, food comes first. What we're seeing is that medical issues that the worker may be facing or may be dealing with on a day-to-day basis are going unaddressed.

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

Ms. Bobbi Ann Brady: In the beginning of your presentation, one of you made mention of—and I'm paraphrasing—that treatment is not dignified and the realities of an injured worker's life are neglected. I'm wondering if you could elaborate.

Ms. Maryth Yachnin: Sure. There are many ways in which workers experience the reality of dealing with workers' compensation and employers after workplace injury as undignified. We've already spoken about deeming, and I know you've heard about deeming a lot. I'm going to give you a couple of other examples. One example that we continue to see, and we just cannot believe, but we continue to see it as caseworkers, is forcing workers or penalizing workers who don't return to work immediately after injury. A few years back, we read a whole year of tribunal decisions, and what we discovered is that—

The Chair (Mr. Brian Riddell): Thank you. I'll have to end it there.

I'd like to thank all the presenters today for their presentations. They've been quite informative.

RESCON

MR. WILLEM ROBBINS

MR. STUART BIB

The Chair (Mr. Brian Riddell): We'll now move on to our 2 o'clock group. We'll have ResCon: Andrew Pariser, vice-president. There's another name I'm not going to pronounce right: Ahd AlAshry, labour relations and supply adviser, and he will be with us virtually.

We're starting promptly at 2 o'clock.

The committee recessed from 1357 to 1400.

The Chair (Mr. Brian Riddell): We're back in session.

Please state your name for the record, and you may begin. You have seven minutes.

Mr. Andrew Pariser: My name is Andrew Pariser. I'm the vice-president of ResCon. I'll turn it over to my colleague Ahd AlAshry, who will start our remarks.

Ms. Ahd AlAshry: Good afternoon, Chair, Vice-Chair and members of the standing committee. My name is Ahd AlAshry. I'm the labour relations and supply adviser at ResCon. My colleague Andrew Pariser, the vice-president of ResCon, and I will be giving a few remarks this afternoon.

First off, thank you for providing us with the time to share our feedback on Bill 149, which is meant to amend various statutes with respect to employment and labour and other matters.

A quick background on ResCon and its core focuses: ResCon represents over 200 builders of high-rise, mid-rise and low-rise new-build housing in the province. We work in co-operation with government and related stakeholders to offer realistic solutions to a variety of challenges affecting residential construction, many of which have wider societal impacts. We're committed to providing leadership and fostering innovation in the industry through six core focuses, which include health and safety, training and education, government relations, labour relations, building science and innovation, and regulatory reform and technical standards.

A few examples of the things that we're working on, on the health and safety side: ResCon sits on three infrastructure health and safety association committees and two WSIB committees and is active in many MLITSD health and safety consultations. Our health and safety committee has eyes and ears throughout the residential construction industry. It brings together health and safety reps who share information, best practices and implementation plans regarding on-site and in-office safety, which are then shared with the broader industry. Another one of ResCon's ongoing efforts is to create more opportunities for newcomers and under-represented groups, including women, to enter careers in construction. This work is done through our ResCon training education committee and our CARE committee.

To address the significant labour shortage that we have in the construction industry, which I'm sure you're all aware of, our work focuses on making it easy for employers to recruit, train and retain those interested in joining our industry and, more importantly, to ensure that our sites are inclusive and safe for everyone.

Thanks again for having us. I'll turn it over to Andrew.

Mr. Andrew Pariser: Bill 149, Working for Workers, is about making Ontario a jurisdiction that is welcoming to top talent, workers and immigrants. Labour shortages are a major concern, and it's one thing that we can meaningfully impact. Within the next decade, we're going to need approximately 100,000 construction workers. They're going to have to be hired, trained and retained. This legislation and our support signify that Ontario is a jurisdiction that respects and is leading when it comes to workers' rights.

This is for anybody out there: If you're in a sector where you're experiencing an issue, please think about construction and, specifically, new-build residential.

Instead of talking to each schedule, I just want to talk to three themes at a higher level:

(1) the need for these regular amendments to ensure that the legislation and regulations fit with real-world experience;

(2) removal of barriers for new Canadians and those seeking to enter the workforce; and

(3) WSIB core principles.

Labour legislation is complex, and it can be intimidating. I'm not a labour lawyer, but I did start my career with the Ministry of Labour, as a mediator for labour disputes, and I spent most of it working with employment legislation.

This government, specifically under the leadership of Minister Piccini and Premier Ford, should be applauded for the desire to ensure that legislation and regulations that govern Ontario reflect the needs of the businesses and workers. The reason I say that is that schedule 1 and schedule 2 focus on specific issues and they come with specific solutions. Nobody in the labour relations or labour world likes blanket policies—unions don't like it; workers don't like it; employers don't like it—and so when we see customized, tailored responses to specific problems, we applaud that, because that's what we need to do. We don't need to be putting blanket solutions out there that create problems in other areas. If you've got a problem—I think we heard from the person before that there was maybe an issue with Uber. Well, then, let's create a solution that deals with that problem, instead of creating other problems in other sectors of the economy.

The second one is removal of barriers for Canadians and those seeking to enter the workforce. Any time we reduce unnecessary and harmful red tape that impacts our ability to bring in skilled labour and address labour shortages, we're hurting Ontario. This legislation is a follow-up to the changes that were introduced under the Fair Access to Regulated Professions and Compulsory Trades Act. This government committed and continues to show a commitment to reviewing these barriers, and we applaud that. At ResCon, our history is in residential construction, and that's in immigration. Construction has been built by immigrants and that will continue, so we need to make sure that we're removing barriers there.

The last issue that I want to talk about relates to the WSIB. That's schedule 4. I'm going to run out of time here, so I'll do it as quickly as I can. When we're talking about this issue, you have to realize that with the WSIB, there's the day-to-day, which is extremely important, and that's the experience of a worker when, unfortunately, they are injured; and then there are also equally important but different governance principles. That's how the systems operate and what are the core principles there.

Specifically, what we're looking at here is the principle of somebody being made whole. Again, I'm not a lawyer, but the idea is—

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

Mr. Andrew Pariser: Thank you.

Workers should not be injured in Ontario, and so our first issue should always be to prevent accidents. Unfortunately, if a worker is injured, what we need to do

is make them whole, and we're very supportive of that. What that means is, we need to treat them as if they hadn't been injured and we need to make sure that they're not made worse off, they're not made better off, but they're "made whole."

As I've been kind of touching on, Ontario has a very large and very complex workforce. And so, when we look at the WSIB, it's very important to start with that high-level governance of (1) we need to do more to prevent injuries and (2) if someone is injured, we really need to be focusing on how we make them whole. With that governance model, we can look to the actuaries, the economists and the experts to implement that principle properly.

I'm going to run out of time any second here, so thank you, everyone, for being here today.

The Chair (Mr. Brian Riddell): We'll now go to Willem Robbins. You have seven minutes. You may state your name for the record and begin now.

Mr. Willem Robbins: Hi. My name is Willem Robbins. I've been a gig worker since 2021, doing deliveries on my bike in downtown Toronto, for mostly DoorDash at this point, but also Uber Eats, Fantuan and HungryPanda.

I'm here to speak on the Digital Platform Workers' Rights Act. This bill, to me, is like a kick in the face from this government, to be completely honest, with pay for engaged time only. It is insulting that this government is telling me that when I am outside in a snowstorm, or I am in extreme cold or pouring rain or whatever the conditions are—maybe even a normal day—waiting for my next order, as I do for many hours in a work week, it's not valued and I do not deserve to get any pay at all for that, like I can just teleport home and work on whatever I want, and then get an order and go back to downtown with my bike and all my gear.

Minimum wage for engaged time is a joke, because not all of our time is engaged—any gig worker will tell you that—and we have expenses that we have to pay out of our own pocket. You cannot live on minimum wage in this province, and especially not in this city, and this bill does not even guarantee that to us. We rely on the generosity of random strangers to pay our bills, because these billion-dollar companies will not give us even the bare minimum. This bill does nothing to change that.

I love my job. I look forward to going to work, but it doesn't change the fact that it's hard work and it's dangerous work. I'm out there in extreme weather. That makes it more dangerous. I've had to go to the hospital as a result of accidents while working. I am outside waiting for an order in my full gear in the middle of winter, and this bill says I don't deserve to get compensated at all for that time.

This government needs to provide the same rights to me as any other worker in this province. What do we all get, all of us outside working right now, for this hard work? We get less than minimum wage from these companies and no basic protections that most all employees receive in the Employment Standards Act in this province, and this bill does nothing about that. We get no overtime, we have

no basic protections, we have no right to refuse unsafe work, and this bill enshrines this denial of rights.

1410

We're not demanding a lot. This is the most basic of rights that every other worker receives, that I received when I worked retail, and we aren't even getting that from this so-called rights act.

Another thing: It does nothing about how algorithms can change at a moment's notice that put you out of a job. I used to just to do Uber Eats. I didn't mess around with any other apps. I would get enough work from Uber Eats, and I went from \$20 to \$30 per hour with tips—less than minimum wage from the company, but with tips it was around \$20 to \$30, depending on the day, and that went to \$5 to \$10 an hour overnight because they stopped giving orders to bikes, and that continues to this day. They go mostly to cars even in downtown Toronto. The explanation I had from Uber was—they would gaslight me and tell me, "Nothing has changed. We wouldn't do that to you," and I had rent to pay. Luckily, I had a DoorDash account, but many other workers in this province who are working right now are just on Uber Eats. I've seen the screenshots. I have seen it: These workers are earning \$10 an hour, \$8 an hour, and they're doing hard work. That's not fair.

There are a lot of expenses that come with our misclassification. As a biker, I have less expenses than a car, but I still have a new bag I had to buy recently, bike repairs, flat tire repairs. You go through a lot of cables when you're hooked up to a power bank and they're moving around. I go through a ton of cables. So all that reduces my pay. So even minimum wage for all time on the app is not even minimum wage.

In my opinion, this government needs to withdraw this bill and actually go back to the drawing board and listen and consult with gig workers, as they haven't done. They need to do that instead of trying to appease these multinational corporations who are making enough profit as it is. They should look towards places like New York City, which have taken steps to confront these apps and ensure that we get at least minimum wage after expenses and for all time on the apps.

That's what I have to say.

The Chair (Mr. Brian Riddell): You still had three minutes, if you want to say anything else.

Mr. Willem Robbins: I think it's unfair. These companies, they say, and I've seen ministers or whatever say, that this is a new thing and that this app changes things. It's a new way of work and we have to figure out a way to fit that in, but it's not. This is not new; it's piecework, because it's more beneficial to the employer to pay only while you're performing a task.

I used to work retail. I was stocking; I was just doing stock. There were many times when there was nothing to stock, and I was still on the clock. I was still getting paid. That's the way it should be when I'm outside with my bike. It's not my problem that these companies over-hire because they don't have to pay for all the time you're on the apps and they don't want to assign me an order. That shouldn't be my fault, that they over-hire and are not

providing the orders. They should figure that out, and they should have to work within the confines of the Employment Standards Act, and I think it's shameful the government is choosing to do this.

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

Stuart Bib, please state your name for the record.

Mr. Stuart Bib: My name is Stuart Bib. I'm also a gig worker, and I'm hoping not to repeat too much of what Willem has just said.

I'm happy to be afforded the opportunity to speak to you today as a representative of workers in digital platform food delivery. As we're all aware, there are serious implications that will arise out of this bill and discussion that will affect the lives of many Ontarians and hopefully for the better.

But since the Working for Workers Act of 2022 was first announced, the working conditions of app workers have steadily worsened, and nearly at the same time, Uber was publicly claiming to want to pay us more than minimum wage for our engaged time. They introduced a new more transparent method of providing our gratuities from the customers, labelled "upfront tipping." Previously, when the app sent the worker a delivery, the amount offered was entirely from Uber Eats. If there was a tip, it would not be shown to the driver until one hour after delivery to give some time for the customer to adjust or remove it if necessary. Now the amount in the offer includes the tip, but these two amounts are now separated.

In food delivery, almost all gratuities are pre-set by the customer as they place their order. Prior to the COVID-19 pandemic, there was a percentage of customers who were tipping cash at the door, but that custom has not really returned. Tips are also very rarely reconsidered post-delivery. It's almost a misnomer to call them tips, because a gratuity by definition is a sum of money given to someone as a reward for their services, and the amount bequeathed to us is done so by someone who has not yet received a service and will likely never meet the gratuity's recipient. This turns a tip into more a third fee from Uber Eats in addition to their 10% service fee and variable delivery fee. I'd say this: It would probably be fair to call this third fee the wage subsidy fee, because when Uber switched to upfront tipping, they started to slowly but steadily lower the pay they offered for deliveries, and our average is just slightly under half of the pay pre-pandemic. It is difficult to fully grasp this when working though, because the order when given upfront shows only one number, inclusive of tip. One has no way of knowing before accepting and completing the order exactly what the breakdown is. This could easily be interpreted as tip theft if one were so inclined, but at bare minimum it is deceptive obfuscation with the primary goal of tricking couriers to work for less and painting it as transparency. In essence, they're saddling the customer with ensuring we have enough money to pay our bills and, hopefully, eat.

Uber is not very transparent about many things. Two years ago, just after I had signed a union card with an independent worker-led union—Gig Workers United—Uber sent out an email letting us all know they had struck

a backroom deal with a massive private union to represent us against them in disputes. They had not consulted us, and the specifics were vague. We were to have representation but would not be part of this union's membership. Personally, I was and remain aghast. This seems such an obvious and disturbing conflict of interest and subversion of the organizing rights of their workers that I'm honestly surprised it has not gotten them in trouble.

On two occasions, this union—UFCW—encouraged us to reach out to talk to them. Both times when I called, I was treated poorly after I began to question their role in representing us and eventually had my calls concluded prematurely by the representative, who was not interested in explaining the logistics of being a massive multi-industry union with a quarter-million members that was representing us free of charge but somehow had no intention of unionizing us and would not discuss their arrangement with Uber.

As far as I know, Uber has never responded to the attempted communications from Gig Workers United, even after several years. In a quick Internet search for "UFCW reviews Reddit," I discovered that they have their own subreddit. Nothing kind is said about them there. Uber picked a union for us that is well known for selling out their membership, who by all accounts resent being forced to associate with them and didn't even make them our union, trying instead to make us feel represented to avoid organizing.

And why would autonomously organizing workers be a concern? Let's start with the minimum-wage push we're addressing here. Minimum wage in most jobs means you come in and do a relatively simple job with all of your costs of your work covered by your employer. You will likely be trained. There will be some form of break on shift, usually paid, and there won't be any continuation of work duties after leaving. As an independent contractor working for Uber, one must provide their own transportation, pay for a thermal bag and receive almost zero training, none in person at all. The only support is the call centres somewhere overseas in a loud room whose first language is not English and who have been given unhelpful and often contradictory answers to provide us in difficult situations.

As a cyclist, my transportation costs are not as stifling as they would be if I had to pay for gas, insurance and depreciation on a car like many couriers do. But e-bikes are not cheap. Many couriers rent them for around \$400 a month. These are not the responsibilities of a minimum-wage worker, especially when Uber is paying us a pittance of the approximately 40% of transactions they take in fees and commissions from the restaurant and the customer. The 30% they take from restaurants on average is debilitating and forces them to put their food on the Uber Eats app at higher prices than they charge on their standard menu, and the customer pays around 10% with the delivery fee. More and more often, the courier's pay from Uber Eats ends up being around \$3 to \$4. The average food delivery value is \$32 in Canada, meaning Uber takes about \$13 and pays the courier less than a third of it. For years,

it paid significantly more, but after growing to expect and even rely on a certain level of earnings, we were subjected to unexplained, undisclosed pay cuts that we were never consulted about. If a position requires independence, personal financial input for job requirements and has no stability or traditional worker entitlements, then minimum wage is simply not close to the floor we should be talking about, especially if half of our time on shift is spent hoping for orders but earning nothing.

It seems to me that we're deeper into an employment crisis than is being acknowledged as we see gig work becoming a larger and larger slice of the workforce pie. The combination of jobs being lost to automation at a steady pace and corporations seeing the ability to increase profits by offloading responsibility for their employees into society through the gigification of positions that have long been considered careers leaves more people willing to accept less in a race to the bottom where everyone loses to the monolithic corporate thirst for profit. The fact that this conversation is framed as, "How do we institute the vague notion of an acceptable pay floor for a position that has been curated in every way to favour the corporation over the worker?" instead of "How did we allow this extreme subversion of our employment laws to occur so flagrantly up to now by a massive global corporation that refuses to accept their responsibility as an employer?" is concerning. As more and more people without options turn to gig work with its promise of guaranteed income and freedom of schedule only to find the conditions egregious and other options dwindling, we risk widespread poverty and no speedy way to solve it if we haven't put checks and balances into play against one of the world's biggest employers.

We are misclassified, and until that changes we need more than just above minimum wage, some of the time, if you bring your own car. Thank you.

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

We will now go to the next round, and we will start with the official opposition. I recognize MPP West.

MPP Jamie West: I'm going to start with ResCon. I made all kinds of notes in your document here. I have to say, as someone who comes from a background of health and safety, you had me at "hello." There were a lot of things that you said here that really resonate with me.

On the bottom of page 2, for example, you're talking about how you're sitting on different associations and your health and safety committees working throughout the residential construction industry, and the line you have is, "It comes together to share information, best practices, and implementation plans regarding on-site and in-office safety, which are then shared with the broader industry." The reason that resonates with me is we used to have a saying where I worked that you "steal good ideas with pride" when it comes to health and safety. You don't have to reinvent the wheel. If someone else has invented it, you can steal that wheel and bring it into your own workplace. I like that.

1420

On page 3, it says, “Another one of ResCon’s ongoing efforts is to create more opportunities for newcomers and under-represented groups, including women, to enter careers in construction,” which I really applaud you for. And you talk about the ResCon training and education committee and CARE committee.

I come out of the mining industry, and I still say “the guys,” because it was so male-dominated. We had 600 employees at my area of the smelter, and three of them were women—sorry, seven were women, if I include management.

How are you attracting under-represented groups? How are you attracting women to these fields? Because they’re very rewarding, as you said. And what’s the secret sauce that you find you’re using that’s helping to get people to understand construction is a field for them and they could be brought into?

Mr. Andrew Pariser: Maybe I can start, and then I’ll turn it over to Ahd, because she obviously leads a lot of our issues on how do we get women in construction.

From a high level, you have to get your site ready before anybody who is under-represented or a woman gets there. If you’re waiting to ask them what they need on the first day, it’s too late. They’re already going to feel excluded.

But I’ll turn it over to Ahd, because she leads a lot of the work on women in construction with the CARE committee.

Ms. Ahd AlAshry: One of the things we’ve been doing is we’re engaging with those that are already on-site to understand some of the needs, and then when it comes to our CARE committee—it stands for Construction Against Racism Everywhere. It has several different subcommittees, and it comes up with best practices to share with the wider construction industry and our members on how to create a positive workplace that’s free of discrimination, racism, all that sort of stuff. We work on best-practice guides, policy, templates, and we share it with them. I think one of the most useful things that we’ve been doing is to really hear from safety reps or people that are actually on-site to understand what are the problems that they’re dealing with but also the best channels to fix these issues. Our goal is not to create a policy or a template and just have it sit on somebody’s desk. We want to make sure we’re sending it to the right channels.

And then in terms of recruitment, we’ve also engaged with BIPOC youth in the construction industry to understand some of their concerns and to make sure we’re fitting these concerns into the policies or best practices that we’re creating just so they can be effective. This is just some of the stuff that we do.

MPP Jamie West: I really appreciate that.

A bit of a tangent but related: We went for a tour underground, and Marit Stiles got to wear Covergalls, which are—Alicia Woods has this company, and they’re designed—I’m sure you’re aware of this. But they’re designed for women, and Marit has been talking about this ever since, that she’s never really had work clothes that were designed

for women, for their bodies and stuff, and what a difference that makes. Going back to, Andrew, your point about if you’re trying to have that solution when they show up, you’ve probably already lost the ballot, so I think that’s important.

I’m going to quote this—it’s not a question, but I think it’s worth saying: “For any workers who are watching, if your employer doesn’t respect you or is having a problem meeting the requirements under this bill, please consider a career in new-build residential construction.” I just want to emphasize that, because there are a lot of good jobs in that area. It’s very rewarding. I worked in construction for 10 years, and there is nothing more satisfying than seeing something that didn’t exist before you showed up and—I haven’t worked in that field for, I don’t know, 25 years, 30 years, but driving past things and being able to point at things that you built is extremely satisfying. And being able to pay your mortgage at the same time is even better, so I would like to emphasize that.

You had spoken in favour of, or just talked about, how residential construction is one of immigration. I represent the city of Sudbury. It was basically founded through immigration as people came in, as mining boomed and construction boomed. I don’t know if “challenge” is the right word, but what are the things that we could do as government to make this easier for your industry as you try to attract more people into construction?

Mr. Andrew Pariser: I think it starts at the federal government, because a lot of immigration will start there, so I think it’s great that there was a historic agreement reached. I think it was under Minister McNaughton and Minister Fraser at the time. They gave Ontario more control over their economic immigrants. I think when you go back to when Sudbury was built and the GTA was built—I’m thinking of the 1950s and 1960s—we used to bring in a lot more immigrants with, what I’d call, on-the-job skills. Now I think the statistic is—it’s about 75% of all immigrants we bring in have a university degree or higher. Now, I have one. There’s nothing wrong with that. But the truth is, the people that build basements, that form condos, that install flooring, that build residential construction units that we need as well as the infrastructure to support it, don’t have university degrees, never had them and don’t need them. So we need to get back to an immigration system that prioritizes the men and women that are actually going to build basements, form condos, lay floor, put bricks on a building: the people who actually are going to come in and help build our province.

I think we’re seeing it. I know there’s an OINP consultation going on now. Minister Piccini—I think he pretty much makes it on site every day, so you have to give him credit for that.

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

Mr. Andrew Pariser: But this isn’t a party-by-party issue. This is an Ontario issue. Those are the men and women we need. We call them specialized skill sets, but whatever you want to call them, that’s what we need.

MPP Jamie West: I'd echo that. You say that we need 100,000 construction workers over the next decade, and that's urgent. My generation—I'm probably reflective of this—I was going to take auto shop because my best friend was in auto shop, and my guidance counsellor had a meeting with my parents and steered me away from it. Then, I graduated from college and university and had about 20 grand worth of debt. I was an apprentice, because I was working in construction through the summers, and my journeyman was picking me up in his truck while I was paying off my student loans, because I was a "smarter guy." I think we've got to get rid of that stigma and understand that these are good-paying, valuable jobs—all work has dignity—and really point people to this good work that's there. So mostly I'm applauding the work that you do.

Mr. Andrew Pariser: Thank you. I appreciate your comments, because I think you're on the ball.

MPP Jamie West: Thank you, Chair.

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

Ms. Bobbi Ann Brady: Thank you to all our presenters. Stuart and Willem, thank you very much for the job that you do.

I want to start with Andrew and Ahd. I'm wondering—I don't think it was mentioned in your presentation—how ResCon feels about the additional indexing in Bill 149.

Mr. Andrew Pariser: What we try to look at is the big-level governance, because that's where we need to get it right. WSIB is there to protect injured workers, to look at workers' compensation for Ontario, which is a large province which is very complex. And so, we're very specifically focused on governance, because you've got the Legislature that has to pass legislation, make regulations. Then you've got the WSIB and their leadership; they, obviously, are extremely important. You also have a WSIB board. So with governance, everybody has a role and everybody has a responsibility.

When it comes to the Legislature, we want to talk at that high level. Core important principles there are that workers shouldn't get injured, and so we need to do more there to stop it. Second, though, unfortunately, workers do get injured and they have been injured. When they do get injured, they need to be made whole, and so that's kind of why we focused the area there. When you get to WSIB senior leadership, when you get to the WSIB board, then it's, "Okay, how do we do that?" That's where it becomes their job at that level.

So that's why we very purposely came here and said we support reducing injuries, we support making somebody whole. Part of that is that in the world of labour law, labour legislations and labour relations, there's not often an answer. In this case, there is, and it's up to the actuaries, the accountants and all the people who are way better at math than I am to figure out what the right answer is. But we need to make sure that if someone gets injured, they're made whole. I'm not an actuary; I don't know what number is. But I'm very supportive of injured workers and making sure we're getting it right.

Ms. Bobbi Ann Brady: I think everyone is in support of injured workers and making sure that they are treated fairly. A number of presenters have expressed concerns with respect to additional indexing, and I'm just wondering if any of your partner organizations have expressed any concern with it maybe costing them more.

Mr. Andrew Pariser: We work closely with COCA and we work closely with a group called CEC. There was a person, Les Liversidge, who deputed, and I can't summarize their deputations, but obviously they're very knowledgeable.

I used to be a mediator, so I would sit in bargaining rooms, and sometimes you sit with the employer and sometimes you sit with the union. Oftentimes, people get involved with their union because they had an injury, and so when I hear these stories, I go back to those days where you've got that system approach, and it's important.

But every file is a person. There are over 13 million people in Ontario. There's no way that we're going to get every one of these cases right, and that's why the WSIB appeal system is important. That's why how workers are treated, how they get treatment—it all needs to be reviewed. Customer service is important. Even though they're an injured worker, they're still a customer, right? So I think that's where you go from it—from the high-level governance. But then you have to have that compassion and care for the individual who's experiencing it.

1430

We hear that deeming is an issue. Sometimes it makes sense and sometimes it doesn't.

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

Mr. Andrew Pariser: And how do you create a system that can work for all of Ontario but is flexible enough to address the one-off issues that are going to occur? There are certain laws that you can't fight with—like the law of gravity. That's going to win every time. The law of large numbers states that there are going to be issues, so what do we do when those issues arise on a case-by-case basis?

Ms. Bobbi Ann Brady: The submissions by Les and COCA were very well done. I don't want to put words in your mouth. You support what COCA and Les Liversidge put forward?

Mr. Andrew Pariser: We're here to specifically talk about governance and that approach and to talk about being made whole, and then using the actuaries and all the experts to figure out how you implement that principle. That's what we're here to say.

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

Mr. Nolan Quinn: My question is for ResCon. What are some of the impacts, if any, that the proposed changes could have on the construction industry? Are there any particular measures that would have a bigger impact on construction than any other provisions?

Mr. Andrew Pariser: Maybe I'll start—and if Ahd wants to jump in afterwards.

As MPP West focused on, I think it's labour supply. I think that's one of the areas where we really can have a

big impact. I think that's an area that has been a priority under Premier Ford, under Minister Piccini. For me, it's how do we get 100,000 construction workers in? That's not all we need. Obviously, there are other jobs that are supported by construction. So whether its front-line supervisors, whether it's engineers, we need more people in construction. That's one of the reasons we're here. We think construction is a good industry, and we want more people to come to it. So for me, it's labour supply.

I don't know, Ahd, if you want to talk about the women in construction again. That is obviously a big issue for us, too.

We're hoping that bills like this signify the ongoing commitment from government that we see, and we want the whole province to see that.

Ms. Ahd AlAshry: Andrew, you covered most of it. It's exactly labour supply—people are finding it hard to get into construction. It can sometimes be a little complicated. Sure, with the new STO, it has improved a little bit, but just generally. Making it easy for newcomers to find their way into the industry is going to be crucial to deal with the housing crisis that we have now.

Mr. Nolan Quinn: I appreciate you bringing up the point that we have tried to make a difference on that.

I refer back to when I graduated from OAC. I did okay in school, but I wasn't a good student, and the only options that were given to me were university or college. Being a human resource grad now, I recognize that we are seeing the cracks from 20 years ago.

We have seen about a 26% increase year over year into the trades, so I do believe that by just talking about the trades and—MPP West mentioned that—giving the trades the respect they deserve, I think we're starting to see the tides change on the students going into it. I know we have some legislation about bringing forward with the students—to be able to go into the trades in high school, as well, which I believe is extremely important. The more we talk about it, the more we're going to have an impact on that—as well as the newcomers.

I'll pass it over to one of my colleagues.

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

Mrs. Robin Martin: Thanks to the presenters again.

My question is for ResCon, just in light of this discussion. I'm always worried about the barriers that still exist for people getting into industries, including the construction industry. We've put a lot of money into training for skilled trades, and yet, I know that there are a lot of people who start training and don't finish. I wonder if there are particular groups who have particular challenges—perhaps women, perhaps people with anxiety. I have heard from some young people that construction sites can be—

Ms. Patrice Barnes: Intimidating?

Mrs. Robin Martin: Intimidating—thank you. I didn't want to say the wrong word. They can be intimidating, maybe particularly for women, perhaps for people with anxiety, as well. A lot of younger people seem to be having anxiety, whether that's related to COVID or other issues.

I'm just wondering if there are other barriers that we can remove to help more of these people finish the process and get into the trades, because we certainly want them to

be successful; we want them to finish. We don't want to be seeing a lot of them drop out during the plan.

Mr. Andrew Pariser: I'll start again and turn it back to Ahd. I think there are 500,000 people in the skilled trades, and so one thing that we try to do is—there are seven sectors of construction, so people think that construction is one job, and it's not.

So I agree with everything you said. Construction can be very intimidating, I think pretty much every sector can be. I think also today can be too, and you guys are all lovely people, but it's still a little intimidating to appear here.

So I think it's big, and it needs to be specialized. We're doing a great job in how we promote the trades, how we promote the skilled trades, how we're dealing with the stigma. I think one thing that is becoming more and more of a reality is, let's also promote like the specific careers. You could go and you could become a tradesperson in a trade, but you can also specialize, which is actually what happens on site, right? We have people who build basements and we have people who forming for condos; we wouldn't necessarily have a quote-unquote “carpenter.” So with these specialized careers that exist, I think we can do more there. We do a ton when it comes to onboarding, recruitment and retention, which I think is a solution to the issues that you raised.

But I'd love to turn it over to Ahd to speak to those three things.

Ms. Ahd AlAshry: Yes, certainly you've brought up a really good point, which is the mental health aspect of things too. This is something that the industry has certainly started taking much more seriously, over the recent years, and it's a big standing point in our ResCon health and safety committees. We've spoken to our health and safety reps. We've learned about what they do on-site and we make sure we share it with the broader industry, because it impacts everybody.

But then, again, it's all about inclusivity, just making sure that everybody that comes feels included, feels respected. One of the things that we're currently working on is a best-practice document, and it pretty much focuses on creating a positive workplace, a working space on construction sites. The goal is to share it with reps on-site, so they can implement it and make sure that they're working with those around them to create a positive work site.

So these are kind of some of the hurdles that we're going to be focusing on, hopefully, to make it easier for people to stay, to want to stay in the industry.

Mrs. Robin Martin: Thank you very much. I appreciate that. My dad was a civil engineer, and his joke was always that he wasn't very civil, which was true in his case. I'm just hoping we can make construction sites more civil for people.

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

Ms. Patrice Barnes: I had a question for Stuart. If you could just go over again that piece where you talked about the pay piece: There was an amount that was posted, then

there's a deduction for wage and there's a—I didn't hear that. You went really fast.

Mr. Stuart Bib: Sorry. I'm not a very good public speaker, and also there's a time limit. But what I'm saying is that previously, we would receive an order where the offer was only the amount of money that Uber was going to pay. Then, if there was a tip, it would come an hour after we delivered it. It was separate, and it was easily discernable.

Now, Uber mixes the two together, and it puts it up front. But in doing so, they've been lowering the amount that they pay, and they've been obfuscating that by using higher tips from customers. Essentially, the customers are covering the wage that they're not paying anymore, but we wouldn't take the orders if we were only being presented with what Uber was offering us, and they know that. That's why they made the switch. In doing so, they called it up-front tipping, which is like—pardon my language; part of the phrase is political speak, but—

The Chair (Mr. Brian Riddell): I'm going to have to cut you off there, sorry. We'll now go back to the official opposition with MPP West.

MPP Jamie West: I'm actually going to move on to Willem and Stuart as well. So Stuart, if you want to finish what you were saying, go ahead.

Mr. Stuart Bib: No, I was done.

MPP Jamie West: Okay.

I'll start with Willem, just because my notes are in that order. One of the things you said when you sat down was the Digital Platform Workers' Rights Act is like "a kick in the face for workers" in this province: "The Conservative government telling me they're paying me for only engaged time is insulting. I'm out in the winter in my gear ready to work, and I get less than minimum wage from these employers; no overtime, no right to refuse unsafe work. This so-called 'rights act' removes my rights as a worker. We have to rely on strangers to pay our bills. I've had to go to hospital for accidents." So you spell out very clearly that in the middle of this "Working for Workers" bill, it doesn't sound like it's working well for you as a worker, or as a gig worker particularly. What should be done?

Mr. Willem Robbins: I think we should be covered under the Employment Standards Act, and especially when we are—we've seen in New York that people want to tip on food delivery, but these companies are making it hard to tip, to punish workers. So I think we should be covered under the Employment Standards Act and there should be something done to—don't force people to tip, but make it so these companies can't hide those tips. So I think that the solution is very simple.

1440

MPP Jamie West: Okay. Is there a sense more and more, if you're able to talk to customers—are people tipping because they know how low you're paid?

Mr. Willem Robbins: I think some people do know and they're very, very generous, and I think other people don't know. They don't have any idea that we would get \$2, \$3, a dollar for these deliveries. I think some

people would be shocked to learn the person that just brought you your pizza is getting \$2 for it, right?

MPP Jamie West: Right. I'm just curious, what sorts of hours, weather conditions, do you work in?

Mr. Willem Robbins: I'm a student now, so it does vary. But previously, I was working—before school, I took some gap years, and I was working 20, 30, 40 hours. And I've been out there in snowstorms because that's when, especially with Uber—when I was relying on Uber, they weren't saying anything to bikes, but during a snowstorm, it was busy. I want to get out there and actually make some money. So I've been out there in basically every condition there is: hot weather, cold weather, pouring rain, snowstorms.

MPP Jamie West: So for gig workers in general, it's not a 9 to 5.

Mr. Willem Robbins: No. These companies like to say you can work whenever, but for a lot of them, like DoorDash and Skip, you have to schedule yourself. And even for Uber, or any app, really, you have to plan your day around getting out for that lunch shift or getting out for that dinner shift. But, yes, it's not a 9-to-5, because people are ordering at all times, even 2 a.m., 3 a.m., 4 a.m. in the morning.

MPP Jamie West: Right. Interestingly, this bill, Bill 149, also includes a schedule on wage theft. Would you consider digital platform workers' rights a way to allow these billion-dollar companies to commit wage theft against their workers?

Mr. Willem Robbins: I would think so, because there's lots of time, during my work week, they separate it out on engaged time, active time. I can see there are 10 hours that I wouldn't be getting paid for under this bill. They use high-tip orders—they say you can decline any order. Well, they stack them with low-paying orders. I've done orders to figure out that one of those orders, which was half the work, paid me a dollar or 55 cents, and I would never have taken it if I knew.

MPP Jamie West: The larger Digital Platform Workers' Rights Act, not the amendment that's in here, allowed you to file complaint with a Ministry of Labour inspector. But when I read this, and it spells out that your right is to only be paid while on assignment, how is that even a right?

Mr. Willem Robbins: Exactly—because if I get one order during an hour and it takes me 15 minutes—that's about \$3 or \$4—that's my wage for the hour, and that's not minimum wage. So I don't think it provides me any rights.

MPP Jamie West: I'll move on to Stuart. Stuart, you talked about how the working conditions of app workers have declined since Bill 149 was announced. Do you feel like this is something that is working for workers?

Mr. Stuart Bib: I would say no.

MPP Jamie West: Okay. I thought it was interesting you said Uber found a union and then told you that you were a member of the union but at the same time are arguing that you're not a worker.

Mr. Stuart Bib: I think they're trying to stop us from organizing, so they want to have a stopgap, like a pretend

union. UFCW is a well-known corporate union. They don't have workers' interests at heart. They're a quarter of a million strong, but they're in many different industries, and in the States as well and internationally. If you just look online for reviews of UFCW, there's nothing positive being said because they don't do anything except support the employer, which is sort of contrary to the notion of a union, as far as I'm understanding them. I don't know how it's not illegal, to be honest. They're trying to subvert the process of organizing.

MPP Jamie West: It's interesting—no matter what union is, but it's interesting that there wasn't a union drive or rep meeting with you. I think that a multi-billion-dollar company paying you less than minimum wage, bringing in a union without consulting the workers doesn't sound right to me.

Mr. Stuart Bib: It's very important to.

MPP Jamie West: Another thing, too, is that, throughout today, we've had a couple gig workers—several today and yesterday—come and speak to us. There's been sort of this argument that maybe you are independent contractors. But when I hear about them bringing in a union without talking to the workers—and you had said as well that Uber has cut your wages, and you both talked about Uber slowly changing your wages. If you were an independent contractor, wouldn't you be able to negotiate what your wages were?

Mr. Stuart Bib: I would expect so.

MPP Jamie West: Right. It's a really weird situation we're in here. I had said earlier—I don't know if you were in the room. Uber—I just checked online—they're worth close to \$142 billion. They're just shy a hundred grand of being \$142 billion. And then I'm hearing from gig workers—I open it to you, Stuart or Willem—telling me that they're making about seven bucks an hour, and that's before they have to pay expenses. Is that relatively accurate?

Mr. Stuart Bib: Not in my case. I actually mostly have stopped working at this point for—I've got some independent entrepreneuring that's going on. But I had worked for several years, and it was just watching the decline, like, very, very gradually. And really what it is, is they've over-hired. And they're still offering bounties to bring people in.

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

Mr. Stuart Bib: They were offering me still \$100 if I get someone to come in, even as people are just standing around doing nothing and, like, starving. They do that because the algorithm can basically pit us against each other in a race to the bottom.

An algorithm is something that can work tirelessly around the clock forever, right. It's unfair. It's an unfair competition. Sorry, I'm kind of rambling now.

MPP Jamie West: No, that's fine. That's fine. I'm not suggesting you change careers, but you should consider maybe construction, because that's something I would do—

Mr. Stuart Bib: Yes, no. I might be a little old at this point, you know, but I appreciate that.

MPP Jamie West: You said wages. But we do need to address this thing. Not just—Uber is the one we talk about the most, but this is a common thing we hear from all the different gig app service delivery models. I think, fundamentally, we should all be able to agree around the table that, at a minimum, people should make minimum wage for the hours they're working, and not just be told, "Well, you're technically not working because there's no food delivery being sent to you at the time that you're ready and able to work."

Mr. Stuart Bib: I think I'd like just to close with—if you're going to offer work in Canada, it should conform to the rules of the Employment Standards Act—

The Chair (Mr. Brian Riddell): I'm sorry, I have to cut you off here.

We'll go to the independent member, and I recognize MPP Brady.

Ms. Bobbi Ann Brady: Stuart, I just want to follow-up on something you just said about pitting worker against worker. When we pit people against each other, it's never a good idea. So I just I really appreciate that comment.

Andrew, I like the idea of promoting specific careers. And I think, as a government, we could do better in having our career counsellors and our guidance counsellors within the post-secondary system work with folks like ResCon to kind of open minds and open doors to some of our young people. And you're right; when you hear the word "construction," there's one picture that pops in your head when we know that there are so many others.

The question that I have for Andrew and Ahd may be a bit difficult for you guys to answer, but I want to ask it, given the fact that you are interested in making injured workers whole and the fact that you want to see as many people working in your industry as possible. I am concerned, or I'm questioning, whether or not there should be a second step to the banning the Canadian work experience from the job postings.

If I'm an employer and I've been working under that practice, there's still no guarantee that, as the employer, even though I am interviewing folks now and I haven't advertised Canadian work experience, I'm not going to garner that information through an interview. So it's very difficult to determine whether or not there is still going to be some sort of discrimination in the hiring process.

I know that you guys are really adamant about putting as many people into construction as possible, but do you think that we could go a step further to ensure that employers are being fair?

Mr. Andrew Pariser: Oh, I think that's got to be at the core of everything. Again, you can have the best laws and regulations, but it always comes back to implementation and enforcement. But in our experience, a lot of the training is done on the job. Whether you've got experience moving cinder blocks and building a basement in Canada or another part of the world, we're fairly confident that you can pick up the skills that you need with some on-the-job training with our workforce.

So I think—maybe it's a little bit different because I'm not here talking about civil engineering and I'm not talking

about the building code or building officials, things like that. But this stuff is really important, and we do think, for us, that hands-on, on the job—we don't think you need that Canadian experience. We think it can transfer. You'll always find—let's say we bring in those 100,000 people. Maybe 1,000 are not going to work out; maybe we've only got 99,000, right. But, by and large, we think we can get rid of that requirement.

Ms. Bobbi Ann Brady: So it's really as good as the people executing it, is what you're saying.

My next question is just about the AI component of the bill. I'm just wondering if AI is being used feverishly in the construction industry.

1450

Mr. Andrew Pariser: I wouldn't know if it's being used feverishly, but I think it would be naive to say that it isn't being used at all.

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

Mr. Andrew Pariser: I think it is always better to have conversations about where we're going than having conversations about reacting to issues. My heart goes out to the two people who are deputing with me, Stuart and Willem. I don't know where AI is going to take us, but I do think it's good that this government is thinking about it. Because as we've heard today, in some of these issues, the principle is easy and the implementation seems really tough. The first thing is we've got to have these discussions around it, so I'll applaud the fact that they're starting to think about it, and they're starting to consult and have the discussions on it.

Ms. Bobbi Ann Brady: I was listening to some podcasts yesterday on the way home. We know how AI has been created, but apparently we don't know how it will actually play out.

Mr. Andrew Pariser: Yes. It either can be really good or really bad, and hopefully there's at least something in the middle there as well.

Ms. Bobbi Ann Brady: Yes. Thank you all.

The Chair (Mr. Brian Riddell): We'll now go to the government, and I recognize—

Interjection.

The Chair (Mr. Brian Riddell): You've got one left. I recognize MPP Barnes.

Ms. Patrice Barnes: Thank you. I'll put this one to you, as we weren't really quite there. The question is that we see this gap. We see the gap of the people that we bring in and the gap of how many thousands of jobs we have. In looking at your industry in particular, is there something that you would—what would be your recommendation to close that gap? Because we seem to have a disconnect between the people who are coming and the jobs that are here. So how do we create that bridge?

Mr. Andrew Pariser: Maybe I can just talk to three groups that I think are doing an amazing job, because I think more of that is the answer.

First is Skills Ontario. It receives a lot of support I think from all the parties but certainly from this government, through funding, through backing. I think you do have to

say this is a skilled-trades government, whether it's the Premier, whether it's Minister Piccini, whether it's Minister Dunlop, whether it's Minister Lecce. I think you'd be hard-pressed to find a cabinet minister who doesn't know about the skilled trades and doesn't support them, so we've seen a lot of support for groups like Skills Ontario.

Skills Ontario is the best when it comes to promoting all—I think it's 144—skilled trades across the province. They get out to the young people; they get out to the parents; they get out to the influencers, and they say, "Okay, this is what the skilled trades are. This is how you get into them."

Another group is Building Opportunities for Life Today; it's called BOLT. The main sponsor there is a company called Tridel. What they do is they provide scholarships for under-represented youth and under-resourced youth to get into construction. They'll help them either get into a trade, into a unionized job, send them to college or send them to university. So if you want to get into construction, it doesn't matter what the pathway is; they will provide financial and social support there. I think that's excellent.

Another one that we should highlight is STEP to Construction. It's a program that is run out of the TDSB by a gentleman named Elvy Moro. He has done it for about 20 years. It is the best try-a-trade pre-apprenticeship program. What it does there is it takes high school students and puts them on a job site for a semester, and they get to job shadow anywhere from four to 10 trades. That is a great program. Minister Lecce is a supporter of the skilled trades. We'd love to see that program expanded outside of the TDSB.

You've got success stories in Ontario. Let's celebrate our success stories and figure out ways to grow them. But we do really have to applaud this government. I like to say it's a skilled-trades government.

Ms. Patrice Barnes: Thank you for that. That is a particular demographic, though. When we're talking about—we've talked a lot about immigrants who are coming in with trades or with qualifications that are under-recognized or they're getting into entry-level jobs based a little bit on that Canadian experience—

Mr. Andrew Pariser: Yes. Right now, our points system doesn't work for the skilled trades, and it doesn't work for the people who build residential units and the infrastructure that supports it. Not to get too nerdy or specific, everything is based on NOC codes. I think it's 75116, but it's the construction, craft-worker and the carpenter NOC code. At the federal level, we need to give that NOC code more points. It is a problem that 75% of people who are immigrants have a university degree or higher because that is keeping the people who build residential units out of Ontario and out of Canada.

So, very specifically, I couldn't agree more: We need to stop excluding these. That's how I look at it. We are not recognizing their skill, they're not getting enough points, and it's really hard for them to get through the system.

I applaud Minister Piccini and the review he is doing on the OINP. He didn't create the NOC codes. He doesn't control them. That's a federal issue. It is a big issue that

affects everybody in Canada, and we need the feds on that. We need to change the NOC codes. And we need to change the points system. We need more points for the people who build the homes we need and the infrastructure we need to support those homes.

Ms. Patrice Barnes: Thank you.

How much time is left?

The Chair (Mr. Brian Riddell): You have three minutes and 10 seconds.

I recognize MPP Jordan.

Mr. John Jordan: I have a quick question for Willem or Stuart. I'm wondering, especially now that there has been, as you described it, I think, an imposed union, if you have had the opportunity to sit down and have, as an organized group, a discussion about the contracts that you work under, and particularly, stipend time for being on call—Willem, as you described it, waiting in the cold for that offer to come through for a run. Do any of those conversations ever happen?

Mr. Stuart Bib: I've never spoken with someone from Uber. Even after applying, I received a couple of videos to watch and then just a confirmation through email that I was accepted.

Mr. Willem Robbins: I have not, in person, but I have spoken to, or emailed with, UFCW—our representatives, apparently, representing me—when I was so desperate because Uber had just stopped sending me trips and stopped sending me bicycle-order trips, cutting my wages by 75%. I got stonewalled—nothing. It was just, “Oh, we'll bring it up with Uber”—no help.

Mr. John Jordan: Thanks.

The Chair (Mr. Brian Riddell): I'd like to thank the presenters for coming in today. We really appreciate your time and your thoughts.

RIDESHARE DRIVERS ASSOCIATION
OF ONTARIO

YOUTH EMPLOYMENT SERVICES YES
NEWCOMER WOMEN'S
SERVICES TORONTO

The Chair (Mr. Brian Riddell): I'll get the next group to come up. First, we have Rideshare Drivers Association of Ontario, with George Wedge, president. You're going to have seven minutes. Please state your name for the record, and you can begin.

Mr. George Wedge: I'm George Wedge, president of the Rideshare Drivers Association of Ontario.

Mr. Chair, Vice-Chair and committee members, thank you for the opportunity to appear here today. The Rideshare Drivers Association of Ontario represents driver owner-operators across the province in lobbying efforts for responsible regulations and rights. In Ontario, rideshare drivers alone represent more than 120,000 citizens who have invested, collectively, \$6.9 billion to provide a ready-for-work fleet at the beck and call of digital platform companies such as Uber and Lyft. Some 60,000 vehicles and drivers in the fleet are licensed right here in Toronto,

at a local fleet investment cost of \$3.5 billion. Rideshare service is an essential part of commuting in our society and extends well beyond the driver-passenger model. The same digital platform transports goods from points of sale to homes and businesses across this great province.

Digital platforms have changed the landscape of transportation employment in a way that has left legislators trying to understand who the actual workers are and what rights they should have. Financially speaking, we know how well these publicly traded platform corporations are doing, but how are these 120,000 Ontarians making out in this business or employee or contractor relationship?

1500

It would be expected that corporately speaking, as with all business enterprises, there is an expectation of a return on investment. Certainly on a level playing field, whatever ROI and generated profits you would see in the digital platform corporations, you should also see throughout the fleet. In Ontario, this is not the case, as is evident in the attached report from RideFairTO and the Rideshare Drivers Association of Ontario.

Left largely unregulated, digital platform corporations like Uber and Lyft are seeing record profits, while simultaneously the fleet is seeing record lows and, in many cases, negative returns, based on the supporting data collected and compiled from real drivers in our community. Largely unregulated and without any rights afforded to the workers who are at the wheel working daily, the digital platform corporations such as Uber and Lyft can continually change their administration of fees and fares to take more and pay the drivers less, to boost their revenues.

Looking at this through the lens of an employee/employer relationship, digital platform application companies like Uber and Lyft have the ability to amass literally hundreds of thousands of drivers in the province of Ontario, with no risk whatsoever. These many thousands of drivers show up to the gate and wait for a ride request at no cost to the companies like Uber and Lyft, all the while incurring costs, to be ready if the app decides to offer them some business. This reminds me of the Great Depression, when, in hopes of earning a meagre day's wage to buy a meal for their families, hundreds of able-bodied men would wait on a street corner for someone to offer them a gruelling day of back-breaking labour. If they were one of the lucky few, they might earn enough to buy a loaf of bread and a few potatoes to get by until the next opportunity. All the rest went home hungry and penniless. Just imagine if they also had to invest in a vehicle for that opportunity, with no guarantee of any work. What is wrong with labour rights in Ontario, that this can happen in 2024?

Can anyone show me another industry in Ontario where an employer is allowed to hire an entire small city population to work for them, with no cost or risk, and those workers have no rights within the Employment Standards Act? The obvious answer is that the Employment Standards Act prevents it, so no, there is no other such industry in Ontario where workers can be exploited to this extent.

This is exactly what provincial and municipal governments have enabled here in Ontario with the absence of appropriate regulation and workers' rights for this demographic.

Even more offensive is the fact that most driver recruits are recent immigrants and workers of colour. Denying them rights under the ESA is akin to state-enabled systemic racism that profits US-based billion-dollar corporations. Let's not overlook that this demographic grows daily with the recruiting campaigns of companies such as Uber and Lyft. Where will it end? Half a million Ontarians? One million Ontarians?

Where the digital platform industry has become one of the largest employment industries in Ontario, it is incumbent on this committee and the provincial government to closely examine this issue, outside of the super-funded corporate lobby, and focus on Ontarians negatively affected by the absence of responsible regulations and workers' rights. What I have read in the act and amendments found in both bills falls dramatically short of workers' rights and is pushing legislation in a direction that perpetuates the exploitation of Ontario workers, further eroding well-established rights. By not addressing this industry in a fair way, the province will fail hundreds of thousands of mostly racialized workers.

In short, through the Digital Platform Workers' Rights Act, the Ontario Employment Standards Act must support the rights of drivers for organizing wage establishment and protection from undue revenue administration that could amount to wage theft upon closer scrutiny.

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

Mr. George Wedge: Speaking of wages, leaving the minimum-wage requirements for operators to be determined by a future regulation is a disservice to gig workers. For the reasons above, it should be established in the act and should be for all time online, not just the work assignment time.

Rideshare Drivers Association of Ontario, as supported by RideFairTO, has provided real-time historical data from drivers for this or any other provincial or municipal committee looking to better understand the driver-app company relationship and wage exploitation. Our drivers' books are open for you. Will Uber and Lyft state the same? I look forward to answering any questions you may have.

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

We will now go to Youth Employment Services, YES, with Tim Lang, president and chief executive officer. Please state your name for the record and you can begin.

Mr. Timothy Lang: I'm Timothy Lang, president and CEO at Youth Employment Services. We are Canada's leading youth employment service provider, helping tens of thousands of youth annually find jobs throughout Ontario.

First, I need to thank you for being here, Chair and committee members. A special sort of side-note thanks: My father served in public—he was a politician for many years when I was a kid. He was an MP from Saskatchewan. He was in cabinet for 11 years under Trudeau. I saw first-hand the hard work and the thankless nights that you

all give, so I appreciate all that you do. Although, as I say, my father left politics due to illness; the voters got sick of him. Hopefully that doesn't befall you. But thank you for being here.

First, let me give you some background. Youth Employment Services has been around since 1968. We were the first of its kind in Canada, started by support from the Ontario government. I remind my younger staff that at the beginning of 1968, the Leafs were still Stanley Cup champions, so they see we're very old. But since that time, we've helped hundreds of thousands of youth directly and millions indirectly, the majority of whom are disadvantaged or who have real barriers to employment, and supported agencies across the country. We've got close to a 90% success rate with a multitude of free—it's all free—training programs, be it in the all-important soft skills, the employment training, but even hard skills in the trades or cybersecurity, cloud computing and new programs that help with mental health issues which, unfortunately, is a growing issue.

But to have the success rate that we have, close to 90%, we of course deal with and work with thousands and thousands of businesses in Ontario, and so informally we have in fact been doing a lot of the amendments that in Bill 149 for many decades. So we're very supportive of it because it enshrines a lot of things that we were doing informally. For example, when we work with businesses to put disadvantaged people who may have many barriers to employment, be it education or economic or a new Canadian or a refugee or mental health or physical disability, getting clarity in pay has been incredibly important. We've seen first-hand how that has helped reduce the gender pay gap or pay gap with people of colour or disabilities, so we're very supportive of that.

We've also informally worked with all of our business partners on recognizing foreign credentials, not making mandatory Canadian experience, ensuring that they are paid fairly for training periods. We've even helped some in the hospitality industry with theft and recognizing or working with them on ideas or policies there.

So all that to say, we feel that this is important because the people—I mean, we help all sorts of youth but, again, the majority face some sort of barrier or disadvantage, and if you think about it, a lot of them feel that they don't have a voice for themselves. So certainly the ones that we work with and the businesses we work with, we advocate for them. We train them to have a voice. We train them on the Employment Standards Act, on human rights, on even discrimination so they can be ambassadors of change, the tens of thousands we send out there.

We know we're helping create a better Ontario, but we also know many, especially youth that we deal with, don't have a voice, so we think enshrining some of these principles will help especially those disadvantaged youth and all Ontarians. We think it's a great addition to Ontario to make it one of the greatest places in the world to work and make us greater still.

Finally, I'll just end on about five or six years ago, many of you may not have known this but the Economist

magazine and Citibank foundation did a study to see which is the best major city for employment opportunities for youth, and they did all their analysis and Toronto came out number one. We found out afterwards that they were a little disappointed; they were hoping it would be, you know, London or Paris or New York, not humble Toronto. So they redid the calculations and metrics, and Toronto came out number one again. I don't know if they did it a third time, but finally they said, "Okay, Toronto, you're it."

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And so we were awarded that great honour, and it was because of our strong business environment and robust market economy that creates jobs and innovation, but it was because we have that great balance with our social safety net. Of course, we know chief among that is our health care system, which—as I've always said, a great idea or ideal you have to fix is better than no idea at all.

But the other reason was organizations like YES, so I'm so proud that there's a whole layer of network of organizations like ours that help so many disadvantaged people who don't need to handout but a hand up. It has made Ontario one of the great places for people of all situations to try to get ahead. Again, we've seen it first-hand. So we think these amendments will help and just make Ontario greater still, so we're very supportive.

So, on that, I thank you very much.

The Chair (Mr. Brian Riddell): Okay. We will now have Newcomer Women's Services Toronto and Sara Asalya, executive director. State your name for the record and you can begin when you get comfortable there.

Ms. Sara Asalya: Thank you very much. My name is Sara Asalya, and I am the executive director of Newcomer Women's Services Toronto. I want to thank Mr. Chair and the committee for the opportunity to share my input regarding Bill 149.

For the purpose of this presentation, I will be addressing schedule 2 of Bill 149, which would amend the Employment Standards Act to prohibit employers in Ontario from including any requirements relating to Canadian work experience in publicly advertise job postings and would also require employers to include the expected compensation or the range of expected compensation for the position in any publicly advertised job postings.

Newcomer Women's Services Toronto is a not-for-profit, charitable organization operating in three Toronto locations, serving thousands of immigrants and refugees every single year. For over 40 years, we have been on the forefront, addressing inequality and forging pathways for social and economic opportunities for newcomer women and their families. We do this through offering a wide range of services to newcomers, including settlement, English language training, employment services, skills development training and mental health support.

We do a lot of similar work to Youth Employment Services, focusing especially on access to the labour market, but with a focus on newcomer women. We also work closely with employers from across the province to support their recruitment and retention efforts, connecting

them with immigrant talent and educating them about inclusive hiring practices.

As an immigrant-serving organization, we have a long-standing history of working with stakeholders, including governments, policy-makers and newcomers, as well as industry leaders, to advocate for better policies, systems and legislation that support the settlement and economic integration of newcomers to Canada.

As an immigrant myself, I experienced first-hand the many challenges and barriers faced by newcomers, especially when trying to access the labour market. The Canadian experience requirement is often cited by immigrants as one of the key challenges they face when seeking employment in Canada. Requiring Canadian experience can perpetuate a cycle where newcomers struggle to gain employment because they lack Canadian experience, yet they can't obtain Canadian experience without being employed. This Catch-22 situation can be particularly challenging for many immigrants who may have relevant experience, competencies and skills, but face barriers to entry due to this requirement.

A recent study titled *Bridging the Gap: Immigrant Women and Their Labour Market Integration in the Greater Toronto Area* revealed that immigrant women in the GTA face persistent career barriers despite their qualifications. Around half of the study respondents indicated that lack of Canadian experience constitutes a huge barrier for them to access the labour market as it is required by employers and recruiters. In another recent research study titled *Employment Barriers Facing Arab Women in Canada*, Canadian experience requirement is cited as one of the main barriers facing these women in accessing the labour market.

We welcome the amendments proposed in Bill 149 that will prohibit employers in Ontario from including any requirements related to Canadian working experience in publicly advertised job postings. The proposed amendment is the first step in the right direction, but we hope that it won't be the last step or the only step or measure taken to eliminate systemic barriers facing newcomers in entering the labour market.

Therefore, we recommend that the government take additional measures to ensure that employers do not discriminate against newcomers based on their lack of Canadian experience. We believe that there is a need to provide training and resources for employers on best practices for recruiting, hiring and retaining newcomers. This training can include information on cultural sensitivity and on how to assist candidates based on skills, competencies and qualifications, not based on Canadian experience. We also believe that it's critical for the government to establish mechanisms to monitor compliance with this specific provision of the act. This may include audits and investigating complaints of discriminating during the hiring process.

As for pay transparency amendments of the act, we welcome and support the proposed amendment that would require employers to include in any publicly advertised job posting the expected compensation or the range of

expected compensation for the position. Pay transparency matters for everyone. It matters for all of us, but it especially matters for newcomers for many reasons. Pay transparency ensures that newcomers are treated fairly and equally in the workplace. When salary information is openly available, it reduces the likelihood of discrimination based on factors such as nationality, ethnicity and immigration status. Pay transparency provides newcomers with the necessary information that can empower them to make informed decisions based on what's best for them and based on their own specific needs and circumstances.

Finally, we believe that without transparency around pay, newcomers may be more vulnerable to exploitation. We are confident that the proposed amendment would prevent such exploitation by ensuring that all employees receive fair compensation for the work that they are performing. Thank you.

The Chair (Mr. Brian Riddell): Okay. We will now go to our last round, first with an independent member for four and a half minutes. I recognize MPP Brady.

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

George, I think it's embarrassing that we have hard workers appear before us like our previous presenters, like Sean, Willem and Stuart, who go out there and fight the chaos of the downtowns on a bicycle or whatever and in the cold. It's embarrassing that they are struggling and not making ends meet when platforms like Uber are making money hand over fist.

So my first question to you would be: How do we go about wage establishment? What does that look like for these 120,000 workers?

Mr. George Wedge: Thank you for the question. An immediate starting point is a guarantee of minimum wage for all hours that they are available and working for that company. They obviously have expenses, because ride-share drivers have that initial investment of their vehicle, so we have to find a way around that. I don't have an answer for you, but I know what we have isn't sufficient. Minimum wage guarantee is a start, but certainly we need to sit at the table with companies like Uber and Lyft, and we need to come to some sort of a solution. I don't have all the answers today, unfortunately.

Ms. Bobbi Ann Brady: Okay. In your report, there's a line that says undue revenue administration that could amount to wage theft. Can you explain how that is happening?

Mr. George Wedge: Certainly. Thanks for the question again. We see miscellaneous fees showing up on our waybills when we drive people. The first thing they do is they take a commission out of our fare, which is determined out of our contract. The next thing they do is they charge a booking fee that goes directly to them, and then a surcharge that goes to them, and then miscellaneous other fees. We don't know what they are or how they're generated. From the straight relationship of looking at us as a fleet, if someone was answering the phone and then feeding us a ride, I don't think I would give them 25%.

There aren't a lot of good sports agents out there who even get 25%.

So it's flawed on a number of different levels. I don't have an answer on the challenge. Certainly there's a civil challenge, but from the wage perspective as an employee, there are just too many fees that go direct to the apps and don't go through the driver's revenue stream.

Ms. Bobbi Ann Brady: Okay. And my last question is: We know that Bill 149 does not protect the 120,000 workers that you are speaking about, but can you explain—in the report, it says that the bill actually perpetuates the exploitation of Ontario workers and further erodes well-established rights? Can you explain how the bill does that?
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Mr. George Wedge: Sure. I'm going to try. As the Digital Platform Workers' Rights Act sits today, when I read it, I see a lot of the right buzzwords that I would expect to see and that I see in the Employment Standards Act, but what I don't see is a path to those rights. So they're there, but they're hanging. And when I look at Bill 149, I don't see it trying to establish those connections. Having this opportunity now to make amendments to that act and not doing it, it's continuing us in the wrong direction.

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

Ms. Bobbi Ann Brady: So you would like to see these issues addressed in this bill, rather than wait for another bill?

Mr. George Wedge: Absolutely. We've been waiting a long time.

Ms. Bobbi Ann Brady: Thank you.

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

Mrs. Daisy Wai: Thank you to all the presenters coming in and sharing your thoughts with us. I have a question for Tim. Again, thank you for your service to the community, especially to the youth. My question—if you can share with us, what do you see in Bill 149 that will impact your clients the most, especially the youth and the young workers?

Mr. Timothy Lang: I think the pay transparency is definitely a big one. I think a number of the new changes are important, but I think that's the biggest one. As you pointed out, a lot of times when you have that transparency right upfront, the employers won't make a change or something after the fact. They know that it's within that band. We've seen it in other even larger corporations when they start to establish clarity and pay bands, it starts to reduce the gender pay gap, other gaps and people of colour or whatnot. As I say, we've actually seen that, because we've informally asked for clarity with the thousands of employers we work with, so we've seen it in action. But a lot of times, we're encouraging that to employers, so it will be nice to have it enshrined in law, saying, "By the way, this is how it works, so follow this." And in the end, all of the employers we deal with, they are good-intentioned

employers. Some are major corporations. Some are small businesses who have some serious bottom line.

But in the end, the work that we've done—they see that hiring people, even the vulnerable youth that we work with, in the end, they want someone who is going to be a hard worker, of good character and get the job done, nothing else. It helps eliminate some of these other perceptions that are really not based in reality.

Mrs. Daisy Wai: Thank you very much for your feedback.

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

Mrs. Robin Martin: I just had a quick question to follow up with what MPP Brady had asked Mr. Wedge. And that was, I take it from what you said in answer to her last question that it's not something within Bill 149 that you're concerned about. It's rather you wanted to use the opportunity to do more. Can you just confirm that that's the case?

Mr. George Wedge: Thank you for the question. So, yes, by and large, that's the issue: There's this opportunity now to make amendment, and it's lost. Having had the act kind of hanging the way that it has with all of the—

Mrs. Robin Martin: Sorry, just to be clear, you're talking about Bill 88, which was passed?

Mr. George Wedge: Correct, yes.

Mrs. Robin Martin: Okay.

Mr. George Wedge: It was our hope that this opportunity would take those rights and amend them into the act where they don't exist yet.

Mrs. Robin Martin: Okay. But the sections in schedule 1 that deal with the digital platform, you don't have any particular objections to those provisions, just that there isn't more there.

Mr. George Wedge: Correct. There's not enough.

Mrs. Robin Martin: Okay. Thank you.

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

Ms. Patrice Barnes: Thank you to all the presenters for coming in today. My question is to the YES organization. We see a lot of unemployment in—well, I wouldn't say a lot, but relative to the overall population we see a higher unemployment rate in youth. If you have the opportunity to just expand on what might be some of the barriers that we're seeing that are keeping youth out of the employment market.

Mr. Timothy Lang: Youth unemployment typically is double the national average, and it's always certainly a little bit higher in the GTA. And a number of factors—some of it is that the youth don't know what's out there, so even agencies like ours solve that disconnect. If there are in-demand jobs but no one to fill them, we can help to make sure they have the skills or send them off to the training, be it in the trades or cloud computing or so on. So that's certainly one solution.

But in general, it is helpful that there are agencies across the province like ours that can help, and they're free. Not only that, they can even get a stipend if they get into a training program. So you would think they would be knocking down the door, saying, "What? I get a stipend to come to your program, and then I'm almost guaranteed a

job?" But still we have to go out and market and let them know about our services. So we're always trying to ensure more youth know that this is a real solution, because we truly change lives. You see it: They could be down and out for a number of reasons. Some of the hardships we've seen are just awful, but when we not only give them the employment skills but the life skills, that you're going to get knocked down but you've got to get back up, and then a job after that—because we know that employment is one of the greatest things for one's self worth and dignity, especially if you've got a mental health disability. It gives you a sense of purpose and community.

So certainly, organizations like ours are one solution, and for every dollar of funding, we've proven it provides three to the economy in terms of new tax revenues, reduction in social services and so on. We're so grateful for the funding from the government and our other sources. That is one solution. But other enactments through this bill and that the government has done, I think, are positive changes as well that will help reduce youth unemployment, certainly.

A bigger issue, and I wrote about this in the Osgoode Hall review, is—and this is a bit of a shift and a bit of a change, but more of the services that we provide, even in counselling in high schools and things like that—high schools do their piece, but they're busy with other traditional curricula. I've always said, in an ideal world, we wouldn't need a Youth Employment Services, we wouldn't need YES, because it's done in high school. That's another thing.

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

Mr. Timothy Lang: But the other thing that I wrote about in that article, and this is before the government started in on its vision of eliminating the stigma against trades, I wrote—because if you look around the world and you look at the best countries, the lowest unemployment is Germany. Well, they have a great trades initiative, where they start in high schools and all that. So I'm so pleased to see—that's another way to help eliminate that—that this government has helped eliminate that stigma. There's still a long way to go, but they've done a great job there. They've got that OYAP program, apprenticeship programs in high school, so they're really starting to make young people realize these are great careers and it's in-demand jobs. So those are some of the solutions.

Ms. Patrice Barnes: Okay. Thank you very much.

Do we have more time?

The Chair (Mr. Brian Riddell): You have 21 seconds.

Ms. Patrice Barnes: Thank you so much, for the presenters.

The Chair (Mr. Brian Riddell): Okay. We'll go the official opposition. I recognize MPP West.

MPP Jamie West: I'll start with Mr. Lang. First, I wanted to say thank you for all the work that you do for youth services. I noted you said that Toronto came back as number one, so I'm going to assume my riding of Sudbury was second or third.

But I do know the work that you do. I experienced it as a youth, and I hear stories all the time. Can you share a

success story? For people who aren't aware of what YES does, can you give an example of something that's been a success story or something that's helped maybe longer term for somebody?

Mr. Timothy Lang: Yes. I've always said that for every one youth we help, it affects people all around them: a brother, a sister, a parent. Sometimes they have kids, so it really affects four or five, so of the hundreds of thousands we've helped directly, it's really millions. I always say they walk among us, and I hear it all the time—because we lose track of the youth. They get into their late twenties, thirties and so on. But oftentimes at different functions, I hear people say, “I was a product of YES or an organization like YES.”

One story that comes to mind was—we had, actually, a donor in. They loved what we do, and he went back to his office. He called us later with a story. He said he was telling his staff about this great organization, YES. His managers all left, but one stayed behind and she said, “I'm a product of YES. I was homeless, pregnant and on the street and if it wasn't for YES, I don't know where I'd be.” And he was dumbfounded because now she was a manager leading a big team with millions of dollars of a budget. So that's just one of many stories that I hear.

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It really is impactful, the work that we do to get that first job and give them that confidence to know that it's going to be a long journey and, as I say, you'll get knocked down, but you keep getting back up and great things can occur.

MPP Jamie West: Yes, and one of my experiences as a youth with the program was—I don't know if it still exists like this, but there was an opportunity to get these odd jobs, and it helped, because when you're 15 or 16 years old, you don't really have a résumé. You have maybe babysitting or walking the dog, so it helped to have a variety of different things and also to understand what you might be interested in.

So, again, I want to thank you and, as well, thank your father for his service to the public.

Mr. Timothy Lang: Thank you.

MPP Jamie West: It's a weird thing that—before I was elected, people would say it was an honour and privilege when they were voted out or when they retired. I think, once you serve, you really recognize how genuine that is for all members. It really is an honour and privilege to do this.

I'm going to go on to Ms. Asalya. A few of the things that you brought forward—prohibiting employers from requiring Canadian workplace experience, the pay transparency—already exist as acts. And so—I actually have a note. I lost that page or I misplaced it. In the next round, I'll talk about it.

The prohibiting employers from requiring Canadian workplace experience: It has been prohibited since 2013 under the Human Rights Code, and you talked about this not being the first step. There was a first step in 2013; it's obviously still being exploited. What are the next steps? Because, if a year or two from now, we just schedule

another one saying, “This time for sure we really mean it,” it's not going to make a difference. So how do we ensure we make a difference for the people that you help?

Ms. Sara Asalya: It's a great question; thank you. I think what we have been hearing throughout the day today and yesterday was a lot of, “What does this mean if it's not being reinforced, if there are no really strong measures for the government to be able to monitor, to audit and to hold the employer accountable?” And I think one of the recommendations we're making here is that this is wonderful; a lot of these already exist and are being reinforced via a second bill now, which is fantastic. But I think there is a need for the government to be working alongside stakeholders and some other organizations to really introduce a lot of education and awareness and work alongside the employers—because to a lot of employers, you can say you cannot discriminate based on Canadian experience; I can tell you they do. They do. As a newcomer, I experienced this a lot, and I've been in Canada for about 12 years. Probably this bill came slightly after I came to Canada in 2013, but still, the employer wouldn't tell you that you're not getting the job because you don't have the Canadian experience, but you know that this is one of the main barriers.

So, I think education is really critical, reinforcement of different and additional measures through employers' audits and making sure that employers are following through these, I would say, critical hiring best practices is needed. We do a lot of this work similar to Youth Employment Services. Through our employment program, we work with job seekers as well as employers, and a lot of what we do is education and training and sharing of resources about how to make their hiring practices—for the full HR cycle: from the minute you want to do a job posting, how to draft a job posting, what kind of requirements you can ask for, through the screening and interview process, to even ensuring that there is retention and there is no discrimination when employees are being in the workplace. It is a great first step, but then what's next? What happens? Do these workers have any channels or pathways that they can really seek justice if and when an employer would discriminate based on Canadian experience?

MPP Jamie West: Yes. I found the document. It was from the Workers' Action Centre. It says, “But the Human Rights Tribunal of Ontario” which would have enforced this “has a huge backlog of over 9,000 cases” and, as a result, “workers wait three to five years to get a hearing on their case.”

“The backlog of cases at the HRTTO began to increase significantly after the” Conservative “government came into power and then failed to reappoint or retain experienced adjudicators and then failed to make new appointments. When the government did start to appoint new staff,” they “had little or no experience in human rights law.”

I think there could be a connection between the organization work that you do in filling these roles, because that first-hand lived experience I think would really be informed

for it. So we could be placing people into jobs in something that they've experienced and would want other people not to experience. I think there's a real opportunity for that.

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

MPP Jamie West: I know I sound like a grinch by saying these already exist, but the Pay Transparency Act—this version is sort of a watered-down version of a bill that came out on May 7, 2018. It was supposed to come into effect on January 1, 2019, but it was blocked. We don't have a ton of time to write amendments, because we have to have them submitted by 7 p.m. tonight, but I'm hoping to have the amendments come in that would make this related to that. The way this one is written, it says you have to say the range, so you literally could write down "\$1 to \$1 million." The other one would actually say what the wages are and what—employers would have to file them, so it would be on file so they could track. Do you think that would make more sense?

Ms. Sara Asalya: I think the range has to be reasonable, and I don't think there is an employer out there that would put a very wide range. At the organizational level, there should be policies that would determine what the range looks—

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

We'll go to round two and the independent member for four minutes and 30 seconds. I recognize MPP Brady.

Ms. Bobbi Ann Brady: I'm not sure I'm going to use all four minutes, because MPP Martin clarified the one question that I had with Mr. Wedge, and MPP West took my thunder on my second question.

Ms. Asalya, I am heartened to hear you agree with the fact that this is a laudable first step with respect to Canadian work experience. I asked a presenter in the previous round if we should go a step further, and you have largely said that we should and that we should bolster the first step in Bill 149.

You've already given examples of how providing education—so I guess in a last-ditch attempt here to try to get you to say more: Is there any example that you could use of the work that you have done with an employer that—maybe you had an employer who said, "I'm not doing this," and you were able to help them through the process.

Ms. Sara Asalya: Yes, absolutely.

You would be surprised by how many employers do not have the knowledge or the resources to even draft a decent job posting. This is where we come in. We have a whole team who are experienced in employment counselling and the labour market and education about human rights in the workplace. We look at the competencies. We look at the minimum requirements of the job.

We do see, sometimes, employers are biased, because maybe it's safe for them to hire somebody who has five, 10 years of Canadian experience versus somebody who is new to Canada. We try to really promote the idea of international experience—that it brings not only diversity of

thought, but it also brings resilient workers to the workplace who will add assets and strength.

So from one side, we advocate on behalf of these newcomers, and we also educate employers. We run workshops and we do it one on one—"In this job posting, this would be more ideal." Even for them to recruit and find the right talent—we go through the whole cycle up until we place a newcomer in their organization. There is a whole lot of training with the interview questions and how they interview, what kind of questions, how they can prompt to ensure that there is fairness—and also that there isn't any sort of discrimination happening in the process, based on Canadian experience, because we know that this is the first block.

What I'm saying is that we applaud this first step. This is a really great first step in this bill. Take it one step further through regulations, through funding, through training, through education, through having a network of employers—that there is really investment from the government to do the awareness and education, as well.

Ms. Bobbi Ann Brady: I agree. I appreciate your passion, and I appreciate the passion of all our presenters this afternoon.

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

Ms. Natalie Pierre: Thank you to today's presenters. My question is for Sara.

Sara, we heard you talk about some of the training and/or education materials that your organization has developed. I'm just curious about how you are currently sharing those with employers in the area.

Ms. Sara Asalya: We're not sharing on a large scale, but we have a pool of employers that we work with. We work with them under the employment services program, as well as the Skills Development Fund. So we help both workers and employers. We help them through the full hiring cycle, whether it is a job posting—we also host job fairs and information sessions to educate job seekers about the culture of the workplace, what some of the perks are if you're going to join this employer.

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We have presentations, we have best practices, we have tool kits that we share with employers. They are not public—it's more limited to the network of employers that we work with. But we're very open and happy to share those best practices and even join efforts with other organizations and non-profits and work alongside the government to make sure that there are materials and resources that can be shared on a larger scale. Introducing a training program; cultural sensitivity; removing biases from the full HR cycle and recruitment, from the job posting to the exit interview; ensuring that there are no biases whatsoever in any of these processes that would eliminate somebody from the job—from the first step in the job, getting the job, getting the interview, or even from promotion or advancement throughout their career.

Ms. Natalie Pierre: It sounds like you've done a lot of work. Would you consider sharing these resources on your

website so that they are accessible? Or maybe they are already available on your website?

Ms. Sara Asalya: We promote our services to employers and to newcomers and job seekers. So the actual services are promoted out there, and this is how they know about us and they come to us. I think we are very open to having these resources more accessible via the website and social media channels.

Ms. Natalie Pierre: Right now, they're not on your website?

Ms. Sara Asalya: Not all of them. I will have to take a look and make sure that we are publishing them.

Ms. Natalie Pierre: Which ones are on your website?

Ms. Sara Asalya: The services.

Ms. Natalie Pierre: Oh, no, I meant the training materials and the education resources that you were talking about. You said that not all of them are on your website, so I'm curious—

Ms. Sara Asalya: I would have to take a look at what exactly is there. Usually, we promote the services versus actual resources or tool kits.

Ms. Natalie Pierre: But you would consider sharing your resources?

Ms. Sara Asalya: Absolutely. I think that would be a terrific idea.

Ms. Natalie Pierre: Good. I think increasing those conversations and having those materials available to both employers and employees would be mutually beneficial to a lot of people. I know there's a lot of really good work that's done, and I think getting those resources out and accessible to the public helps decrease bias in hiring for everyone.

You've talked a lot about education, and you've talked about transferable skills for internationally trained individuals. I'm just curious if you could tell us, what are some of the impacts that the proposed changes would have on newcomers—specifically, if there were a couple that you could highlight for us.

Ms. Sara Asalya: In regard to pay transparency or Canadian experience, or both of them?

Ms. Natalie Pierre: Sure.

Ms. Sara Asalya: Well, I can always speak first-hand, as an immigrant myself. It's really frustrating and so unfair when you bring not only the same skills and experience and qualifications—and in some cases, you are the most qualified in the room—and there would be hesitancy from the employer to hire you because of the Canadian experience. I was personally told that I was turned away from multiple interviews because it was risky to hire me because I don't have the Canadian experience.

My hope is that this bill would really—it's a bill, so it's not encouraging employers; they have no choice. They shouldn't put the Canadian experience as a requirement—not only in the job posting, but we should take it one step further. It shouldn't be in the process at all—not in the job posting, not in the interview, not in the decision-making, and not to be a factor in making decisions that would impact the labour market entry, retention and advancement for these newcomers.

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

MPP Jamie West: Thank you to all the presenters and my colleagues. This is our last presentation, so we're eager, after two days.

I want to speak with Mr. Wedge. I appreciate all the work you did with the Rideshare Drivers Association of Ontario—the package that you handed out. I've referred to this, actually, several times today—this Legislated Poverty guide or document talking about how little pay they get. It's shocking to me, in the report, the second paragraph—120,000 Ontario workers are providing their vehicles in a fleet worth \$3.5 billion. None of that is an expense for these rideshare companies, but at the end of the day, they have a majority of the profit. Uber has almost \$142 billion—their net worth. Lyft is, I guess, a little brother in the crowd, but still has over \$4 billion in worth. What I'm being told and what I'm hearing over the last two days from organizations like yours and groups that represent workers, and from the workers themselves is that they're not even making minimum wage from multi-billion dollar companies.

Earlier today, you were asked about this bill specifically: “Did schedule 1 address things?” I think the response you had was, “No, it's not”—this was the opportunity to talk about the Digital Platform Workers' Rights Act. I would argue that if you're going to put out a bill called the Working for Workers Act, and if you had a previous bill called the Digital Platform Workers' Rights Act that was already put out that enshrined the ability of these multi-billion dollar companies to force their workers to accept less than minimum wage—there are several amendments in here, but basically they're just cleaning up words. This is an opportunity the Conservative government missed to address that and fix that.

We have the opportunity to put in amendments to address what's happening to these rideshare workers. What would be an amendment that you'd want us to move forward on?

Mr. George Wedge: Thank you for the question.

I'm just going to change my response to what we actually had issue with in Bill 149, because I knew I did have something—but nerves. “2. Section 9 of the act is amended to provide that rules for determining compliance with the minimum wage requirements of the act may be prescribed by regulation.” Why? The act itself should be the vehicle. Why have a second vehicle? So it should stay in the act, where it is. What we're looking for in there, specifically, is, if the apps are accepting our drivers to be on them for a period of time in the day, they should be paid for that full period of time. So where we're looking at a minimum wage guarantee, it can't just be for when they're engaged. That's like me saying, “Oh, when I'm busy, I'm busy. But when I'm not busy, I'm not.” Well, if you're on the app all day, you're not doing anything else, and you deserve to be paid for your time—ready to work for that company—whether they have work for you or not. Specifically, that's the one major thing we're looking for.

We're looking for rights to organize, so the act needs to have something where these companies like Lyft and Uber, where they isolate the drivers—the drivers exist in isolation. They don't know the guy beside them is a driver unless they happen to see the sticker. So organizations such as trade unions need to have access to who the drivers are to give them those same workers' rights that are afforded to other workers throughout the province.

Those are our big two.

MPP Jamie West: On the second page, you say, "Providers such as Uber and Lyft can continually change their administration of fees and fares to take more and pay the drivers less to boost their revenues." That sounds like employees to me. This doesn't seem like contractors.

When you were explaining about when you're working—I'm thinking about, as we go through the rounds, every hour, I speak for seven and a half minutes once and then seven and a half minutes a second time, so 15 minutes in total. If we used the Uber-Lyft model, I would only be paid for 15 minutes. My colleagues, who share their time between many of them, back and forth, would maybe get less than I would because they're not working, even though they're ready and prepared and listening. That's sort of the injustice we're talking about in this, right?

Mr. George Wedge: Absolutely. I know that everyone at this table is going to get a salary. Whether you speak or you don't speak, whether you're taking notes or whether you're just relying on the recorded record, you're getting a full salary, without investment. You don't have to have bought and made an investment in a vehicle just to enable you to be able to do what it is you're being asked to do.

So, yes, absolutely, it's a horrible model, but it's, "Accept the deal or don't work." There's no opportunity to negotiate.

MPP Jamie West: Let me ask, then—I don't want to put you on the spot, but I hear people, especially online, who will say, "Well, just quit if you're not happy." Why don't people just quit?

Mr. George Wedge: Because they have nothing else; that's why.

I found my way into Uber—I actually have a very good union job and make an amazing wage. I was suddenly out of work for an undefined period of time; it turned out to be six months. My wife suggested that I try Uber to see if I could replace all of my wage, so I did. I got out of bed and I got into the car; I got out of the car and I got into bed, and I did that seven days a week for six months. I logged more than 80 hours a week on that app. I never came close

to earning my wage, and that's before deducting my expenses.

MPP Jamie West: I appreciate that, because it is something you hear very often. I think there's this false reality that there are these magic jobs out there that people can do.

At the end of the day, if you have to put food on the table, you're going to take whatever you can.

Mr. George Wedge: Absolutely. You're going to wait in line like the guys in the Great Depression, just hoping someone is going to offer you something to do for 10 bucks.

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

MPP Jamie West: I want to reread that line just for Hansard, because I think it is something we need to think about when amendments are brought forward, and if they're supported or voted down—you had, "This reminds me of the Great Depression where in hopes of earning a meagre day's wage to buy a meal for their families, hundreds of able-bodied men would wait on a street corner for someone to offer them a gruelling day of back-breaking labour. If they were one of the lucky few, they might earn enough to buy a loaf of bread and a few potatoes to get by until the next opportunity. All the rest went home hungry and penniless. Just imagine if they also had to invest in a vehicle for that opportunity, with no guarantee of any work."

This really does feel like the Digital Platform Workers' Rights Act is enshrining the ability of these platform companies to exploit workers.

Mr. George Wedge: It does, in fact, enable them, because it has no teeth. It doesn't look to the worker, which is what, as the provincial government for Ontario, we would expect from our government—that they understand not what the billion-dollar corporations have done with their \$100-million lobbying campaign, but the actual Ontarians who are being negatively affected by the only work they're able to get.

The Chair (Mr. Brian Riddell): I would like to thank all the presenters—yesterday and today—for coming here and giving us their thoughts and time. I really do appreciate it, as does everybody in this room.

This concludes our business for today. The committee is now adjourned until 10 a.m. on Wednesday, February 14, 2024, when we'll begin clause-by-clause consideration of Bill 149.

The committee adjourned at 1553.

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