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**Official Report
of Debates
(Hansard)**

**Journal
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(Hansard)**

Wednesday 6 December 2000

Mercredi 6 décembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 6 December 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 6 décembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

MINISTER'S COMMENTS

Mr Gerard Kennedy (Parkdale-High Park): I'm here to respond in a way to the Minister of Community and Social Services, who yesterday took it upon himself to threaten members of this side of the Legislature with sanctions for having protested some of his actions. What I want to do instead is draw attention to this Legislature and to pledge, I'm sure on behalf of other members of this Legislature, perhaps not restricted to this side, that we will not be intimidated by the Minister of Community and Social Services to talk to him about the dereliction of duty that's taking place on the part of this government.

Specifically, I want to talk about the increase in deprivation that's taking place in this province on this government's watch. We have a member opposite who's grinning. I think for this government to divorce itself from its fundamental responsibility—of all the things it does, making sure that children, that families, that seniors have enough to eat and live in some state of dignity in this province should be prime among them. Instead we have a government that has abdicated, a government that has put in the way of people more barriers rather than fewer.

Last month, 118,986 children used food banks in this province. They used food banks in a time of unprecedented prosperity because they can't have the focus of this government that has allowed rents to increase by 25%, that has seen food prices go up by 15%, that has seen other things like transit go up far ahead of inflation, and not one single cent from this government for the poorest people in this province, who will, by dint of their own ingenuity, find a way. But the deprivation, the suffering they go through is put upon them and it is deepened by the ignorance of a minister who won't do his job.

TRANSALTA COGENERATING FACILITY

Mr Marcel Beaubien (Lambton-Kent-Middlesex): The lead article in the November 4 Sarnia Observer reads as follows: "Energy Plant Welcomed." On November 3,

I, along with Ministers Newman and Wilson, had the honour to assist in the groundbreaking ceremonies for the TransAlta cogenerating facility. This is a \$400-million investment. The facility will produce 440 megawatts of power when fully operational in October 2002. That is enough power to supply a city of 350,000 people. Over the next 18 months there will be 400 construction jobs created, which will result in 20 to 30 permanent jobs once the project is completed.

Equally important is the fact that this plant will burn natural gas. Emissions will be reduced by 60% on a per-kilowatt basis through improved fuel usage and equipment upgrades.

This is a win-win situation. It's good for the local economy but it's also very friendly to the air we breathe in the area.

I quote from a September 16, 2000, editorial in the Sarnia Observer:

"The controversial project agreement may have been a bitter pill for local construction unions to swallow last year, but it should seem a little sweeter now...."

"The project agreement between unions and contractors was designed to encourage new construction in the valley after concerns were raised over local construction costs...."

"With Thursday's announcement, it's clear that strategy is having a positive impact on the community."

ONTARIO NORTHLAND
TRANSPORTATION COMMISSION

Mr David Ramsay (Timiskaming-Cochrane): I want to express my opposition to the Harris government's sudden decision to break up and sell off most of the businesses associated with the Ontario Northland Transportation Commission. The last we heard from the Minister of Northern Development and Mines was that he ordered the ONTC to make recommendations on how to improve rail passenger service in the northeast. Now northeastern Ontario is reeling from the sudden announcement that all the components of the ONTC are up for sale, save for the bus service.

We, the residents of northeastern Ontario, are the shareholders of the ONTC and we should have a say concerning its future. The ONTC has been providing passenger and freight rail service, bus service, telecommunications, ferry service to Manitoulin Island, for decades. It is this government agency that opened up

northeastern Ontario with its railway and telecommunications systems.

In the past six years, the Harris government has created this crisis, as in so many other things, by starving this organization of the cash it so desperately needs to deliver these important services to Ontarians. We need to immediately see the consultant's report that concluded this breakup was the only answer. Then, in the new year, we need a series of public meetings in each of the towns along the rail corridor to give the people an opportunity for input as to how their transportation company should be managed.

Again Mike Harris has betrayed the trust of northern Ontarians by this arbitrary decision. Again Mike Harris has abandoned northern Ontario.

RÉNO DÉPÔT

Ms Marilyn Mushinski (Scarborough Centre): The construction and home improvement market in Ontario is worth more than \$6 billion, and it's still growing. It is valued at more than \$17.2 billion across Canada.

Last Wednesday I had the pleasure of attending the opening of the Building Box, a new home improvement warehouse store in Scarborough Centre. A few hours later a second location was opened in Cambridge. An additional 13 stores are slated to open across Ontario in the next three years. The Scarborough and Cambridge stores are the first phase of a \$350-million investment in Ontario by Réno Dépôt, a Quebec-based subsidiary of the Groupe Castorama of France. The group is the world's third-largest home improvement retailer, with 503 stores in 11 countries.

The Scarborough store represents an investment of over \$23 million in Scarborough Centre. Hundreds of construction jobs were produced during construction of the facility, and more than 300 new, permanent jobs have been created in the community. I welcome Réno Dépôt's investment in Scarborough Centre's people and their faith in Ontario's booming economy. I wish them well in their future investments in the province.

Please join me in congratulating the company on its expansion into Ontario and in welcoming the president and CEO of Réno Dépôt, Mr Yves Archambault, to the Legislature.

MINISTRY OF TRANSPORTATION LAYOFFS

Mr John Gerretsen (Kingston and the Islands): As the Whig Standard reported today, "A big bag of coal was delivered to about 150 Ministry of Transportation employees in Kingston yesterday when the government announced that their jobs will be lost to the private sector."

As the privatization bulldozer moves on, it is well to recall the words of David Turnbull, Minister of Transportation, when he stated at the introduction of Bill 137 that it was the intent of the bill only to transfer driver

examination services to the private sector. In the Kingston MTO office, that affects 20 of the 150 jobs lost to the private sector. What we have said all along is that Bill 137 is not just about transferring driver testing, but it has also affected many other jobs as well in the Ministry of Transportation, such as data and records management and other driver and vehicle services.

With all the problems the government is having in privatizing much-needed government services, especially just recently in the area of correctional services where a minister has resigned over alleged offences committed related to the Young Offenders Act, I implore the government to stop its reckless privatization of good government services. They are done for one purpose and one purpose only, and that is to drive the wages of public sector employees lower. Instead the government should boost the morale of all those public servants, whether it's in the public service or in the broader public service in such vital areas such as teaching and the nursing profession.

I implore this government to stop its wanton destruction of our public institutions and instead boost the morale of the men and women who continue to serve the Ontario public in such an exemplary fashion.

1340

DOCTOR SHORTAGE

Ms Shelley Martel (Nickel Belt): November 30, 2000: that was the day the Ministry of Health was supposed to make concrete recommendations to the Minister of Health to solve the doctor specialist shortage in our community. November 30 has come and gone and we have heard nothing from the Minister of Health about this crisis or how the government will solve it. We do know that the crisis has gotten worse in recent months, and the silence from the government on this important issue is just not acceptable.

At a meeting on May 17 at the Sudbury Regional Hospital, the chief of staff and the then-chief of nursing told government officials how bad the situation was then. Since January 1999, our community had lost 15 doctors and specialists, including our only full-time thoracic surgeon and our only hospital-based neurologist. Further, 22 family doctors had withdrawn their hospital privileges due to a heavy workload, leaving 30% of Sudbury's population as orphaned patients when admitted to hospital.

Government officials said they understood these problems and promised to bring recommendations to the Minister of Health by November 30 to solve them. Now, six months later, the crisis has deepened. There are now 14 full-time emergency physicians when we need 20. The present group is overwhelmed every day, and too many patients are still orphans when admitted to hospital. One specialist in each of obstetrics, general surgery, oncology, paediatrics and orthopaedics has left since May. There is still no thoracic surgeon and no hospital-based neurologist. Our shortage of specialists is 30% worse

than the provincial average and we have 20,000 people without a family doctor.

November 30 has come and gone. Where are the recommendations?

CANADIAN CANCER SOCIETY

Mr David Young (Willowdale): A short time ago, I attended the "Heart of Fashion ... Shop for the Cure" charity gala at the Bayview Village shopping centre. The proceeds from this very unique fundraiser, which featured festive shopping, wine tasting and a silent auction, will support the Canadian Cancer Society's breast cancer research program. The Canadian Cancer Society does wonderful work to assist people living with cancer and supports our medical researchers in search of a cure.

Cancer is a deeply personal illness for all of us. We have all been touched by this devastating illness, whether it is a personal struggle or the struggle of a neighbour or a cherished loved one. The challenge we as a community face in dealing with cancer is enormous, but every challenge must be met by a dream.

This disease demands that we fight, that we muster all possible courage to successfully defeat it. The support of the Canadian Cancer Society makes it a little bit easier for individuals and their families to fight this disease. The society and its volunteers provide hope that we will one day eradicate cancer. Their work involves every community across this country. On behalf of the residents of Willowdale, I want to thank the Canadian Cancer Society and its volunteers for all that they do and all the hope they provide.

ST FRANCIS MEMORIAL HOSPITAL

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I am absolutely delighted to rise in my place today as the member for Renfrew-Nipissing-Pembroke to pay tribute to the staff and volunteers at St Francis Memorial Hospital in Barry's Bay, one of the very best community hospitals not just in Ontario but across Canada, on the occasion of their 40th anniversary.

I well remember the day 40 years ago this fall when Premier Leslie M. Frost walked into that beautiful new facility. I was in grade 4, and we got the afternoon off school. He opened a wonderful health care facility in the heart of the Madawaska Valley. The vision of Monsignor Peter Biernacki of Barry's Bay had finally been realized. I want to say to the current board, ably chaired by John Sorensen, and to the present auxiliary, ably led by Ms Lorraine Finn, that they have carried on the great tradition of that hospital. The Sisters of St Joseph in Pembroke were responsible for the leadership of that hospital in terms of a professional nursing staff in the first 15 years, and they have been succeeded in the last 15 to 25 years by largely a lay staff.

I want to say to the volunteers, people like Theresa Beanish and Agnes Pecarskie, those wonderful people, mostly female, who worked so hard to raise the money to

keep that facility in the tradition of excellence it has become, may their next 40 years be as successful as their first 40 years.

NURSING STAFF

Mrs Tina R. Molinari (Thornhill): Recently the opposition has been making boisterous accusations toward the Minister of Health, indicating that this government has fired thousands of nurses and refuses to acknowledge the urgent need for more nurses in our hospitals. They claim that none of the hospitals in the province are able to hire nurses.

I would like to take this opportunity to inform the House that at least for York Central Hospital, which serves the constituents of Thornhill, this is far from the case. York Central Hospital recently received funding of \$11.6 million, to be used to address costs associated with providing patient care. Just last Friday, York Central received an extra \$2.2 million for high-priority health services, including dialysis, orthopaedic implants and level 2 neonatal care.

With the help of this new funding, York Central Hospital has been able to increase its registered nursing staff complement both last year and this year: in the year 1999-2000, an increase of 60 full-time equivalents; and for the current year, York Central has increased its nursing staff complement by 87 FTEs. This trend most definitely dispels the myth reiterated constantly by the opposition that hospitals are not hiring nurses.

These additional FTEs represent 28% of the hospital's total required 1,109 FTEs, as outlined in this year's current operating plan. Should other nursing staff be included, such as registered practical nurses and other nursing assistants, 41% of the total new FTEs would be in the nursing field.

York Central Hospital provides high-quality care to my constituents, and this includes increasing staff to provide the quality services.

VISITORS

The Speaker (Hon Gary Carr): Before we proceed, we have in the members' west gallery Mr Hugh O'Neil, the member for Quinte in the 32nd, 33rd, 34th and 35th Parliaments. I'm sure all members join in welcoming our honoured friend.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Ms Marilyn Mushinski (Scarborough Centre): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill as amended:

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 Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1348 to 1353.

The Speaker: Will the members kindly take their seats.

Mrs Mushinski has moved adoption of the report from the standing committee on justice and social policy on Bill 139.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hodgson, Chris	Sampson, Rob
Baird, John R.	Hudak, Tim	Snobelen, John
Barrett, Toby	Jackson, Cameron	Spina, Joseph
Beaubien, Marcel	Johns, Helen	Sterling, Norman W.
Chudleigh, Ted	Kells, Morley	Stewart, R. Gary
Clark, Brad	Klees, Frank	Stockwell, Chris
Clement, Tony	Marland, Margaret	Tasca, Joseph N.
Coburn, Brian	Martiniuk, Gerry	Tilson, David
Cunningham, Dianne	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	Molinari, Tina R.	Turnbull, David
Elliott, Brenda	Munro, Julia	Wettlaufer, Wayne
Flaherty, Jim	Murdoch, Bill	Wilson, Jim
Gilchrist, Steve	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Hardeman, Ernie	Ouellette, Jerry J.	Young, David
Harris, Michael D.	Runciman, Robert W.	

The Speaker: All those opposed to the motion will please rise one at a time.

Nays

Agostino, Dominic	Colle, Mike	Kwinter, Monte
Bartolucci, Rick	Cordiano, Joseph	Levac, David
Bisson, Gilles	Curling, Alvin	Marchese, Rosario
Bountrogianni, Marie	Di Cocco, Caroline	Martel, Shelley
Boyer, Claudette	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Patten, Richard
Brown, Michael A.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kennedy, Gerard	Ruprecht, Tony
Cleary, John C.	Kormos, Peter	Smitherman, George

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 47; the nays are 33.

The Speaker: The adoption of the report is carried.

Pursuant to the order of the House dated Wednesday, November 22, 2000, the bill is ordered for third reading.

WEARING OF RIBBONS AND PINS

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I seek unanimous consent for all

members of this Legislature to wear the white ribbon, a symbol of men against violence against women.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Speaker: Because of the rules of the Legislature, I also ask unanimous consent for members to be able to wear the rose pin today to remember the December 6 massacre.

The Speaker: Is there unanimous consent? Agreed.

VISITORS

Mr Toby Barrett (Haldimand-Norfolk-Brant): On a point of order, Speaker: the Dairy Farmers of Ontario are in the members' gallery. I would ask all members to join me in welcoming them to the Legislature.

DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Minister of Correctional Services, Government House Leader): On a point of order, Mr Speaker: I would ask for unanimous consent that each party be given five minutes in order to make statements surrounding the anniversary of the Montreal massacre, and at the end of those statements I would ask you to call for a moment of silence to remember the women who died so tragically in this event.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): Today marks the annual national Day of Remembrance and Action on Violence Against Women. Because of the terrible events that occurred in 1989, December 6 has become a date that's engraved in the minds of Canadians and Ontarians. Fourteen young women were murdered at l'École polytechnique in what is now known as the Montreal massacre, an event that has affected the country deeply. It was an act that ended the lives of these women simply because they were women. We can't help but wonder where these women, these 14 who meant so much to their families, their friends, their communities, would be in their lives today had they survived. Where would they be in their careers now? Would they be realizing their dreams? Would they have daughters of their own? We will never know the answers to this, and that sad silence is part of the profound grief that revolves around this tragedy.

December 6 is now a day of reflection across the country. People take time to commemorate the 14 Montreal women that we all lost, and we take time to reflect on the issue of violence against women.

1400

Sadly, it is estimated that in Canada over the last 10 years an average of two women a week have been killed at the hands of their partners or ex-partners—two women

every single week. Here in Ontario, this past year has been marked by a number of cases of women who have been seriously assaulted or even killed by their current or former spouses.

When we remember the 14 women who lost their lives in Montreal, we must remember all the women who are affected by violence, all the women who have died because of their gender, all the women who live in fear of violence in all its forms each day of their lives.

This is not a crime that happens somewhere else; it is a crime that happens in our own country, in our own province, in our own city, in our own community. It's a crime that has to stop.

It is important to acknowledge, on this day of remembrance, that the last 11 years have brought a new awareness in our society about violence against women and about women's right to live in safety. This government is committed to ensuring a woman's right to safety. This government is committed to assisting women and their children to live free from all forms of violence.

What we need is a society that continues to work for change, a society that continues to work for women, a society that continues to honour the 14 women who were slain. In honour of all women whose lives have been affected by this violence, we must remember.

Mrs Marie Bountrogianni (Hamilton Mountain): I rise in memory of the 14 women who were massacred 11 years ago and of the other hundreds and thousands of women who have died alone in their homes, for whom there is no national day of mourning.

Today in Canada we mark the national Day of Remembrance and Action on Violence Against Women. Let us reflect for one moment on what the years have meant since this most horrific day 11 years ago. Violence against women still exists. We have been fighting for changes in this Legislature, and since September on a specific action plan, but to no avail. For the past 11 years, the activists have been trying to raise this issue in the consciousness of the public, the media and the government. With great fortitude, they have persevered, even as governments have ignored and confused the issues.

I also want to make mention of the women who have escaped their abusers. For it is a testament to their own strength of spirit and fortitude that they have been able to escape this violence. They often leave without any supports in place to provide for their children and themselves. Yet they risk leaving in the hope of providing a better life for their children, free of violence.

Women represent half our population. We do ourselves a disservice when we ignore the plight of so many. Violence against women is an epidemic of shameful proportions. By averting our eyes from its existence, we ourselves become complicit in its perpetuation.

The Montreal massacre was not simply the work of a madman. It was the work of someone who blamed those innocent women for his own failure to succeed. He blamed women for preventing him from attaining what he thought was rightly his. It is this ignorance, this belief, that enables violence against women to continue. By

failing to understand that all people are equal, some individuals are able to project their anger, their dissatisfaction with life upon the women in their lives. This is wrong. Violence against women is not normal, it is not OK and it cannot be rationalized.

It is only when a paradigm shift occurs in our understanding of the principle of the equality of men and women that we will be able to eradicate violence against women. This change of attitude and perception must begin at home. For the change to occur, we must first educate our citizens, and for this, we here in this government bear responsibility. This government's cutbacks in education have affected essential programs in our schools. If we are not educating our young on the equality of women and men, on how to recognize abusers, on how to manage anger and address frustration, then we are failing in our duty to raise future generations.

Today we still struggle for equal female representation in our science-based programs. Programs like engineering still fight for female enrolment. At the time of the Montreal massacre, only 13% of the engineering students were female. Today it sits at 19%. This is still not enough. My husband's department of civil engineering at McMaster doesn't have one female engineering professor, and out of eight graduate students only one is a woman.

The 14 women who lost their lives at L'École polytechnique represented a brain trust that is lost to us forever. These women had fought against the mould, had fought the stigma and the stereotypes aligned against them. There are many who will never be able to imagine being lined up and shot because of their gender. But this is what happened 11 years ago. They are dead for one reason and one reason only: they were women. This is something we can never forget.

Let us reinstate funding for women's shelters, for crisis lines, for second-stage housing, for pay equity, for all the most important front-line services that provide the assistance and the stepping stones to enable women to leave their abusers.

But let us, first and foremost, look inside ourselves as a government here in Ontario, as a society, as a community and as individuals and reaffirm our commitment to the principle of equality between men and women.

We need to prevent violence against women, not react after the fact. We need to educate our children about the need to create a society where all people are equal. We need a comprehensive educational program to teach our students how to manage their anger, how to respond in peaceful ways to the stresses in our society and how to recognize the danger signs of anger and abuse.

Today is a day of remembrance. Let us remember the sacrifice that has been made. Let us remember the bright lights that were extinguished in Montreal on this day 11 years ago and all those other women who have died alone since, and let them not have died in vain.

Ms Marilyn Churley (Toronto-Danforth): On Wednesday, December 6, 1989, a 25-year-old man entered the University of Montreal's school of engineering building.

He was carrying a semi-automatic rifle. It was a little after 5 pm when he walked into the classroom, shouting, "I want the women." He separated the men from the women, ordered the men to leave and lined the women up along an execution wall. "You are all feminists," he yelled, and began shooting to kill.

By the end of his rampage, he had murdered 14 women and injured 13 others—mostly women. Eleven years later, the anger is still there. We mark this tragic anniversary by remembering the 14 women who were killed, who were executed that day.

Today I will once again, as we all will, think of these young vibrant women, bubbling with energy and promise. I'm thinking of their parents, their families. What a terrible day this must be for them. I will think of the grief and pain that is the legacy of the Montreal massacre.

And I think of all the women who have been murdered, battered and terrorized by their spouses and lovers. I am thinking of how much I want, as I hope we all do, the lives of my daughter and our daughters to be free of sexual harassment, to be free of fear and violence. Yet hope presents a far different picture than reality. Think of last summer in Ontario, a summer of horrific, graphic violence against women, where men brutally tracked down their wives and former partners, murdering the women and sometimes their children.

Our work is far from done. The horror is far from over. Every few weeks this fall, the Legislature has been visited by a growing coalition of strong and committed women who have responded to last summer's murders with a growing resolve to treat violence against women as the crisis it is. This coalition of women has presented this Legislature with a set of well-thought-out measures, emergency measures, to help put an end to the violence that keeps women and children locked in chains of fear.

On a day such as this, where warm words and sad thoughts accompany our tribute to the 14 women who died in the Montreal massacre, the actions of governments stand in stark contrast. The government says it is a difference of opinion on how to deal with this issue. With due respect, this is not a difference of opinion. It is ignorance, and ignorance is tolerance. Please listen to the victims of violence and the front-line workers. Listen to what they are telling you. We must not be complicit with this inaction. We must act now and we must act decisively. First mourn, then work for change. Eleven years later we are still mourning, but we are still working for change.

1410

Mr Howard Hampton (Kenora-Rainy River): Today I encourage all men to remember the lives of the 14 women killed in the Montreal massacre with a simple white ribbon, which is a symbol of the need for men to break the silence, to end men's violence. As men, we owe it to all women and children and to ourselves to confront men's violence, to work toward full equality for women and to redefine what it means to be men, to discover a meaning to manhood that doesn't require

violent behaviour or displays of power over women. To that end, today we remember and we dedicate ourselves to change.

The Speaker: I would ask all members and our friends in the gallery to join us in a moment of silence.

The House observed a moment's silence.

MINISTRIES' WEB SITES

Mr Dwight Duncan (Windsor-St Clair): On a point of privilege, Mr Speaker: Earlier today I wrote you, pursuant to standing order 21(c), with respect to government Web sites. You'll recall, sir, that yesterday I raised the question of the Ministry of Community and Social Services Web site in a similar point of privilege.

This morning I visited several government of Ontario Web sites. Instead of reliable, accurate information, I found partisan political propaganda, propaganda that should not be funded by my constituents and other taxpayers. Earlier today, I forwarded to you five separate Web pages from the Premier of Ontario's official government Web site. Each of them contains blatant partisan attacks on my leader, Dalton McGuinty, and my Liberal colleagues. One government Web page even highlights the Premier's speech to the Burlington Progressive Conservative Riding Association.

In addition, we came into possession yesterday of Intranet communications in the Ministry of Labour, which I provided to you, that were blatantly partisan. It is an affront to taxpayers, and we believe on this side of the House that it's a violation of our privileges as members of this Legislature. I'll speak to you about that violation in the context of intimidation.

As you consider my question of privilege, I want to raise the point that the use of government Web sites for partisan purposes not only violates my privileges as a member of this Legislature but also violates the law. The Public Service Act clearly states in sections 28.1 and 28.2, "No crown employee shall engage in political activity in the workplace." Partisan activities are defined in clause 28.1(1)(a) as "anything in support of or in opposition to a federal or provincial political party." The Public Service Act considers these violations so serious that they can warrant an employee's dismissal.

Mr Speaker, I ask you to look at these additional Web sites that we've provided you with and, as you consider that, I invite you to consider the question of intimidation. I will refer you to the most recent text by Marleau and Montpetit with respect to Canadian parliamentary procedure and read to you two brief but, I believe, salient points.

"Over the years, members have brought to the attention of the House instances which they believed were attempts to obstruct, impede, interfere, intimidate or molest them, their staffs or individuals who had some business with them or the House. In a technical sense, such actions are considered to be contempts of the House and not breaches of privilege. Since these matters relate so closely to the right of the House to the services of its

members, they are often considered to be breaches of privilege.”

It goes on to say, and I quoted several rulings with respect to intimidation, “Speaker Fraser stated, ‘The privileges of a member are violated by any action which might impede him or her in the fulfillment of his or her duties and functions. It is obvious that the unjust damaging of a reputation could cause such an impediment.’”

Further, “In finding a *prima facie* case of privilege on March 21, 1978, Speaker Jerome ruled that the electronic surveillance of a member beyond the parliamentary precinct, ‘... could be regarded as a form of harassment or obstruction or molestation or intimidation of a member, all of which phrases have been used in our precedents to support the position that such conduct is a contempt of the House.’”

Mr Speaker, it is the view of the official opposition that the use by the Minister of Community and Social Services of his government-paid-for and -run Web page, the use by the Ministry of Labour of its government-paid-for Intranet and the use—and this is the most appalling, sir—by the Office of the Premier of Ontario of a government-paid Web site to place partisan political speeches and attempt to, in my view, hurt or harm the reputation not just of my leader, someone whose integrity is without question, but of any member of this House or, frankly, of any citizen of this province, is an attempt by this government to intimidate its opponents using taxpayer dollars in a manner that is completely contemptible and, in my view, sir, violates not only my privileges but the privileges of my colleagues, certainly the privileges of my leader, Dalton McGuinty, and indeed it violates the ethics of the people of the province of Ontario.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Minister of Correctional Services, Government House Leader): Mr Speaker, unless you’re going to rule on this immediately, I would like the opportunity to respond in writing to you with our arguments. We don’t believe this is a breach of privilege but we of course haven’t had any prior notice of this, and therefore for us to interject and argue on a rational basis we will have to review some of the documents he’s referring to.

The Speaker (Hon Gary Carr): Certainly we’ll look at it. To be fair, though, I should let you know I will circulate it to the other side as well.

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: Just a quick clarification. He mentioned the Ministry of Labour. Was that the Intranet?

Mr Duncan: Yes, Intranet.

Hon Mr Stockwell: Intranet, the internal—OK, thank you.

The Speaker: I thank the member for his point of privilege and for giving me the information. Again, I want to thank him also for attaching copies of the Internet site. As you know, and as I mentioned again yesterday, often what happens in this situation with technology is that we don’t get copies of that and then when we do go to look, technology being what it is, it has

changed. So I thank the member for attaching that to his point of privilege.

ORAL QUESTIONS

EDUCATION IMPROVEMENT COMMISSION

Mr Dalton McGuinty (Leader of the Opposition):

My question is for the Minister of Education. The Education Improvement Commission produced its final report today. In it your commissioners are telling you what we’ve been telling you on this side of the House now for several years, and that is quite simply that your war that you’re continuing to wage against teachers in Ontario is costing our children terribly.

Here’s a specific finding made by the commission. Students “believe that the ongoing tensions among the Ministry of Education, the school boards, and their teachers have affected their education, and are concerned for themselves and for the students who will follow them. Many told us, with frustration, that every year of their secondary school career has been disrupted by labour disputes.”

In the years to come, these five years will be known quite simply as the Harris years, years in public education which were characterized by teachers sapped of their enthusiasm, schools sapped of their spirit, and general turmoil. Minister, how does it feel knowing that you have robbed an entire generation of high school students of the quality education of which they are so richly worthy?

1420

Hon Janet Ecker (Minister of Education): I share the EIC’s concern about politics in the classroom. It’s not appropriate, it undermines the work of good teachers, it undermines the work of a good curriculum, and it is not helping our students to learn better or our teachers to teach better. I share that concern. We will continue to take steps to ease that. We will continue to take steps to put in place initiatives that are helping improve student achievement. We’ve set higher standards, and the research is showing that those standards are starting to pay off in terms of increased performance by our students. We need to do more; I recognize that. I share the EIC’s concern that politics in the classroom undermines that.

Mr McGuinty: Minister, you just don’t get it on this score. We’re never going to get the best for our children unless we get the best out of our teachers, and you can’t get the best out of our teachers by attacking them day in and day out. It’s not much more complicated than that.

Listen to what the commission says: “We cannot”—I repeat—“cannot overstate our concern about the reduction in extracurricular activities. Research shows that students who take part in extracurricular activities enjoy greater overall success in school, and students who participate in after-school programs have lower dropout rates. If the current impasse continues, it’s clear that

more students will drop out and fewer will succeed.” This commission is telling us that as a result of your policies our students are dropping out of school and those who are staying aren’t doing as well as they could.

Minister, leadership on your part requires that you sit down now, that you declare a ceasefire, that you drop your rhetorical guns and that you bring teachers to the table in a conciliatory fashion. Are you prepared to do that in the interests of our children?

Hon Mrs Ecker: With all due respect to the honourable member, he may well have missed it, and his research staff may not have pointed it out to him, but we did have a meeting two weeks ago with all of our education partners from Ontario to talk about the concerns that we all share about the lack of extracurricular services for our students, because I agree with the Education Improvement Commission that extracurricular services are very much part of what our students should be getting. Unfortunately, the Ontario Teachers’ Federation did attend; they did not participate. That was disappointing for all of the partners there. We are going to continue to have discussions. The teachers’ federation can certainly be part of that. I have regular meetings with them. I will continue to do that because I see that as my job, but it is their choice about where and how they wish to participate.

If the honourable member was so concerned, where was he when the EQAO and the TIMSS results of testing showed that teachers in the classroom—good, hard-working teachers—are making improvements in student achievement? Did he stand up in this House and congratulate them? No, he didn’t.

Mr McGuinty: This is just too much. This minister who has spent so much time, dedicated energy and effort and brought so much enthusiasm to the task of attacking teachers is now the great defender of teachers in Ontario. This is just too much to swallow.

What I’d ask you to do, Minister, is to take into account the very, very good advice offered by your own commission. This is what they said: “We urge the Ministry of Education to immediately renew dialogue with teachers’ federations, and consult with all education partners as appropriate, with a view to the immediate reinstatement of extracurricular activities.”

Let me tell you once more, Madam Minister, what leadership means in this context. You are the leader of public education in Ontario, not the teachers, not the parents, not the students. You have to make the first move, Madam Minister. You have to declare a ceasefire. You have to say to the teachers, “I want to sit down. I want to work things out with you, because I insist that we all act in the better interests of our children.” That’s the kind of leadership we’ve been looking for. That’s the kind of leadership that’s been missing for the past five years, and our kids have been paying the price as a result.

Are we ever going to see that kind of leadership here in the province of Ontario? Will you stop playing politics with our kids and start acting in their interests?

Hon Mrs Ecker: The honourable member seems quite obsessed that there’s some war going on out there.

The only war that is going on is his attempt, on the backs of hard-working teachers, to score political points.

When the TIMSS results showed that our teachers out there in math and science and literature were actually starting to make improvements, when the co-operative efforts of the Ministry of Education and the teachers’ federation put in place supports and training for teachers, when the results are actually showing that those teachers are making a difference in the education of those students, did the Leader of the Opposition stand up in this House and say thank you to them for their hard work? We did. Where was he?

Good quality teachers are important to education. I have said this, and I will continue to say that, because I believe it. Every time he turns around he’s trying to say there’s some war in the education sector. The only war is on—

The Speaker (Hon Gary Carr): The minister’s time is up.

MANDATORY DRUG TESTING

Mr Dalton McGuinty (Leader of the Opposition): This question is for the Minister of Community and Social Services. I want to talk to you about your bent to drug-test welfare recipients in Ontario.

Two important papers have been produced, and I’m sure you’re familiar with them, one by the Addiction Council and the other a background paper prepared by 10 experts in drug addiction in Ontario, including three PhDs and a number of nurses and MDs, a background paper prepared for the Centre for Addiction and Mental Health. This is what the experts are telling us. They’re telling us that welfare recipients are no more likely to use drugs than you or I or anybody else in the general population. According to a recent study, out of any 103 Ontarians, let’s say 103 MPPs, during the past year nine of us would have used marijuana and five of us would have used cocaine. The experts are also telling us that your assumption that drug use is a barrier to employment is false. Fully 70% of drug users are gainfully employed today in Ontario.

Minister, why not admit that the reason you want to drug-test welfare recipients, and welfare recipients alone, is because you’re trying to score some cheap political points by pandering to some ugly stereotype that you know is completely false?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): The member opposite may be surprised to learn that I don’t disagree with him on either count. I don’t disagree with him that those folks on welfare are any more likely to use drugs than the rest of the population. I wouldn’t for a moment suggest that. I’ve gone out of my way to say that. I wouldn’t for a moment suggest, as he has suggested, that every single person who is addicted to drugs would face a barrier to employment.

What I do know is that a program for people who are unemployed is likely to have more people where that is a

barrier to employment. That's why we don't want to leave anyone behind. That's why we want to provide mandatory treatment. That's why we want to provide the hand up. That's why we want to provide supports to help people realize the dignity that comes with a job and the pride that comes with independence.

That's why this government isn't prepared to turn its back on any single person in the province. That's why we want to reach out and pull people from the state of despair they find themselves in, so they can make that important transition from welfare to work.

Mr McGuinty: Your actions speak far louder than your words on this score. When you made your plans to drug-test welfare recipients public in Ontario, you invited the TV cameras into a news conference, and you were very dramatic, and with a wonderful flourish you allowed syringes to trickle out of your hands. You put a poster behind you showing people shooting up. The message that came across TV that night for all Ontarians was that—and this is a message that came from you, the Minister of Community and Social Services, the guy who is supposed to be the chief advocate for welfare recipients in Ontario, the guy who is supposed to tell the truth about them and not pander to stereotypes. Your message to Ontarians was, “Welfare recipients are all drug addicts.” You should be ashamed of yourself for pandering to an ugly stereotype which you know is completely false. That's exactly what you are up to. Why not admit it?

1430

Hon Mr Baird: I won't admit it, because it's not true. I won't admit it, because our government isn't prepared to turn its back on anyone on welfare. It would be very easy to simply turn our backs on this problem. It would be very easy to say the welfare caseload in Ontario is down by more than 565,000 cases. It would be very easy to declare victory and turn our backs on a group of people who so obviously need help. This government isn't prepared to turn its back on anyone. We want to reach out and provide that support, reach out and provide that treatment, so that people can get their lives back, so that people in this province can realize the dignity that comes with a job and the pride that comes—

Interjections.

The Speaker (Hon Gary Carr): Please take your seat. Order. It's too noisy. I can't hear the minister. You have about 10 seconds, Minister.

Final supplementary?

Mr McGuinty: Listen to what the Addiction Council experts said about your performance and your props: “The drug of choice for Ontarians whether on welfare or working is alcohol. A very small amount of the general population uses injection drugs as featured on the poster that is being shown for this proposed program. The reference to injection drugs is very damaging to persons on welfare who already are depicted in the media and referenced by the government in less than attractive ways. The stigma associated with drug or alcohol addiction should not be reinforced by dramatic effect.”

If you had any sincere and genuine interest in helping people on welfare get into the workplace, then you'd go to those areas where they need real help. I'm talking about literacy issues, transportation issues, child care issues, health problems. Those are all areas where you should be lending your efforts and your support. Instead, what you are doing—and this has been beneath the dignity of your office—is pandering to an ugly stereotype. You're putting out information you know is incorrect, and it's coming at the expense of the very people in this province who are entitled to depend on you, to look to you for help and not to become the subject of attack.

Interjections.

The Speaker: OK. Now we start throwing people out. Order. Now we start warning people. You've had your fun. Now I'll start warning you, and I'll throw you out. It doesn't matter to me. Whoever wants to start—

Hon Michael D. Harris (Premier): Throw 'em out.

The Speaker: And it starts with the Premier too. When I'm standing up here, I don't need comments coming from the Premier as well. Minister.

Hon Mr Baird: What is required, in terms of welfare reform, is a government that's committed to providing the support, care and attention to every problem that anyone on welfare would have, so they can realize the dignity that comes with a job and the pride with independence.

The Leader of the Opposition stands in his place and says what is damaging to people on welfare. I'll tell you what's damaging to people on welfare: a government that was prepared to turn its back on a group of people who so obviously needed help. The honourable member opposite has disagreed with every single welfare reform this government has taken. We introduced workfare. Dalton McGuinty and the Ontario Liberal Party disagreed. When we tried to combat welfare fraud, Dalton McGuinty and the Ontario Liberal Party disagreed. When we tried to ensure that employment supports were in place so that people on welfare, who so obviously need our help, could escape the trap—whether the trap was despair, whether the trap was drugs, whether the trap was illiteracy—this party and this government could depend on Dalton McGuinty and the Ontario Liberal Party to oppose the initiative and to turn their backs. The policy written for Dalton McGuinty and the Ontario Liberal Party for people on welfare was written by an insurance adjuster. They want to turn their back and just write people off. Well, this government isn't prepared to do that.

EDUCATION IMPROVEMENT COMMISSION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. The Education Improvement Commission is urging you to invest in full-day learning for our preschool children. We know you have the money to do it. In fact, we know that you have more than a \$1.4-billion surplus to do it with. That's 1.4 billion good

reasons to provide safe, regulated, affordable child care for working families and to ensure that junior kindergarten and senior kindergarten are provided on a full-day basis across the province.

This is a wonderful opportunity to restore some of the things you've taken out of the education system. Is your government prepared to seize this opportunity and provide children in Ontario with the head start they need in order that they can achieve more, do more with the education system?

Hon Michael D. Harris (Premier): I think the minister can respond.

Hon Janet Ecker (Minister of Education): As the honourable members will know, trying to help our students be better prepared for learning when they come to school is very much a priority of this government. Through the early years initiative, we are taking considerable steps to do that. We have also been funding schools for JK and kindergarten programs. One of the significant improvements we've made is to actually have curriculum standards for junior kindergarten and kindergarten, something that had been lagging for quite some time, to actually help our teachers with our young children to learn better.

The recommendations from the Education Improvement Commission, as usual, are going to be very helpful. We've adopted many of their recommendations. We have done many of the significant funding investments they've asked us to do. So we'll be looking at this particular recommendation consistent with what our other education partners have asked us to do as well.

Mr Hampton: I asked the question of the Premier because it was the Premier who, before the last election, came forward with the Mustard report on early learning and said that this was something that was a priority for the government. Literally nothing has happened. This is the Premier who discarded all of the recommendations of the Royal Commission on Education. This is the Premier who cancelled the already existing early years learning projects. That's the record of your government.

You've issued a lot of press releases and a lot of rhetoric, but in fact what you've done in terms of early childhood education is cancel the early learning projects and move away from full-day kindergarten for our youngest children.

Here is an opportunity. The Education Improvement Commission says this is and ought to be a priority for your government. This could make a real difference. Are you going to follow the recommendation of the Education Improvement Commission, or are you going to issue more rhetoric? Which is it, Minister?

Hon Mrs Ecker: Actually, the Education Improvement Commission in this report, as they have in all of their reports, has made some very excellent recommendations. They've backed them up with good research. We are going to be looking at those recommendations in the context of the other recommendations our education partners are asking us to do. There are a number of priorities that they have for new money in the education

system, and I think we need to give them consideration as well. But I think the honourable member knows full well that there has been considerable follow-up on the Fraser Mustard report. The minister responsible for children, Minister Marland, has done considerable work to get that initiative going, to provide supports in our community for early learning.

The other thing is that we have put and will continue to put money where it does the most good for our children. For example, this year alone, \$70 million in new money is going into early literacy for kindergarten to grade 3. I think we will see, as the years roll by, that this investment and support for those—

The Speaker (Hon Gary Carr): Order. The minister's time is up. Final supplementary.

Ms Shelley Martel (Nickel Belt): The Early Years Study is gathering dust on the shelf. Your government announced a challenge fund in the budget of May 1999, you reannounced it in the budget of May 2000 and we'll finally have applications for funding ready in the year 2001. Your government has done nothing to respond to the important initiatives in the Early Years Study.

Further, the EIC said today, "But as yet, despite some investment, some progress and much talk, we have no firm commitment—either provincially or federally—to a systemic framework to improve our children's early years."

That's why they made a recommendation for guaranteed access to high-quality child care. That's why they made a recommendation for guaranteed access to family resource centres. That's why they made a recommendation for full funding for full-day junior and senior kindergarten. These are important initiatives. They require a significant investment, and God knows, your government has the money to do it. The question is, will you fully fund the early years initiatives recommended in this report today?

1440

Hon Mrs Ecker: We are fully prepared to fund initiatives that are going to help our children do better before school and during school. That is our commitment, and we have the track record to back that up. I mentioned the \$70 million, just one initiative, new money this year, to help early literacy. We have the early years challenge fund, for example. We do have family resources in this province that the community and social services ministry and the minister responsible for children are working with. They do a wonderful job out there for parents. We have over \$215 million that is going out to low-income and working families to help them with their children. That was something I would think the honourable member would support because that is real dollars in the pockets of low-income and working families to help them with their children. That is an important support. We are doing more to help support parents in helping them be part of the learning team. So it's an important recommendation. They've said over the next five to seven years, we should look to try and—

The Speaker: The minister's time is up, I'm afraid.

MINISTRY OF CORRECTIONAL SERVICES

Mr Howard Hampton (Kenora-Rainy River): I have a question for the Premier. Yesterday we learned that senior officials in the ministry of corrections oversaw the publishing of a list of young offenders and the distribution of that list to members of the public. Those activities are clearly in breach of the criminal law of Canada. Today we learned from the Probation Officers Association of Ontario that the ministry of corrections is routinely providing the records of young offenders to organizations that are outside the justice and corrections system—yet another breach of the criminal law of Canada.

My question is this: since this doesn't seem to be just one accidental slip-up but a series of rather systemic events, what are you doing, Premier, to hold the officials in your government accountable and to clean up this mess?

Hon Michael D. Harris (Premier): Just to correct the record, we didn't learn anything today. What we learned today was that there was an allegation, and we treat all allegations very seriously. You treat them as fact; we treat them as allegations until they have been thoroughly investigated.

We have, indeed, asked for an investigation, both my deputy and the deputy responsible for the Ministry of Correctional Services. They've announced a major administrative review of policies, procedures and practices that flow from the confidentiality provisions of the Young Offenders Act. I can tell you that the deputy has instructed Mr Paul Fleury, the regional director of community and young offender services for the western region, to assume the executive lead for that. As you know, the Deputy Attorney General is looking at this matter, as is the protocol arising out of what occurred, which was the first part of your question. If you have more in the supplementary, I'm happy to try to shed more light on that, too.

Mr Hampton: This is not about any criminal investigation that may involve Mr Galt. This is about a series of events in the ministry of corrections which would indicate that, while you pronounce one thing to the public about obeying the law, your government in the ministry of corrections routinely goes about ignoring the criminal law of Canada. We spoke with some of the people who work at the Brookside young offenders facility and they indicated to us that, for example, at the ceremony that was held, the assistant deputy minister for corrections was in attendance. She was in attendance when the list of young offenders' names was published. She was in attendance when the list was provided to members of the public, including Mr Galt.

So this is not about a criminal investigation of one individual. This is about asking you, Premier, to be accountable for a ministry where it seems that breaking the criminal law is becoming almost an everyday occurrence and where senior officials of the ministry are present when this happens and seem to let it happen without any repercussions until it gets out in the wider

public, until it gets known in the media. What are you doing to hold these officials accountable, Premier, and don't tell us about a limited criminal investigation of Mr Galt. What are you doing about your own government to ensure they obey the criminal law of Canada?

Hon Mr Harris: As I indicated to you, there is a review underway, and if we have any more information, we would be happy to share that with you. You keep referring to allegations as if they were facts. This seems to be a bad habit with the leader of the Liberal Party and it will get you into the same kind of trouble it gets him into when the facts he alleges turn out to be myth, turn out to be fiction, turn out just not there.

I can tell you this with regard to your allegation: there is no directive from the ministry for any probation or parole officer to share information inappropriately. There has been an allegation that has been brought to the ministry's attention. There is an investigation into that claim. To date there's not a shred of evidence to support it, but we are still investigating.

MINISTRIES' WEB SITES

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Chair of the Management Board of Cabinet. Yesterday and earlier today I raised points of privilege with respect to what the official opposition contends are the misuse of government-funded, government-paid-for Web sites. We cited yesterday the Minister of Community and Social Services. We cited today the Premier's office. We cited the Minister of Labour's use of the Ministry of Labour Intranet, which we have distributed throughout this building this afternoon for others to see.

I wonder if you consider this to be an appropriate use of government—

Interjections.

The Speaker (Hon Gary Carr): Order. Sorry for the interruption. The member for Windsor-St Clair.

Mr Duncan: I wonder if you consider this kind of bullying and intimidation an appropriate use of government resources.

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I'm pleased to answer this question for the member of the opposition. The use of Web sites is one of our initiatives to make sure the government of Ontario moves toward an e-government, so to speak, to become world leaders in that field by the year 2003, one year ahead of the federal Liberal government of Canada's pledge of 2004. This is essential if you want to move into the modern era where more people have access to the Internet. The fastest growing group of people who are on the Internet are senior citizens.

In terms of the appropriateness of what is on a Web site, I think you're fully aware that you've already asked the Speaker to rule on that.

Mr Duncan: The minister is right. In fact you published a document called Operating Procedure on Usage of IT Resources and you signed it in July of this year. Let

me read to you a very important section about unacceptable activity on Web sites. I quote from the minister's document: "It is unacceptable activity if there is a breach of the Public Service Act." Section 28 of the Public Service Act prevents public servants from participating in political activity. We say there's been a breach. It goes on to say, "The Public Service Act conflict of interest regulation or the conflict of interest in post-employment directive," and let's continue by saying, "Electronic networks should not be used for private business, for personal gain, for profit or for political activities." That is your document. It goes on to say, "The electronic technology of the government should not be used to discredit others in the government through electronic communications."

This morning we looked at the federal government's Web pages; we looked at the government of Alberta; we looked at the government of Quebec; we looked at every province in this country. Not one other government has a partisan reference under any section of its Web site except this government, which insists on using them in an illegal fashion, in the view of the official opposition, to discredit not only our leader and our party, but moreover to bully the people of Ontario. Why don't you show some courage? Why don't you read your directives, instead of your glib, cheap answers about other governments, and start acting like a minister and do what your own bloody report says you should do and get the partisan nonsense off your Web page?

Hon Mr Hodgson: The only one in this Legislature trying to bully anyone by huffing and puffing and pointing his finger is you. You've asked the Speaker to rule on what you consider partisan advertising. Our Web sites have a policy that we implement through Management Board, along with all other directives. You've asked the Speaker to rule on this. Why are you trying to circumvent what you've already asked him to rule on?

1450

MUNICIPAL RESTRUCTURING

Mr Jerry J. Ouellette (Oshawa): My question is for the Minister of Municipal Affairs and Housing. Over the past couple of weeks, I've had a number of inquiries from individuals, from groups and organizations and from the press as well, on both sides of the amalgamation issue. Essentially I understand that our government announced today that the town of Blind River will annex all or part of seven surrounding unincorporated geographical townships, and I hope constituents of ours know exactly what "unincorporated" stands for. Minister, can you tell us what this means for not only the residents of Blind River but also the affected townships that are being annexed?

Hon Tony Clement (Minister of Municipal Affairs and Housing): I'd like to thank the honourable member from Oshawa for the question. This gives me an opportunity to congratulate the Blind River council and the representatives from the surrounding unorganized ter-

ritories for coming together and taking what we think is responsible and positive action. The head of council and six councillors elected during this past municipal election for the town of Blind River will continue to serve in the new council.

We've also created a transition committee composed of two members of the Blind River council and five members representing the annexed area. They will deal with transitional matters and make recommendations to the new council. This is yet another example of municipal leaders across the province exploring ways to benefit their own taxpayers through lower taxes, improved services and more responsible local governments. This will provide more effective local government in this particular area as well.

Mr Ouellette: So our constituents inquiring on these issues know how it takes place, could you please also tell us in the House today how this initiative came about and how successful restructuring has been in the province?

Hon Mr Clement: As in the great majority of cases, this was a locally arrived at solution that was decided upon completely locally, where the municipalities and their civic leaders came together to discuss local solutions and local options. That is how this came together. I would like to again congratulate the town for bringing forward the proposal. I'm confident they'll be able to operate much more effectively in their new boundaries.

Since 1996, local government reform in this province has meant that the number of municipalities has been reduced from 815 in 1996 down to 447 as of January 1 next year. The number of municipal councillors in the province has been reduced from 4,586 in 1996 down to 2,804 as of January 1, 2001. Better government, more effective government, more accountable government at less cost to the taxpayer.

FARMING PRACTICES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of the Environment. For over a year now, we've been asking for provincial legislation regulating our farming operations, particularly insofar as dealing with their manure. It's not just me who has been asking that for quite some time now. The auditor has been asking for that legislation. The Environmental Commissioner has been asking for that legislation. Our farmers have been asking for that legislation. They want one set of rules that applies right across the province. And of course our municipalities are asking for that kind of legislation. Just recently, the mayor of Chatsworth, Howard Greig—and he said this because there's a new farm going up in his community—said, "I'm not confident that without the proper provincial legislation we can adequately protect our citizens."

Minister, this is all about our groundwater. It's all about making sure that the water that ultimately comes out of the tap is safe and clean for Ontarians to drink. Why are you continuing to fail Ontarians by not pro-

ducing this legislation when so many have been calling for it for so long?

Hon Dan Newman (Minister of the Environment): I refer the question to the Minister of Agriculture, Food and Rural Affairs.

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I just want to say to the Leader of the Opposition that a safe water supply is of utmost importance to the public health of our communities and our agricultural communities.

As the member opposite will know, we started consultations on the changing face of farming last January to get comments from the public on that, to see what needed to be done. We got a report from my parliamentary assistant as to some of the recommendations that were received. We took the information from that report.

We then started consultations in conjunction with other ministries to make sure, as the auditor suggested, that we could come forward with a plan that would deal with all the needs of our society, to make sure that we protect the quality of our water in this province.

Mr McGuinty: The fact that the Minister of the Environment has fobbed this off on to someone else tells me that nothing has changed over there. The protection of our groundwater is your responsibility; it's not the responsibility of the Minister of Agriculture.

Maybe you should just listen to what your own Premier said a few weeks back in this House. He said, in response to my questions, "we agree with the Environmental Commissioner that this is a matter for the Ministry of the Environment." He said, "We agree, when it comes to groundwater, the Ministry of the Environment must be the lead agency to develop the legislation to bring forward."

That's your job. Even your Premier says that's your job. How long are our farmers going to have to wait, how long are our municipalities going to have to wait, how long are Ontarians going to wait, until you do your job? One more time, where's the bill?

Hon Mr Hardeman: I want to assure the member opposite that we share his concern about the quality of our water, and indeed it is a very important environmental issue to protect the groundwater in the province of Ontario. But I think it's even more important to consult with the farmers and to deal with the changing face of agriculture and to make sure that, as farmers, as agriculturists, we are looking after the effluent from our farms to make sure that it's being used for nutrient management as opposed to getting into our waters, and we are doing that.

We're not prepared to come out and stand here and say we know the answers. We want to make sure that we consult with all our communities—the non-farming community, the farming community and the municipalities—to make sure we come forward with a plan that will address the issue.

It's more important to come forward with the right plan than to come forward with a hasty plan.

SKILLS TRAINING

Mr Wayne Wettlaufer (Kitchener Centre): I have a question for the Minister of Training, Colleges and Universities. I believe that most people, perhaps even the members of the NDP and the Liberals in the Legislature, now recognize that skills and training are the keys to success in the modern economy. As the requirement to find and keep rewarding jobs increases, so does the need for better training. In my own riding of Kitchener Centre, thanks to the activities of this government, the economy is so red-hot that our people resources are stretched to the limit. There needs to be more people trained.

Additionally, it is increasingly evident that we have to do more than ever thought necessary in the past to ensure that Ontarians are learning throughout their lives. While government and educational institutions have an obligation to meet this challenge, the private sector has an important role to play, too. Recently, in Waterloo region there have been significant investments in training and research by such companies as Research in Motion and Mortice Kerns and their executives, as well as others.

Minister, what role do you see the private sector playing in building a skilled workforce that can compete with the best in the world?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Ensuring that Ontario's workforce has the skills necessary to succeed is a responsibility shared by government, our partners in education and training and, of course, the private sector.

There is huge enthusiasm. In fact, I'd like to advise my colleagues in the Legislative Assembly that just yesterday at St Clair College in Windsor, Ontario, the Ford Motor Co of Canada made a \$3-million donation to support a new manufacturing and training facility, right in Windsor.

I think all of you would like to know that at the end of December the president of the Ford Motor Co of Canada, Bobbie Gaunt, will be retiring. She's a person who cares a lot about young people and education, and I think this was a tremendous commitment on her part as a leader in making sure that those young people, people involved in apprenticeship training, will have this opportunity at this new facility.

1500

Mr Wettlaufer: Minister, our government has made significant investments in training, including \$228 million for the access to opportunities program and \$130 million for the strategic skills initiative. But while we encourage industry, we must also ensure that any barriers to training are examined to ensure that government is not standing in the way of more training for Ontarians. What steps has the government taken to encourage greater private sector investment in skills training?

Hon Mrs Cunningham: This has been a tremendous plan on behalf of the government and we have in fact taken concrete steps to encourage the private sector to invest in training. I'd like to take this opportunity to thank them for their tremendous commitment, especially to SuperBuild, where we have about \$0.8 billion to

support \$1.8 billion in new construction right across the province, much of which will of course be in the training field.

We introduced Bill 55, which makes Ontario's apprenticeship system more responsive to the needs of employers and does remove barriers to expanding training in new trades and areas of economic growth.

We're very excited about OYAP, the Ontario youth apprenticeship program, which is \$5.4 million in our schools, to encourage young people to enter the trades.

Through the leading education technology co-operative education tax credit, we're encouraging employers—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

VIOLENCE AGAINST WOMEN

Mr Howard Hampton (Kenora-Rainy River): I have a question for the Premier. Today is a very important day because we remember the 14 victims of the Montreal massacre. It's also a crisis year because we've had a record number of killings of women as a result of domestic violence, so much so that an emergency task force of women's groups came here earlier this fall and asked your government to implement a number of emergency measures. When I asked you to commit to those emergency measures last week, you said that your government has already implemented some of them. But, Premier, the women's coalition which has come here on a number of occasions says that's not true. They say your government has not acted on a single emergency measure they have called for. Why won't you take action to prevent violence against women, as these women are asking you to do?

Hon Michael D. Harris (Premier): We have.

The Speaker (Hon Gary Carr): Supplementary.

Ms Marilyn Churley (Toronto-Danforth): OK, Premier, I want to ask you about another aspect of your remarks on violence against women. When I asked you to reinstate vital services that women need, that your government took away, you said, "We are trying very hard to ensure that women who are in abusive situations are not financially dependent and we don't think you solve that problem by making them financially dependent on the state."

I don't know if you understand how deeply offensive that statement really is. Poverty and emotional stress are very harsh realities for battered women who leave abusive situations. For many, social assistance shelters, second-stage housing, subsidized housing and other community supports are their only hope of leaving and staying safe. I cannot believe that you want to deny women that opportunity. I'm asking you, Premier—

Interjection.

Ms Churley: Yes, he did. I'm asking you, Premier, will you retract that statement and reinstate the community services that you have so cruelly taken away from battered women and their children in this province?

Hon Mr Harris: Given that we're spending substantially more money than your party ever did on preventing violence to women, I'm surprised that you want us to undo some of this new spending. Of the 39 demands that were proposed by the Cross-Sectoral Violence Against Women Strategy Group, we have implemented or are implementing a whole host of these issues, contrary to what your party alleges.

They asked us to fund community outreach workers for rape crisis centres. We've done that. They asked us to fund counsellors within rape crisis centres. We have done that. The group asked us to ensure sufficient funding to French-language services, to community-based agencies. Our network of regional French-language services coordinators have been providing support to health care facilities and agencies. They asked for changes to the legal aid system. The Attorney General facilitated a meeting on December 1 between the cross-sectoral strategy group and the chair of Legal Aid Ontario. I understand the meeting went very well.

We have implemented or are implementing more than 90% of the May-Iles coroner's jury recommendations. More than 70% of the recommendations of the Joint Committee on Domestic Violence have been or will be implemented—

The Speaker: Order. I'm afraid the Premier's time is up.

ONTARIO INNOVATION TRUST

Mr Richard Patten (Ottawa Centre): My question is for the Minister of Energy, Science and Technology. As you may be aware, the auditor's report last week raised some issues surrounding the Ontario Innovation Trust. This is the fund that is responsible to your ministry. In his report he alleged that "the government used the trust to significantly exaggerate its spending on 'innovation' in that fiscal year." Specifically, he mentioned the fact that in the previous two budget statements, \$500 million was earmarked for the trust, so it was assumed this transfer would be made.

In fact the auditor reports that for the fiscal year ending March 31, "only \$161 million of the initial ... contribution had been approved for matching funding by the trust, of which only \$2.5 million was disbursed for eligible projects" in that year. You can see why there's some confusion. Perhaps today we can shed some light on this particular disparity.

I'd like to ask if you would explain to Ontario taxpayers and to this House, exactly what is the relationship of you and your ministry to the fund?

Hon Jim Wilson (Minister of Energy, Science and Technology): There are a couple of questions there. The fund is an arm's-length trust that has been put in place to support innovative projects and infrastructure in research and development in the province. Its primary role is to match federal government's grants for science and technology under the Canada Foundation for Innovation. Through an agreement with the federal government, we jointly decide on projects in Ontario that need to be

invested in. The trust board disburses funds to match federal government grant money.

In addition to that, scientists are entitled to apply directly to the fund for their own infrastructure projects to deal with laboratories or equipment they may need to carry out their research.

To date, a large amount of money—a total of \$750 million—has been put in over three budgets, and about \$288 million has been spent. That trust is chaired by Michael Gourley, the former Deputy Minister of Finance of Ontario. I think they're doing a very good job on behalf of the people of Ontario in disbursing the money—

The Speaker (Hon Gary Carr): The minister's time is up.

Mr Patten: Minister, you didn't really answer the question. The question really was, what is your relationship to that in terms of accountability? That's what is really at stake here. I have no qualms at all with the objectives and the purpose of the fund and the good things I hope it will do. However, I do worry about transparency and accountability. It is supposed to be arm's-length. It is 100% funded—\$750 million of resources. All the people who sit on that board are Lieutenant Governor in Council appointments made by your government.

The auditor pointed out a lack of ministerial accountability, though, for the trust activities. He was concerned about the fact he could not conduct value-for-money audits of the Ontario Innovation Trust. In its response to the auditor, the finance ministry said, "The results of this audit will be available to the public and beneficiaries of the trust."

I ask you two things: (1) Will you table with this House the audited report that has not been made public? (2) Will you assure us that the Provincial Auditor will have access to do value-for-money audits in the future?

Hon Mr Wilson: The answer to those questions is, I'm more than happy to. If the honourable member goes to the trust Web site right now, he will see the 1999 audited statements—and the year 2000 audited statements as soon as they are available.

This trust has to meet all the laws of the land. It is a non-profit board and has to meet all the rules of that. It has to meet all the rules and laws of trust in this province and this country. In addition, it is accountable to this Parliament through the minister. It is very transparent, because they are using public money. Their audited financial statements are available on the Web site and, as I said, when the year 2000 statements are available, we'll make sure they're posted right away. I'll be sure to provide the honourable member with a copy, and to all the people of Ontario who would like one.

1510

EMPLOYMENT SUPPORTS

Mrs Julia Munro (York North): My question is for the Minister of Community and Social Services. Reforming our welfare system has been a central priority

of our government, and providing hands-on, direct support to welfare recipients to help them obtain employment is essential if we are to continue to see our welfare rolls decline. There are those who have suggested that in order to make work-for-welfare work, it will require a substantial financial investment in employment supports. Minister, do you believe we are spending enough and are you prepared to put more financial resources into helping welfare recipients get a job?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): We in this caucus recognize that it takes more than a growing economy fuelled by tax cuts, it takes more than welfare reform and new legislation to help people make that important transition from welfare to work. We recognize that we've got to make a significant number of investments in employment supports.

We spend a significant amount on basic education and literacy programs, job skills training, structured employment supports and workfare placements in the private and public sectors; through our Learning, Earning and Parenting program to help teenage parents, through child care supports and transportation allowances. As the case-load falls, we will have more money than ever per welfare recipient to provide that support, to focus attention, energy and resources on helping those who are left.

We celebrate the fact that 565,000 people have been able to leave the welfare system and we're committing that we're going to take those resources that were used to help over a million people to help the 450,000 people who so desperately need our help to make that important transition from welfare to work and realize the dignity that comes with a job.

Mrs Munro: Minister, obviously Ontario Works is only half the issue. There's another side to that, and that is providing help to Ontario's disability support program recipients. This is equally important. People with disabilities resented the old system, a system that labelled them permanently unemployable. What are you and your ministry doing to help Ontario disability support system recipients move into employment?

Hon Mr Baird: The member is certainly correct. Initially, early on in our first mandate, we moved to take people with disabilities right off our welfare rolls, right out of the welfare system. It's a program where I don't believe they ever should have been in the first place. I know many members on this side of the House and on all sides of the House would share that goal.

I think probably most importantly, we eliminated the label "permanently unemployable," and not just the label but the thought and the philosophy behind that label, which for many years in this province was acceptable in all quarters but which was wrong.

In terms of financial resources, we are in the process, as the member opposite discussed, of doubling the budget for the Ontario disability support program's employment supports, to provide more support for people with disabilities to move into employment.

People with disabilities want to work. They want to have that opportunity. They just need the employment supports that the government is putting forward, and we'll continue to work to do that.

ASSISTANCE TO FARMERS

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): My question is to the Minister of Agriculture, Food and Rural Affairs. I had a farmer stop in on the weekend and show me samples of this year's crop. He showed me corn that was underdeveloped and wet. He told me that because of increased fuel costs, he was not going to combine the rest of his crop and let weather conditions dry the crop down and risk snow damage.

In the past few months I have heard from dairy farmers across eastern Ontario and they tell me that because of the cold, wet weather we had this spring, the corn and hay crops produced this year are of poor quality. As a result, milk production has dropped significantly.

I've heard this story every day, and the longer you wait, the worse it gets. Unlike you, Quebec and Alberta have already taken a leadership role to try to save their agricultural communities. They have provided financial support over and above the 60-40 split with the federal government. You, on the other hand, have done nothing.

Minister, without a strong agricultural sector our rural economy will collapse. Why don't you take a leadership role and help the struggling farmers in times of crisis?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): Thank you very much, to the member opposite, for the question. I recognize that Ontario farmers have indeed been facing a difficult year in terms of commodity prices, especially in the grain and oilseed industry. As last year was also a bad year, obviously one compounds the other and things keep getting worse for them. I want to assure him that to help farmers through the crop year we have provided them with interim market revenue payments, more so than last year. We put \$35 million into the hands of Ontario farmers as the interim payment. We have moved forward with a second interim payment, to send out another 30% of the market revenue payment to help farmers through these difficult times.

I can assure the member opposite that our concern for the farmers is there, and we want to make sure we do everything we can to help them through these difficult situations.

Mr Cleary: Minister, I don't think you've answered my question. Unless you step in now and take a leadership role, we will have a real crisis. The farmers didn't cause this. It's the seasonal weather conditions this year. We normally have better growing weather. I'm telling you, farmers can't wait any longer. Unless you step in and do something a lot of the farmers are going to lose their livelihood. How much longer are you going to wait before you step in and help the farmers? Please try to answer my question this time.

Hon Mr Hardeman: I want to assure the member opposite that we are answering the question. As a gov-

ernment we are committed, as we were in the Blueprint, to get our fair share of the federal safety net money for our Ontario farmers, which prior to that commitment we were not getting. In negotiating that deal, we got another \$30 million from the federal government to go toward our farmers in Ontario. Along with that we had a commitment that we would top that up with our 40%, as a government. So now that will be \$50 million more to help our farmers through these difficult times this year.

I want to assure the member opposite that we really do appreciate the fact that the farmers are facing difficulties and that we need to work with them. We are also calling on the federal government to put more money toward the market revenue program. Incidentally, the member opposite will know we are the only province in Canada that still has the market revenue program, which he will know is a program that helps fund commodity prices when prices drop the way they have in this past year.

I can assure the member opposite we are working with our farm communities, we are working with the federal government and we are working with all the stakeholders to make sure that we can bring—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up.

VIOLENCE AGAINST WOMEN

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Citizenship, Culture and Recreation. Today is the national Day of Remembrance and Action on Violence Against Women. I can tell you that as a father with two daughters and three granddaughters, the events that took place in Montreal 11 years ago are of very special importance to me. We've heard the statements from the opposition members earlier and I want to say that I share their concerns about violence against women. Minister, what are we doing to prevent violence against women?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank the member for the question. I think everyone across the province with young daughters, granddaughters and wives is concerned about this issue. Let me start by saying that this government will not tolerate domestic violence. We're proud of our record in preventing violence against women and we're working to provide appropriate services for all women who have been victims of abuse. We're helping them to build a better life for themselves and their families.

Money isn't the only thing that matters in a situation like this, but the government has moved from \$100 million in 1995 to \$135 million this year and \$140 million next year in spending on programs that help women in domestic violence situations. My colleague the Attorney General has done more in the justice system to help women who have suffered domestic abuse, and has worked on the domestic courts to make sure they are the finest courts in the land, processing more quickly and making sure there is more availability—

The Speaker (Hon Gary Carr): Order. I'm afraid the member's time is up.

1520

PETITIONS

NORTHERN HEALTH TRAVEL GRANT

Mr Rick Bartolucci (Sudbury): This petition is to the Ontario Legislature. It is northerners demanding that the Harris government eliminate health care apartheid.

"Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation"—that's health care apartheid and discrimination;

"Whereas a cancer tumour knows no health travel policy or geographic location"—that's a fact;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding; and whereas the Minister of Health, Elizabeth Witmer, and the Premier of this province, Michael Harris, continue to practice discrimination against northerners;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment; and whereas Gerry Lougheed Jr and northerners and Ontarians across Ontario are not going to give up the fight despite the government's inaction;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid" and discrimination "which exists presently in the province of Ontario."

Of course I'm in agreement with this petition. I affix my signature to it and give it to Jared to bring to the table.

PROTECTION OF MINORS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I am pleased to attach my signature to this petition.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent and Windsor-Essex and provide funding in keeping with the requests made by families or their agents."

It is signed by a number of persons from Chatham and Grande Pointe. I affix my signature to it and pass it on to Rose.

NORTHERN HEALTH TRAVEL GRANT

Mr Tony Martin (Sault Ste Marie): "Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

"Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Lougheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer care;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and

eliminate the health care apartheid which exists presently in the province of Ontario.”

Since I agree with this, I will sign it and I will send it down with Tim to the table.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I'm pleased to present a petition. It was actually given to me by Dave Boyd from my constituents Arnold Kerry, Alex Williamson and a number of others.

“To the Legislative Assembly of Ontario:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario's vintage auto enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas Durham MPP John O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

“Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulations;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or amend the Highway Traffic Act to allow vintage auto enthusiasts to use year of manufacturing plates when registering their vehicles.”

I'm pleased to endorse and sign this petition on their behalf.

DOCTOR SHORTAGE

Mr James J. Bradley (St Catharines): My petition reads as follows:

“To the Legislature Assembly of Ontario:

“Whereas patients requiring eye care in Niagara are faced with a shortage of ophthalmologists and, as a result, are compelled to wait several weeks to secure an appointment with an ophthalmologist;

“Whereas Niagara patients who require potentially vision-saving eye surgery have to, in many cases, wait for several months to have that surgery scheduled;

“Whereas, while the shortage of ophthalmologists is occurring, the removal of billing caps on these medical specialists provides a temporary but essential easing of the health care crisis;

“Whereas the Ontario Ministry of Health's solution of removing exemptions of the billing cap and forcing patients from Niagara to travel along the very busy Queen Elizabeth Highway to receive treatment in Hamilton is unacceptable;

“Whereas Dr Jeffrey Sher, chief of eye surgery at Hamilton Health Sciences Corp has written to the Minister of Health informing her that Hamilton does not have

a sufficient number of practising ophthalmologists to handle additional cases from Niagara;

“Be it resolved that the Ontario Ministry of Health remove the cap on billing for ophthalmologists in Niagara until such time as Niagara is no longer an under-served area.”

I agree completely with this petition, and I affix my signature to it and give it to Miranda.

SAFE STREETS LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): This is a petition to the Legislative Assembly of Ontario:

“Whereas charities such as the Muscular Dystrophy Association of Canada, Goodfellows, the Canadian Cystic Fibrosis Foundation, firefighters and many others participate in fundraisers on streets, sidewalks and parking lots;

“Whereas the Safe Streets Act, 1999 effectively bans these types of activities, putting police forces in the position of ignoring the law or hindering legitimate charities; and

“Whereas charitable organizations are dependent on these fundraisers to raise much-needed money and awareness;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We ask that the government of Ontario amend provincial legislation by passing Bill 64, the Safe Streets Amendment Act, 2000, to allow charitable organizations to conduct fundraising campaigns on roadways, sidewalks and parking lots.”

This is signed by a number of constituents in St Thomas, Aylmer and Elgin county, including such individuals as Harold Boe and David Rock, and I affix my signature in full agreement. Thank you, Jared.

REGISTRATION OF VINTAGE CARS

Mrs Tina R. Molinari (Thornhill): “To the Legislative Assembly of Ontario:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas Durham MPP John O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

“Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles.”

I affix my name to this petition.

1530

HEALTH CARE FUNDING

Mr Dominic Agostino (Hamilton East): As the CCAC case managers' strike in Hamilton is now in its ninth week, and as the CCAC has commenced to hire replacement workers for the striking managers who are on the picket line, I will read the following petition to the Legislative Assembly of Ontario.

"Whereas there are a higher number of elderly people and people with disabilities living in the Hamilton-Wentworth region, because of the excellence of the health care system in the area; and

"Whereas the case managers and placement coordinators in the Hamilton-Wentworth Community Care Access Centre have higher caseloads than other community care access centres in the central-southwest region; and

"Whereas the staff at the Hamilton-Wentworth Community Care Access Centre are paid less than their counterparts in the central-southwest region; and

"Whereas the health care system in Hamilton-Wentworth is a self-contained seamless system; and

"Whereas increasing funding will be needed to provide health care services to citizens in the future in this self-contained seamless system; and

"Whereas all workers working in the health care system, and the citizens of Hamilton-Wentworth, expect adequate funding for the health care system in toto in Hamilton-Wentworth, both now and in the future and recognize the equal importance of all the parts of the seamless health care system;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide adequate funding immediately to the Hamilton-Wentworth Community Care Access Centre so that pay and conditions of staff will be equal to those in other community care access centres in the central-southwest region; and that adequate funding will continue to be provided in the future according to the needs of the community."

I am pleased to add my signature to this, and send this petition down with Aaron.

REGISTRATION OF VINTAGE CARS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario, which reads as follows:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP"—my good colleague—"John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car

collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles."

I am pleased to affix my signature to this petition.

SPECIAL EDUCATION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My petition is to the Legislative Assembly of Ontario.

"Whereas this government has reduced funding for Ontario's special education programs without regard to the impact these changes are having on some of the province's most vulnerable children; and

"Whereas these special-needs students are now struggling with reductions in the amount of support they require with special education teachers, education assistants and classroom resources; and

"Whereas these high-need children thrive on consistency and routine and these disruptions in their educational support are negatively affecting their progress and self-esteem;

"We, the undersigned, petition the Legislative Assembly of Ontario to restore fair and equitable funding to special education so that parents and teachers can provide the best future for our children."

I agree with this petition, and I proudly sign my name to it and will hand it to this lovely page, Heather.

REGISTRATION OF VINTAGE CARS

Mr John O'Toole (Durham): I really am flattered by the number of people who are responding to this petition to the Legislative Assembly of Ontario.

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker"—in fact, he used to sit right here—"have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act" to allow vintage auto enthusiasts to use year-of-manufacturing licence plates when registering their vehicles.

I'm pleased to give this to our great page, Geoff, and he will present it to the table on behalf of the people of Durham.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Ms Caroline Di Cocco (Sarnia-Lambton): To the Legislative Assembly of Ontario:

"Whereas it has been determined that recent funding allocations to the developmental services sector in the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex have been determined to be grossly inadequate to meet critical and urgent needs;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services immediately review the funding allocations to the communities of Sarnia-Lambton, Chatham-Kent, and Windsor-Essex, and provide funding in keeping with the requests made by families and/or their agents."

I affix my signature to this petition, and I will be giving it to David.

ORDERS OF THE DAY

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000 SUR LES NORMES D'EMPLOI

Resuming the debate adjourned on December 5, 2000, on the motion for second reading of Bill 147, An Act to revise the law related to employment standards / *Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.*

Mr David Christopherson (Hamilton West): Continuing our position from the NDP perspective on Bill 147, I'd like to begin the completion of my remarks by first reading into the record an article that was published by professor Judy Fudge of Osgoode Hall, who happens to be an expert in employment legislation. The government, of course, claims that it's only the opposition that really cares about public hearings, that we're making a mountain out of a molehill. We've heard all their rhetoric. This is what a law professor has to say about the law and the lack of any kind of public hearings or public participation since the bill has been tabled:

"The government has rewritten the Employment Standards Act. This is an important law because it provides basic employment rights, everything from minimum wage to working hours and parental leave, for workers in Ontario. It affects almost every worker in the province. The government proposes completely to overhaul this basic law in two weeks. Why is the government in such a hurry? Why won't it let people have a say about employment rights?

"The government needs to slow down. Some of the changes it has introduced are just plain bad public policy.

The proposed law would take away rights employees already have won. It would make it easier for employers to make employees work longer hours. It would take overtime pay out of employees' pockets and put it into employers'. It is not good public policy to make employees work more hours, especially when people's lives are already squeezed, and pay them less for doing so. People need to talk about these changes before they are turned into law.

"In rewriting the legislation, the government has changed much of the wording and reorganized it. It may be good. It may be bad. Who knows? People need time to read through the proposed law, figure it out and compare it to what the existing Employment Standards Act says. Some of this new language changes important definitions in the legislation. This could mean either more or fewer people are covered by minimum standards. No one knows. The government has not even discussed it."

Anyone who deals with legislation on a regular basis knows that definitions are crucial. The devil is always in the detail. I would remind anybody watching or reading the Hansards after the fact that this is not just a few amendments. It's a brand new law from front to back, and it replaces five existing pieces of legislation. It wipes out five of them and they're replaced by this bill. In less than two weeks, with no public input, it's going to become the law of the land and affect—detrimentally, I will argue—millions of people. Millions. This is it. This is the bare minimum standard.

1540

If you don't have a collective agreement and you want to know what your rights are or your child's rights, if you have a teenager or a young person in the family that's out working and they don't have a collective agreement, the only protection that you have in law is this one. This is it, and it's being rammed through here once again at lightning speed. As I mentioned yesterday, that means both pieces of legislation, the two pillars of labour law in the province of Ontario—the Ontario Labour Relations Act basically and primarily talks about the laws and the parameters regarding the relationship between unions and their employer vis-à-vis the legal rules they have to work under. The brand new Ontario Labour Relations Act was rammed through this place in October 1995: a brand new act, front to back, not one minute of public hearings. Now the Employment Standards Act, the bare minimum for those who don't have benefit of a collective agreement, is being rammed through in exactly the same process. Where's the legitimacy in that?

Interjection.

Mr Christopherson: Yes, you've got the legal right to do it, but where's the moral right, where's the ethical right to ram through legislation that has such a profound impact on the very quality of working life that millions of people work under, and nobody gets a say? How can that be? How can the media allow this to go on without making it a bigger issue? I'm really concerned about the desensitization that seems to have taken place in the public and in the media about the number of bills that go through this place without any public input.

I've been scrambling the last few days, trying to get legal interpretations of what this bill means so that I can offer up, hopefully, an informed, intelligent comment on what I think the implications are on behalf of my NDP colleagues. But this government is rushing it through so fast we can't get those legal interpretations. Is that a coincidence? No. There's something really wrong in a democracy when there's not enough time for the experts.

We deal with a lot of rhetoric in this place, but there are the lawyers and the labour representatives and people who have an obligation to deal with this on a day-to-day basis, and the individual language that's in here makes a huge difference. We need to understand those legal implications if we're to understand the social implications. Why can't that happen? Is there some magical law of physics that's preventing that kind of dialogue and intelligent discourse from taking place? No. The only thing that's limiting that kind of an intelligent debate is that this government is ramming it through.

I guess as long as the public galleries are pretty much empty, the way they are today, and as long as the media treats it as, "Oh, well, that's the Harris government; they're like that," then I guess nothing's going to change. Anybody who is upset about this—I can remember making a similar speech back in 1995. I'm only a little less loud than I was then, simply because I guess I've lived with watching this happen. We've had election laws changed, the funding of elections changed with no public input, just rammed through—unprecedented. We never had those kinds of changes before.

The government knows that if things continue, if it's not on the front page—we've got occupations of ministers' offices, Premier's constituency offices yesterday. It hardly made a blip. What are people supposed to do? But I would say that when I look around today and I look at the papers and I watch the news and listen to the radio, it would seem they're going to win. They have a majority government, they're going to win the vote, that's for sure. But this broader issue of democracy is going by and people are going to wake up in 2001 and find out that there's a brand new law. If you belong to a union, it's like waking up January 1, 2001, and finding out your whole collective agreement has been changed overnight and you didn't get a say. For the millions of people who are covered by the Employment Standards Act only, with no union, no collective agreement, that's what's happening to them right here and now, and nobody seems to be doing much about it. It's scary, and why would it stop? If the government can get away with it, why would they stop?

Let me start to deal with some of the particular sections in here. First of all, I want to deal with the issue of the 60-hour workweek. It's in part VII of Bill 147, subsection 17(2). It says:

"An employer may permit an employee to work up to a specified number of hours in excess of an amount set out in subsection (1) if,

"(a) the employee agrees to work those hours; and

"(b) the employee will not work more than 60 hours or such other number of hours as are prescribed in a work week."

First of all, before I deal with the implications of a 60-hour workweek—and I want to deal with those at the same time that I deal with the averaging of wages in terms of determining overtime rates—I want to take one step back before I deal with those two issues specifically to deal head-on with this issue that the government talks about in terms of, "It can only be done by mutual consent." The minister said it yesterday; I expect there are going to be members of the government backbenches who are going to try to take all of the horror stories that I think are quite legitimate and real and say, "They don't really matter, because if someone doesn't want this, they just have to say no."

Obviously, anybody who's arguing that point is either ignoring their own experience or has never experienced the workplace, certainly workplaces where you aren't dealing with people who have rights—because there's no contract; there's no union here. If we're dealing with a group of PhDs in some circumstance in a lab somewhere, I suppose they probably could fend for themselves. But for the vast majority of people—don't just take my word for it; let's take a look at what the Supreme Court of Canada had to say. Again, keep in mind that the government is arguing that if somebody's being asked to work 60 hours a week, meaning over the standard workweek, after 48, they can say no. Our argument is that's a ridiculous point to try and make when there is an absolute, total disharmony of the power relationship in a workplace.

The workplace is not a democracy. There are employees and employers. The boss has the upper hand. The boss is the boss is the boss. That's supposed to be offset by rights, by laws. But there's nothing here. They've eliminated the permit system. I'm going to talk about that too, because that's their other great defence: "Oh, don't worry about eliminating the permit system. It didn't really work anyway." But now they're arguing, "If you don't want to work 60 hours"—it's like a commercial. They think work life is like a commercial: everything's nice and clean and sparkly and the world's great. It's like you see people who work at a gas station on TV: there's not a grease spot on them; everything's nice and glimmering, and the glint off their teeth. They think that's the real world. That's not the real world. The real world is, when the boss comes over and says, in whatever fashion, "I'd like you to work beyond 48 hours this week," it is not just a matter of saying, "Thanks a lot. I appreciate the offer, but I'm really not interested." "Oh, that's fine. I'm sorry to disturb you. I'm sorry I upset you in any way. I'll just go on and ask someone else." That's not the way the world works.

1550

What does the Supreme Court of Canada say about that very point? In *Slight Communications v Davidson*, 1989, the Supreme Court of Canada had this to say about the power relationship in a workplace between employers

and employees where there is not the protection of a union:

“The relation between an employer and an isolated employee or worker is typically a relation between a bearer of power and one who is not a bearer of power. In its inception it is an act of submission. In its operation it is a condition of subordination.... The main object of labour law has always been, and we venture to say will always be, to be a countervailing force to counteract the inequality of bargaining power which is inherent and must be inherent in the employment relationship.”

They went on further—actually it was the year before, 1997. Pardon me, that was 1989, so this would be eight years later. The Supreme Court reiterated its position in *Wallace and United Grain Growers*:

“The contract of employment has many characteristics that set it apart from the ordinary commercial contract. Individual employees on the whole lack both the bargaining power and the information necessary to achieve more favourable contract provisions than those offered by the employer.... This power imbalance is not limited to the employment contract itself, but informs virtually all facets of the employment relationship.”

There is no equality. The average worker cannot just say, “No, I don’t want to work any more overtime” with impunity. At the end of the day, this clause means there will probably be hundreds of thousands of people who will feel coerced or intimidated. Is that all employees? No, of course not. But what is intimidation? What is coercion? I would argue it affects different people differently.

Last night in this place during the debate on this bill, the member from Hamilton East walked across the floor and apparently stood in front of the desk of the member from Durham, John O’Toole, and I guess he was leaning over the desk. Let’s keep in mind, in this place there are people guarding the doors right now at every outlet. This is just about the safest place in Ontario in terms of your own personal security. People aren’t even allowed to walk on the floor of this place without permission. If somebody violates that, the escalation of what it takes to bring us back to only those who are allowed in here happens pretty quickly, up to and including bringing in the police and—I’d say to you, Speaker—at the end of the day bringing in the army. This place is about as safe as you’re ever going to be as an individual, and yet last night what did Mr O’Toole say? This is from the draft *Hansard* last evening.

“On a point of order, Mr Speaker: When the Minister of Labour was addressing the House and a protest commenced, in that process the member for Hamilton East crossed the floor, approached my desk, and in fact was leaning on my desk in what I felt was a very intimidating fashion....

“Personally, I’m fairly uncomfortable with somebody being that aggressive. But I think it’s completely out of order in this House for a member of the opposition to try and intimidate in a physical way.”

And you’re going to try to tell me there isn’t going to be coercion and intimidation in the workplace by people who have no benefit of a union contract, no one there to represent their rights? At the very least they’re going to be putting in jeopardy promotions, maybe better shifts, maybe better work, the opportunity for training. All those things are not going to be seen by the employer as a benefit they want to give to somebody who says, “No, I don’t want to work overtime.”

I would say—and it will come up during the rest of my comments—that in the other parts of this bill where you talk about mutual consent and agreement, the same argument I have made now and that others have made applies. There is no equality of power in the workplace. That’s why we have to have laws. The fact that an *Employment Standards Act* exists is proof of that point. You’re changing the law to allow an employer to have employees work up to 60 hours a week with no involvement of the government. They’re all alone. That could be a young person, 17, 18 or 19 years old, maybe working in a summer job or maybe out in the workplace for the first time. Maybe it’s a weekend job. How about the new Canadian who comes to this province and doesn’t speak English as their first language, or just somebody who has to keep a job because they’ve got to put food on the table and also be able to keep a roof overhead for their kids? There are a lot of vulnerable people in this province, made more vulnerable by your laws, and this is another one.

I also want to address the issue of the permits, because that’s the other argument where you are saying that what we’re alleging here is not going to happen. Is the permit system flawed? Yes. Is eliminating the permit system the answer? No. You’ve done that on so many occasions with everything you’ve dealt with: health care, education, the environment, social services. You’ve identified a problem, which is easy. Nothing is perfect. There are always going to be areas—just about every area in government, as in private business, can be improved. To identify a problem alone and then say, “Therefore, we’re taking action, and we’re the good guys because we’re the only ones who are doing anything,” is nonsense.

When you eliminate the permit system, you eliminate any involvement of the government in the regulation of working 60 hours a week. Now, there are complaint procedures, and you’re going to do your spot-checking—from what we can see, you’re not even going to hire enough inspectors to replace the ones you’ve already fired. That’s not the answer. The answer is to take a look at the permit system, identify what changes can be made so it’s not just a rubber stamp—I don’t argue that point. Yes, let’s hear from employers. Have them come in. But because we’re not having public hearings, that won’t happen, will it?

What ought to happen is, we ought to have employers come in and talk about where the permit system is a problem, where there need to be changes from their point of view, and then bring in other experts in the field of labour law and ask them, “How can we keep and improve

a permit system that protects the most vulnerable and does not have negative implications for the employer, and how do we make sure the law is crafted in such a way that when it's implemented, it actually achieves what we want it to achieve?" That's what we ought to be doing here. Scrapping the permit system is a nice, easy way to turn your back on the most vulnerable in this province. I reject both those arguments totally: to say that with mutual consent and elimination of the permit system, somehow that's going to make everything OK.

1600

Now let's deal with this 60-hour workweek. The last time that the province of Ontario had reference to a 60-hour workweek was in a previous piece of legislation—I know the Tories love this; I'm surprised they don't call the Employment Standards Act this again, because this works for them real good—the Master and Servant Act of 1884 to 1944. That's the last time an Ontario statute spoke to 60 hours.

It's interesting. The only other country we could identify—and if you've got other examples, bring them on—at this time that's moving to a longer workweek is Russia. They've now introduced legislation, a new labour code, that opens up the possibility of a 56-hour workweek without overtime. Why are they doing it? Pressure from the International Monetary Fund. That's the world we've joined here in Ontario with this bill.

Just in October, the federal government and five provinces—and one of those is Quebec—every one of them said that 40 hours is the standard workweek. We don't have that in Ontario. People think that we have a 40-hour workweek in the province of Ontario. We do not. In the United States they have had a standard 40-hour workweek, where overtime is paid after 40 hours, since 1938. We're now making it easier for employers to force—I'll use the word "force"—employees to work up to 60 hours.

Why aren't you moving to 40 hours? In Europe they're moving closer to 35. You keep talking about competition. Here we've got provinces all around us, the federal labour code and European nations—some of our important trading partners—all going in the opposite direction. And the United States, our primary trading partner, has had that law since 1938. You've got us going the wrong way. You're not putting in the protection you say you are. You're leaving people vulnerable. Why? It's obvious. We know that it's easier and cheaper to have an employee work more overtime than it is to hire someone new.

One of the reasons the concept of time-and-a-half came into being, in part, was to recognize that after having worked a full day, if you're being asked to give that much more on a particular day, you should be getting a premium for that time-and-a-half. That certainly was part of the reason. But let me remind members of the government that the other main reason it was brought in was as a disincentive, so that employers would hire someone rather than have employees work longer hours. You're moving us away at a time when you've had more

money at your disposal in terms of discretionary funds than in the history of this province—billions of dollars. You've given it away to those who already have the most in our province.

If people are worried about what happens now during boom times when, yes, jobs are being generated, wait until we get into a recessionary mode. What's going to happen then, when people are terrified—even more terrified than they might be now—to put their job on the line? Who wants to go home and tell their kids and family, "I'm not working any more. There was a layoff and I don't have seniority because we don't have a collective agreement and I'm gone. I think it was because I said no to overtime in the past, when I wanted to be with the kids"?

You talk about volunteerism. When are they supposed to volunteer?

People shouldn't have to choose between their children and their job. For a party and a government that says they're family-oriented, family values, where's the family value in keeping people at work longer than they need to be or want to be, or having them make that horrible choice between my job and my children? They want to be involved in their hockey teams; they want to be involved in their concerts; they want to be involved in their children's lives. You say you want that and then you bring in legislation that ties them to work.

The next issue is very much linked to that, and that's this averaging. Part VIII, subsection 22(2): "Subject to the regulations, if the employee and the employer agree to do so"—here we go again; it's if there's agreement. They're going to stand up and say, "All they have to do is say no." That's what they're going to say. The government is going to say, "If somebody doesn't want to work these hours or they don't want to have their wages averaged, they just say no." I've already pointed out where that's not a defence for this kind of legislation.

Anyway, to put that on the record, "Subject to the regulations, if the employee and the employer agree to do so, the employee's hours of work may be averaged over a period of not more than four weeks for the purpose of determining the employee's entitlement, if any, to overtime pay."

What does that mean exactly? First, it means that if you work 40 hours one week, 40 hours the next, 56 the next and 40 the next, under existing legislation you would be entitled to overtime for those 12 hours in the 56-hour week you worked. That would be \$41 at minimum wage. Under your law, if someone says, "All right, I agree," it means they lose \$41 if they're paid at minimum wage, your minimum wage, which you've frozen for five years.

Another example: if you work 20 hours, 36 hours, 60 hours and 60 hours—the trigger point is 176 hours. If it's 176 hours or less averaged over four weeks, there's no overtime. If it's anything over 176, regardless of how it's bundled in those four weeks, then you're entitled to it. Our point is that if you're working 20 hours one week, 36 the next, 60 the third week and 60 the week after, you

ought to be entitled to the overtime for the 60 hours in the third week and the fourth week. If you were paid that, you would be receiving \$256 in earned overtime. Under your law, they don't get anything.

Another example, a four-week period: no hours the first week, 56 hours the second week, 60 hours the third week, 60 hours the fourth week. You'd be entitled, if you were earning the average pay, the average wage, to \$352 in overtime payments under existing legislation. Under your law, you'd get nothing. For those weeks when you worked 56 hours, 60 hours and 60 hours, you don't get any overtime.

1610

One has to ask oneself, if that's the case, why would anybody ever agree? I know the government says there are circumstances, and the Minister of Labour pointed them out, where there may be some benefit to an employee to have this opportunity to do that, and they really do understand all the implications and they want to work out some kind of an agreement. That doesn't need to be prohibited here. This is not about stopping people from having free will. It's a question of whether or not it really is free will. If the point is, "Nobody has to do that, so why would you worry about it?" I would ask, why would you put it in there? If common sense says that under the examples I've shown you, people end up working 60-hour workweeks and 56-hour workweeks and get absolutely no overtime, why would they accept this? Therefore, why would you even put it in if it's so ridiculous?

I come back to my original argument. You put it in there because you know the reality is that people will be threatened, that they will be coerced, that they will be intimidated, even if it's a simple thing like Mr O'Toole, MPP for Durham, feeling threatened by the fact that another MPP walks across the floor and stands at the front of his desk. That is legalized theft.

When someone gets hired, when you're anxious for a job, you really don't pay a lot of attention to the specifics or the details. You're so thrilled to finally have a job that you're thinking about that rather than everything that's being said to you. You're being told, "We have a policy here where there are occasions when we will ask you to work 60-hour workweeks and other occasions when we will ask you to average out your overtime, and we hope you'll be comfortable with that," and the person says yes, and then as things unfold and time goes on and the newness of the job wears off and they're approached to work these hours or under these conditions, they are reminded that they didn't think this was a problem when they were hired. "Are you not the employee we thought you were? Are you going to be a problem?" Suddenly you find yourself not getting the training you were getting, not getting the opportunity for better shifts as you accumulate some seniority; instead, quite the opposite.

Let me also point out that under this kind of four-week averaging, once you've got people committed to the point that they're going to buy into this out of fear for the

repercussions if they don't, if you've got a whole workforce in the same mindset, all you have to do is have your office manager or your administrator start scheduling things in such a way that on those weeks they need you to work fewer, those are the weeks you have other people working 54, 56 or 60 hours. As they get to the week where they have to work 10 or 15 hours to keep their numbers down, that's when you build up the employee's hours in that category. It's all about planning and it's very easy to hire someone and say, "Map it all out for me." At the end of the day, money that workers should be entitled to under the existing law is stolen from their pockets by the employer, and you sanctioned it.

The minister said yesterday, "Listen, people are going to break the law anyway and we're not governing for them. We're not governing for those who are going to break the law." Supposedly they're going to go after them, although they haven't got the staff to do it and I don't believe they even have the desire. You say you're going to go after them and therefore we shouldn't count those people. Let me tell you, that doesn't stop governments from bringing in laws to restrict anything, for that matter. You don't refuse to put up speed limits because you know there will be speeders who will violate the law; you put up speed limits based on what's in the best interests of the public and then you forcefully—as you flip-flopped on photo radar—enact legislation that allows you to uphold that legislation.

Those who have no intention of breaking the law: let's deal with that category. I'd like to think that's the majority. All you'd have to have is what we expect people to say. The owner or the ultimate manager of the establishment says to the managers or staff, "I want you to implement policies in this workplace that go right up to the edge of the law, no further, but no less." And you know what? At the end of the day, most of us would like to see a society that is built that way. If an employer wants to give more, or if a union comes in and they're forced to give more, all the better. But we do govern bringing in laws, hopefully, recognizing that in a law-abiding society people will abide by the law. It is under your law that people can have their wages stolen from them and that time with their families can be stolen from them. That's what is going to happen and you know it. At this point we don't have any evidence of any backbencher, anybody, who is going to say anything against this.

Do you know what? We won't know in a month or two months whether what I am saying is true or not in terms of the evidence of it. Unfortunately, it's going to take a long time for it to start to show itself and, by then, who knows how many people will have had money stolen from them, time stolen from them? Under this government, even if we could prove it, it doesn't look as if they would respond, because if they really cared about what was happening out there, they would give people a chance to have a say. If I am so wrong, then put it to the test. We will pass the parental leave legislation this afternoon, in a blink, and the rest of this bill can go to com-

mittee and then let's battle it out there. You're afraid to do that because you know your arguments won't sustain scrutiny, so within three or four days this is going to be law, just like that.

I've only got a few minutes left. I want to talk about the 10 days' unpaid leave. First of all, you make a wonderful argument why this should be in here, and we don't disagree. But why 50 employees? I understand the difficulty it places on employers with a small workforce. But again, it's not easy. Laws aren't just about identifying "Where are the angels sitting and there is where we'll legislate?" or "Where are the rights?" Most often it's a competition of rights, the rights of one group or individual versus another: Who decides and how do you decide? What are the criteria for decision-making?

You said, and we agreed, that when someone has a sick child they need to take to the emergency ward—goodness knows, they're going to be in that emergency ward for an awfully long time waiting for treatment because you hacked away at the health care system—on those times when they need to take their child to the emergency ward, they shouldn't have to put their job on the line. We agree. But if that priority, if that right is so important, then should there not be a recognition that it doesn't matter whether you're in a workplace of 50, 100, five or 20?

It comes down to rights and whose rights are paramount. Do you know what? In most cases, and I'll bet 10 times out of 10, if you ask any mom or any dad in the province of Ontario whether on the morning their child is sick and they have to take that child to the doctor or to the hospital they're giving any thought to whether they are in a place where there are 50 employees or more, or even if it means their job, they're going to say, "No, my child's welfare comes first." That's what we want and supposedly that's what you want.

Why are you expecting that a mom or a dad in a workplace of 25 people won't feel that way? Or if they will feel that way, that's just too bad, their job is on the line. Do you know what's going to happen? Most people are going to take that time anyway. Mom is going to take that baby, that child to the hospital whether it means her job is on the line or not, and you've offered no protection for that. That's wrong.

In this case, there ought not be a threshold. This is a human right, it's a parental right, and it's an obligation that we have to ensure that children are given the parents they deserve, and you're inhibiting that.

1620

There's one other section of this that's troublesome but, again, we're not going into committee so there's no way to know whether or not what I'm saying will actually carry out at the end of the day. We can only go by what's here. A lot of what's going to come eventually is in regulation, and we don't see those until after the bill is passed.

This says, in subsection 49(1), "An employee whose employer regularly employs 50 or more employees is entitled to a leave of absence without pay because of any of the following...."

I'm going to skip the first one and come back to it. There are three:

"2. The death, illness, injury or medical emergency of an individual described in subsection (2).

"3. An urgent matter that concerns an individual described in subsection (2)."

Subsection (2) outlines things like a parent, step-parent, a foster parent, a child, step-child, grandparent, spouse, relative of the employee who's dependent on you for all their care, and that's what we all thought this meant in the first place. But to take you back to number 1, it says: "A personal illness, injury or medical emergency."

Is this introducing a new 10-day threshold, or trying to, whereby after 10 days of someone being off sick they can be let go because they don't have permission? Why put it in there? Why put it in this category? Again, this is one where I'm not making a huge allegation that this is the way it will turn out; I'm raising a concern. This, from our point of view, shouldn't be in this category. There should be the paragraphs 2 and 3 that I mentioned, but why the first one?

We're not going to get any opportunity to talk about that, because we won't have public hearings. We can hear the government backbenchers. They'll maybe get a note sent to them from staff and they can provide some kind of answer, but at the end of the day that doesn't mean diddly-squat. The only thing that matters is what's in the law. There's a real concern about why you chose to inject that, and if you didn't mean for it to have the implications that I'm raising here, then why don't we take it out or why don't we talk about it?

Vacation pay—and I'm down to two minutes—part XI, section 33:

"The employer shall determine when an employee shall take his or her vacation, subject to the following rules....

"2. The vacation must be a two-week period or two periods of one week each"—and that's the current law—"unless the employee requests in writing that the vacation be taken in shorter periods and the employer agrees to that request."

Same argument, about how little intimidation it takes to have people fear for their jobs. What this means is that you don't get two weeks together; you don't even get one week together. You could end up taking your vacation one day at a time. If you refuse, there goes that training, there goes that better job, there goes that better shift, and maybe at the end of the day there goes your job.

Lunch is the same thing. I mean, there's just nothing about the workplace that is not dealt with in this law and in so many cases changed.

Part VII, subsection 17(2): "An employer may permit an employee to work up to a specified number of hours"—pardon me; that's the 60 hours—"if the employee agrees to work those hours." Then, if you don't have a paid lunch, it actually reads this way—subsection 20(2): "Subsection (1) does not apply if the employer and the employee agree"—this is that you get a half-hour

lunch—“whether or not in writing, that the employee is to be given two eating periods that together total at least 30 minutes in each consecutive five-hour period.”

That means your whole lunch hour consists of 15 minutes here and 15 minutes there, and that doesn't even have to be in writing. There is so much to this bill that deserves to be looked at. It is anti-democratic, it is undemocratic, it's unacceptable that we're not being given a chance to debate this in legislative committees, where we can do the proper job that we should for the people.

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

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's always a pleasure to reply to comments made by the member for Hamilton West, because he does bring some emotional rhetoric to this debate. There's no doubt he did point out—I made a few notes. He talks about there being an awful lot of rhetoric in this House. I must give him credit. He says that nothing is perfect, and I'm sure Bill 147, just like any other bill, is far from perfect. But he asked a question. He said, “How can the media let this go through? How come the public are not saying anything? The chamber is empty; there are a few people in the gallery. How come?” Maybe the media caught on that there's not that much to Bill 147. There are some revisions to the bill. The bill hasn't been revised for 25 years. It's a piece of legislation that was written in 1968, and times have changed. The workplace has changed; the types of jobs we do have changed. Consequently, of course we don't like change. I don't like change. I look in the mirror every morning and I see change. I don't like it. But it's a sad piece of reality: it is happening.

He talks about the permits, and he says people will be forced to work 60 hours. Of course, that's the rhetoric we're using. I'm glad to see that he mentioned that many people do not bother to apply for permits once they work over 48 hours, because that's the case; that is a fact. Consequently, that's a barrier we're trying to remove.

There's a lot of protection within the bill that will protect the workers. There's no doubt we can use the rhetoric to scare people. But he also mentioned one point that really caught my eye. He mentioned that if you lose your job because of seniority, it's difficult to go and tell your kids that you've lost your job. I would strongly suggest that it is sad, that for anyone to lose their job it's always difficult to go home, whether you're a union member, whether you've got seniority or not. It's very difficult—

The Deputy Speaker: Thank you.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I just want to begin by saying that any time I get to follow my illustrious colleague from Hamilton West it's a bit like dancing after Baryshnikov. I want to applaud him for his very thorough piece of work. I think the members opposite ought to listen to the very wise counsel.

The previous speaker made some reference to emotional rhetoric and the media. There's a difference

between the rhetorical and the prophetic, and I think the honourable member for Hamilton West was being quite prophetic in terms of identifying a number of concerns that he spots quite readily, even without the detailed examination in committee that this bill certainly deserves.

I have three teenage daughters, two of whom work in a couple of places. They like to make money; in the Christmas season, they even like the extra hours. I was particularly taken and pleased with the reference the member for Hamilton West made to how a number of people would get shafted as a result of some of the provisions in this bill. I can see the scheduling problems that he has outlined.

It's fortunate that my two girls work with progressive employers who, I suspect, at the end of the day will not be about the process of shafting their workers. But there aren't any guarantees that every employer out there is like that. I think the honourable member has made some comments that deserve to be explored in committee. I lament profoundly that we see this continuous pattern by this government of taking important legislation and being very dismissive of it.

1630

The Deputy Speaker: Questions and comments? The Minister of Consumer—no, Comsoc.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Consumer and Commercial Relations I would take, but I haven't been offered it yet.

I have a tremendous respect for the member opposite. I had the opportunity to work with him when I was parliamentary assistant to the Minister of Labour. We had a chance to attend a number of labour conventions and union meetings. I can tell the member for Hamilton West that I always got a decidedly more enthusiastic welcome than he did. Of course, that would depend on how you define “enthusiastic.” It was certainly far more vocal and I got a lot more feedback from those meetings than he did.

But I do respect the honourable member. He cares passionately about these issues. I also disagree with him, but reasonable people can disagree. I would compliment the member opposite in one respect: he is very consistent. Since I've been in this place, he has consistently taken the same policy line since the day he was first elected. And that is different, because he is the only opposition party member we have that's consistent. I remember, in the election of 1995, fighting with the Liberals to repeal Bill 40. They wanted to scrap Bill 40. I remember going to those all-candidates meetings, and the Tories and the Liberals would be standing to try to scrap Bill 40. Only, when we brought in legislation to scrap Bill 40, the Liberals changed their minds on the unionization of the family farm. So I say to our friends Wayne Samuelson and others in the gallery that they certainly have a consistent friend in the member for Hamilton West.

The Minister of Labour has responded at great length to some of the criticisms made, so I won't repeat them. I do want to address the issue of public hearings that the

member opposite raised. He talked about the importance of process, the importance of public hearings, but this is a case of “Watch what I say, not what I do.” When the member opposite was part of a majority government and part of the cabinet, Bob Rae and the NDP cabinet stripped hundreds of thousands of working men and women in this province of their collective agreements. They rammed through their social contract with how many days of public hearings? Nada. Nothing.

Mr David Caplan (Don Valley East): I rise to comment on the remarks of my colleague from Hamilton West. I would say that he has pointed out a very valid line of criticism of Bill 147. Certainly there are parts of the bill that are laudable, that we would support. It's long been the position of the Ontario Liberal Party that we should extend emergency family leave, to care for children, to care for parents. That was part of our platform. If the government has seen fit to lift good Liberal ideas, we want to stand up and recognize that. However, there are aspects of this legislation that are going to be detrimental to families, that are going to harm hard-working Ontario families.

Speaker, it's ironic. “Irony” is defined as the difference between appearance and reality, the difference between what is said and what is meant. You hear the Premier and others stand in their place time and again and say how they care about families, they care about the well-being of children and how they are raised. The single most critical factor in raising a family is making sure that you have parents there, that parents have time with their children to help to raise them. In this legislation, as the member from Hamilton West points out, a 60-hour workweek will cause parents to be at work instead of at home raising their children.

It is unprecedented anywhere to have these kinds of provisions embedded in law. It is anti-family, it is anti-children and it belies the rhetoric of the Premier and the cabinet. I would say it's a shame. It really is a shame. The irony drips in this legislation. They've held hostage some good Liberal ideas, but there are a number of bad ideas in Bill 147.

The Acting Speaker: Response?

Mr Christopherson: I want to thank my colleagues from Lambton-Kent-Middlesex, Ancaster-Dundas-Flamborough-Aldershot, the Minister of Community and Social Services and the member from Don Valley East for their comments and obviously for at least some attention to what I've said. I appreciate that. Thank you.

It's interesting that none of the government members, one of them being a cabinet minister, chose to challenge the allegations I put on the floor. I know the Minister of Labour disagrees with most, if not all, of what I said, but I would have thought that if I am so off the mark, that if some of the positions I have put forward—and they aren't rhetoric. I think anybody who listens or reads it will know that. If they felt that I was so far off the beam with what I was suggesting, those two members, one of them being a cabinet minister, would have gotten up and started to pick apart the arguments I made—at least one

of them. It didn't happen. We have no reason to believe, based on what the government just said in response to my remarks, that the concerns I have raised will not become reality.

Let me just say very specifically to the member from Lambton-Kent-Middlesex, I deliberately raised the issue of nobody being here and that things being rammed through this Legislature was no longer news in Ontario because I knew what your response would be.

I want people who do care about this issue to understand that as long as you don't do anything about it, those are the arguments they can make; those are the arguments that carry the day. The only way we can stop that kind of argument is to show that you care. Be in this Legislature. Be out front. Get active. Something has to happen to stop this government.

The Acting Speaker: Further debate?

Mr Jerry J. Ouellette (Oshawa): I always enjoy listening to the member for Hamilton West because he always has a strong passion for his issues. On this issue, coming from Oshawa, it is particularly of concern how the legislation comes forward, the impact and the end result.

I must mention that I will be sharing my time, whatever time remains, with the member for Durham, Mr O'Toole, as he has some concern that he's not getting quite enough air time.

As well, I expressed my concern to the minister in that you may have noticed I wasn't here for the first vote on that. I expressed a concern that until we got some things clarified to the people in my riding, I wouldn't be supporting the bill. I can say now that we've had that resolved. I've had the Minister of Labour into the riding and we will be supporting the bill.

The member for Hamilton West spoke about people supporting it and, quite frankly, they constantly refer to our rich Tory friends. Well, in Oshawa my rich Tory friends are the average workers on the line. Those are the people I have the majority of associations with, before being elected and continuing today.

He touched on a number of issues that I'm going to try and briefly go over. I remember working in Toronto once for a company that was doing a major changeover. We were short-shipped some product from one of the Scandinavian countries so we were trying to do some modifications on the goods. The employer at that time made it very clear that I was going to be staying overnight. Well, the issue comes forward where those people are just going to say no. Quite frankly, I looked at him and I said, “Good night.” I was still working there, and for five years after that I continued to be employed at that location, so there are opportunities. Yes, it can be intimidating and sometimes it is difficult to come forward in those positions and say you're not going to be put into pressure situations and to stand up for what you believe in, but sometimes you have to do that. I was an individual who specifically did that.

There are quite a number of issues regarding this. When we had the Minister of Labour into the riding, we

did a number of calls on the issue. We did over 100 phone calls. We contacted the local councillors. We contacted the CAW. We contacted the police association, the firefighters' association, the nurses' association, all the individuals. I know one of the key individuals who worked on the line had some strong concerns and wanted to come forward, because the perception they got from the union leadership was quite contradictory to what we were saying on that, so we brought the minister in.

Quite frankly, I was very disappointed. We got a number of responses. They said the hockey game was on and they couldn't attend. People didn't show up. I contacted people. There was one excuse that was rather—this is the follow-up to the member saying, "Where are the people in regard to the legislation?" The same thing took place in our town hall meeting. I was very disappointed at the total response. We had newspaper ads, we tried everything to get people out; we had commitments from people. Twenty-eight people showed up on the legislation. Some of the excuses I heard were that people had to go to Canadian Tire or they had to go to Home Depot. To think that in Oshawa, when you take out newspaper ads to discuss this legislation with the Minister of Labour and 28 people show up, it certainly says a lot about the concern about the legislation, or what people's perception of it is and where their priorities rank in different areas.

The only one that was very sincere was the fact that somebody had to get an MRI, so I gave my mother the OK to not be in attendance at that meeting.

1640

Quite a few things came forward at that meeting, and a lot of people learned that actually they were breaking the law already. Some people, for example, were taking holidays—in one place, when I was working in Toronto, Fred used to take Fridays and Mondays off every summer, all summer long so he'd have a four-day weekend. Fred suddenly, these people realized—not only Fred, but somebody else in attendance at the meeting realized that it was against the law for them to take a four-day weekend as opposed to taking a one-week block off. This was something that was quite surprising to them.

Not only that, but there were workers on a line there who brought the issue forward that a standard practice in General Motors is that you can work a double. That means you work your regular shift and then, if somebody doesn't show up for work, the group leader will ask the group if anybody wants to stay and work a double shift. They work a double. They go home for eight hours and then come back in. Quite frankly it's against the law, in that you have to have 11 consecutive hours off. So they were rather surprised at that. It was something that they would voluntarily do, and do fairly regularly.

As well, the chamber of commerce was invited to the meeting. One of the areas of concern was from a small business person who came forward who thought that the maternity leave being expanded to what we're expanding it to was going to cause some people to stop hiring females in child-bearing years, because all of a sudden

they're going to be granted this leave of 50 weeks. The minister quite amply answered the question, and actually the person came down, because they were an employer. I thought they were actually a worker on the line. This was an employer who came forward and said that they were very happy with the answer and that the minister would monitor to make sure that the demographics were not such that females in child-bearing years were going to be discriminated against because they might not be available for work for a 50-week period.

The member for Hamilton West spoke about being in an environment where people were going to be forced into work. Quite frankly, the average business owner is out there, yes, to make money. I don't know of a lot of businesses that are out there just to be a business and to provide work for people. The average person is out there to make money, and they do the best they can in those situations. Realistically, yes, the majority of business owners are people trying to comply with the laws, but there are a few bad apples out there. There are a few bad apples out there now, there were a few bad apples out there when the third party was in government, and there always will be. I would question whether those individuals want to be working in those locations at a time when there's prosperity out in the community, where we can look at other locations.

It's easy for an individual such as myself to stand up and say that, but when the people take a hard look at the choices they have out there that are available now, I think there are opportunities for other locations. The minister made it very clear that he was going to target those companies with substantial fines and they've been mentioned a couple of times here through the debate and, as well, there will be inspectors out there doing inspections of workplaces to make sure this happens.

The big issue was the concern that came forward about the 60 hours. I believe originally there were full-page ads in our local papers stating there was going to be a 70-hour workweek. The reality that the minister was able to calm the individual about was that the work permits were being moved from 48 to 60. What that means is that the individuals still have the opportunity to work the standard 44, with four hours overtime up to 48, and that they wouldn't be required to work a 60-hour workweek unless they so desired.

What do you do in situations of police, for example, or firefighters? Currently they have their shifts designed so that they can work specific hours, 10- and 12-hour shifts, and then they get extended periods of time off during that month. I know police officers, for example, regularly take four, five and six days off at a time in a one-month period because of the way the shifts are laid out. These are some of the flexibility things that make this legislation that much more attractive for people to get involved with.

As I was saying about the meeting in Oshawa—we had it at the Arts Resource Centre—we tried, to the best of our ability, to get as many people out as possible. We made hundreds of phone calls, all the municipal council-

lors, the regional councillors, the chamber of commerce, the downtown board of management, and we heard a lot of excuses. Quite frankly, my impression was that people weren't quite as interested as I thought they would be.

As a result of that—and I explained to the people there—I will be supporting the legislation. The individuals who did show up, I thanked them very much and appreciated that, and those who were unable to we've been able to provide with the information and the hand-outs that were available there. There were a lot of questions and answers mostly relating to their concerns, I would say, regarding the big issue, the 60 hours and how it came out to be. Where did the 60 come from?

Mr McMeekin: Did you make any changes as a result of their input?

Mr Ouellette: I don't believe so. The legislation came forward, and I think it was mostly an information session. The people were quite surprised that the information they were receiving was not quite the same as what they had received from the union leadership. So they had an opportunity to question the minister directly, and quite frankly they did.

I think there might be some other—the biggest concern is getting the facts out, so that the people have the opportunity to get the information they need. As I've stated, communication on the bill to the minister and others has not been what it should be.

With that, I think I'll conclude my remarks. I know Mr O'Toole certainly has a few remarks to make, as he always does.

Mr John O'Toole (Durham): I thank the member for Oshawa for sharing his time with me. Just picking up where he left off, it's really thanks to his efforts in organizing the meeting that the member for Peterborough and I sort of dovetailed to get the Minister of Labour out to Oshawa, to our area, to respond to real people and the genuine issues.

Like anything, I think there are two sides. Clearly, one side is getting information out. Some of it, I might say with your permission, Speaker, is not helpful. I would call it misinformation. On the other side there are good questions, and I think the member for Hamilton West probably brings out the most-developed arguments in terms of cautionary reminders. After all, I'd say the vast majority of us on this side are working people. I want to make it really clear that I'm not representing some elitist body here, and I think it's important to clarify the tension that's in the workplace.

The reality of this is that today we are very close to full employment. By any measure, roughly 4% unemployment is full employment, because there are a lot of reasons for transition in the workplace. We've heard recently from Mr Moffat and others from the skilled trades area, who are here today and who have been monitoring the debate during Bill 69. It's very robust. In the last few months, I was at a number of new school openings where they recognized the contractor and the skilled trades people for their contributions, and they were saying they could hardly keep up with the de-

mand—a new hospital, schools, a lot going on in the SuperBuild area with the colleges and universities expansion.

Bill 69 was one part of the changes in the labour relations climate. Another bill, Bill 139, the Labour Relations Amendment Act—we sort of call it democracy in the workplace. There are some controversial sections in there: the disclosure provisions and also the de-certification issues are clearly brand new. But even if I look at some of the leadership in the labour movement today, Buzz Hargrove, a very well respected individual, is saying they have to meet the challenge of the new workplace. Whether it's the e-commerce world or the global economy or the seven-days-a-week, 24-hours-a-day scenario, we have to somehow address it.

Most importantly, I think we must have fairness in the workplace. If I was to leave a message for anybody, whether they're working in a unionized workplace or a non-organized workplace, it's that we want fairness. I think what's happened today is the Employment Standards Act is being brought up to date, and that's the third piece that I want to spend a bit of time on, Bill 147.

The Employment Standards Act is sort of the benchmark. It's not the top, but it's certainly the minimum acceptable standards in unorganized workplaces, and hopefully good employers do reward employees. I think that's how you, to some extent, motivate people or recognize what people contribute in the workplace by a variety of methods and tools. Some of them are the tools that are in this bill. I think the member for Oshawa has very clearly addressed some of them and I think providing the employee and the employer with some new tools—as long as there's fairness. I think the member for Hamilton West says it best—I don't want to characterize every employer as being sort of a bad person. If they are, I believe they should bring the full force of the law to bear. Let's put it that way. I stand here today and say strongly that they should not be in this workplace. It's very difficult when you apply this whole equation to the global economy with outsourcing and resourcing and downsizing and a lot of things that just go into some kind of sweatshop offshore. I am not in support of any of that. I believe that the rising tide raises all boats. I hope that it helps all people, including organized and non-organized people, to get the best rewards.

1650

Also, the biggest one that I have had trouble with is the 60-hour piece. I was listening to a CBC program on the way in today, and on the program they were talking about active lifestyles. I don't want to be off topic here too much, but one of the callers called in and said, "People can't be active today because they're working all the time," and this caller quoted the 60 hours. In fact, I called the radio station to see if I could get her number. I've got to put this fire out. That 60 hours is an absolute—can I use it?—lie. Is that unparliamentary? I'll withdraw it.

But it is completely unacceptable. In the two-minute rebuttal—the member from Hamilton West is kind of the

definitive expert in labour theories right in here this afternoon because the Minister of Labour is not here, and I want him to respond to that specifically. That 60 hours must stop. It is only with respect to getting the permits. I want to put on the record that what the minister is saying in that whole thing is that the intent here is to make sure we don't spend all our time in the Ministry of Labour giving out permits to people to work overtime. In fact, I think what they should do is allow people to work when they want, provided they have protections.

I can tell you I've said clearly, let's take the 60 hours out of there. That's been my position, I should tell you, off the record—we're on the record now, I guess. What I've said is, let's just remove the permit process. Let's streamline that. Let's have a system where you log on and here's your 60 hours. I can tell you where I represent my riding, a lot of people, certainly when they were building the Darlington plant, worked around the clock when possible, provided safety was monitored properly in the workplace. I think that even the skilled tradespeople in the General Motors operations, when the money is there, certainly don't want somebody saying they can't get it.

So I think the 60 hours should be an agreement that it's only about the permits to work overtime. Overtime still starts legally after 44 hours. There are provisions with respect to time off in lieu. That's where I work 10 hours extra and I get time off; I get time and a half, and I get 15 hours off. That's clearly in here.

That whole thing of misleading the people watching today, it's important to realize that if you have a question, I would ask you—

The Acting Speaker (Mr Tony Martin): You can't accuse the opposition of misleading. You'll have to retract that. It's the second time you've done it this afternoon.

Mr O'Toole: I appreciate that and I withdraw that. I'd say be careful when someone tells you something that's wrong. How does that work? Is that working? Is that close?

The Acting Speaker: The ruling here is you can't say indirectly what you can't say directly.

Mr O'Toole: Phone my constituency office. If you have a problem, we'll sort it out for you, and there won't be any red tape involved like I'm finding here. I'm just trying to say that if you don't think you're being treated fairly, you can be assured that Mr Ouellette's office and mine are available. If I'm busy, I'll refer calls to his office.

We want to make sure that this whole thing is understood, that after 44 hours, you're entitled to overtime and if it's time off in lieu to help your family, to work in your community, to be a volunteer, to feel valued or whatever people need, I think that's the opportunity to make sure you get time and a half. Time and a half is what the rules say.

The Employment Standards Act is now addressing the new place of work. I think that 10 days off for emergency

leave is absolutely critical. I think matching the federal 52-week requirement for parental leave is absolutely critical. I commend the federal government for doing it. They do very little that I agree with, but this is the right thing to do, empowering people to make choices.

The question here is the unions themselves—they are needed and I wouldn't want to be off the record as saying they're not needed—have got to come into the new century. People who are working today are intelligent. For the most part, I believe that they are able to make decisions on their own. Workplace democracy, providing flexible tools under the Employment Standards Act, is exactly what is needed. The act hasn't been updated for 30 years. I can only speak for my constituents that the Employment Standards Act, in fact, is providing more tools for the employee and the employer in the workplace so they can adjust their lives in a very, very busy world.

I basically haven't covered much of what I wanted to talk about; the time has flown, because I've enjoyed myself addressing the people here this afternoon. Specifically, I would just like to put on the record here that the member from Guelph-Wellington hasn't said a word yet and I'm waiting for her two-minute response, and I'm not leaving until she gives it. Other members—the member from Lambton-Kent-Middlesex has got the best speech I've ever heard. I've already read it and so—

The Acting Speaker: OK. Comments or questions?

Mr James J. Bradley (St Catharines): I was monitoring the speeches that have just taken place in the assembly. I'm always worried when I hear the word "modernize," because when the government members talk about modernizing a piece of legislation, it usually means they're about to change it to favour those who contribute the most to the Conservative Party, that is, the wealthiest of the corporations and the most powerful of the people who fill the coffers of the Conservative Party at the huge dinners they hold that have these people gathered there. I've always said that you've caused a boom in building in Ontario because they have to build additions to these halls to have your fundraisers, which are successful, yes, in one sense, but certainly the payback is always there when you look at the legislation.

I guess I want to make two points. One is that our role and responsibility in this Legislature, it seems to me, a very important role we have, is to protect those who cannot protect themselves. My concern with the 60-hour workweek that you're talking about is that indeed there can be intimidation that takes place. I know you're going to tell me that things are booming today, and thanks to Bill Clinton and his administration—

Mr Caplan: And Paul Martin.

Mr Bradley: —and Paul Martin—things are booming here in Ontario. Nevertheless, if there is a downturn in the economy, watch employers start to squeeze people and put pressure on people. There is too much chance for intimidation allowed in this legislation. We have that responsibility to protect the most vulnerable.

When I hear the Minister of Community and Social Services say we have to drug-test anybody who is going

to receive social assistance benefits, I'm ready to throw up. This, again, is an opportunity that this government is taking to put the boots to the people at the lowest end of the echelon. That's who we should be protecting.

Mr Christopherson: It's interesting. The member for Durham focused much of his remarks on getting with it, talking about the new economy, the new workplace, the new century. Then he said the ESA, the Employment Standards Act, is just being brought up to date. If that's the case, I say respectfully to the member, if it's a question of the new economy and the new workplace, how about letting people who are the lowest paid in the province benefit from the modern-day economy? If you agree, then \$6.85 as the minimum wage ought not be acceptable to you. I'd like you to stand up and say something about that. Stand up and say that you think that minimum wage workers deserve to have their wages frozen since 1995 and then explain to them why it's OK for you and your colleagues to want a 42% increase.

The United States, since we last raised the minimum wage—which was under the NDP in 1995—have raised it twice. They are talking about raising it a third time. If worry about jobs is such a big deal, why would the economy that's driving our boom be OK to have raised it twice, and be on the brink of raising it a third time? That doesn't wash. The reason they don't want to do it is because it's a gift to their employer buddies. It's that simple.

1700

If you really wanted to modernize things, I say to the member for Durham, why aren't you prorating benefits for part-time workers? There are more part-time workers now than there have ever been in the province of Ontario, and you do nothing about that. Why not shorten the workweek to 40 hours, just like the rest of the progressive world?

Mrs Brenda Elliott (Guelph-Wellington): I'm pleased to add my voice in support of Bill 147 and to respond to my colleagues who have been debating this bill this afternoon.

To my colleague across the way from the NDP, the reason a lot of us got into politics on this side of the House was because we were ordinary Ontarians not particularly intending to be politicians—actually at this point I'm not even comfortable with the word. We came here because we were Ontarians who could see that our wonderful province was in trouble, primarily because of the socialist policies that were invading the good work ethic and destroying the work ethic of this province. My constituents could see very clearly, in so many ways, what was going wrong. They didn't know the numbers, but they could feel those 10,000 jobs slipping away over those years. They could feel that sense of prosperity and of opportunity leaving them here in Ontario.

Mr Bradley, every day when he gets up and makes a comment, at some point refers to Ontario riding on the coattails of the United States. On many occasions different speakers on this side of the House have pointed out that, yes, we are related to the US economy in so

many ways—no one denies that—but Ontario is leading. It's not coming from us; it's coming from so many independent experts. One of the reasons that is occurring is because, as a government, we have strategically undertaken a number of initiatives to make Ontario open for business and able for entrepreneurs to thrive.

Labour legislation is key in this. I asked the Minister of Labour some questions in the House on this bill on November 28. I specifically asked him questions about the workweek. I specifically asked him to dispel that whole issue of the 60-hour workweek, which he did very clearly. I spoke to him about the two Blueprint promises we made, including the family leave crisis of 10 days, which we promised to voters in the election. It was clear. We're simply keeping the promises we made to the voters in 1999.

Mr McMeekin: I am delighted to rise and speak on this. I want to speak at the outset to the reference to the first update in 30 years. Perhaps there were things that needed to be looked at. One of my colleagues has made reference to some of the good things in the bill. There are some good things in the bill, it's not all bad, but in some significant ways it's omnibus legislation. Some of the good things that are there only get brought into being—

Mr Bradley: Hostages.

Mr McMeekin: Hostages is a better word—if we buy the bad parts. I think that's not only wrong, but a reason why this should go to committee.

The member opposite talks about tools. The simple reality of the situation is that the people in the labour movement today and people throughout Ontario don't believe you're moving forward with the right look in your eye. They simply don't trust this government. You're not about protecting workers. You're not about believing in those rights that unions fought for for a long time, at some considerable expense. You're not for unions. You're more for onions: you can peel it away, one level at a time, until there is nothing left.

We heard from the Minister of Labour the other day his en passant reference to union bosses as a way of adding a level of denigration to the discussion, and I frankly was disgusted with that outburst.

If the only tools you've got, I say to the honourable member for Durham, are hammers and screwdrivers, you know what happens to the people who are going to have to live with the results of the legislation.

The Acting Speaker: Response?

Mr O'Toole: The member from Oshawa and I will split the two minutes. It's pretty hard to split; it's like splitting hairs.

I'd like to thank the members from St Catharines, Hamilton West; the member for Guelph-Wellington, who has left; and the member for Ancaster-Dundas-Flamborough-Aldershot, and welcome him to the Legislature. I think that was your maiden speech; it was a two-minute speech.

Mr Caplan: On a point of order, Mr Speaker: I believe it's improper for members to say that someone is

here or not in the chamber, and the member did that in his comments. He should withdraw that.

The Acting Speaker: Yes.

Mr O'Toole: I withdraw that.

I really did want to address the member for Guelph-Wellington as being—

Mr McMeekin: On a point of order, Mr Speaker: It's clear that the member opposite hasn't had a chance to read the rules of conduct. I wonder if we can get him a copy of them.

The Acting Speaker: That's not a point of order. Go ahead.

Mr O'Toole: The member for Ancaster-Dundas-Flamborough-Aldershot looks like those Christmas cards. I expect one from you. They are nice. Since that's your main occupation here, I hope you do it well.

With all respect, though, I think this debate on Bill 147 dispels some myths. Currently, one of the myths is that the government is imposing a 60-hour week. That's wrong, OK? Our province strongly protects the hours of work in the workplace and clearly overtime starts at 44 hours. The myth that employees will be forced to take vacation one day at a time is absolutely wrong, and people have to know that. I'm here to help them bring that forward. The myth that employees will be forced to sign agreements for excess hours of overtime—if there are problems in this area, I believe there's a process to challenge that. In fact, there is a reprisal portion in this legislation that has not been talked about. The penalties are absolutely severe. There are severe penalties for employers who actually take action against—in fact, they can repatriate the employee who has been suspended. Employers beware, because this law protects the employee more than you think. I think it's the right thing to do and I'll be supporting the bill, as I've explained today.

The Acting Speaker: Further debate?

Mr Steve Peters (Elgin-Middlesex-London): I'll be sharing my time with my colleague from the riding of Renfrew-Nipissing-Pembroke.

I want to read into the record at the beginning a copy of a letter I received that was sent to Chris Stockwell, the minister.

"The changes to the labour regulations, Mr Stockwell, that you have proposed, are appalling. There were a few PC members that still had a bit of my respect but most of them have fallen by the wayside as they have sold their souls. You, Mr Stockwell, have joined them. Shame."

This is from Kathryn Gordyn in Strathroy, Ontario.

With this piece of legislation that we have in front of us today, what we should be seeing in this province is a government that's working at building and improving the infrastructure of this province, but we're not; we're seeing a government that's taking us backward. We've seen a government that's been taking us in the opposite direction since 1985. Look at what they've done to municipalities: reduced the number of municipalities, and the unprecedented downloading; the cuts that we've seen to the health care system in this province, the hospital

closures, the privatization of services, the unprecedented firing of nurses; education with fewer school boards, school closures and the constant attacks on teachers.

Now we look at this labour legislation. Let's just look at the labour legislation that we've dealt with this fall alone: Bill 69—

Mr O'Toole: On a point of order, Mr Speaker: I just want to pass on my personal thanks to the member—

The Acting Speaker: That's not a point of order.

Mr Peters: I can guarantee you won't be getting a Christmas card from me, because I'm going to be sending them to my constituents. Nothing against you personally; nobody in here is going to, because I'm going to save the taxpayers some money.

Bill 69, Bill 139, Bill 147—these attacks have been unprecedented. It's very obvious what the hidden agenda of this government is and, more importantly, the agenda that's coming out of the centre. We know that the power and the control of this government doesn't lie in the backbenchers, because if the backbenchers would speak up we wouldn't have pieces of legislation like this in front of us today. We know what the goals are. Your goals are to undermine the labour union movement in this province. But it's also a direct threat to the non-unionized workers of this province, because as we all know, the Employment Standards Act, for those individuals who aren't part of a labour union and do not have a collective agreement behind them, is that collective agreement. This government is taking a direct assault at that.

The Harris government is taking Ontario backwards. Instead of trying to go forward, be progressive and look toward the 21st century, we're not seeing that happen. We're seeing a regression back to the Victorian age. Why doesn't the government look at what's happening in Europe, look at what's happening in other countries around the world and see the progressive labour changes that are taking place? But no, we're dealing with a government that's making changes based on a warped ideology that's not good for the workers and not good for the economy in this province.

1710

We need to look at what you've done. You've painted many of us into a corner. You constantly do that with legislation that you put forward where there are some good aspects in a piece of legislation, but unfortunately you cloud it with so many other legislative changes that one can't support it. The example I use that you're holding for hostage within this legislation is parental leave, which I'm sure, if put in front of this Legislature, would receive the unanimous support of this Legislature. But no, you've included that in with this legislation.

It's interesting, as you read through this legislation, that this term "voluntary" constantly appears. Voluntarily isn't always the best way to do things. Things need to be clear, because when you leave it as a vague term like "voluntary," it's not clear to the worker; it's not clear to the employer. I think you're doing a true disservice to the people of Ontario with this legislation.

Dealing with the 60-hour workweek, the government should recognize that the “optional” criterion is of little value in the workplace, especially among low-wage or minimum-wage workers. Employers have the weight of authority behind them. Employees, as a counterbalance, need the weight of good law. But under the proposed scheme, employees who refuse to offer to work 60 hours might find that their career prospects are limited or, even worse, non-existent.

What’s especially sad is that this is true, I believe, for young workers and recent immigrants. We can see the situation where employers will significantly roll back their efforts to recruit, hire and train more workers. Instead, employers can simply stretch their existing workforce to capacity. We know the damage that’s going to do to family time. Are you, at the same time, funding daycare? Are you pumping more money into daycare to allow for somebody who’s going to have to work extra time? Are you going to fund daycare to ensure that daycare is working longer hours? There’s been no evidence of that. What that’s going to do is put more of a strain on the family, whether that’s the immediate family or the extended family.

I think too that you need to look at what’s included in this legislation regarding overtime. Overtime should not be averaged out over several weeks, because employees are going to lose out on valuable pay for their work. Second, as the 60-hour maximum could be spread out unevenly over three weeks, a worker’s schedule can be sporadic and detrimental to their day-to-day lives.

Daily vacation time does nothing to improve the health and productivity of a worker. Workers need to have downtime from their jobs. Unfortunately, the proposal we’re dealing with here in this legislation erodes the time that an employee can have to look forward to in order to spend time with the children in summer. Complete breaks from the workforce are often what are needed to rejuvenate workers in this province.

I want to read from another letter I received from a constituent, Gale Maurer. “Yes, I understand you think that the 60-hour workweek will be a written agreement between an employer and employee, but you have not taken into consideration the fact that the people who are least able to negotiate because of lack of education, job skills or union protection are the people who will be most affected. The minimum-wage earner will be given a choice: sign the agreement to average your overtime over a four-week period or get yourself another job.”

This constituent goes on to say, “I find it unconscionable that someone who was elected by the people to represent them should propose such a law as the Employment Standards Act, 2000. This act will not benefit employees; it will only benefit employers. I hope you come to your senses and stop this act before it becomes law.”

There are over a million workplaces in this province, but the government has no teeth left for the protection of workers from bad employers. We’ve seen in your goals to cut spending that you’ve cut the budget by over 50%

over the past five years. We’ve seen the employment standards officers in this province cut by over 30%. Whether it’s Bill 69 or Bill 139 or Bill 147, they’re being rammed through this Legislature, not in the democratic fashion that we’ve all been elected to do, but they’re being rammed through. But worse yet, they’re being rammed through with no public consultation, no opportunity for committee meetings.

This is what we as elected officials do. We bring legislation forward, but we are only 103. We need to have input from other citizens in this province, but this government has effectively shut that out. Legislation and labour relations are all about balance, but unfortunately the scales are not balanced in favour of employees in this province, they’re balanced in favour of the employers.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to pick up where my friend from St Thomas left off. Let’s not kid ourselves, the Employment Standard Act is a major piece of legislation that is most important to those—what?—four million or five million unorganized workers in the province of Ontario. Many of those people are in low-wage positions. So we are talking about legislation that is absolutely central to the way in which millions of people, many of whom are at the lower end of the economic scale, are regulated in the province of Ontario. I think we have to be frank about that.

I hear my friends opposite, and I want to say the speeches this afternoon have been quite good. I thought the member for Oshawa was particularly telling on a number of points. Earlier today the member from Kitchener made the point that we are in an economy where in a number of places, and certainly in Ottawa-Carleton and Waterloo region and certainly much of the GTA, we are very close to full employment. These are very good times, and we have more opportunity in the labour force than we’ve seen in a long time. Hopefully that condition will never change; history tells us it probably will.

But as Mr Peters indicated a moment ago, good labour relations are about fairness and balance. What kind of fairness and balance is there in Bill 147 for that single mother who might be working in an unorganized workplace in Ontario for minimum wage? What kind of negotiating power does she have with, let us say for the sake of argument, an unscrupulous employer?

Mr McMeekin: And there are some.

Mr Conway: And there are some. There are some very good employers, but there are some bad cats out there as well. You don’t have to be very creative to imagine how this voluntary scheme that is at the core of the contentious provisions around overtime hours of work and vacation time could work to the disadvantage of that Ontario worker.

I say to my friends in the government, surely we want to have true fairness in the workplace. I’ve had a number of representations from my constituents who are very concerned about the 60-hour workweek, about the so-called averaging of overtime. They tell me that it is their experience that it’s probably not going to work to their, the workers’, advantage. I suspect they’re right.

1720

To be fair, my constituents have told me that the improved maternity leave provisions are very much to their liking, and I think the House is unanimous in its support for those provisions. As has been said by a number of people here today, Bill 147 is not all bad. But there are aspects of it that are, I think, really unfortunate and ought not to be supported by any fair-minded individual.

Again, we are told by members of the government, "Not to worry, there are stiff fines and there is going to be rigorous enforcement." Do any of us really believe that? I am very dubious. I hear from good people working in the public service who have current enforcement functions that they are simply beleaguered. Whether they're at the Ministry of the Environment, the Ministry of Labour or elsewhere, they are completely overwhelmed. They simply do not have the resources, they tell me, to do a very good job. It will be interesting to see what we find out when the O'Connor judicial inquiry into the Walkerton case is completed.

I can tell you from my experience in eastern Ontario, I've heard some cases in the last few years that really trouble me about what's not being done to enforce the law of the land as it's currently written, whether it has to do with environmental protection or issues in the workplace. But I ask honourable members, fair-minded people all, do any of you really think that this so-called principle of voluntarism is going to protect low-paid, unorganized workers? I don't, and I don't believe in the tooth fairy either. I think our friends in the labour movement and our constituents are right to say, "Hold the phone. Stop and seriously think before you take these steps."

There is a good body of academic literature that ought to warn us about people working too long. I think every member of this Legislature would understand the pressures to work beyond a reasonable amount of time. We are, of course, all volunteers to the cause, but I can tell you there are examples in this business of people who probably shouldn't have been working when they were working and some sad results ensued. But I just have to say that the process is a valid concern.

I think the member for Oshawa makes a good point. I was listening carefully to what he said. He brought the minister out to his part of Durham region, advertised a meeting and there wasn't a very good attendance. That ought to give us some pause. But I have to tell you that if we have reached a point in the history of this Legislature where we are not willing to take legislation of the kind contained in this proposal, these amendments to the Employment Standards Act, to a reasonable public hearings process, then we fail in our obligations to the public. There may be a good argument as to how much and how far and for how long; that I understand. I've been a government House leader, and I can understand the frustration of government with an endless belt of public hearings. To govern is to decide. But that we are going to have, as somebody said here the other night, public

hearings on snowmobile matters and no public hearings on fundamental changes to the way in which the workplace is organized, particularly for unorganized individuals, is nonsense on stilts. It makes me ask the question, why would we not have hearings?

I'm going to say something that is not very kind but I'm beginning to believe it. I said it the other night with the assessment bill, Bill 140. I'm really getting to believe that this Legislature is only getting, and getting for a rather brief time, very important legislation like Bill 147, like Bill 140, after and only after those bills have been worked up and worked over by some very well-funded special interests very close to government who have got the clout and the financial capacity to get and keep the ear of government.

Ms Marilyn Mushinski (Scarborough Centre): Don Smith.

Mr Conway: The member from Scarborough says Don Smith. Maybe Don Smith is involved in this; I don't know. But I say this: our system of parliamentary government works when people think it is reasonably fair, and there is a willingness of the governed to accept the sometimes tough decision-making of government if the citizenry, if the governed, honestly believe that the governing are being fair and even-handed. Part of that fairness is opening the door of opportunity so people, in this case in the labour movement and elsewhere, who have a very strong feeling about this legislation get a reasonable opportunity in a fair and open parliamentary environment to have their say. That is increasingly not the case.

I say to my friends in the government, if this continues you and we as a parliamentary collective run the risk of telling people, "The system's rigged against you. There isn't fairness. Go elsewhere. Don't waste your time playing those parliamentary games, because they're not interested. Go and develop extra-parliamentary activities," and some of those can be very interesting and not very pleasant for government or for Parliament.

We're here because we've decided as a society that there are conflicting interests that we have to balance, and no conflict is greater and more fundamental than the conflict between labour and capital, between employer and employee. We are undertaking in this legislation and in other collateral bills very significant changes to that balance. In my view, we are tilting the balance unduly in favour of capital and in favour of the employer and the employer groups. I think that's a very dangerous, illiberal thing to do, and we are taking procedural measures to reinforce that bias and that prejudice. I think a progressive, fair-minded Ontario does that at its peril and to its economic and social detriment.

The Acting Speaker: Comments and questions?

Mr Christopherson: It's always an enjoyable moment, to listen to the member from Renfrew-Nipissing-Pembroke speak.

First of all, I'd like to bring to the attention of the House that the president of the Ontario Federation of Labour, Wayne Samuelson, is present. Obviously, given that most of the discussion here today—and the member

from Renfrew-Nipissing-Pembroke has also commented—deals directly with people who don't have benefit of a union, I think it says an awful lot about the labour movement that the president of the Ontario federation is here, because they have concerns. In fact, there's a slogan that's been used, and I'm paraphrasing, but it's, "The weekend—brought to you by the labour movement." So anyone who thinks that the organized labour movement is only concerned about collective agreements and union members misses the fact and the point that much of what was in the Employment Standards Act now is as a result of the efforts of the organized labour movement, not just on behalf of their own members, but on behalf of all workers, because without them there is no other voice out there.

I raise that because the member said that we're getting to the point where people are working too long. I want to bring to your attention, because there wasn't enough time in what I was given to speak to, that part VII, section 18(4) says this: "An employer shall give an employee a period free from the performance of active duties equal to"—this is a day off—

"(a) at least 24 consecutive hours in every workweek," which we had before under the previous legislation; that's now gone and it's replaced with a second clause that says, "or (b) at least 48 consecutive hours in every period of two consecutive workweeks."

That means you've got to work two weeks before you get a day off under this Tory law.

Mr O'Toole: I'm very pleased and respectful to respond to the member from Renfrew-Nipissing-Pembroke, whom I have a lot of respect for. In his deliberations, he said his call was basically for public hearings.

It should be on the record that there was a discussion paper out in early summer, and the minister is clearly on record as having consulted, not just in Oshawa and down in the Sarnia-Lambton area, but indeed in London and other major centres. In fact, this issue has been out there in terms of the three different bills I mentioned earlier. Back in the previous government, in the 36th Parliament, the Employment Standards Act was looked at then. There were a number of aspects of the Employment Standards Act that I was part of in 1996. There were public hearings as part of that as well. So this is not a new topic. It's something it takes a great deal of political will to deal with.

It's important for the public to get the facts, and I want to put on the record the whole issue of some of the myths on overtime.

The fact is that overtime should be paid after 44 hours per week. What needs to be clarified is that overtime averaging is not new. The ability of the employers and the employees to agree for their own specific reasons to averaging overtime has existed since 1968. Employees working in nuclear plants, hospitals, manufacturing, automotive and IT industries already are familiar with averaging. The rubber workers in my plant already have continental shifts. Not that I agree or disagree; the point is that they have the ability to adjust their workplace.

Many provinces—nurses, security, maintenance employees, software designers, miners, to name a few—average overtime to facilitate compressed workweek schedules.

The point is that the world of work is changing. It's time we updated the Employment Standards Act.

1730

Mr Caplan: I congratulate both the member for Elgin-Middlesex-London and the member for Renfrew-Nipissing-Pembroke for their comments. Following the last speaker who was commenting, it is clear that Frank Sheehan is the Minister of Labour of Ontario. This stuff has been out there? You bet it's been out there, along with a whole bunch of other proposals that do nothing to enhance the rights of the people in Ontario who need them most. Five million Ontarians are governed by this act.

Look at what has happened. We are weakening the laws to allow people to organize themselves. The Harris government is trying to actively discourage people from gathering in a collective to bargain their rights. Now, for those who are not organized, we're going to really whack it to you. On the one hand we make it harder; on the other hand, look at what we're going to do to you if you're not organized.

The members are quite right when they point out that there are laudable things in the legislation, positions that Dalton McGuinty and the Ontario Liberal Party have supported. We called on the government years ago to extend emergency family leave to care for children, for parents, for relatives. We're glad to see it's in the bill. Obviously we would support that kind of measure. We support extending parental leave. We think it's important. Dalton McGuinty and the Ontario Liberal caucus believe that family time—parents should help and be there to raise their children. We should not be putting a stumbling block in the way of those hard-working Ontario families.

But the other measures in Bill 147 create this conundrum, create this contradiction. Shame on the government for trying to confuse and trying to slide in these devious kinds of measures.

The Acting Speaker: Further comments or questions?

Mr Beaubien: Thank you, Speaker, for the time to speak on Bill 147, the Employment Standards Act, 2000.

Why are we making changes to this act?

The Acting Speaker: We're doing two-minute comments.

Mr Beaubien: Oh, we're doing the two minutes. I'm sorry. I'll let my colleague—

The Acting Speaker: The member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to take part in the debate this afternoon in response to the speakers from Elgin-Middlesex-London, Renfrew-Nipissing-Pembroke, Hamilton West, Durham and Don Valley East.

Unlike many career politicians who might have been here a long time—I'm not sure what else they did in their earlier lives—I come from a background of practicality,

of having worked in the workplace. I mentioned earlier that I was at Stelco, and many other fine places. They were union and they were non-union, and the union got decertified and everything else. So I bring a lot of practical experience in that sense.

I remember very clearly this permit situation where, whenever you needed even a slight deviance, because in the working world, as you would know, Mr Speaker, from time to time you need some overtime, you need people to work extra overtime, the law stated that you must get a permit from the ministry, even during the NDP's time and in fact in our time. As many as 18,000 permits were issued. That basically means about 90 permits a day. You have a whole department issuing these permits.

Let me sort of remove the myth that because of this new law that may come into force, if passed, everybody will have to work 60 hours a week. That is not the case. What we're trying to do is cut out the red tape. We're saying the employee and employer can make their own decisions. The power should be vested in them, and they should be making these decisions.

There are many good things, as the member from Don Valley East mentioned. The 10 unpaid days of family crisis leave will eliminate the so-called planned sickness days. It is going to give people the right to take that leave, because there are family crises that come up.

The Acting Speaker: Response?

Mr Conway: I'd like to respond to a couple of points made, particularly by the member from Durham. Yes, I accept that the workforce is changing. It was interesting: I was reading a review of a new book about Silicon Valley in California. It's a wonderful book with a great title, *The Nudist on the Late Shift*. It does make the point about how remarkable and exotic the workplace is getting in some of the "new economy places."

I am the first to understand there are changes and that we're going to have to adapt to them. I also listened to what Mr O'Toole said about what's been going on in the nuclear industry and in hospitals. Well, of course. Those are big, largely unionized workplaces. As long as there's a collective agreement, then I've got some greater comfort that there's going to be a fair arbitration of the competing interests.

My concern, and the concern of many of my constituents who have written to me about the changes in Bill 147, is that we're talking about largely unorganized workers, many of whom are at the lower end of wage scale. What kind of protection will there be for those people? I asked earlier, do you really think the voluntary principle is going to be adequate to protect from the attitudes of an unscrupulous employer that minimum-wage single mother who at 29 is out there working? I don't think so.

If I felt that unorganized, low-paid worker, whether she be in the Ottawa Valley, in metropolitan Toronto or elsewhere, would have the kind of protection she might get at an organized nuclear power station workplace, then I'd feel a lot more comfortable. But because we are

dealing with large numbers of unorganized, low-paid people, I simply can't accept the naive belief that some kind of voluntary principle is going to produce a private and a public good in this matter.

The Acting Speaker: Further debate?

Mr Beaubien: It's a pleasure to rise today to speak on Bill 147, which is the—

The Acting Speaker: I'm sorry. Just give me a second.

ROYAL ASSENT SANCTION ROYALE

The Acting Speaker (Mr Tony Martin): I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to a certain bill in her chambers.

Clerk Assistant (Ms Deborah Deller): The following is the title of the bill to which Her Honour did assent:

Bill 119, An Act to reduce red tape, to promote good government through better management of Ministries and agencies and to improve customer service by amending or repealing certain Acts and by enacting two new Acts / *Projet de loi 119, Loi visant à réduire les formalités administratives, à promouvoir un bon gouvernement par une meilleure gestion des ministères et organismes et à améliorer le service à la clientèle en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.*

EMPLOYMENT STANDARDS ACT, 2000 (continued)

LOI DE 2000 SUR LES NORMES D'EMPLOI (suite)

The Acting Speaker: Now the member for Lambton-Kent-Middlesex.

Mr Beaubien: I'll try again. It's a pleasure to rise in the House today to speak on Bill 147.

The question that begs to be asked is, why are we making changes? This particular act was proclaimed in 1968, and there have been no major changes to it in the past 25 years. There's no doubt the work we do today has changed, and so too have society and familial relationships and obligations. I think we have to look at and cater to the needs of the 21st century.

Before I start, I would like to read a few items into the record. One is from Hansard last night. Referring to the Minister of Labour, the member from Hamilton West said, "To his credit, he did issue a white paper. To his credit, he did travel around the province and invite people to make comments on the white paper. But there is a world of difference between inviting someone to come into a meeting that is controlled by the minister and his or her staff to comment on a discussion paper about what you might or might not do and what people think about it versus proper legislative hearings."

1740

Also, a week ago I was informed by some of the members of the local union in the Sarnia-Lambton area—because some of them still vote for me and still supported me in the last election, even though the union did not support me financially. They did support my opponents in Lambton-Kent-Middlesex and in the Sarnia-Lambton area. On the one side they were successful; on the other they weren't, and those are the facts of life and we have to live with it. So if we talk about large corporations supporting members on this side of the House, I guess that is a fact, although I don't get an awful lot of support from the Ellis-Dons and the large corporations of the world, but I'm sure that many members on the other side of the House, and probably on this side of the House at times, do get funding from unions. That is the democratic process today.

When I was informed by a couple of business agents that some of their members wanted to picket my constituency office last week, I met with two of the business agents a week ago this past Saturday. I offered to them that it might be more constructive if I were to invite the Minister of Labour to come and talk to the members, as opposed to having a picket around my constituency office. The business agents realized that it might make a little bit of sense, and consequently I made arrangements. I would like to thank the Minister of Labour publicly for coming to the Sarnia-Lambton area last Friday; namely, to Point Edward. There is no doubt that, unlike my colleague from Oshawa who had only 28 members, our meeting was very well supported. We had approximately 700 people and there is no doubt that it was an interesting meeting.

I would like to quote the editorial that appeared in the Sarnia paper on December 4. I will read it into the record. The title says "Visiting Sarnia to Get Shouted At." I would like to correct the title, because it was "Visiting Point Edward to Get Shouted At" for the people of Point Edward, although they're not in my riding. It says:

"Credit goes to Ontario Labour Minister Chris Stockwell for his Friday venture to Sarnia to meet with unionized construction workers about proposed changes to labour laws.

"As could be predicted, an angry group pounced on him. In the resulting exchange, no compromise solutions or modifications to the legislation were arranged. But both sides probably knew no concrete results would emerge.

"It is admirable Stockwell bothered to come. On the minister's schedule, the appointment in Sarnia was likely listed as 'Go to Sarnia to get shouted down.'

"But he got to say his piece, as did angry construction workers who saw a man they believe is tearing down the system that provides them with their living.

"The two sides are dug in.

"Stockwell was certain more construction jobs will be created due to the changes. Union leaders are convinced their members will suffer.

"While the meeting was a stalemate for both sides, the difference is that Stockwell can return to Queen's Park and ensure that the government's side becomes law, while construction unions are left to fume.

"It's not an easy issue to explain clearly to people outside the industry so the general public is left with general statements. Without explanations pro and con, there is no way to judge the issue objectively.

"It will be law and it could be years before people outside the construction business are able to see if the government's move was good or bad for all Ontario residents.

"In the meantime, it must be remembered that Stockwell walked into Sarnia likely knowing it would be a fruitless confrontation. But he didn't back away.

"People saw him and despite their inability to bring him away around to their point of view, he heard it. He knows local unions have rejected the government's ideas.

"Usually under such circumstances, people have to hunt politicians down and use a few seconds to voice their anger. Usually it's a cabinet minister who is jumping into a waiting car and the crowd is left standing in the dust yelling at a car that is driving away.

"On Friday, workers had their chance to speak their mind, thanks to Stockwell's willingness to take a verbal beating."

I certainly commend the minister because he did not have any problem explaining the reasons why we're introducing this legislation.

The sad part I found about the whole discussion was that nobody had bothered to read the bill. You have a brother questioning the minister as to why he flew to Sarnia, why he wouldn't ride in his car? The minister was in Oshawa the night before. He has a family and we've heard that family responsibilities are very important and I concur with that. Then a brother starts questioning, "Why is the minister flying to Sarnia?" What do we expect the minister to do, ride his bike? He does have a life. Consequently, the sad part is that nobody bothered to read the bill. The business agents I met had not read the bill.

Furthermore, another issue I would like to get on the record is that on December 5—I don't know what time but it was in the morning—the Ontario Federation of Labour took over the Minister of Labour's constituency office. Employees felt intimidated. Employees were told to shut down their computers. "Lock your files. No more work is going to get done here today." Is this what you call democracy? I concur with the member for Hamilton West when he says people might be intimidated by employers and that is not acceptable. I am 150% in agreement with the member when he says that. But it is not acceptable when we reverse the tide. I don't think it's acceptable to see the union walk into a constituency office, take it over and tell people, "Nothing is going to get done and we're going to intimidate you." I don't think that's acceptable.

I am appreciative of the comments made by the member for Renfrew-Nipissing-Pembroke because he is

a balanced, reasonable individual. I agree with him that it is always difficult to find the perfect balance in any legislation. In labour legislation it's probably even more difficult, because we deal with personalities, with emotional, passionate issues, and there is no doubt that at times it is confrontational. It's been like this for a number of years. I would like to see a change, but it's going to be difficult to change.

For the past five years, when we talk about this government, I've heard that the sky is going to fall in. I keep hearing that. Last night I went for a pleasant walk at about 9 o'clock. The sky was still there. The sky was falling in, but it was snow coming down and it was quite pleasant. I'm sure tomorrow morning we will all, hopefully, rise and the sky will still be there. I'm sure once this legislation is passed the sky will still be there.

Let's talk about the bill a little bit. There are some issues in the bill that cause some concern for some people, and in some cases rightly so I think. We have to provide some type of balance.

When we look at the hours of work, there has been an awful lot of discussion. It's easy to raise the level of emotion and say, "You're going to be forced to work 60 hours." I asked the business agents when I met with them a week ago Saturday, "How many of your members worked over 48 hours in the past year?" "All kinds of them." I said, "How many permits did you get?" "Oh, we don't bother getting permits any more." That's what we're doing. For the people who are going to be working between 48 and 60 hours, you're not going to need a permit, but if you're going to work over 60 hours and it's agreeable to the employer and the employee, which is very important—there should be no intimidation in that process—a permit will have to be issued.

With regard to overtime, there is no doubt that on the overtime averaging arrangement, you can spin that whichever way you want to do it, but if you read the legislation, if you read the bill itself, there are protection guidelines for the people.

When we talk about vacation and public holidays, it has been perceived that people are going to be forced to take their holidays one day at a time. If we look at the legislation, it's quite clear that is not the case. If the employee wants to do that, he is well within his rights to do that, but if he or she decides they want to take their holidays in one-week increments, that is the law.

1750

With regard to family crisis leave, we never hear too much about that because, as the member from Renfrew-Nipissing-Pembroke mentioned, I think we can all agree with that: to take 10 unpaid days with regard to family emergencies or whatever the case may be. I think that's coming into the 21st century. Maybe it was not acceptable when the bill was written, in the 1960s, but it's acceptable by today's society. We expect that. I don't think there's anything wrong and I'm glad to see that the opposition is supporting this part of the bill.

With regard to enforcing fines, as the minister pointed out last night, there are going to be more people en-

forcing the legislation. There's going to be more power for these people to deal with people who contravene the legislation. So is it going to be perfect? No. Because as I pointed out before, I don't think there is a perfect situation. However, we have to try to manage the risk. We have to lower the risk of people taking advantage of it.

I'd like to refer to Bill 147, part VI. It says:

"Records

"15(1) An employer shall record the following information with respect to each employee, including an employee who is a homemaker:

"1. The employee's name and address.

"2. The employee's date of birth, if the employee is a student and under 18 years of age.

"3. The date on which the employee began his or her employment.

"4. The number of hours the employee worked in each day and each week.

"5. The information contained in each written statement given to the employee under subsection 12(1) and clause 35(3)(b).

"6. All vacation time taken by the employee."

So again we can take the bill and somebody can give you some type of interpretation. But I'm not a lawyer; many of us are not. I think when you look at this particular section it's fairly concise; it's fairly clear. But there's no doubt that you can put a spin on it. I'm not going to argue that point. There's no doubt about that.

Let's talk about part VII. It says:

"Hours of Work and Eating Periods

"17(1) Subject to subsection (2), no employer shall require or permit an employee to work more than,

"(a) eight hours in a day or, if the employee has a regular work day and it is more than eight hours, the number of hours in his or her regular work day; or

"(b) 48 hours in a work week."

It goes on and explains it so that nobody—the spin out there is that you're going to be forced to work more than 48 hours. It's right there. Part VII, clause 17(1)(b), is clear.

The other thing I heard last night was the member for Hamilton West talking about the minimum wage. You know, I concur with him that the minimum wage at \$6.85 is not adequate, but I'm sure that in 1980, or whenever it was, when it was \$3.25, or whatever, it was not adequate. The minimum wage is never adequate. But as a government we believe it's better to make \$6.85 and be able to take \$6.85 than to make \$15 an hour as a minimum wage whereby the government comes in and sucks \$9 out of it in taxes and leaves you with \$6.

Furthermore, for people who are disadvantaged—and I think if you're making \$6.85 an hour today you're probably financially disadvantaged—we do have a winter clothing and back-to-school allowance for some people; we do have GST credits; we do have child tax benefits; we do have provincial property and sales tax credits. So there are safeguards provided by the government to help prop up these individuals. If I were to ask, "Would \$9 be

adequate as a minimum wage?” the answer would be, “Probably not, because it would be very difficult to live on that.” What our government has been doing in the past five years is, instead of raising taxes, we have been cutting taxes. We’ve had 166 tax cuts in the past five years. I firmly believe, as a former businessperson, it’s not what you make that is important; it’s what you get to keep in your wallet at the end of the month. Like I said, I’d rather make \$6.85 and keep it all, as opposed to making \$15 an hour, whereby the people on the other side would like to take \$9 and claw you back to \$6. Are we better off? I don’t think so. If we look at what happened, the former government increased the minimum wage. They did. But what was happening? We had the highest unemployment, probably, in the province of Ontario in decades—the highest. We had the highest welfare rate in Canada. Can you believe Ontario having 11% to 12% of their population on welfare? Can you believe that? That is unbelievable. It is unbelievable that we would see fit to promote that type of philosophy, that type of ideology, that type of politics.

Last night the Minister of Labour mentioned that under this bill, the Employment Standards Act, 24 sectors aren’t even covered. We never hear that from the other side. Some of the sectors are—I’ll quote him: “the hospitality sector, the trucking industry, the hospital sector, nuclear plants, manufacturing, mining—all kinds.” He goes on to say, “We also have a study that says that only one third of the employers and employees out there who work more than 48 hours actually go and get a permit.” That’s the Minister of Labour. The busi-

ness agents in the Sarnia area confirm that “We don’t bother getting permits any more, because it’s too time-consuming and there’s no point getting them.”

The minister also said last night, “What we said to the members opposite is rather than simply writing in meaningless words, we need to put some money and inspectors behind our decision. We committed to increasing the inspection staff by 20%; we’re adding 20% more inspectors under this bill than we had. But more importantly, we’re doing something that is much better. We’re giving power to the inspectors, something these other”—that’s the end of the quote.

There’s no doubt that whenever you introduce a bill, debate will occur, because that’s the political process. But I think sometimes it would be nice for some of the people who have concerns with regard to the bill, especially people who are in responsible positions, people who represent their workforce—I think there would be an awful lot of merit if these people had read the bill so they could explain some of the situations or some of the legislation that is in the bill, as opposed to having a whole bunch of rumours that are running rampant, that in many cases, I would strongly suggest, are not factual.

The Acting Speaker: If the member returns the next time this bill is called, we’ll do the questions and comments. If not, we’ll move on to further debate.

It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

The House adjourned at 1759.

Evening meeting reported in volume B.

ERRATUM

No.	Page	Column	Line(s)	Should read:
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Wednesday 6 December 2000

MEMBERS' STATEMENTS

Minister's comments	
Mr Kennedy	6139
TransAlta cogenerating facility	
Mr Beaubien	6139
Ontario Northland Transportation Commission	
Mr Ramsay	6139
Réno Dépôt	
Ms Mushinski	6140
Ministry of Transportation layoffs	
Mr Gerretsen	6140
Doctor shortage	
Ms Martel	6140
Canadian Cancer Society	
Mr Young	6141
St Francis Memorial Hospital	
Mr Conway	6141
Nursing staff	
Mrs Molinari	6141

REPORTS BY COMMITTEES

Standing committee on justice and social policy	
Ms Mushinski	6141
Report adopted	6142

ORAL QUESTIONS

Education Improvement Commission	
Mr McGuinty	6145
Mrs Ecker	6145, 6148
Mr Hampton	6147
Ms Martel	6148
Mandatory drug testing	
Mr McGuinty	6146
Mr Baird	6146
Ministry of Correctional Services	
Mr Hampton	6149
Mr Harris	6149
Ministries' Web sites	
Mr Duncan	6149
Mr Hodgson	6149
Municipal restructuring	
Mr Ouellette	6150
Mr Clement	6150
Farming practices	
Mr McGuinty	6150
Mr Hardeman	6151
Skills training	
Mr Wettlaufer	6151
Mrs Cunningham	6151

Violence against women

Mr Hampton	6152
Mr Harris	6152
Ms Churley	6152
Mr Stewart	6154
Mrs Johns	6154
Ontario Innovation Trust	
Mr Patten	6152
Mr Wilson	6152
Employment supports	
Mrs Munro	6153
Mr Baird	6153
Assistance to farmers	
Mr Cleary	6154
Mr Hardeman	6154

PETITIONS

Northern health travel grant	
Mr Bartolucci	6155
Mr Martin	6155
Protection of minors	
Ms Mushinski	6155
Services for the developmentally disabled	
Mr Hoy	6155
Ms Di Cocco	6158
Registration of vintage cars	
Mr O'Toole	6156, 6157
Mrs Molinari	6156
Ms Mushinski	6157
Doctor shortage	
Mr Bradley	6156
Safe streets legislation	
Mr Peters	6156
Health care funding	
Mr Agostino	6157
Special education	
Mrs Dombrowsky	6157

SECOND READINGS

Employment Standards Act, 2000,	
Bill 147, <i>Mr Stockwell</i>	
Mr Christopherson	6158, 6165 6169, 6173
Mr Beaubien	6164, 6173, 6174
Mr McMeekin	6164, 6169
Mr Baird	6164
Mr Caplan	6165, 6173
Mr Ouellette	6165
Mr O'Toole	6167, 6169, 6173
Mr Bradley	6168
Mrs Elliott	6169
Mr Peters	6170
Mr Conway	6171, 6174
Mr Gill	6174
Debate deemed adjourned	6177

ROYAL ASSENT

The Lieutenant Governor	6174
-------------------------------	------

OTHER BUSINESS

Visitors

The Speaker	6141
Mr Barrett	6142

Wearing of ribbons and pins

Mr Kormos	6142
Ms Churley	6142

Day of Remembrance and Action on Violence Against Women

Mr Sterling	6142
Mrs Johns	6142
Mrs Bountrogianni	6143
Ms Churley	6143
Mr Hampton	6144

Ministries' Web sites

Mr Duncan	6144
Mr Sterling	6145
The Speaker	6145

Erratum	6177
----------------------	------

TABLE DES MATIÈRES

Mercredi 6 décembre 2000

DEUXIÈME LECTURE

Loi de 2000 sur les normes d'emploi,	
projet de loi 147, <i>M. Stockwell</i>	
Débat présumé ajourné	6177

SANCTION ROYALE

La lieutenant-gouverneure	6174
---------------------------------	------