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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Friday 27 April 2001

Vendredi 27 avril 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Friday 27 April 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Vendredi 27 avril 2001

The House met at 1330.

Prayers.

ORDERS OF THE DAY

BACK TO SCHOOL ACT
(TORONTO AND WINDSOR), 2001

LOI DE 2001 SUR LE RETOUR
À L'ÉCOLE (TORONTO ET WINDSOR)

Mr Stockwell moved second reading of the following bill:

Bill 13, An Act to resolve labour disputes affecting the Toronto District School Board and the Windsor-Essex Catholic District School Board / Projet de loi 13, Loi visant à régler les conflits de travail qui touchent les conseils scolaires de district appelés Toronto District School Board et Windsor-Essex Catholic District School Board.

Hon Chris Stockwell (Minister of Labour): I won't take up a lot of time to begin this debate. I'll use about 15 minutes.

Let me just get off the mark by saying that it was never our intention to become involved in this particular labour dispute. I think all parties have agreed primarily that when it comes to labour disputes in any sector, the public sector, particularly those that provide services that would be quasi-essential, it's been the history of this place that it is with a great deal of concern before a Legislature or a party gets involved in these disputes.

There's been a situation in Windsor and Toronto where there has been a strike of many, many weeks by the support staff workers. We as a government, after cajoling and discussing this internally and also saying very publicly that we are going to have to get involved and we don't want to get involved, tried to encourage the parties to reach what we considered to be a mutually acceptable settlement between them. Obviously that did not occur.

What happened after is unusual in this place, from my experience and when I checked the Hansard and the records of this place. Normally, when you reach a stage where the government has become involved in a collective bargaining process, they bring forward legislation in the four-, five- or six-week range and they ask for unanimous consent to order the workers back to work

because the schoolchildren are in jeopardy or face the potential jeopardy of losing their year.

When we did this first in Hamilton-Wentworth, we ended up being shut down for about a day before the kids could get back to school. At that time, when we voted on the bill, only the government members in this House voted in favour of putting those kids back to school in Hamilton-Wentworth. I personally found that discouraging, because when I was part of an opposition party, when these things happened, I co-operated, understanding that there was a broader issue here, and the issue was that the children needed to get back to school. As we say in this House, in a wink and a nod you put them through—15 minutes, sometimes an hour, tops.

We are facing an awkward situation here, because we are being opposed by one of the opposition parties in putting this bill before the House and getting the kids back to school. That's why we're here today, in the unusual circumstance of sitting on a Friday.

Let me say that I think the piece of legislation we've put forward in this House is a reasonable piece of legislation, which if adopted will solve this problem. I ask the members of the House to read it carefully and understand that if this piece of legislation passes today, the schools can be cleaned up this weekend and probably the vast majority of schools could be opened come Monday.

We've been drafted into this dispute. We have taken the action necessary. I understand that across the floor there were resolutions and processes put out. I can only say to the members across the floor, when you have to order people back to work, it has to be by legislation, and "by legislation" means it has to be by binding arbitration. You have to force the parties to a binding arbitrator. The arbitrator then has the power to make decisions, and in the ensuing days, while hearing the arguments, the schools reopen and the kids go back to school.

So this is not an unusual approach this government has adopted. I would say that, to a person in this caucus, there is wholehearted support for this piece of legislation before this House.

I would say to this House that it's a reasonable expectation that we should see, with some degree of certainty and speed, that this bill would be passed today, proclaimed tonight, the schools cleaned on the weekend and opened on Monday. That's basically the thrust of the motion; that's basically the thrust of the legislation.

To answer some questions about the legislation by the third party with respect to the appointment of arbitrators, there was some question about the capabilities of one of

the arbitrators. I myself personally investigated that arbitrator, Mr Stephen Raymond. I canvassed some lawyers in the community out there, from both sides. He was appointed as a neutral to the Ontario Labour Relations Board. I asked specifically about the decisions he has taken, and there seemed a reasonable expectation he could provide a neutral, arbitrated settlement. He has done so. He has done so in his year at the board in hearing cases. I have not received one complaint about him from management or from labour. The other gentleman, who would handle the Windsor situation, is equally as qualified.

I don't want to prolong this day, but let me say this: I understand how this Legislature works, and I understand that the third party has decided they want to use all the procedural wranglings and processes to hold up this bill. Whether they accept it or not, by using procedural harangues and holding up this bill, the only thing they truly are accomplishing is keeping the kids in Toronto and Windsor out of the classroom and that, to me, seems unacceptable in today's Ontario.

I hear some cackling from the third party and I find it passing strange to hear this cackling, because I sat in opposition to this third party, and the beauty of having sat in opposition to the third party is that each member who sits over there—of but nine—was part of the administration headed by Mr Bob Rae from 1990 to 1995, and some of them held very influential cabinet positions in that government. When they were faced with the exact same situation, they acted accordingly, which is what we've done, in a very similar way, to order people back to work.

I might add that during that administration they were faced with situations where jeopardy wasn't even declared on certain teaching unions. They acted before the jeopardy situation was put into place, so they're claiming a moral compass on this issue. But I can only suggest to those people in the third party that it seems you find your moral compass when you have no power to legislate the outcome. When you have legislative authority, you don't seem to have any moral compass. It seems rather convenient of you to find your conscience when it seems most appropriate for you to find your conscience.

1340

I find it somewhat frustrating, because in this situation when the third party was in power, their House leader came to our House leader and asked for co-operation—and I look to the member for Mississauga South, who was in the House at the time—to send teachers back to school in certain boards so the kids could get back in the classroom. They got nothing but absolute co-operation from our caucus, because at some times when we're in this place you have to allow the partisan nature of give and take to be overcome by certain realities. Those realities are that kids going to school and losing their year are important things that should not be subject to partisan bickering.

The absolute shame of it is this: had we not had a third party that was truly asleep at the switch, if we didn't have

a third party that hadn't bungled their procedural approach yesterday, we wouldn't even be here today taking the action necessary to get kids back in the classroom; we would be having to deal with section 69(c) applications from the third party that would keep them out of the classroom for two additional weeks, and it is absolutely unacceptable and shameful that they would take that position.

They argue that they take that position for the collective bargaining process and the unions. The point that has to be made is, why now have you found this "principled" approach to dealing with collective agreements? From 1990 to 1995 you never did anything like you're doing now when it came to ordering teachers back to work. Tell me about that. Square that circle for this House, square that circle for the people of the province. When you have the levers of power you make one decision, and when you're in the opposition you make an entirely opposite decision. Square that circle with the people of Ontario.

If there was some sense of glee in this caucus yesterday, it's understandable. If there's some sense of glee, it's acceptable.

Mr Mike Colle (Eglinton-Lawrence): What's glee?

Hon Mr Stockwell: "Glee" is a tough word, but I'll send over a definition, perhaps. If there's some sense of glee in this caucus, you're right, because we believe it's important to act today and we are prepared to sit for as long as it takes. I say to my caucus friends that under the standing orders, the procedural rules we live by, this third party can hold this House up for nine or 10 or some 11 hours. But I will tell that third caucus that, come the second reading vote and the third reading vote, you will find enough caucus members sitting on this side of the House to pass this kind of good legislation for the parents and children of Windsor and Toronto.

The Speaker (Hon Gary Carr): Questions and comments?

Mr Gilles Bisson (Timmins-James Bay): I listened intently to the minister across the way try to talk about why this legislation is necessary.

The reality here is that we know the parties in this particular case, in the board in Toronto and in Windsor, are trying to negotiate a settlement. What we have is a Minister of Labour, along with the entire government caucus, saying, "Listen, we know best. We can insert ourselves into the bargaining process and try to find some kind of resolution by forcing this type of legislation through the House," and there has been no jeopardy found, never mind that you've changed the legislation on how we define jeopardy in Ontario. In the case of the board in Toronto, they've been out on strike for some time now, but the schools have been closed merely a week. We know they're still negotiating. We know they're close to an agreement. So why would the Minister of Labour, knowing that the parties are close to getting a settlement in Toronto, want to force this type of process through? At the end of the day, all you're doing is kiboshing the process, by which you may end up forcing the board away from the table.

If you're successful in passing your legislation to force the parties back into a collective agreement, you still haven't dealt with the problem, because we know what the real problem is: it's your funding formula. It's your government who put your hands into the pockets of the taxpayers of the province of Ontario to take money out to make sure that the boards were reduced by almost \$1 billion in funding since you have come to power.

Mr Rosario Marchese (Trinity-Spadina): A billion and a half.

Mr Bisson: A billion and a half, I'm told by our education critic.

Now, these boards are trying to find a way to operate, including, yes, keeping the schools clean, now that you took a billion and a half out of the school boards. So you've created this crisis. Don't come in here and start preaching to us about the moral high ground, because, sir, what you have done is nothing but low ground when it comes to the funding formula here in Ontario.

Mrs Margaret Marland (Mississauga South): First of all, I want to congratulate my colleague the Minister of Labour. He, in my opinion and in the opinion of the rest of cabinet, which had this very difficult decision to make in the beginning, and all of caucus in the end, has been very cautious in terms of letting the natural course of progress be made, with every opportunity, before we were forced to bring in this legislation.

There comes a point where the disruption in the lives of those families with children in elementary and secondary schools has to come to a stop, the disruption that affects their ability to earn their living, because if they're elementary-aged students, somebody has to be at home with those families. The disruption is incredible.

What I really need to tell you is that when I came into this building this afternoon, I came in at the same time as a visitor with a pass to our public galleries. It's such a beautiful day. I said, "Good afternoon. Isn't it a great day out there." He said, "Yes, and it'll be a great day in here when this legislation is passed." I said to him, "Are you a parent? Is that your interest?" The fact that someone is interested in being here I found very creditable for this individual.

He said, "I'm not here as a parent. I'm here because it's time for this legislation. I happen to be a caretaker in one of our schools." I commend him for saying that our government is doing the right thing, regardless of whether our New Democratic colleagues in opposition understand. The people who matter do understand.

Mr Colle: I know that the government party finds this to be a time for glee. I tell you, the people certainly in my riding find this a really sad period of time, because many of them are frankly fed up. They don't care whether it's the school board or whether it's us here or the government; they are basically fed up to their eyeballs with constant disruptions of their families' lives and the lives of their kids. This is a repeat of the same type of disruption we've had in our public schools for the last five years, over and over again. There's always an excuse, there's always someone else to blame. They are

frankly saying, "A pox on all your houses. If you can't run our basic schools and our basic hospitals, what are you doing there?"

They say they pay through the nose in property taxation for public schools. They volunteer. Their kids are going through one change after another—new curriculum. The teachers are going through their own version of hell. They say, "Who really cares about us?"

Yes, this legislation is supported by our caucus, but we're not happy with the fact that we're in this condition, because this condition is not just the fault of the workers who are on strike or the school board or the third party; a lot of it lies at the feet of this government.

1350

I especially feel sorry for the families of children with special needs in Toronto, 26,000 of them, who have been told to stay home. They haven't been at school for four weeks, and their families and these children have suffered. I hope the government puts money back so there will be remedial teaching and tutoring for these special-needs kids—

Interjection.

Mr Colle: Yes, money for special-needs kids. You don't care about special-needs kids. All you care about is—

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

Interjections.

The Speaker: Last warning to the member for Eglinton-Lawrence. His time is up.

Mr Tony Martin (Sault Ste Marie): I find it passing strange that—

Interjections.

The Speaker: Take your seat. Put the clock back two minutes.

I know we're dealing with education issues, but when you start yelling across about who started what, quite frankly, you sound like a couple of kids in elementary school. We're not going to put up with that. Stop the yelling back and forth. I don't care whose fault it is or who started it, if you yell across like that, we're not going to be able to continue.

We'll put the clock back two minutes for the member for Sault Ste Marie.

Mr Martin: I find it passing strange that this government, which has wreaked so much havoc on the public life of this province, has us here this afternoon talking about legislation that probably wouldn't be needed in the first place had they not decided two years ago to target the organized labour movement in this province, instead of looking at them as the assets that they are, bringing them to the table around issues of concern to all of the people of the province and working out arrangements that are satisfactory to everybody concerned.

It's an interesting axiom in this world that—

Interjections.

The Speaker: Sorry for the interruption.

Again, if you want to have these discussions across like that, it's a wide space and if you talk loud enough for

the other person to hear, we can't hear anybody else. We have two lobbies on either side. If you want to decide what schools you're going to visit together, then kindly take it out to either of the lobbies and discuss it. Don't yell across the floor here. Or, as often happens, one of you go across to the other side and sit face to face two feet away. Then I can hear. But don't yell across, especially when I've called for order a couple of times.

Sorry again for the interruption, member for Sault Ste Marie.

Mr Martin: I think the people out there should know that the little debate going on here this afternoon is primarily between the governing party and the Liberals. We on this side, the third party, wanted to have a serious discussion about this, a very serious issue that affects the lives of the people of this province and the people of Toronto.

It's an interesting axiom that in this world, in my experience so far—and I've lived about 52 years—what goes around comes around.

Interjection.

Mr Martin: On a point of order: I would ask the member to withdraw that comment.

The Speaker: We'll stop the clock quickly. I didn't hear anything. I was listening intently to the member's comments. If any member has said it and they wish to rise, they are certainly free to do it. I didn't hear it. As I mentioned, I was listening very intently.

Mr John O'Toole (Durham): Mr Speaker, on a point of order: I withdraw.

The Speaker: OK. Thank you for your gracious gesture.

The member for Sault Ste Marie.

Mr Martin: I was of the understanding that this is a very serious issue to the folks across the way. It seems to me, from what we've seen in the very short time we've had now, that it really isn't. It's a matter of ridicule and joking and laughing.

You created the turmoil in almost every area of public life in this province. Then when the turmoil happens and you can't control it, because you have no relationship with the partners to the turmoil, your immediate response is knee-jerk legislation. You bring it in here, you time-allocate it and you drive it through. We won't stand for that.

Mr O'Toole: Mr Speaker, on a point of order: I'm questioning the member who has just spoken here. If the House should permit him to speak, given that he insulted the very standing orders of this House—

The Speaker: Order. Would the member take his seat. Order. You've done your apologies. It's the Minister of Labour's turn.

Hon Mr Stockwell: I appreciate the comments from the members opposite. There's no glee here. I don't know where the member for the Liberal Party got "glee."

Interjection: You said it.

Hon Mr Stockwell: Listen for a moment. We were gleeful that they were asleep at the switch. That's what I said in my speech, so think it through before you start

flapping. I said we were gleeful because the kids would benefit because they were asleep at the switch and they're going to be back at school sooner. That's what we were gleeful about.

As far as the opposition parties are concerned, the member for Timmins-James Bay, I think, says we didn't wait for jeopardy. You know, that's the problem in dealing with this House, because you have to deal with people who have no understanding of how the system works. There is no jeopardy for support workers. There is no jeopardy. The ERC doesn't rule jeopardy on support workers.

Mr Bisson: That's the point.

Hon Mr Stockwell: The point is you told us we didn't wait for jeopardy. We would have waited until the cows came home. There isn't a jeopardy equation from the ERC for heaven's sake. God forbid they be in government. They'd be waiting for a jeopardy rule on support workers and there is nobody who declares jeopardy.

Honest to goodness, you want to talk about the moral high ground and you stand there talking about the collective bargaining process. You should be ashamed of yourself. What about the social contract? And the Rae days? Where was your moral compass then? Where was the sanctity of collective agreements? You only have sanctity for a collective agreement when you have no decision-making powers. When you've got the levers of power in your hand, your moral compass is gone. Out. You've got Rae days and social contracts.

Lecturing us on collective bargaining processes—we waited. We wanted a deal. Four, five, six weeks, they didn't get one. You have to show some leadership. You have to stand up and be counted. You've got to get the kids back to school. You don't need to lecture me on the social contract and the sanctity of collective agreements. We're here all night. They're going back Monday.

Mr Gerard Kennedy (Parkdale-High Park): At the pleasure of the House, I'll split my time with the members for Windsor West, Windsor-St Clair, Sarnia-Lambton and also Toronto Centre-Rosedale.

Now, I'm just going to wait a second and let the waves of sanctimoniousness pass through from the other side of the House about how they would like to cover themselves in glory for the conditions of the schools in Toronto and Windsor, and elsewhere in the province today. To hear from the Minister of Labour, who has idly stood by, who has condoned and recommended the kind of cuts and conditions that have prevailed on the students with whom he's charged in this Toronto system, is more than anyone on this side is going to take.

Today we're talking principally about this legislation, but this legislation was borne in the neglect and the commission of this government. We're supporting, reluctantly, legislation that is the only option that this government knows how to consider. They only know how to use the hammer. They had in front of them all of this House, including the members from the third party, who couldn't find a constructive solution to save their lives, apparently. What the people on the picket lines and the stu-

dents in the schools—and more importantly, the students lately not in schools—needed from all of us in this House were some constructive solutions. We have no business having to only resort to hammers because nobody on the government side, and apparently elsewhere in the third party, can find a way—

The Speaker: Stop the clock. The member for Peterborough.

Mr R. Gary Stewart (Peterborough): On a point of order, Mr Speaker: I take exception to the member who suggested there was doublespeak in my world. That kind of sounds a bit like telling a lie and I take offence to it. I would—

The Speaker: Member, take a seat. I can see where both myself and the table are going to listen very carefully, and I say to the table if I hear any out-of-order language, I'm going to jump on it very quickly.

As I said to one of the members who just went out, I'm glad we don't sit too often on Fridays because obviously the mood in here changes. I know we have a very controversial issue. I'm going to be in the chair most of the time and I'm telling each and every side, right here, right now, if you start with the bad language in here I'm going to clamp down on it. So for everybody in here, we're going to listen carefully. The people at the table are going to listen carefully. They're going to give me a signal if they hear it and I'm going to be up on my feet very quickly.

The member for Parkdale-High Park.

1400

Mr Kennedy: There's no place for any member of this House to hide today behind the interests of children or the interests of the workers out there who may not get a fair deal as a result of this particular resolution today. There is no place. I'm sorry, but this House has become incapable of considering solutions that could actually bring the interests of parties together. We had that responsibility. Why did we have that responsibility specifically in this case? We did because this House, this government, took \$1,800 away from each and every student in the city of Toronto in one of the boards in question and \$1,100 away from each and every student in the city of Windsor in the Catholic board. That's what the members opposite are condoning.

Less than 4% of those savings came from administration. Where did it come from? It came from the exact category that we're now debating. It's so vital that we've got to order them back to work. It came from the people who were so-called outside the classroom. It came from the janitors, it came from the support workers, it came from those people whom you have, all your time in government across the way, called down as less needed and less useful.

This is the result: intractable, sometimes senseless in a way, disputes taking place because the party that needs to be there won't even in a constructive way put themselves at the table except to put their thumb on the scale to make sure things don't balance out.

They did that in three ways, which we asked the Minister of Education and the Minister of Labour to consider, to put forward a constructive bill that would at least allow a mediator to decide what would be fair rather than the conditions imposed by this government, the conditions that they wanted to have considered, which were fruitlessly unsuccessful in the last number of weeks in giving either side the ability to come to an agreement.

What were those? The absence of money. They don't want to talk about resources. The Premier the other day sat in front of an audience and said nothing about this government's commitment to improve education, not one dime, not one new idea, nothing that would actually advance the interests of children. That's what people need to hear today. So we're saying that ability for the province to recognize the role it took on to fund all education should have been at that negotiating table in both cities.

As well, the government has changed the way the negotiating process works, has made sure that only the narrowest of considerations can be undertaken by arbitrators. We're saying allow that to change, allow flexibility, allow something that's sustainable, not just for one year but on an ongoing basis. How hard would that have been? How hard would that have been to make that possible?

There was also a need on the part of this government to say to these boards and to say to the federations involved—the unions, in this case—that there was an interest in becoming the referee again, that there was a willingness to take up intractable issues that could be refereed by the province or referenced to the province. At no time did the province express that. Their rules are their rules, their rigidity is their rigidity, and in that, they turned down the possibility we put forward for a goodwill resolution.

Why does that matter now more than ever? Because goodwill is in short supply in this school system. As much as we believe that the rights of children to go to school have now superseded the collective bargaining interests, which we do support—we're not the authors of the social contract, which this party also voted for. We simply would like to see that work in a way that can be made to work.

We see a greater danger. We see a government attacking public education, using the turmoil that they have helped to create in public education to undermine it. I would ask the members opposite to stand up and acknowledge and defend their role in creating the situation that we now have to contend with today where the parties couldn't come to an agreement in their interests and the interests of the kids that everyone here wants to hide behind.

Mr Dwight Duncan (Windsor-St Clair): I have a few minutes available to me. I want to first of all address this immediate question of the Minister of Labour's actions with reference specifically to my home, which is Windsor. I should declare at the outset that I have a direct interest in this. My little boy has been affected by this

strike for five weeks now. In fact, I spent the first three weeks doing my work as an MPP and also looking after a number of the kids in the neighbourhood. So I've felt the effect of this very personally.

Let me say to the Minister of Labour, first of all, I have been in regular contact with both sides in the dispute in Windsor. I've satisfied myself that there was no local resolution that was going to come forward. The amount of time that this community has been on strike—and the kids have been rotated in and out over the last few weeks. We're now at the end of our fifth week.

The government has quite correctly noted that there is no way of finding jeopardy. So I attempted to use other declarations of jeopardy as approximations to when it would have been appropriate to do what the government has done. I think one thing we need to keep in mind is that the curriculum today is more difficult than it has been in the past. Accordingly, each day, in my view, represented a longer period of time. It is, in my view, the appropriate time to take this step in Windsor.

I also want to say to the government that I am aware of Mr Steve Raymond, and I want to be unequivocal that I believe he will be a neutral arbitrator and is appropriate. I'm not familiar with the arbitrator in the Windsor situation and I can't comment on that. I can tell you this: the folks in my community believe this is the appropriate step.

The last time, interestingly enough, that back-to-work legislation was brought in, it was brought in by the New Democratic Party, in their mandate. It involved a teachers' strike. At that time they passed the legislation before jeopardy was found. I believe it's in the interest of the kids in my community and I believe it's in the interest of families. Families are struggling when their kids are at home. First, the kids are getting very bored right now, I can tell you that. I spend a lot of time with them. They're getting bored. It's hard to keep kids interested when they're not in school. Second, it's a rough curriculum. My fifth grader does an hour and a half of homework every night, and he has to, as do his friends, to keep up.

I believe the collective bargaining situation in Windsor could not have found a solution to this problem, and accordingly I'm voting in favour of this legislation. My colleagues in Toronto believe the same situation exists in Toronto.

There is a broader question about education. In my case, in the case of the Windsor board, funding has gone down an average of \$1,100 per student. There will be a big debate on that question at the appropriate time. We don't want the kids to be held hostage to this. In fact, as soon as this is done, that same board has to vote on closing yet another seven schools in my community. I want to get back to debating those issues with the government, because we are fundamentally opposed to your agenda in education. We believe fundamentally that your agenda for education is setting this province back, not moving it forward. But that debate ought to occur with the kids in school, and it ought to occur in the context of this Legislature, and candidly and frankly, in the context

of a general election. It's important to get our kids back to school.

In the case of Windsor, I've satisfied myself. I've been in touch with the union and I've been in touch with the board on a regular basis. There is no local solution to be found in the Windsor situation. The arbitrator in the Toronto situation I know to be a very good arbitrator. I don't have a problem. I'm glad there's an additional seven days in the legislation to find a solution locally. But it is essential to get the kids back to school.

I'm looking forward to the debate on education, but I want our kids in Windsor back in school. With the kids in school, we can have that debate; we can have it here, we can have it in our communities. I look forward to having that debate in the next general election, because in my view it is your policies, the policies of the Harris government, that have led to the chaos in this system. With the kids in school, we can debate that, and in my view that's the appropriate way to debate it.

Ms Caroline Di Cocco (Sarnia-Lambton): I want to make it very clear that Dalton McGuinty and the Liberal caucus believe that the best place for students is in the classroom. We know that. The discussion about good education must begin with stability and peace in our schools, none of which the Harris government wants to achieve. All we've had is six years of turmoil in the schools.

I make no bones about my own evaluation, and that is that the responsibility for that constant turmoil in our education system and the demoralization of our educators rests solely on the shoulders of the Harris government. We are now in a lockout in Sarnia-Lambton as well. Where there was no issue before, such as extracurricular, the Harris Tories decided to create a problem. We didn't have a problem in extracurricular in most of the school boards across this province, but no, we have to use the hammer because that's the only tool they know how to use. Therefore, we now have a problem with extracurricular.

Good business practices mean there has to be a good relationship with the employees. This government does not understand good management, in my view, from what we see.

From 1995 to 2001, the province has cut support for students. I believe it's almost \$1,700 less per student in Toronto and about \$1,146 less per student in Windsor. I find that incredible when you've more than doubled the administrative, the running of the Tory offices, your cabinet offices. You've doubled your administrative offices for the Premier. Yesterday I heard Ms Ecker, the Minister of Education, saying, "The boards have to stay within their budgets."

1410

Not at all. Not the Tory cabinet offices. You can more than double them. Why? I couldn't get an answer from the Deputy Premier, no answer at all. That's OK, because the Tories have one rule for themselves and one rule for the rest of the province. As I said, we believe that the kids should be in school. It's important that they're in

school. But the only way we're going to stop this turmoil is by getting rid of the Tories.

Applause.

The Speaker: Further debate?

Mr George Smitherman (Toronto Centre-Rosedale): I think the last comment made it hard for the ones opposite to clap.

I don't need a lot of time, Mr Speaker, to lay out the principle on which I come to the conclusion that supporting this legislation is both important and appropriate. I do so on the basis of one thing, and it's kids. It's kids not unlike those who grace our galleries with their presence today, who in my riding are being prevented from being with teachers, at the end of the road to class in the morning, who are willing to teach them.

The government opposite has already in this debate used words like "glee" and "congratulations." I think both of those words are inappropriate in the context of this debate. I don't think this is a proud day in the history of this place. It is one I will remember, but it is not one that I will cherish.

I support this legislation. The third party talks about the principle involved, that this is, in a sense a capitulation, that it helps to mirror or mask the reality behind the disarray in our education system today in Ontario. I understand that argument and I think there's much to be said for it. But the compelling messages I've heard are from the people I represent: the kids at Jarvis Collegiate in their OAC year, who have, for their entire high school careers, known nothing but disruption, who have been prevented from fulfilling the full extent of their high school careers by a system that does not properly work for them. It is with them in mind that I decide that it's appropriate to offer support for this legislation. It gets kids back in the classroom with teachers who are willing to help them learn.

Many of the constituents that I'm honoured to represent, many of those kids, don't have the benefit of parents who are as able to help them with their homework as others. A lot of English-as-a-second-language parents are not as able as we would like to assist those kids. Those kids need to be in a classroom. I'd say that this disarray in our public education system is an issue that we are concerned about and we look forward to that debate.

I believe the government's agenda is designed to undermine our public education system. The Common Sense Revolution has been brought home to too many of the households in my riding, and this disarray in the public education system is one example of that. I think it's a sad note that on a day when we're having this debate, which is brought about in large measure by an absence of adequate funding, especially in urban school boards, in the city of Toronto, because of dramatic increases in their property values, taxpayers will see an additional tax bill of \$77 million, not one penny of which will be spent in Toronto to deal with the funding inadequacies that come about and that have brought about in part this labour impasse that we are dealing with today. That \$77 million, instead of being available to deal with these challenges locally, will be sent to other places.

I stand on principle, and I'll vote in support of this legislation on the principle that kids can be back in the classrooms sooner. That's the most important principle that is at stake, in my opinion.

The Speaker: Further debate? Seeing none, questions and comments?

Ms Frances Lankin (Beaches-East York): I have to say to the speakers on behalf of the Liberal caucus that I do find it amazing, the way in which you want to have it both ways all the time on such important public policy issues. The fact that you can stand and rail against the government and what they're doing in the education system and yet not only facilitate quick passage of a draconian piece of legislation but vote in favour of it totally amazes me, except that I've come to know that to be the Liberal Party of Ontario.

I read this legislation, someone who has spent time working in the area of negotiations and understanding how the role of compulsory arbitration is meant to replace free collective bargaining and the results of free collective bargaining, and I understand when I read the way in which the government's funding formula is imposed on the arbitrator and the arbitrator's decision-making that the workers who have been on the picket lines for the last three weeks cannot get a fair deal. Whether you think the arbitrator is benign or not, the rules that the arbitrator is fettered by will screw the workers who have been out on those lines.

The Speaker: Stop the clock. We're not going to start with language like that. I ask the member to withdraw—we're not going to use words like that—and then she may continue.

Ms Lankin: I absolutely do, Mr Speaker. I feel passionately that this legislation is legislation that is designed to oppress those workers who are fighting for a fair deal and a fair process. The Liberal Party is facilitating that and voting for that and yet speaking against it in their speeches.

The Liberal Party, when the government passed their motion to sit today, not only was with the government, they cheered and applauded the government's achievement. I believe that we want our children back in school. We want them in a school where they can get a good-quality education, with workers who are compensated and are treated with respect, without a poisoned atmosphere. This bill does not accomplish that.

Hon Janet Ecker (Minister of Education, Government House Leader): A couple of points that I think are worth mentioning: The member for Parkdale-High Park, the Liberal critic, was talking about people hiding behind or playing politics, disputes in classrooms. There have always been fights and disputes and disagreements in the education sector, for years, under Liberal governments, under NDP governments, under previous Tory governments, because education is extremely important to everyone and people have strong views.

The difference is that those disputes do not have to be taken into the classroom, that those disputes should not be taken into the classroom and taking education away

from our kids. So all sides of the House want a fair agreement, want a collective agreement for those members, those unionized workers, of course we do. But also, at the same time, we have to keep in mind that there are children who are sitting there waiting to go back to school, there are parents whose lives are being seriously disrupted by this strike. Quite frankly, enough is enough. So that's why we have moved to bring in legislation that will ensure that the children are back in school.

The Liberal Party, with all due respect, brought in a bill yesterday that they thought would be of assistance. While everyone appreciates someone trying to help, you can't say, "Let's solve it by saying, 'Let's have a mediator, let's let them all have a mediator.'" They've had that option. The Ministry of Labour has been there to support both parties, both in Windsor and in Toronto, but those options have not been used by the board or the union.

With all due respect to the Liberal Party, passing a bill saying, "Gee, let's all sit down and be nice together," is not going to solve it. This legislation is going to solve this dispute, and for the sake of the kids, to have them back in the classroom, it's a necessary step that we feel we have to take.

Mr Gerry Phillips (Scarborough-Agincourt): The Minister of Education just indicated that this is just another dispute, not unlike all sorts of other ones. My judgment, Minister, is that the education system is in serious difficulty. I believe that. If you don't believe that, then you probably don't understand what's happening out there.

Ken Dryden, a thoughtful Ontarian who has looked often at our education system, had some good advice for us today: "It's time to bring some peace into our schools."

You hear comments about public education. The best time in my life perhaps was high school. I had my 40th reunion of a football team. All three of my coaches from 40 years ago were at it. They remembered every single thing about us. I can still remember my French teacher, my English teacher, dare I say the principal, the vice-principals, virtually all the teachers there at London Central.

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The teachers today are the same as they were 40 years ago. I have spent a lot of time in schools. But we have turmoil in our schools. Even more important, the support for public education is bound to lessen, because no one can view all of this turmoil and not begin to lose confidence.

Again, we heard a lot of rhetoric in the House today. The best solution to this particular trouble we're in right now, I happen to believe, is the legislation before us. We can have a difference of opinion, but I would say to all of us: I am strongly of the opinion that we are doing serious damage to public education right now, and we need to address it instantly.

Mr Marchese: Speaker, we rail against this Conservative government that has done many things that are evil,

I tell you, in the education system. The first one is that they have assaulted the teaching profession in a way that has poisoned the work environment, in a way that has affected the quality of education in the classroom, in a way that has affected the students and their ability to learn, and I rail against this government for bringing back-to-work legislation that further poisons the environment for those non-teaching personnel.

My rail, however, at this moment—because I'll have plenty of time to attack the Tories—is against the Liberals. The Liberals say, through Mr Kennedy, "The NDP could not find a constructive solution—too bad, so sad." What's their solution? To support the government in sending the workers back. You Liberals cannot have it every which way. I know that you are chameleons. I know how you slither under the carpet, in between the carpets. I know how reptilian you can be, and we're going to expose you to the public, because snakes can only go so far until they get caught by the general public. They're bad, but you are worse. You have no guts whatsoever. They have the guts to do the bad thing, and you have no guts in standing up for the very things that you argue about: how the underfunding is a problem, how those poor workers are not getting a fair deal. What do you do? Ecker comes in with Stockwell to force these people back, and you say, "OK, no problem."

Yes, they cheered gleefully when a couple of us here were caught off guard and they said, "Ha, wonderful." They cheered you on. Whose side are you on, you reptilian MPPs?

The Speaker: Response?

Mr Kennedy: Unfortunately, I think people, including some of the kids in the gallery today, are getting a lesson in the incapacity of this House to do better than what we have in front of us today, that there isn't an ability to look at and have a regard for real solutions.

With all respect to the minister, what we said was, if you were able to make it more attractive, people would voluntarily have gone into mediation. They would have done that. If this party over here had decided that instead of some kind of play they would be willing to assist a solution, they could have got behind that. There could have been some force to see better things done, to see that the mediation would work, to see that other things were done.

In the interests of children, yes, but the parties in this House, including our own, have to make choices between competing goods, in this case the collective bargaining rights of the workers and the ability of children to gain an education. We don't take any pleasure in the choice between them, and we don't pretend to have it all ways or, frankly, any way in this particular case.

We do want to appeal to the province at large and to the members of this House for better disposition of things that are happening in education. The days coming are a test of every member in this House as to whether, beyond their partisan and ideological constraints, they really do care about public education, or are the members opposite

just waiting to shop this in pieces to some private companies? Are these members here unable to find answers?

This is the third time we've put together constructive things. We asked each member of this House to go back to school, to spend time. I will gladly name members in every party who did that, but many have not. We also said we could get extracurricular back in operation in the 75% of all public schools where it's vastly diminished if the members opposite would just find their way to have their way and not hurt the kids, and compromise with the teachers of this province to make that work. They refused to do that and they refused again yesterday, when we put our other back-to-school plan on the table.

We hope for better. We will fight for better.

Mr Howard Hampton (Kenora-Rainy River): Let me begin by saying that it sounds to me that more than a few people were betting on New Jersey last night, by the sounds of comments here today.

I'm happy to say that I want to address what I think are the real issues in this dispute, and I also think they are the real issues in education across the province. However, before I do that, I just want to point out something the Minister of Labour said.

He said that the NDP did order teachers back to work. That's true. In one case, in November 1993 in Lambton, there was a finding of jeopardy, and after the finding of jeopardy, legislation was passed. I'm pleased to say it resulted in a collective agreement and generally both sides were happy with that collective agreement. Then, as I understand, in Parry Sound later on that year, in October 1993, there was a finding of jeopardy and legislation was passed which resulted again in an arbitrated collective agreement. In December 1993 there was a strike, a labour dispute in Windsor. Just so that the Minister of Labour is aware of this, yes, legislation was passed, the legislation was proclaimed, but it was never implemented because in the meantime the parties were able to get together and negotiate a collective agreement. So in two of the cases there was jeopardy and in the third case the parties were able to negotiate a collective agreement before a finding of jeopardy and before the implementation of the collective agreement—just to set the Minister of Labour straight.

I said I wanted to get to the real issues. What's happening in Toronto and Windsor and what has been happening in North Bay are only symptomatic of what has already happened with a number of other boards of education across the province and what is going to happen with a number of further boards as we move into this year. The problem is this: it is true, and any accounting will show it, that a billion and a half dollars have been removed from school budgets across the province. Schools in Ontario are operating now with one and a half billion dollars less in terms of operating funding than they had in 1995. The government has done this in a number of ways. The point is that because one and a half billion dollars have been removed from school budgets, schools are continually pressed against the wall in terms of trying to find the money to finance caretaking,

the duties of the secretary and maintenance and custodial staff. In many cases they don't have the money for bus-ing, in some cases they don't have the money for special education, in other cases they don't have the money for libraries and the list continues. Depending upon where you are in Ontario, different boards are facing different but difficult circumstances because the government has taken so much money out of the education envelope.

Just some big figures so that we get a sense of the overall context: in 1998, after these cuts were first implemented, Ontario ranked 55th in North America in terms of educational funding for elementary and secondary schools. We used to at one time look down at the Americans and say that they didn't value education enough. In 1998 the American average in funding was \$7,254 per pupil, versus Ontario at \$4,709 per pupil. Those American states that not so many years ago we used to look at and say, "Oh, they don't value education," are now investing far more than Ontario is in their young people and in their students. The Ontario alternative budget calculated that in order to restore Ontario to its 1994-95 ranking, funding would have to be increased by \$1,000 per pupil.

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In terms of what's happening out there in schools, over 138 schools have closed or are slated to close in the next two years. Ten per cent fewer elementary schools have full-time principals. Think about that. The principal is the person whom parents and the community and teachers and the board, and the students most of all, rely upon to provide direction for the school, to ensure that overall management of the school is appropriate and to ensure there is responsiveness to parents and to students. We have all kinds of schools now in Ontario which have no principal.

Forty two per cent of elementary classes have 26 or more students. What's important about that? The government said in its legislation that this shouldn't happen. But in fact we have all kinds of elementary classrooms across Ontario now that have more students in them than the government has said in its public statements should ever be the case.

Class sizes have been increasing since 1995. For grade 2 students—imagine this—who are trying to master reading and literacy, who are trying to come to grips with mathematical concepts, who are having to deal with all kinds of social challenges as well, class sizes have increased by more than 10%. When you start thinking about students, individual children, it means you have three or four or five children in the class who are not getting the attention they need. That's what it means.

Twenty-four per cent fewer elementary schools have English-as-a-second-language programs. Why is that important? Because everything we see tells us that more and more Ontario is becoming a multicultural society. That is particularly true in cities like Ottawa, and not just Toronto but the greater Toronto area, Hamilton, London, Windsor. Almost all of the major urban areas of this province are becoming very multicultural, and there is a

need for English as a second language if students are to do well. Yet this government is wiping out ESL programs across the province.

Parents may not understand how this government allocates funding for schools. You might think they allocate funding on a per student basis, but in fact that's not the case. This government allocates funding to school boards on a per foot basis—not per student but per foot of school space. Even in that, they didn't match the funding that their own advisory panel told them they needed. They said, "If you're going to do this on a per foot basis, if you're going to go around and measure each school and then fund it on a per foot basis, you should fund on the basis of \$5.50 per foot." Even by their own standards, the government is underfunding at \$5.20 per foot.

But the whole idea of per foot is a fallacy, because we have a lot of older schools that may have wasted space or that may have space that is not being used now as it would have been in the past. So in effect, the funding on a per foot basis doesn't recognize the needs of students, it doesn't recognize the special circumstances of students; frankly, it's based upon something that is really quite irrelevant in terms of students in our schools today.

Some anecdotal evidence around the province—and I would say that what we're seeing in Toronto and what we're seeing in Windsor is not unique. Go to Hamilton. A survey was done in Hamilton by the teachers, students and board staff about how people felt about the cleanliness of the schools. They all reported that the schools in Hamilton were not sufficiently and appropriately clean for students to be there every day, but they don't have the money in the funding formula to do anything about it. So they addressed the government and said, "Would you deal with this issue." The government said, "No, we're not interested in this issue. If your schools aren't clean, that's your problem." Well, it's all our problem, and this government has to recognize that it is its problem.

On February 5 the Ontario Public School Trustees' Association wrote to the Minister of Education warning her of the funding crisis that boards are facing because of increased fuel costs. Everybody across Ontario knows that the cost of natural gas and heating fuel has risen dramatically in the last year. In fact, there are many people across the province who are saying, "I'm having a hard time paying my heating bill." So the trustees' association wrote to the government and said, "There is not enough money in the funding formula to pay for something as essential as heating our schools," and they asked the Minister of Education to recognize this need.

In Toronto alone the heating costs increased by \$17 million over the last year. Did the government come up with \$17 million to help with something as essential as the heating costs? No. They recognized a small portion of it and said to the schools and the boards of education, "Take the rest from somewhere else."

I said earlier that depending on where you are in the province, this problem is cropping up. Let me tell you what it's like in northern Ontario. Almost all schools in northern Ontario have situations where they have to bus

their students. In some cases they may have to bus their students 40, 50, 60 or 70 kilometres. Many northern school boards don't have sufficient money to bus their students.

Routinely, as an MPP or a school trustee, you receive letters and phone calls from parents who are saying, "My child is only in grade 1, only in grade 2. It's often 30 or 40 degrees below outside in the winter, but my child is having to walk this distance to school at these temperatures and I think this is unsafe." The board has to write back and say, "I'm sorry. We recognize the safety issue. We recognize it's not a good idea to have a seven-year-old walking this distance on a road that may not have many people going up and down it, on a road that may have logging trucks going up and down it at high speed. We recognize there is a safety issue here, but we don't have the money in the funding formula and the provincial government doesn't recognize this as a serious issue. They will not address it and they will not help us address it."

Textbooks: go into any of our schools and see the sorry situation with respect to textbooks. The funding formula allocates \$100 per year for textbooks, computer software and library materials, but a high school student taking a full course load—my nephew, taking a full course load—requires more than \$400 in texts and learning materials. So there's \$300 per student right there that this government refuses to fund.

Again, depending where you are in the province, this inadequacy of the funding formula expresses itself in different ways, but it's happening everywhere.

More than 65% of elementary schools report that students are now using worn, out-of-date textbooks, or they must share textbooks. How do you share textbooks in a rural school where one student lives 40 kilometres this side of the school and the other student lives 40 kilometres in the other direction? It simply can't happen. So what you have are situations where neither student who is supposed to be sharing the same textbook receives any justice out of the funding formula.

Then there's the very sad case of special education. Some 34,000 children in elementary schools alone are waiting for special education services, 34,000 children who need help, and this government says, "Sorry, you're not important enough. There's no money in the funding formula for that."

I want people to know what it's like in the more remote parts of Ontario. To get special education funding for your students, your child has to go through a number of hoops put in place by this government. You have to go through a number of tests. The problem is, if you live in a rural part of Ontario, you won't have the psychologist, the psychometrist and all the specialists at hand in order to do these tests. You actually have to fly someone into the community from Toronto, Ottawa or Hamilton. You have to pay for their expenses for a week in order to have these tests done. The boards of education are saying, "We don't have that money. We know that by any measure

these students deserve special education, but we can't afford to have the tests done."

There are 34,000 children in Ontario now who are in that situation, and all the government has to offer is more standardized tests, which will tell you that these students aren't performing at the level they should be. Of course they aren't. If they can't get the special education services they need, they likely never will perform at an adequate level. More standardized tests are not going to help them. A funding formula with special education dollars would help them. But again, what's the answer of the government? The government prefers tax cuts to the well-off more than they prefer to address these problems.

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The government says they're now spending \$1.4 billion on special education. They say it's the most that has ever been invested in special education in the province. Let me tell you how they get at that sleight of hand. They look at what the Ministry of Education used to put into special education back in 1994, and they won't consider the money that the boards used to put in on top of that to top it up. This government says, "That money that the boards used to put in, that doesn't matter." In fact, if you looked at the money the boards put in on top of the money the province put in, again that's where you find the underfunding of special education today. This government has cut it. The children who need help the most, this government has cut them. This problem is showing its ugly, awful face across the province.

Just to give you again a description of what's happening, since 1997 there has been a 30% decrease in elementary school psychologists. When children need to be assessed, when they need that attention to discover if they have a learning difficulty, if they have some other issue that needs to be addressed, there's no psychologist there to do it.

Further, just to give you an idea, I mentioned busing. We have situations in northern and rural Ontario where students who need special education services are being forced to travel three hours by bus to get those special education services. Imagine, a seven-year-old, an eight-year-old, having to spend three hours on a bus because the local school doesn't have it in their budget to provide the special education services and the province says that's not important enough to address through the funding formula.

Then there's the issue of teacher cuts. People need to pay attention to what's happening. Under the Conservatives, there are about three or four teachers less per 1,000 students than we had in 1995. There is no provision in the funding formula for specialist teachers. This government considers specialist teachers to be non-classroom spending, not to be a priority. They forced the following cuts in elementary schools in terms of specialist teachers.

Last year, 44% had no music teacher. Educational experts and psychologists will tell you that music is important to young children. It is important in terms of the sort of wiring of the brain and the incremental steps in

learning that children must go through. But all kinds of children in this province no longer receive that music education, which is so essential to their personal and educational development.

Now 63% have no physical education teacher. Health report after health report says that we are more and more out of shape and less and less fit, and what is the province doing about it? They're taking the physical education teachers out of the elementary schools. Some 82% had no full-time librarian. At a time when literacy is more important than ever before, the government continues to take the librarians out of the schools, the very specialists who know how to address the reading needs of children, the very people who know how to get people excited about books. This government is doing away with them.

Then, for students who may not be university bound or college bound but who want to have a good technical background, a good technical level in high school, who want to go into design or technology, they're finding that there are 48% fewer teachers there as well.

Since 1995 enrolment in Ontario has actually increased by almost 60,000 students. So there are 60,000 more students, but there are 11,399 fewer teachers. That, again, describes the problem.

I won't go into the growing teacher shortage, I won't go into the exodus of teachers out of the province who are trying to get to other jurisdictions. But that is a huge problem that is going to get more and more serious over the next two or three years. That's what's happening.

The problem is being manifested differently depending upon where you are in the province. Here in Toronto it is manifested now by the board of education saying to its teachers, "We have signed a collective agreement with you after eight years without a pay increase. We've tried to give you a modest increase. If you look at it on an annual basis, you're still behind in terms of inflation and the cost of living. We signed a collective agreement." Then they come to the caretaking staff, who are essential, the custodians, the maintenance staff, the school secretaries who phone parents when their children are late for school or don't show up at school to make sure they know where the children are. The board has had to say, "Sorry, we know you haven't had a raise. We also know that you're very lowly paid. But we can't afford." Why? Because the money isn't in the funding formula.

The government's answer, as these issues break out, as these issues are created in one community after another across the province, is going to continue to blame the boards, blame the teachers, blame the staff, blame the community. Then the government's answer is going to be to bring forward legislation that is inadequate, legislation that in many ways will make the situation worse.

The Minister of Labour said, "Why are the New Democrats standing in the way of this legislation?" I want him to know why. We wanted to find time for the board and the union to negotiate, to find a collective agreement, because we know that the legislation the government has in mind would make the situation worse.

I have to tell you, my daughter would be affected. My daughter goes to an elementary school two blocks from here. My daughter is affected when they're not going to school now. But my daughter would also be affected and other children would be affected by this kind of legislation, which will wreak more havoc in our schools, create more bad working relationships in our schools. Children will be affected by that. By necessity, they'll be affected by that.

So we don't want to see a situation where the Minister of Labour could go out and appoint Stockwell Day as the arbitrator. That's what the legislation says. The legislation says the arbitrator doesn't have to have any experience in arbitration, doesn't have to have any knowledge about arbitration, doesn't have to be credible, doesn't have to have a reputation for being fair, doesn't have to have a reputation for being independent. Chris Stockwell, the Minister of Labour, could appoint Stockwell Day, he could appoint Mike Harris, he could appoint his chief political hack to be the arbitrator. That's wrong. It's wrong because it's going to create a more difficult working relationship, and it's wrong because it's going to create precedents in the school system that are simply going to create more and more difficulty down the road, and that will be bad for our children.

We wanted to find as much time as possible for the board and for the union to come to a collective agreement, to avoid this abominable, odious, ugly legislation, which will only make matters worse, which will only create more difficult working circumstances and which will only create all the wrong precedents, all the wrong directions in terms of working relationships in our schools.

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I'm hopeful that in the time that we allowed, the time we were able to create, that the board and the union—and we understand that they are still talking, that the board and the union met last night, they met earlier today, at least in the case of Toronto, and they are trying to find the ground for a collective agreement. Even though they acknowledge that the province refuses to put the money in the funding formula to deal with caretaking, refuses to put the money in the formula to deal with special education, refuses to put the money in the formula to deal with textbooks, refuses to put the money in the formula to deal with class size, they are still, under those very difficult circumstances that this government has created, trying to find a collective agreement. I think it is better for our schools and better for our children and better for their educational futures if we do that, rather than force on them legislation which can only negatively affect them and negatively affect the schools.

I only want the government members to know that our members feel very strongly about this legislation. I'll give the government 10 seconds of credit. We felt yesterday that we had put forward a procedural motion which would ensure that this legislation couldn't be debated until Monday. In that sense, we were, for about 10 seconds, a little overconfident. You caught us and you

slipped through your manoeuvre, which means that this legislation has to be debated here today. As I said yesterday, we acknowledge your nifty little move, but you'd understand our members, members of the New Democratic caucus, feel very, very strongly about this legislation and we're very much opposed to it and the impact that it will have on our children and our schools.

Mr Marchese: Only New Democrats.

Mr Hampton: Yes, in fact only New Democrats. One of the things that disturbed me was to watch members of the Liberal caucus yesterday. When the government accomplished their nifty move, Liberal members jumped to their feet and cheered with the Conservative government. I thought to myself, maybe the Liberals knew something about this move that the government was going to try, because they certainly seemed to be ready for it and certainly ready to cheer the government on.

What needs to happen in the instant situation? I think two things need to happen in the instant situation here in Toronto and the situation in Windsor. As I said, I hope the government comes to its senses and sets this legislation aside because of all the negative aspects to it, the negative repercussions. I hope that the government recognizes—and I want people across the province to understand this—since the disputes in Windsor and the disputes in Toronto happened, the government has been withholding the money for wages and salaries from the boards. This government has actually been making money off these labour disputes. This government has pocketed \$18 million that would have gone in wages and salaries to the custodians and caretakers and school secretaries in Toronto. It has pocketed about \$4 million, made \$4 million, off the dispute in Windsor. This government has made money out of this.

I say to the government, put your legislation aside, take the money that you have pocketed from the Toronto board of education, give it back to the board so they can put it back on the bargaining table, let the parties continue to talk and continue to try to find a collective agreement, and our children and our schools will be better off. I think if you did that, we could have by tonight a collective agreement. It is your refusal to do that and your insistence on this draconian legislation that in fact is creating more difficulty.

I said that our goal here was to try to create enough time for the board of education and the union to come together. I understand that CablePulse24 is reporting that the Toronto board of education and CUPE have agreed on a binding arbitration process, but that the government has not agreed to remove the Toronto board and the union from Bill 13. So in other words, the board and the union have agreed on a process and they want the government to butt out, but the government doesn't want them to agree on a process.

This government insists on ramming their legislation through despite all the warnings about how draconian, how unfair, how unjust it is. This is exactly the kind of situation we wanted to avoid, a situation where the union and the board of education can agree on a process, but

the government is going to get in their way and inflict its unbalanced, unworkable, unfair legislation on them.

I hope that as we are here this afternoon, and who knows, perhaps into the evening and into the night, the government will start to reflect on the position as it now stands, where you have the board and the union in an agreement, where they have agreed on the process they want to go forward with. I hope the government will take the time to reconsider and that the government will at some point this afternoon or tonight reconsider its position and agree to back off and let the union and the board of education find a settlement they can live with, one they can reach by mutual consent. That to me seems to be the wise course.

Why impose your direction when the board and the union have already come to an agreement on process? If I listened to the Minister of Labour earlier, he said, I think, that that's what he wanted, that he wanted the board and the union to find their own process and to come to an agreement. It would seem that's where we are now, and by the minister's own words I think the minister should now step back and say, "We're prepared to cease and desist. We're prepared to stand off. We're prepared to let the board and the union go forward with the process they have worked out and conclude a collective agreement they can mutually live with." That's what we are hoping will happen here today.

I want to point out something else about the legislation the government has put forward. I've raised all the issues to deal with the funding formula. I've pointed out how inadequate the funding formula is, virtually across the province, how it is resulting in difficulty after difficulty for virtually every board of education and in every school.

One of the other odious parts of this legislation is that instead of recognizing that there's a problem with the funding formula, instead of recognizing that there's a problem that needs to be addressed, this legislation says that no matter how inadequate the funding formula is, no matter how much hardship it results in, any agreement has to live within that funding formula. So this legislation essentially continues the wrong-headed road the government is on of not providing enough money for special education, of not providing enough funding for textbooks, of not providing enough funding for busing, of not providing enough funding to deal with class size.

The legislation as put forward by the government essentially continues that straitjacket that is causing so many problems from community to community across the province. I just say to the government again, you can't continue to do this. You can't continue to force boards of education into more desperate circumstances, unless the real goal of this government is to so undermine our public education system, to so undermine our public schools, that more and more parents, recognizing that the school is underfunded, recognizing there's not enough money for textbooks, recognizing there's not enough money for school librarians, for music teachers, for physical education programs, seeing that, start to with-

draw their children from public schools and put them in private schools, unless that is the true agenda of the government. If that is the true agenda of the government—and I have to say I believe it is.

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This government said five years ago that it intended to create a crisis in education. That's what the Minister of Education said. I believe, as I watch this unfolding, as I see this draconian legislation force the union back to work and as I see the general direction, I have to conclude that the real goal of the government is to so completely undermine our public schools that parents more and more start to withdraw their children from public schools.

I just want to say a word about that, a word about where that leads and what it means. As a society, we can organize our lives such that almost everything we do is dominated by private corporations. Private corporations can provide health care, but the lesson from the United States is that when they provide health care it costs more money and those people who have modest or lower incomes and a lot of families who have middle incomes get left out. We could deal with education privately. We could have a series of private schools, but the reality of that, the reality of those private schools, is that, again, lower-income families, modest-income families and a lot of middle-income families simply would not be able to afford the resources that their children would need to get a good education.

The most efficient way and the most effective way to pay for and to provide education is through a public system where we all contribute. When we all contribute, we're able to build up the resources and we're able to build up the infrastructure, to train teachers, the special education classes that now allow us to meet the needs of our children. But those very things that we need are the things that this government is now cutting because of the inadequacy of the funding formula. I think, as I say, the real goal is to drive us to more and more private schools.

I have to ask people, would that be in the interest of the majority of citizens of Ontario? Thinking longer term, is it in the interest of our economic future if we have more and more people in a privatized education system whose parents don't have the money to finance their education and therefore they get an inadequate education? Is that in all of our long-term best interests when you have a privatized education system and more and more people can't get the educational resources, the educational training and experience they need and therefore cannot perform up to the level that they otherwise could in our economy, cannot be as productive as they otherwise would, cannot make the contribution that they otherwise would? I think anyone who reflects on that says, "No, that's not the way we want to go." But it's pretty clear, if you follow this government and what they're doing, that's where it's headed.

The Premier recently said in the throne speech that they're in favour of more school choice. I want people out there to understand how loaded that term is. I invite

people, for example, to go to Edmonton. In Edmonton you can send your child to any school within the urban district, within the boundary of the school board. They also dramatically reduced the funding formula. So what's happening is that you have lower- and modest-income neighbourhoods where parents aren't able to do the kind of fundraising—you don't have any Imperial Oil executives there or Petro-Canada executives living in the neighbourhood, so parents can't do that kind of fundraising for their school. In other well-to-do neighbourhoods they're able to fundraise to a large extent, and so you have a real imbalance developing in the schools. You have parents trying to get their kids out of the school in a modest-income neighbourhood and into a school in a high-income neighbourhood. Virtually everybody is kicking down and kissing up. That's the phenomenon.

You have to ask yourself when you see this, people trying to move their kids out of a modest-income neighbourhood into a higher-income neighbourhood, who's benefiting from this? Who's benefiting when a whole section of schools is literally being written off, when they're not being adequately funded?

This government says that it favours school choice, and actually the Liberals say this too. That's another area where the Liberals and the Conservatives agree. They agree on this draconian force-them-back-to-work legislation and they agree on what I think is a loaded term: school choice.

If you look at Edmonton and a lot of American cities, school choice means that some schools are literally allowed to diminish, and other schools are able to do all kinds of private fundraising and therefore have all kinds of programs and assets. You have people leaving certain parts of the city, trying to move to other parts of the city, and in the end no one benefits from this, no one is better off. I suggest that's really where the government is headed.

The next stage after school choice is, of course, school vouchers, which means that the money follows the student, and if the parents take the child out of their modest or middle-income neighbourhood and move them into the higher-income neighbourhood, then the funding formula follows as well. Then you're really on a ladder where some people are moving up and a lot of people are being forced down. At the end of the day, this is not beneficial. This does not give us, as a society, the level of educational ability, the level of educational achievement we want and need to have.

If you follow what this government has done with the funding formula, if you follow their newly found fascination with the loaded term "choice," and then you follow some of the spokespersons within the Conservative Party who say school vouchers is where we ought to go, I think you can see where this leads: more and more privatization of education, and less and less attention being paid to those children who need extra help, to those children who need access to the textbooks and the training, and we end up with a more and more divided society, one where I think, at the end of the day, all of us are no better off.

I see that the Minister of Labour is here. Now that he is here, I want to say again that if the reports on Cable-Pulse24 are true—and I think they are—that the board and CUPE have agreed on a binding arbitration process, then if the minister is true to his word, as he indicated here earlier today, he should withdraw this legislation. I think that if he's true to the words he uttered here earlier, he should stand on his feet and say, "We are not interested in proceeding with this legislation insofar as it concerns the Toronto board of education. They have come up with their own process, and that was the goal here all along." So I'm hopeful that sometime this afternoon, sometime this evening, sometime tonight, the minister will actually come to that conclusion and will actually make that statement.

I could go on. In fact, part of me wants to speak further, but I know I have a number of colleagues here who also want to speak, so I will only proceed for a few more minutes and then allow my colleagues their opportunity.

I mentioned that the number of private schools and the number of students going to private schools has been increasing under this government. It's actually quite astonishing. In 1994-95 there were 551 private schools in the province and 75,000 students were attending private schools. Last year, in 1999-2000, the number of private schools had jumped to 722 and the number of students in private schools had jumped to 102,970. This represents an increase of 24% in the number of private schools and 27% in private school enrolment under the Conservative government.

Therefore, as I say, as to the real agenda of the government, as they underfund the school system, as they underfund special education, as they underfund student transportation, as they underfund textbooks, as they underfund caretaking and the secretarial, maintenance and custodial work in the schools, as they underfund all these things, I think their real goal is to drive more and more parents into a private education system. If you look at the numbers, that certainly appears to be what's happened.

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The final point I want to put forward is, since this legislation is so draconian and since we disagree with it so fundamentally, we have to point out to the government that we intend to put forward some amendments. We wouldn't be doing our job if we didn't try to take the worst elements out of this bill. Our amendments will do the following:

Our amendments would ensure that if the parties cannot reach a negotiated settlement in the narrow time frame allowed, the dispute will be resolved by a recognized arbitrator—not Stockwell Day, not some other person who has no experience and no credibility in arbitration, whom the minister could appoint under his legislation—who enjoys the respect and the confidence of both the school boards and the unions. This will be done by amending the bill to allow the parties to select an arbitrator agreeable to both sides.

Second, we think there should be an amendment which would require the minister to choose from a list of recognized arbitrators in the province of Ontario.

Third, we believe that the stipulation allowing the minister to impose an arbitrator with absolutely no experience whatsoever in resolving labour disputes should be removed. We would untie the hands of the arbitrator and allow for a genuine solution by removing the absolute bar against an award which imposes even a temporary deficit on either school board. We would give the arbitrator the flexibility needed to fashion a meaningful settlement by removing the unnecessary requirement that they must show in writing how the boards would meet the costs of the award without incurring a deficit.

As I say, if the Minister of Labour would simply be true to the words which he uttered here earlier today when he said that he wanted to see the parties reach their own agreement, if he would only be true to those words and recognize that the board and the union have reached a process of binding arbitration which they are both in agreement with, then the minister should withdraw the application of this bill, at least with respect to Toronto.

Many of my colleagues, I know, want to speak and so after I've made this last point I'm going to allow them to do it. There are two more odious and awful sections of the bill and, for government members, who probably haven't read it, I want them to know what they are. There's a clause dealing with the appointment and proceedings of a mediator-arbitrator not subject to review. It says, "If a person has been appointed as a mediator-arbitrator by or under this act"—by the Minister of Labour—"it shall be presumed conclusively that the appointment was properly made under this act and no application shall be made to question the appointment or to prohibit or restrain any of the mediator-arbitrator's proceedings."

Let's assume that the government arbitrator makes a complete mess of the arbitration. Let's assume that the person whom the government appoints makes a complete mess such that any reasonable person in Ontario would say, "You can't let this happen, this is absurd." Under the ordinary rules of justice in this province and in every other province, the parties, or one of them, would be able to make an application for judicial review. That is, the superior courts would be able to look at the decision and say, "This thing is so absurd, it is so unreasonable, it is so completely ridiculous that we cannot let it stand." That's the kind of administrative law protection that we have to ensure that bad decisions aren't made.

This section that I just read would allow that kind of absurd decision to stand. It doesn't even allow the courts to step in and say, "The arbitrator was completely outside of his jurisdiction, the arbitrator has completely done this wrong and therefore it cannot stand."

This government is so stuck on their way and their way only that they won't even let our courts, our judges—who are independently appointed and who are, to all intents and purposes from all perspectives, independent and neutral—supervise this arbitration.

Then the final section, section 13, says, "While this act is in force, the parties shall not appoint an arbitrator, mediator or mediator-arbitrator to settle matters in dispute between them relating to a bargaining unit otherwise than under this act, and anything done by a person so appointed has no effect."

A really ugly, awful, odious section; the government is saying that even though the Toronto board and the union now have found an arbitrator and have agreed on the process, the government would completely wipe that out. The government would completely wipe out something that the board and the union have agreed to. When you read this, you have to ask yourself, "Is the government trying to get the children back in the classroom? Are they trying to achieve an agreement, or are they actually trying to create a more destructive situation?" I think any reasonable person who reads this would conclude the latter. This is just absurd. This is wrong. This should not be allowed to stand.

I challenge the Minister of Labour to live up to the comments he made here earlier today, to recognize that the Toronto board and the union have now come together on a binding arbitration process, to simply say, "This legislation will not apply." That's what he ought to do, given the statements he made here himself earlier, so I challenge him to do that.

I've given all of my reasons why I think these kinds of controversies and disputes are going to happen on a continuing basis in our schools across the province. I've pointed out the inadequacy of the funding formula and how that inadequacy manifests itself in so many different ways depending upon where people live in this province.

I have pointed out that if you compare Ontario to other jurisdictions, we are lagging far, far behind in our investments in education. I have pointed out that this draconian legislation which has been put forward simply furthers that direction, creates an even more unfair, unbalanced playing field.

I've pointed out, as the news media is now pointing out, that the parties have actually come together and have agreed on a binding arbitration process and therefore there is no need for this legislation.

I have pointed out that in terms of the working environment, this legislation will lead to a more difficult work environment; indeed, it may poison the work environment. I don't think anybody would want their children going to school in the kind of difficult working environment that this legislation would create.

For all those reasons, the government should withdraw it and, certainly in the case of the Toronto board and the CUPE local union, allow them to proceed on their own binding arbitration process that the Minister of Labour spoke of so glowingly only a few minutes ago in this House.

With that, I'm going to conclude my remarks, because I know many of my colleagues have comments that they want to make as well.

The Speaker: There is some time. I don't know if you want to share it. If you do, you know you can't speak

again. OK, no one wants to share the time. The leader indicated that he was sharing it. He didn't say anybody specific.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am certainly pleased to rise with respect to the debate this afternoon.

I have to point out very clearly that what the member opposite has been speaking about is a process that is applying to the Toronto situation. We never heard him talk at all about what is happening in Windsor in terms of the situation there, which is just as serious, just as important and obviously has significant ramifications for the school system down there. He's not addressing that, and maybe he doesn't care. I don't know. That's for him to say.

But the bottom line is, when you read this legislation, it says very clearly that once this piece of legislation is put in place, the parties have seven days to have the matter resolved. That's the process: seven days before the government process kicks in.

They have been at these negotiations for a long time. It's a very serious situation when you consider to go out on strike. That's not something that would happen willy-nilly. The Minister of Labour, in the processes that are available—conciliation, mediation—has used all the methods possible to end this strike. It's up to the parties, when they make that decision with respect to a strike, to consciously consider the ramifications. They have been out now for far too long. It's time for the kids to get back to school. This process allows them to make a deal. This process allows us to have the kids back in school. Quite frankly, what the member opposite is offering is very little in this process.

1520

Mr Colle: Given the fact that we're dealing, certainly in the Toronto situation, with 300,000 students in the mega school board and their families, hundreds of thousands of family members have been affected by this unfortunate strike. We are dealing with a very serious matter, because parents, relatives are staying home, have not gone to work in some cases to stay home with children. As I mentioned before in my other comments, I have been especially affected by the heartfelt tales of parents with special-needs children who have had to bear enormous emotional costs as a result of this strike. In fact, a lot of these children were told to stay at home from day one. They've been at home for four weeks. It's an impact of enormous proportion.

I think our party is saying we want to do something here that will once and for all get the children back to school and the families stabilized again. We want to do it in a very forthright way that basically ends the turmoil that has gone on for too long. That is the bottom line here: to end the turmoil, to do it properly, and that's why we've supported this legislation.

Under the legislation of this government, money saved in salaries goes back under the control of the provincial Minister of Education. We want to make sure that every cent that is saved from the strike goes back into the schools.

I know the third party has made a laughingstock of themselves on this issue. It's time to be serious. Support the children and the families and forget about your petty politics for once.

Mr Peter Kormos (Niagara Centre): We know where the government and the Conservative Party stand on back-to-work legislation. Heck, they presented the legislation. They believe in forcing workers back to work and denying those workers, in this case, the thousands of incredibly hard-working women and men at the Toronto District School Board, many of whom I've had a chance to know and meet—and these are good people, these are hard-working people, these are committed people. They also happen to be, unfortunately for them, in the eyes of this government, trade unionists. This government doesn't believe in free collective bargaining. That's obvious.

We also know now very clearly where Dalton McGuinty and the Liberal Party of Ontario stand. They don't believe in free collective bargaining either, because they're supporting this same legislation with the same vigour and enthusiasm and haste as their Conservative friends sitting in government, their bed partners. If the Liberals want to crawl into bed with the Tories in a very concentrated attack on working women and men and on free collective bargaining, God bless, but it ain't going to be a ménage à trois, because, I tell you, you don't know where New Democrats stand. We're standing with those working women and men at the Toronto District School Board. We're going to oppose this legislation. We've done everything we could to make sure that those workers have had the opportunity to effect a negotiated settlement before this incredibly vicious alternative is imposed upon them by this government.

The Liberals don't even have the good sense to oppose this legislation on what it does to the very fundamentals and foundations of arbitration law in this province. The Liberals are supporting the imposition of a named arbitrator. The Liberals are supporting the clause that prevents judicial review as to issues of bias or the gross impropriety of that decision. The Liberals support the incredibly restrictive mandate of that arbitrator. The Liberals are with the Tories against the workers; we're with the workers against this government.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure to speak on Bill 13 this afternoon. I want to echo some of the comments made by my colleagues from Barrie-Simcoe-Bradford and Eglinton-Lawrence. I think this strike has been going on for a long period of time. The leader of the third party talks about section 12 of the bill. He's a lawyer; I'm not. Read it. There's an opportunity for both sides to negotiate an agreement prior to this act coming into being.

You can talk about all the labour agreements, but just remember a number of years ago when you brought in the social contract, and you talk about negotiating in good faith. Who started the whole process? It's funny, when we're sitting on this side of the House, how all of a sudden we can be critical of the other side.

I would like to point out that within my own riding of Lambton-Kent-Middlesex the students of Lambton-Kent have been locked out for the past couple days because there is a disagreement between the board and the teachers. I agree that whether you're union or non-union, profit, no profit, whatever it is, everybody works hard in this province and everybody earns their dollars. When I buy something, I don't ask whether it's union-dollar-made or whether it was made by a non-union person.

The thing is, we have to look at what is for the common good of the students. Today is April 27. Two months from now the kids will be out of school. Now, you want to wait for another month for this agreement to be reached? Come on, give your head a shake. Let's do what is good for the students once and for all. Because you're on that side of the House, the oxygen level may be a bit lower, but I'm sure it is the same level of oxygen that we have here. So let's do the right thing for the students and let's pass this bill.

The Speaker: Response?

Mr Hampton: I guess I have to quote the government members' own bill back to them. In section 12 it says, "If an arbitrator was appointed to settle matters in dispute between the parties relating to a bargaining unit before this act comes into force, on and after that day anything done by a person so appointed has no effect." In fact, I have the letter from the Toronto District School Board and from CUPE to the Minister of Labour that says, "We enclose the order of mediator Mort Mitchnick, which order constitutes the settlement of the parties in respect of the renewal of the collective agreement between CUPE local 4400 and the Toronto District School Board. This order provides for the termination of the strike and the return of employees to work on or after April 30. We respectfully request that the Toronto District School Board and CUPE local 4400 be exempted from the provisions of Bill 13 currently before the Legislative Assembly. We know that the government would have preferred that the parties reach their own resolution of their own disputes," and they have done so.

All I'm pointing out to the Minister of Labour and the government members is, according to the minister's own words that we heard him say here earlier today, why, Minister, won't you now at least take the Toronto board out of this legislation and let them proceed with their own? As far as your section 12, you know that it essentially would wipe out this agreement. So why are you implementing your destructive process for one the parties have already agreed to themselves? Follow your own words here earlier today and allow the parties to follow their own process which they've agreed to. That seems to me the more just way and it seems to be what you stated you wanted to do here earlier today.

The Speaker: Further debate?

Ms Lankin: I appreciate having the opportunity, although it's unfortunate that we're here to deal with this today, particularly now with respect to the Toronto board, when the parties have arrived at an agreement. I guess from here on in what we'll be doing is talking to

you and hopefully providing now, not the parties with the time to reach an agreement but providing the government with the time to see the wisdom of allowing the locally negotiated arbitration process to go forward.

1530

Because I think the whole process of arbitration in this legislation can become quite complicated, I want to set out my firm understanding of the legislation in front of us and of the agreement that has been arrived at between the parties and the relationship between the two, and what needs to occur to allow in the case of Toronto the locally negotiated agreement to proceed at this point in time.

Before doing that I want to say, with respect to the Windsor board of education and the Service Employees International Union local there, we recently received a phone call indicating they are currently seeking the opportunity to speak to each other about a potentially similar agreement. I can't tell you that will unfold, but I can tell you that the time we are dedicating to this discussion here in this House is productive time that is allowing local parties to try and fashion agreements that meet their local needs and allow them to come through a very difficult process with respect for each other and return to the workplace without the effects of a draconian piece of legislation and the poisoned workplace that would result from that.

It was our goal and our intent as the New Democratic Party caucus, as my leader, Howard Hampton, has said, to provide the parties with that opportunity, and the parties have seized the opportunity in the case of Toronto and have arrived at a successful conclusion to that. In the case of Windsor, we wish them our best and hope they too are able to do that.

I want to explain the procedure in this legislation as it is set out with respect to anything the parties might agree to locally now that we're into the final debate of the bill.

The member from Barrie-Simcoe-Bradford a few moments ago made reference to section 11 of this bill and indicated that the parties still have a number of days set out in the legislation, seven more days, in which they could arrive at a collective agreement. There's no reason for us to have regard to the agreement the Toronto Board of Education and the union representing the educational support workers for the Toronto Board of Education have arrived at because they've got seven days. So nothing needs to be done; nothing needs to be changed in this legislation. But it is very important that you go from section 11—and I understand the member's point about a negotiated collective agreement—to section 12, which deals with the events as we've seen them unfold today. It deals specifically with the events of the two parties agreeing to a binding arbitration process and to an arbitrator before the passage of this legislation.

At some time in the morning hours of today the parties signed an agreement to a process for binding arbitration. They agreed and named an arbitrator, and the agreement makes reference to the back-to-work protocol, how to facilitate getting the schools cleaned, getting the children back, which is their interest too; it's set out in the agree-

ment. However, if this legislation is passed as is without amendment sometime in the evening hours of today, section 12 becomes applicable, and it reads, "If an arbitrator was appointed"—by the parties; that's happened—"to settle matters in dispute between the parties relating to" one of the bargaining units named in this bill—that's the Toronto board—"before this act comes into force"—what happened this morning; the act isn't in force until it has passed third reading and then proclaimed later tonight—then "anything done by" that person, the arbitrator, "has no effect."

If I may put that into layman's terms, what it says is, if we pass this legislation without amending it, the fact that the Toronto Board of Education and the union representing the educational support workers for the Toronto Board of Education have agreed to a process and an arbitrator to resolve their disputes, a process and an arbitrator that are mutually agreeable to both parties, the fact that they've agreed to that will have no force and effect. Once this bill is proclaimed, that and the order of the mediator working with them that sets out the agreement of the process and the naming of the arbitrator, become null and void. What it means is that upon passage of this legislation, upon proclamation of this legislation tonight, the government process of naming their chosen arbitrator, of putting their terms and conditions on what the arbitrator can consider, their terms and conditions on the length of the contract, a whole range of other things that are not mutually agreeable to the local parties, is what will prevail. The government's centralized, imposed solution is what will prevail.

In the throne speech I heard the government say they didn't think the education system could be controlled from Queen's Park. I heard the minister on many occasions, including today in his opening remarks, say very clearly that they didn't want to become embroiled in this; they found they'd reached the point where they decided that course of action was necessary for them to take, but that they preferred that the parties arrive at a local agreement. Well, the parties have done that, OK? They've said, "Here is the process of arbitration; here is the arbitrator; here is a back-to-work protocol; here are some interim steps while the arbitrator is considering the whole range of issues." It's a very comprehensive agreement that both parties have signed and that the mediator, the qualified and well-respected mediator working with them, has written up and placed in an order and signed and so ordered, on behalf of the very process set out and overseen by the Minister of Labour's own ministry.

How is it, then, that there could be any debate of whether or not the government would agree to move a simple amendment to exempt the Toronto Board of Education and the union representing the workers who have been on strike from the implementation and the effects of this legislation? I see one member of cabinet shaking his head. I don't understand why, when the agreement has been arrived at. Why is your arbitration process better than the one the parties have agreed to? There is no difference in terms of when the children would be back in school.

Mr Beaubien: What's the guarantee for the kids in your agreement?

Ms Lankin: What guarantees? The member across said there is no guarantee for the kids. If I may, the member says, "Tell us about the guarantee for the kids in this agreement." In fact, your legislation makes no reference to when employees would be taken back into the schools to begin the cleaning process. Your legislation doesn't give a guarantee of what day the schools will be open and clean and meet health and safety standards to proceed.

The agreement that the parties have arrived at sets out the back-to-work protocol that gets the workers in as soon as possible to clean the schools and to get started. So there is a guarantee for the kids in their agreement, where there isn't in your legislation.

OK, there's one argument. Please, give me another argument, given all the words of the minister that you wanted a locally negotiated settlement, why it's better, now that it's there and you could go with it, for you to impose your solution, one which, by the way, is objected to by both parties. As we speak, the Toronto Board of Education is holding a press conference, urging the minister to please allow the agreement they arrived at with their own employees to go forward. Why do you feel capable of imposing, or that it is warranted for you to impose, your solution over that of the employer in this situation, your solution over a solution that has been agreed to by the employer and the workers in a very difficult set of circumstances?

We could see the Minister of Labour come into this House and indicate his willingness with an amendment to the bill to allow the locally negotiated agreement to proceed unaffected by his legislation. In fact, if you gave it a little bit of time, we suspect the Windsor board could be in the same situation. He could come in and tell us that. We can, with co-operation and agreement, move quickly to pass that amendment and see the hard work of the parties given the respect of this Legislature and the respect of this government, and see them allowed to proceed through the process of arriving at a collective agreement.

1540

I had wanted originally to spend some time talking about the legislation itself and my concerns about it. You've heard many of the members refer to previous occasions in the House, under governments of all political stripes, where back-to-work legislation in the education sector has been presented and has been passed. Those comments have been put forward in such a way as to suggest, "A bill is a bill is a bill. A law is a law is a law. They're all the same. You give it a title and if it sounds the same—back to work—it is the same." Well, this bill is fundamentally different.

I remember the time in this province when compulsory arbitration was structured in a way as to be a fair alternative to free-market collective bargaining. What I mean by "fair alternative" is that it was designed to replicate the result of free-market collective bargaining in

terms of terms, conditions, salaries and benefits. The belief was that those people who either do not have the right to strike or who work in the public sector, where after a period of time government and the public expect an alternative resolution mechanism than a strike, should not be in a situation where the workers are expected by virtue of government funding decisions to subsidize the delivery of public services.

There have been some astounding arbitration awards written over the years that go into detail, explaining how unfair it would be if simply, external to the bargaining table as we have in this situation—the government of Ontario is not a party at the bargaining table—and by virtue of decisions they make on funding and then try to impose in the legislation, the workers themselves are expected to subsidize the delivery of that public service through substandard wages that don't replicate what's going on in the free-market collective bargaining world.

Surely there should be fairness. If you take away the market forces of strike and lockout, the quid pro quo is that the process that replaces it fairly attempt to replicate what would have happened in that private free-market collective bargaining situation.

This legislation is one of a number of pieces of legislation this government has brought forward that takes the guts out of a fair arbitration process as an alternative dispute resolution mechanism to strikes and lockouts. This piece of legislation sets out incredible restrictions on the arbitrator and what the arbitrator can consider. It doesn't say, as with agreements people have arrived at, "Take a look at all the conditions facing the employer and the employees and the policy issues, but you can look at other things as well." In the parties' case, they know they need to be competitive. They know that to maintain a high-quality, good workforce they have to be competitive in their wages with the board next door or with the municipality down the street or with the factory down the street in terms of what the rates are for maintenance workers and other categories that might be similar job classifications. They know that. They want the arbitrator to be able to look at that.

The government is saying no on a whole series of fronts on the mechanisms that have traditionally been built into back-to-work legislation to allow for fair arbitration. This government has ripped those out of the bill and then stands here and says, "It's just back-to-work legislation like every other one that's been passed and therefore you should all accept it. You should be consistent in your position and accept this too."

If it were consistent with the previous bills, there might be another debate going on in this House, but it is not. It is draconian legislation. As my leader, Howard Hampton, said, it is legislation that will leave us worse off in the conditions in our schools, in the working relationships in our schools, which affect our children's education. So please don't tell me, as some members have, that my comments don't have at their heart an understanding of the importance of getting our children back into school—but into a school where they can have a quality education.

I find myself really—I was going to say "puzzled" but, you know, in a sense I'm not. In a sense I should just accept it. But it is beyond common sense that at this point in time, when we can respect a locally negotiated solution, we have a government that is saying, "No, we know better. No, tut-tut-tut, that silly board, those silly workers. Their agreement isn't relevant. We're going to impose our own centrally designed solution on the parties."

The minister said to me, "Oh well, you know it's complicated. It's an 11-page agreement. It's pretty complicated." Well, it's the local agreement. He should have a blind eye to what's contained in it, although I'll tell you, it names an arbitrator, it sets out the dates of arbitration, it facilitates getting the workers back to work quicker to clean the schools to get the kids back in quicker than your legislation would. It sets out ranges of salaries, of interim steps that can be taken that the parties had agreed on. There's a whole range of things that are very good and would give a sense of closure to the dispute that has gone on, that the parties have worked hard at to arrive at a resolution.

Why is there no respect from the government for the hard work of the parties and the solution they arrived at? Why would you impose your solution? Why would you not respect this at this point in time? It can be done easily and I would hope that the members don't say too much more about why they're not going to do it, because the minister's in the backroom taking a look at this. We're engaged, we hope, in an exercise of convincing you to take another look at this because it really is the best solution. Our kids will be back in school; they'll be back in school earlier under this agreement than under your legislation. It sets out the time frame for people to go back into the school as soon as possible to start cleaning. That's not in your legislation. Your legislation doesn't accomplish that.

What is your problem with a local solution? Have you read it?

Mr O'Toole: Yes.

Ms Lankin: Do you agree with it? Do you have a problem? What is the nature of your problem? Let's have a debate about why your solution is better than what the employer and the workers have agreed to. You are not the employer. Although you're the funder, you're the ghost at the bargaining table, you are not the employer in this situation, the Toronto school board is. The employer has signed this agreement. The union has signed this agreement. You have, I believe, no right to impose your solution when there is a local negotiated settlement. But your legislation, if you pass it as it is, will do that.

Mr Beaubien: Why was it signed today?

Ms Lankin: I believe that the extra time that the parties were given over the last two days that afforded them the opportunity to speak to each other, both of whom wanted to avoid your legislation. The conditions helped them arrive at this agreement. The agreement's been arrived at. Why would you impose—

Mr Bert Johnson (Perth-Middlesex): It's not an agreement.

Ms Lankin: I'm hearing a member say it's not an agreement. It is an agreement to arbitration, with a named arbitrator and a back-to-work schedule and whole range of other things. It is much more so an agreement through the parties than a piece of legislation which imposes a totally different set of terms, where you dictate how long the collective agreement will be, you dictate what the arbitrator will look like, you dictate who the arbitrator is, you dictate, if that arbitrator can't do it, who you will appoint. You take all of the control away from the parties.

Why would you defend it at this point in time? What is this sort of dig-in mentality? I implore members of the government. I hope the minister is reviewing this as we speak. We'll continue to speak to you this afternoon to give you the time to reflect upon this. The local process should be respected. You've said that. They've now got a resolution. The local resolution should be respected. Anything else sets out that your agenda always was to impose your view of what a solution is, your funding formula as a solution, and not respect local parties. It will further poison the workplace. It will not be good for our children's education. I implore you to reconsider.

The Acting Speaker (Mr Ted Arnott) : Questions and comments?

1550

Mrs Marland: I have a great deal of regard for the previous speaker, the member for Beaches-East York, but it's unfortunate that on this subject today I have to suggest that her caucus does not have this right. They still don't understand that these children, these young people, including elementary and secondary-school-aged children, have already been out of school for four weeks.

The two parties, the two sides, have already had four weeks to go through the negotiated settlements, all the alternatives. What we're saying simply by passing this legislation today is, "Enough is enough," and it doesn't prohibit the process from continuing. What it does is, it gets the children back into school on Monday. It gets normality back to those families' lives that have been so adversely affected by this disruption.

In terms of this member saying we should allow extra time for the agreement, my goodness, we have sat back for four weeks and allowed the parties to go through due process. This bill doesn't stop that, and frankly, when the leader of the New Democratic Party talks about the funding formula being at the base of this problem, he doesn't get that either. The funding formula was one of the many things that this government has done for the future of education and the young people in this province by guaranteeing that every student in this province, no matter where they live, is eligible to have the same amount of money spent on them, not like \$8,000 per pupil at Ottawa-Carleton while Peel would have \$4,800 per pupil.

We are acting in the best interests of the families and children in this board at this time, the Toronto board and the Windsor board. Let's look forward to the rest of the process evolving and a successful solution.

Mr Mario Sergio (York West): We believe that the right thing to do is to get the kids back into the class-

room. We believe that is where they belong. That is why some time ago our leader, Dalton McGuinty, put out a wonderful, acceptable-to-both-sides, so-called peace plan. There was a proposal, there was a policy put out by the Liberal Party, by our leader, Dalton McGuinty, and indeed it was acceptable to both, to see the working-class people, the working-class kids back in school where they belong. That is the first priority.

Of course the unions have a role, of course the workers are underpaid, and they deserve reasonable, equitable compensation. But our priority is to have the kids back in the classroom where they belong. That is why we proposed to the government a long time ago to accept that particular plan. We can't let the government go scot-free; we are here today because of the position the government has taken over the past several years. Had the government accepted Mr McGuinty's proposal, we wouldn't be here today discussing this issue on a Friday afternoon and evening. We wouldn't have to have created this massive disturbance in our education system, creating chaos in so many working families' lives. The odd family can afford it; that's fine, they can afford it. But I think we have created huge chaos in working-class families.

For us, it is important that we get the kids back into the classroom. Three weeks is long enough. Three weeks have caused enough chaos among many working-class families. We believe the education of our kids is most important, and it is to have them in the classroom in order for them to get that.

Mr Kormos: I take great offence at the language used by the member for York West, which quite frankly is consistent with what every other Liberal in this Legislature has been spouting during the course of this debate. How dare that member, how dare the Liberals talk about chaos among working-class families. What about the chaos for the women and men, the sisters and brothers of CUPE 4400 here in Toronto? What about the chaos for the sisters and brothers of Service Employees International Union in Windsor, who are being denied by the Conservatives and the Liberals of Ontario the right to freely collectively bargain an agreement because the Liberals are ready to crawl into bed with the Conservatives in this attack on working people and this attack on free collective bargaining, in this very specific attack, part of an organized litany of attacks on the trade union movement because the Liberals are prepared to collaborate with Mike Harris and the Tories? Dalton McGuinty and the Liberals collaborating with Mike Harris and the Tories on yet another attack on working people and the trade union movement in this province.

This arbitration deal in this legislation is unprecedented. It undermines the arbitration structure. It undermines centuries of common law surrounding the development of arbitration, and you people simply either don't get it or don't care. I suspect you don't care. You have a very specific interest in undermining centuries of precedent in common law around arbitration.

You have, in an unprecedented way, put arbitration under attack in this province. You are diminishing it as

an effective means and one that has historically been used to effect settlement between disputant parties. You are using it in this instance to impose your hand-picked arbitrator, who I predict will display more bias than any arbitrator has ever been permitted to display. In fact, you've denied the parties the right to challenge that very arbitrator for even the most blatant display of bias.

This is criminal, and I tell you—

The Acting Speaker: Thank you very much. I recognize the member for Durham.

Mr O'Toole: The member for Beaches-East York has a reputation of being fair and reasonable, and I want to be on the record as saying that. I understand one of her comments as being puzzled and frustrated, because I believe she is reflecting what I am hearing, that people—parents, children and indeed many educators—are very frustrated and puzzled as well. In fact, they are sick and tired of the last two or three years, perhaps the last five years, of this wrangling between David Cooke and the teachers, and before that Sean Conway, and Minister Johnson when he was here, and now Minister Ecker, and the unions—Earl Manners specifically. David Cooke tried to deal with them. I guess in this case we're probably dealing with Sid Ryan. They just don't get it. They're using children, it's very clear. The taxpayers of Ontario, the parents, the children are clearly being used by those two people who try to put children in front of the train for their own gains.

There are two sections in the bill that I would encourage the third party to read. Subsection 3(3) says, "As soon as this act comes into force, each bargaining agent shall terminate any strike by members of its bargaining unit or units that is in effect immediately before that day." In other words, any that are on strike or actions will have to cease those actions so students within two days should be back in school. That's the intention of the Liberal Party, because they're falling in behind us on this, and that's good to see.

The other section, subsection 4(1), "Subject to section 6, no members of a bargaining unit shall strike and no person or trade union shall call or authorize or threaten to call or authorize a strike by any of the members." So in fact we're providing a forum for the children to get back in the classroom.

By the way, if you read—

The Acting Speaker: Thank you very much. The member for Beaches-East York has two minutes to reply.

Ms Lankin: I would like to respond very directly to the comments of the member for Durham and the comments of the member for Mississauga South.

First, to the member for Durham: the section that you just read with respect to the strike terminating, may I tell you what the agreement says? The agreement between the parties says that the strike will be terminated as of noon on the date of this order. That is noon of today if you allow this agreement to stand. As soon as you allow this agreement to stand, the strike is over.

It also says that the schools will resume—the same as your legislation—on Monday morning. In fact, though,

they go further. They say that in order for the schools to resume normal operations by 7 am on Monday morning, those employees who have to go in earlier to do the cleanup to get things ready will begin so today, the date of this order. Your legislation doesn't do that, so don't suggest that the parties want to go further.

Member for Mississauga South, please, you said this agreement would make things last longer. The dates are exactly the same, and in fact it facilitates cleaners going back into the schools, starting this evening and tomorrow and Sunday, to have the schools ready for 7 am on Monday morning. Your legislation does not do that. That's because they know how the system works. They know the work has to be done in advance.

It does not hold up anything. What it does is have the parties have the respect for each other to have arrived at an agreement and have that implemented. Your legislation, as it is currently written, stands in the way of that. Nothing harms the children by proceeding with this. Proceeding with your legislation and the bitter legacy it will leave will harm the children more.

Please, setting aside rhetoric and ideologies and differences, look at the reasonable nature of what is being proposed and allow the parties to implement their own agreement.

I want to tell you that SEIU in Windsor has just announced that it is looking at an agreement to take back to its members for ratification. Please, allow these processes to unfold.

1600

The Acting Speaker: Further debate?

Mr Bisson: I must say I'm not happy to be rising to debate this particular legislation because I wish we could be debating other legislation that would be a net benefit to the citizens of Ontario. Instead, we find ourselves here today, on a Friday, debating a bill that is going to undo a lot of precedents that have been set in labour law, and I'll get to that in a minute, and as well, a bill that goes against the very principles of what the government says it wants to set out to do.

The government says it needs to do this legislation for the people to be able to get back to work so that the children could go to school on Monday morning. We know now that by negotiated settlement between CUPE and the Toronto board, there has actually been an agreement signed. They have come to that agreement themselves by way of a process that they've set out in a document they've presented to the Minister of Labour. In the case of the Toronto board, they have been able to negotiate an agreement that gets people back to work by Monday and allows the children to get back to school by Monday by a process done by themselves, just as we in the New Democratic Party said, "Allow the parties to negotiate a deal. Don't interfere. Don't come in with the heavy hand of government to muck things up. Allow the parties to work it out."

We were confident on Wednesday, and earlier than that, that the parties would be able to come to an agreement. The government said no. They didn't have con-

fidence that the parties could do so. They came in with legislation and they want to force a settlement on to the parties rather than find a way to have a negotiated agreement.

It is actually interesting that the member for Perth, who is the deputy Deputy Speaker these days, says, "I want a settlement, not an agreement." I think that says volumes. It says this government is not interested in allowing the parties to negotiate an agreement that is mutually acceptable to both parties. Rather, what they'd like to do is to come in, put a settlement, impose it, give it to them and nobody has anything to say, because that's the way this government has been operating.

Then the government stands back and says that this legislation is not as draconian as we make it out to be. I want to go through a couple of sections of this act, because it is some of the most reprehensible legislation I've seen come through this House when it deals with labour legislation. I just want to go through a couple of sections of it. The Minister of Labour probably would be interested, if he hasn't figured this out already. I'm sure he has, and I'll get to that.

It says under subsection 11(6) of the bill, "If a person has been appointed as a mediator-arbitrator by or under this act, it shall be presumed conclusively that the appointment was properly made under this act and no application shall be made to question the appointment or to prohibit or restrain any of the mediator-arbitrator's proceedings."

That means you can have an arbitrator appointed by Chris Stockwell and that person may know nothing about the arbitration process, may know nothing about law, may be in a direct conflict, being a person who worked for one of the parties, and may go in, impose a settlement that is factually wrong, that errs in law, and the parties have no ability to appeal that by way of judicial review.

Mr Kormos: Which is a long-standing process.

Mr Bisson: Exactly. As my good friend Peter Kormos points out, this is a long-standing process that's established under common law and has existed for hundreds of years. If an error is made in fact, when it comes to a decision made by an arbitrator or a judge, you have the ability for judicial review. It's there for a reason. It's there to make sure that those who are charged with making the decisions do so based on law, do so based on fact and, more importantly, do so based on fairness.

Interjection: And neutrality.

Mr Bisson: And neutrality. The government, by way of this section, is saying, no, nobody has the right to judicial review because only Chris Stockwell, the Minister of Labour, understands who should be an arbitrator.

But it goes further. This is the part that is really galling, because actually Ontario is one of the leading jurisdictions when it comes to professional arbitrators, people who are trained and understand the processes of arbitration and the laws they're entrusted to interpret and are able to find settlements. They're among the best in North America, if not the world. It's long been recognized. But under this bill—and listen to this; it's unbelievable—it

says, "In appointing a replacement arbitrator, the minister," Chris Stockwell, "may appoint a person who (a) has no previous experience as an arbitrator." So that means to say, yes, he can appoint anybody off the street he chooses, probably somebody who has the philosophical bent of the Conservative government, I would think. It doesn't matter, because that person doesn't have to have any experience.

Mr Kormos: In the old days, the Tories used to build their brother-in-law's liquor store. Now they just appoint him an arbitrator.

Mr Bisson: That's a good point; I like that one. The other provision: "(b) has not previously been or is not recognized as a person mutually acceptable to both trade unions and employers." That goes away from everything that stands as a tenet of how the arbitration process works. You're normally supposed to agree on the arbitrator, but he says, "Not only can I appoint somebody who has no experience, but I can also appoint somebody who may be hostile to one of the parties or predisposed to rule in favour of one party or the other." I would argue it's wrong to do that, either if the person is predisposed to the rules or the conditions of the union or the employer. It's supposed to be somebody who is going to look at facts and is going to be a person who is not partisan.

Clause (c) is really amazing. The Minister of Labour, Chris Stockwell, not only can appoint somebody with no experience and who is not acceptable to both parties; "is not a member of a class of persons which has been or is recognized as comprising individuals who are mutually acceptable to both trade unions and employers," which means to say you don't have to have anybody who knows what the heck they're doing once they come to the table.

Then it goes on to say under the next part, "If an arbitrator was appointed to settle matters in dispute between the parties relating to a bargaining unit before this act comes into force, on and after that day anything done by a person so appointed has no effect." For example, the parties come to an agreement prior to this legislation coming into effect. They negotiate a mutually acceptable agreement, as they have done under the agreement that has been signed by both parties today, and it means that Chris Stockwell can say, "Never mind that; it's gone. I want to impose my arbitrator on you to get the settlement that we think is best for the province of Ontario, namely Mike Harris."

Now, I think that's interesting, because the minister stood in this House earlier today and said, "We didn't want to get involved in this. We wanted them to get their own agreement. We didn't want to impose our hand all over the agreement that should be had between the two parties." But when you read section 12 of the legislation, it says that the government itself can throw out anything that was negotiated prior by the two parties and the government will appoint an arbitrator, and that arbitrator is going to go ahead and do, quite frankly, what Chris Stockwell wants. I say, shame on the government. I say that is completely contrary to what your stated aim is supposed to be and at the end of the day is completely

contrary to what is, I think, the basis of what should be good law.

Then the other part of the act goes on to say, and this is section 13, "While this act is in force, the parties shall not appoint an arbitrator, mediator or mediator-arbitrator to settle matters in dispute between them relating to a bargaining unit otherwise than under this act, and anything done by a person so appointed has no effect." Again, it basically kills any ability for Windsor, Sarnia, Toronto or anybody to come to any type of settlement when it comes to a negotiated agreement between the parties.

So I say to the government across the way, if you're serious about trying to find a way to get the parties to resolve their differences, if you're serious about trying to find a way to get the people back to work so that children can go back to school, at the very least you have an opportunity to show so today by removing this legislation out of the way that blocks the agreement between the Toronto board and the CUPE workers here in the city of Toronto. I would say take away the gun on what's happening in Windsor and Sarnia as well, because we need to find a way for people to come to an agreement themselves. I say again, shame on the government.

1610

I think it's interesting, as I said earlier, the comment that was made by the member from Perth, because I think it brings us right back to this particular debate. I quote the Deputy Speaker, who is now in the chair, or the deputy deputy. "I want a settlement, not an agreement." Well, excuse me. I would think that any law-abiding government, any decent government, any government that has an ounce of respect for law, any respect for working people, would want to see a negotiated agreement between the parties. But that's not what the government is saying by way of the heckling across the way; they're saying, "No, we want a settlement." That tells me that Chris Stockwell has made up his mind what he wants to do. He wants to impose a settlement on the board that's acceptable to him as the Minister of Labour in the name of his government and he doesn't give a darn what the parties come to when it comes to an agreement. Again, I think it demonstrates this government's predisposition to always err on the side of management and, in this case certainly, not err on the side of the working people of the province of Ontario. Not even close.

What galls me is, as we listen to the Liberals debate this particular bill, I'm telling you, it is really difficult to take. I have to say again—

Interjections.

Mr Bisson: Here's where they are in the debate. They first of all come forward here with some kind of a plan that was created by some guy by the name of Dalton McGuinty, the leader of the Liberal Party. He comes in and says, "I have a wonderful plan, and if only Harris would accept it, it would resolve the problem." He said, "Here's my plan. I'm going to give an arbitrator the right to have the government spend more money and create a settlement." That's impossible. You can't do that. An

arbitrator can't force a government to spend money and put money back into another budget. That's a decision for this Legislature to make. So it tells me all they were looking for was a political hit.

But what really galls me is, as this legislation was brought into the House at first reading, we in the New Democratic Party forced a vote on first reading, and the Liberals showed their true colours. They voted with the government, against the workers and in favour of this legislation. It tells me what I've always known: when it comes to workers' rights, Liberals in the dark, in the corner on a picket line behind a corner, talking to a worker one to one, will say one thing, but when it comes to being counted in the House, they're clearly on the side of the Tories. In fact, I believe they're in bed with the Tories.

What was even worse was what happened yesterday here in the House when, yes, our caucus was caught in a 10-second moment of not watching what was happening in the House as closely as we should have. There's no question. We got the government the day before and we had the upper hand, and it happens in this place. You guys used the procedural rules, and they were in your favour yesterday, and you won the day. Fair game. We understand. I'm not happy, I don't like it, but I understand it. But what was galling was the Liberal Party, knowing that the government was asking for—

Ms Shelley Martel (Nickel Belt): Unanimous consent.

Mr Bisson: —unanimous consent—I thank my colleague—didn't say a word. They saw it coming, they heard it and they kept quiet.

But that wasn't bad enough. They could have stopped at that point. But when the government finally got their unanimous consent to move a motion to be able to sit today to force this legislation through, the Liberals got up and applauded. They were with the government. At least I'll give the government credit. I know where the PCs are coming from. They're on the side of the employers. They're not on the side of workers. I understand that. It's very simple: New Democrats are on the side of the workers. We understand that. But the Liberals are flipping both sides, and they stand here in the House and they have the gall not only to allow the motion to go through, which they could have stopped, but at the end of the day they applauded with the government. I say to the Liberals, you have to wear what you've done. You had an opportunity as the Liberal Party to determine and to show—

The Acting Speaker (Mr Bert Johnson): When there are two of us standing up, one of us is out of order, and it's not me. The Chair recognizes the member for Windsor-St Clair on a point of order.

Mr Duncan: Mr Speaker, the Liberal caucus did not vote on first reading with the government. We do in fact support this legislation, but the member has alleged that I stood up and cheered when they dropped the ball, if you will. Neither myself nor any member of our caucus stood up at that point—

The Acting Speaker: That is not a point of order, because in this House we record things and Hansard looks after that. If you have made a mistake and you want to correct your own mistake, you may do so, but you cannot correct somebody else's.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: The record will show that the Liberals stood up and applauded. That's what the record shows. We have it on tape. We know what happened. You guys sided with the Tories. You had an opportunity to stand behind the workers and assist the situation. If the Liberals had supported us yesterday and had supported the workers, we would this afternoon have an agreement in the city of Toronto. We would have the workers going back to work. We would have ended up with the students in Toronto going back to school on Monday, without being forced by way of this draconian legislation, with a negotiated agreement, and probably in Windsor as well. But, no, you guys decided to do what you did. I've always understood where you come from.

The other point I want to make is a comment that was made by the member for Mississauga South, who said, "The funding formula is one of the things done by this government for the future of education." Wow, what a comment that was. I'll tell you, it impacts for sure on the future of education, but I would not be standing in this House and saying that's a good thing; I would say that's a bad thing.

The government has gone in and snatched \$1.5 billion out of education—

Mr Kormos: Million?

Mr Bisson: Billion. We're not talking millions; we're talking billions, beaucoup de zéros. They snatched \$1.5 billion out of education in order to pay for their tax cut. They scooped it out. Never mind what the effect is and the negative aspect it has on the education of our children; the bigger issue is it's created this crisis we find ourselves in today.

I think John Snobelen was right. In 1995, when John Snobelen was named as the Minister of Education and had that very famous conversation with bureaucrats and said, "We shall create a crisis in education in order to make the changes that we ideologically believe in," he knew what he was talking about. That's exactly what you're up to and that's what the funding formula does.

Mr Kormos: Promise made, promise kept.

Mr Bisson: Promise made, promise kept, as my good friend Peter Kormos points out. I really like having him here in the cheering section. He gives me some good lines every now and then.

I say Snobelen let the cat out of the bag back in 1995 because—

The Acting Speaker: I want to remind the member that we refer to other members of this chamber by their ridings and not by their names.

Mr Bisson: Thank you very much. I always call him Pete outside of here. Sorry about that, Mr Speaker. The member from Niagara-Welland or whatever; somewhere

down where they grow grapes. Actually, a lot of my family live in your riding.

I think it was fairly clear what the government set out to do. It set out to create a crisis in education. It made the changes in funding by reducing the education budget by \$1.5 billion. They've gone over. They took total control of education by way of the Education Act and took away powers that boards had to deal with local issues when it comes to education. They created a funding formula—imagine this—that funds schools on square footage rather than on the number of pupils. What a move that was. I think the formula they've got is \$520 per square foot, if I remember correctly, to fund schools. If you crowd more kids into the school, the funding formula stays the same. So it means kids have a diluted amount of money to provide them with a decent education.

Again I would say that when the member for Mississauga South got up and said, "The funding formula is one of the things done by this government for the future of education," I think she was right—no question. You certainly did something that will affect the future of education, but I wouldn't stand in this House and crow and say that—

Mr Kormos: The future of private education.

Mr Bisson: That's where I'm going, exactly. I would not stand up in this House and crow about it being a good thing. We know where the government wants to go. It created the crisis. It's throwing the system in turmoil. Just as Mike Harris announced that he wants to go into the realm of running hospitals by the private sector—privatizing hospitals is what he said two days ago—I expect the crisis in education they created is the same as the crisis in health care that they created, in order to allow for the incursion of the private sector into the system of education, as well as health care. That's exactly where this government is going.

I say to the government across the way again—and I want to be very clear to the Minister of Labour—the legislation you set out quite frankly changes the process and the balance that existed in the past when it came to arbitration. It is beyond me why a Minister of Labour would want to appoint somebody as an arbitrator who we know has worked for the Toronto board already, in the case of Toronto, and is biased going into it. You want somebody who is independent in whom both sides can have confidence. You're not accepting that that is going to have an influence.

1620

The second thing is that your very legislation, by the way it reads and by the way it works, says that if the parties were to come to an agreement, as they did today, there is no ability for them to do so; they've got to sit back and wait for what the member from Perth said, the honourable deputy, deputy, Deputy Speaker—I just want to make sure I got the right amount of deputies in there—"I want a settlement, not an agreement." I think the cat is out of the bag. That's what the minister wants. He doesn't want the parties to come to an agreement. That's clear. They're like the Liberals: they want to be able to

kick at the workers any chance they get. That's what they're going to do. They want to impose that type of settlement on the workers.

I say as a New Democrat, darn right I'm proud to stand in this House today, call myself a New Democrat and show which side I'm on: on the side of the workers.

The Acting Speaker: Comments and questions?

Hon Mr Stockwell: Let's understand there are a bunch of myths floating about this place with respect to what is on the table and what is not on the table. Let's be clear. At any time the two parties may enter into a collective agreement, that overrides any legislation. It overrides any legislation, any binding arbitration process. They always have the opportunity to negotiate a collective agreement, and that's not going to go away. They will always have that opportunity.

The second point that needs to be made is that there are only two methodologies to get the students back to school Monday morning and there are only two ways that can happen and be guaranteed to happen. One, obviously, is adopting this legislation that puts in place mechanisms to have the schools open on Monday, and if you don't have them open on Monday, by law there can be penalties applied. It can't be done under the particular agreement the member speaks about. So there is no guarantee that the schools will be open Monday other than the goodwill of the party executive, and we already know that the party executive president has said he will defy legislative order. So if he is prepared as a union leader to defy legislative order, which carries with it penalties under law, how much of a stretch would it be for him to say, "I defy an arbitrator's order," that has no penalty under law?

Use your heads, folks. Think about it. It doesn't make any sense, what you're arguing. If you want the schools to open Monday, which many people in Windsor and Toronto want, you either have to pass this legislation, guarantee they are open under penalty of law, or the parties negotiate a collective agreement, which they've been trying to do for five weeks before we got involved. Now, come on. Listen, it's a simple process.

If you're in favour of collective agreements, then get the two parties to sit down any time between now and whenever the arbitrator rules, in three or four months, negotiate yourself a collective agreement and all bets are off. Other than that, there's no guarantee the schools will be open on Monday.

Mr Duncan: I want to indicate that our party will continue to vote in favour of the legislation. The position the Minister of Labour has just put forward we concur with, that both parties can still reach an agreement at any time after the arbitrator is appointed.

There are two things I wanted to point out while I can respond. First of all, I have now been in touch with Windsor. I don't believe at this moment—and that could change—that anything is going to resolve there. Second, I have also spoken to the table, and short of entering into all kinds of problems, we can't possibly deal with the Windsor situation.

One of the members for the third party made the comment about their arbitration process under Bill 139—they will remember Bill 139—and is absolutely accurate: the minister's ability to appoint an arbitrator is a much different situation. What they forgot to say was that the arbitration panel that was appointed under that bill was subject to the Social Contract Act, an act which had stripped all collective agreements. I just reviewed the bill and, yes, you don't have that provision. What you had done was you had opened the collective agreement, stripped it and allowed them to go on strike.

I'm in favour of getting the children in my community and in Toronto back to school. I differ strenuously with the government on education. We will debate that in this Legislature. We will have an election. What is sad, and the final thing I want to say, is that that party made a deliberate decision to keep the kids in my city out of school, and then since yesterday they somehow expect us to be a party to their nonsense? Wrong. We will continue to vote for this bill. We'll debate education, and we'll debate it in this House and in the next election, but it's important to get the children of our working families back to school.

The Acting Speaker: I want to remind the members that they may have something they would like to say to someone else in the chamber, and if you do, I suggest that you walk over and sit down and talk to them. The yelling back and forth, in spite of the situation we're in here today, is not acceptable.

Mr Martin: I want to commend my colleague the member for Timmins-James Bay for putting on the record this afternoon some very thoughtful comments, some insightful comments on the circumstance we have here in front of us in the mad rush by this government to impose a set of conditions on negotiations that need to simply take their course. As I sit here and listen to my colleague and watch what's unfolding out there between the parties in dispute, both in Toronto and Windsor, I've come to the conclusion that there's either another agenda at play or there's just a total lack of understanding by the government as to what the process is, what it is the people at the table are trying to do, discussing with each other, trying to find an agreement, and where it is we all need to and want to go in this province.

We have a history, a very proud history, of labour negotiations in the province, that I would say probably stacks up against any other jurisdiction around the world in terms of people being reasonable and rational and sometimes taking a while, but working their way through some very difficult and thoughtful considerations as they come up with a set of agreements that will support them in the work they do for and with each other in the interests of the broader community and that will support them in their private lives as they try to look after themselves and their families and their children.

This afternoon we know that in Toronto there has been an agreement between the board and CUPE on arbitration. The government is not willing to recognize that and take the legislation off the table, and we're told now

that in Windsor SEIU have now taken an offer of settlement to their members. What else does this government want?

Mr Steve Gilchrist (Scarborough East): We heard very clearly from the Minister of Labour the actual facts when it comes to the rights under the collective bargaining opportunities, the arbitration opportunities that will still be afforded to the members of the union and to the Toronto District School Board. We've heard the facts from the author of the bill, and I think the spin being put on by the member in the third party is, to say the least, incorrect.

We're hardly surprised, though, and we keep entertaining the debate here today from a party that is so completely out of touch with what is happening in Toronto and Windsor and quite frankly all the province of Ontario. One hundred per cent of the phone calls I have received since this issue started said, "Get the kids back in the classroom," and it's not just 100% of the parents; it's 100% of the teachers who have called.

The fact of the matter is, the province gives resources to school boards. The school boards have an obligation to bargain in good faith, and so do the unions. If they truly believe in the rhetoric they keep spinning that they care about kids, then they've sure got a funny way of showing it, by forcing them out to the video arcades or out to rollerblade on the mall properties, because that's where they are today, and thank goodness it's a nice, sunny day.

The union is compromising the school year. Even the teachers themselves are demanding that the education of the kids must come first. The government has made it a high priority, second only to health, to make sure that we have the best-educated students and the best-educated populace generally. Incidents like this strike absolutely fly in the face of all the rhetoric that comes from the third party that they care too. If you cared, if you wanted to give the greatest possible stability to this process, let the debate end right now, let the public know that the kids will be back in the classroom on Wednesday, let the workers know they're going to be back on Monday morning. Let's get on with it and pass this bill.

1630

The Acting Speaker: The member's time has expired. The member for Timmins-James Bay has two minutes to respond.

Mr Bisson: Talk about hogwash, talk about double-speak, talk about it all. The member across the way, the member from the government and the minister say that it's necessary to have this legislation in order to get the children back to school and that, somehow or other, if we don't do that, it'll never happen.

Here are the facts: the board in Toronto and the workers have found a way to settle the strike. They agreed to go to work on Monday. They have a process set out that will get them a collective agreement in Toronto. In Windsor, the union is bringing an offer back to the workers for ratification today.

Then the member for Windsor gets up and says, "I don't think anything good's going on in Windsor, not to

my knowledge." I'd say you're out of touch. If we know here in Toronto what's happening between SEIU and the workers in Windsor and the board in Windsor, where have you been? You've got staff over there. Where's Wayne Lessard when we need him? That's what I have to say. What an abysmal excuse for a member. At least you should know that.

I say to the government across the way, I say to the Tories and I say to the minister: there are two negotiated settlements that have been made. Toronto is going back on Monday, they're bringing back an agreement to the workers in Windsor for ratification, and you say this legislation is necessary? You know why? Because this legislation says under section 13, "While this act is in force, the parties shall not appoint an arbitrator, mediator or mediator-arbitrator to settle matters in dispute between them relating to a bargaining unit otherwise than under this act"—and here's the kicker—"and anything done by a person so appointed has no effect." In other words, you want to be able to override all these agreements that we now have on the table, and you want to be able to do what the member for Perth says, to impose a settlement and not allow the parties to negotiate an agreement between them. I say shame on you.

The Acting Speaker: Further debate?

Ms Martel: I hope the minister doesn't leave, because I would like to start with where he left off. I've been sitting in the House all this afternoon, and I did take the time to listen very carefully to what the minister said. In his remarks to this Legislature, I clearly heard the minister say that the government didn't want to intervene in this process—and he nods his head, so that's clear. He also said that the government had to intervene because it appeared that there was no local solution coming forward in either Windsor or Toronto. He certainly left the impression—and maybe I'm wrong and the minister can stand up and clarify it, but I took his comments to mean that if a local solution had come forward or could come forward, then the government wouldn't be intervening. All right. He nods his head.

So let me start from there, because we now know two things during the course of the afternoon. That is, there is a settlement offer being brought back by SEIU to their members in Windsor today, which will no doubt lead to a collective agreement being signed today.

We also know that a letter has gone to the minister today, jointly signed by the employer—the Toronto District School Board—and the CUPE president, saying that they have agreed to an arbitration process, which will get us exactly where the government wanted to be.

If the minister truly meant what he said, then he would withdraw this bill, because we have two clear examples that a local solution has come forward even at this time. A local solution has come forward, agreed to by the parties involved, in the two communities where the disputes are taking place. The minister, if he meant what he said at all in here this afternoon, would withdraw this bill because the local solutions are going to have the children back in school by Monday.

What I take from what the minister said in response to comments made by my colleague from Timmins-James Bay and by the member from Scarborough is that in fact the minister really didn't mean what he said in the House today. He really didn't, in spite of the rhetoric, in spite of trying to put the government case, which is, "Oh, my goodness, we wouldn't be here today, we wouldn't be intervening, we wouldn't be ramming this draconian legislation down people's throats if a local solution had come forward." In fact he's not interested, even though there is a local solution in place in both of these communities right now.

You know what's even better? I understand the minister's staff are actually meeting with CUPE over the proposal that was jointly put forward by the Toronto District School Board and CUPE 4400, as we speak. As we deal with this legislation, there are representatives from the union here and they are meeting with the minister's staff to try to get him to agree to a proposal that the employees and the employer have put their names to.

We heard the minister in his reply to my colleague from Timmins-James Bay say, "We're not going to take that to the bank because there's no penalty here. We've already heard the president of the union say he's going to defy Bill 13. So we're not going to take this agreement to the bank, because there's no penalty that might stop him from doing just that if we withdrew the bill and allowed the agreement that was signed by the employer and the employees to move forward."

You know what I think? Frankly, I think that an agreement that was voluntarily entered into by CUPE and by the Toronto District School Board has much more chance of succeeding than anything that is rammed down their throats by this government. That's what I believe: that in good faith the union president and the representatives from the Toronto District School Board have entered into this agreement and that they have every intention of making it work in a timely fashion, as outlined in these papers that went forward to the minister. It's far more likely that something entered into voluntarily, where the parties sign in good faith, is going to succeed rather than something that is rammed down the throats of both the employer and the employees with the threats of fines and coercion and everything else hanging over everyone's head.

I dismiss the minister's comments because I think that's a really sad excuse for not accepting what is a legitimate agreement that would lead to a local solution that would put the kids back in school on Monday. I am left with the impression that the minister really didn't mean what he had to say in here about two hours ago. He didn't mean it all, and I regret that because there are people here, in good faith, this afternoon who have put this to the minister's staff, who have made clear what they intend to do.

Maybe it's worth reinforcing again what they intend to do, because I also heard some members in here earlier during the course of the debate trying to insinuate that if this agreement was accepted, the kids would not be back in school on Monday. So let me just repeat again what

the agreement says, the one that's been signed by the Toronto District School Board and the union.

It says, point 17, "The strike shall be terminated as of noon on the date of this order"—that's today—"and the employees shall return to work no later than April 30, 2001,"—which is Monday—"in accordance with their regular schedule. Employees required to return to work earlier in order to ensure the resumption of normal operations by 7 am on April 30, 2001, shall endeavour to do so beginning on the date of this order and shall be paid at the applicable rate." It also says that the parties shall comply with the return-to-work protocol that's set out in appendix 3, which lists how the employees will be brought back.

1640

So it's very clear that another government-backed excuse that I heard here this afternoon, that in fact "Only our legislation would guarantee that the children are back in school by Monday," is patently false. If the minister accepted this agreement, voluntarily entered into by the Toronto District School Board and the union, those children would be back at school Monday morning. We know in fact that the date that the order became effective would be today and the custodial staff would be in the schools tonight and tomorrow and Sunday, making sure that those children were back in the schools on time on Monday morning.

So that's the second argument that doesn't work. But because the government even raises that argument, I'm left with the impression again that the minister and his backbenchers didn't really mean what they said, what he said when he came here and opened his remarks today on Bill 13. It doesn't sound to me like he's terribly interested in accepting a local solution. Rather, it certainly appears that what he wants to do is have his way, enforce his will and ram Bill 13 down the throats of employers and employees here in Toronto and in Windsor.

If he didn't mean that, then he's going to come back into this House and he's going to say that his staff, yes, are still continuing to meet. He's going to confirm that because we know that's happening. And he's going to say that, well, in fact, he is prepared to look at a local solution because an agreement that's voluntarily entered into to end this is much better than coercing people back to work. That's going to poison the relationship in the workplace for a long time to come. He's going to come back here and he's going to say, "I meant what I said, and we are going to ensure that this local agreement will go into effect. Further, if," as we know is going on right now, "SEIU employees accept a settlement offer, we are going to withdraw this bill because there is absolutely no need for it, because local solutions voluntarily entered into have prevailed."

Surely that's what the minister wants if he meant what he said, and surely that would be so much better for the working relationship between the staff and the employers in those two communities.

You know, I want this bill withdrawn because I think that the provisions around arbitration are just so heavy-

handed and just completely defy what has been a long-standing, ongoing tradition of a fair arbitration process in this province. And we know that if the provisions of Bill 13 remain in effect, they will set a terrible precedent for any other piece of legislation that the government wants to bring in where arbitration will need to go into effect.

I know my colleague from Timmins-James Bay spent some time talking about the details of the arbitration process and how clearly they are changed from what has been half practice, half tradition. I want to just reinforce subsection (5), because he didn't note it in his comments, subsection 11(5) with respect to notice and consultation not required when an arbitrator is appointed.

The section says the following: "In appointing a replacement arbitrator, the minister may depart from any past practice concerning the appointment of arbitrators or chairs of arbitration boards, whether established before or after this act comes into force, without notice to or consultation with any employers or trade unions." That kind of consultation has been the past practice, and it's clear the government is using this bill to make the arbitration process even more heavy-handed than they already have with previous changes they have made to the process. The changes that were outlined by my colleagues and the reinforcement of section 5 make it really clear that we cannot accept this bill, not only because it defies the rights of employers and employees in two communities to come forward with a voluntary solution—which they have done—but it sets in place and in practice an arbitration process that we cannot live with, that is so flawed and so heavy-handed and such a departure from the natural rules of justice that we cannot accept it.

Even if this afternoon, after the discussions we know are ongoing right now between CUPE and the minister, the minister were to come in here and say he would like perhaps an exemption and would put that forward, and even if he was prepared to do something around the fact that we will probably have a collective agreement in Windsor before the end of the day and he might require some kind of amendment for that, I still wouldn't be voting for this bill and neither would any of us in the New Democratic Party, because the precedent it sets in place to undermine workers in the future in labour disputes is not acceptable—not now in the case of these disputes and not in the case of future disputes either.

I think this government should do the right thing and accept the agreement we know came forward this afternoon to the Honourable Chris Stockwell, signed jointly by the Toronto District School Board and CUPE, an order that was set in place by the mediator, Morton Mitchnick. I think the government should accept that as an appropriate local solution and let that arbitration stand. And the government should respond positively to what we think will come from SEIU this afternoon. But the government should go one step further and withdraw this draconian legislation.

There's one other point I want to make with respect to the arbitrator, and this stems from a question that was

raised in this House yesterday by my leader with respect to the particular mediator-arbitrator who has been appointed by this government and who will be appointed if this bill passes for the dispute involving the Toronto District School Board and CUPE. It says in section 11(2), "The mediator-arbitrator shall be Mr Stephen C. Raymond, vice-chair of the Ontario Labour Relations Board."

I don't know Mr Stephen Raymond. I wouldn't know him if he walked in here. I have no idea what his decisions have been like at the Ontario Labour Relations Board. But what I do know is that it would be extremely difficult to categorize him as neutral, which was the point my leader was trying to make to Minister Stockwell yesterday. In fact, it would be impossible to describe him as neutral, as the person who will have to deal with the dispute between these two parties.

The reason is that Mr Raymond, as we discovered yesterday, did some very recent work for one of the parties, for the Toronto District School Board. He was involved in giving them direct advice about labour relations matters. He has the right to do that—we're not contesting that—and the Toronto District School Board has the right to hire him in that capacity. But because of that work, most recently done, no one could reasonably argue—no one could reasonably argue—that he is neutral, because he is not.

He has most recently represented the interests of one of the parties, whatever those interests may be. You cannot now go to the workers of that same employer to ask them to have any confidence in the work he will do. He has just recently represented their employer in labour relations matters. He's very well acquainted with the board and its policies. He's given them advice about it. He may have even given them advice with respect to the lead-up to this particular set of negotiations. So the union cannot and should not have any confidence in the alleged neutrality of this individual, as competent as he may be. We are not questioning that. But we are questioning a process that the minister has set up whereby he appoints a person who is not neutral. This is a person who has had a direct relationship and an interest in the affairs of one of the parties, and that has been most recent. So you cannot expect the Toronto District School Board employees nor members of this party to accept him as an arbitrator. He is not neutral, and he is not neutral because the perception clearly is he has had an interest. It has been a vested interest, because he has done work for, probably been paid for, hired by, one of the parties to this dispute.

1650

Not only do we find the technical changes that the government is ramming down our throats with respect to the arbitration process to be unacceptable, but as well we do not accept the appointment of the mediator the government would like to make, especially in the case of the Toronto District School Board and CUPE, because I can assure you, the employees who will be dramatically affected by his decision, if the government forces this bill down our throats, will have no confidence in his capacity

to act as a neutral party when investigating the details of this matter.

As my time winds down, I want to end with the following, and I go back to where I started, which was the minister. I sat and I listened and I heard this minister clearly say that the government made a decision to intervene only because nothing positive came through from the parties involved. I remind the minister as I close that we now have an agreement that has gone forward to this very minister, signed by the Toronto District School Board and CUPE, with respect to an arbitration process that has been voluntarily entered into by the parties, and he should accept it. If something similar comes from SEIU this afternoon and from that employer, he should accept it too. He should let those local processes work because success will be achieved, and then he should withdraw this bill.

The Acting Speaker: Comments and questions?

Hon Brad Clark (Minister of Transportation): I find myself in a very unusual position right now. I'm going to—I don't want to use the term “defend”—but I'm going to speak in support of the member for Windsor-St Clair.

Mr Kormos: We understand.

Hon Mr Clark: Perhaps if they actually listened, they might hear. The situation is that the member in Windsor is quite concerned about the students in his community and he wants them back in school. The opposition, the third party, would have everyone believe that he hasn't read the bill. They're stating that the parties down there have already come to a conclusion whereby it will be going to a final vote.

Well, the member for Windsor-St Clair, I would submit, has in fact read the bill, because the bill entertains that exact fact. Just as we did in Hamilton many months ago, we allowed in the bill the right for the union to go to a final offer vote, and we're allowing that process to happen. The same thing is happening in Windsor. So where they're trying to take slight with the member for Windsor-St Clair about what he is saying for his community, and where they're trying to imply to his community that he doesn't know what he's talking about and that he hasn't read the bill, quite clearly, he has read the bill.

The member for Nickel Belt, when she spoke of Stephen Raymond and his inability to be neutral, is leaving the clear implication that because he had worked with a previous employer some time in the past and had a position that he advocated for, it's impossible to change that position. I would submit that the former Premier of the province of Ontario, Bob Rae, vigorously opposed free trade, and yet he is now down south advocating for trade and working down there to sell trade. So clearly, one can be neutral and change positions.

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): Je trouve regrettable qu'aujourd'hui nous sommes ici à débattre un projet de loi alors que tout aurait pu être réglé bien avant aujourd'hui. L'importance que nous débattons aujourd'hui, c'est le retour à l'école de tous nos élèves

des 500 et plus des écoles dans la région de Toronto ainsi que dans la région de Windsor.

Si on dit qu'on est sur le point d'en venir à une entente à l'appointement d'un médiateur, pourquoi ne l'avons-nous pas fait avant aujourd'hui? Je ne peux pas comprendre ça. Nous connaissons l'importance des rôles que ces personnes-là jouent dans une école. Ce sont les personnes sur lesquelles on doit dépendre pour la santé et la sécurité de nos élèves. Aujourd'hui, je regarde de temps à autre dans les journaux et on voit un peu que les vidanges, tout ça traîne, et que les souris seraient entrées. Mais encore là je crois que l'importance a toujours été que ces personnes-là qui ne sont pas au travail aujourd'hui retiennent nos enfants à la maison.

En plus de ça, les maux de tête que ça donne à tous les parents qui doivent se rendre au travail à tous les matins, puisque aujourd'hui on sait que la majorité des familles à faible revenu doivent toujours travailler pour leur jeune famille. Mais aujourd'hui on sait que, eux, ils doivent dépendre sur leurs deux revenus. Puis avec ce qui se passe aujourd'hui, si les personnes n'ont pas les bénéfices marginaux que nous connaissons dans le secteur public, bien, les personnes doivent prendre des congés, et c'est un revenu de moins dans la communauté sur lequel on doit dépendre pour le développement économique.

Mais encore une fois, je trouve ça regrettable. Si nous sommes sur le point d'en venir à une entente sur l'appointement d'un médiateur, qu'on le fasse le plus tôt possible, et puis on n'aura pas besoin de siéger plus tard aujourd'hui.

Mr Hampton: I want to just show the members of the Conservative caucus information that was sent to us today by the Service Employees International Union, local 210 from Windsor, which points out that they have accepted an offer and points out the terms that have been accepted.

The reason I want to do this is to go back again to why we're here. The Minister of Labour said that if solutions came forward from the local level, this legislation was unnecessary, that this legislation would have no place. Well, here are the terms of a collective agreement that have been negotiated between the Windsor separate school board and local 210 of the Service Employees International Union.

I have to ask, since they've accepted the collective agreement, they have agreed to hold a ratification vote, why are we here? What is it that the government is after? Let me tell you what I think the government is after. Let me tell you why we're here. We're here because this government has got some problems with their Reform Party/Alliance Party constituency. They haven't been hammering the teachers enough. They haven't been hammering the workers enough. So they're here to demonstrate to their right-wing constituents in this province that they're going to hammer those school secretaries, who have an income of \$25,000 a year, and they're going to hammer those school custodians, who have an income of less than \$25,000 a year. That's why we're here, so this big, tough, mean Conservative government can show

their right-wing constituency how they're going to put the boots to those workers. We don't need to be here. There is a collective agreement.

Mr Stewart: I've sat in this Legislature for I guess six years now and today I'm finally ashamed to be here to listen to this type of garbage and rhetoric over there. In the last hour I have not heard you mention the word "students" or "kids" once, not once in the last hour. Why don't you ask some of the kids? Why don't you ask the student who said, "I'm scared that I'm not going to be able to catch up in my work and it will cost me my year," or the one who said, "I'm feeling stressed out and beginning to panic because the strike is stretching into its fourth week," or the student who said, "I'm worried about this year and how my marks will be affected next year."

Do you know what this is all about for you folks? You don't care about the kids; you care about a couple of votes you're going to try to get, and you're not going to get them. You proved that in the last election. I would suggest that you start to concentrate on the kids.

I heard words from the member from Beaches—wherever—a little while ago about the passion she has. Why don't you have some passion for the kids, the kids who want to go back to school, the kids who should never have been out in the first place?

Interjection.

1700

Mr John Hastings (Etobicoke North): I hear the member from Nickel Belt saying, "I don't know this man." Do you have to know him? Are you the one who has to give your approval, that only if you know him is he going to be smart enough to do this?

I said at the start that I'm ashamed to be in here today to listen to the type of garbage that has come out of this other party. I take back the word "garbage"—the rhetoric or whatever you want to call what they've been saying. You should be ashamed of yourselves. It's not about the kids and it darned well better be in the next few minutes.

Mr Bisson: Mr Speaker, on a point of order: That was such an impassioned plea that I'd like to extend unanimous consent for two more minutes for the member who previously spoke; another two minutes, please.

The Acting Speaker: Is there consent? There is no consent.

The member for Nickel Belt has two minutes to respond.

Ms Martel: If I might, I suggest that the member from Peterborough go back to sleep, because he hasn't heard a thing that has gone on here this afternoon. That was clear by his comments. My goodness, what a joke.

For this group to talk about children after the devastating report on child poverty released yesterday which said that one in three children in Toronto lives in poverty under your government—you should be embarrassed for that level of child poverty, because your government is directly responsible, with your stupid tax cuts. You've got a lot of nerve talking about children, because you would rather leave them in poverty, and we know it.

I want to let the folks who are watching know exactly the two agreements that have been submitted to the minister, because the minister has said that he would like the local agreements to come forward. Here are the two.

The letter from the Toronto District School Board and CUPE says the following:

"Dear Minister Stockwell:

"We enclose the order of mediator Morton Mitchnick which order constitutes the settlement of the parties in respect of the renewal of collective agreements between CUPE, local 4400 ... and the Toronto District School Board. This order provides for the termination of the strike and the return of employees to work on or before April 30, 2001,"—Monday.

"We respectfully request that the Toronto District School Board and CUPE, local 4400 be exempted from the provisions of Bill 13 currently before the ... assembly. We know that the government would have preferred that the parties reach their own resolution of their own disputes. This they have done."

Here's the letter from SEIU:

"In view of the pending legislation and the concerns of the committee surrounding that process ..."—that's today—

"The committee hereby accepts the board's final offer of April 18, 2001 ... ;

"The committee will bring this tentative ... agreement to its membership for immediate ratification as soon as reasonably possible;

"In the event of ratification by the membership we will be returning to work at the earliest possible date thereafter," which would be Monday.

Why are we here?

The Acting Speaker: I just wanted to say—

Interjections.

The Acting Speaker: Some time ago, our forefathers decided that we would be better to debate than to yell out. I think it was a good idea, but even if I didn't, I'm here to observe the rules of the Chair. It is the Chair's symbolism that we respect to operate. You don't have the right or the privilege of speaking out and interrupting somebody else. We've designed a system of rotation. So if it's your rotation and it's your turn, then please feel free to stand up and say your piece like civilized members. If you don't, there is a remedy.

Further debate?

Mr Marchese: I was just at two press conferences, one held by the Toronto board of education, the other one by the union. Both of them, of course, were optimistic. Having come together to solve this issue, they both obviously hoped that the government would pay attention to that. Quite frankly, I thought the government would listen, because you've heard on a number of occasions Minister Stockwell and Mme Ecker say, "We of course want both parties to be able to solve this issue on their own. We don't want to intervene." They said the best result would be for the two parties to negotiate a settlement. That's what they want. Those were their stated intentions, so of course I believed them.

But the board and the union early this afternoon came to us and said, "Can you deliver these envelopes to the ministers?" They were hopeful and optimistic, having read the proposal. The two parties said, "We have agreed to binding arbitration, the agreement of which would bring children back to school on Monday," which is your stated interest, if your intentions are clear. You said, "We want to get kids back to school as early as possible." The settlement between the union and the board would have those children back to school on Monday.

Your bill overrides those agreements, overrides their good intentions, overrides the fact that those two parties have, on their own, said, "This is the way we want to settle it." Your bill says to them, "We don't care what you have done, the two parties that have a stake in this. We're going to impose on you our bill."

So what is it, government members? Do you really want those two parties to solve it, or do you want your own bill imposed on those two parties? I suggest to you, you want your own bill. Your own bill would leave those agreements open in terms of what those two parties have already negotiated. They've been negotiating for a long time and they have agreement on some of those matters and there's disagreement on others, and obviously that's what the binding arbitrator would deal with. Your bill says, "Uh-uh, everything is open and is on the table again."

So you see, I've got a problem with what you're doing. You've got to be clear, as often you are. I love your malevolence because I can see it visibly. But when you play these games, you confuse the public. Please be your malevolent selves once again. Tell them what you really think. Tell them what your stated intentions are versus your hidden intentions. That's what they want to know.

You also understand that in Windsor they have an agreement. The union has accepted the offer of the board. It's tentative. They're putting that to a vote. You understand, there is a solution that's coming. Your bill is unnecessary and now heavy-handed.

1710

Mr Wayne Wettlaufer (Kitchener Centre): I'm so glad you stood up, because now you're explaining it to me.

Mr Marchese: M. Wettlaufer, that was my hope, that in exfoliating your bad onion of a bill you would of course be clarified by it and would obviously change your mind. You've got to go talk to Mr Stockwell. You've got to go talk to your minister and say, "Look, they've negotiated a deal." The board said at the press conference, "This is our agreement. It is not an agreement forced upon us by the province, but ours." It makes sense.

You understand, M. Wettlaufer, that if these two parties are agreed on a process, they will feel good, and better if you allow them to do that versus if you impose it upon them. If you're imposing it, they're going to be as angry as hell once again. I've got to tell you, M. Wettlaufer, that the workers are not going to go back on the weekend to clean those schools, whether you give them

time and a half or double time or triple time. They're so angry and poisoned by your lack of funding to school boards that's making it very difficult at the board to free up some money, so they argue, that they can't come to a fair negotiated agreement. They're so angry and poisoned by what you have done already with your funding formula that's inadequate that to then impose Bill 13 on them makes it doubly worse.

Windsor has a solution at hand, Toronto has proposed a solution before you, and you're saying, "The document is too long. We can't consider it," because presumably you don't have the time and/or the skills or the hired, paid lawyers—highly paid, I would argue—to solve this issue within a matter of minutes. Your other stated argument is, "It's been handed to us a bit too late. Sorry." It doesn't appear like it's a two-late proposition for you to be able to consider a document that says to you, "We have a proposed solution."

I'm trying to understand the objectives of this government at this stage, trying to understand your motives as to why it is you refuse to allow them to solve it on their own. Your bill overrides what they're doing. While your bill permits them, within seven days, to negotiate an agreement, I'm saying to you that it's pretty damn difficult, if they haven't been able to negotiate this, that they might be able to solve it without binding arbitration. Although it is malodorous to the union to accept binding arbitration, they have decided it is a better thing to do than to accept your bill, and it's a far better thing that you allow them to do this on their own. If the board and the union are telling you, "Leave us alone. We have a solution," I say to you leave them alone to solve it.

Mr Stockwell, thank you for appearing. You've got to let me know in your two minutes what it is about you that makes it impossible to deal with this. I'm beginning to feel that you're growing feathers, and that I have not seen a peacock spread its feathers as much as you in the last—

Interjections.

Mr Marchese: Please. The feathers are just shooting right out. Pretty soon you'll be able to fly, for God's sake. Come on, come down to plain old earth and deal with people in a mano-a-mano kind of situation.

Mr Kormos: How high do peacocks fly?

Mr Marchese: The feathers spread up real high and it makes a real effort, obviously, to fly. But you understand the concept.

Mr Kormos: But then you get too close to the sun.

Mr Marchese: That's a different story. That's another mythology.

But, Stockwell, I am pleading with you. Chris, pay attention. I'm pleading with you. Chris? Speaker, I'm pleading with the Minister of Labour. I understand, a Minister of Labour—

The Acting Speaker: I would just remind you that you don't refer to members by their names.

Mr Marchese: You're quite right, Mr Speaker. I corrected myself, you saw, promptly.

Minister, what is it about this agreement in Windsor and Toronto that you don't like? Just a simple answer: "We don't like it because—"

Interjection.

Mr Marchese: Sorry, monsieur le ministre? I couldn't hear you. What is it that you don't like about this agreement?

Mr David Tilson (Dufferin-Peel-Wellington-Grey): You better be careful or he'll start imitating you.

Mr Marchese: No, but I love it when he does it because his eyes bulge out when he does that and I like to see—

Hon Mr Stockwell: On a point of order, Mr Speaker: Could I have the rest of Mr Marchese's time by unanimous consent so I can respond to some of his questions.

The Acting Speaker: Is there consent? No.

Mr Marchese: But, monsieur le ministre, you've got two minutes to rebut, please. Give us the time. We have so little time, as you know, and you have so much time. Look at all the members that can debate this bill. By the way, write down the answers to the others so they can pass them on to me.

Interjection.

Mr Marchese: No, no. I'll ask it again. What is it about this agreement reached by the board and the union in Toronto, and the agreement that you must have heard in Windsor, because you've got a lot of workers there working for you—obviously the union has accepted the offer of the board—tentative, right?—and it'll be put to a ratification board, I understand. But they're solving it, so—

Hon Mr Stockwell: But I don't like it.

Mr Marchese: But you don't like it. But when you have your two minutes—I'm just giving your time to reflect, right? I've got another nine minutes.

I've got to tell you, Chris, the workers are really angry. You understand that for people earning—Minister of Labour, you understand these workers are not making a lot of money. Many of them make less than \$30,000. In fact, most of them earn less than \$30,000 a year, so for these people to be out for four weeks shows incredible determination, incredible anger against this government and against the Toronto board—I've got to tell you, against both parties. That they should stay out so long shows that people feel so strongly about wanting a fair deal that, until they get it, they won't be happy. Your bill will make them unhappier and angrier than ever against you and against the board. These are the people who don't make a lot of money, the non-teaching staff.

Ms Marilyn Churley (Toronto-Danforth): They were exempted. They were under \$30,000.

Mr Marchese: Don't engage the—we've got other things to talk about.

When we say to you that non-teaching personnel are important people in the educational system, we know that. We understand that, while you've kept them away from the funding formula, because the only thing you fund under your formula is, of course, classroom education, teaching. The others don't count in the funding formula. It is for that reason that we have hundreds of fewer caretakers in the system and that's why it's so dirty. I play soccer from time to time in some of these

gyms and I have to tell you, they are dirtier than ever. There are not enough caretakers.

Boards have 20% fewer librarians now than they did before. That's a lot fewer librarians. You understand, librarians are a key component of learning. They're an integral part of teaching, yet they're not counted as teaching staff. They're non-classroom.

Special ed: They have suffered so many cuts under you. Educational assistants have been fired, secretaries have been let go. You understand that all these people are an integral part of the educational system. They matter. They count. They know they count, and you know who knows? The parents and the young men and women of those schools know how important they are to their day-to-day lives and to the quality of education. They know that, yet you people have devised a wonderful way to take money away from that sector—the non-classroom funding sector—the social workers, the librarians, the music teachers, the caretakers, the ESL instructors, the continuing education people. So many of these people, for you, don't count, in such a way that you've been able to take money out of that sector, of course allowing you to say, "We haven't touched classroom funding." So while you may have maintained classroom funding, generally speaking you have devastated the other sector, which includes these people who have been on strike for the last four weeks.

1720

You are telling them you don't value their work. You are telling them they don't literally belong in the educational system. Of course you will argue, "That's not true. Of course we value them." But you don't. You don't value them, because thousands of these people, these non-classroom teachers, have been fired, and you're making the quality of life in that system a terrible, terrible thing.

Not only have you assaulted teachers, not only are they demoralized by Bill 74 in particular, which forced them to teach longer and which threatened them with having to take on extracurricular activities as an obligation, as a matter of duty, which you have left suspended and which you threaten to use, and mercifully you haven't, you have left trustees without any power. I'm not sure why trustees are still there doing your dirty work. They no longer have any power to do anything. If I were a trustee I would be quitting that job because there is nothing left to do except your dirty work, and I wouldn't do it.

I said to the Toronto board—when we were trustees there the trustees of that board fought every government, Conservative, Liberal and when we were in power they fought us as well—"I expect you, board, to do the same thing with this government, particularly when they have taken all of your power away and when they have only given you a remuneration that's \$5,000."

Ms Martel: Some of the trustees are.

Mr Marchese: Of course. As you know, there were five trustees who signed a letter that disagreed with the direction of where this board is going, and I am no fan of

Marguerite Jackson, one of your appointees, the director of the Toronto District School Board, who seems to be doing all of your dirty work. It seems she has found enough trustees who are like-minded Conservative to do your dirty work, and God bless that there have been five people, at least, who are able to defy their board and to defy you publicly. What we needed to have was more of them. We need more of them who are able to put principles ahead of a funding formula that's devastating our system.

How can you take \$1.5 billion away and say, "We are giving them more"? Hydro has gone up in the Toronto education system by \$17 million. This government has given them \$6.5 million. That means they're short \$11.5 million. It means that the money has to come out of operating funds to deal with that problem that of course was not expected. So the government says, "We have given them money to deal with these extraordinary expenses." But, I'm sorry, \$6.5 million doesn't deal with it. It means they have to find \$10.5 million more from operating dollars. Do you understand that? There isn't a whole lot of money to go around. Eighty per cent of boards' budgets go to staff, to teachers, mostly, and the rest, the 20%, doesn't go far enough to deal with everything else that boards have to do. It simply doesn't. So when you say, "We're giving boards more money," sorry, \$6.5 million, just as an example, to deal with hydro is a shortfall of \$10.5 million.

I add, you have collected 18 million bucks. Every day that they are on strike, Stockwell collects \$1 million. Each day the strikers are out, \$1 million comes into the pockets of this government—\$18 million so far that goes to this government. There isn't much difference between where the board and the unions are. I think five million bucks would have solved it. Five million bucks probably would have solved it and, Stockwell, \$1 million a day comes into your pocket.

Hon Mr Stockwell: What?

Mr Marchese: Why are you in consternation, Stockwell? I'm telling you—I don't know. I thought I had been telling you for the last three days, and you're telling me in consternation, "What?" A million a day. Every time they're on strike, you collect it, and it's now a collective 18 million bucks. Five million probably would have solved it, and you refused to send it back so could they could have solved it a long time ago.

With his usual disdain and peacockery, he dismisses the rest of us. He dismisses us, dismisses the workers, dismisses the board, dismisses the teachers, teaching and non-teaching, dismisses the entire world except themselves.

Stockwell, you still have time. I hope you can reconsider your lack of wanting to have these other parties solve it.

The Acting Speaker: Comments and questions?

Mr Wettlaufer: I'm trying to get something straight here. The member for Trinity-Spadina says that because there is a tentative deal we should withdraw this legislation.

I find that very difficult to understand, because I have in front of me the copy of a letter from Local 210 SEIU of Windsor to barrister and solicitor Paul Mullins. The third item in the letter says, "In the event of ratification by the membership we will be returning to work at the earliest possible date thereafter." We don't know if it's going to be ratified, and what is "the earliest possible date thereafter"? This legislation proposes to get the students back into the classroom on Monday.

In this morning's Toronto Sun there are eight students from Toronto quoted, and one of these students says, "I have no sympathy for the strikers' demands for extra money because they're not highly skilled people and can be replaced." That's Bo Henderson, age 15, of Riverdale Collegiate. Another student says, "I'm severely stressed out. I'm scared that I'm not going to be able to catch up on my work and it will cost me my year." That's Lindsey McMartin, 15, East York Collegiate.

Another student says, "I have to look after a younger brother at home.... I'm feeling stressed out and beginning to panic now that the strike has stretched into its fourth week." That's Melissa Hanlon from East York Collegiate. Another student says, "I'm feeling uneasy because I'm fast-tracking and really need the extra credits. I've been looking over my notes and hope the teachers can speed us through the work when we get back." That's Anna Shao, age 16, from A.Y. Jackson Secondary School.

There are four other students who are quoted with similar comments. They are concerned that their year is going to be lost if they're not back into the schoolroom very, very quickly. Another student, Augustine Lim, says, "I'm worried about this year and how my marks will be affected next year." He's age 16, A.Y. Jackson Secondary School.

That is why it's so very important for this legislation to be passed and we can get the students back in school on Monday.

Mr David Caplan (Don Valley East): I realize that this debate arouses a lot of passions and it's very difficult; however, to listen to some of the things I've heard coming from the third party—I was monitoring this debate. I heard the member for Trinity-Spadina talk about the director of education in the city of Toronto and make some very disparaging remarks. I must tell you that that is entirely inappropriate. You can make partisan comments in this chamber, where people can defend themselves, but to be able to sink to that level to do that shows a lack of class. Frankly, I think that member should be ashamed of himself, should withdraw his remarks. I think the other member, from Sudbury East, should also withdraw her remarks about the arbitrator, a very fine individual with an impeccable reputation.

To be able to make the kind of remarks they're making—I can appreciate that they may disagree with the direction of the government, with the legislation. They're entitled to speak about whatever they want. But when members of this chamber abuse the privileges that we have to speak, to talk about individuals who cannot

defend themselves, really, in my opinion, they have crossed the line.

The members of the third party are showing, really, their true colours: a very heady and vindictive group of people. I can tell you that these folks, if they truly had any class, any dignity, any respect at all, would withdraw the remarks they have made in this chamber. They would show this place the kind of dignity it deserves. I am gravely offended at what I have heard today from two members, and I'm certain I'll hear from other members because I haven't heard some of the other ones, but some of the comments will not surprise me.

1730

Mr Martin: I want to commend the member for Trinity-Spadina for his wonderful comments here this afternoon. He is a speaker who always speaks with passion and also understands the issues to which he speaks.

I particularly appreciate the reference he made to the excellent work done by the CUPE workers with the Toronto school board and the level of professionalism in that work. I think it's important for us to recognize who some of these people are, in juxtaposition to the presentation made by the member from Kitchener Centre, who suggested, by reading from the Toronto Sun, that somehow these workers were less than professional or weren't worthy of their pay.

The custodians and secretaries in schools across this city and province are wonderful men and women. As a matter of fact, my mother and father, immigrants to this country, were custodians, brought up seven children and worked very hard all their lives. They were the first people into the school in the morning, to make sure that school was warm and clean for those students when they arrived. When a child arrived with perhaps no lunch or not having had breakfast, they would recognize them right away, bring them into their room and share their sandwiches with them. They were the people who fixed the heating system in the middle of winter when it broke down; who went up on the roof to get a ball when the kids threw it too far, to get it back and return it to those children; the people the principal called on to perhaps take somebody home because the parents weren't able to come and pick up a child who was sick in that school.

These are the kind of people we're talking about here in terms of this negotiation process. These are the kind of people, referenced by some of these students—

The Acting Speaker: The member's time has expired. Comments and questions?

Mr Tascona: I just want to comment on the Windsor-Essex Catholic District School Board negotiations. It's obvious that what has happened there fits very nicely in with how the act works, because what they have basically accomplished here is a tentative collective agreement, subject to ratification. What we don't know is when this is going to be ratified or if it is going to be ratified. The fact remains that the focus of our legislation is that the strike ends when the act is in force.

Secondly, section 11 works to complement what's happening in Windsor. Section 11 states, "If the parties

have not executed a new collective agreement on or before the seventh day after this act comes into force," the mediator process comes into play. So they have a seven-day window to make sure that what they're doing right now happens.

It also states under subsection 10(3), "If the parties execute a new collective agreement before a mediator-arbitrator is appointed under this act, no mediator-arbitrator shall be appointed." So the fact is, if they get their agreement, which is tentative right now, ratified during that seven-day window, they have themselves a collective agreement to which this legislation doesn't apply. But the fact does remain that they have not ended the process of free collective bargaining which this act allows, so the seven-day window.

The kids go back to school when this act comes into force, and the process which is envisioned and obviously is well along the way in Windsor can be completed within the seven days when this act comes into force, and there will not be a mediator-arbitrator process, which is envisioned under the act. So it's a win-win for both sides: free collective bargaining and the students go back right away.

The Acting Speaker: The member for Trinity-Spadina has two minutes to respond.

Mr Marchese: First, to the member from Kitchener Centre: he read some quote from some individual who was quoted in the Toronto Sun who says, "I have no respect for those people asking for more money because they are unskilled." I've got to tell you, by inference, or at least by implication, you are in full agreement; otherwise you would not have read it out. How can you people, anyone in this Legislature, read such a quote that implicitly, if not explicitly, agrees with such a comment?

These people are working people. They do decent work. They do work that we depend on and that everybody in the school system depends on. How could you say they shouldn't be asking for more because they're unskilled? Does that mean you shouldn't deserve more because you are unskilled? Maybe we should have a scale here, because some of us perhaps shouldn't be getting our wage of \$78,000 a year, on the basis of skill. I've got to tell you, a whole lot of us would be demoted to who knows what. Please.

To the Liberal from Don Valley East, good God, you remember this morning Kennedy said they have to support this bill, regrettably, and too bad the NDP couldn't find a solution. Their solution is to support you folks. Then he complains about us complaining about Marguerite Jackson, who is on your side. I'm sorry. Marguerite Jackson is on your side, your appointee, and is doing your dirty work.

This member here says that the arbitrator he is agreeing to in your bill is OK, is a fine person. That may be, but I'm telling you that the union and board need to agree on that arbitrator. That's fairness. It's fundamental in terms of what should happen. You shouldn't appoint the arbitrator. The two sides need to. So if the Liberals support you, God bless them, and make them clear—

The Acting Speaker: The member's time has expired.

Ms Churley: I want to start by reading a letter I received. I'm just going to say the first name because I didn't get permission, although I think she'd be fine with me giving her full name. It's one of the many letters I have received from those on the front lines, from their children and from them, thanking the NDP, the only party that stood shoulder to shoulder with these workers who are on strike, the only party in this House that stood with them and stood up for them and continues to stand up and speak up for them. We've received many letters and many phone calls supporting us in the stand we took in this House, and they continue to do so.

I'm going to read a letter to you, and I want everybody to listen. When you over there stand up and point your fingers at this party and say, "You don't care about the kids," we care about the kids. Let me tell you something: we care about the children of these workers we're talking about here today. These workers make, in some cases, under \$20,000 and \$25,000 and have children to support, have food to put on the table to feed those children. We care about those kids too. I can assure you that a lot of parents out there, even with all the strife and difficulties they've been under during this strike, understand that it's your government that caused the mess we're in today and are willing to put up with this to help the people who are out on strike, because they know exactly who caused this problem.

John Snobelen stood up in this House when he first became Minister of Education and said, "We have to create a crisis. We have to cut money from the budget, so let's create a crisis." Ever since that day, we have seen nothing but strife and work-to-rule and problems in the schools by the actions of this government, because of the over \$1 billion—what is it?—the \$1.8 billion or \$1.5 billion you have taken out of our education system. That's where it all started.

Now let me read this letter, and let me hope that these people will stop this nonsense and listen. The letter says:

"I am writing you on behalf of my mother and the other CUPE members, because they have my support and I'm asking that they have yours as well. My mother is an ESL instructor. She's been teaching adults for over eight years, both day and night, and she loves her job. She loves her students and is such a dedicated teacher (having made herself available to her students around the clock for absolutely everything, whether it be school-related"—this is a real person, guys; I'm reading a letter from a real person—"a personal crisis, or just to practise speaking their new language). Shouldn't teachers like my mother be recognized for the wonderful and important jobs they do? These people need to receive the recognition that they deserve. Without it, people like my mother will feel hopeless and underappreciated, though I know that no matter what happens, that my mother's job performance will never suffer, which makes me so proud. I can only hope that everyone is as enthusiastic about their jobs the way my mother is. This strike is humiliating her, but she believes in fairness, so she has walked the line every day

since the strike began, the same way she did two years ago. Please know how important this is. A settlement must be reached so that these people know that they have your support and they continue doing their jobs with their heads held high and proud."

It is signed, "Sincerely, Amanda."

1740

Amanda is representative of many people I have heard from. Let's put this in perspective here. We get up and we talk and there is the rhetoric across the floor back and forth. You talk about, "You don't care about the kids," and somebody else, "You don't care about the kids." We all care about the kids. But let's face it here—

Interjections.

Ms Churley: You know what? I would say to the members opposite, let me remind them again—I am speaking for Toronto here right now. I don't know. I just recently asked the minister if the CUPE members are still in his office meeting with staff to try to get an agreement to a proposal that both sides agreed to, a local solution that the minister said he wanted. But the minister said he won't withdraw the bill because there's no penalty involved, I believe. As my colleague said before, they are willingly signing this in good faith.

You have a choice right here and now. I do not understand why we are still sitting here. I do not understand why Liberal members aren't up and taking up some time speaking to this. I am hopeful, because we all know that in these situations a local solution is the best solution. The NDP would not support the back-to-work legislation. It has draconian clauses in it around the arbitration, but besides that we believe it's of the utmost importance for the dignity of these workers we're talking about here that they reach a local solution so that, as this letter said, these workers can go back to work with their heads held high.

They don't seem to get it how important this is within our schools. The strike has been going on ever since this government came to power. The workers and the teachers are all demoralized. If you go into schools in your ridings, you will see that. They're all demoralized. We've got principals doing the work of caretakers because there are not enough of them. We have principals and others cleaning toilets because there aren't enough workers.

We all know what will happen. I recently went to a school in my riding and saw first hand the impact that the cuts you've made over the past several years is having in our schools and on the kids you're talking about caring about. We see what's happening in the schools. So don't you point your finger at me and tell me I don't care about kids. I have been fighting for the kids in the schools in my riding and across this province every day since you guys came into power, created the crisis and started the turmoil that's been in our schools ever since. That is what we're doing today.

Just think back for a moment. I think we all know, every party here would know, that when workers are legislated back to work before they've had a reasonable time to work out a local solution, yes, even in schools, they will go back. Margaret, you would know this.

Mrs Marland: A reasonable time? Four weeks?

Ms Churley: Schools have not been closed in Toronto for four weeks. They haven't been closed very long at all.

Ms Martel: Just one week.

Ms Churley: They've been closed for a week. We know there have been parents who've been really inconvenienced, certainly parents of special education classes. We know all that. But what is going to happen? If you get your legislation through today, do you really think it's going to resolve the problem? It isn't. That's why I feel sorry for the parents, and I understand many of them wanting this legislation to be passed. But we all know what's going to happen if these workers are legislated back by you guys, with the support of the Liberals here, so quickly. Now they're so close, in fact, to reaching agreement. Just think how bitter people are going to be. Think about what it's going to be like when they go back in the school, having been legislated back and not having the opportunity to work out a local solution. It's not going to solve the problem. There'll be chaos in the schools. It will continue. It is the truth.

Interjections.

Ms Churley: They groan, they moan over there. They don't face the truth. This is a quick fix to please your friends and you think it's going to make everybody happy, but it isn't. Many of the parents I talk to are aware that their kids are going to go back to school and the problems won't be resolved.

You delivered on your promise to create a crisis in education. Mr Snobelen is here—I forget his ministry now; natural resources, I believe—the Minister of Natural Resources, and he set the stage for this. Here we are, several years later, day after day, every year since this party has been in government. We have an unprecedented strike and problems in our schools. You should know that.

I would like an update from the Minister of Labour. I don't know if perhaps at the end of my speech we could ask for unanimous consent to get an update, to find out how things are moving along. If there is an opportunity, I'm sure the minister would agree, because didn't he say early on that he would prefer a local solution? Well, if the minister is sincere about that, I would assume his caucus is sincere about that. I would assume that the Liberals, although they're supporting this draconian legislation before us today, would prefer a local solution, if that could be found. I would assume that people would be willing to recess for as long as possible if there were a possibility for local solutions to be found.

This is not just about whether or not I support back-to-work legislation or whether or not I support the draconian aspects of this back-to-work legislation, which I categorically don't. But it's true what this really is all about is the kids who have to go back in that classroom. What is just amazing me about this situation and why the minister won't accept the agreement that has been supported by both parties in Toronto, by CUPE and by the board, a proposal supported by both sides, is that the kids would be back in school earlier. The custodians would be in

there this weekend, cleaning up so the kids could go back to school on Monday. I guess the minister wants to use the heavy hand. He says that he's afraid, because there's no penalty in there, I suppose, that it'll all fall apart. But, my God, these people are negotiating in good faith and are willing to sign this agreement in good faith, and the kids will be back in school earlier. That's what gets me about this argument.

Ms Lankin: There is no agreement.

Ms Churley: OK. So—

Mr Duncan: There's no agreement in Windsor.

1750

Ms Churley: Yes, we just heard that. There's no agreement in Windsor at this point. We just found that out. I presume that people are still working on it and trying to come to an agreement.

What I'm hearing is that people are at the table working very hard to come to agreements here. I think it would be incumbent upon this government, now that they know that the parties in both the city of Toronto and Windsor are working hard to try to come to agreements, that the agreements they come to in good faith should be enough to withdraw this legislation today.

I will be asking the minister to update us as to what's happening, if he has any further information, because I'm taking in good faith that he meant what he said earlier, that he would prefer local solutions.

Hon Mr Stockwell: You've been yapping on this for an hour and you want me now to update you?

Ms Churley: Yes, when I'm finished speaking here.

This bill is an assault on the workers' rights. The people I read the letter from, the daughter of the ESL—

Mr Caplan: Why don't you talk about the social contract?

Ms Churley: Would you be quiet? I'm trying to speak here. That's a Liberal, to those who might be watching, who are supporting the government's back-to-work legislation today, supporting ramming it through even though they know that here in Toronto there's an agreement that both parties are supporting and kids can be back in school by Monday. They prefer to have this heavy-handed legislation, with the draconian aspects of it, passed here today.

But what we're talking about here is the fact that it is an assault on these workers' rights. I want to bring this back again to the fact that we're talking about real people here. Again, I say, people throw out, "Oh, don't you care about the kids?" Don't you care about the workers? Don't you have any compassion for them at all? Don't you have any understanding about the importance of their work in our schools? Why don't you do what the NDP suggested and take that money that you've been able to collect since the workers have been on strike—how much is it in Toronto? Is it \$14 million, \$15 million? Take it and give it to the board. Don't pocket that money. You have no right to pocket that money. There are solutions here which you're ignoring. That's what amazes me. It seems to me that any responsible government of any stripe would make every attempt to get a local solution

and not have to bring in draconian back-to-work legislation.

This government, this Minister of Labour has not taken our advice, has not even looked at the possibility of taking that money that has been collected—what are you going to do with it? Put it in general revenue now after taking over \$1 billion out of the Ministry of Education? Have you sat down at the table and said, “We’ve got this money, and we know you’re getting close to reaching an agreement, so let’s put that money on the table and see if we can reach an agreement?”

This is a really sad day in this Legislature. It’s a really sad day. I think we would all agree with that. Perhaps I shouldn’t say this, but I’d like to think, at bottom, everybody here cares about the kids. But I have to doubt that when the Tories and the Liberals stand up and say, “We have no choice, we have no options; we have to bring in this back-to-work legislation,” when they know that local agreements are possible.

What we want to do here is this: we want to ensure that if the parties cannot reach a negotiated settlement in the narrow time frame allowed, if you choose to prefer to go on with this bill, the dispute will be resolved by a recognized arbitrator who enjoys the respect and the confidence of both the school boards and the union. This could be done by amending the bill to allow the parties to select an arbitrator agreeable to both sides. Is that too much to ask? That’s the way it has been done in the past.

We want to require the minister to choose from a list of recognized arbitrators in the province of Ontario. That too has been the practice in the past. That’s not too much to ask. That is fair and reasonable. Remove the stipulation allowing the minister to impose an arbitrator with absolutely no experience whatsoever in resolving labour disputes. Why in God’s name is that in there? Remove it. Is that too much to ask?

Untie the hands of the arbitrator and allow for a genuine solution by removing the absolute bar against an award which imposes even a temporary deficit on either school board—this is crazy—and give the arbitrator the flexibility needed to fashion a meaningful settlement by removing the unnecessary requirement that they must show in writing how the board or boards would meet the cost of the award without incurring a deficit.

These are serious and reasonable suggestions here. The minister is waving me off—

Hon Mr Stockwell: Because you don’t know what you’re talking about. You’ve been yapping at me for an hour.

Ms Churley: I certainly do know what I’m talking about, and that’s the problem with this government: the arrogance that they think they know it all. The suggestions we are making here, Minister of Labour, are not new. They have been in previous legislation, and it makes sense to amend this, if you’re going to go through with legislation, to at least make it fair and reasonable.

What I’m talking about here—

Interjection.

Ms Churley: You are so arrogant. Yes, we’re talking about the kids, and I think I’m trying to work with you to find a solution here, not the draconian solution that you put before us today. We’re not trying to frustrate the process here, but in the event that a negotiated solution isn’t reached, that’s what we want to do, Minister of Labour.

The Acting Speaker: Comments and questions?

Mr Norm Miller (Parry Sound-Muskoka): As I stand for the first time to respond in this House—

Applause.

Mr Miller: Thank you—and at the end of my first long week in this House—I hope it’s close to the end of a long week—I see there’s a lot of theatre that goes on in this place.

The member for Toronto-Danforth was talking about letters thanking the NDP to do with this issue. I have received numerous letters from my constituents on the same issue and I’ll read one of them.

“To Norm Miller, MPP for Parry Sound-Muskoka:

“As a concerned parent ... I am appealing to you for help in resolving the current labour dispute which has closed the schools of the Near North District School Board.” This is of course a similar dispute but to do with the near north, which has now been resolved. “The victims are our children who have currently lost three weeks of school. Being told that no child in Parry Sound district has ever lost his or her year because of a strike is of little consolation. The time they lost was not made up....”

This is a very different perspective from that being offered by the third party.

“Please petition the Premier and government to immediately take steps to legislate the strikers back to work and save our children from further harm. I also ask that you further petition the Premier and government to designate education as an essential service thereby preventing further disruptions to our children’s education....”

I’ve received hundreds of letters like this in my first month.

“As our elected representative we ask you to take a strong stand on behalf of our children. Help bring the strike to an end and get our children back into the classroom.”

I think what’s happening today is legislation that will end the strike and get the kids back into school on Monday, which is of utmost importance. If we don’t do this, it may not happen.

Mr Duncan: One of my colleagues in the NDP earlier today indicated that he thought I was a miserable excuse as a member. I want to inform the House that through the course of these discussions I have been actively discussing the situation with both sides in the Windsor dispute. I have now satisfied myself, as recently as 20 minutes ago, that there will not be a settlement in Windsor today. I believe there won’t be a settlement reached by the two parties, as I indicated at the beginning of the day. I spoke recently, this past weekend, with both sides and urged them to agree to an order of arbitrator prior to the government doing this, and at that time they didn’t agree. I’ve tried to maintain a discreet, low-level presence. I

think the minister will inform the House as well that I've kept him abreast of what I've known in these discussions throughout.

1800

The Windsor strike is now in its 25th day. Our children have been rotated in and out in the last week or so. I just want to read a comment from Hansard about when kids should be back in school. It says here, "The strike in Windsor is in its 26th day. The ERC has not advised that the school year is in jeopardy. In fact, yesterday the commission reported to me, 'There is no convincing evidence of jeopardy to the courses of study at this point in time.'" The NDP House leader, Mr Dave Cooke, said that. He had actually been advised that there was no jeopardy. Here's how he concluded, "Nevertheless, the government feels the action must be taken to ensure that the strike does not continue ... " That was on day 26. We are on day 25. That was Dave Cooke, member of the NDP government.

Hon Mr Stockwell: How long did it take them to get it passed?

Mr Duncan: They got it passed, I believe, in one day, as I recall.

I can't speak with the same authority as some of my colleagues on the Toronto situation. I can say that I'm going to vote for this legislation and we will debate education with the government at another time, once the kids are back in school.

The Acting Speaker: Comments and questions?

Mr Bisson: I want to comment on the passionate plea that the member from Riverdale—or Toronto-Danforth as it is now—made in the Legislature in regard to trying to plead with the government that if they're going to pass this legislation, to put provisos in the legislation that at least give an opportunity for a bit of fairness.

All we're asking for on this side of the House, within the New Democratic Party, is that if you're going to pass this back-to-work legislation, at the very least put in the legislation that both parties must agree to the arbitrator. I don't think that's an unreasonable request that we're making of the government. We're saying there has to be confidence on both sides. If a settlement is to be reached that is at least mutually acceptable, to a degree, you would have to hope that at least both sides agree on the arbitrator.

The government, by way of their legislation, is saying they can pick an arbitrator. They can pick a person who has no experience. They don't have to worry if the person is in a conflict situation. The arbitrator may or may not have worked for the school board or the union. There's all kinds of stuff in here that gives the government the ability to pick an arbitrator who may not have the best interests of one party or the other in mind when coming to an agreement.

We're saying we would, first of all, rather see a negotiated settlement, as has been the case in Toronto. We know that kids could go back to school Monday if the government was to withdraw this legislation. Regardless of the legislation, people can go back to work. We're

saying, at the very least, if you're going to go forward with legislation, we still wouldn't support it, but at least put something in here that gives a degree of fairness.

The other point I want to make is that she made a point about the issue of poverty. This government talks about caring for children when, on the heels of the report that was issued by Campaign 2000, the very people who were charged by the federal government to look at child poverty in this country came back and said that children are worse off now in this province under Mike Harris than they were before. In fact, one in three kids is considered to be in poverty—a shabby record.

Hon Mr Stockwell: It's tough to deal sometimes with the third party. They had the last couple of speakers dumping on me because I don't allow local agreements to work out. Had we listened to them, based on this information they had given us, they would have left us with the impression there was a local agreement in Windsor.

Let's be clear. They had a final offer put in place by the board. That was supposed to go to a final-offer vote, which the union didn't agree to. The final offer was going to go forward and then the board withdrew the offer, which they have the right to do under the Labour Relations Act, under their government or our government. The board withdrew the offer. The union came out today and issued a press release saying, "We're going to recommend to our members that we accept the offer that doesn't exist."

Had we taken your advice and whipped the legislation out of this place, there would be no final offer to vote on, there would be no ratification vote to take place, they would still be in a strike position and we would be forced to come back into this House on Monday and begin negotiating again to get back-to-work legislation put in place in Windsor and Toronto. And we'd have to deal with the House leader from hell in your party, who isn't prepared to give us any room on any of this legislation.

With great respect, had we done the suggestion made by Mr Marchese or Ms Churley—and you've told us how unreasonable we are, how we don't understand the process, how we don't understand how this works—we would have had nothing today. Windsor wouldn't have opened on Monday, nor would Toronto.

Ms Lankin: Yes, they would. Toronto would.

Hon Mr Stockwell: Maybe. Windsor definitely no, Toronto maybe.

Before you go out next time and drop a hammer on me, maybe, just maybe, Marchese and Churley and the House leader from hell could just check the facts.

The Acting Speaker: I want to caution everyone that in the emotion of debate, sometimes we get carried away. The Minister of Labour used a term that I don't think is right in this House, and I'd ask you to withdraw it.

Hon Mr Stockwell: Speaker, I certainly withdraw and apologize.

The Acting Speaker: The Chair recognizes the member for Toronto—

Ms Churley: Danforth. It's Dennis Mills's fault. What can I say? He changed the name again.

I just want to say about our House leader, of course he takes direction from the caucus.

Mr Kormos: Absolutely.

Ms Lankin: I protest.

Ms Churley: Frances is protesting this.

First of all, I want to say to the member for Parry Sound-Muskoka and to all members, when I read the letter from the daughter of an ESL worker and talked about getting lots of letters and e-mails and phone calls from workers and their kids and supporters, you know, I also got letters from the other side. I expect you've been getting letters from both sides as well. That's the difficulty in these kinds of situations. Of course I've heard from angry parents and upset parents and desperate parents. I'm not denying that. I find this a very, very difficult situation. I really do. I just think that everything I said earlier about—I believe my suggestions and my party's suggestions are the correct way to do this. I believe that. I want you to understand that, that I see both sides of this situation, but I have a particular viewpoint that's important and I think could resolve the issue better.

I would ask this of the smug Liberals who are looking at me here right now, that you would take a look at the possibility of Toronto being able to reach a deal here. That still is a real possibility. The Minister of Labour just admitted that. They have signed the deal. So as a Toronto member I'm standing up and asking the Tories to accept that deal today. We can have the workers in Toronto back in school on Monday, Minister—simple as that.

The Speaker (Hon Gary Carr): Further debate?

Mr Martin: I want to say how pleased I am to have this opportunity this late Friday afternoon, moving into Friday evening, with all and sundry gathered, to put a few thoughts on the record surrounding this very challenging and difficult piece of business that we do here in the House. I'll probably break it up into some comments, however brief, on three areas.

First, I'd like to comment on the turmoil we find in this province now in almost every jurisdiction of public life, in almost every community across the land.

I want to talk a bit about the people involved in this dispute. We've heard a lot about the students, and of course we should, because they are of great concern to everybody here, and their education is of utmost concern. But I want to talk about the men and women who are on the picket line, who they are and what they do so we can put a face on this, connect it to some human dimension so that people might understand that that's in fact what we're talking about here. We're talking about men and women supporting families, doing a good day's work and wanting to be paid appropriately for that work.

And then—and I know this may cause some people some consternation—I want to talk ever so briefly about the social contract, because we've heard it mentioned here this afternoon on a number of occasions. I was there when it was rolled out and there are some things about it that I think people should know. If we just sit and listen and take as the truth what others, of other political affiliations, say, then you don't hear the whole story. Mind

you, after it's all said and done, you won't hear the whole story from me either, but I'll try to at least put a few thoughts on the record as to just exactly how that rolled out, what it was about and what we were attempting to do, and right up front say that, yes, we made some mistakes in that process.

1810

I'm saying that for myself, personally. I watched it and participated in the debate around it and I believe we made some mistakes, mistakes that we've learned from and will learn from and that others here should learn from. As a matter of fact, there were some mistakes we made that this government would be well served to pay attention to here this afternoon, if they want to do the right thing by way of these very valuable workers and the whole concept of collective bargaining, and in the interest of the common good in Ontario.

Then I want to wrap up by sharing with the House an alternative approach to doing business in this wonderful province that is being done in other jurisdictions around the world that we might want to consider. So often in this place we hear from the members of the government that the debate is over: "The decision's been made. Here's where we're going. Just get on board or get off it; don't get in the way." The debate is over and there are no alternatives; there is no alternative. I suggest to you there are many alternatives, all kinds of alternatives as we work with each other co-operatively to try to build a community that's built on a sense of the common good, and try to deliver some programs that recognize the value in public institutions and the need to make sure we include everybody in the decisions we make.

The turmoil: what can I say? Everywhere you look, there's turmoil like in the school system. You talk to the teachers, you talk to the parents, you talk to the students, and there's turmoil. I'm not blaming anybody here for the turmoil, but there is one common denominator in it all. There's turmoil. The school system that's out there now serving our communities is in tremendous turmoil at every level and in every way possible. That doesn't speak to some responsible and intelligent leadership, in my view.

There's turmoil in the health care system. We were in the north today, where we heard a very wonderful announcement of a new medical school up there, but that was sort of superimposed on top of some very difficult circumstances facing health care and the delivery of health care in the fuller context in our part of this wonderful province.

We have almost every major community in northern Ontario trying to build new hospitals, because they were told to by the restructuring commission that this government commissioned. None of the communities I'm talking to or hear about in the news has the money they need to do that. They're after the government to change the formula so it is a littler bit more doable by them, given particularly the great costs now to municipalities by way of the download of services they can hardly afford. You try to build new hospitals, not having the money. You

take hospitals, almost all of them across this province, this year declaring that they're not going to have enough money to pay the bills they need to pay for the ongoing services, declaring deficits all over the place. This government's answer to that is to legislate that it's illegal to run a deficit.

Talk about simple, yet I think really dumb. You have to learn to work with people. There's give and take. There are certain circumstances that arise. But you create turmoil when you do that. When you don't sit down and try to understand what the other side is facing and what they're trying to do by way of the delivery of services, and when you start to legislate an answer, as now in the case of hospitals running deficits, and you try to legislate an answer in terms of what we're dealing with here today and the labour disputes in Windsor and Toronto, you create turmoil. When you create turmoil, you reap what you sow, you reap turmoil.

There's the downloading that's happening across this province in every community and the challenge to municipalities to raise the money that's necessary to pay for the services they're now responsible for, and at a time when the government has imposed limitations on how you can call for property tax to be assessed. So turmoil, turmoil all over the place. No matter where you look, this government is creating turmoil. That's not a good environment to try to do good public work in, to try to bring children up in, to try and run an education system in, to try to deliver health care in, and to try to compete economically in a world that is becoming ever more sophisticated and challenging. So you create turmoil in almost every area.

But the saddest part about this whole question of the turmoil is the obvious lack of understanding in the government that in fact it's out there. We had a speech from the throne last week that would suggest to you that everything is hunky-dory, that there are no problems, and that if there are some problems, it's somebody else's fault—they just don't understand the program; they're not getting with the program; they're not using the tools that have been delivered to them to pare down services and spend less money on the things that we, over a large number of years, have decided together that we need to provide that common pool of services that, if you're going to include everybody, needs to be there.

This government doesn't seem to understand that. It's not in the speech from the throne. It's not referenced in any of the rollouts from that that we've heard over the last week or so. I assume that if they're not mentioning it, if they're not talking about it, they don't agree it's there. They don't understand it and so they're obviously not going to do much to resolve it, except when it bubbles to the surface like we have here today with this labour negotiation that's going on between the support workers in the Toronto school board and down in Windsor. What is their answer? "We'll just legislate. We'll come up with a package of legislation. We'll bring it in here. We'll time-allocate it. We'll try to get unanimous agreement from everybody to ram it through, and then it will be over and everybody will be happy."

We've heard here this afternoon what happens when you do that kind of thing. You sow the seeds of dissent. You show the seeds of resentment and anger and fear. You create an environment out there that isn't going to be good for students and for learning.

Who are you doing this to, in this instance? You're doing it to all those folks, all those men and women who support education, the education support workers: the custodians, the maintenance people, the teachers' aides, the secretaries.

Mr Wettlaufer: And who are you doing it to? You're doing it to the students.

Mr Martin: Yes, the students are part of this as well. If you're going to find a resolution that's going to serve everybody in this instance, you've got to be willing to take the time to do the full negotiation that is required, so that at the end of the day, everybody feels they have what they need to actually do that job.

You're talking about the janitors, the custodians. I said earlier that's what my mother and father did for a living. I figured they were very talented, very skilled in what they did. There wasn't a thing about the electrical system in that school that he didn't know how to fix. There wasn't a thing in that school about the furnace system, in those long cold winters up in Wawa, that he didn't know how to fix. As a matter of fact, I remember he would go in at 5 or 5:30 in the morning because he would get a call from the police who had gone down to check the school, "The heat's off." He would go down and get it on so the place would be warmed up and comfortable for the students when they arrived.

As I said earlier, he would sit back and watch as the kids came in. Sometimes he would see a kid who didn't have enough to eat or any breakfast. He either invited him into his janitor's room and shared a sandwich with them at lunchtime or he made sure that somebody else was looking after that particular situation.

The secretary who is in the office when the student comes in who is not feeling well, what does she do? She phones the parents. If she can't find the parent, what does she do? She takes the kid home or she takes the kid into the office and lays them down and looks after them. She becomes the nurse and the doctor. Is this not a skill? Is this not something that's worth paying people for?

1820

Interjection.

Mr Martin: Yes, every worker has the right to earn a decent living. These people are not only people who do the kind of thing that I've just described, but they're also moms and dads, they're mothers and fathers to children. When I was growing up, mom and dad, the custodians, we were seven of us, and as we got bigger and older and teenagers, we ate a lot of food and we wore the knees out of our jeans more quickly because we were out playing. It began to cost a little bit more money to look after that, and that's all these people here are saying in today's world, where the cost of living is going up, the cost of rent or mortgage for your home, the cost of food, the cost of clothing for your children. They're just looking for a little bit more so that they can balance the ledger.

If they're anything like me, they're not really sophisticated in terms of the investments they have and the stockholdings and all that kind of thing. Money comes in, you look at the cost of providing food for the family and paying the rent and buying the clothes and perhaps putting one or all of the children through a little program in the community, and at the end of the day, if there isn't enough, you figure you need a little more. So you go back to your union and you say, "Could you negotiate maybe a 2% or 3% increase, because that's what it takes now for me to look after this family of mine so that they can participate?" They're actually the students, in many cases, in the schools that these people look after.

These are the people we're talking about here this afternoon. These are the people we're wanting to legislate back to work with the back of the hand, a slap across the head, "Thank you very much for all this wonderful work that you're doing out there in the community."

Interjection.

Mr Bisson: Turnbull says you're into the meek, you're talking about the meek.

Mr Martin: I don't know if we're into the meek. I'm not sure what we're into. We're into human beings. We're into men and women, we're into mothers and fathers, we're into moms and dads and looking after other people's children in school, supporting them in their effort to learn and be comfortable and safe and out in the schoolyard, making sure there's no glass lying around that kids can fall on and cut their knees. There are so many and myriad ways that support workers in school systems look after our children, who are ever more challenged in the world we live in and present at schools with all kinds of interesting needs. These are the people who are dealing with it.

I said I wanted to talk ever so briefly about the social contract, because we've heard about it here a few times this afternoon. What was that? That was an attempt by a government at a time of some really difficult financial circumstances to try to make ends meet, not unlike the workers we're talking about here today, looking at what's coming in, what's going out, and how you can make sure that everybody's being included; that in a very difficult recessionary time you're not leaving anybody out, not cutting programs that are so absolutely necessary in difficult times.

Yes, we made some mistakes. We didn't talk enough with the people who were going to be affected directly. We didn't take the time necessary to make sure that everybody was onside and understood and were willing to participate so that there was a give and take between the parties involved. Nevertheless, even though we didn't and we made mistakes, big mistakes, in that whole process, we did do a couple of things among others that were very important to me. One thing was the low-income cut-off that we put in. There was discussion and debate and dialogue back and forth about how you protect jobs and protect people on the bottom end of the pay scale in this instance. We put in a low-income cut-off to make sure we protected everybody under \$30,000 who was out there in the public sector and earning a wage so

that they wouldn't be affected in a way that would make it really difficult for them to continue to, as the support staff in the Toronto school board are saying to us today, put bread on the table for their children, pay the rent and get clothing for their children.

The other thing I want to put on the record here is the length of time that it took for us, even though we didn't take enough time to work through the social contract. I remember that summer. It was the only summer that I've been here in 10 years, almost 11 years now, when we stayed until the Friday before the long weekend in August. We were here until the Friday before the long weekend in August debating with all parties the now infamous social contract. As a matter of fact, I went home the Thursday night before that long weekend thinking it was all done, because the whip said, "It's OK, go; it's done; it's finished." But on Friday when I went shopping with my wife I picked up the Toronto Star in the grocery store to see that in fact the House hadn't risen that night, because Norm Sterling, the House leader for the Tories before Ms Ecker, filibustered and didn't let the House rise because he had some other things obviously to put on the record about the social contract and so he did that. Then we were all back on the Tuesday after the long weekend to continue the discussion. My family wasn't real happy about that because we were supposed to be on holiday and trying to get some time together.

We took a tremendous amount of time, probably 18 hours a day for two or three months, trying to work our way through that very difficult process, unlike what we're getting here today re this contract with the Toronto school board and their workers. These folks came in—I don't know when it was, Wednesday or Thursday—and said, "Here's the bill. We want unanimous agreement. We want it through here because we want to hammer these guys back to work and get this done and over with." That's not a lot of time. If you want something concrete to build on, something positive and constructive, you don't do it that way. We didn't take enough time, obviously, because it sure came back to bite us in the behind come the next election, but we certainly did take a lot more time than we're seeing here.

I want to suggest to you that there is another way of doing business that is being done across Europe now, driven by the European Community, that the wonderful country of Ireland is into. They've put together a five-year program called a Program for Prosperity and Fairness. It's a bringing together of the ideas, concerns and needs of all of the major players, the social partners in that community: the labour movement, community groups, small business, big business and government. The first thing they put in here by way of an objective is "ensuring that everybody can feel the benefit of social partnership, recognizing that for many people poverty and social exclusion are still a stark reality ... ensure that those in work have a fair share in our increased national prosperity."

If you just take those two axioms in themselves and compare them to the attitude of this government over the

last six years where organized labour is concerned, and where the effort of organized labour out there trying to negotiate fair wages for their workers is concerned, it has been divisive, negative and bad all the way through.

The Speaker: Questions and comments?

Mr Beaubien: I'll be voting in favour of Bill 13, because I want to do what is right for the students.

The Speaker: Further questions and comments?

Mr Sergio: I am sure the debate will continue on this important issue. For us on the Liberal side, as our leader, Dalton McGuinty, has been saying all along, the most important thing is to see the kids back in the classroom. Having said that, we will not underplay the importance of all the other players involved in this particular situation. The parents, the students, the workers and the union members are all being taken into consideration.

But the fact is that it's not a week that Toronto has been on strike, as the third party has been saying; it is over three weeks now, and this has been causing a lot of anxiety, a lot of concern among not only the students but the working people, working families as well, and that is our main concern.

Some time ago our leader, Dalton McGuinty, put forward a wonderful package, a good solution, which was acceptable to both sides. Unfortunately, the government didn't see fit to accept that, coming perhaps from the opposition. Had the government accepted the McGuinty solution—the peace plan, if you will—we wouldn't be here today. But so be it, we are, and I think we have to be realistic about it and say we want to have the kids back in the classroom. That is the first priority.

We are very close to the year end and the people out there, the parents, the students, say, "You know what? We want to be back in there. We don't care who is saying what, who is doing what, who is accusing whoever on which side. We want to be back in the classroom where we belong. We want to get the education. We want to make sure we don't lose the school year." I think this is the right thing to do. That is the way we see it, for the benefit of the students, and we will be supporting this legislation.

1830

Ms Martel: Ramming this legislation through, especially on workers who have come to a voluntary agreement to be back in the schools on Monday, of course is not going to solve the problem in Toronto district schools with respect to the cuts this government has made to education.

The government might have its way with respect to putting in place a draconian arbitration process that they will no doubt want to use again in future disputes that are going to occur in the province with respect to education issues, because at the heart of what we're dealing with tonight and what we're going to continue to deal with is that this government has taken \$1.5 billion out of the education system, which has surely caused the chaos that the former minister, John Snobelen, wanted to have in the first place.

I'll give you an example from my riding about what the impact has been of the \$1.5-billion cut to education that this government has made, all to finance a tax cut for its rich and famous friends. This is the result of a meeting I had with the director of education for the Rainbow District School Board. Before some of the government members talk about how school boards have misused public funds, they should know that this is a school board that up until this fall had a trustee by the name of Ernie Checkeris, who is on the government's little curriculum committee that they had, to try and see how they could have curriculum again in our schools. He is a friend of this government, and frankly when he was on the board as trustee was very friendly to the government. So it's very clear that this is not a group—but they've got a \$4.6 million problem, and that's not going to be resolved by this legislation tonight either.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to take part in this debate, I would say unnecessary debate, because we could have dealt with this matter earlier. I know that today the NDP keeps saying, "The end is near. The contract is signed or is being signed." We are actually following the path that this legislation, if passed, is going to allow the parties to pursue this. It's going to give them a week to come to their own agreement. So it's not draconian per se, as they keep saying.

The NDP, the third party, once in a while asks us, "Don't you have a heart? Don't you think about the children?" Of course we're thinking about the children. That is precisely the reason we're making sure that it's been long enough—four or five weeks. If they keep putting roadblocks as they've been trying for the last 48 hours, this is going to delay classes by another two weeks, and there is a real danger that some of the kids will miss their school year this year. So we want to make sure we are enticing the parties to come together, to come to an agreement, so I'm very much in support of this.

Earlier on, in terms of the reform of the curriculum, one of the members said that his child has 1.5 hours of homework. I'm very happy that because of the new curriculum, because of the improvements we've done to the education system, kids today are getting back to basics. They are paying attention to homework and the parents are working together with them. This legislation that we bring in together is going to bring kids back to school, it's going to bring the caretakers back to school and it's all going to be a win-win situation.

The Speaker: Response?

Mr Martin: I want to thank those who responded and participated. In my 20 minutes I talked about the turmoil that's been created across this province in almost every jurisdiction. It seems to be endless, and it's no more prevalent than in the lives of some of our poorest individuals and children. I asked, this past week, the government to move to resolve even just a little bit of that by giving back to children the national child tax benefit supplement, an average of \$100 per child per month. It would

go a long ways to relieving some of the poverty in that circumstance.

I talked a bit about the men and women reflected here in terms of this negotiation, the support workers with the Toronto school board, those people who work very hard, who put in hours above and beyond the call of duty, who do things that you wouldn't expect they would have to do for children and for their families to make sure that work environment, that school environment, is a safe and warm and comfortable place for those students to attend and get their education. All they're asking for, through a process that's been in place in this province for a long, long time, is a fair and adequate and fulsome negotiation process. Yes, going on strike is not something that anybody ever does blithely or easily, and it creates a difficulty, actually, that this government could take a bit of the edge off of if they would only back off in terms of the legislation that's before us here today and allow the natural evolution of this negotiation to happen. As a matter of fact, we've seen here this afternoon that an agreement was found in the Toronto case.

I also said that we don't have to be doing it this way, that there are other jurisdictions around this world that are doing it differently.

The Speaker: Further debate? The member for Niagara Centre.

Mr Kormos: Thank you kindly, Speaker. I thought I'd never get my turn, but I've waited since 1:30.

What's of concern is that the New Democrats have spoken to this bill at every opportunity they've had today. We've heard precious little from Conservative backbenchers, who I presume are going to vote for the bill. I'm concerned that the Conservative backbenchers haven't had a chance to explain to their constituents in their ridings why they're supporting this legislation. More interesting is that we haven't had a chance to hear from Liberal backbenchers, because the message has been loud and clear that Dalton McGuinty and the Liberals are clearly against the union and the workers. They're voting for this bill. Dalton McGuinty and the Liberals are clearly with Mike Harris and the Tories. The Liberals have collaborated with this Tory government from the get-go.

Understand what happened earlier this week. The Liberals and the Tories wanted this bill to receive first, second and third readings in one fell swoop, with no debate. Why? Why would an elected member of this Legislature advocate the passage of legislation with no debate? This forum is about debate. At the very least, you utilize your place here and the speaking slots you've got as a venue for explaining to your folks where you come from, many of whom vote for you, why you're taking the position you are here on this bill. It would give the Liberals a chance to explain, not just to their constituents in their home ridings but to the people of Ontario, why it is that Dalton McGuinty and the Liberals have crawled into bed with Mike Harris and the Tories. It's a close, intimate relationship. They're breathing each other's carbon dioxide. I think the people of Ontario should have

an opportunity to understand why it is that there's this new alliance—

Ms Churley: It's always been there. It's just come out in the open.

Mr Kormos: —that there's this alliance that has finally manifested itself, that's finally out in the open—no more clandestine meetings, no more cheap motel rooms. There it is. It's finally out there in the open for the world to see, this new, intimate relationship between Mike Harris and the Conservatives and, of all partners, of all the possible coalitions that could have been formed, this remarkable coalition between Mike Harris and the Tories and Dalton McGuinty and the Liberals.

1840

Ms Martel: Are you surprised?

Mr Kormos: Well, no. You see, I've known this for a long time, just from watching, that one of the nice things about being a Liberal is that you don't always have to be a Liberal. Today has proven it. You see, the Liberals made choices. They're going to be for the working people, they're going to be for the thousands of women and men who have been out there on the street fighting for—let's put this in a little bit more accurate context. Let's understand what the issues are. There are some sisters here from CUPE Local 4400. These workers—we've already talked about them a little bit: custodial workers; ESL, English-as-a second-language workers; TAs, teaching assistants; clerical people; people working in principals' offices and working in the boiler rooms and working in the hallways and working in the cafeterias, and working with kids with special needs. All of these are special people.

Rosario Marchese, the member from Trinity-Spadina, and I were down with these workers when they had a huge rally, thousands of people over in front of the Ministry of Education. Then Howard Hampton went and joined them at the Toronto District School Board down on College. Am I right? Yes. Once again, Rosario Marchese, the member for Trinity-Spadina, joined them and other New Democrats joined them again at the Toronto District School Board two nights ago.

Howard Hampton and other New Democrats have been proud to stand side by side, shoulder to shoulder, arm in arm with these workers. We've been proud to join in their fight, their struggle, and we're not ashamed of our interest in staying firm in our support for working people, our support for the trade union movement, in our recognition that that trade union movement, in this case CUPE and its leadership, their local president John Weatherup, their provincial and national leadership, elected, have been at the forefront of the fight for social justice and some modest economic justice. Understand, as you've heard already from the member for Toronto-Danforth, formerly Riverdale, and as you heard from our member from Sault Ste Marie, these are not high-wage workers. These people work full 40- and 45-, yes, and 50-hour weeks, and they work hard and they're committed. I'm sorry, Mr Member from Kitchener, who wants to dismiss these workers, and I suppose similar

women and men like them in his own community—look, if he says that to you here in this Legislature today, imagine what he thinks about the people in his own community of Kitchener area: “These are unskilled people. They don’t warrant fair and decent wages, and clearly they don’t warrant the right to freely, collectively bargain their contracts, their work agreements, with their boss.”

I understand that Tories, Conservatives, believe that. Conservatives don’t like trade unions. They don’t like workers. Clearly, when we hear what the member from Kitchener or thereabouts has to say about the workers who work as support staff in our schools, they like low-income workers even less.

Ms Martel: They love developers.

Mr Kormos: Oh, yes. The Conservatives love Frank Stronach. They love John Roth. They love their good friends—\$700,000-and-what a year, the head of the WSIB.

Mr Hampton: It’s \$775,000, I believe.

Mr Kormos: It’s 775 G notes, 775 grand, \$775,000 a year.

These women and men working for the Toronto District School Board, working with your kids and your grandkids, are an integral, essential part of their education. They are part of the educational family, and there isn’t another co-worker, there is not a teacher, not a principal who would say otherwise. That you can bet your boots on. That I know. There isn’t a parent who would say otherwise, not a single parent who has even the most passing familiarity with what these folks do in our schools.

They were looking for some modest wage increases. Quite frankly, they sought nothing more than the same percentage increase—not volume, not dollars, far from it; please, not in their wildest dreams—that the Toronto District School Board felt was OK to give to teachers; not the same dollar amount, far from it, but the same percentage amount. Am I wrong? Tell me if I’m wrong. And as importantly, perhaps even more importantly, they wanted some job protection—hold on—they wanted protection against contracting out.

Look, folks, there isn’t a working family out there that hasn’t been touched in one way or another by contracting out. You folks know exactly what I’m talking about. Contracting out: that’s when your good job gets displaced by a contractor out there who is making profits. In this case, we’re going to be talking about private contractors making profits off the public tax dollar. That’s what happens. Think about it. I’ve always found it really nuts—the Tories love it—that as Ontarians, we in any way, shape or form would tolerate public money being used to create private profits. But that’s what contracting out is all about, isn’t it, sisters? It’s using public money to create private profits.

Let’s put it on the table and make it very clear: these 13,000 workers with the Toronto District School Board are parents too. They are also taxpayers. In view of how Mike Harris’s tax break, tax-cut scheme has provided the

biggest tax breaks for the wealthiest people, these people, these sisters and brothers in CUPE, Local 4400, pay a far bigger chunk of their income in taxes by way of things like sales tax, GST, taxes on gasoline and a whole plethora of other things. They didn’t get the tax cuts. The tax cuts just went to the rich folk. These people aren’t rich folk. They wouldn’t mind me saying so, I’m sure of it. There are no pretensions about any of them. There ain’t no BMWs parked in that parking lot where these people go to work. There ain’t no Mercedes or Cadillac Sevilles. More often than not it’s a TTC pass.

If you take a look at the profile of these workers, there’s a whole lot of women, and more than a few of these women are working incredibly hard, supporting their families and raising their kids on their own—a lot of single moms. That’s the reality. It’s neither good, bad nor indifferent; that’s the reality. These are single moms that the Tories, the Mike Harris Conservatives, not singularly or standing alone but with the enthusiastic—look, they didn’t drag Dalton McGuinty and the Liberals kicking and screaming to the altar. McGuinty is traipsing up there. He’s anxious. He’s breaking out in a sweat because he’s running to engage in this partnership with Mike Harris and the Tories.

1850

Make no mistake about it: the Liberals are enjoying this legislation. They were happier than pigs in a barnyard yesterday when the legislation got jacked up a little bit in terms of happening a little sooner than most of us would have hoped. The Liberals were happier than pigs in a barnyard. There’s videotape of them—I saw it last night—of the Liberals cheering, “All right, because we’re going to beat the crap out of some workers tomorrow. We’re going to take on with Mike Harris. We’re going to form a bond, and the Liberals and Dalton McGuinty and Mike Harris are going to kick around some trade unions.” That’s what this legislation is all about: taking on workers, taking on low-income workers. Oh, yes, that’s big, guys. When are you going to take on Frank Stronach, with \$42 million a year in personal income? When are you going to take on the John Roths?

Ms Churley: They gave him a tax break.

Mr Kormos: You didn’t take Stronach on; you gave him a tax break. You didn’t take on the big bank CEOs, you didn’t take on the big corporate bosses. Oh no, you crawled into their back pocket.

Mike Harris and the Conservatives, along now with Dalton McGuinty and the Liberals, are so deep in the back pockets of corporate Canada that they’re spitting out lint. But they just love a chance to whack around, as the member for Trinity-Spadina would be wont to say, some trade unionists and some working people. The Tories seem to get a bigger thrill out of it. It’s always nice to share these things with friends. So now they get to share this with Dalton McGuinty and the Liberals. You know how when you go on vacation and you see nice sights you always wish you had a friend with you to share; or you go to a movie and you say, “Jeez, this was a really good movie. I’m having such a good time I wish I

had brought a friend along with me to share.” Mike Harris has brought his new friends, Dalton McGuinty and the Liberals, along with him to do their union bashing.

These are a special kind of people. They’re very special, because they want to team up—and we’re not talking about tag team here; we’re not talking about one day Harris is going to take on trade unionists and the next day McGuinty. No, they’re going to gang up and do it, like, tight—collaboration. There’s a special kind of unity between the Liberals and the Conservatives. We’ve discovered there’s some fascinating commonality in their policies. They believe in the same things and they beat up on the same groups of people: women, single moms, trade unionists, workers, who want a little bit, just a little bit more, a little bit of economic justice, who just want a little bit more in terms of the prospect of some job security, because let’s understand that the job security and the fight that these folks are engaged in against contracting out isn’t just to keep good jobs, important jobs, jobs that help take care; it’s to keep our schools the safe places that these workers make them. It’s about keeping safe.

Hon Mr Stockwell: Contract employees.

Mr Kormos: You’re darned right contract employees create a problem, because you’ve got cleaning companies—get a contract one year, get a contract next year.

Didn’t you hear the member from Sault Ste Marie? His folks were school custodians. He gave us as vivid an image of what it means—these are the folks who help make our schools safe year after year after year. They’re committed to the school, they’re committed to the kids. These folks survive one and two generations of kids. You’ve got sisters and brothers working as school support people who have taught the parents and are now teaching their kids. They know these families.

Mr Martin: They love their jobs.

Mr Kormos: They love their jobs and they love those kids.

You want to talk about sacrificing workers—well, you’re not talking about it, you’re doing it, I guess. Yes, you’re not just talking about sacrificing workers’ rights; you guys are trying to roll the clock back for working people in this province. You’re certainly trying to roll the clock back on arbitration, with its—what?—200 or 300 years of history, in an unprecedented way imposing a named arbitrator. I think that’s prima facie non-neutral. Do you understand what I’m saying? I don’t care who this guy acted for before, but the fact that he’s named in legislation that’s sponsored by the government makes it prima facie non-neutral. The government has a clear interest, especially when you look at the mandate provisions in the bill, in having a real handle, a real stranglehold, but then again the Liberals have a clear interest in having a real handle or stranglehold on the mandate.

Some pretty interesting lines have been drawn this week. Are there a whole lot of New Democrats here? No, there are only nine of us. But, by God, every one of us is sticking firmly—we’re sticking with the union, we’re

sticking with the women and men who make those unions and who are members in them and who democratically elect their leadership and who democratically make decisions about their own free collective bargaining process, as they should.

One of the other fundamentals that you folks, all of you, Conservatives and Liberals—shame; my God, shame—don’t seem to understand is that that’s what free collective bargaining is all about. When two parties negotiate their own agreement, arrive at their own settlement, it has greater legitimacy, it has greater enforceability, it has greater longevity, and it also creates a healthier, better, more productive, more effective workplace. See, these workers, these women and men, school support workers, believe in our public schools and they want those places to work, and they work hard to make sure they work even though this government has stripped—we’ve heard it so many times now—\$1.5 billion out of education by Mike Harris’s Tories, again, to feed their rich, fat-cat, wealthy corporate friends and leave these folks hanging out to dry.

The Liberals and Tories may want to take on working people and knock them around, may want to take on unions and tell the rest of the world that unions are irrelevant. New Democrats are with those workers, with their unions.

The Speaker: Questions or comments?

Hon Mr Stockwell: I guess that was a speech regarding—I’m not sure what it was—some variation on the back-to-work-legislation governments have implemented. The question I want to put to the member is, where exactly were you on October 20, 1993, when your government was putting the boots to Lambton secondary school teachers?

Mr Kormos: Check the record.

Hon Mr Stockwell: I checked the record. You didn’t vote against that.

Mr Kormos: I didn’t vote for it.

Hon Mr Stockwell: Oh my gosh. There’s a principled man—a spine of Jell-O. “You didn’t vote against that.” “I didn’t vote for it.” No, but you were a member of the House. You could have been here. You could have made that kind of speech then. Gosh, you didn’t, did you? Where were you when East Parry Sound teachers were ordered back on November 29, 1993? You didn’t vote against that one either, my friend. Where were you when the brothers and sisters were getting kicked around by the NDP government? Where were you? You weren’t here making a speech like that. I was here. You weren’t here telling us about the poor Bob Rae government that kicks around the hard-working brothers and sisters in Lambton and Parry Sound, and you had power. You could have done something about it, but you weren’t here. You’ve only found God since you went back to opposition. That’s it.

You stand here and give us a lecture like that. When you had the levers of power and could have done something about it, we couldn’t find you. You weren’t in this room. You were off doing something else. It wasn’t

important then, was it? It wasn't important then because, "I was in the government and I can't stand up and crap on my own party. I can't take a moral stand, a principled position, because I'd be disagreeing with my party." But let the government of the Conservative Party do it and suddenly, "I'm the moral high ground, superfibre of strong backbone." Give me a break.

Mr Dominic Agostino (Hamilton East): I listened with interest to the comments made by the member from Niagara. He spent half his time attacking the government and the other half attacking the official opposition. My comments are along the same lines. Somehow, the third party have found their principles once they're back now to an irrelevant rump in the Legislature of the province of Ontario.

1900

This is the party that claims to have the monopoly on representing working men and women, and when they were in government they said to every single public servant in Ontario, "Here's what we're doing with your contract. Here it is. It's ripped up. It's not good any more." Do you remember that? They ripped up the contracts of those men and women they claimed to represent and who had negotiated across the table. It wasn't good enough then.

Then what did they do? They went to the Rae days. They said to those men and women who had negotiated contracts, "We're going to roll back your wages 5%. To hell with negotiations. To heck with your contracts. We're going to rip up your contracts and roll back your wages 5%, but we represent you, believe us. We really care about you." Remember, that's the same government, when they were there for those five, long desperate years in Ontario. Remember that.

Interjections.

Mr Agostino: I'm glad they're getting rattled. Obviously we're getting to them here. But remember that. On three occasions, that government that now claims to represent working men and women voted for back-to-work legislation for teachers while they were in government. What hypocrisy. What shame. They represent no one but their own limited self-interest. They sold out working men and women in government, and they continue to do that.

Mr Marchese: Dominic, in his cacophony of loudness, suggests that they are the party that supports the working man, that New Democrats don't have the monopoly, that we don't have it but they do.

What we ask you, Dominic, is, which side are you on? When it comes to an important vote that says we don't support this government that wants to send the people back to work, and they ask you, "Liberals, which side are you on?" which side are you on, Dominic? You sound no different than M. Chrétien, who says, "We are not like Mike Harris. We have a heart." They have reduced the deficit by 40%. How did they do it? On the backs of the unemployed. Forty per cent of the deficit was reduced by going after the unemployed. While the employment insurance benefits have been going up by the billions,

they cut back on the unemployed. Oh, that's Chrétien with a heart. They care about the workers in the same way that Dominic stands up today to accuse the NDP by saying, "You don't have a monopoly. We, the Liberals, we're on your side too." We say to you, Dominic, if you're on their side, vote against them. Stand up and speak against them. You have been loudly declaring yourself where so many of the others have been so silent tonight. Why? Because you are complicit in the crime. The two of you, both parties, are in the same boat.

We're going to have an opportunity, good citizens, because the member from Niagara Centre will be able to speak again. We will be back here at 7:30 to debate on third reading, because we're going to vote on second reading very shortly, in a half hour or so. We'll be back for third reading because we have so much more to say, good citizens. Stick around.

Mr Gill: Thank you for the opportunity given to me. The member opposite talked about Frank Stronach. He made it sound as if the guy's a criminal. Frank Stronach, as I understand it, came in just like myself, as an immigrant. He worked hard. He earned a living, worked very hard and then created jobs. This is a typical hard-working immigrant. Now he's making it look like he's a criminal. Frank Stronach or any of the immigrants who have worked very hard, have become successful and given jobs to people, are not criminals.

This bill is so important for hard-working single mothers as well, so that the kids can go back to school and the mothers can go back to work.

Let's talk about standardized testing. This bill will make sure that schools are open, that kids can go back to school, that we can save their school year and that they're getting quality education.

There is some news in the newspaper today where some of the kids were interviewed at I suppose the Eaton Centre, where they were literally having a good time. But they're getting bored. They want to get back to their classes. This party is putting roadblocks to this legislation. We want to make sure this is passed quickly. I propose that we don't take any breaks, go through the process and get it over with so that the kids can go back to school.

The Speaker: Response? The member for Niagara Centre.

Mr Kormos: The Liberals are in an interesting position with respect to this bill. You've got the Liberals going, "Ouch, ooh, aah, ow," every time a New Democrat stands up to point out where they stand on the issue. Look, end of story. Boom. Dalton McGuinty Liberals, Mike Harris Tories, six of one, half a dozen of the other, they support the same legislation for the same reason. They don't want to take a position that forces working people back to work when those working people are working hard trying to negotiate a freely negotiated, free collective bargained agreement.

I think the Liberals from cities that are industrial cities, among others, who have got trade union communities in them, are going to have a lot of explaining to do

to the CUPE membership in their communities about why they joined with the Tories to take on and beat up on the lowest-wage CUPE workers. They're going to have some explaining to do to the SEIU, the Service Employees International Union, members in their communities, to explain why they were in bed with the Tories enthusiastically. They're loving it.

Ms Churley: The Tories are applauding them.

Mr Kormos: The Tories are applauding the Libs and the Libs are applauding the Tories. It's a mutual admiration society. I tell you, we've seen a remarkable metamorphosis—these little things, you know, caterpillars, butterflies, what have you. We end up that the Liberals are Tories and the Tories are Liberals. The only thing these Liberals don't have that Chrétien's Liberals do is the huge containers of teargas. You guys haven't teargased the place yet. But I suppose, if Chrétien has any left, you'll teargas the real opposition here, the New Democrats.

The Speaker: Further debate? Seeing none, Mr Stockwell has moved second reading of Bill 13, An Act to resolve labour disputes affecting the Toronto District School Board and the Windsor-Essex Catholic District School Board. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 1908 to 1938.

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

Ayes

Agostino, Dominic	Flaherty, Jim	Newman, Dan
Arnott, Ted	Gilchrist, Steve	O'Toole, John
Barrett, Toby	Gill, Raminder	Ruprecht, Tony
Beaubien, Marcel	Hardeman, Ernie	Sampson, Rob
Bradley, James J.	Hastings, John	Sergio, Mario
Caplan, David	Johnson, Bert	Snobelen, John
Chudleigh, Ted	Kells, Morley	Spina, Joseph
Clark, Brad	Klees, Frank	Stockwell, Chris
Colle, Mike	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Maves, Bart	Tilson, David
Duncan, Dwight	Miller, Norm	Tsubouchi, David H.
Dunlop, Garfield	Molinari, Tina R.	Turnbull, David
Ecker, Janet	Munro, Julia	Wettlaufer, Wayne
Elliott, Brenda	Mushinski, Marilyn	Young, David

The Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles	Kormos, Peter	Martel, Shelley
Churley, Marilyn	Lankin, Frances	Martin, Tony
Hampton, Howard	Marchese, Rosario	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 42; the nays are 8.

The Speaker: I declare the motion carried.

Report continued in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Halton	Chudleigh, Ted (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton East / -Est	Agostino, Dominic (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Lankin, Frances (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Minister of the Environment / ministre de l'Environnement
Cambridge	Martiniuk, Gerry (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Lanark-Carleton	Sterling, Hon / L'hon Norman W. (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Davenport	Ruprecht, Tony (L)	Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Don Valley East / -Est	Caplan, David (L)	London North Centre / London-Centre-Nord	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Solicitor General / solliciteur général	London West / -Ouest	Wood, Bob (PC)
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Durham	O'Toole, John R. (PC)	Markham	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Eglinton-Lawrence	Colle, Mike (L)	Mississauga Centre / -Centre	Sampson, Hon / L'hon Rob (PC) Minister of Correctional Services / ministre des Services correctionnels
Elgin-Middlesex-London	Peters, Steve (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Tourism, Culture and Recreation / ministre du Tourisme, de la Culture et des Loisirs	Mississauga South / -Sud	Marland, Margaret (PC)
Essex	Crozier, Bruce (L)	Mississauga West / -Ouest	Snobelen, Hon / L'hon John (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué au dossier de l'Enfance, ministre délégué aux Affaires francophones	Scarborough East / -Est Scarborough Southwest / -Sud-Ouest	Gilchrist, Steve (PC) Newman, Hon / L'hon Dan (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	Harris, Hon / L'hon Michael D. (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint	St Paul's	Bryant, Michael (L)
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Transportation / ministre des Transports
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Thornhill	Molinari, Tina R. (PC)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)
		Vaughan-King-Aurora	Vacant

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

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

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