



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 20, 2019
SUBJECT/REPORT NO:	Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (LS19011) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Nicole Auty (905) 546-2424 Ext. 4636
SUBMITTED BY:	Nicole Auty City Solicitor Legal and Risk Management Services
SIGNATURE:	

RECOMMENDATIONS

- (a) That Report LS19011 be forwarded to the Minister of Economic Development as the City of Hamilton's comments on Bill 66 – Restoring Ontario's Competitiveness Act, with the exception of Schedule 10 which was addressed in report PED19027.

EXECUTIVE SUMMARY

On December 6th, 2018, Minister of Economic Development, Job Creation and Trade, the Honourable Todd Smith, introduced Bill 66, the Restoring Ontario's Competitiveness Act (Bill 66). This proposed legislation has interest for municipal governments. Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. The Legislature is scheduled to proceed with second reading of the Bill on Tuesday, February 19, 2019.

Report PED19027 provided comments on Schedule 10, which the provincial government has since communicated that it does not intend to proceed with.

This report provides an overview of the proposed amendments in Bill 66 and provides comments on those areas of particular interest to the City of Hamilton.

Alternatives for Consideration – N/A

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no known financial implications at this time.

Staffing: There are no known staffing implications for the City of Hamilton.

Legal: The legal implications are more fully outlined in this report.

HISTORICAL BACKGROUND

Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. The Legislature is scheduled to return for the next Session on Tuesday, February 19, 2019. Bill 66 appears on the Parliamentary Agenda for Second Reading on that day.

Report PED19027 was before Planning Committee on February 4, 2019 and provided comments on Schedule 10 which will be provided to the Minister of MMAH separately.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Bill 66 provides amendments to several pieces of Legislation over 12 Ministries. The amendments proposed by the twelve schedules are summarized below and where they directly impact the City of Hamilton, they are discussed in the Analysis section of this report.

Schedule 1: Ministry of Agriculture, Food and Rural Affairs makes changes to the *Agricultural Employees Protection Act, 2002*, to include employees who engage in ornamental agriculture; the *Farm Registration and Farm Organizations Funding Act, 1993* dealing with farming registration requirements, and *Ministry of Agriculture, Food and Rural Affairs Acts* to include loan guarantees by entities that provide loans to farmers in loan guarantee programs.

Schedule 2: Ministry of the Attorney General repeals the *Pawnbrokers Act* and amendment to the *Personal Property Security Act*.

Schedule 3: Ministry of Education amends the *Child Care and Early Years Act, 2014* and the *Education Act*. This schedule has a potential impact to the City of Hamilton and is discussed in the Analysis section of this report.

Schedule 4: Ministry of Energy, Northern Development and Mines, amends section 78 of the *Ontario Energy Board Act, 1998* to remove references to unit sub-metering, and to add a reference to unit smart meter providers in subsection 78 (9). A consequential amendment is made to the regulation-making authority.

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Schedule 5: Ministry of the Environment, Conservation and Parks, amends the *Toxics Reduction Act, 2009* to provide that the Act is repealed on December 31, 2021 and revokes the regulations made under the Act as of the same day. The legislation applied to facilities in the manufacturing and mineral processing sectors.

Schedule 6: Ministry of Finance, repeals subsection 80.4 (1) of the *Pension Benefits Act* provides that the conversion of single employer pension plans to jointly sponsored pension plans, implemented through a transfer of assets and liabilities, is only available with respect to plans that are public sector plans and with respect to prescribed pension plans or classes of pension plans.

Schedule 7: Ministry of Government and Consumer Services amends the *Technical Standards and Safety Act, 2000* so that it no longer applies to upholstered or stuffed articles. The Schedule also allows alternate rules made by a director and approved by the Minister under the Act to regulate any matter to which the regulations made under the Act apply. It also repeals the *Wireless Services Agreements Act, 2013* and regulations.

Schedule 8: Ministry of Health and Long-Term Care amends sections of the *Long-Term Care Homes Act, 2007* dealing with notice if approval for admission is withheld, allowing the Director to establish how public consultations are conducted, allowing the director to issue temporary emergency licenses.

Schedule 9: Ministry of Labour amends the *Employment Standards Act, 2000* and makes changes to the *Labour Relations Act*. The Changes to the ESA remove the Director’s approval for employers to make agreements that allow their employees to exceed 48 hours of work in a work week and for employers to make agreements that allow them to average their employee’s hours of work for the purpose of determining the employee’s entitlement to overtime pay. The latter changes are addressed in report LS19011a.

Schedule 10: Ministry of Municipal Affairs and Housing (MMAH), the Minister of MMAH has communicated the government will not proceed with Schedule 10 of the Bill.

Schedule 11: Ministry of Training, Colleges and Universities *Private Career Colleges Act, 2005* is amended to provide that the term of a registration or renewal of a registration shall be specified by the Superintendent in accordance with the regulations or, if there are no regulations, shall be one year unless otherwise specified by the Superintendent.

Schedule 12: Ministry of Transportation the *Highway Traffic Act* requires a driver of a vehicle to carry the original permit for the vehicle or a true copy of it, and to surrender the permit to a police officer, upon demand. The Act is amended to provide that where the permit is a permit issued by the Ministry or another jurisdiction pursuant to the International Registration Plan, this requirement may also be satisfied with an electronic version of the permit, provided that the permit complies with the requirements of the International Registration Plan and with any requirements established by the Ministry.

RELEVANT CONSULTATION

Corporate Services
Healthy and Safe Communities
Planning and Economic Development
City Manager’s Office, Human Resources

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Schedule 2: Ministry of the Attorney General repeals the Pawnbrokers Act and amendment to the *Personal Property Security Act*.

The repeal of this legislation does not directly impact matters within the jurisdiction of the City of Hamilton. The City will continue to have the authority to regulate these businesses. However, staff will review the City’s Business Licensing by-law, Schedule 22 which deals with Salvage and Second hand Goods, Pawnbroker and Jewellery and Precious Metal Businesses and report back on any changes needed to the by-law as a result of this amendment.

Schedule 3: Ministry of Education amends the *Child Care and Early Years Act, 2014* and the *Education Act*.

The Hamilton Early Years Community Plan acknowledges the need for responsive and integrated before and after school programs across the community. As such, the City works closely with community partners to ensure authorized recreational and skill building programs are offered in all elementary schools in Hamilton. The proposal to reduce the age requirement for authorized recreational and skill building programs from six to four years old aligns with the kindergarten program in schools and provides families with greater access to this service.

Currently, families in receipt of child care fee subsidy are eligible for in-home care. This allows a licensed provider to care for the child in the child’s home if there is a need. Removing the restriction that a parent must receive fee subsidies may increase the demand for in-home services, but would accommodate children where care is best, based on their needs. There are no home child care agencies that offer in-home services in Hamilton and the impact is expected to be minimal.

While Bill 66 presents some positive changes in early years and child care; staff do have concerns around children’s safety and quality of child care proposed that should be addressed. The proposed changes to increase in number of children under the age of two years, from two to three children in home child care, is intended to increase access to child care spaces for infants, as they are in high demand and can be hard for families to find. However, this change presents some concerns regarding the quality, health and

safety, supervision and overall well-being of children in a home care setting. It is recommended that the number of children under the age of two not be increased.

Furthermore, the CCEYA requires that licensed home child care providers’ own children that are in the home must be counted, except where a child is six years old or older, or a child under the age of six years old is attending full-day kindergarten in a publicly-funded school, and the provider cares for more than one child under the age of two. If Bill 66 is passed, it will amend the CCEYA to reduce the age where the provider’s own children are counted from six years old to four years old without any conditions. While this change aligns with the age that children are enrolled in a school setting, there are concerns with reducing the age at which the provider’s children are included in the allowable maximum number of children, particularly if the number of children under two years of age increases. In an emergency, it may be difficult for the one adult to safely evacuate all children. It is recommended that the provider’s own children under six years old be counted towards the maximum allowable children when the provider cares for more than one child under the age of two.

Bill 66 also proposes amendments to the *Education Act* that would ensure a licensed child care centre or another program set out under the *Education Act* is responsible for delivering before and after school programs or PD day programs in schools. As a result, these programs would be required to meet licensing standards outlined by the Ministry of Education. Currently, third-party programs in Hamilton schools are delivered by licensed child care centres or recreational programs. It is anticipated that there will be little to no impact in Hamilton.

In summary, staff agree with the need to increase access by creating new cost-effective licensed child care spaces but feels strongly that increased access cannot be achieved at the expense of children’s safety and quality of care.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

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N/A

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