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des débats
(Hansard)**

Tuesday 19 December 2000

Mardi 19 décembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 19 December 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 19 décembre 2000

The House met at 1845.

ORDERS OF THE DAY

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000 SUR LES NORMES D'EMPLOI

Mr Klees, on behalf of Mr Stockwell, moved third reading of the following bill:

Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

Hon Frank Klees (Minister without Portfolio): Mr Speaker, I would ask consent to yield the floor to my colleague from Barrie-Simcoe-Bradford.

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

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'll be sharing my time with the member from Niagara Falls.

I'm very pleased to join in the debate with respect to Bill 147, the Employment Standards Act, 2000. The Employment Standards Act has been around for a long time. The Employment Standards Act fundamentally sets out the minimum standards for employment in this province. It deals with a number of standards. It deals with hours of work, overtime, hours of work in a day, statutory holidays, termination pay, severance pay, the basic standards that affect, in essence, non-union employees throughout the province in terms of the minimum standards that they would achieve as opposed to those employees covered by a collective agreement which may have benefits that are in excess of those standards with respect to the basics. This bill deals with a number of areas. It deals with hours of work, overtime, vacation pay and public holidays. It also is bringing amendments to parental leave, introducing a new family crisis leave.

Because this is complaint-driven legislation the enforcement is by employment standards officers through the Ministry of Labour. The employment standards officers have the mandate to investigate the complaints and bring those complaints to fruition, be it through an order to pay on the employer for having breached the standards or deciding that no order will be issued. So employment standards officers under the legislation have very broad powers. They have the power to compile the information that's necessary to investigate a complaint,

which will enable them to make a decision. They have decision-making powers and they have an obligation to make their decision in a fair manner and to provide both parties to the complaint with due process before they make that decision. Their obligations with respect to enforcement of the legislation have been significantly enhanced in terms of the powers they have to ensure that an employer who's being investigated complies with providing the necessary documentation, providing the information, be it through witnesses and whatever is necessary, to make that decision

1850

There's increased authority for employment standards officers to issue notices of penalty and compliance and reinstatement orders, because when you deal with some of the most fundamental rights under the legislation, for example, maternity and paternity leave, if there's a violation of that, they have the power to reinstate the employee and also to issue penalties and to make sure the employee is made whole in terms of what they may have lost in compensation.

They're also looking at increasing maximum court-ordered fines for offending corporations from the current \$50,000. The first offence would be \$100,000, the second offence would be \$250,000 and the third offence would be \$500,000. It's somewhat similar in terms of the measures that have to be taken to ensure compliance, for example, under the Occupational Health and Safety Act where there are very steep fines with respect to employers who do not comply with the legislation.

The court-ordered fines for an individual would remain at \$50,000 with increased jail terms of up to one year. There is a requirement for employers to post in the workplace Ministry of Labour-supplied information on employees' rights and responsibilities. That's very important in terms of employees who are in non-union workplaces, who don't have representation, that they know their rights under the legislation and they also know where to go to enforce those rights, be it a local Ministry of Labour office within the community that has an employment standards operation as part of that Ministry of Labour office so they can get the information that's necessary to make sure they understand what their rights are with respect to any of the standards that are set out in the legislation.

The proposed bill will implement the Blueprint commitments for flexible work arrangements and unpaid family crisis leave, extend parental leave to respond to changes in the parental benefits in the federal Employment Insurance Act and modernize and clarify the Em-

ployment Standards Act to make it easier to understand and use.

With respect to hours of work, employees would keep the right to refuse to work more than 48 hours in a week and would still receive overtime after 44 hours in a week. Obviously an employer can improve upon those standards if that's a part of the relationship or the employment contract that employer wants to enter into with each and every one of those individuals if it's a non-union workplace or, if it's a collective agreement through a union, to provide better standards than are provided under the act, because we've got to remember these are minimum standards.

The new minimum daily and weekly rest periods are protected by law for the first time ever: 11 consecutive hours per day, 24 in every seven days or 48 in every 14 days in terms of minimum daily and weekly rest periods between working.

There have always been averaging arrangements under the Employment Standards Act with respect to overtime, but those had to be obtained through permit from the director of the employment standards branch. Or if you were in an industry—for example, the construction industry, road building—where the regulations provided for different terms of when overtime would apply, there have always been provisions there to extend the work-week and deal with overtime averaging when you're dealing with situations where it's an emergency situation for the employer or in a situation where there are perishable goods involved, where that work has to be done.

Overtime averaging is not something that's new; it is something that is allowed under the current act. The proposed bill would simplify the process. Specifically, employees and employers could agree in writing to average overtime hours over up to four weeks, and employees could take time off instead of overtime, if their employer agreed.

That's a fundamental thing in terms of flexibility in the workplace. Let's face it, you could say in fairness that a lot of employers allow in lieu time instead of paying overtime. That is something that has evolved in practice with respect to employers out there and the arrangement that an employee would be prepared to take. It makes sense to give the employer and the employees that option, to be able to take overtime and not be paid for it but to receive in lieu time with respect to the overtime. I think that's fairness, because you should give the option with respect to being paid and/or receiving in lieu time. That's something that I would say brings reality to the workplace and takes over from the restrictions, which are very arbitrary and really don't make a lot of sense in the workplace.

You're going to see a number of operations that would benefit from that flexibility with respect to overtime averaging. A lot of them would be based on the type of industry they're in and the type of season they would be in. If you're dealing with production—poultry or turkey farms—you'll find that their peak seasons are around the

holidays, where they would be working around the clock to make sure that the production meets the demand out there. This gives them flexibility to work with their employees, especially in terms of their busy times, and allows them, when there are slow times, to be able to implement this overtime averaging. It just makes common sense for that to come about.

You may find that also happening in the service industry. Where you're dealing with certain peak periods, that would be to the benefit of the employer and the employee. What we're talking about here is flexibility—flexibility to have control over your own life, control over your own work life. That's what is set out here. It doesn't take away from those minimum standards that have been set out in terms of hours of work per week or when you would receive overtime. It just allows for that flexibility for a business to survive, for an employee to benefit from a peak season for the employer and to balance it off when they would be facing slower times; maybe avoid layoffs or be able to take extra time for what is necessary or to take that in lieu time.

The other areas that are affected are vacation and public holidays. Employers would continue to be required to schedule vacations in minimum two- or one-week blocks. Employees could now request to take vacation in daily increments. That makes a lot of sense. If the employer has the flexibility and if the employee has the need to schedule their vacation at that time, be it for whatever purpose, certainly that could be something that employees could consider in terms of whether they needed to deal with something on a personal basis and it's a one-day thing or a two-day thing. They could use their vacation time to make sure that they're still paid and be able to take off to deal with whatever personal issues they face.

I think that flexibility is important, and to limit it to a minimum of two- and one-week blocks takes away the flexibility that's needed in this day and age.

All employees, including part-time, would be entitled to public holidays and pro-rated pay for a public holiday. To qualify for holidays employees must work the regularly scheduled day before and after the holiday and work the actual holiday, if previously agreed to. If an employee works the holiday, they could agree to either work for regular pay plus another day off with holiday pay, or work at time and a half plus the holiday. That gives them flexibility in determining, "If I have to work that holiday, I want to be paid either the base of what I would normally make that day plus time and a half or get the regular pay but be able to take another day off with holiday pay." It gives them an opportunity to supplement the arrangement with respect to holiday pay, either by taking another day off because they worked that holiday or getting time and a half plus the holiday pay for that particular arrangement.

1900

Parental leave is obviously very fundamentally important for people who desire to raise a family or have a family. They need that balance to be able to deal with the

situation. The federal government has increased the entitlement period that you can collect employment insurance benefits up to 52 weeks. It's the Employment Standards Act that has to complement that. It's the Employment Standards Act that allows for that time to be taken off and not lose your job and to make sure that period of time is set out to match the federal employment insurance benefits. Otherwise, it doesn't make a lot of sense to be providing federal employment insurance benefits for parental leave for a certain period of time if the province doesn't match it to make sure there's job protection for that entire period.

For parents whose child was born or came into their care on or after December 31, 2000, job-protected parental leave would increase to 35 weeks for women who also take pregnancy leave and 37 weeks for all other new parents. This change will enable new parents to access the 35 weeks of employment insurance benefits.

Another very new provision which I heard a lot of in my community in terms of having flexibility is family crisis leave. The emergency leave would provide up to 10 unpaid days a year of job-protected leave for recognized family and medical reasons for employees in workplaces of 50 or more employees. This family crisis leave has a number of features. It allows the flexibility to take up to 10 unpaid days. It doesn't mean you have to take it—it's a decision of the employee in terms of whether they want to take it—but it also provides that if the employee wants to take that leave, their job is protected and it gives them the flexibility to deal with family and medical reasons. Obviously, it's unpaid, but that doesn't stop employers in their arrangement with employees where the employee says, "I want to take my family leave." They may have an arrangement with respect to the employer that they may wish to take their vacation time to supplement that because the new changes in the legislation allow for that; or they may have some kind of benefit or compensation arrangement that allows for them to provide a buffer so it really isn't an unpaid leave. But the key to this is that it allows 10 days of unpaid family crisis leave for family or for medical reasons, and the job is protected. It takes away the discretion of the employer. If they say, "We don't want to give you that time off to deal with that family concern," or for a medical situation, it allows the employee some real flexibility and, I think, fundamental rights that all employees are looking for to deal with their family situations.

When you look at this legislation, there are some fundamental changes that you're seeing with respect to hours of work, but it's within the control of the employee. It's not mandatory. It's strictly a voluntary arrangement. The employee has the say with respect to dealing with the situation. I think what's also important is the repeal of the One Day's Rest in Seven Act. There are daily and weekly rest provisions—daily, 11 hours' rest in a 24-hour period; weekly, 24 hours' rest in a seven-day period or 48 hours' rest in a 14-day period. Any hours-of-work restrictions are still subject to emergency provision, but that type of flexibility within the statute has always been there.

We also have overtime averaging, which I mentioned to you earlier. Overtime averaging is currently allowed for up to four weeks, but it requires a permit from the ministry. The new changes would simply be a procedural step in the ministry involvement in this type of situation. It involves their not having to issue these permits and approvals. It's an arrangement that is dealt with directly between the employer and the employee and not with the Ministry of Labour in-between.

Overtime would continue to be payable at time and a half of regular wages after 44 hours in a week. But overtime hours could be averaged over four weeks with the written agreement of the employee without ministry approval. So basically it's a procedural step that has been eliminated and allows flexibility in the employment relationship.

I'm very pleased to have spoken on this piece of legislation, and I give the rest of my time to the member for Niagara Falls.

Mr Bart Maves (Niagara Falls): I appreciate the member's sharing his time with me. We have a meeting to get to, and I just got a note about that meeting. If those folks are watching me on TV, I'll be about 20 minutes before I can get to that meeting.

I want to compliment the member for Barrie-Simcoe-Bradford for his speech. He has always taken a keen interest, with his background as a labour lawyer, in issues that effect changes to the labour laws in Ontario. When I was a parliamentary assistant to the Minister of Labour in our previous mandate, he was always someone we consulted widely with and someone who had a working involvement with labour legislation in Ontario for many years. So it's always much appreciated to hear from that member.

The member talked about some of the other issues that are in this bill that have received short shrift or little attention in the media and during some of the public debate on this issue.

Mr David Christopherson (Hamilton West): What public debate?

Mr Maves: The member opposite asks, "What public debate?" It's a good topic for him to bring up. I remember, as parliamentary assistant to the Minister of Labour in the previous mandate, prior to 1999, at that point in time the Ministry of Labour was working on Employment Standards Act reform. There were papers that went out then. There was quite a bit of consultation done back then on Employment Standards Act reform, so the member opposite realizes there's quite a bit of discussion, quite a bit of work that has been done in this area of Employment Standards Act reform.

The question is, why did we need to have employment standards reform? The answer is that the Employment Standards Act that exists is a very old act, well over 30 years old, and it has never really had substantial reform. When I last spoke on this bill I talked about the changing nature of the workplace; for instance, the increase in the number of businesses that are run out of the home and the increasing number of people who do contract work out of

their homes. So the point is that the changing nature of the workplace screamed for—I remember last time when we talked about this bill my pager went off in the middle of the session. It was an interesting interruption in the proceedings because it highlighted the fact that even the technology we have today, compared to what was available in 1968, and therefore the types of work that were done in 1968, has changed so much. That pager going off showed the changing nature of the work, with all of the mechanical equipment, the computer equipment, the technology that has developed. All of this screamed out for changes to the Employment Standards Act.

1910

So we did a lot of work back between 1995 and 1999 on reforming the employment standards in general. Even prior to our coming in, I believe the NDP, through its Ministry of Labour, was looking at reforming employment standards. This minister has put out a white paper to discuss reform of employment standards. We've had many hours of debate in this House on these reforms specifically. The minister, as he has said, has been in several cities and spoken to over 700 people about this bill; I believe it was in the Sarnia-Lambton area. So there has been quite a bit of consultation and discussion about these particular changes to the employment standards.

Not only that, but members opposite today did a bit of a show about closure motions of this government and they talked about the concern that there was a lack of debate on government bills in this session, in 1999, in this mandate, and the mandate from 1995-99. In actual fact, when one goes back and looks, they'll find out that actually this government of Ontario, between 1995 and 1999, had more hours of legislative debate on its bills than any in the history of the province of Ontario. For that matter, we had more hours of debate than any government in the history of Canada in that four-year period. Not only that, but we also had more hours of public committee work on bills between 1995 and 1999 than any government in the history of Ontario, than any government in the history of Canada. Those are just hard and fast facts. Anyone can look those up and see the number of public hearings the government had and the amount of debate in the Legislature that the government has had on its bills over time. Those are a matter of record.

The members opposite will always have a hue and cry about debate time and committee time and so on and so forth on just about every bill. That was the case between 1995 and 1999. It is still the case today. Quite frankly, with closure motions on a lot of bills, I know that previously, to 1990, there was quite a bit of work done between the House leaders and all three parties. They would sit down and get to compromises on bills and the amount of time that was suitable for debate of bills. Up until 1990 closure motions were used extremely rarely because there was that good relationship on all sides of the House, between House leaders, to negotiate and talk about time for debate of bills in the House, and closure motions were rarely used.

In the 1990-95 government of the NDP, closure motions started to get more use because there was a breakdown in several instances of that type of co-operation between the House leaders. So the NDP government started to invoke closure motions more often on debates on bills because it deemed that those bills were important to it as the government of the day, to get those bills passed.

Interjections.

Mr Maves: The members opposite will heckle and talk about the reading of the rivers and lakes, and we all know about that. That exactly speaks to the point, actually. The NDP quite often, or the Liberals, will come up with a variety of ways to try to stall debate and stall bills from going through because they disagree with them.

Mr Dominic Agostino (Hamilton East): It was Harris who read the rivers and lakes. Don't you remember, Bart?

Mr Maves: The rivers and lakes bill that the member is shouting about across the aisle was indeed from the current Premier many years ago. That was probably an occasion when the NDP indeed invoked closure, but it speaks to the point that that cycle broke down between the three parties. That's when the NDP started quite often to invoke closure.

Now, in 1995-99, we've found that that continued process of co-operation among the parties and agreement on the timely passage of bills through the Legislature, there just wasn't that co-operation there. So, like the NDP invoking closure on many of their bills, we felt that a lot of the bills we were introducing between 1995 and 1999 were similarly important to us, and we followed their practice of invoking closure. Unfortunately, that multiparty co-operation that used to be there is still not there and quite often closure is indeed invoked. That is because the business of the government of the day has to proceed, and if we didn't invoke closure, we wouldn't get those bills through.

Members opposite, as I said, from 1995 to 1999, despite the amount of hours of debate we had in the Legislature, despite the many hours of public hearings that we had—setting records in both instances—screamed and hue-and-cried then that there wasn't enough consultation, and they continue to do that on most government bills of the day.

I know that when the members opposite rise to speak they will indeed bring that up tonight, and that's fine, but I wanted to make that explanation so the folks at home who may listening can understand some of the dynamics of the Legislature, some of the history the Legislature has gone through, and some of the reasons behind closure motions that get brought in by the government.

Before I was interrupted and took the other route in my discussion for the benefit of the two members from Hamilton, I was talking about some of the other things that are in this Employment Standards Act that are passed over quite often. Many of these provisions I would say are carried over from the Employment Standards Act. A

lot of them of course have been reworded in an attempt to make the act more readable. Anyone who reads a lot of the acts in the Legislature of Ontario, whether it be in this sector or any other sector, will say they are unreadable and not understandable by the average person. A lot of changes that are being made to the Employment Standards Act are simply rewording of provisions so that they can indeed be read and understood by more folks more easily.

There are more requirements in this legislation to have employers post materials to make sure that folks in the workplace understand their rights and responsibilities.

It's my understanding that quite a few workplaces today already pay by direct deposit, but there is a piece in this legislation that actually allows that. I remember that at one point in time there were some laws on the books which the Red Tape Commission found that in effect made it illegal to be using fax machines in Ontario. That was obviously a practice that was occurring all over the province on a daily basis and that had to be revoked. So here is a piece of this legislation that now allows the payment of wages by direct deposit, which is obviously something that has been happening in our society.

The parental leave provisions in this bill are extremely important, given the federal changes to maternity leave provisions for unemployment insurance. We needed to make changes in our employment standards in order to make Ontario's system dovetail with the changes that are being made at the federal level, and those are in here. For instance, for parents whose child was born or came into their care after December 31, 2000, job-protected parental leave will be increased upon the passage of this bill to 35 weeks for women who also take pregnancy leave and 37 weeks for all other new parents. As I said, this is vitally important so that we might dovetail with the federal changes to the employment insurance benefits. It's something that quite frankly all members of the Legislature received quite a bit of contact about over the past several months. It's something that we've all been pushed for, and that change indeed is in this bill.

Family crisis leave is something we actually campaigned on in the 1999 election. This is emergency leave that would provide for up to 10 unpaid days a year of job-protected leave for recognized family and medical reasons for employees in workplaces with 50 or more employees. That's also important. Everyone knows that you can get into a situation like a death in the family or a serious illness of a child. A lot of employers right now are cognizant of the need for that parent to be at home and there isn't a problem. Unfortunately, there are some cases when it is a problem, and we hope this section of this bill will allow people to spend some time at home in situations of emergency family crisis.

1920

A lot has been said about the averaging of work hours in this legislation, where an employee can choose, if he wants, to have a flexible workweek and work more hours. In a four-week period he can work more hours in the earlier weeks so that at the end of the four-week

period he might take a week off. Right now that employer, with the lack of ability to average overtime hours, wouldn't want to engage in that type of scheduling even if an employee requested it and it was beneficial to the employee for whatever reason that employee would have. That now, as the member from Barrie has already spoken about, is made possible by this legislation. The member from Barrie also talked about the fact that if we're going to do that, we need to make sure the anti-reprisal provisions within the act are stronger, and indeed they are.

I might say that a lot of these activities that we've spoken about, that the member for Barrie-Simcoe-Bradford has spoken about, already occur in the province of Ontario. There's a permit system that was in use when the Liberals were in office, when the New Democrats were in office. Thousands and thousands of permits were applied for for flexible work arrangements in the past, and those have been granted as a matter of course by the Ministry of Labour. There were some anti-reprisal provisions governing that permit system, and we've actually toughened that anti-reprisal and enforcement system.

Currently, employers must seek permits or approvals from the ministry for many variations from the standards, including excess daily hours, excess weekly hours, averaging weekly hours and overtime, splitting meal breaks, alternate arrangements for scheduling, and paying vacation. As I said, that's a practice that has been ongoing in the province for many years under many different governments. The proposed new act largely eliminates that rubber-stamp process at the Ministry of Labour and their involvement in issuing permits.

In order to balance this, as I said, we saw the need for improved anti-reprisal provisions. Currently, employment standards officers can only reinstate and compensate employees in very limited circumstances, and in all other situations reinstatement or compensation can only occur following a prosecution. The proposal in this act would broaden an employment standards officer's authority to reinstate or compensate employees, thereby avoiding lengthy and costly prosecution through the courts. So we're going to enhance the employment standards officers' ability to do their job; we're going to make it tougher on any bad employers out there who contravene the act, whatever section they contravene. Where the employment standards officers can be involved, we are indeed expanding their ability to do so.

Currently, ESOs can only issue orders to pay for monetary violations. They have no authority to order employees to comply with the act or to address non-monetary violations. The only remedy in these instances is a prosecution in a provincial court, which is expensive, and the outcomes are uncertain for everyone involved. As I said earlier, this proposal broadens the authority to order compliance with all provisions of the act.

Also, as the member from Barrie-Simcoe-Bradford spoke about earlier, the ESA currently provides for a maximum fine of \$50,000 and six months in jail. That's on corporations. The proposed new Employment Standards Act would include escalating maximum fines:

\$100,000 for a first offence, \$250,000 for a second, and a maximum of \$500,000 for a third offence. So it substantially stiffens the penalties for those employers who contravene the Employment Standards Act. Similarly, the maximum jail term also increases, from six months to a year.

The current maximum fine for an individual contravening the act remains at \$50,000 a year. But it's a stiff penalty for any employer who contravenes the act. For instance, in the overtime provisions that we've talked about and the flexible working hours that we've talked about earlier, that you've heard much about in the media—and the minister has been absolutely adamant about this, that in many cases it has to be employee initiated; in other cases, of course, the employee and the employer, there has to be consent before the work arrangement is allowed. In any case where the employer is acting in an untoward manner toward the employee in order to get that consent, that is in effect an area where the employment standards officer can come in and make a decision on that contravention of the act.

The penalties for contravening the act, as I said, are dramatic. Quite frankly, employment standards officers in the past have not done a very good job of really making sure that the Employment Standards Act is not contravened. They've had their hands tied a little bit by the act itself. So we're untying their hands, we're giving them more authority and we believe that they'll use it, and any bad employer who believes he's going to contravene the act had better think twice about it.

Thank you very much, Speaker. It has been a pleasure to join the debate.

Mrs Sandra Pupatello (Windsor West): I'm happy to share my time with the member for Hamilton East. Just on that note, in speaking to this bill, the Employment Standards Act, on the heels of a government member who wants to speak about this act, he just finished talking about all of the fines that they've added and the increased fine levels that they afforded to us and to employees now across Ontario for employers who contravene the act.

It would really be helpful to have inspectors in the workplace in order to lay a charge to effect the fine. So what good is having all of these great, big, powerful fines when the employers contravene the act if we don't have any inspectors to go in search of them? When you call the 1-800—probably soon to be 1-900, so you'll likely have to pay for that call as well—you never get a real voice. Is that not the case?

We see tonight a number of people here in the House who are truly interested in the changes being made to the employment floor across Ontario, and they're interested because we're near Christmastime and a lot of people are shopping. They're down at Devonshire Mall; it's probably open till midnight tonight. Do any of them realize that the member for Windsor West is in the House speaking about something that is likely going to affect many, many people in the riding of Windsor West? Maybe not. But when the bill is passed and it comes hitting home, they're going to call my office in Windsor. They're going

to call my office and they're going to say, "I don't know what to do. They've extended my workweek. I didn't know they could do this." Do you know that in employers' places now in my riding, places that don't have union representation, these individuals often don't know whether they're going to have a job in three months? These are the individuals who don't realize that they can stand up and say, "This is the act and these are my rights," and even if they knew they could stand up and say that, they don't, because when the wish list of the boss comes out saying, "Which of these individuals am I going to call back for the next three months?" they're not calling back these individuals who are giving them such a hard time about following the rules.

That's how it happens in lots of places; not all places. But I can tell you what the job of the labour minister is in the province of Ontario. It's supposed to protect the people who don't have protection. That's the job of the government. Let me tell you what this labour minister is doing. He is not protecting those individuals in my riding who don't have the support or the benefit of being unionized with a signed contract where individuals go to bat for them at the negotiating table to lay the terms of work for the next three years. Those individuals should be able to look to their government and say, "That's the labour minister. He's going to make sure they do right by me."

Do you know what this minister did? He introduced the Employment Standards Act instead. Do you know who bent his ear for this bill, so he claims? The chamber of commerce. You know, I went back home last weekend and ran into lots of people from the chamber of commerce. Do you know how many times they mentioned to me the Employment Standards Act? A big zero. Not one said to me, "Way to go, Mike Harris government. Thanks for doing this for me." Not one.

1930

But do you know what people did talk about on all the talk shows all the way down the 401 through Cambridge, through Waterloo, through London? Every time I flip the dial as I head back home, they're talking about an extended 60-hour workweek. Not one caller said that was a good idea. When the CBC here in Toronto had a morning show they polled all parts of society to talk about the 60-hour workweek. Not one called in and said that was a good idea.

Where does this Minister of Labour think he's coming from to introduce such a bill? Then see how galling it is for Conservative members to stand in the House, as this one from Niagara just did, and talk about the parental leave benefit in here. Wait a minute. What about the working women who aren't going to find daycare to benefit from these longer work hours that are now going to be prescribed by the act? What happened to those working women who need the benefit of your being so helpful to them as parents? What about the real-life examples of what happens when you can't take a vacation a week at a time because of what has been prescribed by this bill? What about that notion that you should be

able to have some amount of time off, whether it's for family or whatever you choose to do? Now, because of the bill, actually written into law, the employer doesn't need to give that to you.

Again, I say to the individuals who have the benefit of being represented by a union, to have very good individuals who negotiate the contract of working conditions in the workforce, that's great. But it's quite interesting that many of our labour leaders have come forward over this bill to say that this is wrong, that there are individuals out there who don't have that representation.

I urge the government members to listen to the individuals I'm talking about. Many of these people are women. I would submit the lion's share are women. Many are immigrants. Many have not had the benefit of education. Many are the last ones who are going to call a 1-800 number and say, "Minister of Labour, we have a contravention of the act up on the plant floor." They're just not going to do it.

I say to the minister again, that's your job. Your job is to protect the people who don't have the protection. This bill doesn't do that. It is about fairness. The government is supposed to be about fairness. Regardless of what your political stripe is, you're supposed to make things fair for people in Ontario. This bill doesn't make things fair. We had to sit and listen to the galling member from Niagara talk about process and how much hearing time in the history of this—you just make up any facts you want and no one will challenge you. You know what? I challenge the member for Niagara Falls. I challenge him on all of those—

The Speaker: Order. Would the member come to order for a quick minute. I'm afraid you can't use language where you say people make things up. I would appreciate it if she would withdraw that.

Mrs Pupatello: I withdraw. The vivid imagination of the member for Niagara Falls to talk about what they've done, history in the making in terms of—

The Speaker: Order. Just before we begin, I know we have some people who have come a long way and we appreciate the fact that you're all here. We did want to open things up to allow people to come here. But I think you know the rules. We're not allowed to clap. I say this in all seriousness. If it does happen, unfortunately we'll have to clear the gallery, and I do not want to do that. I know it's also difficult not to sometimes laugh and yell out. As Speaker, there are many times that I want to do that, and I'm not allowed to do that. So I'd appreciate the co-operation of all the people in the gallery. Sorry for the interruption. I'm getting to it quickly. Sorry to the member for Windsor West.

Mrs Pupatello: Thank you. I appreciate the fact that if it weren't so serious, this would be funny, that everything I'm saying would be funny, because sometimes you just can't believe what the government has the gall to do. To stand in the House tonight and talk about process. Do you know that the last time I spoke to this bill was second reading, and do you know what happened between second and third reading on this bill? Nothing. Not a

public hearing. No consultation. Don't stand in the House now and tell me what you've done on this bill. You didn't have public hearings on these labour bills. If you had toured the province, if you had gone across Ontario and asked people what they knew about this proposal, they'd have told you you were crazy. There's not an employer that called my office and said, "A 60-hour workweek, that's what I've been looking for." Not a one.

Do you know, in this day and age, the staff shortages around? You cannot go a Tim Hortons without seeing a great, big, fat sign that says "Help wanted." You can't go to most service-oriented businesses that don't have a big sign that says, "We need help. We need you to come and work here." When those kinds of working conditions exist, it is up to the employer to pay more, to offer better benefits in order to keep employees. That is the playing field we currently have in the province. That's why—this is just speculation—there are so many young men now working at Tim Hortons who have a little more trouble folding up sandwiches because they're not used to this kind of work. But the truth is that in this day and age it's up to the employer to set the tone a little higher to keep good people working for them because we have a shortage in some areas. But this is hardly the time that you need to go to employers and say, "Here, we're going to give you gifts for Christmas," like Santa Claus Stockwell offering the bill before Christmas.

It really would be nice to see that we offer things that are fair, that the government does what's fair, and you know what's fair? What's fair is the individual who lives in my riding who doesn't have union representation who needs to know she doesn't have to call a 1-800 number because there's been a contravention of the act, who doesn't have to feel the intimidation of how she needs to behave on the work floor so she can be assured that at the end of that three months she's going to get called to come back to work because she knows what the rules of the game are in her place. You know what? This minister and this government have done absolutely nothing to give her protection. That's the job of the government and the job has been failed miserably.

Mr Agostino: I'm certainly pleased to join this debate tonight, following the comments made by my colleague from Windsor.

Before we get into the details of the bill, I think what's important to put into perspective is how significant these pieces of legislation are. We're debating a bill tonight, and for the people who are watching, let's understand this is third reading debate and this government has allowed a total of two hours for all of the third reading debate on this piece of legislation. That works out to about 40 minutes per caucus.

What is really difficult is not only what's in this bill, but that at 8:45 tonight we get two more hours to debate another significant piece of legislation with regard to the Labour Relations Act that has great impact on working people in this province. That gives us two more hours. So on a total of four hours' debate tonight, this government is going to pass two significant pieces of legislation that

impact on millions of Ontario workers, without one moment, one second, one hour, one day of public hearings—not one second of public hearings.

I want to read something: “For a government that promised to be open, this closure action is the height of arrogance, the height of exactly everything you campaigned against and you said you were for.” Do you know who said that? Mike Harris in 1993. Mike Harris was a great democrat at that time. Mike Harris believed in democracy at that time.

This bill had closure again, and closure means that this government decides after two or three hours’ debate, “That it. We’re not debating any more. We’re moving on to the next bill.” The bill we’re going to debate at 8:45 had a closure.

Let me just remind the House of what the statistics are in regard to this government’s record of closure, which is undemocratic, which is cutting off debate, which is not allowing public input, which has not allowed this Legislature to debate this. Frank Miller and Bill Davis, in all the years they were in power in this province, which was a long time, cut off debate in the Legislature three times. David Peterson in five years cut off debate four times. Under Bob Rae it was 21 times. Does anyone really believe how many times this government has done this? In five years, the great democrat Mike Harris has cut off debate 64 times. That is more than double the last 25 years of combined governments in Ontario. Mike Harris in five years has doubled what 25 years of previous governments did not do when it came to cutting off debate in this Legislature. It is so undemocratic. It is so typical of a bully government that has bullied people from day one: has bullied teachers, has bullied students and now is bullying working people once again.

This bill tonight is just another indication of the arrogance of this government, the contempt they have for working people and a government whose agenda is only for big business and the companies that pay \$25,000 a table to attend their fundraisers. That’s what this bill is all about.

This bill here tonight, Bill 147: five million non-unionized Ontarians are affected by this legislation. Five million people are going to be affected by this legislation, and this government has the gall and the nerve to put it through the House without one minute of public consultation. Not one Ontarian has had a chance since this bill was introduced to come to us in a public hearing and tell us what they like or don’t like about this bill.

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Not only is the bill damaging, not only is the bill bad, but what is also disturbing is the undemocratic, bullying arrogance of this government to ram this through. When you look at the bill, it is not only an attack on working people; it’s an attack on working families in Ontario. Mike Harris likes to talk about children, he likes to talk about families; he’s the champion of kids: “If you don’t have a Christmas present, give me a call. I’ll get you a Christmas present”—the protector of kids in Ontario. This same government now says to working moms or

working dads or single moms or young people across Ontario, “You’re going to work 60 hours a week.” Most of the western world, most of the progressive world, has gone the other way. If you look at countries around the world: France, Italy, 35 hours; the Netherlands, 36 hours. Mike Harris goes to 60 hours. The last time we had a 60-hour workweek in this province was in 1944. Instead of moving the clock forward, Mike Harris moves us back 60 years in Ontario.

But hang on. He tells you there’s a balance here, that you have an option, that you can say no, because there’s a balance of power. The working person, the single mom working in a coffee shop or the young student working in a restaurant has a balance of power with the owner. “You can say no. Just refuse. There’s no problem.” This government believes that if you should refuse, you won’t be threatened, you won’t be harassed, you won’t be fired or demoted. “Of course not, because there’s a right to refuse here.” That is such hogwash. That is such garbage. There’s no right to refuse here. The reality is that if you refuse, life is going to be made miserable for you. Mike Harris’s inspectors are not going to come in there and crack down. They haven’t hired new inspectors. There’s nobody who will answer the 1-800 call.

The reality is that this is going to force people to work 60 hours a week without any repercussion, without any opportunity to say no, without any choice. Then they cover it under what’s called “flexibility.” They say you can choose the hours you want to work. As we know, we have a daycare system here that I’m sure is open at 11 o’clock at night. “You can choose your hours. Somebody will look after your kids.” That’s such hogwash. It is such garbage to suggest that this is somehow in the interests of working people and working families across Ontario.

Not only do they give you 60 hours, then they force you to work for less overtime. Under current legislation, if you work over 44 hours in this province you get overtime. What does Mike Harris do with his piece of legislation here? He says you can average it out over four weeks, again, to give you that flexibility, that balance that you need. You just average it out. Well, look what happens. One scenario: you work 60 hours week one, 55 hours week two, 25 hours week three and 35 hours week four. That averages out to just a little less than 44 hours a week, by coincidence. That means the week you worked 60 hours you do not get one cent of overtime; the week you worked 55 hours you don’t get one cent of overtime. So when you average it out over the four weeks, what it means is that you’ve been shafted out of 25 hours of overtime that you would have had under current legislation. How is that fair? How does that help people? How does the government in their heart of hearts look at themselves in the mirror and justify thinking that a young person, a single mom working for \$7 or \$6.85 an hour in a coffee shop, should be ripped off for 25 hours of overtime a month? How do you do that in good conscience?

But this government is going to do it. After tonight, this is law. This is the law of the province of Ontario

after tonight. Legalized stealing and ripping off of overtime of working people and working families in Ontario is going to be the law under Mike Harris as of tonight.

Then it gets better. They talk about vacations. They want flexibility in vacations, of course. In time off under current legislation you have to have 24 hours over a seven-day period. But what they're saying is, "We can average that out. We can be flexible." They'll give you 48 hours over 14 days. That sounds reasonable, seven and seven, but what is unreasonable is the fact that you can now be forced to work 12 consecutive days without a day off under this piece of legislation, where here under the current rules you have to have a day off in seven.

Vacation time: now you can be dictated to as to what type of blocks you take your vacations in. So if you work at Frank's Hotdog Shop and Thursday is the slowest day of the week, Frank can say, "You know what, I'm going to give you every Thursday off as your vacation day." So your five or seven or 10 days of vacation get spread out over 10 weeks, a day at a time. How does that enhance family life, how does that enhance people's time with their kids, with their families, with their partners, with their parents? It doesn't. This is the type of regressive, southern, American, Republican legislation that is in front of us tonight.

I think Ontarians are going to be shocked once they see what has happened here. Ontarians are going to be shocked to believe that we are probably one of the few jurisdictions left anywhere in the world—Russia is moving back from a 60-hour workweek—that is going to mandate a 60-hour workweek in legislation, Ontario, the industrial heartland of the country, one of the leading economies in North America, one of the leading economies in the world. We're now moving to a 60-hour workweek, and this government does it all under the guise of fairness and balance and helping people.

We talk about fatigue in the workplace. This will lead to more injuries, to more accidents. When people are forced to work longer hours, they're going to be less sharp, they're going to be more tired, they're more likely to make mistakes, they're more likely to get injured on the job, they're more likely to get in a car accident going home from work. They're more likely to add stress to the family because they're so tired at the end of the day or at the end of the week, being forced to work all these hours. Detrimental impact on families and kids and parents and moms and dads across Ontario, that's what this bill is all about.

Then they take great pride in talking about maternity leave. First of all, we could take that section out of this bill today and every member of this House would approve that piece of legislation in a second. They were dragged, kicking and screaming, into it. That was the opposition. We asked questions; the NDP put a bill in the House. The federal government passed the legislation. It wasn't a priority for Mike Harris when he talked about the maternity leave to match the federal legislation. They were forced into it. Now they trumpet it as this great achievement to help families.

So in the same bill that has a piece of legislation that talks about how it's helping families through extended maternity leave to match the federal legislation, they also have an unprecedented attack on families and kids and working people and working families across Ontario.

When we look at who this legislation impacts, we certainly know it's not going to be the Bay Street friends of Mike Harris. The corporate bosses are not impacted by this, of course not. Many of the individuals who are fortunate enough, in this province, to be protected by unions they're going to attack in the next bill. In this bill, they're spared to some degree. The next bill attacks those folks. But in this bill it is the most vulnerable workers in the province of Ontario, often new immigrants, often young people, often single moms, often people who are forced into difficult situations, who are forced to take minimum-wage jobs in a province where the minimum wage has not been increased in six or seven years. These are the folks who are going to be impacted most by this.

I don't know how this government can sit there in conscience and say, "This is fair, this is right, this is good, this is going to help." It does nothing at all. You can't pretend for a second there's a balance here. Who are we kidding? Who are we kidding to believe you can refuse any of these provisions and get away with it? It is unthinkable, it is unreasonable and it is unfair.

You've got to wonder, who is asking for this? Certainly we don't know, because we've had no public hearings, who has come forward. But somehow I don't think the single mom working at Tim Hortons was knocking on Mike Harris's door and saying, "Premier, please, give me a 60-hour workweek. I'm not working long enough," or, "Premier, please, limit my overtime. I want to work 60 hours without overtime." I'm sure there's a lineup at the Premier's door of working people who wanted these changes. I'm sure that's what's driving and motivating this government. It is not the corporations or their Bay Street friends, of course not; it's working people. They want the opportunity to have vacation one day at a time, of course, over a 10-week period. Of course they want to be screwed out of 25 hours of overtime in a month, because they make way too much money. When you make \$6.85 an hour or seven bucks in 15 hours, my God, you're probably living high off the hog, according to this government's standards. We know that, because look at what they've done to welfare recipients. They have to beat them up. Welfare recipients were doing far too well. Can you imagine, in Ontario today, a single person on welfare, how dare they complain about the fact that they get \$520 a month? Of course, as we know, Mike Harris thinks they're spending all that money on booze and drugs, so now we're going to test them all.

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This is a government that has made a history and a career out of attacking working people, out of attacking the poor. In this province, you get punished by Mike Harris for being poor. There's a correlation here between what this bill does and what the welfare legislation in Ontario has done. There's no question there's a pattern here.

They don't go after their corporate friends. Inasmuch as I respect the Ontario Medical Association, every time they negotiate the OMA wrestles the government to the ceiling. But certainly the working poor don't get that type of access to this government. Single moms, new immigrants, who work for minimum wage, who work under difficult circumstances in our version of sweat shops in this province, don't have that type of access or protection. What they get from this government, instead of a hand up, is the back of the hand to the side of the head. This legislation does that.

What they're doing is not only wrong, it is immoral, it is unethical. A government, it doesn't matter what political stripe, has a responsibility to protect the most vulnerable citizens in our society, to help people who can't help themselves, to help people by giving them a hand up.

If you look at what they have done to labour since they've come to power, any time a labour leader dares speak out on behalf of his or her members—remember, these are democratically elected individuals who are there to represent the men and women who work under that local—when they dare criticize, they're the union bosses, the evil, special-interest union bosses.

When Bay Street calls, that's OK. They're not evil, they're not special interest. When they buy their \$25,000 table at the fundraiser, that's OK. That's looking after the interests of Ontarians. But if labour leaders speak, they're those evil, demonized union bosses, and any of us who speak out in favour of working men and women are in the pockets of union bosses. That's the Harris philosophy; that's the agenda that drives this government.

I think people across this province tonight have to understand what we're dealing with here, why this is unproductive, why this is dangerous and why this is damaging for Ontarians. I urge people across this province to really pay attention in the months to come as to what is going to happen with this piece of legislation. Let's see how many times people are going to be able to refuse work and get away with it, to refuse the 60-hour work-week and get away with it. What they've now declared is open season on the working poor in this province. What this government has said is, "Now you're the target. Now we allow the bosses, the employers, to openly, with government sanction, go after you."

I ask Ontarians who are listening tonight, are you going to trust Mike Harris and Chris Stockwell to protect you when you've been harassed in the workplace, based on that track record? Do you believe that when you pick up the phone and call the ministry that Mike Harris and Chris Stockwell—and let's understand one thing: we know where this is coming from. The minister is simply the mouthpiece for the Premier on this. He gets his marching orders, they wind him up so he walks out of there, they leave enough batteries in there to get him going for an hour, he comes out here, does what he's told and goes back and gets more marching orders from the Premier's office.

Let's understand this. This is coming from the Premier's office, this is coming from Mike Harris, this is

coming from the whiz kids in that office who don't have a clue what it's like to work for \$6, \$7 or \$8 an hour. Any of us who have been in those situations understand clearly the difficulty and the circumstances that we're in when we're doing that kind of work.

The sad part is that most of the people who are involved in the drafting of this legislation and putting this together don't have a damn clue what it's like to try to get by on \$6.85 an hour or try to raise a family on \$7 or \$8 an hour. Instead of helping, what we see here tonight—I'm going to wrap up so that there are a few minutes left for one of my colleagues the next time around—is an unprecedented attack on working people and working families. This is wrong. It's undemocratic. It is disgraceful. It is an attack that was unnecessary and is one that's mean-spirited and nasty. It is one that Ontarians are going to come to realize soon enough, and the real agenda of this government once again is going to be exposed for what it is: a Republican, right-wing government that caters to their business friends at the expense of working men and women in this province.

This legislation that we're going to pass tomorrow at 1:45, which this government is going to ram through with their majority, is going to impact and hurt five million Ontarians. It is wrong and it is a disgrace. This government should be ashamed of themselves. I don't know how they can sleep at night, knowing they're supporting legislation that five million vulnerable people in this province are going to be hurt by, people who are going to work more hours for less money, with less safety, less protection, less dignity, less time with their families. That's what this is all about. It's an unnecessarily nasty attack, a disgraceful attack. This government should be ashamed of themselves and embarrassed at what they're ramming through the House tonight.

Mr Christopherson: Let me begin my remarks by, first of all, pointing out and thanking all those Ontarians who took the time out today—I know people watching at home can't see this, but the entire public galleries, both sides, are filled. For some time now, this government has liked to say when they bring in their legislation at lightning speed that the lack of people in the galleries indicated that people didn't really care. We explained to them that what it has to do with is the fact that you're moving things so fast and with so little opportunity for debate that people don't even know what's going on and suddenly it's law, and that had a lot to do with it.

We made a concerted effort this time to make sure people knew what you were trying to do, particularly to the most vulnerable in our society, and there you go, the galleries are full. It's six days before Christmas; it's 8 o'clock at night. Please don't applaud—you'll get thrown out—but I want to thank you, thank you, thank you, for being here because your statement in being here says more than I could do, or any of us here with four or five hours' debate. Thank you so much for being here. Thank you, Gary Malkowski.

We need to understand that this is not just a few amendments. This is not just one or two little things that

came across the floor and suddenly the opposition decided to make a mountain out of a molehill. The reality is that this bill in front of us, Bill 147, replaces five existing pieces of legislation. This is an Employment Standards Act that is brand new from its first page to its last page: 88 pages, to be exact, of a bill that affects millions and millions of Ontarians, and here we are this evening, a few days shy of Christmas, about to see this bill rammed through this Legislature without one minute of public hearings—disgraceful, unbelievable, undemocratic to say the least.

Let me just say one thing. I've said this before, but I do want to say it this evening to get it on the record again. The government has said that if we believed in the parental leave clauses in here, the extension of the job protection that allows Ontario workers, mostly women, to access the EI funds, we would approve this bill. If we cared about those issues, we would allow this bill to go through. Let me say here again, not just as the labour critic but as the NDP House leader, I commit on behalf of the NDP that if that's what you care about and it has to be in place by January 1, 2001, we've got a private member's bill in the name of Shelley Martel, the member from Nickel Belt, that gives effect to exactly what you want to do here. I see the government whip in his place. You say the word right here and we'll make that law tonight, unanimously, and then we can go about the democratic business of analyzing exactly what you're doing here.

The government whip does not move from his place, so obviously that is a ruse that no one is going to buy into.

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"Ontario's Tory government should abandon its ongoing bid to rush into law far-reaching changes to the Employment Standards Act.

"These changes, which could become law as early as this week, could negatively impact on the working conditions of every employee in Ontario, particularly the most vulnerable.

"Equally worrisome, the amendments, which have already passed second reading in the Legislature, have not been the subject of broad, public consultation or committee hearings at Queen's Park."

That was Sunday's editorial in the Toronto Sun. The Toronto Sun. Whoa. I could have made that speech. I don't quote the Toronto Sun very often in this place, for reasons that are obvious. I just about fell off my chair when I read these words, because they are so clear and they are from a group who acknowledge that, by and large, they like your agenda. They support it, and do so editorially all the time. I won't even get into the editorials they wrote when the NDP was in power. So it's very clear what their ideological bent is, but as we've been trying to tell you from the outset, this is not only—because it is that—a philosophical political debate. There is also an issue of fairness, of democracy, of giving people a chance to be heard. You can't say that they don't care. You can't throw that one at me any more.

There they are. They care. I guarantee you, if we ask them, to a person they want to have something to say about this bill, and there are a lot of other people.

If for no other reason than that you think your hand is so strong, that we've been misrepresenting what you've been saying about the 60-hour workweek, why wouldn't you want the chance to go into committee so you could beat us up politically? Why wouldn't you want to do that, so you could roll in your legal experts, your labour experts, your time management experts, whatever experts you've got out there? Bring them all in and let them show us how wrong we are. But that's not the case, and there's the reason. The fact that the Toronto Sun editorial felt it necessary to speak out using this language—their business is words—says loudly that this is not the tradition of Ontario. This is not the democracy that we know. I'll tell you something else: it's unacceptable. This is not your personal fiefdom. Ontario, whether you like it or not, still belongs to the people of Ontario, and they're not about to relinquish it to you or anybody else.

Eighty-eight pages. The government talked about consultation. The member from Niagara Falls talked about Bill 49. I'll tell you about Bill 49 really quickly. Bill 49 was supposed to be a minor housekeeping bill that had very minor changes, just a few number updates, a little bit of language change. By the way, it was done when all the labour leaders were out on the west coast at a CLC convention. That thing hit the floor here and you could see the mushroom cloud over Queen's Park, because it was an attack on the Employment Standards Act. Yes, we went out in public consultations on that one for four weeks, and you got ripped big time. We changed what you were planning to do. The changes that you made hurt people, but they hurt people less because we got a say.

Let me tell you, most of what's here in this new law wasn't in Bill 49. You like to say it was, but if we got to committee, I'd like you to start pointing out to me where the similarities are, because everything you said you were going to do in 49, save and except a couple of big things that aren't in here, you did already.

I'll tell you what did happen. You want to know the process that was followed here? The government issued a white paper over the summer, held some ministerial hearings, consultations, but not legislative hearings. What's the difference? In the kind of meetings that the minister brags about—you know, he's a clever fellow. He knew the moment was going to come in this place when he was going to have to defend not having public hearings, and he assumed, in my opinion, that as long as he could point to all these communities and cities that he went into, that constitutes public hearings, and he could make that argument.

Well, he does make that argument, but I don't think he makes it successfully, because I attended one of those meetings in Ottawa to present the position of the NDP caucus. The meeting is run by the minister, and that's fine. I'm not saying he doesn't have the right to hold meetings and run them any way he wants, but he ran the meeting. It was his old job as Speaker and his new job as

minister all mushed into one and he was the grand emperor of the room. His staff made all the arrangements, his staff provided the supports necessary to make those discussions go on, and he decided when they'd begin and when they would end, which is his right.

That is a whole different world, let me tell you, than rolling into a legislative committee where opposition members have rights, where the Chair of the meeting is not playing a partisan role, where we have a chance to bring in our experts, where we can cross-examine each other's experts, where we can let ordinary people who represent the families that are negatively affected by this bill come in and have their say. That's public hearings, not what the minister did.

And not just that. He changed some things from what was in the paper, and the paper was written in prose. It was written as a discussion paper. That's a lot different than legal format. Anybody here or who's watching who has had anything to do with contracts or negotiations will know that one word can make a huge difference in what happens in a piece of legislation.

Those are all the things that are supposed to happen at committee. Didn't happen. Five bills gone, 88 pages of a new law that affects millions of people, and no public hearings.

I want to point out, for the benefit of those who remember, that back in October 1995, we had Bill 7 in this place, and I suspect there are a lot of people who remember Bill 7. Bill 7 was very similar. People thought it was just an amendment to the Ontario Labour Relations Act, mainly that it was following up on the government's mandate to eliminate what I think was one of the best pieces of legislation the NDP passed as a government, and that was when we used our majority to outlaw scabs. That was a good thing to do. It was the right thing to do. You brought in Bill 7 and told everybody, "We're just amending things, getting rid of that nasty old NDP"—

Hon Mr Klees: On a point of order, Mr Speaker: With all due respect to the people in the gallery, there is no doubt that what is happening is that demonstrations are taking place. There may not be noise. The standing orders, I remind you, are very clear, Speaker, that there should be no demonstrations by people in the gallery. I would ask you to keep decorum in this place, as is required by the standing orders.

The Deputy Speaker (Mr Michael A. Brown): Thank you. We want to obviously welcome all our guests to the gallery and remind them that demonstrations of any kind are not permitted in the Legislature. But we welcome you to listen and to watch these proceedings.

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Mr Christopherson: For the benefit of those who are watching at home, what's happening is that people are doing this, which is another way of applauding; it's another method of applauding and communicating. Somebody from the government side, the chief government whip, is hanging this on a technicality, saying they shouldn't be doing any kind of demonstration, even though it's really not upsetting anyone at all. The fact is,

it seems that you don't want any kind of expression of anything about what this government is doing. Nonetheless, people at home, that's what's going on. It's just another form of intimidation that the government's trying to perpetrate on the people. They will decide for themselves at the end of the day.

I was saying that they proposed and put forward that Bill 7 was merely revoking our nasty little Bill 40. That's not what happened. It was a brand new Ontario Labour Relations Act, front to back, and it was rammed through without any public hearings. That means that by this time tomorrow, the two legislative pillars that hold up labour relations in the province of Ontario, by and large, will be brand new—totally, front to back—pieces of legislation, rammed through by a right-wing government, and in neither case was there one minute of public hearings. That's some democratic legacy for you to leave behind.

You introduced this bill on November 23. It's going to be law tomorrow. We got into committee. The government says, "We want to do committee." I remember the minister standing in his place the last time we debated this and talking about how much he was looking forward to the clause-by-clause analysis. I want to point out to people that we didn't know at the time, until we got to the committee room, or at least I didn't have them all in my hands, that 24 pages of amendments were presented at that committee hearing. One amendment wasn't the government's; it was ours, the NDP's, and I'll refer to that shortly.

The meeting started December 13 at 3:30. Under the time allocation motion, which is another way of shutting down debate, like the motion that is forcing this to be debated tonight and will ram it through tomorrow, we were allowed—it's important to understand that clause-by-clause analysis means just that: clause-by-clause analysis.

Like overtime pay, section 22(2): "Subject to the regulations, if the employee and the employer agree to do so, the employee's hours of work may be averaged over a period of not more than four weeks for the purpose of determining the employee's entitlement, if any, to overtime pay." In my opinion, there are circumstances where this creates legalized theft. You're going to steal overtime payments that workers are entitled to but will be coerced out of.

Under clause-by-clause, we should be taking every clause of this bill and analyzing it to determine whether it's a good clause. An 88-page bill; 24 pages of amendments. One amendment alone, amendment 6, runs seven pages, just the amendment. Do you know how much time we were given to do a clause-by-clause analysis of all the amendments and the entire bill? One hour divided three ways. That was the extent of democracy as it affects millions of people in Mike Harris's Ontario: shameful, disgusting, indefensible and certainly undemocratic. That's the context.

I want to say directly through you, Speaker, to the public who are here that if you weren't here tonight, right about now I would be heckled beyond belief—I see my

Liberal colleagues nodding their heads. The government would be saying, "They don't care, Dave. You're out of touch. You don't represent the people. Nobody agrees with you. Look around." Let me say to the government, you look around. You can hide in here, but I want to tell you, these people, times tens of thousands, are out there, and they don't accept your law, and they certainly don't accept your process.

Now, let's deal with a few details. First, I want to read just a little bit more because this is a wonderful editorial. I should get a clean copy of this and frame it. I'm reading from the editorial now.

"It's not that all the proposals are necessarily bad." Well, no editorial is perfect. "It's that the Tories have not shown how they plan to protect non-unionized workers (meaning the majority of workers in Ontario) from unscrupulous bosses."

You've been claiming all along that that was just my rhetoric; that I'm the NDP labour critic and that's what you would expect to hear from me. Maybe so. You sure didn't expect to hear it from them, and they're raising it. I want to delve into this a little bit, because there are two issues that this government uses to justify the language and the options they're putting in here—"options" as they call them—one is the permit system and the other one is that it's all voluntary.

First of all, on the permits: again, the government is good at pointing out where something is not working perfectly and then offering up a solution that will make it worse and saying they were the only ones who had the guts to do anything. That's the same with the permit system. The permit system is not perfect. Most labour leaders, and certainly myself, would be the first ones to tell you that, but the solution is not to throw the whole thing out; quite frankly, it's to put the issue in front of us in committee and say, "Let's bring in people and find out how we can streamline it without losing the benefit of the permit system."

There is one thing the permit system did do, and eliminating it I think is the reason the government went down this road: it gave the government a vested interest in what's going on in the workplace. Were a lot of them processed on a routine basis? Yes. But the government was still a party to the overtime that was being talked about. You had a role. We should have improved that role and built on it, not eliminated it, but I think that's why you've done it. You've taken the government out of as many workplaces as you can, by virtue of the process that's in here. In my opinion, that leaves it open for even greater abuse because those unscrupulous employers will know the government is not party to this process. They've got a free rein.

The other issue is "voluntary," and this is the one that makes most of us gag. We haven't seen labour legislation in the province of Ontario talk about 60 hours since the master and servant legislation of 1884 to 1944; 1884 to 1944, the Master and Servant Act was the last piece of legislation that talked about 60 hours in this province. I've got to tell you, I'm surprised you didn't name Bill

147 the Master and Servant Act, because that's the kind of world it creates.

We have the government saying, "You don't have to worry about working 60 hours a week. You don't have to worry about having your overtime averaged, because employees can just say no. There has to be an agreement between the employer and the employee." I'm not sure what kind of fantasyland this government thinks workplaces are, but let me tell you what the Supreme Court of Canada said about individuals and their power relationship to their employers. It's very brief, but I think it makes the point far better than I could.

2020

This is the Supreme Court of Canada in 1997, in a case called Wallace and United Grain Growers. "The contract of employment has many characteristics that set it apart from the ordinary commercial contract. Individual employees on the whole lack both the bargaining power and the information necessary to achieve more favourable contract provisions than those offered by the employer.... This power imbalance is not limited to the employment contract itself, but informs virtually all facets of the employment relationship."

Do you get it? The worker and the boss. The boss tells the worker what they're going to do. The worker does not tell the boss what they are going to do. OK?

Supreme Court of Canada, 1989, another example: Slight Communications v Davidson. "The relation between an employer and an isolated employee or worker is typically a relation between a bearer of power and one who is not a bearer of power." You have power; the people of Ontario, unfortunately, do not. Does that help?

They go on to say in the same judgment: "The main object"—and this is so crucial—"of labour law has always been, and we venture to say will always be, to be a countervailing force to counteract the inequality of bargaining power which is inherent and must be inherent in the employment relationship."

There's no democracy in the workplace. This Legislature is beginning to reflect that reality. But there is no democracy. When a supervisor, foreman, foreperson, boss—call them whatever you want—when they walk up and ask somebody, "Would you please work this overtime?" if the employee says no—let's take a regular workplace with a regular worker. The worker says, "No, I don't want to work overtime." Let's say the employer respects that and goes away. He comes back a week later and says, "I'd like you to work overtime." You say, "No. I coach my kid's hockey team, and I've got commitments to be there. I can't work the overtime." The odds are that this employee is not going to be employee of the month. It's also likely that employee is not going to get any promotions, training or the good shifts or the good jobs. That, I would say to the government, is the best-case scenario. That's one where a worker knows they have the right to say no, they exercise it and that worker, at the end of the day, still manages to hang on to a job.

But let me point out other scenarios, and previous speakers have talked about the fact that it is the most

vulnerable in our society, it is often new Canadians, it is often women, it is often people whose first language is not English, and there are unscrupulous employers. The bad-boss hotline that the OFL put out was burning up the lines with reports of bad bosses. In those situations, it will be very clear to the employee, to the worker involved: "Either you work overtime or you won't be working here; either you agree to the averaging of overtime or you won't be working here. Either you agree to have your vacation taken one day at a time or you won't be getting any vacation because you won't be working here."

If it were not so, do you think we'd see this? Do you think we'd see even the Toronto Sun come forward and say they're worried about the most vulnerable?

This bill is so damaging and your arguments are so stupid that it boggles the mind that you've been given the power to make this the law without anybody having a say. Who in their right mind is going to say to their boss, "Yes, over the next four weeks I want to work a little bit of overtime, but let's make sure we use that new law that guarantees I don't get paid overtime rates for it. What do you say we do that?" Are there circumstances where someone might want to enter into that kind of relationship where it's not detrimental to them? Possibly, but we're not in committee so we don't have time for those individuals to come in and for us to talk about how we might go about doing that without leaving millions, virtually millions, of people vulnerable.

Somebody's lunch: maybe this sounds small to some people, but when you're out there working every day, this is a big deal. The boss can now tell you that you don't take a half-hour lunch, you take two 15-minute breaks. Just like that, and nobody's got a say. You tell me how that's fair. You tell me that you're a party that cares, oh, so much about families. This is anti-family legislation. You're going to have people choosing between their job and their children. That's wrong. If anything, we should be going in the other direction.

The member from Niagara Falls talked earlier, and he let it slip. He's usually pretty careful. He made a mistake because he said that this law talks about people—he referred to the modernizing of the law reflecting new workplaces and the modernization, and he talked about contract workers. Nothing in here. If you cared about contract workers, you'd agree with the NDP and our proposal that we pro-rate benefits for part-time workers and contract workers. That's dealing with the modern-day reality of the workplace in a way that's family friendly, because you know what happens then? When you pro-rate benefits, you give workers and their families dental plans, insurance plans and extended medical plans.

We're in the biggest economic boom we've ever seen in North America and you've got nothing for working people in this bill except vulnerability, lost time with their families and lost wages they are otherwise entitled to. You have no right to call yourself a government that cares about families or family values. You don't know the first thing about it.

Do you know what else? This is the law that determines what the minimum wage is in Ontario. You've got \$4 billion in the budget we debated this afternoon to give away to the wealthiest individuals and the wealthiest corporations in this province, and for the working poor you've got nothing. Not one cent of that economic boom goes to the working poor.

2030

Some of them have used the excuse that it might make us uncompetitive. It still comes as a shock to people to learn that our minimum wage, when you take the exchange rate into account, is now below that of the United States of America. Since you froze the minimum wage in Ontario at \$6.85 in 1995, which is where it was after we raised it for the third time, the United States, our single biggest trading partner, the biggest trading partnership in the world, has raised its minimum wage twice and is looking at doing it a third time.

If you really cared about working people and you wanted to make sure they got a benefit, why not start with those who need it the most instead of always giving all the benefits to those who need them the least, and the crumbs fall through, and in this case not even the crumbs? Nothing for minimum wage. Could any of you live and support a family on that wage? I can't imagine it, but there are people who do and they aren't doing very well. By the time we take into account everything else you've done—killing rent control, the damage you've done to education and the health care system, the number of user fees that are out there—it's mind-boggling what's going on here.

It reminds me of that night in October 1995 when that bill was rammed through here with no public hearings. It's one thing for you to use your democratic majority in the way you see fit, but it's quite another, and unacceptable, for you to use that majority as if you were some kind of tyranny, which is the way it feels tonight. It feels like a tyranny.

I put forward a motion, an amendment, at the hearings. I've got four minutes left, so I'll be quick. Basically I was suggesting that in part XVIII, section 73, where it starts out, "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 they list a number of things, I wanted to include that they do not agree "to end the hours of his or her work beyond 48 hours in any given week," and that they do not agree "that his or her 30-minute meal break shall be broken into shorter periods," and that they do not agree "to average his or her overtime...." The same with vacation. You said people could say no. All we in the NDP wanted to do was put it in law. Your words mean nothing. It's the law that matters. You wouldn't pass it.

If you believed it, you'd have put it in here. If there was a legal problem with the way it was presented, we could have found another way to do it so that it was spelled out clearly. Because if you don't say it in here, it doesn't matter what you say over there. That's where we are right now. We've got your words versus your law and your law does not spell that out.

But do you know what? This may be the last round for Bill 147 because you've abused your rights of a democratic majority government. You've shut down debate, shut out the people and you're going to ram this through tomorrow. You'll end the debate shortly in another little while, in a few more moments. Then you'll ram it through using your majority tomorrow and you'll think you're done with it. Well, let me tell you: you're not done with it because the reality is that in Ontario today, there ought to be at the very least a 40-hour workweek. Plain, straightforward, simple—40 hours. “You want me to work more than that, it's voluntary and you've got the backup in the law and in the ministry to hold your rights true. You want me to work after 40 hours, I get time and a half from one minute after those 40 hours for every hour I work.”

It's not that radical. It's been pointed out that in Europe they've already gone well beyond that.

This business of your parental leave is a right that you only have if you're in a workplace of 50 or more employees. No. Under no condition should any parent have to decide, “My sick child going to the hospital, or my job?” And whether I have that right or not should not depend on whether there are 49 other people working in my workplace or not. That is a right that I should have as a parent.

These are straightforward suggestions. They only appear radical in the light of this right-wing extremism. But let me tell you, we will not give up on this issue. Those of us who are here today will not back away from fighting for the working poor, from fighting for those who are working part-time, students and new Canadians, and all those who want to participate, who want to be a full partner in this province of Ontario. We are not going to surrender fighting for the rights of working people just because you abuse your majority. Be warned.

Interruption.

The Deputy Speaker: Order. Clear the galleries. We will take a 10-minute recess.

The House recessed from 2036 to 2047.

The Deputy Speaker: Further debate?

Mr James J. Bradley (St Catharines): There are fewer people in the gallery right now than there were just a few minutes ago. But I do want to indicate why I believe, first of all, that we should not be dealing with a time allocation motion all the time in this House and, second, why this particular piece of legislation is ill advised.

As I've indicated on many occasions, I think the success of labour legislation is balance, when both sides—we're talking about management now and labour, those who are the employees—have a feeling that the legislation that is passed is relatively fair to everybody. When you move too far to one side or the other, you tend to engender a lot of justifiable opposition to that legislation.

Obviously, with the presentation of this bill and the indication that the government wishes to push it through using the legislative device that I call closure, or time allocation as it is known in this House, that is something

that makes people in the trade union movement extremely unhappy and extremely uncomfortable.

I want to indicate, though—and I don't do this just to provoke in fun. But very often the Toronto Sun has editorials which are in fact not particularly favourable to the trade union movement. I think for the government it is wise for you to listen, because the Toronto Sun generally supports the government's policy. So when the Sun itself takes the opportunity to criticize you in an editorial on a piece of labour legislation, I would think the government should look long and hard at its own position.

For those media organs which are normally not friendly to the government—and there are some out there who are pretty well not friendly to the government and its legislation—I don't agree necessarily, but I understand when you tend not to pay as much attention, because you feel the source is one which is antagonistic to the government in any event. But here's the Toronto Sun saying—and I want to quote, and I'm going to quote selectively because of time. The editorial doesn't really compliment the government in any way. It says the following:

“Ontario's Tory government should abandon its ongoing bid to rush into law far-reaching changes to the Employment Standards Act.

“These changes, which could become law as early as this week, could negatively impact on the working conditions of every employee in Ontario, particularly the most vulnerable.

“Equally worrisome, the amendments, which have already passed second reading in the Legislature, have not been the subject of broad, public consultation or committee hearings at Queen's Park.”

It goes on to talk about the bill and its system. “Under this new system, the overtime pay requirement would be radically altered. Overtime hours would be averaged out over a four-week period, in which workers would be allowed to work up to 60 hours per week.”

What this means, for example, is that someone could work 60 hours one week, 20 the next and legally receive no overtime pay. The Tories have yet to answer criticism that this really amounts to less pay for equal work, with non-union workers at the low end of the salary scale being the most vulnerable.

“The Mike Harris government held only six days of administrative hearings on this matter in the fall, and has refused all calls to hold formal committee hearings at Queen's Park.

“This is unacceptable.

“The Tories must slow down the process and reintroduce this legislation with the promise of full hearings.

“Ontario workers deserve no less.”

I think the counsel and advice of the Toronto Sun editorialist is advice that the government should listen to. On numerous occasions, people who are even favourable to the agenda of this government have said that their criticism is that the government moves too quickly and somewhat like a bull in a china shop, battering people, moving people aside in a bullying fashion. In our democratic process, people may not necessarily be happy with

the final product when they see a piece of legislation passed in this House. But they feel they've had their day in court if the government sits down, holds public hearings and listens. That is particularly true if we see as a result of those public hearings modifications or amendments to the government legislation.

I know this government can push this bill through. It has the power to do so. It has a majority of the seats in the Legislature. It does not govern with a majority of the population of this province who voted, but that's our democratic system; that's the way the system works in Ontario, so it is reflected in the number of seats the government has.

I think the government should be conscious, however, of the fact that it's not simply the people who are in the galleries tonight who are going to be concerned about this bill. In fact, many of the people in the galleries are people who belong to trade unions, who would have the kind of protection that a trade union can elicit through a collective bargaining agreement and through its ability to use the strike as a weapon or the withdrawal of services. What they recognize, and the people they're speaking on behalf of in particular, are the most vulnerable in society, those who do not have the protection of a union, those who do not have what we call a collective agreement, where a large number of people have a contract signed on their behalf and enforced by both sides and by labour legislation in this province.

I am concerned as well when I look at the number of times this government has invoked what I call closure, in other words, closing off the debate. The official term is "time allocation." This afternoon one of Dalton McGuinty's lead questions, as the Leader of the Opposition, was about the use of the time allocation motions or the closure motions. He indicated that the Bill Davis government and Frank Miller used time allocation or closure three times in a certain small number of years; the Peterson government, in power for five years, used it four times; the Rae government, the New Democratic Party government, used it 21 times; and this afternoon, this will be the 64th time this government has invoked closure.

I don't think that's good for the democratic process, when the debate is cut off in that way, but I'm sure there would be even less debate in this House on a voluntary basis if people knew there were going to be meaningful public hearings across the province. I've listened to government members. The member for Hamilton West will well recall the government members who complained about the New Democratic Party government when there was labour legislation that they said they wanted hearings for. Now they have a chance to invoke those hearings on their own labour legislation and they're not prepared to do so.

I notice that essentially what happens is the government has tilted very much in favour of those who fund this government to a very large extent. It's no secret, if one looks at the records that are available to the public, fortunately, that a lot of support for this government

financially comes from the corporate sector. There are many in the corporate sector who are cheering this legislation. Some are not, because some who recognize that stability in the labour market, peace in the labour market, is beneficial to have would not be as enthusiastic about a bill that is seen to be disruptive of that process. But a large number are, and, as has been said on many occasions, this has all the appearances of payback time, that they have demanded this of the government and the government has complied with those who have provided millions upon millions of dollars to the political coffers of the government of Mike Harris.

This is a major step backward. We're into yet another century; we're into the year 2000, closing in on the year 2001. I think when we place people in jeopardy of having to work up to 60 hours a week—I know you say voluntarily, but it really isn't genuinely voluntarily—I think it's a major step backward.

There is apparently a so-called family values coalition within this government. I'll tell you, this is going to have an extremely detrimental effect on the family. If the breadwinners—and very often these days it is both a man and a wife who are the breadwinners in a family; both spouses, the man and the woman in the family, are working. This is going to keep them away from the family. Surely what we need is that contact between the parents and the children, and in fact between two spouses. I consider this to be, then, backward legislation.

Let me say there are components of it that are supportable. I guess that's what's disconcerting. If the government were to split this bill into areas where we in the opposition and I think the general public feel they have a supportable piece of legislation, they would have found that it would have gone through this House quickly, without the use of closure and with the support of the opposition parties. But by putting a hostage in the bill, the hostage largely being the overtime provision, they have ensured that there would be very strong opposition to this particular bill.

So I hope the government will, at the last minute, reconsider. I hope the member for Brockville, himself once a labour leader, or a union boss as he would call him today, would prevail upon his cabinet colleagues to have this legislation reconsidered and reintroduced in a form acceptable to the opposition and the general public.

The Deputy Speaker: Pursuant to the order of the House dated December 11, 2000, I'm now required to put the question.

Mr Klees has moved third reading of Bill 147. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

I've received a letter from the chief government whip: "Pursuant to standing order 28(h), I would request the vote on Bill 147 be deferred until tomorrow at deferred votes." It is so ordered.

LABOUR RELATIONS
AMENDMENT ACT, 2000

LOI DE 2000 MODIFIANT LA LOI
SUR LES RELATIONS DE TRAVAIL

Mr Klees, on behalf of Mr Stockwell, moved third reading of the following bill:

Bill 139, An Act to amend the Labour Relations Act, 1995 / Projet de loi 139, Loi modifiant la Loi de 1995 sur les relations de travail.

Hon Frank Klees (Minister without Portfolio): I yield the floor to the member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to talk about Bill 139, the workplace democracy act. Right at the outset I'd like to mention that I will be sharing my time with a few other esteemed members from my caucus.

Just a few minutes ago we were discussing another bill, which was also a labour relations bill, the Employment Standards Act, Bill 147. The very experienced, senior member from St Catharines was speaking about that and he mentioned the people in the gallery. I'd just like to state for the record there were no people in the gallery at that moment. Just for the record, there are hardly any people here, otherwise.

2100

The Deputy Speaker (Mr Michael A. Brown): On a point of order, the member for St Catharines.

Mr James J. Bradley (St Catharines): Mr Speaker, I know the member would not want to misrepresent what I had said in the House. My point of order is this, Mr Speaker: I was of course making reference to the fact that they were in the gallery previously. If you want—

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

Mr Gill: It is a pleasure to talk about this Bill 139, about workplace democracy. Indeed, a lot of people ask, why are we bringing this bill forward? This bill is a commitment we made to the people of Ontario. This government is known to keep its commitments: promises made, promises kept. The strange thing is that in 1994, about a year before the last provincial election, which was held on June 8, 1995, the Mike Harris government brought out a document called the Common Sense Revolution. A lot of people didn't believe that, but at least the people of Ontario had a chance to review the document for about one year. That is a strange thing in political circles.

The reason I say that is because recently we went through a federal election. The federal Liberal government brings out these red books. I'm sure you're aware of what I'm talking about. Three elections ago they brought out a red book which was 200 pages, a very substantial piece of policy matter. As soon as the election was over, they contradicted themselves. They said, "We didn't say all these things," that were in the red book. A year after that, which was 1997, they brought out another red book, and this time the size had diminished. This size was 100 pages. In the year 2000, that book was brought out consisting of 30 pages. That book was brought out

during the election, so once the writ was dropped there was no clear indication of what their policies were.

Contrary to that kind of political manoeuvring, the Mike Harris government spells out what they intend to do. The people of Ontario have every right to exercise their democratic right and, based on what we say, they have a right to choose who they want to represent them, who are their members. I certainly am very honoured that they gave our government, our party, a second, back-to-back majority on June 3, 1999. It's only fair, having done that, that we fulfill those commitments we made to the people. If we don't fulfill those commitments, people have every right to question us, so all this bill does is fulfill the particular commitments that we made to the people of Ontario.

We made a commitment that we will have democracy in the workplace. We felt that during 1990 to 1995, the pendulum in the labour relations field had swung too far to the left. That we found through discussions with people during our election process, and it was only fair to bring some balance into the workplace. We pledged to strengthen the rights of individual workers to decide whether they want to be represented by a union.

What we are doing basically is giving the individual workers their right, and we're making sure that Bill 139 will keep that pledge. It will help promote workplace stability and encourage investment in Ontario's construction industry. I've said it before: the world has become a global economy, if you want to call it that. In these days of a fluid economy, businesses have every right, based on all the free trade agreements we have not only in North America but all over the world, and business people have every right to set up their shop anywhere they like. We want to make sure, from the Mike Harris government's point of view, that they find Ontario the best place to set up their business, so that our workers get the opportunity, our first generation immigrants who have come here, who choose this country as the best place to work, live and raise their families, get the opportunity where they have the right and they can fulfill expectations of their families.

So we are restoring democracy in the workplace, and we're giving the workers the right to choose whether they want to belong to a union or not. We have no problem with unions doing their unionized drives to organize the workplace. The way we are trying to bring stability to the workplace is that we are saying if you have a union drive and you're not successful, then there should be a cooling-off period.

I think it's only fair that a workplace is not being attacked all the time in terms of the union drives. So there should be a 12-month cooling-off period. At the same time, we want to make sure that the workers have the right to decide whether the same union is the right union to continue representing them. They want to have the right, if they so choose, to change that union if that union, they find, is not fulfilling their demands.

A lot of the time, the workers come in and they belong to a union. We have no problem with that. But a lot of the

time their union dues are going to the union bosses. In fact, I think most of them, and if you go back to the Hansard, you'll see that one of the members even acknowledged that the majority of them—and I see nothing wrong with that—are getting much more money than any of the members sitting right here in the House tonight. I'm not denying their right to have that, but I think the workers who are paying union dues should have the right to know where their money is going and if they're getting the best bang for their buck. It's only fair.

This bill, if passed, will also ensure that workers have the knowledge to decertify the unions if they so desire. As we have said before, there is a lot of pressure on the workers, literally bombardment, where the union organizers come in, day in and day out, and they're trying to organize. That's their right. That is their job. That is their livelihood. I have no problem with that. But the employer literally has no right to come in and let the workers know how not to join the union or, if having joined, how to decertify. So we want to make sure, through this bill, if the workers do want to change their union or decertify that union, that that information is clearly posted in the workplace.

I talked about showing the sunshine on the workers' salaries and every year they would have to report to the Ministry of Labour, and it is up to the Ministry of Labour, if it so desires, or the people if somebody under the freedom of information act wants to find out who's getting what, and then they would have the right. It is no different; it is the same as the Public Service Act, where if the people in the public service are getting more than \$100,000, then it should be disclosed to the public and people should know that.

In terms of first contract agreement, let's say the people who are joining the union have a vote. What we are saying through this bill is, if passed, if they reject an agreement, it should not automatically mean that the people want to go on strike. That should be a separate vote. A lot of the time when they are negotiating, and it's standard terms of negotiations, they might want to reject a contract, but that doesn't mean they want to go on strike; maybe they just want to go back and try for a better contract. So that's sort of a right we're going to be giving to the union.

I know other esteemed members want to share some time, so I will leave it at that.

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Mr Dominic Agostino (Hamilton East): I'm pleased to join in the little time we do have tonight. I plan to share my time with two of my also esteemed, and at times steamed, colleagues, the member from St Catharines and the member from Windsor—

Interjection.

Mr Agostino: Windsor West, thank you. I was going to say Sandwich. That's the other riding.

Hon David Turnbull (Minister of Transportation): Are you the esteemed one?

Mr Agostino: No, I'm just a steamed one.

This legislation in front of us tonight, the second phase of our debate on Bill 139, an amendment to the Labour Relations Act, is part of the ongoing volley of attack that has occurred on the labour movement across this province. Let's look at the background. Let's look at how the minister chose to introduce this. First of all, and it says a lot about them, the setting the government chooses, because the symbols of everything this government does are important. Remember the big box of syringes and the picture of the person shooting up behind the minister when they did the latest round of hot-button politics? What you do is not by accident. You choose your spots, you choose your events, you choose your photo ops quite well, effectively to send out the message you want to send.

Let's look at the message you sent out when this bill was introduced, Bill 139. Remember, it was held at a luncheon at a hotel downtown, basically with employers and management labour lawyers. Basically what you had in the room were employers and lawyers who made a living out of representing management, which is not a bad thing. That's a job. That's an honourable profession. But you chose to introduce the legislation to that group there. That's where you chose to unveil this piece of legislation. I was there and my colleague from Hamilton West, as the NDP labour critic, was there as well. We were allowed in the room—we had to stand at the back, of course, and politely watch the minister give his speech. But many other people who wanted to hear couldn't get in and who wanted to get into the press conference couldn't get in.

So we do this and then we move into another room where the minister does his little private press conference. I remember one of the first questions that was asked of the minister when this bill was brought in was, "Who really asked for this legislation?" He hemmed and hawed and said, "Well, business did." OK, he was quite honest about it. It was a business piece of legislation. Then the minister was asked to give specific examples of what brought this about, what the problems were in the workplace that necessitated bringing about this piece of legislation. After about two or three minutes, the minister couldn't give an answer, so one of the reporters asked, "Maybe the Wal-Mart certification drive?" and he said, "Yes, yes," but then he was reminded that he had already brought in a bill to deal with that. Clearly there is no question that this is a made-for-business piece of legislation.

Let me just read you something. I'll take a quote from an article in the Hamilton Spectator. I know the gentleman well—a prominent businessman, someone I certainly know in the city of Hamilton—Shawn Chamberlain, president of the Hamilton and District Chamber of Commerce. He was "enthusiastic." I'll quote what was said by the president of the Hamilton chamber of commerce about this piece of legislation. "This is pretty much everything we asked for. It's true there's nothing in here for labour." That says it all as to what has driven this legislation. So clearly this was not legislation to help.

You listen to the parliamentary assistant to the minister and he talks about workplace democracy, he talks about choices for workers, he talks about options for workers, he talks about choosing the union you want. This is a wish list from Bay Street. This legislation was not drafted in the Premier's office or in the cabinet room; this was drafted in the boardrooms on Bay Street and handed over to the Premier at one of the fundraising dinners. He handed it over to the Minister of Labour, and the Minister of Labour's marching orders came in and brought this legislation. That's where we're at today.

Again let me remind you, and I know it sounds like a familiar tune with this government, but once again, this piece of legislation has not had one single moment of public hearings. Not for one second has this bill been presented to the public for feedback. The last piece of legislation basically affected five million non-unionized workers. This piece of legislation that follows not only makes it difficult for those five million folks to get organized and unionized, but then it makes it easier for unions to be broken up and it makes certification drives much more difficult.

I'll just read part of another article in the Spectator. It says:

"Under changes to the Labour Relations Act, which Minister Chris Stockwell unveiled to a seminar of employers yesterday, it will be easier for them to fight union organizing drives and harder for workers to start such campaigns.

"The package, Stockwell admitted in a later interview, was designed exclusively for the interests of employers and contains none of the proposals to the act submitted by labour leaders during a ... public consultation process in August."

So in August you went out with this white paper and selectively spoke to some people, you spoke to some labour folks. They gave you a whole bunch of different ideas to put in the bill. You totally ignored anything they said, but you put in everything that business wanted, and then once you put that bill here, you didn't take it back out to them and ask, "Now what do you think?"

This is a joke. It's an absolute joke to suggest that this bill has had any kind of significant public consultation. You talk about democracy, and this is supposed to be workplace democracy. This is so undemocratic, how you've rammed this bill through the House. You had a couple of hours on second reading. We had 20 minutes at committee to deal with some of your amendments. You're here for two hours tonight, and that's the end of the bill. You've brought closure in. This is one of the 64 closures that my leader, Dalton McGuinty, talked about today. You've brought it in for this bill, and as of tomorrow afternoon at 1:45 or 2:00, this bill becomes law. This is ironic, and I use that word because parliamentary decorum does not allow me to use other words to explain how, clearly, this is not workplace democracy; that is the last thing they want to talk about. There isn't democracy in here, and this bill certainly doesn't allow democracy in the workplace.

When you look at some of the specifics, it's cute. The salary packages of union leaders exceeding \$100,000 are to be made public. Well, big deal. I have not heard one union leader across this province criticize that part of it. That's great. Most of them, you'll be surprised to realize, don't make anywhere near \$100,000, certainly nowhere near what a cabinet minister and nowhere near what an MPP would make had your 42% increase gone through the House.

Mr Bradley: Or the assistants to the ministers.

Mr Agostino: Of course, or the senior staff in the Premier's office and the minister's office; they got a whopping 33% increase.

You'll be surprised to find out that the union leaders certainly make nowhere near that amount of money.

Interjection.

Mr Agostino: I've got to explain this to you. This is interesting. The Minister of Transportation talked about a \$2,000—

Hon Mr Turnbull: This is the guy who wanted \$200,000.

Mr Agostino: I'm glad to have the opportunity to clarify this. At the Board of Internal Economy, the Minister of Transportation talked about a \$2,000 amount that was allowed for members to claim on their global budget for events in their riding. Let me remind the member that the motion was moved by Mr Doug Galt, the member from Northumberland on the Tory side of the House, and the record of the Board of Internal Economy shows that. I wish the Minister of Transportation would read that before he gets up and makes comments such as that, that he knows are inaccurate once again.

Interjection.

Mr Agostino: I'm glad the Minister of Labour has finally come out of the bunker and is going to join us for the rest of the debate here tonight. Welcome, sir.

When you look at this piece of legislation, they talk about democracy and fairness. Employers will be allowed to post notices in the plants outlining the process for decertifying a union. When you look at it, what they are saying is this: if you're a unionized shop, what happens is that the employer will then be allowed to post in a public way—maybe big four-by-eight billboards with flashing lights, whatever the government chooses as appropriate. But the employer will be able to put out notices on how to decertify. They talk about fairness and balance. We've said to the government a number of times, "If this is fair, then would it not be fair?"—

Interjection.

Mr Agostino: I'm glad my colleague is heckling me.

Interjection.

The Deputy Speaker: The member for Windsor West, come to order.

Mr Agostino: Speaker, thank you for bringing her to order.

Would it not be fair, if you allow the decertification notices to go up, if this government then mandated that where there isn't a union, you would allow the certification notices to go up as well so non-unionized workers

would know what the process is for getting organized? That would be fair and balanced. But of course you won't do that, because your business friends don't want you to do that. That's not balance. That's simply catering to the whims of big business, which caters to this government's fundraisers, comes to their events, buys money, lobbies them and, frankly, tells the government what to do. They listened to their marching orders once again with this piece of legislation.

Then they say that unions negotiating their first contract now will be required to hold separate ratification and strike votes. What you're saying to union members—they talk about unions and union bosses. That is what this is all about, according to the government. The reality is this: this legislation impacts working people and working families. When you bring in this kind of legislation, you don't attack union bosses, as you call them. We call them union leaders; we call them people who get elected democratically by their members to represent their workers.

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Do you know what? You make their jobs easier by beating up on workers so much because the need for them is even greater. What is sad is that you're attacking working families and working people. These are the people you're impacting with this piece of legislation.

What they're now saying is that members become unionized, they negotiate and they go to first contract. The biggest weapon a union and the members have is the ability to strike. That is the balance of power, to some degree, that you have, that you can strike and hurt the employer that way if there's not a fair, negotiated agreement. What the government says now is that on first contract, you have to take separate votes. So you take away the ability to give the clout the union needs to continue to negotiate, because what is there left to negotiate? What you're saying is, reject the contract. OK, let's go back to the bargaining table and go on for ever and ever because you're now going to take away the right of a strike vote on the first contract.

Then, you look at some of the other bizarre—this thing has so many nutbar, wacky ideas, you wonder what southern state they dug it up out of because surely it's not progressive labour legislation in Ontario.

There's a section in there when it comes to municipal sector contracts, hospitals, public sector contracts, where they're going to allow greater opportunity for non-unionized companies to bid for jobs. What's going to happen now is the opportunity for companies to come in and pay lower wages, have unsafe working conditions, lower benefits. They're going to be able to come in and undercut the ability of workers who are represented by unions, and instead of driving people or driving wages to a point of better wages, better working conditions and better safety, what you're doing is you're going to drive to the lower denominator here.

So a company comes in. Of course they can pay lower wages and have fewer benefits and fewer concerns about safety. Sure, they may outbid a unionized company, but who benefits from that? How does the worker benefit?

The government and the minister make an argument that this is intended to save taxpayers' money. The minister says, "If it's a school or a hospital, it's a saving to taxpayers, so they get a lower deal." That's a phony argument but put that aside. Not only have they included municipalities, hospitals, universities and schools, but they've included banks. Banks are now protected by this, those poor corporations that are hurting, those banks that are only making \$2 billion or \$3 billion a year of profit. They now are protected by Premier Harris and Minister Stockwell when companies come in and bid for their contracts. Those poor banks need the help of Mike Harris. They're crying out for help. They're desperate. They're not charging enough for user fees. They're not charging enough to the average person who has to wait in line or go to a bank machine to withdraw their money and they get charged \$1.50 or a \$1.25. Those banks are not making enough money. They need Mike Harris to protect them, or is it that Mike Harris needs them to spend \$25,000 a table at their fundraising dinner? Is that maybe what's driving this?

Maybe someone can explain to me why banks should be included under this umbrella of municipalities. When was the last time banks used taxpayers' dollars to expand or grow? They can use the billions of dollars they're making in profit. They don't need the protection of this government. Protect the consumers, not the banks. But consumers don't come to your fundraisers. They don't lobby you, but the banks do. That is the most bizarre part of this legislation and if the government was serious—

Interjection.

Mr Agostino: Somebody said, "No, it's not." I would appreciate one of the members who's going to speak for the government sometime this evening explaining to me why banks are included in this category, what rationale there would be for including municipalities, hospitals and school boards.

Mr Bradley: Big donations to the Tories.

Mr Agostino: Absolutely. As my colleague for St Catharines said, big donations to the Conservative Party. Some \$25,000 a table. You're sitting in circles of 10, the inner circle of the fundraising club at \$25,000 a pop and then you get protected by this government.

This is nothing more than another attack on working families, on working people across Ontario. It is a big business agenda. It's an agenda that is made by Bay Street. This clearly is a wish list for everything that Bay Street's asked for, for everything big—I'm not surprised. I understand. The Ministry of Labour is here and in many ways I feel for him because he's a man of great integrity, but I understand that he doesn't call the shots any more in labour. That's the problem. The problem is that the minister no longer has control of the labour—the old Chris Stockwell, the old Minister of Labour, would have stood up to the Premier and said, "No, this is wrong. We're not going to do it," but unfortunately, Guy Giorno and Mike Harris, give the minister the marching orders. The minister comes and marches into the Legislature and they say to him, "If you don't agree, we're just going to take away the keys to your limo."

It's unfortunate the minister has to choose between the keys to the limo and bringing in this regressive legislation, because I know in his heart of hearts he believes this is wrong. I know he's a fair man and would never, of his own will, bring this in. It's unfortunate that Mike Harris has forced the minister to capitulate and bring in this anti-worker, anti-family legislation.

This is bad legislation. This is legislation that does not help working men and women, that does not help working families across Ontario. It surely does nothing more than help Mike Harris' corporate friends.

One final note tonight that is even sadder: this allows a greater opportunity for non-unionized work sites, for non-unionized construction sites, and we know what the track record is. Let me remind this government again, on a very sombre note, that last year, out of 20 people who died on construction sites across Ontario, 18 were non-unionized sites. That is not an opinion; that is a fact.

Hon Chris Stockwell (Minister of Labour): Where is that report, by the way?

Mr Agostino: If the Minister of Labour wants to doubt that, maybe he should speak to the families of those 20 dead men who died on construction sites across Ontario last year and ask them where that report is. Ask them why their husbands or fathers or sons died on a construction site last year—18 out of 20 in non-unionized construction sites. I challenge the Minister of Labour to come in with information that doesn't show us that 20 men died last year, and that 18 of them died in non-unionized sites. Show us that.

That report is in the hearts and minds of those 20 families who lost a husband or a son or a father, and if the minister wants to question that, go ahead and question those families. Tell them it's wrong. Maybe they imagined their partner, their husband, their father or their son has died. Maybe they just imagined that.

That is the sad reality, part of what this legislation is going to contribute to. It is not a proud moment tonight for this Legislature. This is the second piece of bad, anti-family, anti-worker, anti-working people legislation they're bringing in tonight.

They're going to win the vote tonight. They won the previous vote. They'll win the next vote that comes in. They'll ram through, in the next two to two and a half years, whatever they want. Fortunately, in two and a half years those 5 million working people who are affected by the first bill and the millions of working people who are affected by this bill, the millions of working people who are affected by those two bills, are going to get a chance to speak. I tell you, they will send a clear message to this government. They will send a message that's loud and clear that you can't go on and attack working people in Ontario.

You'll get away with it for two and a half years, but I'm telling you, they will pay a hell of a political price at the ballot box in two and a half years. That will be the revenge of working people in this province. Two and a half years, we get rid of these guys, and help will be on the way with a Liberal government.

Mr Bart Maves (Niagara Falls): It's a pleasure for me to rise tonight and speak to the legislation at hand. I was engaging a little bit with the members opposite before we came on camera. They're disappointed about their loss in the last election, lamenting that defeat, and not remembering what percentage of votes they had and we had. They were off on their numbers, as is their wont, as they usually are when they're talking about any numbers at all.

I want to address the member for Hamilton East who got up and did his usual rant about a government bill and not being able to find, he claims, anything that makes any sense in the government bill. If anyone ever wants to go back and look at this member's speeches over the years, you'll find pretty much the same rhetorical lines used over and over again about every single government bill, whether it be labour or education or health or anything else. We're familiar with the rant. One of the comments he made was, "Why would banks be included in the provision"—there's a provision in the legislation that says many municipalities now that have used unionized construction in the past under this bill will no longer have to be stuck with those provisions and be forced to use union labour only.

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Mr Agostino: Talk about the banks.

Mr Maves: I'm going to talk about the banks, I say to the member opposite. Stay in your seat tonight, please.

Municipalities and school boards are the people we talked about in this legislation. Most often the minister talks about the fact that through using, once or twice, some unionized labour, all of a sudden that school board and that municipality forevermore has to use unionized construction labour workers for anything. This minister has said no, that's not fair. Their principal—the member opposite is not listening. He asked for an explanation and he's getting it; he's not listening. The municipality's and the school board's principal function is not construction and they have no opportunity to be a party to the negotiations of labour-wide construction agreements. That's the construction companies, the construction employers and the construction unions and that school board and that municipality have no chance of being involved in that negotiation process.

Similarly, banks in the past, in effect—I know the TD bank happened to use some unionized labour to do some very minor renovation work. As this went through the Labour Relations Act—the member opposite is starting to pay a little attention—the labour board, I believe it was, ruled that forevermore that bank had to be bound to using, in any construction work they did in the province of Ontario, unionized labour. If the principle involved here—I know the member opposite has a problem with that; it doesn't necessarily have anything to do with banks, because there are other businesses involved in this. For instance, the Second Cup Coffee Co went out and used unionized labour, and all of a sudden they were caught. They had to use nothing but unionized construction labour on any job they did.

We said fundamentally this is unfair; this makes no sense. As I said before, the Second Cup company is not party to province-wide negotiations on construction agreements, so why would they be bound by those construction contracts and be forced to use unionized labour forever more? They shouldn't be, clearly. It's one of the most logical, obvious, straightforward parts of this bill, yet the member opposite likes to engage in the rhetoric of, "The banks are bad people and people don't like banks because they don't like user charges." That's not the point. It's got nothing to do with the fact that it's banks. We could have talked about the Second Cup company or any other company whose principal business is not construction.

The member opposite has totally ignored what I've told him. He asked for an explanation and I gave him a very thorough and clear explanation. He hasn't paid any attention to it. It's not surprising.

Again, for the folks at home who did happen to pay attention, if your business is not principally a construction business, you are not bound just by the fact that you perhaps hired a unionized electrician to come in and do some work or a carpenter to come in and do some work in your company. You are no longer forever bound to use only unionized labour. It's common sense. I think people listening at home and the average Ontario citizen can certainly understand that, and I'm sure does.

Another part of this bill is the sunshine law. We already have sunshine laws on paying benefits for the public sector, the Public Sector Salary Disclosure Act, and large companies. Publicly held companies have to disclose salary and benefit packages for their managers. This follows along the same lines, where this act will require the disclosure of annual salaries and benefits over \$100,000 of all officers, employees of parent and local trade unions in Ontario, as well as teachers' associations and employee associations in the fire, police and college sectors.

I remember a few years ago Mr Gilchrist brought forward a bill, a sunshine law that if publicly traded companies were subject to this and the public sector came under this sunshine law, surely it was not a problem if the labour unions were also subject to this. After all, once you become a member of a labour union, why shouldn't you have a right to have full disclosure of the salaries and benefits of the managers in your union, that you're paying? The members opposite quite often say it's not necessary because they already provide that disclosure. Then they shouldn't have anything to worry about, is the response to that. This law will cover anyone when they don't have that opportunity—

Mr David Ramsay (Timiskaming-Cochrane): On a point of order, Mr Speaker: I just wanted to see if you thought we had a quorum.

The Speaker (Hon Gary Carr): Could the table check for a quorum, please.

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Speaker ordered the bells rung.

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

The Speaker: The member for Niagara Falls.

Mr Maves: It's actually kind of awkward speaking to empty benches across the way. I'm glad some of the members opposite are now filing back into the room. After a certain amount of time you get used to the heckling from across the way. When the benches are empty and there's nothing coming over, sometimes it's a little disconcerting. So I'm glad some of the members are now coming back on the other side of the floor.

What other parts of this bill are important to note? There's a decertification provision where right now members of a union, if they're unsatisfied with that union, can decertify. They can only decertify in a very narrow window, a 60-day period at the end of, for instance, a three-year contract. We're widening that window by 30 days. Some of us on this side of the floor might think that should be an even wider window than a 90-day provision at the end of a contract, but the minister has agreed to widen that window a little bit. Perhaps it's an odd occasion, but for those employees who are dissatisfied with their union and do want to decertify, they should have an opportunity, ample opportunity, to do so. It's only fair and it enhances their democratic right to belong or not belong to a union in their workplaces.

Another part of this bill which I think is rather important and maybe gets short shrift is a one-year bar. Right now in a workplace if a union comes in and attempts to organize a workplace, they have a wide scope of things they can do. They try to talk employees into signing certification cards and then ultimately, if there's a vote, into voting in favour of a union. They have a wide scope of how they can in effect lobby those workers to become members of the union and vote for a union in that workplace. The problem with that—it's not a problem that someone tries to unionize a workplace; we're not trying to stop that whatsoever. But one knows that the practical effect of a union drive is a little bit disruptive to a workplace because you have outside agents coming in and trying to organize. The employees may not want anything to do with it, but those paid union organizers are there on a regular basis trying to organize a workplace and it's somewhat disruptive. The employer is very nervous and there are very tight restrictions on employers in Ontario and what they're allowed to say to their staff when they're under a union organization drive. It's a very difficult time and I think anyone, whether you're an employee or an employer, would talk about the difficulty, the great deal of tension that can exist in the workplace when there's an organization drive.

What we've said in this legislation is that basically you can only attempt an organization drive once in a 12-month period. So if, I don't know, CUPE 100 goes out and tries to organize a workplace and for several months they're trying to sign up cards, they get enough to take it to a vote, they go to a vote and they lose the vote: the workers decide no, we don't want that union or perhaps any other union in the workplace. Then presently, the

very next day, CUPE 101, the local in the next town, could begin an organization drive and start the process all over again. That tension in the workplace continues. Again, after that vote is carried out, after CUPE 101 loses, I believe there's nothing stopping CUPE 102 the very next day from again beginning that process. Eventually, those employees might just be worn down and say, "I give up. I'm going to vote for the union."

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That's not really the way the democratic process should work. We believe that if someone comes in and does a union organization drive and they abide by all the rules and try to educate the workers as to the service they want to provide as a union, and the employer says the very limited things that he or she is allowed to say when there is a union drive going on, and then a vote is held and that vote is in the negative for the union and they're not successful in organizing that workplace, then for a year after that, no union, whether it be CUPE 101 or 102 or an OPSEU union or somebody else, can go in and attempt to organize that workforce. That's for one year. After that, anyone can come in again and begin the process all over again and try to organize the workplace.

This is just bringing fairness to the workplace. It's bringing democracy to the workplace. Two sides had their say, they had a vote and the vote is finalized, and then there is a 12-month period until someone can attempt to organize that workforce and have a union in that workplace. We think that's inherently fair. I think it's inherently logical. The members opposite will engage in their rhetoric and tell you why it's an attack on labour and a wild and crazy scheme, but I think it's eminently reasonable.

From 1995 to 1999, most of our legislation, we believe, was very reasonable and sound, and the members opposite, for every piece of legislation we brought in, would usually go on and on about, "The sky is falling," and how it would be a terrible piece of legislation and there would be work stoppages throughout the province, and of course the opposite has happened over the past five years. I believe the comments from the members opposite and their dire predictions about the world coming to an end and the economy in Ontario coming to an end will not come true. So I'm happy to endorse this bill and congratulate, in fact, the Minister of Labour for a lot of the hard work he did on this bill.

Mr Bradley: I wish to speak in opposition to this piece of legislation this evening. Again, I think the main reason most people in the province would find it to be not supportable is that it is not a balanced piece of labour legislation.

A classic example of this is the provision about the posting of whether one can eliminate a union or not, and the word we use is "decertification." It's something I think is very concerning to members of the trade union movement. What the people in the labour union movement look for, as well as others, is balance in the legislation.

If there is one general critical analysis one can make of government legislation, it is that it hasn't been bal-

anced. So many of the bills this government presents do not represent a balance of opinion in the province. If you are from the corporate sector, if you attend the huge fundraisers—you don't, because you're independent as Speaker at this time, Mr Speaker, but you must read in the newspapers of the huge dinners they have for the Premier. I know in Niagara it's a sellout all the time. They have it at the Parkway complex in St Catharines, now the Ramada Parkway. They have the Premier's dinner, and the member for Niagara Falls is there and the member for Erie-Lincoln, and they sashay around looking important at the dinner, and everybody bows at the feet of the Premier as he goes around. They want to touch the cape almost.

I can tell you that many in that crowd would like this legislation. They don't want a balanced approach. But there are a lot of people out there who do want a balanced approach to legislation. So when the government says you must post in every workplace how to decertify a union, then one would anticipate, if there were balance, that they would post in the workplace how to certify a union. That's fair and that's balanced. I don't think people could complain if you would do both. Either you do neither or you do both. But what the government has chosen to do is very provocative in that it says you're going to post how to decertify a union in every union workplace. That is provocative. There are some people who I think are quite enlightened out there in the field who say, "This government is toying with disrupting the province again."

You would be familiar with the peace plan, as the—I almost said "Premier"—Leader of the Opposition, Dalton McGuinty, introduced it. It was a plan to bring stability and peace back to education, because one of the major problems in education now is, in fact, labour relations. There have been times in years gone by where there was concern about certain labour challenges that have been made by one side or the other in the field of education, but by and large those have been ironed out. There was never an opinion that a government was particularly picking on the education community.

We see in that specific instance a genuine feeling among members of the teaching profession, and I think among many trustees, that the government of Ontario was looking to pick a fight. Of course, you can pick a fight if you want to. The purpose of that is to divert attention from other issues. Major environmental problems that exist in the province, health care problems—virtually any problem that can exist in the province is often overshadowed when the government picks a fight with one particular segment of the community or another.

Just as we have proposed a peace plan to bring stability back to education, to bring some certainty back to education, to make people feel as though they are wanted in the field of education—because genuinely, most teachers I know are not interested in engaging in the political process on an active basis, on a daily basis, and would prefer to worry about and concern themselves with the progress of the students for whom they have a specific responsibility.

The government will reject that. The Minister of Education shouts across, as some people do in the House from time to time within the tolerance of the Speaker of the House. Her answers are sharp; her answers are confrontational. I would have thought the government, as it has in some other cases—and I compliment the government when it does this—would have stolen the idea. Maybe when the session is over, so they don't have to give credit to Dalton McGuinty or the Liberal caucus, the government will think this over and decide that's a way of solving the problem.

You will remember some of the promises that were made in regard to the hiring of nurses in this province. When the Liberal Party made a commitment, Mike Harris would take that commitment, add some to it and then, of course, claim it as his own. That's OK. I don't mind that in the process; I really don't. I think imitation is certainly something that one can be proud of, when somebody takes an idea from the opposition and implements it as government. We had an example today. Rick Bartolucci, the member for Sudbury, brought forward a bill to deal with child prostitution. The government took the bill, or at least a portion of it, called it its own bill, and will proceed with it sometime in the future. There's nothing wrong with that. I can be critical of how long it took, I can be critical of the fact that they simply didn't pass the Bartolucci bill, but I would rather be positive about it and say they took an idea from the opposition and implemented it.

The problem we have with the labour legislation is that there is an agenda there. I'd like to think there isn't. I'm not one who deals in conspiracy theories, that somehow people are out to get people, but quite obviously this government is heading in a direction which will produce labour confrontation in this province. That may make the Premier happy, to know that he can fight with somebody else other than individual members of his caucus, but I don't think it's productive for this province.

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What I'd like to see is a more moderate stance taken by the Premier. That doesn't mean the government can't implement policies. It simply means that the government does so in a balanced way, in a more consensual way, rather than a confrontational way. Ultimately decisions will have to be made, but what's important as well is if the people who are directly affected by these decisions feel they've had their day in court. As I mentioned with an earlier labour bill, one of the problems is that, as with this bill, there are no public hearings of any significance at all.

The process in this House is breaking down. Today we had a member, one of the Acting Speakers, who resigned his position in the Legislature this afternoon. I know him to be a person who is very committed to the field of dealing with poorer people in this province, people who are disadvantaged in terms of their economic status in this province. Seeing the government attack this particular group time and time again and seeing the government utilize the tool of cutting off debate, the closure of

debate—they call it time allocation here—for the 64th time today, is obviously going to tell us that our Legislature is not working as it should.

I have been expressing this view for some period of time, that almost on a yearly basis, the powers of individual members of this Legislature are eroded by people in the backroom who want to make it easier for the government to get its legislation through. The member for Grey-Owen Sound brought a bill in today. He talked about his concerns with the democratic process. He wanted free votes in the House. I can assure him that will not happen because Guy Giorno will not allow it to happen, and he knows that.

Nevertheless, what's as important as the bill itself is the expression by the member of his concern as an individual in this Legislature that an elected official has eroded power, compared perhaps to when he was first elected to the Legislature. We've seen this with the continuous rule changes. That always makes editors say to the people who are here at Queen's Park covering it, "People don't want to talk about rule changes." That's why procedural rules are easier to change, but they mean so much to this Legislature.

Some day those on the government side will be on the opposition side. That's something that's almost inevitable in democracy and they will understand better what happens when you change those rules, just as the election rules were changed to favour the governing party, just as the rules for making contributions to political parties were changed to allow corporations, unions and individuals to make larger contributions to individuals and parties, and to spend more during a campaign and to exempt more from campaigns.

My concern is that with the changes in the rules, with the utilization of those changes to the advantage of the government, the Ontario Legislature has become a much less relevant place today than when I entered this Legislature in 1977, when the Honourable Russell Rowe was the Speaker, succeeded by the Honourable Jack Stokes who passed away just this year.

I know my colleague from Windsor West wishes to offer some observations on this piece of legislation. I think she will come to the same conclusion I have, that it simply lacks the balance you need in labour legislation. That's what makes things tick in Ontario. That's why the Davis government and its predecessors, the Robarts and Frost governments, were successful in this province. They understood the meaning of the word "balance" and they understood the meaning of the word "fairness," so that even those who disagreed with the government and did not vote for it at election time felt the government was at least prepared (a) to listen, and (b) to accept some of the suggestions of those outside the confines of the Premier's office.

With that, I will relinquish my time and allow someone else to speak.

Mrs Sandra Pupatello (Windsor West): I am happy to speak once again to this bill. I guess my greatest concern is, as the Minister of Labour passed through the

House earlier and said, "That same old story again." What has transpired between the second reading of this bill and the final reading of the so-called workplace democracy bill he brought into this House is that nothing's changed. Nothing happened between second reading and third reading. Ordinarily we would have had public hearings. Ordinarily we would have gone on the road to talk to various communities, and in those individual communities, various groups representing all the very many facets of a community: labour leaders, employers, everyone who has something to say about the workplace.

That did not happen. There's some so-called white paper. I remember when the Minister of Labour snuck into my riding with no advance notice to the local member. Of course it was during constituency week and we were hardly able at the drop of a hat to be available all day to listen. But he came to Windsor and he got an earful, because despite very little notice, people in my community said, "This stuff isn't any good. This isn't stuff we asked for or is helpful to us in the workplace." So we asked the minister again, as we did on an earlier bill tonight, who brought this forward? When the minister was asked this by the media after its introduction, he couldn't answer the question, only that once again the Premier's ear was bent by the corporate community to say, "Here are more things you can do to try to union-bust."

It would be interesting to see a member like Chris Stockwell come from a community like mine, where even in Windsor West, my riding, which is probably known by most of the members of the House as quite a union town, there is not a large percentage of our workforce that's unionized. There's quite a bit of it that is not unionized. Those that are not, that don't have a negotiated contract that sets out what those working conditions are going to be, are wholly reliant on what the standards for employees and employers are according to acts of Parliament.

That's when this kind of information becomes quite relevant. This clearly is about whether you can or cannot organize a union in the shop. We see in this bill, all of a sudden, that we now we have information that forces them to post on a bulletin board, in a unionized shop, how to decertify. It probably outlines the parameters of that kind of notice: an 8½-by-11 sheet of paper. Does it talk about how many inches in terms of height the text has to be? I ask all the silk suits sitting behind the benches watching—this silk suit right here who is probably making more money than most of us sitting in the House—did you come up with this creature in this bill?

Why, in the same breath, if it's about democracy, are we not posting information about how to unionize a workforce? Why do we just need to talk about how to decertify the union, if you want to be fair, this so-called workplace democracy?

What about this sunshine law for the union leaders? Have you not heard the stump speech by Buzz Hargrove? Everyone else on the planet has. You could just buy his book. He talks about how much he makes for a living. He's over \$100,000. He's outwardly talking about—

The Speaker: Sorry for the interruption. A point of order?

Mr Wayne Wettlaufer (Kitchener Centre): On a point of order, Mr Speaker: The present member speaking should be directing her remarks to you, not to a member of the gallery.

The Speaker: The member, I'm sure, knows that.

Mrs Pupatello: It's Anthony in the silk suit in the back, who is actually enjoying this. He doesn't get that kind of notoriety, seeing as he's probably put pen to paper to devise the language in this bill and probably makes more money than Buzz Hargrove. But back to my point: Buzz Hargrove tells the world how much he makes for a living. Do you know why? Because he's proud of the fact that he makes that much money. Do you know why? Because he works hard for everything he does on behalf of the CAW. He doesn't need a sunshine law in this bill to tell people how much he makes. He's proud of it. Moreover, in a democratic union like the CAW, they have every right to toss him out of his position if they don't like the work he's doing. That's called democracy. That is something this government knows very little about.

We used to watch Chris Stockwell. We recall that even in my early days, which were only in 1995, the first year I was here, Stockwell used to be seated at the far corner of this Legislature and he used to be one of the most flamboyant speakers, outspoken even against his own party if required. But boy, have things changed. There he is jumping on the wagon of the Premier, getting pulled along by the nose. You put the facts in front of him and say, "Hey, you're the Minister of Labour. You're the one who's supposed to be looking out for employees in this province. What are you doing listening just to the corporate community? What kind of responsibility is that?" That's the thing that I guess rubs me in the worst way, that of all the cabinet ministers in this government, there is one who's assigned to look out for employees, one who's assigned to say for everybody who works in Ontario who's beholden to the acts of Parliament for the kind of workplace conditions they're going to have. It's the Minister of Labour. He's the guy who pounds the cabinet table to say, "Hey, wait a minute. All those business ministers, all the ones who are out for corporate Ontario, how does this affect people who work in Ontario?" He's the guy. I ask the cabinet ministers who are here in the House, how many times has this labour minister stood up and said, "Hey, wait a minute. Let's see what kind of effect this is going to have on employees"? I'll bet he hasn't said it once.

2200

Here's the guy who used to just be the rogue of the Conservative Party, the bravado, the big, flamboyant Speaker, even against his own party when need be. As a Speaker, the current Speaker will well remember, he often chastized the Conservative Party, as has our current Speaker, for behaviour that is not befitting a government. But now there he is just jumping along like the rest of them, not doing what he knows is right, so that what? He

gets the driver and he gets the added income of being a cabinet minister. I don't know how much that is worth. The fact is that if one individual is hard done by because of his legislation, that's his responsibility.

So we go back to the detail of this workplace democracy, the two that are so strikingly anti-union, and we have to ask the question, in all the time that this party has been in office we have had unprecedented economic growth. We have had, by and large, a very good economic boom, yet in the same breath we have had more workplace unsettling because of the government meddling in their affairs. We had days of action, we had labour protests from the day they took office in 1995, just one torrent of bills, one after another, that were only there to slam the labour movement—not because it needed to be done; we were in economic prosperity. Only now, after five years, are we starting to see a slowdown that way. When you see posted signs everywhere for help wanted, when employers at any time in the last five years since I've been in the House actually have to improve working conditions in order to keep their employees, here's a government, that's supposed to lead in the field, actually working against the tide.

I ask the members opposite who stood to speak to the bill to tell me something that actually is good that comes out of this bill. Here's the second labour bill that we're talking about tonight and there isn't a thing we can find inside that actually belongs to the employee community that said, knocking on the minister's door, "This is what we need to make it a better place." Of all the things this labour minister could have done to look out for injured workers, of which my riding has many, and he talks about some fancy new title for workers' comp. In the end, you know what it is? It's workers' comp. It's slow and it's grinding and it's bureaucratic and you don't have enough people there to help injured workers get their cases through on time. In my community, with all those other added features of what this government has done to our health system where I come from, an individual, for example, an injured worker, can't move forward on their case without a doctor's certificate. Guess what? We don't have enough doctors, and these injured workers can't get their application in because they can't get them signed by a doctor.

Of all the other things that this government has done to affect my community, it all comes down to an injured worker who can't even get his application processed because he doesn't have a family doctor. But that's not this minister's responsibility. He has been busy answering to the corporate community. This is what is just so telling about the government, that if there's any member out there in that cabinet who should be looking out for employees, it's that one. It's that one, who dares to come to my community with a white paper and ask their opinion. Every single one, without fail, told him, "No, we don't like it. We don't agree with it. We don't see the value of it." None of that information has appeared in any of the labour bills.

We say again, do we need to buy fundraising tickets to the Mike Harris dinners in order to have a bill placed

before the House to benefit that particular group? That's the only thing that drives the government. It's all about money, and it's all about money to the Conservative Party. Based on the amount of money you spent in the last election, you should have won a much bigger win than you did. That should give you a moment of pause.

That's all we have to say about this particular bill. I am very happy to be opposed to the bill and I look forward to the day that there might be some kind of enlightenment when it comes to looking out for employees in Ontario. The people who drive Ontario ought to be better taken care of than under this regime.

Mr David Christopherson (Hamilton West): The first thing that comes to mind when I think about this bill is the presidential debates, where the one candidate turned to the other one and all he had to say was one simple line. He said it two or three times, and they were major knockout blows. That was, "Here we go again." That's exactly what we've got here: "Here you go again."

Interjection: "There you go again."

Mr Christopherson: You guys know your quotes good. All right. "There he goes again," was probably the exact quote. It was Reagan and Carter. I didn't want to mention that I was quoting Reagan; that's really what I was trying to avoid. However, the point is the same nonetheless. He used that line and it served him very well, and I use it to point out that here we go again.

It was just a couple of hours ago—it's six or seven minutes after 10, six days before Christmas. We just dealt with a labour bill that will negatively impact, in our opinion, millions of people. We had no public hearings. We had time allocation that took us out of debate at second reading and threw us into committee for what was even supposed to be an hour but, as memory serves, because we were late getting to committee and late getting started, ended up being about six minutes per caucus: six minutes for a bill not as long as the ESA—22 pages—but just as devastating in its own way, and it's not the first time. It just keeps happening over and over.

I believe the game plan here, as much as part of your game plan, your communication strategy in the first term, was to overwhelm people with so many wars happening on so many fronts—that never happened before you came into power. We didn't have a health crisis and all kinds of legislation there, an education crisis and all kinds of legislation there; social services, environment, labour. You just had them rolling, rolling, rolling, and there was no time—and you knew that—for people to adequately research the bill, to make a cohesive, intelligent submission to the committee, because the thing was being rammed through so fast. And you know what? Even if they had taken the time, they were never given the opportunity. Twice it's happening today. Twice you're going after workers, going after their rights, whether it's as individuals or through their union. You've got major pieces of legislation, ramming them through.

When I look at who's here in the House right now on the government side—and I won't name names—as I look and I project, because I've been on this side of the

House and I've been on that side of the House, I can just imagine what my friend in the Tory backbenches whom I'm looking at right now would say if we did this.

Mr Wettlaufer: Name me.

Mr Christopherson: I was trying to cover the fact that I didn't know your riding.

Mr Wettlaufer: Kitchener Centre.

Mr Christopherson: Kitchener Centre. Sorry.

Interjection.

Mr Christopherson: Well, I was trying to do him a favour. The Christmas season is getting the better of me.

I know what you would do if you were dealing tonight with a second piece of legislation that really spoke to you in a serious way. I don't know what that issue might be because I don't know you that well, but it's not hard to imagine that someone like you would feel strongly, emotionally, about the fact that there were major pieces of legislation being put through and the public wasn't getting a say and you didn't get a fair shake as an opposition member. I can just imagine you going totally apoplectic. Me, and the way I am in this House, I would be the poster boy of appropriate behaviour compared to the way you would be if this happened, and that goes for you too, O'Toole.

2210

I want to reflect on—and it's already been mentioned by my colleague from Hamilton East, but I want to mention it anyway because it needs to be underscored and I was the other person in this House who was there and I want my evidence, if you will, to be in the Hansard also. It was at the Toronto Convention Centre. We weren't invited. The Minister of Labour didn't notify us that he was doing this. We found out and we showed up—

Mr Bill Murdoch (Bruce-Grey-Owen Sound): You didn't invite us either.

Mr Christopherson: My friend from Bruce-Grey-Owen Sound says he wasn't invited either, but I'd say, through you, Speaker, you must be getting used to that by now, Bill.

I'll tell you what happened. We walked into the convention centre, into the main area—if you've ever been in there, there's that huge area where the meeting rooms are off to the side—and we were told we couldn't go in. It was a luncheon, as Dominic has mentioned, and it was HR representatives and labour lawyers. As I said before, real labour lawyers, not the Mulroney kind, were not present. This was the Mulroney kind. They said it was labour lawyers, but they weren't lawyers who represented unions and workers in labour matters; they were lawyers who represented corporations in employment matters and on labour matters. There were a number of labour leaders there who were going to be affected by this announcement. Even though they didn't know what was in it, they knew that generally it was going to affect, obviously, organized workers and, in a number of instances—and I'll reference those later on—the construction industry. So there were construction union leaders

there also, as well as senior representatives of the Ontario Federation of Labour.

All we wanted was to allow a delegation to be at the back of the room to listen. That's all we wanted to do. We didn't want to eat any of the food; we weren't going to throw buns; we weren't going to carry signs. All we wanted to do was listen to what the minister had to say about a law that was going to affect virtually every person in a union, for sure, and by extension possibly every worker, period, because anyone can be subject to being active in a union organizing campaign. And they said no.

Eventually, without creating too much of a fuss, although we were prepared to, the member for Hamilton East and I said, "At the very least you've got to let us in to listen to what's being said. You can't defend not allowing the two critics an opportunity to stand there and listen at the location chosen by the minister to talk about and announce a major piece of labour legislation." We were ultimately let in, which was a smart political move on the part of the staff and the minister, if he made it, but it was wrong to leave the labour leaders outside. They weren't allowed in.

So it was the chosen few who got to hear at first hand; paying delegates, I might point out—not related to the government, I'm not suggesting that kind of pay, but they were paying money to be a delegate to go to this conference, and as delegates, one of the highlights of the conference was that the Minister of Labour was going to come in and make a speech. Whether or not the organizers knew he was going to make a major policy announcement, I don't know, but I have no doubt that they highlighted the fact that the minister was coming in, because that's a good draw card, especially when you know the government is considering changes in the area that you work in.

Let me say that during the course of that speech the minister was interrupted on a number of occasions with rounds of applause, and at the end of it there was a standing ovation. Now, the labour people who represent—front-line, directly through democratic elections—the people who are affected by the bill and weren't quite as enthusiastic weren't let in the room. I think that speaks volumes about the attitude that this minister has and that this government have toward unions in particular but, I would say to you, working people overall. You like their votes; you just don't want to have to deal with them.

Then we get out in the hall, and the minister is asked, "How much of what's in here is what labour asked for?" The minister said, "Nothing." Nothing that labour asked for is in this bill. You wonder why we are upset about the fact this is being rammed through tonight in the same fashion Bill 147, the Employment Standards Act bill, was rammed through exactly the same way two hours ago—less in terms of when the voice vote was held; the formal vote will be tomorrow. You wonder why people are angry?

You've got a lot of nerve. You've got a lot of gall subtling this the workplace democracy bill. That is disgusting, but that's what you called it. Maybe at some point

people will connect the fact that what they say in here and what their laws do are two very different things. There's nothing in here that enhances, promotes or protects democracy.

I've said in earlier remarks that if you take any of these sections individually, could I stand here and say, "The sky is falling, the modern-day labour movement as we know it is gone and everything is destroyed"? No, I could not say that about a single section in here. But I can talk about the damage this bill will do with all its sections.

I believe we can make a very credible case that this is damaging to the vast majority of people, and benefits your friends who make the political contributions. I remind you that you unilaterally shortened the campaign period, which gives a distinct advantage to those who can afford advertising, and then you doubled the amount corporations can contribute to political campaigns. And you did it without the support of the two opposition parties, which is the first time in the history of this place that election laws and election financing were changed without the unanimous agreement of the three caucuses, the three parties, regardless of who was in power.

When you take all the labour legislation and add it all up and take a look at the message and the rights that have been taken away—and, yes, some of the inside baseball stuff around some of the procedures and terminology that is almost impossible to make interesting in a speech no matter what you do, because it's not glamorous, sexy kind of stuff, but it makes a huge difference. When you add cumulatively all the legislation, all the sections, all the areas, you've done a lot of damage as it looks from this side. I'm sure from your side you celebrate it. I guess those of you who go around speaking to some of your corporate friends even brag about it.

I said before that I honestly believe that down the road when people look back at this time, whether it's historians or university students who are studying labour issues—whatever the context—in every field, when enough time goes by, this going to be seen as probably, and at least arguably, one of the darkest periods of our province.

2220

Let me say to some of you—I'm assuming you don't know; I'll give you the benefit of the doubt—that people have bled for some of the fundamentals you're chipping away at in here and some of the rights you've actually unilaterally removed. They've lost their jobs, they've put their families' quality of life on the line. This is not over-the-top stuff. Anybody who's studied labour history will know there have been cracked heads, broken arms and bullet-riddled bodies. That's real. It happened. Some people have died fighting for the rights you cavalierly take away because you got a majority government and think you have the right to do whatever you please.

That's why some of us are so angry, and that's why the people who were here tonight are so angry. You're doing all that, and they don't even get a say. You will forgive people for being so insolent as to believe they

should have a say in how their democratic government runs, which is quickly becoming a quaint thing of the past. Look at this: rammed through six days before Christmas after 10 o'clock at night. Don't some of you at least feel a little sheepish, if nothing else?

Let me turn my remarks to some of the specifics. Many have been touched on by previous speakers, some not yet. But I want to read something first. One of the things you do with this business of the disclosure of wages and benefits over \$100,000—you're trying to give some credibility to your terminology. Some of you have used it here tonight; the PA to the Minister of Labour certainly has: "union bosses," like the modern-day labour movement in Ontario is run by a bunch of guys smoking cigars in a backroom somewhere deciding the fate of all their members, picking up the phone and cutting deals and meeting with people in alleyways, that whole sort of stereotypical vision you want to paint, and this is part of that.

I agree; I say to you that I have not had one person concerned about this clause, never mind getting in touch with me and saying, "Look, in terms of the big issues as we see them, if you want to hear our opinion, we think these are the big ones and here's why, and if you can draw some special attention there, that would be helpful. We need to talk about other things, but these are the main ones." Not only is that clause not considered a top priority, but nobody's even raised it with me. The only thing people are concerned about is the message behind it, like there's something to hide.

Just like you in the government backbenches and ministers, they have to pass their wages in public too. They have to pass them at membership meetings and executive meetings that are loaded with politics, just like it is here. That happens in an open democracy. They have to defend that in front of the people and get the approval of the people who pay the dues to give them those wages. That's why it is so disrespectful, at the very least, to frame this the way you are, like somehow you're going to flush out all this evil.

Kevin Conley, a compensation officer with the United Steelworkers of America, local 6500, took the time to send me something that he thought I might find useful at some point. This is that moment, Kevin, and I thank you for sending this to me. This is a quote from America's most famous lawyer—and I think most of us know the name—Clarence Darrow. Here's what he said:

"With all their faults, trade unions have done more for humanity than any other organization of men" and women "that ever existed. They have done more for decency, for honesty, for education, for the betterment of the race, for the developing of character in people than any other association of men" and women. I've added the gender balance.

That's so true, and it needs to be said over and over. All of the things we take for granted that make this a great place to live—I can't think of an exception; I'd be open to hearing something from the government benches—virtually every progressive initiative in this

province and in this country, had at the forefront of that fight the organized labour movement. A lot of the minimum standards that were in the Employment Standards Act prior to your going after it and gutting it were there because of leadership provided by the labour movement, even though there's nothing directly in there for them. This is the group you want to demonize. These are the organizations you've gone after. When you go after the labour movement in the way you have, you go after all those things that make this a great place to live.

Whether you're talking about a drug plan for seniors or pensions for seniors, or about education, environmental protection, women's rights, opportunities and rights for the disabled, virtually everything that allows the wealth and productivity powers of this province and country to be shared, at least in part, with the vast majority of people, thereby making this according to the United Nations the greatest place in the world to live, had the labour movement as part of it. You're going after them for a reason: you don't like those progressive things, not because, in most cases anyway, you're bad people, but because your political philosophy has you believing or representing the argument that that money is better put back in the hands, in most cases, of the very wealthy. Yes, they pay the majority of the taxes. They've got the majority of the money.

Rather than allowing everybody to share from productivity gains, you try to make it seem that the only way you can get an increase in your standard of living and in your wages is by a tax cut. When we reach the point of multiple billions of dollars, you're making very rich people richer, you're making corporate bottom lines richer, and you deny the average middle-class family, let alone the poor and the working poor, a chance to have the kind of health care system the productivity of this province would allow us to afford. You deny them the education system the productivity of this province will allow us to afford—the same with environmental protection, and yes, the same with labour laws.

2230

I'll give you a prime example of one of those pieces that in and of itself isn't the end of the world—although if anyone would love to make that argument, I would—but it says so much. The period where an application can be made to decertify a union now goes from 60 days at the end, the expiration of a collective agreement to 90. In and of itself, one would think 30 days isn't going to make much difference. But it's one more piece, because it's linked up with a whole lot of other things. If I had the time—which I don't because you've also denied us the chance to speak, because you changed the rules of this place—then I would explain and point out all the laws and all the things in which you're encouraging employers to try to get rid of their union by creating a climate, a legislative climate and an attitudinal climate. Think about it. How can you say it's not anti-union to lengthen the time period when an application can be made to the Ontario Labour Relations Board to get rid of the union? It's the only application of this change: the time period

when you can make an application to dump a union is extended.

On top of that, you've now got a law—a law—that requires employers to post the rules on the board about how to get rid of the union. But that's not all. Every employee has to be given a copy personally every year. That's still not all. Even if you put the notice on the board and even if you hand every employee a copy, if somebody asks the smallest of questions, the employer by law has to give them all that information again. And it happens every year.

Come on. It's insulting that you would think people are so stupid they wouldn't figure out that lengthening the time when you can apply to get rid of the union, and posting the rules and giving them to every employee about how that process works, is not meant to have unions removed from the workplace. It's insulting you would think people can't connect that. Yet that's what the Minister of Labour did, stood in his place and tried to accuse us of being fearmongers and out of touch, that only opposition people could possibly find a reason to be opposed to something as minute as this. But that's what this is all about.

This was great. Earlier today the parliamentary assistant to the Minister of Labour—I wrote down his riding: B-G-M-S is the riding of Mr Gill from the Ministry of Labour. He said—get this—one of the reasons they had to do this was because employers have no rights. I just finished reading, a couple of hours ago, how the Supreme Court of Canada feels about the power differential in the workplace. For anyone who has ever worked, especially if you've worked for an hourly wage, the employer has all the power. The only check on that is what there is in legislation, which you watered down earlier today, and what you have in a collective agreement. Basically, rights for workers in collective agreements are rights that once rested with the employer and now, through the process of negotiation, the employees have some rights, like a grievance procedure, health and safety standards above and beyond the minimum laid out in law, vacation entitlements beyond the minimum in the Employment Standards Act—and a good thing, too, because we're still at two weeks after five years; two weeks forever, as far as your law is concerned. Yet you say you had to bring this law in to give employers some power. You gave them some power, all right.

I want to raise—again I don't have time. There's never enough time to do any of these things, but then, that's the game plan, isn't it? One of the issues in here, one of the sections, talks about the fact that no one can attempt an organizing drive for a year if there has already been an attempt that either failed or was withdrawn.

It used to be—well, it is, prior to these changes becoming law—that that applied to a specific union. I have to tell you that as much as my natural inclination is to say that that's inherently unfair, I think there's at least an argument or a debate to be had about the issue if someone has made one attempt, and that there be a reasonable period of time before they can make a second

one. But what you do here is you say any organizing drive that's withdrawn, is not concluded or fails means that nobody else can apply for a year.

I said, on the rare occasions when I have been given an opportunity to speak to this bill, that there are firms that can be hired, and we're importing them from the United States, a growth industry, and primarily what they do right now is help you bring in scabs if you're an employer who wants to defeat the union during a strike. Of course, we have scabs again in this province legally because this government changed the NDP law where we said scabs are illegal. That's how we get violence on the picket line; that's how we get unnecessary strikes; that's how workers are forced to stay out on a picket line months longer than they would have to. There's nothing fair or acceptable about scabs. You've made them legal again, so there are a lot of firms coming into Ontario, saying, "Hey, we'll show you how to deal with this. When you've got a strike and those workers go out there with their picket signs, we'll help you bring in scabs to do their jobs and let them twist out there in the cold, worrying about how they're going to put food on the table. Don't worry, that'll bring them around to seeing right."

It would be nothing for a lot of these same firms to arrange for some kind of phony employee association, to make a bid, have it fail and then that employer is guaranteed, inoculated for a year, against an organizing drive by a legitimate union. Or you could have a simple case of a union attempting to organize a workplace, only it's not the right fit; it's just the union that has gone there and talked to the workers about joining their union and they have decided that yes, they want a union—this is the scenario I'm painting—but this isn't the union they want. That's fine. They have a right to choose. The problem is, under this law, once that failed attempt has been made, nobody else can go in there for a year. That has to be worth money to some employers.

So whether it's a management decision by unscrupulous employers—and we all hope there aren't too many—or it's just the way things unfold naturally by themselves, in both these scenarios you deny those workers an opportunity to choose a union if that's their express will. I've said before I suspect there will be a challenge of this clause under the charter, and from what I'm hearing from my legal friends, it would have a really good chance of carrying.

2240

Isn't it a shame that we didn't have public hearings, which would cost a lot less than the money this government will spend defending a constitutional challenge, particularly if at the end of the day the courts rule in favour of the people against their own government. It wouldn't be the first time. On a number of occasions, this government has had to be taken to court to enforce the rights and the laws that give effect to those rights for literally hundreds of thousands of people. One that comes to mind is pay equity, women who've been underpaid systemically for decades. You had to be taken to court.

You're still not fulfilling all you should be under pay equity.

Why should the people of Ontario have to pay your legal bills, when we might've avoided all that if we'd had public hearings where we can bring in topflight lawyers, labour lawyers from both the employer's side and the employee's side? Do you know how much they cost? Nothing. They don't cost the people of Ontario a dime. They come in and give us advice that they will charge their clients, some of them, \$300, \$400 or \$500 an hour. I know when we did the WCB review on Bill 99, there were some folks who came in there who I'm sure were making upwards of \$1,000 an hour. We got it for free. I didn't agree and like their advice, but my point is we, the people, got that advice free. Wouldn't that make better legislation, to hear it here in a committee room rather than in a courtroom? We didn't get a chance to do that, on this bill or the previous bill we debated tonight, the 60-hour workweek Employment Standards Act bill.

I had a number of things I wanted to raise tonight that I was hoping to put on the record—I have said most of them in previous remarks—but I'm down to the last two minutes. One of the things that I wanted to raise is just going to take too long. Besides, it ends with me referring to a debate the Minister of Labour and I had in this place back on November 14. It ended up with me calling him a hypocrite and having to withdraw it anyway, so it's probably just as well I don't need to go through that particular story.

The fact of the matter is that there is nothing in this bill that increases wages. In fact, the reality of you releasing municipalities and school boards, under the guise of saving taxpayers' money, from having to follow current legislation where they are legally bound to use union labour, you're taking away. The argument—I heard the Minister of Labour stand there and say: "It is taxpayers' money. It is going to save them money when they build schools or build anything else through the municipality. Why would you be opposed to that? It is saving taxpayers' money."

I suppose that's fine as far as it goes, but let's understand that the money being saved for the people is coming from the people because you're denying professional tradespeople the money they're entitled to. Do you know how we deal with it in Hamilton? The minister had talked about what's fair and discriminatory and "How can you say if we brought in a law that said only non-union and not union you'd be up in arms, so why aren't you this way?" Listen. You know how we settled that particular question in Hamilton? We have a fair wage agreement. It doesn't matter whether you're a union or a non-union contractor, you've got to pay the union rate because that's seen as a fair wage. Then it is up to good management where you buy your supplies, how efficient you are at the construction site, how you use new technology. That's where you edge out your competitors, not on the backs of carpenters and sheet metal workers and bricklayers and painters and everybody else that you're hurting. Someone who's not unionized, they're going to

get less than they deserve, because they are professionals and you ought to be supporting them rather than attacking them like you are under Bill 139.

Mr David Young (Willowdale): I'm pleased to speak in support of Bill 139, the Labour Relations Amendment Act. This is indeed an important piece of legislation. We have discussed this bill at some length over the past number of hours and number of days and there clearly are very strong feelings about this legislation.

I want to preface my comments, if I may, by talking about what this legislation is and is not. I want you to understand, if you would, that we on this side of the Legislature don't believe that this province is one that in any way is worse by reason of the hard work that union members put in each and every day. In other words, we appreciate what workers do for this province, and we appreciate the fact that they play a very important role in this province, a role that has been instrumental as one component in the recovery of this province. This very day, in fact, when I had an opportunity to address the budget bill, I spoke about that issue. I talked about how proud I was of the work of the men and women of this province who wake up each and every morning, who go to their respective places of employment, who take pride in their work and who go home to their families at the end of the day with their paycheque. It is because of that pride—not because of Bill Clinton, as my friend opposite is so quick to remark from time to time—it's because of that dedication, it's because of that hard work that this province has experienced the level of economic recovery that it has.

Unions have a role to play. They have had a role to play historically and they continue to have a role to play within this province. They have a voice. This legislation is not intended to change that. It is a voice; it is not the only voice.

When the citizens of this province cast their votes on election day, back in 1999, they were faced with some pretty clear choices. It will come as no surprise to those watching and to the individuals in the gallery this evening, it will come as no surprise to anyone, that this party had a philosophy that was markedly different than that of the Liberals and New Democrats. I might add that their respective policies on this issue were very much alike, very much the same, in my respectful opinion. But our government believed that there needed to be changes made to the way that labour operated within this province. Our government indicated that the wishes of the union bosses shouldn't be paramount, and in that way we distinguish ourselves from the other parties.

I want you to know that during the last election we not only indicated our general intention to bring about some change, we were quite specific about what it is that we felt needed to be done. I want to remind you, and I want to remind those watching, that we did not advocate, nor does this bill contemplate, any change to very important pieces of the patchwork of various parts of the labour law within this province. During the last election campaign, though, we did make a commitment to workplace demo-

cracy, and it's our belief—as it was back in 1999 when we campaigned—that employees needed more options, they need more choices on a wide range of issues, issues that go with belonging to a trade union.

Just so that we're very clear that what we're doing here is very much a fulfillment of an undertaking we made to the people of this province in 1999 during the election campaign, let me quote from our 1999 Blueprint plan. It's what we ran on, it was the printed document, it was the plan that we gave to the voters of Ontario so that they could understand the distinction between our party and the Liberal Party and the New Democratic Party.

On page 14 of the Blueprint we said, "We've already boosted workplace democracy by giving workers secret ballot votes on certifying and decertifying unions as well as on strike votes. We'll strengthen the right of workers to decide, by secret ballot vote, whether they want to continue to be represented by a union." We said that very clearly. We also said, "We'll also require that ballot questions be clear and easily understood." On the same page of that Blueprint document, the policy we ran on in the last election, we also outlined our promise to bring in a sunshine law, for want of a better term, essentially a disclosure law so that union bosses would have an obligation to disclose their salaries, their benefits and their expenses to union members.

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This bill fulfills the promises that our government and our party made over the last number of years and more specifically that were made in the 1999 election. I was proud to stand up and discuss these commitments during the election campaign, and indeed these provisions from the Blueprint were discussed at some considerable length in the riding of Willowdale, and I'm very pleased to be here in the Legislature fulfilling that commitment, bringing forward these initiatives. It should come as no surprise, no shock to anyone, in spite of the loud voices that often emanate from the opposite side of the Legislature, that in fact we are moving forward with these initiatives.

Last year we pledged to strengthen the rights of individual workers to decide whether or not they want to be represented by a union, and Bill 139 keeps that pledge. It will help promote workplace stability and encourage investment in Ontario's construction industry.

Our previous amendments to the Labour Relations Act restored the balance between employers and unions in the workplace, but we believed, and we campaigned and we advocated publicly, that greater workplace democracy was necessary to restore the balance between individual workers and their unions. I want you to know that that is something the opposition parties, the Liberals and New Democrats, obviously feel is not necessary, and just as we went through the election campaign and we put our position forward and they put their position forward, we have done so this evening and we have done so on previous days within this Legislature. Just as the distinction between our party and the members opposite is crystal clear this evening, it was indeed very clear, undoubtedly, to the voters of this province in June 1999

when they went to their respective polling stations and they cast ballots and ultimately made a decision to put this government back into office for a second term, a second consecutive majority government.

Critics of Bill 139 have been quite vocal since its introduction. They say the government has changed the rules and stacked the deck against organized labour. They say these changes are targeted at vulnerable workers who might be interested in joining a union. In the limited time I have remaining, I will take a moment to look at some of the facts.

What does Bill 139 do? It does not change the threshold at which certification votes can be held. Surely if our intent was to interfere with unions' organization across this province, that would be a very simple change that we could have included within this legislation. It is not there. Bill 139 does not change the 50-plus-one majority required to certify a union in the workplace—again, it would have been very easy for us to have brought forward amendments to have made it more difficult for workers to organize on that basis—nor does Bill 139 propose different rules for different workers. Employees who desire a union will follow the same steps as before, regardless of Bill 139. It's the same procedure.

So what has really changed? What has changed is that the legislation contemplated, which I hope will be passed by this assembly, is legislation that is entrenched in democracy and accountability. It is really very much akin to that which MPPs and this Parliament operate within. Whether one looks at the transparency that comes with the sunshine clause, where one's wages are known to the public, just as MPPs' wages are known to the public, or whether one looks at the manner in which unions are put into place and the requisite need for a majority, it is all about democracy. With that in mind, I will relinquish the remaining time so that my friend may have an opportunity to speak as well.

Mr Wettlaufer: I am very pleased to speak to this bill tonight. I think one of the reasons I've been selected to speak is because I am not known as a voice of anti-unionism. I have very good friends in the labour movement at home in my riding. I direct my comments, through you, Mr Speaker, of course, to the member for Hamilton West. If he would care to, he could talk to the president of the CAW in Kitchener at Budd Automotive, Roger Lee, and he would find that I am not an anti-union, right-wing fanatic, as he sometimes calls us.

However, I would also like to say that the member for Hamilton West said earlier tonight that not one minute of public hearings is being granted on this bill. I can recall a government not that long ago which probably was the most pro-labour-union government in the history of this country. Between 1990 and 1995, the NDP government in this province passed a piece of legislation called the social contract—I believe it was 1992 or 1993—and the member conveniently forgets that they didn't have one second of public hearings.

Mr Brad Clark (Stoney Creek): I didn't know that.

Mr Wettlaufer: Well, it's true. They had no public

hearings. So for the member of the NDP, the member for Hamilton West, to talk about this government not having any public hearings, he should look in the mirror.

This particular legislation that we're talking about tonight, Bill 139, I think we should take a look at what it does. It requires the disclosure of annual salaries and benefits over \$100,000 of all officers and employees of parent and local trade unions in Ontario, as well as teachers' associations, employee associations and the fire, police and college sectors, unions in the Ontario public service and other prescribed organizations and labour bodies representing the interests of trade unions or employees. The members opposite have said tonight that many of the executives of the unions already do this. That's fine. I'm glad to hear that. If many do it, then there shouldn't be a problem with this section. There are, however, unions that do not make public the salaries of their executives, and that is what this legislation will address.

Another aspect of this bill is unionized employees not always being aware of their rights. I'm not saying it's the majority of cases, it might be a minority, but they are not always aware of their rights, including the processes to follow if they want to decertify the union. That is not being anti-union, our trying to democratize the workplace by putting this into the legislation. What we will do is ensure that information will be produced to outline employees' rights and how to apply for decertification if they wish their union to be decertified. The information will include who may make an application for decertification, when the application may be made and any applicable Ontario Labour Relations Board rules regarding the decertification procedure. Trade unions already provide this information as part of a certification drive, but in the case of decertification it's not likely that the union will provide that information. So it's just a matter of ensuring that there is democratization of the workplace.

We are saying that the employees may apply to the Ontario Labour Relations Board to have their union decertified in a first-contract situation if the parties can't reach an agreement.

If one year has passed and no collective agreement has been reached, why shouldn't employees be able to apply to the OLRB to have their union decertified? Why not? It's a matter of reason, I think, and it's the same case with separate ratification and strike votes. Presently, union members have no choice but to vote for a strike—

The Deputy Speaker: Pursuant to the order of the House dated November 22, 2000, I am required to put the question.

Mr Klees has moved third reading of Bill 139.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

I have received a letter from the chief government whip. "Pursuant to standing order 28(h), I request that the

vote on third reading of Bill 139 be deferred until Wednesday, December 20, during Deferred Votes.” So ordered.

2300

MINISTRY OF TRAINING,
COLLEGES AND UNIVERSITIES
STATUTE LAW AMENDMENT ACT, 2000
LOI DE 2000 MODIFIANT DES LOIS
EN CE QUI A TRAIT
AU MINISTÈRE DE LA FORMATION
ET DES COLLÈGES ET UNIVERSITÉS

Mrs Cunningham moved third reading of the following bill:

Bill 132, An Act to enact the Post-secondary Education Choice and Excellence Act, 2000, repeal the Degree Granting Act and change the title of and make amendments to the Ministry of Colleges and Universities Act/ Projet de loi 132, Loi édictant la Loi de 2000 favorisant le choix et l'excellence au niveau post-secondaire, abrogeant la Loi sur l'attribution de grades universitaires et modifiant le titre et le texte de la Loi sur le ministère des Collèges et Universités.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities): Mr Speaker, I'll be sharing my time with two of my colleagues, the member from Thornhill and the member from Simcoe.

We live in a world of rapid and continuous change. It seems a day doesn't go by without media accounts of an advance in medicine, a breakthrough in science or a technological innovation. In the latter half of the 20th century alone, we moved from an economy based on manufacturing and hard goods to one based on knowledge and information management. There has been a tremendous shift for people entering the workplace. Where before they had the ability to obtain relatively well-paying jobs based on minimal formal education and no technical skills, today that situation is reversed. They are facing increasingly sophisticated qualifications for entry-level positions in a wide range of occupations.

Their needs have changed dramatically and our post-secondary education and training system must keep pace. When our government was first elected, it faced the new challenges of the 21st century with post-secondary education and training systems designed for the workplace of the 1960s. More and more industries are reporting a shortage of the educated and skilled workers needed for them to grow and expand. More and more Ontarians will have the ability for high-paying jobs and we must provide access to the flexible and relevant programs needed for the education and skills required to fill these positions. We must be competitive.

Our employers are requiring increased levels of skill even for entry-level positions. At a time when innovation is revolutionizing the workplace at an accelerated pace, more than 65% of the workforce Ontario will have in 2015 is already working. Providing them with ongoing

access to high-quality, relevant education and training will be the challenge of the 21st century.

We have set out a plan to improve the quality, relevance and flexibility of our programs so that Ontarians have opportunities, where and when they are needed, to learn new skills and upgrade existing ones. With the proclamation of the Apprenticeship and Certification Act, we created a system based on outcomes, one that has given employers a greater role in setting standards to ensure that apprentices are prepared for the workplace. We also introduced the successful Job Connect program that this year will help some 118,000 young people, many with less than a high school diploma, enter the job market or return to school. They have an 88% success rate in this community-based program.

We are, once again, moving forward with our plan to bring our post-secondary education and training system into the 21st century with third reading of the Ministry of Training, Colleges and Universities Statute Law Amendment Act, 2000. This is an important milestone in the continuing evolution of our colleges and universities. If passed by the Legislature, Bill 132 will provide students and older workers with the full range of high-quality and relevant choices they need to compete and succeed in today's rapidly changing world.

We have already taken steps to strengthen our publicly funded system and ensure it is responsive to the needs of our students and communities. This is our first priority. Through SuperBuild, we are embarking on the single largest commitment to capital construction at our institutions in the last 30 years. With our partners, we are investing \$1.8 billion to create 73,000 new student spaces at our colleges and universities. In addition, we have already increased operating grants to \$2.4 billion this year.

We must ensure that as we move to grow the system, we do it in a way that will best serve our students, our employers and our communities.

We established the Investing in Students Task Force to look at college and university administrative operations across the system, including examining options for shared services and identifying best practices. The task force is consulting with post-secondary institutions, students, faculty and staff associations, business and local communities. As part of its mandate, the task force is soliciting proposals from institutions, associations and other organizations on ways to increase administrative effectiveness and efficiencies.

With our SuperBuild investments, the possibility of a new college charter, and the work of the Investing in Students Task Force, we believe we are putting in place a very strong foundation on which we can meet our commitment to ensuring that there is a place for every qualified and motivated student.

The Ministry of Training, Colleges and Universities Statute Law Amendment Act, 2000, builds on our work to date and is one more step in fulfilling our vision for our students.

If passed by the Legislature, Bill 132 would make it possible for Ontario's colleges of applied arts and tech-

nology to grant applied degrees and would allow for the establishment of more private degree-granting institutions in Ontario. Allowing the introduction of private universities will enhance the range of programs currently offered by focusing on the ongoing educational needs of students already in the workplace. The additional competition to attract students will encourage all institutions, both public and private, to be more responsive to student needs through the development of more innovative and flexible program delivery.

In the last several months, the changes proposed in this legislation have generated an important debate on the future directions of our post-secondary system. It began with the release of our Blueprint publication that detailed the need for more relevant choices for our students. It has carried through our consultations and in the continuing debate we have held in this Legislature and at the standing committee.

I want to thank the many individuals and groups, especially students and the members of this Legislature, who have provided us with valuable feedback throughout this process. Their comments and recommendations have helped us ensure that we have the best possible legislation for the continued prosperity of our citizens and our province.

Doug Robson, president of the Ontario Chamber of Commerce, stated:

“With the advent of private institutions in Ontario through this legislation, prospective students will have greater choice than ever before. The option will enrich the opportunities available to students at a time when the need to compete internationally has never been greater. The major effect of competition within the university sector is a higher level of quality that may be offered to learners. The proposed legislation will therefore enable working people to access quality education at their convenience. This may be in the form of programs offered in the evenings or on-line, both of which are initiatives that private institutions may, in fact, be more inclined to offer.

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Dr Michael Cooke of George Brown College of Applied Arts and Technology, told us:

“We want to express our strong support for this legislation, which will give colleges of applied arts and technology the authority to confer a baccalaureate degree in applied areas of study.

“The introduction of the baccalaureate degrees in applied education means more student choice and more options for them, more market-current education, more employment-ready graduates, more appropriate recognition of their credentials and smoother transition to further studies.”

This legislation, which would expand the range of choices available to students and workers, has been a long time coming, but it is particularly timely now. We have indeed entered into an era where not only will students need high quality and relevant choices that prepare them to succeed in their futures, it is an era

where we anticipate more and more Ontarians will also seek to balance their working lives with ongoing education and training needed to acquire new skills or update existing ones.

We must ensure that our post-secondary education system provides high-quality and relevant programs to students when and where they are needed and that it has the flexibility to anticipate and respond to the changing realities of our world, and especially our world of work. This legislation, if passed by the Legislature, will be one more step toward meeting our plans and meeting our goals by ensuring that our system is once again focused on the real needs of our students and our learners.

Thank you for this opportunity this evening.

Mrs Tina R. Molinari (Thornhill): I would like to speak today in support of third reading of the Ministry of Training, Colleges and Universities Statute Law Amendment Act, 2000. I welcome this opportunity to talk about the recent government initiatives we have introduced to improve the quality and relevance of our post-secondary education system in Ontario. I would like to begin by outlining why we believe this legislation is necessary to prepare our students and our institutions for the challenges that lie ahead.

The post-secondary system that we have in Ontario is the product of changing needs and demands. There was a time when the only option available to students seeking to continue their education at the post-secondary level was a university degree. That proved far too narrow an option in the mid 1960s, as the booming economy of the time created a whole new range of career opportunities for students. To meet that demand, Ontario established the community college system that provided students with a whole new avenue of choices better suited for the emerging opportunities that were being created in the workplace at that time. We are proud of what our colleges have accomplished in the first decades of their existence.

Today, we are in a similar time of change and it has been increasingly clear to us that to continue to provide high-quality and relevant programming, the time has come to once again increase the range of choices that are available to students facing the realities of the new millennium. This government is committed to ensuring that all Ontarians, whether they are currently enrolled in a college or university or are already working, have the full range of quality educational choices they need, where and when they want them, to compete and succeed in today's rapidly changing world. A wider spectrum of students with diverse needs requires an equally broad range of choices. The new Post-secondary Education Choice and Excellence Act, 2000, would provide that range of choices to our students and learners.

Today I would like to talk about how the legislation fits into the government's broader plan for post-secondary education. Similar to the 1960s, we are on the verge of a tremendous period of growth and change in post-secondary training systems. As a first step in preparing for that period of growth, we have already taken

measures to strengthen our publicly funded colleges and universities.

We have expanded access to high-demand programs through our access to opportunities program that will increase enrolment in the growth areas of science and new technology. We have also introduced new programs and incentives to strengthen our system's research capacity so that we can continue to attract the best and brightest faculty and researchers.

We are helping our students and their parents better plan for and manage the costs of their education. We are providing the highest level of student assistance ever to ensure that our system is accessible, and through the Ontario student opportunities trust fund we have established student assistance funds at each of our colleges and universities.

In addition, the minister recently announced a five-year tuition policy that will see increases capped at 2% per year. This could mean a maximum annual increase of \$34 for college students and \$77 for university undergraduate arts tuition.

This fall, more than 4,000 high-achieving students earned Ontario's first Aiming for the Top scholarships. When fully implemented, \$35 million will be invested annually in these tuition scholarships that recognize both academic excellence and financial need.

We are also making the system more transparent by measuring and reporting our progress through the use of key performance indicators. Students are using these indicators, which report on such things as graduate and employment rates, to make informed decisions about the type of program they want to pursue.

This legislation has been long overdue, but we needed time to introduce the measures necessary to revitalize our publicly funded system. To meet the expected increase in demand for student spaces, we have undertaken the single largest capital post-secondary construction program in the past 30 years. In total, through SuperBuild, we, with our partners, are investing \$1.8 billion to create 73,000 new student spaces at our colleges at universities across Ontario.

The Ministry of Training, Colleges and Universities Statute Law Amendment Act, 2000, builds on our work to date and is another step in giving shape to our vision. For some time, students, parents and employers have been asking the Ontario government to allow greater flexibility in the opportunities available to students to acquire marketable skills they need to prosper in today's world. They asked for more flexibility in the way they could learn and they asked for new types of programs, ones that would provide the right balance of academic and applied skills, the types of programs already available to their counterparts in competing jurisdictions.

That's why in April we announced our intention of increasing the range of choices available to Ontario students to earn a degree. We announced that we wanted to create a level playing field with opportunities for Ontario's colleges of applied arts and technology to offer applied degrees, and wanted to permit the establishment of more private degree-granting institutions in Ontario.

We wanted these new initiatives to help our post-secondary system better serve Ontario's students, and that's why we asked our stakeholders for their best advice. As the parliamentary assistant to the Minister of Training, Colleges and Universities, I took an active part in the consultation preceding the introduction of this legislation.

One consultation I hosted on Bill 132 was in my riding of Thornhill. The stakeholders included in this consultation were two university students, one from Queen's science program and one from York's liberal arts program, a university dean, a college professor, a university administrator, an owner of a private vocational school, and business owners. These consultations were very successful, and the input we got from these consultations was taken into account in the drafting of the final bill.

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Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm very pleased to join in the remainder of the debate. What I want to say is that I believe the changes that have been made with respect to this legislation work in the best interests of my riding and that of the member for Simcoe North with respect to colleges.

The degree-granting power is very significant, and the opening up of opportunities for education in this province at the post-secondary level. In my riding, Georgian College has played a significant role with respect to opening up education opportunities, not only in Simcoe county but also in the district of Muskoka, with campuses throughout.

The applied degrees at our community colleges are a major focus of this legislation, and are really an expansion of student choices. That's very important for a community like the one I come from, where there are no universities and where there aren't the options you would have in larger municipalities with respect to a university or a community college. All we have there is a community college with campuses. This is a fundamental feature of this legislation that is very important to community colleges and in particular Georgian College.

I support the legislation, and I'm very pleased to participate in the debate at this time.

Mrs Marie Bountrogianni (Hamilton Mountain):

I'd like to make one thing clear: if this were two bills, a bill for applied degrees for community colleges and a bill to privatize and allow private universities to come into this province, we would have two different votes on this side of the House.

We support applied degrees for community colleges. We think it's about time. We agree there are changes in the workforce that beg for this to occur. What we don't agree with, and we don't understand why the government thinks it's necessary, is the private universities, particularly the for-profit private universities this government is opening the doors to enter the province. It wasn't in their Blueprint. It wasn't even in the Common Sense Revolution. We don't know anyone who has been asking for that part of this bill, and we believe that part of it is undemocratic.

However, it is a majority government. This will pass tomorrow. I think our responsibility now, as opposition, is to keep the government on its toes with respect to the particular dangers that may occur as a result of allowing private universities to enter Ontario.

The minister talked about valuable feedback from members of the Legislature, and that she valued our feedback. However, not one Liberal or NDP motion passed in the hearings. The majority of the motions were not to change the bill to not allow private universities, although there were one or two motions like that. The majority of the motions were intended to protect the students.

Why do students need protection? If you take private colleges as an example, three of these closed in my riding alone. A lot of students are sometimes left in the middle of their studies when their institution closes. We believe they need protection, because this may very well happen in the private universities. The minister is already anticipating this, and there is a situation where there will be a bond for these students. We thought the students needed more assurance: transfer of credits to public universities; not only tuition being paid back but also the expense of books and living expenses; and something you can't pay back, and that's two or three years of their lives if they cannot transfer these credits to public universities.

There are precedents in other parts of the country where a more smooth transition of credits and years from college to university or from university to university is allowed. Alberta is an excellent example of this, and one of our own public universities in the north, Nipissing, is also a good example of this. In fact, their community college and their university are in one building and they have an excellent, seamless education.

The member from Thornhill said we needed new choices, and the Liberal Party agrees. Our leader has said we do not support the status quo. We understand that changes are occurring in our society and we need to keep up with those changes. I guess where we differ is how these changes come about. The university presidents themselves have said to us, "We're not afraid of private universities as long as we are properly funded so we can compete fairly."

I think we have to emphasize that point here. Yes, there was a major investment with SuperBuild. But there wasn't a major investment in operational grants, and without operational grants you can't have the professors and students to fill those new buildings. The minister herself acknowledges there are faults in these formulas as to what part of the new operating fund universities and colleges get, but as yet we haven't seen any changes to these formulas. I do hope they occur in good time, so the universities can plan for their next school year.

We applaud the government on their science and technology scholarships. My husband is a science and technology professor, and I know the importance of those. I hear it frequently from him and from his students. However, we can't forget the arts. I'm extremely con-

cerned that by the selective funding of certain universities and colleges or programs through SuperBuild and through operating grants, the arts aren't getting funded properly. I hope the government will look at this again. I believe most of us here are arts graduates, and the importance of the arts can't be underestimated.

The other caution—I've given this to the government before—is on OSAP. This government has said over and over again that no public monies will be given to private institutions except for OSAP, which of course is public money. The administration is public, and the default on those loans is taxpayers' money when that occurs. As we know, private colleges in Ontario have the highest default rate in comparison to public colleges—over 30%—so there is public money there.

But there's more than that. On November 29, in Hansard, there was a contradiction. At first it was stated in the public hearings "that there will be no cost to the taxpayer and that the institutions will not receive any public money." I'm quoting the parliamentary assistant. A few minutes later, the same parliamentary assistant, in response to a question about public money, in particular research money, said, "We can't guarantee that any ministry would not support research funding for any institution that would find that there's a program or something that they would be excelling in. It's each individual ministry that would determine that."

The parliamentary assistant was clear: "The private institutions will receive no capital grants and no operating grants." However, she said, "Grants are given by different ministries," and, "I can't speak for all of the ministries on whether or not that would be something that they would consider."

We heard today from the Minister of Science and Technology about all the research grants that were awarded in London today. We have a fear that that money will start going to these private universities. If that's the case, say so, so the public knows what we're voting for tomorrow. To say there isn't any public money is a contradiction, actually in Hansard on the same day.

I'd like to briefly put some of the other amendments we had into the record here as well. One was, "That the minister should not give a consent unless he or she is satisfied that the person or the private institution seeking the consent will have physical facilities containing the equipment and learning resources appropriate to the educational programs to be offered and a sufficient number of full-time teaching staff with appropriate educational qualifications to teach the programs." We were reassured by the parliamentary assistant that the quality assurance board would look at that, and we will be watching. If I take you back to the Credit Valley school in Mississauga, once the investigation began, apparently that was only a two- to three-room gimmick that allegedly defrauded the taxpayers of \$18 million. That is why we thought it was an important motion.

Another one of our amendments that did not pass—none of them passed—was that if, for whatever reason, a private institution closed, they should not be able to get a

charter again in Ontario. That was, I believe, the least that could have passed. If any institutions put students through that—closing in the middle of their university career—they do not deserve to be let back in into the country and the province.

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Another amendment was, “That the government of Ontario shall not provide funding to a person who obtains a consent under section 3, other than financial assistance to students, if the consent relates to a private university.” I touched on that earlier, and that is, we can understand why the government would want to give OSAP to students going to private institutions. However, what we are against is other public monies, for example research money and operational grants and capital costs.

Although at present the federal minister of trade is saying NAFTA will not be an issue, we believe that it may be an issue and that this can be challenged in court under NAFTA, and we may very well, regardless of who's in government in the future, be forced to give grants to private institutions. It's a myth to think that the private institutions in the United States do not accept public money. MIT, for example, has 70% of its research funding coming from public sources. It's actually called a publicly supported university now, even though it is a private, not-for-profit university.

In my very first speech here, my maiden speech—I guess that's what they called it—back in September or October of 1999, I talked about one of my constituents who had a \$60,000 student loan. This government in the past few years has increased tuition to the point where this highest level of assistance, which the member from Thornhill bragged about, is actually necessary because the tuition is very high. Yes, they did cap it to 2% for the next few years, and we're thankful for that and so are the students, but it's already risen 60% in this mandate alone.

A lot of students, Carissa in my riding for example, owe \$60,000 at this time. That 2% cap isn't going to help her. She can't qualify for loan forgiveness because she did need extra money to support a dependent, and this educated, brave young woman is having a terrible time. Earlier in the week we heard from the third party of other cases where students from lower-income families cannot access education.

I think our leader said it best last month when he said, “You starve a system and then you tell the public that, hey, it's not working, now we need to go private.” I hate to think that that is what is happening here, but that seems to be the case. As an opposition, the best we can do now is damage control and ensure that these private universities don't destroy the future of our students by closing in the middle of their degrees. We will be watching very carefully.

Mr Michael Gravelle (Thunder Bay-Superior North): This is a remarkably sad night in the Ontario Legislature. We have spent a total of five hours debating on third reading three incredibly important bills, all of which will set back our province in a very negative way.

The Employment Standards Amendment Act, where the government will bring forward 60-hour workweeks,

brings us back to the 19th century in terms of the working conditions. Bill 139, the Labour Relations Amendment Act, is nothing less than a direct attack on the labour movement in this province. Now we have Bill 132, which in essence formally brings two-tiered education into the post-secondary sector of our education system in this province. It's very sad.

I'm glad to have a few moments to at least express my very strong concerns about this legislation. I want to be able to present to the minister, who I am glad is here in the House, 900 letters that have been sent to me and delivered to me personally by the Lakehead University Student Union president, Jeremy Salter. I met with him a week or so ago and he was very, very keen to have us present these to the minister.

Certainly Dalton McGuinty and the Ontario Liberals believe in and we support increased investment in our public universities. We do not support passing the buck to private operators, whose main motive obviously is money. The university students at Lakehead University are very concerned about what impact this will have, particularly on our northern universities. They did want me to pass this on directly to the minister. I wish I had time to read the letters; I don't. I want to give time to my colleague from Windsor West. But I do want to pass them on to the minister, 900 letters very strongly put. Their concerns are legitimate. I hope you will take them seriously, Minister, and I hope you will respond to them formally.

Mrs Sandra Pupatello (Windsor West): This is a very important bill, because I come from a university city and the University of Windsor has been cash-starved for years. They have undergone a tremendous amount of change in how they do business in Windsor. It's true.

While the members opposite are going to deny there's even a problem, I want to recount a story of a couple of weeks ago at a local hospital in Windsor. I sat around the boardroom table at Hotel Dieu Hospital and met with third-year nursing students. These nursing students in third year were doing part of their practical. I asked every one of those nurses around the table their average debt as a third-year student. They're not done with their degree yet and the average loan they were paying was in the neighbourhood of \$30,000. Loans of \$30,000 are the average amount the nurses around that table speaking to me had in terms of debt to get through school.

My leader, Dalton McGuinty, spoke in the House some time ago and talked about how, thanks to the deregulation of the system and this government, the average mean income of families who have a student in medical school has gone up by thousands of dollars just in the last couple of years. What that tells us is that, for that field of medical students, of which we need more and not enough spaces have been allotted for what our communities need in terms of doctors coming out of the system, it's becoming so that only rich kids' families are going to be able to send their kids to medical school. Thanks to the Conservative government, we are moving into an elitist type of world where the rich families get to send their

kids to school and everybody else is scrambling even to get into the system.

When I look at what it was like when I was a university student, you could afford to have a part-time job, could afford to have some level of support from your family, and be able to pay your bills and walk out with some modest level of debt, so that you could get out in the working world and not make a lot of money at first and it would still be OK. The others across the way want to talk about, "The sky is falling." The sky's already fallen for an awful lot of students who have made choices not to go on in school because they don't want to increase debt even more. They've already made choices to go to a program maybe at a college as opposed to a university because of the cost. We've already seen the effect on people in terms of what choices they've made. The government's response to that is the introduction of private universities whose only interest, for those that will be on as a private university, is return on investment. That's their business.

You've pulled the kind of operating dollars required for universities like mine, the University of Windsor, to appropriately fund our system, and the only answer you have is to create an environment for private universities to flourish. I ask you, why? The minister on her feet, in answers to questions, would not say that she would not be giving government money to these private institutions. As my colleague the critic from Hamilton Mountain suggests, why would you take public taxpayers' money and hand it over to private institutions in any manner, including support of students with OSAP loans for them to attend a private university? When you suck out the critical mass that we need in our university systems that currently exist, all you do is ruin what you currently have in a public system. If that was the intent of the government, they should have said that's what they intended to do.

We don't know what the reason is to have introduced private universities, only that it is not an answer for the majority of students who attend our public schools. Our public universities are key. Everybody talks about what corporate Canada wants. They want well-educated workforces and the only way we're going to do that is to encourage more and more to graduate from universities and to provide great programs. To the credit of our universities, they are responding and are being innovative. They're using technology as much as they can. They've gone to the corporate sector for donors. They've been forced to under the so-called SuperBuild. I guess the biggest joke on them is the SuperBuild fund, as if it were some novel way of bringing capital dollars into the university system.

These universities raise millions of dollars a year already. Now all they have to do is switch the title and say this is for SuperBuild in terms of getting part of the money that used to be available on a much more free-flowing basis through capital grants to the university ministry. Now you just make them fit your new mould of SuperBuild. It is not new money coming in for capital

projects at a university. Even when they can build new buildings, there's no discussion of operating monies that are going to be allowed for them to operate the brand new buildings. Nobody wants to talk about operating dollars. I go back to those nursing students I met with an average debt of \$30,000, and they were in their third year.

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Most of the people who work in my community as nurses would be flabbergasted to hear the expense of coming through the program today. In light of the shortage we have facing us today, there is nothing that is going to encourage them to come into the nursing program, looking at a \$30,000 average debt after your third year, knowing you have another year to go. The Minister of Health is going to have a tremendous problem dealing with this crisis and the Minister of Colleges and Universities has been of no help whatsoever.

The Deputy Speaker (Mr Michael A. Brown): Further debate?

Interjection.

Mr David Christopherson (Hamilton West): It's probably more than even my mother can stomach.

It's interesting that we would deal with this tonight, because earlier we had a former employee of caucus services—I didn't get her permission to use her name, but I will use her circumstance. Her first name's Kim and she came back to drop by and say hi for the Christmas season. She has just finished university, just got her degree, landed an excellent job. She's a very intelligent, articulate individual. I suspect she'll do very well.

I asked her, because I knew this was coming up, not even if there was a debt load but, "What is your debt load?" and it was about \$24,000. Apparently that's pretty close to what the average is. An average also means that you've got some folks who have a lot less debt, and that probably means, not in every case, that there's enough money and income in the family so that they didn't have to go into debt. I think that's a reasonable observation. But that average also means there are students who are probably carrying \$30,000, \$35,000, \$40,000. We hear some horror stories of some students graduating out of university with \$50,000 in debt.

We've made the case. I believe tuition's gone up over 60% just in your time alone. Our argument has always been that you're eventually going to price higher education, one of the key fundamentals that makes this a great place to live—you're changing it and you're not changing it for the better. You've claimed that—it's your favourite phrase; you do it all the time—"It's about choice. We just want to make sure people have more choices, and if they prefer to go to a public university, they can. If they want to go to a private university, they can do that. What's your problem, opposition members?"

The problem of course is always when you scratch the surface and take a look at what's going on. First of all, dealing with tuitions, I'm not aware of any examples of the private universities that are being touted by this government as good examples to bring into Ontario,

where the tuition fee is less than anything we have here in Ontario. It's always higher. We've said to you that at the end of the day you're going to drive up tuitions to the point where the average working, middle-class, ordinary family will not be able to afford to send their children to university, no matter how talented they are.

Isn't that the whole point, access to universal education and to universal health care, that as a citizen one of your birthrights in this very profitable, wealthy society we call Ontario is that you have access to health care regardless of how much money your family makes, and the same with your education? All that matters is whether you have a health care need and whether, if you have a son or daughter who needs an operation, it won't be decided that they have that operation or not by how much money mom and dad have in the bank or how lucky they are in terms of the jobs they have. And it's supposed to be the same way with education, that our best and our brightest and those who are willing to take those talents and add hard work to them would have an opportunity to be the best they can, and not just in an Ontario context, but we have above-average levels of excellence at the international level. How many of those students, because mom and dad don't make enough money, will never be given the opportunity to grow, to ultimately succeed and be the best they can be? How many will settle for less? How many students are saying, "No, I can't afford it, mom and dad can't afford it, so I won't be going to university"?

It's interesting, because on September 12 of this year, in the *Ottawa Citizen*, it was reported that Statistics Canada, in their latest education quarterly review, had this to say:

"One of our most significant findings is that there has been a widening gap in university participation by family socio-economic status. Further, our findings suggest that university participation rates have not increased as fast for young people from low family socio-economic status backgrounds."

That means they weren't rich. That's who is going to be going to school more and more. Ability alone will not determine whether you can go to a university.

We don't get a lot of time here, do we?

The other big thing is this notion that it won't cost anything. "Bring them in. It gives people choice. It won't cost the taxpayers any money. It's all privately funded. There you are, you have a choice, whatever works for you. Aren't we wonderful?" Yet the reality is that the model you're using is imported from the United States. It's their right as a sovereign nation to make their own decisions, but we have the same right, and under our Constitution education is the responsibility of the provincial government. We have a choice too. We have a right to make a choice whether we want that system or we want to continue the system that has served us so well.

The reason I raise the United States as an example is because about 30% of their private universities' operating income is publicly funded. Virtually every one of them, at the end of the day, gets public funding.

Interjection.

Mr Christopherson: Well, if you want to respond and have a debate, you should give more time on the floor of the Legislature for third reading, rather than one hour, I say to the parliamentary assistant, who has suddenly gotten very talkative. Isn't that interesting? Funny how you've gotten more talkative as the night has gone on. Why is that?

Mr David Young (Willowdale): You didn't answer my question.

Mr Christopherson: Oh, I didn't realize this was question period and I was suddenly the minister. If you want to make it that way, I'm game.

Mr Young: It's a flashback.

Mr Christopherson: A flashback—

The Deputy Speaker: Order.

Mr Christopherson: First of all, OSAP is going to be available to students who go to those universities, and that's government-funded. There are going to be, as I understand it, tax incentives available to corporations that want to make contributions, as there are now in the public, but that money will be diverted from the public into the private. It means that because we as a society gave a tax credit to the corporation that makes that expenditure—they give \$150,000; it's good that they do but it's not all out of the goodness of their heart; there is an economic benefit to it—that money will not go to a public university. That's money we've lost, and the fact that it has gone to a private institution means that we have subsidized, in part, the operation of the university.

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Why does that matter? I take us back again to the whole tuition issue. It was interesting to read from the *Hansard*, I believe Wednesday, November 29, when the chairman and the founder of Argosy Education Group came before the committee. He said, "Briefly, Argosy Education Group was established in 1975 and is now a 25-year-old institution that operates 17 different schools and colleges across the United States." That's who they are.

He said, in part, during his presentation to the committee: "With respect to offering degrees in information technology"—this is the chair of the private university, the corporation, speaking—"note that private schools, such as Argosy, are able to invest in equipment and upgrades to technology at a more rapid pace than is available to the public sector. We, as a publicly traded company on the NASDAQ, have access to adequate funding and capital to buy the equipment that's necessary to train students to be prepared for jobs that are available today."

I thought that's what our public university was there for. And results are that it was working quite well. In fact, Ontario universities used to be the top funded in all of Canada; now we're at the bottom. And one of the reasons this private university is saying we should support them is that they can invest more money in post-secondary education than public institutions? Rather—

Interjections.

The Deputy Speaker: We need to have order. I'm having difficulty hearing the member for Hamilton West. I know it's getting late but let's try to just hold it together for a few more minutes.

Mr Christopherson: Who'd have believed it? At five to 12 we're not having quality debate. Boy, what a surprise. If the cameras could zoom over here to the loosened ties and wobbly eyes, they'd understand that this is not the smartest thing in the world. There's a reason they got rid of night sessions in the past, you know, and it had nothing to do with laziness. However, you don't listen to anybody anyway.

I was pointing out that rather than seeing this as a condemnation of the government and your lack of funding for public universities, you're trying to turn that and use it as an excuse for letting private universities come in, because they make the argument that they can invest more money—

Hon Mrs Cunningham: No, no, no.

Mr Christopherson: The minister says, "No, no, no," but all I'm pointing out is that that was the submission they made. That's the submission and that's what they were bragging about. I'm saying that rather than using that as any kind of a reason to say this is why we ought to allow private universities, I think that you ought to take that as a condemnation of the cuts you've made to universities, like mine in Hamilton, McMaster University, where the place is literally falling apart.

Hon Mrs Cunningham: Come on.

Mr Christopherson: Now, wait a minute. I grant you, I've been there when you've made announcements. I'm not saying you haven't invested a dime, but I am saying that you have cut and that the results of those cuts are that there are parts of McMaster University that are literally falling apart because they don't have the money to repair them. That's a reality, and the fact that that exists ought not in any way to suggest that that should give you reason to allow and want private universities to come in because they make these arguments. What it ought to say to you, Minister, is that you haven't done a good enough job, that you needed to fight to make sure that universities got the funding they need. But you know what? I won't hang that on you personally, Minister, because I happen to know that at the end of the day the decisions are made by Management Board. They tell you how much you've got to cut and you've got to go find it. The reason it has to be cut is because you've got to pay for all your tax cuts, the giveaways to the very wealthy, to the very wealthy corporations. At the end of the day, it does come back to all that.

The economics of this are very simple. You've taken away from things that have made this the greatest place in the world to live. You've sucked that money out, and you've given it to the friends who are funding your campaign platforms and your election campaigns and your party. That's why you changed the election laws. I pointed that out earlier.

This gentleman went on to say, "I would urge you that this is not a question of whether a school is for-profit or

not-for-profit or whether it is public or private, but the quality and integrity of the academic programs ought to stand and fall on their own merits. The distinction as to whether a corporation is a net taxpayer or a net tax consumer should not be a criterion on which to judge whether that institution ought to be capable of awarding academic degrees."

Take that same quote and replace "capable of awarding academic degrees" with "providing fire prevention and protection," and the argument is that they ought to privatize fire services. It's the same argument, the one that's laid out here. You set the standards and then you stand back and whoever can bid, and usually the way they can bid is by who can pay their employees—in this case, profs and support staff—the least and jack up tuition fees the most, whoever can pay those folks the least and charge the highest tuition, is the best corporate player, therefore they win.

But we don't believe in that here. We don't believe in it in our hospitals. We don't believe in it in our fire service. We don't believe in it in our police service. We don't believe in it in our ambulance service—at least we shouldn't; more are private than should be. In Hamilton they had the good sense to take it over and operate it municipally, but that's not the case everywhere.

All you've done is identify these public entities, and you see two things: (1) an opportunity to make some friends happy and (2) a way you don't have to spend money so that your bottom line looks good. It doesn't seem to matter whether or not it's better for the vast majority of people and families and students. That doesn't seem to come into the equation.

The choice is already out there. You say that's the reason for this. If somebody's got enough money and can go to Ivy League universities, they're going to do it anyway. Lord knows, with the amount of tax benefits you've given those folks, they can easily afford it on those alone. If they want to go to university somewhere else, that's fine. Nobody's saying they can't.

In this case, because it's about public business, we are far more concerned with what and how things impact on the vast majority of people, particularly those who live from paycheque to paycheque, which is the vast majority. Most people do live from paycheque to paycheque. If that paycheque is interrupted, their ability to provide for their families is interrupted also. That's the world we are concerned about, and that's the world you're not serving, Minister.

Interjections.

Mr Christopherson: No matter how much you try to heckle down the argument, it still remains. This is not going to benefit anyone except your bottom line. It's not going to benefit students who obviously, as a result of StatsCan analysis, are no longer able to afford tuition fees. The introduction of private universities is going to jack up tuition fees even more, even if it's just because public universities have no other way of raising the kind of money they need to compete with the private sector because you pulled back on your commitments.

I agree with my colleague who earlier said this is a really sad day in this Legislature. Given what's happened here and what's been rammed through and the loss of democracy, Bill 132 is just another example of bad public policy.

The Deputy Speaker: Pursuant to the order of the House dated October 31, 2000, I am now required to put the question.

Mrs Cunningham has moved third reading of Bill 132. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

Pursuant to standing order 28(h), the chief government whip has requested that the vote on third reading of Bill 132 be deferred until Wednesday, December 20, during Deferred Votes. So ordered.

It being past 12 of the clock, this House stands adjourned until later today at 1:30 of the clock.

The House adjourned at 0001.

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