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(Hansard)**

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**Mercredi 15 novembre 2000**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

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ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

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*The House met at 1845.*

**ORDERS OF THE DAY**

LABOUR RELATIONS  
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI  
SUR LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on November 14, 2000, on the motion for second reading of Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the member for Hamilton West, and it's in debate, I believe.

**Mr David Christopherson (Hamilton West):** I appreciate the opportunity to continue my leadoff remarks with regard to Bill 139.

Yesterday, I had about 20 minutes to talk about a number of the concerns we have, and I won't go through all of them again, obviously, but just to refresh our memory I have already spoken to the issue of expanding the decertification window of when it's OK to make application to remove a union from 60 days to 90 days and pointed out that the only agenda that would make sense if you were doing that is if you wanted to encourage decertification.

The fact that the one-year mandatory ban on a second or third organizing attempt was now expanded, that it wasn't just the union that made an application or attempted an organizing drive that was prohibited from making another attempt within a year after one attempt, no union could apply for a year: I pointed out the concern of, first of all, perhaps some rights being violated under the Constitution and the Charter of Rights and Freedoms, but also the fact that all you need to do is bring in some kind of an employee association made up of a minority of employees who have strong disagreements with the idea of a union. If they make an attempt, it's enough to qualify as a legal attempt, never really having any chance to succeed, perhaps even being aided and abetted by the employer. As long as they made that attempt and it was rejected, then no other union can come in for a year. Again, the obvious attempt is to keep unions out.

I want to spend the time I have this evening talking about two things; one would be to discuss in detail some

of the specifics that are contained in Bill 139 and why, even though they may not be the be-all and end-all in terms of the end of the modern-day labour movement in and of themselves individually, collectively within 139, and cumulatively since 1995, this government has clearly offered up a blueprint to employers on how to prevent unions from coming into the workplace and, if you have them, how to bust them and get rid of them.

The first thing I want to do in terms of the blueprint they're offering up is give an overview of what I believe is going on and then offer up the details by virtue of pointing out labour law changes this government has made over the last few years and incorporating into that the individual specifics of Bill 139 that add to that employer climate that you want to foster that aids and abets the elimination of unions, either from coming in or, if they're in there, getting them out.

This is just what Bill 139 is going to do. Here's the plan. Here's the blueprint being offered to employers. The first thing you do is, you spread the myth that union bosses are in this for their own personal gain only, and you promote that by talking about divulging—like it's some big, deep, dark secret—how much money labour leaders receive in Ontario. Of course, as we all know, it's all there already in constitutions. I've pointed out time and time again that in terms of democracy this government has a lot to learn from the labour movement in terms of openness, transparency and a commitment to the principles and ideals of democracy. I see one of the members across the way—he doesn't say an awful lot—it's Halton something—

**Mr Ted Chudleigh (Halton):** Halton. All of Halton.

**Mr Christopherson:** Yes, all of Halton—laughing away because he finds this very humorous, as they all do.

*Interjection.*

**Mr Christopherson:** This is all just play for them. It's all just play for them. As if you would know anything about it in terms of union democracy. You don't know anything about democracy, certainly in this place. How could you know it outside this place? If you give me the right, I'll point out my arguments to you and we'll see at the end of the day what you've got to say, because there's a two-minute response. I'd love for you to be the one who stands up and responds—

**1850**

**The Acting Speaker:** Order. If members have something they want to say, they should say it to me. If those who are entering into debate properly, like the member from Hamilton West, would address the comments

through me, then I think we'll get along a lot better. Thank you.

**Mr Christopherson:** Thank you, Speaker. Then all my remarks are of course through you, sir, to the member.

*Interjection.*

**Mr Christopherson:** I thought his speech was going to be longer than mine there for a second.

That's the first thing you do. You create this big myth that that's what's going on, that you've got all these union bosses, I guess with the big stogies, who only care about themselves, probably inferences of corruption and things like this, playing to that stereotype you want to promote, which would be a little hard to do if you were talking about Kelly Hayes, for instance, who happens to be the president of the elementary teachers in Hamilton, who's leading 3,800 teachers out in—well, they're being locked out right now. But I'd like you to try to apply that stereotype to her and see how well it works. Nonetheless that's the game plan. That's the blueprint.

Then what you want to do is, you want to push vulnerable workers by distributing every year information on how to decertify a union. Again, we are not talking about General Motors or Stelco, but we are talking about smaller establishments where maybe the union hasn't been there as long, where there are a lot of vulnerable workers, perhaps new Canadians where English isn't their first language, who really haven't had a lot of experience with the rights and how you exercise those rights in this province.

Then of course you use the cute little trick—this is all in 139 only—where as long as there's that union drive once, you can deny anyone else an opportunity to come in and organize for a year. Add that into the hopper and then—and we're going to talk about that—separating the two votes so that you've got—this is for people who, by and large, have not been in unions and you separate the vote—a first vote on whether they want to reject or accept a contract and then, if necessary, to go on strike.

I'm going to explain a little later on what's behind that and how it really works in a workplace in terms of the dynamic at play, which I don't expect most of the government members in the House here today to know, but certainly the Minister of Labour and the people in the Premier's office do, and that's why this is here. They know exactly how this will play out on the floor in the workplace.

Then if all of that fails, there's also the heavy-duty hammer that you've got in here where it will be legal, with the passage of 139, to actually just rip up a collective agreement, just completely eliminate it by virtue of applying the laws in 139. It's not just the private sector who will get the opportunity to do this; it's municipalities that have been squeezed by you, school boards that have been squeezed by you, and you're extending it to banks. We'll talk a little bit about why that's in there.

That's your blueprint. There is a plan to all of this. Bill 139 does not stand alone. It's one part of a litany of labour legislation that takes us from the point in time in

1995, at the end of the NDP government where we were beginning to see some real fairness, real democracy and real rights being afforded workers, and then slowly, step by step, through stealth you put in place the pieces of law that take away those rights—not in one fell swoop. Again, 139 doesn't do it in one fell swoop, but step by step by step, ever so carefully.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** How dramatic.

**Mr Christopherson:** I hear the honourable parliamentary assistant saying, "How dramatic." That may be, but it's also true. Regardless of what you may want to do to try to assassinate my character or my characterization of what you're doing, everything I'm saying is true. All the rights that I'm going to talk about this evening, in the limited time I have, workers once had and you took them away.

*Interjection.*

**Mr Christopherson:** You took them away.

In the next few minutes, I want to talk about the specifics of the remaining issues in Bill 139. I want to talk about the issue of separating the first contract from a strike vote. Yesterday in the House, if you want to talk about theatrics and drama, the minister's performance had to be right up there, worthy of an Oscar nomination—lots of theatrics. His main argument was an attempt to portray all this as reasonable and fair: "How can the opposition oppose these things? They're so fair and reasonable." That's the way his debate went. He attempted to portray these things that way. Well, fine and dandy as far as it goes. But let's scratch the surface. Let's take a look at what's going on here.

We've got a newly organized workplace. Most of them probably have not been in a union, have no idea of the strength a union can bring them, no idea how to exercise many of the rights they have, and some of them have some fear about the future, what's going to happen. There have probably been some whispers on the floor from the employer about how the union coming in is ultimately going to mean lost contracts and lost work: "Work won't be coming in, so jobs won't be there, and you're then going to lose your job." By the way, it used to be that was illegal. They still say you can't do that, but they took away the one hammer that really prevented it, which was that if the employer poisoned the workplace, the law provided that the Ontario Labour Relations Board could, if they determined there was a poisoned workplace, impose a first contract.

That was taken all the way to the Supreme Court of Canada, the Wal-Mart case. The Supreme Court of Canada upheld the thinking, the rationale, the principles and the decision of the Ontario Labour Relations Board to impose that first contract because the employer had intimidated the workers there, the employees, to the point where there was no longer an ability to have a fair, free vote. There was always the right to force a second vote, but the Ontario Labour Relations Board deemed that the workplace atmosphere was so poisoned that imposing a first collective agreement was the only fair way to deal

with the situation. They said specifically that a second vote would not resolve the issue of the poisoned workplace.

That's gone. So if the employer does intimidate, directly or indirectly, the worst that can happen is maybe a fine, which of course becomes just a business cost, just like buying a piece of equipment or hiring somebody. It's just a business cost. The other worst thing that can happen is a second vote. The Supreme Court of Canada has already said a second vote does nothing.

So we've got a situation now where that's the kind of world there is, that you've created. What we had in 1995 is gone. The rights workers had that were there, supported by the Supreme Court of Canada, are gone, and now you have potential intimidation going on in the workplace, workers being improperly, illegally scared. They have a union meeting where a proposal is put in front of them in terms of the offer the employer is making, and they're told they are going to vote on that and have a separate strike vote. It sounds reasonable. The problem is that because they are so frightened, there's a very good likelihood—and that's why you've done it—that those workers, without experience in negotiating, would say, "I'll have the best of both worlds. I will reject this contract offer, but I will also reject the idea of a strike because I don't really want to go on strike if I don't have to." The problem is, once you've got that scenario, you might as well send the union packing, as you know. That's why you're doing it.

Why do I say that? Why would I say you might as well send the union packing? Because at that point, without at least the threat of a strike as a negotiating leverage, a negotiating tool, all you've got is going back to the employer cap in hand, on bended knee, saying, "My members rejected your last offer, boss, and we would really appreciate it if you would put more in there." When the employer says, "No, I'm sorry, that's the most that we're going to offer," what are you going to do then? Threaten them with getting angry? A nasty letter? You don't have anything. You don't have anything, and workers don't need a union at that point.

Beautiful, eh? Beautiful for the employer, but the worker's out of luck. That's what this really means, and that's what they're hoping will happen. They know what will happen, and so will anyone who's watching this who's either had experience being a part of an organizing drive bringing their union in or has negotiated on either side. Even if you're an employer negotiator, you know what I'm saying is true. That's the dynamic that happens on the floor, not the little fantasyland that the minister painted. That's the reality, the nitty-gritty of what goes on in the workplace.

#### 1900

Posting decertification info: this one's a beaut. What this says is that it's now the obligation—the obligation—of an employer to post the rules and procedures on a bulletin board and provide information to employees about how to decertify the union. Given everything else that's going on, how could anyone believe this is

anything other than fostering and urging and creating an environment of decertifying? Why else would the Harris Tories do it? Notwithstanding the minister saying yesterday in the House that the best thing that ever happened to working people was electing the Mike Harris government, which has got to be so far the biggest joke that any Harris minister has uttered in this place—it's so over the top, I think it might actually work the other way, because there are very few people who are actually going to believe that Harris is a pro-worker government. Even their supporters know that's the case. So now you've got an obligation on the part of the employer to post how you get rid of a union.

On the day the minister announced this—which, by the way, was at a private function that labour leaders weren't allowed to go to; only the employers who paid to be delegates there for that luncheon were allowed to go in, other than myself and the official opposition critic, but labour leaders were not let in—I asked the minister right here in the House during question period, "If you think this is so fair and reasonable, can we expect and will you now today tell me that you're going to impose a requirement on employers where there is no union on how you get a union?" The minister talked about, "Oh, you don't have to do that. There's all kinds of unions out there organizing and that's all being taken care of." Give me a break. If you really wanted to be fair—and of course my argument is you don't, but that's your argument so I'll challenge it—then you would have said this is what will happen in non-union workplaces, but you didn't. It's all part of the blueprint that I talked about at the beginning.

Now, this one's quite the deal, the next piece I want to talk about. This is the non-construction employers. People will recall that Bill 31 contained a similar clause, and this was as a result of the Toronto-Dominion Bank that wanted to get rid of their requirements, their legal obligations, to the construction trade unions. They also disagreed with the OLRB, the Ontario Labour Relations Board, and took their case all the way to the Supreme Court of Canada. The Supreme Court of Canada said, "No, no, no. You have a legal obligation." Interestingly, as I pointed out at the time, one of the lawyers, the key, lead lawyer working for the firm that the Toronto-Dominion Bank hired, is now the key policy person—I think he has a new position now, but at the time he was the key policy person in the Premier's office, the same person. What a coincidence.

They ran into a problem, because unions are not stupid. They have resources, and they were able to use the language that you brought in in a way that prevented some of these employers from unilaterally dumping their unions. There were two ways to do it: one was under the definition of what's a non-construction employer, and the second one was that there was a requirement in Bill 31 that on the day that a company or a school board applied to the Ontario Labour Relations Board to decertify, they had to have absolutely no employees in their employ. The unions were able to successfully prove that there were employees there on the day that the application was

made and therefore the application was denied. The government doesn't like this, because the whole point was to dump these unions.

Now we find it here again in Bill 139, and it's meant to streamline the process, to get rid of this nuisance that got in the way of what you wanted to do, which was to allow the Toronto-Dominion Bank and other banks to eliminate their obligations to the collective agreement. That's what you do here, and it's consistent. This government watches what happens in terms of decisions of the Ontario Labour Relations Board, and if they don't like the decisions, they change the law—no consultation. There was no consultation with labour on this bill; there was with employers, of course. I don't know, does that sound reasonable and fair, as the minister likes to talk about, that you have a bill that has significant implications for workers and unions and they aren't asked what they think about it? It's interesting. The day the minister made the announcement that Bill 139 was going to be introduced in the House, he admitted in a scrum that there was nothing in this bill that labour asked for. Everything in this bill was what the employer asked for. That's fair and reasonable? How?

The other interesting thing about this is the argument by the minister that somehow this is justified because municipalities and school boards—he didn't talk about banks. Think about it. Why is somebody helping banks? They're making record billions of dollars of profit in the biggest economic boom North America has ever seen, and this government steps in to help them make even more money off the backs of workers. How shameful. But what's interesting in addition is the minister standing up and saying, "Look, again, reasonable and fair. The municipalities and the school boards are spending taxpayers' money. Shouldn't they be able to get the best deal they can? And the best deal they can get"—his argument is—"has to include the option of non-union construction firms. Otherwise it's"—get this—"discrimination."

He waved his hands around. "What's wrong with that? It's so reasonable. The taxpayers should be allowed that opportunity." Again, taken at first blush, if you don't think about it any further than what you're spoon-fed from the minister, it does sound like it might be just reasonable and fair and in the interest of the taxpayer. But again, come on, give it a little thought. Let's step back and look at this. Does anybody believe that the wage proposals are going to be the same for a contractor that has a binding relationship with the unions, through a collective agreement, and another contractor that does not have a union? Of course not. The non-union is going to be lower, not because of better management, not because of more efficient running of the corporation, not because they've got better suppliers, none of the things that actually increase productivity through better management overall, no; it's cheaper because you pay the workers less.

#### 1910

Now we're at the philosophical bus stop. You either get on the bus or you get off the bus at this point, because

you either believe that a part of why this is the greatest place to live in the world is because you can achieve decent wages and benefits—and that's usually done through a union—or not.

In Hamilton we have a solution to this: it's called a fair wage policy. All it says is—it doesn't matter whether you're union or non-union—if you bid on a contract that we have, you've got to be at the union labour rate, because that's the decent wage to pay a bricklayer, a sheet metal worker, an electrician. That's the decent wage to pay them and these are the decent benefits and this is the decent pension, and this is what you have to include. Whether you're non-union or union really doesn't matter, as long as you're doing this. That works. That means there are construction workers in Hamilton who are paid a decent wage by virtue of their taxpayer dollars, because they pay taxes just as much as anybody else and they have a right to be treated fairly.

If you set it up the other way, you know it's skewed in favour of the non-union, so the point would be that you don't want the unions to get the jobs, and eventually those contractors either go out of business or find a way to get rid of their union, because you've provided all these other blueprints and all these other labour laws that make it easier to get rid of the union, and at the end of the day there's no union. And you would stand up, Minister of Labour, and say, "A victory for the taxpayer." No.

Hamilton is a great place to live, in large part because we have a strong, proud labour movement. Local 1005 at Stelco has committed decades, since 1946, to represent those workers, to make sure that if you work at Stelco you get your fair share of the profits that are made at that very profitable company, a company we're proud to have in Hamilton. Across the street pretty much, at Dofasco, there's no union, but there's an automatic fair wage policy, because Dofasco doesn't have a union and the only way they can keep the union out is to pay exactly what local 1005 gets—it used to be about one or two cents more—and then people say, "Hey, I get all the benefits of a union and they treat me as well as workers get treated at Stelco, so why should I pay union dues?" It's disappointing to me but not irrational. There's nothing wrong with that thinking. In my mind, that's what a fair wage policy does. It makes sure that whether you're union or non-union, you're going to get decent wages for the professional labour that you provide.

Now, in the Tory world, take the same scenario with Stelco and Dofasco in Hamilton, remove the union from Stelco and then walk down the road five years. Five years later, I guarantee you the wages and benefits at both those companies would start to drop, because there's nothing to prop them up.

I want to say very directly to people in communities right across Ontario, if you think that wouldn't affect you if you're a nurse or a teacher in Hamilton, it will, because you're going to be at the bargaining table, and if the wages at Dofasco and Stelco, which represent thousands of workers and family incomes, start to drop over the years, it's going to be that much harder for you to argue

at the negotiating table and to the public that you're entitled to whatever it is you've got on the table that attempts to bring out fairness in your collective agreement.

You know this. That's why you're doing it, and that's why I get so furious when you stand up and do this "It's reasonable, it's fair and we only care about the taxpayers." If people don't look any further than what you've spoon-fed them, they'll buy it. But the reality is, there are reasons these things are in place and there are reasons they work, yes, for workers, but more importantly for families and for communities; they make this the greatest country and the greatest province in the world to live in. You are attempting by stealth, step by step, to eliminate that.

There is a reason the labour movement—they're not buying this workplace democracy stuff, nor should they—is calling it the more workplace firings act. There was a time, in 1995, when if there was an organizing drive going on and you were fired, and you had any reason whatsoever to believe it was tied to the fact you were active in that union organizing drive, you could apply to the Ontario Labour Relations Board and get an expedited hearing, and you would get your day in court. I forget the exact number of days, but it was like within a week that you would have your day in court, because it's unfair to fire somebody who's active in a union. The employer finds some other excuse; they say it's something else. But they have to defend that in front of the Ontario Labour Relations Board. And if the labour board finds in favour of that worker, he's back at work on the spot, all rights, wages, benefits and seniority reinstated. That was 1995.

Now, under this government that the Minister of Labour says is the greatest thing that ever happened to working people, we've got 10 people at Drycore who have been out of work for months, and they still don't have a date to get in front of the Ontario—unless it's happened in the last little bit. It might have happened in the last week or so. All those months those workers were denied their day in court—not an automatic reinstatement but an opportunity to make their case that they were involved in a union organizing drive and they believed that's why they were fired. They used to have that right to be heard and a decision made almost instantly. Now it takes months and months. How is that fair?

It's certainly what you like, because it sends a chill to everybody in that workplace, which is what you want. You've got a whole lot of people saying, "Jeez, I saw what happened to Bob. I don't want that to happen to me. I don't think I'm going to those union meetings any more. I don't think I'm going to sign that union card, because I can't afford to lose my job." That's what you want. And when you add on top of that all these other changes I've pointed out, incrementally, step by step, union-busting by stealth, you change the climate in workplaces in Ontario, and that's what you want.

I have five minutes left. I want now to end, as I said I would at the outset, by painting a bit of a picture of where we were and where we are, in terms of your

changes to the labour law, this self-proclaimed "best thing that could happen to working people" government. And this is not exhaustive by a long shot. Under Bill 40, the NDP, for the first time in the history of Ontario, said that scabs were illegal, that they were tantamount to union-busting and were banned in Ontario. By the way, this government says that was a job-killing bill. I want to point out that in 1994 in the industrial sector of our economy we had the greatest, highest investment in new machinery and new technology in the history of Ontario, and that was a full year after our bill came into effect. It didn't eliminate jobs; it gave workers rights.

You eliminated that under Bill 7. But under Bill 7 you went further, which we tried to tell the media but they wouldn't listen. They said it was only about the Bill 40 issues; it wasn't. In that bill you eliminated the right of public sector workers to have the same rights as every other worker, and that is that if your workplace is taken over by some other employer, they have to take the contract with them. You eliminated that for the sole purpose of privatizing public services in Ontario, selling those services to your corporate pals; the same corporate pals, by the way, that contributed \$12 million to your party's coffers after you changed unilaterally the election funding laws that allowed corporations to contribute 50% more than they did, after you changed the election laws themselves, where you changed the rules of how we have elections in this province, and for the first time ever there was not all-party agreement. You did it unilaterally.

#### 1920

That's my point. These things all add up, and they add up to a very different world than the one we had in 1995 in terms of rights for workers.

In 1996, Bill 49, your last attack on the Employment Standards Act, which of course is the bare minimum laws that people who don't have benefit of a union are entitled to. You're lowering that. We know there are more rights being lost when you dropped down that legislation: a 60-hour workweek; all but eliminating overtime; you can't take your vacation in one-block chunks any longer, and it can be taken one day at a time; all the work 12 days straight without a day off. Those are the changes you're going to make for those people who feel they don't need a union, often the most vulnerable, making minimum wage, which you also haven't increased in five years—and you want to give yourselves a 42% or 44% increase. But nothing for people earning minimum wage.

You eliminated the wage protection plan in Bill 49. What did that do? What was the radical thought behind that? That was that if an employer went bankrupt and you were owed wages and vacation money and severance money, there was a fund in the province of Ontario that would pay the money to you because you as a worker need that money to pay your mortgage and put food on the table. The strength and power and clout of the government of Ontario would be used to go after the employer to pay the money. That's what we did. Those are rights that workers had. You took them away. Now if there is a bankruptcy and you're owed wages or vacation

or severance, you go to the end of the line, after the banks, after the other major creditors. You go to the end of the line. You don't get a dime. You don't get a dime unless there is money left over after everyone else is paid. Under our law, the workers got taken care of separately, as a priority. That's the way it ought to be.

What else? Bill 99. My. Oh, Jeez. Bill 99, where you went after injured workers. The minister stands up and brags about the fact you've lowered premiums to your corporate friends—the same crowd that gave you \$12 million. Yeah, you lowered their premiums to WCB and made them very happy. You paid for it on the backs of injured workers. Injured workers now get 5% less than they used to before you brought in that law, and you think that's fair. You used to talk about—you still do—the unfunded liability. That is not taxpayer money. The employers owe that money. Shameful. Disgusting.

Step by step. Step by step, you make all these changes. I don't have time to list all of them. I may get another chance under my responses. But this bill is yet one more piece in this government's picture of a province that denies working people the fundamental rights that they're entitled to, and therefore it's wrong and ought to be opposed.

**The Acting Speaker:** Further debate?

**Mr Doug Galt (Northumberland):** I think it's interesting that the member from Hamilton West talked so much about rights of workers and something by stealth is being taken away. He's very, very dramatic here in his presentation, sometimes screaming, sometimes whispering. But I stand here and I have to ask him, the rights of workers—in this legislation, they get the right to know where their money is being spent. The wealthy union leaders making over \$100,000: they'll know how many there are and which ones are making those kinds of dollars.

Here we have the rights of workers. Do you think they should be informed? This helps to keep them better informed. There are requirements in this bill to better inform them. There is also the opportunity to change a union. No longer are they going to have to be a monopoly. They have an opportunity to decertify. That doesn't mean there's no union. That means they might bring in a union that's more responsible than the one they presently have. Those are the kinds of rights the workers will have. It will be more stable in the workplace. I think that's a right that a worker will have because of this bill.

They will also have more rights on that first contract. They'll also have the opportunity to vote on whether it's a strike, whether to accept a contract or to continue negotiating. But shouldn't they have a right to vote on a strike? Why vote about their demands six months ahead and then find themselves out on the street walking the picket line? I believe those are the kinds of rights that should be there.

I heard so much about this step by step, things happening, being taken away. This is step by step improving democracy for the workers. What isn't in this bill is the social contract that your government brought in, breaking absolutely every collective agreement that was in the

province of Ontario in the public service. That's what your government did.

**The Acting Speaker:** Comments and questions?

**Mr David Caplan (Don Valley East):** I'd like to congratulate the member from Hamilton West for his comments. To the member from Northumberland, don't forget, sir—through you, Speaker, of course—that Mike Harris and the Conservatives supported the social contract. So please don't play holier than thou with this House, because the truth is quite the opposite.

I would say to the member from Hamilton West that he made some very good points. What I would like him perhaps to comment on is that unions have made sure that things like workplace safety, which is critically important to competitiveness, which is critically important to the health and well-being of the population of Ontario—unions have been at the forefront of making sure that we have proper standards for workplace health and safety. Why we want to decertify unions, a group of people who care about the fact that we have safe workplaces, it really doesn't make a lot of sense to me. Perhaps the member from Hamilton West will want to talk about that.

Our standard of living: we can have a lot of philosophical arguments, but I think everyone would recognize that unions are by and large responsible for raising the standard of living for everybody, by having good wages, by making sure that communities are livable. Maybe the member from Hamilton West will want to talk about that, because I know he touched on a number of different areas, but he certainly didn't mention that one.

I think perhaps the member from Hamilton West would also want to recognize that unions are very democratic bodies, and to be lectured by the Harris government—which, as you know, introduces time allocation motions, closure motions, closes down debates, doesn't really go out and consult with the people the legislation is going to be affecting—to be lectured by this government about democracy is, frankly, gratuitous and insulting. I hope the member from Hamilton West will want to talk a little bit about that. I, for one, did appreciate his comments. I can tell you that Dalton McGuinty and the Ontario Liberal Party will be opposing this legislation.

**The Acting Speaker:** Comments and questions?

**Mr Gill:** I'm going to reiterate what the minister said yesterday. He said that the best thing that happened to workers in Ontario was the Mike Harris government's job creation policies, tax cut policies, giving money back to the people who are the rightful owners of that money, because they know how to spend it. That, in turn, increases the employment prospects for the workers. That really, let me reiterate, is the best thing that happened to the workers in Ontario. That's why Ontario is the best place to live, work and raise your family.

The other day, I saw this beautiful bumper sticker on a car. It said, "I fight poverty." The second line said, "I go to work." I'm going back to what I just said. We, as a government, have created more jobs with the help of the citizens of Ontario, the good workers and the good employers, and the economy is booming. Employers are

complaining. They're complaining that there are not enough good workers. So we're looking for more workers. We're giving them more opportunities to better themselves.

The member from Hamilton West talked about a company called Stelco. I had the pleasure of working for Stelco as an engineer. It's a fine company. Right next door, there is Dofasco. Like the member said, they are non-union. They take great pride in being non-union. There is the democracy. It's the people's right to choose. I'm sure there have been many drives even at Dofasco to form unions, but they rejected it and that's fine. That's the kind of democracy we want to provide to the workers, where they can choose; they can have the right to be certified, decertified, whatever. They should know what their rights are.

**1930**

**Mr Chudleigh:** It's interesting. As the Minister for Labour pointed out in his opening comments, this bill is about fairness: fairness to union workers, fairness to non-union workers, fairness to employees in Ontario.

Non-union workers at this point in time may not know how to change unions, may not know how to decertify a union or, indeed, how to certify a union. This bill is a sunshine law. It throws light on it. It requires information to flow from the unions, from the employer, from the government, to inform employees how to do these kinds of things.

It's about equity. When we look at the construction industry, about 81% of the workers in Ontario who work in the construction business currently are non-union and yet they are excluded in many parts of Ontario from working on municipal or school board projects. That's not fair. This bill doesn't suggest that they have to contract with non-union employees or they have to contract with union employees; it's saying that you cannot discriminate between the two.

Listening to the member's comments, he talks about the rights of workers. He talks as if they are the only party in the province that talks about workers. When they were in power, they lost 10,000 jobs in the province of Ontario and, yes, there was a recession, a major recession in Canada, but even with that recession there were 400,000 jobs created in the rest of Canada. Ontario, minus 10,000; the rest of Canada, plus 400,000. Something was wrong. Maybe you're not the party of the workers; maybe we're the party of the workers. We're the one who created 800,000 new jobs in Ontario.

**The Acting Speaker:** The member's time as expired. The member for Hamilton West has two minutes to respond.

**Mr Gill:** Your turn.

**Mr Christopherson:** Yes, my turn. Let me thank my colleagues from Northumberland, Don Valley East, Bramalea-Gore-Malton-Springdale and Halton.

This last bit, of course, is nothing less than tell the biggest lie you can and tell it over and over.

*Interjections.*

**Mr Christopherson:** I withdraw.

**Mr Chudleigh:** I win.

**Mr Christopherson:** No, you don't win. You're still a liar. I withdraw.

Listen, the fact of the matter is that you did exactly what I said you would do. Exactly what I said. The member for Northumberland got up and talked about wealthy union leaders. He doesn't want to talk to us though about how much extra money Mike Harris would have got from the 44% increase he wanted to give you and himself. And, in terms of income, how much money does Mike Harris get from the Progressive Conservative slush fund? How much extra money is going to him? Don't talk to me about sunshine and fairness. This is all about stereotyping and putting labels on people.

The member for Halton—

*Interjections.*

**The Acting Speaker:** Order. I'll restore your time. Just trust me. There are people hollering back and forth. I won't allow it. Trust me.

The member for Hamilton West has about a minute.

**Mr Christopherson:** The member for Halton likes to talk about sunshine and light. Let me tell you, you didn't address the issue of why you aren't posting how to join a union in non-union places. You didn't touch that one. In terms of fairness, it seems to me that if you want to be reasonable and fair and sunshine information, if that's your argument, then I think it's reasonable for anybody watching this to expect that you would do the same thing in the non-union workplaces.

**Mr Chudleigh:** Absolutely.

**Mr Christopherson:** I just heard him now say, "Absolutely." I guess I win.

Further to your issue about job losses, let me just remind you that we were going through the implementation of your cousin Brian Mulroney's free trade agreement that sent hundreds of thousands of decent union-paying jobs south of the border, and Mulroney's high interest rate—and you guys know this—here in Canada gave us a deeper, longer recession than any other country in the world. We have no lessons to learn from you in terms of taking care of working people, families and communities.

*Interjections.*

**The Acting Speaker:** Order. Some in the House have the idea that you can just holler out. I don't know where you got the idea. Let me assure you that if it continues, I'll name you. I don't subscribe to the philosophy that you give a person a last chance. If you think you need to be warned a last time, then please consider this to be it. We will have order and decorum here. It's your instructions to me that I enforce, and I take my responsibilities seriously. Further debate?

**Mr Galt:** It's certainly entertaining. Some of the last couple of minute hits there—very interesting. I think the member from Hamilton West was having a little difficulty handling what was being told to him as the truth.

It's amazing that out on the west coast they were doing very well in the early 1990s. A lot of the other provinces were doing very well, thank you very much. Thank heavens for free trade. Look at the amount of exports from this country. Look at the number of jobs

that are being created just because of that. Yes, I know it's very controversial. Yes, I know it's difficult for the agricultural community, but for the country as a whole, thank heavens they stuck out for that.

I know it's awfully hard for the member from Hamilton West to understand that, but when did the Canadian west coast—and we could call it the “left coast”—go behind? It was after the socialist government got elected out there. They were doing very well up until then. What's going on in other parts of Canada? I think you can measure it to what has happened in Ontario. The Americans were doing very well in the early 1990s with a little recession in the first part of the decade, but the government of the day in this province drove us into a very massive recession. Some might call it more than that, might give other terms to it, but let's just call it a massive recession, which was most unfortunate.

I heard this hour-long lecture from the member for Hamilton West. He was in cabinet, I believe, when they brought in the social contract, the social contract that broke every collective agreement: the public service, teachers, police. Name an organization in the public service, and they broke the contract. And he's standing up talking for workers, talking about this bill, Bill 139, the sunshine law to bring more information to the worker, and he's against it. But he was for taking a 5% cut and breaking every collective agreement in Ontario and he voted for it. I take for granted that he voted for it and also for the Rae days and all the rest of the things that went with it. Now he's opposed to Bill 139.

I was interested in the comments from the member for Don Valley East supporting the NDP and their Rae days and their social contract. I had no idea the Liberals were supporting that. I don't know what his leader would think of him standing up here supporting what the NDP government of the day did. I doubt the Liberals voted in favour of it, but obviously from his comments he's in favour of it. I would expect he works with the team. He seems to vote with the team. Whenever the team gets up, he gets up.

The best thing that has ever happened for the workers of the province of Ontario has been a Harris government. I know the member from Hamilton West has quite a time—but I can tell you there are 800,000 workers out there who weren't working five years ago, and they're pretty happy that they now have a job. There are a lot of other workers who are happy out there because there's more stability in the workplace and their job is going to continue. They're not worried from one day to the next: will they have a contract; will they be able to export anything; will they be able to produce some of the widgets that their company makes. There has been a quite a turnaround. I can assure the member for Hamilton West that the Harris government has been good for the workers right across this province.

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**Mr Christopherson:** What a load of crap.

**Mr Galt:** We were committed to 725,000 net new jobs by the end of five years. We were wrong; we went way over that, which is a nice way to be wrong. We're

now headed in the next five years for another 825,000 net new jobs.

I hear members from the Liberal Party every once in a while getting up and talking about gridlock on our highways coming into this great city of Toronto. Why is there gridlock? I can tell you that back in 1995 there was no gridlock. I had no problem driving in on the Don Valley or the Gardiner. It was wide open at any time. There was no such thing as rush hour. Now there's rush hour.

**Mr Christopherson:** Talk about workers' rights, Doug.

**Mr Galt:** To have workers' rights, first they have to be working, and there were 800,000 of them who weren't working in—

*Interjection.*

**The Acting Speaker:** Order. I would like to remind the member that in the House we don't say, “That's a bunch of crap”; we say, “I don't agree with that.” And we don't say it—

**Mr Christopherson:** I don't agree with that.

**The Acting Speaker:** In any case, we don't say it loud enough that I can hear it. The Chair recognizes the member for Northumberland.

**Mr Galt:** Thank you, Mr Speaker, for bringing some decorum to the House once again.

I did want to spend quite a bit of time on this sunshine law, Bill 139. I was getting a little carried away with some of the things I'd heard earlier, and I wanted to make some references to them, but there's no question in my mind that the best thing that's happened to workers has been a Harris government, and the country is moving ahead. You can see the things that are being purchased for kids for Christmas, for example. People are able to celebrate. They're able to travel. They're able to buy things—some 800,000, not to mention the over half a million people who are now off welfare. The welfare rolls were just skyrocketing during their term.

This is a promise we made in our Blueprint. We're certainly following forward with this promise to institute a balanced, straightforward and no-nonsense plan for Ontario's future. We do have real, genuine concerns with serving the ordinary worker. That's what this bill is about, serving the ordinary worker. The member across the House is more concerned about the union leaders and the executive and where his money comes from for his party than he's concerned about the average worker.

We're concerned about some of the barriers that exist that restrict workplace democracy and hinder our business environment here in Ontario. That's one of the reasons a bill like this is coming in. It's being brought in because we want more openness and more fairness in the workplace. We want to see a more level playing field, as we were discussing back in Bill 69, a level playing field between labour and management and not have it lopsided in one direction. Both unions and employers are disadvantaged by the current situation that we've been living with here in Ontario. We simply wanted to work out a deal that can benefit both the employees, as well as the employer.

I have to say to the Liberal members across the aisle, have a heart and stand up for those on the front lines in our province's economy, those people who are out there, the everyday worker who is bringing home a paycheque to support the family. Stand up and recognize them and work for them. My good colleague from Bramalea-Gore-Malton-Springdale, who sits right beside me here in the Legislature, said it so well: "The time has come for Dalton McGuinty and his Liberal caucus to join with us and stand up for all of Ontario's workforce by bringing sunshine into the workplace."

It's very obvious from the previous person who was making a presentation, the member for Hamilton West, that they don't want sunshine brought in. They don't want light brought in. They don't want information brought in. Keep the worker in the dark, keep him paying his \$1,000-a-year union dues and then they're happy because the executive is enriched and big dollars flow from the unions through to the NDP so they can campaign in the next election.

The Minister of Labour has said that union members pay dues and deserve to know where their money is being spent. Everybody deserves to know where their money is being spent. Consequently, we're in here with the disclosure of those who make over \$100,000 as executives. That will be disclosed along with the benefits. That, to me, is only fair.

I remember when, as a private member's bill, our good friend from Scarborough East brought this particular bill in. I certainly encouraged him at the time to bring it forward. This is public information. It's a right for the workers to know where their dollars are going.

Similarly, it's for us to let the taxpayers know where their tax dollars are going. That's something that has been very difficult for them in the past to get a handle on, particularly when the last government kept two sets of books. I'm not sure what the second set was for, but certainly the deficit and the debt were very different in those two sets of books. That isn't being fair with the public at all.

We've heard so much on the misuse of funds, the HRDC boondoggle in Ottawa, the billions and billions of dollars that the Liberals just dumped freely, Calamity Jane overseeing it. That is the kind of thing that shouldn't be happening. I don't want to spend a lot of time on mismanagement from Ottawa. I want to talk about the good things that are happening here in the province of Ontario and what our government is doing. Our hard-working Ontarians have a right to know where their hard-earned union dues are indeed going. If this bill is passed, we'll have plenty of openness and accountability in the workplace, and that's a lot of what this bill is about.

The Minister of Labour has said that unionized employees deserve greater opportunity to decide whether they want to continue being represented by a union. This obviously fits into our no-nonsense plan for Ontario's future. It has been said that in a democracy your right to swing your fist ends at the tip of my nose, and sometimes we tend to forget just where that distance is, but it's so true in a democratic country.

What I'm hearing about union rights and union dues brings to mind what was happening a few years ago with a very well-known cable company. They added extra channels and then they automatically charged you, and you didn't ask for it. You automatically got billed more for something you didn't want. It's sort of like getting a job. You go to work for a company. You didn't ask to belong to the union, but you have no choice. What kind of country is it where you have no choice? Is the union so concerned that you have to be forced to join it? Is the organization that weak, that people won't join something that's worthwhile? There are all kinds of lobby groups and organizations for various professional groups. It's not a requirement to belong to them, unless it's a college that's self-disciplined. This is unreal. The best comparison I can come up with is this well-known cable company that put out extra channels and then what did they do? They charged for them and made it a requirement. You remember, I'm sure, how the people got so upset. Those customers were incensed, and rightly so, and so should union workers be, the way they're being compelled to belong to a union.

Our government is coming to the rescue and making it mandatory for neutral, factual information on decertification to be posted in every unionized workplace here in the province of Ontario.

Also, this bill proposes to extend the open period for decertification of a union from 60 days to 90 days at the end of a collective agreement. You get pretty excited as you get near the end of an agreement, and 60 days is pretty short. We're only increasing it by another 30 days. I could follow the criticism if they criticized us for not extending it more than that, but at least we're increasing it by another 30 days, and it gives those employees just that much more opportunity to review the organization and what that organization is doing for them or not doing for those union dues.

When it's payroll deduction, it's sort of gone before you get it. I can just imagine if those union members had to write out a cheque and send it to the union. I expect it would be a very different kind of union member than when it's just taken out of your cheque. The member for Hamilton West was talking about the stealth of what the government—he was trying to use it on us. That is stealth by sneaking it out of their paycheque before they get to see it. I think it would be very different if they had to write a cheque once a month and send it off to their union hall.

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Also, this bill will create the balance that is needed in the workplace. We propose a one-year cooling-off period between failed certification drives. This will add to workplace stability, thereby increasing productivity. It's certainly not fair for an employer to have to go through all these difficult periods where a union follows all the steps, sets up everything, and then withdraws at the last minute. It's sort of like going to court and then just at the last minute you pull out, after the defendant has gone to all the work of putting together the package. This is what

happens here. We're saying in this bill that there must be a 12-month period which unions must wait before they organize something again. Certainly this will bring more peace and harmony in the workplace, not only for the unions and for the employer and for the contractor, but also for the employees. This is what it's all about: employees' rights.

We're committed to making Ontario a competitive place for future investment. Wow, just look at what has been going on in Ontario over the last five years. If our workplaces are being disrupted all the time, how can we get that kind of thing done? I support the cooling-off period between the failed certification drives.

With the five minutes I have left, I thought the member for Hamilton West would be interested in some of the quotes from the Hamilton Spectator of November 11 of this year, just last Saturday. Some of it says, "Mike Harris has proposed, among other changes, to require all companies to post a bulletin explaining how workers can decertify their union. Up until now, any application to decertify a union had to take place within the last 60 days of the current collective agreement. That period will be extended ... to 90 days," and so on. When you think about it, all that is happening is that the workers unsatisfied with their union are being empowered by the necessary information to take action. The rules have always been that—workers often did not know that they existed. A sunshine law is really what Ed Canning is talking about here: giving more information to the worker. He's very supportive of this legislation. This is an editorial written in the Hamilton Spectator, the member for Hamilton West's main newspaper. They certainly don't support his position.

It goes on: "In my view, these changes are more likely to make the union movement a healthier one." Why on earth would the member for Hamilton West be opposed to making the union a more healthy organization? It's hard to understand. "Union executives will have to be more responsive to their members and their needs." Is there something wrong with having the executive more responsive? I don't think so. "The threat of decertification will be more real." Certainly. "In effect, unions will be made more accountable to their members." That's a hallmark of our government, accountability: accountability in education, accountability in health, accountability in environment, and now accountability in the workplace. It's something I know the workers are going to appreciate. "A union may be decertified, simply to be replaced by a more responsive union." It's not necessarily going to have no union. In the past, it essentially has been a monopoly by whatever union happened to get in there first. Now there will be a little competition between unions, and that should sharpen up all of the unions to work just a little bit better.

This goes on to say, "Another change proposed by Mike Harris ... the first collective agreement, the members have to be asked to vote separately on whether they accept or reject the initial contract and whether they in fact want to go on strike as a result." I think that's so fair.

We've had so many people out on the strike line, forced, coerced, whatever you want to call it, out on that picket line when they really didn't want to be there. They were being cajoled by their fellow strikers to get out there and do their thing. Now they have a chance to vote on the strike just before rather than six months ahead, when they're voting on some of the issues. Again, this appears very democratic. That comes from Ed Canning, right from the Hamilton Spectator.

"It is quite possible that the workers may want to reject the first contract but let negotiations continue before they actually take strike action. Why should they not be allowed to vote separately on these issues?" Again, what he's saying here makes so much sense, just as the bill makes so much sense. Why does it have to be an all-or-nothing vote? Going on strike can be financially devastating for workers, hard on workers. Why should they want to leave such an important decision to their union executive? If workers want to go on strike—and remember, they are the ones who are going to go without a paycheque during the strike—then that's their decision and that's certainly what this bill is going to recognize.

In conclusion, I'm certainly proud to say that, unlike previous governments, we're not just eddying about and enjoying our prosperity. We are working to strengthen workers' rights, increase democracy in the workplace and enhance investment. That's something we've talked about—job creation—that's the reason for the reduction of taxes in the past, to stimulate the economy and get more people back to work. We have more people back to work than we ever expected.

Like our first prime minister, who had the right colour, by the way, encouraged his associates at that time to look ahead for Canada, we're making significant changes that look ahead for the future of this great province of Ontario. This bill, along with many other policies, will indeed contribute to the stimulation, the economic growth and ensure our prosperity continues for years to come in this great province of Ontario.

**The Acting Speaker:** Comments and questions?

**Mr Caplan:** I want to start my comments by saying how much I regret having to listen to the comments of the speaker from Northumberland. I would like to apologize to all the people who are here tonight, all the people who happen to be watching this, because the information that was presented was so grossly distorted, such factually incorrect information, it is beyond belief. I really think the member should be ashamed of himself for standing in his place and saying some of the things that he did.

This legislation is simply about trying to get rid of unions. That's really what it's about. It's not enhancing workers' rights or standing up for workers. It's trying to get rid of unions.

It's a basic question of fairness. If on the one hand you believe it's important to post how you can decertify a union in a union workshop, why wouldn't you post how to certify a union in a non-union workshop? Why wouldn't that be a proposal of the government? That is simply fair.

If it's important for members of unions to have all of this sunshine and knowledge about things that are going on, why would it not be similar for the Harris government or for the people of Ontario or for shareholders or employees of corporations to know what is going on within those spheres? You certainly don't see the same kind of standard being applied to members of the Harris government, to the cabinet or to any of the backbench members, nor to any of their supporters in the corporate sector.

I think it really speaks very ill of this government and the direction they're moving in that it is so one-sided. It is so unbalanced, it is so mean-spirited to try to target one particular sector and not apply an evenness and a fairness and a balance that Ontario Liberals believe need to be applied in Ontario. So I want to end my comments: to the public of Ontario, I apologize for what you had to listen to for the last 20 minutes.

**Mr Gill:** I think the member is right in apologizing, because it is their federal cousins who come in and say they are going to abolish the GST and they're going to tear up the NAFTA agreement. Certainly he should be apologizing for all of them.

It is a pleasure to take part once again in this democratic process of talking about the Labour Relations Act amendment. The member for Northumberland spoke so eloquently because he certainly has been in the business world and he knows what he's talking about. The member Don Valley East spoke about it.

It is true that what is happening in this law is the sunshine clause, "sunshine" being, "Bring in the information. Give the information so that people can make good decisions."

As the member for Don Valley East may or may not know—I think it was before his time—there was a similar law brought out where public service employees who get more than \$100,000 are disclosed on an annual basis. I'm sure many of you have read about it in the newspapers. So this bill, when we talk about union leaders having to disclose annually how much money they are making, is no different. It is really bringing democracy into the workplace.

I had an experience a number of years ago—it goes back to about 25 years ago—where I went for an interview at a job and I had to cross a picket line. After I started working there, within a year the union, I guess just like Dofasco, found out that the workers didn't want a union and they went ahead and decertified it. If they had known earlier, they might have wanted to do it earlier. I don't know. But I think the workers should have the right, should have the knowledge—

**The Acting Speaker:** Your time has expired. Comments and questions?

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**Mr Steve Peters (Elgin-Middlesex-London):** The comments from the member of Northumberland: If you walked out in front of this Legislature today and looked at the monument of Sir John A. Macdonald, the first Prime Minister of this great country of ours—I think one

of the things when you made that reference to him is very true. What you're doing and what this government is doing is taking labour in this province back to the 19th century. I think Sir John A. Macdonald was a man of vision who wanted to build a great country, a country that was a place for everyone to live in where everybody was treated equally. What your government is doing, though, is turning back that clock, turning those pages of history back in time.

This government is determined and bent on attacking so many individuals in this province. We've seen nothing but attacks and warfare out of the government and out of the legislation since they were elected in 1995. I think it's a sad day. How can you stand up as a Conservative and make reference to Sir John A. Macdonald in the fashion that you did? Sir John A. Macdonald would be turning in his grave if he saw the disservice that you're doing to individuals in this province.

There are so many aspects, and I'll be speaking later to this legislation and I'll comment on that, but one area you love to talk about is disclosure and salary disclosures. I think what you fail to recognize as a government is that the majority of union constitutions that exist in this province already have a form of salary disclosure in them. You're making such a big deal out of something that already exists within the constitutions of unions in this province. This is another attack and it's something that has to come to an end. Dalton McGuinty and the Liberals are going to stand up and fight this government.

**Mr Christopherson:** First of all, let me just say to the parliamentary assistant: why am I not the least bit surprised that you have a history of crossing picket lines? The member from Northumberland talks about information but, as I suspected, at no point did he deal—unless I missed it; I was making a phone call. I didn't hear you deal with the issue of why it's OK, in terms of the philosophy of "provide information," to provide information on how to get rid of the union only in workplaces where there is a union, but you don't provide in this law the requirement to post information about how you get a union where there isn't one. You didn't touch that. I would really appreciate it if you would give me your rationale, and you can lean over and ask the parliamentary assistant if you want. That's fine. Or somebody can send you a note. I see you now asking the parliamentary assistant, "Please give me an answer because I think he's given me a really tough question."

But you know, you set the standard. Your minister said that this is about fairness and reasonableness. I'm saying to you, notwithstanding what I think you're up to here, why don't you think it's fair and reasonable—and please don't tell me it's because unions are out organizing. That is not an answer. If it's information, if it's choice, if it's fairness, if it's about transparency of process, and it's good enough to put the rules in the workplace where there is a union on how to get rid of the union, then I believe it makes eminent good sense that you should include in this bill a requirement to put on the bulletin boards how you bring in a union if you choose

freely and democratically to bring one in. Why isn't that element of reasonableness and fairness contained in this bill?

**The Speaker (Hon Gary Carr):** Responses?

**Mr Galt:** I'd certainly thank the members from Don Valley East, Elgin-Middlesex-London and Hamilton West for their responses, and particularly the brilliant comments made by the member from Bramalea-Gore-Malton-Springdale. I was really quite touched by those.

If I could respond for a moment to the member from Elgin-Middlesex-London, who was saying Sir John A. Macdonald might just roll over in his grave, and he had great concerns about a Conservative. It's good to hear a Liberal having some concerns for a Conservative, but I have good reason to believe that I'm probably on track, because his Minister of Finance was Sir Alexander Galt, and I'm sure that he would have supported my views as well. At that time, he was looking ahead for Canada, just as the Harris government is looking ahead for the province of Ontario.

I heard a lot from the member from Don Valley East, muttering something about decertifying unions and what's fair. I can't think of anything more fair than to provide them with the opportunity to investigate and know what's serving them for their \$500 to \$1,000 than to put that before them and give them a few extra days prior to the end of a union contract, a collective agreement contract.

I heard the member for Hamilton West complaining about providing information that's all one-sided. Sir, in the past there was no lack of information, no lack of opportunity for unions to organize. The information was all one-sided in the past. Sir, what is happening is that it is now a level playing field, with information for both sides, because it certainly was not a level playing field in the past.

**Mr Christopherson:** Oh, come on. Is that the best you can do?

**Mr Galt:** The member from Hamilton West yells out, "Is that the best you can do?" I can tell you that they did not have that kind of information in the past, how to get out of the unions. Now they do have that kind of information.

**Mr Christopherson:** If it's good for the goose, it's good for the gander. Who said that?

**Mr Galt:** It's very obvious from what you're calling out that you're not concerned about the workers, you are concerned about the big salaries of the executive leaders of the unions and the money that will be transferred to your party for the next campaign and the next election.

**The Speaker:** Further debate.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I'm pleased to have an opportunity tonight to speak to the second reading of Bill 139, An Act to amend the Labour Relations Act, 1995, standing in the name of our friend, the Minister of Labour.

Like a number of my colleagues on this side of the aisle, I have some very serious concerns and reservations about the legislation—not because I don't understand,

particularly in the construction industry, the need to make some adjustments to take into account, among other things, regional variations in a large provincial economy such as ours. But, as has been indicated by previous speakers, most of whom know more about the business of labour relations from personal experience than I, the real concern that I have about Bill 139 is the lack of balance and fairness.

I was struck a moment ago by the banter between the member from Northumberland and the member from St Thomas about Sir John A. Macdonald. I was chuckling to myself because I thought, first of all, Macdonald was a moderate Conservative. He was not like some of the people he took the leadership of his party from: the "high" Tories, as they were called, Sir Allan MacNab of Dundurn Castle, who had a very tough unilateral line on most things, not the least of which was the importance of capital over labour. One person who wasn't mentioned in that little discussion was George Brown. The current government would probably embrace the labour relations attitude of the then leader of the Liberal Party, who also has a big statue out on the lawn, George Brown, famous publisher of the Toronto Globe, who you may or may not know was killed by a very unhappy employee at the Globe in 1880 I think it was.

The point about Sir John A. Macdonald, it seems to me, is that he was a moderate, pragmatic man. A Conservative to be sure, but he was a man most often of the centre. From my experience in this Legislature, I well remember people like Tim Armstrong, the long-time Deputy Minister of Labour in Ontario in the 1970s and 1980s, counselling many members of this Legislature, not just in the government, not just in the government caucus, but in the Legislature generally, about the importance of fairness and balance in trying to mediate the inherent tension between the interests of labour and the interests of capital. I repeat, my fundamental concern about Bill 139 is that I honestly believe that it fails to meet that test of fairness and balance.

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I am again quick to admit there are issues that undoubtedly need redress. I can appreciate that provision in Bill 139 that seeks to withdraw municipalities and school boards, which are not themselves in the business of providing construction services, from the sanctions of the Labour Relations Act. I understand that there are adjustments that need to be made.

Let me take for a moment the issue about disclosure of \$100,000 salaries. Any fair-minded person would have to ask themselves, "Is that not provocative?" Are we here to suggest that executives in the labour movement should not be paid a reasonable executive salary? I don't think there is anyone here who is going to suggest that someone leading a large trade union ought not to be paid an executive salary. In 1999 or 2000, to be sure, if the president of the Ford Motor Co is being paid a seven-digit figure, I don't think we should be surprised that the head of the local union at Oshawa or Talbotville might in fact be paid a six-digit salary. I would suggest that that

section of Bill 139, the so-called sunshine provision, is clearly provocative, and I suspect that it will have the desired effect. You're really going to annoy and provoke the other side.

I listened to the arguments here, and not just on this bill. This week we've been treated to a morality lecture from the Minister of Community and Social Services about the first order of importance of drug testing social assistance recipients. Again, you ask yourself, "Is that fair?" I said during the last election campaign that I'm prepared to support that kind of policy if we amend it to say, "Let's also commit to drug testing members of the Legislature, judges, police chiefs," and some other categories of individuals who draw a salary from the public purse. If we're prepared to do that, then I'm prepared to endorse drug testing social assistance recipients. But I have to say to the House, if we're only interested in drug testing social assistance recipients, I tell you that a jury of fair-minded men and women will almost certainly see that as scapegoating the poor. I remember something in church of the injunction, "Whatever you do unto the least of my brethren." Remember that? You don't have to be Charles Atlas to beat up on poor people.

Back to the issue at hand about Bill 139. I was struck again today, because I am simmering in my resentment and my rage about what we as a Legislature, to say nothing of what we as a government, are not saying and not doing about abuse on other streets in our economic marketplace. I ask you to look at the front page of today's Report on Business in the Globe and Mail. What does the headline scream? "Trading Scandal Hits Nesbitt." I'm not going to bore you with all of the details, but we are now told yet again—you will remember the scandal at RT Capital Management, the investment arm of the Royal Bank, where they fessed up to breaking to breaking the law, stealing money from innocent investors, manipulating in ways that were not proper or legal. We have it again today. We have the investment arm of the Bank of Montreal, one of the pillars of Canadian capitalism, being held up to a spotlight that is very embarrassing. I can tell you, the allegations being made against the futures traders at Nesbitt Burns—and I can bet they all earn \$100,000 or more—are quite revealing. These people have already been fined, by the Montreal Stock Exchange, something like \$150,000 for bad behaviour. What was it that RT Capital Management agreed to being fined? I think it was in the millions. Wasn't it three million bucks?

My question to this Legislature and to the government is, are we going to play fair? Where is the bill to go after the bad boys and girls at the Bank of Montreal and the Royal Bank? Let me say, first and foremost, since my sister works at the Royal Bank, that I believe the overwhelming majority of men and women who work at the Bank of Montreal and at Nesbitt Burns are honest people, but there are bad people doing bad things that are impairing the economic and, for all we know, the social well-being of innocent third parties. It screams at us

almost daily. Is there a peep out of this Legislature? Is there a move from the government to go after those people, most of whom are earning seven-digit salaries or probably salaries well into the \$200,000, \$300,000, \$400,000 range? I ask rhetorically, where's the bill? Where's the complaint? Nowhere. Nothing.

This baloney, this crap about who gave what to whose campaign, do you think the public out there in Pembroke or Petrolia, in Toronto or Timmins, can't see through this? If the political class has a problem, it's because some of the, to quote Irving Layton, "nauseous crapperoo" of this kind of debate is so easily detected by fair-minded people, who look at this and say, "Who do they think they're kidding?" The public expects us to be fair. When I see a disclosure provision for union leaderships and I see nothing about the kinds of complaints I have, and I suspect many others do, that nothing is being done about it, I ask myself, what am I to make to of that?

I don't want to be too judgmental tonight, but I just want to register that complaint. It makes me want to laugh to hear the previous speaker, the member for Northumberland, talking about these union leaders as though they were some kind of exceptions to executive salaries. Again, you want to tell the world how much these people make. I remember Frank Miller, 15 years ago, wanting to shine the light of public accountability on university presidents, and I agreed with him. I thought, "Good. Everybody knows what I make, and they should. Some of these bigwigs at the University of Toronto, at Western Ontario and elsewhere, let them join the parade. Let people see how they're compensated." Oh, boy, they didn't want it. Some of them were busy writing me letters about other abuses of the public purse but, boy, "Don't talk about me. I'm upstairs. Worry about downstairs," was often the quiet speech of some people on Bay Street and elsewhere.

I just want to say that if you want to talk about being fair, I'm going to pay a lot more attention to that speech when I see this government and others going after the really big, the really rich and the really powerful. I repeat: in recent weeks and months we have been treated, have we not, to some pretty lurid examples of what's going on down there on Bay Street, or on St James Street in Montreal, and we are doing precious little about it. As I say, if you haven't read today's story, just read how these people behave. Just read it and weep.

As I said earlier, there is a fine and delicate balance in good labour-management relations. The reality is that Ontario today—and I'm quite prepared to give to the current government a measure of credit for the economic activity. I'm not so blindly partisan and so evidently stupid as to not want to say that. It may or may not be true. I know in 1986-87 we took our share of credit for the good times, and we got a damned good kick in the posterior when things went sour. You take the good with the bad. I don't doubt the government's policy in some respects has helped. It is true that the fact that the American economy is entering the 10th year of a record expansion is also a big part of this, but that's not what we're here to talk about tonight.

**2020**

What we do know is that Ontario's economy, as we head into the 21st century, is enjoying some of the best expansionary times in the post-Second World War period. We have relative labour peace. We've got a clear challenge in terms of the labour market and the labour force. We have some critical shortages about to hit this economy. I met earlier today with Power Workers' representatives and they are reporting what I'm hearing from other sectors. Their skilled workforce is getting older and they see some difficulties in terms of meeting the demand that is here today and emerging. The construction sector, certainly if I can credit what I'm reading in the *Globe and Mail* and other papers and in my own mail, is facing even more critical shortages. In the Ottawa area, for example, it's no secret we have a very strong and surging economy in the high-tech sector, and engineers, engineering technologists, computer types of all sorts are in very high demand. So what do we want to do? We want to, apparently, upset some of the current calm in labour-management relations. I don't know that that's in our interests in the short term or the long term.

Again, when I look at the provisions of Bill 139, it appears to me—and some of you across the way and some on this side will have sat down and done negotiations in a way that I haven't. You will know it is a give and take. If you've got two sides at a table, you're probably only going to get a lasting and worthwhile settlement if both sides leave that table with a sense that they gave something and got something. When I look at the provisions of Bill 139, by Mr Stockwell's own admission all of the core recommendations are employer requests. What's in here, what was the win, for labour?

It may very well be that some of the real win in here for labour is unorganized labour. I'll tell you, when government starts to play an overly active role in trying to take sides in the organized versus unorganized labour debate, it is probably going to reap a whirlwind that it will regret. The idea, for example, that we're going to make it easier to decertify is quite clear. My friend from Hamilton West makes a very good point. If you want to make plain how you decertify a union, surely the dictate of fairness would suggest you want to also make it easier for people to understand how you might organize. The cooling-off period I can certainly understand from an employer's point of view, but what are we offering the labour unions, the worker group, in return? There may be something here I don't see. Again, when I look at the overall policy, I ask myself, how is this not unbalanced, unfair and provocative? I can't easily find an answer to that question.

Somebody mentioned the name of Brian Mulroney. If we have committee hearings, it might be interesting to get a guy like Mulroney, who did labour-management negotiations 25 and 30 years ago and knows a lot more about labour-management negotiations than most of us in this room.

I think of the history. My grandfather was here in the 1930s. Let me tell you, the gang at Oshawa convinced

the then Premier of Ontario, a predecessor to my friend Mr Peters sitting behind me, Mitch Hepburn, "You've really got to crack down on those labour unions down at Oshawa." The OPP was dispatched. It was a charge called "Hepburn's hussars" and, boy, they cracked heads and they cracked the union. Sixty years later, Ontario Liberals are still paying a price for what seemed to be unreasonable, unbalanced and arbitrary side-taking in that debate.

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** Mitch Hepburn fired the labour minister.

**Mr Conway:** Oh, he didn't fire—well—

**Hon Chris Stockwell (Minister of Labour):** He became the labour minister.

**Mr Conway:** And that labour minister I knew well, David Croll, and Croll's famous line. "I was forced to choose," he said. "I could either ride with General Motors or walk with the workers."

I simply say I understand. There have been governments of all stripes in all jurisdictions in Canada who have had the temptation to crack the whip. As a former education minister, I know perfectly well the frustration when you're sitting there and you think one side or the other is being unreasonable. There's a great temptation, because if you're in government, there will be a management bias, unavoidable, to your thinking. I say to the minister who has joined us, I don't know whether he knows Tim Armstrong. I don't whether he's talked to Tim Armstrong. I would be interested to hear Mr Armstrong's submissions on Bill 139.

I will repeat and summarize my argument. When I look at the bill, I see some things that, standing as part of a broader picture, I could understand. I'll say to the minister that the idea that you're giving municipalities and school boards the right to exempt themselves from the provisions of the Labour Relations Act in the construction sector I think is understandable. I understand, as well, how in a big and regionalized province like Ontario you might want to have some regional variation, because let me tell you, Kenora and Timmins are not Toronto or Hamilton. But my problem with the bill is, where's the balance? It appears that it is a very one-sided determination.

The sunshine provision, I said when you were out, is regrettable because it's provocative. Is there anybody around who thinks there is a union leader not earning 100,000 bucks? I say to the Attorney General that I come back to the point that if the president of the Ford Motor Co is going to earn a seven-digit salary, why should we as fair-minded Ontarians complain, or be seen to be complaining or be appearing to complain about a union leader who might be earning \$150,000 or \$200,000?

My point is that fairness and balance are always important. They are critical to good and successful labour-management relations.

A couple of weeks ago I watched a couple of programs on American public television. One of them had to do with John D. Rockefeller. Another one had to

do with the rise of New York City. I'll tell you, in looking at the Rockefeller story, I was reminded of that horror at Ludlow, Colorado, in 1913. If you ever wanted to know why we have unions, all you needed to do was to see the power of capital at work in that situation. I know it was 1913 and it is a different time today, but what we are seeing in the economic marketplace today is an incredible concentration of power in the hands of big, global capital. We seem to think that the individual should stand alone against Wal-Mart or Citicorp.

Again, I think people living in places like the Ottawa Valley or Oakville would say that's not a fair fight. Fairness and balance are absolutely critical. Regrettably, in my view, Bill 139 fails that essential test.

**The Speaker:** Questions and comments?

**Mr Gill:** The member from Renfrew-Nipissing-Pembroke spoke on this bill and one of the things that really caught my attention—I want to stress it and I think he's quite right—was that he said there's perhaps not a union leader who's earning less than \$100,000 or perhaps \$150,000. I know there's some other discussion going on at the same time about salaries and who should get what. We are not limiting anybody as to how much salary they should be getting. All we're saying in this case is that the workers should have the right to know what the union leaders are making or where the union money is going. Similarly, as we have said earlier, public sector employees getting more than \$100,000 already have to declare, and people should know.

Previously in the workplace the information flow was lopsided. The unions were going in, lobbying and trying to certify and that's their right; they should do that. But workers had no information provided about how to decertify the union. All we're saying is they should have equal opportunity on both sides. If they're being bombarded with information on how to certify, then they should know what their other rights are. That's all we're saying.

Cooling off period: there have been, in the past, efforts by unions going in and knocking on doors, where one doesn't get certified, backs off and somebody else goes in. That's an unstable workplace. The employers have said that is not conducive to employment, not conducive to work increment. There's always uncertainty whether they should continue to work here or go to work somewhere else. So we are saying there must be a cooling off period. Once a union drive comes in, that's fine, they have the right to do that. If it's not certified, they should back off for a year.

2030

**Mr Caplan:** I want to pick up on the comments of the member from Bramalea-Gore-Malton-Springdale. I think he proved the point my colleague from Renfrew was making, which is that this is incredibly unbalanced. Workers are being bombarded by unions for certification? How much of Ontario is unionized, 20% maximum? They are doing a heck of a bad job bombarding workers and certifying them if only 20% of the province is certified.

My friend, please, don't insult anybody's intelligence here. Come on. Basic fairness would demand that if it's OK on the one hand to say, "Here is all the information about how to decertify a union properly," then on the other hand you would fairly want to say, "Here is how to certify a union in a non-union workplace." That's basic fairness. If we're going to have disclosure, fine, let's have it for everybody.

When your colleague the Minister of Community and Social Services stands up and says, "In order to get your cheque from the public purse, only these people must submit to a drug examination, and nobody else,"—no politician who receives their stipend from the public, no judge, no doctor, no nurse, nobody else has to do that—that is basic unfairness. It shows the unbalanced, unfair attitude of the Harris government in this labour legislation my colleague from Renfrew-Nipissing-Pembroke was talking about.

Anything in the labour area that will be conducive to our prosperity will be there to bring labour peace, balance, stability. This kind of provocative behaviour, this kind of attitude to goad, to prod, is only going to create rancour and turmoil. It's going to be this government and all the people of Ontario who are going to bear the price that is going to be paid.

**Hon Frank Klees (Minister without Portfolio):** I'm pleased to provide some comments on this bill. I've heard considerable debate tonight from members opposite who are suggesting that somehow this government, through bringing this bill forward, is opposed to unions or the concept of unions or is somehow making an attempt to weaken unions. To the contrary, unions get their strength from the workers. This is really all about increasing the democratic rights of workers.

I'm reminded of a comment made by Buzz Hargrove a couple of months ago. It was the first time I could agree with something Buzz Hargrove had to say. Speaker, you probably read it yourself. He was talking about the fact that he supports the right of workers to decide which union they should belong to. I think he's on the right track in that regard. It's all about giving democratic rights to members of unions to decide which union they belong to. We're simply saying that's right.

Let's take it a logical step forward and allow individual members of unions to have a say and to be aware of how they can choose not to be a member of a union, or if they choose to certify, to ensure that the information is clear and is published, and that there is no misunderstanding, that there not be an element of intimidation.

Clearly unions have a role to play in our economy. We just want to ensure that when there is a union, it is conducted in a democratic way, in the best interests of the employees as well as the employers.

I commend the minister for bringing this bill forward.

**The Speaker:** The member for a response.

**Mr Conway:** I just want to say a couple of things, first to the member from Bramalea-Gore-Malton-Springdale. His response to the disclosure provision reminds me of the old rule around here: "My question is to the

honourable minister of X. Have you stopped beating your spouse? Have you stopped drinking spirituous liquor?" You can't easily answer that question without some impugment. There are certain issues that can be put forward in a way that is bound to destabilize and to be provocative. As I say, I don't have a problem as long as it's going to apply with some degree of balance across the region.

I just say again that it's interesting: the last century began with a great worry that there would be one big union. The literature of the early 20th century was obsessed with that notion. It appears that's not going to be the case. What is much more likely is that we're going to have a Wal-Mart, a Citicorp, a Deutsche Bank, a General Motors, a Microsoft. We're going to have relatively few gargantuan global corporations and, apparently, according to the lexicon of the international right wing, Mr and Mrs Citizen are supposed to stand naked and alone against Deutsche Bank and the Toyota Motor Corp and this notion of collective action on the part of working men and women is some kind of dangerous instinct.

I repeat, we have Nesbitt Burns and RT Capital Management, with people earning bagfuls of money, breaking the law, thumbing their nose at government—no bill, no speech, not a genie complaint, as they say in the Ottawa Valley. When I start to hear some complaining from government, when I see a sunshine provision and a good slap on the posterior, maybe, just maybe, I might be more inclined to some of the one-sided provisions of Bill 139.

**The Speaker:** Further debate?

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):**

It's a pleasure to speak on behalf of the constituents of Lambton-Kent-Middlesex on second reading of Bill 139, amendments to the Labour Relations Act. I'll be sharing some of my time with the member from Malton.

First of all, it's always difficult to follow the member from Renfrew-Nipissing-Pembroke because he is so eloquent, but more important, he is a reasonable person. I think he always brings balance into his debate.

I know that Bill 139 deals with many issues such as salary disclosure, decertification changes, vote clarity, non-construction employer, project agreement amendments, and clarification and streamlining of the Labour Relations Act amendments. I'll dwell on a couple of issues tonight. I want to talk about workers' rights, workers' choices and project agreements.

I would like to state that for anyone to think that unions do not play a role I don't think would be fair. Unions have played a role in our economic past and our social past; they will continue to play a role. The role is changing; there is no doubt about it. I want to talk also about flexibility, and I want to talk about mobility and stability.

Before I start, I would like to refer to an article that appeared in the Hamilton Spectator. The title is "Constructive Reforms Urged," and it's written by a gentleman by the name of Ray Pennings. He states:

"The construction industry is a diseased member of the Canadian economic family. The symptoms: lack of cost competitiveness and little worker democracy. Although no single source can be blamed for all the industry's problems, much must be blamed on monopoly craft unionism...."

"Bill 69"—which was introduced a while back—"a compromise which pleased no one.... Most agree that the health of the construction industry requires bold treatment of this entrenched labour relations system."

He also points out that the construction industry in Ontario is a \$50-billion industry.

"Construction workers build and maintain our homes, workplaces, public buildings, and transportation and telecommunications infrastructure.

"One way or another, ordinary folk are the beneficiaries of construction work—and ultimately foot the bill. Improving the health of the construction industry will benefit every Canadian.

"Curing the ills of the Canadian construction industry requires dismantling monopoly craft unionism, promoting a healthy, competitive labour market and giving construction workers meaningful choice over their jobs.

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"The construction industry is dominated by 20 international craft unions—one for each of the major trades—most of which have their headquarters in Washington, DC. The IBEW, for example, represents electricians, the UA represents plumbers and pipe fitters and the carpenters union represents carpenters.

"While these unions work independently, they are also organizing through a centralized body known as the Building Trades Council.

"In Canadian labour relations, the system that has evolved, grants unions greater control of skilled labour pools through hiring halls. Workers rely on their union, rather than their employer, for access to work, and a close affinity develops between construction workers and their trade unions."

There is also an article which appeared in the London Free Press written by Rory Leishman. The issue was, I think, September 8. The title of the article is Union Members Should Have More Freedom. It says:

"On Monday, Buzz Hargrove, the militant head of the Canadian Auto Workers, did well to pull his union out of the Labour Day parade in Toronto as a protest against the exploitation of workers by leaders of the Canadian Labour Congress.

"While the leadership of the CLC purports to champion the workers of Canada, Hargrove knows better. He understands the CLC is bent on maintaining a corrupt system of monopoly power that is well calculated to preserve cushy jobs for union leaders at the expense of union members....

"Hargrove, to his credit, is not afraid of competition among unions. He insists workers should be free to switch from one union to another and he won't forgo the chance to recruit an additional 30,000 dues-paying members for the CAW at the expense of" other unions.

“Hargrove has stoutly refused to comply. While conceding the recruitment of unhappy SEIU members ‘technically constitutes raiding,’ Hargrove points out that under CLC rules ‘it is virtually impossible for workers to switch their membership from one union to another.’

“‘It doesn’t matter how badly a union represents its members or how much it loses the confidence of those who pay its bills,’ states Hargrove. ‘As long as dues money keeps flowing in from workers who are treated more like indentured servants than trade unionists, then the picture of happy solidarity is preserved...’”

Those are pretty strong words from a union leader. That’s why I want to talk about flexibility and stability, because without those three items, I don’t think we can have a good, solid economy. As the member from Renfrew-Nipissing-Pembroke mentioned, he has concerns about the legislation. I think whenever you introduce legislation dealing with labour, it’s difficult to find a good balance. It’s difficult for this government, it’s been difficult for previous governments and it will continue to be difficult for future governments. But we have to try to find a balance. There is no doubt that if I look at what has happened in my riding, if I look at the petrochemical industry 10 years ago, we lost in the Sarnia-Lambton area probably 6,000 highly paid unionized jobs. Why? Because there was a downturn in the industry. Today in the community of Wallaceburg, that small community of 12,000 people, they have lost a couple thousand jobs in the past three or four years. Stores are closing; people are leaving the community; schools are closing; it’s difficult to attract medical practitioners to look after the medical needs of the people.

So how do we deal with these problems? I looked in the Sarnia area a number of years ago and I heard the former government say that they were going to spend their way out of a recession. I don’t know where you learned this, in which economic class you would learn that. However, when we look at what has happened, to mortgage the future of our children, I think, was totally, absolutely irresponsible.

How do we deal with the situation today? If we look at project agreements, I’ve heard many union workers in the past year say—because Bill 31 was introduced a year and a half or two years ago—“There’s no work coming into the area under the project agreement.” Well, a week ago I had the opportunity to do a groundbreaking ceremony at a plant which will be built under a project agreement. Transalta will be spending \$400 million in the Sarnia area to build a new cogen plant in Ontario, the first one in Ontario. It will create 400 construction jobs over a period of 18 months. Once the plant is completed, it will create 30 permanent jobs. This is a \$400-million investment.

I have a brother who is a welder and he’s a union member. He’s a good welder, and I’m sure he’s a good union member. When I hear the opposition say, “You want these people to work for \$15 an hour or \$12 an hour,” I would think that my brother is worth a heck of a lot more money than that because he’s a good, solid worker. He belongs to a union, but he’s also very, very

productive. There has to be a balance between remuneration and production, because I heard the opposition say they were going to spend their way out of a recession, with no responsibility as to production, where the money was going to come from. They were going to mortgage the future of all the kids in this province.

We have to have that balance. I don’t care if a person makes \$50, \$60 or \$100 an hour, as long as that person is productive. There has to be a balance between the productivity and the remuneration.

**Mr Christopherson:** Like Ipperwash—lots of balance.

**Mr Beaubien:** We can talk about that any other time. I’ve invited you to come and visit over there, but you haven’t taken me up on that. So any time you want to come and visit, you’re more than welcome. I’ll drive you around.

**Mr Christopherson:** To Ipperwash?

**Mr Beaubien:** Yes.

When we talk about mobility, what is wrong? Why is it that some unions are so afraid of competing with another union on a certain job? What is wrong with that? I’ve heard that the CLAC union, Christian Labour—I don’t recall exactly, but the CLAC union. Some of the unions would say they’re a joke. I don’t think they are a joke. I think they do a lot of commercial, residential, industrial projects in Ontario. They do their job very well and they produce quite a bit. But then when we look at what’s happening today with long-term-care beds and the residential sector, most of the carpenters working for unions today have lost the ability to frame a building because they have not had the opportunity to do that type of work in the industrial sector. They have not had that opportunity. That is a fact.

We talk about the difficulty in finding people who are properly trained to do the job. There is no doubt that the aging population—the construction industry, like many other industries, is aging. I think the average age in the Sarnia area for the construction workers in the union is 46 to 47 years old. This is a problem that we have been dealing with over the years and I think this is a problem we’re going to continue to deal with in the future. Why? Because we’ve got tenure with professionals and we’ve got unions that, as soon as there is a layoff, take seniority as their guiding light.

Consequently, we go 25 years through a process and everybody’s got 25 years in the workforce. We don’t have a balance between young people, older people and middle-aged people in the workforce. So we get into these curves and these valleys, and consequently it creates problems. This is what has happened with the nursing industry, the teaching industry over the years. Seniority seems to be the role or the guiding light. I think we have to look at the quality of the worker, also. We have to protect the workers, there’s no doubt about that; however, we need to find balance.

**2050**

In closing, because I did say I was going to share some of my time with my colleague from Halton, there is no

doubt that unions have played a major role in the economy of this province, of this country, and they will continue to do that. We owe it to every young individual who wants to be trained in a trade to provide him with the best education and the best training we possibly can so that they will be able to provide some type of future for their family.

**Mr Chudleigh:** I'm very pleased to stand and talk about An Act to amend the Labour Relations Act in Ontario, Bill 139.

There are several components to this bill: (1) it's letting union members know how their dues are spent; (2) it strengthens the decertification rights of employees; (3) it separates ratification and strike votes so that union members have the ability to know how they're voting on an issue; (4) it enhances workplace stability; (5) this act modernizes the construction labour relations; and (6) the certification and the streamlining with regard to the Ontario Labour Relation Board hearing.

In the time remaining I'd like to briefly talk about, first, about letting union members know how their dues are spent. This is the salary disclosure aspect of the bill, so that for people who run unions and whose salary and benefits exceed \$100,000, there is a sunlight clause in this bill that allows union members to know how much their union leaders are making in both salaries and benefits. This is something that is already done in the private sector with publicly traded companies. It is also done in government and in the public employees' area. It is fair and equitable that people know what these people are making and how much they are making in benefits as well. If it's true in the private sector, if it's true in the public sector, why shouldn't it be true in the union sector, and who can argue against the fairness and the equity and the equality of that aspect of the bill?

Second, there are the decertification changes. Today, if a union wants to decertify itself or if there is a wish to change unions—I think we probably focused on the ability to decertify, but this would also apply to employees who may want to change their union, from union A to union B, in the hopes of getting a better contract or fewer work interruptions—that decertification period lasts 60 days, the last 60 days of a contract. This bill is indicating that that would be changed to give a 90-day period for a contract. So if a contract lasts for three years, 36 months, in the last three months employees would be able to look for another union to represent them or indeed decertify that union from their workplace. As I pointed out, it also allows employees to switch from union A to union B, if they so desire.

It also requires the posting of neutral information. As we know, an employer cannot, for instance, influence its employees as to whether they should have a union shop or not, or whether they should decertify the union. In order to allow the employees to have the information, to know what their rights are, it requires that this neutral information be posted so that the employees will know what their rights are in any given situation.

Third, there is a mandatory bar for one year in a drive situation. This is when a union tries to organize a shop. If

the union vote fails to certify, the employees would then have a year's grace to allow them to reorganize or to consider what their situation is. This is probably a fairly contentious part of this bill. However, when you consider that if in a non-union shop a union can try to certify that shop 12 months a year, 365 days of that year, on a constant basis—in failing that process, this bill is suggesting that we have a one-year moratorium.

All in all, this bill, when you take the other five or six points that I won't have time to discuss tonight, seems to be fair and equitable, and introduces a lot of equality into the labour relations of this province. It tends to take into consideration the employee and his rights and the information that employee has to have to make the kinds of decisions that would allow him to govern the rest of his life, something that is fair and equitable, certainly, in my mind.

**The Speaker:** Questions and comments?

**Mrs Claudette Boyer (Ottawa-Vanier):** Moi, aussi, j'aurais des commentaires à faire, et mes commentaires s'adresseraient au député de Lambton-Kent-Middlesex, when he talks about balance. As far as I'm concerned, there really is no balance in this legislation. Balance in the labour movement is a priority for us, the Liberals. This should be a win-win situation for both parties, unionized or non-unionized. Like the member from Hamilton West mentioned earlier, there is absolutely no balance. The information that the Ministry of Labour would give on how workers can seek this decertification—well, if we talk about balance, why is some information not given to workers who wish to know how to join a union? Is that really what you call balance?

Pour moi, ce projet de loi représente vraiment une attaque au mouvement des travailleurs. This legislation really represents an attack on the labour movement.

**Mr Christopherson:** Let me just say to the member from Halton that when you talk about employee and worker rights in here and you're reflecting that, I'd really appreciate if you would respond on how workers' rights and their interests can be addressed when the minister admitted in a scrum that there's absolutely nothing in here that the unions or their workers wanted and you had no consultation with anyone other than business. Doesn't that just seem a tad strange to you, that there was no consultation with anyone other than employers and the only thing that's in the bill is what the employers asked for? It's insulting that you can say that and expect the public to believe it's true.

There's also the one-year vote. Right now if a particular union A makes application and it fails, they're banned for one year, but not another union, because a worker may decide—you're right, you know, I'll say through you, Speaker, to the member—they don't want union A but they do want union B. But because union A was in the organizing drive first and made their application to the board first, that's how they deal with it. If they say no to that, under your law they can't go to union B because they're prohibited from exercising their democratic right to join a trade union. That's the impact and that's the difference.

2100

Let me say to the member from Lambton-Kent-Middlesex, first of all, you talked about your brother. Let me just say to you, through the Speaker, it is a good thing your brother doesn't earn minimum wage in Mike Harris's Ontario, because he'd still be earning the same amount of money today that he was five years ago, and yet you wanted over a 40% increase for yourself.

Next, you say somebody should be given the choice between union and non-union in terms of the contracting. Of course they're going to pick non-union, because the wages are lower. That's your game. Eliminate the union and start watching wages lower. Anyone who thinks it won't impact on them, guess again.

**Mr Gill:** In response to the comments just now made by the Hamilton West member—

**Mr Christopherson:** On a point of order, Mr Speaker: I'm sure the member, as the parliamentary assistant—he has been here long enough now—should know the rules of order; the rules being that his comments are to be restricted to the comments made by the previous speaker, not the people who are giving two-minute responses. I'm sure you would want to direct him in the appropriate parliamentary procedure here.

**Mr Gill:** If one was to look in today's Star, the main section, page A11, "Union Members Fight Leaders' Pay Raises." I'm sure many people at home would have seen it or they can refer to it. On page A11 of the Toronto Star, today's date, it says the union heads—and I'm going to leave them nameless; I'll let the public look for the information themselves—the president has—I'm not sure what the process was—increased his wages from \$72,000 to \$118,300. That is, I think it says, a 65% pay hike. I didn't calculate; I'm just going by what the paper said. The secretary-treasurer went from \$66,000 to \$109,200. That's also close to a 50% pay increase. When members talk about percentage increase, here's a percentage increase they should be worried about.

I want to certainly thank the member from Lambton-Kent for mentioning that the project agreements are finally working. In fact, he said in his riding \$400 million of new investment is coming in.

**Mr Caplan:** I want to comment on both the remarks from the member from Lambton-Kent-Middlesex and from Halton. I would pose a question to them. In Ontario, of the past 20 deaths on sites, 18—90%—have been in non-unionized construction operations. Do you think that's a coincidence? Why would you want to put people's lives at risk? Why would you want to move towards decertification of unions when people's lives—the basic right to life—are at risk: 18 out of 20 deaths on construction sites, 90%? That's a question I would like both members, or whoever is going to be responding, to answer.

The reason to decertify unions is quite simple—and the member from Lambton-Kent-Middlesex freely admitted it—to pay lower wages. How is it in the interests of businesses in your community that you represent if people are going to be earning lower wages? How are

they going to be able to go out and buy cars, go out and buy furniture, go and buy homes, go and buy—well, now we have a party in Canada which wants two-tier health care—health care? We know it is a move of the government to want to bring in a voucher system, through the back door, for education. How are they going to be able to afford these things when you're trying to lower wages?

I have two basic questions for the member who's going to be responding: Why do you want to put people's lives at risk? Why do you want to lower their wages?

**The Speaker:** Responses?

**Mr Beaubien:** I would like to thank the members from Ottawa-Vanier, Hamilton West, Bramalea-Gore-Malton-Springdale and Don Valley East for their comments.

The member for Hamilton West talks about consultation. "Consultation" seems to be a favourite word in his vocabulary tonight. As a former cabinet member in the previous government, I would like to ask him how much consultation they had with their social contract.

**Mr Christopherson:** There was unanimous consent.

**Mr Beaubien:** Yes, there was an awful lot of consultation across the province.

I agree with some of the comments the member for Ottawa-Vanier made, that when we're talking about balance, it's difficult to find a balance. There's no doubt that it's difficult to find a balance between labour and capital. It's always going to be difficult. However, if you listen to the member for Hamilton West, he doesn't know what the word "balance" means. "It's my way or the highway." If he was 18, I could reason with that, but at his age you would think he would be a little more mature and a little bit more understanding and trying to find some midway, as opposed to having "My way or the highway." "If you don't think like I think, you're wrong," he says.

**Mr Christopherson:** What the hell is balanced about this bill?

**The Speaker:** The member for Hamilton West come to order. Sorry for the interruption.

**Mr Beaubien:** The only language that member understands is that he likes to shout you down. He tries to intimidate you. He tries to bully you. Why is that? That's the only thing you understand. Well, I'll tell you one thing: you might be able to bully your constituents, but you're not going to bully this member over here.

*Interjection.*

**The Speaker:** Member, take his seat. Last warning for the member for Hamilton West. I know it's late, but it's the last warning. If he wants to leave tonight, we can throw him out at this hour. I'm going to do it. Last warning. You're not going to shout at people like that. You've got questions and answers, and you've got a good chance at that time. You can speak as loudly as you want, but when somebody has the floor, you're not going to scream at him or I'm going to remove you, and I'm going to name you, even though it's 10 after 9 at night. Last warning.

Further debate?

**Mr Peters:** I'll be sharing my time with the member for Ottawa-Vanier.

First, as we embark this evening, I take this opportunity to wish my colleague from Don Valley East a happy birthday, David. Sorry, I couldn't resist. What's a better place to celebrate your birthday than the Ontario Legislature?

The members opposite have talked quite a bit this evening about balance and fairness. I've always been a firm believer that fairness is a two-way street. When you talk about fairness and balance, you have to look at both sides. Having experienced 10 years in municipal government and developing a good working relationship with our employees, there was give and take and you worked with both sides. Unfortunately, with this legislation, it seems to be one-sided.

You talk about democracy, that this is workplace democracy. But again, when this legislation was being developed, you weren't talking with both sides. How can that be democratic? In my mind, that's most undemocratic.

It's sad, with what has happened with this legislation and other pieces of legislation that have come forward from this government dealing with labour issues and others that I'm sure are going to come forward in the future, that instead of trying to take us forward as a province and lead us into the 21st century, this government is bent and determined to turn labour in this province back into the 19th century. Why? It doesn't make any sense.

Something I've watched in a year and a half within this Legislature as the representative for Elgin-Middlesex-London, and previous to that for four years watching from a municipal level and looking at what another level of government is doing, is that they claim to be democratic and wanting to be doing things for people, but this is a government that is intent on picking fights. Why?

**2110**

The very first move by this government was to take on the poor and the homeless in this province. We've seen it continue: whether it has been the health care sector and firing 10,000 nurses and rehiring them; or the constant battles they want to take on with the teachers and the teachers unions in this province; the changes they brought about that attack the firefighters in this province; the changes they brought about that have attacked municipalities in this province; the changes that have attacked and hurt students in this province; and now, it has been labour and it is continuing to be labour. In many ways, all these areas that I've touched on have been labour.

This government is bent and determined on creating new crises. They're always looking for new targets. It is a very scary thought knowing that this is happening and that this is part of a government's agenda, a government that should be elected to bring people together and work together as a province, but a government that unfortunately is dividing this province into haves and have-nots.

This piece of legislation, this Bill 139, the Labour Relations Amendment Act or workplace democracy, isn't

working to bind this province together. If anything, it is driving the wedge deeper into this province and causing division between individuals in this province. We know that labour unrest is not something we want. We are seeing a booming economy in this province. We are seeing unprecedented investment in industry, unprecedented investment into new buildings and new construction.

This government is prepared to roll the dice and risk losing that. They don't realize—and I wish you would realize—that what you're doing is detrimental to the economic investment and growth in this province. I don't think you realize that. Why would you want to risk that by continuing to bring forth pieces of legislation like Bill 139 or Bill 69? This seems to be the attack on labour week within this Legislature.

As I said earlier, new legislation and anything we do in this province should be about balance. It should be a win-win, that both sides come away from the table feeling they've made some gains, but both sides also feeling they've had to give some things up. That is not evident in what we see in front of us tonight with this piece of legislation.

The labour movement in this province didn't ask for these changes; these changes came from the friends of this government in big business. Did labour have an opportunity to be part of the development of this legislation? No. They were never approached. They weren't consulted.

How is it democratic to have the Minister of Labour make the grand announcement about this piece of legislation at a luncheon about a week and a half ago and to have the minister stand up at that luncheon and speak to one side and not allow the other side in the room. Labour was excluded; the proponents and the supporters of the legislation were included. How is that fair when you speak to one side but don't allow another side to participate? That's wrong.

As I said before, this is a piece of legislation, in my mind, that's all about taking care of their friends in big business, but on the other side, taking away the rights of workers, rights that workers have struggled to attain for a hundred years in this province, and see this government systematically stripping away those rights.

You know, this question of the decertification of the unions—businesses are going to be allowed that opportunity to post in the workplace the rules and regulations as to how one goes about decertifying a union. Again, we talk about fairness and balance. There's nothing contained in this legislation that allows the opposite to happen, to have hanging side by side on a wall in a lunchroom in an office or a workplace how one would go about certifying a union. It's not fair. You talk about fairness. Where's the balance? The balance does not exist.

I think that what the government is risking here is the health and safety of individuals within this province. It's a known fact, and we've seen it in the past year, that 18 out of 20 deaths that occurred within the construction industry took place in non-unionized environments. This is wrong.

I'll sum up with a comment made by one union that I think tells it all: "Why would your government introduce draconian anti-labour, anti-worker legislation when Ontario is experiencing a highly buoyant construction industry in desperate need of skilled trade workers and a stable environment to bring all construction projects to fruition?"

**Mrs Boyer:** Once again, this government is on the defensive trying to steer an agenda that is falling increasingly out of their control. What does the Harris government do when it becomes obvious that it has completely failed the people of Walkerton and of Ontario? The answer is Bill 139, the Labour Relations Amendment Act. What does the Harris government do when public outcry denounces its plan for a 42% pay increase for MPPs? It introduced mandatory drug tests for welfare recipients.

The trend is clear. When the Harris government finds that 100% of public opinion disagrees with its plan, it introduces a separate plan. It introduces a plan that will have the support of 50% of the people in hopes that the controversy will take attention away from the government's earlier mistakes and other less acceptable legislation.

You see, this government likes controversy. This government likes to divide, and in fact the government has remained in power by dividing Ontarians. Instead of trying to unite Ontarians by putting forth good legislation that will benefit all Ontarians, this government tries to split us up by introducing controversial bills instead of playing a leadership role. In a time of severe crisis, it tries to divide us and attempts to sweep the issue under the rug.

This government is shameless in its public relations shams, but just as disturbing is the fact that the Harris government is trying to cover up its embarrassing and shameful actions. It is really affecting real people in doing so. When it introduces the controversial Bill 139 in order to deflect attention from issues such as Walkerton and mandatory drug testing, it is using the lives of Ontario workers across Ontario for its own crass political purposes.

**2120**

Well, Dalton McGuinty and the Liberals will not allow this government to manipulate Ontarians by playing with the lives of hardworking people in such a manner.

C'est très évident que, lorsqu'on regarde les implications de ce projet de loi, les perdants sont les travailleurs syndiqués. Et il y a plusieurs répercussions à l'affaiblissement des syndicats. Sachez que les syndicats sont en place pour protéger les employeurs et, quand ils sont menacés par un gouvernement qui a à coeur les intérêts des riches et des grandes entreprises, on se doit de défendre les syndicats et leurs membres.

This government's pattern of union-bashing over the years has been clear. Please allow me to outline some of Mike Harris's most insulting legislation. Bill 7 repealed labour legislation and allowed the use of scabs. With Bill

49, the Employment Standards Act, he eroded minimum provisions for overtime pay, hours of work and many other working conditions for non-union employees. Think about Bill 99, which cut benefits to injured workers by 5% and gave employers a 5% premium cut. Injured workers' benefits are now only partially indexed to inflation. And the list goes on and on.

Why? Pourquoi? Pourquoi cette attaque constante contre les droits des syndicats? Il faut le dire: les syndicats ne sont pas heureux de cette récente législation du gouvernement Harris. Ils sont malheureux parce que le gouvernement fait tout pour débalancer le terrain de jeu. Ce projet de loi donne plus de pouvoirs aux employeurs et enlève toute influence des travailleurs. En fait, le ministre a lui-même admis à sa conférence de presse, la semaine dernière, que tous les changements apportés par le projet de loi 139 sont des demandes provenant des employeurs. Le gouvernement donc donne constamment, clame constamment, que ce projet de loi vise à protéger le droit démocratique des travailleurs. Mais lorsque le ministre a pensé à ce projet de loi, il n'a même pas approché, il n'a même pas consulté les travailleurs qui en sont affectés.

No, instead of speaking to workers when putting together this bill that the government says will protect workers' rights, the minister spoke with employers only. No suggestions from workers were taken, and I still wonder if they were consulted. It is like speaking to the fox when building the chicken coop.

What's worse is that there was stability in the workforce before the Harris government decided to bring forth this act.

Il ne faut pas aussi oublier les inquiétudes des syndicats reliés à l'industrie de la construction. Naturellement les syndicats sont très préoccupés par la sécurité de leurs travailleurs. C'est un fait non disputé, par contre, que le taux d'accidents dans les secteurs de construction non syndicalisés est 2,5 fois plus élevé que le taux d'accidents dans les secteurs de construction syndicalisés. Ceci est vrai, parce que les syndicats ne permettent pas aux employeurs de couper les coins quand viennent les normes de sécurité. Les employés syndiqués sont donc moins au risque d'accidents et de mortalité. Les syndicats reliés à l'industrie de la construction s'opposent donc à ce projet de loi, justement parce qu'ils craignent que cette loi mènera à des accidents et des blessures qui auraient pu facilement être évités autrement.

This bill is clearly an attack on the labour movement. It is completely lopsided in the government's favour. It places workers at risk and it focuses on dismantling unions. But worst of all, it is a crass political move designed to deflect public attention from this government's arrogance. It is a move that manipulates the working people of Ontario, all in an effort to hide this government's dismal and shameful record.

Si ce gouvernement avait vraiment les intérêts des travailleurs à coeur, n'aurait-il pas dû prendre en considération les intérêts de ces mêmes travailleurs lors de la création du projet de loi que nous avons devant nous ce

soir? Mais ça n'a pas été fait. Donc, il faut se demander quelles sont les vraies intentions guidant ce gouvernement. Pour qui ce gouvernement parle-t-il ?

This bill really undermines unions and focuses on dismantling them, for lack of a better term. This, in turn, places vulnerable workers in a delicate position: lower wages, lower benefits, less safety.

Alors, voici mes commentaires, pourquoi je trouve que ce projet de loi, le projet de loi 139, manque d'un point quand on parle—when we talk about balance, I find that this is really not a bill that looks after balance.

**The Speaker:** It being 9:30, this House stands adjourned until 10 o'clock tomorrow.

*The House adjourned at 2127.*

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Prince Edward-Hastings	Parsons, Ernie (L)	Waterloo-Wellington	Arnott, Ted (PC)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
Sault Ste Marie	Martin, Tony (ND)	Windsor West / -Ouest	Pupatello, Sandra (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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

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Gilles Bisson, Alvin Curling, Gerard Kennedy,  
Frank Mazzilli, John R. O'Toole, Steve Peters,  
R. Gary Stewart, Wayne Wettlaufer  
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Gilles Bisson, Claudette Boyer, Brian Coburn,  
Garfield Dunlop, Raminder Gill, Pat Hoy,  
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Clerk / Greffier: Douglas Arnott

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