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Wednesday 13 June 2001

Journal des débats (Hansard)

Mercredi 13 juin 2001

**Standing committee on
general government**

Public Service Statute Law
Amendment Act, 2001

**Comité permanent des
affaires gouvernementales**

Loi de 2001 modifiant
des lois en ce qui a trait
à la fonction publique

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 13 June 2001

Mercredi 13 juin 2001

The committee met at 1608 in committee room 1.

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

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

The Chair (Mr Steve Gilchrist): Good afternoon. I call the committee to order as we conduct our hearings on Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993.

My apologies to the folks assembled here to present and to witness. As you may know, the House rules preclude the committee sitting while routine proceedings are taking place in the House. Now that they are finished, we can commence.

**ONTARIO PROVINCIAL POLICE
ASSOCIATION**

The Chair: Our first presentation will be from the Ontario Provincial Police Association, Brian Adkin. Good afternoon and welcome to the committee.

Mr Brian Adkin: Good afternoon, Mr Chair, Madam Clerk, members of the committee. My name is Brian Adkin. I'm the provincial president of the Ontario Provincial Police Association. With me to my right is Walter Tomasik, who's our chief administrative officer.

The OPP Association is the collective bargaining agent for all uniform members of the OPP, from cadet to sergeant major. We represent approximately 5,200 men and women, who are stationed throughout Ontario, and 2,200 retirees. Our association has been in existence since 1954. We're located in Barrie, Ontario. We have our corporate head office at 119 Ferris Lane, and we employ 15 people to look after our members' interests. We also fund and maintain 20 local branches throughout Ontario, which hold monthly meetings for their members. Our members provide front-line policing services in over 400 municipalities, as well as providing specialized

traffic patrol, criminal investigation and special assistance to the public and police services throughout Ontario.

We're extremely proud of the working relationship between our uniform members and the civilian support staff within the OPP. The civilian members of the OPP are integral to the OPP and have helped us to become one of the most respected forces in the world.

We are very proud of our relationship with our employer and our labour relations record, which is commented on by many police leaders and outside businesses as being a model. We're also proud of our relationship with members of the Legislature, as many representatives from your respective parties have called us over the years to ask for our support on various bills and policies.

Our civilians work at detachments, branches, units, regional headquarters and general headquarters side by side with our members each day. They develop close working relationships with our members and share their successes and their tragedies. Our civilian members are affected by the death and injuries to our members as much as our members' uniform colleagues.

Police issues are common to uniform and civilian members. It becomes especially important to have strong and focused advocacy for support of issues affecting policing. We feel that the implementation of Bill 25 will entrench the bond and only enhance the already excellent relations between civilian and uniform members.

As many of you are aware, our municipal counterparts do represent their civilians as their bargaining agent of record. The Ontario Provincial Police Association is the only police association in Ontario that does not represent its civilians. This act provides for that opportunity.

Civilian members within the Ontario Provincial Police have asked many times to become members of the OPPA. More recently, the Chair of Management Board of Cabinet has received in excess of 1,000 letters from OPP civilians asking to join the OPPA. The legislation provides the civilian employees of the OPP an opportunity for a fair and democratic choice as to whom they want representing them. This legislation goes beyond the ability for civilians to choose their representative. It addresses a number of other issues that have been problematic in the past. These issues include costings for policing services, amalgamations of police services, strikes and the ability to provide an uninterrupted, seamless work environment.

The OPPA has for a long time supported the opportunity for civilian members to become members of the Ontario Provincial Police during discussions around municipal costings and police service amalgamations. The OPP civilians have attended many meetings with their uniform colleagues to deal with costings without any representation by their union. The OPPA helped whenever we could, but civilians repeatedly asked for our representation.

Municipal police service members who were accustomed to being a member of a police association, upon becoming members of the OPP, were not allowed to join the OPPA and became members of OPSEU. We believe the OPP, being a large organization, has a tremendous capacity for flexibility in the way it can accommodate civilian entry. Currently, not all civilian members are taken on by the OPP during amalgamation. This tends to make the transition for civilians uneasy, as there is some uncertainty as to what lies in store for the individual.

The potential for strikes has also been very problematic for the OPP. Each time a contract expired, our civilian members became part of essential service negotiations. All of our members are essential and we require them to meet our policing requirements for the public each day. The 1996 strike was very disruptive to the OPP and public safety. The implementation of Bill 25 will provide a level playing field for all police personnel who are taken on by the OPP. The civilian members of these services will now have the stability of knowing their futures are secure and that they have fair and equitable representation within the service.

For many years our civilian counterparts have worked side by side with the uniform members of the Ontario Provincial Police. From time to time, these individuals were faced with the difficult task of having to confront their uniform associates on the picket lines. As you can appreciate, a good many of our civilian counterparts were opposed to this type of confrontation.

We view our civilian employees as essential to the safe operation and delivery of policing services throughout the province of Ontario. The stability Bill 25 brings will ensure that the people of this province get the best, seamless delivery of policing services available.

The amendment of the Crown Employees Collective Bargaining Act and the Public Service Act will provide the civilian employees of the OPP a democratic choice to choose their representative bargaining agent. Bill 25 is about making a choice. It's about giving people the right to decide whom they want to represent them.

We would like to thank the government for introducing legislation and dealing with a very difficult issue. We thank you for giving the OPP civilian employees a choice. We ask all parties to support the bill. Allow the employees to decide what is right for them.

We'd like to thank you for providing our association the opportunity of addressing the committee.

I have two letters I'd like to read in, Mr Chair. I think I'm within my time limit.

The Chair: You still have about four minutes, so that's fine.

Mr Adkin: I have a letter in our handout.

Mr Dave Levac (Brant): On a point of order, Mr Chair: In terms of the letters being read, we all have copies of those and we could read them. We'd like to have an opportunity to pose a question in case the time expires.

Ms Marilyn Mushinski (Scarborough Centre): They're attached.

The Chair: Mr Levac, it's always at the discretion of the presenters to decide how they split their 10 minutes.

Mr Levac: I'm asking Mr Adkin to allow us to read them.

The Chair: Now he is aware of your interest, but at the end of the day, if they want those recorded in Hansard, this is the only way he can do it.

Mr Adkin: Is that affecting my time, Mr Chair, that question? Is that within my time?

The Chair: I'll add another 30 seconds.

Mr Adkin: Thank you. This letter is dated June 12 and it's addressed:

"Ladies and gentlemen of the standing committee on general government:

"Please allow me to introduce myself. My name is Kelley McDonnell and I am currently employed as a civilian with the Haldimand-Norfolk Ontario Provincial Police. I perform administrative duties and am currently classed as an OAG8.

"I commenced my employment with the OPP on December 15, 1998, following the amalgamation of the OPP and the former Haldimand-Norfolk Regional Police Service. I was employed as a civilian member with this police service for 18 years.

"From 1994 to 1998, I served as a civilian director of the Haldimand-Norfolk Police Association. It should be noted that this association remains active in order to represent former members in matters relating to the amalgamation, and I still hold this position.

"As a civilian representative, I attended numerous meetings hosted by the Police Association of Ontario that dealt with concerns specifically relating to police and civilians' issues throughout the province. The OPPA is the only association in the province of Ontario that does not represent their civilian members.

"As a member of a police association, I expected the board of directors to properly represent members on all matters concerning wages and working conditions. My experience was that the civilian members had confidence in our association's ability to properly represent them. The board of directors was comprised of police and civilian employees. This board was responsible for addressing concerns relating to both police officers and civilians.

"Since joining the OPP, I have been forced to become a member of OPSEU. I have never been a member of a union before.

"In early 1999, very shortly after coming over to the OPP, I was informed by an official of OPSEU that if I

did not sign a membership card, my local union would not represent me if I had issues that needed to be addressed. I was advised that I would have to contact the head office on my own and deal directly with them. During this time, I was also faced with the possibility of being forced to go on strike, which was something that I never had to experience before.

“Since the amalgamation there was an issue raised by some civilians to an official of OPSEU. As a result, I do not feel that our concerns were met with any real desire to assist us.

“In closing, I feel that the unique needs of the civilian members would be better served by the Ontario Provincial Police Association, people we work with who know and understand the problems experienced by their civilian co-workers on a daily basis.”

It’s respectfully submitted by Kelley McDonnell.

The last letter is dated June 13, 2001, and it’s from two of our employees at the Brant county detachment, which is located in the town of Paris. It’s addressed the same as the former letter.

“At this time we would like to advise you we strongly feel we should be represented by the Ontario Provincial Police Association. The OPPA is familiar with the police environment in which we work daily. We are the only civilians in police work that are not represented by the same association as the officers.

“We feel they better understand our issues. OPSEU represents so many different areas that they cannot focus or understand some of the things we deal with on a day-to-day basis. It would allow us to be represented by people familiar with our day-to-day problems and situations.

“We feel that the police association board of directors would properly represent members on all matters concerning wages and working conditions. From what we have heard from other civilians represented by their police association, the members have confidence in the association’s ability to properly represent them. The board of directors is comprised of police and civilian employees. They would be responsible for addressing concerns relating to both police officers and civilians.”

It’s submitted by Roberta Scottie and Kimberly Thomson of Paris. Thank you, Mr Chair.

The Chair: Mr Levac, we’ve got about a minute and a half for a question and the response.

Mr Levac: I will be very brief, Mr Chairman. Thank you for your indulgence.

Mr Adkin, are you aware of what an orphan bill is?

Mr Adkin: No, I’m not, Mr Levac.

Mr Levac: An orphan bill basically says that there are pieces of legislation that are acceptable to most people and they surround it with other pieces of legislation that are not palatable. For your information, I have contacted the OPPA in my area and indicated to them that a free vote of that nature would be acceptable to me, and, having that understanding, I also indicated I would not be voting for the bill because of the rest of the pieces of that legislation.

Are you aware as well that there are concerns, that other members of the civilian OPP have differing opinions about whether or not they should or shouldn’t be represented by the OPPA or OPSEU?

Mr Adkin: That’s what the bill is all about, Mr Levac. It’s about choice.

Mr Levac: Correct. I appreciate that very much. I just wanted to go on the record with that.

The Chair: Thank you, gentlemen, for coming before us here today and making your presentation.

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WILLIAM ROBINSON

The Chair: Our next presenter will be Eva Robinson. The clerk advises me that we have not as yet seen Eva Robinson. How about William Robinson?

Mr William Robinson: Yes.

The Chair: Come forward, please. Good afternoon and welcome to the committee. We have 10 minutes for your presentation as well.

Mr Robinson: I can assure you I will not be 10 minutes. I’d like to say first of all that I’m very honoured to be here and to have an opportunity to speak. I am very nervous, simply because this is a theatre that I’m not used to by any means.

What I would like to say, however, is that I know in my local people have been feeling disenfranchised from the process for a long time. I know myself that over the last five to six years, I sense a real divisiveness between my representation and my government.

I’m a kid who was raised on “Give us a place to stand and a place to grow,” and it’s confusing for me when I see two sides always appearing to go at each other. I know that what I’m saying sounds somewhat idealistic, but I don’t feel that. Deep down, I feel that it’s important that people say what they feel. I haven’t said anything in the last six to seven years. I’ve tolerated things, I’ve gone on, I’ve read the paper, I’ve listened to the back-and-forth. The one thing I haven’t heard is the voice of reason back and forth between the parties.

As a person who has lived in Ontario all his life, I’d like to think that somehow we can reach a level of understanding that we’ve lost. I know I sound like I’m preaching, like I’m on a soapbox, but I’m not. What I’d like to feel is that the people of Ontario work together, and they work together in a way that makes things better.

I don’t necessarily like the fact that I’m represented by a certain union, but I also know it’s the only protection I have with my employer sometimes, and it allows me to speak freely. I’m very fortunate to have this opportunity to speak freely. I know that I may not be articulating what directly speaks to the bill, but I do want you to understand that it’s very important for me as a citizen of Ontario to say to you to please focus on the needs of the people themselves.

People in my local don’t even understand the full ramifications of this bill. There needs to be some public understanding. These people work for the government

and they don't understand it. I know people have their agendas, their beliefs, their ideals, and I know you all have vision. You have visions for your party or the vision that you believe in a particular thing, and that's what drives us, that's what we believe in. But just for a moment, look at the overall vision, the vision for the people of Ontario that you represent. You care about those people or you wouldn't be here. I just think it's really important that you get out and listen to them and what they have to say.

That's all I have to say, and I hope that somehow it strikes a chord with some of you. It may seem like, "Who is this loon?" But between you and me, I just think it's important that it be said.

The Chair: Thank you very much, Mr Robinson.

Mr Robinson: You're welcome.

The Chair: Are you prepared to take questions?

Mr Robinson: I am.

The Chair: Mr Kormos, you can have the first three minutes.

Mr Peter Kormos (Niagara Centre): Very quickly, your submission will probably end up being the most eloquent of the day. I appreciate your coming here. I've listened carefully, as I'm sure the other people around this table have. Thank you very much.

The Chair: Any questions from the government members?

Mrs Marie Bountrogianni (Hamilton Mountain): I'd also like to thank you for coming. No, you're not a loon. In fact, I hear that everywhere I go. I have people from all political parties saying, "What's happening to this province?" I hope you have struck a chord within everyone around this table, not just a few of us. Thank you.

Mr Norm Miller (Parry Sound-Muskoka): I'd like to thank you for coming in and voicing your opinion today. We'll try to work with the other parties as reasonably as we can. Thank you.

The Chair: Thank you, Mr Robinson, for your articulate presentation. You demonstrated just how easy it is to come into this building and share your points of view. Thank you very much.

CINDY BAHM

The Chair: Our next presenter will be Ms Cindy Bahm.

Mr Kormos: Perhaps we should let folks know there's coffee and tea for them over there.

The Chair: Absolutely.

Mr Kormos: They can make themselves at home. After all, you paid for it.

The Chair: Good afternoon and welcome to the committee.

Ms Cindy Bahm: Thank you. Good afternoon. My name is Cindy Bahm, and I'm honoured to have this opportunity to speak to the committee today in support of Bill 25; in particular, to the amendments which will allow OPP civilians the opportunity to choose to be

represented by the Ontario Provincial Police Association. I am speaking today not only on my own behalf, but on behalf of hundreds of OPP civilians across Ontario who also support this bill and are unable to be here today.

For the past 16 years, I have enjoyed a career as an administrative assistant with the Ontario Provincial Police and currently work at the North Bay detachment. I take pride in the role that I play and all other civilians play as well in the policing of this province, from the day-to-day running of police offices at all levels, to providing assistance to members of the general public and victims of crime and to the dispatching of emergency services in times of need.

Our role historically has always been taken for granted—that is, until 1996, when OPSEU exercised its newly acquired right to strike. You see, only a handful of OPP dispatchers were considered essential workers, and so it was in March 1996 when OPP civilians were denied access to their workplaces and their legal right to work by OPSEU picket lines; and because of that, it was in March 1996 when the citizens of Ontario were unable to access policing service as they had come to know it.

People requiring police assistance were unable to reach OPP staff by telephone; victims of crime were delayed and sometimes even denied access to police offices. Worse than that, the safety of all citizens was jeopardized by a limited number of dispatchers being expected to work beyond their capabilities in addressing reported emergencies and also by the lengthened response times of uniform officers responding to calls for assistance because of picketers preventing safe passage through picket lines at detachment buildings.

The people of Ontario deserved better. They did not deserve pickets flashing them in the face, as I'm sure those of you who may have experienced this same thing here at Queen's Park didn't either. OPP civilians were not impressed with the way the public and our uniform officers were treated by those picketers, and I for one certainly didn't condone that behaviour.

So it was in March 1996 when I began a campaign for the right for OPP civilians to be represented by the OPPA. It was an idea that started off as a whispered dream and which has evolved into a very public and effective campaign for democracy for OPP civilians who are now realizing that this dream is very close to becoming reality.

We have overcome many obstacles over the years to get to where we are today in our pursuit of OPPA representation. Personal communication outside the workplace between civilians scattered across an entire province was a major hurdle that was overcome by patience, perseverance and creativity and eventually resulted in an effective personal information networking system which continues to keep civilians informed today.

We have done our homework over the past five years. We have written many letters to government officials in support of legislation such as Bill 25 and have spoken to many people about OPPA representation. I myself have spoken with civilians with many years of experience and

to some with only a few years' experience. I've talked with civilians from municipal police services about the representation they enjoy from their respective police associations. I have spoken with civilians who used to work for municipal police services and are now employed with the OPP. I have spoken with uniform members of all ranks and I have also spoken with executive members of the OPPA. All communication on this subject has been positive and only reinforces the desire to join the OPPA family.

I have also taken advantage of many opportunities to experience first-hand what kind of organization the OPPA is and how they do business. I have attended OPPA functions at local and provincial levels, and I like what I see. I have shared this valuable insight with as many of my civilian counterparts as possible, and I have no doubt whatsoever who I want to represent me.

To give myself some credibility, I don't speak against OPSEU representation without some knowledge of the organization. Besides being a dues-paying member for the past 16 years, I was an active member of a local for a few years as a shop steward. I saw how things worked, and I was exposed to their philosophy of how to achieve in the world of labour. It was actually during a steward workshop I was attending, during an emphatic display of solidarity, that I realized I did not believe in, let alone could I participate in, the aggressive style of business they conducted.

MPP Peter Kormos, representing Niagara Centre, recently spoke in the Legislature in opposition to Bill 25, stating that it would rob "over 2,000 public sector workers of their status as members of a bona fide trade union, OPSEU ... a trade union that has proven over and over again that it will go to bat for its employees and it will fight for them and it will negotiate contracts for them, that it will fight to retain their right to strike for them."

Some 20-odd years ago, well before Bill 25, OPP dispatchers made an attempt to leave OPSEU but were unsuccessful. Since that time, OPSEU has had the opportunity to go to bat for us and fight for us. The result has been over 1,000 letters written to Management Board by OPP civilians asking for the opportunity to choose the OPPA to represent us.

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What that tells you is that we are not adequately represented by OPSEU now, nor have we been in the past, nor do we expect to be in the future. We have no voice and no say in matters that are important to us. On a provincial scale, we are about 4% of the OPSEU membership which, in itself, gives us no opportunity to be heard. However, our numbers are further dispersed throughout locals scattered across the province, making us invisible within the OPSEU organization.

OPSEU prevents us from doing our job and from performing our role in the policing of this province, and we don't like it. The reasons for wanting out of OPSEU are as varied as the people you ask. Besides wanting to be on the working side of a picket line, we want to attend OPP Association meetings where discussions have some

relation and meaning to us. We want to enjoy the convenience and luxury of having a representative in every workplace, someone to bring our concerns to, and then the opportunity to have those concerns brought forward for resolution in the professional manner that the OPPA does business. We want to attend association meetings that talk about our business, the business of policing. Having police-oriented representation will ensure understanding of the issues which affect us. The people of Ontario will be better served by an OPP that works together under the OPPA. They have the respect of you, the politicians, and respect you in return.

I appear before you today and ask that you consider my comments as those echoed by the hundreds of OPP civilians in support of Bill 25. We anxiously await the opportunity to vote for OPPA representation and ask that the bill be passed so we may do so.

In conclusion, I would like to thank this government for putting forth a bill that will give our OPP civilians the opportunity to represent the people of Ontario in a more professional manner.

The Chair: Thank you very much. That leaves us time for one question. This time it will be the government benches. Mr Tascona.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you, Mr Chairman. From what I can understand from your presentation, on page 7 it would appear that rather than having a separate bargaining unit of individuals, the OPP civilians, OPSEU essentially set you up in different locals across the province.

Ms Bahm: That's correct.

Mr Tascona: So you're interspersed with other members of OPSEU. What I want to ask you has two parts, but I'll put it in one question. I take it you believe that you'd have a better community of interest if you go the route of trying to join the OPPA through the labour relations board procedures and that you would be looking to set up one bargaining unit for your particular group?

Ms Bahm: And the question is?

Mr Tascona: That's the question: what you are envisioning. Do you feel that you have a community of interest with the OPPA?

Ms Bahm: I envision better representation for us as a group as members of the OPPA.

Mr Tascona: How would you see that representation taking shape, as a separate bargaining unit or as a part of the OPPA as a bargaining unit?

Ms Bahm: Well, I believe we would mirror other police associations and other municipal police agencies as well, but that's not something I'm all that familiar with.

Mr Tascona: OK, that's fair.

The Chair: Thank you, Mr Tascona, and thank you, Ms Bahm, for your presentation and for coming all the way down to appear before us here today.

RON MARCINIAK

The Chair: That takes us to our next presentation, from Mr Ron Marciniak. Good afternoon, and welcome to the committee.

Mr Ron Marciniak: Good afternoon. Thank you, Mr Chair. Ladies and gentlemen of the committee, my name is Ron Marciniak. I work for the Ontario Ministry of Municipal Affairs and Housing as a systems officer.

I am honoured to be here today to represent the members of OPSEU and to present the concerns of my co-workers who serve in the Ontario public service as they relate to Bill 25, specifically section 5, which changes the delegation of duties and powers.

Most of us enter the public service to make a difference. Public service is a noble profession, and we are proud of the services we provide to the citizens of Ontario and genuinely care about those we serve.

I have been a member of the Ontario public service for nine years, and in those nine years my work has been led by experienced, responsible senior public servants. We understand, all of us, the balance between responsible fiscal stewardship and the delivery of services and programs. It is our business. We are all accountable.

We do not always agree with the direction our political leaders wish to take, but as Dwight D. Eisenhower said, "Never confuse honest dissent with disloyal subversion." That being said, I'm at a loss as to how the citizens of this province will benefit from having the powers and authority of trusted public servants given to another person or persons who do not share our vision of service without profit.

The basic economic principles of supply and demand have no place in the public service. We do not close up and leave town if our services are not making money. Our services must continue to be available to those who need them. We, all of us, are responsible for Cicero's greatest law: the good of the people.

In the Ontario public service, we have very clear conflict-of-interest guidelines to prevent corruption and to make us accountable to the taxpayers. We are reminded of them every day when we log on to our computers. We must agree to not use government resources to make a profit. OPSEU members do not receive corporate perks, nor are we allowed to accept gifts from clients for a job well done; if we do, it is grounds for a dismissal. That is part of our proud service record and is a testimony to the importance of the work we do.

It seems to me that it would be impossible for private employers who have to report to a corporate board of directors to adhere to those same guidelines. The deputy minister, assistant deputy minister and I all have the same rules; these other people will not. None of us is naive enough to think that profit is not the motive in the private delivery of public services. To allow these people to establish rules or requirements further endangers us all.

Our collective agreement allows for the establishment of a local or ministerial employee relations committee where matters of mutual concern are discussed and

resolved between OPSEU leaders and senior managers. This is the forum for us to raise issues of propriety, whether they be working conditions, program delivery or labour relations. We are very concerned about the lack of accountability in all of these areas and how it affects our working lives and the lives of our client groups should fee-for-service individuals or private sector companies manage public servants.

The people I work with in the Ministry of Municipal Affairs and Housing are public-spirited and ethical. We work hard. We remain dedicated in the face of our services being downloaded, privatized or shared. Consistently over the last six years we have maintained a high level of service to our clients and delivered needed programs in spite of this uncertainty.

We no longer fear change. What we do fear is a public service that is dedicated to profit, where there is no accountability to clients, just shareholders. We dread the thought of having delegated persons, motivated by the bottom line, deciding how a program should be delivered. We challenge the idea of giving the professional public service to a private sector company which gets inspiration from using the public purse without public accountability.

Justice Brandeis wrote, "Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example." Please do not allow Bill 25 to pass unaltered. The Ontario public service must remain an example of ethical, accountable and responsible service. Thank you.

The Chair: Thank you very much, Mr Marciniak. That leaves us about three minutes. I'll give the time to the Liberal Party. Mrs Bountrogianni.

Mrs Bountrogianni: Thank you for your submission. I would think the government would have learned from Walkerton what could happen with privatization.

Do you have any examples or evidence of your statement that when you privatize you lack accountability, other than the statement itself?

Mr Marciniak: None certainly as severe or serious as the Walkerton affair. The only offer I could make would be a long battle to eliminate fee-for-service consultants who were around for 10 years and finally turning the work over to where it belonged, to public servants, OPSEU members. It should have been there all along. So you were paying a big dollar for something that shouldn't have been there.

Mr Levac: Thank you for your presentation; I appreciate it. You also mentioned a concern about what the real feel is for the public service. Do you have the history or any kind of research that showed you why the public service was invented in the first place, to avoid the things you mentioned regarding not taking gifts, having to report the type of thing you talked about? I would assume it implies slipping a \$50 under the door and saying, "Do something."

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Mr Marciniak: No, I'm sorry, I don't.

Mr Levac: Historically, there is a document that proclaims that even when governments need to hear this from public servants, this has to be this way in order for them to keep them on the straight and narrow, to avoid the conflicts you were talking about earlier. That's just a statement, but if you want to respond to that, I would welcome that. It's another opportunity for you to reinforce your concern about what the private system, in comparison, could do.

Mr Marciniak: The only thing I could offer there is that as a public servant for nine years—and my entire career prior to that in the private sector—I've certainly changed my outlook of what it means to be a public servant. I didn't understand coming in; I understand quite clearly now that what I do is to serve the public; it is not for profit, it is not for the bottom line. I'm proud of that.

The Chair: Thank you, Mr Marciniak, for coming before us here today.

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION, LOCAL 364

The Chair: Our next presentation will be from OPSEU local 364, Denis Perreault. Good afternoon. Welcome to the committee.

Mr Denis Perreault: Good afternoon, Mr Chair. Good afternoon, members of the committee. My name is Denis Perreault, and I'm the president of OPSEU local 364, which represents 678 civilian OPSEU members who are currently working for the Ontario Provincial Police headquarters in Orillia. I have requested and appreciate the opportunity to be here today to discuss the implications that Bill 25 will have on OPP civilian employees. While I'm here today addressing this committee, I would like to point out that the Ontario Provincial Police Association is currently holding an association meeting in the auditorium of my work site.

The OPPA has a special relationship with its employer, the Ontario Provincial Police. Under normal circumstances, this relationship is the kind of thing that the Ontario Labour Relations Board might regard as evidence that an organization was too cozy with management. The board might say that this close relationship makes it difficult for the organization to act as an effective employee representative. On that basis, the board might bar the organization from certifying as a bargaining agent.

Unfortunately, the board will never have the opportunity to pass judgment on this issue. If Bill 25 goes through, the association, which is not a union, will be allowed to conduct what amounts to a union organizing drive. Under Bill 25, the labour relations board will be required to act as if the OPPA is in fact a real union, even though it is not. In contrast to the OPPA, OPSEU is restricted and cannot conduct any union business within the facility or on the employer's equipment and time, but the OPPA seems to be able to. Bill 25 provides special status for the OPPA to raid our membership, with few limitations. The employer allows the OPPA to use its

corporate equipment, computers, faxes, telephones and facilities to continue with its propaganda on company time. OPSEU, a legitimate bargaining agent, is denied this right.

OPP civilians like the idea of having a choice, even if they are OPSEU supporters. However, we believe that a choice of this kind is inappropriate when the rules governing the choice are clearly biased in favour of one of the choices. That is what would happen under Bill 25.

As I noted already, Bill 25 will allow the OPPA to launch an organizing drive, even though the OPPA is not a union. That is strange enough. But the OPPA is also being allowed to carve off a piece of an existing bargaining unit. This is not the kind of thing the labour relations board would normally allow. If a union wants to organize a bargaining unit, it normally has to organize the entire thing. In this case, the entire thing would have to be one of the six OPSEU bargaining categories in the Ontario public service. This is not what Bill 25 talks about. The existing public service bargaining categories recognize the fact that people who do the same or similar jobs for the same employer should all be entitled to the same or similar wages and working conditions.

We believe that civilian employees of the Management Board Secretariat have more in common with each other than they do with police officers. The police, as an armed, paramilitary group, are naturally governed under different rules than civilians. Their rights to engage in political activity or to bargain collectively are restricted. We do not think it is sensible that civilian employees should be restricted by rules that were designed specifically to ensure police control over civilians. Another thing that is extremely odd about Bill 25 is that if the OPP civilians decide to join the OPPA, their vote will create the bargaining unit. Normally, the bargaining unit exists before the organizing drive occurs. The reason for this is, how could a union know about a non-existent bargaining unit? Again we see special treatment for the OPPA in Bill 25.

I have read the confidential question-and-answer document about Bill 25 that the government distributed to top managers in the public service. In it, the government says, "We are responding to requests from employees." The government has not shown any evidence that a majority of OPP civilians, or even a large number, is requesting a change in bargaining agents.

In allowing OPP civilians to choose to be represented or not be represented by the OPPA, the government is opening the door to intimidation. Civilian employees of the OPP will be asked to join an organization that represents people with a great deal of authority over them. These people wear uniforms designed to put forward an image of power, control and authority. They also wear guns. Imagine you are a woman who is a civilian secretary being asked by an armed, uniformed man to join his association. How would you feel? The man does not have to pound on your desk, doesn't have to raise his voice in order to make you feel like you are under pressure. Even if the OPPA is not allowed to engage in

unfair labour practices during the organizing drive, the uniform and the gun are intimidating on their own. In these circumstances, it is difficult to speak of people making a free choice.

You can see why many of us are extremely leery of Bill 25. We have much at risk if this bill is passed: our collective agreement, the best pension plan in the country, our right to file grievances and our right to see those grievances go to arbitration. We fear intimidation of our members by members of the OPPA. We fear deception of our members by members of the OPPA. For example, the OPPA is dangling the promise of arbitration in front of our noses, but they are not telling our members that under the existing Public Service Act, the number of issues that an arbitrator could look at is severely restricted.

The standard procedures of union organizing drives in Ontario have been built over decades. They may not be perfect, but they are tried and tested, and they are based on the precedents set by thousands of cases. Bill 25 is a dangerous deviation from the collected wisdom of labour relations law in this province. Maybe this is why it is a biased piece of legislation. The bias is really clear when you consider the fact that if a majority of OPP civilians vote to join the OPPA, Bill 25 will not allow them to ever vote again if they change their minds. So much for democracy. The government is selling Bill 25 to OPP civilians as a door opening. In reality, it is a door that opens once and then it slams shut forever. As far as it concerns the representation rights of my members and of OPSEU members in OPP offices and detachments around Ontario, I encourage you to vote against it. Thank you very much. I would be pleased to answer any questions.

The Chair: Thank you. We do have two minutes.

Mr Kormos: Thank you very much. Obviously you and Ms Bahm, for instance, disagree. That's fair enough. But I'm particularly interested in what you're saying in here about the employer allowing the association to use its corporate equipment. Help us. We have one more question period before the week is over, and this is something the Solicitor General might be called upon to answer. What are you speaking of there?

1650

Mr Perreault: What I'm speaking of is that right at this moment branch 18 of the OPPA is holding an association meeting in the general headquarters of the OPP in Orillia. They also use their equipment to type up their minutes and distribute them to the members of their board. A while back, when I met with the commissioner, the internal global addressing system was being used to distribute OPPA propaganda to our members.

Mr Kormos: Sorry, would you repeat that one? What about the addressing system?

Mr Perreault: Global addressing system.

Mr Kormos: What is that? I don't understand.

Mr Perreault: Every member within the justice system has e-mail, because we work with our computers, so that system was used to promote and provide our members with OPPA information.

Mr Kormos: Whose property is that system that you're talking about?

Mr Perreault: That is the government's system, the Solicitor General's.

Mr Kormos: OK. Do you have any idea during what time of day or night this is being utilized?

Mr Perreault: It is 24 hours a day, seven days a week. We're a 24-hour agency. It can be done at any time. I can receive e-mails at 3 o'clock or 7 o'clock in the morning.

Mr Kormos: You should know, as you may well, that the prospect of arbitration in the province's recent history of the last six years has become, I suspect, far less attractive than it has ever been, because the legislation that's coming down the pipe, in terms of how arbitration is set up as an alternative to collective bargaining, is not the arbitration that you and I remember from our youth or even our middle age. It is pretty scary stuff. It is a far cry from arbitration. You know exactly what I'm talking about, I suspect.

Mr Perreault: Yes, I do.

The Chair: Thank you for coming before us here today.

YOLANDA SUNNERTON

The Chair: Our next presentation will be from Yolanda Sunnerton. Good afternoon. Welcome to the committee.

Ms Yolanda Sunnerton: Good afternoon. Thank you for having me. Please allow me to introduce myself. My name is Yolanda Sunnerton. I have been employed with the Ontario Provincial Police for 25 years, of which the last 20 have been as a communications operator. Bill 25 is not a new issue to me. In fact, this process has been tried many times in the past. However, it has never been so organized and the support so overwhelming. As communication operators, we work alongside the officers on a shift work basis, dispatching units to occurrences and arranging backup and assistance for our officers, the public and acting as a liaison between municipal forces, fire, ambulance and a multitude of other duties.

There are approximately 400 communication operators working at 10 communication centres across Ontario. We operate the communication centres around the province and are the lifeline to the citizens and the Ontario Provincial Police officers. We are on an every-day basis the first contact for citizens and officers in a crisis situation. We consider ourselves professionals and are an integral part of the policing community. The Ontario Public Service Employees Union currently represents us. We are the only police civilian employees in the province who are not represented by their respective police association.

The current situation we feel is contrary to public interest and that of the communicators and the police officers we work with so closely. For example, we were deemed an essential service during a strike period. For communicators, that meant scarce labour. A third of our

strength was removed by the process of picking names out of a hat, with no regard to experience taken into consideration, a situation which is not conducive to public or officer safety. OPSEU also deducted 30% pay from those employees who were deemed essential to supplement the OPSEU strike fund. I speak for my colleagues when I say I do not want to be put into that situation again. We feel that our voice is lost in the 65,000-member-strong OPSEU. Our views, concerns and our unique role in policing have not been recognized.

This is apparent in our bargaining unit. Presently we are in the institutional health care encompassing nurses, bakers, butchers, canteen operators, childcare workers, psychologists etc, a kind of catch-all group. Prior to this, communications operators were part of the maintenance bargaining unit. We cannot expect our uniqueness to be recognized in a union such as OPSEU, where the mainstream membership is so different from ours. Should the legislation be passed, it would provide us with a welcome opportunity to leave OPSEU and join the Ontario Provincial Police Association to bring us on-line with all other police service communicators.

In closing, I would like to say that communication operators are proud, dedicated and committed to the OPP and the citizens we serve. We feel a strong kindred spirit and unity with the officers. I feel the common issues and concerns we share with the officers would only make logical sense and would be the groundwork to build a solid framework, including all employees of the Ontario Provincial Police. Within the last little while the excitement has been increasing. Co-workers' questions have gone from, "What if?" and "What about?" to "When?" and "What can we do to assist this process?" We look forward to meeting other police communicators at our future association meetings at the provincial and national level. It will allow us to discuss issues which affect our role in policing.

I'd like to thank you for your time, interest and your consideration for this bill. It will give us a democratic opportunity to select who will represent us.

The Chair: Thank you very much. This go-round the question will be for the government benches.

Ms Mushinski: Thank you for your presentation. A couple of suggestions have been made, particularly by I believe OPSEU representatives, that they haven't received any indication that there is overwhelming support for this particular amendment, Bill 25. However, I notice in your submission that you have clearly indicated that Bill 25 is not a new issue and that in fact the process has been tried many times in the past and has never been so organized and the support so overwhelming as now.

Ms Sunnerton: That's right.

Ms Mushinski: Can you give me particular data or information supporting that particular statement?

Ms Sunnerton: I know there are approximately 2,500 Ontario Provincial Police civilian members. Over 1,000 have written letters for this bill to be enacted.

Ms Mushinski: Unfortunately, I was not able to ask the previous speaker about the statement he made with

respect to intimidation. He said, "Imagine if you're a woman who's a civilian secretary being asked by an armed, uniformed man to join his association. How would you feel?" I guess he's assuming that all police officers these days are men, as opposed to women. Could you enlighten me on that, assuming that you deal with female police officers as much as you do male.

Ms Sunnerton: Yes, we do. In the 25 years that I have been part of the provincial police I have never once felt intimidated. Most of the officers are good friends of mine. Because we work on a shift-work basis, our days off are together. We all have families and we are all very good friends. I could not for one minute believe that anybody would be intimidated by a police officer working with the provincial police.

Mr Miller: I just have one question. The previous speaker said that one of his concerns was that the OPP is too cozy with management. I assume that means that the OPPA has a good relationship with management. Do you think that's correct, first of all? Do you see that as being a problem?

Ms Sunnerton: Not at all. I believe that if they have a very good relationship, that would enhance resolving issues.

Mr Miller: That would certainly be my feeling as well, having run a small business. I think better relationships are more effective and things work better. I think that makes sense as well.

The Chair: Thank you very much. I appreciate your coming before us here today.

1700

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 104

The Chair: Our next presentation will be from Alicia Czekierda. Good afternoon. Welcome to the committee. Have I got that correct?

Ms Alicia Czekierda: You did that very well.

Good afternoon, Chairman and committee members. My name is Alicia Czekierda and I am a public employee. I work at the Robarts/Amethyst School in London, where I am president of local 104 of the Ontario Public Service Employees Union. There are about 135 people in my local. We work as secretaries, teachers, residential counsellors, speech pathologists, systems officers, maintenance staff, classroom assistants, nurses and in other jobs. Our school provides support to vulnerable children.

As you probably know, Robarts school is a provincial school for the deaf. Amethyst school provides help to children with severe learning disabilities and attention deficit disorder. Our school has a proud history as part of public education in Ontario. As OPSEU chair of the ministry employee relations committee in the Ministry of Education, I am proud to represent more than 1,000 people who form the backbone of public education in this province. I am here before you to present my views on Bill 25.

As a public servant for more than 26 years I feel that this bill is regressive on several points. However, as I only have a few minutes, I would like to limit my remarks to the parts of the bill that deal with the types of jobs that are allowed under the Public Service Act.

Currently under the Public Service Act, employees are either appointed to the public service or not. The former, called classified employees, have what used to be called permanent jobs. Under the OPSEU collective agreement they have a benefit plan, they have a pension plan and they have certain job security protections, such as seniority rights and enhanced severance pay.

The second type of worker is called unclassified. Unclassified employees were originally supposed to be hired for temporary purposes, for example as backfill for people on leave. They were never intended to make up a major part of the public service workforce. As supposedly temporary workers, unclassified employees do not have pensions or job security protection. Through bargaining, OPSEU has been able to win them a modest level of pay in lieu of benefits. We have also bargained with them for the right to be converted to classified status if there is an ongoing need for their work after two years as an unclassified employee.

Unfortunately, this government has been eager to dodge the cost of benefits, pensions, and job security language. They have been hiring as many unclassified employees as possible. As a result, the OPSEU bargaining unit is now made up of almost 25% unclassified employees. Bill 25 has certainly been given the right number. It will have a major impact on that 25%.

Bill 25 does two things to contract workers. First, it makes it possible for the government to hire new unclassified workers for contracts of up to three years. Second, it creates a new type of position called a term classified. As far as we can tell, a term classified is kind of halfway between an unclassified and a classified job. Depending on the outcome of negotiations, and if Bill 25 passes as is, these new positions seem to be designed to have some kind of benefits but no pensions or job security language.

The government has told us that these legislative changes involved in this act will allow them to make more attractive job offers to new workers who have the specialized skills the public service needs. At one point in my local, almost all of us were classified employees. We are now up to 45% of the staff being either seasonal or unclassified. This situation has come about because every time a vacancy occurs, my employer destroys a classified job and replaces it with a contract job.

The government has stated that in drafting Bill 25, they consulted with top bureaucrats in the various ministries. If they had ever taken the time to talk with unclassified workers currently working for the government or those who have left, they never would have introduced these changes.

I will tell you what my unclassified members are telling me. They are telling me that working for the government is just a stepping stone. They are putting in job applications everywhere they can find. They are

trying to spend as little time in government as possible. One member, a young computer professional, exactly the kind of person the government is looking for, told me he was just working to gain experience. "I want out," he said. "I want a place where I can get a pension. This roaming from one city to another is too hard on me and it's too hard on my family."

My unclassified members know that the chance of getting a stable job with the possibility of promotion is minimal or nil in the public service. That is what is causing the government's employee retention problem. Bill 25 will not help attract talented new people to the public service. If you have a bad job, it is not an improvement to be told that you will be guaranteed that bad job for three years instead of one.

Obviously, benefits are a good thing. But benefits alone will not make anybody choose the public service over another job. In every sector of our economy we have seen the same thing: what attracts people is a good job. It is no mystery why so many of our Ontario-trained nurses are nursing in Texas. They are down there because that is where they can get full-time jobs with benefits, pensions and some kind of job security. The same is true in the public service. Ontarians will want to work there if, and only if, it becomes a place with jobs that allow them to buy a house, raise a family and go on vacation once in a while.

Bill 25 will not do this. Bill 25 only allows for greater use and abuse of contract personnel. Many staff who are now employed, who have the knowledge and expertise needed, are leaving the public service. We are no longer able to attract the next generation of skilled workers to government service. The commitment of employees to their employer is exactly the same as the commitment of employers to their employees.

Bill 25 tells me that my employer, this government, has no commitment to the work we do as public servants. I have served Ontarians for 26 years. In all that time I have never seen staff morale so low. When I started working, public service was a career and a commitment, a commitment that went both ways. That is no longer the case. More and more, talented people want out.

Now, you may say that Bill 25 merely creates options for the government. You may say that the changes in bargaining are subject to collective bargaining, and that is true. But if Bill 25 is really about creating options, why doesn't it create any positive options for employees?

Right now, many public employees' jobs are so precarious that they are afraid to speak out if they see taxpayers' money wasted or if they see dangerous decisions by their employers, such as the ones that led to the Walkerton disaster. Why not change the Public Service Act to give employees a controlled, legal process to blow the whistle on government wrongdoing? Why not change the Public Service Act to make the public service a better place to work? Why not change the Public Service Act to make working for the public service a job with a future?

For these reasons, I urge the committee to amend this bill, if it's not to be withdrawn.

Thank you for your time. Do we have time for questions?

The Chair: Actually, I let you go a little bit over, Ms Czekierda. The advantage of presenting a written brief to us is that I knew when you were approaching the end. Thank you very much for taking the time to come before us today.

1710

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION

The Chair: Our next presentation will be from OPSEU, Ms Leah Casselman and Mr Timothy Hadwen.

Ms Leah Casselman: Thank you, Mr Chair. I understand there's a spot at the end of the day, and we have requested that my colleague be allowed that spot, if at all possible.

The Chair: Your understanding should be that as it stands right now we are running 22 minutes late. There may be part of a spot, depending on whether every group between now and the end stays on—

Ms Casselman: If there is, he'll snag it, if that's acceptable.

The Chair: That's acceptable.

Mr Kormos: I'm prepared to sit here to accommodate all of the presenters. I would ask that the Chair disregard the clock.

The Chair: This would be an additional presenter to what's already on your list, Mr Kormos. We will certainly hear everyone that is on there. I'm prepared if there's—

Ms Casselman: We understand you were late arriving because of responsibilities in the House.

You boys aren't packing, are you, so I can sit here?

Good afternoon. My name is Leah Casselman and I'm the president of the Ontario Public Service Employees Union. My union represents 95,000 Ontario public employees, including over 45,000 direct government employees of the Ontario public service. You can tell by our name that the members of OPSEU have a unique interest in the Public Service Act, and I'm happy to be here today to talk to you about Bill 25.

I want to start by thanking those members of the opposition parties who were instrumental in forcing these hearings. To the government members on the committee, I only say I leave it to you to decide how embarrassed you should be to be part of a government that only accords two and a half hours of public discussion to such an important bill. Bill 25 concerns the future of a public institution that directs the spending of \$64 billion worth of taxpayers' money every year. At another time in this province a bill of this sort would have been the subject of weeks of hearings. At another time this committee would have actively solicited input from academics, public employees and the general public. That would be novel. At another time the discussion of changes to the Public Service Act might have been very close to a non-partisan discussion. Not today.

It is because of this government's profound disrespect for the Ontario public service that a small handful of us are here today for a token 10-minute presentation, as if any of this could be dealt with within 10 minutes. Nonetheless I make the following remarks.

I have entertained reading the confidential question-and-answer document put out by the government to explain Bill 25 to the top managers. In that official spin document, the government says it is changing the rules around union representation around civilian employees of the Ontario Provincial Police because the employees have requested the change. If this is true, it should have been front-page news. It is the first time that I have heard of this government voluntarily listening to any of our members. Usually it takes the pressure of collective bargaining or a public inquiry to get them to listen. It is truly a miracle.

We shall see in the next week if the government is actually listening to these hearings, because if Bill 25 passes through the Legislature without changes, then we will know once and for all that these hearings have been strictly a pro forma exercise. I call on the members of this committee to make substantial changes to this bill or, better yet, to scrap it altogether. I think one reason this bill has received less attention than it deserves is that the public service is a bit of an abstract concept. It deals with abstract ideas, ideas like professionalism, accountability, impartiality. But these are not merely ideas. They have been at the centre of several top news stories over the last six years.

Maybe you'll recognize them: Ipperwash; the clubbing of OPSEU strikers by the OPP in front of the Whitney Block on March 18, 1996; the mass downsizing of the Ontario public service; and, of course, Walkerton. With the shooting of Dudley George at Ipperwash, the issue is this: did the OPP, who are public employees, act on their own professional judgment, or did the Premier and his government interfere with the independent operation of the police and turn them into a political arm of the political policies of a political party?

The issue was the same at the Whitney Block. Did the OPP act independently to secure peace, order and good government for all, or did it act to further the political agenda of one political party? Did the mass downsizing of the public service undermine the professionalism of public employees by stripping them of the resources they needed to do their jobs? Did the downsizing create a climate of fear, as the Provincial Auditor said, that prevented public employees from speaking out about disasters waiting to happen? Did the downsizing and the associated privatization and deregulation cut long-established accountability relationships? If so, did this contribute to the Walkerton tragedy and scores of non-fatal public service disasters? These are public service issues.

The workings of public services around the world have been studied and improved through millions of hours of debate and centuries of practice. As outlined in more detail in our discussion paper, the world knows the

principles of good public service. These principles are professionalism, independence and accountability.

Professionalism means public employees have both the skill and the commitment to tell the truth to government, even when the truth is not what their political masters want to hear. Independence means impartiality. It means a commitment to serve the public interest, not merely the agenda of any one governing party. Accountability means a clear chain of command that makes it crystal clear who is responsible for what decision. It makes it clear how that chain links non-partisan public employees to democratically elected ministers of the crown. When you are doing your one-day clause-by-clause analysis, these are the issues you should be thinking about.

As your study Bill 25, ask yourself, please, does the creation of more job insecurity of public employees, which is what Bill 25 allows, increase or decrease their ability to act independently from partisan political interference? Does it increase or decrease their professional commitment to public service? What does it do to morale?

In the same vein, does giving human resource managers unfettered access to employees' personnel files improve employees' feelings of personal security? Again, what does it do to their morale?

Does moving civilian employees out of a civilian bargaining unit into a police association increase or decrease those employees' ability to speak out about abuse of power by the police, or is Bill 25 merely a straight-up political payoff to the Tory party's OPP attack dogs, a payoff for formally backing their Tory candidate, Tom Long, in his leadership bid for the Reform-Alliance party? It does move us one step closer to a police state.

Does giving private operators the right to direct public employees clarify the chain of command or does it obscure it by making those operators accountable in two conflicting directions: to the taxpayers' on the one hand and to their shareholders on the other? Does giving unelected public service managers and private operators the right to set certain workplace rules for public employees increase or decrease the democratic accountability of cabinet?

Remember that after Walkerton, when this government was under intense political scrutiny and said it wanted to increase the accountability of the Ministry of the Environment, it turned the Ontario drinking water guidelines into regulations. Bill 25 does the opposite. Why is this?

I believe that when you study those questions honestly you will see that in every way Bill 25 leads us away from professionalism, independence and accountability. It leads us to blurred responsibility, it leads us to a politicization of public service, it leads us to increased secrecy and less transparency and, last, it leads us to corruption.

History is watching you. Public administrators a century from now will study what you do in the next week. They will know your names. They will know if

you helped build on the proud tradition of the Ontario public service, and they will know if you contributed to its decay.

I urge you to blow the whistle on Bill 25. You should reject its ridiculous and dangerous changes. You should demand that the government make the Public Service Act whole by doing the one thing that is left undone. You know what that is? You must know what that is. That's to proclaim the whistle-blowing portion of the act. That's the one thing that you can do that will really make the public service more professional, more accountable and more independent from partisan tampering.

Now, I'd be happy to engage in about 30 seconds of very democratic debate.

1720

The Chair: Thank you very much. I believe the last time we left off it was the Liberals, so it would be Mr Kormos. Oh, sorry, Mr Kormos, I stand corrected. Mrs Mushinski was the last questioner, so it would be Mr Levac.

Mr Kormos: I would have wanted the government to have my turn.

Mr Levac: Thank you, Leah, for your presentation. Knowing some of your background, can you comment for me on your concerns, which I know you have voiced before, on the possible privatization issue that Bill 25 seems to be leading us toward insofar as the pillars that you were talking about that the public sector offers in terms of accountability and all of those mentioned in your deputation.

Ms Casselman: I think I'd immediately refer you to the Minister of Community and Social Services and ask him how those negotiations went with Andersen Consulting. The Legislature was outraged at how much public money was going into the pockets of Andersen Consulting, so they sent them back to negotiate and he's given them even more. Those are the kinds of things that taxpayers, I think, should be upset about.

When you introduce the private model into delivering service, the shareholders of those companies are more interested in how much money they can get out of it, as opposed to what kind of service is being provided. I know the Premier himself says he's not government; he's here to fix it. Guess what, folks? You are government. It's coming right back at you and you do have a responsibility to the citizens to ensure that there is a quality public service—non-partisan public service—delivered across the province.

Mr Levac: How much time do we have?

The Chair: About 30 seconds.

Mr Levac: Thirty seconds. I am interested in your concern about the whistle-blowing legislation and I really think it's necessary to give you an opportunity to comment on how important it is now to have—I think you're expressing deep concern about Bill 25 if it gets enacted, the relationship between that and the whistle-blowing legislation. Can you tie those two together for me?

Ms Casselman: Yes. There's an opportunity for this government, in the Public Service Act, to add whistle-blowing legislation—to proclaim it. It's actually there already. They did that as a result of the Walkerton inquiry. Our members who are testifying there have immunity to speak the truth.

The government apparently has said since then that it's too cumbersome to enact, yet they were able to do it for Walkerton so I think it's not that cumbersome at all. It's just that they don't want people who work for them to be able to talk and identify for the public that there are serious problems in the lack of delivery of services.

The Chair: Thank you, Mr Levac. Thank you, Ms Casselman, for coming before us this afternoon.

MARG SIMMONS

The Chair: Our next presentation—actually, you can correct your agenda. Ms Noad has indicated she'd like to be joined at the table by Marg Simmons. So if Sandra Noad and Marg Simmons would come forward, please. Good afternoon. Welcome to the committee.

Ms Marg Simmons: Good afternoon, Mr Chairman, and good afternoon committee members. I am Marg Simmons. Sandra was unable to be here today.

The Chair: Oh, my apologies.

Ms Simmons: Let me begin by telling you that I am a social worker for the government of Ontario. I am also the chairperson of our negotiating team. You may know that the collective agreement we currently have with the government of the day—which in this case is the Conservative government, although we certainly have been proud to be employees when the Liberals were in government, as well as when the NDP were in government—expires at the end of the year.

In the last round we did something called essential services and I learned so much about the Ontario public service. I learned that we work in psychiatric hospitals, we work in jails, we work as health and safety inspectors in workplaces throughout the province. We are communication operators, both in terms of dispatching police and in terms of dispatching ambulances. We're in OHIP offices, we're in courthouses and I guess, when I think about it, most of us probably have friends or relatives or neighbours who receive public services delivered by Ontario public servants. So it's been important for me that both professionalism and pride have been such a part of the presentations this afternoon and it reminds me that Ontario public servants sign an oath. I remember signing my oath on September 5, 1989. I assure you that there is still an awful lot of both pride and professionalism when I say that to you.

It has struck me recently, however, as I kind of take off my social work hat and put on my chairperson of negotiations hat, that there has been or is an attempt—let me put it this way. It sounds like a funny thing happened on the way to the negotiating table. Bill 25 introduces a notion: “term classified.” As you heard earlier, you are either unclassified or classified in the Ontario public

service. “Term classified” says you're a third category now, you're kind of classified. It's my belief that a new notion describing an employee should be discussed at the bargaining table, should be discussed as part of negotiations.

I watched with real interest several weeks ago when this particular piece of legislation was being debated in the House. I remember an F-word being used repeatedly and that F-word was “flexibility.”

Mr Kormos: I'm sorry, I'm sure that Mr Harris hadn't been in the debate.

Ms Simmons: The F-word was “flexibility.” That's concerning and I'm telling you it's concerning because as a person who sat in the last round of negotiations, the word “flexibility” was also the word most often used by the employer, the government of that day and the government of today, at the negotiating table. Thus I introduce the idea of negotiation through legislation and why it's concerning. Matters are being dealt with by legislation that properly should be brought to the negotiation table.

In the last round of negotiations I actually was in charge of essential services for what you've heard referred to as the institutional health category team. As I noted, we did have two communications operators on that team out of seven people. One was a dispatcher of the OPP and one was a dispatcher of ambulances. I assure you that the essential services agreements and the discussions surrounding communications operators was quite rich with that number of representatives on the negotiating team.

Our employer has already said in the media, starting in January, there will be a cap on any wage increase we see at the negotiating table and there will be further cuts to the Ontario public service. Those announcements were made by Mr Harris and Mr Eves. Bill 25 appears to be yet another attempt to alter the public service away from the negotiating table to address issues properly brought to a negotiating table.

Humbly, respectfully, with the pride and the professionalism of the public service, I ask you not to support this piece of legislation.

The Chair: That affords us about three minutes for questions.

Mr Kormos: In response to your exhortation, I tell you we won't. That's why I want the Conservatives to have my time to ask you questions. I think this is going to be a far more valuable exercise for them than it would be for me.

Mr Wayne Wettlaufer (Kitchener Centre): I thank Mr Kormos for allowing us to have his time.

Ms Simmons, you seem like a very reasonable person and I'd like to try to convince you that the introduction of “term classified” employees as part of the bill is as a result of changing times, more specifically in the last 11 years than there have been at any time in our history, and the necessity that the civil service bring in from time to time job-specific people for a limited period of time because of a specific area of expertise that an individual may have. This is for the ability of a government to

supply service to the taxpayers of the province. I'm sure even you would agree that we should not be taking on full-time employees for a permanent position when all that may be required is a term-specific or job-specific position.

That being said, I'd like to draw your attention to other presentations today and get your views.

1730

Mr Kormos: Do you want to answer?

Ms Simmons: Oh, am I allowed to answer?

Mr Wettlaufer: You can answer, sure.

Mr Kormos: Of course you are. You definitely are.

Mr Wettlaufer: I'll let her answer that.

Ms Simmons: Sorry, I wasn't aware of that—

Mr Wettlaufer: But I do have a couple of other questions that I'd like to ask first.

I come from a family, many of whose members have been union members over the years. That includes my wife, who has just recently retired from an Ontario government position. She was a member of CUPE.

Mr Kormos: If you don't start answering, he'll use up all the time and you won't be able to answer.

Ms Simmons: Really?

Interjections.

Ms Simmons: I'm a social worker. That's not fair.

Mr Wettlaufer: I think it's my time. I would like to ask you a question, but I'm having trouble getting through, even though Mr Kormos said that I could have his time.

Do you believe that all employees should have what is a basic, fundamental right, I think, the freedom to associate?

Ms Simmons: I think all employees, all people, because we talk about safe groups and all sorts of groups in life—it's important, the notion of freedom of association. It's easy today to talk about unions as an association. Whether we talk about faith, whether we talk about all sorts of freedoms that we have, it's very important. Freedom is important, and choice, and knowing choice within freedom, as far as I am concerned, is also important. I learned years ago as an addictions counsellor that people don't always know what they need.

You can say to someone, "I'll give you what you need. Tell me what you need." People aren't always able to articulate that. The freedom, with the knowledge of the choices that are available, is so important.

Mr Wettlaufer: In other words, then, you would not deny the OPP civilian employees to associate with the OPPA. Or if you would deny them that right, would you deny the right of people who do not know the issues in an election to vote in an election?

Ms Simmons: The basis of what I said and what I will say again is freedom and choices. People need to have choices and information and freedom.

The Chair: Thank you, Ms Simmons, I appreciate your coming before us here today.

TERRY DOWNEY

The Chair: Our next presentation will be from Terry Downey. Good afternoon, welcome to the committee.

Ms Terry Downey: Thank you. Good afternoon, my name is Terry Downey and I work for the Ontario public service as a human rights officer and I'm also the regional vice-president for the Toronto OPSEU members.

I've come here today to tell you that I believe the proposed changes to the Public Service Act are wrong and bad for the people of Ontario and the Ontario public service workers who deliver quality public services. There are several concerns I have about Bill 25; however, I will address two key issues that I believe are most troubling.

You have indicated that the proposed changes will allow for increased flexibility in human resources management that will assist managers in optimizing service delivery. Well, creating a new category of "term classified" employee with restricted rights will not provide the public with the high-quality and accountable service delivery that is provided now by classified employees with full rights.

Both the public and the workers who deliver public services want stability in service delivery. Workers who have restrictions and no stable job security, like current unclassified employees, feel disrespected and distressed about their livelihoods and usually leave the public service because they want more stability, unless they find a classified position in the Ontario public service. Therefore, those skills and expertise that those employees have had while they're here are gone from the government for good.

In the Ontario public service, many workers are responsible for confidential and sensitive information about the public. I know I am. Term classified employees with little or no stability have shown they cannot for economic reasons continue to be committed to delivering public services, and therefore I have real concerns about your Bill 25. It will negatively compromise the protection of information that Ontario public service employees gather about the public.

Classified employees, regardless of what service they provide, know their jobs, know how to get the work done and have respect for the services we deliver, and we remain accountable and committed as public servants.

I know from experience, because I was unclassified for two miserable years. Now, as a classified employee for the past 11 years, I remain committed and dedicated to the service I deliver as a human rights investigator in this province. The work I perform is highly confidential, sensitive and important work for the people of Ontario. The expertise required for this service would be severely compromised by frequent use of term classified employees with no permanent job security.

Another distressing concern I have about Bill 25 is the free access by undetermined human resources or other unidentified individuals to employees' personal information and, specifically, medical information through your

WIN access program. To allow any individual access to an employee's medical information without consent is discriminatory and a violation of the Ontario Human Rights Code. The code, as you know, has privacy over all other legislation, and this government should not be breaking its own laws.

I urge this government to withdraw Bill 25 and ensure that the integrity of the public service delivery in Ontario is provided by skilled, accountable classified employees. Should you choose not to withdraw this flawed bill and to ignore the concerns that I and others have brought here today, I would encourage you to implement the proposed changes that have been submitted I believe from corporate OPSEU, specifically the privacy safeguards in this bill to ensure that personal, especially medical, information regarding OPS employees is kept confidential.

I thank you for your time. That's my submission.

The Chair: Thank you very much. That affords us about three minutes for questions. At this time we can start with the government. Anyone have any questions?

Ms Mushinski: I have one question. I'm interested, Ms Downey, in your concerns over the access to WIN records. Can you tell me how the current system to protect privacy will change under this bill?

Ms Downey: Under this bill, and I understand although the bill hasn't been proclaimed, it's already started to change. With the WIN program being introduced in many ministries, of employees who are seeking other jobs outside their ministry, potential employers have access to their personal and medical information that's on that system that they have to put there through the WIN program. Therefore, they are able to see information about their medical history before they've even offered them a job. That's discriminatory, and that's how it's being used. That's unlawful and that should be fixed, because there's nothing in the legislation that I've seen that protects that.

1740

Ms Mushinski: It's my understanding that medical information is not kept in WIN.

Ms Downey: I can tell you that it is. I can tell you from a personal conversation with a colleague at the Human Rights Commission who's taking a secondment and actually helped me get on the WIN system last week. She told me that when the employer called her to tell her she was offering her the job, she told her she had already been able to access her information on the WIN system and did see her medical history.

Ms Mushinski: But it's my understanding that access to information depends on the operator class assigned and it's secured by an encryption and access code system. You're saying that doesn't apply to—

Ms Downey: I'm telling you that it's not.

Ms Mushinski: Would you be willing to give us specific cases of where that's being breached?

Ms Downey: I just told you of a specific case in my office where it's happened.

Ms Mushinski: But would you be willing to take that to the appropriate management to have it investigated?

Ms Downey: I certainly will be dealing with it at our MERC. However, where the legislation is right now and the way the system is in place right now, there's nothing stopping that. That's what you need to fix, our whistle-blowing protection, because I certainly will be taking it to my ministry employee relations committee, MERC, on June 26 when I meet with the Ministry of Citizenship management.

Ms Mushinski: I thought I heard from Ms Casselman that that was one aspect of the bill she would actually like to see enacted.

Ms Downey: Yes, I would like to see it enacted as well, whistle-blowing legislation, because that shouldn't be happening. But you need to be able to make sure the medical information is secure and that employees know they can be reporting it, and that managers specifically know they shouldn't be looking at it and shouldn't have access to it. You have lots of technical experts who could probably block that for you, but I don't see that in the legislation, to ensure that that integrity is carried out.

The Chair: Thank you very much, Ms Downey, for coming before us here today.

DOUG PEEBLES

The Chair: Our next presentation will be from Mr Doug Peebles. Good afternoon and welcome to the committee.

Mr Doug Peebles: Good afternoon, Mr Chairman, Madam Clerk, committee members of all parties. This is my first time here. It's kind of interesting seeing this process. Maybe I should run for office some day.

The Chair: I encourage it.

Mr Peebles: You encourage it?

The Chair: The more, the merrier.

Mr Peebles: I'd like to thank the committee members for inviting me to come here to speak on and discuss briefly Bill 25.

I am a classified systems officer with 17 years' service in the Ontario public service, five of those years spent working directly with the food industry division and the food inspection branch under the Ministry of Agriculture, Food and Rural Affairs. As the OPSEU chair of the ministry employee relations committee, MERC, for OMAFRA, I represent over 300 bargaining unit staff, providing such front-line services to Ontario as food inspection, in particular fruit and vegetable, dairy and, more particularly, what I'm going to address my comments to, meat inspection.

You've heard from a number of other front-line staff about the range of tremendous difficulties, should Bill 25 pass into law. With my experience I want to speak specifically to you about the very serious implications of Bill 25 regarding temporary classified staff. I want to illustrate for you in the area of public safety, and particularly meat inspection, how the bill will do just the opposite of what the sponsors say it is designed to do.

I've read that Bill 25 is supposed to promote an efficient, expert public service. I understand the reason-

ing is that skilled workers and modern governments, as was mentioned earlier, are looking for short-term contracts, private sector consultant-type opportunities to enhance services. Nothing could be further from the truth when it comes to the public service work that's necessary to ensure that Ontarians are eating safe meat and fruits and vegetables. Think of those imported fruits and vegetables that come in.

In my ministry, meat inspectors and other related staff provide for inspection of animals, meat and facilities at approximately 250 provincially licensed abattoirs under the authority of the Meat Inspection Act. Prior to 1996, approximately 150 full-time classified inspectors criss-crossed Ontario, working with licensed abattoirs, producers, the food terminal and retailers to ensure compliance with the Meat Inspection Act and the Farm Products Grades and Sales Act. What with foot and mouth disease in the international news, Ontarians, in particular consumers, know the importance of an effective, stable food inspection system staffed by full-time classified employees.

Taking a look back at history, what happened? In mid-1996 came the first wave of layoffs of inspectors. All the fruit and vegetable full-time classified inspectors—gonzo—gone; approximately half the full-time classified meat inspectors, with upwards of 15 years' service, gone. In 1997, the next wave of layoffs—almost all of the rest of full-time classified meat inspectors, with 15 to 30 years' service, gone. You ask yourself, how are meat inspection services delivered since the layoff of full-time classified staff? Well, that's a really good question.

It's delivered through a so-called alternate service delivery plan, which when translated means that approximately 130 staff with no benefits, no security, no guarantee of hours and fewer rights come to mind. How are employees working with these types of working conditions expected to have a sense of being able to provide for their families? Instead of receiving a regular paycheque, they submit time sheets which are treated like contractor invoices, which may or may not be paid on time. We've had examples in the past where something went wrong with the financial system and contract inspectors would be calling, looking for their cheques. They were out of money and they couldn't put groceries on the table until they were paid. Who in their right mind would want to work in these types of working conditions? Most of the experienced meat inspectors who were laid off back in 1996 and 1997 gave it a try. They tried working under the alternate service delivery plan and asked themselves the very same question. They've since moved on to other opportunities.

Today just eight—you can count them on two hands—of well over 130 critical staff who keep meat safe are classified full-time staff with some measure of job protection, a reasonable wage and decent benefits. In a recent MERC meeting we, Ontario Public Service Employees Union, asked ministry management about the alternate service delivery plan and the high rate of meat inspector turnover. They indicated it was a serious prob-

lem for them and would get back to us on that. In other words, the supply of safe meat to your families is contingent on this temporary, inexperienced, revolving-door-type workforce.

In the past five to six years we have repeatedly cautioned the employer about the revolving door, the gaps in service, the likelihood of public health being threatened due to the lack of experienced, full-time classified staff. Unfortunately, we've seen some of the devastating results that can occur, as it did one year ago in Walkerton.

Already 25% of the now depleted public service is made up of temp employees. If passed, Bill 25 will enshrine a dangerously short-sighted model of public service employment. How many other public safety, justice or health care programs will be dangerously compromised as provisions for a just-in-time public service are enacted?

For these reasons I urge the committee to amend this bill, if it's not to be withdrawn, and I understand some amendments have been forthcoming. You need to provide the public with the service and protection it deserves. Provide it with a professional public service made up of full-time public servants.

In closing, Ontario needs a public service that has stable, experienced classified staff working in the areas that mean the most to public safety; as well, meaning the most to the employees working in those areas so that they're able to make a reasonable living, with benefits to provide for their families; and they, in turn, will contribute to their community and the economy of this province. Thank you.

The Chair: That leaves us just over three minutes for questioning. This time it will be the Liberals.

Mrs Bountrogianni: Thank you, Mr Peebles. I do encourage you to come into politics. We need good people in politics.

Before I went into politics, I was the chief psychologist for our local school board and worked with social workers and speech-language pathologists. What allowed me to be brave and look out for the best interests of my clients, who were the students, the kids and the families, was the fact that I knew I couldn't be fired easily, the fact that I didn't have a term contract.

1750

That was very important for me because I have two children, a mortgage, a car loan. I'm human and I had to have that security, so I understand exactly what you're saying. My husband is a professor. He spoke out many times against his university because he had tenure. I've got Walkerton in mind the whole time Bill 25 is being discussed. I'd like you to comment more on how, particularly with inspectors of fruits and vegetables—and I apologize for my ignorance here. I didn't know that this many inspectors of fruit and vegetables were laid off. Were they just laid off?

Mr Peebles: Gone.

Mrs Bountrogianni: That scares me as a parent, feeding vegetables to my kids, not knowing if they've

been properly inspected. Please talk about the implications of not having that security, with respect to inspecting foods, to the safety and the health of the citizens of Ontario.

Mr Peebles: In the absence of anything, experience plays a big role in knowing. I think we've seen this in the past, a year ago. You need to have that experience there to know what's going on. If you have a continuous revolving door of short-term employees because they are looking for something better, they are going to be encouraged to look for other things, and they need to because they have to provide for their families. But if you take that away and give them something decent so they can sit there and focus on what they're doing, they are going to be good employees to have there. You need that experience to be there. When you throw employees with 15 or more years' experience out the door, that's throwing out a lot of experience.

Mrs Bountrogianni: To the members of the government, that's common sense in my book.

The Chair: Thank you very much for coming before us here today.

MARK KOTANEN

The Chair: We have a vote in eight minutes. We have a choice. We have the next presenter before us. That would take us beyond our normal sitting time. I would leave it up to that presenter. We could probably do four minutes and then return after the vote. If the presenter, Mr Kotanen, would like to come forward, I think what we are going to have to do in the circumstances is—if you can restrict your comments to perhaps four minutes.

Mr Mark Kotanen: I think it will be impossible.

The Chair: Then it may become zero. That's the option you have. I'll leave it up to you. Members of the committee cannot come back after six o'clock. The rules of the House are that I can ignore the clock if I'm already sitting here—tough to use that argument if I'm pulled out to vote in the Legislature.

Mr Kotanen: My presentation is short. I believe I can do it in four minutes.

The Chair: Excellent.

Mr Kotanen: My name is Mark Kotanen. I believe the negative impact of Bill 25 and its effect on my community of Sarnia and my workplace warrants my long trip to Toronto to make this presentation. I want to thank the committee for this opportunity, which I got at 9 this morning. I am making my presentation as a concerned private citizen. I am especially concerned about how Bill 25 affects the role of our government as a guardian for our communities and as a model for employers. For the record, I am a provincial civil servant and an active member of my union, OPSEU. In my community of Sarnia, I have in the recent past entered into the political arena as a candidate.

As I speak with people in my community, a common concern is apparent. They want good jobs and the ability to look after their families, and in time they want good

jobs for their children too. These people decry the trend toward contract or part-time work without pensions or proper benefits, and wages which could not support families, let alone allow a working person to purchase a home or educate their children. The citizens of my community are looking for a government which responds to their concerns and which ensures good, full-time employment through legislative initiatives and program development.

This brings me to my point on the nature of government and its responsibilities to working families. Just as people in my community are looking for government to address these concerns, the role of government in terms of the workplace should not only be legislative but should also be a role model for private sector employees. The people in my community would benefit from a provincial government which ensures its employees have good, decent-paying, full-time jobs. Bill 25 precludes the provincial government from assuming the role of a model for employers in this province and, in doing so, harms people in my community. The people of Sarnia deserve the quality of public services my co-workers provide.

In my professional life I'm a correctional officer. I and my co-workers are an integral part of the public safety apparatus, along with fire services and policing, that provides quality protective services to my community. The employees at Sarnia Jail have an enviable record of providing quality services with an extremely low number of credible incidents and an excellent security and custodial record. The key to this performance record is the quality of the professional correctional officers the Sarnia Jail has been able to attract and retain. They are career officers. They are committed. Until recently, these women and men have not been distracted by the threat of job loss or precarious employment. That is the way it should be.

Bill 25 will be the weight that will break our ability to continue to provide the quality public services that people of Sarnia know and deserve. Let me explain why. Correctional institutions function on the quality of the people who work in them. Consistency and stability are the keys. Bill 25 will end that stability. As the government increases the number of part-time and contract staff, retaining staff will be hard.

These staff will leave to look for good jobs. Our jails are safe when stability is achieved and maintained. Bill 25 will end that. Quality will suffer and safety will suffer.

Bill 25 also allows expanded access to the workplace information network system, which will allow unknown numbers of people to access correctional officers' personal information, including private operators. For us, this is dangerous. For the employer, it is reckless. As reported in the Toronto Star, criminal groups are collecting files on law enforcement officials, including corrections officers. Why risk making criminal life easier when the price of its victims is so high and the whole plan unnecessary? The system we have is not broken. Our personal information should be in the hands of a small number of accountable public servants. Period.

To finish up, ultimately a bill which presents itself as a management tool is really about our communities. It is about good jobs, safe jails and safe communities, and it is about the government choosing to lead the way as an employer, as a public guardian and as a leader with a vision for strong local economies and healthy communities. Bill 25 should die on the floor.

Thank you very much for your time.

The Chair: Thank you, Mr Kotanen. I appreciate your indulgence.

The committee will stand adjourned until Monday at 3:30, and a reminder that amendments are due by 5 o'clock this Friday.

The committee adjourned at 1758.

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