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**Official Report
of Debates
(Hansard)**

Monday 1 May 2000

**Journal
des débats
(Hansard)**

Lundi 1^{er} mai 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Monday 1 May 2000

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Lundi 1^{er} mai 2000

The House met at 1845.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT
(CONSTRUCTION INDUSTRY), 2000

LOI DE 2000 MODIFIANT LA LOI
SUR LES RELATIONS DE TRAVAIL
(INDUSTRIE DE LA CONSTRUCTION)

Mr Stockwell moved second reading of the following bill:

Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry / Projet de loi 69, Loi modifiant la Loi de 1995 sur les relations de travail en ce qui a trait à l'industrie de la construction.

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the Minister of Labour, Mr Stockwell.

Hon Chris Stockwell (Minister of Labour): Just to let you know early, Mr Speaker, I'll be splitting my time with myself.

I wanted to start out the day thanking two members of the opposition, the labour critics, for being here. I appreciate that. To get started on Bill 69, I need to get into a situation where I can lay the groundwork about where we were, where we've come from and how we've gotten to where we've gotten to today.

The bill itself has to do with a competitiveness issue. The competitiveness issue spans the entire construction industry in Ontario today. The competitiveness issue was an issue that I think needed to be addressed and it was probably the three parties involved, the general contractors in the province, the subcontractors and the union movement, who all agreed probably half a dozen years ago or so that there was a competitiveness problem within the union and unionized companies in the province with respect to getting tendered bid work in Ontario. The three parties came together over that period of time on three or four different occasions and tried to hammer out an agreement that would somehow allow unionized employers to become a little bit more competitive and allow them to bid more competitively on work.

Since they've tried to get together and create some solutions, and some of them have been like three and out—it's a bit of vernacular in the industry, but some of the solutions they've tried to work on over the years—there has been a progression, slowly but surely, of less and less work in the construction industry today moving toward

unionized employers, unions and unionized subcontractors. So before you get any further into this discussion on why this bill is before this House today, let us accept the fact, by all three parties, that everybody within the industry agreed there was a problem and they agreed that problem was exacerbating itself over time.

Where the thing kind of went off the rails was the solution to the problem, which is usually the case. The general contractors in the province of Ontario, the subcontractors in the province of Ontario and the unions in the province of Ontario couldn't seem to agree on what the best solution was that would enable unionized workers to bid more competitively on work. Having said that, there always was, or at least for the past six or seven years or so, an acceptance among those in the industry that there was a problem and that the problem needed to be dealt with.

When I got appointed as Minister of Labour, this was one of the issues facing this government and obviously the people of Ontario and this Legislature. In the throne speech, there was a commitment made to "modernize labour relations" and commit to a healthy and stable construction industry. The construction industry today entails \$26 billion this year alone. At \$26 billion, we're not talking something small time; we're talking a fairly substantial industry. We consulted with the parties in the industry and we kind of reached what we consider to be a reasoned and thoughtful and fair solution.

I noticed in the press clippings recently from the opposition parties that there was some opposition to our solution. All I can say to you is that by bringing the three groups together and negotiating this settlement, there seems to be acceptance from a large proportion of people involved in each of those three constituencies, more so in the union movement, and the subcontractors for sure. There also appears to be at least some level of commitment to try and make this particular solution work.

So let's examine the solution. Rather than pointing fingers about why we came to this solution and rather than concerning ourselves with whether or not this is a perfect scenario, let's examine the solution and those people who were involved in creating this solution. I think it would behoove this House at that point to endorse this piece of legislation, carry it forward and give it an opportunity to work.

First, there are two components of this bill, ICI, the industrial, commercial and institutional sector, and the residential component within that as well. There is a

residential component that deals with the greater Toronto area.

Let's deal with the residential component first. It was probably the least controversial of the two. It was embraced by more people unilaterally than the ICI sector. The residential component is simply this: In the greater Toronto area—and that excludes Durham; that's the way the homebuilders do it, that's where the bill applies. It doesn't include Durham. I don't know why. That's just the way it works. In 1998, there was about a five-month strike in the residential building sector, new home construction, in the greater Toronto area. There was a five-month strike not because one union went on strike for five months, but because there are about 20 to 25 unions within the residential sector, and the way they lined up over that five-month period in having two- or three-week strikes in each union created a domino effect. So when one union settled, the next one went on strike, ie, the drywallers would settle and the roofers would go on strike and then the framers would go on strike and then the plumbers would go on strike. So what you had was complete inertia when it came to residential building in the Toronto area for five months.

Many could say, "That's a union-management problem, and it should be solved and resolved among themselves." But the situation was that it wasn't that those particular issues weren't being resolved; the problem was how they were being resolved. It wasn't because those particular sectors were going on long, extended periods of strikes. What it came down to was that each trade would go on strike consecutively, thereby shutting an industry down for a year, when the longest strike would be two or three weeks, which made absolutely no sense to anybody.

The unions and the builders came together and they said to the government, "There has got to be a better solution to this," as the member for Durham East would know, "than simply having a consecutive, successive strike." So we sat down with the unions and the employers and the builders. What we reached I think was a fairly reasonable decision.

The reasonable decision was this: What would you do if you simply had a common expiration date to every contractual agreement? So of the 25 separate union affiliates that would negotiate with the builders, everybody would come due April 30 or May 1. Everybody would get the chance to go through the process of negotiating with their particular builders, but they would all expire on the same date rather than expiring consecutively. By expiring on the same date, ultimately, you've controlled the period of time when a strike would take place that would shut down and cripple an industry.

Who are the big losers? Not just the suppliers and the builders and the unions; the big losers are the people who end up buying the homes, making arrangements to move into a new home and finding out they can't do that for five months. That's a big problem for these people. By declaring this common expiration date, we gave the

employers and the unions the opportunity to work from one common date.

Then the parties came together and said to us, "Look, if we can declare one common expiration date, why can't we limit the period of strike?" I myself wasn't pushing for the unions to give up their right to strike. I wasn't telling the unions, "You've got to come to the table and accept this kind of negotiated settlement." The unions came forward in factions of large chunks—some with no strike period and some with as much as a 90-day strike window—and sat down and decided how long that strike window should be. By creating that strike window, they came to the conclusion, with the help of the ministry and the builders, that it should be a 45-day strike window. So we've created a piece of legislation, with agreement from the unions and the builders, that limits the strike window at 45 days. After the 45 days are up, they agree on a binding arbitration process and agree to an arbitrator between themselves and they go to binding arbitration. They go back to work on the 45th day.

I'm not really sure who could oppose this approach. I would be very surprised if the Liberals or the NDP would oppose this approach, simply because it was an approach that was adopted and accepted by the rank and file union executive duly elected by the membership. So they brought forward this recommendation adopted by the builders.

The residential component in this bill, in my opinion, is frankly a no-brainer. It's a proved piece of work. It's a proved piece of negotiation. It's a proved piece of compromise worked out by this government that's adopted by the community at large.

Mr David Christopherson (Hamilton West): Where's your hat and cane?

Hon Mr Stockwell: Pardon? Hat and cane? Obviously, I missed that one. Sorry.

So this one seems to me to be a reasonable approach. I don't think there's a lot of opposition out there to the residential component of this legislation. If there is, I'll be very interested to hear the concerns across the floor.

If we go to the ICI component, I've got to tell you, that's much more complicated, much more difficult. The ICI component is basically this: They build industrial, commercial and institutional buildings around this province, and listen, it's big money. When you build a school or a hospital, you're in the millions and millions of dollars.

Hon Rob Sampson (Minister of Correctional Services): Hundreds of millions.

Hon Mr Stockwell: Hundreds of millions, no doubt about it. I don't have to tell my folks across the floor that during the past decade the amount of work that the union membership were doing in the province of Ontario was getting smaller and smaller. In fact, I know hiring halls of 400 people were down to 50 people working. This isn't good. This isn't good for the employer; this isn't good for the union.

The problem became simply this: Late in the 1960s and early 1970s, a petition came before the government

of the day and they asked for what they call province-wide bargaining. Province-wide bargaining is simply this: All the unions from around the province get together and strike a deal with the employer community for three years. The rates set during that negotiation apply right across the province.

Now it would seem to me, if I've heard anything in this place in the last few years, particularly from the opposition benches, it was: "You have to understand that in this big province of ours of 11 million people, the concerns of people who live in certain parts of this province, like Sudbury, Hamilton and Sarnia, don't necessarily coincide with what happens in Toronto. We need an opportunity to create some kind of process that allows for negotiations to take in the sensitivities of a local community, a local neighbourhood."

But what was happening was, because we had province-wide bargaining, the level of dollars spent by the labour community was negotiated and settled at a Toronto rate. That rate in Toronto was not applicable to Sudbury, Sarnia and Hamilton in a lot of cases. What was becoming more and more obvious to most people was, as these rates went up and up during province-wide agreements, the work for a union member was going down and down. That was the dilemma we faced as a government. That was the dilemma that was accepted by the union rank and file. That was the dilemma accepted by the general and subcontractors out there as well. So we had to find a way to bring these people to the table and negotiate a different process that would allow for some flexibility in these negotiations so that dollars paid in Sarnia, Hamilton or Sudbury could reflect that community's economic situation. It was a fact of economic life.

Anyone who would oppose a change unilaterally, who was simply going to live with what was in place, in my opinion was slowly but surely watching the demise of the union construction movement in the province of Ontario. It certainly disappointed me to read in the paper the NDP's comments with respect to that. Simply put, they were going to fiddle while Rome burned. That to me was the most irresponsible approach you could take, fiddling while Rome burned, in essence simply because "This is the way we've done business since 1969 or 1970. We're not prepared to make any changes, regardless of how bad, inefficient and ineffective this process was." Their position is: "I don't care. That's the way my father did it and my grandfather did it. Even though there is no work, I'm not going to change the process."

We on this side of the House said: "No, we can't continue that way. We need to get the quality, unionized workers to work on these sites because they're well trained. They're good workers. We need to have them on the site but we can't get them on the site because the flat-out fact of life is they're not competitive." They couldn't compete. The tenders in some instances were 20%, 30% and 40% higher than the non-union tenders out there, and no employer could carry that baggage. Regardless of how

much you wanted to use a union worker, the incurred costs were repressive.

1900

So in our minds we decided that we had to get the groups together and discuss how we could go about doing this. I will say this about the union leadership: They canvassed their membership. During the negotiations, we met with up to 45 members of the executive of the unions across Ontario. There was not a union executive member who was shut out in this province. They can tell you, if they want, that they were, but every sector of this province was represented at that negotiating table. I know, because there were 45 union executive members in the Ministry of Labour's office at 400 University during the difficult times of this negotiation. They were fully informed, fully aware and fully active in the negotiating process.

Then the situation became, how do we do it? How do we get this difficult situation to the point that we can buy in union support with employer-community support and government legislation? There were three key components in the negotiation, and sometimes they got somewhat complicated, but here's what it came down to:

We need to amend the process to negotiate agreements in the ICI sector, meaning we have to get away from province-wide bargaining. We can't continue to allow Toronto to set the wage rates for the rest of the province, because it wasn't working. We had to deal with that issue.

We had to deal with what they call mobility and name hiring. In most contracts in Ontario, an employer may bid for the work but he doesn't get to pick any of the people who work on the site. This was counterproductive. In the electrical industry, for example, they were only picking one person. If you have 100 electricians on the site, you get to pick one person to go to that site. The rest come from a hiring process at the hiring hall. Employees were saying to us: "Look, we can't work under these conditions. We need some more stability. We need a cohesive unit. We need a travelling opportunity to create our own workforce." The crazy thing about it was this: They weren't saying to me or to the employers or to the unions, "We're not prepared to hire union people." They always said: "Yeah, we want the union workers. We just need the ability to take those union workers from areas that we know and understand and comprehend, and move them to other parts of the province." This was sacrosanct. This wasn't going to fly, apparently, for 20, 30, 40 years in this province.

The third key issue was key man. Key man and related employer. I'll come back to that as well.

Let's start out with the framework for amending ICI agreements. You understand that we have a province-wide agreement, negotiations take place, a three-year contract; once that three-year contract is signed, if a drywaller is making \$40 an hour in Toronto, they're paying that same drywaller \$40 an hour right across the province. We needed to create a system that reflected local initiatives.

What we came up with at the Ministry of Labour was this concept: We can have in the province-wide negotiations that the construction industry will retain that important right to strike. If they believe it's important enough to strike, they can still take their strike at the province-wide level. They can strike for as long and as hard as they want to strike. We didn't want to take that away. I know personally how important that is for a union to maintain and retain their right to strike. So we said, "That has to stay, that has to be in there." That was the first requirement that we insisted upon that was accepted by the employers.

But there needs to be an ability in a local board area—and I say "board area" because the province is cut into separate board areas—that if an employer needs some relief of the labour component in that province-wide agreement, they can try to negotiate a different agreement with the local union in that area. That became difficult. How is it that we allow a province-wide agreement to be struck but then allow secondary negotiations to take place?

Here's how we solved that problem: through cooperation with the unions. Once the province-wide agreement is signed—and that agreement is signed, as I said, with their unfettered right to strike—an employer group in any of the 28 board areas, roughly so, can apply to the local area—and the board areas, again, are broken out into separate areas. Let's take Sudbury for example. In Sudbury, they could apply to the local area and say: "Look, we have bid on the last 15 tendered contracts in this area, and in the last 15 tendered contracts in this area we have been at least 25% over when it comes to getting this bid. We're never going to win a contract. Union folks aren't going to be working. Union employers won't be winning jobs. Non-union is going to win everything. We need relief from the labour component of the collective agreement in order to win work."

That means that they apply to the local union executive, the EBA, and they negotiate a separate agreement for, as an example, Sudbury. During that process they have to apply and they've got 14 days to negotiate an agreement. Fourteen days means they can negotiate the agreement in the local area and come to an agreement. The unions can argue that you're not 40% over or 30% over, you're only 15% over, and the negotiations begin.

But what we needed at the ministry level was an ability to ensure that these negotiations weren't going to go on forever, and there can't be a strike component in, because that strike component had to exist at the provincial level. So we said, "After 14 days, if you don't have an agreement, the employer can apply for final offer selection, binding arbitration." That's code language meaning two people go to an arbitrator, they both put their offers in before the arbitrator, and the arbitrator can only pick one or the other. The complaint of the employer community was that they could never negotiate these kinds of deals. So after 14 days they can make the application to binding offer, final offer selection. They can still negotiate for another number of days until they

reach 35 days. If they still haven't reached an agreement after 35 days, that binding offer arbitration goes to the arbitrator. The arbitrator reads the submissions from the union and from the employer and decides whether it's 25% or 15% and awards a decision to the employer or to the union.

Now, what can be negotiated? The only thing that can be negotiated is the cost of labour. That's it. Nothing in the wording, nothing in the negotiation of the province-wide agreement, nothing out there can be negotiated. The only thing that can be negotiated in these local board areas is labour and anything that has to do with labour.

Let me tell you what that means, "anything that has to do with labour." Obviously, the rate that you pay—shift premiums is a good example. If you have shift premiums that are making you uncompetitive, you can negotiate that down. If you have vacation pay that makes you uncompetitive, you can negotiate that down. Sick benefits etc can be negotiated down. Anything with the cost of labour involved can be negotiated down, and that's through a negotiated process. The only way you can negotiate that down, as an employer, is to prove categorically that you're not competitive with the non-union sector within your board area. So it's a win-win. If you are competitive and you are doing business, then you have nothing to fear because the union is making money; the union employers are making money. They won't apply for relief. But if you are in an uncompetitive board area—and I don't want to single Sudbury out, but it's a good example—and you're not competitive, it seems to me, what's the point of being a union hall? What's the point in being a hiring hall with 400 employees and having 27 working? You may be paying them 40 bucks an hour but you've only got 27 of them on a site. Why wouldn't you pay them 32 bucks an hour and have 270 on a site?

The benefit there is, the union employer gets work. The bids are won, there are more union people working, there are more union people paying union dues and there are more people happy in that sector. And importantly for the province of Ontario, there's more competition for work, and ultimately more competition for work means better bids for the people who are looking for the jobs. In many cases, that's the good taxpaying public in the province of Ontario. That to me seems like a logical and reasoned and thoughtful approach. So that was the idea of the sectoral negotiations.

Now, there are some who are going to argue, and I heard this the other day, that somehow 1(4) is double-breasting. Let me see if I can give you a few other slogans: double-breasting; starting a non-union company with a union company; doing something for the employers that would allow them to get out of contractual agreements by simply forming another company. Many have said that this was the driving force behind bringing the unions to the table.

1910

Look, I can tell you this: There needed to be a solution to the problem. Now, if the argument they are using to

you is, "The only way you would have got this solution is because the unions were afraid that you were going to introduce 1(4)," I can't get into the unions' heads. Maybe that was their fear; I don't deny that may well have been their fear. I can't get into their heads. But the fact remains, folks, that in my opinion, for the union rank and file, for the union membership of the province, this was cod liver oil. This was the medicine that was going to make them better. Sure, it may not have been a situation they would have arrived at on their own, but staring down the realities of the situation, it is only but beneficial to them, but beneficial to the rank-and-file membership, but beneficial to the construction union movement in the province of Ontario.

So, no, I'm not going to stand here and pretend for a moment that there aren't people within this province who would like to see the abolition of 1(4). Yes, there are. Have they spoken to me? Yes, they have. Did they petition for the abolition of 1(4)? Yes, they did. Are there people in our caucus who would like to see that? Absolutely there are. But I've got to tell you, when I finished discussing this issue with these folks, I laid the particular plan on the table in front of them and asked them, "Considering the opportunity that's available," and this opportunity is the plan to make them more competitive in these board areas, "would you rather see this adopted and implemented and attempted, or do you want to see the abolition of 1(4)?" The overwhelming, resounding answer was, "Let's try the plan." I think, as do they, this plan has an opportunity to work. So that was the new idea as far as getting the idea out there that we need to create local bargaining.

Now, folks, I've got to tell you, if you argue against local bargaining, I can't keep your position straight any more. You're going to have to start supplying me with programs, because every time I talk to the Liberals and NDP, they keep telling me, "It's always a made-in-Toronto solution," and the minute we put legislation forward that doesn't have a made-in-Toronto solution, you're opposing it. So you're going to have to start giving me a program about what you're in favour of and what you're opposed to, because we're trying to facilitate this as a local community, local union solution, not a made-in-Toronto solution.

So we move further. That was the issue with respect to negotiations. Now we want to talk about mobility and name-hiring, and I'll get to that very directly.

How did we solve this problem where a contractor would bid on work and only be allowed to bring one worker with them? A hundred workers they could hire on the site, 100 people they could employ, and they could only choose one of that 100 to work on the site, just one, in the electrical area. It was counter to productivity. It didn't work.

So the issue became, how many people should we get to move? How many people should an employer be allowed to name to come with them from area to area? Take Sudbury and Sarnia, for example. If someone was bidding a job in Sudbury but was working in Sarnia, we

believed that of the 100 electricians on that site, by example, they should be allowed to bring 40 with them. Forty; that's it. Forty of the 100 workers would have to come from the Sarnia area. You want to know what else? All 40 of those folks have to be dues-paying union members. This wasn't any plot to subvert the union; this wasn't union-busting. Every one of these 40 they were taking with them was going to be a union member. They just happened to be union members in Sarnia as opposed to Sudbury, like that was some terrible thing.

Then we said that of the 60% that was left, they get to name-hire 60% of the rest of the constituency that they need to fill the jobs. So by mathematical calculation, 40% come. The balance, 60%, get named. What does that mean? I don't know why anyone on the other side could oppose this. What does that mean? That means that you go down to the hiring hall after you've bid the work, and if you need 60 people, you get to name-hire 36. That's all it means. So you go to the hiring hall and say, "I want your 36 best electricians." That's outrageous? They are still paying union dues. They are still living in Sudbury. They are still paying taxes in Sudbury. And now they'll be working in Sudbury. So they'll name-hire 36 of the 60 that are left, and at the end of it, 76% of that site gets to be chosen by the employer. I hate to repeat myself, but that same employer—every one of them is a rank-and-file, dues-paying union member. Of the 24% of the site that's left, the local hiring hall chooses who's next up on the list to go and work there. That's how controversial this is.

There wasn't any union-busting in this. There wasn't any Machiavellian plan to subvert the union movement in the province. We weren't setting the union movement back another 50 years, and if we did every time we were accused of that, we'd be in the 17th century about now. We were simply saying that as an employer—

Interjection.

Hon Mr Stockwell: You may be in the 17th century.

As an employer, you should have the right to choose 76 out of the 100 men or women who work on your site. That's it. But they have to be union, card-carrying people. That's all you get to do under the mobility and hiring hall clause, name-hiring clause. That's all. To the credit of the union, through tough negotiations and tough slugging and hard selling and much negotiation, they said, "OK, we agree." So here we have two components filled in: We have the local negotiated settlements agreed to by the union and we have the mobility and name-hiring negotiated and agreed to by the union. Now we were left with the key man situation.

The key man situation was more difficult. To get to the key man and related employer stuff, I've got to take you back. The key man and related employer provision within the act basically was put in to protect against someone who was operating a union company and didn't want to operate a union company any more simply walking across the street and opening up a company and calling it Joe Blow Electrical and not operating as a union company any more. That was that provision. The

Ontario Labour Relations Board, with the help of legislation from the government, decided: "No, you can't do that. If a union has come in and properly organized you and brought in a recommendation that said this was properly unionized, you can't simply subvert the law by crossing the street and opening up a business, shutting down your union and declaring yourself non-union."

Related employer or key person, or moving a key person out of your operation to do the same thing: What that criteria meant was that we had to make some changes to that law, because the difficulty was that just because someone is related to the owner doesn't make them a related employer. For instance, a father is operating an electrical company and the son is an electrician in that company. There are 200 employees in the company, but the son is simply an electrician. We don't think it's right that if that son wants to go out and open up an electrical company, he automatically becomes unionized simply because he's related to the person who owns the company with 200 people. We're not saying that they couldn't be a key person; all we're saying is that if you get to the Ontario Labour Relations Board, you can't just say, "They're related; therefore this person is automatically unionized."

The key person is another good example. Just because somebody holds a position with a company that's unionized doesn't necessarily mean that if they go and open a company they should automatically be unionized. If they're transferring assets, men and women, equipment, yes, then they should be unionized. But if they're simply going out to start a business, the Ontario Labour Relations Board and others could unilaterally say, "Since you worked for company A and you've opened company B that has no relation to company A, we declare you automatically unionized, company B, with no certification process." That wasn't fair. What needed to be put in the legislation was this: We needed to force the people who went to the Ontario Labour Relations Board to make the arguments. If there are arguments to be made that this person should be a related employer, then make them. It can't just be that they're related or that they worked for that person at some time in their life.

We spoke with the unions and they understand this. I think they understand it for the same reason I understand it. If you're going to have a day in court—and the Ontario Labour Relations Board is a quasi-judicial process—there has to be a more compelling argument involved in that than simply saying, "You're related." You need to put some facts on the table to make this argument clearly. That's what we've done. All we've said in the key man portfolio is that you just can't make the argument that blood relations and the person's position in that company should make it automatically a unionized operation.

1920

Those are the three key points, four if you want to count it: the residential portion in the city of Toronto; the framework for amending agreements locally; the

mobility in name hiring within an area by an employer; and key man-related employer.

Let me just discuss some broader points with respect to this negotiation process. I believe in my heart that Bill 69 is about fairness. I know there will be catcalls and attacks from the other side of the House, but I honestly and firmly believe that this is about fairness. Yes, it is taking some rights away from the unions; I don't deny it. It's not blowing the heads off the unions, not at all; it's taking some rights. There's no doubt it is, I don't deny it, but those unions were there at the table to negotiate the agreements and flexibility.

Mr Dave Levac (Brant): Take it or leave it.

Hon Mr Stockwell: The member for Brant says, "Take it or leave it." My friend, let me say this. The other option has always been the option that's been the case when we have all had office: the status quo, and the status quo was a relentless march to obscurity. The status quo was a consistent and continual approach that would have seen the abolition of unions within the construction sector in the province of Ontario within 10 years. The status quo was a continuing slide, an opportunity for someone who had a union card never to find union work again. The status quo was the consistent ability by non-union sectors within the construction industry to win contract after contract after contract because the union rank and file and subcontractors and general contractors were not competitive. They were losing work. I could show you study after study after study: They were losing work. The status quo was no option, unless you wanted to see the abolition of unions in construction in Ontario. That's the status quo.

You can argue till the cows come home that somehow the operation we entered into was less than honourable, but I'm telling you as a member of this Legislature, and I believe an honourable member of this Legislature, I went in with the idea of protecting the rank-and-file workers and builders and home buyers and the people of the province of Ontario. There was no Machiavellian approach, no subterranean plan to wipe out the unions. Let me tell you, my friends, if there were a plan to wipe out the unions of the province of Ontario, we would have done nothing, because they were going south, folks.

I know there'll be bluster from the other side, and I understand that there will be some bluster from over there, but I ask those members, point out to me statistically, show me where the union membership was gaining ground anywhere in this province. Show me where they were getting work. Show me where their job share was getting higher. Show me anyplace where hiring halls were where more men and women were working than 10 and 20 years ago. It wasn't happening. Looking at the status quo was letting Rome burn while you fiddled. That was the status quo.

If the biggest slam against this government and this ministry and this caucus is, "You took this issue, you dealt with it directly and honestly and you provided a solution that can potentially resolve this," then we stand accused. All the time I heard this, I heard from the NDP

opposite: “You’re going to abolish 1(4). You’re going to allow for double-breasting. The sky is falling. Watch Ontario slip and Toronto slip into Lake Ontario.” The best they could come up with when we didn’t abolish 1(4), when we brought in a recommendation endorsed by the union, was, “They only did this because you held a gun to their heads.” That’s bunk.

Mr Christopherson: That’s true. That’s the truth.

Hon Mr Stockwell: That’s the fact according to an outdated, prehistoric, ideologically driven, self-centred party that is becoming more and more obsolete every day in this province. It’s no surprise they’re down to nine members when they’re prepared to sit here and watch unions go out of business because of ideological pap. That’s the fact.

Mr Christopherson: You’re so caught up in being a cabinet minister, you’ve lost sight of reality. You’re a puppet of Harris.

The Deputy Speaker: Member for Hamilton West, come to order

Interjections.

The Deputy Speaker: Please let me interfere with what’s going on. I would like to welcome everybody this evening and we would like to have you stay in the chamber and participate in the debate. I wouldn’t want to have it any other way, but if you force me, I will.

The Chair recognizes the Minister of Labour.

Hon Mr Stockwell: It’s very depressing to see the member for Hamilton West sitting here in his blustering, self-serving tones—“bitter” is the best word—bitter tones, because he had an opportunity to correct this situation and he did nothing. He was bent on ideological baffle-gab, caught in a time warp of the 1960s, where you’d prance down University saying, “You can’t fire me because I’m part of the union.” That’s the kind of time warp he’s caught in, that would allow rank-and-file members to lose their jobs in city after city in this province, so he could stand by this ideological time warp. He did nothing, but he was prepared to introduce social contract measures, abrogate every collective agreement in this province. But he wasn’t prepared to look at a provincial agreement that could potentially save lots of union jobs, because it was ideology. That’s what it came down to.

So he’s left with this situation, and it’s disturbingly difficult to watch. He can’t find anything wrong with the legislation. He can’t find anything wrong from the union rank and file. He can’t find the union rank and file opposing the legislation, so what does he do? Rather than talk about the legislation and talk about the processes that have been implemented and talk about the negotiations and talk about the legislative necessity, he argues about the process. There’s a dipper if I’ve ever seen one. Rather than looking at what happened, let’s argue with how you got there. If the thing works, you’re lucky. That’s the approach he’s taken. That wasn’t the approach that we were prepared to take simply because we were caught in that situation.

So it is difficult. Sure, it is difficult when the kind of slanderous, ridiculous, self-serving comments come from the member for Hamilton West, left with nothing more than insults to members with respect to whether they are marching to whose drummer. That’s what we’re left with. The member for Hamilton West is reduced to shouting insults across the floor rather than talking about the legislation. I’ll tell you why. It’s because they’re caught in that time warp, and it’s shameful. It’s shameful because you’re supposed to be representing these people and the only person you’re representing is yourself and your nine buddies over there.

Interjection.

Hon Mr Stockwell: Eight buddies. That’s who you’re representing. I tell the member for Hamilton West and I tell the rest of the members of this House, if that’s who this government was representing, this isn’t the kind of legislation we would have brought in. If we didn’t believe in this, if we didn’t think it was necessary, we wouldn’t have brought this legislation in. Then the member for Hamilton West may have had a point, he may have had an argument, but he doesn’t today, because we didn’t do what he thought we would do and he’s left arguing process rather than content. That’s frightening. We’re reduced to arguing process rather than content.

The content of this bill is good. The content of this bill is accepted by the union members and the executive across this province. The content of this bill is accepted by the subtrades in this province as well. The content of this bill is accepted by the caucus. With any self-respecting Legislature in this country—the content of this bill should be accepted by this Legislature.

Sure, there may be amendments necessary. I’m not suggesting for a minute that we have written perfect legislation. Yes, we need a week of public hearings. Yes, I’m interested in hearing from people across the province. Yes, there may be ideas that we haven’t thought of that could be tinkered with that could fix some parts of this bill. We’re not so naive as to believe that it isn’t possible that you could come up with a good idea. Yes, we do. But the thrust of the bill is good. It’s a solid piece of legislation and it’s got endorsements from the unions and the employers around this province.

So if you think that I get a little hot under the collar and expressive, you’re right. It’s shameful that you’d be reduced to this kind of silliness and name-calling. Rather than attacking the legislation, he’s attacking in some kind of silly name-calling approach the member for Hamilton West is famous for.

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In conclusion, I look forward to a full debate on this bill. I look forward to the member opposite—I have to say that the member for Sudbury has been nothing but constructive with respect to this legislation. I talked to him beforehand. He says he’s got some ideas where he may need some changes, amendments; I don’t know if we can accept them or not.

Interjection: There’s a hug you don’t need.

Hon Mr Stockwell: I expect, member for Hamilton West, that was intended at you as well. He's a forlorn little fellow.

Maybe there are some amendments that we can actually bring forward too.

Mr Christopherson: I'm obnoxious and loud but not forlorn.

Hon Mr Stockwell: Yes, you are. You just don't know it.

Maybe you could bring forward those—and I'm not suggesting that these ideas can't come from the unions and subs out there as well. But the thrust of the bill is solid. If anyone brings forward amendments that change the basic fundamental beliefs of the bill, I would have to say no, I don't think that's on. But if there are some changes that you think are necessary that can work to make it a better bill—in my opinion, at committee they're always on because I have never thought for a moment that we're capable of writing a perfect piece of legislation without input from people on the other side of the House.

I want to thank my caucus for participating in this process, and participating very vigorously, I might add, through the caucus process. It was a vigorous debate and, I'll tell you, it prepared me for this time and it prepared me for the tour that I hopefully go on to try and explain this bill to others, because when you have good, vigorous debate within caucus, it only makes for a better piece of legislation. I do look forward to the members opposite—I want to hear their comments, because this is not our bill; this is the industry's bill. We're simply carrying the industry's bill to this Legislature.

In conclusion, this bill was worked on with one thing in mind: to make a better piece of legislation for the construction industry in Ontario today. We concluded by this: What they were working on for the last 20 to 25 years, everybody, every single person I spoke to agreed wasn't working; it was seriously flawed.

I appreciate any input. I thank you for your time and I look forward to the comments.

The Deputy Speaker: Comments and questions.

Mr Michael Gravelle (Thunder Bay-Superior North): I think everybody here appreciates the passion with which the minister speaks, but I hope he will understand that it's not easy for us to simply forget all that's gone on in the past as well. I trust he won't actually get too exercised if there's some concern that this legislation in essence ultimately still means that it will put people in a position where our construction workers may also be earning less money. That's simply a fact of the matter and it's one that has a real impact.

Regardless of what the minister also says in terms of the reason this bill came about, there's probably not a great deal of doubt that the threat of an alternative that is much worse may indeed be a huge factor in some of the co-operation that the minister has been receiving. When one is in a situation where that is the alternative, obviously you recognize that you might want to keep

quiet about it. Some are quiet; some are not being quiet about it.

I just think it's important for all members of the House to recognize that there has been some legislation put forward by this government, and the minister certainly will recognize that—I think of Bill 31 which, quite frankly, was rushed through the Legislature. There were no amendments allowed; there were no hearings allowed. It absolutely took away the rights of unions in a very significant way, and we can go back to the early part of this government's mandate as well.

Like you, I'm looking forward to hearing my colleague and all the members in the House debate this, but you do need to understand it's not simply a matter of sitting here and saying: "This is really great. We think it's terrific." There's a quality of mistrust which I think to some degree has been earned. Regardless of all that's gone on, there are some great concerns related to this as well in terms of what impact it will have on workers in our province.

Mr Christopherson: It's interesting to listen to the minister comment. I think it's fair to say that he will probably go down in history as one of the most respected, effective Speakers of the House and, as someone who voted for him as the Speaker, I think he deserves it. He did a great job.

What upsets me the most about his approach to this—and I assure you, Minister, we will talk about one of the problems with this as a bill, as a piece of legislation as it affects working people. But your notion that we ought to just forget about the process would be very self-serving indeed, to use your own language, given the fact that we wouldn't be here if it wasn't for what motivated your government.

I want to say to you on a personal level, through the Speaker, in the short time of my two-minute response—and I want to say it now so you can respond to me this evening; although I won't be able to finish all my leadoff debate tonight, I should be able to get a good chunk of it underway—that what disappoints me the most and what outrages me is not that you've done something political, because this is a political arena and I understand the politics of being in cabinet and future aspirations that various people may have. I don't have a problem with any of that. I don't have a problem with the fact that you personally may have decided, "I've got a chance to shine here, to show that I'm not just a great Speaker but I can be a great minister too." I don't have a problem with that. What I have a problem with is you standing up and using the argument that this all started from some deep, heart-felt desire on your part or that of Premier Harris to help working people. That is crap. If that was the truth, some of these things would have generated out of the cold from the labour movement. They didn't.

You made a comment about the fact that some labour leaders may think that 1(4) was going to be pulled. That was the exact threat that was over their head. This isn't about, is this a good deal or not? This is about, is it a

better deal than the one we would have gotten if you had hammered us with 1(4)?

The Deputy Speaker: Comments and questions?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Thank you, Mr Speaker. It's so nice to see you again. For a while you were not feeling well, but I hope now you do feel well.

As most people in the House will remember, as well as the public who are watching us tonight, in the residential sector in 1997 we had a major number of strikes. We had strike after strike after strike. The people who were affected most were the homeowners or the families who wanted to move into a new house. They've laid out all this money and all of a sudden they can't move in. They've been given excuse after excuse by bricklayers or drywallers or this and that.

With kudos to Minister Stockwell, he has had the guts—and it really takes guts. When I came into this portfolio as a parliamentary assistant to the Minister of Labour, I realized how difficult the job is, not only for the minister but for the parliamentary assistant, in terms of how difficult it is to deal with the trades council or the ICI sector or the residential sector. This is a true compromise that the minister has struck.

We on this side of the House are truly amazed at how accomplished a job he has done. I have had discussions—the member of Sudbury was there, the opposition leader was there, and Howard Hampton, the leader of the third party, was there—in Sault Ste Marie with the building trades council. Mr Pat Dillon, the president of the council, was really amazed at the dialogue we had with them. He said, “We thought this government would never listen,” and we are listening.

I see my time is up.

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Mr Levac: I want to compliment the Minister of Labour for his passion. There's no question in my mind, and probably not in anyone else's mind, that he took this job very seriously, that he tried to get everybody to the table and he tried to make sure the best possible deal was done. I will give that to him.

But what I would like to suggest to him, as was done by the member for Thunder Bay—and in my discussions with the member for Sudbury, we talked about what impact there was going to be on the workers themselves in terms of their pay cut. They're going to start asking the questions: What group is next? Is there another group lined up to make less money? Is there another group lined up that's causing the problem for the industry? It's almost as if it's a bad thing to earn some money around here. “If you don't take a pay cut, we're going to cause some bigger problems for you.” That's the type of gun that I was making reference to. I wasn't talking about the status quo. I want to make it perfectly clear to the minister, I agree with him that the status quo, in a lot of the cases we're talking about, is not acceptable. But the art of compromise also is the art of listening, and I've heard from an awful lot of the workers at the ground level who are saying: “You know what? I feel like there

was a gun put to my head because I was going to get banged with a bigger one.” So it's like giving me the gun and, “Shoot your foot,” or else you'll go ahead and do it.

The difficulty I have is not the fact that there needed to be some changes in the discussion and some changes in the legislation that allowed for us to get across the entire trade industry as to what we can do to provide better service to the people of Ontario. What I have a concern with is this never-ending issue of, “We think there are an awful lot of people in this province who are making a little bit too much money,” and it's a little bit ironic that it happens to be unions.

Take a look at teachers, take a look at the trade unions, and you'll find out that people are going to start to say, “No one else can make the money.”

The Deputy Speaker: The Minister of Labour has two minutes to respond.

Hon Mr Stockwell: Thank you to the members from Brant, Hamilton West, Brampton, Bramalea-Gore-Malton-Springdale, and Thunder Bay-Superior North.

I wanted to thank the parliamentary assistant from Bramalea-Gore-Malton-Springdale, who worked very hard and tirelessly during the process of this negotiation.

To the member for Brant: I hear you. I can't argue conspiracy theories, because that's basically what is put out. I can't deal with it. If you have a conspiracy theory that somehow we were bonking people in the head or somebody is next on the hit parade, then you're going to have the theory. They make movies about that. I think I saw one with the Australian guy in it. “It's a conspiracy theory.” There was no conspiracy theory; there is no conspiracy theory. I can do no more than that. If you don't believe me, you don't believe me. That's basically it. There is no list of people that I have to go after to find out if they should be making less money. That was never the motivation. That was never the drive.

To the member for Hamilton West, I have a great deal of respect for him, actually. I appreciate the fact that he's very passionate, as I am, in his position. I understand this place is political. I don't think anyone would argue that I think it's anything less than political. I may be one of the more political people in here. But again, it's a conspiracy issue as well. What can I say? I can't argue with people about this conspiracy theory. If there was an ulterior motive, I didn't have it. It wasn't me.

Mr Levac: It was your caucus.

Hon Mr Stockwell: If it was my caucus, then it can't be conspiratorial because this is what we came up with. It seems to me you can always argue there's a conspiracy theory within government, but from what I see on the face of this legislation, it doesn't exist. This is as blunt, fresh and factual as we could make it.

I appreciate the fact that you may not vote in favour of this. I understand opposition's role is to oppose. I'm looking for constructive opposition. I'm offering public hearings. I'm offering committee dates. I'm offering reviewing amendments. What more can I do?

The Deputy Speaker: Further debate?

Mr Rick Bartolucci (Sudbury): I am honoured and privileged, I believe, to be able to stand up and spend some time debating Bill 69. I will be sharing my time with the members for Sarnia-Lambton, Ottawa Centre and Timiskaming-Cochrane.

To start off, I'm going to try not to be personal in my discussion this evening, but I think, if there is a level of mistrust out there, it's because of the headlines that the people of Ontario have lived with over the course of the last five years when it comes to labour and unions in this province; for example, "Union Accuses Province of Breaking Rules," "Ontario Eyes Restrictions on Union Drives," "There's Labour Trouble Brewing," "Tory Proposed Amendments to Ontario Labour Law Will Hurt Already Vulnerable Workers," "Workers Threatened by Minister's Scheme to Change Laws, says OFL."

We know that perception is reality, whether it be in this House or outside in the real world, and perception in these instances is in fact reality.

Probably one of the biggest concerns I have, as I look at the legislation generally, is that over the last 35-odd years I see there has been relatively stable labour relations and that when that stability has been out of balance there has been dialogue between both sides in a very reasoned and unimpassioned manner. But I think that has all been changed. I think that now the Ontario Labour Relations Act is being used as a football. I think that is an injustice to the workers and also to the contractors in this province. If we look back at Bill 7, Bill 31 and now Bill 69, we will see that those bills and this bill are evolving because of a political agenda, because of a philosophy and because of a political promise that said, "We will level the playing field in this province." I believe that when that level playing field becomes a slippery slope, we should all take note and try to stop it before it becomes law or at least to amend it so it's a law that is palatable.

I want to forget for the moment that the Harris government may be perceived to be anti-labour just for the sake of being anti-labour. But it's hard to fathom the reasoning behind Bill 69 if you believe the government rhetoric when they say most of Ontario is enjoying an economic boom. Of course, we say that is thanks to a strong US economy that provides a good market for our exports. But productivity is up, profits are up, executive pay is up and the stock market is up. Yet workers' pay is going down, and the gap between the rich and the rest of us is growing. The truth is, there is absolutely no cause or justification for this government to attempt to slant Ontario labour laws in favour of big business or the major general contractors.

The reality is that Ontarians have worked hard for decades to ensure fairness, opportunity, security, dignity, justice and a voice for working people. These principles have been guaranteed through Ontario labour laws. Guaranteeing workers' legal rights didn't come easily, but was the result of a concerted effort not only by workers and labour leaders, but also by enlightened employers and enlightened politicians who knew that

only the law would ensure that the value of one's work was accurately reflected in the workplace. I believe that is fundamental. I believe that has to remain if we are to have a fair Ontario with a fair and level playing field in the construction industry.

In order to truly appreciate where I come from when I get up and speak about labour and the construction industry, I think it is important for you to understand a little of my own history. I come from a family whose father was a bricklayer who worked very hard in the industry. He was a man who climbed an unsafe scaffold, fell from that scaffold and was almost killed. I, as a six-year-old child, and my older sister were prepared by my mother on our way to St Joseph's Hospital in Sudbury for the eventuality that my father might not live through the night. The reality is that through the grace of God—and I'm not afraid to say that—and through the grace and talent of hard workers in the medical field in Sudbury at the time, he survived and devoted the rest of his life, both as a bricklayer and later as a subcontractor, to safety in the workplace. As I grew up and began working in the summers—the first summer at the age of 14—he stressed to me and to the rest of the workers the importance of safety. Later on I'm going to discuss how I believe this type of legislation in many ways compromises the safety aspects in the construction industry.

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I well remember the second summer I worked. The labourers' union went on strike. It was my second day at work. As we did every morning, I packed my lunch pail and got into the truck, and he drove me. I fully anticipated I would be going to work. He drove me to our shop, which was on the old Strudwick Avenue, and he stopped in front of the picket line and said: "Get out and join your fellow labourers. You belong with them." Before I left the truck, he said, "I want you to remember that as a construction worker you are entitled to two things: (1) you are entitled to negotiate for a fair and honest wage, and (2) you are entitled to a workplace that is free of hazards." He believed that. For the rest of his life, for as long as I can remember him in the industry—and he was there until he was 70 years old—he fought as an employer for a safe workplace and he fought for his people, his workers, so they would have a fair living. That's where I come from when I read legislation such as Bill 7 and Bill 31, which impacts the construction industry so directly, and as I studied Bill 69 on the weekend. There is reason for concern.

I respect the Minister of Labour. I believe he is a man of integrity, but I do not share his belief that the unions have bought into his solution to the perceived problem we have with section 1(4). The reality is—and he used the Sudbury experience so often that I want to come back to it—I didn't talk to a union business manager or to a worker this weekend who is in agreement with this legislation. In fact, there are many concerns that the people in northern Ontario—the construction workers in northern Ontario—want me to address. Hopefully I'll do

that in a very positive and meaningful way as we go through the debate today.

I think it's important to understand that whether you have a particular political bent or philosophy, if you are open to suggestion, to discussion and to amendments, maybe at the end of all this we can have legislation that is palatable to all. Right now, the reality is that there is a group of general contractors who are very unhappy with the legislation, because they didn't get what they wanted. They wanted the abolition of section 1(4) from the Labour Relations Act, and nothing else would do.

They didn't get it now, but I'm concerned about what is going to happen 18 months from now when this entire legislation in the ICI—the industrial, commercial and institutional sector—comes up for review by the minister. There is going to be enormous pressure on the government and the minister over the next 18 months, and I'm very fearful that what the general contractors didn't get this time they may get 18 months from now.

During committee hearings and during debate, I'm going to be offering some amendments which will protect the construction workers for that 18-month review. I trust the minister when he says he is open to amendments. I think he's serious. I hope he will accept the amendments I will be making to protect construction workers in this review.

We have to talk about mobility for a while. Because the Minister of Labour used the Sudbury example, I'd like to follow up on that. First of all, let's explain what mobility is. Mobility simply means that if an out-of-town contractor gets a job in Sudbury, he can bring some of the workforce with him to Sudbury. That's called mobility. The minister said, "We're only going to allow them to bring 40% of the workforce to Sudbury." I've got to be honest with you. I have a little bit of concern with that high a percentage. Right now it is a provincially negotiated item. The minister was right when he said a contractor can only bring one electrical worker. Some unions allow two, some unions allow five, some unions allow 40 and some unions allow 60. The reality is, you have to look at the geographical makeup of the area. Pause for a second. The members on the government side will realize that certainly any member from northern Ontario in my caucus has gotten up repeatedly and said, "We need an infusion in our economy in northern Ontario," whether it be Timiskaming or Manitoulin Island, Thunder Bay or Sudbury.

Let's look at Sudbury. A contractor from Toronto gets a job. He's going to employ 100 construction workers; 40 of those workers can come from Toronto and work in Sudbury. When you look at the fact that northern Ontario construction workers in Sudbury have not worked on construction jobs over the course of the last five years—and if they have, they've been minimal—when you have 40% of the workforce coming from out of the geographic area, you are impacting our community negatively in many ways. Those 40 pay no taxes to our community, those 40 do not buy cars in our community, those 40 do

not buy houses in our community and those 40 do not support the businesses of Sudbury.

How does that impact on the local union in Sudbury? The donations made to the pension plan at the local suffer. The contributions toward training programs suffer. There is a negative impact with the mobility percentage that's been outlined by the minister in this legislation. I believe that needs addressing. We, as a caucus, will be offering an amendment to the mobility clause as we move on. I would hope the minister will give serious consideration to the percentage of people allowed to move from one geographic area to another geographic area through the mobility factor.

I believe we have to look at the naming issue the minister outlined. To explain what the naming component of the ICI legislation is, it simply means that the contractor not only has the authority to bring 40% from out of town to another geographic area, but he also has the right to name, to pick, to choose, to demand 60% of the remaining workforce—or another 36% he can name. So if he doesn't like David, he says, "David's not coming"; if he doesn't like Chris, he says, "Chris is not coming"; if he likes Elizabeth, Elizabeth's working; if he likes David, David's working.

I've got to tell you, you will quickly learn that you are jeopardizing safety by allowing such a high percentage to be named by the contractor. I'm not saying for a moment that all contractors compromise worker safety—that's not what I'm saying—but there are those out there who will want to maximize their profits, and if that means they have to minimize safety on the work site, they're prepared to do that.

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Right now there are safeguards built into this; we know that. By and large what will happen is that if you decide to challenge your employer about a safe workplace, I can almost guarantee you that you will not be named by that contractor on the next job. I can almost guarantee you that no other contractor will name you, because you who strive for a safe work environment, you who believe that union men and women should be protected, that they should have a safe work environment so that you can climb the scaffold and not worry about falling, so that you don't have to worry about the planks falling on your head, whether you're wearing a safety helmet or not, you—those people—will not be named by those contractors who want to maximize their profits.

I believe an amendment and revision to the naming clause has to take place. I would hope the minister will accept the amendment that the Liberal Party will make with regard to the naming component of the legislation.

If you look at what's happened so far—40% of the workforce can be brought up by the contractor and 36% of the remaining jobs will be named by the contractor—you're looking at 76% of 100% of the people who are working that the contractor has total control over. That only leaves 24% remaining to be named in the union hall or by the business agent or business manager, whatever you want to call that process. I believe in many ways we

will be excluding those workers who have placed the most years in the construction industry. We will be excluding them from work. I believe that we must be very cognizant of the fact that in defining what the percentages are going to be, there is fairness not only for the contractor, because he deserves fairness, but we must also be extremely fair to the worker from the jurisdiction that the contractor has to be in and to the community that is building the project.

I think of Sudbury and I think of the hospital right away because right now we're struggling to try to raise \$45 million so that we are able to build the super hospital that this government had dictated we should build in their hospital restructuring plan. That's going to create much-needed and long-overdue construction jobs and I'm happy for that. But when I think that an out-of-town contractor can bring so many workers into my community and when I think that the young kid just starting out after learning his trade is going to be on the shelf, or the older person who has spent so many years eking out a living in construction in northern Ontario is not going to be chosen by the contractor, somehow there is no fairness there for me. I find that we have to make some kind of modifications to the plan to ensure there is fairness for all.

The minister spoke about competitiveness. Listen, I come from both sides of the issue. I worked as a labourer and was lucky enough to learn the skill of bricklaying. I didn't apply it as a trade for a long period of time because I chose to go back to school, but I was fortunate enough, honoured enough to be able to work with these guys. Then I saw the other side. I saw a father who struggled as a subcontractor, a guy who had to bid on the jobs, all the things that subcontractors do with general contractors etc. I can appreciate both sides of the issue and I can appreciate competitiveness. But I wonder, and the minister hasn't answered this question, who's going to determine the competitiveness. Is it going to be based on non-union rates and conditions? Then obviously, if that's what the competitiveness is going to be based on, I'm afraid that the union wages are going to be brought down to non-union-wage scale. I honestly think the minister alluded to the fact that wages are going to drop. Certainly the member from Thunder Bay-Superior North said it and the member from Brant said it.

That's a reality out there, and if the unions are going to have to work for non-union pay, what happens to the training programs we have in place? Union members in Ontario put over \$15 million a year into updating their skills and training apprentices. I believe we should not lose sight of the fact that unions do an awful lot of good in the province of Ontario in training our skilled people to meet the needs in the construction industry. I'm afraid that's going to suffer if in fact we're not very, very careful about how we define competitiveness.

I think once these wages fall, in Sudbury in particular, in northeastern Ontario, because I live there and I can speak about those areas with the most amount of confidence on the factual information, you're looking at

Sudbury with 17.3% of people living below the poverty line, many of those in the construction field, because they haven't worked in the field for several years on a consistent basis.

I think Bill 69 may solve a particular problem in a particular area of Ontario to some degree, but I think it creates a bigger problem for a bigger area of Ontario than the minister realizes or the government realizes. I would hope that during those public hearings the minister is open to the concerns he's going to hear. Just let me talk about those public hearings for a moment. The reality is, there are four days of public hearings; I guess that was deemed a week in this place. The reality is they're not going to move out of Toronto.

One of the recommendations I'm going to make to the minister is that he at least visit one site in northern Ontario. I would hope that site is Sudbury. But I believe it's important for him to at least leave Toronto for one day and find out what other people are talking about in other geographic areas, in particular northern Ontario; either northeastern Ontario or northwestern Ontario would be prime locations. I would hope that he's open to at least one day of public hearings outside Toronto.

I think we also have to spend a few moments talking about the "key man" provision. I think the proper term should be the "key person" provision here. Whether it be fundamentally wrong from a protocol point of view, I believe the "key person" provision is fundamentally wrong the way it is defined because it allows for the removal of 1(4), not through the front door but through the back door. I don't want the minister to think that this is a conspiracy theory on my part. The reality is, it is in fact the truth. The way the "key person" provision is defined in the legislation opens the door for the removal of 1(4) in a very, very real way.

2010

In summation, let me talk about where our concerns are: with mobility, with naming, with the "key person" provision and with the definition of "competitiveness." I've outlined what my concerns are; at a later time I will be outlining what our solutions are. Whether they're accepted by the minister and by the government is another issue, but they will be real, they will be tangible and in all truth I believe they will make the legislation much better.

When the playing field is level, it is only natural that there will be mutual respect and a willingness to negotiate for better legislation on both sides. Our amendments will foster that. Trust is fostered by a spirit of good which prevails. People will be happier, productivity will be up and obviously this type of approach will lead to a more productive Ontario for all parties.

But when the level playing field becomes a slippery slope, as I said in the beginning, the only losers are the workers in this province, and in this case it will be the construction workers of Ontario. I don't believe that any member on any side of the House wants that.

I look to open discussion with the minister. I look for the minister—and the government—to be open to the

amendments he will receive from the Liberal Party and I'm sure from the New Democratic Party. I hope he will be open to the presentations he will receive from the unions across this province during public hearings. And I would hope at the end of all of this process there is a bill—although, in my estimation, one that isn't necessary at this point in time, but the government is hell-bent on passing some legislation, so some piece of legislation is going to be passed; it's going to be called Bill 69. I hope it will address fairness for the workers in the construction industry, fairness for the unions in the construction industry and fairness for all.

I pass on to the member from Sarnia.

Ms Caroline Di Cocco (Sarnia-Lambton): I want to first of all thank the minister. He came to Sarnia-Lambton in January to hear and to see about the tragic legacy on occupational disease. I've only spoken to Minister Stockwell a couple of times, but I must say that I have a sense of the fairness he often brings to the table in discussions, and I appreciate that. But it's incumbent on me to also say that occupational disease and the long battle to recognize the cause has not been driven by the workplace but by the unions. There was great resistance by the industry to addressing this horrible problem.

The minister makes a compelling argument for his bill, but I would just like to give a slightly different perspective. In my constituency of Sarnia-Lambton, as in many other jurisdictions, unions and industry have had a working relationship that at times is healthy and then at times is tenuous. I found a quote by John Kenneth Galbraith in *The Good Society*. It speaks about how “the comfortable will be afflicted in a useful way.” I find that unions at times can afflict in a useful way. That's the nature of the different jurisdiction that each represents—unions and business.

The provincial Liberals believe in the need for business to be competitive. But our balance lies in ensuring that workers also deserve a good wage. Mike Harris's track record on the labour front, unfortunately, is all about confrontation. The actions of the Harris government have been to pit labour against management and to dictate ultimatums. That is just the track record and that's the tone of arrogance that has become the trademark for this government.

Labour laws are like collective agreements, of course. Both sides should leave feeling that a balanced agreement has been arrived at by all parties. I believe that this minister speaks with this spirit; unfortunately, I believe that his government doesn't appear to, and has had a terrible record on this matter.

The sense of balance produces a competitive workplace and good management relations. My father was a union member. It's because he was provided an opportunity to earn a fair wage that he was able to provide opportunities for his family, for us, for his three daughters. He didn't have big business to look after him. My family went on, and we've had a construction business for 25 years, so we understand the other side of

the spectrum. Business needs good workers and workers need business, and workers deserve good wages.

It is the reality that the neo-conservative agenda is about attacking working people, and listening, oftentimes first and foremost, to the special interest groups of big business, who support and buy into their agenda. That unfortunately is the track record, and it is under this cloud of mistrust and conflict that the labour community is talking to the government.

I would like to put on record, as well, some of the past record of the Conservative government. These bills have oftentimes stripped workers of basic protection, as this bill does in some instances. Bill 7, the NDP labour legislation, was repealed, allowing use of replacement workers. There was Bill 49, changes to the Employment Standards Act, and it eroded minimum provisions for overtime pay, hours of work, and many other work conditions for non-union employees. This is the track record. Bill 99, changes to the Workers' Compensation Board, cut benefits to injured workers. Bill 136, the public sector union legislation, stripped bargaining rights for health care sector workers. Bill 31, the construction trades and Wal-Mart bill, eliminated protection for construction unions and made it more difficult to certify new unions. Bill 55, changes to apprenticeships, lowered standards for new apprentices, set new tuition fees and lowered apprenticeship wages.

I believe the cuts to the Ministry of Labour have oftentimes threatened worker health and safety. I speak to this only because I know and I say that the minister speaks with a spirit of balance and fairness, but I say that his government does not do so, and it has not shown to be that way in action.

The construction unions, yes, are split on this legislation, but while a minority has spoken out against the bill, the majority remain grudgingly quiet, because they're concerned that any opposition would lead to the elimination of section 1(4) of the Ontario Labour Relations Act. Ontario's main contractors are also opposing the bill, because they claim that only the elimination of section 1(4) will make their unionized companies competitive with non-unionized firms.

2020

A fair wage and benefits are not just for corporate Ontario; they're for workers as well. I want to highlight from another section in *The Good Society* how important it is to ensure a fair wage and how valuable it is for people to earn a fair wage: “Nothing, it must be recognized, so comprehensively denies the liberties of an individual as a total absence of money. Or so impairs it as too little.” It goes on to say: “Nothing so inspires socially useful effort as the prospect of pecuniary reward This too the good society must acknowledge.”

This bill is not so much about achieving balance, I think; it's about workers losing some of their basic rights unless they agree to measures that will reduce their wages. This bill could also result in workers from large urban centres being brought in to compete for the jobs of rural and local construction workers.

I am pleasantly surprised that for the first time in this House, in this Legislature, I have heard the minister, with a tone of sincerity, I believe, ask opposition members for input and for amendments. I hope this will soon come to pass, and that the member for Sudbury will have an opportunity to present amendments that will be taken into consideration by the minister.

Mr Richard Patten (Ottawa Centre): I want to acknowledge the comments of my colleagues from Sudbury and Sarnia-Lambton, for some personal experience, through their families, related to labour, labour relations, unionization and fairness for workers.

I'd like to begin with a bit of a backdrop that is somewhat contrasted by the spirit of the bombastic minister today, as he presented his case with full enthusiasm. But there are those out there who are saying: "It's payback time. It's been almost a year since the election." Of course, the best friends of the Tories are the contractors—they certainly aren't the trades—and this is payback time now. Like my colleague from Sudbury has said, I have not met one tradesperson, one unionized individual who has said: "This is great. This is fantastic. This is something I'm really happy with."

That's not to say there are not some areas that need to be negotiated. I think all sides agree with that. But when we look at what continues to happen, no matter what the legislation is—I was former labour critic, and I see that the former labour minister is here this evening, because she has a great interest in this field. I'm sure she's disappointed to be the Minister of Health rather than the Minister of Labour because of all the problems she has in the health ministry.

But might we be facing a circumstance like, for example, when this government in looking at trying to save money let go of 8,000 to 10,000 nurses and today we face trying to entice those nurses back to Ontario hospitals? By the way, that is especially difficult in community care because of the discrepancy in wages. Hospitals now, even though they have debts, are saying they have to offer incentives to try to bring back from New York or Australia or different jurisdictions nurses who used to be in Ontario. So labour mobility and competitiveness have many dimensions and many dynamics.

I also offer this: We have here a minister who is saying, "We should have hearings, we should listen to amendments, I'm open to all sides." Fine. The problem is that you have an 18-month arrangement. In other words, this may be the forerunner of one thing or another. It may be the forerunner of chaos, or it may be the forerunner of another step. I don't want to speculate on that. However, for the workers who see this as having given up some security, having worried perhaps about some wage losses and about an enhanced work environment, it seems to me they still have the threat hanging over their heads because nothing is finalized. Why is it hanging over their heads? They know that the contractors, especially the big ones, are still saying: "It's not good enough. We still want double-breasting or 1(4) gone." What is that going to

change? What will it tell you at the end of that period? I leave that for people to consider.

I noticed my friend from Sudbury read a number of quotes that showed some worry and concern. You'll find that many communities that have a higher percentage of unemployed people are worried about this. They are extremely conscious of the overpowering influence of the Toronto corporate sector.

This article is certainly quite complimentary toward the minister. It was written in the Toronto Star. It's not from the Toronto Sun; it's actually from the Toronto Star. It says that much of the credit goes to the minister for having pulled all the parties together. I will give the minister that: He obviously shows a propensity toward not just jumping in without thinking or at the behest of the boys in the backroom, but actually saying, "I'm going to check this out." I give him credit for that. I think he has worked hard on that, and I think he has brought people together, perhaps for the first time. Maybe this government has turned a corner in its approach to how it will face labour relations in this province, because there are lots of fences to be mended.

When we look at the overall arrangement, I have to say it boils down to three or four reasons. One, no matter how you cut it you are going to see less wages for workers. Will there be less profits for corporate contractors? I doubt it. The reduction or the elimination of some worker benefits—obviously with that go pension arrangements as well.

My friend from Sudbury talked about the concern around safe workplaces, and it's a very legitimate concern, because those who have been in this field for a while know the very high rate of injury that takes place on certain sites. It's certainly a very large risk in the construction industry.

2030

When we talk about the area of mobility, members will know that I come from the Ottawa area, so for eastern Ontario and Ottawa mobility is a big factor. Will this abate that or will it enhance it? Quite frankly, I don't think it will enhance the arrangement at all. What needs to be addressed is the agreement between Ontario and Quebec. I'm going to leave this to be dealt with by my friend from Prescott-Russell because he has spent a great deal of time on this particular issue up and down the Ottawa River, which divides Ontario and Quebec.

To allow my colleagues to share some of their thoughts, my final comment is to remember this: There are not too many non-union companies that invest a great deal in training. When you look at it, the unionized companies do. They have that agreement because that contract has been made. At the end of the day, it is the highest quality of the productivity of our workers that will give us the competitive edge we talk about; not trying to water that down, as was done in Bill 55, not trying to do away with opportunities for a healthy, dynamic but unanimous work environment, but through trying to bring together the highest possible training standards for the skilled labour that we have, that the

Minister of Tourism loves to place in our brochures when we talk to any other jurisdiction. And he's talking about the existing arrangement, not what would happen as a result of this bill.

I look forward to the hearings. I look forward to the opportunity to put forward amendments, as our critic from Sudbury has already mentioned. I truly hope it will go well, I look forward to hearing all sides of the story, but I must caution and say to remember this: No matter what happens, it's only an 18-month deal. It's what happens between now and then and what happens after that 18-month period takes place that will really show the mettle and the test of integrity.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I won't go over what every one of our members has said, but I have to congratulate the members for Sudbury, Ottawa Centre and Sarnia-Lambton.

Let me tell you, I was sure when I read the title of the bill that we would have something in there that would definitely guarantee Ontario construction workers a job in Ontario. But as I look at this, at the present time a contractor from outside the province could come into Ontario with at least 40% of his work crew from another province. This doesn't guarantee. We know that at the present time construction mobility in eastern Ontario and all along the Ottawa River is not a level playing field. They are able to come into Ontario and we cannot go to the other side. We just have to remember, when we look at Bill 17, which was passed just prior to the election, it was a really good election promise by the Premier and also the former Minister of Labour. We said at that point that if Quebec construction workers were to come on this side to work, they would have to pay a certain fee, as long as we have published in Ontario for the labour force we were looking for. But at the present time there's no protection in the bill.

There's one thing I'm surprised not to see in the bill. There's absolutely no protection for our construction workers. If a non-unionized contractor decided to put a quotation on a job, he could quote on the job and those poor construction workers would have no guarantee of a good retirement benefit. At the present time, contractors are hiring workers at \$9 or \$8 an hour. They work right up to the age of 65 and they have no guarantee for the future. There's no protection. There should be a clause in there that really spells out clearly that anybody who makes a quotation on a construction job has to add in the cost of a retirement plan. There's nothing in there for the future.

We know that in the last five years the average family revenue in Ontario has decreased. Why? Because we just don't care. This government has not given any protection to our workers. We are looking at the big pocket and we forget about the construction workers.

I'm going to give a chance now to my colleague Mr Ramsay, the member for Timiskaming-Cochrane, to continue the discussion of this very important bill.

Mr David Ramsay (Timiskaming-Cochrane): I'm in great company tonight following the speeches of the

members from Prescott-Russell, Ottawa Centre, Sarnia-Lambton and of course the member for Sudbury, our labour critic, who is representing us very ably through this piece of legislation. I share all the concerns that all my colleagues have brought up and want to touch upon a couple of the areas of this bill and, also like the member from Prescott-Russell, how this bill relates to north-eastern Ontario and affects other industries besides construction.

As the member from Sudbury started in his leadoff, this section on mobility is of concern to northerners. As you know, a lot of the employment that we get in northern Ontario is highway construction and construction of various buildings throughout the north. For many reasons, the larger companies of southern Ontario are better equipped to compete for a lot of these bigger jobs than maybe some of ours. A lot of times the northern companies get these tenders but many times they don't. At least when the southern Ontario firm comes up to northern Ontario, we have a sense that we will probably get most of the construction jobs or the labour jobs on these projects.

Looking at this bill now, as the member has said, up to 40% of the workforce can be brought in by the contractor, which means that for some of the small communities in the north that really depend on our different construction jobs for a big part of our economy, what it's going to be is that a contractor can move in almost a small town or a hamlet's worth of people and just take over all the work that we hoped would be some of our seasonal work. That's a big concern, and while some of these non-union companies might see it as an advantage to them, it certainly is a great disadvantage to northern Ontario and the people who work in these industries up north.

I also share the member's concern about the naming component. We were discussing this earlier today in a meeting. One of the tenets of a safe workplace in Ontario is the right to refuse unsafe work. Unions over the years fought very hard for this right. The right was granted in legislation in this province many years ago. This naming component, whereby a contractor can basically pick a very large percentage of his or her employees for these various jobs, means that if an employee decided to refuse to work because he or she thought it was unsafe, it certainly could mean that this person would be perceived as being a potential nuisance on future jobs and that contractor then would probably choose, human nature being what it is, not to name that person to a project next time. That's a big concern for sure. I think we have to look at that because paramount in all the legislation we do we have to make sure that we save lives.

We all came from ceremonies last week where we reflected on past workplace accidents across the province in the various sectors of our economy, and 3,321 deaths in the last five years is far too many. If we start watering down our occupational health and safety regulations in this province then we're going to see more deaths and workplace accidents and permanent disabilities caused by the workplace. We've got to make sure that any

legislation that passes in this place doesn't dilute the hard work that has been accomplished in the past in trying to make the Ontario workplace safer.

As the member from Prescott-Russell brought up his concerns from an eastern Ontario perspective, I'd like to bring up the concerns of the Quebec worker invasion, if you will, from a northeastern Ontario perspective. Many of the jobs of northeastern Ontario are taken by Quebec workers. You would ask, don't we have free labour mobility in this country and shouldn't it be so in Canada? I for one certainly agree that there should be free labour mobility right across this country. But we've seen with the restrictive labour mobility practices in the province of Quebec that there is an unfair advantage to Quebec workers, especially in the industries that make up a big part of the work in northeastern Ontario, being in forestry, woodcutters specifically in forestry, and log haulers to the mills, and also with mining and miners who work those mines in northeastern Ontario.

2040

If you look at the various operations in the northwest and the northeast, you will see that in northwestern Quebec there would be no more than a handful of Ontario workers in those industries, if that. But you come across the border into northeastern Ontario and you will find that up to 50% or over 50% of some of the mines in northeastern Ontario entertain Quebec workers. Much of the forestry operations in the greater northeastern Ontario are basically controlled by Quebec contractors bringing in Quebec woodcutters.

It's this type of unfair advantage that this bill reminds me of. We do not have a level playing field across this country. An area such as northern Ontario, which is so dependent upon so few sectors of a very broadening out economy such as we have in the south, really depends on the little work we do have based primarily on our resources, and we will continue to depend on that until the day we can add value and move into the technology industries that southern Ontario has. Until that day comes, we have to make sure that we fight for our fair share of the work. As stated by the member for Glengarry-Prescott-Russell, we don't have that, whether it be in construction, in forestry, in mining, or in many of the trucking jobs along the Quebec-Ontario corridor.

The mobility restrictions in this bill could bring the same sorts of problems to northeastern Ontario as with the present situation between the Quebec and Ontario governments. I would say to the ministry staff who are here tonight that this is not an issue that people of the northeast are going to drop. The people in the northeast feel that their jobs are being stolen by the workers from Quebec, and the Ontario government, contrary to what Bill 17 looked like—fairness being a two-way street, passed just before the last election—and what it might have said, it is not remedying the situation. This minister is not getting tough with the workers from Quebec, as he said he would in Bill 17. In fact, that bill has been set aside as negotiations and talks go on. Meanwhile, Ontarians lose jobs to Quebecers while Ontarians do not

get an opportunity to work in Quebec. These things have to be rectified if we are to have a prosperous economy, and this is especially true in northeastern Ontario.

The Acting Speaker (Mr Michael A. Brown): Questions and comments?

Mr Christopherson: I want to comment on some of the remarks made by a colleague from the Liberal caucus and, given the limited time, I think I'd like to stay specifically with comments the member for Sarnia-Lambton made when she outlined some of the things this government has done in the past vis-à-vis labour legislation they've brought in.

I'd like to add to that discussion a quote, as close to it as I could write it down—it can be checked against Hansard, and if I'm wrong in a word or two, I apologize; that's not deliberate. I wrote it down as I heard the minister say it, and he said something to the effect of, "We wouldn't believe we could write perfect legislation without input from the other side of the House." Because of course his whole tone was one of trying to sound oh so reasonable and oh so fair, and this is all about those workers and, "We wouldn't change anything without listening to the members of the other side and the opinions they have."

Then, of course, you start jotting down just a short list of some of the things that you've rammed through that have taken away rights from workers, and you didn't listen to anybody: not us, not the workers, not their leadership, no one, not a word.

Bill 7, probably the granddaddy of them all, framed by your government as "a few changes to the Ontario Labour Relations Act and repealing Bill 40," the bill the NDP brought in. Absolutely not the whole story. That was a brand new Ontario Labour Relations Act from front to back in every sense and there was not one minute of public hearings. In fact, we had a news conference today because in that bill you took away the rights of industrial farm workers to belong to a union, and they've got to go to the Supreme Court of Canada to get back the rights that our NDP government gave them in the first place. Don't talk to us—

The Acting Speaker: Thank you. Questions and comments.

Mr Gill: I do appreciate the comments from the members for Glengarry-Prescott-Russell, Ottawa Centre, Sudbury, even Hamilton West, if I may say so myself.

I know one of the things that was brought up was labour mobility. You know what happens in many situations. You have a contract and you have workers and you work with the people and those people you work with are good workers. You want to make sure wherever you go you want to reward them, you want to take them with you. In previous times, before this bill was introduced, you could only take one person from the 100 that you worked with to a new situation. This bill allows people mobility. You can go in and you can bring in 60% of the workers. You know what that does? It doesn't take away the right from any worker, but at the same time it continues the momentum and the sort of union you've

built up with your workers, the goodwill, because you know that they've worked hard for you and they'll work hard for you again.

In my discussions with people, every Ontario worker wants to get the opportunity to work. Nobody has said to me yet, including union members, that they don't want to work. This government wants to give that opportunity to everyone. Some of the people in unions came to me saying—and some of the people opposite may not agree with what I'm saying—"We have gone to the corporations that are non-union and we have told them we want to work, and we registered on both sides of the thing, unionized and non-unionized." We want to ensure that every worker who wants to work has the right to work.

Mr Gravelle: I certainly want to compliment all my colleagues, led by our labour critic, Mr Bartolucci from Sudbury, and the member for Ottawa Centre, the members for Sarnia-Lambton, Glengarry-Prescott-Russell and Timiskaming-Cochrane for their great additions to this debate. I think their great concern is that this piece of legislation does need some improvements and some real consideration.

But if I may in the short period of time that I have make reference specifically to the member for Sudbury's reference to the whole question of safety, which is one that's very dear to my heart. I put through a private member's bill that actually passed second reading back in December, which is An Act to bring health and safety programs to Ontario students. It's truly an effort to reduce, if not eliminate, the number of accidents that take place with people who are just entering the workforce. I must say, this is something that we're shepherding through legislation but also working with the minister very directly on. I appreciate the minister's and his ministry's co-operation.

But there are some very interesting points that need to be made that relate to this piece of legislation. They were brought forward to me very strongly this past Friday, the national day of mourning. I was at the labour centre in Thunder Bay where we were commemorating that sad day, but a day that needs to be commemorated. The point to be made is that the incidence of accidents in workplaces that are unionized as opposed to those that are non-unionized are substantially different. In fact, it's about a 300% increase in terms of the number of accidents in non-unionized workforces.

I think that needs to be taken into consideration, that indeed the unionized workforce has an absolute priority in terms of safety. I don't think you can put a price on a life. You can't put a price on safety. But I think it needs to be noted while we move down this path to legislation that will in essence reduce the impact of unionized workers that indeed the unionized workforce has to be praised and recognized as one that treasures safety. I appreciate my colleagues making some amendments in that regard.

2050

Mr Levac: I want to pick up on something the Minister of Labour said a little earlier in response to the

concern I raised with him regarding the fact that we are taking a look at a piece of legislation that has not been doubted by him, by the way, in terms of lowering wages. When you don't take care of that issue of lower wages, there is the impact that has on the rest of the community. The lower wages produced by this legislation will also impact the entire community in which those workers work.

In essence, what you're going to see is that they are going to spend a lot less money in the rest of the community and that they're going to be a little bit tentative before they make a decision on any of those types of purchases they are deciding to make, particularly the big ticket items. Those big ticket items are where the manufacturers are going to start taking a look at it. How much input have the manufacturers had into this type of legislation? The recognition of whether or not those workers are going to be able to start footing the bigger bills for the bigger ticket items has to be analyzed to see what kind of impact that's going to have on the entire community in which these people work.

The other point I wanted to make reference to was the minister's decision to simply hide behind the mask of the conspiracy theory, the implication that he didn't want to dignify with a response that something strange was going on. The Warren commission right now: The members on the other side probably think Warren had the answer, that that was it, that whatever he said was absolutely right: no conspiracy, Kennedy was shot by a single guy—boom—end of story. I have to tell you, there are not very many people on this entire planet who believe the Warren commission was absolutely dead-on with its analysis. So I think maybe we'd better start digging a little bit deeper.

I think we'd also better ask this question: What was the debate that went on in that caucus? We weren't talking about the status quo; we were talking about how extreme—

The Acting Speaker: Thank you. The member for Sudbury.

Mr Bartolucci: I'd like to thank the member for Hamilton East, the parliamentary assistant to the Minister of Labour, the members for Thunder Bay-Superior North and Brant for their comments. When you put it all down to a few words, it's simple: If in fact we're dealing with workplace democracy and making sure that the workplace is as democratic as it could possibly be, I would challenge the government to put this legislation to a vote by the construction workers of Ontario. I would be surprised—no, I don't think I would be so surprised about the results that would come from that. This is a government that believes in referendums and a referendum with regard to democracy in the workplace would be very interesting. The reality is we are going to have to deal with some very serious amendments here to make this legislation palatable to all.

I don't think it will work because the reality is that the unions didn't ask for this. The reality is that a group of general contractors approached the government and said, "Let's get rid of 1(4)." When you go right back to the

beginning point, it was that. I doubt very much if all the unions are going to buy in. If a majority of them are going to buy in we will only see as time unfolds. They have their meetings on Tuesday and Wednesday. If there is a buy-in, it is a buy-in that at best can be described as a forced buy-in, because they knew what would be in place if they didn't buy in.

We need amendments to the legislation to make it better legislation. We need public hearings. We need at least one day out of the Toronto for public hearings, hopefully somewhere in northern Ontario, hopefully in Sudbury. We need strong amendments from the union, amendments from the opposition and amendments from the government to make it better legislation.

The Acting Speaker: Further debate?

Mr Christopherson: I appreciate the opportunity to speak to this bill. I note there is a little over 30 minutes of the session remaining today, and with an hour's time for leadoff that means I'll get about half done today and then conclude on another day, which will give me an opportunity to check the Hansard for verbatim quotes of what the minister said. I did the best I could jotting down some of the things he said that I thought needed to be responded to prior to my getting into the details of Bill 69 and its implications as we in the NDP see them.

First of all, the minister spoke about what opposition—again this is in the context of what motivated him to do all of this. As much as he likes to say, and I say this again, that it doesn't matter, it matters a lot. It matters a great deal what your starting point is and the motivation for negotiations, particularly when the word "negotiations" is being bandied around here so loosely.

The fact of the matter is that the minister basically loaded up his political gun, used the bullet of 1(4), pointed it at the head of the construction unions and said, "Either negotiate something your employers can live with, with which I'm also satisfied, or we fire this political gun," so 1(4) comes out of the Ontario Labour Relations Act and then Ontario gets to enjoy the benefits for workers that Alberta now provides to their workers.

If anyone wants to know what Ontario would look like for those workers here in Ontario if section 1(4) were removed, talk to someone in Alberta. If you've got a family, a relative, a friend, somebody else you know in the construction business who works there, ask them what happened to their world in terms of wages, benefits, job opportunities, when the Alberta government brought in precisely the same threat. If you think they weren't threatened—and I'm not telling any secrets because I don't know how you could imagine keeping what I'm about to say a secret. But I want to tell you, if the unions didn't take it as a threat, then I'm not quite sure why I was speaking just a few weeks ago at the Ottawa Civic Centre to over 2,000 construction workers and leaders as they were briefed on what was going on and the threat that was facing them.

Make no mistake, there was a threat. The minister is trying his utmost, and his utmost is a fair degree, but he uses the word "conspiracy." Nobody on this side of the

House—certainly not me. I didn't hear any of my Liberal colleagues use the word "conspiracy." We didn't say "conspiracy." What we said was that you threatened the unions with arguably one of the most important clauses that exist in the Ontario Labour Relations Act. I see the parliamentary assistant shaking his head. Once again he knows everything so he doesn't need to listen. But the fact of the matter is that this government did threaten the labour movement in the construction industry with the removal of section 1(4) from the OLRA. You did.

Mr Gill: We showed them the difference.

Mr Christopherson: "We showed them the difference." Give me a break.

If you think this isn't true, then I wonder why there wasn't a letter to the editor regarding an article that Ian Urquhart wrote on March 15 of this year.

Mr Gill: Was that in the Toronto Star?

Mr Christopherson: I believe it was in the Hamilton Spectator actually, to be precise.

Mr Gill: The Toronto Star.

Mr Christopherson: If I can just point out once more, the parliamentary assistant says, "No, no, it has to be the Toronto Star." If you knew a little bit about the paper industry, or maybe you know as much about the newspaper industry as you do about labour, because the fact of the matter is, his column also appears in the Hamilton Spectator because they own it.

Mr Gill: Oh.

Mr Christopherson: "Oh," the member says. Maybe if you say less, listen more—

Interjections.

Mr Christopherson: Ian Urquhart wrote a column on March 15. I would contend that we all in this House from time to time have differences of opinion about the conclusions and analyses of Mr Urquhart. However, having said that, I'm not aware that anyone in this House is saying his facts aren't correct in terms of the factual content that Mr Urquhart reports. In fact, he is so concerned about that, as I see it, that often you'll see his own corrections where there has been a factual error that's been brought out. That's why I say we may all from time to time disagree with his analyses, but his facts are usually very accurate and he seems to care at a professional level about the accuracy of things he writes, and then takes personal responsibility for his own analyses and conclusions.

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He goes on to tell, March 15, the story of Geoff Smith, who is the chief spokesperson of the group of contractors who were pressuring the government to remove section 1(4). I should say, if I can just as an aside so we're all very clear, what 1(4) does primarily is prevent a construction company, a construction employer, from forming a shell company headed up in a lot of cases by brothers, wives, relatives who can be trusted. But what was really at play prior to 1(4) coming into law was that they tried to form what seemed to be for legal purposes a separate entity. However, in fact it was the same company, the same people, the same resources, the same

thinking, many times the same financial resources, and it was merely an attempt to get around their obligations under the collective agreement. It was a Tory government in the past that brought it in and said: "We're not going to allow that sort of thing because of all the turmoil it's causing in the province. It's not fair labour practice to allow that to happen, so we will put in" what became 1(4) which denied employers, and I'm not saying all employers but certainly those who wanted to skirt their obligations and get around the law, that opportunity which existed prior to 1(4).

Mr Urquhart on March 15 wrote this: "But the unionized general contractors are holding out for an unfettered right to double-breasting." Double-breasting is what happens when you remove 1(4) and see those shell companies start to be formed. "The chief spokesperson for the general contractors is Geoff Smith, president of Ellis-Don, the firm that built SkyDome and the Toronto-Dominion Centre.

"Smith's mother, Joan, was a minister of the Liberal cabinet of the 1980s and his father, Don, was the chief Liberal bagman. But in last year's provincial election, Geoff Smith switched sides and headed up a body called 'Liberals for Harris.' Smith says he was motivated by fiscal concerns and not a desire to gain influence with the Tories on labour law changes.

"Whether or not Smith was seeking a position of influence, he seems to have attained it. Earlier this month, he got in to see Premier Mike Harris on the double-breasting issue. Stockwell was not present."

So there we have the source of why this is even on the table. Did Minister Stockwell do a good job for the government and his cabinet colleagues and the Premier by virtue of pulling together the deal that seems at first blush—because I don't think the end of this story is written—to have a majority of the labour leaders and a majority of the contractors, particularly the subcontractors, onside with a single piece of legislation? To that degree, in terms of meeting the government's objective, which is, "Keep things as quiet as you can," he seems to have been successful.

That's why earlier I said I didn't have any problem with that. I understand those kinds of politics. That goes on with just about virtually every person in here in our own dynamic and I don't see anything evil in that or wrong or something that ought to be condemned. It's the nature of what we do. What I have a difficulty with is that the minister came forward today, and on the day he announced the introduction of Bill 69 or at least announced that he'd had agreement—that this was some kind of big victory for the workers. You'd almost think, listening to the minister, that the unions had been clamouring at the cabinet door for years and years, trying to get some government of the day to "Please lower our wages. Please make these changes because we know it's good for us and no government would listen." That is exactly the impression the minister leaves, that the unions wanted all these changes so bad, and the only problem was that they had to wait for the dissension from on high

of Chris Stockwell in the Mike Harris government. That is the impression they want to leave.

Nothing is further from the truth. Had this government not made it crystal-clear—and you did, you made it crystal-clear that you were going to pull 1(4) from the Ontario Labour Relations Act. Had you not made that threat, one for which there's ample evidence, given your past record, to believe you would do—and I might say you would probably do it with no public hearings, no committee debate, very little opposition debate and ram it through, just like you did virtually every other piece of legislation you've brought in here that hurts workers.

The minister would have us believe, now that we're debating this bill, that it's such a wonderful thing for the workers.

Mr Gill: It's the best thing that ever happened.

Mr Christopherson: Here we have the parliamentary assistant—I want that on the record—saying that's the best thing that ever happened. Boy, let's keep that for future reference.

I want to tell you, you'd have a whole different attitude from me—and I'm up front about the fact that my background prior to municipal politics is the labour movement, and for some of the members of the Liberal caucus it's similar—had the unions actually come to us as opposition members and said: "There are some things we want to get changed. We're not sure if we're going to make it or not. What we'd like to get is your support to encourage or pressure the government to make these changes if they won't, but we'd like you to join with us because we believe this would improve the working conditions and the benefits and the overall quality of life of our members." Had they come to us like that, they probably would have sent correspondence to the minister and then maybe or maybe not it would have begun the process of negotiations. That would have been negotiations.

But guess what? That also represents the kind of situation that exists here every day. We are constantly, especially in the NDP, pushing this government to put back in place rights that you took away. Why? Because the leadership of the very people you purport to care about in terms of what you're doing in Bill 69 are actually saying to us: "These things would benefit our members. Would you please take a look at it, and if you agree with it, would you join with us and add your political voice and strength to our pressure on the streets and to employers?"

That's the way most labour law that improves, legitimately improves, the conditions for workers takes place. Is that what has happened here? No. They loaded up this political gun and said, "Negotiate or else."

Anybody who wants to understand further—there are construction workers wondering what would have happened, and I want to be fair to those labour leaders who are faced with an incredible dilemma, a heart-rending one—take a look at the tape that the building trades produced very recently about what has happened in Alberta. They talk to actual workers out there, describe the history of the labour legislation that was brought in

and its impact on workers and their wages and their benefits and their working conditions. Watch it, listen to it and you'll understand at least some of the dynamics of what your leaders faced when they were told very clearly by this government, "Either you find some negotiated settlements that we can all live with or I'm going to pull 1(4) from the Ontario Labour Relations Act." If you have doubts and you're a construction worker, a family member or a friend of a construction worker, get a copy of that tape. There are lots of them around. That's what this union and that's what these workers were up against.

The minister used the word "uncompetitive" I don't know how many times. It's funny, though—and I realize that this is an extreme, but then you're an extreme—when you're talking about competitiveness, and things being uncompetitive, why does it never, ever enter your mind that maybe some of the non-union wages and benefits ought to be brought up to eliminate the uncompetitiveness, rather than saying those workers who through their unions have negotiated and struck and fought for those benefits should have to give them up? Why is it always a one-way street?

The minister was talking in his early remarks about the problems in the past, where there was strike after strike. That always leaves the impression, the way the right wing does that, that it's obviously the union that's the problem. If there's a strike, it's got to be the union's fault. There's a strike, there you go, it's self-evident. If there's a strike, it must be the union's fault. If there's a strike, the union and the workers must be being greedy and unreasonable; never an inkling that it might be the employer that's being unfair.

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I've sat at the negotiating table during the most difficult economic times, the downturn and the recession in the early 1980s, and let me tell you, it is not easy to even maintain the benefits you have when you're being threatened with job losses, plant closures, plant relocations and massive layoffs, and the economy reflects the situation where that may indeed be the case. In those early days in the early 1980s there were an awful lot of strikes that had nothing to do with getting more. They were about trying to hang on to what they already had in cases where the employer was using the circumstances to rip the collective agreement apart, not even a circumstance where there were legitimate problems. But again, to listen to the minister speak, you'd swear there were all these problems and they were all the fault of the evil unions, those workers wanting too much again.

The minister talked about fiddling while Rome burned. The fact of the matter is that it links up nicely with his other quote that I wrote down. That's when he was accusing previous governments, which is so—I can't even think of the word. It's so outlandish that he would try to paint this scenario. I realize he wasn't the minister, but he voted for these things when he was still in the government benches: Bill 7, Bill 15, all those things that took away workers' rights. So as the Minister of Labour he can't very well say, "Don't blame me." He's now a

member of that cabinet. He stands behind everything this government has done and is doing to workers.

In addition to accusing other governments of fiddling while Rome burned—remember, that's because we wouldn't do anything. He painted the picture that there were all these labour leaders pounding at the cabinet door wanting the kind of changes that are in Bill 69 but we wouldn't do it, therefore we were just fiddling while Rome burned. Then he said, "Show me anywhere where workers were gaining ground." Not too difficult at all; just go back to before Harris was in power, because under the previous government from 1990 to 1995, under the NDP government—

Interjections.

Mr Christopherson: I know this is going to rile them, but you're going to have to listen to it anyway because it happens to be something you can't run away from—the truth. The truth is, I'll show the Minister of Labour for Mike Harris anywhere where workers were gaining ground. Under our government they gained ground. Scabs were finally outlawed in Ontario. That was a monumental day for workers in this province. You took it away from them. We funded the Workplace Health and Safety Agency. You killed it. For that matter, the Liberals ran on the same platform to kill it and the Liberals ran on a platform to undo our work on scabs too. So you're very similar in that vein.

We were the first government after 60 years—

Interjections.

The Acting Speaker: Order. The member for Etobicoke North, the Minister of Agriculture and especially the member for Kitchener Centre, who is not in his seat, will not interrupt the member for Hamilton West.

Mr Christopherson: Thank you, Speaker. I appreciate that.

Continuing, for the first time in over 50 years an NDP government said to workers: "Guess what? WCB was created to help injured workers, not help the government or help employers. Therefore you ought to be entitled to half the seats on the board." We brought in legislation that gave workers or their representatives 50% of the seats on the board of directors of WCB. This government took them away.

We gave the public sector workers—this will really get them going—the same right that every other worker in this province has, with a few exceptions around essential services, and that is the democratic right to strike. We gave them that right. We did that.

I would remind members that I talked about a news conference that was held earlier this morning by the OFL, the United Food and Commercial Workers union and the farm workers union talking about the fact that under our legislation we gave workers who worked on industrial farms—and make no mistake, they are factories, by any definition, except they handle food, not steel or metal; they work in factory conditions—the democratic right to decide if they want to join a union or not. They decided they did want to join a union. They

were in the process, in fact, of negotiating their first collective agreement. When this government brought in Bill 7, they took away their rights, rights that they had under the law. Now, much to their credit, the United Food and Commercial Workers union, under the leadership of Mike Fraser, is taking this government all the way to the Supreme Court of Canada, which has now agreed to hear the case.

Let me just say to Minister Stockwell, in case you're sitting in your office somewhere, there's somewhere where workers were gaining ground. They didn't start to lose ground until your colleague got elected and assumed power.

The minister also said, "Let's talk about content; let's not talk about process." I have talked about process and I think that there is at least a fair argument that you really can't look at this whole thing without understanding the situation that those labour leaders were put in. They weren't there finally seeing a government that would listen to them on things they wanted; they were there trying to hang on as best they could to the rights that their members were entitled to because of the decades of struggle that they fought, that they put everything on the line for and fought to get. That's why they were at that table. That's the kind of negotiation that was going on in this province.

The minister also went on to say—not today but at another time—"Let's be clear about this: Wages are going down." If anybody has any doubt about what the ultimate goal of the negotiations was, it was about responding to a hard, right-wing, ideological agenda that says, "We've got to get and keep wages down in this province as much as we can." That's what this government's been all about; unfortunately, I have to say, fairly successfully. But that does not make it right; that doesn't make it right at all.

The minister wants to talk about content. Let's talk about content. The minister talks about mobility. First of all, I'm not from the construction segment of the economy. It's something I've had to learn. I was a labour leader for quite a number of years, president of my local union, active on the Hamilton and District Labour Council. However, I was not from the construction industry. It's a very complex part of our economy—very complex—and I believe the minister has said that on different occasions himself. I don't profess to be an expert. I do have the benefit of listening to labour leaders who are experts and also beginning to receive some of their legal interpretations. Again, that is the kind of expert advice—and let me just say parenthetically that it's a shame this legislation is being moved on so quick. I can tell you that many of the unions are just now beginning to get the first drafts of the analyses that their legal people have done.

So on the issue of mobility, as I understand it, this applies to some unions to a far greater degree than others. Some have different rules at their hiring halls so some unions are going to be affected more than others by this particular clause because, again, we're talking about the

construction industry. It involves all the trades. As much as we often refer to construction as one homogeneous entity within the economy, within that construction label are a lot of different sectors and certainly a lot of different professions and trades and therefore different unions.

What Bill 69 would do is allow an employer to bring 40% of the workers they want from one location to another, outside one area. Then they would be allowed to what's called "name hire" the next 60%, meaning that they can pick the individuals they want, who they may have worked with before or they've heard good things about from another employer. So they could hand-pick; that's what it is. "Name hire" is what it's called. Therefore, only about 24% of the jobs that are being created in that particular community are going to go to the local community professionals.

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Now, before the parliamentary assistant jumps out of his skin trying to pucker up and say how wonderful this is, let me point out to him—

Hon Janet Ecker (Minister of Education): I don't think he likes you.

Mr Christopherson: No less or more than many others, Janet. Need I say more?

I'll tell you what is of great concern, and I say this particularly to the ministers and the parliamentary assistant, in all seriousness. One of the concerns about so much flexibility on the part of employers—it may make for good business; I don't argue that point. However, there is a concern about the question of discrimination. Where we're concerned that it may discriminate—

Mr Gill: It's common sense.

Mr Christopherson: He doesn't want to listen.

Where there may be discrimination is against older workers. Many employers, given a choice between a bricklayer who is 55 or 25, without saying anything would follow human nature and say, "In terms of laying bricks there's a good chance I'm going to be able to get more bricks laid by a 25-year-old than a 55-year-old." Therefore, we run the real risk that older workers in these communities, given that we're down to 24%—and I understand in some trades the percentage is already lower or higher, but certainly in some situations this is new and it's not better.

What it means is an awful lot of older construction workers could be overlooked by employers because they don't have to take them. If you're in an industrial setting or a large workplace, that's prevented by seniority. As long as you're capable of doing the job and you have the seniority, by and large it's your job. This allows for potential abuse through discrimination.

How about someone who's a health and safety rep, an honourable position to have, working on behalf of your colleagues to make the workplace, in this case the construction site, as safe as it can be. But from an employer's perspective, what employer is going to knowingly pick someone and take them all the way across the province if they know they're one of the best health and

safety experts that the sheet metal workers have? What are the chances that person is going to be taken? What does that say? Well, in terms of your career as a carpenter or a sheet metal worker you might want to think twice about whether you want to get involved in health and safety. Is that not the opposite of what you profess to care about? I would say the same about union stewards. If there's an opportunity to overlook a union steward, I suspect a lot of employers will. They're not going to want to take that person with them; they would see it as bringing trouble from one location to another. In many cases this means there are going to be fewer community people being hired, that fewer tradespeople are going to get hired in a local community. If you're an older worker who happens to be a health and safety rep or a steward, or if you're used to selecting most of your jobs from the local hiring hall, you're going to be in serious trouble, and some of those workers who have worked the longest, the ones who have contributed the most to building Ontario, raised their families, all the things this government says they care about—you may indeed be hurting them.

I say to the minister, in terms of content, motivation aside, this is not some wonderful piece of news for an awful lot of construction workers, because they're going to lose rights or opportunities they previously had, and that ought to be a concern that all the members have, particularly the cabinet ministers and the parliamentary assistant who are here tonight. I think that's a legitimate concern that you need to address and that deserves addressing.

I really only have a couple of minutes. Mr Speaker, both of the other issues I'm going to get into will take me much longer. I think I would be serving all our interests if I did one thing before I do what you're hoping I will do in terms of shutting down the House. I would seek unanimous consent to allow the conclusion of my leadoff debate to be picked up at another time.

The Acting Speaker: Do we have unanimous consent? Agreed.

It being 9:30 of the clock, or thereabouts, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2126.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Regulations and private bills /
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Gilles Bisson, Claudette Boyer, Brian Coburn,
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