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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 11 December 2000

Lundi 11 décembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 11 December 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 11 décembre 2000

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HYDRO RATES

Mr Mike Colle (Eglinton-Lawrence): It is a familiar and frightening pattern. First, the price of gas and diesel fuel skyrockets and Ontarians get gouged at every pump in the province, and our provincial government does nothing but make excuses for the big oil companies. Then the province allows natural gas, used for heating your home, to go up 45% without even passing comment. It will cost the average Ontarian \$500 more to heat their home, and the province says it's OK. Now, hoards of door-to-door electricity con artists are descending on Ontarians, inducing them to sign long-term contracts, contracts that even kick back rebates to their brokers. The power brokers offer the consumer nothing but fine print that always costs the consumer more.

This government refuses to help Ontario consumers, whether they drive a car, heat their homes or turn on a light switch. Our most basic needs have been sold off to unscrupulous door-to-door hucksters who will make millions of dollars at the expense of hard-working Ontarians, and this government shamefully allows it to happen in complete silence and complicity.

To everyone listening, enjoy your Christmas lights, for this may be the last year you can afford to turn them on. God help the people of Ontario.

SICKNESS BENEFITS

Mr R. Gary Stewart (Peterborough): I rise today on behalf of one of my constituents, who has advised me of her concerns with the federal employment insurance sickness benefits. My constituent recently underwent surgery with a recovery period of three months, at which time a further procedure had to be performed, causing her to be off work for several more months.

Federal employment insurance sickness benefits are only payable for a maximum of 15 weeks. As this person works in an occupation that does not have any private sick benefits, she will not have any income after 15 weeks. My constituent has worked for 27 years and paid into employment insurance for all that time. Yet, when she needs help due to sickness, she is told that she can

only receive assistance for 15 weeks. My constituent wants to know why the federal government has extended maternity benefits to 12 months but has not extended the time off for sickness benefits. She stated to me that she did not choose to be sick and does not understand why such limited restrictions are placed on sickness benefits without any regard for the circumstances.

On behalf of my constituent, I wanted to bring this matter to the attention of this House.

UNIVERSITY FUNDING

Mr Richard Patten (Ottawa Centre): Recently I had the opportunity to meet with Dr Richard Van Loon, the president of Carleton University in Ottawa. We discussed issues facing universities over the next decade.

Over the course of the next 10 years, universities will be facing an unprecedented number of retiring professors. This is the result of the large group that was hired during the baby boom that entered university in the late 1960s and early 1970s. These teachers have now reached retirement age.

These same schools are facing the so-called echo boom. This is the large number of children of baby boomers who are now reaching university age.

In addition, these schools are facing the so-called double cohort in the year 2003. This is the year the two senior classes will be graduating at the same time from secondary school.

The problem is fairly simple. There are going to be far too many students versus too few professors. The universities in my community are very concerned about the fact that the necessary resources are not being allocated to deal with the looming problem. Dr Van Loon was appreciative of the efforts of this government to provide capital funding necessary for bricks and mortar. At the same time, both he and many others in the post-secondary community are concerned about the need to increase provincial funding to keep pace with the expansion. To put it in perspective, the number of faculty that will be needed in the near future will exceed the total number that are currently teaching at Ontario universities.

In conclusion, this government needs to increase operating funds so that universities can start to hire faculty now that are going to be needed in the very near future.

HEALTH CARE FUNDING

Ms Marilyn Mushinski (Scarborough Centre): Last week, the Honourable Dan Newman and I visited the Scarborough Hospital to present a cheque for \$6,062,309 from the Ministry of Health and Long-Term Care. This money will be invested in front-line patient care to ensure that the residents of Scarborough have better access to quality hospital services. Those patients who need specialized hospital services such as renal dialysis, orthopaedic implants, cardiac services and level 2 neonatal care will be able to access these services where they are needed, close to home. The Scarborough Hospital's General and Grace divisions will be able to perform more procedures next year than were performed last year.

Our government has invested more than \$22 billion in health care money for the benefit of Ontarians in 2000-01.

I want to take this opportunity to particularly thank the Scarborough Hospital community—the doctors, nurses, administrative staff, board of governors and volunteers—for the tremendous care and support they give daily to the many constituents of Scarborough Centre and beyond.

AGRICORP

Mr Steve Peters (Elgin-Middlesex-London): In this Legislature on October 2, the Minister of Agriculture said, when it was found that actions had been taken with money at Agricorp that should not have been taken, “We immediately asked the Provincial Auditor to look at the matter.” The Minister said he called in the auditor.

On November 30, in public accounts, the Provincial Auditor made it very clear that this was not at all the case. He said that Agricorp was selected on the initiative of his office. When I asked whether he had been asked by anyone to look into what was going on at Agricorp, the answer was a resounding but simple no. In fact, when the Provincial Auditor released his report, he stated, “In a very unusual move by my office, we had to take action to ensure that monies were not inappropriately used.”

The Minister of Agriculture has compromised his credibility in this Legislature.

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Secondly, the interest owed on the crop insurance fund had been transferred to pay for administrative expenses. The Premier acknowledged that this action was inappropriate. He went on to say that the money has been returned with interest.

The auditor also states that the bond and its associated losses were inappropriately moved from the general fund to the Ontario crop insurance fund. “Transferred” is in the past tense. After the matter was brought to light, the fund was reimbursed. This is absolutely appalling.

I asked the auditor about the legality of this move, and he made it very clear that this action was legislatively prohibited. He said that the transfer, if it had been completed, would have been illegal. It's very clear that the transfer was indeed completed and therefore was

illegal. It does not matter whether this money was reimbursed. It does not change the fact that this was an illegal activity. You cannot just say everything was made better by going back and trying to fix things. It was illegal in the first place. The Premier agreed the OPP should be called in, and I firmly believe the time has come to call in the OPP.

LABOUR DISPUTE

Ms Shelley Martel (Nickel Belt): One hundred and thirteen days: that's how long 1,250 Mine Mill/CAW members have been out on strike in my community. One hundred and thirteen days since workers withdrew their labour after formally rejecting the long list of concessions demanded by Falconbridge during collective bargaining. One hundred and thirteen days since the company hired a southern Ontario security firm to surveil picketers on tape and in person 24 hours a day; since the company made two court applications to severely curtail picketing; since the company upped the ante with new recent demands which have now led to a formal charge of bad-faith bargaining by the union to the Ontario Labour Relations Board.

One hundred and thirteen days since the law in this province, courtesy of the Mike Harris government, allowed Falconbridge to bring in scab labour to take the work and jobs of miners who are legitimately on strike. Since the company has used scab labour from day one, there's been no need and no incentive for them to negotiate. That's how it is when workers have the deck stacked against them.

There didn't have to be a strike. Indeed, there wouldn't have been a strike if the Harris government had kept the NDP anti-scab law in place. When employers knew they couldn't use scabs, they got down to the business of negotiating an agreement: no choice, no scabs, no delays. That's how it should be in the province of Ontario again.

We need to ban scab labour in Ontario for my friends at Mine Mill/CAW and for every other worker who is undermined every day by employers who use scabs during strikes and lockouts in this province. There's no need for delay. The time is now. It's time to ban scabs from workplaces in this province.

NIAGARA ESCARPMENT

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I rise today to tell the House about some items of interest pertaining to Ontario's Niagara Escarpment and the Niagara Escarpment Commission. First of all, I ask the Legislature to welcome Mark Frawley, the commission's new director, who is in the gallery today.

Members in the Niagara Escarpment area will already be familiar with the In Focus document. This is the initial material assembled to provide background for the current review of the Niagara Escarpment plan. I understand the Minister of Natural Resources is now considering

establishing final terms of reference for the review. Accordingly, the draft terms of reference identify a selected number of emerging issues on the escarpment, rather than revisiting the fundamental principles that are sound.

In my constituency there is certainly the feeling that the Niagara Escarpment plan and the Niagara Escarpment Commission are doing an outstanding job for us. The commission just this week published new pamphlets, like so, in its Explorer series. We are very pleased that these tourism publications cover a vast portion of the escarpment in our area. I am encouraged that the Niagara Escarpment Commission has long recognized the value of the escarpment as a tourist resource. In my constituency, the escarpment is appreciated not only as an environmental treasure, but also as a foundation for our economic development.

HYDRO RATES

Mr Gerry Phillips (Scarborough-Agincourt): I want to comment on the state of confusion around electrical power in Ontario. It's another fine mess that Mike Harris has gotten us into.

I remember when we passed the legislation that launched this. We were promised lower rates. We were told that the debt would be off the province's books and we would see some brand new generation in the province of Ontario. It is without a question the most screwed up, confusing mess that we've seen in a long while here. The debt is still on the books, as the auditor pointed out, and it's growing—up by \$500 million this year. We've seen no reduction in the rates. We will be dealing with a tax bill this week that delays again the implementation of this legislation.

As my colleague from Eglinton-Lawrence pointed out, we have companies across the province purporting to sell people electricity with no idea when this is going to be launched. I think there are 40 companies out there right now. The municipal electrical utilities thought they had the agreement from the government to do something and they spent millions of dollars. The government introduced the bill and then they pulled the bill back. The Provincial Auditor was forced to step in and point out that the way the government was accounting for this was incorrect, and forced the government to put the debt back on the books.

It is a mess—a huge mess. The Premier owes the people of the province some clarity on this bill. We hope we will get it soon, because right now it is mass confusion.

LLOYD DENNIS

Mr Garfield Dunlop (Simcoe North): Tomorrow, Tuesday, December 12 at 4:30, the Honourable Hilary Weston, the Lieutenant Governor of Ontario, will present 25 citizens with the prestigious Order of Ontario. The Order of Ontario recognizes and honours those who have

enriched the lives of others by attaining the highest standards of excellence in achievement in their respective fields.

We are proud that Orillia resident Dr Lloyd Dennis will be on hand to receive the Order of Ontario. Born in the bush, where his mother cooked in a logging camp, he had a transient and lonely childhood, attending a large number of rural schools in the Muskoka-Parry Sound district of Ontario.

Leaving school at the age of 16, he went to work until old enough for military service. Lloyd became an officer at the tender age of 19 and served with the Canadian paratroops. After the war, he returned to school as a married adult. There he attained his high school diploma, certification as a teacher and, subsequently, two degrees from the University of Toronto. Dr Dennis served in Toronto as a grade teacher, a science teacher and a consulting teacher in social studies, and as a school principal.

In 1965 he was invited to serve the Ministry of Education as adviser to the deputy minister. Almost immediately, he was appointed secretary and research director for the committee on aims and objectives of education in Ontario. A short time later, he was appointed co-chair of the commission, with Mr Justice Emmett Hall of the Supreme Court of Canada. This work resulted in the report on education called *Living and Learning*, popularly known as the Hall-Dennis report. After the report's publication, Lloyd was named as official spokesperson, meeting a huge number of audiences in Ontario and across the country.

In 1969 he resigned from the ministry to become the director of education for the Leeds-Grenville board of education, a position he held until 1979, when he decided, as he puts it, to become a "free spirit."

Dr Dennis was the creator and writer of the *Children's Page*, which ran for six years with the old Toronto Telegram newspaper. He had a number of books to his credit, the most recent of which was *The Learning Circus*, an engaging tale of the life of an educator. In addition, his book *Marching Orders* has just emerged from its third printing. Popularly acclaimed, it is the story of his early life.

Lloyd has received a large number of awards for his work in education, including two doctorates from Canadian universities. In 1979 he was made an officer of the Order of Canada in recognition of his service to education. Recently, he was given a lifetime award by the Toronto Sun for his service to education.

VISITORS

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: I'd like to introduce to the House a group of visitors from Oakwood Collegiate, who are very interested in the future of education in Ontario. They are being led by Mr Tom Nanasi. Let's welcome them.

The Speaker (Hon Gary Carr): We welcome our friends.

INTRODUCTION OF BILLS

ONTARIO VQA ONLY ACT, 2000 LOI DE 2000 SUR L'EXCLUSIVITÉ DE LA VQA DE L'ONTARIO

Mr Chudleigh moved first reading of the following bill:

Bill 160, An Act supporting Ontario wines by serving only Ontario VQA certified wines at functions of the Government of Ontario / Projet de loi 160, Loi visant à contribuer au succès des vins de l'Ontario en exigeant du gouvernement de l'Ontario qu'il ne serve que du vin certifié par la VQA de l'Ontario à ses réceptions.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried. The member for a short statement.

1350

Mr Ted Chudleigh (Halton): Although most governments in Ontario have always done this, I think it's time that it becomes a regulation in this place.

The Ontario Vintners Quality Alliance, VQA, is an independent alliance of wineries, grape growers and provincial liquor regulators and several academic, hospitality and research institutions. It has been promoting and maintaining the standards of Ontario's wine since 1988.

With the VQA system, Ontario joins other leading wine-producing countries in developing a body of regulations in order to set high standards for its wine.

Unfortunately, the leading European wine-producing countries have continued to discriminate against Ontario wines by disallowing imports. The Ontario VQA Only Act would serve to promote the fine quality and standards of these wines produced right here at home, in Ontario. By serving only Ontario VQA-approved wines at all official government of Ontario functions, we would demonstrate our continued support for made-in-Ontario wine.

CANADIAN NATIONAL ANTHEM ACT, 2000 LOI DE 2000 SUR L'HYMNE NATIONAL DU CANADA

Mr Colle moved first reading of the following bill:

Bill 161, An Act to amend the Legislative Assembly Act to provide for the singing of O Canada / Projet de loi 161, Loi modifiant la Loi sur l'Assemblée législative pour prévoir que soit chanté le Ô Canada.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Mr Mike Colle (Eglinton-Lawrence): I have copies of the national anthem in French and English and I wonder if the pages could hand it out while I introduce it.

It is certainly my privilege and honour to ask that this Legislature, as a custom, sing O Canada at the beginning

of every week of the Legislative Assembly session on Mondays, as is the custom in Alberta and as is the custom at the federal Legislature in Ottawa.

I think it's only fitting, since all of us here have such great love for this country and represent it as elected officials, that we do our part to remind all Ontarians that we love this country and respect it. I think it's only fitting that we sing it once a week, and that we also follow this government's lead. As you know, they've passed a bill whereby students across this province will be singing, and are singing, O Canada. So I think if students are singing it, there's no reason why we as legislators cannot sing our national anthem.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Speaker: I ask for unanimous consent to move to second and third reading right now on Mr Colle's bill and we can all break out into song and sing O Canada today.

The Speaker: Is there unanimous consent to move to second and third reading of the bill? I'm afraid I heard some noes.

LABOUR RELATIONS AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL

Ms Martel moved first reading of the following bill:

Bill 162, An Act to amend the Labour Relations Act, 1995 / Projet de loi 162, Loi modifiant la Loi de 1995 sur les relations de travail.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Ms Shelley Martel (Nickel Belt): The purpose of the bill is to ban the use of scab labour in Ontario. It restores those sections of the NDP government's Bill 40 that prevent employers from using other workers to replace those legitimately on strike or locked out. It forces employers to sit down and bargain collective agreements because they know no one else can take the jobs of striking workers. It protects management employees from employer reprisal when they refuse the work of bargaining unit employees on strike or lockout.

I'm introducing this bill on behalf of Mine Mill/CAW workers in my community, who have now been on strike for 113 days because Falconbridge is using scabs. It's also for every other Ontario worker who has been undermined by their employer in the same way.

MOTIONS

HOUSE SITTINGS

Hon Frank Klees (Minister without Portfolio): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday,

December 11, and Tuesday, December 12, 2000, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

REFERRAL OF BILL 159

Hon Frank Klees (Minister without Portfolio): I move that pursuant to standing order 72(a), the order for second reading of Bill 159, An Act respecting Personal Health Information and related matters, be discharged and the bill be referred to the standing committee on general government.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

ORAL QUESTIONS

PROTECTION OF PRIVACY

Mr Dalton McGuinty (Leader of the Opposition): My first question today is for the Minister of Health. It is regarding your Big Brother bill.

Minister, you understand that when people go in and see their doctors, they tell them things they wouldn't disclose to the most intimate acquaintances, things they wouldn't even tell their husbands or wives. They talk about things like depression, sexual orientation, abortion and a variety of other very personal subjects. It is absolutely essential that nothing whatsoever be seen to come between a doctor and a patient, and that we do everything we possibly can to preserve that sense of confidentiality.

Madam Minister, your bill has already been heavily criticized by both doctors and the privacy commissioner, and it's just newly born. One of the things the OMA and doctors are telling us is that your bill is going to undermine the relationship between doctors and patients. Will you do the honourable thing right now: put this stillborn bill out of its misery and withdraw it?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I am very pleased that the Leader of the Opposition has raised the issue of this legislation which, as he knows and as I already indicated on Thursday, was going to move directly to committee, because this is a non-partisan bill. In fact, it will take the resources of this entire House to ensure that the personal health information of people in this province is secure in its collection, its use and its disclosure.

1400

I have a letter here from the Ontario Medical Association, dated today, where they say:

"In the spirit of ongoing mutual co-operation ... the OMA looks forward to continuing to meet with government representatives to resolve issues related to the legislation.... The most fundamental aspect of this confidence is the ability of patients to give their physician full disclosure of their personal health information without concern for its privacy and confidentiality.

"We are particularly confident in the government's assurances, in that it has chosen to move the legislative process directly to the committee stage, thereby continuing the consultations dating back to 1996."

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

Mr McGuinty: I have a better solution: withdraw the bill. Start over from square one.

Madam Minister, you have been studying this issue since 1996. You, yourself, admit you have received over 400 written submissions. I can't understand how you got it so wrong so early.

On Friday, Dr Albert Schumacher of the Ontario Medical Association said, "This will give the government of Ontario full access to your medical records. They can use this information any way they want. This will undermine patient care. Physicians will no longer be able to guarantee to their patients the confidentiality of their records."

Last week, the privacy commissioner said—and she hasn't had an opportunity to review this fully, so we're very much looking forward to whatever else she has to offer—"We question the scope of disclosures of personal health information that will be permitted without consent."

Your bill, in its present form, is going to constitute a real impediment to Ontarians seeking quality health care in Ontario. You have scared the heck out of them with this bill. The privacy commissioner says it's a bad bill. Doctors say it's a bad bill. I expect very shortly that our nurses are going to say this is a bad bill. Why don't you do the right thing in the circumstances, withdraw this bill and start over from square one?

Hon Mrs Witmer: Contrary to what the Leader of the Opposition may say, I again want to quote from Dr Schumacher's letter of December 11—today—where he states:

"We look forward to continuing meaningful discussion of this legislation and be assured of the OMA's ongoing support of government's health privacy legislation."

He indicates, "We appreciate your offer to have your officials meet with us this week to begin discussions around making revisions to the legislation in a way that makes it responsive to the patients of this province and balancing the advantages of electronic data management with personal privacy."

Furthermore, I'd like to quote from Frances Lankin, because you had a chance, I would say to the Leader of

the Opposition; your party had a chance. On January 19, 1995, Frances Lankin said, "Many governments had the opportunity to introduce health information privacy legislation. The privacy commissioner has been urging that for a long time. In our government, the commissioner urged me a lot. It never made it in"—

The Speaker: Order. I'm afraid the minister's time is up. Final supplementary.

Mr McGuinty: I would suggest that the minister turn to her left now and seek the opinion of her predecessor. This is what he said in this House back in 1995:

"We should not, must not, cannot and will not change the relationship and the confidentiality of patients' records with respect to any public disclosure of those records. That information must be kept confidential between the physician and the patient."

It's not often that I agree with Jim Wilson, but on that one he was bang on.

You and I have a fundamental difference of opinion. You believe that a person's medical record is the property of the government. I believe that a person's medical record is their own property and the only time governments get access to it is with our consent to it. That's the fundamental difference of opinion we have here now. Ontarians understand this. That's why they are recoiling with horror when they learn the news about this bill.

Madam Minister, do the right thing, do the honourable thing, do the kind of thing that's going to help us protect health care, and withdraw this bill.

Hon Mrs Witmer: We don't disagree with the Leader of the Opposition. In fact, we have an opportunity in this House, after 20 years of inaction and really a lack of courage on the part of governments, to undertake an examination of the protection of personal health information, to work together co-operatively and ensure that confidential patient information will continue to be protected. There is ample opportunity to do so. We don't agree with you, and you and I need to make sure it happens.

The Speaker: New question?

Mr McGuinty: The second question is for the Attorney General. Minister, I want to ask you about your Bill 155. That's a law that's going to enable you to seize property from people you suspect—period, full stop. There will be no need for a conviction; no need for even a charge to be laid. As part of the package of powers you're giving yourself, you're giving yourself the right to collect personal information on people you suspect. "Personal information" is defined for us. It says in your bill we'll go to the Freedom of Information and Protection of Privacy Act to see how they define "personal information." I went to that act, and it says personal information includes "information relating to the medical, psychiatric and psychological history" of the individual in question.

This is one giant step too far. Can you tell us what gives you the right to collect personal medical information on Ontarians?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): If the member opposite is referring to a section of the bill that was introduced on Thursday, that section is unnecessary and was almost immediately withdrawn, being unnecessary.

If one looks at the organized crime bill, Bill 155, the process there, very importantly and intentionally, is a court order process. Some have said the police will have this power or the Attorney General will have this power—totally inaccurate. All of the processes set out very intentionally, after consulting around the world, are through court order through the Superior Court. The Attorney General's lawyers would have to go to court with respect to each of these matters and satisfy a judge that it would be appropriate for the court to order seizing and freezing. Then there would be due process again with respect to whether or not there should be forfeiture.

Mr McGuinty: The minister obviously hasn't read his own bill. I'll read a part of it to him right now. Under the section entitled "Personal information," subsection 19(1), it says, "The Attorney General may collect personal information"—and we now know that includes medical records—"for any of the following purposes:

"1. To determine whether a proceeding should be commenced under this act."

This has nothing to do with going before a judge. You're saying if you're thinking about starting a proceeding under this act, you can get access to medical records. I want to tell you, Minister, J. Edgar Hoover would be very proud of you. He collected a lot of information. He tapped a lot of phones and he opened up a lot of files on a lot of people over a lot of years. That's exactly the kind of scenario this opens you up to right now through this bill.

This is Ontario. It's the 21st century. We believe people here have certain inalienable rights. One of those is not to have their personal and confidential medical information laid bare to you or any other minister in your government. Will you now do the honourable thing? Will you withdraw your J. Edgar Hoover provision from this bill?

Hon Mr Flaherty: As the Leader of the Opposition may not appreciate, organized crime is a very serious issue in the western world. We have consulted around the world with respect to this initiative. It is the leading legislation of its type in Canada, and I expect other provinces will be exercising their constitutional jurisdiction dealing with property and civil rights, dealing with public security. Indeed, the federal Minister of Justice has indicated to the provinces she welcomes the fact that the provinces are going to act within their own areas of jurisdiction.

1410

With respect to the specific point raised by the Leader of the Opposition, as I've indicated, the process outlined in Bill 155 with respect to organized crime deals with applications to court and not unilateral action by the Attorney General.

Mr McGuinty: I'm going to suggest to the minister one more time that he read his own legislation. It is perfectly clear in section 19 under the section entitled "Personal information" that you can go out there and collect confidential medical records if you are interested in beginning a proceeding. It has nothing whatsoever to do with going to a court and seeking consent of a judge or formally applying for approval from a judge to collect confidential medical records. You have this authority. It is unprecedented in the history of this province. How can you, the person over there who is charged with upholding the law, fail to respect it? There should be a law in Ontario, one that we all uphold, that says nobody gets access to our confidential medical records unless we agree to give consent to releasing that information.

I ask you one more time: now that you've been fully briefed on your own law, by me, right here, will you withdraw the J. Edgar Hoover provision found in your bill?

Hon Mr Flaherty: I'd like to compliment the Leader of the Opposition on his humility, but I can't, given the attitude that he expresses here.

As I think I have made clear twice now, there are no provisions for administrative seizure, administrative action, in Bill 155. The entire concept of the bill is to proceed through court orders, and that's intentional after we consulted around the world to make sure that we stayed away from some of the problems that have been experienced in other jurisdictions in this very important area.

I invite the member to study the bill further. He'll see that it is innovative legislation that will put Ontario in a leadership position with respect to fighting organized crime in Ontario.

The Speaker: New question. The leader of the third party.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Deputy Premier. Last week we learned that your government was routinely sharing personal information about young offenders with organizations outside the government, something that is clearly a breach of the criminal law of Canada. When I asked the Premier about this, he said that you were going to conduct an internal review of how this could have happened. After he said that, we learned that the person who is going to conduct the internal review is the deputy minister of corrections, and we have since learned that the deputy minister of corrections is the former president of one of these outside organizations that's been getting the leaked information. This is something akin to putting the fox in charge of the henhouse when you're trying to figure out what's happening to the hens. It's a direct conflict of interest.

Do you believe that it is acceptable in this situation, where your government repeatedly has breached the criminal law with respect to private information about young offenders, to put somebody who is connected with the breach in charge of the investigation?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): I refer the question to the acting Minister of Correctional Services.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Minister of Correctional Services, Government House Leader): There are two investigations going on at the present time. Of course, there is the investigation that is being undertaken by the Deputy Attorney General to look into the causes and effects and the facts around the breach or the alleged breach of the naming of some young offenders with regard to the Brookside correctional centre.

I asked the deputy minister to look into the various policies and procedures that we have with regard to the protection of the confidentiality and the living within the Young Offenders Act so that we can be certain that this kind or another kind of breach of the Young Offenders Act will not take place in the future.

Mr Hampton: That is exactly the problem, because one of the outside organizations that has been getting this protected information is an organization called Operation Springboard. The deputy minister of corrections, who you have put in charge of the review, is the former president of the outfit called Operation Springboard. There couldn't be a clearer conflict of interest.

This issue has already been raised with your ministry. The president of the probation officers' association contacted the deputy minister of corrections about this issue back on November 17 and said there is clearly a breach of criminal law, that we shouldn't be doing this. Do you know what the president of the probation officers got back from the former minister's office and from the deputy minister's office? They got a note saying, "Don't ever raise this issue again." And now you're going to tell us that this same deputy minister can conduct an impartial and reliable review of breaches of criminal law that have been going on in your government. What else do you expect us to believe?

Hon Mr Sterling: As I said before, the deputy minister is doing an internal review to be certain that all the people who are involved in handling young offenders understand what the obligations under the Young Offenders Act should be and how they should execute their particular performance with regard to the Young Offenders Act.

I can't see anything wrong with our revisiting with our employees—and, I might add, with volunteers; there are many volunteers involved in young offenders' programs across Ontario—the particular procedures we have to ensure that privacy is kept with regard to these youth offenders. Frankly, this is outside the purview of any kind of formal investigation which requires any police action.

Mr Hampton: This is about breaches of criminal law. This is about this government once again taking private information about people that is protected by the criminal law of Canada and sharing it with outside organizations that have no right to get it. Now you're saying that the very deputy minister who presided over this, who told a

civil servant to shut up and not mention this issue again, is somehow going to conduct a reliable internal review.

Let me tell you, Minister, I know why the former minister stepped down. The former minister knew that the ministry, the deputy minister and the assistant deputy minister were this far off the track, and he stepped down so he can't be questioned about it. The point is, when civil servants within the ministry have been told to shut up about this issue, is it your view that the very people who told them to keep their mouths shut can now be trusted to conduct a proper review and to ensure that people's legal rights aren't broken even again by your government?

Hon Mr Sterling: I'm not sure the allegations the third party leader makes are correct or accurate. I would ask him to have the particular probation official make those to me formally, as to what was said to my deputy minister. If you would provide me with his name etc, I would be glad to look into it and discuss it with my deputy minister.

LABOUR DISPUTE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Labour. Earlier today my colleague from Nickel Belt introduced a private member's bill to ban the use of replacement workers—scabs—in Ontario. You ought to know by now that there is no better recipe to prolong a labour dispute, to cause a flare of tempers on the picket line, than the use of scab labour. You ought to know that. We have seen that borne out in the increasing number of days lost to strikes since your government reopened the labour law and welcomed scabs back into the province.

There is no greater disincentive to sitting down at the bargaining table than a company being able to use scabs, and there is no greater guarantee of lasting damage to labour relationships than the use of scabs. Will you support the member for Nickel Belt's bill and ban the use of scabs in Ontario before this leads to a more serious situation?

1420

Hon Chris Stockwell (Minister of Labour): The leader of the third party makes some allegations in there that I'm not sure are correct. If your suggestion is that under this administration compared to previous administrations we have more strikes, the answer to that is that we don't. We have a 96% settlement rate in the union sector, in the private sector, with respect to today and in future. If your allegation is that there are more lost days to strikes in total, that's not true either. It's substantially the same under your administration compared to our administration.

It seems to me that you've built this argument out of a house of cards. None of it is accurate, so therefore you've jumped to this conclusion that ultimately, then, the legislation is causing this. Well, there's no cause and effect. We're settling strikes at the same rate and there are no more lost days than there used to be, so it seems to me

you're building this argument on some rather faulty foundations. If you want to challenge those, I accept your challenge; just provide me the information. But my ministry is telling me that it's substantially the same under this administration as when you were in power.

The Speaker (Hon Gary Carr): Supplementary.

Ms Shelley Martel (Nickel Belt): If I might, if you checked with your ministry you would find that in 1993, the first year our anti-scab bill operated, there were only 81 work stoppages in the province of Ontario. That, since the ministry began collecting statistics in 1975, was the lowest number ever. They've grown since then under your government.

But the question was, Minister, will you support my bill to ban scab labour? In the gallery today we have a number of Mine Mill/CAW workers who've now been on strike in my community for over 113 days, and they have dealt with scab labour first hand. From day one of this strike Falconbridge has used scab labour, first at the smelter and now in limited use underground. From day one there's been no incentive for Falconbridge to bargain because they know they can use scabs to take on the work of those who are on the picket line and can still maintain production.

Minister, if Falconbridge was banned from using scab labour they'd be forced to the bargaining table tomorrow and there would be an end to this labour dispute and there would be no chance that there would be violence on the picket lines from people who are becoming so desperate. I ask you again today: you have the power to ban scab labour in the province of Ontario. Will you do that by supporting my private member's bill?

Hon Mr Stockwell: Again I want to attack the basic foundation of your argument. You suggest there were 89 work stoppages in 1993. We know full well that today there are far more collective agreements being negotiated because there are far more people working. There are far more collective agreements being negotiated because there's more prosperity in this province. Sure, the whole number may have been lower when you were in office, but nobody was working so of course it was going to be lower. When we're in office you've got 800,000 more jobs, you've got more people working, so as a percentage, 96% of the collective agreements in the province are negotiated without a strike or a lockout—no difference at all. Whether you've got banned workers or not-banned workers, collective agreements or no collective agreements, whether you've got lost days or no lost days, the simple fact is the same: it's exactly identical under both administrations.

Interruption.

The Speaker: Stop the clock. We will have a five-minute recess as we clear the galleries.

The House recessed from 1424 to 1429.

The Speaker: New question.

Mr Rick Bartolucci (Sudbury): My question is to the Minister of Labour as well. I think earlier we saw an indication of the frustration that is in the minds and hearts of the people of my community. After four and a

half months, the situation is getting worse. It's getting worse because the company isn't coming to the table to talk. All you have to do is read the newspaper headlines, which tell you that very soon someone in my community is going to be injured or worse. There isn't anyone in this House who wants that to happen.

Minister, this is not a time for cheap theatrics. This is not a time when we try to use the emotions of people to score cheap political points. This is a very serious time in my community's existence. This strike has had a very negative impact on my community.

I don't think there's any other way to try to get talks moving again than for you as the Minister of Labour to directly intervene in this situation. Although it's highly unusual, I believe you saw a demonstration of our frustration, of the frustration of the workers in this community, of the frustration of the community.

Minister, I'm asking, will you commit to personally intervening in this situation in order to allow a ray of hope for our community and the striking workers?

Hon Mr Stockwell: I will get to the question, just to let you know.

The difficulty is that in private sector negotiations, unions and corporations, companies, negotiate separately. We provide mediation only upon request. So if either party requests mediation, we provide that mediation, ready and very willing. We're very open about it. Many of the private sectors out there take us up on the mediation.

As far as my personally getting involved, it's very unusual that the Minister of Labour would be involved in a private sector situation. It's very unusual they would be involved in a public sector situation simply because we at the Ministry of Labour are supposed to be providing non-partisan mediation advice to both sides.

I'm not averse to suggesting, if there could be some solution to this, becoming involved. That's not a suggestion I would be opposed to, but it's certainly something we would have to consider fully before I gave you an undertaking one way or the other.

Mr Bartolucci: Minister, I think you understand the severity of this situation. There's absolutely no question about that. The situation in my community is grave. I understand the position that you're in as the Minister of Labour, but I hope that you would understand the position my community is in, that these striking workers are in and that the entire community feels. But there is no way of articulating this other than to say that we need intervention. We need to sit down together. We need to try to find some common ground where we can get both sides back to the table. The alternative is not acceptable to you, to me, to the community, to anyone.

Minister, again, will you commit, please, as the Minister of Labour, with the Minister of Northern Development and Mines and me, to sit down and try to see if there is some common ground? If we don't talk, nothing will happen. If we talk, maybe something will happen. My community needs something to happen.

Hon Mr Stockwell: I think I can speak on behalf of the Minister of Mines and myself. If you believe there's anything we can offer to help facilitate this, we will be more than happy to, if you would like to meet with me and the minister after question period or some time today and sit down and give us a strategy on what you think is the best approach. I am very confident, as a government, nobody wants to see a strike. Nobody wants to see them out on the picket line. We would much prefer to see negotiated settlements take place, and we do 96% of the time.

But if you're asking me, as Minister of Labour, and the Minister of Mines to sit down with you and see if we can work out a strategy that will bring the parties together, we would never be opposed to that and we would be very happy to do such a thing.

DRAINAGE PROGRAMS

Mr Garfield Dunlop (Simcoe North): My question is for the Minister of Agriculture, Food and Rural Affairs. This year you initiated a review of the drainage program run by your ministry, and the results of that review are not yet known.

As you know, the municipalities are now finishing up their pre-budgetary discussions and are anxious to get an answer on any proposed changes in the amount of funding they will receive for their drainage programs or for their drainage superintendents.

Minister, what amount of drainage funding can municipalities expect, and when will you make this announcement?

Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs): I want to thank the member for Simcoe North for the important question. Drainage is a very important issue in rural Ontario, both for the province's farmers and for the municipalities that administer the drainage program.

I know that municipalities in the province are anxious to know what the drainage allocation will be, and I'm pleased to report that letters to about 200 municipalities that qualify for the program are being sent out today. Municipalities are being informed that the percentage of the allocation for drainage maintenance and superintendents has not changed from recent years, staying at 61.3% of the expenses that are incurred. As in the past, municipalities can use the funding to cover the drainage maintenance activities or the cost of employing a drainage superintendent, as they see fit.

Mr Dunlop: I know that many municipalities, including those in my riding, will be happy to hear this news. Can you tell us a little bit more about the drainage review that you have completed, what people were consulted, what is the goal of the review and what we can expect as some of the news in the final report of the review?

Hon Mr Hardeman: Again, I want to thank the member for Simcoe North for the question. In the normal course of business it becomes necessary to review

existing programs to ensure that they are being delivered in as efficient and effective a manner as possible. Participation in the consultation process was excellent. We met with farmers, landowners, municipalities and their employees and many others. More than 600 people attended 14 public meetings across the province and we received some excellent feedback. I want to let the member know that municipal drainage programs were not the only ones we were discussing out on the road. We were also consulting on the effectiveness of the tile drainage loan program and the tile licensing and installation program and we received a lot of good advice on these programs as well.

We are carefully reviewing the information we received and hope to release the results of this important consultation as soon as possible. We all know that municipalities need information on drainage grants to move forward with their budgeting process, and that is why we are going ahead and letting them know what their allocations will be this year.

DRUG TREATMENT COURTS

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Attorney General. You will be aware of the Toronto drug treatment court pilot project which has been undertaken by the federal government in cooperation with the province of Ontario. I believe it's fair to say that that's been viewed by most observers to be a significant success. Have you and your officials had the opportunity to review this pilot project, and are you of the view that it should be expanded to other communities?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I am familiar with the court's operation. I've met with the presiding justice and with the crown who normally advocates in that court. As you know, it's operated at the old city hall. It's operated through the provincial court system in Ontario. We have supported the project through the provision, of course, of judicial resources, court resources, the federal drug crown who works in that court.

It seems to have some positive results, I can tell you. That was what was conveyed to me when I met with those responsible for the court. Yes, I do think it's certainly worthy of further work, not only in Toronto but perhaps elsewhere in the province.

Mr Duncan: Minister, you're no doubt aware that the drug treatment court's objective is to deal with accused persons charged with drug trafficking offences by addressing addiction at an early stage in the proceedings, with treatment monitored by the court itself.

A group in my community consisting of the federal drug prosecutor for Essex county, a well-respected provincial court judge and representatives of the criminal bar would like to establish just such a court in Essex county. Members of that group tell me that the federal Department of Justice will consider such a court from a jurisdiction outside Toronto if the province of Ontario

agrees to fund treatment and other related expenses associated with that jurisdiction's proposed drug treatment court and also if the province agrees to include some Criminal Code changes from that jurisdiction into the proposed drug treatment court.

This initiative seems to do a lot to help reduce drug-related crime and is an important step forward. Will you commit today to consult with your colleagues the Minister of Health and the Minister of Community and Social Services to ensure that the funds that are needed to make these courts work in other communities, courts which you just acknowledged yourself appear to be successful—will you undertake today to put the same kind of zeal into establishing these drug treatment courts as you've put into mandatory drug testing for welfare recipients?

Hon Mr Flaherty: Certainly, if there's a group in the honourable member's riding who want to work on a similar court project in Windsor, then I welcome them to make arrangements to visit the project in Toronto and meet with the people here and to seek to emulate it in Windsor.

It's a two-way street, of course, with the federal government. If they're asking us to take over treatment responsibilities and so on, then I would ask them to appoint some judges to the Unified Family Court in Toronto, where I've been waiting for a year now—and not only in Toronto but around the province so that we can expand the Family Court around the province. I'd be happy to discuss with the federal Minister of Justice further work together with respect to the drug courts. I need help with respect to the Family Courts, because those are section 96 judges appointed by Ottawa.

1440

ROAD SAFETY

Mr Wayne Wettlaufer (Kitchener Centre): I have a question for the Solicitor General. Minister, as you're quite aware, in my riding of Kitchener Centre I've worked with the police—the chief, Larry Gravill, and many of the officers—and safety has been one of my top priorities, particularly in the area of road safety. They recognize that it is also one of our government's priorities.

Recently it's been noted in my riding that some of the younger members of our society, particularly those who wear the skateboard pants, are jeopardizing road safety by playing chicken in traffic and disregarding the rules about the appropriate way to cross roadways. Quite often they walk across the road, eyeing down the motorists. They walk across with a swagger. They defy the motorists. They view it as a game. What tools do the police have to stop this behaviour?

Hon David H. Tsubouchi (Solicitor General): I'd like to thank the member from Kitchener Centre for his question. As the member has indicated, road safety is a priority for the government.

To address this issue, the police have several statutory tools to help them discourage those who are posing a danger to themselves and also to motorists. Section 144 of the Highway Traffic Act addresses rules of the road, including where and when pedestrians may cross the roadway. Furthermore, section 214 of the Highway Traffic Act states that a violator of part X or its regulations may be fined.

The Criminal Code does not specifically address the rules of pedestrian behaviour; however, section 180 of the Criminal Code, or the common nuisance section, does make it an offence for any person to commit an unlawful act which endangers the lives, safety, health, property or comfort of the public.

The police have other initiatives as well. In the city of Toronto, in fact, the Toronto police service started—

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

Mr Wettlaufer: My supplementary is also for the Solicitor General. Our government, as you're aware, believes that everyone in Ontario has the right to be safe from crime.

This past Friday, I had members from the Kitchener Downtown Neighbourhood Committee come into my constituency office, and they were pointing out what they had successfully been able to do over the course of the last 12 months in eliminating prostitution from their neighbourhood. They worked with the police, and quite successfully, I would add. They believe, as we do, that we should be able to walk in our neighbourhoods, use public transit, live in our homes and send our children to school free from the fear of all criminals.

Our government has made a commitment to the people of Ontario to improve the safety of our communities, like our Partners Against Crime initiative, which invested \$150 million, putting 1,000 net new front-line police officers on to the streets. More police officers on our streets and providing the police with the tools they need to help make our streets safer is just one of the ways that our government has helped to make our streets safer. We were complimented on that by the Kitchener Downtown Neighbourhood Committee.

Minister, could you tell my constituents about the investments our government is making in my riding of Kitchener Centre—

The Speaker: Order. The member's time is up.

Hon Mr Tsubouchi: Once again I would like to thank the member from Kitchener Centre for the question.

There are many programs in which we invest in the Waterloo area, but I'd like to speak today about one specifically if I could. For over five years we have been supporting the RIDE program—Reduce Impaired Driving Everywhere—in Kitchener. In fact, last May I was happy to have the member from Kitchener Centre with me when we presented a cheque to Larry Gravill, who is the chief of the Waterloo police. That means that since 1995 about \$155,000 has been invested in the RIDE program.

Although many of us will start to think about the RIDE program now as we near the holiday season, unfortunately, people still do persist in drinking and driving. Clearly, this is a problem that we think should be addressed. This is not simply a seasonal problem. This should be addressed—

The Speaker: I'm afraid the Solicitor General's time is up.

PROTECTION OF PRIVACY

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Health and it concerns Bill 159, your Personal Health Information Privacy Act. Three years ago, a staffer in the Ministry of Health's office offered information about a doctor's records to a reporter for the purpose of smearing the doctor—abuse and a breach of the law. Again three years ago one of your colleagues, the minister of corrections, breached the criminal law of Canada when he rose in the Legislature and shared personal information about a young offender—again the abuse of personal information and a breach of the criminal law. So in view of the propensity of your government to give away and to abuse people's personal information, can you tell me, Minister, why should the people of Ontario trust your government to define who gets access to their personal medical files?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): Obviously, the leader of the third party has a short memory. I would again strongly recommend to the leader of the third party that he and his caucus work with all members of this House in a non-partisan way to ensure that whether it's your government or our government or any other government in the future, we totally do everything we can to protect personal health information—the collection, the use and the disclosure.

Mr Hampton: I will try again to get an answer to the question I asked. Two years ago, Minister, your government took the financial information of thousands of Ontario citizens who keep their savings account at the Province of Ontario Savings Office. You took that information and, in breach of the law of Ontario, you gave it to a corporate pollster to forward your agenda. When it comes to forwarding your agenda, breaking the law doesn't matter, and when the privacy officer caught you at that, you tried to cover up the information. Just last week, we now find that the ministry of corrections is once again sharing personal information of young people in this province that is in breach of the criminal law of Canada, and your answer is to appoint somebody to look at it who is already in a conflict of interest. So I ask you again, Minister: in view of the fact that your government routinely breaks the criminal law of Canada, the privacy law and the privacy of medical records, why should the citizens of Ontario trust your government to define who is going to have access to their medical records? Why should they trust you when your record is already so bad?

Hon Mrs Witmer: I know we could all go back in history, but the reality is that it is time to move forward. It is time to move forward because at the present time there is no consistent, comprehensive approach to protect personal health information. It is absolutely essential because we were all advised 20 years ago by the Ontario royal commission that such reforms are necessary. As we move into the information age, we need to move forward. Let me remind you that Frances Lankin herself said January 19, "Many governments had the opportunity to introduce health information privacy legislation." The privacy commissioner has been urging that for a long time. He urged me. He made it under the Liberal government. I would say to the leader of the third party, you have an opportunity to make sure the appropriate protection will be there. Let's work together in a non-partisan way to do—

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

1450

NATURAL GAS RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Finance. It concerns the rapidly and sharply increasing cost of home heating for the winter of 2000-01.

The minister will know that home heating fuel and, more particularly, natural gas prices are going through the roof. An average Ontario residence this winter, we are told, can now expect, if they heat with natural gas, to pay anywhere between \$500 to \$800, perhaps up to \$1,000 more this year than last year.

It's obvious from the weather today that winter is here. My question to you: does your government intend to provide any financial assistance to homeowners in the province of Ontario, particularly those on limited and fixed incomes, to help those individuals of modest means to cope with these sharply increased costs?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): No, not directly in terms of a specific program, if that's what the honourable member is thinking of, directly for this purpose.

Of course we did refund to taxpayers of the province of Ontario \$200 apiece to those who have spent that. Different provinces obviously have different approaches to these problems. The province of Alberta, of course, has one approach; we have another. I'm not aware of any other province that has a direct program.

Mr Conway: That is disappointing, because a senior citizen living in my town of Pembroke, Ontario, on a fixed income is going to find, as I said earlier, that they are going to have—

Interjection.

Mr Conway: Yes, they may have received \$200. Many of these people on fixed and low incomes will not have received all or any of that \$200 rebate. But let's say they did; let's say they got \$200 back from you a couple of weeks ago. We know that if they heat with natural gas

this winter, they're going to be paying probably three or four times that amount just to heat their homes.

The federal government has announced a targeted program to assist these people. The Alberta government has announced a program. The Saskatchewan government, over the weekend, announced a program.

Minister, you yourself tabled documents here last week that indicated that your revenues this year are up almost \$2 billion. Given that fact and given the fact that we're talking about, and my request is only for, those people on fixed or low incomes, surely a prosperous, generous Ontario can afford, with the kind of revenues we've now got, to provide some kind of special assistance program with these heating costs, particularly for people on fixed and low incomes?

Hon Mr Eves: With respect to taxation matters directly, of course we have reduced personal income taxes dramatically. If you are a homeowner there are numerous tax credits, including the Ontario property tax credit. We have certainly reduced the provincial education portion of both residential and commercial property taxes in Ontario. With respect to seniors and individuals of modest means, there is provision, of course, in property tax legislation for municipalities to provide that directly to seniors and those income earners of modest means.

In addition, lately the Ontario Seniors' Secretariat has been meeting and facilitating meetings with seniors' groups and the gas companies to see what can be done about the escalating gas prices, which fluctuate from time to time.

RESEARCH AWARDS

Mr Brian Coburn (Ottawa-Orléans): My question is for the Minister of Energy, Science and Technology. The media and others seem to pay a lot of attention to the notion that Ontario and Canada suffer from a brain drain. In fact, we are told that some of the leading young minds in research and development are seeking opportunities outside of Canada. I'm particularly interested in this because of the growth in research and development in Ontario and, in fact, in the Ottawa area. I'd like to know what your ministry is doing to ensure that Ontario can attract and retain promising young researchers.

Hon Jim Wilson (Minister of Energy, Science and Technology): I want to thank my colleague from Ottawa-Orléans for the question. We recognize the value of research and development in this province, and we've been doing quite a bit to reverse the brain drain—even though, during the first couple of years that I was Minister of Science, the federal government denied there was a brain drain.

We're investing in Ontario's future now, because we think it's the best way to prop up our economy should there be a downturn in the future in the North American or world economy. We're spending over \$30 million to support a new program called the Premier's Research Excellence Awards. The Deputy Premier and I hosted the

annual awards dinner just last week. Some 305 of our best and brightest scientists and talented researchers have been awarded \$100,000 from the province and \$50,000 from their respective universities, who in turn have private sector partnerships—

The Speaker (Hon Gary Carr): Answer.

Hon Mr Wilson: —to raise that money. With that money, they're able to attract researchers from the United States and from other countries to come here and work on those world-class research teams.

The Speaker: Order. The minister's time is up. Supplementary.

Mr Coburn: I'm particularly encouraged that you're actively involved in keeping top talent in Ontario. You mentioned we support and recognize top talent through the Premier's Research Excellence Awards. Dr Steffany Bennett comes to mind when you mentioned that type of excellence and expertise and the story she has told of how she was taken aside many times when she was a young girl and encouraged to pursue her dreams in science and to excel in those areas. She cites this encouragement as the key to allowing her to fulfill her childhood dreams and to do so in Canada. Minister, maybe you want to expand on some of Dr Bennett's work.

Hon Mr Wilson: Dr Bennett is an excellent example. She has completed her PhD at the University of Ottawa, but prior to that she was at Harvard pursuing her post-doctoral fellowship. Subsequently, she returned to Ottawa to initiate her work as an independent researcher. She told us at the awards dinner last week that she had lots of offers to stay in the United States but that the climate is now right to come back to Canada, particularly Ontario.

In particular, she deals with Alzheimer's disease. There's an excellent quote, I think. You certainly could hear a pin drop among the people who were at the awards dinner when she said, "First, my team and I are going to improve the daily lives of Alzheimer's patients; then we're going to cure the disease."

It's people like Dr Steffany Bennett who make us proud to support the Premier's Research Excellence Awards. We hope they will become as prestigious as a Smith award or a Polanyi award. Certainly we refer to those excellent researchers, all 305 to date, as the Nobel prize winners of the future.

I'm happy, as I know the Deputy Premier and the Premier are very happy, to support this awards program and to encourage other researchers to come to Canada, particularly Ontario, to do their work here.

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

Mr David Ramsay (Timiskaming-Cochrane): I have a question for the Minister of Northern Development and Mines. Minister, last week, as you know, the Ontario Northland Transportation Commission board voted to accept the KPMG consultants' report that

recommended the dismantling of the main transportation and telecommunications company of northeastern Ontario. The commission employs close to 1,000 people throughout northern Ontario, while creating thousands more indirect jobs in the region. If you go ahead with these recommendations, you're going to be punching another hole in the economy of northeastern Ontario. Before you make such a momentous decision on the future of the ONTC, will you give our municipal officials, the business community and the general public an opportunity to comment?

Hon Tim Hudak (Minister of Northern Development and Mines): I appreciate the question from the member. The ONTC report was tabled just about a week ago, as a matter of fact. I think it's important, and I'm pleased the directors are addressing the issue of trying to improve customer service across the array of services. I have a lot of confidence in the potential of northeastern Ontario. I want to make sure the transportation services there are going to support that potential for economic growth and job creation. The overall strategy is to ensure that services are modernized to the 21st century to help promote job creation in northeastern Ontario. I'm always very pleased to enjoy input from the member or others in the northeast on how to continue to do that.

Mr Ramsay: Minister, your recommendations have nothing to do with improved customer service. It's got everything to do with the elimination of all transportation services in northeastern Ontario. The Northeastern Ontario Mayors Action Group has been asking for a meeting with the commission chair, Royal Poulin, for the last five months to bring forward their ideas for customer service improvement. Now, after the fact, he's decided to meet with them on Friday.

We, the residents of northern Ontario, need to have a say regarding the future of our transportation and telecommunications service. Will you ensure that we get the full report and that you will hold public hearings in all the corridor towns and cities along the track, and before a decision is made, will you promise to meet with the municipal officials of northeastern Ontario?

Hon Mr Hudak: In fact, for the past 18 months as minister I've had the chance to enjoy many meetings with the mayors. I've had the opportunity to talk to the member himself on a couple of occasions about the ONTC. He knows very well this issue has been studied and studied and studied again. It's very important for us to try to move forward and see what kind of recommendations are the right ones to address improving the services in the northeastern corridor, whether it's rail, whether it's bus, whether it's the ferry services, whether it's telecommunications. I think we have to realize that times are changing in northeastern Ontario and ensure that we're going to help promote job creation, like we're doing by doubling the heritage fund, like we're doing by record investments in northern Ontario highways to make sure that our transportation and telecommunications services are going to support that and help create jobs in northeastern Ontario.

1500

WALKERTON TRAGEDY

CHILDREN'S SERVICES

Mr John O'Toole (Durham): My question is to the minister responsible for children. I was very pleased last Wednesday when our government launched the early years challenge fund. I understand that this is the latest step in our early years action plan, which of course is based on the Early Years Study, our government's report on early childhood development. Minister, I would like to know today, what is the new fund going to mean to the constituents in Durham, but most importantly, what is it going to mean to the children of Ontario?

Hon Margaret Marland (Minister without Portfolio [Children]): I'm very pleased to have this question from the member for Durham. The early years challenge fund is another process we are making in terms of confirming the priority for this government of children and youth in this province. The challenge fund itself is indeed, I say to the member asking the question, going to make a great deal of difference to the children in his riding, in the whole of Durham, and in fact to children across the entire province.

The wonderful thing about the early years challenge fund is that it is a \$30-million commitment by this government, which ends up resulting in \$60 million worth of programming for young children.

Mr O'Toole: Minister, I can see you're just as excited as I am. It's an excellent opportunity for communities to get involved. I know there will be great interest in this fund in Durham and I'm pleased to be able to inform my constituents of this new initiative. With the creation of the province-wide network of programs and services, some of which you've touched on here, it's obvious that our government is playing a critical role in getting this new venture off the ground by providing the seed funding of \$30 million.

But there's an important role for the community here too. I believe the community must rally behind this project to help our children in Ontario. Minister, if I might compliment, you're just the minister to lead this charge. What role is there for my community in this bold new initiative?

Hon Mrs Marland: There is a very important role not only for this member's community but for all the members in this House, for every community across this province. The important role is, first of all, for them to know that this \$30 million will be matched dollar for dollar in value with everything the local community does in developing early child development and parenting programs. Whether it's cash or in-kind donation of services, goods, space, materials, the local community will develop and define the program that meets their local needs, and we are going to be there 100% to fund this excellent program, which for the first time is unique in Ontario—

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

Ms Marilyn Churley (Toronto-Danforth): My question is for the Deputy Premier. The people of Walkerton have been traumatized by the water quality crisis. They've suffered horrible psychological trauma, in addition, as you know, to health and illnesses. It will take people a long time before they can trust the water again. They'll need to see that water quality remains consistently high for many months. They know from experience that their lives could be on the line, and it will take a very long time before they can trust again in your government to protect their water and their health.

On Friday—and I have a copy here—the Concerned Walkerton Citizens sent a formal request to the Premier. This letter asked him to supply bottled water to the community for at least another six months. It would be a small price to pay to ease people's anxiety as they regain their trust in the water. Minister, will you commit to this today for the people of Walkerton?

Hon Ernie L. Eves (Deputy Premier, Minister of Finance): I think the Minister of the Environment would like to respond to that.

Hon Dan Newman (Minister of the Environment): I appreciate the question from the member opposite. I can tell the member opposite that we've been there for the people of Walkerton from day one. We've been there to assist them with that.

I can tell you that last week, on Tuesday, when the water was turned on in Walkerton I was there. I met with the mayor of Walkerton, Mayor Thomson. The issue of the health study was not raised, but I can tell you that if this matter is raised it's something obviously that will be looked at.

PETITIONS

HEALTH CARE FUNDING

Mr James J. Bradley (St Catharines): “To the Legislative Assembly of Ontario:

“Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to the United States to receive medical attention;

“Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are not covered by OHIP;

“Whereas many residents of St Catharines and other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris government;

“Whereas many assistive devices that could aid patients in Ontario are not eligible for funding from the Ontario Ministry of Health;

"Whereas community care access centres have inadequate funding to carry out their responsibilities for long-term and home care;

"Whereas the Harris government has now spent over \$185 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads;

"We, the undersigned, call upon the Conservative government of Mike Harris to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money in health care in the province of Ontario."

I affix my signature. I am in full agreement. I hand it to Andrew, our page.

LABOUR DISPUTE

Ms Shelley Martel (Nickel Belt): I have a petition signed by over 700 people, which reads as follows:

"Whereas the strike at Falconbridge-Noranda has now gone on for five months and long strikes hurt not only the striking workers but also the community in which they live; and

"Whereas Falconbridge-Noranda demands that its unionized workers accept a contract written solely by the company which removes long-standing health and safety protections, lowers wage scales and otherwise undermines the human dignity of union members; and

"Whereas the company refuses to negotiate with CAW Mine Mill local 598 workers; and

"Whereas in order to enforce its demands, Falconbridge-Noranda has hired scab labour to replace long-time workers, thereby continuing production; and

"Whereas labour legislation enacted in 1995 by the government of Ontario makes it possible for the company to do this;

"Therefore, be it resolved that we, the undersigned, do hereby petition the government of Ontario to intervene in the dispute and use its offices to influence Falconbridge-Noranda to return to the bargaining table and work out a new and fair contract with local 598."

I agree with the petitioners and I have affixed my signature to this.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Pat (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."

I affix my signature to this petition.

RENT REGULATION

Mr Rosario Marchese (Trinity-Spadina): I've got many petitions from many concerned citizens.

"To the Legislative Assembly of Ontario:

"Whereas the annual rent increase guideline for multi-unit residential dwellings in Ontario increases every year more than the rate of inflation and more than the cost-of-living increase for most tenants;

"Whereas no new affordable rental housing is being built by the private sector, despite the promise that the implementation of vacancy decontrol in June 1998 would encourage new construction;

"Whereas one in four tenants pays over 50% of their income on rent, over 100,000 people on the waiting list for social housing, and homelessness has increased as a result of unaffordable rents;

"We, the undersigned, petition the Legislative Assembly of Ontario to implement an immediate province-wide freeze on rents which will stop all guideline increases, above-guideline increases and increases to maximum rent for all sitting tenants in Ontario for a period of at least two years."

I support this fully, and I affix my signature to it.

1510

REGISTRATION OF VINTAGE CARS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): This is again a unique petition, sort of handed out in a newspaper, but it's very important.

"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 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."

SAFE STREETS LEGISLATION

Mr Bruce Crozier (Essex): I have 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,” standing in the name of Mr Crozier, “to allow charitable organizations to conduct fundraising campaigns on roadways, sidewalks and parking lots.”

In support, I affix my signature and give the petition to Tim to take to the table.

RENT REGULATION

Mr Rosario Marchese (Trinity-Spadina): I’ve got more petitions on the province-wide freeze on rents.

“Whereas the annual rent increase guideline for multi-unit residential dwellings in Ontario increases every year more than the rate of inflation and more than the cost of living increase for most tenants;

“Whereas no new affordable rental housing is being built by the private sector, despite the promise that the implementation of vacancy decontrol in June 1998 would encourage new construction;

“Whereas one in four tenants pays over 50% of their income on rent, over 100,000 people on the waiting list for social housing, and homelessness has increased as a result of unaffordable rents;

“We, the undersigned, petition the Legislative Assembly of Ontario to implement an immediate province-wide freeze on rents which will stop all guideline increases, above-guideline increases and increases to maximum rent for all sitting tenants in Ontario for a period of at least two years.”

I support this fully, and I sign my name to this petition.

OPP DISPATCH CENTRE

Mr Ernie Parsons (Prince Edward-Hastings): To the Legislative Assembly of Ontario:

“We, the undersigned, petition the Legislative Assembly of Ontario to locate the eastern regional OPP dispatch centre in the vacant and relatively new OPP building on Wallbridge-Loyalist Road in Quinte West.”

I am pleased to add my signature to this petition.

PHOTO RADAR

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

“Whereas Mike Harris made the decision in 1995 to cancel the Ontario government’s photo radar pilot project before it could properly be completed;

“Whereas two Ontario coroners’ juries in the last year, including the jury investigating traffic fatalities on Highway 401 between Windsor and London in September 1999, have called for the reintroduction of photo radar on that stretch of ‘Carnage Alley’;

“Whereas studies show that the use of photo radar in many jurisdictions, including British Columbia, Alberta, Australia, many European countries and several American states, does have a marked impact in preventing speeding and improving road and highway safety, from a 16% decrease in fatalities in BC, to a 49% decrease in fatalities in Victoria, Australia;

“Whereas photo radar is supported by the RCMP, the Canadian Association of Chiefs of Police, several police departments, including many local Ontario Provincial Police constables and many road safety groups;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to demand that the Ministry of Transportation reinstate photo radar on dangerous stretches of provincial and municipal highways and streets as identified by police. The top priority should be ‘Carnage Alley,’ the section of the 401 between Windsor and London, and all revenues from photo radar should be directed to putting more police on our roads and highways to combat aggressive driving.”

I affix my name to this very useful petition.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Chris Stockwell (Minister of Labour): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 147, An Act to revise the law related to employment standards, when Bill 147 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be ordered to the standing committee on general government; and

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted; and

That the standing committee on general government shall be authorized to meet on Wednesday, December 13, 2000, during its regularly scheduled meeting time for one day of clause-by-clause consideration; and

That the deadline for filing amendments with the clerk of the committee shall be 9:00 am on Wednesday, December 13, 2000; and

That the committee be authorized to meet beyond its normal hour of adjournment on that day until the completion of clause-by-clause consideration; and

That, at 4:30 pm on the day designated for clause-by-clause consideration of the bill, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration and not later than December 14, 2000. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That, upon receiving the report of the standing committee on general government, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading;

That, when the order for third reading is called, two hours shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment;

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

1520

The Acting Speaker (Mr Bert Johnson): Mr Stockwell moves government notice of motion number 84.

Mr John Gerretsen (Kingston and the Islands): On a point of order, Speaker: Would you confirm for me that this is the 15th time that the government has moved closure on the last 18 bills that it has introduced in this House, thereby cutting off democratic debate? Would you confirm that for me, Speaker?

The Acting Speaker: That is not a point of order. The Chair recognizes the Minister of Labour, from Etobicoke.

Hon Mr Stockwell: I'll help you, though: that's not right. So there you are. You're so wrong, it's incredible. I think I would be safe to say that I don't think we've moved closure more than one or two times, in fact, during this sitting.

Mr David Christopherson (Hamilton West): Time allocation; he's playing a word game.

Mr Gerretsen: Time allocation is closure.

Hon Mr Stockwell: Thank you so much. The sky is green, the grass is blue, then.

Mr Speaker, I'd like to just have a brief overview on this whole modernization of the workplace Employment Standards Act, but I will be sharing my time. If you could just give me a second here in my notes, I'll tell you who I'm sharing it with. Here we are. I'm sharing my time with the member for Kitchener Centre, Mr Wayne Wettlaufer. I'm also doing it with the member for Peterborough, Gary Stewart; also the member for London-Fanshawe, Mr Frank Mazzilli; and where would we be if we didn't share it with the member for Durham, John O'Toole?

I don't want to get too involved. We had a lot of debate on this at second reading. We've had a lot of public hearings on this. I spent a lot of time on public hearings on this bill. I spent time in Thunder Bay, in Sudbury, in Windsor, in London, in Ottawa, in Toronto. I went out to Sarnia and Oshawa. We had a white paper that was issued in the ministry. Two years ago, we actually did another white paper and sent all this stuff out as well.

You know, we've had a lot of public input into this piece of legislation. We've had a lot of discussion about this bill. From stem to stern, there has been discussion. Now, I can't tell you that it's accepted by all sectors within the provincial government or the province of Ontario, but I can tell you those people who actually take the time to read the bill, phone my office, or the people who I speak to in public hearings about this bill—I've got to tell you, once I've had the opportunity to explain the government's rationale, to explain the government's position on this bill, a lot of the fearmongering and scare tactics that have been used by the ne'er-do-wells have usually been allayed, and those problems don't seem as horrendous or as difficult for the communities out there to accept.

That's what I find most heartening about the bill, because when you get the chance and you get to take the time and explain to the individuals what exactly the bill does, they're not nearly as vociferous or as heated in their comments and their exchanges. They say things like, "I didn't understand it to be that way. Somebody told me that you're forced to work 60 hours a week," and son of a gun, if I explain to them how the process works and how the old process worked, they say, "Well, that's better. This new process is better than the old process."

I don't know why the opposition would be so upset about that. I say, look, opposition parties are there as Her Majesty's loyal opposition and they're there to oppose. I understand that. I appreciate the fact that you have a role to fill, and it's an important role: to oppose government initiatives and offer up alternative points of view. I don't suggest for a minute they shouldn't be doing that.

But after you get down to the nuts and bolts on the bill itself, when you talk to people at public meetings—and this one in Oshawa is a perfect example. Once you get down to explaining what the bill is going to do, and the kinds of checks and balances that I see in the bill, and

then explain them in the bill, they're not nearly as cantankerous as they were on their way in, when they got a few half-truths from some people who are involved in certain sectors out there.

Interjection.

Hon Mr Stockwell: I hear the member for—is it Don Mills?

Mr David Caplan (Don Valley East): Close.

Hon Mr Stockwell: He's cackling away over there. I don't know what he said, but I don't feel any the less for it.

The point I'm trying to make to you is this: we as members of the government have an important role to fill, and that is drafting legislation and ensuring there's a good public debate. When we put this white paper out, and this piece of legislation, we sent this broadly across the province. Their arguments over there are saying, "No, you tried to do this under the cover of darkness." That's not right. We drafted up a white paper and basically outlined what we were going to do. We shipped it out to everybody, including the members of this House.

Then, after we shipped it out, we said to the people of the province, "If you want to make written submissions, please make written submissions. We're open. We want to hear what your thoughts are." But that wasn't it. Then we went out to seven cities and had public hearings in all seven of those cities. I have to tell you, most of those places were dominated by union people, the union executives and, to some lesser degree, by legal clinics that represented certain affected groups. They dominated the public hearing process. They made a lot of suggestions.

For the members opposite, I just want to tick off a few of the suggestions they made that we incorporated. I want to just tell you what some of the union reps who came to the public meetings said that we incorporated into the bill. First of all, they said that the inspectors need the power to subpoena records. Right now they don't have that. One of the legal clinic workers from Gravenhurst, I think it was—I'm not sure; I think it was Gravenhurst—said, "We need to have that inspector have the power to subpoena records from the employer so they can get a full flavour of what the arguments are." You know what? We put that in the bill. We said, "You're right; they should have that power." We put it in the bill.

They also told us that the inspectors should be able to spot audit. Just because you are an employer shouldn't leave you off the hook from a spot audit, like your taxes can be spot audited. Any inspector on any day can show up at that place, demand the records and say, "OK, are you meeting the guidelines of the Employment Standards Act?" That's what the unions were asking for and we put that in the bill. We said, "You're right. That's a good point." We put that in the bill.

One of the very important parts of this bill with the inspectors, and my friend from Hamilton West often commented about this in previous incarnations—I think I'm being heckled from the gallery, Mr Speaker.

The other problem is that the member for Hamilton West said to me, in other incarnations when he was in opposition or when he was in government—I shouldn't say that. I'm not certain that's true, in government, but definitely when he was in opposition he did say, "What we need for the inspector is also any reprisal powers." I don't think he'd debate this with me; I think he agrees that the inspectors needed the power to reinstate employees who had been improperly released or let go or fired, the argument being—as we heard at the public hearings—that the employer has more power than the employee and they can simply dismiss them if they don't agree to work overtime, and base it on some fruitless or made-up argument about them not doing a good job.

The member for Hamilton West mentioned that. We heard that at the public hearings. We said, "You know what? You're absolutely right. If an inspector goes in and makes a finding that 'This is an improper firing and you're really firing for other reasons and not for the reasons you're trying to lay out, and you're firing because they didn't want to work overtime or they wouldn't take their holidays one day at a time or something,' the inspector now has the power to reinstate that individual."

Another thing that we said in our white paper that we shipped out across this province, that we found agreement on with the union activists and the legal aid clinics who came in and said, "You should be putting that in the legislation"—and we did put it in the legislation. Do you know what else they said during the public hearings? They said, "Do you know what other power the public inspectors need? Do you know what else they need? They need not just the power to reinstate, not just the power to anonymously inspect and not just the power to enforce these legislative initiatives. They also need the power to anonymously accept a tip from a worker to go in and inspect without telling the employer who was complaining."

1530

A lot of the deputants from the union movement asked for that, and you know what? We agreed. We said, "Yes, you're right, they should have that power." This argument that somehow we didn't listen, that somehow we weren't hearing what the concerns were, is not right. We did hear them. They brought these deputations before us. They made salient, cogent arguments, and you find those arguments in the legislation before this House today.

We also adopted the 10-day crisis leave. I've heard that being berated across the floor. I heard the member for Hamilton East the other day berating the 10-day crisis leave.

Mr Dominic Agostino (Hamilton East): It's not long enough.

Hon Mr Stockwell: He says it's not long enough. That's the point. I've got to tell you, never in the history of this country has any government introduced any crisis leave in any legislation before any Legislature or House of Commons, including when they were in office. This is the first of its kind. Rather than saying, "Oh, good for you. You've taken an initiative that protects employees

that we didn't take," their argument is that it's not long enough.

Mr Agostino: It's a good start. It's not long enough.

Hon Mr Stockwell: It's infinitely longer than you had in legislation and infinitely longer than anyone has in legislation in this country. That was another provision we implemented that was asked for by employers and unions and people out there. This is a bit of a misnomer. This is a misnomer to suggest that all this legislation is employer-driven. It's not. There's a balance, but the problem you have—

Interjection.

Hon Mr Stockwell: I didn't hear that, and I feel just as good for it.

Mr Gerretsen: Selective hearing.

Hon Mr Stockwell: No, I heard that.

Interjections.

Hon Mr Stockwell: You see, you weren't listening. You're too busy signing your Christmas cards. I just went through four or five examples from the public hearings where we heard from the unions and heard from the people making deputations who said, "You need to make these changes," and I just told you, they're in the bill. They're in the bill today. I gave five or six examples, and I can go on. That was not it. There are other provisions.

The maternity leave is a good example. We took our time. We consulted with the public, we consulted with employers, and we decided this was a reasonable approach to take. Now, there is concern in the employer community out there. I want to caution the members opposite, I think the concern is broader than you think and I think the sympathies are greater than you imagine. This is not as cut and dried, slam-dunked as you think it is. There's a broad cross-section of the community out there who honestly believe 12 months is too long to ask an employer to hold a job open. But we did consult, we did request, we did ask, and we implemented that.

There's another provision in here that's employee-driven. If you want to talk about this idea that there's a 48-hour maximum workweek and then beyond that, you have to get written agreement between the two, that's a reasonable response, I think. You don't think it is. But to make the argument that there's nothing in this legislation at all for the employees in Ontario is absolute balderdash. It's gobbledegook. It's simply not reading the legislation, not reading the deputations that were made to me when we travelled this province, and not hearing the concerns in the past. Quite honestly, many people, particularly with the provision of reinstatement, anti-reprisal—let me tell you what the old legislation talked about.

If an employee felt they were being unduly dismissed by an employer who was dismissing them because they weren't agreeing to terms and conditions beyond the Employment Standards Act, they could file a complaint with the Ministry of Labour. This is under the old legislation. The inspector could go out there and make a finding that you should rehire this person. All the employer had to do was submit a request to the Ontario

Labour Relations Board and then they'd have a hearing, and the hearing would take up to six months to be heard. Under the old legislation, that employee would be out of work, without pay, without any form of support, unable to buy their groceries, unable to pay their rent for six months, even though they're right as rain: out of work, out of pay, nothing for six months and they're right as rain. Under the new provision, an employer may still appeal the decision of the inspector to the Ontario Labour Relations Board, but that employee, after the inspector makes that decision, goes back to work the next day. They get paid, they go to work, they pay their rent, they put food on their table and they feed their families, based on this legislation, and they're right as rain.

This thought emanating from the opposite benches that there's nothing in this for the employees is absolute balderdash. It just means they haven't taken the time to fully understand and read the legislation and comprehend the decisions and the changes we've made to benefit the employee and benefit the employer in the hopes this brings together parties to create a better working environment for all those people involved.

Mr Caplan: Just like in the schools.

Hon Mr Stockwell: I often discover, especially with the member for Don Mills, that there's no point in arguing the bill at hand. He tries to argue something else because he knows nothing about the bill at hand. I want the member to stand in his place and make the argument that doing it any other way or under the previous method was better. It wasn't better. Deputation after deputation came before me and said, "You can't do this. People are frightened to complain, and if they do complain they only complain after they're fired. They don't get reinstated and it takes six months. They're terrified." We removed the barrier of fear, we removed the barrier of reinstatement and we removed this clout the employer has—the bad employer, I might add—over the vulnerable worker.

That's a protection, a protection the people of this province need, that was introduced and will be adopted by a Conservative government. They're not interested in rhetoric, not interested in talking about half the truth. They're interested in talking about the bill and how the bill protects the people of this province who go to work every day. These are the kinds of things the bill does, and these are the things that the people in this province can look forward to.

I'm running down to a minute or so left in my discussion. I look forward to the discussion. I look forward to clause-by-clause.

Interjection.

Hon Mr Stockwell: I do. I look forward to the amendments offered by the other side. I want to see what it is that you think is wrong with this bill so corrective action, in your opinion, can be taken. It's very interesting. I've not seen any legitimate argument made that says the present situation is good.

Interjection.

Hon Mr Stockwell: I'm listening. You're not saying anything. That's the difficulty. I want to hear what your concerns are. If you're arguing with me that the present legislation is good, you're the only person making that argument, because nobody out there in the public world is saying that. You're the only one who's telling me the present legislation is worthy. So if the present legislation is no good and apparently our legislation is no good, then let's see the amendments that are going to make your legislation work better. I'm really, really interested in seeing those.

Mr Gerretsen: Don't ask us. It's your legislation.

Hon Mr Stockwell: There you go. You see, the member for Kingston and the Islands falls back into the old opposition refrain, "Don't ask me for answers. I'm just in the opposition. I'm not paid to think. I can only move amendments that can change bills. I'm not paid to think of the solutions. All I can tell you is, the old bill stinks and the new bill stinks." Well, what's your solution? I ask the members opposite, what is your solution? Move the amendments at committee. Tell me what you can do to make this bill better. We're always open for discussion. Let's hear it.

But it's the same thing every time: "We're not in government so I'm not paid to think." That's a sorry, sorry state of affairs. Yes, you're the opposition, but that doesn't preclude you from offering legitimate amendments. In the past, I have had legitimate amendments from the opposition which I've accepted and we've adopted because it was a legitimate amendment. I'm looking forward to seeing those legitimate amendments that you've spent more than five seconds thinking about and have also obviously consulted about with communities out there that would find them acceptable.

1540

The Acting Speaker: Further debate?

Mr Agostino: I'm certainly pleased to spend a few minutes speaking to the bill. A number of my colleagues want to speak to this important piece of legislation.

When you listen to the minister, you get the sense that this thing is totally employee-driven. You get the sense that workers were lined up at the minister's door saying, "Please make these changes. Please increase the workweek to 60 hours. Please change the overtime provision in the legislation. Please change the vacation period and the fact you can be dictated to as to how you are going to take your vacations, whether it's one day a month, in blocks or whatever the employer feels is appropriate."

When you look at this, it is a very significant piece of legislation. It impacts about five million workers who are non-unionized, generally work in lower-paying jobs and generally don't have the protection a union shop would provide. These are some of those vulnerable workers. They're often new immigrants, younger people or people who have a difficult time accessing our bureaucracy—government—to complain if there's a problem. That's how this bill impacts, and I find it significant.

The minister talks about the fact that there has been lots of consultation, that we had a white paper over the

summer. There hasn't been one minute of public hearings on the specifics of this bill that has been introduced by this government.

This government found it appropriate last year to have public hearings on snowmobile trails. As important as that may be to some people in this province, I suggest that the impact of this piece of legislation on five million Ontarians is going to be much more significant than snowmobile trails. But we had public hearings to talk about snowmobile trails; we took this on the road. As important as that is to some people, we don't think this piece of legislation is important enough to take out to public hearings. We don't think about those vulnerable workers who, I'm sure, were not consulted over the summer and through the white paper the minister released. This government doesn't think those people should have an opportunity to come to the table and tell us what they think of this legislation, because it impacts them. It doesn't impact any of us in this Legislature. It doesn't impact anyone in this building, but it does impact some very vulnerable workers across Ontario.

If you look at the workweek, everything is voluntary, right? The government says, "They don't have to if they don't want to. They can refuse." The reality is that the balance between the employer and the employee is not there. Anybody who suggests otherwise is dreaming if they believe it's an even, balanced situation and that you can negotiate and if you say no, that's the end of it. It's not that simple. There's going to be the fear of reprisals, fear of getting fired, fear of not getting a promotion. There are a lot of intimidating factors. Basically when you have a 60-hour workweek, the reality is you're going to be asked to do it and most of these workers are going to do it.

What makes it even sadder is that not only have they gone to 60 hours, they have also changed overtime provisions to average out over four weeks. Under current legislation you get paid overtime beyond 44 hours per week. Now the government says it is over a four-week period. Can someone from the other side of the House explain to me how someone who works 52 hours the first week and then 40 hours the other three weeks and averages 43 hours over this four-week period does not get one cent of overtime pay? Under the old legislation you basically had eight hours of overtime pay. The old legislation basically said that overtime kicks in after 44 hours. So someone explain to me how that is an advantage to an employee. Can someone tell me how you're helping this employee by ripping him off for eight hours of overtime over that four-week period? I'd be curious to know that. I'd also be curious to know how many workers have come forward and said, "Please do this. Please take away some portion of my overtime. I'm asking the government of Ontario to take away overtime." Maybe you can tell me which employees have come forward and made that request? I'm certain the employers are happy about this.

The minister spoke about emergency crisis leave. And yes, I was critical, because it doesn't go far enough. It is

a start, but I think 10 days to take care of or look after or be with a member of your family, often someone who may be dying, a relative or a parent, a child, is nowhere near enough. If you're going to take that step, then let's do it.

We have pressed for and we have talked about 12 weeks. The Liberal caucus and Dalton McGuinty's platform in the last election was a 12-week leave. We believe that makes it more reasonable, that makes it fair for people. It's an unpaid leave, we understand that, but someone shouldn't have to choose between a job and caring for or looking after a dying relative or a dying partner or child. People in Ontario should not be forced to make that choice. With this legislation you're forced to do that after 10 days.

When you look at the provisions as they deal with vacations and hours of work, again as I said, this legislation basically allows the employer to dictate when you're going to take these, whether it's in daily increments—and the 24 hours off in seven days now is averaged out over 48 hours or two weeks so that means you can be forced to work 12 consecutive days without a day off. That protection has been taken away.

I only have a few minutes left of the time I have to speak on this. It's unfortunate this government is moving closure again on another debate, another significant piece of legislation. They keep talking about democracy all the time. When you look at their labour bill, they keep talking about workplace democracy. It's the height of undemocratic practices by this government to continue to ram bills through the House without any public hearings, without any consultation.

The sad part of this is that it has been a pattern right from day one. This government came in with an anti-worker agenda. It came in with a pro-business agenda. It has basically catered to big business. They call the shots. They have called the shots with this bill, as they have with every other piece of labour legislation you have brought in. If you can point out one piece of legislation in labour that you have brought in that workers have been asking for—when these announcements were made it was widely acknowledged by the government, not only with this bill but with the previous couple of bills that we just passed in the House with regard to labour legislation, that these were business requests. We know that. That's what drives this agenda here. That's what drives this piece of legislation.

It is unfortunate that we have to cater to the few wealthy friends of this government. You're hanging out to dry and exposing five million Ontarians to an unfair workplace. You're exposing five million Ontarians to practices in the workplace that are going to be discriminatory against them. You're exposing five million Ontarians to lower wages, fewer benefits and less control of their workweek, and all of this is wrapped around flexibility. What it does is take people away from their families, it takes people away from their kids. You talk about flexibility in the hours that you work. I'm just not sure how many daycares are open at night, if you want to

talk about flexibility so they can pick and choose when they can work, as you put in this legislation. There is nothing in this legislation that is fair and balanced on the whole. The power is clearly with the employer against the employee, and as much as you can couch it in any way you want, the reality is that this is another bill that's been driven by big business.

This government should listen to all sides, but what I don't agree with is the provision that this government decides to cater to their wealthy friends, and this bill is another example. You decided to cater to the folks who pay \$25,000 a table to sit in that first little circle at the Premier's dinner every year, and those folks will benefit from this bill. The average working person who could nowhere near ever afford to get near the Premier's dinner in this province or afford access to dinners hosted by cabinet ministers or MPPs on the government side of the House, those folks have been shut out again. They're shut out of this agenda; they've been shut out of public hearings, and this, then, is another bill that they're moving closure on today. This is supposed to be another part of workplace democracy. This is supposed to be democracy at work in this Legislature. What is this? Another attempt by this government to ram through very quickly another piece of anti-labour, anti-worker, pro-business legislation that we've been getting sick and tired of and that Ontarians, frankly, are getting sick and tired of.

1550

Mr Wayne Wettlaufer (Kitchener Centre): It's really interesting when I hear the rhetoric from the other side. I'd just like to address a couple of the comments made by the member for Hamilton East. He said that the employer is allowed to schedule vacation in blocks that the employer feels is appropriate. That's not quite factual. The status is that the employees can agree to take time off. The employer, granted, is allowed certain flexibility. The employer, for instance, can schedule vacations in a minimum of one-week blocks unless the employer—and I want to emphasize this—and employee agree to schedule vacation in shorter periods, ie, one day at a time or two days at a time. The alternate scheduling—and this is the key here—can be initiated not by the employer but only by the employee. That is hardly at the discretion of the employer.

He also talked about the fear of reprisals under the proposed legislation, that the employee is going to feel so intimidated by the employer. Pardon me, but the fear of reprisals exists today under the existing legislation, not under the proposed legislation. The proposed legislation is designed to take away this fear of reprisal. It is designed with penalties for the employer who tries to intimidate the employee, for the employer who tries to take action against the employee—

Mr Caplan: On a point of order, Speaker: Would you please check if there's a quorum.

The Acting Speaker: Would you check and see if a quorum is present, please.

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Kitchener Centre.

Mr Wettlaufer: Thank you, Speaker. It's very noteworthy that when that quorum call was made there were only two Liberals in the House and only one NDP, and presently there's only one Liberal in the House and no NDP. It's very noteworthy.

Mr Dave Levac (Brant): On a point of order, Speaker: If I'm not mistaken, it is not correct and parliamentary to mention who is here and who is not here.

The Acting Speaker: That is a point of order.

The Chair recognizes the member for Kitchener Centre.

Mr Wettlaufer: It's noteworthy that it was the only Liberal who is in the House who made that statement.

I would like to point out that the comments from the member for Hamilton East were not entirely—I'm not going to say they weren't entirely factual. They were confused. I think that's about the only way I can put it. He described this proposed legislation as anti-labour, anti-worker, pro-business. It's really interesting. Over the course of the last week and a half I've had a number of discussions in my constituency office with some of my business constituents, and do you know what? They've described this legislation as pro-labour. Now, you can't have it both ways. I know the Liberals like to think they can suck and blow at the same time, but that's just not possible.

What I would like to explain here is that this proposed legislation has been described by the Liberals, has been described by the NDP and has been described by the OFL—on the weekend, I saw the protest that they had that was on television. Wayne Samuelson was up there talking about how we were going to force workers to work 60 hours a week. No. Nothing could be further from the truth. This is not an introduction of a mandatory 60-hour workweek. There is no possibility that the workers can be forced to work 60 hours a week.

Four-week overtime averaging? Yes, that's permitted. Does that mean that a worker might work 60 hours in one particular week? Well, it might be possible, if—and I say if—the employer and the employee agree in writing. But it must be in writing. If the employer threatens to fire the employee, or he intimidates the employee into working those 60 hours, what happens? He can be fined, and he can be fined heavily. We're not talking \$50,000; we're talking \$100,000. That's pretty substantial. I would say that's a deterrent in any employer's mind.

I would also like to say that this legislation does something else, and it's not exactly pro-business. When the federal government decided to increase the combination of parental and maternity leave to a parent to 50 weeks a few weeks back, it was necessary for the provinces to

take a look at their legislation and either go along with it or not go along with it. In the province of Ontario, it was felt by the Ministry of Labour that it was very necessary that we go along with this, that we agree, that we coincide our views, our laws, with those of the federal government. That is what we have done. Is this pro-business? I submit to you that it is going to be very hard on some businesses, particularly small businesses, to keep a job open for an individual for nearly a year—oh sure, that business can hire a temporary employee—and it's going to cause problems for that business. I remember when the extension was made to 35 weeks and how difficult it was for me, as an employer, in my small business to keep that job open for 35 weeks. To keep that job open for 50 weeks is going to be very tough on that small business. Is that pro-business? Hardly. What we have done here is taken into account the needs of children, of families, at the expense of business. That's hardly pro-business.

I know the member from Hamilton West is going to get up and he's going to criticize this legislation as being anti-labour legislation that wasn't necessary. I know. When he was the labour minister for the NDP government, I know they never gave consideration to revamping labour legislation. There was a very good reason for that: nobody was working. As far as the Liberals were concerned, they didn't care about revamping labour legislation to ensure that workers had some rights, that there were jobs. They didn't care about that. They cared about increasing spending, and it wasn't all in the right places. I know the people in my riding, for instance, were wondering where all the spending was being funnelled because it sure wasn't into the health care area in my riding.

The members opposite talk about health care spending all the time. Let me tell you, the people in Kitchener sure didn't see any of this largesse on the part of the Liberal government when they were doling out funding, not in the area of health care anyway. It has only been in the last five years that we've noticed in my riding any improvement in health services as a result of funding that our government has made. It's wonderful to be in opposition. I can just see it.

1600

Interjections.

Mr Wettlaufer: There they are. They're laughing over there, or signing Christmas cards.

Do you know the advantage they have? I know they love being in opposition, because they don't have to formulate any policies. All they have to do is ridicule ours. They don't have to worry about coming up with—

Interjections.

Mr Wettlaufer: Listen to the cackling and the heckling. Isn't it wonderful? You fellows over there are just wonderful. You guys are great. You haven't come up with an original idea of your own in the last 25 years, but you like to criticize what we have. The member from Hamilton West hasn't come up with an original idea of his own, either.

Anyway, my time is running out and I know that some of the other members would like to speak, so I will sit down right now.

The Acting Speaker: Further debate?

Mr Bruce Crozier (Essex): I just wanted to remind the member from Kitchener Centre that being in the opposition isn't all that wonderful, but it does have its advantages. You suggest that we haven't had an original idea in 25 years. I haven't been around that long, but in the seven years that I've been here, I've been in committee where some reasonable, good suggestions have been made through amendments to legislation and, frankly, this government holds the record above all for just simply disregarding any clauses that would amend legislation. So if you suggest we haven't had an original idea, the very least you could do is say, "Out of all those suggestions, there must be one or two good ones."

As a matter of fact, I think you've taken it here, because there are two clauses I want to speak to in the time I have: the one for maternity leave and the clause around emergency leave. Yes, the federal government, in its wisdom and in its concern for families in this country, increased parental or maternity leave to 50 weeks. Yes, it was the choice of this government to follow that lead. When it was first suggested by us that you do that, you turned it down flat. You said, "It's impossible. It just won't work." Small business, I think, is typically what you said would be harmed—

Interjection.

Mr Crozier: Now there's heckling and cackling coming from over there. So the government members are really no different from the opposition members when it comes to that.

Anyway, you took that suggestion, and I think that's good. In my business career, I was involved in what I suppose might be considered a small- to medium-sized business. At one time it averaged around 40 employees. The member from Kitchener Centre said it's going to be extremely difficult to get someone to work for 35 weeks, let alone 50 weeks. I suggest it might be easier. I think it might be easier to get someone to substitute for 50 weeks. It gives them more experience. It gives them another 15 weeks. Apparently they were available when they would come into the job on a short-term basis. That will give them that much more experience, so when that 50 weeks is up, they'll be able to go to another employer and say they have that much more experience. If for no other reason, then, it might give a little opportunity in the job market for someone to avail themselves of that experience.

I can think back to when Joan's and my children were born and in their early years. We were fortunate enough to be able to work out the fact that my wife could end up taking about eight years off until Nancy and David were both in school. There was less daycare in those days, but that was something we had to deal with. Maybe the financial pressures on young couples were not as great in the mid to late 1960s and early 1970s as they are today,

but we were able to work that out without the opportunity to have this maternity leave that we're suggesting today.

I think that's a good thing, and that's part of this bill that I can support, except it's one of those things that are called hostage clauses. When we look to emergency crisis leave, in some cases, quite frankly, 10 days isn't enough. Is this a good compromise? I don't know. Time will tell. But with some serious diseases that families face in crisis today, I know there must be numerous examples across this province where families actually have had to sacrifice at great length in order that they could care for a loved one. That shouldn't be. Maybe after some experience with this 10-day leave, we can look at some alternatives similar to the maternity leave. There are very few crises that families find themselves facing that are more serious than the sickness of a loved one. Yes, most families, without question, would make that sacrifice, so I certainly think this 10 days is a good first step forward.

As far as the rest of the legislation is concerned, the 60-hour workweek, agreement on that; agreement on a vacation being taken in smaller chunks. It's much like in this Legislature. Let me compare perhaps the employer to the government and the employee to the opposition. What gets done in this Legislature with a majority government is what the government wants. I think employees will face a similar situation in the workplace. They say it's optional. In other words, if you don't want to work a 60-hour workweek, the employer can't do anything about it. If you don't agree with them on that, no problem; the employer just says, "Thank you very much. I asked. I understand you don't want to do it and that's OK." Well, I'm not so sure that's the way it's going to work.

I don't know how many employers out there—I have absolutely no idea—will take advantage of something like that. We don't know what's in somebody's head. We can write laws, but we just don't know how they're going to react to that. Will that affect an employee's future with the company when it comes to advancement? I don't know, but it certainly raises that question in my mind.

As far as vacations are concerned, I suppose there are some who will agree that taking a few days off here and a few days off there—we're even told that it may be better in some instances that we get away from the workplace more frequently, although maybe not as long. So that's something else that, over time, we'll determine whether it's a good move. There is part of this legislation that I can certainly support without reservation. There are other parts of the legislation that I have some severe reservations about.

To wrap up in the couple of minutes that I have remaining, I want to speak to the motion that's before us today, that being limiting debate. I've tried this session to get up on every opportunity when a closure motion is brought in to speak of how undemocratic it is. There are 103 of us in this Legislature. We were elected to represent our ridings, and although we may disagree on some philosophies, for the most part we all try to do that. But

you can't do it if a government continually cuts off debate.

I don't know whether the backbenchers on the government side want to speak to issues or not. I suspect they want to take the opportunity to get up and speak. But certainly when you constantly bring in closure motions, it's one of two things: either you're totally undemocratic and you don't want to listen to anybody's debate, your own members' or ours, or you have mismanaged the legislative agenda so badly that you're left with no other option in order to get the legislation passed. So notwithstanding the legislation that's being discussed today, the fact that we have to constantly stand here and speak to closure motions is something that I consider to be very, very undemocratic. It's an option that's being used far too often by this government.

1610

Mr Levac: I rise with some consternation as to whether or not speaking to this bill will have an impact on the government's decision to use time allocation, so what I want to do first is explain very clearly to the people that time allocation is a tactic used by governments that simply want to remove the opportunity for too much debate, for one of two reasons: they're fearful of what might be said, or they need to better manage their time in terms of how the legislative agenda and calendar has come apart. So whether it's the first one or the second one, it's really irrelevant because the fact is the government shows it's doing one of two things. It's either not listening to the people out there, the constituency, as has been pointed out by my colleague from Essex, or this government's agenda is falling apart and they just simply have to get this legislation passed to prove that they've done some work, without any dedication to finding out whether or not the people out there truly want to debate this issue.

I did a little homework and found out that from October 1999 to today there have been 20 time allocation motions. Contrary to the Minister of Labour trying to slough that off and saying, "It's not closure," it's still the same purpose and that is to stop and stifle debate. He tried to say, "It was so few times; I'll be surprised if this was done at all." I have done my homework and, to the Minister of Labour, I'd share this with him in case he hasn't done his: the reality is we've had several very key and important bills that have been passed by this Legislature due to time allocation and, quite frankly, people need to know that a lot of the times it was used, it was for labour issues. So people in our communities across the province of Ontario who are involved in the day-to-day workings of their own labour need to know this very clearly.

The 13th time they used a time allocation motion, for instance, was Bill 119, the Red Tape Reduction Act. The fact is, a tremendous amount of red tape that was declared by this government not to be useful pieces of legislation was wiped out. It affected labour in Ontario.

Bill 132, the Ministry of Training, Colleges and Universities Statute Law Amendment Act: again, I want

to make it clear, the trend has been, as the member for Essex pointed out, that we're looking at this kind of captive clause issue. The idea is that one piece of the legislation is very palatable and probably good legislation for all of the people of Ontario, and then they glue it on to another piece of that legislation that is absolutely draconian in nature. They've done that in the colleges and universities bill, Bill 132. They've basically allowed the colleges to grant diplomas and degrees, which this side of the House agreed to in committee. I sat through the entire process and found it to be a very interesting argument in terms of the colleges moving forward with the ability to grant degrees because of the competition across the planet, actually. They're starting to draw some of our college students away from here because we're not degree-granting. The second thing they imposed on that, though, was something diametrically opposite to what that represents in terms of the good of our students in university. They want to privatize universities for profit.

You put these two bills together—they should have been separate—and you say, "We know there's going to be an awful lot of debate out there that basically says, 'No, no, don't do that, but this part of the bill we like.'" So then they go into committee and get all those people lined up who speak on behalf of it and say it's a good piece of legislation, and then in committee when you ask them the question, "What about the other half of the bill; what's your opinion?" in all of the times that I asked that question in committee, only two people cared to respond. The rest of them said, "That doesn't have anything to do with the colleges, so I'm not quite in a position to say anything about it." Then I spoke to them after the committee meeting and said, "Tell me what you think personally." It was, "I think it's a terrible piece of legislation but we've got to accept this one because of this other half." The two people who did speak on behalf of it said that private universities, as long as they're regulated very stringently, could possibly work. So it was a very cold and very mild support.

I want to keep moving here. Bill 69, the Labour Relations Amendment Act, the construction industry: time allocation. "Get out of here; don't talk to us; we're just going to move this bill through because we don't want to talk to you about it."

The Corrections Accountability Act, the one that's near and dear to my heart, Bill 144: time allocation one more time. Well, well, well, when I went back and I did my research, I thought Bill 144 would be the last one we talked about in this House, but unfortunately we're doing it again—20 different times in which we're going to talk about a notice of motion for time allocation.

I want to make sure that people understand. It was read very quickly and somewhat flippantly into the record by the minister, so I want to make sure we explain some of the clauses that were pointed out in this particular motion: "No deferral of the second reading vote pursuant to standing order 28(h) shall be permitted." In other words, if we want to defer the vote, just to have sober second thought, it can't be done.

"The standing committee on general government shall be authorized to meet on Wednesday, December 13." It's not that far away from today, is it? Today is the 11th, so now we're going to flip this to the standing committee on the 13th, for one day of clause-by-clause consideration. In one day we're going to go through this entire Bill 147, all 88 pages of it. We're going to make sure that we're going to go through it in one day. That also includes amendments.

Here's the next part: "The deadline for filing amendments ... shall be 9:00 am on Wednesday, December 13." That means at 9 o'clock in the morning they'll accept amendments to be read into the record for clause-by-clause at approximately 3:30 in the afternoon. That gives all of us a tremendous amount of time to draft amendments and it gives all of us a tremendous amount of time to be able to digest those amendments, from all sides of the House. So if the government decides to—

Mr Ernie Parsons (Prince Edward-Hastings): That's sarcasm, isn't it?

Mr Levac: It is just about. I don't know if that's understood here, because there have been some articles in the newspaper that have talked about some people losing the fine art of sarcasm in this House.

To move to the point, the idea is that if the government decides it may be better to have an amendment for Bill 147, or the NDP decides there should be an amendment to 147, or for that fact the Liberals decide there should be an amendment, we've got from 9 o'clock in the morning until 3:30 in the afternoon to digest all that information, research it and find out whether or not those amendments would be appropriate. That's not the intention. The intention is quite clear: "Put this thing through as fast as possible and then we'll worry about and suffer the consequences after the fact." That's not good management; that's not good government.

"The committee be authorized to meet beyond its normal hour of adjournment on that day until the completion of clause-by-clause consideration," but no other business, and, "At 4:30 pm on the day designated for clause-by-clause"—it doesn't matter how long we meet—"consideration of the bill, those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings," stop things right where they are, and all remaining sections of the bill and any amendments will be heard and voted on. "Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a)." Unbelievable. I want to make sure the people understand what this means to the voting public out there.

When these time allocation motions come forward, particularly in this labour bill, which I want to speak to in just a few minutes, "The committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, and not

later than"—wait for it—"December 14." We're given one day to complete clause-by-clause of this very important changing bill of the labour movement in Ontario. So we've got three days to decide the fate of all the workers in Ontario. "When the order for third reading is called, two hours shall be allotted to the third reading stage of the bill, the debate time being divided equally among the three caucuses, after which the Speaker shall interrupt"—again—"the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate."

I know I've spent most of my time speaking about this particular time allocation and the fact that this government has used it 20 times. I know, but I have to tell you I needed to do that in order to make sure the people of Ontario understood that every time this particular motion is used, they are being shortchanged an opportunity for the people they've elected to engage in meaningful conversation, and indeed to even go to committee that allows the general public to make presentations in committee hearings. Unfortunately, the heckling on the other side continues to come out when we talk about democracy.

Let's talk about a couple of quick points to this. The couple of quick points are very simple: the bill itself has not been supported as alluded to by the Minister of Labour, has not been receiving wholesale support across the province. The example that happened in the chamber today is going to be duplicated time and time again until this government gets off its high horse and stops beating up the workers of Ontario.

1620

Mr R. Gary Stewart (Peterborough): It's my pleasure to speak to Bill 147. I'd like to make just one comment about the member from Hamilton East, who a little while ago suggested that every job that wasn't unionized was a low-paying job. I would like to inform him that unless times have changed within the last couple of seconds, that is not factual. To make a comment personally, I have employed a lot of people in 30 or 40 years in this province, many of whom I have the greatest respect for and very major dedication to. Without their expertise, ability and knowledge, any business I had the opportunity of owning and running would never have materialized or become the type and quality of business it was unless I had quality employees. Let me assure the member from Hamilton East that if you don't pay people what they're worth, if you don't pay people for that expertise and that quality, they won't stay with you—a surprise, possibly, for him, but they won't.

Mr John O'Toole (Durham): Just ask Mike Harris.

Mr Stewart: That's right. I suggest to him that most people who aren't unionized are very dedicated and committed to their jobs and, I can tell you, make excellent wages. Many of them, surprisingly, are on profit-sharing programs or bonus programs that in some cases put them beyond what many union people make.

The reason I want to speak to this bill is that I believe we have to clarify what's in it. The rank-and-file union

person, the floor worker, is only hearing what the union bosses want him to hear. The indication that we are going to force people to work 60 hours is bull feathers. It is absolutely wrong. I believe it's a ploy they're using to try to keep the rank-and-file union people ill informed or uninformed, or they're just plain telling them non-factual information.

If you look at Ontario—indeed, if you look at the world—times are changing. I know it's difficult for the opposition to realize that, but they are changing and we have to be prepared to change with them. If I look at the current ESA, which was enacted in 1968, it has not been significantly updated since the early 1970s. I'd also say to the Minister of Municipal Affairs, if he were here, that the Municipal Act has not been changed—

Interjection.

Mr Stewart: Unfortunately he isn't. I'd like to keep pushing the fact that that act has not been changed for about 125 years, and I suggest it should be. The world is changing, society is changing and indeed the workplace is changing, and I think we have to revisit it. I have a great deal of difficulty when any legislation is enacted, whether it be by our government, the previous government or the one before that, where legislation is supposed to go in and never be looked at again, because the government of the day decides that it is the best it can ever be. That is not what I believe and it's not the way I operate. I hope there would be sunset clauses in all legislation—I mean this most sincerely—and that we look at it, modernize it and clarify it as time goes on. I think that's one of the keys of what this is all about.

The 60 hours we are going to force on people is absolutely not true. The 48-hour maximum is no different in this legislation than it was before this legislation was introduced. The 44-hour maximum for overtime is the same in Bill 147 as it was prior to this legislation being enacted.

It appears the opposition wants to create and retain a bureaucracy that goes on and does little to help in certain areas. I refer to the 18,000 permits to work past 48 hours that were issued by the Ministry of Labour over the last number of months. If that is not a job-creator, I don't know what is.

Why should we have to get a permit if I decide I want to work for my employer an extra couple of hours over the 48 this week and next week? If I have to first of all make an agreement with him, and then he has to go and get a permit—talk about red tape, talk about bureaucracy, talk about cost. The cost of doing business is what I'm talking about, as well as the cost of jobs in doing that, as the member from Durham has said.

I think it is about time the rank-and-file union member had some say in what goes on within the union community. I am certainly in no way suggesting that anybody in the union movement—it's interesting that everybody has harped at me: "Stewart, you're against the unions." I'd like to inform them that my wife was a member of the union. In fact she was secretary to CUPE for a good

number of years. I'm very proud of that for her, and indeed she is very proud of it as well.

But I do believe the rank-and-file union worker has to know what's going on. It is very easy for management or the bosses to keep from their membership or their workers—whatever they might wish to be called—things they need to know. As I said, most floor workers have the intelligence to make their own decisions, and I think they should have that right.

As a result, I want to emphasize again that this myth—I'd like to comment more strongly, but I can't in this chamber—that is being created out there that we are forcing people to work 60 hours is absolutely wrong.

Mr Levac: On a point of order, Mr Speaker: I wonder if I could have a quorum count, please?

The Deputy Speaker (Mr Michael A. Brown): Is there a quorum present?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Mr Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Deputy Speaker: The member for Peterborough.

1630

Mr Stewart: Actually, I'm pleased about that call, the fact being that I once again have the opportunity to emphasize the myth that is being presented out there that we are forcing people to work 60 hours. The bottom line, and the only bottom line, of this legislation is that you do not have to apply for a permit up to a maximum of 60 hours; 61 hours, you have to apply for a permit. That is the only basic change in this legislation.

If you look at the act, it's there, and I suggest to the members of the opposition who are suggesting differently that they should read this. "No employer shall require or permit an employee to work more than eight hours in a day or, if the employee has a regular workday and it is more than eight hours, the number of hours in his or her regular workday; or 48 hours in a workweek." That suggests that, "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 ... the employee agrees to work those hours."

Sure, there are bad employers out there and there are bad union people out there. But I can tell you this, and I go back to what I said at the start: if you have good employees then I suggest to you that the employer will bend over backward, as will the employee, to make sure that business progresses and thrives and expands, because that's the way we keep this great economy moving. It's certainly been proved in the last six years—850,000-some-odd new jobs.

It was interesting today in the House when the member from Sudbury was suggesting there were fewer strikes back when they were in power. Well, we do know—

Mr Rick Bartolucci (Sudbury): The member for Nickel Belt.

Mr Stewart: Nickel Belt; my apologies.

But it was during that time that there was nobody working, or very few people working, so no wonder she wanted to suggest that. Anyway, it has been my pleasure to speak to this bill. As an employer having many employees over many years, I support working and co-operating with them, and we'll continue to do that as will the greatest portion of employees and employers in this great province.

Mr O'Toole: It's very unique for me to be able to follow the member from Peterborough. It's an honour. He has pretty well said it all, and if I follow him and the viewer at home gets bored, the news will be on soon.

Anyway, Bill 147 has created in the landscape in my riding of Durham a lot of questions. I've tried to respond to those questions. In fact, I want to start by saying that Jerry Ouellette, the member from Oshawa, and I, and Janet Ecker and Jim Flaherty—who represent Durham collectively—listened. We got together and we had the minister down. Minister Stockwell came down and met with, like us, ordinary working people. At least, I consider myself an ordinary working person. We've had negotiations ongoing here too that haven't worked out too well, but that's a debate for another day.

The minister came down and what he did was listen to the people and straightened out some of the myths. For the record, it's important for me to make sure that—it's fine to advertise but the minister set some of these myths and realities straight. I'm going to read the myth. This is the typical way the media have led to this whole way of treating people, the people who consume the 6 o'clock news and read the local newspapers. Mr Speaker, you and I know that they are influenced by these things and it's important for them. I would recommend that you call your neighbours and just say that I'm going to give you the pure facts here now.

This is one of the myths: the government is imposing a standard 60-hour workweek. We're talking about Bill 147, and I think it's section 7 of that bill. That's not in here. I hate to say it: this is misinformation. Is that out of order or anything like that? It's not, so—

Mr Stewart: It sounds OK to me.

Mr O'Toole: It sounds OK to me, too. That's absolutely wrong. Currently, the Employment Standards Act says that employers can schedule up to 48 hours. In places where I've worked, that was generally considered a Saturday, or it could be made up of two hours during the week on various days, but over 48 hours was voluntary. For the record, that's still the case today. The member from Peterborough said it more eloquently than I. He says most things more eloquently than I, especially after 9:30 at night. I know him to be a person that I can listen to for hours, because he does go on a bit.

Nonetheless, what happens today at over 48 hours is they have to get a permit. All Bill 147 is saying is that they have to get a permit after 60 hours. So this whole thing, this program of misinformation that's out there, please, if you have any questions at the end of my limited time, call the office. We'd certainly send you a copy of the pertinent information. As I said, with this bill, per-

haps clarifications may ensue. I don't know the ministry process in this, but it's my understanding they'd like to pass this bill so that we can get on with creating jobs.

Another important thing with that myth is that other provinces have stronger protection on hours of work than Ontario. Nothing could be further from the truth. In fact, most provinces don't state an upper threshold. They could schedule 60, 70 or 80. But as the member from Peterborough has said—I keep going back; it's a good reference point—it's incumbent upon the employer to be fair with the employees. What this legislation is really doing is allowing real democracy in the workplace where the employer and the employee get together to schedule whether or not they want to work in excess of 48 hours. It must be mutually agreeable. That's clearly specified in this legislation. If I had more time, I'd go through letter and verse here, but unfortunately, the member from Peterborough hasn't left me enough time.

There's another myth here: the government is removing your right to overtime pay. Again, maybe this is becoming rhetorical, but nothing could be further from the truth than that. In fact, we've provided flexibility. For instance, in today's world, perhaps both parents are working and they need more time off. Their solution to their problem is not essentially more pay, but more time off. So they may work complementary shifts; in other words, one partner may, rather than getting paid for working this Saturday, take time and a half off in lieu next week, saving on babysitters and spending more time with their children. That could be either spouse, and I would encourage both parents to be engaged with their children.

The overtime flexibility: I will say for the record that under the Employment Standards Act—Mr Speaker, you would know if you're paying attention—after 44 hours, there is a requirement to pay time and a half. I want to clarify, too, that if you choose to take time off in lieu of pay, that time must be time and a half.

There are so many myths in this whole communication package and I might say I was at Wayne Samuelson's press conference. The Ontario Federation of Labour had a press conference and I went down and listened to it and a lot of it was—we're probably going to hear from the member from Hamilton West. Are we? I hope we are, because I'm sticking around to hear about it. The member from Hamilton West will probably attempt to contribute to this, and I know with the best of interest he will try to do that.

1640

But there's another myth that I've got to get on the record, and there's only a minute left: employees will be forced to take vacations one day at a time. Nothing could be further from the truth than this one-day-at-a-time thing. It allows that to happen. Today, that's not possible; in the future, if the employee and the employer agree, this becomes possible. I think employees are intelligent people.

I think there's another myth here: employees will be forced to sign agreements for excess hours and overtime

and vacation periods or lose their jobs. I want to be on the record—there are only about 30 seconds left.

I think the largest and most important part of this is the anti-reprisal section and the fines. If I hear of any employers in my riding taking advantage of vulnerable employees, I'm on the employees' side. I consider myself one of the working people in this province. I want to be on the record as for the employees.

Interjections.

Mr O'Toole: I think that we're going to hear from the Liberals, who act like they're the only ones who have heart and compassion. I can tell you that we are in the business of creating opportunities for people and giving them the opportunity to work. That's the key thing.

The Deputy Speaker: Thank you.

Mr O'Toole: Could I have unanimous consent for more time?

The Deputy Speaker: Further debate?

Mr Christopherson: If the member from the government back benches wants unanimous consent for more time, so do we. We don't want it just for you, but we'll gladly give you some. What we'd like is for the public to get some. So if you want to give us a motion that talks about unanimous consent so the public can have their say in this debate, you've got it. I'll give you that opportunity to place that motion.

Mr O'Toole: I made a mistake.

Mr Christopherson: Now the member says he made a mistake. Obviously, you made a mistake because you have no intention of letting anyone speak except you. We'll get a little bit over here, but by and large, it's about you. You had all the debate you wanted in caucus. You've got your time here, your little bit that you can send off to the labour movement back home in the hopes that some of them will be conned into believing that some of it has real meaning. But in terms of letting the public in, that's not happening, John. I just gave you a chance to move an amendment that would get unanimous consent right now to let the public have a say, and you tell me you've made a mistake by leaving the impression that maybe you were going to let the public in.

Let me pick up on where the minister was earlier today. It was interesting. I listened carefully to what the minister had to say during his remarks, and as always, whenever I follow someone and don't have benefit of the Hansard, if I've misquoted, then I'm prepared to stand corrected and apologize ahead of time, but I do think I have the essence of what the minister said. He was talking in part this afternoon about the fact that he thought it was easy for the opposition because all we have to do is oppose things. I think he was talking about the fact that nobody had to do any thinking. In other words, all the intellectual heavy lifting was being done by him. I suppose by that he means his colleagues, but you guys might want to check that with him yourselves just to be sure that's what he meant.

The fact of the matter is that when you take a look at what the minister said he wants to have happen at committee in terms of people thinking and having input

and making positive suggestions, the first place to start with is exactly what we're debating here today, and this is a time allocation motion. I think the reason most people use the word "closure" is because that's the one that resonates with the public and we want them to understand exactly what's going on. But I might suggest, since Minister Stockwell and others do like to play the little word games, that we talk about the fact that it is a time allocation motion and it goes further than just shutting down debate in this place today. It does that, and there will be a vote in a little better than an hour, and unless lightning strikes, I suspect the government will carry it. They have a majority.

The time allocation motion doesn't just say we stop debating second reading, which is what a closure motion would do—just shut down debate at this stage of the reading. This goes much further. It's much more insidious. A time allocation motion such as the one that we have tabled in front of us dictates—and I use that word knowingly, in all its contexts—that this will go to committee for one afternoon, although the reality is it's only one hour because after 4:30 all debate is over there, too, and the only thing left is voting. We all know that the votes are guaranteed to go in favour of the government because they have majority on the committee. So the time allocation motion, in addition to shutting down debate today on second reading, also leaves one hour for all the members on the committee, from all three parties, to debate a brand new bill. Further to that, the time allocation motion dictates that the third reading debate will be one afternoon; it will be no longer than what we have right here. That's a full stage of law-making in the province of Ontario.

Let's understand the dictatorial power and nature—and look, before anybody jumps and says, "You've used them," I acknowledge that. We have used them. There are times when it makes sense. Our argument is that in this case—and that's what we always do, look at things case by case—it is totally unwarranted, particularly given the fact that nobody's getting a say. Yet, to hear the minister talk today, you'd think we were all going to sit down for a few weeks, take off our jackets, roll up our sleeves and really get to work in looking at this bill and then talking about it, not as partisans but as parliamentarians, to see what we could do to make the bill better. Even for those of us who say up front that we're going to vote against it at the end of the day because the overall direction is not one we philosophically support, that does not automatically guarantee—and every member knows that what I'm saying is true, based on your own personal experience—that opposition members aren't prepared to sit down and work constructively with government members to make a bill better. Even if you're going to vote against the whole thing, you might think there are one or two areas that at least would make the bill better or that there are such blatant concerns that some attempt to mitigate the damage warrants and justifies some effort at the committee level to make that change. It happens. In fact, we just sent off a bill today where, hopefully, that's

exactly what's going to happen. The government says that's what they want. We've indicated that in the past we've done that and we'll do the same thing with that bill.

But today the minister said—I put this in quotations, so I hope I got it accurately—that he “looks forward to the clause-by-clause amendment debate.” Well, the whole point of going into committee is this: we have a bill here that runs 88 pages. Are we dealing with a few amendments that perhaps you could deal with in a few hours—which would still be more than the time that's been allowed here? No. We are talking about a brand new, front to back, in its totality, piece of legislation that eliminates and/or replaces five other laws. You would think that if the minister meant with any sincerity that he was looking forward to clause-by-clause debate, then you would do what clause-by-clause debate or analysis was originally meant to be. That would mean, especially in a case where you've got a totally new law that replaces other laws, that you would sit at the committee table—and anybody who watches it, if we're in the Amethyst Room, or who happens to come to watch the public debate would see that the Chair will call part 1, part 2. The whole idea is to go through things one clause at a time, clause by clause, so you've got as strong a bill as you can have.

Even in the time I've been here, a little over 10 years now, I've seen it happen. So it's not that long ago when the tradition and the philosophy behind committee clause-by-clause work actually took place—not under this government, but it has happened in past. What that should mean is that you go by every page and you look at all these clauses, and then where there are amendments, you let the party that's making the amendment state it and then give a reason for it: why do they want to make that amendment? If it's strictly partisan, clearly partisan, there may not be a great deal of debate. If, however, it is meant to be an improvement, even from someone who's going to vote against the overall bill, then you would engage yourself in that discussion and you wouldn't see the labels “PC,” “Liberal,” “NDP.” You would see “legislation,” “our society,” “what's best.”

1650

Further, the minister said he wants amendments, he wants us to think about amendments, he wants us to take the time to give thoughtful amendments to the bill. He went further, and again I'm paraphrasing, but I don't think I'm in any way not reflecting the essence of what he said. He said he's hoping we can have discussion at committee and that the opposition will have consulted with the public and—I'll just throw this in—he said in part, “Tell me,” meaning what we think. “We're always open to discussion.”

All of what I've just described to you about clause-by-clause, given that this is a new bill, the minister's statements today, the fact that this bill governs millions of people, the time allocation motion, which is what we're debating here today, says that after you've shut down everything else—I'll go to the committee part—

“That, at 4:30”—I want to remind everybody that the earliest time you can start committee is 3:30. Sometimes it's later if the House goes on, but 3:30 is the earliest you can begin the committee. The time allocation motion says, “That, at 4:30”—and for some of the Tory backbenchers that's one hour later at most, at most one hour, “That, at 4:30 pm on the day designated for clause-by-clause consideration of the bill, those amendments which have not been moved shall be deemed to have been moved.”

What does that mean? That means that if you've had some of this great discussion the minister wants us all to have, this clause-by-clause analysis of this bill, careful consideration of all the legal implications and nuances as well as all the discussion, intelligent or otherwise, around amendments that would be proposed by the opposition and the government, assuming that miraculously, maybe, all that couldn't be discussed in one hour, then at 4:30, “without further debate or amendment”—debate gone, discussion gone, listening gone—they shut down debate. Then it goes on to say, “put every question necessary to dispose of all remaining sections of the bill and any amendments thereto.”

In plain language that means, quite frankly, that at 3:30—again, that's the earliest; it's not unusual for committees to start late, depending on when we wrap up question period—the committee is called to order. There is discussion at that point, but I remind you that even if you took the full hour and split it three ways, we get 20 minutes. A committee that's really doing its work can spend 20 minutes talking about a comma, and sometimes it should—20 minutes for each caucus. Obviously no one expects we will have completed clause-by-clause of this bill at 4:30. There will not even be time to debate amendments. There will probably be time to make some opening comments, and possibly if the parties have one or two amendments they want to speak to they can, but that's it.

So all this nonsense that the Minister of Labour is talking about that he looks forward to clause-by-clause—why? Because he likes things that move at lightning speed? He wants amendments? Maybe he wants the paperwork, but he sure doesn't want the discussion and he doesn't want any serious consideration. Then he tells us, “We're always open to discussion”—not that any of us can see. You're sure not going to get discussion in an hour. Then he wants us to report back to him what we've heard in terms of consultation. All this is supposed to happen in one hour, and we're supposed to believe the minister is in any way sincere with the kind of time allocation motion that's in front of us and the dictatorial shutting down of any semblance of democracy in this place. That's what's going on here.

I suspect that if we don't have 30 or 40 amendments— if I read between the lines and knowing him the way I do, I suspect he's hoping there aren't very many amendments from the opposition, so he can say, “See, you guys didn't even care enough to come in and make amendments. You didn't take this seriously. It's all rhetoric,” blah, blah,

blah and the rest of his usual position and spinning. The fact is, it would be insulting if we heard that. We haven't yet, so I'm not accusing him of it. But I expect we will. And if he does, he will be insulting not just the members here but the public, because I can't imagine that anybody on the government benches is prepared to stand in their place today and suggest to me that one hour in committee to accomplish all the things we're supposed to accomplish and all the things the Minister of Labour says he wants to accomplish is a reasonable length of time. I can't imagine. If it happens, let's hear it. But I'd like to know how you can tell this province that one hour is going to achieve all the things I have described earlier and that the Minister of Labour says he wants to happen.

I did give the minister an advance of an amendment, the only amendment I'm going to put in front of him, because frankly we're not about to pretend this government listens. Here's the reality: after one hour, when you only go from 3:30 to 4:30, if you're lucky the majority of government members on the committee won't say no to the idea and at best you can place your amendments as part of your 20 minutes and maybe—maybe—you'll get to say a few words about them. But if you do, keep in mind that doesn't leave the members time to speak about the concerns they have about the rest of the bill. So to do a whole lot of work and tie up legislative counsel for the sake of something that gets read into the record once, with no debate, followed by a vote where the government says no, is not an efficient use of public funds, in my opinion, and I'm prepared to defend that anywhere, any time. If you gave proper time for those committee hearings, then you would have had the proper time and the reflection in the amendments we would make. But when you shut things down like this, you're not looking for amendments. So I say to the Minister of Labour, don't even think of going down that road.

Having said that—there are exceptions to everything—I gave him one amendment. He joked and said, “If I go along with this, does that mean you're going to vote for the bill?” Of course he knows I am not going to vote for this bill, and I told him that. I see the minister is here. That's good. He's back. However, he did say to me that he would take it back to his folks and have a look at it, and that's good to hear.

The amendment says—and I'll read to you just where it fits in. On page 45 of the new bill under Part XVIII, Reprisal, subsection 73(1) says, “No employer or person acting on behalf of an employer shall intimidate, dismiss or otherwise penalize an employee or threaten to do so, (a) because the employee,” and then it breaks it down and goes into eight different categories under which an employer is not to intimidate, dismiss or otherwise penalize.

1700

I have, on behalf of the NDP caucus, suggested that we add an eighth that would read as such, “I move that clause 73(1)(a) be amended by adding the following subclause (ix).” I'll read it as the ramp-up and the way people would read it if they looked at the bill. It would

say this: “No employer or person acting on behalf of an employer shall intimidate, dismiss or otherwise penalize an employee or threaten to do so,

“(a) because the employee ...

“(ix) chooses not to agree to an extension of their work beyond 48 hours in any given week, chooses not to agree to average their overtime for a period of more than one week and up to four weeks for the purpose of calculating their entitlement to overtime pay, chooses not to agree that their 30-minute meal break shall be broken into shorter periods, chooses not to agree to accept time off in lieu of overtime pay and/or chooses not to take their annual vacation in staggered allotments.”

I figure there's a chance the minister may seriously look at this. If he says no, then it's either because he's going to argue that one of the other clauses already adequately captures this or he'll just state something that really isn't meant to do anything other than deflect the fact that they don't want to be that specific in the bill. But given the arguments we've heard from the minister in particular, and that is why I have given it to him and that's why I've gone this route, it basically very carefully and specifically says that if an employee says no to any of these suggestions, the employer is guilty of intimidating, dismissing or otherwise penalizing an employee or threatening to do so. Is it going to mean the bill is fine? No. Does it mean I'm even going to vote for it? No. Do I believe it's going to stop employers? No. But we've heard this government say often enough that they don't believe this is going to happen, and if it should, they're going to make sure that all the forces of the government swoop in on this particular employer and take care of things, yada, yada.

I guess, more than anything, what I'm saying is, “Put your money where your mouth is.” If you're saying it's that clear, then let's put it in legislation. I haven't heard any further discussions from the minister or indication, but I've got to believe at this point, given the politics and dynamic and the fact that all my amendment does is codify in law what the government says they expect to happen, it's got a reasonable chance, other than they don't like to give opposition members credit for anything just as a general rule. I don't think that would stop this minister. I think it has at least a chance.

But I've got to say to you, Speaker, it's not going to change in those places of work where employees feel the threat or the intimidation. There are so many people who are so vulnerable, who can't afford to say no. Why? Because they've seen what this employer is like. We can argue how many there are, but as long as there's one, it ought not to be acceptable in Ontario. I don't care how many there are. Whether it's the 5% I've heard somebody talk about, a handful, or whether it's 80%, the intent and the deliberate focus of government power should be the same.

There are new Canadians who are vulnerable because they don't know society, don't know the rules as well—not all, but some—and many for whom English is their second language and the first isn't French. There are a lot

of employers who take great advantage of that. That's not even speaking to the fact that in this province, to one degree or another—we can debate the degree. I acknowledge we can debate the degree, but there is systemic discrimination in Ontario. Unfortunately, as long as prejudice, bias and hate exist in our society, then there will be discrimination. Whether it's because the system is set up in such a way that it indirectly or inadvertently causes discrimination or whether it's just blatant hate or prejudice on the part of an individual, it's there. For you, as a government, not to put more protection in this bill puts the lie to the argument that you don't see this as a problem. Otherwise, you would have done something about it. You should have.

There are also a lot of young people who are in very vulnerable situations. I say to anyone watching or who happens to be reading this down the road, if you're not directly affected by this, you are indirectly. First of all, anyone who has a young person in their family who works part-time, on weekends, in the summer, or if they're out of school, the odds are, if you look at the statistics, they're going to be in a non-union environment. In fact—

Interjection.

Mr Christopherson: Was that O'Toole saying "lucky"? Yes. Go around GM and say that, John. Let's see you make that little speech down at GM, where you don't have the protection of this place.

Hon Janet Ecker (Minister of Education): Have you seen their last settlement? Pretty lucky to work there, David.

Mr Christopherson: See, now your cabinet minister colleague overrules you, John. She said they're lucky to work there and you say they're not lucky to work there. I think you guys maybe want to caucus and reconsider this. While you're at it, Janet, please take a look at John's idea about unanimous consent to give more time to this bill because we're still eager to do that, you know.

In a report presented on this issue by the Ontario Association of Youth Employment Centres over the name of the president, Ron Seguin, they point out that in 1999 there were 845,000 youth who were employed—and they define youth as 15 years to 24 years—constituting 15% of the entire workforce. Their unemployment rate is two and a half times that for adults, and their rate of union coverage is only one third of what it is for the general adult population. For those who can think back to your first job—and the younger you were, then the more this would apply—you can remember how nervous you were, how much you wanted to fit in, how much you wanted to be able to perform the task, that you wanted your employer to feel like you were an important part of the organization. You know, you're really keyed up, with very little—probably no—experience to fall back on. A lot of young people are scared. The first time the boss talks to them, they're really scared because they have no experience. They don't know what to expect. A lot of them can't afford to lose their jobs either and they think, "This is a horrible, crappy job and I've got one

miserable SOB for a boss, but it's work. If I can hang in here long enough, it's helping me to pay for my university. I'm building a better life, so I'll just tough it out."

The other thing I need to mention in this case is a lot of them don't have an appreciation of what their rights are. Having had no experience in the workplace, really how would the average person know what their health and safety rights are, or their fundamental rights under the Employment Standards Act, again underscoring the importance of this legislation, because if you don't have a union, it's this law only that you have. But they may not understand, they may not have had experience, so they may agree to things they wouldn't otherwise. That's why when we see a young person, as we've seen in this province, who goes to work on their first day on the job and they die, our hearts are just ripped out of our chests, because the first thing you think is almost like, what chance did they have? What preparation do we do?

For all the hundreds of thousands of hours of work that some of the government members seem to be pointing to when they talk about how the world is fine and everybody gets stock options and bonuses etc, for all of those, I would ask government members, how many young people dying on the job makes that OK?

Mr O'Toole: None.

Mr Christopherson: None. Exactly right. Why are you bringing in a law that waters down the rights of very vulnerable people?

Hon Mr Stockwell: We aren't.

Mr Christopherson: The minister, right on cue. Thank you. That was good. You couldn't have answered at a better time if I'd asked you to. He said none. And why? Because he'll say nobody has to do this. You've got to love it. There's a law here and the main argument the minister has for assuring people they have nothing to worry about is that you don't have to say yes to that law.

1710

Let me say this: I've heard the minister, not recently, but in other places, give examples; he did when I made the presentation in Ottawa in September on what our caucus thinks about the white paper he put out. He talked about certain circumstances where this kind of flexibility, he believed, makes sense. I would have to say that those are examples, some of them, that I wouldn't have a disagreement with. He said—I won't go into the details; I don't have that much time—"I've got situation A and the law, as it exists, either prohibits it or builds in a process of red tape that makes this an illogical situation, forcing people to do or not do things that they should otherwise, if you looked at it from a common sense point of view." I don't think there are very many, but if there are, just about anything can be accommodated in law where you're trying to deal with specifics. You can name those specifics and you can build in the protection and/or, in this case, the allowability of something to be done.

What you don't do is rip the whole thing wide open so that millions of people are left vulnerable to working 60 hours a week, or having their overtime pay averaged over

four weeks so they don't get any, or having their day off every week taken away—and that's exactly what this law does. That's not what you do. That's not how you solve problems.

And that's the best-case scenario. The worst-case scenario is that you know that and you're using it as a red herring to detract from the fact that this is going to be very well received by your employer friends.

Interjection.

Mr Christopherson: The minister says, "Rhetoric and hyperbole." His isn't, when he says he looks forward to clause-by-clause and he wants amendments and, "We're always open to discussion." When all of that equals one hour, his isn't rhetoric. When I'm pointing to specifics that are in this law, as you have drafted them, somehow I'm being rhetorical.

The fact of the matter is that yes, technically people can say no. What a way to pass a law. "This law is horrible, but I put a clause in there that said that people could say no to the horrible parts." Our argument is that there are people who are vulnerable who are not going to be protected; or if there are people this is meant to help, it's inadvertently—and I don't buy that—damaging the rights of millions of people. That's what's going on.

It says in here that you will now average overtime over four weeks. If you work 40 hours one week, 40 hours the next, 54 the next week and 40 the next week, you lose 12 hours of premium pay.

Interjection.

Mr Christopherson: "If you agree to it," the minister heckles, not from his seat.

That's his best answer to horrible legislation: "They don't have to agree to the horrible parts." It's like you're standing in a foyer and all the doors are horrible but you don't have to move if you don't want to. But he says you can say no. First of all, people who say no too often, I suggest and the NDP suggest, ultimately are going to pay for that lack of co-operation by not getting the good jobs, not getting the best shifts, not getting training and ultimately not being employed in that workplace. That's the reality, that's the real world out there.

Now, if someone—

Hon Mr Stockwell: The reality is, he gets thrown in jail.

Mr Christopherson: Minister, I didn't heckle you, which was very difficult for me.

The Deputy Speaker: Order. The minister knows that he's not in his chair. If he wishes to participate, he'd better get to his own chair; and he knows that heckling is out of order in any event.

Mr Christopherson: Or just us give us all more time to debate this and he can heckle all he wants. But when things are limited like this, at least let me get my argument out, given that I let him do the same.

I'm suggesting that there is no one in their right mind who, if their employer approaches them and says, "I know you're going to work some overtime in the next few weeks, but if we calculate it the right way, you don't have to receive the time-and-a-half money. So what do

you say, buddy, that we engage the clause that says we can do the averaging? What do you say we do that? Sound like a good idea to you? Sounds like a good idea to me. Why don't we do that?" would be crazy enough to say yes. Who? I'm not hearing anything. They wanted to heckle before. They don't want to heckle when I ask them a question. Nobody, that's who. Nobody's going to say, "Yes, please take my overtime pay away from me."

So that leaves only two explanations. Either there are scenarios where—I can't imagine what they are, but just for the sake of debate there may be some arrangement of circumstances where that makes sense. More likely they've agreed to it because they don't know they don't have to or they're too afraid to say no. Young kids, one income, English not your first language, or maybe you're a young person. You've just finished a whole period of being unemployed and now you've got a job. You are not going to quickly say no to your employer. You know what? Under this law you'd be saying it an awful lot because the employer has so many rights here that the only thing they need is your silence.

Anybody who knows anything about the real world knows that intimidation in a non-democratic workplace—I already, the last time I spoke, pointed to decisions of the Supreme Court of Canada that have talked about the fact that the workplace is not a democracy and how few rights and influence an individual isolated in a workplace has. That's what's going to happen. So why aren't you standing up and speaking out for those constituents?

I come back again and say that if there are certain circumstances where there needs to be some flexibility, then let's be very specific, let's identify them and make sure that passageway is very narrow. But that's not what you've done and I don't believe that you had any intention to do it. This is so open to abuse. You say people don't have to work a 60-hour workweek. Why did you even put it in there? The last time that an Ontario law said 60 hours was under the Master and Servant Act of 1884. That's the last time any law showed 60 hours.

It's there for a reason. It's to be used. It's to tell those employers that are so inclined—and I hope it's not a lot but we don't know for sure. I can tell you, when the OFL ran the bad boss hotline, it made you wonder just how many are out there. But this is a green light to them: go ahead. Why would anybody do that? Listen, if you can get an employee to work 12 hours and the law says you don't have to pay them overtime any more, but under the old law you had to, guess what? You're going to think this is a good law.

Tommy Douglas would tell you this was a law written by cats.

Mr O'Toole: What? I need a little explanation.

Mr Christopherson: Forget it, John, you wouldn't understand it. It's a good law for cats, Tommy. You got it right. It doesn't matter whether it's white cats, black cats, striped cats, it's a law for cats. It's just that the majority are not cats, are they, John?

The fact is that we're going to have people so stressed out that there are going to be more accidents. There was a truck driver—it's been mentioned in this place—in Sudbury not that long ago who was so tired from working overtime that there was an accident. People died. If your job is on the line, you're not thinking about yourself, you're thinking about your family, and that's why we're saying to you that this is not a family-friendly bill. It's quite the opposite. You're replacing a law that says, for instance, you're guaranteed one day off in a week. Now it's two days but not until two weeks. How is that a benefit? How is that a benefit to anybody?

1720

You're talking about the family-parental leave under crisis leave. Again, it's a fine idea, but why didn't you go all the way and make sure all Ontarians have the same rights? You've discriminated against anybody who works in a workplace with less than 50 people, because they don't have the right. Somehow, they're expected to say "no" to their sick child in terms of taking them to the hospital and "yes" to the boss to be at work or work overtime. That's what you've done and that seems to be OK.

Mr O'Toole: You've got it all wrong, David.

Mr Christopherson: I hear the member from Durham babbling away about, "No Dave, you've got it wrong." I didn't hear anything in his speech that dealt directly with the concerns that we have here.

I raised the point the other day—it was an example of what needs to be looked at in committee and it's something that's very disconcerting if it's true—that the way the law is now written, there's a possibility that 10 days off becomes the ceiling, and that anything beyond that becomes legal grounds for an employer to dismiss someone.

Now, that may not be the case, because again it depends on one's interpretation, but two things stand out: one, we're not going to get a chance to talk about it in committee, so we won't really know for sure. Or if we did talk about that one, there's a whole host of other questions that we'd like to raise that aren't going to get addressed. Secondly, nobody thought it was important enough, out of all the government members who have spoken so far, including the minister, to say anything about it—not a word.

Does that mean I'm correct? Of course, it's legal people advising me. They've got concerns about the wording. I'm not a lawyer. But I have an obligation to raise that point and I did and I hear nothing back. What does that tell me? I guess it tells me, "Wait and see."

Wait and see is not much of an answer for people who may be putting their jobs on the line. This government talked about the fact—the minister in particular today talked about, "Bring in what you'd like to do. You never say what you'd like to do."

Well, we just spent a whole day not long ago, on an NDP opposition day, talking about exactly what we would do if this were our bill or if we had influence on its outcome. The first thing we'd do is raise the minimum

wage to \$7.50 so that it's at least at par with where the US minimum wage is.

This bill, Bill 147, is the vehicle by which we raise the minimum wage. The minimum wage is \$6.85. If you were going to raise it, you'd have done it in this bill. Nothing. None of you have said anything about it. I wonder why. You say this bill is going to help people. Then why won't you give the people who earn the least amount in our entire society and have not had a raise in five years a piece of the action in terms of the boom that's out there? Why? If this is such a great bill for working people, where's their share? The United States has had two increases since we, the NDP, last increased the minimum wage in 1995, and that's how it got to \$6.85. Twice the Americans have done it, and it's their economy that's leading ours. Yet you say it can't be afforded. I want to say that if we can't afford it in the good times, when are we ever going to expect it in the bad times?

Bring in a minimum wage that reflects the fact that it's people out there working every day who are creating this economic boom, not you folks and not others who are pushing buttons. It's somebody out there somewhere doing real work, and the only way they can get a raise is through this law. You say this is a great law, and it does nothing.

I started to say earlier about this subject that perhaps those who don't earn minimum wage—or maybe they're lucky; there's no one in their family or no one they know who makes minimum wage and they think, "I guess this isn't me." First of all, I'd say to you there were a lot of people who in 1995 looked at some of the early legislation this government brought in and said, "Well, it's not me, so I really won't get too involved. After all, it was only those poor people, where they cut their pay by 22%." A whole lot of folks, unfortunately, looked the other way, and that kept going on and on. You know what? There are not too many people left who haven't been gotten to. And people are realizing, "If it wasn't me yesterday and it isn't me today, it's going to be me tomorrow."

Further to that, if you think you could get a wage increase where you work, when the minimum wage is down so low, even if you're making really decent money, and without this dragging you down, you're kidding yourself. It's part of why they want the cost of labour low wherever they can control it. Because that influences whether nurses can get an increase, whether carpenters can get an increase—and yes, auto workers and steelworkers and the public sector. It's all connected. If you're not prepared to stand up and say to someone who doesn't have half of what you've got, "That's not right, and I'm willing to lend my voice to your cause," why should anybody care about your cause? What makes you so special?

Fortunately, that's not what built this province. What built this province and made it the great place to live that it is is that we do care about one another. That's why this

is such a bad, bad bill that hurts working people, because when you hurt some of us you hurt all of us.

I'll tell you what else you should have been doing. You should have said, at the very least, as the federal government and five other provinces have, "The work-week is 40 hours in the province of Ontario, and if you work one minute after 40 hours it's overtime," straight up. It would increase the income of those who are working overtime and it would also be an incentive for employers to, rather than have overtime, hire more people, which should be a priority of this government.

We've said to drop the 50 employees in terms of the parental leave, the family crisis. It shouldn't matter what your circumstances are at work if you've got a sick child you have to take to the doctor. End of discussion; beginning of your rights.

And something else you haven't talked about at all here: what about part-time employees? There are three times as many part-time employees now as there were in the 1970s; it's growing rapidly. By part-time, we mean permanent part-time, like Monday-Wednesday-Friday; or a short period of time; or a combination of both. A lot of young people don't have any hope for a job beyond the best personal contract they can get. But because the Employment Standards Act doesn't provide that they get dental, health care, insurance, medical benefits, drug plan, because it doesn't say that, it hardly exists in personal contracts, and the only part-timers who get them are those who work for unions where they've negotiated them into the collective agreement. What about those people? Where's their protection? Where's their advancement? Where's their piece of the great economic boom? We've said that those benefits ought to be pro-rated. So, should somebody who works two days a week get full pension benefits or full application? Ideally that might be the case, but initially we're saying the fundamental minimum law ought to be that it's pro-rated, so that if you work two days a week you're getting two days worth of medical benefits, drug plan benefits, dental benefits, pension benefits tied to pension portability. You start doing those kinds of things and guess what? We start bringing a whole lot of people into the tent who are now being left outside the tent. We're not even having that discussion, because there wasn't one suggestion in this bill that speaks to part-time workers. And because you've shut down debate, it's not going to get raised. But that's what you wanted, and that brings us to this time allocation motion in front of us.

We've had demonstrations—

Mr O'Toole: You've got one minute left.

Mr Christopherson: I know. That's what you do; you watch the clock and try to shut down your critics. You don't want to listen. There was a good demonstration on Saturday with a lot of people out there protesting what's going on and demanding public hearings. There have been people who care so passionately—some of them students, some of them labour leaders who aren't directly involved in this, who were there lending the cause—who occupied a number of ministers' offices or constituency

offices, demanding public hearings. I know the minister has been inundated with letters and e-mail and phone calls, and probably so have the backbenchers. Instead, we get silence just like this—silence. Use the rules as you've changed them to ram things through, shut down the critics, and when we get close to Christmas just ram that good old legislation right through there and right past the public. That's the game plan, just ram this sucker through.

1730

Mr Parsons: I am pleased I have the opportunity to speak to this bill, but at the same time I regret that I'm having to do it because what it is doing is limiting the debate on it. I appreciate the member for Brant with his research that shows that this government has limited the debate on 20 occasions. The reason they limit debate is not so they don't hear me and they don't hear the other members in this caucus; it's so they don't hear the people of Ontario speak with what they want.

The intriguing thing is there is a sense with limiting debate that this must be a really important bill that has to be passed and get into place. Yet the people who come and talk to me in my riding are talking about health care, or the lack of it; they're talking about the crisis in education; they're talking about the underfunding of the access centres, providing home supports. No one yet has come to my office and said, "You know, I need to be able to work my employees 60 hours," or employees saying, "I want to work 60 hours." It's not an issue that has been out on the streets that is of such magnitude that it requires the rushing through of this legislation. So I'm intrigued at the approach that it's so important and yet it's not important enough to listen to the public on it.

The role of the government is to listen to all sides and compromise. Every piece of legislation should be such that all parties that are affected by it feel that in some way they have made a gain and that it is a solution they can live with. This government seems to think that running government is final offer selection: we'll listen to the working people, we'll listen to the companies, we'll take this one.

I certainly have not had any sense that the workers of Ontario—the hard-working people of Ontario—support this. To make 60 hours possible, the explanation is given to us that, "Right now it's done under a permit system and we're giving away so many permits that we might just as well legalize it by making it 60 hours."

There was a reason for the permits being required, and that reason was an understanding and acceptance that people shouldn't work that many hours for a vast number of reasons. To take and make it simpler is contrary to the original purpose when they brought in the need for a permit. People should not have to work 60 hours. People worked 60 hours a week during World War II, in 1944 when there was a labour shortage. There isn't a labour shortage in this province right now, except in nurses who have gone to the States—or have been driven to the States—but we have people looking for work at the same time we are asking others to work 60 hours.

We're hearing over and over, "It will be voluntary." There are good employers in this province where this bill will present no change in working conditions to employees, but there are some employers who are not good employers. I would suggest an employer that's moving into the not-good-employer category is the government of Ontario with what they're doing to jail guards, what they're doing to driving exam testers and what they've done to people who do maintenance on highways. This government itself has not been responsible to its employees and should not present itself as role model for other employers.

I absolutely believe that the majority of employees in this province, when asked if they can work overtime or work 60 hours, will have very little choice but to go ahead. If it doesn't cost them their job in the short run, it will certainly cost them advancement in the long term. It is not going to be as simple as they present it, that they can simply say no.

And all too often, the individuals who will be forced to work these hours are young people just starting a family. They need the money for a mortgage or they need the money for the young children, yet I would suggest that at the same time as they need the money for the young children, they need to spend the time with their young children. Every study ever done has shown that the best investment we can make in our children is to give them time when they're young. This takes them away and in fact brings home very tired parents who are not able to have quality time with their children.

Our leader, Dalton McGuinty, has used a phrase, that we live with "just-in-time" families, and I know he is bang on. Many families are one paycheque away from crisis; they're one daycare provider away from crisis, and for them to have to increase their hours makes life intolerable rather than better. But what we're seeing is some lip service to it by having part of the bill contain the maternity leave. It has been said by speakers prior to me that this clause is being held hostage by the other. If I vote against this, then I must be against the extended maternity leave; if I vote for it, then it infers I'm in agreement with the 60-hour week. I have very little choice but to vote against it. The maternity leave, if they truly believe in its worth, if they truly believe families should have that bonding time, should have been moved as a separate bill. Rather, we're seeing the Americanization of Ontario politics, where the Americans have for years inserted various and sundry clauses into another bill that had no relevance. The maternity leave is the opportunity for this province to do the right thing and allow families to have the bonding and nurturing time that will pay off for the lifetime of that child.

Rather than that, they're putting forward a bill that deters job creation, the very opposite of what they purport to support. Someone working 60 hours is in fact taking 20 hours of a job that someone else could do. The world trend is to fewer hours. We're doing the opposite in this province in looking for more hours out of our employees, at the expense of health and safety. I know

that someone having worked 60 hours is probably a hazard on the road driving home at the end of each day.

With the overtime, if the overtime isn't a problem—and again, I hear from the government side that this really isn't a big change in overtime: rather than overtime kicking in after 44 hours, overtime will kick in, but it can be averaged over four weeks. If it's not going to change anything, then why does this legislation change it? Obviously, it is an opportunity for an employer—and again, not every employer, but some employers will be able to take advantage of that fact. By having an employee, for example, work 56 hours one week and then 40 hours each of the following three weeks, over that four-week period there will be no overtime triggered. So that individual has been away from their family, away from their children, for 16 hours extra in that one week, and no overtime is attributed to the extra energies and efforts they're putting into it.

There is a reason. This government doesn't pass legislation just because it's something to do. There is a reason for this averaging over four weeks, and the reason is, in all likelihood, to take the lowest-paid individuals in Ontario and rob them of that extra compensation for those tremendously extra hours they put into it. It's fundamentally wrong.

Vacation time can be fragmented. In this province, without a collective agreement an individual is entitled to two weeks and two weeks only of vacation. Given the number of hours they can now work—and I'm not sure two weeks away is adequate vacation if one's allowed to work 60 hours—the employer is able to fragment that, and say, "You get every Monday afternoon off and every Tuesday afternoon, and there's a day; that's how you can do your vacation." That's not time with the family. It is wrong that they are going to permit this time to be broken up.

In the emergency leave, the 10 days is a wonderful start. It never existed before, so I have to say congratulations on bringing that forward. But why is it more an issue now than it was before? I receive significant numbers of calls and contacts from letters and people on the street who share with me how terribly underfunded their community access centre is. There are patients being discharged from hospitals far sooner than they should be; there are seniors who are home who require far more hours than this government is prepared to fund—individuals who have paid taxes all their life and now are receiving inadequate services, not because the access centres want to do it, but because of the gross underfunding of it.

There is a need created by this government for individuals to be able to spend time with their families, to support them, because the government has abdicated their role in this. Is 10 days enough? No, I don't think so. It may be, in some cases, and it is a wonderful start. But they need to recognize that the crisis they have created in health care is causing a burden on employees who need to be away from their employer from periods of time to

provide the supports that they've already paid for through their tax dollars.

This is overall a bad bill, and this is an unnecessary bill. The system wasn't broken. There's always a need to tweak it, but not a need to completely gut it. I have no choice but to oppose this bill.

1740

Mr Alvin Curling (Scarborough-Rouge River): The few minutes I have give me an opportunity first to protest this very undemocratic bill that has been put forward by the Conservative Party, the government of the day. But again it's no surprise, the way they go about business in this very undemocratic way. As a matter of fact, they would limit any kind of intelligent discussion—this is about limiting any sort of public input into it—and the necessary things that they continue to do.

I'm going to try to cover quickly some things that may affect my constituents in Scarborough-Rouge River. There are many people in Scarborough-Rouge River who work in downtown Toronto, for instance. Many who come to work have to be at work, say, at 9 o'clock. They leave home at 6:30 in the morning, some in order to take their children to daycare, get into the subway and be down here for 9 o'clock, just about making it. As you can see, that is almost two hours, before they start working, just transporting to work or also getting their kids to daycare. The same individuals would be leaving at 5 o'clock in the afternoon and not getting back home until 7:30 or 8 o'clock at night. Work has taken most of their time away from their family, but they have to deal with that. They need the resources to pay their rent, buy their food and what have you and have some sort of status in society.

This government now has moved forward, and you would feel that the Minister of Labour would be in the balance for them representing labour, both employer and employee, but again this imbalance act has complete disregard for those in the workforce who are working. The minister gets rather excited about things at times and feels that only when he says something does it make sense, that not any input from other individuals in the workforce but his is right.

What this has done is deprived individuals of quality of life. Many mothers, many parents, today would like to be home with their kids, to help with their homework, simple things like that, to be there for challenges in adolescence, for teenagers who would like to see their parents around. But many parents come home and are extremely tired and not able to even offer that sort of quality way of life.

This government has complete disregard for that. All they would like to do is put power in the hands of the employer, who will then say, "I need that power in order that if I call upon the individuals to work 60 hours, I have it there." Things are going very well. This is the same government that brags about a great economy that is going very well, but they would like to put some more power in their hands.

There are areas in this bill that I would like to spend days on in debate, and individuals outside: the area of equal pay for work of equal value. I can't even believe that the Conservative government would have put this in, because they're the ones who shy away from it, run away from it. My great friends from the NDP would like to defend this too. As I looked at it, I said, "My golly, I see some exemptions here again about seniority." I would have loved to spend some time debating the inequity and the fact that seniority itself will play a prominent role. These are things that people would like to put on the record to tell you that the bill is not right; the bill needs to be corrected.

I feel, each day when I come into this House and speak on any legislation, like I'm speaking to a wall over there. The Conservative Party is like a wall: they have no emotions, no sort of response to any needs that individuals have outside. They turn their backs and show a wall to the people they would serve, and then maybe look at the corporate enterprise and say, "We'll listen to you. Tell us what you want and we'll respond." The individuals who are more or less subject to the abuse of any legislation do not get a chance to put forward their points of view. Of course they would say, "We have limited time. We must say as much as we can at this moment."

I, for one, standing up here, don't feel I will convince this government, this minister or anyone over there. They've already gotten their marching orders, they've already gotten their pay. They've also got their title and figure, "If I rock the boat, I may not have my chauffeur, I may not have my salary, so I'll just go along with what has been said." Nothing at all.

Then one would want to believe outside there that democracy is alive and well. Far from that, Mr Speaker. I know that as you sit there and listen to both sides of it, you wonder yourself if there is any change. You know, some of the folks who had the opportunity to be in the gallery today are also affected by this. They feel completely helpless. They see a government that is listless or won't respond at all to their needs. They feel somehow, "What is going on? Is this democracy? Is this where the members on the opposition side would like to put something forward so they could have some debate, some consultation, some committee hearings?" But no, this government will not do so.

I would say that of those who have run out of patience, that people like the people in the gallery and people outside who are listening would say, "It's hopeless." There's something called an election. Some time, with a little patience, we'll throw these chaps out and make sure we have some people who will listen. I saw the Minister of Community and Social Services—who's supposed to be defending the most vulnerable in our society? Get off of those backdrops with syringes and saying that this is all they're all about, that all they do is get their money and put their syringes in their body and that they're on drugs all day. That's the sort of individuals who are advocating for us.

The Minister of Labour, who's supposed to be advocating for those in the labour market and those who are working hard, is saying "Go for it. We're going to give you 60 hours more work and it's not going to hurt you one bit." Then, when we were fighting here for parental leave, the same individuals here fought like mad to keep it out. "No way," they said. And when the federal government brought it forward, they said, "What an opportunity. We will just sham the old thing, slide it in here and say we'll go for it, then slide the other undemocratic process inside of here and say, 'Aren't we good?'" And then they said, "Let see if those individuals on the other side will ever dare to turn this bill down, because we have parental leave in there, the good stuff they are fighting for." Let me tell you, we can see through you all. Many of the people outside have seen through you very clearly.

They have seen through the ministers who are here and say they are advocating on their behalf. They know who they represent. They don't represent the real people. They don't represent all people, because I also say the corporations aren't real people. They don't represent all people at all. They make sure that their big corporate buddies are represented, and to hell with the rest.

Most laws are like that. They have a face on them that looks so good and inside that law is filled with all sorts of inadequacies: inadequate process, unrepresentative process of life. The individuals here are saying, "What's going on here?"

So I have no hope at all that my speech and many of the speeches here today will change one iota of these individuals who will put this legislation through. They will not listen. There are no amendments to it. Gone are the days when people would say, "Listen, the law is stupid, what the ministers put forward, and we will put rational argument behind and show where the stupidity is, and then they'll come to their senses and change it." No, they will not. They will not listen. They will, of course, as some of the members in the gallery said today, sign their Christmas cards. They'll ignore all of this. They'll heckle as we go along. The questions we ask over here are irrelevant. We must have the options for them, the alternatives. I heard the minister saying, "Where are the alternatives you're putting forward?" When we do put it forward, he laughs.

He laughs, because he doesn't see beyond his nose. He doesn't see beyond what Mike Harris told him. He doesn't see beyond the wild right-wing theory that they put forward, and ignore those who need it. The 60 hours that people will be working, you will see a little more breakdown in the family, you will see all of the things that they are fighting for. The people who are on welfare and who they're pushing out there to work, they ask them to work longer, harder and for less. And they are asking, very much so, to break the family up.

They're asking, furthermore, that a family doesn't value—because their family value is, "We're going to put money in their pockets," and that's supposed to bring family values. It will not. What it has done is show up

this government as the most insensitive and somehow determined and undemocratic individuals in this country.

The Deputy Speaker: This completes the time allocated for debate.

Mr Stockwell has moved government notice of motion number 84. Is it the pleasure of the House that the motion carry?

Interruption.

The Deputy Speaker: Clear the galleries. There will be a five-minute recess.

The House recessed from 1751 to 1756.

The Deputy Speaker: Mr Stockwell has moved government notice of motion number 84.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1757 to 1807.

The Deputy Speaker: Order. Mr Stockwell has moved government notice of motion number 84.

All those in favour will rise one at a time until recognized by the Clerk.

Ayes

Arnott, Ted	Guzzo, Garry J.	Mushinski, Marilyn
Baird, John R.	Hardeman, Ernie	O'Toole, John
Barrett, Toby	Harris, Michael D.	Runciman, Robert W.
Beaubien, Marcel	Hastings, John	Sampson, Rob
Chudleigh, Ted	Hudak, Tim	Snobelen, John
Clark, Brad	Jackson, Cameron	Sterling, Norman W.
Coburn, Brian	Johns, Helen	Stewart, R. Gary
Cunningham, Dianne	Johnson, Bert	Stockwell, Chris
DeFaria, Carl	Kells, Morley	Tsubouchi, David H.
Dunlop, Garfield	Klees, Frank	Turnbull, David
Ecker, Janet	Marland, Margaret	Wettlaufer, Wayne
Elliott, Brenda	Martiniuk, Gerry	Wilson, Jim
Flaherty, Jim	Maves, Bart	Wood, Bob
Galt, Doug	Mazzilli, Frank	Young, David
Gilchrist, Steve	Molinari, Tina R.	
Gill, Raminder	Munro, Julia	

The Deputy Speaker: All those opposed will please rise one at a time until recognized by the Clerk.

Nays

Bartolucci, Rick	Crozier, Bruce	Marchese, Rosario
Bisson, Gilles	Curling, Alvin	Martel, Shelley
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Bradley, James J.	Duncan, Dwight	Peters, Steve
Bryant, Michael	Gerretsen, John	Ramsay, David
Caplan, David	Hampton, Howard	Ruprecht, Tony
Christopherson, David	Kormos, Peter	Smitherman, George
Churley, Marilyn	Kwinter, Monte	
Conway, Sean G.	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 46; the nays are 25.

The Deputy Speaker: I declare the motion carried.

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

The House adjourned at 1809.

Evening meeting reported in volume B.

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