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## **Official Report of Debates (Hansard)**

**Tuesday 19 June 2001**

## **Journal des débats (Hansard)**

**Mardi 19 juin 2001**

**Standing committee on  
justice and social policy**

**Comité permanent de la  
justice et des affaires sociales**

Ambulance Services Collective  
Bargaining Act, 2001

Loi de 2001  
sur la négociation collective  
dans les services d'ambulance

Chair: Toby Barrett  
Clerk: Tom Prins

Président : Toby Barrett  
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY**

Tuesday 19 June 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE LA JUSTICE  
ET DES AFFAIRES SOCIALES**

Mardi 19 juin 2001

*The committee met at 1010 in room 151.*

AMBULANCE SERVICES COLLECTIVE  
BARGAINING ACT, 2001

LOI DE 2001

SUR LA NÉGOCIATION COLLECTIVE  
DANS LES SERVICES D'AMBULANCE

Consideration of Bill 58, An Act to ensure the provision of essential ambulance services in the event of a strike or lock-out of ambulance workers / Projet de loi 58, Loi visant à assurer la fourniture des services d'ambulance essentiels dans l'éventualité d'une grève ou d'un lock-out de préposés aux services d'ambulance.

**The Chair (Mr Toby Barrett):** Good morning, everyone. Welcome to this regular meeting of the standing committee on justice and social policy for today, Tuesday, June 19, 2001.

Our agenda for today: we're dealing with Bill 58, An Act to ensure the provision of essential ambulance services in the event of a strike or lock-out of ambulance workers. We're dealing with clause-by-clause consideration of the bill.

In the meeting of this committee yesterday afternoon, I received advice on two areas.

**Mr Dominic Agostino (Hamilton East):** Mr Chair, before we start, we're starting with the process, but I'm a little confused as to what's going on here, because we don't have copies of the government amendments or the other parties' amendments. It's difficult to start and be specific on the amendments since we have not seen them yet.

**The Chair:** OK, I was just going to address that, Mr Agostino. I received advice from committee members yesterday on two issues. One issue was when the committee wished to start today, and second, advice on the deadline for amendments. The deadline for amendments was set at 10 am this morning. I'd ask committee members to please bear with the clerk and staff. They do need a bit of time to photocopy them and to collate them for the members. So the deadline for amendments was 10 am. They will be forthcoming. Second, I received advice from the committee on the specific time to begin this morning. Consensus seemed to be to begin this committee at 10 am and I know there may have been a question of why this committee is meeting at 10 o'clock in the morning. I know there's caucus for at least two,

probably three, parties, as I recall. Just to better explain, because there may be some people who have been subbed in, I will quote from the resolution put forward by Minister Ecker in the House. I will quote in part:

"That the standing committee on justice and social policy shall be authorized to meet at Queen's Park on Tuesday, June 19, 2001, for clause-by-clause consideration of the bill, and that in addition to its regularly scheduled meeting time, the committee be authorized to meet in the morning but not during routine proceedings, and that the committee be authorized to meet beyond its normal hour of adjournment, until completion of clause-by-clause consideration; and

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

I just wanted to read that into the record and make sure everybody understood why we're meeting this morning and that this is time-allocated.

I understand everyone has the amendments now.

**Mr Peter Kormos (Niagara Centre):** On a point of order, please, Mr Chairman: I seek unanimous consent that we spend an hour this morning hearing from deputies who may wish to give evidence regarding the impact of this bill on their day-to-day working lives, to wit paramedics.

**The Chair:** Thank you, Mr Kormos. From the order of the House, this committee meeting is designated strictly and solely for clause-by-clause.

**Mr Kormos:** But I seek unanimous consent.

*Interjections.*

**The Chair:** I do not hear unanimous consent.

What I wish to do at this point, then, as we walk through clause-by-clause consideration of the bill, is turn to section 1 of the legislation. Any call for any discussion or comments on section 1? Mr Kormos.

**Mr Kormos:** You are now, I trust, proceeding with, literally, clause-by-clause consideration of the bill?

**The Chair:** That's my understanding.

**Mr Kormos:** OK, with respect to section 1, I want this committee to understand very, very clearly that the New Democratic Party, me here speaking for them, finds no part of this bill acceptable, finds the bill objectionable. We regard this bill as a very targeted attack, firstly on paramedics and their collective bargaining rights.

We agree with the analysis and the positions taken by the collective bargaining units of paramedics, and that is to say OPSEU, the Ontario Public Service Employees Union, CUPE, the Canadian Union of Public Employees, and SEIU, the Service Employees International Union.

We find the effective—because that's what happens in this bill: there's an effective denial of the right to strike, because what happens is that there is a threshold of essential workers that will inevitably be so high that it denies any effective strike power to the paramedics affected. The paramedics affected are the ones in the municipal sector. I should also note that this bill will create three regimes for paramedics: the crown employees' regime; the HLDAA, the hospital labour disputes regime; and now this third regime.

We're fearful of the bill because, among other things, we believe it sets the new target for the so-called arbitration alternative to the right to strike. I want to make it clear that paramedics, like the ones who are here and like the ones who were here at Queen's Park last Thursday, have demonstrated incredibly high levels of responsibility during the course of their labour negotiations with their employers historically. I defy the government or any of its members to identify a single instance in which any member of the public suffered as a result of the collective bargaining efforts or strategies or tactics of paramedics.

Indeed, paramedics have demonstrated an interest in and a capacity to negotiate effectively the essential services agreements, and it's the New Democratic Party's position that, yes—and we recognize the important role that paramedics play. Paramedics recognize that role more so than anybody. We believe, first of all, that essential services determinations are ones that should be negotiated between workers like paramedics and their employers, municipalities. Paramedics have demonstrated an ability to do that. The city of Toronto is one of the illustrations of that, where paramedics have maintained service notwithstanding that that municipal sector from time to time has had to take strike action or, at the very least, have a strike vote to give it leverage at the bargaining table.

So we find it repugnant that paramedics who have demonstrated an eagerness and a capacity to negotiate essential services agreements with their employers are now effectively being denied that right. They're having imposed on them a threshold which effectively eliminates any strike power.

The historical and fair alternative to the power to strike, or the right to strike—and you folks know I think that's a very important fundamental right, and I recognize essential workers and the need for classifications of essential workers, but the right to strike is a very fundamental right, the right to withdraw your labour.

The historical alternative to the right to strike has been arbitration. Some of you folks were here in 1991, when the Arbitration Act was rewritten, effectively, here in the province of Ontario. It was part of a harmonization process with other jurisdictions, and it was the incorporation of a whole lot of case law and precedent. I, for one, am very pleased and proud of Ontario's Arbitration Act, 1991. It codifies literally centuries of arbitration case law, common law and procedure. Among other things, it sanctifies, beginning with Scott and Avery, the clear bases for arbitration that cannot be negotiated away, even on the consent of the parties to arbitration. That's the core of our Arbitration Act. The Arbitration Act is extremely flexible, because other than those core issues—natural justice, equity, Scott v Avery—parties are free, under the Ontario Arbitration Act, on consent, to agree to all sorts of flexibility in the process of arbitration. That's the beauty of the Arbitration Act.

#### 1020

One of the fundamentals of arbitration is that both parties agree upon an arbitrator. It's critical. Arbitration is based on the neutrality of the arbitrator, the lack of bias, not only real but perceived. There are folks here who are lawyers who could develop on that principle at length, I'm sure, for far longer than the time allocation motion has given us.

This bill rewrites arbitration law in the province of Ontario. It does it in a very, very fundamental way: the imposition of an arbitrator who isn't mutually agreeable to both parties; giving the arbitrator the power to determine the process, notwithstanding that both parties to the arbitration may have their own view of what an appropriate process would be. Again, that's incredibly important.

Arbitration has worked well. Let's understand that. Arbitration has worked well for any number of scenarios. I mean its origins, its roots, as you know, are in commercial law, going back to Great Britain in the 17th century, if I'm not mistaken about that. Again, lawyers with more experience in that than I have could elaborate on that. But interest-based arbitration has become an integral part of labour relations and a very incredibly effective part.

Paramedics and their supporters, their advocates, have pointed out that essential services like firefighters and police officers have, in lieu of their prohibition on strike action, access to a traditional arbitration regime. I understand entirely paramedics' concerns that they're being targeted for special treatment when they don't have access to that same arbitration regime. I suppose we'll get more specifically dealing with the issue of arbitration when we approach those sections, and there are amendments, both Liberal and NDP amendments, that speak very much to the issue of arbitration.

I just want to make it very clear that we have no sympathy for this legislation. I have some great trepidation about this legislation, because I don't think it's going to end with paramedics. I suspect the rewritten arbitration regime is going to be expanded to include other similar public sector workers. I say that police officers in this

province should be very fearful; I say that firefighters should be very fearful, because what we see here effectively in the arbitration sections could be the new model, the new standard for even their arbitration.

I quarrel with critics who chastised paramedics for coming here last Thursday. Paramedics, as is common knowledge, engaged in a noisy but peaceful and lawful protest here last Thursday. I want you to know that Brian O'Keefe from CUPE was finally granted a meeting with the Minister of Labour yesterday. I think paramedics who were here—and again, there were no arrests last Thursday—were clearly in protest. It was clearly an effort by paramedics to draw attention to their plight. You'll notice that, again, papers from the Toronto Sun onward expressed sympathy for the plight of the paramedics. You started to see newspaper articles which understood the impact of this legislation.

Brian O'Keefe, secretary-treasurer of CUPE, among others, had a meeting, I'm advised, with the Minister of Labour yesterday. This was the first opportunity they had to deal directly with the minister. I regret that we cannot have, that the time allocation motion does not provide for, paramedics from all three collective bargaining units or organizations, their leaders, their counsel—we had a lawyer here yesterday from Sack Goldblatt who provided a thorough analysis of the bill—to address this bill, because I suspect that committee members, and not just opposition members but government members as well, based on their own experience in their own communities and based upon their own relationships with paramedics, would find some great sympathy with the arguments that have been advanced, amongst others and most recently by the law firm Sack Goldblatt, as critiques of this bill.

I'm saddened by the fact that these paramedics have not been given standing at this committee and that their representatives haven't. I am pleased that they utilized their right of access to this building last week to draw attention to the concerns that they legitimately have, not only for themselves but for other public sector workers.

No, the New Democrats do not support this bill. We don't support section 1, we don't support section 2, we don't support section 3, on and on down the road.

**Hon Chris Stockwell (Minister of Labour):** The title?

**Mr Kormos:** The title is repugnant as well, because paramedics have indicated their capacity to establish levels of essential services through the process of negotiation and agreement.

**The Chair:** Thank you, Mr Kormos. Mr Agostino?

**Mr Agostino:** First of all, let me make it very clear that the official opposition believes that this bill should be scrapped outright. What we have done today is propose some amendments that will make it a little more bearable if the government sees, in a non-partisan way, an opportunity to really help the situation. But clearly, those amendments we have proposed, short of scrapping the bill, will still not fix the situation from our perspective.

When you look at the bill, it's a bad piece of legislation. It was done—let's make it clear—without any

public hearings. As Mr Kormos mentioned, there was a meeting yesterday—a little late in the process. Those meetings should have occurred before this bill was put together. There should have been an opportunity for public hearings. Paramedics should have been given the opportunity to come here, to talk to this committee, to explain what they saw as the problems with this piece of legislation.

I think what is in front of us today devalues and demeans the work that paramedics do in the province of Ontario. We believe very clearly that paramedics are as essential as firefighters and police officers in the duties they carry out on behalf of the public in this province. I don't think anybody on the government side of the House, if you took away your speaking points and spoke from the heart about the work paramedics do, would argue with the fact that their work is as essential as police officers and firefighters.

If you're in a car accident, the work of paramedics will often make the difference between life and death or the seriousness of the impact and injuries you have. If you suffer a heart attack or one of your loved ones suffers a heart attack, there is nothing more essential at that point to the public, to that family, to that individual, than paramedics—absolutely nothing more essential than paramedics.

So no one would argue that they're not an essential service. But what you have done with this piece of legislation is you've sort of given the right to strike but not really given the right to strike. You talked about replacement workers for paramedics, like suggesting that you can replace a driver of an ambulance with a truck driver and that work would be done, not taking into account the expertise. Where do you find these so-called replacement workers that have the expertise, the skills and the professionalism, as you have a shortage of paramedics in Ontario? And this bill will drive them further out of the province, let me tell you, because working conditions will become more difficult, their work has been devalued and their ability to access a fair process for arbitration and collective bargaining has been hindered tremendously.

As many members have said in the House—when you look at the comments that have been made in the Legislature by government members, they've talked about how important paramedics are, they've talked about how essential they are, they've talked about the role they play, but they stop short of acknowledging the equality that paramedics should face in dealing with labour disputes and that they should be treated the same way as firefighters and police officers. It is not that complicated. It is not that difficult to understand. If you believe they're essential, then you treat them in such a fashion. You've sort of taken a little bit of both sides of this here. You've said, "They're essential, but we don't think they should be treated fairly, as firefighters and police officers are."

**1030**

As with hospitals and nurses, I don't believe we need strikes with paramedics, and paramedics don't want to go on strike. Paramedics want a fair process to deal with

their disputes without having to go on strike. They understand how important they are to Ontario and to health care and to well-being in this province. I really think what this bill does is an insult to paramedics. I say again to the government that if you believe it is essential, if you believe that they're important, if you believe that they're to be valued in the work they do, then I cannot see any rationale why you would not put in a process that treats them equally with police officers, firefighters and nurses in the province of Ontario.

As I've said, and my colleague will add points to this, this is a bad piece of legislation that's been rammed through by this government with no consultation, no public hearings and time allocation. We'll be out of here by this afternoon. It'll be law in the next week or two. Frankly, what this will do is cause instability for paramedics. It's going to cause uncertainty and drive them out of the province to other areas where they're treated with the dignity and respect they deserve.

This government today has a choice. They can either simply talk the talk and be warm and fuzzy about how important they are or do the honourable thing and withdraw this bill and bring in a piece of legislation that will treat them with the dignity, respect and fairness they deserve.

**The Chair:** We're discussing section 1 of this legislation. I have Mr Stockwell and Mr Kormos.

**Hon Mr Stockwell:** So we're on section 1, then?

**The Chair:** Yes.

**Hon Mr Stockwell:** OK. We could, I suppose, go into a long political debate, if you choose to, on every part of this bill. I fear we may not get to all the amendments. There's not a tremendous number of amendments either, and I'm looking to the opposition and government members to say. If you want, we can probably get through each and every amendment in the time that I see we've got set aside.

So I don't want to be long-winded and take up a lot of time in the committee that would then curtail our opportunity to actually debate the amendments. Having said that, I guess it's going to mean some co-operation back and forth. Basically, the discussion so far has been really a mirror of what took place in the House and the debate in the Legislature. I will go into that on each and every amendment if you'd like, but again, I don't know if that's going to be productive. If you really want to get to the amendments—and I think there are some good amendments here that you may find yourself voting in favour of, so it might be worthwhile.

I will comment on a couple of issues. I did meet with the paramedics yesterday and we had, I think, a frank discussion. I did talk to them about the thrust of the bill. I think I gave some explanation to them on parts of the bill they didn't—I'm not saying they didn't understand, but maybe they were somewhat confused about parts of it. With respect to negotiations for the essential services agreement, there are still negotiations for the essential services agreements under this act. All the act says is that this is an essential service and here's your box. It's still

up to the parties to negotiate who is in the box and who is out of the box, so there will still be essential services agreements between the employer and the employees, much like it used to be. If the employer and the employees agree that a certain number of paramedics are essential, then they will negotiate that between the parties. That may mean all of them are in the box, it may mean only some of them are. It may mean some can strike and some can't, just like at any other time during the essential services agreements that they used to do before this bill.

With respect to the concern of essential services agreements in the past, we were faced with a very unpleasant situation, I guess it was in the summer of 1999, when 416 in Toronto were bargaining a collective agreement. They hadn't reached an essential services agreement before the strike vote had been taken, which is fairly unusual, I think everyone would agree. I expressed this concern to the people I met with yesterday from CUPE and the paramedics and there were some very vocal statements, both privately—and I see one of the gentlemen here today and I think he can verify I'm not saying anything different today than I did yesterday. I'm not saying he agrees or disagrees, I just want to make sure I'm saying everything the same today as yesterday.

We had a very unusual circumstance in Toronto in the summer of 1999, where the union president was very vocal in his suggestion in Toronto that the paramedics were part of the union and they would go on strike. It was a clear and intended threat. There has been much argument about whether or not they would have carried out this threat. Many believe that saner heads would have prevailed and the paramedics would not have gone on strike. It was a very difficult situation. In fact, one of the gentlemen in the meeting yesterday said, "You understand, it is just a game we go through in the negotiating process."

The difficulty we have as a government is that we can't be captured in a game. If the threat is out there, both implicitly and explicitly, and the threat is made privately and publicly, we have an obligation to the people of Ontario to ensure that paramedics do not go on strike. Although it may be posturing to some degree between local bargaining units and their employer, we can't be captured in the posturing position. If someone who has a high-ranking position within the union—and it doesn't get any higher than the president—says, "No, no, paramedics are coming out with us if we go on strike," then we are obligated—mandatorily it is our fiduciary responsibility—to protect the people of whatever area these people service, to ensure that if there is a strike, nobody dies. It is just that fundamental, that if someone calls for a paramedic, they'll show up.

I myself have had experience with paramedics as a member of the Toronto council. I think they're hard-working individuals. They're qualified, good, professional people. But by the same token, when faced with the situation of a president threatening work withdrawal, as Minister of Labour in the government of Ontario, I

don't know how anyone could suggest that we wouldn't be forced into taking a position, which is ordering them back to work immediately.

The problem at the time was—and I can say this to Ms McLeod and probably Mr Kormos as well; they were in government—we were in a situation where we were in a summer recess. It would have been very difficult to get the Legislature back within probably 48 hours' notice. So we could potentially have been in a situation where paramedics would have been legally on strike for 48 hours and people's lives would have been put in danger. I don't think anyone would agree with that.

That's why we decided we needed an essential services act, something to protect the public and the paramedics to some degree, and the unions, to give clear definition about who can strike and who can't strike.

We tried to create a situation where an essential services agreement could still be negotiated locally. We said, "What you must do is provide an essential service. The employer and the union may still negotiate that essential service. Everybody doesn't have to come to work. It is up to you to determine who's an essential service, who will come to work and who won't come to work. The union and the employer will negotiate that, just like the old days."

That was the genesis of this bill, because I was in a very awkward position in the summer of 1999 thinking we could have a general strike and the implicit and explicit threat from the union president that the paramedics were going to go out with them. I didn't think they would, but I couldn't take that chance. No reasonable, thoughtful, elected official, in my opinion, regardless of party affiliation, would have taken the chance either.

We are in a situation where the argument is that they are not treated like firefighters and police. Let me address that very quickly. Firefighters and police are stand-alone bargaining units. Police are police. The only people who belong to the police union, in most of these instances, are police. There are very few ancillary uses. The vast majority of that collective bargaining unit are cops. Therefore, there is no meaningful right to strike, because everybody in that association is ideally essential.

Firefighters are exactly the same. I came from the old municipality of Etobicoke. We had 406 people who worked in our firefighting department and 403 were in the union. So it was fairly clear that that was a stand-alone bargaining unit.

**1040**

What we said is, "If you're a paramedic and you're in an association that's fundamentally stand-alone"—and in places up north there are stand-alone paramedic bargaining units—"then we say you're like a firefighters' union or a police union. You should be going directly to arbitration, because you don't have a meaningful right to strike. If you go on strike, there are not enough people who can go out that gives you any serious threat of withdrawal of service. So it's not that we're saying you're not like firefighters and cops; if you're in the same situation, you're exactly like firefighters and cops."

But through decisions of local union associations and paramedics, there are many paramedics who belong to a bigger union. East Toronto is another example. My numbers may be slightly off, but I think there are 700 paramedics, maybe 900, in Toronto. The outside workers comprise 10,000 workers. They are less than one tenth of the workforce. I do not want to simply say, very arbitrarily, "I take away your right to strike," because in the 30 years while it was in Toronto, they worked on the premise that they would get an essential services agreement, like this legislation says. They create a box and say who's essential. The union fills in the box, the management fills in the box and they agree they're essential. Everyone else can go on strike. I said, "Let's adopt that." That allows them to do what they've done for 30 years: create an essential services box and then have some members go on strike, depending on the agreement. Then the vast majority of outside workers will go on strike if they need to go on strike to get a good collective bargaining agreement.

I don't believe, fundamentally, in the arbitration process as the end-all. I believe in the withdrawal of services, lockouts and strikes as a far better way to reach a collective agreement, in my opinion, than picking one person to arbitrate a settlement. It is far better to have a full-blown lockout or strike. I suppose the paramedics for the last 30 years in Toronto have agreed because that's how they did their business. So fundamentally this legislation says that if you have a meaningful right to strike, they won't get the box. They'll fill in the box, anybody who's not in the box can go on strike, and you can go out on strike and get the best collective bargaining agreement you can want. When you get that, from all those outside workers who go on strike, whatever they collectively bargain will be given to those people who didn't go on strike. That's this bill in a nutshell.

Somehow there seems to be this idea that paramedics need to go to binding arbitration. There's this secret world that I don't know about that binding arbitration is some kind of panacea. This is where everybody wants to go. In my opinion, it's a flawed process, because that's the last place people should go, in my mind. If you have a disagreement with the employer and the union, it is far better to do it through a strike or lockout situation than create some artificial binding arbitration process set up by the government, and one person, anointed, makes the decision that the elected officials and the elected union members used to make.

That's the thrust of the bill. I've heard the opposition members' thrust of the bill: "Don't argue." That's their position. I understand that's their position. Obviously, I'm not going to convince them.

There may be some amendments here you like; I don't know. I'm sure there are one or two you may vote in favour of. I don't know about Mr Kormos, but there may be one or two that I think are acceptable. I think one of them may even have been a hybrid of an opposition request from the Liberal Party on one of the amendments.

I'm happy to go through the amendments. I think it is going to be productive. You can see, from that meeting

yesterday, we've reached some kind of consensus with the paramedics on the amendments. I don't say they love the bill, I don't even say they like the bill, but at least the meeting was productive in that way. That's the bill, folks. It would be very helpful if we walked through these amendments and had a real vigorous debate on why these amendments are coming forward, why I think they are good, and maybe you may see your way clear to support them.

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I am not going to redo the debate of the House, the minister will be relieved to know. I do, however, have a couple of general areas of questions related to the amendment process that I want to place to the minister before we get into the specific clause-by-clause. That might increase or lessen the degree of co-operation in moving through the amendment process.

Before I ask those two questions, though, I have to say that every time the minister speaks on this, although he's less rhetorical in committee than he is in the House, it makes us want to rebut the statements you're making about the bill, because we were all there when the Toronto paramedics' strike was a very real possibility. Some of us would go on to remember the fact that the Toronto paramedics would have been prepared to be made an essential service at that point providing there was a fair and binding arbitration process.

When you say the bill in a nutshell is protecting the right to strike of paramedics—I'm talking about paramedics, Minister, and I'm talking about the essential service component which paramedics provide and how we deal with it, which is what your bill is dealing with today. You said your bill, in a nutshell, protects the right to strike for paramedics. Your bill is both more and less than what you say it is. It is less because it doesn't provide a meaningful right to strike, nor does it provide a fair dispute resolution, as would have been provided if they were declared an essential service, because there is not a meaningful right to strike for paramedics. But the bill is also more than what you've said because it is also the agenda of the Ministry of Labour and, I suspect, of the political arm of the Harris government when it comes to labour issues. It's not just the way in which it sets out the arbitration process, it's the kinds of controls it provides to you, Minister, in appointing arbitrators. That is a very serious issue which I don't believe your amendments have addressed.

I'm not sure how far you're going, Minister—

**Hon Mr Stockwell:** Coffee.

**Mrs McLeod:** —but I do have those questions for you. Would you like me to wax on about my objections? I'd rather ask you the questions now.

**Hon Mr Stockwell:** OK, shoot the questions.

**Mrs McLeod:** Maybe before the minister comes back I'll just suggest that the objections he makes to arbitration as being the be-all and end-all of a process are probably beliefs he and his government hold very strongly when they know it's the local level of government that is going to have to do the negotiation and is also going to

bear the result of the costs as they try to maintain an element of essential service. There's absolutely no question, as my colleague has said, that this is going to introduce instability, that it's going to lead to a shortage of paramedics and that there are going to be significant local costs, because local municipalities will know they cannot sacrifice the paramedic service in their areas.

There are two questions that I want to ask the minister before we begin clause-by-clause. The first is that you say you've met with the paramedics, you've put forward some amendments that you believe—I think the term you used was “would have the agreement of the paramedics.” We all know that the paramedics have put forward proposed amendments. I'm not sure that the government amendments reflect the proposed amendments that have come from the paramedics. I guess I would like you to explain a little further whether or not you have in fact incorporated all of the recommendations of the paramedics in your amendments.

**Hon Mr Stockwell:** No, that would be far too far. No, I haven't incorporated all of their recommendations.

**Mrs McLeod:** This is my second question. It's a supplementary to the first. Would you please identify for us which of the paramedics' recommendations for amendment you have chosen not to incorporate?

**Hon Mr Stockwell:** I don't have the paramedics' recommendations specifically before me. It would be difficult for me to itemize their recommended amendments because they're not before me right now. I can only tell you that as the government amendments come up, I will certainly speak to them.

**Mrs McLeod:** Did you not use the term “consensus” following your meeting with the paramedics?

**Hon Mr Stockwell:** I think what I said was that they may find them more acceptable than the bill. I would not suggest for a moment that they would like these or love them—I think I said that in my speech—but I guess they would find them more acceptable than the bill in its present form.

**Mrs McLeod:** I certainly hope we will have ample time to identify why they might not go far enough—

**Hon Mr Stockwell:** I will certainly do that.

**Mrs McLeod:** —and why the amendments will still leave this legislation as a deeply troubling piece of legislation unless the government sees fit to act on some of the opposition amendments, which reflect the concerns the paramedics have expressed. These amendments have not come from a philosophical stance against the government's labour agenda, although we would be happily prepared to move amendments that would reflect our opposition to your labour agenda, but in fact these amendments come directly from the concerns of the paramedics.

My second question, then, is a general question before we get into this. I know you have Ministry of Labour support here.

**Hon Mr Stockwell:** Yes.

**Mrs McLeod:** Is there anybody here from the Ministry of Health to whom we can address questions?



Second, as part of that question, to what extent have you consulted with the Ministry of Health in terms of the health impact of this labour legislation, which clearly is a health issue?

**Hon Mr Stockwell:** Yes, there would be someone here from the Ministry of Health and, yes, we have consulted with them very broadly and on an ongoing basis with respect to this piece of legislation.

**Mrs McLeod:** Has the Ministry of Health expressed any concerns about the instability which will be posed for ambulance services when this legislation is passed, if it goes forward?

**Hon Mr Stockwell:** Not to me.

**Mrs McLeod:** Because, Minister, in the course of the debates—

*Laughter.*

**Hon Mr Stockwell:** I don't know why that's so funny.

**Mr Kormos:** It's like, "I have very specific plans about not shutting down hospitals," or "I don't have any plans to shut down hospitals."

**Hon Mr Stockwell:** OK, then, you can choose not to believe me.

**Mrs McLeod:** I see it actually as being fairly serious. If you think why that's funny, I don't think it's funny, because we've had a series of issues in the House in the last little while about ministers who have advised other ministers of warnings that other ministers didn't listen to and resulted in the deaths of seven people. Not to get into that, but—

**Hon Mr Stockwell:** OK, let's not get into that.

**Mrs McLeod:** —the issue of health and whether or not the Ministry of Health has really looked at what the impact of this legislation is on paramedic services in this province is a pretty significant issue, certainly to me as the health critic.

**1050**

Minister, I have to tell you, you have expressed what I think is a remarkable lack of understanding of how stretched paramedic services are, including in the city of Toronto, when you refer—and I'm quoting you from the House now—to the fact that in the north we may not be able to sustain a strike because we have rather small numbers of paramedics, but in Toronto where there are hundreds of paramedics, they should be able to go on strike and actually have an essential services agreement which allows numbers of them to go on strike.

If you were to talk to the Ministry of Health and anybody out there who knows anything about paramedic services in the city of Toronto, they would tell you that at any given time now there are probably 10 ambulances available for emergency calls of 90 units. I don't think there is an ability to sustain a meaningful strike of paramedics in the city of Toronto and I think the Ministry of Health would have been able to tell you that—

**Hon Mr Stockwell:** Well, you don't understand the bill, though.

**Mrs McLeod:** —and you would have been in a position of saying, "There is a need for essential service legislation for paramedics." If you are serious about

protecting the safety of people when it comes to paramedic services, it would be through declaring them an essential service.

**Hon Mr Stockwell:** So through binding arbitration somehow this would create more paramedics, is that what you're saying?

**Mrs McLeod:** I'm saying that this legislation, which is going to create tremendous instability—

**Hon Mr Stockwell:** Why?

**Mrs McLeod:** Because there is neither a meaningful right to strike nor a fair dispute resolution process. Minister, that's been the subject of the debate, it's been the subject of our debates, and I'll tell you, if you think we're just making arguments by saying there will be a shortage of paramedics, I know the paramedics in my home jurisdiction—where even you have said we can't afford to lose any—are facing regular offers from the United States to go there. They will go if there is not some reasonably stable work environment for them. That's why I am deeply concerned that the Ministry of Health has not expressed to you any concerns about the impact of this legislation on paramedic services.

**Mr Agostino:** To follow up on what my colleague has just said—

**The Chair:** OK, Mr Kormos.

**Mr Agostino:** Oh, I'm sorry.

**The Chair:** Go ahead, Mr Agostino, and then we go to Mr Kormos.

**Mr Kormos:** I've got a question to the Ministry of Labour staff dealing with section 1.

**The Chair:** Let me go to Mr Kormos then, if you're objecting.

**Mr Kormos:** I want to ask you about clause 1(1)(c). Why is that regulatory power necessary to deem yet more employees as ambulance workers, but in fact they are not ambulance workers according to the definition in subsection 1(1)?

**Hon Mr Stockwell:** I didn't hear that question. Can I hear it again?

**Mr Kormos:** Clause 1(1)(c): why is the regulatory power necessary to deem people ambulance workers when they're in fact obviously not ambulance workers, because ambulance workers are defined in clauses (a) and (b)?

**Hon Mr Stockwell:** Staff, you may respond. I think it surrounds the ancillary uses of paramedics, in a sense. For instance, if someone is a mechanic who works on fixing the ambulance trucks, they're deemed to be an essential service because they need to fix the trucks. The trucks can't break down, because if they break down they can't get to a call. So we need the power of regulation to determine who is an essential service. There could be a whole series of people out there in that situation who truly are not paramedics but are in fact essential because their job ensures that the paramedics can get to a call. A good example would be mechanics.

**Mr Kormos:** Unfortunately, in the bill there are no standards by which those regulations will be set. It doesn't describe it in that way. It provides just a free-

ranging power to define anybody in regulation in ambulance services.

**Hon Mr Stockwell:** But that's because, under the essential services agreements they've worked under before, those were the kinds of parameters they were given to determine who is an essential service, who fits into the box.

We didn't want to tie the hands of the paramedics or the employer. We believe they are better at making the decision about who is essential and who isn't. Who fits into the box may be a whole series of people. It could get down to the point that you have someone who couriers around picking up parts for trucks and, if you lost them, then the trucks couldn't operate. So they may in fact be declared essential. That's up to the employer and the union to determine who fits into the essential service box.

**Mr Kormos:** In the government's regulatory power, behind closed doors, in cabinet.

**Hon Mr Stockwell:** I don't know of any way other than by regulation to do that. If you have a way of figuring it out, I'd be happy to hear it, but you certainly didn't have any idea when you were in government, because it fits pretty much all the standard bills that come forward.

**Mr Kormos:** That's big.

**Hon Mr Stockwell:** That's big. OK.

**Mr Kormos:** Real big.

**Hon Mr Stockwell:** Big thinking or—

**Mr Kormos:** No.

**Hon Mr Stockwell:** No, OK.

**Mr Kormos:** You should be more sensitive to sarcasm when it's so obvious.

**Hon Mr Stockwell:** I'm sorry, I didn't realize. I just didn't know that was sarcasm.

**The Chair:** I'll go to Mr Agostino.

**Mr Agostino:** Just a follow-up quickly on the question by my colleague, and I think it is a very, very important point, and that is the advice of the Ministry of Health in this because really, at the end of the day, it's a labour issue but they're health workers, individuals. Would you be willing to table to the committee of the Legislature the advice on this given to you by the Ministry of Health?

**Hon Mr Stockwell:** The difficulty is that over the period of I'd say a year when we were working on this bill, there were any number of meetings that took place, both written and verbal. There's been a whole series of meetings that have happened, so when you say "table advice"—when we go to cabinet committee, Ministry of Health could be there offering advice, offering their opinion. So, much like I'm sure you understand how it would work, there are many meetings that take place where the advice is verbally given to ministry staff and to myself.

**Mr Agostino:** Just to follow up, as part of your consultation process you would write to the ministry and say, "Here's what we are planning to do. What is your opinion as to the impacts this legislation would have on the health aspect?" I would assume that senior staff at the

ministry level respond to you and say, "We think it's fine," or "No. Here are the problems we identify with it," and it is imperative. Against the backdrop of what's happened in this province in the last few years, that advice from the health ministry is absolutely essential to this, and I think the point my colleague made is extremely well taken. Ontarians should have the ability to look at the advice given by the Ministry of Health, because I think there would be concerns expressed as to the impact it would have. Again, I would like to see the written information tabled as to what advice they gave you.

**Hon Mr Stockwell:** Tracey, can you itemize some of the issues?

**Ms Tracey Mill:** Yes, I can actually speak to that. In preparing the recommendations for cabinet and in drafting the legislation, the Ministry of Labour put together a working group that included representation from the Ministry of Health. The Ministry of Health was actually on a working group that was working to develop these options and the legislation. Many parts of the legislation actually pick up on parts of the Ambulance Act. In terms of developing the definition of an ambulance worker and identifying the essential services, the Ministry of Health of course is the expert in this area, and they were providing us with that advice.

**The Chair:** Can I interrupt for a moment? Could we ask you to identify yourself?

**Ms Mill:** I'm Tracey Mill. I am the assistant director of the employment and labour policy branch with the Ministry of Labour.

**The Chair:** Mrs McLeod, did you have a point on that?

**Mrs McLeod:** It's probably a question about process and maybe I've just been around too long. The government often likes to refer back to when we were in government, so let me refer back to when we were in government. My recollection is that in any major piece of legislation, the final bill would be circulated to all affected ministries and all affected ministries would be required to provide their written response to the effect of that legislation on their particular responsibilities in their ministry. Is that no longer the process? Have we reached the point where the only kind of analysis that other ministries are asked for is an economic analysis?

**Hon Mr Stockwell:** No. Let me just respond. We do that one better. You see we actually set up the working groups, so we don't just send the final bill out and ask them to respond to the final bill.

**Mrs McLeod:** So you have nothing in writing?

**Hon Mr Stockwell:** We actually set up working groups with every affected ministry. The ministry goes to these working groups and actually has input into the drafting and implementation of that bill. So, when you see the bill in its final form, you can be certain if it reaches the cabinet committee level—

**Mrs McLeod:** No problem with that; that's fairly standard.

**Hon Mr Stockwell:** —that all ministries have had full input.

**Mrs McLeod:** And nothing in writing, then? No paper trail in terms of the advice you've received?

**Hon Mr Stockwell:** All we can give you is a list, I suppose, of the meetings and the attendance.

**Mrs McLeod:** You have no written advice from other ministries on a major piece of legislation, and that's no longer a process of the government?

**Hon Mr Stockwell:** Well, no. All I can tell you is categorically they sat down during the process and had direct input into the bill itself, so in final form they have had their position heard and are in favour.

**Mrs McLeod:** I can appreciate why your government is very sensitive to document searches but I find that really unacceptable.

*Interjections.*

**The Chair:** Order. I'd just ask visitors—we normally wouldn't tolerate any outbursts or applause. Thank you.

We're debating section 1. Is there any further debate or discussion on section 1?

**Mr Kormos:** Just very briefly. Last Thursday, the Minister of Labour told the House about his fear of the paramedics and his inability to come to the Legislature because paramedics were here. I'm pleased to see that he has overcome that phobia. I congratulate him on whatever work he had to do over the weekend, be it therapeutic or otherwise, to overcome what was his unnatural fear of paramedics on Thursday. I congratulate him.

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**Hon Mr Stockwell:** I believe every member of this precinct has the right to free access and movement. I believe every member has been elected by their constituency. I believe every member should be allowed to move freely within this building without fear of reprisal or confrontation. I would respect that right for any member of the NDP caucus—all nine of them, as a matter of fact. I would respect that right for the Liberal caucus, as well. I would also respect that right for myself.

There are 100,000 people in Etobicoke Centre who elected me. They've elected me to represent them. If through some process of demonstration, aided and abetted by the member for Niagara, then I think the people of Etobicoke Centre have a right to say, "My member should have free and full access to the Legislature. If he does not, then his privilege as a member has been usurped." I do not take kindly to that. I would never do that to you, and I'm very surprised, knowing the true democrat you are, that you would do it to others.

**The Chair:** Is there any further debate?

**Mr Kormos:** You couldn't have been in better hands. I mean had somebody had a heart attack or taken a fall last Thursday, there were more paramedics than you could shake a stick at. They would have taken care of you, as well as me, I'm sure.

**Hon Mr Stockwell:** I was in no fear of that, Mr Kormos. I understand very rightly that you represent your constituents as well as you can with your limited powers, but I do my best to represent the people of Etobicoke

Centre as best I can. I think when you take decisions and act the way you did, you're undermining the privileges of members of the House. I wouldn't do it to you. I don't do it to the opposition.

**Mr Kormos:** What about the public? What about the privilege of the paramedics to have their voice heard?

**Hon Mr Stockwell:** Paramedics can be—

**Mr Kormos:** The only reason they got a meeting with you was because of what they did on Thursday.

**Hon Mr Stockwell:** No, not at all, Mr Kormos.

**Mr Kormos:** Oh, yes.

**Hon Mr Stockwell:** Not at all.

**Mr Kormos:** Oh, yes.

**Hon Mr Stockwell:** Oh, no, not at all. The request for a meeting was always entertained, always agreed to. The fact is that if you're going to do what you did, which is undermine members' rights of access, freedom of movement—it's a fundamental democratic principle, and I think you should understand that. If anyone undermined your privileges in this building, you would be the first to stand on your hind legs and complain.

**Mr Kormos:** Fortunately, I'm not afraid of constituents, be they paramedics—

**Hon Mr Stockwell:** You were afraid of your own government. I wonder what else you're afraid of.

**Mr Kormos:** Mr Stockwell, I'm not afraid of constituents, be they paramedics or any other group of working people.

**The Chair:** Is there any further debate on section 1? Shall I pose the question? We're voting on section 1, the Ambulance Services Collective Bargaining Act, 2001.

**Mr Agostino:** Recorded vote, please.

**Ayes**

Miller, Molinari, Mushinski, Wettlaufer.

**Nays**

Agostino, Kormos.

**The Chair:** We now go on to section 2 of this legislation. I would ask two questions. Are there any amendments to section 2 or is there any debate on section 2?

**Mrs Tina R. Molinari (Thornhill):** I move that subsection 2(1) of the bill be amended by striking out "with respect to them" and substituting "with respect to their collective bargaining."

**The Chair:** Any debate or discussion on this amendment?

**Mr Kormos:** I'd be pleased to hear some rationale for the amendment.

**Hon Mr Stockwell:** Simply put, the amendment—

**Mr Kormos:** Give Ms Molinari a chance to provide some rationale for it.

**Hon Mr Stockwell:** I'll be happy to.

**Mrs Molinari:** I defer to the minister.

**The Chair:** Mr Stockwell, then.

**Hon Mr Stockwell:** The amendment to subsection 2(1) is simply removing “with respect to them” and substituting “with respect to their collective bargaining.” The rationale is, one municipality has applied to the Ontario Labour Relations Board to have its ambulance paramedics deemed as firefighters and placed into the firefighter bargaining unit. If the OLRB grants the municipality’s application, this amendment will clarify that the Fire Protection and Prevention Act, and not the AFCBA, applies to that specific bargaining group.

**The Chair:** Any further discussion on this amendment to—

**Hon Mr Stockwell:** I think that’s probably agreed to by all parties.

**The Chair:** Any further discussion on this amendment to section 2? Shall I pose the question? Shall this amendment to section 2 carry? Carried.

**Mr Kormos:** Recorded vote.

**The Chair:** We’ve already had the vote. I would ask the committee to move on to section 3. Oh, I’m sorry, the next question. We have an amendment to section 2.

**Mr Kormos:** Recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** We move on to section 3. Any debate on section 3? Any amendments to section 3? Shall I pose the question on section 3? I see no amendments. I should ask, does anyone wish a recorded vote?

**Mrs McLeod:** Are we still on the debate section of the question?

**The Chair:** We have debate on section 3? Certainly.

**Mrs McLeod:** If I can read section 3, and I recognize that there are not amendments proposed to it. If I have the right section, subsection 3(1), “An employer and a trade union who are bound by a collective agreement or who are negotiating a first collective agreement shall negotiate an essential ambulance services agreement.”

Before we simply vote against this section, as we will be voting against any sections until we get to some amendments in the hope of getting some support for reasonable amendments, this section is the nub of our objection to the bill. This is about negotiating essential services agreements as opposed to declaring the paramedics to be an essential service, so we will be opposing this section. It’s not amendable.

**The Chair:** Any further discussion on section 3? Shall I pose the question?

**Mr Kormos:** Recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** I’d ask the committee to move to section 4 of this legislation. I would ask if there are any amendments or any debate on this section.

**Mrs Molinari:** I move that section 4 of the bill be amended by adding the following subsections:

“Postponement

“(6) Despite clauses (1)(d) and (e), the parties may postpone taking the steps described in those clauses.

“Effect

“(7) If the parties postpone taking the steps set out in clauses (1)(d) and (e) but the agreement otherwise complies with subsection (1), it is in effect for the purposes of section 18, but it is not in effect for the purposes of section 12 until the postponed steps have been taken, in writing.”

**Mrs McLeod:** This is a government amendment. I would ask the minister to explain to us the reason for his amendment and to tell us whether or not this is an amendment with which the paramedics agree.

**Hon Mr Stockwell:** Simply put, in a strike situation and that box that I talked about earlier, some members of the paramedic associations would be in the box and others wouldn’t. In order to have a better vote or a more acceptable vote for all parties, what this basically says is we’re not going to identify who is an essential service and who isn’t until the actual time when the strike occurs. Therefore, nobody knows if they’re going to be an essential service or if they’re not, so there’s no concern that they’re voting a certain way or another way because they will go on strike or they won’t go on strike. I think this is a pretty fundamental approach they took during most essential services agreements around the province previous to this legislation. It’s more or less a protection for all those people to know that they don’t have any extra information about whether they’d go on strike or they wouldn’t go on strike, so they’d vote with a clear conscience.

**Mrs McLeod:** In any of your discussions with the paramedics—

**Hon Mr Stockwell:** No, this didn’t come up.

**Mrs McLeod:** Were there some before yesterday?

**Hon Mr Stockwell:** There were discussions, sure, with some associations.

**Mrs McLeod:** In all of these various working groups that you’ve told me got together and worked for a year—

**Hon Mr Stockwell:** Those would be internal, right? You asked about internal working groups.

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**Mrs McLeod:** So there was no discussion with paramedics during that year?

**Hon Mr Stockwell:** Hold it, I’ve got to understand your question. I thought you asked about the Ministry of Health. That would be internal to government.

**Mrs McLeod:** I did.

**Hon Mr Stockwell:** Now you’re asking external?

**Mrs McLeod:** This is my first question, if you'll remember. The Ministry of Health was my second question. The first question was about consultation—

**Hon Mr Stockwell:** No, no, I just want to get this clear. You said with all these working groups and I thought the answer that you were looking for was internal. Yes, there were a number of working groups internal. Now, don't contrast that with the external consultations.

**Mrs McLeod:** I understand. You're telling me that the working groups were exclusive of any consultation with paramedics because they weren't internal to the process.

**Hon Mr Stockwell:** Right, good. We've got that clear.

**Mrs McLeod:** Then, as I understand it from the input you've give us so far, your meeting with the paramedics consisted of yesterday's meeting.

**Hon Mr Stockwell:** I know there were discussions with some groups and associations previous to the bill, in fact as far back as a year ago, even longer. So yes. This didn't come up in the discussions yesterday. But if that's the question—simply put, I don't think this is that controversial.

**Mrs McLeod:** That's not the question. I was attempting to find out what the basis of knowledge would be so I can ask you my question. My question is 4(1)(a), "An essential ambulance services agreement shall, (a) set out the number of ambulance workers who are required to provide essential ambulance services."

**Hon Mr Stockwell:** Right.

**Mrs McLeod:** This is the crux of whether or not you can in fact negotiate a meaningful essential services agreement that still protects a meaningful right to strike.

**Hon Mr Stockwell:** Right.

**Mrs McLeod:** In the course of your internal discussions, where the Ministry of Health presumably was your source of information, or in any kind of—I'm having difficulty posing the question because it sounds as though you didn't have any real input from paramedics.

**Hon Mr Stockwell:** No, no, don't—

**Mrs McLeod:** Then my question is, has anybody at any point suggested to you what number of ambulance workers would be required to provide essential ambulance services in order to negotiate an essential services agreement, and with that number that would be required to have an essential services agreement, how many that would leave potentially in any given jurisdiction to go on strike? You cannot come here and claim that you've protected the right to strike unless you know what the current situation is in terms of the number of ambulance workers currently employed who would be required to provide an essential service related to the number who would be left in any jurisdiction who would indeed be able to carry out a meaningful strike.

**Hon Mr Stockwell:** I think you're confusing a part of this legislation. We are not suggesting that the number of paramedics who would be allowed to go on strike would create the meaningful right to strike. It would be a broader context. All those other workers that belonged to

that union would in fact be giving them the meaningful right to strike. So all those waterworks people, the grass cutters, the outside workers, the garbage men, the arenas, all those other people would create the meaningful right to strike. We're not suggesting because you get an essential services agreement and a few paramedics get to go on strike that that on its own would create the meaningful right to strike.

**Mrs McLeod:** So what you're saying is that in a situation in which there is more than one group of employees within the bargaining unit, the paramedics don't have the right to strike; they would be the essential services and the rest would have the right to strike. You've already said that there are stand-alone situations. Let me pose my question for those stand-alone situations. Do you have any idea of how many jurisdictions would have the number—first of all, do you have the number that would be required to provide essential ambulance services and how that relates to the number of paramedics employed to sustain a meaningful right to strike?

**Hon Mr Stockwell:** Again, off the top of my head, I don't. I don't know if you brought those numbers.

**Ms Mill:** If I could just clarify, your question is with respect to clause 4(1)(a). This allows the parties to negotiate what is the right level or the right number to deliver the essential services. That's what the parties are going to negotiate.

**Mrs McLeod:** I understand that.

**Ms Mill:** That number will differ, depending on the local situations, as you have suggested. For that reason, it's left up to the parties to negotiate.

**Mrs McLeod:** I understand that fully. The government has brought forward a significant piece of legislation and it surely has some basis in knowledge, whether it has come from the Ministry of Health or not; it certainly hasn't come from paramedics. But there must be some basis of understanding as to whether this legislation can work. You tell me it's all going to be arrived at locally, and it's going to be different from local situation to local situation. I know that. That's part of the problem with the legislation. But surely you have some idea, Minister, whether this can work anywhere. What I'm hearing is, you have no evidence that this can work in any jurisdiction.

**Hon Mr Stockwell:** Again, I'm trying to be helpful here.

**Mrs McLeod:** I'm trying to find out why you brought forward legislation that is unworkable.

**Hon Mr Stockwell:** You're suggesting it's unworkable. I'm suggesting it's not unworkable. Your question seems to be—

**Mrs McLeod:** But you don't seem to have a basis of knowledge for saying that. I was looking for your information.

**Hon Mr Stockwell:** I'm trying to understand your question. If your question is, "Do we have an idea of how many jurisdictions would be declared stand-alone bargaining units and would be referred to binding arbitration?" Yes, we have an idea. But again, that's not a

decision we take. That would be a decision for the Ontario Labour Relations Board to determine. But there are a significant number out there that we believe would be considered stand-alone bargaining units.

**Mrs McLeod:** That doesn't answer the question, though.

**Hon Mr Stockwell:** Then try again; I'm sorry.

**Mrs McLeod:** The question is, if you have decided that instead of making paramedics an essential service with a fair dispute resolution mechanism, which would be binding arbitration, that you're going to bring—

**Hon Mr Stockwell:** I don't agree with that.

**Mrs McLeod:** I realize you don't agree with that, but you've made a decision. You've clearly made a different decision. Your decision is to allow them to negotiate an essential services agreement which you claim, over and over, puts you as Minister of Labour in the position of having protected a meaningful right to strike for these.

**Hon Mr Stockwell:** Right.

**Mrs McLeod:** My question is, on what basis have you made a decision that this could actually work, that there is any possibility of essential services agreements that allow a meaningful right to strike?

**Hon Mr Stockwell:** With great respect, member for Thunder Bay-Atikokan, it's worked that way for 30 years in Toronto. It's worked exactly that way for 30 years in Toronto. They negotiate an essential services agreement. Some paramedics may go on strike—most don't—the rest of the outside workers go on strike, they have a meaningful right to strike, they get a collective agreement, and whatever they negotiate they give to the paramedics.

We don't need to tell you how it's supposed to work or whether we think it can work; we'll just show you 30 years when it has worked.

**Mrs McLeod:** Minister, you've just said the reason for bringing in this legislation is that you had a situation in Toronto that you didn't think was manageable from the government's perspective.

**Hon Mr Stockwell:** Up until the last collective bargaining process, for 30 years before that—

**Mrs McLeod:** For some reason it's collapsed. That's why, then.

**Hon Mr Stockwell:** For 30 years before that, it in fact worked fine. Only in the last collective bargaining process in the city of Toronto did it break down. It's worked for 30 or 35 years.

**Mrs McLeod:** So you've brought in legislation to address a problem that has suddenly been created in your government in the city of Toronto—

**Hon Mr Stockwell:** We think it's a wonderful way to do business, and the paramedics thought it was a wonderful way to do business for 35 years.

**Mrs McLeod:** But you have no way of knowing whether this could ever work outside the city of Toronto, and it clearly wasn't working in the city of Toronto or you wouldn't have brought the legislation—

**Hon Mr Stockwell:** We have a fundamental disagreement. I have history that says it worked for 30 or 35 years; you say it doesn't work. Well, that's politics.

**Mrs McLeod:** You bring a Toronto perspective, Minister. I wanted to get something of an outside Toronto perspective on this legislation, since it applies across the province.

**Hon Mr Stockwell:** I'm very interested in hearing your outside Toronto perspective, and I've spent some time hearing it. Where this applies will generally be the larger bargaining units in southern Ontario. Some smaller units in northern Ontario that are stand-alone bargaining units will go directly to arbitration, so they won't have to worry about this meaningful right to strike.

**Mrs McLeod:** We'll have some further questions about whether the legislation does that.

**Hon Mr Stockwell:** OK, I can't wait.

**The Chair:** Any further debate on this amendment to section 4? Shall I pose the question? Do we wish a recorded vote?

**Hon Mr Stockwell:** He wants you to pose the question first, then he'll say, "Recorded vote." That's what he wants to do.

**The Chair:** My understanding is that once I call the vote—I guess I'll ask again. Does anyone request a recorded vote? My understanding is that we should determine this before we vote.

**Mr Kormos:** The process is to call the question, put the vote to the committee and then, if somebody wants a recorded vote, they say, "Recorded vote."

**The Chair:** Shall this amendment to section 4 carry? Carried.

My understanding is that it's now too late to request a recorded vote. I'll ask the clerk to explain some of the details of this.

**Clerk of the Committee (Mr Tom Prins):** When the Chair originally pauses or says he is about to call the question, that would be a member's cue to ask for a recorded vote, and then he'd put the question, "All in favour?" If he hears a no, then we would count hands. The names won't be recorded, but there would be a decision by a show of hands.

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**The Chair:** I heard a no. All in favour? All those opposed? I declare the amendment to section 4 carried.

I'll now pose the question with respect to section 4, as amended.

**Mr Kormos:** Recorded vote.

**Ayes**

Miller, Molinari, Mushinski, Wettlaufer.

**Nays**

Agostino, Kormos, McLeod.

**The Chair:** Carried.

Section 5: any debate or amendments? Shall I pose the question on section 5?

**Mr Agostino:** Recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** I declare section 5 carried.

We now turn to section 6 of this legislation. Any debate or discussion? Shall I pose the question?

**Mr Kormos:** Recorded vote.

**The Chair:** Recorded vote.

**Mr Kormos:** You should say, "I propose to put the question" or "I am about to put the question," instead of asking us if you should put the question.

**The Chair:** Maybe I won't ask. If anyone does wish a recorded vote, just let me know.

We're voting on section 6. Shall section 6 carry?

**Mr Kormos:** Recorded vote.

**The Chair:** Carried.

**Mr Kormos:** I asked for a recorded vote.

**The Chair:** I'm sorry; you asked for a recorded vote?

**Mr Kormos:** Yes.

**The Chair:** I don't want to get into the picayune details on this.

**Mr Kormos:** I asked for a recorded vote three times on this section.

**The Chair:** Fine. Shall section 6 carry?

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** We now turn to section 7. Any discussion or debate? Shall I pose the question?

**Mr Kormos:** Recorded vote.

**Mrs McLeod:** Before the vote, I have a question on subsection 7(3):

"Delegation

"The minister may delegate in writing to any person the minister's power to make an appointment under this section."

Could you tell me, Minister, why this particular clause is here?

**Hon Mr Stockwell:** I'm sorry, I didn't hear the question.

**Mrs McLeod:** It's the whole issue of delegation. Obviously we don't disagree with having conciliation officers appointed at the request of either party, but the section says, "The minister may delegate in writing to

any person the minister's power to make an appointment under this section."

**Hon Mr Stockwell:** I think it's rather technical. I'll ask Tracey to respond. I presume it's if I'm incapable of giving that decision.

**Ms Mill:** It's merely to expedite the process in terms of the appointment of conciliation officers. Traditionally, the power is delegated to the director of labour management services at the Ministry of Labour.

**Mrs McLeod:** The wording in the legislation is standard wording, then?

**Mr John Hill:** I'd have to check—I'm John Hill, a lawyer with the Ministry of Labour legal services branch. If you give me a moment, I can confirm. I think the wording comes from the Labour Relations Act, 1995.

**Mrs McLeod:** That makes me nervous.

**Hon Mr Stockwell:** Excuse me?

**Mrs McLeod:** That makes me nervous.

**Hon Mr Stockwell:** It doesn't make us nervous.

**Mr Hill:** It's subsection 121(1) of the Labour Relations Act, 1995, that this is modelled on.

**The Chair:** Any further debate? Seeing none, shall I pose the question?

**Mr Kormos:** I've already asked for a recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** I declare section 7 carried.

We now turn to section 8 of this legislation. Is there any debate on section 8? Seeing none, shall I call the vote?

**Mr Kormos:** Recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** If the committee could now turn to section 9, I will call for any debate or amendments.

**Mr Agostino:** I move that the bill be amended by adding the following section:

"Referral to arbitration

"9.1 (1) Upon the application of either party, or on its own initiative when an application has been made under section 9, the board may order that all matters remaining in dispute between the parties be referred to an arbitrator for final and binding interest arbitration."

**The Chair:** May I interrupt for a second? I think you're proposing a new section.

**Mr Agostino:** It's 9.1. We're on section 9.

**The Chair:** I'd like to deal with section 9 first, if I could look at this, and then I think we would go to this new section 9.1. We'll deal with section 9 first.

**Mrs McLeod:** On a point of procedure: We can't vote on section 9 when section 9 is about to have a subsection proposed to it. We can't vote on the entire section.

**The Chair:** I'm not sure if it's a subsection. I think it's a brand new section.

**Mrs McLeod:** It says section 9.1.

**Hon Mr Stockwell:** Is this the Liberal—

**The Chair:** Yes.

**Hon Mr Stockwell:** I think that's a new section.

**Mrs McLeod:** Would this be section 10?

**The Chair:** We already have a section 10.

**Hon Mr Stockwell:** What would happen is that if it's agreed to, everything would get bumped up one when they print it.

**The Chair:** I understand we're dealing with a proposed new section.

I ask that we deal with section 9. Any discussion or debate on section 9?

**Mrs McLeod:** I just want to make the point that we are proposing an amendment to this section, because we're extremely concerned about this section. We hope the government will see fit to consider our amendment.

**The Chair:** OK, and I just want to make it clear whether this is an amendment or a brand new section. I'll ask the clerk.

**Clerk of the Committee:** The amendment before us, I guess, is adding a brand new section, number 9.1. That's a whole new section that would come between section 9 and section 10. So we'd deal with section 9 first. This would be a motion that stands on its own to insert a brand new section, and then we'd proceed with section 10.

**The Chair:** So let's deal with section 9. Is that clear?

**Mr Agostino:** I just want to ask, on section 9, because it is an important aspect of this bill, could the minister or someone else outline if there was any discussion or consultation with paramedics on section 9 and the impact it would have?

**Hon Mr Stockwell:** Can you give me a specific—

**Mr Agostino:** The section overall. It's an important section as regards the process that is used to send matters to arbitration.

**Hon Mr Stockwell:** It's tough for me to give you a broad answer. If you had a specific question on any specific issue in section 9—but, sure, there was discussion.

**Mr Agostino:** With the paramedics before this was—

**Hon Mr Stockwell:** I suppose there was a discussion yesterday on virtually the whole bill, in essence, and, yes, there was discussion over the year. If you have a specific issue you'd like me to address, I'd be happy to.

**Mr Agostino:** Just to follow on that, there was the consultation here, and there is someone here from the Ministry of Health.

**Hon Mr Stockwell:** They're not from the Ministry of Health.

**Mr Agostino:** So there's no one here from the Ministry of Health?

**Hon Mr Stockwell:** Yes, there is, but the rest of them—there he is. What's the question?

**Mr Agostino:** Again, just on section 9, as it has an impact as it goes to an essential services agreement and how they'll get resolved, and how quickly they get resolved is the difference, I guess, between section 9 and what section 9.1 will be—the mechanism you have for resolving a dispute and the mechanism we have, which we think is a much quicker and fairer one. Did the Ministry of Health have any concerns about the mechanism that is in place under section 9 as to what impact it might have in regard to service being provided to Ontarians who may need the service of paramedics?

**Hon Mr Stockwell:** Before we actually get into asking the staff the question, I just want to say that the ministry was spoken to. There was a working group put in place. If your question is, are there concerns with respect to the Ministry of Health as to whether section 9 is workable and if it's feasible, as opposed to the new Liberal section, I don't know if the Ministry of Health would be able to comment on the viability of the Liberal amendment.

**Mrs McLeod:** I take that as a warning.

**Hon Mr Stockwell:** I don't mean that as a warning at all. With great respect, I don't know if they have even seen the Liberal amendment.

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**The Chair:** For the purposes of Hansard, I would ask staff to identify themselves, please.

**Mr Rob Nishman:** My name is Rob Nishman. I'm the project manager, air ambulance.

**Mrs McLeod:** Could I just confirm: does that include air ambulance?

**Mr Nishman:** Air ambulance, yes.

**Mrs McLeod:** Are they a group that's not affected by this legislation?

**Hon Mr Stockwell:** Right now they're not affected.

**Mrs McLeod:** Right.

**Hon Mr Stockwell:** But I don't think he's even seen the Liberal amendment. Have you?

**Mr Nishman:** No, I haven't seen it.

**Hon Mr Stockwell:** It's very difficult for him to comment on an amendment he's never even read.

**Mrs McLeod:** May I ask the project manager for the air ambulance section whether he's been directly involved in the working groups on this particular legislation?

**Hon Mr Stockwell:** Whether he has been directly involved?

**Mrs McLeod:** Yes.

**Mr Nishman:** Once again, I'm the project manager, air ambulance and patient care, for the Ministry of Health. I'm not in the policy branch, if that's the question I was asked.

**Mrs McLeod:** Mr Chair, we have a great many questions about air ambulance, and if we weren't determined to deal with some amendments to this legislation, I would



be very happy to avail myself of the resources of Mr Nishman and ask a lot of questions about air ambulance, its future and its collective bargaining future. But I don't think that's relevant to this legislation.

**Hon Mr Stockwell:** OK. I think we have a new Ministry of Health official.

**Mr Dave Strang:** Dave Strang, from legal services branch, Ministry of Health.

**Hon Mr Stockwell:** Have you seen the Liberal amendment?

**Mr Strang:** No, I'm afraid I haven't.

**Mr Agostino:** First of all, we'll go back to section 9—we're talking about your bill. The question I had was that section 9 sets a number of parameters—length of a strike or length of disruption, determining if a strike has lasted long enough and so on—the kinds of things that are part of the consideration in section 9 as now written. I guess the question I have is: have the the Ministry of Health folks who gave the minister input on this, as we have been told, made a determination on this section in regard to the mechanism for going to arbitration and the factors involved, whether there's a potential for disruption to service and a health threat to Ontarians as a result of the hoops that are in place right now under section 9 to resolve a dispute?

**Hon Mr Stockwell:** They have.

**Mr Agostino:** May I hear from them?

**Hon Mr Stockwell:** I'm the Minister of Labour. I'm carrying this bill. I've had much conversation with the ministries of Labour and Health, and the protocol is, simply put, the questions go to the Minister of Labour. The response is, yes, they have. They don't have concerns with the legislation with respect to disruption of services.

**The Chair:** Mrs McLeod?

**Mrs McLeod:** I don't want to detract in any way from the amending process to this bill, but I do want to ask, since the Ministry of Health has had Mr Nishman come forward and Mr Nishman is project manager for the air ambulance, and the minister's response was that air ambulance workers would not be covered under this legislation because, as you know, the air ambulance paramedics are still, at least as we speak, employees of the government of Ontario, it would be my understanding that if privatization of the air ambulance goes ahead, the paramedics would be removed as employees of the government and would fall under this legislation.

**Hon Mr Stockwell:** I can't respond to that right now. We'd have to deal with that when the time comes. Is there a potential? Certainly there could be a potential, yes.

**Mrs McLeod:** I'm appreciative of the fact that the Ministry of Health has seen fit to send the project manager for air ambulance here, because I think it is a relevant question to this bill, since this is the only essential services legislation, at least semi-essential services legislation, relating to paramedics we have. Since there is in fact a request for proposals out right now to privatize the air ambulance paramedics—

**Hon Mr Stockwell:** It could happen, is the answer.

**Mrs McLeod:** If this legislation then—all the questions we're asking have been directed toward land ambulance services.

**Hon Mr Stockwell:** I understand.

**Mrs McLeod:** Has this legislation been looked at in terms of its appropriateness and workability for air ambulance services?

**Hon Mr Stockwell:** Well, yes, it has. We'll have to deal with it when it comes, but certainly there has been that input to the bill, yes.

**Mrs McLeod:** Are you suggesting there is any jurisdiction—I come back to the question I couldn't get answered about land ambulances. Are you suggesting there's any jurisdiction in the province of Ontario where air ambulances could declare anybody a non-essential service?

**Hon Mr Stockwell:** I suppose we'll have that discussion if and when that bill comes forward. But right now we have certainly had input from them. Obviously it's not now, and if it is imminently in the future, then we'll have that debate when it comes.

**Mrs McLeod:** Minister, it's not a future debate. There's a request for proposals out right now to privatize—

**Hon Mr Stockwell:** I understand that, but right now that isn't the case.

**Mrs McLeod:** The moment that happens, they would fall under this legislation.

**Hon Mr Stockwell:** Right. So it is a future debate, the moment that happens in the future. That's a future debate.

**Mrs McLeod:** But there is no gap between now and then. If the air ambulance service is privatized—

**Hon Mr Stockwell:** Then we'll have to deal with that.

**Mrs McLeod:** The question is: if it is, you wouldn't "would have to deal with it." There is no question here. It's a confirmed fact. If the air ambulance service is privatized, those workers immediately fall under this legislation.

**Hon Mr Stockwell:** There is the capacity to deal with that in the bill.

**Mrs McLeod:** So they fall under this legislation.

**Hon Mr Stockwell:** If you want to respond, sir, you can go ahead. The question?

**Mrs McLeod:** If air ambulance workers are privatized and are no longer employees of the government of Ontario, would they immediately fall under this legislation?

**Mr Hill:** That's not correct. Subsection 2(4) of the bill indicates that the act does not apply to air ambulance services unless a regulation is made that makes it applicable. So it would not be a case where the act would immediately apply. There would have to be a regulation put in place to do that.

**Mrs McLeod:** You're saying there would have to be a regulation put in place?

**Mr Hill:** Yes.

**Mrs McLeod:** So it would be a regulation under this act?

**Mr Hill:** That's correct.

**Mrs McLeod:** So this act would apply.

**Mr Hill:** If that regulation was made, subject perhaps to some constitutional issues.

**Mrs McLeod:** That's an interesting question, because if this act should not apply because of constitutional issues and the air ambulance service is privatized, which can happen without any further legislative action at all—if this act doesn't apply to them in a privatized situation, what is their collective bargaining framework? What do they fall under? They can't fall under the Crown Employees Collective Bargaining Act any longer, because they're no longer crown employees.

**Mr Hill:** If they are federal employees, then they would fall under federal legislation.

**Mrs McLeod:** No, they're not federal employees if they—

**Mr Hill:** Excuse me. Federal jurisdiction employees is what I mean.

**Mrs McLeod:** But they wouldn't be. They'd be privatized. This is an RFP to a private company.

**Mr Hill:** If there is some constitutional uncertainty as to whether air ambulances fall under provincial labour law jurisdiction or federal labour law jurisdiction—

**Mrs McLeod:** They are under provincial labour law—

**Hon Mr Stockwell:** No, no. You see, transportation is a federal issue, right? There is some constitutional argument as to whether, because they're an air ambulance, they fall under federal labour law or provincial labour law.

**Mrs McLeod:** In the meantime, what happens? You've got two things happening right now. You've got a piece of legislation which allows you to make regulations—

**Hon Mr Stockwell:** But that wasn't your original question, with great respect. Your question was, does this bill apply to them?

**Mrs McLeod:** My question was, do air ambulance workers fall under this bill, and they do unless there's a constitutional problem.

**Hon Mr Stockwell:** Talking to you is like nailing jelly to the wall.

**Mrs McLeod:** I feel the same way, Minister.

**Hon Mr Stockwell:** You start off down this road looking for an answer. We give you the answer, and then you go down this road that bears no relationship at all to the first question.

**Mrs McLeod:** But it does, Minister. It does.

**Hon Mr Stockwell:** What we're trying to say to you is, there could be a constitutional challenge to the bill with respect to whether air ambulance falls under it. That was your question: does this bill apply to air ambulance?

**Mrs McLeod:** And the answer is yes.

**Hon Mr Stockwell:** My response was, maybe yes, maybe no.

**Mrs McLeod:** And my second question—

**Hon Mr Stockwell:** Now you're—

**Mrs McLeod:** Talk about Jell-O.

**Hon Mr Stockwell:** I can't presume, and I expect you would not want me to presume, what the courts would determine. I would—

**Mrs McLeod:** Minister, I would presume there's a framework for collective bargaining.

**Hon Mr Stockwell:** Let me finish. I would expect you not to allow me to presume what the courts would determine, whether air ambulance is a federal jurisdiction or a provincial jurisdiction. Anybody with an ounce of common sense would wait for the courts to rule to determine whether it's a federal issue or a provincial issue.

**Mrs McLeod:** And any government with—

**Hon Mr Stockwell:** All I'm suggesting to you is that we don't know.

**Mrs McLeod:** Minister, any government with an ounce of responsibility would not be looking to privatize air ambulances and take them out of the Crown Employees Collective Bargaining Act, where they're currently covered—

**Hon Mr Stockwell:** Well, that's a different issue.

**Mrs McLeod:** No, it's not.

**Hon Mr Stockwell:** Yes, it is.

**Mrs McLeod:** Because the answer to my question of whether this act applies to air ambulance workers is that you have a provision in this act to apply through regulation if it's constitutional. My question was: if it's not constitutional, what framework do you have for that bargaining? And there is no answer to that question.

**Hon Mr Stockwell:** It's not our situation.

**Mrs McLeod:** Sure it is. You've got the RFP out there.

**Hon Mr Stockwell:** All right, all right.

**The Chair:** Further discussion on section 9?

**Mr Kormos:** Now I'm intrigued. Is the province anticipating a reference on the constitutionality of a regulation provided for in the statute?

**Ms Mill:** This isn't an issue that is before us right now, in terms of trying to determine whether they fall under this bill. At the time, if that should come, if this bill were to pass, if that situation should arise and we look at developing a regulation, one of the things we would do in developing a regulation is ensure it is within our jurisdiction to make it.

**Mr Kormos:** As I understand the explanations to this point, the bill contemplates incorporating air ambulance workers by regulation, subject to the constitutionality of doing that. Is that correct?

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**Mr Hill:** Yes, that's correct. The bill makes that possible, subject to the constitutional considerations.

**Mr Kormos:** There, Ms McLeod. That wasn't that hard. Clearly the authors of the bill contemplate the bill applying to air ambulance workers, and they're going to leave it up to air ambulance workers or their representatives to challenge the constitutionality of it.

**Hon Mr Stockwell:** With great respect to the members, I don't think that's a question the staff can answer.

All they do is draft the bill. The intent of the bill is that should this necessarily have to become applicable to air ambulance, we've drafted it accordingly. But we don't know whether it will be or won't be, depending on jurisdiction. That's what I said about five minutes ago.

**Mr Kormos:** That wasn't Jell-O, Ms McLeod.

**Hon Mr Stockwell:** But about five minutes ago, that's what I said, Mr Kormos, had you been intrigued at that point.

**The Chair:** We're debating section 9 of the bill. Is there any further discussion of section 9 of this legislation? Shall I pose the question?

**Mr Agostino:** Recorded vote.

**The Chair:** I hear a request for a recorded vote.

### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

### Nays

Agostino, Kormos, McLeod.

**The Chair:** I declare section 9 carried.

I now open it up to further debate.

**Mr Agostino:** I move that section 9.1 be added. I move that the bill be amended by adding the following section:

“Referral to arbitration

“9.1(1) Upon the application of either party, or on its own initiative when an application has been made under section 9, the board may order that all matters remaining in dispute between the parties be referred to an arbitrator for final and binding interest arbitration.

“When board may make order

“(2) The board may make an order under subsection (1) if it is satisfied that any essential ambulance services agreement that could be made by or for the parties in accordance with this act would necessarily have the effect described in clause 18(1)(a) or (b).

“Application of sections 19 to 22

“(3) When the board makes an order under subsection (1), sections 19, 20, 21 and 22 apply.”

What this amendment would do is provide the board with a direct mechanism to send all matters in dispute to binding interest arbitration. As an example, the bargaining unit employer cannot settle an essential services agreement and apply to a board for help under section 9. With this amendment, if the board sets an essential services agreement and determines immediately that no meaningful right to strike can occur, the board may send all matters in dispute to binding interest arbitration. This would eliminate hoops which both parties would have to jump through in order to receive the determination of no meaningful right to strike, and if you look at section 18, there's a whole ton of them out there. This would make it a much cleaner process. It would eliminate much of the delay. It would allow for a much more fair interest arbitration on this, rather than this whole sort of

regulation under section 18 or sections that would have to be considered in getting this agreement.

With this amendment, I believe it would resolve the issue much quicker. It really would, because if you cannot get an essential agreement between the parties, then it's determined 100% of the folks would have to be working and cannot be out on strike, and there would still be all these other hoops that have to be cleared. This would eliminate that and would go a significant way toward improving this legislation.

**The Chair:** We have a motion to amend this bill by adding a new section. Further discussion or debate? Mr Stockwell, did you—

**Hon Mr Stockwell:** Yes, it would be—

**The Chair:** And then Mrs McLeod?

**Mrs McLeod:** I actually wanted to ask for the minister's response to the amendment.

**Hon Mr Stockwell:** You want my response? It would be premature. This would put everyone in the unusual situation of going to arbitration before they had an essential services agreement, which is truly the cart before the horse. Would it speed things up? Well, sure it would speed things up. You could do this at any point in the process. Let's not even bother collectively bargaining. Let's not bother getting an essential services agreement. Let's just punt everything off to the OLRB and you'll get a decision quickly. It isn't necessarily a good one or hasn't allowed the parties to actually go through the process of negotiating, which is patently absurd. So my response is it's putting the cart before the horse with respect to applying the OLRB before you even actually negotiate an essential services agreement.

**Mr Agostino:** Obviously, if you cannot get an agreement between the two sides, then no one can go out because 100% of the folks are needed. In that situation, a number of steps would still have to be taken by the board, or it would request a number of steps before a meaningful right to strike is declared or not declared. This would eliminate many of those. It would be much closer to a fair process for a real interest arbitration mechanism than is in the legislation now. It would go a lot closer to matching what is now in place for other folks who are under the same type of jurisdiction as true essential services. This would make it a much more clean and a much more, in my view, effective way of getting an agreement than what is in place right now.

**Mrs McLeod:** Minister, you've said on a number of occasions, both today and in the House, that you believe there are some situations in which there would not be a large enough unit. We disagree on whether there are any, but you at least have acknowledged that there are some situations in which you could not sustain a meaningful right to strike. What we're trying to do with this amendment is say OK, where the labour relations board says there is no meaningful right to strike and it's obvious there can't be a meaningful right to strike, give the labour board the power to send that directly to arbitration.

You said in the House that your legislation, you believe, has provided a direct route to arbitration—at

least that was my interpretation of what you said—where there is no meaningful right to strike. I just think that this amendment puts that statement that you've made in good faith.

**Hon Mr Stockwell:** I think it is in good faith. All it's requesting the parties do is try and negotiate an essential services agreement before they get to that stage. What you're saying is just go directly to that stage. I think it's healthy to have a—

**Mrs McLeod:** Where everybody acknowledges that there is no possibility.

**Hon Mr Stockwell:** What I'd like to see is that if that's the case, then they'll be referred very quickly to the OLRB, if everyone acknowledges that. It would take just that long. If both parties agree, it's not going to take long to get the OLRB to declare there's no meaningful right to strike, but if one party agrees and the other party doesn't agree, then they're going to have to go through the process of negotiating an essential services agreement. Under yours, it's just referred to by one side or the other.

**Mrs McLeod:** And the labour relations board has to rule on it.

**Hon Mr Stockwell:** But I always think it's important to have those kinds of negotiations before you get to the OLRB. I think it is always very helpful.

**Mrs McLeod:** No, collective bargaining negotiations are presumably about wages and benefits, not about whether or not you maintain an essential service.

**Hon Mr Stockwell:** Oh, no, no. There are many times where you would negotiate an essential services agreement.

**Mrs McLeod:** Under your legislation, there is.

**Hon Mr Stockwell:** Yes.

**Mrs McLeod:** That's where we're disagreeing.

**Hon Mr Stockwell:** I think before you allow one party to refer it, you should have some process to negotiate. If both parties want to refer it, then it's going to go in a heartbeat.

**Mr Agostino:** But part of what you now have in here is if the application is made, the board may amend the agreement, may direct the parties to continue negotiations for a collective agreement, even if the two sides have said, "We can't come to this." Why not put in a mechanism that would send it directly, without the board, and still have the flexibility? If both parties came, the board would still have the flexibility to go back and say to continue negotiating. Under your legislation, they still would have that power, correct?

**Hon Mr Stockwell:** To the member, if the board is hearing a case where both parties agree, if there's no meaningful right to strike and they can't get a meaningful right to strike, it's just very quick. The board's going to say, "OK, fine."

**Mr Agostino:** But they can also say, "Now go back and continue negotiating."

**Hon Mr Stockwell:** Well, sure they can, but if both parties—

**Mr Agostino:** Then why would you put that in your legislation?

**Hon Mr Stockwell:** Let me finish. If both parties, the union and the employer, come forward and say, "We don't have a meaningful right to strike. We need to be referred to arbitration," that's a 15-minute hearing.

**Mr Agostino:** Why would you not put that in there?

**Hon Mr Stockwell:** Because that's the process. We want to at least have the process put in place that you negotiate an essential services agreement. If you can't negotiate an essential services agreement, we need a quasi-judicial third party to hear the case, which is the Ontario Labour Relations Board.

If I tried this in any other piece of legislation, to do it the way you'd do it, you'd claim that I'm some kind of draconian—over-the-top, rhetorical hyperbole would be spewing from the mouths of the opposition, claiming that I'm usurping the process. I don't want to usurp the process.

**Mr Agostino:** But right now, if the two parties come forward and say, "We'd like to go to binding arbitration on this"—

**Hon Mr Stockwell:** Fifteen minutes at the OLRB.

**Mr Agostino:** OK. But right now your legislation, as it's written—and that's what I'm basing it on. The good faith is cute and warm and fuzzy, but it really doesn't mean anything when it goes before the board. Your legislation now says the board may amend the agreement, may direct the parties to continue negotiations, may direct the parties to confirm a mediator and so on. And that could still happen. In your legislation, the board still has the power to do that. Based on the folks you appoint to that board, it could happen.

**Hon Mr Stockwell:** Dominic, if there's a dispute, the board has those powers. If one party says, "We can't get an essential services agreement. We have no meaningful right to strike," and the other party says, "Yes, we can," that's called a dispute. That means the board has powers to try and settle that dispute.

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If both parties come forward like you're contemplating and the union says, "We don't have a meaningful right to strike," and the employer says, "We don't have a meaningful right to strike," they're not going to implement all these plans. They're going to say, "There's no meaningful right to strike. Both parties agree. We'll refer you."

**Mr Agostino:** If you're that convinced, why would you not put that in legislation?

**Hon Mr Stockwell:** Because I don't want to usurp the process. Every time I try and—

**Mr Agostino:** It's an essential service we're talking about.

**Hon Mr Stockwell:** Every time I try and change the process, you stand up and say I'm paying off my capitalist friends. I don't want to go ahead and change the process here. This is the process. If it takes 15 minutes for a hearing to be referred, let's maintain the process.

**Mr Agostino:** We can debate this forever, but there still are some mechanisms in here that if both parties

come—what our amendment would do is immediately send it to binding arbitration. Once it is clear—

**Hon Mr Stockwell:** No, your mechanism doesn't do that at all. It could allow the OLRB to simply refer it. You're just saying refer directly to arbitration even if there's a dispute. Understand what your amendment says. That's not right. If you've got a dispute, you've got to have it adjudicated by a third party, the OLRB. Your amendment says if one party says, "We want to go to binding arbitration," it really doesn't matter what the other party says. You can't honestly believe that as a Liberal.

**Mr Agostino:** Again, section 9.1 would bring this much closer to par to what is there now with the other declared essential services you have. That's the bottom line. That's in effect what it would do.

**Hon Mr Stockwell:** Yours does a lot more than that.

**Mr Agostino:** It would bring it much closer to that.

**Hon Mr Stockwell:** Your amendment does a heck of a lot more than that. It usurps the process.

**Mr Agostino:** Your legislation now still allows, with an agreement, a possibility that it could be delayed rather than going directly to arbitration.

**Hon Mr Stockwell:** Yours does a lot more than that. It usurps—

**Mr Agostino:** It brings it a lot closer to what other essential services have right now.

**Hon Mr Stockwell:** I'll tell you, I think you're treading on thin ice if you're going to start bypassing the Ontario Labour Relations Board when it comes to dispute mechanism settlement issues, ESAs, arbitrated settlements and grievances. If you can now just shoot off to the arbitrator without going to the OLRB, you're setting a very dangerous precedent.

**Mr Agostino:** I appreciate what the minister has said but certainly I think we don't have to take any lessons from this government in protecting the rights of workers and their right to a fair process in Ontario based on what they've done the last six years.

**Hon Mr Stockwell:** Go back to the rhetoric if you haven't got a good debate.

**The Chair:** Any further discussion?

**Mrs McLeod:** The minister is somewhat provocative, to say the least. The reason we are attempting—

**Hon Mr Stockwell:** You haven't been provocative?

**Mrs McLeod:** At least not in a personal sense. Asking you for information that you don't have I don't think is provocative.

**Hon Mr Stockwell:** The comment wasn't provocative either.

**Mrs McLeod:** The problem is that we really should have essential services legislation in front of us and then it would be abundantly clear as to how the dispute process is handled. The minister is talking about not interfering in the dispute process in a piece of legislation in which there is, again, neither a meaningful right to strike nor a fair dispute resolution process. We would like to make amendments that would make it much clearer that we are dealing with an essential service and

that they should have a fair dispute resolution process which is to go quickly to arbitration.

**Mr Kormos:** I'm suggesting that this amendment be deferred. It amends the bill, not a section. Quite frankly, my interest in the amendment is very dependent upon the success of amendments that amend the arbitration process. I support this proposition, assuming that it is not the arbitration process that the minister is imposing upon paramedics, assuming that it is indeed a true arbitration process. I'm moving that consideration of this amendment be deferred until the end of the bill.

**Mr Agostino:** I'd be happy to support that, but premised on the fact that the other amendments that are coming later as to the process would be acceptable. I'm very comfortable with that. Of course, if that is not the case—under the current system we've got in place, yes, this would not be workable, it would not be fair. But if the other amendments that are in place here would carry through on amending the process, then we could support that. I'm comfortable with what Mr Kormos has proposed.

**The Chair:** We have a proposal to stand down this amendment until which time, I'm sorry?

**Hon Mr Stockwell:** I don't care.

**Mr Kormos:** Until the other amendments have been considered.

**The Chair:** To stand this down, we would need unanimous consent. Agreed. We'll stand this motion down.

There are two options here. I could move to section 10 for debate or, oftentimes in keeping with protocol, I could collapse several sections.

**Hon Mr Stockwell:** What time are we out of here?

**The Chair:** According to our schedule, we are taking a break at 12 o'clock. We return at 3:30.

**Hon Mr Stockwell:** Could we adjourn now? Do you want to adjourn now—there are two minutes—instead of starting a new section?

**Mrs McLeod:** I believe the next amendments relate to section 18. I'm not sure that we couldn't cover some ground.

**Mr Kormos:** We could do several of the subsequent sections, beginning with section 10.

**The Chair:** As opposed to collapsing sections?

**Mr Kormos:** Yes, 10, 11, 12, in order, for example.

**The Chair:** What we could do is collapse section 10 right through to section 17 and vote on them. Are we amenable to that approach? Shall I pose the question?

**Mr Kormos:** Recorded vote.

**The Chair:** Shall section 10 right through to section 17 carry?

#### Ayes

Miller, Molinari, Mushinski, Wettlaufer.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** Before we go to section 18 and in keeping with the published agenda, I would suggest we break and return at 3:30.

This meeting is adjourned.

*The committee recessed from 1157 to 1534.*

**The Chair:** I welcome committee members back for continuation of clause-by-clause of Bill 58, the Ambulance Services Collective Bargaining Act, 2001. I think we are all aware this is time-allocated: “That at 4:30 ... those amendments which have not been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto.”

Continuing the work of this morning—

**Mrs McLeod:** May I ask if we are expecting the minister to join us again this afternoon?

**Mr Agostino:** The minister is outside. I think we should wait a few minutes for him to get back in here.

**The Chair:** Just continuing the work of this morning, we completed debate and voting on up to and including section 17. I would now ask the committee to turn its attention to section 18 of this legislation and I would ask for debate or entertain any motions of amendments.

**Mr Agostino:** I move that section 18 of the bill be amended by striking out subsection (2).

**Hon Mr Stockwell:** May I ask a question of procedure? Will we take these amendments in order as they come up or will we take them by party? Is the Liberal one next or is it the Conservative one?

**Mrs McLeod:** The Liberal one is next in order.

**Hon Mr Stockwell:** Subsection 18(6) I have. Is that wrong? I thought it was 18(5).

**Mr Kormos:** On a point of order, Mr Chair: We have very limited time. If the government has motions that it wants to move out of order, I’m prepared to give unanimous consent. I know that number 20 in your package of motions, an NDP motion, I’d very much like to see moved. I would similarly, if the government has motions it would like to see moved, be prepared to give unanimous consent. I trust the Liberals may be in the same position.

**Mrs McLeod:** Not at this point, I don’t think, Mr Chair, because the amendments to section 18 are ones that we very much want to have discussed because they are fairly crucial in terms of whether this bill does what the minister says it does or whether it does exactly the opposite.

**Hon Mr Stockwell:** So we’ll go forward on that basis.

**Mr Agostino:** I move that section 18 of the bill be amended by striking out subsection (2).

This is tied into our previous motion that’s been referred to later, at the end of the debate, in regard to the process for binding arbitration. This amendment will eliminate the board’s requirement to determine if sufficient time has elapsed in the dispute before declaring an absence of the meaningful right to strike. Again, what this would do is bring it closer in line to a true process

where the declaration of “meaningful right to strike” would then allow an arbitration process to kick in that is fair, adequate and would address the needs. This amendment is supported by the paramedics. We’ve consulted with them on it. It does make sense.

The rest of 18 has similar ideas, where it would eliminate sections of this that I see now as roadblocks and certainly would go a long way toward making it a much fairer process.

**Mrs McLeod:** I just wanted to add to that. I appreciate the fact that what Mr Kormos has suggested we do is that any of the amendments that refer to an arbitration process might be deferred in terms of a vote until we can determine whether or not the arbitration process is going to be fair. I appreciate you may want to make that recommendation here, but I think it’s important as we go along to recognize why this bill does not in fact do what the minister says it does.

Minister, you’ve said repeatedly that the reason this bill is here is because you have to protect the public interest in the event that there should be any labour disruption that involves paramedics, which we believe to be an essential service. The legal reading that has been given to this subsection of the bill, 18(2), is that in fact what this section does is virtually force a strike to take place before there can be any referral to arbitration. That’s why we’ve moved the amendment we have. We don’t like the arbitration process you’ve put in place. We don’t like the fact that you’ve not declared paramedics to be an essential service and send it directly to binding arbitration. But we think it is highly ironic that there would be a subsection in this bill that actually forces paramedics to go on strike before they can get to arbitration. Therefore, we’re trusting that you will support this amendment.

**Hon Mr Stockwell:** Let me just be clear about the legislation, and I’ve not seen your legal opinion with respect to that interpretation.

**Mrs McLeod:** This is a legal opinion that’s been given to the paramedics, and we’ve heard that directly as legal opinion.

**Hon Mr Stockwell:** I don’t dispute the fact that there may well be a legal opinion out there that may say that. I’ve never seen it, so I can’t very well comment on a legal opinion that I don’t have in front of me. I will say that where the confusion may be—and let me be clear: it’s been through the legal processes in the government etc—is that you can’t strike until you have an essential services agreement, as the bill reads. Therefore, you may be in a strike position but you aren’t allowed to actually withdraw services until you have an essential services agreement. Thereby, by having an essential services agreement, it precludes the fact that the paramedics would go on strike. It’s kind of the domino effect: you begin collective bargaining, you have a strike vote, the strike vote’s taken, you succeed; then you move on to negotiations, and then the union says, “OK, we’re going to go out on strike on this date.” The strike cannot occur until there’s an essential services agreement in place.

1540

**Mrs McLeod:** I appreciate that. This clause goes beyond that and says that the labour relations board has to determine that a sufficient time has elapsed in the dispute before you can essentially send this to arbitration.

I appreciate the fact that your meeting with the paramedics didn't take place until yesterday afternoon, but I'm sure they must have raised this as a concern with you, because this has been one of the real flashpoints in this legislation for them.

**Hon Mr Stockwell:** I don't think they did, actually.

**Mrs McLeod:** I'm more than a little surprised, since they say that this challenges the whole reason that you've brought the legislation forward. You don't want, surely, to force paramedics to go out on strike in order to get a fair hearing.

**Hon Mr Stockwell:** With great respect, it doesn't. I can only say that. The bill doesn't do that. You're trying to correct a problem that doesn't exist within the bill. By trying to correct this problem, also, you've created a situation where in the fluid process of negotiations you will not allow the Ontario Labour Relations Board to take into consideration any other factors in making their decision, which is very restrictive. In most cases, in practically all cases, the Ontario Labour Relations Board is given the free right to take into consideration other factors. There's a whole series of issues that are in place.

**Mrs McLeod:** Minister, it's your legislation that has prescribed what the labour relations board must do.

**Hon Mr Stockwell:** I understand that.

**Mrs McLeod:** The only thing that we're suggesting—

**Hon Mr Stockwell:** The point I'm trying to make is, you're trying to correct a situation that doesn't exist.

**Mrs McLeod:** That's not what the legal opinion given to paramedics says.

**Hon Mr Stockwell:** I appreciate that, but I've never been given a copy of that legal interpretation—

**Mrs McLeod:** Have you asked?

**Hon Mr Stockwell:** I've never seen it. I didn't ask, no. But this is the assertion that's being made. We have canvassed this across the government lawyers and their interpretation is that, no, a strike of paramedics may not take place. They cannot go out on strike, simply put—

**Mrs McLeod:** Unless they have an essential services agreement.

**Hon Mr Stockwell:** Ideally, if they have an essential services agreement, then the essential service is provided, and then a strike may take place. So the paramedics who are described as essential can't go on strike.

**Mrs McLeod:** So in fact for all other paramedics, although we still contend that there won't be any other paramedics, you haven't given them a right to strike. But what this clause does is say that those paramedics who might conceivably be described as non-essential and would be allowed to strike, that that strike has to take place before there can be any further referral by the labour relations board to arbitration.

**Hon Mr Stockwell:** No, that's just not the case. I don't know any other way of responding. No, that wouldn't happen.

**Mr Kormos:** Chair, I have a copy of the Sack Goldblatt Mitchell analysis of the bill that was made available to the public earlier this week. Perhaps a five-minute adjournment so the minister could read it? Unanimous consent?

**Hon Mr Stockwell:** I feel comfortable with the legal advice I've gotten from the ministry officials.

**Mr Kormos:** It hasn't served you so very well so far.

**The Chair:** Is there any further debate? We have an amendment before us moved by Mr Agostino. Seeing no further debate, shall I put the question?

**Mr Agostino:** Recorded vote.

#### Ayes

Agostino, Kormos, McLeod.

#### Nays

Molinari, Mushinski, Wood.

**Mr Kormos:** Chair, I withdraw what I suggested earlier. There's no need for a five-minute adjournment because the minister got this legal opinion from Brian O'Keefe of CUPE and some of his people yesterday.

**Hon Mr Stockwell:** I didn't understand that was the legal opinion you were speaking of. If that was the legal—

**Mr Kormos:** Of Sack Goldblatt Mitchell.

**Hon Mr Stockwell:** I appreciate that. I understood that they had some legal opinion they had gotten weeks ago that they were referring to. I received that I think yesterday. I didn't realize it was the same one. I apologize.

**Mr Kormos:** Have you read it?

**Hon Mr Stockwell:** Yes, I read it.

**The Chair:** As Chair, I wish to interrupt. I called a vote on the amendment—defeated. I declare that order of business closed.

**Ms Marilyn Mushinski (Scarborough Centre):** Chair, I'd like to call a five-minute recess.

**Mr Kormos:** Chair, this is valuable time, for Pete's sake.

**Ms Mushinski:** Chairman, I've asked if we could have a five-minute recess, please.

**Mr Kormos:** OK, fine. But this is valuable time. It's time-allocated.

**Mrs McLeod:** There needs to be a reason.

**The Chair:** I just turned down a five-minute recess a minute ago.

**Mr Kormos:** Chair, this is time-allocated. You've got a responsibility to move it along. Never mind public hearings, these people are being denied clause-by-clause consultations. Chair, a little less partisanship, please.

**The Chair:** I have not made a decision on either, and I do not wish to grant the recess.

**Ms Mushinski:** Chair, I withdraw my request.

*Interjection.*

**The Chair:** Continuing debate on section 18, are there any further motions for amendments?

**Mr Agostino:** I move that section 18 of the bill be amended by striking out subsection (3).

In line with what we said earlier, this subsection, if it's eliminated, would eliminate the board's ability to defer making that decision on the application to a later date. Again, this would allow the process to be smoother, to make it a fairer process. The same rationale that will be applied to many of these amendments applies here. I'm trying to understand the rationale of why they would give the board the ability to defer making a decision on the application on this to a later date.

**Hon Mr Stockwell:** The simple fact is that sometimes at the Ontario Labour Relations Board all the information isn't available at the time. So sometimes they ask for a deferral or a period of time granted to wait until they make a decision so they can access some of the information they're missing. If you force them to make a decision, they could be making a decision on incomplete information. That's why that legislation would be difficult to accept, because in most applications before the board they have the right to defer a decision (a) to write their decision sometimes, but (b) in many instances, to get information that they don't have that is germane to the decision-making process.

**Mr Agostino:** Chair, I guess this applies to all of these. This is a different scenario than we would have in most cases that go to the board. This is talking about paramedics. This is talking about essential services. This is talking about a partial right to strike or not strike and a ruling in that favour one way or another as we're dealing with paramedics. So this is totally different. A delay in this thing, in my view, would be unacceptable. This is not the same situation as would apply to other cases that would go before the board, because most of them do not apply to essential services and life-saving services that would apply in this particular case. This is why I think it is different and has to be treated differently. That's why the amendment's there.

**Hon Mr Stockwell:** We think on the other side of the House that it's important to get all the information before a quasi-judicial board makes a decision.

**The Chair:** Any further debate?

We have a motion on the floor from Mr Agostino. This is the motion on page 5. Shall I put the question?

**Mr Agostino:** A recorded vote.

**Mr Kormos:** A recorded vote.

**Ayes**

Agostino, Kormos, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare that amendment lost.

Further amendments?

**Mrs Molinari:** I move that subsection 18(5) of the bill be struck out and the following substituted:

“Restriction

“(5) The board shall not issue a declaration under subsection (1) if at least 75% of the employees in the bargaining unit or, if a percentage other than 75% is prescribed, the prescribed percentage of the employees in the bargaining unit may strike or be locked out despite the essential ambulance services agreement.

“Same

“(5.1) For greater clarity,

“(a) nothing in subsection (5) requires the board to issue a declaration if the number of employees who may strike or be locked out under the essential ambulance services agreement represents less than 75%, or such other percentage as is prescribed, of the employees in the bargaining unit; and

“(b) the board shall not issue a declaration unless it finds that, because of the number of employees referred to in clause (a), the employees are deprived of a meaningful right to strike or the employer is deprived of a meaningful right to lock the employees out.”

I defer the questions to the minister.

**1550**

**The Chair:** We have a motion for an amendment. Any debate on this amendment?

**Mrs McLeod:** I would ask the minister to comment again. This morning he indicated that there were a couple of amendments here that he felt would be acceptable to the paramedics as minor changes to the legislation, so if he would like to explain not only the amendment, but in what way it responds to the paramedics, so the people here are quite clear about it.

**Hon Mr Stockwell:** This isn't one of them. Basically, what this does is provide flexibility for the Ontario Labour Relations Board to determine in their mind whether or not a meaningful right to strike exists. So we're basically saying where it's 75% and over, there truly is a meaningful right to strike, but we're going to leave it up to the discretion of the board to determine if it exists in any other instances. Rather than prescribing it by legislation, we're giving the authority to the Ontario Labour Relations Board to make those kinds of decisions.

**Mrs McLeod:** I keep coming back to how inconceivable it is that any of this could ever actually be applied in any given situation. There are no situations in which you're going to be able to pull this number of paramedics off the ambulance service. It's just not real—

**Hon Mr Stockwell:** No, I don't want to—

**Mrs McLeod:** So we're still dealing only with those situations in which it's not a free-standing paramedic group, right?

**Hon Mr Stockwell:** Right, exactly.

**Mrs McLeod:** You've essentially brought this whole piece of legislation in to deal with one circumstance, and it doesn't deal with it particularly well—

**Hon Mr Stockwell:** That's your interpretation.



**Mrs McLeod:** —and it's created consternation and instability among the entire rest of the paramedic service.

**Hon Mr Stockwell:** Again, that's your take on the bill; it's not my take. This doesn't apply to the units that are just dealt with in paramedics. It applies to those that are part of a broader union—CUPE, OPSEU, those kinds of situations where there's a bigger union than just the paramedics.

**Mrs McLeod:** And because you weren't prepared to actually declare paramedics an essential service, we have to have this kind of tortuous clause.

**Hon Mr Stockwell:** We're revisiting another debate that we had this morning and that was—

**Mrs McLeod:** I appreciate your saying this is not something that was recommended by the paramedics.

**Hon Mr Stockwell:** No, it wasn't. This basically is the thrust of the bill that they're opposed to.

**The Chair:** Any further debate? We have a motion for amendment, found on page 6, moved by Mrs Molinari. Shall I put the question?

**Interjection:** Recorded vote.

#### Ayes

Miller, Molinari, Mushinski, Wood.

#### Nays

Agostino, Kormos, McLeod.

**The Chair:** I declare the amendment carried.

Continuing debate on this same section, section 18, are there any further motions for amendment?

**Mr Agostino:** I move that section 18 of the bill be amended by striking out subsection (6). This will make it a requirement of the board to determine all additional factors set out in regulation before making a declaration of no meaningful right to strike. The important thing here is that the regulations are not in place. Regulations could be put in place by the government at any time with regard to this. The concern is that, your government, with this particular part, will set out the regulations, and those regulations will, to a great degree, influence the decisions. I'm wondering what type of additional factors or regulations you would envision in place as a result of this.

**Hon Mr Stockwell:** I guess the thing is that every bill, by legislation, has a regulatory part to it. Regulations are orders in council that go through. The rationale, obviously, is you have your legislation and then you have regulations that form part of the bill or give action to the bill. Right now we have no idea what those regulations would include, but there could be circumstances where the Ontario Labour Relations Board would want to include or consider other parts in their decision-making process. We would have to put that through by regulation. The act would give us the authority to do that.

**Mr Agostino:** But as it relates to making a decision or a declaration of no meaningful right to strike—as

important as it is to the aspect of the paramedics—what you're really asking for is a blank cheque to put in whatever regulations you want that may stack the deck against the paramedics. This refers specifically—because we're talking about the declaration of no meaningful right to strike, which is essential here and important. Your regulations could clearly stack the deck, and what you're saying here is whatever regulation you bring in beyond what is there now, the board has to consider that before you make a declaration of no meaningful right to strike.

**Hon Mr Stockwell:** But if we adopt your proposed amendment, it wouldn't allow the board to accept any different arguments, any new processes or any new factors. Those factors could be, depending on who is making the argument, beneficial to the union or beneficial to the employer. This just allows us, by regulation, to allow the OLRB to consider those arguments.

**Mrs McLeod:** Actually, it allows you, by regulation, to direct the OLRB. Nothing in this bill or any other bill that I'm aware of limits the OLRB from whatever factors they choose to consider.

**Hon Mr Stockwell:** If you did it your way, they wouldn't be allowed to consider anything, even if it was a considered, thoughtful approach where both parties said, "Gee, this should be part of the process; we should consider this in the decision-making." If we passed yours, we couldn't do it. What we're saying is if you don't pass it and allow the regulation to stand, that if both parties came to us and said, "Look, we should consider this as part of the process," then we could pass a regulation to allow them to do that. If we passed your amendment, we couldn't.

**Mrs McLeod:** Obviously, we're going to have a succession of stalemates here because we believe so strongly that there should be essential services legislation, it should go to binding arbitration in a fair process and, therefore, we're going to have a problem with anything, as do the paramedics, that sets up a different kind of process.

**Hon Mr Stockwell:** I'm just trying to respond to your amendment in a very sincere and honest fashion, that's all.

**The Chair:** Any further debate? Seeing no further debate—

**Mr Agostino:** Recorded vote, please.

**The Chair:** We're voting on a motion by Mr Agostino. It's found on page 7.

#### Ayes

Agostino, Kormos, McLeod.

#### Nays

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare the motion lost.

Continuing debate on section 18, are there any further amendments?

**Mr Agostino:** I move that subsection 18(7) of the bill be amended by striking out clauses (a), (b) and (c).

This would eliminate the requirement of the board, upon application for a declaration of no meaningful right to strike, to consider amending the essential services agreement to direct the parties to continue negotiations for a collective agreement and to direct the parties to confer with a mediator. Among other things, this is identical, I think, to the government amendment, which is next.

**Hon Mr Stockwell:** No, it's not.

**Mr Agostino:** OK. I would move that. Again, it's explanatory, and I don't know if we need another debate on this. But this would eliminate certain factors that are now in place. Once it's gone to the board for a decision with regard to the no meaningful right to strike declaration, rather than be directed back to continue to negotiate or to appoint a mediator or amend the agreement, we believe at that point they should go automatically to an arbitrator.

**Hon Mr Stockwell:** The rationale here is that the Ontario Labour Relations Board has the power in a number of acts to, rather than refer matters off, seek direction to the parties to try and mediate an agreement. The rationale is the Ontario Labour Relations Board has adopted a principle, and I suppose it's a principle adopted by all unions and employers, that a collectively bargained agreement is better than anything else. In this situation, it just allows the Ontario Labour Relations Board, that independent third party, to say, "Look, you guys could get a deal here if you just try and put your heads together. Why don't we refer you off and see if you can get it? If you can't, then obviously you can come back and we'll go through that process. But we think you're close to a deal." In most instances in all labour relations, it's a power the OLRB has.

**Mr Agostino:** I think we keep going back to the same philosophical disagreement here, that the minister and this government believe that you treat paramedics the same way as other workers when it comes to this aspect, as generally not essential workers. It's cute and lovely when you're talking about a strike, as difficult as that is, in a non-essential sector, but when you're talking about paramedics, and the potential for deaths and tragedies that could occur as a result of not having the full service, the impact it could have, the potential or non-potential strikes that would occur, this is where I think we substantially differ from the government. Because the right to strike is limited or non-existent here, because their service is as essential as firefighters and police officers, we believe you can't treat this group of employees as you would others whose jobs may not be regarded as essential with regard to the safety, health and well-being of Ontarians. But that's what you're doing. You're locking them all into the same process literally and saying, "Well, maybe you should go back and chat a little more. Maybe we can straighten this out."

**1600**

What we're saying is, once it gets to that stage, you should have a mechanism that goes to the next step with binding arbitration and get on with it. There's a real difference here, because we believe they are essential, they should be treated as essential and there has to be a special protection here given to them because of what is their unique circumstance with regard to the health and safety and the well-being of Ontarians. Again, we're having this argument on every case, but it's the same philosophical difference here. We believe they're essential; you do in lip service, but not in legislation.

**Hon Mr Stockwell:** These would still be referred to arbitration if they couldn't reach an agreement. It's just in the rare circumstances when the Ontario Labour Relations Board feels there is potential for an agreement. If they still couldn't reach an agreement, they would still be referred for arbitration.

**Mr Agostino:** Later.

**Hon Mr Stockwell:** Yes, but this happens at the Ontario Labour Relations Board every day.

**Mr Agostino:** But they're not paramedics that go there every day.

**Hon Mr Stockwell:** Well, it could be a whole range of people who go there every day.

**The Chair:** Any further debate on this motion? This is the motion by Mr Agostino, an amendment found on page 8. Shall I call the vote?

**Mr Agostino:** Recorded vote.

#### Ayes

Agostino, Kormos, McLeod.

#### Nays

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare the amendment lost.

I would ask for any further amendments.

**Mrs Molinari:** I move that clause 18(7)(d) of the bill be struck out and the following substituted:

"(d) order that the bargaining unit be divided into two units, one consisting of employees who are ambulance workers and the other consisting of employees who are not ambulance workers, and that all matters remaining in dispute between the parties with respect to the ambulance workers be referred to an arbitrator for final and binding interest arbitration."

**Hon Mr Stockwell:** Just a brief explanation. This is one of those amendments that we spoke about and they asked us to move. What this circumstance would entail would be if they didn't determine there wasn't a meaningful right to strike in some area and the bargaining unit consists of paramedics and some number of other outside employees or union employees, then they would have to refer the paramedics to binding arbitration, thereby creating an essential service designation. The fear was that they would also have to take all those other workers

and refer them to arbitration and we would take away their right to strike. This severs the agreement so that they can in fact do their process and go on strike if they want, but the essential services agreement would kick in and the paramedics would go to binding arbitration.

**Mrs McLeod:** How many free-standing—

**Hon Mr Stockwell:** About 120 employees are affected, I think.

**Mrs McLeod:** So all the rest of the paramedics in the province, other than 120 paramedics—

**Hon Mr Stockwell:** No, no, no. The effect of this amendment?

**Mrs McLeod:** Yes.

**Hon Mr Stockwell:** It affects basically about 120 employees who aren't paramedics who would retain the right to strike. That's what this amendment does.

**Mrs McLeod:** So this amendment applies to situations in which there are workers other than paramedics in a bargaining unit?

**Hon Mr Stockwell:** Right.

**Mrs McLeod:** My question was how many situations exist in which the paramedics are not in free-standing bargaining units?

**Hon Mr Stockwell:** There are 219 paramedics and 119 non-ambulance workers—I said 120.

**Mrs McLeod:** Units? I'm talking about bargaining units.

**Hon Mr Stockwell:** I can tell you the number of actual members involved. It would be a small number, because—

**Mrs McLeod:** But we're talking about collective bargaining. People don't bargain as individuals; they bargain as bargaining units.

**Hon Mr Stockwell:** No, I know, but 119 would—

**Mrs McLeod:** How many bargaining units are actually affected by this amendment?

**Hon Mr Stockwell:** There could be an answer. Let me just check. I'll tell you the numbers, though. It's 119 non-ambulance workers and about 199 ambulance workers. There are about 40 stand-alone and about 10 combined; of that 10, 119 would include non-ambulance workers who would retain the right to strike and 199 would be ambulance workers.

**Mrs McLeod:** So it's 40 and 19?

**Hon Mr Stockwell:** It's 40 stand-alone units—directly stand-alone, no discussion—and 10.

**Mrs McLeod:** It's 40 and 10. So you're saying that in 10 situations, paramedics are to be separated out and considered to be an essential service and they would not go on strike like the others would.

**Hon Mr Stockwell:** This is by request of the unions.

**Mrs McLeod:** I understand.

**Hon Mr Stockwell:** It wasn't my amendment. This was the unions' amendment.

**Mrs McLeod:** I'm not necessarily arguing against the amendment. What I'm arguing against is leaving—

*Interruption.*

**Hon Mr Stockwell:** Yes, it was.

**Mrs McLeod:** I hear some—

**Hon Mr Stockwell:** Well, they can murmur. We had the meeting two days ago and that's what they brought up as a case.

**Mrs McLeod:** At the moment, that is not my question to you, if I may. I wish you had had that discussion with the paramedics much before this legislation came in so you would know whether they're murmuring and whether this in fact—

**Hon Mr Stockwell:** I did have that discussion with the paramedics two days ago.

*Interruption.*

**Hon Mr Stockwell:** I don't know what Mr Ryan—he's out of order, I'm fairly sure he is. But he wasn't there.

**Mrs McLeod:** May I ask, you brought in an amendment today recognizing that one of the flaws in your bill is that where you have—you're recognizing it—

**Hon Mr Stockwell:** Let me say—

**Mrs McLeod:** No, let me finish my question.

**Hon Mr Stockwell:** But if we don't consider it a flaw—

**Mrs McLeod:** Well, I'm sorry, but if you're bringing in an amendment it's because there's something amiss in your legislation.

**Hon Mr Stockwell:** No, it was a request by them.

**Mrs McLeod:** Let me just take another try at this. You have agreed that in the case of 10—

*Interruption.*

**Hon Mr Stockwell:** Yes, you did.

**The Chair:** Mr Stockwell, don't communicate with the visitors, please.

**Mrs McLeod:** I would really appreciate, given the passage of time, if the minister would be prepared to address my question. You have an amendment before us.

**Hon Mr Stockwell:** I'm not used to being heckled by the audience.

**Mrs McLeod:** No, right. Whether you want to do this or whether you're being forced to it by your attempts to mollify the paramedics, leave that aside. You have brought forward an amendment that says in 10 situations in this province you're prepared to have the paramedics separated out, essentially declared an essential service, and they would not go on strike. I'm saying to you that the entire rest of your legislation, as it stands, should do exactly the same thing for all the 40 free-standing units rather than tie them up in this totally convoluted piece of legislation because you're not prepared to declare them an essential service.

**Hon Mr Stockwell:** I say to the member for Thunder Bay-Atikokan, I agree. We agreed. We would have preferred to have handled it that way. The request two days ago came from the union asking us to consider this amendment. We said, "OK, we'll consider this amendment and put it forward." We believe our take on the bill was fine. If this was a change they were requesting us to make, we didn't consider it such a deal-breaker or that it would break the thrust of the legislation. What I'm saying to you is that we believe the legislation was fine the way it was drafted. During the meeting they

requested this change. You ask us to meet with the paramedics, you ask us to hear their concerns; we hear their concerns, they make a recommendation to us, we adopt the recommendation, and now you're complaining that we've adopted a recommendation.

**Mrs McLeod:** No. I'll turn it to my colleague, but you are deliberately misunderstanding the question. The question is, you have agreed in this amendment, whether you were forced to it or not, that this group of paramedics—

**Hon Mr Stockwell:** I wasn't forced to it.

**Mrs McLeod:** Then you must agree that it's all right.

**Hon Mr Stockwell:** You're right. I listened to the paramedics—that's what I'm accused of. Yes, I did.

**Mrs McLeod:** You agreed that this group of paramedics can be declared an essential service. What the rest of the paramedics have tried to say to you, had they been heard, is that they would all like to be declared an essential service rather than have this piece of legislation in front of them.

**Hon Mr Stockwell:** Because in this situation, they didn't have a meaningful right to strike.

**Mrs McLeod:** Nor do they in the 40 stand-alone situations.

**Hon Mr Stockwell:** Yes, they do. Oh, in the stand-alone, no, they don't.

**Mrs McLeod:** Well, that's 40 to 10.

**Hon Mr Stockwell:** Yes, but that's for 10. There are significantly more than that out there.

**The Chair:** Mr Stockwell, Ms McLeod, I'd ask you to address the Chair, one reason being that Hansard is having trouble keeping up.

**Mrs McLeod:** I appreciate that, Mr Chair. I'll turn it over to my colleague.

**Mr Agostino:** It appears, if we are to believe what the minister is telling us, that he had a meeting yesterday with the representatives of the paramedics and what he has in front of us today is what he understands they came up with. From my very brief discussion with the folks there, they're saying that's not the case and what you're saying is inaccurate.

On a point of order, Mr Chair: Since this really is crucial, can we ask for unanimous consent to give the representatives who are here, who were at the meeting, a couple of minutes to explain what the understanding was yesterday with the minister and how this differs? I'd ask for unanimous consent for them to be given a few minutes to explain that position so we can understand clearly where the contradiction has occurred. I think that's essential to this.

*Interjections.*

**The Chair:** I do not hear unanimous consent.

*Interruption.*

**The Chair:** Order, please. Sir, I would ask you to leave, please.

*Interruption.*

**The Chair:** I declare the committee recessed.

*The committee recessed from 1610 to 1618.*

**The Chair:** Members of the committee, we will continue debate on—

**Ms Mushinski:** Mr Chair, on a point of order: Given that the same rules in the House also apply in committee, I'm asking that we have the appropriate security to make sure that every elected member in this room is protected from any outburst.

**The Chair:** Thank you, Ms Mushinski. I did ask the clerk to ensure that some actions were taken as a result of the disorder.

*Interjections.*

**Ms Mushinski:** Mr Chair, again on the same point of order: I would ask that we actually have security personnel in this room.

**The Chair:** Yes, and I understand that has been looked after, Ms Mushinski.

*Interjections.*

**Mr Agostino:** On a different point of order, Mr Chair, not that one: Just for the sake of the members here, there's just a small problem with Mr Wood's and Mr Wettlaufer's name tags. That has Mr Wettlaufer's name on it. Just so I know who's voting which way, I ask that the appropriate name tag be placed before the members.

**Mr Kormos:** Having said that, Mr Agostino—Wood, Wettlaufer; Wettlaufer, Wood—

**Mr Agostino:** They're the same thing. The votes are the same but at least the names are different.

**Mr Kormos:** Mr Wood has more money than Mr Wettlaufer.

**Mr Bob Wood (London West):** I did at one point.

**The Chair:** Again, I ask committee members to resume debate on section 18. I will remind members that we were in the midst of discussing the amendment from Ms Molinari on page 9, an amendment to section 18. Is there any continued debate?

**Mr Kormos:** Minister, the amendment is somewhat ambiguous. You talk about the bargaining unit being divided into two units, yet careful reading of the amendment doesn't talk about being divided into two units for the sole purpose of—I appreciate that can be inferred from it and I'm sure that's what you're going to suggest—

**Hon Mr Stockwell:** That's the rationale.

**Mr Kormos:** —that it's going to be inferred that it's only for the purpose of that set of collective bargaining, but it doesn't say that. I'm troubled by the requirement that we are only able to infer that rather than stating the specific—

**Hon Mr Stockwell:** Why doesn't Mr Hill comment on that, being the legal adviser.

**Mr Hill:** The effect of that clause will be that there will be henceforth two bargaining units. They will bargain separately.

**Mr Kormos:** Oh, OK. That makes it more onerous than even their inference.

**Hon Mr Stockwell:** I'm not sure about onerous. I'll tell you, this is what was requested.

**Mrs McLeod:** No, it is not.

**Hon Mr Stockwell:** I did have a discussion with the paramedics. I think they have a better understanding of it. I also would refer you to CUPE's own press release where it said, "... effectively taking away the right to strike but it will also take away the right to strike for thousands of other municipal workers." That was their press release. They said they didn't want us to do that. In effect, that's what our legislation does. It declares an essential services bargaining unit for the paramedics where they don't have a significant right to strike. They are then arbitrated. CUPE was concerned that the other workers would get captured in that and also go to arbitration. They said it right in their own press release. This amendment basically says that we will create two bargaining units. If there is not a reasonable right to strike, allow one to go on strike like they normally would in the past and allow the paramedics to bargain and end up at arbitration if they have to.

**Mr Kormos:** Minister, please don't suggest that this is in response to CUPE's concern. CUPE doesn't want any of its members to be subjected to your arbitration.

**Hon Mr Stockwell:** That was exactly—

**Mr Kormos:** No, no.

**Hon Mr Stockwell:** That was one of their criticisms of the bill.

**Mr Kormos:** That's right, because your arbitration regime is so oppressive and so unfair—

**Hon Mr Stockwell:** To be perfectly fair, Mr Kormos, you complain that the bill doesn't do the things that CUPE wants you to do. Then you hear a criticism from CUPE, you deal with their criticism, solve their problem and then claim that that's not what CUPE wants or there's some kind of plan here. You can't have it both ways.

**Mr Kormos:** You haven't responded—

**Hon Mr Stockwell:** If that's what they put in their press release to do, we did it.

**Mr Kormos:** You haven't responded to them.

**Hon Mr Stockwell:** It is exactly doing that.

**Mr Kormos:** I'm afraid they don't agree with you.

**Hon Mr Stockwell:** Well, that's what they said in their press release. I don't know if they changed their minds.

**Mr Kormos:** I don't think it is very integrous to suggest that somehow this is a CUPE-dictated amendment.

**Hon Mr Stockwell:** Well, I refer you to CUPE's press release.

**Mr Kormos:** I've read the press release.

**Hon Mr Stockwell:** It says right there, "... effectively taking away the right to strike but it will also take away the right to strike for thousands of other municipal workers."

**Mr Kormos:** Exactly.

**Hon Mr Stockwell:** We've solved that.

**Mr Kormos:** Oh, I see; some solution.

**Hon Mr Stockwell:** What would you propose a solution to be?

**Mr Kormos:** Do we take chamber number one, chamber number two or chamber number three?

**Hon Mr Stockwell:** What would you propose a solution to be?

**Mr Kormos:** Withdraw the bill. Restore some fair arbitration.

**Hon Mr Stockwell:** You don't have a solution, basically. That's what it boils down to.

**The Chair:** Any further discussion of this amendment? Seeing no further debate, I wish to put the question.

**Mr Kormos:** Recorded vote.

**The Chair:** We are voting on a motion by Ms Molinari. It is found on page 9. This is an amendment to section 18.

#### Ayes

Miller, Molinari, Mushinski, Wood.

#### Nays

Agostino, Kormos, McLeod.

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

I would now ask committee members if there are any further amendments or debate.

**Mrs Molinari:** I move that section 18 of the bill be amended by adding the following subsections:

"Restriction

"(8) For greater clarity, the board shall not order arbitration under this section with respect to,

"(a) employees who are not ambulance workers; or

"(b) ambulance workers who are part of a bargaining unit that also contains employees who are not ambulance workers, unless the bargaining unit is divided in accordance with clause (7)(d).

"Time for order

"(9) The board shall not order arbitration under this section before the day on which it would be lawful for the employer or the trade union unilaterally to alter the terms and conditions of employment or the rights, privileges or duties of the employees, the employer or the trade union under section 86 of the Labour Relations Act, 1995.

"Agreement while application pending

"(10) If, while an application is pending under this section, the parties agree on all matters that remained in dispute between them and make a collective agreement, the board shall dismiss the application without deciding it."

**The Chair:** Any debate on this amendment?

**Hon Mr Stockwell:** This is just a consequential amendment to deal with the splitting of the bargaining units, sending only the paramedics to binding arbitration and, by CUPE's recommendation, not allowing the others, who have the right to strike, to go to arbitration. They retain that right to strike.

**The Chair:** Any further debate?

**Mr Kormos:** If I may, this is just a complement to the previous amendment.

**The Chair:** I see no further debate. We are considering the amendment on page 10 put forward by Ms Molinari. This is an amendment to section 18. Shall I put the question?

**Mr Kormos:** Recorded vote.

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, Kormos, McLeod.

**The Chair:** I declare the motion passed.

Are there any further amendments or discussion with respect to section 18? Seeing none, I will put the question.

**Mr Kormos:** Recorded vote.

**The Chair:** We are voting on section 18, as amended.

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, Kormos, McLeod.

**The Chair:** I declare that section, as amended, carried.

I would now ask the committee to move to section 19. Debate on section 19? Motions?

**Mrs Molinari:** I move that section 19(1) of the bill be amended by striking out “with respect to a bargaining unit” and substituting “with respect to a bargaining unit of ambulance workers.”

**The Chair:** Any debate on this amendment to the section?

**Hon Mr Stockwell:** It is a technical amendment to allow ambulance workers access to arbitration.

**Mrs McLeod:** I’m not going to debate it. I just wish that the same kind of thinking had applied to the balance of this legislation.

**The Chair:** Any further debate? Shall I put the question to this amendment on page 11, an amendment to section 19?

**Mr Kormos:** Recorded vote.

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, Kormos, McLeod.

**The Chair:** I declare that amendment carried.

As Chair, I determine that it is now 4:30. This has been explained to the committee.

**Mr Kormos:** On a point of order, Mr Chair: Government members delayed the commencement of this committee this afternoon by 10 minutes simply by not being here. That was a ruse. I seek unanimous consent for the committee to sit a further 10 minutes.

**The Chair:** That’s not a point of order, Mr Kormos.

**Mr Kormos:** I’m seeking unanimous consent. By unanimous consent this committee can do anything.

**The Chair:** As Chair, I am bound by the order of the Legislature.

**Mr Kormos:** Why weren’t the government members bound to commence this committee at the appropriate time so there could have been more thorough voting on the respective amendments? The government members purposely delayed the commencement of this committee this afternoon.

1630

**The Chair:** Pursuant to the order of the House—

**Mr Agostino:** On a point of order, Mr Chair: I challenge that. Clearly the order to the House is given with the expectation that this begins right after routine proceedings are over. I would suggest to you that this session did not begin until at least 20 minutes after routine proceedings were over, so therefore the order of the House was not being followed at that point.

Our orders would have started a lot earlier. The government members delayed this. I believe that with unanimous consent the committee has the ability to be able to extend this as a result of the fact that there was a delay in when this session started, which is not following the order of the House, which said immediately following routine proceedings. There was a 20-minute gap there, and this is why I believe that there is flexibility here.

**The Chair:** I do acknowledge that this committee began at something like 3:34 this afternoon, rather than 3:30.

**Mrs McLeod:** I think it was considerably later than that.

**Mr Agostino:** Later than that, and there was a request for delay and a five-minute stall there while we were waiting for the government members to show up as well with that. After the first vote, Mr Chair, there was a stall by the government while we were waiting for one of the government members to show up and that delayed it by at least five minutes.

**The Chair:** I’ve been advised as well, Mr Agostino, that it’s not a point of order and, as I’ve indicated previously, we are bound by this order of the House.

**Mr Agostino:** So if the proceedings begin later than prescribed, this committee has absolutely no power to extend those proceedings to make up for the time that was delayed. Is that what you’re telling us?

**The Chair:** That’s my understanding, pursuant to the order of the House.

**Mr Agostino:** Even if we didn’t follow the order of the House by starting later.

**Mr Kormos:** On a point of order, Mr Chair: I don't understand how government members could delay the commencement of the proceedings. The Chair would not call the meeting to order when there was already one government member here. The Chair, I submit, had a responsibility to call this meeting to order and to commence the proceedings in view of the time allocation motion.

The Chair, in its impartiality—I suppose this is the type of impartiality that these workers can expect from the arbitrators you're going to impose on them by virtue of this bill. But I find this a very skewed process this afternoon, even more skewed than it was by virtue of the time allocation motion; pretty deplorable conduct, I say, on the part of government members to obstruct the course of this committee and to frustrate these people even further than they've already been.

**The Chair:** Thank you, Mr Kormos. Pursuant to the order of the House—

**Mrs McLeod:** Mr Chair, as a point of clarification, then, do I understand that the time allocation motion would now direct us—because it is 4:30, despite the delays—to proceed through three government amendments, four Liberal amendments, plus the one that was set down, and an NDP motion?

The Liberal and NDP motions, which have to do with serious concerns around the minister's ability not only to appoint an arbitrator but to appoint a person of no previous experience as an arbitrator who has not been recognized as a person mutually acceptable to both trade unions and employers and is not a member of a class of persons which has been or is recognized as being comprised of individuals who are mutually acceptable to both trade unions and employers—are all of those amendments dealing with those sections now to be placed as number and not read further into the record, let alone debated?

**The Chair:** Mrs McLeod, in answer to your question, I, as Chair, am now interrupting these proceedings and will, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto.

**Mrs McLeod:** For the sake of clarity, then, may I ask that the amendments be read as they're placed?

**The Chair:** Maybe to further explain and in part to answer your question, those amendments that have not been moved shall be deemed to have been moved.

**Mrs McLeod:** I understand that, so that you don't need a mover, but can they be read? They have to be voted on. They're deemed to have been moved, but they have to be voted on. My request was to have them read as they're voted on so we know and the people here who have not been part of this up until now can at least know what it is we're voting on when we vote.

**The Chair:** I could ask the clerk if that's a change in standard procedure.

**Clerk of the Committee:** The order of the House has ordered that all amendments not yet considered are deemed moved. So no, they wouldn't be reread.

**Mrs McLeod:** I don't believe it speaks to whether or not they can or cannot be read, though. I don't believe there is an order on that.

**The Chair:** I've asked the clerk to determine an answer to your question. Mr Kormos?

**Mr Kormos:** On a point of order, Mr Chair: I seek unanimous consent that these motions amending the bill be read in their entirety as we vote on them.

**Ms Mushinski:** No, that's out of order.

**Mr Agostino:** What the hell are you guys afraid of? Read the damn things out.

**Ms Mushinski:** I believe that's out of order, Mr Chair.

**Mr Agostino:** We can't debate it, and now you say you can't read it out loud before you vote on it. So we don't know what we're voting on. You must be proud of it to be able to defend it.

**The Chair:** The only information I have is that those amendments that have not been moved shall be deemed to have been moved.

**Mrs McLeod:** My question was about reading them. I understand that they've been deemed to be moved, but that doesn't preclude our reading them as they are to be voted on. It's simply a courtesy, Mr Chair. I think people who are significantly affected by what we are about to do deserve at least the courtesy of knowing, when we put up our hands, what it is we're putting up our hands in support of or opposition to.

**The Chair:** We'll clarify this. As I understand it, I'm bound to put every question necessary to dispose of the remaining sections.

**Mrs McLeod:** I understand that, but I don't believe there is anything that precludes their being read.

**The Chair:** But there are no further instructions from the Legislature.

**Mr Kormos:** But, Chair, please—

*Interruption.*

**The Chair:** Order, please. Sir, could I ask you to leave the committee.

*Interruption.*

**The Chair:** We'll call a five-minute recess.

*The committee recessed from 1638 to 1643.*

**The Chair:** I bring the committee back to order. We have additional information and I will state that on advice, members have no grounds to read these amendments. If the committee felt this was appropriate, I, as Chair, could read the amendments, if you felt that was useful. I do wish to forge ahead with this.

**Mrs McLeod:** I appreciate that. I obviously would think it would be a courtesy if you, as Chair, read the amendments. I would like to propose that you do that.

**The Chair:** OK. As Chair, I will proceed that way. I just want to perhaps, for future discussion, make it clear to the committee that members have no grounds to read in further amendments. But I will read them, as Chair.

So, members of the committee, we are on section 19. I will now read the amendment that you will find on page 12, a government motion:

“Subsection 19(2)

"I move that subsection 19(2) of the bill be amended by striking out 'including employees who are not ambulance workers.'"

Shall this motion carry?

**Mr Agostino:** Recorded vote.

**The Chair:** You're requesting a recorded vote? Further to that, do we wish a recorded vote on every motion?

**Mr Agostino:** Yes.

**The Chair:** OK, then, we will have a recorded vote on this amendment and all subsequent amendments.

**Mrs McLeod:** Mr Chair, could you just also explain the rules to people who are watching, that we are now precluded from any debate on the amendments? I believe that's the rule.

**The Chair:** I can again refer to the order of the House, where I, as Chair of this committee, have interrupted proceedings and shall, without further debate or amendment, put every question necessary.

The amendment on page 12, again, I'll just repeat to make sure we're on the right page. This is the amendment to section 19.

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that amendment carried.

Page 13, we have an amendment to subsection 19(3):

"I move that subsection 19(3) of the bill be amended by striking out 'including employees who are not ambulance workers.'"

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that amendment carried.

Page 14, the government motion to subsection 19(4):

"I move that subsection 19(4) of the bill be amended by striking out 'including employees who are not ambulance workers.'"

Shall this amendment carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare this amendment carried.

The government motion on page 15, subsection 20(5):

"I move that subsection 20(5) of the bill be struck out and the following substituted"—oh, I'm sorry; I've just realized I've jumped into section 20.

We now have carried amendments to section 19. Shall section 19, as amended, carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare section 19 carried.

We now turn to section 20, the government motion on page 15, subsection 20(5):

"I move that subsection 20(5) of the bill be struck out and the following substituted:

""Minister's power

""(5) In appointing an arbitrator or replacement arbitrator, the minister may appoint a person who has not previously been or is not recognized as a person mutually acceptable to both trade unions and employers.'"

Shall this amendment carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that amendment carried.

Page 16, a Liberal motion, subsection 20(5):

"I move that section 20 of the bill be amended by striking out subsection (5)."

**Mr Agostino:** Recorded vote.

**The Chair:** Each motion will be a recorded vote.

**Ayes**

Agostino, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare this motion lost.

On page 17, a Liberal motion, subsection 20(6):

"I move that section 20 of the bill be amended by striking out subsection (6)."

**Ayes**

Agostino, McLeod.



**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare that motion lost.

Page 18, a Liberal motion, subsection 20(13):

“I move that section 20 of the bill be amended by striking out subsection (13).”

1650

**Ayes**

Agostino, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare that motion lost.

That concludes the amendments under section 20.

Shall section 20, as amended, carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** Now we return to section 21. Under section 21, on page 19 I have a Liberal motion:

“Subsection 21(2), paragraph 7

“I move that subsection 21(2) of the bill be amended by striking out paragraph 7.”

**Ayes**

Agostino, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare this motion lost.

On page 20, an NDP motion:

“Subsection 21(7)

“I move that subsection 21(7) of the bill be struck out and the following substituted:

“Application of Arbitration Act, 1991

“(7) The Arbitration Act, 1991, applies to all arbitration proceedings under this act and prevails in the event of a conflict with this act.”

**Ayes**

Agostino, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** That completes the amendments under section 21. Shall section 21, as amended, carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that section carried.

Section 22: I see no amendments. Shall section 22 carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare section 22 carried.

Section 23: I see no amendments. Shall section 23 carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare section 23 carried.

Shall section 24 carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare section 24 carried.

I would ask the committee, in keeping with procedure used in the past, shall I collapse several sections? I would suggest we collapse sections 25 down through to section 31. Is that amenable to the committee?

I would pose the question on these collapsed sections. Shall section 25 through to section 31 carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare section 25 through section 31 carried.

We have a previous Liberal motion that was on page 3, a motion made by Mr Agostino, and we agreed to stand that motion down. I would now put this amendment before the committee. This amendment was read previously by Mr Agostino. Is it necessary for the Chair to read this again?

**Mr Agostino:** Can you read it again, please?

**The Chair:** Yes, I'm more than willing to read it again.

On page 3, a Liberal motion:

“Section 9.1

“I move that the bill be amended by adding the following section:

““Referral to arbitration

“9.1(1) Upon the application of either party, or on its own initiative when an application has been made under section 9, the board may order that all matters remaining in dispute between the parties be referred to an arbitrator for final and binding interest arbitration.

““When board may make order

“(2) The board may make an order under subsection (1) if it is satisfied that any essential ambulance services agreement that could be made by or for the parties in accordance with this act would necessarily have the effect described in clause 18(1)(a) or (b).

““Application of sections 19-22

“(3) When the board makes an order under subsection (1), sections 19, 20, 21 and 22 apply.””

I will put the question. Shall this motion carry?

**Ayes**

Agostino, McLeod.

**Nays**

Miller, Molinari, Mushinski, Wood.

**The Chair:** I declare this amendment lost.

The next question for this committee: shall the long title of the bill carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that motion carried.

Shall Bill 58, as amended, carry?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare Bill 58 carried.

Shall I report the bill, as amended, to the House?

**Ayes**

Miller, Molinari, Mushinski, Wood.

**Nays**

Agostino, McLeod.

**The Chair:** I declare that directive carried.

This ends the proceedings for this afternoon.

*The committee adjourned at 1658.*



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Mr Toby Barrett (Haldimand-Norfolk-Brant PC)

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Mr Wayne Wettlaufer (Kitchener Centre / -Centre PC)

Mr Bob Wood (London West / -Ouest PC)

#### **Also taking part / Autres participants et participantes**

Hon Chris Stockwell, Minister of Labour

Ms Tracey Mill, Ministry of Labour, employment and labour policy branch

Mr John Hill, Ministry of Labour, legal services branch

Mr Rob Nishman, Ministry of Health, air ambulance section

Mr Dave Strang, Ministry of Health, legal counsel

#### **Clerk / Greffier**

Mr Tom Prins

#### **Staff / Personnel**

Ms Cornelia Schuh, legislative counsel

Mr Avrum Fenson, research officer,  
Research and Information Services