



No. 15B

N° 15B

---

ISSN 1180-2987

Legislative Assembly  
of Ontario  
Second Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 14 May 2001**

**Lundi 14 mai 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

---

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Copies of Hansard**

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

### **Exemplaires du Journal**

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 14 May 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 14 mai 2001

*The House met at 1845.*

**ORDERS OF THE DAY**

PUBLIC SERVICE STATUTE LAW  
AMENDMENT ACT, 2001  
LOI DE 2001 MODIFIANT DES LOIS  
EN CE QUI A TRAIT  
À LA FONCTION PUBLIQUE

Mr Wettlaufer, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993 /  
Projet de loi 25, Loi modifiant la Loi sur la fonction publique et la Loi de 1993 sur la négociation collective des employés de la Couronne.

**Mr Wayne Wettlaufer (Kitchener Centre):** I will be sharing my time with the member from Simcoe North and the member from Peterborough.

On April 30, 2001, Minister Tsubouchi introduced amendments to the Public Service Act. It's been more than 40 years since this act's last substantial update. The legislation dates back more than 122 years, and parts of it no longer meet current and future business challenges.

As the main legislative framework for human resource management in the Ontario public service, the act sets out the authority for activities in areas such as recruitment, conditions of employment and rules of conduct. It governs the employment of all civil servants, unclassified public servants and crown employees designated under the act.

We are taking action to substantially update the act and to make sure this legislation supports what taxpayers expect from their government: greater accountability and better services.

The limited number of legislative changes we're proposing here will help the public service deliver the top-notch services that the people of Ontario demand. The changes will provide more efficiency and flexibility and ensure we have a workforce that can respond to changing business needs.

Accountability, efficiency and democracy are the cornerstones of these legislative amendments. We cannot meet the needs of the people of Ontario if we are not flexible enough to adapt to their changing needs. We cannot be efficient if we do not modernize employment

and recruitment policies. We cannot be democratic if we do not give people a choice.

As you know, the Ontario public service is experiencing challenges in attracting and recruiting the talented and skilled people we need for time-limited, project-based work. This issue is particularly acute in executive recruitment in specialized areas such as information technology. We have an obligation to recruit and retain the best employees possible to deliver our programs and services. At the same time, we need to have a flexible workforce to support time-limited initiatives. New provisions in the bill will help us do that. They include increasing initial appointments to the unclassified public service up to a maximum of three years before renewal is required. Current provisions limit initial appointments to the unclassified public service to one year.

**1850**

What will this do? Increasing the initial term of appointment will make the public service a more attractive workplace to external workers, and it will help us retain the skills necessary to deliver the services that the public needs and deserves. Any private employer would have this built into its human resource policies in order to provide better service to its clients. The government should do no less for all Ontarians.

New provisions also include creating a category of term classified employees. Ministries will be able to hire these employees in exceptional circumstances where highly specialized skills are needed for time-limited project work. Term classified employees may be appointed for up to three years, with the opportunity to renew for an additional period of time. This will allow ministries to recruit individuals with the required skills and to make offers for temporary positions more attractive.

Hiring employees for specific terms is an example of how we can remain committed to meeting the needs of taxpayers. By removing unnecessary layers of bureaucracy, we can focus on delivering our services to the public. Part of the legislative updates to make the Ontario public service more efficient includes providing greater flexibility to civil servants' reporting relationships while at the same time remaining accountable to the taxpayers who foot their bills.

This includes situations in which deputy ministers will be allowed, subject to the approval of the Civil Service Commission, to delegate their authority under the Public Service Act to non-public servants. Currently, a deputy minister may only delegate his or her authority to a public servant in his or her ministry. This limitation was

identified as a barrier to cross-ministry initiatives and partnerships with other governments and the private sector.

I want to be clear. Allowing greater delegation of a deputy minister's authority does not mean we are reneging on our commitment to be accountable to taxpayers. We may be delegating authority, but our government is still ultimately responsible for the quality of services it delivers. In fact, the new provisions in this bill will allow public servants to be managed more effectively when working in these partnership arrangements.

As you know, Mr Speaker, our government has been exploring, and continues to explore, partnerships with the broader public service or the private sector to provide better service to the people of Ontario and to make sure we are using tax dollars appropriately.

With the creation of SuperBuild, Ontario signalled its intention to increase its use of public-private partnerships and to provide the best value for Ontario taxpayers. But the government can only review its services and assets and allow for public-private partnerships if it has the flexibility to delegate authority.

At the same time, we need to establish open, fair and transparent processes to ensure that the public's interest is protected, and that's exactly what changes in the Public Service Act allow us to do.

These changes also include providing workplace democracy for Ontario Provincial Police civilian employees. By amending the Crown Employees Collective Bargaining Act and the Public Service Act, civilian employees of the Ontario Provincial Police will be able to choose, on a one-time-only basis, whether to continue to be represented by their current bargaining agent or by the Ontario Provincial Police Association.

There will be members across who might ask why we would do this. Hundreds of these employees have expressed their wish to join the OPPA, the Ontario Provincial Police Association. This would allow them to be in the same situation as their municipal police sector counterparts. Under the Police Services Act, civilian employees at municipal forces are represented by their respective municipal police associations.

Legislative amendments to the Public Service Act will provide OPP civilian employees with a democratic choice. It is a matter of fairness and openness. It's a matter of fairness and openness in the workplace that employees have the right to be able to choose their bargaining agent, the bargaining agent that would best represent their needs.

If sufficient support is demonstrated, civilian employees will take part in a secret ballot vote under the supervision of the Ontario Labour Relations Board. If the civilian employees vote in favour of joining the Ontario Provincial Police Association, they will be placed in a separate bargaining unit under the Public Service Act and will be represented by the OPPA.

This is an updating of the Public Service Act, not a complete overhaul of the legislation. Management Board Secretariat consulted with ministries and bargaining

agents last year on a number of items that were identified as needing an update.

Updating the Public Service Act removes the barriers that hinder the government in adopting the dynamic needs of the people of Ontario. It enables us to move with the times and establish practices that reflect those commonly used in modern workplaces.

The changes I am proposing will help the public service, the OPS, to continue to provide the quality service the public has come to expect and which we have promised to deliver.

As I mentioned earlier, these are things that would have been included automatically in an employer's human resources department in the private sector. Why this has not been done previously is beyond me, but nevertheless, it hasn't. These changes are badly needed and I hope that everyone will support them.

**Mr Garfield Dunlop (Simcoe North):** Thank you for allowing me the opportunity to speak this evening on Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993.

To begin with, I would like to thank the PA, Mr Wettlaufer, for his comments. I'd also like to congratulate Minister Tsubouchi for bringing forth this legislation, which I believe has not had any substantial amendments for over 40 years.

When Minister Tsubouchi introduced this act on April 30, a number of amendments were necessary to bring the legislation into the 21st century. I'd like to speak for a few moments on the background and some of the reasons for amending this act.

First of all, one might ask, why are we reviewing the Public Service Act at all? The legislation, parts of which date back more than 122 years, needs to be updated to meet current and future business challenges as we bring greater accountability and improved customer service to the taxpayers of our province.

As the main legislative framework for human resource management in the Ontario public service, the Public Service Act sets out the authority for activities in areas such as recruitment, conditions of employment and rules of conduct. We are looking at what changes need to be made to help us meet our goal of a multi-skilled, flexible workforce.

#### 1900

Management Board Secretariat has consulted with ministries and bargaining agents on a number of items that have been identified as needing an update. We are continuing to review those items and seek further input from our stakeholders.

Proposed amendments to the Public Service Act include provisions that will, first of all, permit wider delegation of deputy minister's powers to create opportunities for more efficient and effective service deliveries to the public. It will create a category of "term classified" employees who may be appointed for up to three years.

Generally, the act will have some very significant changes. The Public Service Act is the principle legislative framework for human resource management in the

Ontario Public Service. It governs the employment of all civil servants, unclassified public servants, and crown employees designated under this act.

Other proposed amendments to the Public Service Act will require the Public Service Grievance Board and the Grievance Settlement Board to accept a conviction under the Criminal Code respecting an act that results in discipline or dismissal as conclusive evidence that the person whose grievance that the board is considering committed the act that gave rise to the discipline or dismissal.

It will also prohibit the Public Service Grievance Board from reinstating an employee to a position involving direct contact with residents or clients where the employee has sexually molested a resident or a client.

It will allow appointments to the unclassified service for a maximum of three years before renewal is required.

It will provide the opportunity for workplace democracy for Ontario Provincial Police civilian employees.

It will clarify political activity rights for crown counsel 5s.

It will clarify the government's intent regarding the collection, use and disclosure of information for the delivery of integrated human resource management services.

In the private sector, similar provisions would be found in employment contracts or in an employer's human resource policies.

The act establishes the Civil Service Commission. It delineates its functions for administering the act in such areas as recommending salary ranges for positions not covered by a collective agreement and the process for staff recruitment.

The act also provides for the delegation of employer responsibilities within the Ontario Public Service. It identifies political activity rights of crown employees and provides a framework for labour relations for the Ontario Provincial Police.

The act has accompanying regulations that provide details on implementation of the act in such areas as employee benefits, conditions of employment, and rules of conduct for public servants in conflict-of-interest situations. That can, of course, be very difficult in many positions in government.

These regulations primarily apply to management and excluded employees, as the provisions of a collective agreement supersede the regulations.

The act is being reviewed because revisions are needed to help improve the delivery of efficient and effective service to the public. For example, improvements are needed to broaden human resource management authorities to allow the greater integration of work between ministries and agencies as well as other partners.

Management Board Secretariat has consulted with ministries and bargaining agents on a limited number of issues that have been identified as needing attention.

The foundation for change, I believe, is based on two cornerstones of our government: accountability and efficiency. I think we've heard over and over again about

these two cornerstones, particularly in the throne speech and again last week in the budget. I'm very proud to be part of a government that uses that type of cornerstone as the future for a government.

Accountability is what good government is all about. Reviewing the Public Service Act, which is more than 120 years old and does not support the demands of today's evolving business needs, is part of our government's commitment to be more accountable to the needs of the taxpayers, not only today but certainly well into the future. No substantive changes have been made to this act in 40 years. Our government is taking action to correct this situation and to make sure our workforce is in a position to deliver quality service that the public expects and deserves. We've used that phrase over and over again here in Ontario because our taxpayers do expect and deserve no less.

This is only part of a broader series of measures the government has taken and will continue to take to bring accountability for the taxpayer dollars that are spent on public programs every day. As you see in the budget, we're now spending a little over \$63 billion a year to provide those services to the taxpayers of our province.

Changes in the Public Service Act will help make government programs more accountable to the people of Ontario by giving it the flexibility required to reduce the waste and inefficiency involved in administering government programs. It will allow for more flexible and dynamic working arrangements to address the needs of taxpayers which are not adequately addressed through single ministries. Delegating some deputy ministerial authority will help the civil service streamline its operations while keeping all parties involved accountable to the government and to the people of Ontario—and we use the word “accountable” again.

It is important to note that there is a difference between delegation of authority and delegation of our responsibility. All people who are affected by this will be accountable to the deputy minister, the government and the people of Ontario.

This act, if passed, would allow deputy ministers to delegate authority, providing for more flexibility in reporting lines. For example, the Deputy Minister of Health and Long-term Care would be able to delegate to a manager in the Ministry of Colleges, Training and Universities supervision authority of some employees who are working collaboratively on a project to increase the number of medical school graduates. Of course, we all want to see many more medical school graduates, particularly in some parts of the province that are underserved. My area happens to be one of those.

Under the current legislation, this would not be possible. Deputy ministers can delegate authority to managers within their own ministry but not externally. With challenges that require solutions involving more than one ministry, the current act makes it necessary to have several reporting lines when only one is actually necessary. This creates an unnecessary level of bureau-

cracy—more unneeded expenses without any value added to our taxpayers.

This is not good value for the money, and with scarce resources—one would think that with \$63 billion of expenditures and the revenues we have, there wouldn't be scarce resources—we know it is necessary to do more with less. I think people right across our province and right across our country have seen this happen, just as families have been doing for years. This is being accountable for the precious resources we deal with. After all, the government does not have any money of its own. It all belongs to our taxpayers. All the money we have belongs to our taxpayers, and they expect us to be accountable for that money.

The value added in this portion of the legislation provides for a more efficient and effective public service that is more responsive to the needs of the community. It will allow the government and the public service to approach challenges in the innovative and creative fashion that people want. Taxpayers don't care about bureaucratic hurdles. They want results and value for their hard-earned dollars. We are going to provide that with this legislation.

1910

*Interjection.*

**Mr Dunlop:** I want a glass of water, yes. I'm really dry and I have a cold. Thank you. It is very quiet in here tonight, so maybe we should have a little more activity.

These changes are not only part of a wider approach by this government to bring more accountability to the taxpayers' dollars being spent on public programs every day; it is being accountable by delivering programs that adapt to the changing needs of Ontarians and taking innovative approaches to the challenges and pressures of delivering top-notch services in the light of increasing fiscal pressures.

I would like to comment as well a little bit on efficiency in the government and efficiency in the private sector and efficiency that we have to deal with in our homes every day. Efficiency, effectiveness and reliability are the cornerstones of an excellent public service. I've noticed that in my years in municipal politics, when mistakes were made and people would ask us to become more efficient in the operations of our different departments. Proposed amendments to the Public Service Act and the Crown Employees Collective Bargaining Act focus on how to help the Ontario public service deliver services the taxpayers of this province expect and deserve.

Real people and families all across this province are facing pressure on their finances. They look for ways to get more for less. If they can spend less and get more, then they should do it. Government should be no different. In fact, it must be exactly the same, because government does not have its own money to spend. I'm saying that again: it only spends the money of taxpayers, and we must always try to be more efficient and we must all strive to deliver valuable services which give taxpayers the greatest value for their dollars.

One challenge to achieving greater efficiency is attracting and retaining people in the public sector who can deliver high-quality programs. These people often need to have specialized expertise which is in scarce supply and high demand. If we are to deliver on taxpayer expectations, we need to be able to attract and retain top talent that can make things happen.

I'm honoured to say that my riding of Simcoe North is home to the general headquarters of the Ontario Provincial Police. The headquarters are actually called the Lincoln Alexander Building, named after our former Lieutenant Governor. A lot of credit can be given to our former NDP government, which did in fact want to locate some of the buildings out of the GTA. I'm very pleased to have that facility there. The economic benefits have been phenomenal because of the fact that the officers and the staff who work at the general headquarters spend money in all parts of the community. They build homes, they buy cars, and they're very, very active in the community, in volunteer organizations and service clubs etc. It is a pleasure to have them there. The employees, as you know, are represented by either the OPPA or OPSEU. The location of the OPP in Orillia has been a very important industry to our region.

I just want to say a couple of things while I'm discussing the OPPA; I want to talk about some of the other centres that report directly to the government.

Of course, one of them would be the Huronia Regional Centre across the road from the headquarters, a home for over 700 employees, most of them belonging to OPSEU. They look after a number of developmentally challenged people in one of the major centres in the province.

Casino Rama, of course, reports to the Ontario gaming commission. It has been a remarkable facility, creating almost 3,000 jobs. Currently, we're putting in a new 5,000-seat entertainment centre. We're putting in a 300-room hotel. We're also home to the Penetanguishene Mental Health Centre. I think there's a little over 400 employees at the mental health centre. All these people belong to different organizations. More recently, just a week ago, it was announced that Management and Training Corp would be looking after the Central North Correctional Centre, which is a 1,200-bed provincial facility for corrections for people serving two years less a day.

In all these organizations that report to the government, the employees contribute to the community and they have a great economic benefit, but as well they have an important benefit in the fact that they are good people and are connected to the community.

I'd like to say a little bit about the OPP civilians, because certainly this is an important issue in my riding with the headquarters there. That's why I want to bring it up. Under the current Public Service Act, 2,500 people across the province are prevented from using their democratic right to choose the bargaining unit which they feel best represents their interests. Civilian employees of the Ontario Provincial Police, who perform duties such as administration, forensic sciences and other important

roles in police business, are barred from joining the Ontario Provincial Police Association as it stands right now. The situation is out of sync with municipal police forces in the province, whose civilian employees are represented by the local police association. Locally we do have two police associations, the Barrie Police Association and the Midland Police Association, whose civilian employees belong to the local bargaining unit along with the police officers.

Of course, we can go one step further on that and show the importance of police associations and the fact that the officers belonging to the Toronto Police Services Board belong to the same collective bargaining unit as the civilian officers.

We believe democratic choice is imperative, and that's one of the main reasons behind Bill 25. I'm pleased to see that here today. We actually have received hundreds of letters from civilian employees of the Ontario Provincial Police who want the choice to decide on the bargaining unit that best represents them.

Just on the weekend a young lady came up to me and asked me how this bill was coming along. She was wanting the chance to have the choice between the two bargaining units. As it stands, the legislation does not allow for these employees to be part of the Ontario Provincial Police Association. This amendment that's part of Bill 25 will allow these employees to have the democratic choice of which bargaining unit best represents them.

The choice rests with the employees. This is not a government decision, and that's very, very important. They do have that choice. Each member is free to vote their conscience. Should they feel that the current union does not properly represent their interests, they may choose to join the OPPA.

No organization should be able to treat their members as their exclusive domain without having to compete and prove they are worthy of their members' loyalty. To have legislation which in effect prevents a group of people from choosing an organization which best represents their interests is certainly undemocratic.

We are not the only ones saying that a group of workers should be able to join their own union. Even our friend, Mr Buzz Hargrove, president of the CAW, thinks the competition among unions is healthy for the labour movement. The president of the Alberta Union of Provincial Employees also thinks that competition between bargaining units is healthy and feels that it is counterproductive to the union's own best interests to prevent competition between the units.

This process will be fair, transparent and democratic. Each union will vote separately. Members of one union will not have a say about the fate of another. The OPPA will have to prove to the Ontario Labour Relations Board that they have adequate support to warrant a vote to certify their new members.

Just as in the Labour Relations Act, certification will only take place when more than 50% of votes cast are in favour of joining, in this case, the OPPA if OPSEU members decide to go that way.

I'm pleased that I've had the opportunity to speak here this evening. Bill 25 is long overdue. I plan to support this bill, and I look forward over the next two hours and 10 minutes to hearing comments from my other colleagues as well as members of the opposition. I'm sure there will be many interesting comments. I appreciate the opportunity to have had the chance to say a few words tonight.

1920

**Mr R. Gary Stewart (Peterborough):** It's interesting when you're in third place to speak on a particular subject. We'd be real wise to say, "Ditto," and sit down. I figured that would happen, but unfortunately we—

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** He and I have spent a lifetime of doing that.

**Mr Stewart:** That's right. We human beings and so-called politicians maybe just don't like to do that, because you don't get a lot of mileage for it and you're not able to express your opinion on the particular subjects you're talking about.

Certainly, I am very pleased to be able to speak to Bill 25, the Public Service Statute Law Amendment Act, 2001. I want to talk a little bit about efficiency, which this particular act addresses. Certainly my background for the last many, many years in business has been looking at efficiencies within, to make sure that the people we serve, who in our particular case are the taxpayers, are being well served.

If you look at some of the amendments to this particular act, it basically goes into four different categories: number one being greater flexibility in administrative efficiencies in the OPS human resource management; number two is opportunity for workplace democracy for Ontario Provincial Police civilian employees; number three, clarifying the political activity rights and restrictions of some employees; and, finally, clarifying the government's intent regarding the collection, use and disclosure of information for the delivery of integrated human resource services.

As the member for Kitchener Centre in his address suggested, this act has not been changed or revisited or updated—whichever way you wish to put it—in 40-some-odd years, and certainly it's an act that goes back 120 years. I would suggest to anybody in this House that a change or two, or to revisit this act, is long overdue.

Certainly I wasn't around 122 years ago. I don't know, maybe Rick might have been around here that long.

*Interjection.*

**Mr Stewart:** Sorry, the member for Sudbury. My apologies.

**Mr Rick Bartolucci (Sudbury):** It feels like it tonight, Gary.

**Mr Stewart:** He may have been, but certainly both of us agree that change is inevitable. It's long overdue.

If you look at the speech from the throne, it had three main focuses: one being accountability, one being fiscal responsibility and the other being growth. Certainly the first two are very appropriate to this particular act, being accountability and fiscal responsibility. I think they are

extremely important and refer very much to this particular act.

Certainly there are those, possibly in this House, who don't believe in efficiency. I think our government has been extremely aware of that. We have been moving toward that, looking at every aspect to make sure that efficiency, effectiveness and reliability are the cornerstones of our government. They have to be of excellent public service if we want to make sure that the services we are delivering for the taxpayer in this province are services that are efficient, effective and reliable. That, to me, is a pretty good start on any type of legislation.

Real people and families across this province are facing pressures in their own finances, and we know that. They look for ways to get more for less, and if they can spend less and get more, they do it. I think if that's the philosophy of the people of this province, and indeed it is, then it should be the philosophy of the government. I appreciate that some governments have not done that in the past, have not revisited this type of legislation, but if I had my way, every piece of legislation that goes through this House would have a sunset clause in it. I can't for the life of me figure out why we pass legislation that is going to go on for ever and ever. I certainly didn't come to this House today in a horse and buggy. I came in a fairly modern vehicle. It's called change, and we've got to be ready for it. We've got to revisit it to make sure it is effective and efficient and relates to the times we are in now.

I don't believe government should be any different. I know our government isn't when we looked at passing the budget bill where we could no longer budget a deficit, which we are now trying to do. In the public sector as well we should not be any different. In fact, it must be exactly the same for government as it is for the people, because the money that people pay is what we use. That's all we do: we use the money they pay us to put into other priorities, whether it be education, health, social assistance, whatever. We must always strive to be more efficient and to deliver valuable services which give taxpayers the greatest value for their dollar, and we have to be cognizant of that.

Again, we have to make sure that is followed up by customer service. It's something that in a lot of levels of government, whether it be federal, provincial or municipal, we tend to forget, that we're just using the money that the people give us to pass on to allow us to deliver the services we want to.

One challenge that's addressed in this particular legislation is to achieve greater efficiency in attracting and retaining people in the public sector who can deliver high-quality programs. It's called knowledge, professionalism and skills. If we want to make what we do up here efficient, effective and accountable, we have to have the best possible people available to be part of that process, to be part of the team we have at Queen's Park. We must make sure that those people we hire and employ have the best possible skills available. Again, we need that type of expertise to handle the funding, to handle the

various things we're involved with, because the taxpayer, I believe, demands it.

Those people often need to have specialized expertise which, when business and the economy are booming, as they are now, is sometimes somewhat scarce. To get the best people, it tends to make us look longer. I often think that if the economy wasn't as great as it is, we would have the availability of more professional and knowledgeable people. But let me assure you, I don't want this economy to change from what it has been in the last five years just for the sake of being able to find an extra couple of people with that very important specialized expertise, because we can certainly train them. But when supply is scarce and demand is high, it is more difficult, and we must make sure we hire the very best: the best qualified, those with the most knowledge. The bottom line of it is, we've got to make sure we get them at the best possible price, albeit to get quality you sometimes have to pay extra.

### 1930

If we are to deliver on taxpayer expectations, we need to be able to attract and retain—and possibly the one word there is “retain”—top talent that can make things happen. There are a lot of people in this House tonight who have been in business, and if you want to make things happen in business, you have to make sure you have the best possible team available; otherwise it's just not going to happen. The current Public Service Act makes it difficult for the public service to attract that type of talent, especially at the executive level and in high-tech areas. These legislative changes that are involved in this act will allow us to make more attractive job offers to new workers with specialized skills, and those are specialized skills that we need. I believe we have to treat people on an individual basis. Again, when you're hiring them, as we do anyplace else, it's based on knowledge, merit and, above all, ability, which is so very important.

Updates to the act include increasing initial appointments to the unclassified service up to a maximum of three years before they need to renew. Again, consistency and quality of the employees is so important, because if you get somebody who has the knowledge, has the skills, has the ability, I would suggest to you that these days you want to make sure you keep them; they are a valued asset. I often think that we all don't appreciate the employees we have quite as much as we should.

The bill also creates a category of term classified employees. This will help ministries recruit workers with highly specialized skills for one-time limited project work. Again, you want qualified, skilled people for a certain term, and if that can go on for a three-year period, then take a look at them, see if you still need that type of expertise, and you can renew it.

The other one is that these employees may have an opportunity to renew their contracts after three years where appropriate. There again, you look at them, assess them, and make sure they meet the qualifications and have the ability and the skills to do the job. If not, then I would suggest you would not renew those contracts. You



have that ability there again to make sure the quality of employee we have is just the very best.

I just want to make one comment. The member from Simcoe North made the comment that he had talked this past week to a number of people who worked at the local OPP detachment in the centre in Orillia. I also had the opportunity on Saturday night to attend a retirement of an OPP officer who had been with the OPP in Thessalon and Peterborough for 32 years. His name is Sergeant Dennis Thompson, and I want to make one comment which will lead up to what I'm going to say.

Dennis Thompson unfortunately had a very major accident back 10 years ago. Actually, it was 10 years to the day on Saturday night. Dennis was shot in the face, and after 44 years he was instantly blinded. But through perseverance and being the role model that Dennis is, after four months he went back to the OPP, totally blind, and continued to work there for 10 years until his retirement on January 1. I want to compliment Dennis in this House, a fellow who had the perseverance, the foresight, the ability and the attitude to make it happen. It was interesting to meet his family, who have worked with him, and the OPP officers in the detachment who have worked with him to make that happen.

During the particular evening the other night, I had the opportunity to talk to two or three of the staff who work out at the OPP detachment, and they want to be part of the OPPA. I am a great believer in the democratic process, that if you want to do something, you should have the ability to make choices.

It was interesting, this afternoon we talked about parental choice in education and schooling for your children. I believe that democratic choice is imperative in this day and age. I believe that the people who are working for the OPP, the civilian staff, should have that right—and they will have that right if this goes through—to make the choice of whether they stay with OPSEU or they become part of the OPPA.

What I am saying is, if you work in an organization, if you're part of an organization, why then would you not be able to have that choice? This choice should and will rest with the employees. This will not be a government decision. Each member is free to vote for their conscience. Isn't that what democracy is all about? I believe it is. Should they feel that their current union does not properly represent their interests, or if they feel that they do, they should have the right to make the choice of whether they stay with the union they're with or join the OPPA. The funny part of it is, that's the bottom line of this whole piece of legislation. The bottom line is to allow people to have some authority over what their destination should be.

I believe the process will be fair, it will be transparent, and it will be democratic. As I understand it, each union will vote separately. Members of one union will not have a say about the fate of the other. The OPPA will have to prove to the Ontario Labour Relations Board that they have adequate support to warrant a vote to certify their new members.

I think it's an act that drips of democracy. It's an act that drips of efficiency. It's an act that represents accountability. It's an act that I believe is long, long overdue.

It has been my pleasure to speak to it. I would hope that the opposition members would give consideration to support this, again, because you're talking about human beings who want a choice. I don't believe that we as legislators should force anybody to belong to this union or that association or whatever. I believe that if I am working for an organization, I have that right to decide for myself which way I would like to go. I believe that these people should have that right as well.

It has been my pleasure to speak to this act. As I said, I would hope that the opposition members would support this. As the member for Simcoe North suggested, even some of the heads of the various unions are extremely supportive of allowing people to make choices, and that's what this is all about. I believe the people there should have that right and not be pushed or directed by us in this House or us in this Legislature.

It's been a pleasure talking on Bill 25.

1940

**The Acting Speaker (Mr Bert Johnson):** Comments and questions?

**Mr Bartolucci:** I'm happy to have the privilege to respond to the members for Kitchener Centre, Simcoe North and Peterborough in the initial discussion on Bill 25.

Certainly, I have some rather major concerns with the legislation because I believe it further erodes the public service, it further reduces accountability, and it certainly centralizes decision-making more. I don't know if that's always in the best interests of Ontarians.

I think the people of Ontario should understand that. This legislation allows a deputy minister to delegate his or her powers to hire, fire, promote, transfer or discipline an employee to another deputy minister in any other ministry, or to any designated private sector person.

We've all experienced centralization, that form of government for which Mike Harris has been famous since 1995 and we know that it is not in the best interests of Ontarians. I would suggest to you that this section which allows the deputy minister to transfer his or her power clearly is a sign of the growing desire by this government for the privatization of the public service.

I see the privatization of the public service as something that will promote less accountability as opposed to more accountability. We see that with the privatization of a public service, what you get sometimes is inferior to what you already have. I believe there are examples of this already in Ontario and that's why I am going to have difficulty in supporting Bill 25.

**Mr Peter Kormos (Niagara Centre):** Usually I feel compelled to let viewers know that it's around a quarter to 8 on a Monday night and this isn't a rerun, but after the three government speakers, I'm convinced there are no more viewers. Anybody who was watching has long

gone to the shopping channel or to Emeril on the Food Network.

The government members present this in the most painfully leisurely way, to suggest that somehow, oh, it's just change that's long overdue. I tell you, it's change all right, but it's change that is to be expected and it's change that's to be resisted, and it's change that's to be fought tooth and nail, certainly by New Democrats and by fair-minded people across this province who care about a public service that is independent, that is neutral in its approach, that is non-partisan, that cares about the sort of services that public sector workers have been providing—you want to talk about 120 years? Yes, I dare say for probably darned near 120 years.

The bill is a mini-omnibus bill; let's get that very clear. It attacks a whole lot of areas all at once and the government members are going to try to have us believe that it's just a benign little change in things to meet the year 2001.

Far from benign, this is paving the way for the ongoing privatization of Ontario's public sector by what are inevitably going to be—I'm sorry, my friend, you take great pride in the private sector operators, the corporate, for-profit operators of the mega-jail in Penetanguishene. Why don't you remind your constituents that not only is it the private sector running jails for profits, but those profits paid for with public tax dollars aren't even going to stay in the province of Ontario? They're going to flow down to the United States, where the home company is based. You're selling off this province to American corporate people and this bill helps you do it.

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

**Mr Dunlop:** Thank you very much—

**The Acting Speaker:** No, you can't speak on it and ask questions and have comments about it.

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** I just want to congratulate the three speakers from this side of the House, who I think really captured the intent and the spirit of the bill.

I know that some members opposite were not as interested in hearing a reasoned, logical argument about why this bill should be passed, because they have their pet political peeves, which we're going to hear about in the next little while.

But I do want to congratulate each and every member on their putting forward what I believe was a cogent argument why all members of this Legislature should support this important piece of legislation.

**Mr Mario Sergio (York West):** I think Bill 25 is based exactly on that. Our own minister says we cannot base our discussion on reasons and other issues with respect to Bill 25. That is exactly the point: it has to be based on good reasons in order to be supported.

I'm sure that from time to time every member of the House gets asked by his own constituents, "If the government is doing this and that behind closed doors and it is no good for us, why don't you do something, why don't you stop the government?" We say, "We keep bringing it to the attention of the government that Bill 25

does not do what they say it is going to do. It deals with morale, it deals with jobs, it deals with the human aspect, with employee equity and stuff like that." They say, "Why don't you do something about it?" It's very hard to make those people understand that ultimately the government has the final say and, right or wrong, they will go on and do exactly what they shouldn't do.

But we in this House are saying, "You are dealing with very serious issues here. It's not an innocuous bill. You're dealing with privacy of information. You're dealing with how this will affect our employees." It's fine to say, "Look, we are dealing with the skills of our employees; we teach them and we provide this and we provide that," and then we don't treat them like good employees. That is why they are leaving Ontario and going down to the States.

It is a very important piece of legislation, and I hope the government understands that we want decisions made here in this chamber and not behind closed doors—the Premier to the minister, to the sub-minister, to the deputy, to somebody else down the line, and nobody knows what the heck they're going to do about it.

**The Acting Speaker:** The member for Kitchener Centre has two minutes to respond.

**Mr Wettlaufer:** I'd like to thank the members from Sudbury, Niagara Centre, Lanark-Carleton and York West for their input. It's beyond me, however, how they can throw so much fear into a piece of legislation that is so uncontroversial. We're not talking about rocket science here. We're talking about a situation that the private sector has done for years. It just enables the government to provide service that the public needs, that the public wants, at a reasonable cost. We're not talking about privatization of the public service. We're talking about the ability of the government to recruit qualified people from the outside for time-limited, job-specific appointments. This is not major. This is not something revolutionary. This is something that in a good business sense, to meet the needs of the Ontario public, makes absolute sense. I wish the members of the opposition wouldn't oppose it just for the purpose of opposing it, but would think about it and realize that it meets the needs of the Ontario public.

**The Acting Speaker:** Further debate?

**Mr Bruce Crozier (Essex):** It's a pleasure for me as the Liberal critic for Management Board to lead off our part in the debate on Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993.

The member from Kitchener Centre would have us believe, and has just summarized in a way, that this act isn't anything to be much concerned about. During debate, I think the member opposite said there are a limited number of changes and it's not a complete overhaul. But, believe me, Speaker and members here tonight, as we progress through debate of this bill you will see there are in fact major changes and that this is not just an insignificant bill. I'm surprised, as a matter of

fact, that the government would play down the importance of this bill in their debate this evening.

**1950**

But as we go through the debate and others of my colleagues debate this bill, we'll be covering areas that will lead, in our view, to an increase in the number of contract workers employed by the Ontario public service. This is done through the introduction of term classified and three-year term unclassified categories. We're going to be debating issues that allow the deputy minister to delegate his or her powers to fire, hire, promote, transfer or discipline to another deputy minister in any other ministry, for reasons that are in fact beyond me, or, more importantly, and my remarks will be more or less directed to this issue this evening, to any designated person or persons. Put in brackets on that, "privatization."

This bill, as has been mentioned by government members, gives the OPPA or the OPSEU members who are in the administrative area of the Ontario Provincial Police the choice to join with the OPPA. This bill limits the type of employment that can be given by the grievance board of the Ontario public service to employees convicted of using force or sexual molestation on a resident or client, a very important part of the bill. This bill will allow the public service to privatize the collection of personal information for human resources purposes. This, in our view, allows the public servant's private information to get into the hands of that person or those persons, ie, privatization.

Now, previously, the government has opened the door to privatization. We merely remind ourselves of private universities that can now exist, private jails that can now exist and—the big one—Ontario Hydro. But this bill, in our view, kicks the door wide open and invites the private sector in.

Section 5, for example, of the legislation changes the current section 23 of the act to give the deputy minister the power to delegate any of his or her powers to another person or persons. I read from the bill:

"Delegation of powers, deputy minister

"With the consent of his or her minister, a deputy minister may delegate in writing any of his or her powers under this act to a public servant, a class of public servant or, with the commission's approval, to" any other "person or persons," ie, the private sector.

"Delegation of duties, deputy minister

"With the consent of his or her minister, a deputy minister may delegate any of his or her duties under this act to a public servant, a class of public servant or, with the commission's approval, to another person or persons."

Under this act, the delegation of authorization: "The powers and duties referred to," that I just referred to, "in subsections (1) and (2) include an authorization given in a regulation to establish rules or requirements." I'll deal with those a little later in my remarks.

But I want to point out, when it mentions the Ontario Civil Service Commission, those at home may think,

"There's a safeguard. The Ontario Civil Service Commission will look after things for us." But we should understand that the Ontario Civil Service Commission is made up of three permanent members, who are the secretary of cabinet, the secretary of Management Board, who is the chair of the Civil Service Commission, and the associate secretary of cabinet. Other deputy ministers will be appointed to the role of commissioner for one-year terms, which may be renewed. So the Ontario Civil Service Commission is really made up mainly of those bureaucrats who, we just said, can delegate their authority to anybody, including those in the private sector. What this does is move part of government away from public scrutiny and into the back room. Regulations, as they stand today, under current regulations, must be printed in the Gazette. However, the regulations that I just referred to won't have to be. They may hide these rules or requirements, as it says, from the public or even from a third party who requests, through freedom of information, the interests or arguments and the information that goes behind them.

Let me deal with the privatization of the public sector and why I think this is bad. I'm going to emphasize again that it allows a deputy minister to delegate his or her powers to fire, hire, promote, transfer or discipline to another deputy minister in any other ministry or to any other person or persons in the private sector. This allows further privatization of the public service. A deputy minister, for example, could delegate his or her authority for jails, environmental protection or public safety issues to a private company whose only interest is profit. We've seen that happen already when it comes to jails, and the privatization of universities and Ontario Hydro. This actually reduces accountability, since it blurs the lines of responsibility. This will prevent any public servant, or many public servants, from knowing what deputy minister is responsible for their actions, because their deputy minister may have delegated that responsibility to someone else.

I think it's interesting, and we should know some of the history of the public service. How did the public service come about? Why do we have a public service? I think the history that goes into this is very interesting.

I'm going to quote from a number of sources, not the least of which is Lloyd Brown-John, who actually happens to be a constituent of mine, in a paper he wrote in 1990. It's headed up, "If you're so damned smart, why don't you run the government like a business?" I quote: "Politicians seeking to enhance their own profile are more inclined to contribute to the problem of improving public sector management than they are disposed toward contributing to a solution to the problem. The temptation for politicians to use the bureaucracy as a scapegoat is sometimes overwhelming."

There was a quote about the Mulroney government back in 1990: "The bottom line is that if the Conservatives want to receive credit for improved management and productivity in the public sector then they are going to have to examine the longer-term, less rewarding, haul.

Running government more like a business will not have a short-term high rate of return on current investment in innovation. To increase productivity requires constant reminders and pressure; results can be achieved over a long period of time. The Tories may not want to afford that luxury." I think that analogy applies here.

Jennifer McQueen, a former federal deputy minister, said in a paper on dialogue:

"In government, we face an incredible onus to be fair and equal in the way we treat our customers and the way we run our operations. Our management decisions must ... give all Canadians, regardless of the province, region, gender, or language, an equal shot at the benefits Canada has to offer. This can lead us to act in ways that business executives might find hard to swallow. For example:

"It means that many government departments keep offices in every province"—this can be applied provincially, I think, in every region of the province—"whether they need them or not.... The onus of fairness means departments have to provide services of comparable quality to citizens of Kingston and Baker Lake, regardless of the differential in cost." So here we're talking about a federal public service in an application, I think, that applies provincially as well.

#### 2000

She went on to say, "It was this same appeal to fairness which got government into employment equity, affirmative action and equal pay for work of equal value long before the private sector. It's what comes from having to be government for all of the people in a country as large and diverse as Canada. And it affects not only the speed and quality of our operations, it also affects the cost."

There are differences between the public and private sectors. The achievement of businesslike efficiency in government is greatly affected and often hampered by the demands of the political environment. Departmental recommendations to cut public sector operating costs are sometimes incompatible with political priorities. According to Canada's Auditor General, "Private sector firms are not required, to the same extent as the public sector, to reconcile questions of productive management with concerns such as national unity, regional development and national well-being."

Politicians are concerned with winning public support. The public judges politicians by their public personae and policy initiatives, not by how well they manage their departments. Politicians want public servants who provide good policy advice and who keep them out of trouble.

The public sector has a greater emphasis on accountability. A major constraint on productive management "is the body of administrative regulations and the conflicting accountability requirements that limit managerial authority and autonomy." The lines of authority and responsibility tend to be much clearer in private sector organizations. In government, such factors as the scale and complexity of the operations, the desire for political

control of the bureaucracy and the search for consistency and coordination have resulted in a proliferation of accountability mechanisms that lengthen and complicate the decision-making process.

The human resource management system is more complicated and rigid in government than in the private sector. In general, it's harder both to hire and to fire government employees. In the public sector, the merit system of hiring and promoting employees includes several criteria that go well beyond the idea of mere technical proficiency; as an example, hiring a member of a minority group who is not as qualified as another candidate.

The complexity and inflexibility of human resources management systems also result from the general emphasis on accountability. The "public" nature—and I emphasize, the public nature—of public administration is conducted in a "fishbowl" of publicity, as stated by the Auditor General in 1976. Many government deliberations are conducted behind closed doors, but, compared to the private sector, many more government decisions are subjected to public scrutiny. Taxpayers insist on the right to know how much public money is being spent and for what purposes. Thus, a government decision to construct a new airport in a particular area will probably receive much more public and media examination than a decision by a major manufacturer to construct or close a plant in the same area, even if the latter decision has a greater economic or social impact on the community. The media will report the effects of such private sector decisions but they don't expect that these decisions should be made in public. An important consequence of this public scrutiny is greater emphasis in the public sector on such considerations as responsiveness and accountability. This emphasis explains in part the presence of what is popularly described as "bureaucratic red tape" and the consequent slowness in decision-making.

Clearly, governments are not oriented toward a single goal such as profit maximization. Rather, they typically must satisfy several goals simultaneously, some of which may conflict one with another and some which cannot even stand openly. In this complex environment it's not surprising that governments sometimes do things that would not stand the test of businesslike principles. It seems that the members opposite have a hard time not conflating fiscal accountability with government responsibility. They're not the same things. They're simply not the same things.

This government seems to think that its mandate is only to cut costs and save money while at the same time cutting taxes, particularly for the rich and for big business. Fiscal accountability is not accountability per se. It means nothing beyond the balance sheet, and as an accountant, I certainly understand how important the balance sheet is. But I also know that the balance sheet is not everything, particularly in government and particularly when you're trying to give the people you represent the best possible service. The best service is not neces-

sarily the most inexpensive. You know the old saying: you get what you pay for.

There are privatization fears out there: privatization of water and sewers, privatization of universities. Recently we've been talking about privatization in health care. We've gone through and are entering into the real experiment of privatization in jails and, of course, a great deal of debate has already gone on with regard to the privatization of Ontario Hydro.

Earlier I made mention of information that's available—or not available—when you have privatization. Where is a better example than in that of the breakup and privatization of Ontario Hydro, where the freedom of information act doesn't apply?

There are new classifications, as has been mentioned, in the public service under this legislation. According to Management Board numbers, 25% of the public service employees are currently on contract. This bill allows for greater use of contract personnel. As the debate goes on, my colleagues will talk more about the labour side of this issue, and I just wanted to make these points. The government's stated objective is to make it easier to attract specialists. I would argue that it would make it harder. Previously, the public service attracted people by offering security over high wages. The government's argument is that the increase from one to three years will increase security. It actually reduces security because it lessens the chance that they will get a permanent job.

This means that government will now have to pay more for employees. We know how much consultants cost and to me they're putting these employees in that area of being called consultants. With the competition out there for specialists, this could in fact be a significant amount.

Also, it takes away the professionalism and reliability of public servants. With uncertainty about their jobs, fewer will be willing to speak out. We see where this has led in Walkerton. Management consultants everywhere suggest employees be given the ability to speak up, to make government business more efficient. This government has decided to vilify the public service sector.

#### 2010

The government of Canada's Discussion Paper on Values and Ethics in the Public Service says, "Public service is a special calling. It is not for everyone. Those who devote themselves to it find meaning and satisfaction that are not to be found elsewhere. But rewards are not necessarily material. They are moral and psychological," and, some would even suggest, at times spiritual. "They are the intangible rewards that proceed from the sense of devoting one's life to the service of the country," to the province, "to the affairs of state, to public purposes, great or small, and to the public good."

Ekos Research Associates say, on a paper on the perception of government service, "The greatest anger and alienation from government is directed to politicians and the entire institution of government. In fact, trust in federal [and provincial] public servants is significantly higher than the trust in politicians."

Two earlier studies, one in 1969 and one in 1978, demonstrated that despite favourable personal interactions with bureaucrats, many Canadians have a negative image of the bureaucracy as a whole. In the 1996 study, it was reported that members of the public "were more likely to describe specific transactions with federal public servants in more positive terms compared to their general negative impression of government service and public servants." I suggest that this can be applied to the provincial level of government as well.

Jocelyn Bourgon, Clerk of the Privy Council and secretary to the cabinet, said, to the Canadian Student Leadership Conference, "The public sector makes a significant difference to the performance of nations. [It] contributes to competitiveness, provides countries with a comparative advantage in their competition for trade and investment, and contributes to citizens' quality of life and standard of living."

I think we've all had experience with the public service, either as legislators or in the general public. I can think of one instance where a young man died, literally at the roadside in the province of Quebec. It happened to be the weekend of the St Jean Baptiste holiday. After the family had contacted me, I contacted the provincial coroner. Here was a case where a bureaucrat went to extreme lengths in order that this family could be satisfied in having their son brought back home. At first it looked as though this wouldn't happen for two or three days, because it was on a weekend and it was a holiday. But here we have a public servant who went to those lengths to contact the provincial government in Quebec and make the arrangements that were appropriate for this family.

My point here is not necessarily that the provincial coroner's office will be privatized, but that when you get into the private sector, I'm not sure I would have even been able to contact anybody that weekend.

To understand how we got where we are today, it's helpful to understand the evolution of the public service. I'll read in part from a paper called *The Changing Structure of the Ontario Government: Confederation to the Present*.

Our public service goes back to 1867. At that time, "the government of Ontario was an assorted collection of officials and offices carried over from the government of the ... United Province of Canada. Even the province's first Legislative Building, built in 1832 on Toronto's Front Street, was a leftover from an era gone by. After almost a century and a half, the government of Ontario has certainly changed. With 82,000 employees spread across 20 ministries and an annual budget now in excess of \$60 billion, it is now the largest provincial government in Canada.

"On July 1, 1867, the old United Province of Canada was displaced by the new Dominion of Canada, composed originally of Ontario, Quebec, Nova Scotia and New Brunswick. Union posed few administrative difficulties for the Maritime provinces: the machinery of government which had existed prior to 1867 simply

became the administrative basis for the new provincial governments.” So as has been mentioned earlier this evening, we have had a public service for a long time.

“According to the BNA Act, the provinces were granted sole jurisdiction over the following areas: direct taxation; the management and sale of public lands; the establishment, maintenance and management of public and reformatory prisons; the establishment, maintenance and management of hospitals, asylums, and charitable institutions; municipalities; shop, saloon, tavern auctioneer and other regulatory licensing;”—and I’m sure that’s been expanded now—“local works and undertakings; the incorporation of companies; the solemnization of marriage; property and civil rights; the administration of justice; generally all matters of merely a local and private nature.” So the professional public service over this long period of time has in fact been involved in all of these areas. The development of the Ontario public service evolved directly from that federal system.

In *Politics in Canada*, Robert J. Jackson, a professor at the University of Ottawa, who happens to be an old friend of mine from high school days, wrote about the early history of the public service. The Civil Service Act of 1908 sought to replace patronage with the merit principle. I think these are some of the areas where it’s important to think about what we are about to do with this legislation, if it passes, and if we are to hand over the delegation and operation of our public service to anyone other than the professional public service.

The act developed both an inside and an outside service. Again, as an example of the problem that can be created, the inside service, that which served in the capital, was tightly controlled, very professional and was long-serving for some of the reasons I gave before. It was the outside service, those who worked in the field, who weren’t covered. What did we have? What was our history then? It was all political patronage. When governments changed, the outside public service changed. So we created a Civil Service Commission to enforce the merit principle in the recruitment and promotion of civil servants. Unfortunately, as I mentioned, this only applied to the inside service. So, as an example, when the Tories won in 1911, they fired thousands of outside public servants. But in 1918, the Civil Service Act extended this protection and this professionalization to all civil servants. The commission was required to reorganize the whole service on the basis of a classification of all positions within the bureaucracy.

## 2020

The early history of our provincial public service—and this is from a paper called *From Arm’s Length to Hands-On*—was to create a Civil Service Commission in 1855. The main job was to oversee all government appointments. The Civil Service Act of 1878 basically entrenched the British system. The Public Service Act in 1918 entrenched that the government had to work with the civil service commissioner. Also in 1918, the first civil service commissioner was appointed. Dr J. M. McCutcheon became the first commissioner. Professor J.

E. Hodgetts, in his book *From Arm’s Length to Hands-on*, says of McCutcheon, “Dr McCutcheon was so much in advance of his political overlords that he failed to ingratiate himself with them. But the public service of Ontario has reason to be deeply indebted to him.... His proselytizing set the public service commission of Ontario on a path of modernization”—and we don’t want to take a step backwards, I suggest, by moving it to privatization—“along which it became all the more necessary to travel as the province moved into the large-scale administrative state of the second half of the century.”

McCutcheon also began the process of classifying public service jobs. He saw this as a scientific management tool. I’d like to read from the book I’ve referred to, *From Arm’s Length to Hands-On*, where McCutcheon says, “to remove inequalities and anomalies, to establish standards on which to base definite lines of promotion, to standardize salaries and to establish improved methods for increases, to establish a standard title and to specify the work requirements for every class of position in the public service, to provide for the information of the general public and employees in the public service a convenient summary of the various positions in the service and the qualifications necessary for the appointment thereto, the compensation paid and the promotions that may be expected”—again, a professionalization of the public service; what the public service was all about.

One of the earliest battles in the creation of the public service was to move from a patronage-based system to one which was merit-based: the changes to the classifications and the move toward further privatization, along with the general direction of this government to show that this battle is still going on.

Public service—from the *Canadian Encyclopedia*—“The convention of political neutrality in the public service is maintained by the principle of appointment on the basis of merit rather than on political affiliation. The traditional separation of politics and administration and of the anonymity of public servants”—again, I’m afraid this delegation from minister to deputy minister to other deputy ministers to other persons will merely move us back into that patronage privatization battle—“theoretically meant public servants could remain neutral in supporting the government in power. In recent years the recognition that politics, policy and administration are interrelated has modified this convention. The move to increased reliance on contract employees puts more employees under the whim of government patronage.”

I sit on the standing committee on government agencies, and I can assure you, Speaker, that when it comes to our government agencies, government patronage is still alive and well.

In researching the history of the public service, I found some interesting quotes from the debate about the creation of the merit-based system. Newton Rowell, the Liberal opposition leader, spoke in favour of a public service based on merit. He said, “That in the judgement of this house the spoils and patronage systems are

inimical to the highest efficiency of the public service and to the best interests of the country; that the public interests demand the immediate creation of a non-partisan civil service commission with ample powers, and that all appointments and promotions in the public service shall be by merit after competitive examinations except in those cases where the conditions of the public service render this impracticable." Again, I'm afraid that with this delegation of power to be able to hire, fire, discipline, make regulations, if that's given to these other person or persons, ie, the private sector, we will be going backwards.

By way of motion in the House, Whitney, a former Premier of the province of Ontario, and who by this time in fact was Premier, said, and again I read From Arm's Length to Hands-On, "That this House ... recognizes the difficulties which would surround the operation of a system of so-called civil service [ie, merit] over a small number of officials, and that it would be wholly unwise and practically impossible to bring under such a system the various officials in the service of the province."

I think I've quoted far enough from those two. What we have to look at now I think are some of the arguments given by the government which will allow private information to be available to other than those in the professional public service. We know what happened, for example, with the provincial savings office when information was given to a private consultant that shouldn't have been. We're afraid that under this bill the same thing could happen. It allows the ministry's ability to collect information to be delegated to that other person or persons. Along with other changes, this information could be held by, maintained and used by private companies for other than government business.

This government, in my view, has had a terrible track record on people's personal information and simply can't be trusted. The last time the government talked about privatizing personal information, they introduced a bill that would have given police access to the most sensitive of our health records. If they no longer have the accountability for this having happened, who then would we go to, if some private sector contact that was under contract were to do this? I believe what would happen is that the government would say, "I'm sorry. That wasn't us who did it; it was them. It's not our fault; it's their fault."

Personal information and the integrated human resources program that the government itself has at the present time would be available to the private sector. Whatever personal information the government chooses to include in the integrated human resources program, including personal medical information, could be given to the private sector.

#### 2030

I'm going to conclude, and it will still take the better part of my time, by reading some comments of a very respected public servant on leaving the public service after 30 years. Secretary of the Cabinet Rita Burak, in this article I'm going to read from, was accepting a

plaque from Premier Harris on the occasion of her retirement from the public service. She said, "I know I'm speaking to the converted and I don't have to go into why a professional, non-partisan public service matters, but I think it is important that we not take it for granted. Where its independence is tampered with, neither the government of the day nor the people of the province are well served."

In June 2000, Rita Burak went on to say, "Today both are well served by the OPS at all levels. I've had the opportunity over the years to visit farms, labs, psychiatric hospitals and jails, get under trucks and down in mines with inspectors, sit beside Family Responsibility Office and rent control clerks as they took complaints from the public, and I've even ridden in a water bomber. I know first-hand that from the front line to the senior management group, this organization is full of hard-working, principled staff." Then, I ask, why would we want to delegate that responsibility and that authority to an unknown person or persons?

She goes on to say, "But sadly, many people in the public service today feel that the public service is no longer valued. I've discussed this with deputy ministers and senior managers and I'll repeat some of what I've said.

"The professional public service in Canada is being challenged on a number of fronts: but the most disturbing one is the public's cynicism about government in general, and politicians and public servants in particular.

"To my colleagues in the civil service, I want to say again, although it may seem that our present environment is calling our values into question, we can and we must work together to affirm our value individually and collectively.

"The negative view of us that some hold isn't fair, but it is still a reality we have to contend with. The hard truth is that our value will no longer be conferred; it will no longer be determined by how large our budgets are or how many people report to us, or in any of the traditional ways we have had to build our sense of self-worth."

At the conclusion, Ms Burak said, "If there isn't a conscious effort to do this, the province will suffer because not only will the staff we now employ, who have the knowledge and expertise we need, leave the public service, but we won't be able to attract the next generation of professionals to government service." I suggest that this legislation does absolutely nothing to attract the next generation of professionals to government service.

I am going to conclude by going back to the comments I made at the beginning about some of the areas this bill covers. Contrary to what the member from Kitchener Centre said, I don't think this is merely a bill that has a limited number of changes and is not a complete overhaul. It may not be a complete overhaul, but its limited number of changes certainly go deep into the public service.

Words like "democratic," "flexibility" and "streamlined" were used, but I don't think you can have authority

without accountability, and you certainly can't have accountability without the authority. If we delegate that authority, in any way that authority and accountability is delegated to the private sector, to that person or those persons, whoever they are—and the bill certainly doesn't identify who they are, so I can only assume it's the private sector—then where is the public going to go for answers?

This piece of legislation is about more than choice. It's about privacy and, yes, it is about accountability. But in my view it's not about improving accountability; it's about reducing accountability. We think this bill will lead to an increase in the number of contract workers employed by the Ontario public service and, as I mentioned earlier, this is done through the introduction of term classified and three-year term unclassified employees.

In my view it takes away the professionalism and reliability of public servants. With more people concerned about their jobs, there will be a greater reluctance to speak out against improper government activities. For example, public servants concerned about their jobs will not speak out against the government cuts that led to the likes of the Walkerton crisis.

It allows a deputy minister to delegate to any other deputy minister his or her powers to fire, hire, promote, transfer and discipline. How is a public servant to know to whom they report if this can be delegated to any other deputy minister? In fact, it will allow, I believe, a problem to grow within the public service where it will become more disorganized because they won't know to whom they're reporting. There have to be definite lines of authority. Without doubt, there can be co-operation between ministries—in fact, you've probably found there are too many silos today. But what you want to do is get co-operation between those ministers and those ministries, and to do it you don't have to have one minister delegating responsibility for employees to another minister. I think the growing privatization of the public service will cause this. A deputy minister could delegate to a private company, as they have, authority for jails, environmental protection and public safety issues. This we oppose. This actually reduces accountability, since it blurs the lines of responsibility.

It was mentioned earlier in debate that it establishes that a criminal conviction is conclusive proof that an employee committed the action in question, and it removes the grievance board's ability to make an independent decision regarding the criminal activity. This is something that I think should be discussed further. I think the general public and a reasonable person would think that should be the case. But we've had government backbenchers raising questions about the judiciary, raising questions about the courts. If they're going to raise questions about the courts, how do you think our civil service feels when those criminal convictions are the sole authority and can't be grieved? I think this is something we should debate further.

**2040**

To conclude my remarks on this, I go back to one of the most important things: that it allows the public service to privatize the collection of personal information for human resources purposes. Prior to Christmas there was an act introduced that created a great deal of concern in the general public, and I think even within this House, and that was when certain private health information could be passed on to other authorities. We're told that the Management Board information system doesn't have health information in it, that it's only information with regard to employment and service, that information you would normally find in what they termed a regular employment record. But the problem is that it doesn't limit that information, and if more than that is available—

*Interjection.*

**Mr Crozier:** Well, the member for Kitchener Centre says I know better. I thought I knew better before this government gave out private information through the provincial savings office. I thought I knew better, but it didn't happen that way—it didn't happen that way. We found that private information, confidential information, was given to private sources. I think any reasonable person would have thought before that happened that it would never happen. But it did. All I'm doing is raising the flag. All I'm doing is saying that if you move into an area where private information which has been held by government employees who are sworn to that privacy, when that moves into the private sector, we may have a problem.

**Mr Wettlaufer:** It can't go into the private sector.

**Mr Crozier:** Well, that will be determined through debate, I'm sure. I'd like to see it in the bill; perhaps we can put it in the legislation through amendments. But there are no assurances in this. In fact, we were told at the outset that this really makes a limited amount of changes and it's not much of an overhaul. I think all three government speakers downplayed this: "Really, it's been a hundred and some years since it was revised, so shouldn't we just do it because it needs to be done now?" Well, time does march on. Government operations do change, but we have to be, absolutely without question, careful when it comes to the confidential information of our employees. All I want in this are those kinds of assurances that the same thing can't happen as happened with the naming of young offenders, or that can't happen with the confidential information that got out through the Ontario provincial savings offices.

We raise these questions. I've tried this evening to give to the government members and others here the reasons why we have a professional public service, the reasons why all this came about. Just because it's been that way—in fact, maybe because it's been that way—for over a hundred years, it should remain that way, we should do our very best to maintain a professional public service, a professional civil service, one that would attract professionals—and not just on a one-year basis or a three-year basis, but one that would attract some of the



very best people. We need those kind of people in government. The same has been said, that we need to attract the very best to elected office. Well, we need the very best in a professional civil service that can give unbiased advice, neutral advice to the employers, ie, the province.

They can do this without any fear of retribution and they can do this without any fear that they have to treat the government of the day in a favourable way so that either the contract can be renewed at the end of the three years or, if this is moved into the private sector, that they have to do any particular favours for the government of the day.

I want to just emphasize one more time the problem that we think we might run into with the breakup of Ontario Hydro. My colleague from Renfrew has mentioned time and time again that access to information will be restricted. What we want to assure ourselves of is that we don't have another Ontario Hydro situation—Hydro One, it's called now—where decision-making that's very critical to the well-being of the province of Ontario and its citizens is not available for public scrutiny. We want to be sure in this legislation, if and when it's passed, and if and when some of the responsibilities that are currently under deputy ministers are moved into the private sector, that the public still has the ability to get the information it needs so it can better judge the actions of the government or of the government employees or of the government ministers. That's all we're asking. We want to avoid those kinds of situations.

I think there's a lot of work to be done with this piece of legislation. The form that it's in now, although some of the objectives may be laudable, we're awfully concerned about how you're moving toward those objectives and that you may be moving toward them outside the professional civil service that we have today.

As it moves on through second reading debate, and as we move on to committee and hopefully public hearings, public consultation, in a democratic way, we'll be able to determine those issues and if necessary amend the legislation. We will have more to say about that at a later date.

I had my colleague from Renfrew here this evening and I was a little bit concerned about going into history with him sitting here, because he might be able to remind me of some things that I didn't mention. I thank you for your attention.

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

**Mr Kormos:** I am somewhat grateful for the scholarly presentation of that history. The member makes reference to the member from Renfrew. The member from Renfrew would have been citing by virtue of his own experience; he's been here probably for a good chunk of that history of the civil service.

I have to tell you, I don't find any of these objectives laudable. I think they're objectives that should be of great concern to a whole lot of Ontarians, because it's all about the little pieces of the puzzle and it all goes back, in my view—I could be wrong—to Bill 26. I recall then talking

about Bill 26 as being, again, but pieces of the puzzle. Here are more little pieces of the puzzle, and the picture that's emerging is not the kind of picture of Ontario that my folks down in Welland or other people of their same generation in Pelham or Thorold or St Catharines, or I suspect anywhere in this province, wanted to put together or they wanted to build or wanted to paint for their kids and grandkids. This is very much a radical change from the kind of Ontario that Ontarians were prepared to invest in as taxpayers, that Ontarians were prepared to build things in, publicly owned as public institutions, so that everybody could share in the services they provided, and so that the services they provided will be provided by an independent and neutral public service.

**2050**

So I am very concerned that people are being lulled by the soporific tones of government—

**The Deputy Speaker:** Thank you.

**Mr Wettlaufer:** The member for Essex suggested he was raising a red flag. I would suggest that it wasn't so much a red flag that he raised but a red herring.

He has oversimplified the issue. The bill does not delegate all powers in all cases. The decisions would be made on a case-by-case basis only.

He suggested that this was an effort to privatize the public service. Again, I want to say that all we're trying to do is to be able to hire expert advice. We're trying to be able to hire professional advice on a time-related basis. Nevertheless, some of these time-related jobs may be required for up to a three-year period, and it is for that reason that we need to change the legislation.

He thinks that because McCutcheon modernized the public service in 1918, and that the public service should be thankful for it, perhaps it doesn't need modernizing. The year 1918, I would remind the member from Essex, was 83 years ago.

He has suggested that the delegation of authority to members of another ministry is perhaps also delegating the authority automatically outside of the ministry. That is not the case. He asks why it is necessary to delegate the authority to members of another ministry. Well, it may be necessary to bring that member from one ministry into another ministry because of the technological expertise that employee has. It may also be necessary because they don't have enough work in that ministry and we need that work in this ministry.

**Mr Dave Levac (Brant):** I'd like to compliment the member for Essex. As always, he does a thorough job of finding out the information that's necessary for us to make good decisions.

The members on the other side have been using terms like, "We value our public service," and then in the same breath they turn around and say, "But you're not expert enough. We need to go outside of the expertise that you have."

I just want to make sure we understand what we're talking about. In a task force report that was done on public service values and ethics, we see that the basic argument in support of public service is its democratic

mission, helping ministers under law and the Constitution to serve the common good. Public servants help ministers make well-informed decisions by giving them good advice.

They do that in three ways. First, they have the knowledge, the skills and the expertise to generate that advice. Second, they have the public interest at heart and they will generate that advice for the good of the public. Third, politicians will get honest advice in the public interest even if it is not what the government of the day wants to hear. Public servants will speak the truth to powers that be.

So we have to make sure we clearly understand what the member for Essex was trying to point out to the members on the other side. As much as you don't have faith in the public service, which you've slowly eroded to very little at all, we do. We understand that their expertise is valuable, and we do value them as employees of Ontario.

The fact remains that the member for Essex was very clear in his arguments with this member on the other side. That is the one that's important to us, and that is the privacy issue. Do we want this government to be in charge of taking care of that privacy that's so dearly recognized by the citizens of Ontario? You think about POSO, and I don't think so. This government was found in contempt about privacy.

**Mr Dunlop:** I'd like to compliment the member from Windsor-Essex for being able to go on so long today. I think he's done a good job, and he did bring out some very interesting points.

But the point I'd like to make on Bill 25, and I'd like to re-emphasize it, is the importance particularly in some of the ridings. I see the Solicitor General is here on House duty tonight. I know that he's very interested. Quite often he's probably asked by civilian OPP employees, as well as probably some of the uniformed officers, about the inequities in the system the way it stands today. Here we have police forces from all over the province. I was just talking to my colleague behind me about the Ingersoll police force, the Barrie police force, the Toronto Police Services Board, which have literally hundreds of employees. Both the uniformed officers and the civilian employees are all part of the same collective bargaining unit.

This has been very unfair as far as employees of the Ontario Provincial Police are concerned. I've had a number of these employees come to me at social functions I've been at and they've asked, "Why can we not belong to the same collective bargaining unit as our uniformed officers?" I don't have an answer. This bill will correct that. That's the one thing I would really like to see corrected in this bill. Whether it ends up going to public hearings or whatever, I'd like to see a fair, democratic vote that the employees of that particular association may want to hold.

That's my key point here tonight. I thank the other members in the House for their comments as well.

**The Deputy Speaker:** Response?

**Mr Crozier:** I'd like to thank the members for Niagara Centre and Brant and Simcoe North and, yes, I think I'd like to thank the member for Kitchener Centre. But I'd also like to thank two young people who work with me, Jamie Rilett and Kandice Ardiel, for helping me put this information together. I spoke for almost an hour. There's not much more I can say at this time, so thank you for your attention.

**The Deputy Speaker:** Further debate?

**Mr Kormos:** Speaker, I'm entitled to speak for an hour and I'm going to. The problem we've got is that it's a couple of minutes to 9, and I suspect you're going to stop me at around 9:30. That means that I've got to start tonight, talk for around 30 minutes, but tomorrow at 6:45, assuming that the government can pass their evening sitting motion tomorrow—

*Interjection.*

**Mr Kormos:** They had a little problem today. You were here, Speaker. The government had a little problem. The whip almost swallowed his bubble gum when there was a quick count of heads and, holy yikes, he realized that what with the two abstentions from among the Tory caucus—just think, if those had been votes to the contrary instead of mere abstentions, it still would have been a victory for the government but an even smaller margin, an even narrower margin.

Things aren't going well for these guys: the simplest of propositions, to move a motion to sit in the evening, and they almost blew it. But I suspect that the whip blew a gasket in short order after that vote and that the sting of the whip was felt—I hear sound effects behind me—on the backsides of more than a few. You notice they're all sitting down. That's because they don't want us to see the cuts in the backs of their suit jackets where that whip got them, because the whip can be awfully hard on your Studio 267s, my friends.

The notice of motion is there, and I know where the New Democrats are going to be on that vote tomorrow.

**Mr Bert Johnson (Perth-Middlesex):** All over the place.

**2100**

**Mr Kormos:** Well, I want to see whether the opposition can say no to this government when the government wants to hold a sessional day without a question period. I know the government likes these sessional days in the evening. They do, because they don't have question periods. For instance, today was a fascinating question period. I thoroughly enjoyed today's question period; I did. For a Monday, I thought, by God, this week got off to a good start here at Queen's Park. The week got going off bingo, bango, and I've got a feeling we've got some fascinating question periods to come.

Well, I don't know. You see, the Premier was here today to be in question period. If I suggest where he's going to be tomorrow, that's not commenting on his absence, because I don't really know, I won't know until tomorrow, but I'm told he left for Lausanne. I'm told that's in Switzerland. The Premier left for Lausanne. Did

I pronounce it right? Lausanne, Switzerland, the snow-capped Alps. Mont Blanc is somewhere on the horizon. That's the kind of pen he uses, the Mont Blanc. That's the expensive one.

*Interjection.*

**Mr Kormos:** The Solicitor General was writing with a Mont Blanc earlier today.

**Hon David Turnbull (Solicitor General):** My wife is Swiss. What do you expect?

**Mr Kormos:** Listen, for these people, nothing but the best, huh? For the government and its backbenchers and its frontbenchers and its peripatetic Premier, nothing but the best. We're not talking about driving up to Orillia to speak to the bill, Bill 25.

**Mr Wettlaufer:** On a point of order, Mr Speaker: I'd like to draw your attention to the fact that the member is not speaking to the bill at hand. I think we would also like to know whether or not the member still owns his Corvette.

**The Deputy Speaker:** The first part was obviously a point of order. The member had moved in the direction of speaking to Bill 25 and he knows that is what he needs to do.

**Mr Kormos:** First, I want to thank you, Speaker, for your direction and guidance. You know I always welcome your counsel and I'm pleased to follow your direction. Of course I was moving a little bit off track, but not really, because we're talking about an overall agenda here. Surely I could talk about Bill 26 in the context of Bill 25, because there's a silver thread that has been travelling through several years now, since 1995, of this government's legislative agenda that indeed for all but the rarest of exceptions brings all this stuff together, draws Bill 25 into the frame of that puzzle, of that picture that's being painted.

First, because the speaker before me, Mr Crozier, was generous enough to thank his staff who assisted him, I want to thank some people too: the ministry staff, some political staff. Young Mr Derek O'Toole from the ministry of Management Board was over with a couple of his colleagues, I think another political staff and a bureaucrat, or it could have been two bureaucrats and one political, but they were over. Chris Watson, who's on our staff, helped me, because the bill is a mini-omnibus bill. That's what helped remind me of Bill 26, because Bill 26 was a big omnibus bill. This is a small omnibus bill.

The bill has amendments to several different statutes. When you look at the amendments standing alone, you don't really understand what's going on until you make reference to the act they're amending and read that act, or at least that part of the act, and see the amendment and see the impact it's going to have.

Let's see, there's one lawyer over here and there's one lawyer over there. Two lawyers. They were warned and admonished not to rely upon the headnotes, right? "Don't rely upon headnotes." How many times were you told that? If you were told it once, you were told it a million times, right? But you did anyway, didn't you? You did; I know you did. You were down there in that law school

library, it was 11 o'clock at night and you said, "I know what they"—

*Interjection.*

**Mr Kormos:** Bill 25, because I'm getting to the explanatory notes.

You said, "I know what they told me about headnotes and I know that it was illustrated to me how headnotes can be deceptive," huh? Remember? "But, Lord knows, it's 11 o'clock. I'm tired. I'm going to rely upon the headnotes just this once." Maybe you got away with it one, twice, thrice, but sooner or later, you got caught, because the headnotes didn't tell the whole story. The headnote is the little précis at the beginning of the reported decision. Am I correct on that?

**Mr Carl DeFaria (Mississauga East):** Good for exam notes.

**Mr Kormos:** Thank you. I just wanted to make sure I was correct, so I consulted one of the lawyers here in the Tory benches.

Just as you can't rely on headnotes—those are the little Coles Notes for legal researchers—you can't always count on the explanatory notes. You can't. You can maybe do it once and get away with it, maybe twice, maybe thrice. I'm talking about just reading the explanatory notes and not looking at the sections and, more importantly, taking those sections and referring back to the act that they amend. But sooner or later, you get caught. It jumps up and bites you, right?

I see Mr DeFaria is nodding. He understands what I'm talking about, because he knows you can't just read the explanatory notes, just like you can't read the headnotes.

I'm especially grateful to Chris Watson, as well as Tim Hadwen and Tim Little. I'm going to tell you right up front, they're with OPSEU. I want to make it quite clear: I spent a good chunk of time with some OPSEU people analyzing this bill and its impact, not just on public sector workers but on the overall agenda that the Tories have been pushing in this province since 1995—the fact that this bill is critical.

Government members, if they're going to pursue their goal as Conservatives in this government, have to vote for the bill. It's critical, it's crucial to your overall agenda. Your support of this bill is critical to your agenda of broad privatization of public services in this province. This bill is critical to your agenda—you're nodding. I know you understand. He's nodding yes, because he gets it. Share it with your colleagues. Help them understand too that the bill is critical if you're going to pursue that sellout of public sector services and the assets related to those services to your American corporate, for-profit operators, like your new-found American, Utah-based friends who are going to operate your megajails, not with the goal in mind of corrections or rehabilitation or protection of the community, but making profits. That's what this corporation is all about. That's why it exists. It exists to make profits.

The shareholders of that private jail operator from Utah, the one that just got the contract for the Penetanguishene jail, are the beneficiaries of Bill 25.

Let's understand this: when the shareholders of that American Utah corporate for-profit jail operator meet with their board of directors and their CEO and the president of the company, the shareholders don't go, "Oh, I have a question. How many people did we rehabilitate this year?" The shareholders don't ask that, because this is a profit-making corporation. The shareholders don't say, "Oh, CEO of corporate US Utah correctional jail operator, how many communities did we make safer?" They don't ask that because that's not the job of a corporation. They say, "How much profit did we make?" Because that's the job of a corporation like the American Utah corporate for-profit jail operator, good friend of these guys here in this government who they brought up into Canada to run the province's biggest jail, to displace trained, professional, committed, capable correctional officers, members of our public service.

#### 2110

Bill 25 is going to accommodate that Utah, American corporate for-profit jail operator. It's going to pave the road for them. It's going to make it more attractive for them. It's going to make it easier for them. It's going to make it—ah—more profitable for them. And the really obscene thing about this is not only that this government is selling off public corrections here in the province of Ontario to corporate for-profit operators, but it is selling it off to corporate for-profit operators who are going to drain the profits into the United States. The profits paid for with taxpayers' dollars are not even going to stay in Ontario or Canada. It is pretty nuts, isn't it?

Folks down where I come from don't consider that good business, don't consider that good government, don't consider that good fiscal planning; they think it's nuts. The folks down where I come from don't consider that a smart way to run a correctional system, because they know that American corporate for-profit jail operators don't have the safety of communities as their first objective or even as their second or their third, don't have rehabilitation of prisoners as their first, second, third or any of their objectives, but have as their objective, as corporations do—and this is neither good nor bad; this is simply the reality of it—have as their sole objective the creation of profits.

I had no qualms about sitting down with folks from OPSEU to talk about Bill 25 and what it means for public sector workers, what it means for public, historic, traditional and valuable public institutions in this province like corrections and, more importantly—most importantly, I suppose—what it means for the purpose, the potential and the future of the public sector in Canada, and Ontario particularly. It is all about what you believe in, what your values are. I understand that there are people here who don't believe there should be common public ownership and accountability of anything in our society.

I grew up, like you, believing, because these are the values that prevailed in my family, my community, that certain things like education, things like—yes, it was in my youth that health care was implemented. I'm old

enough to remember lots of things, but I remember that time in this province, in this country, when you didn't have public health care. I think you might be too, Speaker. I'm serious. If you think back to when you were not so little a kid, you remember a time when maybe your folks, like mine, had to sit at that Formica kitchen table and make hard and tough decisions about whether you took one of your kids to the doctor the next day because he or she was running a fever, because of what it was going to cost.

It wasn't that long ago, was it? It was within the lifetime of the vast majority of members of this Legislature. It wasn't that long ago that folks across this province, across this country, folks like mine and like yours, factory workers and farmers, clerks in stores, sat down at their kitchen table and had to struggle with a proposition that to many people now seems wacko. What are parents doing debating whether or not to take a little kid who's running a high fever, like 103 degrees or 104 degrees, that they should have to sit at the kitchen table and say, "Maybe we should or maybe we shouldn't"? They did. It wasn't that long ago. It was before public health care.

Those folks, people like our parents and our grandparents, hard-working people, were prepared to invest in public health care and they did. They were prepared to invest in public education and they did. They were prepared to invest in their communities. They were prepared to pay taxes to build water systems and have those publicly owned and publicly maintained. They were prepared to invest in sewage systems, in roads, in sidewalks and, in many other communities, in public transportation systems. They made those investments. The very rich didn't build those things, because the very rich never needed public health care. It was never an issue. The very rich never needed public education. The very rich never needed public water systems and public sewage systems and those sorts of things. The very rich didn't need public highways. They had private railway cars and they owned the railways. Working people built the railways, but the very rich owned them.

Things we have come to know as being the norm in Ontario—and very characteristic of what it means to be Canadian—publicly owned things, publicly run things, things that are publicly accountable through government, were built by hard-working people. But this government doesn't believe in those public things. It doesn't believe in public education. It made that very clear with its budget speech. It has introduced into Ontario the brave new world of public tax dollars going to support, sustain and maintain—at the expense of public education—private, for-profit and, all too often, very elitist schools.

This government has made it quite clear where it stands on health care. I can't wait for the Romanow inquiry. It's made it quite clear that private health care is very much on the table. This government, in its budget, delegates to the SuperBuild fund the responsibility for identifying all the other public assets that are going to be put on the auction block and sold off to its American, corporate and—understand this—for-profit friends, who

are going to bleed public monies out of this province, who are going to let public health care, public education, public water systems, public sewer systems, public road-building—this government doesn't believe the public should own its highways. Its budget announced that peculiar little highway going along Highway 7, through some of the most pristine agricultural and rural land, into Peterborough.

That's what Bill 25 is helping to facilitate. That's why this government needs Bill 25, and that's why its backbenchers are going to be whipped into voting for it. It's going to be a three-line whip, because Bill 25 is all about making Ontario more attractive, more profitable for the Utah-based, American corporate, for-profit jail operators and for the, as often as not, non-Canadian based, corporate, for-profit highway builders and owners.

*Interjection.*

**Mr Kormos:** Yes, it's true. I've got one backbencher thinking about it, one backbencher paying attention. He's contemplating it.

It's true. Think about it. Bill 25 is critical. These corporate, for-profit operators are going to come in and buy up our highways and own them and charge us tolls to travel on them. They're going to come in here and buy up our jails and own them and operate them for profit like the highways.

**2120**

If these corporate, for-profit operators are going to come into Ontario—this government says it's open for business. Oh, yeah, open for business. Right on. Open for business with the corporate vultures that will come here and rob public assets from Ontario's citizens who built those assets with their investments and their hard labour: roads, highways, jails, water systems, sewer systems, schools and hospitals.

It was an absurd proposition to think there could be such a thing as private, corporate, for-profit—again, we know where they're based, down in Arkansas. It is in Arkansas where Rural/Metro is based. That's right, Arkansas. Rural/Metro: private, corporate, for-profit, American operators of ambulance services and fire-fighting services.

This is the biggest yard sale. This is the mother of all yard sales. Mike Harris has got everything out there on the front lawn, and the sticker prices can't be beat. Not only is the sticker price rock bottom, but this government persists in legislation—I've got to tell you I have no qualms about sitting down with OPSEU people. I'm proud of OPSEU. Man, I'm proud of OPSEU. I couldn't be more proud of anything than of the fact we have OPSEU and other trade unions like them. In the context of the public sector and public service and public services, Leah Casselman and OPSEU were there at the very forefront.

I can't help but suspect that this bill is more than a little bit of punishment for OPSEU, for the incredible effectiveness of their strike. It is oh so long ago now, isn't it, that OPSEU members took on this government, took on its privatization agenda, took on its corporate

agenda? OPSEU members and their leadership—Leah Casselman—took on this government and this government's agenda to beat up on unionized workers and beat up twice as hard on non-union workers and beat up three times as hard on the poorest workers in this province. This bill contains more than a little bit of payback. Let's take a look at those provisions that are going to impact not only on OPSEU but as well on AMAPCEO, the Association of Management, Administrative and Professional Crown Employees of Ontario, and PEO, the Professional Engineers Ontario.

To be fair, the vast majority of workers who are being targeted, the workers who are working at Ontario Provincial Police offices across the province, are OPSEU workers. What I found very interesting in the briefing with the ministry types—because I was very concerned about the ballot. First, I was concerned about the fact that the Ontario Provincial Police Association isn't a union. They're not entitled to sign up members and appear before the Ontario Labour Relations Board. It's against the law—you knew that, didn't you?—against the law. The Ontario Provincial Police Association is not a union, and cannot sign up members and appear before the OLRB. Well, the bill took care of that. The bill exempts them from the requirement. It creates a little window of opportunity.

OPSEU workers don't even have a prima facie quarrel with that. But what I had great concern about was the inability of the brain trust from the ministry to explain to me how that ballot was going to be designed. Was the ballot going to permit workers to choose OPSEU or the OPPA? I didn't know, so I asked, which is what a briefing is all about. I asked. I became very concerned about the fact that the response wasn't clearly one where, yes, those workers would have that chance. You see, one association/union—union by virtue of statute; union for a day is what the bill makes OPPA—can't effectively take over but a part of another bargaining unit, and that's what's happening. The bill changes the law for a moment, long enough for OPPA to do that as well, to go after only that portion of OPSEU members, only that portion of the collective bargaining unit that happens to work in OPP stations.

Again, those workers, of course, have every right to decide what union they belong to—union. But my fear, in the context of what I was told, or, more importantly, what I wasn't told during the course of that briefing, is that the process is going to be so patently unfair, so biased that it can't be perceived as anything other than punishment for OPSEU for their opposition to this government's most right-wing, most draconian and most vicious of measures.

Let me tell you what it means to OPPA. These numbers won't be bang on, because they rely on some guesstimates. My guesstimate is that around 2,500 OPSEU members are with the OPP across the province. At an average salary of \$40,000 and with OPSEU union dues at 1.425%, it comes out to \$570 a year per worker, in my view, cheap at any price to belong to a union that's

going to fight for you the way OPSEU does and is going to represent your interests at collective bargaining time they way OPSEU does, but people make their own decisions. That's \$1.4 million a year in dues that this government is facilitating being taken over by the Ontario Provincial Police Association.

A mere question, but is OPSEU being punished for its participation in that strike and for leading, being the vanguard of that struggle against privatization here in the province of Ontario, privatization of jails, privatization of waterworks, privatization of roads, privatization of schools, privatization of hospitals? More importantly, is the Ontario Provincial Police Association being rewarded? Then one has to question exactly for what: for their conduct during the OPSEU strike here at Queen's Park? I find the circumstances around that little sweetheart deal between this government and the Ontario Provincial Police Association, not a union, mind you, to be intriguing, at the very least intriguing.

**Mr Wettlaufer:** Are you accusing the police—

**Mr Kormos:** Again, I simply raise it as a question. People can draw their own conclusions. People can draw the appropriate inference. That inference can be

strengthened when we're finally told—because I would like a commitment from this government.

I want to make it quite clear that the NDP is not supporting this legislation. The New Democrats at Queen's Park are going to fight this legislation as hard as we can, no two ways about it. Quite frankly, we'll do everything we can to get this legislation into committee, because I think this government should take Bill 25 around the province and let public sector workers comment, because you said you consulted. The other day, the Minister of Community and Social Services said he spoke with Alan Borovoy and with Sid Ryan about his wacko urine testing scheme; you know, have social service workers there with their little plastic cups. There'll be tanker truckloads of Mike Harris-collected urine criss-crossing the province from one social services office to the next.

A problem, Speaker? You're twitching, Speaker.

**The Deputy Speaker:** It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2130.*



## CONTENTS

**Monday 14 May 2001**

### SECOND READINGS

#### **Public Service Statute Law**

**Amendment Act, 2001, Bill 25,**

*Mr Tsubouchi*

Mr Wettlaufer.....649, 656, 663

Mr Dunlop..... 650, 664

Mr Stewart..... 653

Mr Bartolucci..... 655

Mr Kormos.....655, 663, 664

Mr Sterling..... 656

Mr Sergio..... 656

Mr Crozier..... 656, 664

Mr Levac..... 663

Debate deemed adjourned..... 668

## TABLE DES MATIÈRES

**Lundi 14 mai 2001**

### DEUXIÈME LECTURE

#### **Loi de 2001 modifiant des lois en ce qui a trait à la fonction publique, projet de loi 25,**

*M. Tsubouchi*

Débat présumé ajourné..... 668