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of Ontario**  
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**Assemblée législative  
de l'Ontario**  
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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

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Friday 27 April 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Vendredi 27 avril 2001

*Report continued from volume A.*

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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 third 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):** We said 15 and I took 10. I'll say 10 and take five on this one. I just want to get a couple of clarifications on the record, basically for my friend opposite from Toronto-Danforth, and my other friend—is it Trinity-Fort York?

**Mr Rosario Marchese (Trinity-Spadina):** Trinity-Spadina.

**Hon Mr Stockwell:** Trinity-Spadina. I apologize. I can remember your old riding, Fort York.

Listen, the Windsor issue: I think we've dealt with that. We have a situation where I was pretty much browbeaten by the member for Trinity-Spadina about why I didn't accept the offer with respect to the Windsor situation. I want to respond very clearly to his questions. Let's be clear. The offer you're talking about was pulled by the Windsor board. They did not go to a final-offer vote. It wasn't approved to go to the final-offer vote. All this particular piece of paper says is that SEIU local 210 has agreed to accept the final offer.

*Interjection.*

**Hon Mr Stockwell:** I'd like to welcome the member for St Catharines back.

They have not agreed to go to final-offer vote. So the SEIU letter you received today that's been so kindly given to me by some doesn't mean anything. There's no offer to accept. There is no offer to take for ratification. So to be clear, there's nothing on the table in Windsor at this point in time that is going to be accepted. OK? So

there's nothing there. If we didn't pass the legislation here today there would be nothing—

**Mr Tony Ruprecht (Davenport):** Tell us something new.

**Hon Mr Stockwell:** And welcome back to the doctor too—there would be nothing at all to ratify.

*Interjections.*

**Hon Mr Stockwell:** I know the Liberals have a convention and I'm not surprised Mr Ruprecht is with us.

At the end of the day, we're in a situation basically now where there's no offer in Windsor.

There has been talk about an agreement in Toronto. The agreement in Toronto is to agree to a process of binding arbitration. They have not made a collective agreement in Toronto at any time now. After this bill is passed, before the arbitrator gets to work, after the arbitrator gets to work, the two parties are free to collectively negotiate an agreement. They can collectively negotiate an agreement and it will usurp or override the legislation. Bear that in mind. It will override the legislation. So the fact is, we will pass this legislation, which is the only guarantee that schools will be open next Monday, and any of these parties can enter into a collective agreement that overrides the binding arbitration we've set out in the legislation. It's just that simple. I know Mr Martin shakes his head, but I'm telling you, if you want to collectively negotiate an agreement, there's no binding arbitration process set down by a government that can change that. Nowhere.

So I would ask that the parties get together today. Let's process this through third reading as quickly as possible. Let's get this bill passed today. Let's get it proclaimed tonight. Let's get the schools open on Monday.

I thank my caucus members for staying around here today. As a member for Toronto I thank you, because I want to tell you, the people of Toronto and I'm sure Windsor respect the fact that you're here today working on their behalf to get their children back to the classroom.

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

**Mr Dwight Duncan (Windsor-St Clair):** I want to reiterate that in the Windsor situation the Minister of Labour and the Minister of Education have properly informed the House that there is no local solution in sight, in spite of what was said in the House earlier today by a number of members of the third party.

I don't think anybody in this House likes to do this. I don't think any of us want to be in this position. This is day 25 in Windsor, and I again am reminded of Dave

Cooke on day 26 of a strike situation in Windsor back in 1993, where he said, "It's essential that we get the kids back now."

**Hon Janet Ecker (Minister of Education, Government House Leader):** An NDP minister.

**Mr Duncan:** Yes, an NDP minister. That was in the absence of a declaration of jeopardy, and all the NDP members who are in this House today voted in favour of that legislation in spite of the fact that there was no jeopardy declared. They had a provision in that. They criticized—and by the way, I do have trouble with some of the arbitration procedures, but their arbitration procedure was called the social contract. The arbitration panel was bound by the Social Contract Act in that particular agreement, so they appointed an arbitration commission that couldn't arbitrate outside of the terms of the social contract, which opened up and stripped collective agreements throughout this province.

Earlier today they told this House that there was a deal in Windsor. I knew there wasn't and I had to reconfirm that. It took me a while to find that out because, unlike them, I have been in constant communication with both sides and I was hoping that perhaps that was the case, but it turned out that in fact there was not a deal.

This is not a happy thing for any of us to do. I regret that we're doing this. But I do not regret the fact that the children in Windsor, my son included, will be back in school on Monday morning with certainty, and the families in my community can be assured of that tonight.

**Mr Gilles Bisson (Timmins-James Bay):** It was, I must say, a very interesting vote. We have now seen three or four occasions in this debate where the Liberal Party has gotten up and sided with the government, has supported the government in its bid to try to get away from what was a negotiated settlement in the city of Toronto. We know that the board and the union, CUPE Local 4400, had negotiated an agreement that would have got the children back to the classroom by Monday of this upcoming week. But this government has decided to press forward with what is in my view draconian legislation, legislation that says, among other things, that the minister, when appointing an arbitrator, doesn't have to take into account that the person has any experience, doesn't have to worry if that person has had any dealings with the board or the union. They could be in a situation of conflict. They don't have to worry that at the end of the day, if a decision is made based on error by law, the parties are not able to go back and look at judicial review. They don't worry about those issues, but we do.

I am really surprised—no, not surprised; very disappointed—at the actions of the Liberal Party that we've seen here in the last couple of days. They sided with the government at first reading. They have moved to allow this to go to debate today. They could have stopped it yesterday but they didn't; they decided to side with the government and now, today, they vote on second reading in favour of this draconian legislation.

I think the issues are simple: in the case of Toronto there was a negotiated settlement. The minister could

have tried, had he decided, to find a way to give the parties the opportunity in the city of Toronto to finish what they started, which was to allow them to go back to school on Monday, because there is an agreement, it is signed and both parties are willing to live with it. The Minister of Labour does not want to recognize that. I, for one, find that extremely frustrating. So if it means we sit here and debate, so we shall, because we as New Democrats believe it's important.

**Mrs Margaret Marland (Mississauga South):** I just want to say, having been in this House for almost eight hours now, that I recognize by listening to the New Democratic Party that they still don't get it.

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**Mr Mario Sergio (York West):** It's Friday night and we're having this extraordinary sitting of the House to deal with a very important issue. We have a weekend ahead of us and I wonder, really, how the parents of the 300,000 kids would be thinking over this weekend. Instead of being peaceful and alleviated of anxiety, they could be thinking, "Are we going to have a strike Monday or are the kids going to go back, are the teachers going to go back?" Whatever. I think it's important to give them some peace of mind. I think it's important to assure them that the kids are going to be back in the classroom come next week. Enough is enough.

We hear one week of strike in Toronto—I think we are on the fourth week coming up, and I think everybody has had enough. But most importantly, it is the interests of the kids that's the number one priority. We take into consideration everything else, everybody else.

But let me say this quickly. The other day coming down to Queen's Park here, I was listening to one of the news stations and they were interviewing a mother and said, "What do you think about the strike?" She said, "You know what? Four interruptions in two years." Four interruptions in two years. She said, "I really don't want to bring my kids up with the idea that there is a strike every six months. I don't think this is a good environment for our kids to grow up in. They will not receive a good education in this particular environment." That makes sense, so I would say let's get the kids back in class. Let's hope we can reach an agreement afterwards that will be satisfactory to everybody concerned. But I think we have to be concerned about the parents as well, who have been in a very sad and very havoocked situation for the past three weeks. So, I hope we can get this on.

**The Speaker:** Further debate?

**Mr David Caplan (Don Valley East):** Response.

**The Speaker:** Oh, I'm sorry, the labour minister.

**Hon Mr Stockwell:** I thank the members for entering into the discussion.

I want to just clarify something I think the member for Timmins-James Bay said. He said that they have an agreement. They don't have an agreement. They have an agreement to work through a process. There's nothing but—what are you shaking your head for, the member for Sault Ste Marie? Why are you shaking your head? I can hear you all the way over here.

The fact is this: they have an agreement to enter into a process. That's it. Just an agreement to enter into a process. There's nothing binding about the agreement. There are no penalties if the parties don't live up to the agreement. There are no guarantees the agreement will be enacted or enforced. It's an agreement designated by an arbitrator's order. There's no legal standing for it, nothing. So, the fact of the matter remains that the only way you can guarantee the schools are open come Monday is to pass the legislation.

Now, I say to the members opposite, if you're concerned about the fact that you want the local union and the members of the board to negotiate a—

**Ms Marilyn Churley (Toronto-Danforth):** Get your head out of the sand.

**Hon Mr Stockwell:** Get my head out of the sand? The member for Riverdale tells me to get my head out of the sand after she walked in here not two hours ago, standing in her place, claiming "There's a deal in Windsor. Withdraw the bill." Two hours ago you were saying that and you want me to get my head out of the sand? You should give your head a shake and clear the sand from your ears. There is no deal in Windsor. Two hours ago you were telling me you had a deal in Windsor. For goodness sakes. You shouldn't make these allegations when you put yourself in such an awkward position not more than two hours ago. For heaven's sake, they can reach a collective agreement any time they want, any time they want. Go meet with the board. Get a collective agreement. The legislation means nothing. Always has been the law, as far as I know, always will be the law. Get your head out of the sand.

**The Speaker:** Further debate?

**Mr James J. Bradley (St Catharines):** Thank you, Mr Speaker, I'll be sharing my time with the member for York West and the member for Don Valley East.

I was tempted at the beginning of this, because one of my staff members, I should tell Rosario, told me that Rosario had made a very inflammatory speech in which he attacked the Liberals and used "reptilian" and words of that kind. So I thought, "Should I get up and give a bombastic speech and recall many instances from the past, or should I be more moderate this evening?" I chose the moderate course.

I want to tell you why that is. I can't think of a government, even this government, that really wants to deal with back-to-work legislation, that doesn't want to see the collective bargaining process work, because in our society that's the best of all possible worlds. Two sides get together and they may be tough in their negotiations at the table, but eventually they come forward with a contract that both sides believe they can live with. I wish that were the case.

We have in this instance a third party that has a very significant stake in these negotiations. That third party is the students who are affected by this particular strike.

**Mrs Tina R. Molinari (Thornhill):** On a point of order, Mr Speaker: The security guard who is here has to

stay all evening tonight, and it's his birthday. I think we should let him go home for his birthday.

**The Speaker:** Unfortunately, he has to be here, but we certainly will take note of his birthday and wish him all the best. Hopefully he'll be off at 11 o'clock.

**Mr Bradley:** I must share with members, particularly of the government side, because we in the opposition are critical on many occasions of what the government does, and with some justification. When they say, "Why don't you praise the government?" I say they have all kinds of members to do the praising. So when the news media phone, they can talk to the government members. They will give them their side, and I'll give the other side.

I know the difficulty when one finally reaches the government benches. I was on the opposition benches to start out. I spent a little over five years on the government benches, and then back on the opposition benches, so I tend to know the different perspectives that we have.

The way you can really judge a party and its positions is by what they do when they're in government. I have to confess that I was part of a government that had back-to-work legislation on one occasion, which involved education. We legislated teachers in one part of the province back to work. I didn't like that. The Conservative government ordered educators back to work on other occasions. The legislation usually went through rather rapidly. The New Democratic Party, which today opposes this legislation, was in the unfortunate position of having to order teachers back to work: the Ontario Secondary School Teachers' Federation in Lambton in October 1993; in East Parry Sound, the elementary FWTAO and OPSTF in 1993-94; and of course in Windsor, the elementary FWTAO and OPSTF in 1993-94.

I've known many members of the New Democratic Party for a long period of time, those who sat in it, and I know many have very close ties with people in the trade union movement and in the public sector union movement. I know they feel strongly about those ties and about legislation which would legislate people back. But when confronted with this situation when in government—not in opposition, because I admit to you it's easy when we're in opposition on many occasions to automatically oppose the government, but when you're in government, what do you do when you face the same circumstances? I can't think of anybody in the NDP caucus of the day who wanted to vote for any one of these back-to-work pieces of legislation. I know of nobody in the NDP caucus who wanted to do that.

I can't think of anybody in the NDP caucus who wanted to bring in a piece of legislation, the social contract, which would abrogate every collective agreement in Ontario in the public sector. I know of no one, because, again, I know many of the members from years back and the members who are here today. It wasn't done with malice, it wasn't done to victimize anyone; it was done because the NDP government of the day thought it was necessary to do.

I remember Dave Cooke, who was a very strong New Democrat. I would consider him to be a pretty hard-

nosed New Democrat in his day. When he was dealing with his legislation in Windsor, he had the following to say:

“The government has the responsibility to ensure that labour disputes in the education sector do not endanger the school year of the affected students. A process which has been put in place for many years guides the determination of when a school year is in jeopardy....

“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.’ Nevertheless this government feels the action must be taken to ensure that the strike does not continue past the point which would be detrimental to the elementary school students in Windsor....

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“A three-member arbitration panel will be convened to examine all matters remaining in the dispute between the teachers and the board related to the local agreement entered into by the parties under the Social Contract Act, 1993....

“I want to make it clear to the House that the legislation will only be proclaimed when the Education Relations Commission advises the school year is in jeopardy.”

What in fact happened in this particular case was that there was to be arbitration but there were conditions of the arbitration. It must be within the framework of the chief piece of government legislation of the day, the chief piece of labour legislation in that particular year, and that was the social contract.

I did not condemn nor do I to this very day condemn my friends in the New Democratic Party for having to bring in that legislation. I didn’t like the wording of the social contract legislation and voted against that, but in terms of the necessity of having students not have their year placed in jeopardy, I understood that with great reluctance—

*Interjections.*

**The Acting Speaker (Mr Bert Johnson):** Order. You have a turn. You both have a turn. You will either use your turn or you won’t be here for it.

The Chair recognizes the member for St Catharines.

**Mr Bradley:** All of these books we have are not destroyed. They are the speeches and they are the records of what happens in this House when each one of is in government. So when we in opposition criticize the government, as we do from time to time, I know you have staff who go through these books to quote what we said and to determine what action we took when it was in our power. Not when we were in opposition and can criticize government, but when we actually had the power to implement our policies, what did we do?

Oftentimes governments do things without, as I said, wanting to do them. If they had another route to take, another way of expressing their responsibility, they would do so. But oftentimes it comes to a point where that cannot be the case.

So we have legislation that is before us. I look at the working conditions and wages of the people who are affected by this strike. I believe there should be a greater investment in the field of education, which would be reflected in the ultimate salaries and working conditions that people who are affected by these strikes would be involved with. I would want to see that happen. I hope the government will increase that investment in education and perhaps provide some more flexibility in the formula so that it allows the boards of education to reach collective agreements with their employees. But I go back to the fact that when you’re faced with this responsibility, you have to make a choice, and it’s often not a choice you want to make. If I had my druthers, I would rather not deal with this particular piece of legislation we have before us. I would rather not look at it as the necessity that it appears to be at this time.

I will be, as our party has made a decision, on the basis of “What would you do if you were stuck with this responsibility yourself in government?” not “What would you do when you’re sitting in opposition?” and in this specific case that we have before us, it certainly gives the appearance of wanting those students back to work. I also want to see, as I said, an infusion of the kind of funding that is necessary to allow people who are affected by this strike to be able to receive a fairer share of the pie in the province of Ontario.

**Mr Sergio:** There are just a few minutes to pick up the debate on the motion that is in front of us. Really, what’s it all about? It is bringing the kids back into the classrooms and getting on with the strike. I think everyone has had it. Three weeks is long enough. Three weeks have been testing the will not only of the students but the parents, the working people who, day in and day out, have to make arrangements for the kids who cannot be in the schools, let alone the condition of the schools.

To that principle, our leader, Dalton McGuinty, some time ago had put a good position which was acceptable to both sides. If that position would have been accepted by both sides of the House, we wouldn’t be here tonight. It would have been a reasonable way of dealing with the issue before it came to this particular situation. Five minutes, Mr Speaker, are not enough to say why we are here, because I would have to go back to 1995 when the government started chopping, cutting down funds for public education in Ontario. But we are here dealing with a very important issue and that is to get the kids back into the classroom.

What is our situation? It is with the unions, with the employees, with the teachers, with the boards, but ultimately we have to consider the kids. I hear very little debate about the importance of looking after the kids, getting the kids back into a healthy educational environment in the classroom that is clean, that is healthy, that has the proper staff and that they get the necessary education that they should be getting, that they should have gotten in the past three weeks.

What does the government do? Well, I can’t let the government really go scot-free on this one here, because

if they hadn't begun to create this wonderful crisis since 1995, we wouldn't be here. In all fairness I have to say that, yes, the workers of course need to be looked after, they need to make more money, they do deserve it. But ultimately it is the kids we have to think about, the quality of education, mostly year-ends, and that is the ultimate thing that we have to consider.

Our leader, Dalton McGuinty, proposed as late as yesterday binding arbitration, and we couldn't get that. We couldn't get this self-made agreement that the third party talks about. "Let them do it on their own. Let them come up with an agreement that is convenient, suitable and acceptable to all the sides." Dalton McGuinty's solution would have brought that agreement if we had got both sides of the House to agree on that. But we couldn't get it because, as usual, when this side of the House, the opposition, the Liberal side, comes up with reasonable solutions, they are not listened to, accepted, because they simply come from the opposition side.

We wouldn't be here today debating this, if you will, closure motion, so I hope that we can really take the interests of the kids to heart and get on with this particular situation. We'll be here to support it.

**Mr Caplan:** I certainly appreciate joining this debate on behalf of all the people of Don Valley East, the workers, the parents, the students. I don't want to cover a lot of the ground that has already been covered by my colleagues and other members, but I must say that this situation that we have in education today, the turmoil, the chaos, the continual unrest, is only going to continue because the root cause of the problem is the government's inflexibility. They put the funding into a particular envelope and the boards are not allowed to exceed that.

The other root of the problem is the inadequacy of funding. You cannot extract \$1.8 billion out of the educational system and not expect to have this kind of turmoil, chaos and constant disruption. It is not by any kind of accident. In fact, I believe that many of these events have been planned. The Minister of Labour and the other government members can write back-to-work legislation as often as they wish. This is the fourth time in six years that the Harris government has introduced back-to-work legislation in the educational sector. The New Democrats did it three times in the five years that they were government and the Liberals did it once when they were in government. But four times in six years, that's got to tell you something. There's a message there. There's a problem, and it's a pretty fundamental one.

I say to the government members, until you fix this problem or until we defeat you and we fix the problem, this kind of chaos, turmoil and disruption is going to continue and nobody benefits from it, not the children especially, but not any of us who depend on education, because education is the most key and fundamental investment we make. We do not gain from this. In fact, we're going backwards. Other countries are trying to build up their education system. In Ontario we only seem determined to tear ours down.

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I also wanted to comment a little bit on the events of yesterday because they were quite interesting. I've heard rationales from some folks to my left who tell me and the public that they made a mistake; they got hoodwinked; there was a problem there. You can't tell me that nine members in that caucus who have all been around this chamber for at least the last 10 years, some of them quite a bit more, don't know when to stand up and say no on a unanimous consent motion. You cannot tell me that they are that inexperienced—

**Mrs Marland:** You have to have heard it first, and you didn't hear it.

**Mr Caplan:** I say to the member from Mississauga South that I heard it. I know that she heard it. I know that other members here heard it. You cannot tell me they didn't hear what happened.

Then what was very interesting, it was a debatable motion and not one of them got up to debate it. You know, Speaker, the rules of procedure of this assembly and this chamber, and the New Democrats could have, if they wanted to, stood in their place and debated the motion brought forward by the House leader from the government.

**Mrs Marland:** True, but they were still in shock.

**Mr Caplan:** Perhaps they were in shock. I happen to believe something a little bit different. I say to the member from Mississauga South that I believe that the members of the New Democratic Party had enough pressure put upon them by their constituents that they decided what they were going to do was allow this legislation to go through. Then what they were going to do to try to save face was hold it up for one day.

It's the responsible thing to try to pass the legislation. It's a responsible thing to give speedy passage, which has happened in the cases when it was a previous Conservative government, a Liberal government, a New Democratic Party government, and certainly this government.

I don't think the New Democrats are as incompetent as they would have you believe they are. I believe that what they're trying to do is to have it both ways. I find it very interesting. I think it's very telling that today they've offered nothing new. They've acted in a manner that is quite out of character. I believe that all members of this House have an interest in doing the right thing, making sure the kids get back to school. I heard an argument that there had to be a finding of jeopardy. That wasn't the case back in the strike in Windsor when they were in government and that happened. So it is very interesting. I just wanted to point that out to the members of this House because of the collective experience, because of the knowledge and wisdom and because of, certainly, the episode and the spectacle that we've seen here today.

I will be supporting the legislation. I say, as a parent and as a member of the great community of Don Valley East, that I'm looking forward to the kids getting back to work and I'm looking forward also to the larger debate on the educational policies of this government, as wrong

and as misguided as they are. There is an alternative, one with a positive future. We have presented some of our plans. I look forward to the government presenting their plans and their vision for the future. That's what the debate in this House should be about. Thank you, Speaker, and I look forward to that time.

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

**Mr Peter Kormos (Niagara Centre):** I was particularly interested in the comments of the member from St Catharines, and I understand why government backbenchers are inclined to support their own government's bills and motions. I was in government. It was many years ago. I too know the sting of the whip. I too have been intimidated by whips of various personalities over the course of years who forced me, compelled me to come to the House and vote according to the government's wishes. But that's where the member from St Catharines's argument is rather strange. It's one thing for a government backbencher to say, "Oh, but you don't understand. If I don't vote for this, the whip is going to get me. I won't get to go on any junkets. I won't get to be a PA. I won't get to be a deputy, deputy, deputy something. I don't get the little payola, the grease." That's how whips in government run their caucuses. But the member from St Catharines is not in government. He's not being whipped. He doesn't have to satisfy his caucus—well, maybe he has to satisfy his caucus hierarchy. Maybe Mr McGuinty has cracked the whip. Maybe Mr McGuinty simply feels so committed to forcing workers back to work; maybe Mr McGuinty feels so committed to telling workers they have no rights, they don't have the right to collectively bargain; maybe the whip has been cracked. Mr Bradley should understand he's not in government now. He's free to do the right thing, not just what his government whip tells him. You're free now and you can do the right thing.

**Mr Steve Gilchrist (Scarborough East):** It's really a historic day. I think we've heard some comments from the members of the official opposition that would support the premise, though what we're seeing here today is the death knell of the NDP in Ontario.

The suggestion that after the rousing electoral successes they had in 1995 and 1999, to the hear the quotes that have been made in the newspaper today, that they thought they'd pulled the wool over the eyes of the government—they thought they had finessed things; they didn't have to listen any more. The insufferable arrogance of a party of nine—sorry, eight; there's one member missing without leave. The fact that they would sit there today and belabour this debate ad nauseam, surely knowing that not one parent, particularly the Toronto members representing not one parent who wants their kids out of school—they are so irresponsible, unresponsive to the true needs of their constituency, prepared to belabour this debate knowing full well that when the official opposition rightly agrees with a suggestion that the back-to-work legislation is the way to go, that not only the math is against them but clearly the collective intelligence of the members in the Liberal Party have

come to the same conclusion: our kids must come first. It may be slogan, it may be great rhetoric for the union and for the NDP, but when the rubber hits the road, this is the result. They don't want the kids back in on Monday. They didn't want the kids back in for two Mondays. They'd introduce motions to delay and delay. The fact of the matter is, your arrogance got the better of you. Next time, pay attention. It's ironic, you of all people hoisted on your own petard by the standing orders. It's so fitting, the irony.

**Mr Duncan:** I listened attentively to my colleague from St Catharines's comments about the differing roles we play in the House when in government, when in opposition, and they're all important roles. We all play an important role in debate. But there are times in public life when you have to assess the situation. There are times when I have agreed with the New Democratic Party on issues, much to my chagrin and much to the chagrin of people who have elected me—

**Hon Brad Clark (Minister of Transportation):** Even their back-to-work legislation.

**Mr Duncan:** Even their back-to-work legislation, as they've said. The only member of that caucus, and one must be fair in the debate, who's been consistent throughout is the member for Welland-Thorold. The bottom line here is, earlier today members of the third party said there was a deal in Windsor. That was factually incorrect. We satisfied ourselves to that effect, waited till we had done it. We checked our facts and satisfied ourselves to that.

Mr Bradley, the member for St Catharines, has properly pointed out, in my view, that it is better to be consistent and do what is right when you've made an assessment of a range of circumstances.

**2020**

Again I say to the members of the government, because the third party really isn't relevant to public life any more in this province, there will be a debate on education. We differ very strongly. You know that; we know that. We'll debate it in this chamber. We will debate it in an election. I am quite prepared to do that. At the end of the day we will differ and the people of this province will make a determination. What is important is that that debate happens, but our kids can be in school while that's happening.

None of us wants to be here. I don't believe the government wants to be here doing this. I don't want to be doing this. I know the New Democrats don't want to do this. It's just unfortunate that they are so darn inconsistent over time.

**The Acting Speaker:** Comments and questions? The Chair recognizes the member for Toronto-Davenport.

**Ms Churley:** The NDP caucus says to the member from St Catharines, throw off your shackles. Break rank. This is your opportunity to do it. Come on, Jim, let's go. The member for St Catharines knows that this bill is wrong, that the draconian elements in this bill around arbitration are not on and that the Liberal caucus is wrong in supporting the government on this.

I would say to the member for Don Valley East that he gave a very good speech at the beginning, but what he did then was dishonest in the worst degree. What he did was make—I withdraw, Mr Speaker.

**Mr Duncan:** Mr Speaker, on a point of order—

**Ms Churley:** I've withdrawn it.

**The Acting Speaker:** There is some talking back and forth, so I'm sorry, I didn't hear the remark, nor did I hear the retraction, although I'm assured that it's there. So the point of order is finished.

I did want to say that I apologize for the name of your riding, because I think I said Toronto-Davenport and it's Toronto-Danforth. I recognize the member for Toronto-Danforth.

**Ms Churley:** Mr Speaker, may I have my time put on? I'll say it later and it will be even worse.

**The Acting Speaker:** I might want to explain why, and that is that the time of life goes on. We cannot stop it. Unless I see a very compelling reason to stop the clock, I'm not inclined to do so.

**Ms Churley:** Mr Speaker, on a point of order: I would like to at least attempt to get my time back, and let me tell you why. I very quickly withdrew a comment that you didn't hear, even before you asked me to do it. I didn't think it was that bad, but nonetheless I withdrew it. Then the Liberal House leader stood on his feet anyway and interrupted after I withdrew the remark. I think most people would agree that it would be only fair to allow me to have my time when I did stand on my feet immediately and withdrew.

*Interjections.*

**The Acting Speaker:** I want to rule on this one first.

**Mrs Marland:** She withdrew right away.

**The Acting Speaker:** I'm sorry, I do not take debate on points of order.

The member for Toronto-Danforth has asked for a ruling. I will make sure that you get sufficient time between now and 1 o'clock or 2 o'clock in the morning to say nearly all of the things you will want to say. Let me assure you of that.

The member for the Liberal caucus has two minutes to respond.

**Mr John O'Toole (Durham):** Mr Speaker, on a point of order: It isn't directly related to the member for Toronto-Danforth's point of order; it's more challenging the Chair. Sitting right behind her is the member from Sault Ste Marie, who has had absolutely no respect for the Chair. So if there's anything to be learned from there and this process tonight, they have no respect for the House or the people of this province.

**The Acting Speaker:** That is not a point of order. The member for the Liberal caucus has two minutes.

**Mr Sergio:** On a point of order, Mr Speaker: I'm asking for unanimous consent—

*Interjections.*

**The Acting Speaker:** Order. I want to be able to hear and I can't. The Chair recognizes the member for York East.

**Mr Sergio:** York West. Thank you, Mr Speaker. I ask for unanimous consent to allow the member from Danforth another 10 minutes to finish her presentation.

**The Acting Speaker:** The member for York West seeks unanimous consent for the member for Toronto-Danforth for another 10 minutes. Is it agreed? It is not agreed.

The member for St Catharines.

**Mr Bradley:** I appreciate the interventions of the various members who have chosen to intervene. I hold this up for members of the House, because this is the record. This is what tells us what we did when we were in government—not what we did when we were in opposition; what we did when we were in government.

*Interjections.*

**The Acting Speaker:** I want to remind some of you—I had trouble hearing the member for Toronto-Danforth before; now I seem to have no trouble hearing you, when you're not in your seat.

**Mr Bradley:** I see sitting here this evening at least four members of the Bob Rae government, of the cabinet. The leader was a member of the cabinet as well, as were others. These are individuals—five of them—who, when they had the responsibility, in Lambton, in East Parry Sound and in Windsor, on every occasion ordered workers back to work, people who were involved in a legal strike. It's not because they wanted to; I'm sure they did not want to. They did when they were in power. When it was within their jurisdiction, when they had full control, a majority government, they chose to order people back to work with back-to-work legislation, in one case without jeopardy.

They also passed a piece of legislation, again, which was the social contract. It abrogated, it ripped up, every collective agreement in the public sector. I always believed that the party believed very much in the sanctity of the collective agreement. In the circumstances they faced, the government felt they had to bring in that piece of legislation. I voted against that legislation. I did vote with them on other pieces of legislation which ended some particular disputes.

**The Acting Speaker:** Further debate?

**Mr Marchese:** Madam Elliott, you were very unkind not to allow my colleague to speak for two minutes.

Bon soir, les citoyens de l'Ontario, et bienvenue. Good citizens of Ontario, welcome to the political forum. We are on live, just in case you don't know. It's not a repeat. We're on live to deal with a very, very important issue.

I want to say to the Liberals that I'm afraid St Peter is not going to let them through the gates of heaven. I'm worried for them.

**Mr Duncan:** Now he's God.

**Mr Bisson:** Right on. That's the first good one you've had all day.

2030

**Mr Marchese:** Member for St Catharines, just to remind you, on many occasions you've said, "Don't forget who the enemy is." The enemy, you often said, is

over there. You said that over and over again, and tonight you make the argument—I understand that in government you are forced at times to do certain things, but you are in opposition and you can do the right thing. You can do the right thing. You can and ought to have done the right thing in this regard, member from St Catharines, and you didn't. You, like us, have an opportunity to stand up and indeed debate the issues, but what you are doing in defence, as you skulk away from dealing with this issue, is you point the hand on the other side to the New Democrats. Why? Because you are afraid, presumably, of what we stand for and what we represent. Why else would you constantly make reference to the New Democrats and what they stand for or believe in except if you obviously are afraid of the things we are debating and speaking for and on behalf of.

I am worried about the position you are taking publicly, saying the enemy is somehow the New Democrats on this issue. I'm saying no, Jim, the enemy tonight is two: them and you. Because, I argue, while there might have been some people here who yesterday—and I was one of them. I admit that I was one of the few people in this House who, through 30 seconds or 15 seconds of negligence, let that vote go. I admit publicly I was guilty. But you, Jimmy, were here, and you, Mr Duncan, were here, and the member from Don Valley East, good God, was here. They all had an opportunity, if they wanted, to say no to, "Do we have unanimous consent for...?" They were as excited as the government that there was, here in this part, a moment of negligence, and I suspect they were drooling at the mouth at the prospect of what might be accrued to them in terms of political interests, they thought.

So the Tories are not the only ones drooling tonight with excitement, with satisfaction. In fact, they're seething with arrogance and smugness. Did you see the Minister of Labour, how he speaks about these issues? It's with utter dismissiveness of the entire 13,000 people who have been out there for four weeks—entire dismissiveness.

**Mr Kormos:** He doesn't like working people. He doesn't like workers.

**Mr Marchese:** Neither does he appear to like working people, because he makes no reference to them, nor the member from Kitchener, who today read a quote from the Toronto Sun speaking of a young man 18 years old. I wouldn't be a party to such a statement.

**Mr Kormos:** The member for Kitchener was élitist.

**Mr Marchese:** The member for Kitchener read an article from the Toronto Sun of an 18-year-old whose view is the following: "I have no respect for workers for asking for more money because they are so unskilled." The fact that the member for Kitchener read that, said that implicitly, I argue, if not explicitly, is endorsing the position of this 18-year-old. This man—any individual on the other side would have known better, given the experience all of you have had over the years, at least if you feel it not to say it. Don't articulate those ideas, because you don't look good. It doesn't look good on any of you, and when one member says it, it reflects on all of

you. The fact that he seemed to have approval for it, because he had the article in front of him, must have been to a great extent endorsed by many of you. I'm telling you, Mr Wettlaufer, it's not appropriate for you to be saying that, because these people here don't feel very kindly toward you having made such remarks. They think they're valued workers and I think they're valued workers in the educational system. There's not one student—

**Mr Wayne Wettlaufer (Kitchener Centre):** On a point of order, Mr Speaker: I can't remember offhand what the standing order on this is, but I believe it is quite unparliamentary to allude to another member in the House as saying that he or she said something when he or she was actually quoting someone else in a newspaper or document.

**The Acting Speaker:** I have a problem with that standing order too. I looked and looked for it and I couldn't find it. That's not a point of order.

The Chair recognizes the member for Trinity-Spadina, unless the member for Niagara Centre wants a point of order.

**Mr Kormos:** Thank you, Speaker.

**The Acting Speaker:** The Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** When we use quotations from any source, we are endorsing them. "We're not saying we are saying it. Someone else is saying it." But if we use the quotation, it's as if we're saying it. We are the porta voce of a quotation. We implicitly—

*Interjections.*

**Mr Marchese:** If you read it, you read it with a purpose. You knew what you were doing; you knew what you were saying. You ought not to have said it, because it's insulting. You're belittling these folks and all the 13,000 people, you are, sorry, you and the others, all of them. They are valued members who deserve decent pay for the work they do and that's what they've been fighting for for four weeks. I don't understand it.

Everyone, in my humble view, is a skilled individual who performs a job. While some of you may not want to be secretaries or caretakers, others do. They are valued jobs here and deserve to be well paid. That's why they're out on strike, because they feel they're entitled to a fair settlement. If the teachers were able to settle for 8%—4% each year—they feel they ought to get the same, and I agree with them.

So in my view, once the board of education made a settlement, they knew or ought to have known, as the language goes in legal circles, that they would argue for the same settlement. I would. They knew that would be coming, so they ought to have made provision for such a settlement to happen. If you can't make an exact kind of agreement, you'd certainly better come close to it or you ought to be prepared to come awfully close to it. I'm on their side.

In fact, I urge the board of education to fight you, because I believe you're the enemy. You have waged war on the board of education in Toronto and across Ontario.

You have waged war against teachers and non-teachers alike. I say to the board, this is war. It's not a matter of saying we don't have enough money. I am saying to you that if you don't have enough money, it's because they have underfunded you and you have to go after the government. You can't say we don't have enough money, "Sorry, we can't give you a raise." You have to go after the government and say, "You have underfunded us for years." Where does it begin? It begins with Bill 160. There's always a beginning to everything. You people have decided—

**Mr Wettlaufer:** On a point of order, Mr Speaker: This relates to my previous point of order. I believe you will find that the order is 23(i) on page 20 of the standing orders, in which the member is imputing false or unavowed motives to another member. That is exactly what he is doing in my case.

**The Acting Speaker:** I have located 23(i). It wasn't appropriate to the comments made by the member for Trinity-Spadina, so I did not think that it was the right order. That is not a point of order. I wouldn't want you to think that I was questioning my ruling on the other one. We'll proceed. I'd like the member for Trinity-Spadina to go on with his speech.

**Mr Marchese:** Thank you, Speaker. It all begins with Bill 160. The underfunding begins with that bill. What does Bill 160 do? Bill 160 was designed to take money out of the educational system.

**Mrs Marland:** On a point of order, Mr Speaker: We understand that the bill before us this evening is Bill 13. This member is now debating Bill 160, which in fact is law. It's not before this House at this time.

2040

**The Acting Speaker:** That is a point of order, and I will ask the member from Trinity-Spadina to bring his comments into the bill that we're debating. I'm sure he will, with all his skill and endeavour, try to achieve that.

**Mr Marchese:** You're quite right, Speaker. That's my intent. Thank you. The real story is underfunding, which is the cause of this dispute. Bill 160 is directly connected to this issue, Speaker.

Why did this government introduce Bill 160 a long, long time ago? They did so as a way of centralizing control of our educational system and our educational dollars. That's why I've often said you people are good, because you know what you're doing. You knew exactly what you were doing when you centralized education financing. While it is contrary to your political philosophy and ideology of centralizing more and more in central control, you decided that this particular issue was in your best interests, because, you remember, you were the people to constantly say, "We have too much government, and government is too big." Through Bill 160, you decided that it was in your best interests to get the boards out of collecting the education taxes so you could do it. Once you have control of the finances, what happens? Of course you take money out. How much money do you take out? You take a billion and a half or more. Taking a billion and a half, good citizens of Ontario, is a whole lot

of money. It's not like a couple of pennies, a couple of dollars, a couple of thousand dollars. We're talking \$1 billion. Most of you can't even imagine how many zeroes there are in that number. There are a whole lot of zeroes after that one, and it affects directly our educational system, both teaching and non-teaching alike.

Do you know what these fine people did, good citizens? I'm not sure that sometimes we can follow all the details. Who can, except the lawyers in this wonderful bureaucracy of ours controlled by the Tories? They have invented two kinds of categories. They call them "teaching" and "non-teaching." "Teaching" is one of the few things that they fund—teachers in the classroom—and "non-teaching" are the things that they don't really care much about. "Non-teaching" includes all the kinds of people who have been involved in the strike with CUPE 4400. It involves secretaries. I know, and I suspect many of you believe, that secretaries are important people in our schools. All of you were kids once, I think. I'm convinced you must have gone through the educational system, and if you have a memory you might recall how useful and important they were to the educational system.

**Mr John Hastings (Etobicoke North):** Were you a bad boy then?

**Mr Marchese:** No, I was a good boy. I think I only got strapped once, John. I wasn't bad.

**Mrs Marland:** Where?

**Mr Marchese:** Oh, where, really—just up the street, very close.

Secretaries are important people. I'm sure, John, you as a teacher would know. You would agree; I'm convinced you would. No dispute. Librarians, I'm sure, John, you would consider as teachers, as you in your—

**Mr Hastings:** I was one, so I ought to know.

**Mr Marchese:** John is doubtful about that, but I argue that teachers are important people in our education system.

We're talking about dealing with a new economy and we're talking about some students not doing well in the literacy tests, and you people through your underfunding, through the so-called non-classroom dissection, have underfunded that sector to the extent that we have fewer and fewer librarians. But you say our students are not doing well, and we argue that librarians are a key component of the literacy of our students, and that if there are fewer libraries or if libraries are open to a lesser extent than they used to be, that means kids have less access to trained people in the schools and trained librarians in the communities. They're a key part of it. The fact that you people downloaded so much to the city has forced them to cut \$130 million, and many libraries have been closed and the hours of libraries have been diminished. So I make that point. I'm saying they're important people. How can you people—Frank, I know you're bored. I can tell. How can you people think that you can continue to cut and not affect the educational system? How can you not understand? Why, with any simple little intelligence you can deduce or come to the conclusion that librarians are a key part of the literacy of our stu-

dents. They need access to books. They need librarians to show them around in the library. They need to tell them how important it is. They need to show them how to reference so many things that are needed, without whose help they're going to have a hell of a time finding what they need to do their research for the papers they need to write.

We have fewer physical education teachers, we have fewer music teachers now than we did, all the things that we think and that many parents believe are important. Caretakers have been drastically reduced in the Catholic and public systems. Hundreds and hundreds of workers have been fired and schools are dirty. I have often said that many teachers have seen more rats and mice than ever. Under your careful and good watch, Frankie, we've got more rats than we've ever seen and known before. I don't know how you do it. Maybe he likes rats. Maybe there's some strong affiliation to rats and amphibians; I don't know. But you seem to thrive on the dirt and the mess that's in the schools. You guys again in your smugness and arrogance don't see that we've got a problem in our school system. Frankie, come on. You've got to talk to John, who is a schoolteacher. He would know how, in the absence of caretakers, we've got a serious problem in our school system. They are dirty now, Frankie, unlike ever before, and it's not good.

**Hon Frank Klees (Minister without Portfolio):** Rosie, get on the speech: Bill 13.

**The Acting Speaker:** Order.

**Hon Mr Klees:** We're not debating the zoo here.

**The Acting Speaker:** Order. We don't refer to each other by our first names. We use the riding. If you want to take a few seconds and just get the ridings of the members you would like to refer to, I'd make that a request.

**Mr Marchese:** Thank you, Speaker. Member for Oak Ridges, I'm sure you know these things, I don't have to tell you, but I need to articulate them for the benefit of the good citizens who are watching and the few taxpayers, as you call them, for their benefit, to elucidate because they have so little information sometimes.

All these non-teaching people, school community advisors they call them—they used to be called school community relations workers—people who would outreach in their communities to bring them into the school system so that parents would be more actively involved—some of these people have been let go. These are important people we have in the system. While we talk about parental participation and we all say how wonderful parental participation is, without school community relations workers we can't get the parents in. Yes, the middle-class professionals are involved in the schools, but many others, who don't have the degrees, are less involved in our educational system, and it's for that reason that they hired for many years school community advisors, and before that, school community relations workers—important people in the system.

You would know some of them, members for Mississauga South and East. You would know, because I think you know some of them. You've met them at some of the

meetings you and I have been at. Walter Lopes is one of them, Martha Broom is another one, two people you would know very well. These are the people we're talking about who are actively trying to get a fair settlement. They've been saying they're having a hard time getting a fair settlement because the money that comes from the province is inadequate. Some of your Conservative trustee friends are saying, "We don't have enough money." So they're playing your song. They know the words and they dance to the same tune. These folks out there ought not to be supporting you but ought to be supporting them, because they are accountable to them, not to you. That's why I'm so deeply offended by many of the trustees at the Toronto board, with the exception of those who have proudly stood by these workers to get a fair settlement, and there are quite a number of them too.

**2050**

I'm proud of all these people who stood out there for four weeks, day in and day out, walking the streets, with a lot of support from our communities, and teachers and non-teachers alike. I'm sure they feel good about all the support they've been getting over the weeks. I think it's because of that support that they have managed to find the determination and strength to stay out.

Bill 160 has robbed our school system of money it needed, and you robbed it in good economic times. I find that reproachable and reprehensible, because you didn't have to take the money out. You had \$10 billion, \$12 billion in your pocket and you gave it all away, with the compliance of the Liberals who refused to say in the 1999 election, "We would take money away from those who earn over \$80,000 who don't need it." They refused to say it. Yet day in and day out, Liberals would rail against you having taken money out of essential services to give away to people who would pocket it in RRSPs and stocks and bonds and who knows what else to fancy their pleasures, while other people who make \$20,000, \$30,000, \$35,000 haven't had the benefit of all those billions of dollars you've doled out—none of the benefits.

When you downloaded other responsibilities by taking half of the education taxes out of the property tax base, you dumped so much on to the city that it has bankrupted the entire city of Toronto. But the other half of the taxes you have left now, and you might have heard your buddy city Councillor Oates, who decries the fact that there was an increase in the education taxes of 8.6%.

**Mrs Marland:** Isn't it Ootes?

**Mr Marchese:** Ootes, I beg your pardon. Thank you very much.

**Mrs Marland:** And I'm from Mississauga. I wouldn't know all the—

**Mr Marchese:** But you are so good, Margaret; you folks are so good and you've been around, and you know your friends very well, because you're like this, right? Tories stand together.

Councillor Ootes was so vehemently against what this government has done because he expected a break. So while education has been equalized across Ontario, in

Toronto it's much higher because of the property reassessment, property values having been reassessed and having gone up in the city of Toronto. As a result of that, there is a bigger chunk of our money that is taken out for the purposes of education: 8.6%. The city councillors were livid, and that money is going out of Toronto into other areas. Man, are they livid here in Toronto. I hope M. Ootes gives you a call from time to time.

**Mr Kormos:** Are you sure its Ootes?

**Mr Marchese:** I think it's Ootes. It's a good question. I apologize to him if I'm not pronouncing it correctly. It doesn't matter except I've apologized in the event that I haven't got it right.

Bill 174 is another bill that has caused a great deal of chaos and havoc and—

**Mr Kormos:** Grief.

**Mr Marchese:** —oh, grief, displeasure, anger, disillusionment. There are so many things I could say about what Bill 174 has done, but three things: they increased the teaching load, which has forced teachers to give more of their time to teach more students, which has provided savings to this government of anywhere from about 1,000 to 2,000 teachers. Millions of dollars of savings, that's what it was all about. But the government, M<sup>me</sup> Ecker in her mendacious ways—

**Mr Kormos:** Mendacious?

**Mr Marchese:** Yes—has found it in her heart to say, "What we're really doing is to give teachers more time with students." It wasn't that at all, and many have caught on, because what they have done is to have the same number of teachers teach more students. Boy, has that tired and exhausted the teachers to the extent that they have not been able to do extracurricular activities—not co-curricular activities, extracurricular activities.

**Hon Mr Clark:** On a point of order, Mr Speaker: Standing order 23(b), "In a debate, a member shall be called to order by the Speaker if he or she: (b) directs his or her speech to matters other than: (i) the question under discussion ...."

The bill is Bill 13. He has now been speaking about Bill 160 and Bill 174 and he's dealing with facts that are pertaining to those bills and not Bill 13.

**The Acting Speaker:** I was listening carefully to the member for Trinity-Spadina and, yes, he is bringing other information in, but he is in general, I think, covering the bill. So, yes, that is a point of order. I'll listen very carefully to make sure he continues on the path of Bill 13.

**Mr Marchese:** Thank you for your kindness, Speaker. You realize that I'm rolling it all in. That's the point. Everything is interconnected. People always try to compartmentalize things. "We can't talk about this because that's not connected to that." They're all connected. All these folks are in the educational system and it's all connected. Bill 74 has caused so much grief for teachers that they are on side with non-teaching personnel. They're on side with support staff because they know what it's like to get beaten up and whacked from one corner to the other day in and day out.

**The Acting Speaker:** I wanted to intervene on the term "whacked." I don't think it will lead progressively to better relations in this chamber and so on. It has a different meaning to some people than others. I think it would be better if we found other terms.

**Mr Marchese:** Speaker, I'm not quite sure what you mean by that. I've used this word "whack" for, I don't know, the last five years. Have you all of a sudden come to the conclusion that this—

**The Acting Speaker:** I assume that you wanted my answer on that.

**Mr Marchese:** Yes.

**The Acting Speaker:** Quite recently I was made aware of its meaning in other cultures. So I would ask that you maybe don't use it.

**Mr Marchese:** I speak French relatively well. I speak Italian pretty well. I speak some Portuguese and a lot of Spanish. We're connected to a lot of cultures. I'm not quite sure which one you're referring to. I know there are a lot of cultures in Toronto. But "whack" just means to beat people up. It's like giving them a whole whack to the backside, to the head, whatever; just generally speaking, being beaten up. That's really what it means: getting bruised up, beaten up. It's more or less synonymous with all these other words. But I'm sure the Speaker is working on something here. Maybe I'll give him an opportunity to—very good, Speaker. Thank you very much. That's good.

So the modus operandi of this government has been to find victims in society. Welfare recipients have been one. Boy, have they whacked these people up and down. The street kids, the squeegee kids, boy, have they whacked those kids up and down the block, day in and day out. They're always looking for someone to beat up. They've been beating up teachers and now they're beating up the support staff in the same way. That is the modus operandi of this government.

**2100**

I've been thinking about this over the last couple of days, but particularly today. Why this anger against teachers and non-teachers alike, against unions in general? Why? I have concluded once again that you have gone back to your 1995 roots, where you were going to take a tough stand because you've got to lead, and someone has to do that. Unfortunately, the Liberals have decided to follow you on that one and I think it's sad. Again, I hope St Peter lets one or two of them in, but I doubt it very much. I think, good citizens of Ontario, that they have decided once again to go after an enemy, isolate them and reach out to some of you for support.

They have gone after teachers for one specific reason alone, and that is that they think they are a good target and they believe they have 40% of the public that agrees with them. I suspect there are a lot of you who believe that teachers are overpaid and underworked. They know that. They know that's the gut feeling out there and that's why they're going after teachers under the guise of, "We are changing the curriculum; we are improving the report cards; we are testing teachers." That's another good one.

They know, good citizens of Ontario, that if they say, "We're going to test teachers and what's wrong with that?" 40% of you are probably saying in your gut, "Yes, what's wrong with that?" They don't want you to think about it. They don't want to tell you that there has been, in my mind and in history, any connection to any study that has ever been done that could help teachers.

The point I make is that you're beating everybody up, and now you're beating up this poor union that's been going after a fair settlement for four weeks. So you were going to be tough. I heard the minister today, "Someone has got to lead. We need a tough leader and a tough government that's going to actually do the job." It's the language of 1995. No more Mr Nice Guy. Remember Mike a couple of years ago, when he said he was changing a leaf and he was going to be Mr Nice Guy? Well, not any longer. Mike has been retrained and re-educated in a way that suggests to me that they have found their revolutionary zeal to go after the unions and their members. It's sad, profoundly, because the Toronto board of education today came here around 1 o'clock, a board representative, with the union, presenting to this government—and we helped to deliver it—a proposal that would have solved that particular situation in Toronto in a way that would say to you, government, "Don't get involved; get off our backs." The chair of the Toronto board said today in the scrum, "Why are we doing this? Because this is our way. This solves the issue our way."

What is it about what they have said that you just don't quite comprehend? Is it a matter of passing a literacy test on the other side? Is it a matter of passing a test to answer a simple question, "What is it about that thing that you don't understand?" The board said, "We want to do it our way." Not your way, but theirs. Today the board and the union came together. They didn't come separately. They came together, saying, "We have a deal here, we have a suggestion to the government and we want you to change the act, Bill 13, make an amendment in a way that would allow the board and the union to go through a binding arbitration process." However unsavoury to the union it was, that's what they proposed.

So I say to you, I can't understand why you're rejecting that. I've heard Minister Ecker come to us and say, "No, we can't do it." Why? "It's too long. The proposal put to us is too long." How long was it? I think they said it was 11 pages.

Have you seen the number of bills we deal with that you people have put before us? You put bills before us with such short notice that are this thick. Many of them are 100 pages. Some of them are longer than that. You people seem to be able to sort that out even though you make mistake after mistake, incompetence after incompetence, and you have bills to correct other bills. You've dealt with these things before. Surely you have many lawyers. It's not just one lawyer you have in your offices; you've got many lawyers you can call from the Ministry of Education, whom you can call from the Ministry of Labour to give you a hand so that you can sort out any

complexity there might be in it. Many of you have lawyers in your own caucus. I'm sure you could get their help if you really wanted to. But you've got enough lawyers to not have to bother your own.

But you refused them, and that's why I'm particularly incensed by it. Their proposal would put children back to school on Monday. Why? Because there's agreement. The two parties said, "If we both do this, we will agree to bring children back." That means there's a buy-in from both sides. That means the workers are saying, "OK, our union has negotiated this with the board, we're willing to support it and we'll have the kids in school." So they came to negotiate with you, and you say, "We can't." We're trying to negotiate with you until the wee hours of the night—it's 9:06 right now—and you're saying, "We can't. We don't have enough time." How much time do you need to deal with 11 pages?

You have a buy-in from these guys, from the board and the union, from the workers, who are saying, "We don't like binding arbitration, but we hate your bill even more, to the extent that we're willing to find the energy to go into the schools on the weekend, if we have to, and clean them." But if you tell them, "Sorry, we don't like it; we're going to impose our bill on you," these people are not going to clean the schools, because they won't find the energy. I have to tell you that I wouldn't find the energy to go and clean a school under duress, with a bill that overrides any efforts other people have made. I wouldn't do that. I wouldn't go back on a weekend, no matter whether you paid me time and a half or double time to clean those schools. So when you people say, "The students will be in those schools Monday," they will not. You might wish it so, but wishing it so will not make it happen, Monsieur le ministre. It won't happen. Unless those schools are cleaned, they're not fit to be inhabited by individuals.

**Mrs Marland:** You're not threatening now, are you, Rosario, that they won't come back to work to prove a point or they won't be cleaned to prove a point?

**Mr Marchese:** No. But, Madame from Mississauga South, you would know that it's human nature. We all have enough human nature in us to understand what I'm about to say.

**Mrs Marland:** They're fed up, and they want to get back to work.

**Mr Marchese:** No, they're saying, "We have come to an agreement," and if we do, they committed themselves to making sure the kids are back in school. "But if, through your bill, you order us to go back, you may not find us in a state, in a physiological position to find the energy to do the work." I think it's easy to understand. Citizens, you would know, where Tory MPPs and Liberals wouldn't, that if somebody is beating you up, you're not about to get up and say, "OK, I'm going to do it." The very next day, when you leave, I'm going to be on that floor saying, "I don't have any energy. They beat me up. I'm so badly bruised I can't get up." Right? It's not a threat; it's just human nature. I'm just explaining to you what I would do. But I can't comprehend why you

people have not been able to find lawyers to sort out 11 pages of information. I can't.

While the deal would have put kids back on Monday and your bill does not, I'm not sure how you can claim that we want kids to be in those schools right away, when your bill may not accomplish that end, while their proposal does. You're rejecting that, versus your stated appeal that you want kids back to school. I have to tell you, you contradict your stated intentions when you say, "We want the board and the union to come to an agreement." Minister of Labour and Minister Ecker said that continually: "Do you think we like this? We want them to solve it." They come today to solve it and what do you say? "I don't know. We don't have the time to deal with it. Sorry." It's pretty dumb, right? It's dumb, it's childish, it's stupid. Again, I guess, it's your *modus operandi*. You're going to hang in tough, eh, Minister Ecker? You're going to hang in tough, because "We've got to be strong," right? You've got to show the unions how strong—

**Hon Mrs Ecker:** I'm the wimpy one, remember? Don't you read the columns in the newspaper?

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**Mr Marchese:** No, you're not so wimpy. I know they say that of you, but I don't believe them.

**Hon Mrs Ecker:** You don't?

**Mr Marchese:** I don't. I think you're a tough woman. I see you in the scrums. You're pretty tough. Maybe you're not tough in cabinet, I don't know. But as I see you in the public, you're tough. I tell Mike that; I tell M. Harris that.

**Hon Mrs Ecker:** I need it in writing?

**Mr Marchese:** I'm saying it to about 100,000 people watching today. Please, trust me.

Again, your stated intention was that you wanted these people to settle, and then they settled and you say, "Sorry, can't do it." I'm a bit puzzled by your reaction today, except to suggest you people want to be tough as a way of showing you still have the strength to beat these people up and you want your 40% of the public to say, "Right on." But you're not dealing with teachers here today. You're not dealing with teachers. It's not the same crowd. You're dealing with people who make, what, \$25,000, \$30,000. You surely don't have an audience out there that says, "We've got to get these people back to work. They're overpaid." I can't believe you're going to use that argument, because that's hardly an argument you can use. They're not overpaid; they're underpaid. They're not teachers. You can treat them differently. If you want to, you can. I suggest and argue that you can and ought to be treating them differently.

I don't know what to make of the fact that you folks are continually making reference to what we have done as New Democrats. Mr Bradley from St Catharines has made reference on a number of occasions to three agreements we made.

**Hon Mr Clark:** It's on the record.

**Mr Marchese:** It's on the record, absolutely. The NDP ordered back-to-school legislation twice on a dec-

laration of jeopardy. There was a declaration of jeopardy, as you know. You know that.

**Mr Bradley:** Because you wanted them back to work.

**Mr Marchese:** On a declaration of jeopardy. I think that's a different matter. We were talking, in those days, about 40 or 44 days. These people have moved the threshold.

On the third example, in Windsor—indeed there was not a declaration of jeopardy—it was passed and proclaimed but never put in effect because they negotiated a settlement. If I recall, they had been out for 29 days in that instance in Windsor.

**Mr Duncan:** It's 26 days in Windsor today.

**Mr Marchese:** Twenty-six, give or take, and they were teachers. These folks here—I'll just get back to that, and I want to make the point that 26 days in Windsor—

*Interjections.*

**Mr Marchese:** Hold on, Duncan, please, let me speak. Give me a break. So 26 days; it was December 17. Kids were out of school, I think, that day or the next, right? Then, of course, with Christmas break they were able to settle that one. But the Liberals continually make reference to that as a way, I argue—

*Interjection.*

**Mr Marchese:** —sorry, Jim—of skulking away from the responsibility you have today.

**Mr Bradley:** When you were in power, what did you do?

**Mr Marchese:** You are in opposition today, Jim, and the enemy is over there. But why are you forgetting that you are in opposition, Jim, member from St Catharines?

*Interjections.*

**Mr Marchese:** Yes, because I believe that you folks, who have been arguing how closely connected you are to working men and women, would have done them a favour and said, "We're on your side," because the enemy's over there.

**Mr Bradley:** I voted against the social contract.

**Mr Marchese:** I know that, but I'm talking about today, Jimmy. I am saying today—

*Interjections.*

**Mr Marchese:** Sorry, I've made reference to the fact that I admit that in two situations it was a declaration of jeopardy—40 to 44 days, a long time. You people have moved the threshold where now we're talking about 13 days, 15 days. You have moved it.

*Interjections.*

**Mr Marchese:** What are you talking about? You have moved the goalpost to the extent that it's no longer what it used to be in terms of 40 or 44 days. Now jeopardy, for you and the people you appointed—

*Interjections.*

**Mr Marchese:** What is it, Minister? Will you stand up and do your two minutes? Where is he from? Stoney Creek. Member for Stoney Creek, you've got two minutes. Please use them wisely. You've got the time to stand up and make some arguments. My God, look. There are six of you. Stand up and take your time. Defend yourselves to the good citizens of Ontario, and if

not with the citizens, defend yourselves to your crowd—the taxpayers, right? Come on, stand up and have some courage. Don't just blah, blah, blah there in your seat. Speak from your heart. Get up and spend a couple of minutes and defend yourselves, because they don't know what you think. Defend yourself. Stand up, member for Stoney Creek. You too, Mr Newman, stand up. You're here, member for Scarborough Southwest. You've got to let them know what you think. It's about time, because I haven't heard one peep from you, not one little word, in the whole evening you've been here. I want to hear from you, they want to hear from you and the taxpayers want to hear from you. They want to know what you're thinking. Often, you people don't speak from the heart. Mr Stockwell does, and he does it with a great deal of arrogance. He does it well. He's good. He's very good. He's so proud of his style. He's so proud of the fact that he's going to be tough. He's going to send these people packing, with their tails tucked underneath, and hope for the best.

I'm telling you, your bill permits the discussion of everything. Everything is on the table, versus the kind of agreement the board and the union have put together. The arbitrator they agreed to would not deal with everything but would deal only with things that were unsettled by the two parties. Your bill says—and the member for Stoney Creek smiles. I'm going to wait for you. I'm waiting for you to speak to this bill.

I'm saying to you that Bill 13 says everything is on the table, and the agreement by the board and the union says only some things will be arbitrated, not everything. That's vitally different. It says two different things. The member for Stoney Creek, I know you haven't had time to read the bill, but that's what it says.

One of the fundamental unfairnesses of the particular bill is that you people name an arbitrator in the bill. That has never been done, that I'm aware of. It's a fundamental principle, accepted by many, that when you try and settle a dispute because there are disagreements between the two parties, you can't have someone put there by this government where the other two parties have had no say. It might be that they don't trust this person. The point of the two parties agreeing on an arbitrator is to have some level of trust, some level of confidence that that individual will deal with them fairly. That's what it's about. The reason we're opposed and that the two parties are opposed is because they don't know what they're getting. I don't know this individual. Maybe the union knows these two individuals you've named and maybe the board does. I don't know them. But it doesn't matter, because the principle is that where there is profound disagreement between two parties—and there have been disagreements for four weeks that have not been dealt with—it means you need an arbitrator who is agreeable to both.

The union stated in its press conference, the union member at the press conference said—what did he say? You think you know what he said? You don't know what he said because you weren't there. He said that this bill

ought to be amended in order for them to be able to get both sides to have this binding arbitration, without which they can't proceed. They are opposed to your bill because it does things they do not agree with. Both the board and the union have said, "We want to do it our way and we don't want to put everything on the table. We don't want to put everything on the table, and everything will be negotiated under the terms of Bill 13."

**2120**

To the Liberals, I don't know. The whole evening you have been talking about what the NDP did while they were in government and what the NDP did yesterday. I want to remind you continually this evening that you have a responsibility as an opposition party to support the right thing. I believe, as you argue, that the funding formula is fundamentally unfair. That ought to be the basis for you to say that these people are not getting a fair settlement as a result. That ought to be a fair way to approach this issue. It's not right for you to claim, as the member from Don Valley did, that this arbitrator is a good guy. Sorry. That doesn't cut it. I accept your argument when you say the funding formula has made it difficult for these people to negotiate a fair settlement and, you're right, has caused the crisis in the educational system both for teachers and non-teachers alike. We agree in that regard. That ought to be sufficient for you to oppose this bill. I tell you, if it is not sufficient and you then argue that it's OK for the minister to appoint an arbitrator who may or may not even be qualified, that is fundamentally wrong. You ought not to be, as the Liberal Party, associated with that. You shouldn't. It's dumb. You're setting a precedent. You're setting a bad precedent for yourselves because you're going to have to deal with that in the future because you guys are aspiring to government, waiting in a hurry to get there.

I tell you those arguments are inadequate, indefensible, and will be attacked by the majority of these 13,000 people, many of whom support you guys. Dare I say that I suspect—I could be wrong—that there are a lot of members who voted for the Liberal Party.

*Interjection.*

**Mr Marchese:** There are. Dare I venture 50%, probably? We don't know.

*Interjection.*

**Mr Marchese:** Member from St Catharines, we don't know how many voted for you. It's in question here. There's some doubt.

**Mr Kormos:** It's a secret ballot.

**Mr Marchese:** Because it's a secret ballot; you're quite right. But you see, I have a good sense, having been in these communities—

**Mr Kormos:** You have a nose for these things.

**Mr Marchese:** Not really a nose, but gut instincts. Not just gut instincts, but we've talked to some of these workers, right? They like the Liberals because they find that middle-of-the-road kind of politics, you know, that vacillating politics—they say it's swell.

Speaker, can you please check for quorum? I don't have enough of an audience here.

**The Acting Speaker:** Could you see if there's a quorum, please.

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

*The Acting Speaker ordered the bells rung.*

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

**The Acting Speaker:** Thank you. Further debate?

**Hon Mrs Ecker:** Mr Speaker, I'd like to ask for unanimous consent to move passage of the legislation.

*Interjections.*

**The Acting Speaker:** There is not consent.

The Chair recognizes the member for Trinity-Spadina.

**Mr Marchese:** Madam Ecker, you're good. You're very good. Have I told you that before? It worked once on me, Madam Ecker, but I've got to guarantee it won't happen again. But she tried. She tried.

So, member from Don Valley East, a lot of these 13,000 members voted for you in the last election. I can't guarantee that they like the position you're taking. I can't guarantee St Peter is going to like the position you're taking, but I can certainly guarantee a lot of these members are not going to like the position you have taken here tonight. Because you had an opportunity tonight, you see? You had an opportunity not to slither hither and thither, as you often do. You had an opportunity not to vacillate—and man, do you vacillate. You don't even need wind to vacillate. You vacillate on your own, like a pendulum.

Please. Get rooted on some principles from time to time. Get rooted on the fact that if you accept the settlement made by the board and the union, the students can be back into the school system Monday. And if you want the students to be there faster, you can get them there by accepting the deal and rejecting Bill 13. If that is your stated intention—because I know it isn't theirs even though they blah, blah, blah through it. But for you opposition Liberals, remembering the enemy is over there, you have an opportunity tonight to say, “Yes, we want the kids in Toronto back on Monday, and this agreement does that,” whereas the bill presented here today will not guarantee that, Toronto Liberal members. It will not guarantee it. What it will guarantee is dissatisfaction and anger to the extent that many of these members will be so completely unhappy and so much without energy, they won't be able to be in those schools to clean them, because they're unfit for students and teachers to be in.

So I've got to tell you, I wouldn't find the energy. I wouldn't be there to clean those schools under conditions that you have set for them. You are saying, “We order you to be back. We don't care what you have negotiated. We ordered you to go back because that's the way we like it. We like our bill more than we like your settlement, and so we're going to force you back.”

*Interjection.*

**Mr Marchese:** The member from Stoney Creek has been so apoplectic tonight, I just can't wait for his two minutes. Please, you've got two minutes. Look: one, two,

three, four, five, six, seven, eight, nine, 10, 12 members here tonight. Stand up and be counted. Tell these people what you think. Don't let Stockwell do your dirty work alone. Tell them what you think. And tell them from here or here, if you've got any of either of the two; and if you have some remnants of any of this left, use a bit of that. Three ways of speaking: through here, here or here. From time to time, use any one of them. It works. But certainly you need to explain yourself and defend yourself. Don't let Mme Ecker and M. Stockwell, with their arrogance, deal with this issue, because they want to hear from the lowly, the lonely ones back there in those back benches. They want to know what you think. So you have an opportunity now.

*Interjection.*

**Mr Marchese:** Monsieur Newman is ready. They want to hear you. I am so happy you're ready and prepared to go. After your turn comes around, the good citizens of Ontario, in addition to the good taxpayers, want to know how you feel not just about this bill, but speak to the fact that \$1.5 billion has been taken out of the educational system and has caused teaching and non-teaching people to be so demoralized, they have no love of the board and they have no love of this government, and I can tell you they'll have no love of the Liberal Party after this evening.

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

**Hon Dan Newman (Minister of Northern Development and Mines):** I'm pleased to rise as the member for Scarborough Southwest to comment on the member for Trinity-Spadina's speech tonight. I've got to tell you, I listened with absolute disbelief to that member's speech tonight, as I did to the member for Toronto-Danforth, because they are part of the city of Toronto, as I am and as are other members of this House.

I've got to tell you that the hard-working families of my riding of Scarborough-Southwest have been calling my constituency office and saying, “Get this bill passed.” I've been speaking with the parents on this very important issue, and they've sent us a message loud and clear that they want their kids back in school. They want the schools opened and they want them back on Monday. Everything the NDP is doing is trying to stall that and trying to stall getting our children back to school.

This past week has been very tough on the families in Toronto, and it's especially tough for the average person to juggle both work and family life. Now our families are thrown into absolute chaos and turmoil once again, scrambling at the last moment to find daycare for their children, with some people having to bring their children to work with them. It's had a devastating effect and it's absolutely unacceptable.

This bill must pass. Our children are missing out on key parts of the curriculum. They're missing out on important parts of that. It's the families and the students who have been thrown into this ugly battle between the unions and the Toronto District School Board.

We have shown leadership as a government and we're standing up for those hard-working families, unlike the

NDP, which has chosen to back the unions and put children second instead of putting children first. I guess getting their union contributions into their war chest for the election is far more important than standing up for the hard-working families of Ontario.

People are not pointing fingers at the government, they're not pointing fingers at the school board, they're not pointing fingers at the union, but they are pointing fingers the NDP for keeping our kids out of school.

**2130**

**Mr Duncan:** I wanted to have an opportunity to respond to the member for Trinity-Spadina with reference to two specific comments he made about who the enemy is here. Again, I want to reiterate that I've maintained dialogue with both sides in the dispute in Windsor over a number of weeks and satisfied myself that a local solution wasn't possible.

Earlier today, members in the third party said there was a solution. I was ecstatic to hear that and then waited till I could speak to the appropriate parties on both sides and determined that in fact that wasn't the case.

The enemy here is anybody who wants to keep the children in the Windsor-Essex Catholic District School Board out of school for another day where there's no local solution. I've satisfied myself that collective bargaining cannot work here; it has failed.

The member also pointed out about who voted for whom when. The third party has voted with the government on occasion; I know that. We have voted with the government on occasion. More often than not, we vote against. But there are times when as legislators we have to make a determination about what we believe is the right thing to do. It may offend some people who supported us, and I regret that. It may cause other people in turn to vote for us or against us.

That's not what's at issue here. What's at issue, from my perspective, are those children in Windsor and here in Toronto who have not had access to an education. I stress again, the members of the government and the official opposition don't agree on education; we will debate that in this House again—and we will no doubt debate it in the next election, and we will all be given the opportunity to put our case.

It troubles me that the third party would suggest that what they're doing now is consistent with what they did when they were in government. It's not.

**Ms Churley:** I want to congratulate the member for Trinity-Spadina for his comments. He was putting into perspective the realities of what we are debating here tonight. I want to make it clear once again, as when I spoke earlier, we're all talking about the kids who are out of school, but let's not forget that there are 13,000 people doing some of the most important jobs in our schools, taking care of our kids, making sure they're safe and keeping the classrooms clean.

They have kids and their kids are out too. These people are not making as much money as they deserve. They too have to buy food for their kids and put a roof over their kids' heads and make sure there is enough food

on the table in the city of Toronto, where rent controls have been removed in such a way that rents have skyrocketed and where there's no more affordable housing being built.

These people work hard and are out there. They contribute to our local economy in a way that helps us all in this society. You people tonight, both the Liberals and the Tories, are forgetting about these hard-working people who are out there for a reason. The teachers got a raise and all they are asking for is the same amount—that's the percentage, not even the same amount.

It's fairness we're talking about here and they deserve our support here tonight. I say to the Liberals, with all due respect, you were sitting here on Thursday and yes, we didn't hear it. It went by us and not one Liberal there stood up for those people sitting over there. Not one little "No" that could have come—

*Interjection.*

**Ms Churley:** Yes, we were asleep at the switch here, that's right. But not one of you stood up for these people on Thursday, not one of you.

**Hon Mr Clark:** I'd like to remind the third party that when the Hamilton deal was discussed here back in December, we put them back in school. It was arbitrated and guess what? They got a good raise and they're thrilled with it. They're not complaining now. The kids are back at school and they got a good raise. They're not complaining now.

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

**Mr Marchese:** The member for Scarborough Southwest talked about we're supporting the union because we depend on their money. We get 17% of our money, I admit—17% of our money comes from unions. The rest of our money comes from individual contributions.

Your money, I want to tell the good taxpayers of Ontario, comes from Bay Street—90% comes from Bay Street, the bankers, the corporates, the Stronach types.

**Hon Mr Newman:** No.

**Mr Marchese:** Oh no? Yes, I say to you and the taxpayers and the citizens watching. You people get your chunk of the money from the corporations when you have your fundraising events of \$700—and yes, they do too—\$700 a pop, \$600 a pop. It's the same Bay Street corporate types that come to you. Aren't you beholden to them? I'd rather be beholden to those unions and union members who give us 17% of support than to support the corporate sector that is in your pocket. Then you, member for Scarborough Southwest, say, "The bill must pass because we care about the kids."

I said to you and to the member for Stoney Creek, the deal that's been reached here in Toronto by the board and by union makes sure that kids are back on Monday. They agreed to that. They told you that, but your bill has no guarantees of them returning Monday. If anything, possibly Wednesday; we don't even know. I'm saying to you, if it is your stated intention to have the kids in those schools, the deal in Toronto puts them there faster. Not only that, it says to the board and the union, "We like the

fact that you came with an agreement and we're going to help to facilitate it," as opposed to saying, "No, we don't like it. We're going to be tough and we're going to hang there with our bill." That's wrong, member for Scarborough Southwest.

**The Acting Speaker:** Further debate? The Chair recognizes the member for Beaches-Woodbine.

**Ms Frances Lankin (Beaches-East York):** Beaches-East York. Thank you, Speaker.

I have spent a fair bit of time tonight attempting to talk to members of the cabinet about how they could adapt their bill to allow the agreement for a binding arbitration process that has been arrived at between the Toronto school board and the union representing the employees of the Toronto school board, and it has been a difficult discussion.

You'll know that when I spoke earlier this evening I set out my concerns with respect to various aspects of the bill, but I did implore the government to consider an option which exempted the Toronto board and their employees from the provisions of this legislation and allowed their agreement for arbitration to proceed as opposed to the imposition of your process for arbitration.

I reflected on the words of the Minister of Labour who, as he began second reading debate in this House today, said very clearly that it was the government's wish to respect a local solution if a local solution could be found. A local solution wasn't found as of two days ago when you introduced your legislation, that's quite true and he, at that point in time, said even then, "We're sorry to have been dragged in this. We really would have rather that a local solution could be found."

This morning, the board—the employer—and the union—the employees—arrived at a detailed agreement about the process of referring this dispute to binding arbitration, with a mutually agreed to arbitrator, with a mutually agreed to process, with terms and conditions that would see employees returning to the schools tonight to begin the work of preparing those schools for normal operation as of 7 am on Monday, that the provisions of salary increases that have been talked about at the table, a first phase of them, would be implemented immediately, a number of things that the parties agreed to as fair. What was left and not resolved would be referred to a process that both parties have agreed to under duress, no doubt tremendous duress; the weapon, the hammer of this legislation.

**2140**

They tried in spite of the legislation—you might say in light of it, but either way they tried, given the circumstances—to come up with a local agreement to resolve this dispute, and they did that. The rest of the debate from that point on and the discussions back and forth centred on pleading with the government to respect that. The government had some very direct answers as to why they wouldn't. I listened carefully. I disagree with the government on that, but let me set out what the government said.

The Minister of Labour said very clearly, and some others have reiterated the same comments, "We don't trust that this agreement would be lived up to. We need the surety of the legislation. We need the enforcement mechanisms of the legislation." He said that he had heard and read in the media reports of threats of defying the legislation, and therefore that was grounds and proof that people couldn't be trusted to live up to the terms of this agreement. He indicated that the government needed the full force and effect of the provisions of this legislation to ensure that the schools were open on Monday, that that was their number one priority, and that if they could trust the parties, they could have gone that route, but the government needed surety.

I'm going to ask the government one more time if that in fact is the real reason. I want to propose one last alternative to you of how you can proceed with the surety that you want, with the enforcement mechanisms that you've identified are the key important elements of this, and yet respect a locally-agreed-to process for binding arbitration instead of imposing what both parties, the employer and the union, have viewed as a very draconian process, not in the best interests of the working relationship in the schools, and therefore not in the best interests of the children.

Section 12 of this legislation is the section that refers to pre-existing arbitration proceedings. It's been the stumbling block for us. The agreement between the Toronto District School Board and CUPE 4400 set out a process for arbitration and a choice of arbitrator. Section 12 says that the minute this act is passed and given royal assent tonight, comes into force, any arbitration that had been agreed to by the parties is of no effect. It cannot proceed; it can do no good. Your provisions will then kick in.

Section 13 of the act says essentially the same thing, but after the act comes into force, let's say later tonight, if the parties were to agree tomorrow to an arbitration process and arbitrator, that would have no effect. They are twin sections dealing simply with an arbitration decided today or tomorrow. Once you pass this act, they have no effect.

The very simple proposal that I want to put to the government is that when you seek royal assent for this act, you defer the proclamation of sections 12 and 13 until such time as proclaimed by the Lieutenant Governor. You can do that with a simple amendment to the royal assent section of the act which would simply add a sentence saying that sections 12 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor. You can do that proclamation tomorrow or Sunday or Monday or Tuesday or Wednesday, or never if it is not needed.

All the other sections of the act, the sections that the Minister of Labour said were what the government needed for surety that the kids would be back in on Monday, for force and effect if someone disregarded the legislation—the penalties, the fines, the offences section—all of that would be there, so you would have no

worry that you had not given yourselves the power to bring this labour dispute to a close. What you would do, however, by delaying proclamation of those two sections of the act would be to give effect to the local agreement that's been arrived at for a binding arbitration process and the mutual selection of an arbitrator. You've all seen that agreement. You know that in some areas in terms of the return-to-work protocol, it's superior to your legislation in terms of the guarantees it offers you on timing. It is eminently reasonable. It meets every concern that has been put on the record by the government cabinet members who have spoken to this, who have spoken inside this House and who have spoken to the media to explain why the passage of the legislation, despite the agreement that's been arrived at, is necessary for the government.

I ask you if those words were the real reason that you had identified. If they were, then the proposal that we are putting forward, that I'm articulating now on behalf of my leader, Howard Hampton, and this caucus is a proposal that would allow the locally agreed-to arbitration process and selection of arbitrator to be respected. I reflect back once again on Minister Stockwell's own words as he started this debate today, and on many other occasions when he and the Premier and the Minister of Education and others have said they would prefer a local solution or a process that has been agreed to.

I put to you that then the Toronto board would be in no different circumstance than the board in Nipissing, in the Premier's hometown of North Bay, where you know there was also a work disruption and where you know that what brought a resolve to that was an agreement between the board and the union—another CUPE local—for a binding arbitration process that was mutually agreed to, with a mutual selection of arbitrator. The union in that case didn't like to be in that situation either, but they chose a locally negotiated process of resolution over one enforced by an outside third party, that party being the government of Ontario. The Premier of this province, with respect to that resolution in his hometown, gave praise to the parties. How could you justify treating Toronto any differently than the way in which you've responded to the same mechanisms of dispute resolution in the Nipissing area between the board as the employer and the CUPE local as the union representative there?

I say to the minister and I say to the colleagues, I know it's been a long night and I know that many people are angry about the procedural wranglings that have brought you back here. I believe the job we have done to create the time for the parties to try and find their own solution is a noble job and it was an important job. I believe we're still trying to find solutions as we're here in the House tonight, as we've been doing over the course of the last few hours. I say to you clearly, without going on at any greater length, that if the minister's reasons and rationale for rejecting the exclusion of the Toronto District School Board and their employees from the provisions of this act were that you needed the surety, the enforcement provisions, the hammer of the legis-

lation, and you did not have that assurance in the agreement they provided, I ask you now to look at the option of proceeding as you will with your entire bill except for the section that prohibits their arbitration to go forward. It is a simple solution.

It is still a terrible bill. It is still a bill that is offensive to the history and tradition of arbitration as a replacement for free-market collective bargaining. It is still a bill that is worse in its provisions than any other intrusion into collective bargaining, all of which have been referred to by members of this House tonight. In its constitution, in its wording and in its effect, it is still a bad bill. It is not a bill that I can support.

But there is an option here for you to do as you have said was your goal: respect local agreements and yet have the surety and the enforcement to open the schools on Monday. I ask you to consider that.

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

2150

**Hon Mr Klees:** I am pleased to respond to the member. I think we should make it very clear that the bill before us does not preclude a local agreement. In fact, that's what we're counting on. What we're saying is that, in addition to that, the people of these jurisdictions that are affected by this strike are counting on this Legislature to provide an underlined guarantee that in fact the local agreement will work and will be brought to a conclusion. That's what this is all about.

**Mr Sergio:** Just to add to the comments of the last speaker, let me say that we all would like to see ironclad agreements so we can get on with seeing the kids back in the schools. The problem is that we have been looking for that. The kids have been waiting, we have been waiting, the parents have been waiting, the workers have been waiting, the teachers have been waiting, everybody has been waiting. How long are we going to play along with this ironclad agreement that is not there?

In the calls I've gotten people have been saying, "Do not play with the future of our kids' education. We want to see them back in school."

Of course, it would be wonderful if every decision we make in this House wouldn't somehow tend to hurt someone in some way. We can't please everybody all the time. There are times, yes, when we have to support the government or go along in supporting and voting with the third party.

But we cannot be accused of being in bed with the government when we are doing the right thing. This is doing the right thing, voting to get the kids back in school. If doing the right thing means going to bed with the government, which we do when we feel it is right, then so be it. We believe it is the right thing to do.

I wish that we all had support with it; the rest of the House didn't support the Dalton McGuinty specific plan. We wouldn't be here tonight to discuss what we are discussing. But given the fact that we are, it's Friday night about 10 o'clock—we will have another two or three hours, maybe four, maybe till 8 o'clock tomorrow

morning—so be it if that is the case. There is nothing better, there is no other contract, so here we are.

**Mr Howard Hampton (Kenora-Rainy River):** I heard the government member for Oak Ridges try to give the general statement that the government's legislation will continue to allow the local process.

But I ask the member for Oak Ridges to read sections 12 and 13 of your own bill. Section 12 of the bill 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."

What we've got in Toronto is, the board of education and the union have agreed not only on an arbitrator but they've agreed on a process. Your act would immediately wipe that out. The process they have agreed to would actually have people back at work tomorrow and would have the schools cleaned so that the students could go back to work on Monday.

Your legislation will not do that. I say to some of the Liberal members that the same process, if you would agree, as the member for Beaches-East York has suggested, to an amendment, to an addition to sections 12 and 13 which says that they would not come into effect until they receive royal assent, it would mean that the local agreement that has been worked out could continue, the good work that has been done, the agreement that has been found, the common ground that has been found would not be wiped out by a bill. Most important, because I've heard you say this all night, the children would be back in the school, a clean school, on Monday. The best that your process can do is Wednesday, and the Minister of Labour confirmed that with the media earlier tonight. So you lose nothing from your bill; you get all of the assurances, but you get a better deal for the workers and the board, and you get the children back in the school. I urge the Liberals to support this as well.

**Mr Wettlaufer:** I sure am glad that I never employed the leader of the third party as my solicitor when I was in business because he would have bankrupted me in short order. His interpretation of law and the rhetoric that they employ tonight is nothing more or less than an ill-fated filibuster on this piece of legislation in order to keep the kids away from school.

I simply cannot sympathize with the third party at all. I am very glad that the opposition party supports us on this and I am very happy to support this piece of legislation in order that we can get the children back in school on Monday.

**The Acting Speaker:** The member for Beaches-East York has two minutes to respond.

**Ms Lankin:** Thank you, Speaker. May I say first of the member from Oak Ridges that the point he made is that parties are free to continue to negotiate to arrive at a collective agreement. The point that he did not respond to, and I think he knows this but let me put it on the record, is that sections 12 and 13 of the act preclude an arbitration process to resolve the outstanding matters in dispute other than the process that you are imposing

through your legislation. All that we are asking you to do is to consider having all the force and effect of every other provision of your act but to allow the arbitration to continue.

**Hon Mr Klees:** It doesn't affect it at all.

**Ms Lankin:** To the member opposite, perhaps we can sit down and take a look at the bill, because having checked and gone through this in terms of the drafting of an amendment with legal counsel, I'm quite sure of what I'm putting forward to you: the option does present itself with an amendment to the bill that says those sections would come into force upon proclamation and you could delay proclamation by a day, by two days, by three days, by a week, or you could choose to never proclaim it. It's very easy, it doesn't affect any of the other provisions of your bill in terms of the time frames of back to work, in terms of the penalties if there is a disregard for the legislation. It actually is a workable solution, and I know that your instinctual response—I've seen it—is to say no.

I ask you in the time we have remaining tonight—we still have a couple of hours to go in terms of the discussion here—to please look at what I put forward as a reasoned suggestion to allow a locally agreed-to process, yes, under duress, but nevertheless arrived at by the employer and the union, and it's one that they've sought your approval for. Please give that to them.

**The Acting Speaker:** Further debate?

**Ms Churley:** I'm not sure everybody in this House, perhaps particularly the newest member in the House on the Tory side and others, are aware of my colleague the member for Beaches-East York's background in arbitration. She's a brilliant strategist and worked very hard tonight, going beyond any kind of partisanship in her work in this regard. I've seen her, as we all have, on many occasions, because she knows how to do this, try to reach some kind of a compromise when we all can't agree.

This is one of these situations—we're in here tonight at 10 o'clock—where we are quite frankly terrified on this side in the NDP of the implications of this bill being passed tonight. We are terrified because we all know from past experience that when workers are forced back to work—and particularly under conditions in this bill, in this situation where they have an agreement on a process and they're ready to knuckle down and come to an agreement—it's just going to cause more chaos and problems in the schools. So what my colleague from Beaches-East York has been doing tonight—setting aside, yes, some of the partisan speeches that have been made—is trying to find a solution that everybody in this Legislature could live with.

Now, I look at the Liberals tonight—

**Hon Mr Klees:** Why don't you do that: set it aside?

2200

**Ms Churley:** I'm serious, though. You see, it's really hard in this House, and no wonder the people who are here tonight who are looking to all of us to find the best solution for everybody tonight—

**Hon Mr Klees:** Why don't we vote and get out of here?

**Ms Churley:** You see? That is what we're up against here.

I'm trying to say to you, government whip, if you will listen for a moment, that we don't want to have the vote and get out of here, because guess what? We'll be right back at this in some time from now because there will be another strike and more who knows what kind of chaos. I'm trying to say to everybody, including the Liberals here, I wonder if it is possible—am I insane here? Is it possible people will listen for one moment? No, they're laughing. I guess not. I guess I'm going to be disappointed. I actually thought, after listening to the member for Beaches-East York put forward a proposal, that there might be some interest in it, that we might be able to all come out of here tonight with a solution that works for everybody, including the children.

Once again, let me come back to one of the main reasons why the member for Beaches-East York and our caucus put this forward tonight. It will allow this agreement for a process that both the parties have put in place and have signed to go ahead, to proceed with that.

**Hon Mr Klees:** It can still go ahead.

**Ms Churley:** They cannot go ahead. If they could still go ahead, we wouldn't be proposing this tonight. Believe me, Frank, they can't go ahead. Read the section of the bill. The minister will tell you. It is very clear. Get your bills out and read the section.

All we're asking you to do—we're not asking you to throw it out. The way it's been put to you is to put off giving effect to those two sections, sections 12 and 13, upon proclamation, which you can do any time if you're not satisfied within a few days, if the process isn't working to your liking. It's not a lot to ask, and I'm not sure why the Liberals are studiously reading their newspapers and not paying attention to this proposal.

**Mr Sergio:** I'm listening to you, Marilyn. Come off it.

**Ms Churley:** Well, there's one listening, but we asked your House leader, the Liberal House leader, if he would be willing to discuss with us this proposal, that it may even work for Windsor, and he said no. He said no. There's been partisan stuff going on here all night, as there usually is.

**Hon Mr Klees:** Oh, not on your part, Marilyn.

**Ms Churley:** Hey, all of us accusing each other of all kinds of things all night, but here it is five after 10 at night and we have some workers sitting here, and I'm sure we have people at home watching this on TV, and they're looking to us, their elected members, to come together in some way tonight—not anybody worrying about who might claim credit for some kind of brokered solution.

**Hon Mr Klees:** Call the question, then.

**Ms Churley:** You see? I'm sorry to tell you folks out there, and particularly those 13,000 workers who have been on the streets for all this time, who are agonizing over what they're doing, who are trying to feed their kids through all of this, that I'm standing here tonight and all

they want to do is get out of here so they can go home to their warm beds and their nice houses and their kids. That's what they want to do tonight, when we have an opportunity—

*Interjection.*

**Ms Churley:** We are not filibustering here tonight. Let me say this very clearly. We are here tonight to give—

**Mr O'Toole:** I don't have an apartment in Toronto.

**Ms Churley:** We're not talking about your dumb apartment. I don't care about your apartment. We're talking about these workers here. We're talking about trying to find a solution here tonight.

*Interjections.*

**Ms Churley:** Mr Speaker, we're all tired, but I have to tell you that I am profoundly disappointed in the response and I hope the Minister of Education and the Minister of Labour, unlike you who are sitting here—you've been given your lines tonight and you haven't been given any permission yet to go off them, but I hope very much that those ministers are looking at the possibility of making this one little amendment. It could make a difference.

I get so sad watching these people, Mr Speaker. I mean, they really are a sad looking lot. A solution is presented to them, and look at them. They're making silly gestures, they're laughing, they mock. They mock gestures. They think it's all a game.

I want to remind members in this House again tonight that this is not a game. Let me remind you again that we're talking about 13,000 people who are on strike for very good reason, and they have children too and they want to find a solution. Look at them, please. Look: they're real people. They've got kids. They want to get back to work. They want to go in and get those schools cleaned, and the special-ed teachers want to get back in there. Look at them.

Our proposal that we put forward—

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Your proposal would spend two more weeks.

**Ms Churley:** What did he say?

*Interjections.*

**Ms Churley:** Where is the member from? The member for—

**Mr Gill:** You don't even know that.

**Ms Churley:** No, I don't.

**Mr Bisson:** Bramalea-Gore-Malton-Springdale.

**Ms Churley:** Things are deteriorating here rather rapidly, I'm afraid. I know you've had a break and some of you may have had a few drinks; I don't know. People are tired and getting a little bit grumpy, but we're willing to stay here as long as it takes tonight, Mr Speaker, to give all three parties an opportunity to get together and take a look at this amendment.

I do want to say to you tonight, Mr Speaker, that we've been working hard—you just came in the chair recently—to find a solution to this dreadful situation we find ourselves in tonight, and to find a solution—

**Interjection:** Call the question.

**Ms Churley:** They want me to call the question and just have the vote and get it over with, but we've been working to find a solution so that these people can walk out of here tonight knowing that the agreement that both the parties have made for a process that could work—

*Interjections.*

**Ms Shelley Martel (Nickel Belt):** Frank, go up in the gallery and talk to them. Come on. I dare you.

**Mr Kormos:** Come on. They want you up there. They want you. Come on.

*Interjections.*

**Ms Churley:** I think they do want to talk to you. I think they would really like an opportunity to talk directly. They're getting frustrated. They're watching you, they're watching the way you're reacting to our proposal here, and they're frustrated.

Mr Speaker, I believe that if the member of the government sat down and talked to some of the workers who are here tonight, they might have a better idea of what they are going through and the implications of this bill on them tonight. I'm dead serious about this.

**Hon Mr Klees:** We believe you.

*Interjection.*

**Ms Churley:** I take it now that the Minister of Education is not interested either, which is very disappointing.

**Hon Mrs Ecker:** I didn't say that.

**Ms Churley:** That's good. I believe perhaps the Minister of Education's comments were direct and favourable to what I'm saying. I hope very much that the Minister of Education and the Minister of Labour are taking a look at this proposal tonight.

I want to remind people again of why we're proposing this. If the minister has found that there is something wrong with this solution, she should stand up and tell us, but here's what I would like to suggest be done now: that the Minister of Education and the Minister of Labour, the Liberal House leader and any of the other Liberals here tonight who are interested, and Ms Lankin and our leader and a few members of our caucus, get together and go over the proposal that has been put forward tonight by Ms Lankin on behalf of our caucus. Let's take a look at it and see if it can work.

**2210**

I want to remind members again in all seriousness why we are proposing this, if they would listen. These people who are sitting here tonight are really tired, as we all are, but they're particularly tired. They've been at this for some time now. Some of them have been up night after night trying to find a solution to this problem in all sincerity. You know, and we all know in this House, that they're negotiating under very difficult circumstances. The funding formula and the \$1.5 billion cut out of the Ministry of Education, cut out of the board, have made it more and more difficult for the board to negotiate with the workers. But the teachers just got a raise, and all these lower-paid workers are asking for is the same kind of raise and a few other things on the bargaining table.

They've reached a situation where I believe they're getting close to finding a solution. I'm talking specifically about Toronto here. My riding is in Toronto. My constituents are affected by this. I am hearing from parents, I am hearing from kids, I am hearing from the strikers, and the agony out there is felt on all sides. Everybody wants to get to a solution that works for everybody.

That's where we're trying to go tonight. This is not a filibuster. This is giving us all an opportunity, which is what we have been working on in our caucus, to try to find a solution. We're not happy with the bill, as the member for Beaches-East York said. We still do not like the bill, don't like the way you're going about this, don't like the clauses in the bill, and should you accept these amendments and end up going back to proclaim those sections 12 and 13, we'd be very unhappy. That's a fact. But let me reiterate: you would be losing nothing. That is why it's so frustrating to stand here again, after the member for Beaches-East York talked about this, and to have your heads shake and absolutely no interest being shown from either the Tories or the Liberals to date that we can sit down and find a solution to this, at least a partial solution, at least an opportunity for these people to go away tonight feeling that there is a chance, just a chance, that we might all come out of this so that the workers can go back to the classroom and not be forced back to the classroom. What a difference that makes in people's morale.

Here we come back to the children again, because if we can find a solution, a way out of this mess tonight, even a tiny way out of this mess, when those workers go back tomorrow to start cleaning those schools because they want to go back, because they want to make this work, they are going to be happier on Monday, the kids are going to be happier on Monday, the teachers are going to be happier on Monday, and the parents are going to be happier on Monday, and on Tuesday and the following weeks and the following months, because the workers won't have been forced to follow draconian legislation where they have no say, no choice, and they're being forced to go back to work. We all know from past experience that that never works. It creates more problems and more chaos, and what is frustrating about this tonight is that that's where you're hell-bent on going, no matter what other solutions are offered.

Even as Tories, with your particular philosophy in politics, we all know that forcing people back to work never works. At the end of the day the workers are bitter and upset, for good reason, and there is more chaos and there are more problems in our schools. If you want to talk about the parents and the children, they are fed up with this chaos in the schools, and so are these workers. Everybody wants to get back in the schools and the classrooms and do what they normally do: teach and take care of the kids and clean the schools and all the other stuff they do. They don't want more chaos.

In conclusion, in all sincerity, the NDP is inviting the members of the Tory government and the members of the

Liberal Party to sit down with us right now and hammer this out. If the member for Beaches-East York is correct, and I have reason to believe she is—she has looked into it—then we have a partial solution here tonight. Nobody has to walk out of here, government members don't have to walk out of here tonight, having the legislation passed as it was first worded. It's no shame working with the opposition and finding a better solution. That's why we're here sometimes—you would think all the time—and particularly in a situation like this. As members from all three parties, we have such an opportunity right here and now to sit down and negotiate, to talk about and come up with an agreement that people can live with. The workers can go away and clean the schools over the weekend and get the kids back in there on Monday.

At the same time, that's the beauty of this suggestion. The government doesn't lose a thing. They can still proclaim the act for those sections if they're not happy with where things are going. We don't like that, but that's part of what you do when you negotiate, when your back is against the wall, as we are here. You try to find a solution that's a little better than the one that's on the table. I would again, in all sincerity, ask people to drop their partisan rhetoric now and come to the table and see if we can reach an agreement tonight, so we can all go home with our heads high.

**The Speaker (Hon Gary Carr):** Questions or comments?

**Mr O'Toole:** I've listened with some interest, but I think it comes down to democracy. There are 95 people in this House who want to see the children back in school, as well as a process for resolving the workers' rights. That's democracy. It appears the New Democrats are anti-democratic. There are eight of them, and it confounds me why they want to keep the students out of school and be used as a ploy.

I think their leader, Mr Hampton, should read past section 13. It appears that their pages 7, 8 and 9 are missing from the copy of the bill. If you read section 15, it talks about the mediator under 15(3): "The mediator-arbitrator may try to assist the parties to settle any matter that he or she considers necessary to conclude a new collective agreement." It further goes on to say that they will work with the parties and that the parties are free to make submissions. It also goes on to say that if they have an agreement, they should give notice to the arbitrator and the agreement would be accepted.

What is missing from this, though, is holding the big stick, the big hammer of the NDP over the students' and parents' heads. I don't think you really understand it. I understand that Sid Ryan is the head of your party and I understand that Earl Manners is the head of your party. You have no thoughts yourselves. I think Bob White has said it. I think he's got it right. You've got it wrong. I think you should give Sid a call to see if you should call the vote. The people on this side respectfully want the students to have the right to be educated. That's what education is for. As far as I'm concerned, ask those

people. To sit here listening to your rhetoric tonight, 95 people say yes and eight say no, and I say you're wrong.

**Mr Caplan:** I'll be very brief. I remember the social contract.

**Mr Bisson:** That was really helpful, I'll tell you. Listen, let's try this one more time in two minutes. The issue is quite a simple issue. The parties have not been able, in the case of either Toronto or Windsor, to come to an agreement at the table.

Let's deal specifically with Toronto. The parties were at the table. They were not able to come to an agreement. So they have agreed on a process that says there will be an arbitrator named. That arbitrator will then look at both sides and come up with a solution based on the facts as presented to him or her as the arbitrator. That's what they've decided to do.

**2220**

What your legislation says is that neither now nor after the legislation is proclaimed can an arbitrator make any decision, because it's not going to be binding. Your legislation precludes the arbitrator coming to a decision. Mr O'Toole gets up and says, "Look at the next section, because it talks about mediators." The problem we've got here is that the government doesn't understand the process of bargaining. A mediator is not an arbitrator. They're two different people. The mediator is there to try to bring the parties together; the arbitrator plays a different role. The sections we're talking about, sections 12 and 13, preclude the arbitrator from doing the job.

What we have now is that the parties have come to an agreement. Here it is; it's signed. It says, "If the government allows us not to have the legislation applied to the Toronto situation, we will get the people to go back to work Saturday morning. We will clean the schools Saturday and Sunday. On Monday the children will be back at school." That's what CUPE wants, that's what the Toronto board wants, and you guys want to keep them out. Either you guys don't get it or you have an agenda that's way beyond everybody in this room. We say, get it together and figure out what the process of negotiations is. Once you've got that figured out, maybe we'll be close to getting a solution.

**Hon Mr Klees:** Either the NDP doesn't understand the legislation or they don't want to understand the legislation. We have said very clearly that that process, the local bargaining process, can continue. We welcome it. All we are saying is that it's not enough to have a commitment. We want a guarantee by this Legislature that the kids will be back in school on Monday. That can happen tonight. Let's have the vote. Let's get it passed. Let's get on with the negotiations. Let's get on with making this happen tonight.

**The Speaker:** Response?

**Ms Churley:** The response from the Liberal member was just so ridiculous that it doesn't even count. You can't make any comment on it, because what's that got to do with anything? We're talking about the people who are here tonight who are looking to all of us for help tonight.

It's very clear from all the response from the Tory members that they still don't understand what we're saying over here, which means that my colleagues will have ample opportunity to explain again what we're trying to describe to you: how this process would work and the implications of the proposal put forward tonight. Let me tell you again what it means. You hold off—what were the sections again?—sections 12 and 13 until proclamation. You still have the opportunity to do that at any time; it's not gone.

I see that what I'm saying here is not having any impact or effect whatsoever. I will admit at this time that I have failed to persuade my colleagues, and I will leave it now to some of my other colleagues to try to persuade people that this is the right thing, in fact the only thing, to do tonight.

**The Speaker:** Further debate?

**Ms Martel:** I am pleased to participate in this debate again because I think we have reached a point where the rubber's going to hit the road or it's not, or the minister's going to be shown to be, frankly, dishonest—no, I don't want to use that word, OK, not meaning—I take that back, Mr Speaker.

**The Speaker:** I'd cut it off in the first place. You're going to have to withdraw that. You can't say those things in here.

**Ms Martel:** I withdraw that

**The Speaker:** Thank you.

**Ms Martel:** It's going to become clear that the minister didn't really mean what he said at 1:30 this afternoon when he came to the Legislature and in his second reading remarks said the government would have preferred not to have intervened. Those of us who were sitting here, and many of us were, heard him clearly say that. In fact, when I spoke on second reading and he was sitting in his place, I asked him if that was true and he nodded his head. Any of us here saw that happen a second time.

The minister also said that it would have been his preference and the government's preference to have a local solution, and any of us who sat here at 1:30 heard him say that. But you know what? Just to be sure, when I spoke on second reading and the minister was sitting in his place, I asked him if that was true and he nodded his head again, and we saw that. So we have a situation where the Minister of Labour has come into this House and confirmed on more than one occasion for me, and has confirmed to other members of the House, that the government didn't really want to be in this position, but because there wasn't a local solution they feel they have to intervene. Fair enough. That's where we're starting from.

During the course of the debate this afternoon, lo and behold, we discover that in fact a local solution is on the table, because we discover that a representative from the Toronto District School Board and a representative from the union came to Queen's Park this afternoon to deliver a package to the minister. That package was a signed

agreement between the union and the Toronto District School Board to move to an arbitration process.

I want to explain what that means because the member from Oak Ridges has tried on a couple of occasions to say that the parties can just continue to work toward a collective agreement. Maybe what he doesn't understand—or maybe he doesn't want to understand, and I think the second is more likely—is that unfortunately the parties haven't got to a collective agreement and probably won't get to a collective agreement.

That is why, under duress, both the Toronto District School Board and the union have agreed on a process for arbitration, because they have come to the conclusion, regrettably for both parties, that they probably cannot bargain a collective agreement. Putting that in the legislation, allowing them the possibility to continue to do so, doesn't change the fact that the parties are beyond that now.

It is not going to happen. The parties have recognized it's not going to happen. The union in particular, which did not want to go to arbitration, has decided to do so and that is the basis of the agreement that was delivered to the minister today. The parties have moved beyond a collective agreement and bargaining that, because they know it's probably not going to happen and they have agreed to an arbitration process.

So it makes no sense for the member for Oak Ridges or any other government member to point to the legislation and say, "Oh, but they can still collectively bargain for the next seven days," because it's not going to happen and the parties have recognized that—regrettably, but they have and they've moved on. They've moved on to an arbitration process that they both have agreed to.

## 2230

Now, realistically, we have to deal with an arbitration process. That's what we're dealing with tonight. The parties know that's what they're dealing with, and I think the government members understand that too. So we've got an arbitration process that has been agreed to by both parties. It sets out an arbitrator whom they've agreed to, it sets out some increases that will occur as soon as the strike is over and it sets out the protocol to return to work. As I said, both parties have agreed to that and they've signed it.

We've put this very clearly to the minister: "Here is the arbitrated process that the parties have agreed to. Since you want a local solution—that's what you're interested in—accept that process." The minister came back with the following response: he alleged that someone from the union—he didn't name any names—has said publicly that they were going to defy the legislation.

I think that at this point it's probably worth reading into the record a statement that was issued by CUPE president, John Weatherup, this afternoon at about 5:45. It says, "It has come to the attention of CUPE 4400 that the Minister of Labour has suggested that CUPE 4400 would defy legislation being debated in the Legislature or that the union would not honour the binding arbitration process ordered by Mr Mitchnick to resolve the out-

standing issues in the Toronto District School Board and CUPE 4400 labour dispute. I am issuing this statement to clarify for all concerned that I have never indicated in any comment, public or private, that I would defy any legislation or order. Earlier today I called on the minister to reverse the legislation because CUPE 4400 and the Toronto District School Board have agreed to abide by an order issued earlier today by Mr Mitchnick. This local solution would allow us to enter into a joint process and return to work. Finally, at the bottom, the word 'binding' is unequivocal. I can confirm to the minister and to other members of the House that I honour my agreements. CUPE 4400 honours its agreements." It's signed by the president.

I think that should be enough for the minister. Clearly the president of this union, where 13,000 people are on strike, has never said they would defy the legislation. But that seems not to be good enough for the minister, because the minister came back to say the arbitration process, as agreed to, was still not acceptable because there was no way to guarantee the agreement and its provisions could be enforced; there are no penalties in the agreement. So if one side or the other doesn't want to commit to the process, there's nothing to force them to do that, monetary or otherwise. So at that point his problem seemed to be that there was no way to enforce the agreement with respect to arbitration that the two parties had agreed to.

My colleague from Beaches-Woodbine came forward and gave the minister a way out. The way out is this: the provisions of the bill that the minister seems most concerned about, which would allow for enforcement and contain penalty clauses, could remain in effect in this bill. But what could be set aside, not proclaimed as part of the full bill, would be those two sections which would continue to allow the arbitration process that has been outlined to the minister and agreed to by the parties to continue.

It's imperative that an amendment come forward to deal with those two sections, because otherwise the process that has been agreed to will be null and void if and when the bill is passed. Let me repeat: under 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." We know that section directly relates to the agreement that has been worked out between the two parties for arbitration, because it contains the name of an arbitrator who has been mutually agreed to by the parties right now and would go into effect immediately if this agreement could go into effect.

The second section we need to be concerned with is section 13, and it 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." Again, that section is relevant because we have

an agreement where a mediator has been agreed to by the parties. If we go ahead with this bill with these sections intact, the agreement the Toronto District School Board and CUPE have come to will be null and void, and so will become null and void the mediator whom they would like to mediate this, and so will become null and void the whole return-to-work process they have agreed to.

The government continues to argue, "That's OK. It doesn't matter if that happens, because the parties can still go back and collectively bargain for seven days." They want to miss the point that we have arrived at an agreement for arbitration because the parties regrettably couldn't come to an agreement through collective bargaining. They are beyond that. They have had to move beyond that—under duress, but they have. So talking about collective bargaining and the fact that the bill still allows for that opportunity is dumb, because in reality it doesn't apply to this case because the parties have moved beyond that.

So we have, as far as I am concerned, a compromise that would do what the minister wants done. That would be to keep in effect any of the provisions he alleges are necessary to make sure the terms and conditions of the agreement aren't broken. I don't believe they will be. I believe they've been arrived at voluntarily, that a voluntary agreement between the parties is much more likely to succeed than a solution that is imposed by a third party, which is the government process. But the minister wants to insist that is possible. He can no longer do that, because those sections of the bill that deal with enforcement and penalty will continue to apply.

But for the purposes of the employees here tonight and for the purposes of the Toronto District School Board, those sections regarding the arbitration process they have arrived at will not be affected negatively. Because if we agree not to proclaim them, then the agreement will remain intact, and then the folks can go and do what the minister said he wanted them to do, which was to work for the local solution and get the other issues dealt with by the arbitrator.

What's important is what that buys us. If the government agrees to do those two things, to leave in abeyance those two sections so the process that has been agreed to can continue, a couple of things happen. We move forward with an arbitrator whom the two parties have already agreed on, not one imposed by the minister, not with an arbitrator who can scarcely be called neutral, not because he's an unreasonable man or reasonable—I don't know him—but he can scarcely be called neutral, because he has most recently completed doing labour relations work for one of the parties involved in the dispute. Neither the union nor the public should accept having any confidence in a person who has had a recent relationship in a working sense with one of the parties. It would allow the board and the employees to move forward with an arbitrator they do have confidence in and whose decisions they are more likely to accept than the

decision of someone who cannot be deemed neutral from any reasonable person's standpoint.

**2240**

Secondly, and probably most importantly, section 17 says, "The strike shall be terminated as of noon on the date of this order"—that would be today—"and employees shall return to work no later than April 30, 2001"—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 ... shall endeavour to do so beginning on the date of this order and shall be paid at the applicable rate."

So there is a guarantee that the staff would be in the schools beginning tomorrow, working through Saturday and Sunday so that staff and students would be ready to come into the school buildings by 7 am on Monday. Do you know what's important about that? I've heard the members say we've got to get the kids back to school. They should have seen the minister tonight when he was scammed by the media. The minister had to admit that under the legislation there is the distinct possibility that the children cannot be back in the schools until Wednesday—Wednesday.

So if the government members are really interested in the children being back to school on Monday, as they said they were, then they'd better take another serious look at our proposal, because it's our proposal that's going to get the kids back in the schools. The minister was very clear in speaking to the media that there is a distinct possibility, because of the timing in the bill, that the students could not be back in their places in school till Wednesday.

I ask government members to think about this. We've got a proposal that's going to get the kids back on a date you say you want them there. It seems to me that if that's what you really want to do, then the minister's got to put his money where his mouth is and put in place the agreement that's going to get us there, and that is to waive both sections 12 and 13 from final proclamation. Set those aside. Allow the agreement that's been agreed to to go into effect, and people will be back in school on Monday.

We've gone at this any number of ways. We have worked very hard to try to buy the parties some time to come to a solution, and the parties have done that. The minister himself said in his place this afternoon that that's what he wanted them to do. Then they came here with the details of that to present to the minister to try to encourage him to accept it, so that what he wanted could be met and they would be allowed to continue, through an arbitration process, to have the issues resolved. Let's recognize that while the bill might talk about collective bargaining, it's not going to happen in this case. The parties have understood that, even though they might not like it, and that's why we're dealing with an arbitration process.

One final point. These are hard-working families. Thirteen thousand people are out. Thirteen thousand employees have a lot of kids, and they'd like their kids

back in school too. But do you know what? They have an obligation to feed and clothe their kids and pay the rent and pay the natural gas and the utilities, and \$25,000 a year is not a whole heck of a lot of money to do those things for their kids. So when you people talk about kids here tonight—and I say this to the government members—you'd better start thinking about their kids too, because they're raising them on \$25,000, which is on a lot less than any of us here are doing.

**The Speaker:** Questions and comments?

**Mr Bradley:** If the government is looking for money, and they always are, to allocate to various areas of endeavour such as education, so that boards of education are able to meet their obligations to their employees to ensure that employees are treated fairly, the government of Ontario should provide additional funds by taking the money it spends on self-serving government advertising, on which they have now spent \$235 million, and allocate it to the field of education, so that the salary grid for those who are involved in various endeavours in education can be increased.

I received, and you probably received this at your home—in fact I remember, Mr Speaker, that you and I were on a television program on Global Television. If I do not mischaracterize your approach on that occasion, it was that you were less than enthusiastic—I will put it that way—about governments spending money on self-serving advertising. I don't know how many of the government members have received this yet. I'm not going to hold it up and use it as a prop, but the Premier's photograph is in it and other government propaganda. Now this does not have the logo of the Progressive Conservative Party on it; that would be quite legitimate. I may not like it coming out, but that would be quite legitimate. Instead we have taxpayers' dollars being used once again for self-serving advertising. They've called it On, by the way, in case you were wondering what it's called.

As I say, there are \$235 million that you have spent on what I would characterize as self-serving advertising of a partisan nature. You could take that funding and allocate it to the field of education, and therefore boards of education would be in a better position to treat their employees with fairness when it comes to contracts. I urge you to end this kind of self-serving advertising and invest that money in education.

**Mr Bisson:** I would like to comment on the member for Nickel Belt's comments in regard to where we're at. We have to try to make the point one more time, because the government just doesn't seem to get it.

It's really simple: the parties, at least in the case of Toronto—we're going to hear a little bit later about Windsor; my friend from Welland-Thorold is going to bring us up-to-date on the Windsor situation—were not able to negotiate a settlement, and as a result of that, the government says, "We want to pass back-to-work legislation to force them back into the workplace." We said, "Give the parties an opportunity to negotiate a settlement. If you do so, more than likely they will be able to get an

agreement.” They did. This afternoon they inked an agreement between the union and the employer, the Toronto school board and CUPE Local 4400, where they said, “We agree to a process by which we will mutually agree on an arbitrator. That arbitrator will then deal with the issues presented by both parties and we will live with the decision of the arbitrator.” The problem we have is that in the legislation the government puts forward, it precludes this agreement from carrying forward.

We’re now in the strange situation that the proposal put forward by the union and the employer would see the workers back to work on Saturday to clean up the schools and have the kids back in school by Monday. This is the agreement that the board and the union have come to. The problem we now have, because the government has decided to save face or flex its muscles or God knows what, is that we’re in a position where we’re probably not going to have the kids back in school till Tuesday, maybe Wednesday.

We’re pleading with the government that if you’re really serious about trying to get the kids back in school, agree to our amendment that would allow this process to go forward and get the kids to come back, because otherwise your process is not going to see them back till Tuesday, maybe Wednesday.

2250

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

The question has been asked as to where we’re at, and of course this labour dispute has been in existence since the end of March. We have 300,000 public school students who are not going to school. Parents are concerned as to where their children are going to be cared for, the young ones in particular. There isn’t enough space for all that. There is no place to put those children.

We have 300,000 elementary students and 100,000 secondary students who are losing more time. It’s very simple to me. I understand there is a labour dispute and there’s a concern over a number of issues, but the fact of the matter is that we have all of these students, all of these children, who are being affected, and I haven’t heard one comment from the people on that side, this group of New Democrats, commenting on those children. Why don’t you stand up and start talking about getting those students back to school?

**Mr Sergio:** Let me make a couple of comments. First of all, I want to congratulate both the member for Danforth, I believe—

**Ms Churley:** Toronto-Danforth.

**Mr Sergio:**—Toronto-Danforth; a wonderful area, by the way—and the member for Nickel Belt on her presentation as well.

Two things they have said make a lot of sense. One is to say to the government side, “Look at the opposition here. From time to time we do come up with good solutions. Listen to us. We want to make a deal.” As late as yesterday, Dalton McGuinty said, “Let’s go to arbitration,” which is what the member for Nickel Belt said. “Let’s move on to the arbitration process.” We did say that, but Dalton McGuinty, with his good proposal,

couldn’t get enough support to move on to binding arbitration a long time ago. We could have been home tonight. It’s almost midnight and we are debating the situation here. If they had listened to Dalton McGuinty, including the government side, we wouldn’t be here tonight. We would have moved on to binding arbitration, and I mean solid, ironclad arbitration which would have got the people on both sides to make a deal.

Let me read one particular thing as to why it’s important to move on with this particular issue. This comes from East York Collegiate, and this is what one student says. “I am agitated and uncomfortable with the situation. I have to look after a younger brother at home, so I’m finding it difficult to keep up with the assigned work. I’m feeling stressed out and beginning to panic now that the strike has stretched into its fourth week.”

It’s four weeks, not one week. I think it’s about time we get the kids back to school and to class.

**Ms Martel:** In response to the member from Dufferin-Peel-Wellington-Grey, here is the irony. We’ve been talking about kids. They said they want the kids back in class on Monday, but they’ve got a bill, and the Minister of Labour confirmed it outside to the media, where he can’t guarantee that kids will be back in class until Wednesday. That’s what your minister said to the media outside this evening, David—not until Wednesday. That was probably right.

We have a solution here that came forward from these good folks in the gallery and their employer, and I’m sure they didn’t come to it easily. But we’ve got a solution on the table and we’ll have the children back in the school on Monday, and you don’t want to agree with this. So don’t give me any nonsense about how you care about kids. Don’t tell me how you care about kids, because your minister confirmed outside, not more than about four hours ago, that there was every likelihood that the children could not be back in until Wednesday under your bill. So you wear it when they’re not back in until Wednesday. We’ve come here tonight with a proposal put forward by the workers themselves that will have the kids back in by Monday. If they’re not, you’ll wear it and it will look good on you.

You don’t want to move forward and have a local solution. I don’t think your Minister of Labour has any desire to have a local solution whatsoever. I don’t think he meant what he said when he sat in his chair and nodded to me or said it in his speech. I don’t think he had any intention whatsoever of having a local solution come forward. What this government wants is a bill that’s completely draconian, with an arbitration process that’s completely unacceptable. They want to put it in place so that in the next school dispute and the next one after that, they can ram it down the throats of teachers and union workers again and again. That’s what this government wants.

**The Speaker:** Further debate?

**Mr Kormos:** This is getting curiouser and curiouser. What we find out is that notwithstanding—

*Interjections.*

**Mr Kormos:** Look, you just heard Ms Martel speak very directly about the response that hard-working women and men, in this instance members of Toronto's CUPE Local 4400—please understand, these folks, as you've heard from New Democrats—because let's understand, the Liberals didn't want to have a debate about this bill. They didn't want to have any debate at all, zip, nada, zero. One thing we know about Dalton McGuinty and the Liberals is that they wanted this bill to pass in one afternoon with no debate, second and third reading. I don't call that very democratic. I don't know how Mr McGuinty and his Liberal caucus justify that to their constituents and their membership as in any way, shape or form being democratic.

We understand that the Conservatives aren't the party of democracy. Now we learn that they have intimate partners in this exercise, that there's been a marriage and that Dalton McGuinty and the Liberals are prepared to travel not only the same road, but at the same pace and in the same direction as Harris and the Tories.

The NDP caucus put to this government, to its education minister, its labour minister and its whip, a proposition that was put forth by members of CUPE Local 4400. You've heard it explained several times now. It was a proposition that would have recognized the hard work these women and men have done through their negotiating committee to set up a process whereby they and the employer, the Toronto District School Board, will select an arbitrator and the arbitrator will arbitrate the differences between the two. They had resolved a whole pile of them. They were left with a few. You had already done the bulk of the work, hadn't you? There was a deal and there is a deal, and that is to select an arbitrator to resolve the outstanding issues. But that's the problem. The Tory backbenchers haven't read the legislation. They don't give a tinker's dam about the legislation and like Liberal hacks are here simply to follow their marching orders from their whips and their leaders and will swallow this thing regardless of how distasteful and repugnant it is.

You people aren't very impressive when it comes to any standard of parliamentary process, let me tell you that. You don't understand arbitration; you don't understand your legislation; you don't understand labour negotiations. You've made that so apparent. Your labour minister has confirmed all that because he has flatly rejected the proposition put forward by New Democrats this evening, the proposition that was devised and developed by members of CUPE Local 4400, a proposition that was a legitimate one, that was a cautious one, that was a responsible one, a proposition that gave effect to the hard work that had already been done in the long-time bargaining process.

Minister Stockwell, the Minister of Labour, has slammed the door on these workers. He's so anxious to get his lopsided arbitration process in effect, his unique, remarkable, unprecedented and very unjust—I'll tell you this: you guys haven't had a good track record in court, have you? I think this government has lost every single

bit of litigation it has embarked on, hasn't it? The only one you didn't lose was the lawsuit by Clement against McGuinty, to be fair. Every other lawsuit—you guys have spent a fortune on legal fees for losers. You sent Flaherty, the Attorney General, to Ottawa, where he embarrassed himself. There were articles in the *Law Times* and all the lawyerly newspapers saying, "Who is this clown from Queen's Park?" I would have sent Mr DeFaria, as a lawyer, or Mr Tilson, another lawyer. They could have swept the floor up with Jim Flaherty at the Supreme Court of Canada. He made a fool of himself.

**2300**

So you guys don't have a very good track record, but I'll tell you this: you're going to be inviting litigation with this act. You're going to be spending a fortune, because this act offends the fundamental concept of natural justice—have I got that right, "natural justice"? You see, working people understand these concepts because they work with them every day in a way you never have. The labour minister flatly rejected the proposition. And remember this: it was a proposition that would have had support workers back in schools before Monday morning to have prepared those schools for youngsters on Monday at the beginning of school time. It would have had those youngsters back in school on Monday at 8:30 am—am I close? Or 9 o'clock. I don't know when elementary schools—

**Ms Martel:** No, 7.

**Mr Kormos:** At 7? Holy moly.

**Ms Martel:** The agreement says to start by 7.

**Mr Kormos:** So 7 am. You would have had youngsters back in those schools ready to rock and roll at 7 am Monday morning. But do you know what? The Tories rejected that proposition. The Tories denied any co-operation in the process of, "Let's sit around the table and work on it for an hour and try to work this out." No, Stockwell is sitting up in his office, all that velour stuff, and he just, boom, slams the door shut with his boot when the New Democrats try to present this to him. And the Liberals were right there with him, because you see, the Liberals had a chance to join us in encouraging Minister Stockwell to at least discuss this proposition; they didn't.

Another interesting little turn of events, as things get curiouser and curiouser—because I just spoke with Jennifer Stephen. She's a communications director for Service Employees International Union, Local 210, in Windsor. Sister Stephen—you can tell she's with SEIU; she has that purple T-shirt. I don't care where you go in North America, you can spot an SEIU member. They've got the purple T-shirts.

Hold on, friends, because Ms Stephen cast some doubt about the comments made by Minister Stockwell and—who's the House leader for the Liberals?

**Interjection:** Dwight Duncan.

**Mr Kormos:** Dwight Duncan, the member from Windsor. We were excited about the copy of the letter we received, which was dated April 27. This is a brand new letter; this is a current letter to legal counsel talking about

the negotiating committee accepting the board's final offer and the negotiating committee being prepared—there's CUPE 4400, Toronto, and SEIU, Local 210, down in Windsor. Mr Duncan should know this, and I suspect he didn't, or else he would have given this full version of facts, wouldn't he? Because no member would mislead the House. I understand that. So I think Mr Duncan was simply without all of the facts, or else he would have given them to us, because I am not going to suggest that he misled anybody to serve his own political agenda.

**Ms Churley:** But he said he was in communication all the time.

**Mr Kormos:** Well, wait a minute. Maybe he's not talking to the right people. Who knows? But I have a suspicion that he wasn't talking to very many SEIU members, because they would have told him that in fact there is a ratification vote that's going to be held by the membership, that the negotiating committee is recommending that the membership of Local 210 of SEIU in Windsor accept that offer that is the final offer of the board, and the kicker is that the employer can't withdraw the final offer. They can say they're going to withdraw it or say they have withdrawn it all they want, but they can't do it. You see, there is a final offer. So, sorry, Mr Stockwell, and sorrier, Mr Duncan, but you didn't get your facts right, but in the course of not getting your facts right, you tried to create some misimpressions—is that OK? No. I withdraw.

You painted less than a full picture. You left some pieces out of the puzzle and you hid those pieces under the chesterfield, thinking that nobody would ever make the whole puzzle and see the whole picture. Not bad, is it, Mr Speaker? I'm trying. I'm doing my best. He tries to hide some pieces of the puzzle to create an incomplete picture, to try to create the impression that, "Oh no, what are the New Democrats saying? They aren't actively negotiating in Windsor."

Well, my friends, they are, and it's bona fide negotiations and it's negotiations that the membership of SEIU 210 have worked damned hard to achieve. The negotiating committee is going to recommend acceptance by the membership of that final offer, which indeed can't be withdrawn because, Mr Duncan, SEIU 210's position is that if they think they're going to withdraw it, there's going to be some major litigation on bad-faith bargaining at the Ontario Labour Relations Board. I happen to know their lawyer and he's better than yours. I happen to know SEIU's law firm, and yes, McGuinty should have considered retaining them. He might not have had to apologize. The matter perhaps could have been resolved much more quickly. Wasn't that an incredible waste of money of all sorts and shapes.

So here we are, we've got a minister, Stockwell, who still doesn't have a handle on what's really happening in Windsor, who wants to tell us a version of it that best suits his agenda, because his agenda has nothing to do, really, with settling disputes, does it? Nothing whatsoever. His agenda doesn't have anything to do with

getting kids back to school, because these workers are prepared to get the kids back to school sooner than Stockwell is, sooner than Mike Harris is, sooner than Janet Ecker is, sooner than all these silent, soporific Tory backbenchers, never mind their hangers-on, these Liberals.

Do you know what the Liberals are to the Tories? They're like when you go to a friend's place and they've got a young puppy and it mounts your leg. The Liberals are like that with the Tories, they're mounting. The Tories are trying—"Get this Liberal off my leg"—to shake them free. There are the Liberals like little puppies, just going at it on these Tory calves, because they just want to be Tories. These Liberals love you. Those are love strokes. Don't be embarrassed. Just go with it.

I don't think the Minister of Labour has been particularly impressive tonight. I don't think the Minister of Education has been particularly impressive tonight. The Tory backbenchers haven't created any particular impact on their constituents or on this province, and the Liberals have shown their true colours: Tory blue. Is Stockwell Day a Liberal now, or are the Liberals Stockwell Dayites? Man, this day has been full of revelations. We learned what's really happening in Windsor, contrary to what we were told by Mr Duncan and Mr Stockwell. We learned that CUPE 4400 are hard-working people who have wanted to settle the strike from day one. They've wanted to come here and address this legislation and make the whole process—because they've settled their strike for all intents and purposes.

You guys, the Tories, with this legislation, are going to scuttle their settlement. You call that good labour relations? I call it wacko and nuts. Thank you kindly.

**The Speaker:** Questions and comments?

**Mr Bisson:** I just want to say again, and for the last time, that the opportunity is here for the government to find a settlement. We know that the parties, the board of education of Toronto along with CUPE 4400, have come to an agreement that has made sure the workers would be able to get back to work tomorrow morning, Saturday. They would be able to clean the schools and have the kids back by Monday. Unfortunately, because of the way the Tories have written the back-to-work legislation, it precludes this agreement from going forward if this bill is passed today. Unfortunately, because of the way the bill is written, we're further in a situation where more than likely Minister Stockwell will not be able to, according to his own admission, have people back in school till Tuesday or Wednesday.

We take little solace in saying we told you so. We wish things would be different. We hope you would listen to the arguments that have been put forward. We think it's a reasoned approach. The parties worked hard to come to an agreement. SEIU, as we understand from what my colleague from Welland-Thorold said, were in the same situation again where an agreement had been reached in the interpretation of SEIU. Litigation will decide if that was the case.

But what really is galling here is that we have a situation where government is bringing forward back-to-work legislation in a case where the workers want to get back to work. There's no common sense in any of that.

**Ms Churley:** Before we conclude the sad debate we're having tonight, I just want to point out to all the members that also in the gallery tonight are six members of the Toronto school board, along with some of the workers who are sitting here tonight hoping very much for a solution. We're sad to say—

*Interjections.*

**Ms Churley:** Yes, the members who have been working very hard to find a solution. They were hoping that all of us together tonight could find a solution so that we could walk out of here tonight with a solution where those people could go back to work on Monday.

Let me conclude by saying that you're going to wear this. If these kids are not back in school by Monday, it's going to be on your heads and on the Liberals' heads. The tables have been turned here tonight.

**The Speaker:** Further questions or comments? Seeing none, response, the member for Niagara Centre?

**Mr Kormos:** No, thank you.

**The Speaker:** Further debate?

Mr Stockwell has moved third 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 2314 to 2344.*

**The Speaker:** Would the members kindly take their seats, please.

Mr Stockwell has moved third reading of Bill 13, An Act to resolve labour disputes affecting the Toronto District School Board and the Windsor-Essex Catholic District School Board.

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

**Ayes**

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

**The Speaker:** All those opposed to the motion will please rise 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 34; the nays are 8.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

This House now stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1146.*

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