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**Official Report
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Monday 8 May 2000

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des débats
(Hansard)**

Lundi 8 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 8 May 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 8 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)

Resuming the debate adjourned on May 2, 2000, on the motion for second reading of 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.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to speak for a few moments with respect to Bill 69, which is known as the Labour Relations Amendment Act (Construction Industry), 2000. Mr Speaker, I will be sharing my time with the member from Scarborough Centre.

I wasn't present when the minister addressed the House on this bill. I know he was very thorough and has spent a great deal of time going over the sections in the bill as well as talking about the consultations he's had leading up to it. From his perspective, it would appear there is very little opposition to this bill, and I would hope it would receive support from all sides of the House.

The only area I'd like to spend a bit of time on which I find useful, because it affects part of my riding, is sections 150.1 and 150.2. They contain provisions with respect to reforms to the collective bargaining system in the residential sector and it applies to the city of Toronto and the regional municipalities of Halton, Peel and York. Part of my riding consists of the town of Caledon, which is in the regional municipality of Peel, and so the one particular section which I would like to talk about affects my riding. It specifically affects how housing goes. I find that how housing goes generally speaking is how the economy goes. There are so many areas of jobs, the financial part of that with respect to housing, that if housing is successful, quite often generally speaking the economy is successful. Right now I believe that housing

is successful, particularly new housing, which is what this section deals with.

All sectors have developed these reforms to the benefit of the employer, the unions, the employees, suppliers and all other dependants of the industry, and particularly new home buyers. What this section is trying to do is to prevent the situation that happened between May 1998 and September 1998, when there was a series of six consecutive strikes by various trades. It took place in the residential construction sector in the greater Toronto area. What these strikes did was essentially shut down the new home building industry. It happened because collective bargaining was staggered, as one union would wait for a settlement for another striking union and then establish its own demands based on the earlier settlement. So when employers refused the demands of the next union, there would be another strike.

This affected particularly new homes that were being built and they simply weren't finished. I can tell you that people who sell their homes to move to a newer home have no place to live. They have to store their furniture. Sometimes you can't even arrange for interim financing because you can't legally move into the house if the house isn't completed. Anybody who has been through that experience of buying a new home, that does happen from time to time, just because of shortage of materials or unusual things, and there is nothing you can do about it. But these strikes literally put new homeowners in these areas at a great disadvantage. They suffered unnecessary inconvenience and substantial expense.

As well, there would be manufacturers, suppliers and other industries, as a result of this series of strikes—from May to September is a long time in this industry. It was like a domino effect. These other related industries were forced to lay off staff. As a result, there was a negative impact on Ontario's economy, and it undermined this government's efforts to create a positive business climate for investment and job creation. It had a major, profound effect on the whole economy of the province.

The Minister of Labour—I believe it was Mr Stockwell, or his predecessor; I'm not too sure, but the Minister of Labour—appointed a special officer to work with all parties in the residential construction sector to develop a solution to avoid this situation so it wouldn't happen again. The officer met with employer representatives and union representatives, and the parties simply weren't able to come up with a consensus solution.

After the special officer's appointment ended, ministry officials continued meeting with employer and union rep-

representatives, developing reforms based on support from the majority of the industry, and this model would be put in place only for the next round of collective bargaining. But generally speaking, it would appear that both the union and employer sides are supporting the amendment that is being proposed.

This legislation, if passed, as I said, would affect those municipalities that I indicated. It would reform collective bargaining in order to minimize the risk of consecutive strikes similar to the ones I referred to that occurred in 1998. Agreements for all the trades would expire at the same time, April 30, 2001. Negotiations for all trades would then take place concurrently. Lockouts and strikes would be limited to a specified time frame of May 1 to June 15, 2001. After that, any unresolved disputes would go to arbitration. So this process, these amendments, would create major certainty as to how the industry would conduct itself in the future.

The following amendments, which have been given and I'm going to refer to them again, will be proposed in this legislation: that all collective agreements that are in effect when the act comes into force would come into effect before April 30, 2001, and would be deemed to expire on April 30, 2001. Since negotiated settlements are encouraged, normal collective bargaining procedures would remain in place. The parties would still have to give notice to bargain, commence bargaining and apply for conciliation in the standard manner. So if an impasse is reached, no-board would have to be obtained from the Minister of Labour, and it would lead to a strike-lockout situation. Any strikes during this round of bargaining would end on June 15, 2001. Those are some of the amendments.

It would apply only to the 2001 round of collective bargaining in the residential sector. It would be evaluated by the workplace parties and the Minister of Labour to gauge its effectiveness for use in the succeeding rounds of bargaining. However, the common expiry date for collective agreements will remain a permanent feature of labour relations in the residential construction sector in the Toronto area.

This is the only section that I will be referring to. I can tell you, as one who has had a little bit of experience in acting for people who have purchased new homes, believe me, if that sort of situation happened again, the amount of inconvenience and the amount of money that's lost to individuals who are purchasing new homes, the amount of loss to the suppliers and the manufacturers and the people who work in those various related industries—it simply can't happen again. So I congratulate the Minister of Labour for bringing this section forward, because it will provide the certainty that's required specifically for new homes.

Ms Marilyn Mushinski (Scarborough Centre): I have particular pleasure in rising in the House today to speak in favour of Bill 69, the Labour Relations Amendment Act. Like my colleague from Dufferin-Peel-Wellington-Grey, I want to begin by congratulating the Minister of Labour on the tremendous consensus that he

was able to negotiate. We know that it's never easy to come up with an agreement that all stakeholders can find acceptable. Believe me, do I know that. This bill is a testament to the hard work and dedication of this minister, and I reiterate my congratulations to him.

In the throne speech of last October we made many commitments to Ontarians. Today, less than six months later, we've managed to fulfill a great number of those commitments. The Minister of Finance has delivered the balanced budget and tax cuts that we promised. The Attorney General has been very busy. He successfully guided the Safe Streets Act, the Sergeant Rick McDonald Memorial Act and Christopher's Law (Sex Offender Registry) through the Legislature. Health care spending is being increased as promised and new mental health legislation has been introduced. A code of conduct for Ontario schools has been developed, and the SuperBuild Growth Fund is providing our post-secondary institutions with much-needed capital to expand their capacities.

Bill 69 represents the fulfilment of yet another throne speech commitment, and that is to modernize and improve labour relations in the construction industry. The construction industry is a key industry to Ontario and its economy. Tens of billions of dollars a year are generated through this industry. A large portion of the 700,000 net new jobs created in the province since the Mike Harris government came to power has been created by the construction industry and its spinoffs.

In my own riding of Scarborough Centre we've witnessed an astounding amount of development. New residential housing units are being constructed throughout the riding. Thousands of new units are springing up around the Scarborough Town Centre alone. Commercial construction is on the rise as well. The Scarborough Town Centre has added a large addition, Cedarbrae Mall has undergone an ambitious expansion and renovation program, and the Kennedy Commons shopping complex has been built. Those three developments alone helped to create 1,500 new construction jobs as well as over 2,500 permanent jobs in the businesses that now occupy these complexes. It is vital to the continued prosperity of all Ontarians, not just those in the construction industry, that we create an atmosphere that allows the industry to thrive and continue to play an important part in the remarkable economic boom that we are now experiencing.

That is why the Labour Relations Amendment Act is so important. Bill 69 will help provide that environment for success that the construction industry so desperately requires. In developing this bill, the minister has managed to arrange an agreement with both the unions and the employers, something that is almost unheard of in labour relations. This bill is not a government initiative but rather a solution developed by the industry's key stakeholders. The bill before us is as a result of the give and take that we see in most negotiations. The result is a solution that both sides believe they can live with and a solution that is both workable and realistic.

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I know that members on both sides of the House recognize that strikes are very disruptive to economic activity. I suppose that's part of the reason members of the opposition parties supported the failed Days of Action strikes that tried in vain to cripple growth and prosperity in Ontario just a mere few years ago. From May to September 1998, the residential construction industry in the GTA was plagued by a series of strikes. The negative impact that these strikes had on home buyers, builders, union workers, suppliers and municipalities is almost immeasurable. The solution contained in Bill 69 would reform collective bargaining to minimize the risk of consecutive strikes such as these. Collective agreements for all trades would expire at the same time. Negotiations for new agreements would take place concurrently. Lockouts and strikes would be limited to a specific time frame. If negotiations failed, the dispute would be sent to binding arbitration. The aim of these measures is to create a stable labour environment for the residential construction sector in the GTA.

The bill also addresses the issue of union competitiveness in local markets. This was identified as one of the most important issues for the union side of consultations. Current province-wide collective agreements have placed unionized contractors and sub-contractors at a competitive disadvantage in some local markets. Wage rates and contract provisions have priced unionized contractors out of many local markets. These contractors are locked into agreements that have made them uncompetitive with non-unionized builders. The result has been the loss of employment for a large number of unionized workers. Bill 69 has created a reasonable middle ground that has been developed by the stakeholders in the industry. The industry-developed solution includes changes to legislation to allow local employer groups and unions to develop local amendments to province-wide agreements. Unions and employers will be encouraged to negotiate mutually beneficial adjustments. An arbitrator may be brought in to help ensure that this process is a quick one.

The reality is that prolonged disputes are not good for anyone in this industry. These amendments should allow unionized employers to bid more competitively for projects, thereby creating more opportunity for employment for union workers.

Bill 69 will also increase employer flexibility when it comes to hiring workers. Employers in every sector of the economy must have confidence in their employees. This is no different in the construction industry. This bill will allow contractors to hire people in whom they have confidence by opening up local jobs to a limited number of workers from outside the hiring hall. This would not affect existing restrictions on hiring non-union labour.

Labour peace in the construction industry is key to the continued economic growth we are currently experiencing in Ontario. Quite obviously that is not something that the opposition understands. But labour peace can only truly be achieved when both the employer and union are satisfied with the conditions in which they must

operate. That is why the consensus built by Minister Stockwell is so important.

I know that this may well be an impossible task, based upon the heckling that I keep getting from the member from Kingston, but I do indeed encourage every member of the Legislature to support this industry-developed solution.

The Deputy Speaker (Mr Bert Johnson): Questions or comments?

Mr John Gerretsen (Kingston and the Islands): I was wondering how long it was going to take the member to get to the bill. She seemed to talk about everything else, about all the so-called wonderful things, in her mind, that this government is doing in this budget, which reminded me of the \$200 rebate that the government—

Interjection.

Mr Gerretsen: She didn't talk about the bill, and she made these points—about the \$200 rebate that we're all getting. With everything that is going on in health care and education and all the chaos that has reigned in those areas over the last five years, why didn't the government just take that money and put it in the much-needed health care and education systems?

Interjection.

Mr Gerretsen: If you were here the last time and you heard me speak on this bill, you know quite well where I stand on it.

In any event, why was this money, the \$1 billion, not put into, for example, cancer care? One out of three people in this province who have been diagnosed with cancer do not get treatment within the prescribed four-week period of time. That is a shame, that's an indictment on our health care system and it's a situation this government could have done something about. They had \$5 billion in excess revenue.

Hon David Turnbull (Minister of Transportation): On a point of order, Mr Speaker: In this type of debate, I believe it is the custom to stick to the issue of the bill that's before us, not to have general debate. This is not a budget debate.

The Deputy Speaker: That is a point of order. I was listening to the member, and I thought he was doing—

Mr Gerretsen: The member seems to have a problem when he hears the truth being expounded from this side of the House.

Why aren't you more concerned about the health and safety of our workers, rather than attacking the unions in this province? It is totally and absolutely uncalled for.

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I was upset that the member from Kingston did not get the chance to finish his flow of speech. He had 37 seconds left on the clock, and it was practically all used up by the useless point of order. I'm wondering if the clock could be restored to the 37 seconds.

The Deputy Speaker: As in a lot of things in life, the world keeps turning, the sun keeps moving and there is no way of going back and doing something. There's no

possible way. I don't know how to run that clock. I can't put it back on. I'm sorry.

Hon Chris Stockwell (Minister of Labour): I ask unanimous consent to give the member 12 more seconds.

The Deputy Speaker: Is there consent for 12 more seconds? Agreed.

Mr Gerretsen: This government has already attacked the opposition in every way possible. I'm absolutely aghast at the fact that a minister of the crown would not allow a member of the opposition to have their say in the two minutes we're given.

In any event, rather than attacking the unions, which everybody knows you're doing on this, why don't you put more money and more of your resources into the health, welfare and safety of the union members? This is absolutely disgraceful.

The Deputy Speaker: The members will know that it's not allowed for you to be yelling back and forth across. We'd like to have you in with us for the whole of the evening. You might take that as a little bit of a warning.

Mr David Christopherson (Hamilton West): Let me say that given the fact that the Minister of Labour was so quick to pop to his feet to be fair in a procedural matter, it almost makes me wish that we had campaigned to have him remain as the Speaker, where I think he was very fair. I've said that before and will always say that. That is certainly not something that can be used to describe Bill 69, because it's anything but fair. The fact of the matter is that for the balance of this evening and the balance of the discussion tomorrow, we're going to have government member after government member stand up and follow the lines printed for them, touting all the wonderful things that are in Bill 69, the minister of course will continue to say, "Process doesn't matter; motivation doesn't matter," and we in the NDP will continue to articulate the fact that there is nothing in here that the unions wanted. It's only here now, and if some of them are agreeing with it, it's because the minister of the day did indeed put a loaded political gun to the head of the labour movement and said—

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Ms Mushinski: That's rubbish.

Mr Christopherson: To the member whose time we're commenting on, Ms Mushinski, who said, "That's rubbish," I say through you, Speaker, it's not rubbish. That is exactly what happened, and you can put your head in the sand and pretend that didn't happen and hold your breath and stamp your feet and say, "No, no, no, no," but the fact of the matter is, that's exactly what happened.

The only reason there's any support at all, as weak as it is, I might add, for this from labour leaders is because the alternative was so much more deadly, more devastating to the labour movement. That's the reality. The removal of 1(4) was not a laughing matter, I'd say to the doc across the way, who's laughing during all this. There's nothing funny about Bill 69.

Mr Doug Galt (Northumberland): It's certainly a pleasure to respond to the elegant speeches made by the member from Dufferin-Peel-Wellington-Grey and the member of Scarborough Centre. They brought the point forward about consensus and what a great job the Minister of Labour has been doing to get a consensus to bring labour and the employers to the table and to get an agreement for the benefit of the homebuyers here in Ontario. Certainly we can all share that feeling of frustration, when you put money out for a home and you've either sold your old one or you've cancelled the rent on your apartment and then, lo and behold, it wasn't built. It must be extremely frustrating, and they expressed that extremely well, about the give and take and the finding of the middle ground. As I read this bill, it's just absolutely an exceptional bill.

But I thought some of the comments the member from Kingston and the Islands made were interesting. I thought he'd be interested in some of the things that must have happened while he was mayor of Kingston, because obviously he wasn't looking after things very well. I read a headline in the Kingston Whig-Standard from March 1, "24 Million Litres of Raw Sewage Intentionally Pumped into the River," and it goes on to say, "The dumping happens when the city's old and frail sewer system can't handle flows or when there's electrical failure."

He was the mayor of Kingston when that old and frail system was there and should have been replaced, and what did he do? Nothing. Typical of a Liberal, and he must have been practising, when he was mayor of Kingston, to become a Liberal: Just sit back, do nothing, watch it all happen. Now that he's up here, he probably tries to blame the Ministry of the Environment for the lousy system they have in Kingston—his legacy, the legacy he has left for the city of Kingston. He should be ashamed of himself, just as the rest of the Liberals should be ashamed of themselves for the kind of response they had to the excellent budget that we brought in.

Mr Rick Bartolucci (Sudbury): I'd like to make two minutes of comments about the presentation of the member across the way of what they deemed Bill 69 to be. The reality is that there are very many shortcomings in this legislation that we have to address, hopefully through amendments. Certainly one that I'm most concerned about, and I'll put it on the record—the minister knows because we've spoken, and I mentioned it in the House last week—is the review period with regard to Bill 69.

Listen, what you're saying to the construction people across Ontario is: "If we haven't gotten it right, we're going to get it right. We're going to do you in in the review period." I would suggest, if the government is interested in allowing for some stability within the construction industry, that they withdraw that provision of the review. I would suggest to you that it serves the industry in a very negative way. I'll put it on the record this evening that I will be putting this in the form of an amendment. I would hope that the government accepts the amendment. The minister is saying that it's going to

happen. Well, you know what? We won't know that it's going to happen until we go clause-by-clause and accept amendments. This legislation is going to be passed. There's absolutely no question about that. You have a majority government. It's very important that you try to correct some of the weaknesses the opposition members have pointed out with regard to this legislation. I'm concerned about the review period being in there. I hope that my amendment will be accepted and that that is removed from the legislation.

I also have some concerns with regard to the mobility issue. Again, I spoke to that in my leadoff and I will address that in the form of an amendment, and I would hope that the minister would say "Done" as well. However, I won't ask him to say that this evening. There are opportunities to improve what I consider to be faulty legislation. Hopefully, everyone in this House will take those opportunities.

The Deputy Speaker: The member for Dufferin-Peel-Wellington-Grey has two minutes to respond.

Mr Tilson: I'd like to respond to the various members who have responded to the two government members' presentations this evening. The member from Kingston and the Islands is always entertaining. We have no idea what he is talking about. He was talking about health care where this is a labour bill. He says we're always attacking him. Yes, we're always attacking him, quite frankly, because he doesn't make any sense. This is a labour bill. We have a serious problem of stability in that particular area of the labour industry and this member is talking about something that has nothing to do with that topic.

The member from Hamilton West said that we're not fair over on this side. As I indicated in my comments, one of the things we're trying to resolve, particularly as a result of the strike that occurred in 1998, is the great loss that occurred to new home buyers. There was tremendous loss and inconvenience put to the suppliers of materials for new homes and all of the related industries, and that shouldn't happen. This is one of the things the minister is trying to do to solve that situation.

I might add that there is no loaded gun. That's an expression we've heard come out of the opposition and I have no idea what they're talking about with respect to that.

Mr Bill Murdoch (Bruce-Grey): They had that when they had the social contract.

Mr Tilson: They have a loaded gun with everything.

With respect to the member from Northumberland, he made a comment that there is give and take with respect to discussions the minister has had with the different sectors. I know the minister has spent a considerable amount of time consulting with the different interests in the industry and I believe that has been talked about in this House in the past. It was interesting listening to the member from Northumberland talking about the former mayor of Kingston and his contribution at that time.

The member from Sudbury indicated that there was a possibility of his voting in favour of it. He's going to put

amendments forward and we'll consider those amendments.

The Deputy Speaker: Further debate?

Mr Ernie Parsons (Prince Edward-Hastings): This bill is a little bit different from the ones we've had before the Legislature before. It reads, "Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry." I think the Minister of Labour has let us down on this one. It does not have a cute title. All the others have a cute title. I would suggest it could be "An Act to amend the Labour Relations Act in order to annoy both employers and employees." I think that would probably be truth in advertising. I'm disappointed that there's a deviation from the cute name syndrome.

Just before I get into the serious material, I will be sharing my time with the member for Thunder Bay-Superior North.

The attitude of this government has been very consistently antagonistic. I found that the Toronto Star, as I'm sure all of you did when you read this paper on the weekend, a strong Conservative paper, noted, in their profile of the Premier, "In 1962-63 as a grade 12 student, Harris listed 'bowling, curling and antagonizing' as favourite activities in the Northland Echo." Those aren't my words and those aren't the Toronto Star's words. Those are the words Premier Harris submitted to his year book to best reflect his interests: "bowling, curling and antagonizing." I think all of Ontario would appreciate it if he had a lot more interest in bowling and curling than he does in antagonizing right now. I think this bill truly was put together to antagonize all the groups. "If we can make everyone unhappy, then we're reflecting the Conservative agenda in Ontario."

It is rather dangerous in a way for someone to speak to a bill involving unions. We have created an aura in Ontario that it is not politically wise to defend or be at all supportive of people who are in dire straits and require welfare. It's not wise to publicly say something that is supportive of teachers and it's not wise to say something that is supportive of unions. But the reality is that unions have served and continue to serve a very important role in this province, as do the employers who are named in this.

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Interestingly, it's the union side that is presented as the special interest group. We hear about union bosses. That was a wonderfully unique phrase that some backroom person came up with, "union bosses," as if they absolutely controlled the union with no democracy present. Yet the most powerful special interest group in this province is—now I'm not sure whether to say the Conservatives, the Conserve-a-Tories, the Alliance or what exactly we're talking about, but that is by far the most powerful special interest group that has ever been fielded in this province. They have done well for the group of people that has supported and stroked them, not the average Ontario resident but this special group. It has given to me a real insight into the strength and power that

occurs when you get a group of bullies together. It is a reminder of back in school days—rather intimidating.

Nobody in Ontario is the enemy. Things need not be done with confrontation. I believe we need to respect our unions in what they've done and what they continue to stand for. If we look around Toronto right now, it is very encouraging to see the number of cranes that are in place, because cranes are a very strong symbol that the construction is taking place.

Interjections.

Mr Parsons: It's easy to applaud and talk about the development firms that are doing the construction, but let's talk about the people who are actually doing it themselves, the people on the job doing the construction who, in large firms, are represented by unions, unions that have been democratically elected. In spite of the money spent last year and the phrases about union bosses, the reality is that union leaders are democratically elected by their members, exactly the same as the people in Ontario elect a government. They have an opportunity on a regular basis—more often than the provincial government—to change their leadership if they disagree with it. It is a true democracy all the way through. It's not a group of individuals driving the union, but the union is a voice for a collective group of individuals speaking for their members.

In my role as the critic for skills and training, I've had the opportunity to get more familiar with unions, to tour their various facilities and some of their construction jobs. I have found it a learning experience. The union dues each member pays are not, as so often portrayed by the government, going to union bosses for their fat salaries, but I've seen facilities where they provide supports for their retired members. I've seen training schools operated by the unions that are absolutely inspiring with their commitment to their members and to the population they serve.

It is significant for me as we look over history that the majority of safety measures that have been developed in the construction industry have come about as a result of unions speaking up for their members. If we go back to the late 1800s and the early 1900s, whether we're talking construction or we're talking railway, the accident rates were horrendous. Human life was not valued. The unions, collectively, brought together a voice and made suggestions that resulted in a safer environment.

I also recognize that in Canada we have a rather unfavourable climate over the winter. I see construction people out working in absolutely bitter weather. The testimony that they've done a good job is that while in parts of the world we see buildings collapse, we see buildings catch fire and then absolute catastrophe as the flames spread through the building, we enjoy a safe environment in this province—our bridges don't fall down and our buildings don't fall down—because of the commitment of unionized workers to the project. The unions, if nothing else, when they have made the workplace environment safe for them, the building of the

bridge eventually becomes safe for everyone in the province.

But the negotiations that the Minister of Labour is so proud of were not on a level playing field. There was always a threat dangled to remove even more rights from the unions.

I compliment the union executives involved in these negotiations for reaching a compromise that certainly isn't in their best interests, but reaching a compromise knowing the alternatives they faced if they didn't cooperate with this government. It must have been a very stressful and a very unhappy time for them to see some of their members' rights taken away, knowing there was a big club threatening them. I respect the agreement they came out with, but it must, as I said, have been very difficult for them to do.

I am concerned about the issue of mobility. I represent a rural riding. Jobs are not as common in rural Ontario as they are in the 905 area. When we see more automobiles produced in this area, that generates an additional need for buildings to produce them, but in rural Ontario we have not benefited fully from this. I now see the risk of jobs in my community being put at risk by people being moved out of an urban area into it. I suspect, at the same time, that people who are working in an urban area really don't want to move for a job, be away from their family, be away from their support system to do a job.

The system wasn't terribly broken, except for one thing, and I'll mention that in a minute. We're hearing about the prosperity in Ontario in the absolute best of times. Obviously it was working, so why are we going to change it when the construction industry is enjoying the best years they've had in quite some time? Why do we change it? I believe the absolute goal or dream of this government would be to have everyone in Ontario working for minimum wage for an American employer. That's not going to happen all at once, but the government can move towards it in steps.

This is a step that lowers the wages for highly trained, highly skilled, highly responsible people. We need to recognize that every job in Ontario is important. The doctor who does a skilled operation in this province contributes immensely to our society, but the individual who builds the bridge or the individual who loads the garbage truck in front of our home does a service that contributes as significantly to it. We are the sum of the whole. Some are not better than others, and yet we see an attack, and a continued attack, on certain groups, such as unions, to lower what was a decent wage in order to help special interest groups benefit with lower costs.

Mr Michael Gravelle (Thunder Bay-Superior North): Thank you to my colleague for allowing me some time to make some remarks tonight as well. There are a number of aspects to the bill that I have some concerns about and I do want to express them. If I can, I'd like to focus on the aspect of safety in the workforce, something that is very dear to me, and I trust it is to all members of the Legislature.

There are literally aspects of Bill 69 that I think threaten worker safety. My colleague from Sudbury has made reference to some of the amendments he will be bringing forward to try to alter that. I think they are reasonable amendments we will be putting forward, from the point of view of the fact that if you are in a position where—as I think most people who have read the legislation understand, if an out-of-town contractor manages to get a job in Thunder Bay, they are allowed to bring 40% of the workforce from out of the city to work there; the mobility clause. On top of that, they're allowed to name 60% of the remaining workforce that's left over; in other words, basically bringing it up to 75% total.

The concern we have with that, and it has been expressed by others, is that if a contractor is allowed to choose and to name the individuals they want to bring up, the possibility exists that they will—I think probably more than a possibility—choose people they consider to be co-operative and perhaps those who will best work for us, which doesn't always mean those people who are best for the job. It can on occasion mean people who have been less disruptive to them in terms of them getting the job done as quickly as they want, which I think brings in safety considerations.

One of the realities of the workforce in our province is that the rate of accidents with a non-union workforce is three times—295% I believe exactly—that of a union workforce. I don't think we can ever treat that as being a minor issue. We have had so many tragedies over the years. We certainly have people of all ages who have, as a result of a lack of safety on the workforce or a lack of awareness, lost their lives. We certainly have an extraordinary number of injuries every year. I have tried to play a part in helping that improve by bringing forward my own private member's bill, Bill 10, An Act to bring health and safety programs to Ontario students. To be fair to the minister, I am working very closely with the minister and the assistant deputy minister in the labour ministry. We're working on hopefully bringing that bill to fruition, and the principles are agreed upon by the minister.

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In that the minister has been so supportive of that legislation—it has passed second reading, and I'm grateful to all three parties in the House for helping that get past second reading—I think it's all the more important for the minister to perhaps acknowledge that there are aspects of Bill 69 that will basically make the workplace potentially a far less safe place. So one would hope he would recognize that that is a concern.

As the transportation critic, I certainly will be castigating the Minister of Transportation, most frequently because of safety issues. We've been very concerned about that over this past winter. We have been very concerned about the issue of the privatization of road maintenance. We've been very concerned about the fact that a lot of the improvements that need to be made on the roads are not being made in as timely a way as they should or aren't happening at all.

While we have this government bragging about the budget being this, that or the other thing, we still have the greatest concerns about safety, because ultimately that's probably our largest responsibility, to be concerned about the safety of the public. One would hope the government would feel the same way.

With this legislation, I do think there is that particular aspect, and the naming aspect is the one that one can't help but be drawn to. There is a reason why a non-union workforce tends to have a higher rate of accidents than a union workforce. We all know that the unions put a great deal of money into worker health and safety. I have worked with them very closely over my five years as a provincial member, and I've always been very impressed with that being a priority.

In fact, it was Ross Singleton from the Ontario Network of Injured Workers and Steve Mantis from the Canadian Injured Workers Alliance, who are in Toronto today actually meeting in relation to my bill, who put it forward. These are injured workers who have a lot of grievances with this government and have been very unhappy about a variety of legislation that has gone through the House—and I certainly can outline some of it—which also perhaps speaks to some of the concerns that we all have in terms of believing that this legislation is absolutely the best when one looks at the history. They are people who have had very strong feelings about the direction this government is taking, yet they decided the priority for them was to try to put forward legislation that can improve safety in the workforce by educating young people.

We believe that if there is a standard all across the province, that if indeed there are health and safety programs that will be able to go into every school in this province, ones that will mean if you and your family have to move from Thunder Bay to Sudbury or from Barrie to North Bay, you'll know there will be the educational programs in place that can help you—they very much believe that the priority is safety, perhaps sometimes even over the politics that we all get involved with down here.

That is certainly an aspect that I hope the minister will listen to, and we are very concerned about that. It just should be number one. There should be no question about it. So, as I say, while I appreciate the minister's co-operation so far in terms of my private member's Bill 10, which I still believe should be put through as legislation, although there may be some reluctance for the government to do that, but I still believe they should, I think he needs to recognize that there are aspect of this bill that actually will perhaps end up damaging all the good that could be done with the passage of that particular bill.

Also there's no question that if one looks at just the mobility clause itself—40% I believe is the figure that the out-of-town contractors are allowed to bring on to the job—like many parts of this province, our construction workers have not had a lot of work in the last five years, and in every community across the province we want to

get them back to work. We would like to think there would be more opportunity for them. Ultimately when you put the 40% with the 36%, you're left with about 24% who can be employed through the local union office. We want to get those numbers up. So I hope the minister would give some consideration to that as well.

The issue of competitiveness is one that I don't think can be ignored either. This is a piece of legislation that ultimately will result, and I think the minister did acknowledge this on second reading, in workers making considerably less money. It sets up a situation where that's the case. I think again—although government members tend to get angry when we say this and they can continue to do so—that this was simply something that was put in place because of the fact that there was a gun put to their head to some degree. It was going to be coming. The elimination of section 1(4) was one that indeed was there, and I think those who were supporting it recognized they had to accept this compromise.

The issue of competitiveness is one that really concerns us all. How will you define that? How will you monitor that? How will you practise it? Those are some of the issues that concern me very much.

I want to also just have the government understand, and perhaps the minister too, that the history of legislation by this government over the last five years has been one clearly geared at attacking the union movement and workers in this province with a variety of legislation that has been hurtful, has taken away a lot of their rights and certainly made it more difficult for them to trust the government. So when you put it all together—and I named some of the concerns and I trust the minister will take some of my considerations seriously and those of my colleague the member for Sudbury in terms of the whole naming issue, the whole mobility issue.

I'll wrap up my remarks by simply coming back to that point. We obviously want to have more jobs in this province. We obviously want to have an opportunity for our economy to prosper, but we must never ever do it at the risk of worker safety. I think there are aspects of this legislation that simply make that more likely to happen. I can think of no other area right now that probably upsets me or concerns me as much as that. Again, it's important that that be recognized by the government, that while on the one hand you're being supportive of our moves through Bill 10, An Act to bring health and safety programs to Ontario students, the fact that the contractors can name that other 36%, which means they're going to name people they feel will be less disruptive, perhaps more likely to co-operate, is an issue that cannot be minimized. I hope that will be taken seriously by the minister, recognizing that there are other issues that I'm sure my colleagues will get an opportunity to bring up. I hope the minister will listen to those amendments when they are put forward by our colleague the labour critic from Sudbury.

The Deputy Speaker: Questions or comments?

Mr Christopherson: I will comment on the remarks of the member for Prince Edward-Hastings who did the

first 10 minutes of the 20-minute spot. Again, he raised the issue of why these negotiations were taking place. I think it's important that all of us on this side of the House talk about that when we have the floor, because the government continues to say, first of all, that it didn't happen, and then that it doesn't matter. Both are incorrect. It did happen. In fact, I can't imagine how any of the labour leaders would possibly justify their support of Bill 69 in the absence of the threat that the government, through the Minister of Labour, made to them in terms of section 1(4), because this is not an improvement in the conditions for workers. The people who work in the construction industry are left with fewer rights and opportunities than they had before.

The minister will make his arguments, stating that these things had to happen, and competitiveness, and that's fine, let him do that. The reality nonetheless is that in Alberta they removed the equivalent of our section 1(4), and anyone who talks to someone who works in the construction industry in Alberta will tell you that it's a nightmare compared to the way it used to be. There are people on the same construction site who are working one day for union wages over in this corner of the work site and the very next day they're working on another part of the work site—the same work site, a different part—making 30% to 40% less money. Why? Because they ended up going down the road that we would be going down if 1(4) was removed. That's why the threat was made. That's why the labour leaders are agreeing to this, under serious duress.

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Hon Mr Stockwell: I just want to comment quickly on the comments made by my friends opposite.

I'm not really certain where the safety aspect would come into it. There's no difference after this legislation than before this legislation with respect to safeness of work sites in the construction industry. There are no amendments or changes or regulations that have changed that would decrease the safeness of those work sites. In fact, we're being very proactive to create a safer construction work site, because there are some improvements we can make. If you want to enlighten me, I'm more than happy to hear, and if you want to comment in your two minutes I'd be happy to listen as well, but I'm not really sure where that would happen.

I hear about the concerns opposite with respect to the issue. There seems to be an acceptance that the status quo wasn't working. There wasn't competitiveness in the construction industry, and I think why the labour leaders were in favour of looking at reviewing this act was because they weren't winning work. Fundamentally, they had hiring halls with 400 people where 50 and 60 were working rather than 250 and 300 who were working in days gone by. So the compelling and overriding reason the construction industry unions came to the table was that they were getting fewer and fewer jobs out there. That's why they addressed the situation. That's why they came to the table to discuss it.

I understand that there is negativeness opposite; I hear it. I don't hear any corrections, though. I don't know how you would have gone about making changes that would have done anything different. How would you have fixed this problem? The problem was faced by the Liberals and the NDP in office and nothing was done. Slowly but surely there was a depression in the union workers out there. It wasn't dealt with. If we take the NDP's approach to union negotiations, the social contract, it's simply an approach where you force them to accept changes, and if they don't accept the changes then you ram the legislation through against their will.

We're in a different situation. I think there is a jealousy there that we didn't in fact go out and ram this through, force it down unions' throat, that they accepted it. I understand why you're jealous, because we brought the parties together and forged this agreement. You couldn't do it in the social contract. I appreciate—

Mr Christopherson: Don't tell a little lie. Tell a big one.

Hon Mr Stockwell: That's out of order, Mr Speaker. I would ask the member from Hamilton West to withdraw that. That's out of order.

The Deputy Speaker: If the member from Hamilton West would like to withdraw, that would be fine.

Mr Christopherson: Deputy Speaker?

The Deputy Speaker: If you made a remark that was unparliamentary, you may withdraw it.

Mr Christopherson: Did I make a remark that was unparliamentary? If you tell me I did, I'll gladly withdraw it, sir.

The Deputy Speaker: It isn't my privy to tell you what you said. I just said that if you did, then this would be the opportunity. If it isn't, that's your call.

Mr Christopherson: If I did, then I certainly do withdraw it.

The Deputy Speaker: Thank you. The Chair recognizes the member for Sudbury.

Mr Bartolucci: I thank the members from Thunder Bay-Superior North and Prince Edward-Hastings for their comments. I believe it's very, very important that all members of the House listen carefully to what they said.

With regard to safety, though, let's just spend a few moments on that and see how the new division allows the employer to minimize the safety that I think we on all sides of the House want. For example, there is the 40% mobility issue. That means the employer can take 40% of the jobs with him to a particular work site outside of the area. Then he can name 36%. So that means that 76% of the workforce is going to be controlled effectively by the employer.

If in fact we have some employers who don't follow all the safety standards that are in place, and someone is proactive with regard to safety and challenges the employer, I guarantee you, I guarantee the members across the way, that that worker who is safety conscious will never work for that contractor again on another job. I think over time you erode the safety aspect in the construction industry, and I know Sergio Morasut, my

bricklaying foreman when I was a labourer, would be concerned about that, as we are on this side of the House. I'm sure the members of the NDP and the Conservative Party are concerned about that. We have to address that and hopefully will be able to address that in amendments that the member from Thunder Bay-Superior North is going to be instrumental in drafting because he has so many ideas. So I would say that's one area where safety may be minimized over the course of time, and I think it's worthy of address in the legislation under amendments.

I would also suggest that as time goes on, the key man provision is also an area that warrants some concern and some discussion and hopefully amendments which will be accepted.

Mr Galt: I was quite entertained by the two presentations from the official opposition party. The member from Prince Edward-Hastings talked about no cute title in this particular bill. I can't imagine any bill that we've ever put forward that didn't have a very serious title and describe what was in each of those bills, and so does this one. I think they're very ideal.

The member from Thunder Bay-Superior North: I listened very carefully, but I haven't the slightest idea what his point was. I still can't figure out what he was selling. I know it was something about the bill—he seemed to stay on topic—but I have no idea where he was going or what his point was. It's most unfortunate. I feel sorry that I can't really respond, because there was no content to respond to.

The member for Hamilton West, in his response—I thought it was rather interesting—

Mr Christopherson: On a point of order, Mr Speaker: Recognizing the absolute importance of following procedures, I'm sure you would want to remind the member that the two-minute responses are for the initial speech that was made, not to other two-minute responses that come as a result.

The Deputy Speaker: The Chair recognizes the member for Northumberland.

Mr Galt: I was responding to the response to the speakers, when he said there was no improvement. I would suggest to you that having a job is a tremendous improvement.

Mr Christopherson: On a point of order, Mr Speaker—

Mr Galt: He's using up the time, Mr Speaker. Could you freeze the clock?

The Deputy Speaker: Order. The Chair recognizes the member for Hamilton West on a point of order.

Mr Christopherson: I seek your assistance, Speaker, because after I made my point of order, which I do believe is in order—it's in the rules—the member then went on to say, "No, I'm just addressing the comments you made," which is exactly the point I said is against the standing orders and therefore unacceptable. If you would direct the speaker to follow the rules, it would be appreciated.

The Deputy Speaker: I want to remind the member for Northumberland that the response is to the comments of the debate. I will give you a couple of seconds if you would like to respond, with that.

Mr Galt: I thought it was also interesting to pick up during the debate a comment made about no suggestions coming from the opposition. I think that's a very good point. If they just had something worthwhile to suggest that would be constructive to this particular bill, maybe some changes could be made, but the only thing they had to say was they were opposed to what's in it, rather than having something worthwhile. I look forward—

The Deputy Speaker: The member for Prince Edward-Hastings has two minutes to respond.

Mr Parsons: It's obvious that we need a better PA system in this building, because it is not getting across the aisle.

Why did negotiations and all this happen? I hear the question asked, why were the labour unions in favour of reviewing it? I don't think the labour unions requested that this be opened up. I think they requested the opportunity to negotiate when they got some wind of what would happen if they didn't negotiate. I am reasonably certain, indeed positive, that the climate was created where they felt they had no choice but to proceed.

History has shown over the years of the industrialized world that the safety improvements that have come forward have come forward as a result of unions. They have stood up and fought for their members. As we reduce the ability of the unions to financially sustain their effort for safety improvements, we weaken safety for everyone. Groups that are not in unions have benefited from the safety initiatives that have been undertaken by the unionized members.

I don't believe it is this agreement that made things better in this province for the construction industry. As opposed to the manufacturing of cars or electronics, which can be done offshore, roads and buildings and bridges can be built only in Ontario. So certainly there had to be a reason for them to be built here. The growth happened because the US has a greatly strengthening economy. When we look at the economy being driven by exports to the US, yes, it created a need for buildings, it created a need for development. We are seeing a redistribution of wealth. Not every employee in the construction industry is able to buy land from the ORC and retire comfortably. They require an ongoing income. What this does is erode it.

The Deputy Speaker: Further debate?

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Interjections.

Mr R. Gary Stewart (Peterborough): Somewhere along the line I think we've got our rotation slightly—

The Deputy Speaker: The Chair recognizes the member for Peterborough.

Mr Stewart: I thought maybe you were going to tell me to stand back down again. Anyway, thank you very much, Mr Speaker. It is indeed my privilege to speak to Bill 69. This act is, I believe, the start of a new, exciting,

co-operative working arrangement between the government and union workers.

I want to compliment the minister, the Honourable Chris Stockwell, and the 28 union representatives who represent the various unions and the various trades that make up the construction sectors. The bottom line of this legislation is a level playing field both for the union worker and for the employers. It was interesting that just last week I talked to a rather major builder in Toronto who was extremely complimentary of this legislation and suggested that if I would like to go out to the site, he would like to introduce me to a number of the workers there who were also extremely supportive of it.

I believe this legislation will modernize labour relations. They certainly have improved labour relations. It will also produce a healthy and stable construction industry. The construction industry, as we all know, is an industry that has a tremendous ripple effect on the economy of this province. I think one of the members across the way made the comment that it was nice to see cranes in the air. Yes, it is, and those cranes have been in the air since 1995. For the 10 years prior to that, the only cranes that were in the air had wings and feet. So it's great to see it happening, and I believe it's happening because of the futuristic look that this government has taken.

The construction industry, as we all know, stimulates the economy. It creates the jobs and it gets people off their dependency on social services. It creates revenues. It allows us to have the necessary services that are so very important to our social fabric, things like health care, education, social assistance. When you look at the 725,000 jobs that have been created in this province over the last five years, many of them have been created in the construction industry over the last four or five years, and that industry has helped to move this province forward. The economy of this province has moved forward because of the construction industry.

One of our promises when we first got elected back in 1995 was to eliminate Bill 40, the most undemocratic piece of legislation ever put in by any government, I believe, in the history of this province in regard to labour. Of course, that also goes along with the social contract. It wasn't too impressive either, to say the least.

Bill 40 did a number of things. It stopped construction totally. Jobs were eliminated. Revenues dropped. Social assistance went up. And you know what? Ontario came to a standstill. I remember when we were trying to put Bill 7 through, and indeed we got it through, trying to put democracy back into the workplace. There were great threats by the union bosses and those across this Legislature that it was going to shut down Ontario: "We'll show them."

You know, the funny part of it was that it was the union bosses who said that. It wasn't the fellow who wanted to go out and have a job, work hard and stimulate the economy, make a better life for his family. They weren't the ones who said that. The workers were the ones who wanted to get on with helping us as a govern-

ment to move this province forward. Bill 7 put democracy back into the workplace. I believe that is what this bill has done. I believe it is the middle-of-the-road type of legislation that both sides can live with.

I want to comment on the 18-month revisiting of it. I am 100% supportive of that, albeit the minister maybe has concerns and certainly those across the way seem to have some concerns. I believe in it 100%, because the unfortunate part of when legislation is passed in this House is that it goes on forever and ever and is never revisited. I suggest to you that one piece of legislation that was passed about 125 years ago and really has not been revisited since is the Municipal Act. I'm a great believer in sunset clauses. It's like anything you do in business these days: You put in a plan and then revisit it on a continual basis to make sure it is working right and does not have any adverse effects on the people involved with the legislation.

I want to make it very clear that I support revisiting this legislation, because it gives the employer the opportunity to look at how well it is or is not doing, as well as to show the worker, the person who is very much a part, and probably the main part, of the construction industry, what type of effect it has on them. So I'm very supportive of that type of legislation.

As I mentioned at the start, I believe Bill 69 is about fairness and flexibility. When you get 28 organizations or trades all agreeing on something, it bodes well for both sides. I mentioned before that it does create that level playing field, and all parties are then committed to working together. If there's one thing in this country, in this world or whatever, that makes things move forward and move along well, it's when all people are working together to make it work. I believe that is exactly what this legislation does.

The other thing that makes me very pleased about this legislation is where the employer is allowed to bring 40% of the workforce from outside the local union jurisdiction. It means that if I was an employer going into a new area where I was not necessarily familiar with the workforce, I could bring workers from my area whom I had confidence in, who I knew had a good work ethic and, more importantly, who knew how to do the job. That's an excellent section in this legislation and will possibly make it easier for employers, and employees as well, to negotiate and be very competitive in obtaining the various jobs.

As I mentioned, it used to be that folks were told whom they were going to get to work for them. I have been an employer. I've employed people for many years, and I believe I should have a say about whom I employ. I believe this new piece of legislation, with the 40% from areas I may represent, allows me as an employer, or certainly the employee—because it's a two-way street. They know how I operate and I know how they operate. I believe that can enhance the job and the job will be done that much better.

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So I think this is a tremendous piece of legislation. I think it is fair to all, and I compliment everybody who was part of it on both sides. People I have talked to in the residential area are extremely pleased about what it is doing.

One of the most important things about this piece of legislation is that it is a solution that is industry-developed. Those who are involved—and for the life of me, I can't understand why politicians and government believe they have all the answers. In this piece of legislation, the employers and employees from the industries are the ones who have come up with a solution, and I believe they should be complimented on doing that.

It appears to me that the only ones who are against it at the moment are the opposition. It's amazing how they know how this was all done. All they're doing is the usual rhetoric.

I compliment the people who negotiated this piece of legislation, this agreement. When it's good, certainly in the residential, for three years, I believe it will stabilize this industry, and Ontario will continue to grow, especially with our new budget. With legislation like this that we're putting through, I believe the future of Ontario in the construction field is great and the future of Ontario as we stimulate the economy will be enhanced.

I thank you for allowing me to speak on this bill.

The Deputy Speaker: Comments and questions?

Ms Caroline Di Cocco (Sarnia-Lambton): The member for Peterborough talks about putting democracy back into the workplace. I remember the rhetoric during the election campaign. Those were exactly the comments being made locally by the Conservative member at the time.

There is an assumption that labour leaders are somehow elected non-democratically. It is a democratic process. Union members are capable of making up their own minds and electing their leaders. Unions have played a role for years in making working conditions better for workers and providing a collective voice to persuade employers to invest in health and safety.

In Sarnia-Lambton, we have some horrendous conditions of health that arise from occupational diseases. I would like to say that it wasn't the employer who brought that out to be rectified; it was the union that advocated on behalf of the workers.

I don't understand how, when we talk about competitiveness, it always has to be on the backs of the workers. When supply or any other element of the cost of a construction job goes up, that's just a fact of life and we have to deal with the extra cost. But for some reason, wages and the collective ability to negotiate with a strong voice have to be undermined, because we don't want the workers to have as strong a voice as the Goliath employer.

Mr Christopherson: The member for Peterborough talked about Bill 40 as if it was something evil, which obviously he believes, but then held up Bill 7 as an example of enlightened legislation and bandied around

words like “democracy” in the context of references to Bill 7. He seems to have completely forgotten that Bill 7 was introduced on October 4, 1995, and was law by October 31—not one minute of public hearings, not one minute of parliamentary hearings, not one minute’s hearing from anyone. The government contended at the time that it was merely repealing the NDP Bill 40. First of all, Bill 40 accomplished something that the working people of this province were proud of, and that is that we finally banned scabs from the face of this province. As much as the Tories hate that concept, that’s fair labour practice. But at least in the Common Sense Revolution it talked about the fact that they were going to repeal Bill 40. So as much as I was deathly opposed to what you were doing, you did run on it and have a mandate.

What you did not have a mandate to do, I say to the member from Peterborough, was to bring in a brand new Ontario Labour Relations Act from front to back. It wasn’t just repealing Bill 40, as awful as that was. You began the elimination of the employee wage protection plan. You denied workers in the public sector the right to continue with their union if their business is privatized, the same as the private sector has. There was automatic certification that was put in place by a Tory government four and a half decades ago. That was the most undemocratic piece of labour legislation we’ve ever seen.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It’s a pleasure to take this two-minute small debate on this Bill 69. The member from Peterborough took part in this debate very eloquently, and some other members, the members from Sarnia-Lambton and Hamilton West. They did not come to the point but at least they spent their two minutes. Let me reiterate some of the highlights in this bill. Members seem to have forgotten that, and hopefully the public watching this debate will realize and follow some of the next debates.

First of all, the bill addresses residential market labour negotiations. What happened in 1998? There was a series of disruptions whereby one trade union after another had strikes. One would settle and then the other one would go on strike. Do you know who suffered? It was the public that suffered, the new homebuyers, and the whole economy suffered because of that. People were very upset and suddenly it didn’t help anyone.

What this bill does is say that all union contracts will end in April 2001 and they will be renegotiated up to April 2004. I think that brings some sanity to the negotiation process. It doesn’t take away the right of workers to negotiate; it brings back some harmonizing of the dates when the contracts end and it brings it into perspective so that the public can heave a sigh of relief.

Another thing it does is labour mobility. I think some of the members touched on that. It’s very important, as in any other field, that people have the right to choose who their workers are. This bill gives employers the right to choose, to some extent, who are the people working on their contracts.

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

Mr Bartolucci: The member for Peterborough spoke about democracy in the workplace. I would suggest to him that the history of this government over the course of the last five years would define anything but democracy in the workplace. We look at Bill 7, we look at Bill 31, and certainly this government is using the Ontario Labour Relations Act as a political football. That’s wrong, because the Ontario Labour Relations Act provides the balance that we believe is necessary to ensure that there is fairness in the industry as well as competitiveness. So I would suggest to the member for Peterborough that maybe we are so skeptical on this side of the House because of the history of this government in the past. We don’t want you to repeat those mistakes with Bill 69.

I would suggest to you as well that the competitive aspects and the definition of competitiveness is very important here. The minister spoke to that in his opening remarks and certainly members across the way have spoken to that. I would suggest to you that the way you define competitiveness will define this legislation and will either make it successful legislation, if it’s passed, or a failure, as we feel this legislation may be without very significant amendments. I would suggest to you that it’s important that if you define competitiveness against non-union wages, the lowest salary possible, then you are sacrificing the balance that’s been in this industry for 30-odd years, since the Davis amendment.

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I would suggest to you that you tread very carefully as you define what this legislation will be like when it finally becomes law, because competitiveness in the workplace, if defined as non-union wages, minimum wage, is not in the best interests of democracy in the workplace.

The Acting Speaker: The member for Peterborough has two minutes to reply.

Mr Stewart: It’s interesting to listen to people talk about competitiveness. I’ve had the privilege, or not the privilege, of generating my own paycheque for about 40 years, so I happen to know a little bit about competitiveness. I also know that competitiveness means the key to success. It produces a good product and it generates jobs. It also produces a very economical product.

I compliment the employers, the ministry and the union representatives for this bill, because what we did was listen to both sides. We listened to the people who know what they can live with. Again, I listen to some of the politicians these days and it appears that they seem to know everything about everything, and I hate to tell you that’s not true. Why would we not take the advice of people like the 28 representatives of the various construction trades and say to them: “What can you live with? How do you see us improving construction, improving business in this province, improving the economy, improving jobs and, above all, improving the product?” That’s exactly what it is. I often think there are other sectors in this province where if we added a little com-

petition to it, just possibly we may end up with a better product.

I am very pleased, as I said, about this legislation. I am also very pleased, as I mentioned earlier, that we are going to revisit it in 18 months to make sure that everything is working well. I'm a great believer in: What is not working, change; what is, leave in place.

The Acting Speaker: I would just like to draw the members' attention to the fact that time appears to have stopped in here; at least the clock has. As we would at a hockey game, the table is keeping the time. So if you're wondering how much time there is, the clerks would be pleased to let you know what the official time is.

Further debate?

Mr Levac: Mr Speaker, with your indulgence I'll be splitting my time with the member for Ottawa-Vanier.

I appreciate the opportunity to talk about Bill 69, An Act to amend the Labour Relations Act, 1995 in relation to the construction industry. I would also like to indicate to the Minister of Labour that I listened very carefully not only to his introduction of this bill, but also to his very passionate explanation in defence of the bill.

One of the things I want to point out very clearly now, because some of the things were talked about in the discussion and in the debate, is that a great deal of concern was expressed, before the bill was produced, to the minister and to the previous Minister of Labour about section 1(4). The minister himself told us in the House that there was a very lively debate in his own caucus about this legislation. From that I would take, and would submit to the House today, that one group did want to remove 1(4) from the legislation. The compromise that the minister talked about was not so much whether or not they got all of the players onside, but it was more of a negotiating tool to go to the union membership and say: "Look, I've got some members on my side of the caucus who would just love to get rid of 1(4). I have a hard time getting them convinced to give a little bit of leeway here. If we don't watch out, we're going to have to lose 1(4) and that opportunity is going to be lost to you. If you guys play ball with us, we can probably guarantee you that 1(4) won't be removed." So much for the conspiracy that the minister said I was trying to portray, other than to the fact that with his own words he did tell us that there was a very lively debate in caucus. I would suggest that we were not talking about a gun to someone's head, but just simply made the comment and observation that the minister had to sell this. If the caucus had to talk about 1(4) in that manner, we would end up with basically, I would say, the idea that it could have been used as leverage or a tool to say to the industry, "You'd better go in this direction, because if you don't, I'm having a hard time convincing my caucus that they are not going to get rid of 1(4)."

One of the things I also want to talk about is the idea of wages. Bill 69 allows construction companies using unionized labour to pay lower wages for their workers in order to better compete with non-unionized competitors. I'm going to suggest that that has been accepted as what

might possibly happen in the industry, that we're going to have to start seeing lower wages across the board for unionized members.

It's unbelievable that credit is not being given to the unionized members for improving the health and safety standards of the industry across the board, for non-union members as well. As the member from Thunder Bay pointed out very clearly, much to the chagrin of some of the people on the other side who weren't listening carefully to what he was trying to talk about, there have been improvements in health and safety as a result of the union movement.

Further to that, I would suggest, let's not have a race to the bottom; let's have a race to the top in terms of the ability of the employer and the employees to benefit equally from the boom that's happening in our province today. The idea is not to divide the spoils up to see, "What can I take out of it?" and then I'll give you the crumbs; it's, "Let's share among ourselves to try to get what's best for all of us": better-built homes, better construction all around, better health and safety.

The mobility question then comes in, and here's what we want to do about mobility—well, here's what happens. We bring up to 40% of our workers for the project from outside the geographic area where the contract is located. That's 40% of the labour for that particular project that can be brought in from outside. That means that 40% of the labour inside our municipality can't get that job. But it goes further. Of the remaining 60% of the workers, who will still be local, the employer will be able to select up to 60% of those. That means the net effect is that the contractor will be able to choose 76% of all workers, with the union selecting the remaining 24%. I dare say that the 24% will definitely be coming from the local industry. There's no question in my mind that what we have is an unbalanced attempt to make sure that people who have the contracts get to dictate what type of labour is going to be brought in to the job site. I respectfully suggest to you that it is a health and safety issue, because we have the stats; we have the understanding that in a lot of the non-unionized work, health and safety gets jeopardized.

We're also talking about the selection process. As the member for Sudbury said, they basically made it very clear that: "I will start picking people who understand how I operate. If I happen to operate on the edge of health and safety, I expect my workers to do the same." If you dare say anything about it or you bring it to the attention of a union or the Ministry of Labour, you probably will never work in that area again, or at least you won't get a call from that contractor.

I want to come back to health and safety for a very simple reason. Unfortunately, and very solemnly, earlier this month I had to attend—I felt in my heart that I had to attend—the ceremonies for the fallen workers. I have to tell you that I heard some stories there that were shameful, that in this day and age, the 21st century, we still have an abysmal record on the safety and health of our employees across the province on work sites.

I say that this bill must be considered to be a detriment to that act. This is unbelievable: We may have to institute legislation to make sure that people are healthy and safe on the job site. It's sad to think that's going to happen. I will say on an optimistic note, though, I was able to tour a plant that had over two years of no accidents on-site, working on their third year. Why? Because the employer, who witnessed many, many accidents as a worker himself, decided to dedicate his life, when he created this business, to never having that happen on his work site again. Due to his commitment, and I compliment him for it, he improved that record, which is absolutely laudable in our municipality today. To them and to the workers, to whom he has said, "Health and safety is the prime factor here when we do our job"—it doesn't bring productivity down; it increases it and cuts down on the use of the health care system. So I say to the minister: Be careful that this legislation does not affect our health and safety.

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I also suggest, very respectfully, that there are options that need to be considered. We heard earlier from two members on this side that amendments will be offered on the mobility issue. I also suggest that the members on the other side were being rather proud of section 163.6. I want to read it into the record, because it doesn't say what the members are saying. It says something a little different, from what I read.

Section 163.6 says, "The minister shall by no later than December 31, 2001, conduct a review of the effectiveness of provisions of this act enacted by the Labour Relations Amendment Act (Construction Industry), 2000 in improving the competitiveness of the industrial, commercial and institutional sector of Ontario's construction industry."

The first section implies what the members on the other side were saying is very good, that you want to review it after a certain period of time. But we have to pay attention to the second section, "in improving the competitiveness of the industrial, commercial and institutional sector of Ontario's construction industry." That section brings me worry, because it says, "We're simply going to prolong." The first section says to me, "We review." The second section says: "You ain't seen nothing yet. If we think that 1(4) is protected after this legislation, if it doesn't seem to be working in the way of this particular Minister of Labour, then we have another hammer to hit you with. We're going to review this and, guess what, you're going to have another lively debate on that side of the House inside your caucus to say, 'See, I told you, we have to get rid of 1(4).' So now we get to drop the hammer because you've built in the option and built in the hammer for the next time around."

I suggest, very respectfully, that we take a good, hard look at the amendments that are going to be offered by the members on this side, and I say to the minister, if you are truly concerned about the workers and the competitiveness of the industry, we'd better have a good sober second look at mobility, the naming and in particu-

lar the health and safety issues that are being brought up by the members on this side.

Thank you very much, Mr Speaker. I appreciate the opportunity.

M^{me} Claudette Boyer (Ottawa-Vanier): Je suis bien contente d'avoir l'occasion de pouvoir vous faire part de mes commentaires sur le projet de loi 69, which is a bill that allows construction companies using unionized labour to pay lower wages to their workers in order to better compete against non-unionized competitors.

This bill is not at all about achieving balance. It's about threatening workers with losing their most basic bargaining rights unless they agree to measures that would reduce their wages. I feel that this bill attempts to take away the unions' democratic rights to organize, to protect and to bargain.

I think this government has introduced Bill 69 as a compromise. You all know and are aware that many construction unions are really split on this legislation. While a minority have spoken out against the bill, I feel that the majority are remaining quiet, concerned that any opposition they could bring would lead this government to eliminate section 1(4) of the Ontario Labour Relations Act, which everyone knows obligates any subsidiary of an existing contractor to use unionized labour and therefore permits double-breasting, which leaves the contractors free to establish non-union subsidiaries.

C'est une compétition que je trouve très injuste. C'est un projet de loi qui enlève des droits acquis aux travailleurs de la construction syndiqués. Je réalise que ce projet de loi apporte une autre embûche à l'industrie de la construction.

I feel that Bill 69, the way it is, is going to throw another jolt into the construction industry. Construction workers are going to feel threatened about losing their bargaining rights, for which they have fought for so many years and which they have won inch by inch. I believe that labour laws should be like collective agreements. Both sides should leave the table feeling that they have won a balanced settlement. This sense of balance produces a competitive workplace and good labour-management relations.

While Bill 69 does not necessarily eliminate subsection 1(4), it makes it somewhat more difficult for unions to prove that new contracting companies are related to existing contractors and are therefore required to use only unionized labour, since this bill says that employers will now be able to bring up to 40% of the workers for a project from outside the geographic area where the contract is located. Previously, few non-local workers were permitted to be brought into work sites, and the unions almost always selected all workers who would work on the contract.

Ce changement pourrait faire en sorte que des travailleurs de la construction de grands centres urbains comme Ottawa ou Toronto pourraient être embauchés, au détriment des travailleurs locaux et ruraux. Yes, this bill could result in workers from large urban centres being brought in to take the jobs of rural and local construction

workers. This happened about two years ago in Ottawa, when they decided to make renovations to the Rideau Carleton Raceway, where the electrical contract was given to a big Quebec company that was supposedly incorporated in Ontario. They did not necessarily hire qualified electricians. They hired labourers instead of qualified electricians, as a result of which the job took longer to do, because of having to redo the work that was not done right because these labourers didn't necessarily know how to go about it, and left local qualified workers home without a job. I guess you could always say that this jeopardized a bit the security of the public that would go on these premises. Imagine if I one day asked 40% of my workers in Ottawa-Vanier to work in your office. How do you think your workers would feel? Well, that's about the same thing as when we're talking about these workers. Here we go again with another bill for the construction industry, an industry that is already in turmoil, un autre projet de loi qui mène l'industrie de la construction en doute.

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If you remember prior to the 1999 election, this government brought forward Bill 17, which was the interprovincial agreement for construction workers from Quebec and Ontario. This was supposedly to protect Ontario construction workers. In November 1999, not very long after, the government finally realized that because they had not implemented Bill 17 as it should be, they then had to sign another agreement with Quebec. So far, this has not settled the matter.

Le projet de loi 17, qui avait été voté et décidé avant l'élection de juin dernier, qui était supposé donner la meilleure des protections aux gens de la construction de l'Ontario, ce gouvernement a réalisé qu'il n'avait pas de dents, qu'il ne donnait rien. Alors en novembre dernier ils ont été obligés de négocier encore avec la province de Québec pour une autre entente, et croyez-moi, je le vis à Ottawa parce que je suis sur la frontière du Québec. Glengarry-Prescott-Russell le vit aussi parce qu'eux aussi sont sur la frontière du Québec. Croyez-moi, ce projet de loi 17 n'est vraiment pas ce qu'il faut. Là, il y a encore beaucoup de travail à faire. Alors tout ça pour dire, yet another bill for a construction industry that is already in turmoil.

Voici les remarques que je voulais faire. Je vous remercie de votre attention.

Mr Christopherson: Just a few comments on the remarks from the member from Ottawa-Vanier. She talks about yet another construction bill that's going to create turmoil, and I think that's virtually guaranteed. There are clauses in this bill that if passed unamended—and I say this very straightforwardly—with or without the support of the labour leaders, are going to make it very difficult for them to manage in terms of how people are going to react when the issue of the sub-agreements takes place. There are members who haven't been following this—and that is really the fault of the government again, because of their breakneck speed in passing legislation—and a lot of construction workers have no idea what's

going on. Given the amount of information that citizens are bombarded with on a day-to-day basis, we know that it takes time for issues to get through to people, because they have so many concerns, so many sources of information, a constant bombardment. There are going to be an awful lot of construction workers who, even after this is passed, are not going to know what it means.

But when they find out through one of the clauses in here that their wages, which they thought were covered by their collective agreement, are going to be less tomorrow than they are today for the same work, there's going to be a lot of turmoil. When construction workers find out that up to 76% of the workers who are going to be working on a construction site can be name-hired, meaning hand-picked, there's going to be a lot of fear out there among older workers and others who may not be seen as the most desirable by employers who have a choice.

I agree with the member. I think she makes a very good point. There's going to be a lot of turmoil, not only as we go through the process but more importantly when this becomes law.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to make a few comments on Bill 69. I congratulate the Minister of Labour for his foresight in bringing this legislation forward. I would also like to commend the 28 construction unions that participated in the process.

I believe just the opposite of the members opposite; I believe that the legislation adds competition and fairness to our construction industry. I spent 25 years in the construction business as a non-union company. I had an opportunity on a lot of occasions to work with jobs and actually did jobs for unionized companies out of the city that didn't want to go into the northern part of Ontario. Our shop didn't go union at the time, but we were able to compete for those jobs and work co-operatively with the other trade unions on the jobs.

The economy we have today dictates a lot of the concerns about what the industry will require in the future; for example, the shortage of labour. Today we have a booming economy and there is a distinct shortage of almost all of the construction trades. If you look at any of our high schools or if you look at any of our community colleges, they'll all tell you that they're screaming for construction trades. As time goes on, the fact that we can bring competition to the industry will add the opportunity for more people to enter the construction trades.

Mr Gerretsen: Let me first of all say that I think the record of this government is quite clear when it comes to labour relations matters. Over the last five years, every bill that you have passed has been an attack on the labour movement.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): Oh, come on.

Mr Gerretsen: Every bill, right from Bill 7 that was passed four years ago, has been an attack on the labour unions, because basically you believe that everything

should be done to help business, and one way in which you think you can accomplish this is by attacking unions.

Hon Al Palladini (Minister of Economic Development and Trade): Who creates the jobs, John?

Mr Gerretsen: What the unions would have preferred is that you wouldn't have done anything at all.

Interjection.

The Acting Speaker: The Minister of Economic Development and Trade is not in his seat.

Mr Gerretsen: Speaker, thank you very much for trying to quiet the minister down, because he's not in his seat either.

But it's a fact. At least speak of your own convictions. Say, "Yes, we believe that business should be paramount and that unions should be subservient, and we do not believe in an equally negotiated relationship." That's what it's all about. What you people have been good at is in doing one thing and saying you're doing something totally different. What you're saying here is that you're making it better for unions, when the union movement well knows that what you're actually doing is taking away their rights, the rank-and-file rights that have been negotiated in this province over the last 70 or 80 years.

This ability to somehow do one thing against a particular group and then say you're doing that group a favour just doesn't hack it out there. At least have the firmness of your own convictions and admit what you're doing here.

Mr Galt: It was rather entertaining to listen to the two opposition members speaking here this evening. It was totally irrelevant. The topic they were on to really had very little relationship to the bill. They had nothing to offer.

If they'd just had something constructive to give to the government, to the Minister of Labour, there may have been something that the minister might have used, something the minister might have looked at. When there is nothing constructive in their comments, it's very difficult for the minister to be able to respond and go ahead. It seems continuously the members of the opposition get up and speak, and we listen to this kind of thing. It's unfortunate, because they have the opportunity, and certainly this government is responsive to looking after the concerns that would be brought forward by members of the opposition.

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I notice the member from Prince Edward-Hastings looking a little uncomfortable over there. Earlier he was talking about things being cute in the definition or the heading of the bill. But what I think is cute was the headlines in the *Intelligencer* about this time last year, about the chairman of the school board having his campaign signs made in the local high school. To me, that's being cute, when you are out there campaigning for the Liberal Party for the upcoming election in the riding of Prince Edward-Hastings and actually having campaign signs made in the local high school. To me, that's cute and that's taking advantage of the students and of the

system. I think that's truly unfortunate. No wonder he's looking uncomfortable.

Interjections.

Mr Parsons: On a point of order, Mr Speaker: I did not direct nor have my signs made in the high school. I believe the member—

The Acting Speaker: That's not a point of order. I believe there are 15 seconds left.

Mr Galt: That was the headline in the paper. Whether he did or not, I really don't know. That's just what I happened to see in the headlines. He believes in the paper, and so would I. Thank you very much, Mr Speaker, for the opportunity.

Mr Gerretsen: On a point of privilege, Mr Speaker.

The Acting Speaker: You would have to give me notice of a point of privilege. A point of order perhaps?

Mr Gerretsen: It's a point of privilege arising out of this debate right now. According to the rules—

Interjections.

The Acting Speaker: You must give notice of a point of privilege.

Mr Gerretsen: Not if it arises from the proceedings.

The Acting Speaker: It could be a point of order.

Mr Gerretsen: On a point of order, then, Mr Speaker: Surely it is unparliamentary for a member to attack another member on his personal qualities or personal matters that may or may not have happened in the member's situation without knowing the facts, as he openly admitted here this evening.

Interjections.

The Acting Speaker: It is, of course, out of order to impugn motive. But I did not hear that.

Response, the member for Brant.

Mr Levac: I find it rather interesting, and would only hope and assume that the vacant seat I saw across the way wasn't that of the member who was making comments about our ability to speak to the issue. I don't recall whether the member was watching from a TV screen outside or was in his seat at the time. But whatever the case may be, I want to point out for the member and for the entire House that there were some issues I brought to the attention of the House.

I think the member is trying to cloud the issue and trying to make it irrelevant to talk about the health and safety of workers in Ontario. I think it's a shame. He should be ashamed of himself for thinking that the health and safety of Ontario workers should be washed over and saying it's irrelevant to talk about that in this bill. Health and safety are very relevant in this bill and in every single bill we pass in the labour movement. I think the member should be ashamed of himself for thinking that. It's absolutely unacceptable. These people put their lives on the line in their jobs.

I also want to make the point that we talked about mobility, we talked about naming and we talked about the review. If the member thinks that is not relevant to Bill 69, he's not paying attention and he's the one who is irrelevant. I assume that members on that side attended the ceremonies for the fallen and dead workers on

construction sites of the labour movement in this province. It's absolutely unacceptable to say that it's irrelevant to talk about health and safety concerning this bill and any other labour bill that this government or any other government passes. It's shameful to think that that member would take two seconds out of his precious time in this House to bad-mouth the people of Ontario—

The Acting Speaker: Thank you. Further debate?

Mr Gerretsen: Mr Speaker, on a point of privilege: I cite to you section 21(c), which states, "Any member proposing to raise a point of privilege, other than one arising out of proceedings in the chamber during the course of a sessional day, shall give to the Speaker a written statement of the point at least one hour prior"

The matter I was raising with you arose out of actions that were taken in the House immediately prior to the point of privilege being raised by me. I feel that on that point it is totally unfair for a member to make personal accusations against another member when that member is not aware of the entire facts of the situation, as that member openly admitted in this particular case, as it relates to the signs that were made by the member from Prince Edward-Hastings.

The Acting Speaker: Further debate? I would remind the House that this is the conclusion of a lead speech. I believe there are 28 minutes on the clock.

Mr Christopherson: I want to again thank the House for the opportunity—

Interjections.

The Acting Speaker: Could we just remember where we are this evening? The member for Hamilton West has the floor.

Mr Christopherson: I was opening my comments by thanking members of the House for agreeing to the unanimous consent they provided the last time I spoke to allow me an opportunity to conclude my leadoff at a later time. It is on a personal level very much appreciated, and I thank you for that respect and that consideration. Now I'm going to rip your bill.

I have already spoken a while during my previous comments about the mobility and I won't, obviously, repeat that part of my comments. I just want to touch on it again very briefly because I think it is so significant. Since my original comments, I've now had a number of phone calls from construction workers across the province, not the leadership people who have met with the minister but people in communities who work in the construction industry and who are really concerned. This is one of the issues that worries them the most.

I would remind the House again that under this law the contractors will now be allowed to bring 40% of the workers to a construction site at their choosing. That's called name-hiring. I remember one of the members of the government, a backbencher, standing in his place and saying, "This makes a whole lot of sense because it allows the employer to choose the individuals they think are the best, the ones with the greatest skills, and therefore this is good for business," etc. That was their argument.

What it completely ignored was the fact that given a choice, I'm convinced there are an awful lot of employers who in their own heart and mind will choose a 25-year-old bricklayer over a 55-year-old, based on the thinking that they're going to get more work out of someone who is that much younger. I can tell you there are older workers who have the capability, the skills to perform any function—or they couldn't be on a work site—who are worried. They're worried about the fact that they're going to be overlooked.

I raised the fact that that's just the first 40%. The employer still has the right to name-hire 60% of the remaining workers to be hired. That means that local communities are only going to get about 24%. That's 76% of the work site name-hires. So there's a real concern about what happens to older workers. Where is their protection? What happens to people who are health and safety reps? That was raised by my Liberal colleague. I've raised it before and agree with the point. If someone was a known activist in the health and safety part of their union, that is not likely to be an employer's first choice.

It's the same with someone who served as a steward, someone who was maybe a very successful steward in that they challenged the employer and were successful on a number of grievances. They would be seen at the very least as competent, possibly as a hero among their co-workers for fighting for the union members' rights and winning them. But from the employer's perspective, they're going to take a look at this person on a list and they're going to say, "I sure don't want him around." Where is their protection?

I realize it affects some trades more than others, fair enough but, nonetheless, where there are still hiring halls, where you have a large percentage of people who are hired through the union hall, this is a right that's being taken away from them. I know there are a lot of workers worried about how much work they're going to get to pay their bills if they fit into these categories. I think that remains one of the biggest problems with this bill, and it's going to create a lot of difficulty for individuals who didn't have any problems in this regard before this bill. Again, for this government to contend that this is good for workers flies in the face of what this bill says.

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I want to move on. There are a couple of issues I want to cover in the 24 remaining minutes of my comments. One is an issue that is covered in the third paragraph of the explanatory note of the bill. It reads as follows: "The proposed section 160.1 of the act permits the abandonment of bargaining rights by agreement between an employer and its affiliated bargaining agents. The section permits such an agreement to apply with respect to all of Ontario or specified parts of it."

It's my understanding—and I see the minister just over yonder, and if I have a misunderstanding or I'm wrong in my interpretation I would very much like to be corrected, because I don't profess to understand fully what this means and what the implications are. I have

only been given a legal briefing. I haven't seen a written brief with all the precedents and the history cited. What worries me is that this is saying that it's going to be OK where a union and an employer agree to abandon the collective bargaining rights that the bargaining agent has on behalf of those workers. If that's the case, I ask myself, why is this here? It hasn't received a lot of attention yet by any of us. It hasn't been raised as an alarm by a lot of folks, but I find it troubling. This is not a government that believes in superfluous language. If they put something in there, there's a reason, and if it's a labour bill the reason has to be, in my opinion, something that takes away the rights of workers somewhere. This speaks to abandoning those rights voluntarily.

I realize that the issue of competitiveness is one that's driving all of this. I'm told that this is meant to make some areas more competitive, because if the company is no longer union, then the collective agreement doesn't apply and they can have lower labour costs and therefore the bid would be lower, and as I understand it, this is particularly in the area of the subcontract field. What I worry about with that is that if you take that thought to its logical conclusion or to its extension, what it says is, if the government is going to argue that this clause is in the best interests of the union members outside board area 8, outside Toronto, which is where I understand this is to apply—I understand it's not going to be applying to the Toronto area, but everywhere outside it will—what it's saying is that it's good for construction workers to see the union gone. Some may believe that—that's their right; it's a free country—but I don't believe that's the majority by any stretch. I think most people would agree that having a collective agreement in most cases means that you make more money, have better benefits and more rights than most people in places where there aren't unions. There are exceptions, of course, but as a rule of thumb I think that's a fair observation to make, which would mean that at the end of the day the government's great strategy for helping construction workers would be to see the elimination of all the unions and then they'd be nice and competitive. They wouldn't be making much money, but they would be working all the time, which is exactly what you would like. You want lots of people working, you just don't want them making too much money, because then it goes in the wrong category; it goes to individuals rather than to your corporate friends.

I find this very troubling. I find it troubling to think that there are circumstances where a union would voluntarily give up their bargaining rights on an issue of competitiveness. It's bad enough that we have what they call the market recovery—got to love the phrases you guys use. It's bad enough there; we're going to have sub-agreements where the provincial agreement wage levels and benefit levels will not be the same. They'll be lower. But now we're actually talking, in the interests of competitiveness, of abandoning a bargaining unit so they don't have all the benefits that a union contract brings so they're more competitive in bidding.

Just to stand back for a second, there's a real philosophical difference. The minister and a couple of members of the government have been asking this evening: "Well, what's your positive suggestion? What do you have to suggest that's better?" First of all, I think it was absolutely unacceptable that you would point the gun to the labour movement, the construction workers, and say, "Get an agreement that everybody can live with or we remove 1(4)."

Secondly, this whole notion that you remain competitive by backing up, backing up, backing up, at the end of the day becomes very problematic, particularly when we realize that there really is no bottom as to where this government would like to see wages fall. If they could have electricians making minimum wage—which they haven't increased in five and a half years—if they could see the wages of an electrician fall to minimum wage, they'd be thrilled. That suits them just fine, because much of their agenda is about suppressing and lowering the value of labour. It doesn't matter whether we're talking about the restaurant workers who used to work right here in this building, some of whom had been here 20 years and were privatized and turfed out—I think some were offered their jobs at outrageous reductions in their pay. You did the same thing to the cleaning staff who cleaned the offices here at the Queen's Park precinct.

So it's not just union members; it's not just high-earning individuals. It's all of labour. They want your wages lower, everybody's wages lower. I guess that's fine if you're in the top percentage of individuals who own and run everything, especially since your bonuses are going to be in the millions, and with the tax cut that Harris has given you, you're now getting tens of thousands of dollars extra. I can see why they want to go along with an agenda that says wages should be lower.

For the life of me, I still can't understand why so many nurses, teachers, police officers, firefighters and other people who work in the public sector support this government. I really don't, because at the end of the day, if they can play a firefighter against a police officer, against a nurse, against a construction worker to have lower wages in all those categories, they're going to do it. They don't philosophically believe in the idea that there's enough wealth to go around in this province, that we don't have to see so many rich people at the top and such a huge group of people at the bottom—and we have them; they're bigger and in deeper poverty than we've ever seen in the history of Ontario—and a shrinking middle-class.

This is not an agenda nor a philosophy that we in the NDP accept. So this whole approach is not one that we can fix with a couple of amendments or tinkering. We'll offer amendments to try to mitigate the damage, but any thought that this can be improved with one or two creative ideas is just not on for us, because it's going in the wrong direction. It's taking things away from people, which you've turned into an art form.

I worry about what this abandoning means. I hope there's a little more discussion of it. I hope, for the very few days that we're out in committee, that we'll have people address this to understand—maybe my concerns are out of place. Maybe there really isn't something going on here that I need to be concerned about or that construction workers need to be concerned about. If that's the case, wonderful. I'm not going to argue something that's not there. But, if it comes up at the committee—

Interjection.

Mr Christopherson: I see the minister say to me: "Don't worry about it. It's not a problem." Now I'm worried about it even more.

I do hope people come out and address it. It's something that concerns me. It jumps out. I just have this hunch that there's a whole lot more to this than meets the eye and I'd like to have it pursued a bit.

I want to move now to the area that this government rather nicely calls "market recovery." It sounds so good, so positive: market recovery. "Recovery" is a nice word. How can anybody be against the word "recovery," in most cases? And "market"? Well, this government is wedded to the market like fish are to water. If we could just get them pried loose from that long enough to realize that the market is also made up of people and that a lot of people are hurting under your ideology of being wedded so closely to the market, a whole lot of people would be better off.

However, this is section 163.2, and under that nice, pleasant, benign-sounding market recovery, what we have is the ability to gut provincial collective agreements in the construction industry. What this says is that in a given area, a given geography of the province, an employer—I think this is interesting—can make application to an arbitrator based on lack of competitiveness to have wages, benefits, shift premiums, meal allowances and travel allowances lowered after the contract's signed so they'll be more competitive.

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It's interesting that the government says these discussions have taken place because the unions, as much as the employer, were hammering at the door, that the Liberals wouldn't listen, that we wouldn't listen, that only the Tories were willing to listen to those labour leaders who had these changes they wanted to make but no one cared enough to help them out. That's exactly the way the minister phrased or positioned it. That is the situation the government tells us has happened.

If that's the case and this is such a wonderful wish list of things the union wanted, don't you think it would have said the employees could make application to an arbitrator to lower their wages and benefits because they want to remain competitive? Virtually, that's what the minister said was going on at the negotiating table, that the labour leaders said: "We make too much money. We have far too many benefits. There are far too many good things in our contract. We need you, Minister, to help us because we're out of control. We can't control ourselves.

We keep successfully negotiating all these increases and it's hurting us deeply. We're asking you as the minister of the clown"—minister of the clown? Freudian. It might be self-descriptive, one never knows.

They're saying: "You, the minister of the crown, step in, save us from ourselves. Please save us from ourselves. We need you to impose legislation that takes away our wages because we know we need to be competitive. Those Liberals wouldn't help and those New Democrats wouldn't help, but we think you'll help."

Of course it's a joke, but that's exactly what they would have the people of Ontario believe, when indeed the reality, you try to say, didn't happen. The reality is that the labour movement in the construction industry was told, "Either you find an agreement that I, the government, and the employers can live with or boom, subsection 1(4) comes out of the Ontario Labour Relations Act," and if you want to know what your world looks like when that happens, just go look in Alberta.

That's the reality of what took place. But if the government's fanciful little story is really what happened, how come the legislation doesn't provide for employees to go to an arbitrator and ask that their wages be lowered? It doesn't. It's the employer. Why? Because it's the employers and this government that at the end of the day want construction workers to make less money.

The minister, when commenting on this, said, "All that is negotiated is the cost of labour." Well, that's not quite the case when you look at the bill. The bill provides, and this is subsection 163.2(4):

"(4) The application may seek only amendments that concern the following matters:

1. Wages, including overtime pay and shift differentials, and benefits."

If that was the end of the list, that would coincide with what the minister said, but that's not the end of it. Clause 2 goes on to say, and I'll read this fast because it's a little lengthy but people in the industry will understand it clearly:

"2. Restrictions on the hiring of employees who are members of another affiliated bargaining agent that is in the same employee bargaining agency as that in which the affiliated bargaining agent is a member but who are not members of the affiliated bargaining agent.

"3. Restrictions on an employer's ability to select employees who are members of the affiliated bargaining agent."

Paragraphs (4)2 and (4)3 speak to who gets to work and who decides, and (4)3 speaks very clearly: "Restrictions on an employer's ability to select employees who are members of the affiliated bargaining agent."

You've already got 76% name-hire. This clause allows an employer to go in front of an arbitrator and claim that the remaining 24% makes them uncompetitive. If they can make that pitch successfully to the arbitrator, the ratios change and you could have fewer local people being hired, and you would have the favourites of the employer moving around the province at the expense of people who perhaps were raised and worked and had a

family all their life in the same community. They can't get a job because they were a union steward once, or they can't get a job because they're now 55 years old. These are distinct possibilities under this legislation.

"4. Accommodation and travel allowances." The minister said "the cost of labour." Well, they decided that accommodation and travel allowances is a cost of labour, and anybody who talks to anybody in the home care field will know what has happened to their travel allowance as this whole issue of competitiveness creeps into it. Your entire travel and accommodation allowance could be removed because there's another firm that has enough employees that have friends and relatives that they don't need a hotel or a small efficiency apartment. They don't have that cost. Therefore, they make the pitch to the arbitrator, "I'm paying the province-wide agreement level for accommodation and meals and it's making me uncompetitive." Under this law, that's grounds to have that subagreement lowered. This one is very—

Hon Mr Palladini: Is he reaching, or what?

Mr Christopherson: I heard somebody over there say, "reaching." I'm not reaching. I'm reading the bill.

"5. Requirements respecting the ratio of apprentices to journeymen employed by an employer." That has nothing at all to do with the cost of labour. It has a lot to do with the quality of apprentices and journeypersons we graduate from the apprentice program. It has everything to do with that. You have already increased the number of apprentices there can be per journeyperson. This is not good for the skilled trades careers of many people. They are not going to have the same skill levels, the same skill sets, that earlier generations had, because they won't have as close a hands-on, one-on-one apprenticeship training with a journeyperson.

Let me just shore up an argument coming from my colleagues next to us here. There is a health and safety issue to the extent that one of the things that journeypersons teach apprentices is how to do the job safely, do it efficiently, do it effectively, do quality work. Our construction workers in Ontario are among the best in the world in terms of the quality of the work they provide. We're going to lose that if they lose the training programs that help them acquire those skills. Yet you've now allowed, or will allow under this bill, the right for an arbitrator to agree with an employer that this ratio of apprentices to journeypersons is making them uncompetitive and therefore the arbitrator can change those numbers. Let me also say as an aside that under this legislation there isn't even a guarantee that the union gets to make a face-to-face argument in front of the arbitrator. The arbitrator may decide to do that; the arbitrator may not. The arbitrator can only rule down, not up. I mean, talk about Russian roulette loaded up against the unions.

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What we have here is one example where you could have one area that has a subagreement that is lower than the provincial agreement, but that's not the end of the story. You can have all these subagreements all across the province, every employer group in the province

competing with other areas trying to make cases in front of arbitrators to lower them. At the end of the day, the value of construction workers and the money you make and the benefits that you have for your family go down.

With this kind of language, it's not just once. It was bad enough when there were singular hits taken in the auto industry. I was active as a labour leader at that time and I know how difficult it was. We held them off as best we could, but make no mistake, there were some concessions. But at least it was a one-off, if one has to find a silver lining, to the extent that at the end of that collective agreement you were back to square one, and hopefully the economy had turned around to the point where you could now make that back and then some. This is in legislation. I know you're going to hopefully pull the review, but notwithstanding that—because I don't believe for a second you would ever review this bill in favour of workers—it goes on in perpetuity, until the law itself is changed. So even after every set of negotiations, when construction workers and their families sit down and draw up the family budget, they have no idea what wage rates they're going to receive over the next year. They have no idea whether or not they are going to be selected for work if they are not part of the chosen 76%. That's an awful lot of economic uncertainty during boom times that you're imposing on these construction workers.

I only have a couple of minutes left, but I do want to say that it's interesting that the arbitrator, in doing these subagreements, takes wages down and benefits down, but where in here does it say the employer has to sit down and open up the books and show exactly what all their costs are? What about the profit line? If all those individual workers have to take a hit, isn't there an argument that if there's a big enough bottom line, where it says "Profit," then maybe some of that ought to be contributed too? Not a word of that in here: not opening the books; not the employer contributing above and beyond whatever they might put into the company; no ability for the union to say: "Wait a minute. That's not the way that project unfolded."

None of that happens. This is all about setting up a scheme that allows an arbitrator to decide not if a worker's wages go down, but simply by how much. And at the end of the day, you expect the people who work in the construction industry to not only believe this is in their best interests, but that their own labour leaders wanted it. What a joke.

I'm really disappointed in the Minister of Labour for pursuing this line. Had he had some defence of saying 1(4) is gone, that would still be better than standing in this place and having backbencher after backbencher read off the notes you are provided with—I'm not faulting you for that, but you're reading off them—and they say that unions asked for all of this, that "We didn't tell them 1(4) would be pulled," and that's not the reality.

Interjection.

Mr Christopherson: Yes, you did. You said that 1(4) is gone, and if not, I'd sure love to hear the Minister of

Labour roll in here, stand up, tell us that he's prepared to commit in writing that if the union leadership went offside on this bill, he wouldn't touch any part of 1(4). Remove that, remove the threat of 1(4), and then let's see how many labour leaders are lined up supporting this bill. They're onside with this for one reason and one reason only: In their estimation, it's the lesser of two evils.

Interjection: It's give and take.

Mr Christopherson: No, this is about take and take, I say to the parliamentary assistant. There is nothing in here for the workers who work in the construction industry. What you have done is you have threatened them with the worst-case scenario, a nuclear scenario, but now you're going to move in with conventional weapons and tell them they ought to be happy that there isn't some mushroom cloud over the province. The fact is that you forced the unions to the bargaining table and they were forced to accept this because it's marginally better than what you were going to do.

The Acting Speaker: Questions or comments?

Mr Galt: It's rather entertaining to listen to the member for Hamilton West. Obviously this evening he was demonstrating for the union leaders back home. I'm sure he was planning for a fundraiser next time around for himself and his party.

I was particularly intrigued by his comments about employers coming to the government and saying, "Save us from ourselves." With the power of strikes used against them relentlessly, as it was in 1998 for five months straight, strike after strike that paralyzed residential construction, yes, they need to be saved from something, and it wasn't from themselves; it was to be saved from the situation they found themselves in, a most unfortunate situation that was certainly contributed to by both of the opposition parties.

The member for Hamilton West criticizes the arbitrator. He seems to be missing the point that it's competitiveness that keeps jobs for these people. If one trade goes off on strike, there's a domino effect so that the other people do not end up working. They can't continue when that kind of thing is happening.

I think it's neat, in this particular legislation, what he was hinting at when he talked about the arbitrator. That related to the fact that the contracts will end on April 30, 2001. Then the power to strike—and lockouts; both ways—will have a period of time, from May 1 to June 15. It can't go on forever. This is so helpful to the whole construction industry. It's helping the unionized employees from striking against themselves. So the end result will be a more competitive industry and I think the member for Hamilton West should be very—

The Acting Speaker: Thank you.

Mr Parsons: The inference has been made all evening that, "Thank goodness for this legislation, because there have been bad agreements in the past that have hindered things from happening." It's a fallacy to think that way. Every contract that I've ever seen has had two-party agreement and signatures on it. It has not been just the union that got everything they wanted or just the

employer that got everything they wanted. Once the agreement is signed by both parties, it obviously signifies that both parties were happy with it and believed they could make a go of it. So it is not the union that imposed these contracts, any more than they are management-imposed. They come from both parties.

Part of this bill deals with strikes. Again I hear from across the aisle the inference that unions like strikes, union bosses like strikes, union members like strikes. I have been involved in strikes from both sides, with both management and union, and I'll tell you who lost each strike: It was both parties. Certainly the employers don't like strikes and their customers don't like strikes. For the employers it is a loss of revenue, and I believe the vast majority of them strive to reach an agreement that will not result in that. For the customers of the firm, whether they be people purchasing a house or a large corporation having a building built, a strike is a bad thing. But I can assure you that union members don't enter into a strike vote lightly. It costs them considerably financially to take part in it and they suffer as badly as anyone else does.

We need to recognize that not all strikes are over money. There are strikes over working conditions; there are strikes over safety. We must never overlook the fact that groups in this province have taken part in job actions or in strikes where money was not the issue; the safety of them and their customers was the issue.

Mr Gill: It's a privilege to take part in this debate. I want to make some comments on the speakers from Hamilton West, Northumberland and Prince Edward-Hastings.

The basic assumption as well as the basic fact is that everybody wants to work. Everybody wants to make sure they have a job. What happened about 10 years ago was that a lot of people who chose this great province of ours came here and found out that the job situation was very bad, that the opportunities were not there, and they started wondering whether they had made the right decision or whether they should have chosen another territory, another province or another country. Since we took over in 1995, we have created a net-net 701,000 jobs, and they come by design, they don't come by chance. This is because of the balanced budget and the negotiations we had and the people we listened to. Let me assure you, being the parliamentary assistant to the Minister of Labour, that we did our due diligence. We talked to the employer groups and we talked to the unions; we talked to everyone. I went as far away as Sault Ste Marie and Ottawa, and we are willing to listen again.

Yes, there was open discussion in the caucus: Should we abolish 1(4)? What should we do? We believe in compromise. We believe there is a place for everyone. We believe everybody should have their fair share. In this economic boom, everybody must flourish, but at the same time we don't want to overprice ourselves. There's no point in having \$40 union wages if you're going to work zero hours; \$40 per hour times zero hours is zero money to take home.

Mr Bartolucci: I'd like to thank the member for Hamilton West for his very thorough analysis of the bill. I would only wish that the government were more attentive during his presentation, because he does point out some very real weaknesses with this legislation and certainly confirms what we've been saying on this side of the House, that this legislation needs much revision in order to be effective and fair to both sides.

As well as the sections the member for Hamilton West pointed out, I have some concerns with section 150.2; certainly I have some concerns with section 160.1, which effectively strips bargaining rights across the province in certain geographical areas; as I mentioned earlier, I have major concerns with regard to the review period, the 18 months—that's section 163.6—all of which we, as the Liberal caucus, will be providing amendments for.

In conclusion to this debate this evening for the Liberal caucus, I would like the government to be aware of the fact that during the debate of this bill they have refused to acknowledge at any time that the opposition members have suggestions worth looking at and worth debating. I say that's very sad, because really the book had been closed on this legislation by the government the day this legislation was tabled.

You will have a chance to redeem yourselves when we go out to public hearings and you hear from people in the industry and when we do clause-by-clause. I challenge you, as the government, to accept the amendments both opposition parties will be making to this legislation.

The Acting Speaker: In response, the member for Hamilton West.

Mr Christopherson: I thank all the members who took the time to respond: the members for Sudbury, Bramalea-Gore-Malton-Springdale, and Prince Edward-Hastings and Northumberland.

Let me say to the member who is the parliamentary assistant to the minister, I think you may have just

committed a Snobelen. If you'll recall, John Snobelen admitted, in front of a camera, to a group of Ministry of Education staff people that they had to invent a crisis in order to justify what they were going to do. You just advised us that you had a major debate in your caucus around whether 1(4) would remain or be pulled, or whether you would accept the compromise. Very clearly, you had that discussion, because the gun has been pointed at the labour movement from the beginning. You had this caucus meeting to decide whether you were still going to pull the trigger or whether you were going to accept the compromise that Minister Stockwell had brought to the caucus. So I thank you, because I think you just aced that whole debate for me. I thank you for that; it was very generous of you.

The member for Northumberland talks about the fact that he thought, à la the Tories, that I'd be running back home and holding some fundraiser to get all kinds of financial benefit from what I'm doing. That wouldn't work too well in this case, though, I would say to the member. Number one, we don't operate the way you do, but secondly, Pat Dillon happens to be a big-time Liberal, always was—

Interjections.

Mr Christopherson: Well, listen, some sins must be forgiven in all of us, and with Pat, I forgive him that one.

But you talked about the domino effect. I worry about the domino effect the other way. I worry about the domino effect that if you keep the minimum wage down low enough and then force down construction workers, and then go after teachers, that you can just keep on going through to nurses, to firefighters, to police officers, right through all the jobs. That's your ultimate goal.

The Acting Speaker: It being almost 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2125.

ERRATUM

No.	Page	Column	Line(s)	Should read:
54A	2740	2	22	in one of the local papers, by Tracy Kibble. It's entitled,

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Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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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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