



ISSN 1180-2987

**Legislative Assembly
of Ontario**
Second Session, 37th Parliament

**Assemblée législative
de l'Ontario**
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 7 June 2001

Jeudi 7 juin 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 7 June 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 7 juin 2001

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

IMPROVED SAFETY ON 400 SERIES
HIGHWAYS ACT, 2001

LOI DE 2001 SUR LA SÉCURITÉ ACCRUE
DES ROUTES DE LA SÉRIE 400

Mr Mazzilli moved second reading of the following bill:

Bill 50, An Act to improve safety on 400 series highways / Projet de loi 50, Loi visant à accroître la sécurité des routes de la série 400.

The Deputy Speaker (Mr Michael A. Brown): The member for London-Fanshawe has 10 minutes for his presentation.

Mr Frank Mazzilli (London-Fanshawe): The 400 series highways have become very congested with traffic flow and anything we can do in this Legislature to make things safer on 400 series highways will be important.

I am just going to read the section. This is an amendment to the Highway Traffic Act and how I see the improvement of a highway.

“If a highway designated by the Lieutenant Governor in Council as a controlled-access highway under the Public Transportation and Highway Improvement Act is divided into more than one lane of travel for a direction, no person shall drive a motor vehicle of class A as described in Ontario Regulation 340/94 in the extreme left lane for that direction unless the other lanes for that direction are obstructed.”

I say “obstructed,” and certainly that would have to be defined, but as class A vehicles normally are transport trailers—I’ll give the definition that I’ve read about a class A vehicle. It is any combination of a motor vehicle and towed vehicles where the towed vehicles exceed a total gross weight of 4,600 kilograms, but not a bus carrying passengers. So what we’re talking about is the largest size of vehicles as far as weight capacity that is allowed in Ontario. Generally these vehicles are known as transport trucks.

The intention of this section, of amending the Highway Traffic Act, where there is more than one lane of travel on a controlled-access highway, is to have these

vehicles in the right lane, or if it’s three lanes in one direction, the two right lanes. Unless a lane is obstructed, and of course that would have to be defined, but if traffic is moving at normal flow, meaning 100 kilometres an hour, I don’t see any reason for a class A vehicle to pull out and pass, creating a lane change, with the possibility of accidents.

As far as accidents in Ontario, we know that turning movements, especially left turns, are a cause of numerous accidents, and the other cause is lane changes. Particularly at speeds of 100 kilometres an hour or in excess of that, a lane change can be a very serious infraction that can cause an accident.

I also acknowledge that class A vehicle drivers are professional drivers, many with many years of experience behind them in driving these vehicles. This bill has nothing to do with their driving ability; it’s simply the load size they carry and the load that follows them while making a lane change. Other vehicles that do not tow generally have an easier time of making a lane change, but when your load is in a towed motion, that makes it much different.

I also have the support on this bill of the Police Association of Ontario—which believes that this amendment will make it safer—the Ontario Provincial Police Association and the Canadian Automobile Association. The one thing that David Leonhardt from the Canadian Automobile Association wanted pointed out was that their members were concerned about merging on to the highway, that presently, people would move over from the right lane to allow people to merge in. I say with sincerity that that is something that is a courtesy. But you know what? Those courtesy movements are sometimes the most dangerous on the road. It is presently, and always will be, the onus of the person merging to do so safely. So when people move over into the left lane to allow people to merge, perhaps that is courteous, but what could happen because of that courteous movement: perhaps someone who is not seen in the mirror while making that lane change? I certainly don’t want us to act in this Legislature to make legislation based on courtesy. I know the Canadian Automobile Association understands that point very well and it’s very well taken.

We’re likely going to hear from the Ministry of Transportation and others that there is probably no need for this and things are fine the way they are. There is a section in the Highway Traffic Act, section 147, that says everybody should drive to the right of centre when practicable. The problem with legislation over the years is that we’ve made it so open-ended—that’s for all motor

vehicles—with words like “where practicable.” There is always a reason not to, so it makes enforcement very difficult, and when it’s very difficult, it has no purpose.

There is a regulation, 608, that supposedly restricts the use of left lanes by commercial motor vehicles. In there they have the definition of commercial vehicles, the CVORs that people have on their windshield, and it talks about three-lane highways and how you shouldn’t. Without getting into too much detail, it says, “A sign indicating that commercial motor vehicles are prohibited in the left lane of a highway shall be in the form and dimensions prescribed and illustrated in the following figure.” I’ve never been able to see “the following figure.” I’ve talked to other members of the Legislature, but I’ve not seen many of these signs prohibiting vehicles in the left lane, even on three-lane highways, that this regulation calls for. That tells me one thing: if the Ministry of Transportation and the province of Ontario are not meeting the regulation by posting these signs, with the dimensions that are usually in regulation, then it can’t be enforced. I know some people said they have seen these signs; they can’t remember where. But if the signs are not up, how can you enforce it?

1010

My amendment goes a bit further—I will acknowledge that—because it talks about two lanes, not just three lanes. I think we need some clear rules. I’ve left this bill very short and open because I would like to see it go to committee to work on the “obstruction” definition. We don’t need to let the courts define “obstruction.” We can define “obstruction,” a reasonable definition. I’ve heard from the national truckers’ association, who say, “What about on a two-lane highway? If someone’s going 40 or 50 kilometres an hour, can we not pass? How reasonable is that?” I would be the first to acknowledge that they should be able to. That should fit within the definition of the highway being obstructed.

It’s always those arguments that prevent us from doing anything. I drive the 401 from my riding of London-Fanshawe two or three times a week, and I’ve not seen a lot of traffic in the right lane at 40 or 50 kilometres an hour. Yes, perhaps it could happen on occasion. What I see is traffic moving normally, generally at well over 100 kilometres an hour—not that I would be in that category—yet class A vehicles moving into the left lane to pass other vehicles at 120 or 130. If someone asks, “Do you want to prevent that?” absolutely I do. I believe they should be in the right lane. It would make visibility clearer too.

On the three-lane issue, if you’re in a motor vehicle you’re boxed in, so forget what we’ve ever learned in defensive driving; you’re boxed in and you have no escape route. We should prevent that, and I urge all members of this Legislature to support this bill.

Mr Bruce Crozier (Essex): It’s a privilege for me to rise this morning to speak to Bill 50 in the name of Mr Mazzilli from London-Fanshawe. I can say at the outset that this is a bill that speaks of highway safety and I have absolutely no problem in supporting it.

As with any piece of legislation, though, it does raise some questions. I just received the backgrounder this morning, but I think it would have been useful to know what the Ontario Trucking Association thinks of this. The two police associations support it, as well as the CAA. I’m a member of the CAA, so I guess that means I support it. But it would have been interesting to have input from the trucking association as well.

The member has spoken to the point of two-lane 400 series highways. As he will well know, driving in from London as we do, many of us, there is a 42-kilometre section between Kitchener and Woodstock that is just two lanes, and of course Carnage Alley, that goes from London through to Windsor, is only two lanes. The background information says, “The purpose of this act is to include sections of highway that have two lanes.” We know, then, the trucks are going to have to be travelling in the only other lane, the inside lane, in cases of passing. It does say that if there’s an obstruction in the right-hand lane, the class A vehicle can use that left lane. I take it there are going to be some instances where the police officers will have to use judgment, as will the truck drivers.

Whatever it is, if we can have regulations that are understandable and contribute to highway safety on the 400 series of highways, as I said, I support it wholeheartedly. But when the question of safety on our highways comes to all of us—and it’s a related topic—we’re all concerned. I mention very briefly Carnage Alley, that runs from London through to the border at Windsor, and we’re all aware, I’m sure, because it’s been spoken of many times in this Legislature, of the unacceptable number of accidents that occur on that stretch of highway. So through this debate this morning, I urge the member from London-Fanshawe to help us urge the Minister of Transportation that we, as quickly as possible, make those hard improvements to the highway, the infrastructure improvements to the highway, to make it safe.

We feel that a third lane in each direction in that area between London and Windsor would go a long way to improving highway safety. The member from London-Fanshawe—and he did it with a smile on his face—mentioned the speeds on 401. I, like he, travel the section of 401. I drive a little farther on it, maybe another hour and a half each week, and several times a week. I’ve almost hurt myself, because you’ve heard the old story that I got passed so quickly I thought I’d stopped, and I got out and I was running 100 kilometres an hour.

Speed is a factor on the highway when it comes to safety. I’m not saying that 100 kilometres an hour should be the speed limit; in fact, I think it was mentioned here a year or so ago that perhaps the speed limit should be increased on the 400 series of highways. But we shouldn’t kid ourselves. Anybody travelling 100 kilometres an hour on the 400 series highways is almost an obstruction, because most of the traffic travels somewhat faster than that.

I think there are other things that should be considered when it comes to safety on those highways: as I said, the

improvement of the infrastructure as well as a consideration for increased police presence on the 400 series of highways. One might even consider swallowing a little bit of pride and looking at photo radar again on the 400 series to keep traffic flowing at a reasonable speed. We now have cameras at stoplights, and I think that should be considered on our highways as well.

I wish the member well with his bill.

The Deputy Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm very pleased to join the member from London-Fanshawe in the debate of his bill dealing with An Act to improve safety on 400 series highways.

Any of us who drive on the 400 series of highways—my area being Barrie-Simcoe-Bradford, Highway 400 runs right through the heart of my riding—have seen over the years the increase in the number of trucks that are travelling, and large trucks, because obviously our area is an economic growth area with heavy, heavy construction that's going on. Certainly we're seeing larger vehicles, not to the extent of what you're seeing if you go down to my colleague's area in southwestern Ontario in terms of the activity there with trucks going toward the US border, but a significant increase in not only the number of trucks, but the size of the loads that these trucks are handling. Certainly in recent days you're seeing the OPP has been very vigilant in terms of ensuring truck safety on the 400 series of highways through their efforts in terms of dealing with truck safety.

What my friend is trying to accomplish here today in the purpose of this act is to include sections of highways that have two lanes, and if the right lane is not obstructed, his opinion is that a truck has no legitimate reason to be in the left lane.

1020

This piece of legislation applies to the 400 series of highways. It applies to class A motor vehicles on controlled-access highways where there is more than one lane. A class A motor vehicle is defined as, "Any combination of a motor vehicle and towed vehicles where the towed vehicles exceed a total gross weight of 4,600 kilograms, but not a bus carrying passengers," pursuant to the Highway Traffic Act.

As I said, the purpose of the act is to make it an offence—it's very, very specific, and that's what the member wants, to make it very, very specific—for a class A vehicle to be in the far left lane on any of the above-mentioned highways, which is the 400 series, unless there is an obstruction forcing them into the left lane. The intent of the legislation is to make our highways safer by keeping larger-sized vehicles in the right lanes of the province's busiest highways.

The benefits would be improving the flow of traffic, increasing driver visibility and reducing driver frustration. I think there's a lot of common sense to that, because it's not so much when you have good traffic flow that you're going to find a truck in the left lane. Where you're going to find them in the left lane is where there's a congestion and where there's a slowdown in the

traffic, be it for an accident, be it just because of the volume, and you tend to find that you'll have vehicles moving from one lane to the other.

I think that's where you see the visibility problem in terms of trying to get through that area, for people who aren't driving trucks: the congestion has really built up because of the volume that's out there and the traffic flow is going to be impeded by them being over in the left lane.

One area that I think needs to have some clarification in this legislation, when I was reading it—I'm not very clear in terms of the regulations that my friend wants to put forth. He indicates under subsection (2) that, "The Lieutenant Governor in Council may make regulations providing circumstances in which subsection (1) does not apply." That's where he doesn't want a truck to be in the left lane. But it goes on, under subsection (3) that says that regulations that are made "may be general or particular in their application and, without limiting the generality of this subsection, may apply with respect to certain classes of motor vehicles or persons, but not other classes."

I'm not really clear what the intent is, what he's trying to accomplish there, in terms of building in circumstances for the regulations to make his piece of legislation not apply. I think that might have to be a little bit more clear, if the intention is that it doesn't apply to vehicles other than class A.

I'm pleased to speak and I wish the member support.

Mr Rick Bartolucci (Sudbury): I stand in support of the member's private member's bill with regards to safety on our highways, the 400 series.

I thank the member from London-Fanshawe for bringing this forward, because it provides me with an opportunity to talk about a highway that isn't very safe. It's Highway 69, and deals directly with the bill, because the 69, as the member from London-Fanshawe knows, goes into the 400 series of highways.

I would suggest to the member from London-Fanshawe that although he's dedicated to his own area with regard to upgrading the safety on the 400 series, there is work to be done on Highway 69, because, as the member from London-Fanshawe knows, we don't have the luxury of multi lanes from Sudbury to Parry Sound. So obviously we have to contend with class A vehicles all the time and that's where the dilemma comes in.

I've talked to the member from London-Fanshawe about this before. He's a former police officer, so he wants safety on the roads; there's absolutely no question about that. That's why this bill is good. But I have to put on the record that the commitment of the government of Ontario to four-laning Highway 69 from Sudbury to Parry Sound leaves much to be desired.

I have to talk about some statistics here this morning, because they are indeed frightening. They are frightening to the member from London-Fanshawe and I hope they're frightening to everybody else who's in the House.

In the last 18 months a startling 26 fatalities have occurred on that section of highway from Sudbury to

Barrie. That's approximately 176 kilometres—a little more than 176, because 176 kilometres brings us to Parry Sound. The newest member of the House, the member for Parry Sound-Muskoka, is in here and I know he supports—I hope he supports—the four-laning of Highway 69 from Sudbury to Parry Sound, because it will be good for his town and his area. Also, it is essential for the people who travel that road from Sudbury.

Let me go through some statistics that came from the Ontario Provincial Police. In 1996 there were 321 accidents on that stretch of highway, with 126 people injured. In 1997 there were 291 accidents, with 132 people injured. In 1998 there were 249 accidents, with 116 people injured. That's 861 accidents and 374 injuries, and some of those involved class A vehicles.

I think if we devoted the same attention to improving Highway 69 with this type of legislation, brought forward by a government member, we would be going a long way in ensuring that people who travel from Sudbury south travel on highways that are safe.

So I commend the member for London-Fanshawe. I think this is a good initiative. I hope it goes to committee. I hope this isn't one of these government bills where, you know—"We're going to support it"—and then the government is going to bury it in committee of the whole, because I think this is worthy of debate. When it gets to committee, I'll be talking again about Highway 69. How? Because it's a natural link with the 400 series. The government has to commit more effort, more money, and speed up the process of four-laning Highway 69.

To be honest with the people in the House and the people of Ontario, the government has finished the environmental assessment for that first portion and indeed has already done some property acquisition. They could start construction tomorrow if they wanted to issue the tender. There are lots and lots of paving companies that believe that four-laning Highway 69 is essential, that it begin from Sudbury and begin immediately. I will be supporting this resolution.

Mr Tony Martin (Sault Ste Marie): I appreciate the opportunity this morning to put a few thoughts on the record with regard to this initiative by the member for London-Fanshawe.

I think anything that will provide more safety and give all of us a greater sense of relief when we get on the highways of this province is good. I don't think we should be in any way critical of that. If it'll do the job, if it'll help, if it'll go a distance to reducing the possibility of carnage, of people getting into accidents, of the kind of grief that happens because somebody is blocked off or sitting behind somebody who's either driving erratically or too slowly, if it reduces the possibility of that kind of frustration on our roads, then we should be doing it.

However, I suggest to you that putting band-aids on what is a huge, difficult, complicated and sophisticated challenge for the province as we try to manage the very troubling level of accident and incident where we see great damage and loss of life on the highways is not, in my view, the way to be going.

1030

I think the member, even though well-meaning in bringing forward the bill that he has here this morning, would do better to be sitting down and influencing his government and the cabinet to do precisely what the member for Sudbury has suggested, and even more so. The member for Sudbury is talking about Highway 69, and I think that's an important corridor in this province as we try to connect the north with the south, and the south with the rest of Canada. Highway 69 hooks up to Highway 17, and we have a lot of traffic that flows, particularly in the summertime but all year long, up that corridor and on to Highway 17 and off over through your riding, Speaker, and mine and into northern Ontario and western Canada. I think we need to be looking at a lot more than Highway 69, although it is a good place to start.

If you look at what's happening on Highway 69 right now—and again, I'm not criticizing in that they are four-laning, but they're only four-laning up as far as Parry Sound. It sounds awfully political to me. The member sitting beside you, the member for Fanshawe-London, will understand that. I think there was a whole lot of activity of a visible nature that actually took place during his election to indicate that this government is driven more by how they can benefit politically from initiatives they take and things they do on behalf of all of us as constituents of Ontario, by political consideration, than doing the right thing and making sure that our highways are safe, investing in public institutions and public infrastructure that will serve all of us, as opposed to the very narrow and short-sighted consideration and concern for the members of the governing party and their friends and benefactors.

If this government was truly interested in safety on our highways they would not have, in the first place, done away with photo radar on the highways. Even the police, when we were in government, were saying that was a great idea. Not only would it save lives of the general public out there and slow down traffic—as a matter of fact, it had slowed down traffic. We had statistics to show that traffic was being slowed down on our highways, and it was beginning to have a very positive and significant effect. But this government, driven by its ideology, decided to do away with that very effective and well-received initiative, as I said a few minutes ago, even by the police who have not only seen it as a vehicle that would reduce the level of accidents on the highways for the general public but would reduce the danger to themselves as they participated in the only other alternative to the photo radar initiative that we brought in, which was to get into their cars and chase these guys.

If this government continues to bring forward more and more reasons for charging people, create more and more laws that people have the potential to break as they drive down our highways, you know you'll have our police out there chasing every second car that goes down the highway. I don't think that's what we want. I don't think that's the kind of activity that our police believe

they were trained to participate in and I don't think they believe that will go a long way to reducing the level of difficulty that we find on our highways today.

So if this member were truly interested in safety on the highway, one of the things he could be doing is going to his government, to the Premier and to the Minister of Transportation, and saying to them, "Hey, let's reconsider. Let's put the ideology aside and the political gain aside here and let's reconsider bringing back photo radar so we can have a major vehicle to take a bite out of this very difficult issue"

Getting back to the four-laning of highways and the suggestion from the member for Sudbury, I agree, as I said, wholeheartedly that four-laning Highway 69 is a tremendously important thing to be doing. But there are a lot more highways in the north that need to be worked on. I think this government, again, setting aside its ideology, setting aside its fight with the federal government that it seems never to be able to get out of or avoid—it's like the bully in the schoolyard who has found somebody that there's some gain to continually be engaging with. This government seems to feel there's some political gain in continually bashing the feds and continually fighting with the feds over anything and letting that get in the way of doing some deals—money from them, money from us—to actually improve the whole highway system in this province: Highway 69, the 400 series and Highway 17. I mean, God, we're probably the only country in the world that has a highway that goes from one end of the country to the other that isn't four-laned, that's in some areas no more than a trail that was broken some 100 years ago and has simply been paved over.

If this government was interested at all in highway safety, they would put some significant money, effort and time into looking at the whole highway system in this province and improving it to the point where safety wouldn't be the huge problem that it is today. So I say to the government, do that. Sit down with the federal government, drop the axe, stop the fighting, make a deal and improve the highways across this province.

Never mind the tolling. People in this province are sick and tired of paying the new fees you've imposed on them. Yes, on one hand you gave them a few pennies in terms of a tax break, but on the other hand, every time you turn around, it's another cost to the citizens of this province for something else that used to be covered by the general revenue tax system we had in place. So stop this notion and thinking and effort that's going into, "How do we build more toll roads?" Get into an agreement with the federal government and improve the highways that we have in place now so we can have true safety out there and people can have the room they need to get where they're going in a timely fashion and not be caught in the bottlenecks that this member across very sincerely and genuinely wants to do something about with this piece of legislation we're dealing with here this morning.

The other thing I want to put on the record with regard to this is the level of anxiety in the general populace out

there today that is causing some of the problems we're seeing on the highways as well. We have people in all of our communities across this province who, five or six years ago, were very comfortable and happy about their situation and their future. They had jobs, they were involved in their community, they were taking extra courses to improve on their skills. They had growing families, they were working with those families, those children, so that they might consider going on to college and university and have a life of their own. Even though there were challenges out there, of course, because of the very difficult economy we experienced in the early 1990s, there was a sense that it had righted itself. There were a whole lot of people out there who had jobs that they had prepared themselves for, that they felt in their heart of hearts would be there for them until their retirement, and they were looking ahead to their future with some comfort and peace.

But since this government came in and turned this economy upside down or turned the economy over to the whim of the US, we have a whole lot of people out there now, and more and more with every day that goes by, who are anxious and concerned and worried about their future. They get on the highway, they're driving from here to there, they're driving from home to work, and they're continually thinking and worrying about how they do more work, how they improve their ability to participate so that they might extend the life of that opportunity perhaps another week or another month and buy themselves some time.

We used to have thousands and thousands of jobs in this province that were good, solid, paying jobs with benefits and pension packages. Most of those jobs over the last few years have been turned into part-time, contract positions. Where a citizen of this province could, a few years ago, provide for themselves and their families on the proceeds of one job, they are now looking at doing two or three jobs to put the same money on the table, in their bank, in their pocket, to cover the cost of living for themselves and their families.

This is creating the kind of difficulty on our highways that this member over here is bringing in a band-aid to try to fix. It isn't going to fix it. The only thing that's going to fix it is an all-out, concerted, involved effort to improve our highways, to do a deal with the federal government so that we can four-lane Highway 69, as the member for Sudbury said; so that we can four-lane Highway 17, which is the connecting link between Quebec and the rest of the country for the citizens of Ontario.

The other way we can do it is to go back to some of the initiatives that our government introduced, which were supported by all of those groups that had a vested interest in making sure that our highways were safe.

1040

They were things like photo radar, which had proven itself in its short life to have slowed down traffic enough to reduce the number of accidents that were happening out there and the carnage on our highways. It gave our

police officers, who are ultimately responsible for monitoring and stopping people who are doing things that are dangerous, a sense of some control and the possibility of winning this battle out there as they sat and noted as people drove over the speed limit, and when they found that they were doing that, they would pull these people over.

What we have now is a mishmash of rules and regulations and nobody seems to understand any more where it begins and where it ends. Every Thursday we come in here, we get another crime-and-punishment member from the government standing up with another band-aid to fix a problem that requires this government to actually do some serious and significant work, and I don't think it's going to do the job.

As I said, I think the only thing that will do the job is this government setting aside its ideological agenda, setting aside its crime-and-punishment agenda, sitting down with some of the partners out there who actually want to work with them on some of these issues and bringing in a full and comprehensive response to this very difficult challenge of the kind of driving that we see on our highways out there today; sitting down with the federal government and doing a deal so that we have the money necessary to improve our highway system, particularly where Toronto is concerned; to get some money from the federal government so that we can improve the public transit systems across this province, in Metro Toronto and in other big centres; sitting down with the federal government to see if we couldn't put a package of money together that would improve Highway 17 as it goes through North Bay, Sudbury, Sault Ste Marie, Wawa, Thunder Bay and all those important communities so that everybody in those parts of the province feels like they've had their concerns addressed as well; setting aside their ideological agenda and actually taking a serious look at the positive side of things like photo radar.

As I said, even though I note that the member across the way is probably very sincere in bringing forth this response, I don't think it's enough. At the end of the day, I don't think this government will support it and, even if they did, it won't do the trick.

Mr Gerry Martiniuk (Cambridge): I'm most pleased today to rise in support of Bill 50 from my good friend Frank Mazzilli, the member for London-Fanshawe. I think the member has shown his concern for the safety of individuals in the public dating back to when he was a police officer and served honourably with the London Police Force; and subsequently as a member of the Ontario Crime Control Commission, where he did great work, and also as parliamentary assistant to the Solicitor General, where he also had a distinguished career. I think his constant priority has been the safety of individuals, not just in criminal acts but also in accidents of this kind.

Now he's recognizing that the 400 highways and the Queen Elizabeth Way are getting crowded. I travel those highways periodically. I measure the prosperity this

province is presently enjoying by the number of trucks on the road. The more trucks, the more prosperity we happen to have. But unfortunately, the trucks do cause a concern; not so much the trucks, but the heavy traffic on the roads does cause a concern for safety.

We've got to recognize that speed is important on the highways, but I happen to think that the flow of traffic is more important than speed, in other words, that the traffic in particular lanes is all moving at the same rate so that we don't get stoppages, slowdowns, lane changes and things of that kind. This bill is meant to address it. The bill would apply only to controlled-access highways, being the 400 series and the Queen E.

I should say that some good points have been raised, for instance, in regard to emergency vehicles. Would they also, in some manner, be caught by this? Hopefully this bill will pass with the support of this House and hopefully it will be referred to a committee that can deal with amendments and recommend any regulation. Emergency units using the 400 series highways that might conflict with the legislation can be covered by the necessary regulation. We know this would only apply to tractor-trailers over 4,600 kilograms. I happen to believe, and I think many in this House also believe, that this bill will prevent accidents and save lives. I'm sure we're all in favour of that.

My municipality, Cambridge, is always affected by the 401 in particular, being one of the series of 400 highways. As a matter of fact, Cambridge is split. The 401 basically goes through the middle of my municipality, formerly made up of Preston, Hespeler and Galt. As everyone in the House knows, Cambridge is located 60 miles west of Toronto on the heritage Grand River, which is the second largest heritage river in Canada in terms of length. With the 401 going through the city, there are a large number of commuters both to and from my municipality of Cambridge.

Strangely enough, I always thought most of the commuters were travelling from Cambridge to other areas—Mississauga, Toronto, Hamilton—but in fact there are more commuters coming into Cambridge in the morning and leaving in the afternoon than there are going out. Whether they're coming or going, that creates a problem with traffic.

I don't believe this bill is aimed at the vast majority of professional drivers of tractor-trailers in Ontario. I happen to believe the vast majority are good and responsible drivers. However, there are some who are not as responsible. This bill is aimed at those drivers. It will require them to act in a more responsible and safer manner.

As I said, the 401 happens to go through the middle of my municipality and is almost, as in Toronto, I guess, part of the road system of my municipality. There's a great benefit to having the major highway of the province going through your municipality, but it also acts as a natural barrier. We have bridges over the Grand River to connect parts of my city. We also have the same problem now with the ever-expanding and heavily trafficked 401.

That requires some degree of partnership between the municipalities in the province to accommodate the increasing traffic in Cambridge and our area.

The Townline Road interchange: There will be a formal announcement soon of \$3 million from the province, matching our municipal partners, to replace the bridge, with more lanes and to make access lanes safer and to upgrade traffic for commuters. The bridge not only services the municipality, but because of the off and on ramps, it also can lead to traffic problems on the 401 if the flow of traffic is not able to escape on the road system in the municipality fast enough. We have a similar problem on Highway 8 with the Homer Watson interchange, which is presently being worked on, and of course there is the Cedar Creek Road-Highway 97 interchange.

Improvements to these interchanges will make the 401 a safer highway, but the important part is that because of the increased traffic on the 401 and other 400 series highways in Ontario, we must take a new look at regulating trucks, at what lanes the trucks can use. I think Bill 50, as proposed by the member for London-Fanshawe, is a good start, a new look at how traffic should be regulated on our controlled-access 400 highways. This bill could and will save lives, and that should be the primary concern of the members of this House.

1050

Mr John Gerretsen (Kingston and the Islands): I am very pleased to get up on this bill. As a frequent traveller on the 401, from my hometown of Kingston to Toronto on a weekly basis, I can well understand the member's frustration in sometimes getting behind these large trucks and being unable to pass them, particularly when they go much slower than the speed limit, sometimes for miles upon miles.

I totally concur with the previous member that 99% of the truckers who are out there are responsible individuals who drive their vehicles in a very responsible way, but just like everything in life, it's the 1% who insist on trying to pass somebody when they know they can't do it, sometimes holding up traffic behind them for probably anywhere from five to 10 kilometres. We've all suffered from that. As well, quite often, particularly when the weather conditions aren't all that great, they cause a potential hazard on the road.

I can well understand the member's frustration and why he wants to do something about this. This is a very positive move on this member's part, one of the very few positive moves we've seen from this government in the last five years, so I would like to congratulate him on that. But I would suggest to the member that if he really feels that strongly about this, he petition the Premier and ask to become the parliamentary assistant to the Minister of Transportation, because then he could get involved in so many of the other transportation issues in this province.

The reason I'm saying that, Mr Speaker, is that you and I know there are many highways in Ontario that are not currently four-lane highways that should be made

into four-lane highways. Look at what's happening along Highway 69, for example, that death alley from Parry Sound to Sudbury and from Parry Sound to Highway 400, where over the last 18 months some 26 lives have been lost, and where over the last three years about 374 people, minimum, have been injured. I say to the member, yes, this is an important issue, but what is even more important are those roads that we know—that you and I know, that the ministry knows—are of extreme danger to the motoring public of the province. Why don't we insist that they be four-laned as quickly as possible? If he would put that kind of energy into taking that kind of action, then lives can be saved, injuries can be prevented and the motoring public in the province would be a lot better off for it.

I understand this bill has the support of the CAA, the Police Association of Ontario and the Ontario Provincial Police Association. I would like him to tell the members of the House whether or not this bill has the support of the Ontario Trucking Association. We all know that if we want to have a booming economy out there, in this day and age, when probably a large percentage, although I don't know what the percentage is, of goods and materials we consume on an ongoing basis in this province, and if we want to move to other jurisdictions, particularly in exporting jurisdictions etc—do we have the support of the Ontario Trucking Association? The highway system moves most of our goods and services, particularly in a booming economy, and I'm sure they would have a different answer than what he's suggesting in this bill.

The other thing I would strongly suggest is that he put just as much effort into ensuring that the 400 series highways become three lanes as quickly as possible throughout the entire province. I know the ministry has been doing some work in that regard in the last number of years. If the whole 400 series highways were three-laned throughout this entire province, you could then put a ban on allowing trucks, for example, in the extreme left lane and have that lane just available for emergency vehicles and for passenger cars.

But having said all that, I will be supporting this bill. I think it's at least a method by which we can bring it to the attention of the ministry, perhaps hold some public hearings on it to get the views of the general public on this situation, because I know many of the people who travel the 401 and the 400 series highways have exactly the same concerns that this member has expressed in this bill.

The Deputy Speaker: Response? The member for London-Fanshawe.

Interjections.

The Deputy Speaker: I apologize. Further debate? Apparently there was some time left that I didn't know about.

Mr Wayne Wettlaufer (Kitchener Centre): Yes, we have a minute and 40 seconds left, Speaker.

I am pleased to stand in support of this bill. Unlike the member from Kingston, I am not going to try to straddle both sides of the fence. He says what the member for

London-Fanshawe should do, but then he says he's going to support it. I will support the bill. I'm not going to say for a minute that there aren't flaws in the bill, but that is the purpose of sending a bill to committee if we pass it in this House today.

For instance, right now the government uses regulation 608 to restrict truck traffic in the left-hand lane on those highways on which there are three or more lanes. Do we need something a little more severe? According to the OPP and the Police Association of Ontario, we do, and I think that in the interests of road safety we do have to look at something a little more strict than what we have.

Presently, regulation 608 does provide the authority that the member for London-Fanshawe wants on some of the busiest highways. However, we have to look at what this bill provides. It provides a little bit more driver visibility and it reduces frustration. I think that is the important part here, and this is what the police are looking at. We have so much road rage in this province, and we're trying to restrict that a little bit. The member for London-Fanshawe has done a very noble job.

The Deputy Speaker: I apologize again to the member for London-Fanshawe. Response?

Mr Mazzilli: I'm glad to see all the members of this Legislature have read the bill and analyzed it thoroughly, but on the issue of highway improvement I would certainly support, on the basis of economic reasons, highways being expanded, whether to two lanes or three lanes, but not for highway safety. The more lanes you have, the more lane changes there are going to be. I said before, the two main causes of accidents in urban settings are turning movements, particularly left turns, which are very dangerous. On the highway, I have not checked with the Ministry of Transportation, but I will bet one of the top reasons is lane changes, and that's what this tries to prevent.

Yes, regulation 608, the ministry argues, covers commercial vehicles. I want to clarify the definition: class A vehicles. They're the tractor-trailer's heaviest load, and 608 applies to some sections and it also says that a sign indicating commercial motor vehicles are prohibited has to be up, because that's in the regulation. If that sign is not up, it's not enforceable, because you haven't met the regulation. I have not seen a lot of those signs along the highway, which means it's not enforceable.

When you have rules on different parts of the highways and you have the global economy that we do and truckers coming in from all over, how can they be expected to know that in one section you're supposed to do this and in another section you're supposed to do that? So let's clarify. Let's make this amendment and get rid of some of the old regulations that perhaps are obsolete. The member from Barrie asked why I left the exceptions in there. It's because exceptions for emergency vehicles—possibly large fire trucks, which are class A, road maintenance vehicles—will be prescribed by regulation. So the member from Kitchener said there are flaws. I've left it like that intentionally. It's been well thought out, and I certainly hope I have the support—

The Deputy Speaker: I want to thank you. The time for debate on this ballot item is now expired.

1100

PROTECTING THE PRIVACY
OF CRIMINAL JUSTICE
PERSONNEL ACT, 2001

LOI DE 2001 SUR LA PROTECTION
DE LA VIE PRIVÉE DU PERSONNEL
DU SYSTÈME DE JUSTICE CRIMINELLE

Mr Levac moved second reading of the following bill:

Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system / Projet de loi 27, Loi visant à protéger les familles des agents de police et d'autres personnes oeuvrant dans le système de justice criminelle.

The Deputy Speaker (Mr Michael A. Brown): The member for Brant has 10 minutes.

Mr Dave Levac (Brant): For the sake of the members here and the general public, I'd like to review the bill. Bill 27, as stated, is An Act to protect the families of police officers and others involved in the criminal justice system.

Organized crime is just that: organized. We need to send a message loud and clear that we shall be and we will be, we are, organized. We need to make sure that the people who work inside that system who are going to be prosecuting and arresting and doing all of the things that we need to do to fight organized crime are protected, because we have a very, very large problem, and that problem is intimidation.

Intimidation cannot and must not be accepted, and we need to send a message loud and clear from this House to organized crime and gangs that we are not going to allow you to intimidate those people who work for our safety. Their safety must be protected in order for them to do their job. In a moment I will explain to you very clearly why that's not being done.

This bill attempts and will try to stay to the message, with help from every member in this House, that we must protect them, to show that organized crime, as organized as it is, will not be protected from us, and we will be just as organized as they are and send a message loud and clear that no one in this province shall go unprotected.

"The bill would create a board to examine issues regarding the collection, dissemination and safeguarding of personal information about personnel involved with the criminal justice system. The board would be composed of representatives chosen by the Attorney General, the Solicitor General, the Minister of Correctional Services, the Privacy Commissioner, the Chief Justice of Ontario and various police associations. The board would be required to make recommendations to the Legislative Assembly every year."

With those recommendations, we will be able to analyze, review and disseminate that information to the proper ministries in order for them to do one of two

things: (1) Correct the procedures that they're presently using that makes it too easy to access that information, or (2) Improve firewalls, if you will, around that information around those personnel so that we do not provide easy access to that information.

Quite frankly, we are making it too easy for that information to be obtained, and we must take a step in order to stop that from happening.

Some people say that this is a "me too" bill, "me too" meaning that the NDP or the Liberals or anyone else other than the government of the day is trying to jump on the bandwagon. Quite frankly, if anyone in this House decides to use that as a rationale not to support this, I say shame on them. But let's move to what we really should be doing.

I'm not going to assume that they're not going to support the bill. Quite frankly, I think the opposite. I believe that this bill will encourage all of us to work cooperatively together to solve this very, very serious problem. Why? Because I believe that our process which we are now engaged in allows us to move this bill into the next phase of reading. That goes to committee, and inside that committee we are now going to be able to collectively work together, which we do for the people out there. We do work collectively and collegially together as three parties when we go to committee to work for the best possible legislation once it's passed, to make sure that amendments are offered, to make sure that changes are made to these types of bills so that we can get the best protection possible, in this case, to the citizens and to those people inside the justice system.

To move right along, I don't think I really need to review the bill other than to say that I need to explain the mandate of the board. Of the people who are mentioned to form the body or the core, that allows, quite frankly, the board to enlist those other professionals out there that can help us with this. Computer experts, people that have access to information, those people who work in other ministries in this government can ask to sit on that board in order to help them improve their circumstances.

Why is the bill needed? It's pretty obvious, but I want to review with you some of the information we've obtained.

The Toronto Star recently revealed that organized crime figures regularly use personal contacts to access Ministry of Transportation databases. That's not acceptable. We need to firewall that information.

Correctional officers have reported to us that following an inmate assault on an officer, the incident report contained the officer's personal information and the inmate got the report. What we're basically saying is that a person who assaulted the officer was then given a report that allowed them access to the officer's personal information. Unbelievable, but a problem. This bill would try to address that.

Some biker gangs have Web sites now—and this is really interesting—and on that Web site they post pictures of officers in their uniforms with the statement underneath, "They watch us, we're going to watch them."

We need to find ways in the computer world, in this Internet world, in the dot-com world, in which we can firewall—that means to simply try to put up a big wall around that information to protect those people who work in this system.

Parole and probation officers report that they have to park their cars away when certain individuals come to report to them to prevent them from obtaining their licence plate number and, in turn, accessing their home address. Some people say that's not doable, but quite frankly if one person can access that information, that's one person too many.

I will let you know that we do have some support. Brian Adkin, the president of the OPPA, recently stated that the spread of this personal information caused him great concern, for him personally and for all of his charges that he's responsible for in terms of the OPP. That sentiment is held by many, many organizations. These types of incidents weaken our justice system through intimidation and all of the other things that you know could happen with organized crime and biker gangs. This bill speaks to that very gently, very clearly, that we're organized too and we want to take action.

What would this board do? If passed, the bill would establish this board consisting of police, parole, probation and correctional officers, crown attorneys, judges, representatives of the privacy commissioner and police associations to provide us with information and recommendations of what we need to do at the legislative level to protect that information and to make sure that all ministries are operating in a way that does protect that information and keeps it, to the best of our ability, out of the hands of those who would use it to intimidate.

Speaker, just so that we can make sure you understand, we've now got stories coming out of Quebec, because it's been happening there longer, that licence plate numbers were sold to biker gang members by people who work inside the ministry. We need to do something about this.

We may hear that, yes, there's a few problems and we need to shore it up. I welcome those amendments. As a matter of fact, I'm probably going to look at an amendment myself. The crown attorneys got in touch with me and said they need specific information. They would like to share with this committee and be part of the board. I welcome it. So the Ontario Crown Attorney's Association have expressed concern about the access of this information of their members. They would like to be represented on the board and I would welcome that as a modification to the bill.

The Canadian Association of Crown Councils are interested in this. The chiefs of police are interested in this. The OPPA is interested in this. The PAO is interested in this. Parole officers, probation officers, anybody who has been involved in this is interested in this bill and wants to work hand in hand with the entire government, with the entire opposition, with the Legislature that simply says, "Let's get this to committee. Let's work through this and let's find the best way that we can to

protect those people who work in that system so that they can protect us.”

Is anyone against this bill? I'm saying to you boldly that no one's against the bill. What they may say is, "Let's try to find another way to do this." I welcome the opportunity to do that at committee. I encourage and implore the members of this Legislature to pass this bill on to committee so that we can do a just job and make sure that those people who provide safety and security, who fight organized crime, who fight biker gangs, are protected solely. We must do everything we can to tell organized crime, "You're organized; so are we."

1110

We're going to make sure that you are, to the best of our ability, protected on an ongoing basis. The important thing to point out is that not one ministry is going to take care of this; this is going to be done by the grassroots people and they're going to make sure that all of the possible information that's available is disseminated and given to us, to make sure that we're doing the right thing for them so that they can do the best thing for us.

I'm encouraging everyone to support this bill and maybe give us some input as to what we should do in order to correct the bill at committee level. That's the place where we collectively work together to make sure that we pass the best possible legislation we can for the people of the province of Ontario. I'm asking everyone to support this bill so that we can get on with the job of telling organized crime, "Not in our province."

The Deputy Speaker: Further debate?

Mr David Christopherson (Hamilton West): Let me say at the outset that it's the intention of the NDP caucus to support Bill 27. We have some concerns about specific aspects of it, and I'll comment on those as my remarks progress. But at the end of the day, I'd be very disappointed if the government members weren't on side with this. In fact, only one thing would be acceptable if the government members—and they're all backbenchers; there are no ministers in the House—don't support this today: then I would hope it's only because you've gotten assurances from the Solicitor General that indeed something is going to be done, because this is a very valid issue. I want to commend the member for Brant for raising this.

As a former Solicitor General of the province, I know a fair bit about the issue of organized crime and the issue of police officers and their role as peace officials, but also their role as citizens and as people and as workers and moms and dads and brothers and sisters. This is a legitimate concern that everyone, in my opinion, regardless of your political philosophy, should be concerned about.

One of the absolute fundamental necessities of democracy is an open, unbiased justice system that recognizes everyone's fundamental rights and provides due process. A key component of that is the individuals and how they see their role in that justice system. I want to say to the member for Brant, through you, Speaker, that I can just well imagine not only how those police officers feel

about seeing their pictures and names and other personal information on the Web site of a biker gang, but also how those family members feel. How do you think the spouses of those individuals feel—the moms and dads, the children? The intimidation is insidious because it's not something overt.

As we know, one of the toughest things we have to do in this place is to constantly balance the rights of individuals and the rights contained in the Charter of Rights and Freedoms in this country versus our need to make sure that we give police and other justice officials the tools they need to enforce the criminal laws of this province.

Taken to its extreme, it's not unusual to read in the papers of the day where judges, crown attorneys, police officers are virtually publicly executed, particularly those judges and crown attorneys who have stood firm and said they are going to do everything they can to prosecute organized crime members.

It's very rare in Canada to hear of a judge being threatened or intimidated directly. It happens, but not that often. More so with police officers, probation and parole, crown attorneys, but there's nothing at all in this world to say that we couldn't be five or 10 and 15 years down the road, if we don't do something now.

We have an opportunity to deal with a fundamental part of our justice system, and that is the protection and the rights of the individual whom we ask and give responsibility to for ensuring our safety and that our rights are protected as citizens.

As I was reviewing the bill, I do want to say that I understand there's some question about the governance issue, and I can understand what that is. I take it from a little different point, I say to the member from Brant, and that is that if I take a look at all the individuals who would comprise this board, that's a lot of governance and a lot of infrastructure and a lot of—and I'll say it—expense to deal with an issue that I think probably could be dealt with effectively, given existing structures and existing responsibilities, particularly those responsibilities that are in the direct hands of the Solicitor General and, by extension, the Attorney General of the province.

I would hope we're going to hear from the government members that that's exactly what's going to happen, because we all know that private members' bills, especially opposition bills, don't often see the light of day in terms of becoming law. This issue is one that we cannot afford to see left unresolved.

Let me take a minute to talk about this government's approach to the justice system. It ought to be worrisome that in addition to the kind of intimidation that the member from Brant is recognizing and focusing on here today, there are other aspects of the criminal justice system where this government is letting the people down, notwithstanding your—and I'll acknowledge it—some-what public reputation as being law and order. But that just comes from being blindly tough; that's not justice.

One of the fastest, if not the leading, segments of the American economy right now is the building and manag-

ing of prisons. The United States and Canada have the highest incarceration rates in the world. If putting more people in jail alone solved crime, then the United States would be the safest place on this planet. There's a lot more to justice and law and order than just being tough. Sometimes you've got to do that, no question, but if that's the beginning and end of how you would deal with the justice system, I say to the members in the government, you are—I've got to remain parliamentary—not being totally frank with the public.

Keep in mind this is a government that makes such a big deal about passing the Victims' Bill of Rights. I can't remember how many times I heard former Attorneys General of this government stand up and talk about: "We care about victims," "We're going to bring in this bill," "We've brought in this bill," "Now we're debating this bill," "We've passed this bill," and, "There you are. We're the only government that ever really cared about victims, and there's the proof, our legislation, and we're the only ones to do it."

That all happened, but what else happened? That very same government sent government lawyers into the courtroom to argue that two women who were victims and asked that the rights they thought they had in the Victims' Bill of Rights be enforced—the government lawyers were sent in at the behest of this government to argue—get ready for it—that the victims didn't have those rights in the bill.

1120

Judge Day was very clear about what he thought. I'm going to paraphrase. Basically he said it was just politics, it was rhetoric, it sounded good but he had to agree with the government lawyers that there really weren't any rights in that bill. Shameful, absolutely shameful, after making all that noise about passing a Victims' Bill of Rights, that you would send in government lawyers to argue that two women, two victims, didn't have the very rights you said they had.

I want to say that's just indicative of this government in terms of the difference between what they say and how they might label a bill and what really happens out there in the world. Go take a look at some of the environmental legislation this government has put through since 1995. It talks about enhancing protection and enhancing the guarantee of cleaner air and water, and they did exactly the opposite.

Whether or not the Walkerton inquiry ultimately makes a direct link between the cuts you made and what happened in Walkerton, you can't deny that you went in there and massacred the Ministry of the Environment while at the same time your Ministers of the Environment stood here, looked all of us in the face and the public in the face and said, "Yes, we are strengthening the protection of the environment." That's absolutely not the case, no different than this Victims' Bill of Rights.

I want to hear what this government is going to do about the increase in gated communities. I've always believed, even before I came here, that it's the middle class, those of modest income and those in poverty who

need the police the most. If you've got enough money, you can live in a gated community, and at some point—we're beginning to see it more and more in the States, and there's no reason to believe it's not going to happen here if this government doesn't take direct action to prevent it—the hiring of private police to patrol those gated areas. If you've got enough money, just like you have the ability to buy the kind of health care you want for your family and the kind of education system you want for your family, you can also buy the kind of peace and security that everyone wants but that doesn't exist because things are underfunded.

So we're building more jails, privatizing them so that a profit can be made, allowing gated communities to be created, allowing slowly, insidiously the introduction of private police, underfunding, from the provincial point of view, the police services in all of our communities across the province and introducing laws that you say mean one thing and that you walk into courtrooms and argue mean exactly the opposite.

All of these things you have done, in the name of tax cuts and the almighty dollar, feed into this issue of the justice system because it's all about quality of life, it's about hope, it's about the future, whether we're thinking about our children or it's our children looking ahead to the future. We had the kind of province where that promise was there, and we always thought of ourselves as different from our neighbours to the south. They decide to build their society one way and that's their sovereign right. We chose a different direction, and you've been dismantling that step by step. I don't believe for one minute that you deserve at all the reputation that I acknowledge you carry in terms of law-and-order issues.

In conclusion, I've no idea what the government members are going to say. I would hope that they would support the concept and recognize the importance of this issue. Again I want to compliment the member for Brant, even though he's from the opposing party to me. I believe he cares and I believe he has brought this forward because he has identified a vulnerability in our justice system that needs to be corrected. If the government can't support this bill, then please, please indicate to us today that you have assurances from the Solicitor General that this issue will be dealt with.

I've mentioned all these things about the justice system, about our society, because I believe that the ability of anyone or any entity to intimidate, directly or indirectly, anyone involved in the justice system hurts that justice system. When the justice system is hurt, then the people's rights and their ability to have the security they're entitled to and the quality of life they're entitled to are also hurt, are also affected by that.

Let me end on this note: police are our neighbours. They are a part of our society. They are out there on our behalf, whether in the courts or on the streets or in the probation offices. The very least we can do as legislators is to ensure that we are giving these justice officials all the tools and all the protection they deserve by way of our saying, "Thank you for what you do," and making sure they have the tools to do it.

Mr Garfield Dunlop (Simcoe North): On a point of order, Mr Speaker: Would everyone in the House welcome the grade 5 class from Sacred Heart School in Midland?

The Deputy Speaker: That is not a point of order, but we welcome you.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to speak on Bill 27, the bill brought forth by the member for Brant. I commend the member for his efforts. The government takes the issue of protecting personal information very seriously, and we support the bill in principle. Protecting the personal information of justice sector officials and their families is of particular importance. These people can become the targets of intimidation and harassment by criminals. This must not be tolerated, and it's very important to maintain the integrity of the justice system in Ontario.

The policing community, however, has expressed concern over some aspects of Bill 27 as it is currently written. The proposed board's report and recommendations would be made public. They are concerned that this information could be used by those attempting to obtain personal information of justice sector officials and would prefer to work directly with the government to ensure confidentiality.

This is from the policing community; it's a letter to Mr Levac from Chief Bruce Davis, who is the president of the Ontario Association of Chiefs of Police and happens to be chief of police within my riding of Barrie-Simcoe-Bradford, the South Simcoe Police Service. I'll read the second paragraph. He states, "We feel uncomfortable, however, with the establishment of a board, another level of bureaucracy to oversee this privacy issue. Would it not be better and more efficient to build on and strengthen our existing structures, ie, the information and privacy commission, a body responsible for addressing these types of concerns, rather than establishing a new, separate board? When we open discussions on the problem and solutions to the general public, it seems that we could potentially also be sharing information on new systems, procedures with some of the same public that we are trying to exclude from access to sensitive information." End of quote from Chief Bruce Davis, president of the Ontario Association of Chiefs of Police, expressing his concerns to member Levac from Brant with respect to his proposal.

Also, Brian Adkin, who's the president of the OPPA, Ontario Provincial Police Association, with respect to the board component states, "The board would report to the Legislative Assembly through the Speaker and would be required to table an annual report on its activities, thereby making public the matters considered by the board and possibly exposing weaknesses in the system, to the benefit of the criminal element."

These policing associations are showing fundamentally that there are serious flaws in the member's bill. The aspect they're referring to in the bill is subsection 4(1), where it says, "The board shall report annually on the affairs of the board to the Speaker, who shall cause the

report to be laid before the assembly." Obviously that would be made public. Why did the member put that in there? Perhaps he wasn't thinking clearly on the issue of what's going to happen.

1130

Today we heard the former Solicitor General, the member for Hamilton West, dripping with hypocrisy with respect to the need for this particular bill. He was a Solicitor General and quite frankly he obviously did nothing—

The Deputy Speaker: Order. You will need to withdraw "hypocrisy."

Mr Tascona: Yes, Mr Speaker, the dripping part.

The government understands the concerns that the member is trying to accomplish. The bill also—

The Deputy Speaker: I'm sorry. Was that a withdrawal?

Mr Tascona: It's withdrawn. I did want to make sure what we were dealing with, Mr Speaker.

The bill also appears to duplicate the role and responsibilities of the Information and Privacy Commissioner of Ontario. The mandate of the commissioner includes conducting research on privacy issues and ensuring the Freedom of Information and Protection of Privacy Act is complied with.

The government does not support duplicating government services. This government strongly supports justice sector officials as they work to enhance safety in our communities, often at great personal risk. I think that's the intent of the bill, and that's what we support.

Our government has implemented a number of initiatives with respect to strengthening our justice system and the policing part of it: the community policing partnerships program, by adding 1,000 net new front-line officers throughout the province; the government worked with the policing community to construct the Ontario police memorial honouring fallen police officers, which I attended recently; the Sergeant Rick McDonald Memorial Act. We were the first province to impose severe penalties on criminals who take reckless flight from the police. The public safety officers' survivor scholarship fund program: this \$5-million grant was established to provide scholarship assistance covering tuition and books to spouses and children of public safety officers who died in the line of duty.

The government takes its role of law enforcement very seriously. Those are all the comments I have.

Mr Bruce Crozier (Essex): I'm pleased to stand today to support my colleague Mr Levac from Brant in his Bill 27, which has been outlined and explained by him.

It's interesting to hear the member for Barrie-Simcoe-Bradford say that they support this bill in principle. To me, that means that they kind of support the bill but they're probably going to vote against it, and I want to encourage them to support it. This is a bill that brings to our attention an issue of extreme importance in the province. I think we should give this member, in private members' time, recognition for that, and adequate recognition would be supporting the bill.

We're not, any of us, without any concern about what the details of the bill should be. I think there have been suggestions made this morning and there may be some made in further debate as to the specifics and what the bill should contain and how it may be amended.

I'm one who has always, and will continue to, advocated the issue of privacy. I think our personal, individual privacy is the most important thing we have in a democracy. What we need then is legislation and rules and protections of that privacy. I guess there isn't any level of government or bureaucracy that is without some record of having the issue of privacy invaded. I think back to the Province of Ontario Savings Office, where private information, with the consent of the government, was put in private hands. That's a concern. I think, as well, of Ministry of Transportation records that are being sold today that contain information that some of us feel should be simply our own private business.

So whether this is a board, whether the Solicitor General's office or whoever may be involved in it, I think it's an issue that we all should take heart in and we should support.

You will recall recently—within the past year or so—there was a glaring example of how harmful private information can be, particularly when it involves someone in our justice system, if it gets into public hands. The chief of police of a major metropolitan area in Ontario had his address exposed by the media. It was not a criminal who did this—although some might think the particular media that exposed it verges on that. It was the media in our province. That kind of thing shouldn't happen, because it gives information to the criminal element that they may or may not have had. I wouldn't be surprised if they had that information anyway.

Also, this bill is not without its supporters. The member from Barrie-Simcoe-Bradford read a couple of letters that expressed some concerns—and legitimate concerns—concerns that could be addressed if and when this bill is passed and sent to committee. For example, the Police Association of Ontario in a letter addressed to Mr Levac said, "We endorse the need for legislation to safeguard information in specific areas such as the Ministry of Transportation. The fact that criminals can access this information is a growing concern and threat to our members." They go on to say, "Our only comment on the proposed legislation is that it may be too broad in nature and should be targeted at specific areas." A legitimate concern, but they "appreciate and support the intent of this legislation" and have therefore written this letter.

The Ontario Public Service Employees Union says, "As a representative of correctional officers across Ontario, I'd like to give my support to Dave Levac in passing his private member's bill, Protecting the Privacy of Criminal Justice Personnel Act." That's signed by Barry Scanlon, the chair. In this letter he points out a couple of examples that some of us might not have considered before. Certainly I hadn't heard of any specific examples of where there are problems, but I'll just point out the three that he has:

"The following are just a few of the problems facing correctional officers across the province:

"Correctional officers are concerned about their safety and the safety of their families due to private information falling into the hands of inmates involved in organized crime.

"Inmates have gained access to private information on correctional officers in the past, subjecting officers to harassing phone calls and intimidation.

"Correctional officers are easy targets for retribution due to the extended periods of time they spend with incarcerated offenders."

That was contained in OPSEU's support for this legislation.

The Probation Officers Association of Ontario, in a letter sent to Mr Levac, has said, "The Probation Officers Association of Ontario would be willing to participate in a committee to examine issues of this nature and make recommendations that would enhance the safety of those working in the criminal justice system." They "certainly welcome efforts intended to enhance safety of officers and their families."

In letter from the Toronto Police Association over the signature of Craig Bromell, the president, says, "As the Toronto Police Association continually strives to find methods of implementing safeguards to protect our members and their families, it is encouraging to know that the police officers of Ontario have your support and that you have proved this by putting forward your proposal."

There is lots of support there. There are associations, groups and individuals who would like to have the opportunity to address the problem that's been brought forward by this bill.

I would encourage government members to give their support to it so that we can move on with this very important issue.

1140

Mr Dunlop: I'm pleased to rise this morning and discuss the member for Brant's private member's bill, Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system.

I would like to compliment the member on his efforts in bringing forth this bill. I don't always agree with the member on some of his initiatives, particularly on privatization issues, and we've had our disagreements on that, but he has introduced some very good legislation in the past. I was particularly pleased to see his private member's bill, Bill 107, the Firefighters' Memorial Day Act, pass second and third readings in the fall last year, especially in light of the deaths since then of two firemen, Dennis Redman of St Thomas and Patrick Carey of Toronto.

I know that any time we have a private member's bill pass at the end of a session, it's a good feeling. The same thing happened to me a year ago with the ignition interlock device. It's good legislation. I think all members of the House are pleased to see this type of information passed on.

I am speaking in favour of this bill, in principle, but I share the same concerns about some of the legislation that the member for Barrie-Simcoe-Bradford shares, as well as some of the issues brought up by the policing community about the bill. I also share the concerns that the legislation seems to duplicate the role and responsibilities already given to the Information and Privacy Commission of Ontario, whose duty it is to conduct research on privacy issues. The creation of another board or agency to do the same work as a commission already in place may not be a wise investment in government resources, although we will hear about that as more discussion takes place.

Mind you, I do share his concerns about the protection of the identity of police officers and correctional officers as sensitive information. I attend a lot of functions, particularly with the Ontario Provincial Police, and I know how close so many of the families are to their husbands and wives who are police officers. I don't think criminals should be able to access any kind of information on anyone at all in the province, let alone police officers and those others who are involved in the criminal justice system.

Over the past six years, our government has enacted a number of laws designed to help police officers perform their duties. Some of those laws, and we've mentioned a couple of them already this morning, include Christopher's Law, Bill 31, which just came into effect on April 23 of this year. The legislation requires persons residing in Ontario who are convicted of a sex offence anywhere in Canada to register with the police in their community within 15 days of the completion of their sentence and to provide a current address. Those persons have to update their registration within 15 days of a change of residence and on an annual basis. Ontario is the first province in our country to develop such an initiative.

We have created the Ontario Police Memorial, a memorial recognizing fallen police officers. As most members know, the Ontario Police Memorial is across the street and each year we celebrate the memorial day on the first Sunday of each May.

I won't speak a lot on the rest of the bill, other than to say that I support the legislation in principle. I look forward to further comments from the other members in this House. I thank you for the opportunity to say a few words here today.

Mr Rick Bartolucci (Sudbury): I rise in support of Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system. I commend the member for Brant for the outreach he has done with regard to this bill.

I believe it is imperative, regardless of partisan political stripe, that we provide maximum opportunity to protect the families of police officers and other people involved in the justice system. Very shortly I am going to relate some of the experiences I had when I was a member of the Sudbury Regional Police Services Board. Back then, in the late 1980s, we were called police

commissioners; now we're members. The reality is that the experiences we have as members of a police services board would want you to support this legislation.

Before I do that, the member for Barrie-Simcoe-Bradford referred to a letter from the Ontario Association of Chiefs of Police and I think left the distinct impression that the chiefs of police of Ontario were against this type of initiative. The member from Barrie-Simcoe-Bradford read the second paragraph. Let me read the third paragraph from Chief Bruce J. Davis, president of the Ontario Association of Chiefs of Police: "Our association is prepared and more than willing to meet with you and/or other stakeholders to further discuss this issue and work together toward creating a safer environment for police officers," etc.

Clearly the Ontario Association of Chiefs of Police wants this to be passed at second reading and wants it to go to committee because they want to have their input. At least this is what Chief Bruce J. Davis, the president of the association, is saying.

So I would suggest to the government members to support it more than in principle. Support it in reality. Pass it at second reading, refer it to committee and let's debate it, refine it and make alterations to it, but at the end of the day, with Bill 27 we should have something in place that protects the families of police officers and others involved in the criminal justice system.

I would now like to relate some of my experiences as a former police services board member-commissioner. I want to talk about the Greater Sudbury Police Service for a moment, under the very good guidance of Chief Alex McCauley, Deputy Chief Jim Cunningham and Superintendent Ian Davidson. We are a seasoned police force of approximately 241 officers: veterans like Dave Bedard, Grant Howard, with 28 years and who runs Crime Stoppers, Bob Keitch, Susan Evans, Al Asunmaa, Dave Linney, who is the head of the police pipe band, Brian Insley, who is the past president of the police association of Sudbury, veterans like Rob Thurlkell and Robin Tiplady. We have young police officers who are just beginning their careers, people like Sheila Weber, Hally Moran, a former student of mine, Natalie Giommi, Mark Brunet, Steven Russell and Glen Greenough.

We gave a dynamic police force, but we have a history in Sudbury of having lost some excellent police officers, people like Joe MacDonald and Rick McDonald. I believe this type of initiative put forward by the member from Brant provides maximum opportunity to protect those front-line officers who put their lives on the line every single minute of every single hour of every single shift they work.

In the late 1980s when I was a police commissioner in Sudbury, I was the chair of the police complaints committee. Citizens back then had a right at the local level to go to that next level if they weren't satisfied with some policing action in their city. I have to tell you that I had some very interesting cases that we had to deal with as a complaints committee. I had some very angry people come to see us and give us their side of the story, and we

as a committee had to weigh and make a decision as to which direction and who we were going to support in the individual cases.

I made it a point once we had reached a decision—you write the decision and you send a formal letter to the complainant so that he or she clearly understands what the decision of the committee is—to go and visit the people who had complained after we had reached a resolution, because I wanted to ensure that both sides were satisfied with the decision. I have to say that in all cases, that wasn't the case, and I saw some very angry people after that decision was made. I saw some very angry people who threatened to do very bad things to police officers. Some of them would even threaten their families.

So I suggest to you as responsible members of the Legislative Assembly of Ontario that we are commissioned, commanded to do our utmost to ensure that our police officers and those people involved in the system are protected to the satisfaction of all concerned.

1150

That last phrase, “to the satisfaction of all concerned,” is very, very important because I want to ensure that this bill gets to committee so that all the stakeholders come together. If it is redefining what the board should consist of, so be it. If it is redefining what the terms of reference should be, so be it. If it means redefining the time limitations, so be it. But allow the people of Ontario who are directly connected to our justice system the opportunity for input.

I implore the government to support Bill 27.

Mr Frank Mazzilli (London-Fanshawe): It's certainly a privilege to speak to Bill 27, and I want to commend the member from Brant for coming up with this issue and this initiative.

Let's be clear: this all started from what we've heard in the media about Ministry of Transportation officials pretty much everywhere, where someone has obtained information that belongs to a police officer or a correction officer or someone in the justice system. That causes an enormous concern and one that we should attempt to minimize.

We heard from a former Solicitor General in this Legislature, the member from Hamilton, who said that obviously this can be dealt with in another way, and I think it can be, from that perspective. This can be done by regulation. Is it going to cover everything? Probably not, because something that's in this act, and it's not defined very well, is “others.” What we see from organized crime now is that the “others” are becoming a pretty significant group.

Let me explain why. Not long ago, while travelling to a couple of communities in Ontario on the Crime Control Commission, I was hosting some public forums on body-rub parlours. I went to Niagara, and a large community group made up of citizens, church groups, and residents came out for that forum. I went to London, my home community, and the industry of body-rub people came

out, along with organized crime and organized criminals belonging to local bike gangs.

Let's make it clear what they were there for: they were there for intimidation. They showed up with cameras to record people who attended the public forum, to try to intimidate citizens from getting up to the microphone and speaking freely. When we talk about “others” in the justice system, what I saw that evening was an attempt to intimidate media who attended with cameras to record the event. You saw the hands go up in front of the cameras and some confrontation between some organized criminals and the camera people in the media.

So that should not be a surprise. We saw what happened in Quebec with a member of the media who covers organized crime. And let there not be any mistake in this Legislature that politicians will not be a target of anyone who attempts to silence organized crime. They will attend your forums; they will try to intimidate you. In my case it didn't work because I've dealt with that for many years, so it's part of the process. I would just mention the fact that the London Police Service attended and many good friends were there, so I certainly had nothing to be concerned about. But this is what we will face as legislators.

I believe that the concept of this bill certainly needs to be enacted. The Ontario Provincial Police Association, the OPPA, and others feel that organized crime should not have access to their members' information in relation to Ministry of Transportation documents, and it should be extended to others in the justice system: correctional officers, perhaps judges, and so on.

Like the member from Hamilton East said, this can be done through another means, through a simple regulation allowing that to happen. I hope that's done. Let me make that clear: I hope that's done. Is that going to prevent others from being intimidated? No. Let's get used to it. These people are playing for keeps. They are playing for a large amount of money.

My forum had to do with body-rub parlours. Make no mistake about it: the vast majority of them are controlled directly or indirectly by organized crime. We start from the assumption that they're legitimate businesses, and I admit that. In its regular form it would be a legitimate business of people going in for a body rub, but they go way beyond that. If you travel your communities, you will see that many of these locations are owned or controlled directly or indirectly by organized crime, and if you choose to get in the way they will make it difficult for you to go about your business. So anything that we can do to deter organized crime, I will support.

The Deputy Speaker: Response, the member for Brant.

Mr Levac: Of course, I'd like to start off by thanking the members for London-Fanshawe, Simcoe North, and Barrie-Simcoe-Bradford, and in particular the way in which I was responded to by the members from Hamilton West, Sudbury and Essex.

It's very important to point a couple of things out. The government on that side has been giving us information

why not to do it. What I want to make perfectly clear is that we should be saying, “Why not?” We should be doing it and then working together—“How can we do this?”—instead of poking holes in it using half paragraphs in letters, when the other half says very clearly, “We want the action, we need the action and we implore you to take the action.”

Some of that information was being used to say why they may or may not vote against it, but I’m saying and charging the government, we’d better act on it. Forget that it’s a private member’s bill. Forget that I’m on it. If you want to take it, take it, but do something, because the police officers, the crown attorneys, the correctional officers, the parole officers, the probation officers, the judges, the privacy commission personnel and their families are imploring you, “Do something about it.” There is no excuse whatsoever on that side to say, “We are already doing enough.” It’s not acceptable. We are never doing enough with this particular issue, because it is organized. We must send the message clearly that we too are organized.

Some of the points made that we have stuff already here with which we can do it—it’s not being done. The privacy commission itself directly—I spoke to two officials plus the privacy commissioner herself—said, “We support and endorse the concept.” So quite clearly they’re saying that it should be done by them, but they’re saying, “We want you to do it right here.” So let’s send it to committee for the sake of all the people I just listed. We have to act.

The Deputy Speaker: This completes the debate on ballot item number 12.

IMPROVED SAFETY ON 400 SERIES HIGHWAYS ACT, 2001

LOI DE 2001 SUR LA SÉCURITÉ ACCRUE DES ROUTES DE LA SÉRIE 400

The Deputy Speaker (Mr Michael A. Brown): I will now put the question with regard to ballot item number 11.

Mr Mazzilli has moved second reading of Bill 50, An Act to improve safety on 400 series highways. Is it the pleasure of the House that the motion carry?

All in favour will say “aye.”

All opposed will say “nay.”

In my opinion, the ayes have it. Carried.

Pursuant to standing order 96, the bill is referred to committee of the whole House.

Mr Frank Mazzilli (London-Fanshawe): Speaker, may I ask to direct it to the standing committee on justice and social policy?

The Deputy Speaker: Mr Mazzilli has asked that the bill be sent to the standing committee on justice and social policy. Is it agreed? Agreed. So ordered.

PROTECTING THE PRIVACY OF CRIMINAL JUSTICE PERSONNEL ACT, 2001

LOI DE 2001 SUR LA PROTECTION DE LA VIE PRIVÉE DU PERSONNEL DU SYSTÈME DE JUSTICE CRIMINELLE

The Deputy Speaker (Mr Michael A. Brown): We will now deal with ballot item number 12.

Mr Levac has moved second reading of Bill 27, An Act to protect the families of police officers and others involved in the criminal justice system. Is it the pleasure of the House that the motion carry? Carried.

Mr Dave Levac (Brant): I would like to move that it be sent to the standing committee on general government.

The Deputy Speaker: Agreed? Would all those in favour please rise and be counted? Opposed? A majority of members being in favour, the bill is referred to the standing committee on general government.

This completes private members’ public business. We will stand adjourned until 1:30.

The House recessed from 1202 to 1330.

WEARING OF RIBBONS

Mr Pat Hoy (Chatham-Kent Essex): On a point of order, Mr Speaker: I ask for unanimous consent to wear these purple ribbons in memory of Theresa Vince, who was killed in the workplace.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

MEMBERS’ STATEMENTS

SEXUAL HARASSMENT

Mr Pat Hoy (Chatham-Kent Essex): Last week I attended the fifth anniversary of the tragic death of Theresa Vince. Theresa was murdered in Chatham within days of her retirement by the workplace supervisor who had sexually harassed her for years. Through expert testimony at the Vince inquest, we learned that Theresa was not the first woman to be killed after experiencing workplace harassment, nor even the second or third. In a 12-year period, three other women had been murdered in the same circumstances.

Sexual harassment is a crime and this government’s tolerance toward it cannot continue. Today, with the family and friends of Theresa Vince in the gallery, I will be introducing a private member’s bill in Theresa’s memory that we have consulted on for the past year. It is an amendment to the Occupational Health and Safety Act that will provide an effective remedy to immediately stop sexual harassment in the workplace, remove dangerous behaviour and keep workers in their jobs.

I want to pay tribute to Marion Boyd, the former member for London Centre, who first took up the battle

for Theresa and all women who experience harassment. On behalf of the Chatham-Kent Sexual Assault Crisis Centre, which has worked vigorously for a safe environment for Ontario women, I am committed to carrying on this fight. I am honoured also that Geri Sanson, a well-known Toronto human rights lawyer, was instrumental in the development of the drafting of this bill. I welcome Geri, along with Michelle Schryer, Joy Lang and members of Theresa's family.

All women should have the right to full, equal and safe participation in the workplace. This is an issue that transcends all party lines. I urge the members opposite to put an end to sexual harassment in the workplace by supporting my bill.

Interruption.

The Speaker (Hon Gary Carr): Just before we begin, the members of the gallery will understand that even clapping isn't allowed in here, unfortunately. I know they were just trying to be polite, but unfortunately even the members of the gallery aren't allowed to clap. We appreciate your co-operation in that matter.

HEALTH CARE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm pleased to announce that the Halton-Peel region is ranked as one of the best places in Canada to get health care.

The Maclean's survey this week found that of 54 regions in Canada, Halton-Peel is third and got the best score outside British Columbia.

I would like to quote from the Brampton Guardian, which said in an editorial yesterday about this ranking, "Part of the success must go to the Mike Harris Tories. We know a large number of people ... aren't going to like hearing this, but when they first came to power six years ago, they promised to fix our health care system." The editorial went on to note, "Maybe the amalgamations have worked."

Premier Harris has stood his ground and worked hard to address our health care challenges and the people of Brampton and Malton know this. Maybe Mr McGuinty and the Liberals should help find solutions instead of spreading fear and panic among Ontario's working families.

On behalf of Brampton Centre MPP Joe Spina and Brampton West-Mississauga MPP Tony Clement, I would like to recognize the volunteers, nurses, doctors and administrators whose hard work and dedication have enabled Halton-Peel to be ranked third in Canada in this survey.

COMMUNITY CARE ACCESS CENTRES

Mrs Sandra Papatello (Windsor West): Just recently we heard some very alarming comments from the MPP from Niagara that we have got to bring into this House. These comments are unacceptable about home care services in the Niagara region.

What is happening in the Community Care Access Centre in Niagara? They are facing an over \$9-million shortfall in being able to deliver quality services to the people of Niagara. What does Mr Maves have to say about this? He says they should prioritize. He says they shouldn't be providing homemaking services like vacuuming and cleaning.

Where has the MPP for Niagara been? They have not been doing this service since 1997. Why? Because they don't have the funding to provide a very minimal level of service for some people, mostly women, mostly elderly women, to allow them to live independently in their own homes. That's the kind of representation we need to change in the Niagara region. When we hear comments like this, we've got to say, "Stop." We've got to say, "Prioritize and put the people of Niagara first."

It is telling on this government that you're prepared to look at elderly and frail people in your community and say, "You should be prioritized to the bottom of the list." Ontario Liberals under Dalton McGuinty say no.

GOLDEN HORSESHOE MARATHON

Mr Bob Wood (London West): I rise today to recognize the third annual Golden Horseshoe Marathon. The marathon is intended to raise community awareness of disability issues, promote a positive image of disability in the community and raise funds for the planned Rehabilitation Resource Centre in Hamilton.

The Golden Horseshoe Marathon 2001 began June 3 in Niagara Falls and will end today at Queen's Park, for a total distance of 210 kilometres, with these outstanding athletes wheeling 42 kilometres per day for five days in a row. Citizenship Minister Cam Jackson and I, along with other supporters of the marathon, will be joining them and wheeling along in chairs for the final two kilometres.

These inspiring athletes are Charlie Cetinski, Flamborough; Bruce Petrie, Burlington; Chuck Mealing, Fort Erie; Andrea Burkholder, Kitchener; Les McLaughlin, Mississauga; and Pascal Ribreau, Toronto.

The Golden Horseshoe Marathon athletes are six individuals who have all experienced spinal cord injury. The Rehabilitation Resource Centre at the Hamilton Health Sciences Corp that the athletes are helping to develop will provide a one-stop information and peer support service. The location promotes the best possible access for newly disabled people as well as those involved in the lifelong learning required to manage disability through follow-up outpatient contact.

I ask that all members of the House join with me in congratulating these fine, outstanding athletes and thanking them for helping to make their community and province a better place in which to live.

PORTUGUESE CANADIAN COMMUNITY

Mr Tony Ruprecht (Davenport): I rise on behalf of Dalton McGuinty and the Liberal caucus to recognize an

important event that took place in 1880 and has been recognized as such: Portuguese National Day.

The Portuguese National Day is very unique and special in the pages of history. Why? Because most countries celebrate an independence war or they celebrate a document or whatever. But Portuguese National Day is celebrated by Luso-Canadians today not because of a document but because they want to recognize an important writer and educator, Luis de Camões, who died over 440 years ago but is still celebrated today because he is an intellectual giant who stepped across the centuries and stepped across the Atlantic so that we too in Canada today can celebrate our poets and our writers and our educators, which this party forgets to do.

I say on this very special day that we recognize the great contribution Portuguese Canadians have made, not only to Canada but especially to the city of Toronto. But today their focus is not on economic opportunity. Today the focus, especially of the children of Luso-Canadians, is on Luis de Camões.

So I say to all those Luso-Canadians who celebrate their special day and all the members of the Legislature in Portuguese:

Remarks in Portuguese.

POVERTY

Mr Tony Martin (Sault Ste Marie): I want to take just a brief moment this afternoon to report back to the Legislature, to the members present and to the public out there that I've been travelling the province for the last six months, listening to people on the very disturbing issue of poverty, and I'm sad to say that my feeling or sense that poverty is wider and deeper than ever is being confirmed.

I've been to nine communities: Sault Ste Marie, Wawa, Elliot Lake, North Bay, Kingston, Huntsville, Kitchener-Waterloo and Hamilton, and I'll be in Ottawa in a couple of weeks.

Poverty has shown itself in many ways, but most importantly and most obviously by the level of homelessness we find, particularly in the city of Toronto. It's interesting that because other communities are now offering homes for an affordable price in places like Elliot Lake, they are now inheriting the problem as well without the resources to support the population that's coming to stay in those places. So we have a big problem, not only on our hands, but looming.

The other twist, the other obvious example of homelessness that I'm finding and hearing about as I cross the province, is the issue of families now abandoning children, not because they want to or they feel good about it but because they feel in their heart that somebody else has to be able to look after their children better than they can, so they're abandoning them.

So there is a problem out there and this government needs to be addressing it.

1340

ORTHOPAEDIC FUNDRAISING

Mr Garfield Dunlop (Simcoe North): I'd like to make a few comments this afternoon about an organization in our community that works tirelessly at this time of the year to bring awareness and to raise funds for orthopaedic equipment at the Orillia Soldiers' Memorial Hospital.

The Orillia-area team, the Hip Hip Hooray Team, a coast-to-coast organization, last week held two fundraising events. Mr John Feeney and his team of volunteers hosted their fourth annual golf tournament at beautiful Bonaire Golf and Country Club in Coldwater. Almost 200 golfers participated in the event and raised approximately \$15,000.

I should make it clear that many of those who participated and volunteered can now move around comfortably as a result of hip and knee replacement surgery. On June 3, Ms Charlene Taylor and Dr Ron Taylor and their team of volunteers hosted their seventh annual barbecue, entertainment and walkathon to raise funds for the same project. The event was held at the ODAS Park in Orillia. People of all ages attended the event in spite of some rainy weather. Again it was a success.

I would like to congratulate the Hip Hip Hooray Team of Orillia and area for a job well done again this year. I'd like to thank all the corporate sponsors and citizens who participated in this very valuable fundraising event. The monies raised will allow citizens to live normal lives with mobility and good health and happiness. I'd also like to thank them for including me in this event.

TOWN OF COBALT

Mr David Ramsay (Timiskaming-Cochrane): I'm pleased to acknowledge that the "Town that silver built," Cobalt, has been declared Ontario's most historic town by TVO's Studio 2. Cobalt, located adjacent to the towns of Haileybury and New Liskeard in the district of Timiskaming, is being hailed as the town that built the new Ontario economy. In a unanimous decision, three leading Canadian historians chose Cobalt over 100 other entries from across the province.

Cobalt's illustrious mining heritage began with the discovery of silver in 1903, which sparked one of the largest booms in Canadian history. In its heyday, there were more than 100 mines in operation in the Cobalt camp, and the town's population rose to more than 12,000 people.

This led to the opening up of northeastern Ontario and the establishment of the famed Kirkland Lake and Porcupine gold camps. It was these mining towns that generated most of the wealth of the province at the beginning of the 20th century.

It is interesting to note that the New York Philharmonic orchestra would overnight in Toronto on its way up to play at the Cobalt Opera House in those days.

Like many of the old mining towns, Cobalt is a shadow of its former self now. With a population today of 1,400, Cobalt draws on its historic past with attractions such as the Heritage Silver Trail, a self-guided tour through the old mine sites, headframes and open cuts where silver was literally scooped out of the ground.

Tonight on Studio 2, a 10-minute feature documentary profile of Cobalt will air at 8 o'clock, hosted by local journalist Charlie Angus.

I would encourage everyone to visit Cobalt this summer and witness at first hand the fascinating history of northern Ontario.

ANNIVERSARY OF D-DAY

Mrs Julia Munro (York North): I rise in the House today in commemoration of D-Day and our war veterans.

On June 6, 1944, D-Day began on the beaches of Normandy, France. This was one of the most complicated and largest assaults in military history, uniting the British, Canadians and Americans in their plan to take back Europe. A total of 175,000 troops were used in the attack, and of those, 14,000 were Canadian. At the end of the assault, there were 1,074 Canadian casualties, of which 359 were fatal.

I would also like to recognize the work of Sam Doggart, a World War II veteran and resident in my riding of York North. While D-Day remembers our fallen soldiers, Mr Doggart has initiated a flag and candle-lighting ceremony to honour our soldiers who did survive the war and came back to Ontario to build our communities despite the tragedies they had suffered.

The idea is to invite young people to participate in the ceremony, participation that Mr Doggart sees as essential in keeping our military history alive. Usually Girl Guides and Boy Scouts place the flags on the graves while the cadets place lit candles on the graves of our war veterans buried in Ontario.

Since beginning the campaign in February 2000, there have been four ceremonies held in Ontario. This ceremony is popular in British Columbia, where 12,000 candles were lit in 31 different communities last year.

D-Day is remembered in history as the crucial turning point in World War II. We will never forget our living and fallen heroes who fought for freedom and peace for future generations.

OMNIBUS LEGISLATION

The Speaker (Hon Gary Carr): On Wednesday, May 30, the member for Niagara Centre (Mr Kormos) rose on a point of order concerning Bill 57, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain acts. The member indicated that this 95-page omnibus bill amends over 50 statutes, repeals several other statutes, and affects 15 different ministries. In an impressive and well-researched submission, the member requested that the Speaker rule the bill out of order because its contents

lacked a theme of relevancy. He also requested that, in the absence of a political solution to divide the bill, the Speaker should do so. I want to thank the member for his presentation. The government House leader (Mrs Ecker) and the member for Windsor-St. Clair (Mr Duncan) also made submissions.

I have had an opportunity to review the bill in light of the parliamentary authorities and precedents on omnibus bills. With respect to his first request, that is, that the bill be ruled out of order, the member indicated that we have reached the "point of no return" mentioned by Speaker Lamoureux of the Canadian House of Commons in his well-known January 26, 1971, ruling, and called on the Speaker "to bring democracy back to this Legislature."

The member conceded that some of the amendments in the bill were uncontroversial in that they were "benign and consistent with the theme of what is an acceptable omnibus bill." However, he was of the view that other amendments, such as those to the Occupational Health and Safety Act, were substantive and contentious.

Let me begin my response by stating the relevant criteria for determining the orderliness of an omnibus bill. As the member himself noted, page 192 of the sixth edition of Beauchesne contains the following citation:

"Although there is no specific set of rules or guidelines governing the content of a bill, there should be a theme of relevancy amongst the contents of a bill. They must be relevant to and subject to the umbrella which is raised by the terminology of the long title of the bill."

To this, I would add that as noted in rulings by Speakers of this House on June 10, 1997, and again on December 13, 1999, "A theme of relevancy is not achieved simply by virtue of what a bill's title says the bill does, or by the number of ministries a bill touches upon. A theme of relevancy is achieved when all the parts of the bill are linked in a tangible way."

To my knowledge, no Speaker in this House or any other Canadian jurisdiction has ruled a bill out of order for its failure to meet the above-mentioned criteria. Even so, I have no reservations in agreeing with the member for Niagara Centre and with many previous rulings in this House and other authorities that, in a proper case, it is procedurally possible for a Speaker to rule a bill out of order on this ground. Nevertheless, after carefully reviewing Bill 57 in light of the criteria, I find that the bill does not cross the line: its contents, including the amendments to the Occupational Health and Safety Act, are tangibly linked under the umbrella of the bill's long title.

In his second request, the member for Niagara Centre called on the Speaker to divide the bill on his own initiative in the absence of a political solution to do so. (The member noted that a political solution had been found with respect to contentious omnibus bills in the 35th Parliament.) My response to this submission is that there is ample authority for the proposition that it is for the House—not the Speaker—to divide a bill. In this regard, I refer to pages 617 to 619 of Marleau and Montpetit's *House of Commons Procedure and Practice*, and to rulings in our own House on March 24, 1994,

October 31, 1994, December 5, 1995, and May 14, 1996. Therefore, I cannot accede to the member's request that the Speaker divide Bill 57.

In so ruling, I have taken very careful note of the member's submissions respecting standing order 1(b), which became part of our standing orders in 1997. This being the first time that this so-called purpose clause has been referred to in the context of an omnibus bill, let me explain what it means and what it does not mean with respect to Bill 57. Firstly, it speaks to the right of members to submit matters to the assembly, and to have them determined by a democratic vote; it does not prevent a procedurally acceptable omnibus bill from being introduced, debated and voted on. Secondly, it speaks to the right of members to debate and vote on matters; therefore, if and when the government proceeds with Bill 57, there will be a debate and a vote on it as prescribed by the standing orders. Thirdly, it speaks to the right of members to hold the government accountable; with respect to bills such as Bill 57, the standing orders flesh out how members may do that. And finally, this purpose clause speaks to the right of members collectively to decide matters submitted to the assembly; this right will be exercised if and when Bill 57 comes to a vote.

Standing order 1(b), then, does not confer new substantive rights on members, but is rather a statement of purpose or principle that assists in the interpretation of the other standing orders.

In closing, there is nothing out of order, but again I thank the member for Niagara Centre for his very impressive and well-researched submission.

The member on a point of order?

Mr Peter Kormos (Niagara Centre): No. Thank you kindly, Speaker.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Garfield Dunlop (Simcoe North): I beg leave to present a report from the standing committee on general government and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 4, An Act to amend the Income Tax Act to provide a tax credit for contributions to registered education savings plans / Projet de loi 4, Loi modifiant la Loi de l'impôt sur le revenu en vue de prévoir un crédit d'impôt pour les cotisations versées à un régime enregistré d'épargne-études.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1352 to 1357.

The Speaker: Mr Dunlop has moved the adoption of the report of the standing committee on general government respecting Bill 4, An Act to amend the Income Tax Act to provide a tax credit for contributions to registered education savings plans, as amended.

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

Ayes

Agostino, Dominic	Galt, Doug	Munro, Julia
Baird, John R.	Gerretsen, John	Mushinski, Marilyn
Bartolucci, Rick	Gilchrist, Steve	O'Toole, John
Beaubien, Marcel	Gill, Raminder	Peters, Steve
Boyer, Claudette	Hodgson, Chris	Phillips, Gerry
Bradley, James J.	Hoy, Pat	Pupatello, Sandra
Bryant, Michael	Hudak, Tim	Ruprecht, Tony
Christopherson, David	Jackson, Cameron	Sampson, Rob
Churley, Marilyn	Johns, Helen	Sergio, Mario
Cleary, John C.	Kennedy, Gerard	Smitherman, George
Clement, Tony	Klees, Frank	Snobelen, John
Coburn, Brian	Kormos, Peter	Spina, Joseph
Cordiano, Joseph	Kwinter, Monte	Stewart, R. Gary
Crozier, Bruce	Lalonde, Jean-Marc	Stockwell, Chris
Cunningham, Dianne	Lankin, Frances	Tilson, David
DeFaria, Carl	Levac, David	Turnbull, David
Di Cocco, Caroline	Marchese, Rosario	Wettlaufer, Wayne
Dombrowsky, Leona	Martel, Shelley	Wilson, Jim
Duncan, Dwight	Martin, Tony	Witmer, Elizabeth
Dunlop, Garfield	Mazzilli, Frank	Wood, Bob
Ecker, Janet	McLeod, Lyn	Young, David
Elliott, Brenda	Miller, Norm	
Flaherty, Jim	Molinari, Tina R.	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 67; the nays are zero.

The Speaker: I declare the motion carried. The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT (SEXUAL HARASSMENT), 2001

LOI DE 2001 MODIFIANT LA LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL (HARCÈLEMENT SEXUEL)

Mr Hoy moved first reading of the following bill:

Bill 78, An Act to amend the Occupational Health and Safety Act to Protect Workers from Sexual Harassment in the Workplace / Projet de loi 78, Loi modifiant la Loi sur la santé et la sécurité au travail pour protéger les travailleurs contre le harcèlement sexuel dans le lieu de travail.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Pat Hoy (Chatham-Kent Essex): In memory of Theresa Vince, who was brutally murdered by a workplace supervisor who had sexually harassed her for years, the objective of this bill is to provide remedies for em-

ployees who experience such sexual harassment in the workplace. Almost a year of consultation between Geri Sanson, the Chatham-Kent Sexual Assault Crisis Centre, the family of Theresa Vince and others has produced a good bill that will, under the Occupational Health and Safety Act, require immediate investigation of any allegations concerning workplace-related sexual harassment, allow inspectors investigating a sexual harassment complaint to make an immediate order to stop the dangerous circumstance, provide the right for an individual to refuse work in certain circumstances after sexual harassment in the workplace has occurred, provide the right for an individual to be paid for workplace absence due to sexual harassment and require employers to take steps to prevent further occurrences of workplace-related sexual harassment.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin question period, the members will know this is the last day for our group of pages, and I wonder if all members would please join me in thanking this wonderful group of pages for their efforts on our behalf.

Applause.

The Speaker: We wish them all well in their future endeavours.

ORAL QUESTIONS

EMERGENCY SERVICES

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Health. You said yesterday that you were frustrated by the ongoing crisis in our emergency rooms. We don't think you should be frustrated, we think you should feel guilty, because we believe that you are the cause of the emergency room crisis now that has been hitting the Toronto area for the last couple of years. It is because of you. You closed emergency rooms, in Toronto alone, at the Wellesley hospital, Women's College, Northwestern, Branson, Queensway, Doctor's. Minister of Health, it was you that closed 2,200 beds in the greater Toronto area.

Will you stand up now and tell us you realize that it was your fault and that you are the one who has to determine how this is truly going to be fixed?

Hon Tony Clement (Minister of Health and Long-Term Care): I join the honourable member on the other side. None of us in this House, none of the hard-working staff in any of our hospitals—the nurses, the doctors and all the other staff—no one would like to see a preventable death in any emergency room or any health care facility. The fact of the matter that the honourable member neglects to mention is the new beds that are being opened, the new emergency services that are being made available. Just last month I participated in the opening of

a brand new emergency ward right here in downtown Toronto, across the road at the University Health Network for Toronto hospitals.

Since August of last year, we've committed \$46.5 million more for 649 new hospital beds, over and above. This is part of the \$700-million reinvestment for our hospital services and for our emergency services.

Mrs Pupatello: Well, Minister, you keep saying you're doing all these things to "fix it." Let's do a quick review. In 1998, then-Minister Witmer announced she was launching a task force to "fix it." Then she announced the recommendations of the task force because that would "fix it." Then, right before the last election, the Premier of Ontario gallivanted across Ontario with big cheques to emergency rooms because he was going to "fix it." All along you've said you were going to fix it and you've done public relations about making announcements to try to fix it, and instead the problem's gotten worse.

On July 25, Witmer then said, with great fanfare, the flu vaccine was going to fix it, easing off the crisis at emergency rooms. Then in August of that year she said, "We are implementing a comprehensive emergency room strategy which will provide the health system with the flexibility to anticipate and respond to peak periods of activity." Yet, again, only to "fix it."

Minister of Health, you are the problem, and everything you have done so far has not gone to the root of what's really wrong with our emergency rooms across this province. Will you now implement Dalton McGuinty's plan to truly fix the problem?

Hon Mr Clement: I mentioned the great news at Toronto General with the new emergency ward there. I neglected to mention the brand new ER department at North York General, opened with \$3.1 million in funding from this government. The list goes on and on.

Clearly, this requires the hospital administrators, the provincial government, the ambulance drivers—we all have to be part of the solution. I can tell the honourable member that, for our part, we've been part of the solution financially, certainly with the \$705 million of new investments. From our point of view we have been working with the hospital sector and the ambulance sector to get the proper patient priority into the system and the proper resources where they are most needed.

Is this an ongoing challenge? It's an ongoing challenge. I met with the CEOs of the hospitals this morning. The CEO of Sunnybrook said, "My last job before coming here was as the CEO of a major hospital in Dublin, Ireland, where we had exactly the same problems." Clearly, these are global issues and we're working toward our solution.

Mrs Pupatello: Global problem? You're the Minister of Health for Ontario to take care of Ontario patients. We want you to fix the problem right here in Ontario. You caused the problem and you expect everybody else to jump in to save your bacon.

Here's the problem, Minister; here's some information that you don't want to become public: in 1996, Toronto-

area hospitals had ambulances on re-direct—that is, saying to ambulances, “We’re full; you shouldn’t come here”—for 40 hours. In the year 2001, that number jumped to 194 hours.

Hospitals in the Toronto area in March 1996 were on critical care bypass—that is, “We’re full; you cannot come here”—for two hours and 41 minutes. In the year 2001, that number jumped to 191 hours—information that you don’t want to be public but we know is true.

Minister, you have information like this and you refuse to deal with the root of the problem: emergency rooms that you closed, beds that you closed. We insist you implement Dalton McGuinty’s plan now. You reopen those beds, because that’s what the system needs.

Hon Mr Clement: Again, the honourable member should have all of the facts at her disposal. The opening just last month of the new ER ward for Toronto General increased the capacity for just that one hospital from 67,000 visits per year to 100,000 visits per year. That is not including North York. That’s not including all the other reinvestments, all of the new capital campaigns, all of the new staffing campaigns that we have initiated with the hospitals, quite frankly as our partners, to get at this issue.

The honourable member has tongue firmly planted in cheek when she says the beds that we closed. Between 1985 and 1995 in this province, when we had NDP and Liberal governments, more than 10,000 hospital beds were closed in this province, worth over 35 mid-sized hospitals. We’re cleaning up the mess as fast as we can. Look on their side for the cause of the mess in the first place.

1410

The Speaker: New question?

Mrs Pupatello: My question is for the Minister of Health. You’ve been there for six years and in six years you have made this system the worst in the history of Ontario. The numbers in March 2001 have never been this bad. You’ve had six years. Do you know what you’ve done in six years? You’ve gone on a public relations campaign making announcements, and never solving the problem. You have a responsibility to people who need care.

Here’s some interesting information: the number of paramedic hours where they could be caring for the sick instead of sitting in parking lots, which is currently happening, is over 10,000 hours of paramedic services just in the first four months of the year 2001. That’s under your watch, Minister. This is information the public ought to have, but you don’t want to tell them how serious this problem is, and those CEOs of Toronto hospitals told you the same information. It is important that you implement the McGuinty plan today to reopen those beds and stop closing those emergency rooms.

Hon Mr Clement: The honourable member should provide the House with all of the details. In fact, we are opening new beds, we are opening new emergency rooms. This is part of our \$705-million operating and capital campaign for Ontario, for Toronto, for the emerg-

ency wards, so that we can rebuild, restock, rehire and make up for the patient deficit that was caused by previous governments.

Yes, it takes time, but I can tell this House that these monies are being used. They are being used for new hires, they are being used for new beds, and I believe that is a positive development. Are there more things to do? Yes, there are more things to do. That’s why I was meeting with the hospital president this morning, to go through exactly what sorts of practices can be used to ensure that we do the best we can do for all of the patients who require emergency assistance. This process is ongoing and we will continue.

Mrs Pupatello: Your short-sighted closure of 2,200 beds and six emergency rooms in Toronto led to the loss of over 10,000 hours of paramedic services in the first four months of the year 2001. Minister, one of the most disturbing aspects of this is, in March you just said to the hospitals, “You can’t do that any more. You can’t send them on redirect.” What did you think they were going to do? You never gave them the means to actually resolve the problems that you created. All it means now is, no one is documenting the numbers any more because you want to hide the problem. But the problem doesn’t go away. Now we get the hours of paramedics just sitting in parking lots or driving around town because they can’t get into an emergency room—over 10,000 lost hours, Minister, under your watch.

We are telling you that you have to impose a moratorium on the closure of emergency rooms. You need to reinstate at least 1,600 beds to solve the problem. The CEOs of the hospitals told you that. Who else needs to tell you before you’ll listen?

Hon Mr Clement: The CEOs of the hospitals didn’t tell me that, because that would not be truthful to me. I can tell the honourable member that we are coming from behind as a result of the 10,000 beds, worth about 35 mid-sized hospitals, that were closed during the NDP and the Liberal years. That was the eight ball behind which we had to operate. But we are operating in a way that is reinvesting in Toronto, in our emergency wards throughout Ontario. That’s where that \$705-million worth of reinvestments is going. That’s why we are reinvesting in staff. That’s why we’re reinvesting in capital campaigns. That’s why we’re reinvesting in procedures.

Yes, there is more to be done. That’s why we announced just two months ago the patient priority system so that we can triage effectively those who make their way to the emergency wards through ambulances so that we have an understanding of who is the sickest, who needs the help now and who can be helped a little bit later. That’s why we’re doing that and that’s why the honourable member should not be condemning that but should be supporting us in that.

Mrs Pupatello: Minister, \$705 million of investments and you have not solved the problem. You ought to be fired. This entire government in six years has not addressed the real needs of patients in Ontario and we insist that you implement the McGuinty plan to resolve

the emergency room crisis. You need to reinstate at least 1,600 beds in this area alone. You need to place a moratorium on closing further emergency rooms, because the system cannot deal with it.

You have said all along, one minister after another minister after another minister, that you're going to fix the problem. Under your watch we now have a system that has never been worse, and that's after six years. Minister, you need to take responsibility for this. You need to solve the problem. Even if it means implementing the McGuinty plan to do it, we insist that you address the real problem.

Hon Mr Clement: I find it curious that the member to whom the honourable member is referring, who was part of a previous government, didn't speak up at that moment when they were closing 10,000 beds during that period of time. That's what I find curious.

But we are opening new beds. As of August 2000, 649 new beds including 401 permanent acute care beds—the new beds at TGH, the new beds at North York General. The list goes on and on because—

The Speaker: Minister of Health.

The member for Windsor West has asked a question. I'd appreciate it—no, it was you. I saw it and everybody could see it. You actually had your hands up. It's pretty tough to hide.

Minister of Health.

Hon Mr Clement: The investments keep on being made because this is a priority for this government. We make it a priority through our actions rather than through our rhetoric. That's why, as I mentioned, the ER department in North York had its ribbon-cutting just last year. That's why St Michael's Hospital, right in the downtown, had \$4.5 million allocated to it for more capital funding for its ER. These are just some of the investments that are being made by this government, because we put actions at a higher level.

The Speaker: New question. Member for Beaches-East York.

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Health. I've sat in your office. I understand the complexities of the system. I also understand the irony in hearing you here today in this Legislature talk about over 10,000 beds being closed, when your government came into office and immediately moved to cut another \$800 million from hospitals without putting money into the community services. That cost further hospital beds, that caused further strain on community in-home care services and means every day in our hospitals there are patients who could be cared for outside, in their homes, who are, unfortunately, in crass language, referred to as bed blockers.

I have to tell you what the hospitals are saying to me. I spoke with the Ontario Hospital Association today as well. They're telling me that your plan, which sees immediate reduction in home care services, is going to make this situation worse. No amount of capital dollars to build new emergency rooms is going to free up beds that are taken up by frail elderly citizens who could be

taken care of in their homes. Yet you proceed with the cuts in services to community care access centres. Will you reverse that decision today and ease up the pressure on our emergency rooms in Toronto?

Hon Mr Clement: The honourable member does in fact have a point. We have recognized on this side of the House as well that part of the problem is to migrate those who can best appropriately be serviced through long-term care out of our acute care wards and out of our hospitals to the most appropriate kind of facility for them. That frees up the beds. That is why we have acted to ensure that there is more complex continuing care money, to ensure that we have more money that migrates those citizens out of the beds in the emergency wards. That's why we spent \$1.2 billion for 20,000 new long-term-care beds, as well as the reinvigoration and the renovation of some of the current beds, so that there is a place for these citizens to move to. So I agree with the honourable member.

When it comes to home care, the honourable member has got it wrong. We've increased home care spending by 72% since we got elected, and we are proud of the investment we have made in that particular health care sector.

Ms Lankin: Minister, while you plan for a slow migration, patients are dying on stretchers and in ambulances not two and a half blocks from this Legislative Assembly.

With respect to home care, please, will you acknowledge today that your budget announcement to the community care access centres tells them they will not be funded to the full extent of services that they provided last year? Last year they ran deficits. You funded the deficits. This year, you won't. As a result, they are cutting home care services. Those elderly, frail citizens are going to end up in our hospital beds, further making the backlog in emergency rooms a crisis.

1420

Minister, as an emergency step today, to address this crisis, please announce a reversal of your inane decision with respect to community care access centre budgets of this year.

Hon Mr Clement: I encourage the honourable member to review the estimates that were tabled just yesterday, which indicate, as I have been indicating to this House for days on end, that we are continuing with our reinvestment in community care access centres. The \$550-million fund that was announced just two years ago includes a \$64-million increase in the budget for that very promise that we are keeping.

So I encourage the honourable member to peruse the estimates at her leisure. The fact of the matter is we have reinvested in community care access centres, we have understood the importance of home care, we have been there, to the tune of a 72% increase in their budget since we got elected. The fact of the matter is they are an integral part of the delivery of proper health care services, and we are funding them to the extent that they need

to be funded; not a penny more, but not a penny less either.

Ms Lankin: Minister, I cannot believe the gall of the statements you have just made when there are elderly citizens whose services are being cut this week, as we stand and debate this in the Legislature.

I won't peruse your estimates, I know what the numbers are. I've been out there meeting with the community care access centres. What about here in the city of Toronto? Do you know today that at city hall, the community services committee has voted to ask city council to put more money into emergency services? A beleaguered city budget because of your downloading of things like ambulances, and they're trying to come up with more money. And you know what? More ambulances are not going to create more beds in the hospitals.

At the same time, when they're trying to come up with more money for these services, you have told hospitals that the combined additional need of \$750 million that they say they require to meet patient needs in this province, you won't fund. You're going to pass a Public Sector Accountability Act which is going to say "no deficits."

Hospitals need the flexibility, we need the home care services or else, Minister, more patients are going to die. Are you prepared to take responsibility for that inevitability?

Hon Mr Clement: The honourable member should be aware that in the Toronto region home care services have more than doubled since we got elected. The funding for home care services has gone from \$111 million when she was in power to \$238 million when we are in power, as of this year. We are proud to have recognized the chronic underfunding of the Toronto area by the previous government.

Let me also set the stage for the honourable member, because it is quite interesting to note that all of this funding is 100% provincial taxpayer dollars: zero dollars from the federal Liberals, zero dollars from Alan Rock, zero dollars for our seniors from the party that says it promotes compassion but does not put its money where its mouth is. The inconsistency is truly overwhelming.

Interjections.

The Speaker: Order. The minister's time is up.

Just before we begin, it is getting—

Interjections.

The Speaker: I was just going to say, it is getting too noisy in here. I would ask all members to please allow the questioner and the answerer to be heard.

EDUCATION FUNDING

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Finance.

Minister, you are rigging the public hearings on your unpopular private school tax credit. We propose—

The Speaker (Hon Gary Carr): I'm not going to allow you to use that word. You'll have to withdraw that, please.

Mr Marchese: I withdraw it.

We proposed 12 hours of hearings per day, starting in St Catharines tomorrow, so that citizens who work obviously could make those evening meetings. Instead, you've chosen to cut the hours down to five and a half. Your plan is to shut out and shut up the majority of citizens who oppose your tax credit/voucher plan.

My question to you is, why are you afraid to listen to the people of this province?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): To the member opposite, this is a committee of the Legislative Assembly, as the member opposite, I'm sure, knows. The committee decides on how it's going to conduct its own proceedings. That is not interfered with by the executive branch, and certainly not by me as the Minister responsible for the bill.

I understand the committee met, the MPPs met, and they decided on a fair formula, that each member has been given the opportunity to select members of the public to make presentations to the committee; that each member of the committee, regardless of the member's political party, is entitled to choose two witnesses and one alternate. The opposition parties, I understand, have also been given an opportunity to each call an additional witness. As a result, there is equality between the government and the opposition in the number of witnesses to appear before the committee. That seems fair.

Mr Marchese: I want to say to you that your government committee rejected the subcommittee report and imposed and prescribed their own. Not only have you cut the hours of hearings but you are trying to stack the list of speakers. That's what you've done. You have run over the traditional democratic process by doubling the speakers you get to appoint. These are supposed to be hearings for the public to have a say in the tax credit, and you're trying to make them into a rubber stamp for a tax credit that the majority of Ontarians oppose.

Minister, I say to you, you need to commit to stop making it impossible for ordinary citizens to come, and to stop stacking the deck so that only your people can come and be heard.

Hon Mr Flaherty: It is important for people to understand that this is a committee of the Legislative Assembly and that the committees of the Legislative Assembly control their own process and they decide on a formula for the calling of witnesses. I would think this is a fair formula given that each member of the committee, regardless of the political party of that member, will have an opportunity to select members of the public to make presentations.

I hope they hear from people like Simon Rosenblum, the former chief of staff to the finance minister, Floyd Laughren, who was quoted in this well-known publication *Inside Queen's Park* as saying, "State-sponsored discrimination is not acceptable. Secondly, the experience of other jurisdictions tells me that you can do this without harm to the public system. I came to the conclusion many years ago that this is the correct public policy choice."

The Speaker: New question. The member for St Catharines.

Mr James J. Bradley (St Catharines): I have a question for the Minister of Education and government House leader. Minister, there is complete exasperation being felt in Niagara and St Catharines as a result of the chaotic circumstances facing the public hearings tomorrow. Until yesterday, no one knew even where the hearings were going to be held or what the specific times would be. Until late last week, nobody even knew there were going to be hearings in the city of St Catharines. To my knowledge, no newspaper has any ads in it—none of them at all. Despite that, because of your announcement, over 60 requests from outside the area have been made to appear before the committee, but the presenters won't even know until this afternoon if they're going to be making their presentations. Ultimately, they had more notice about this than you got from the Treasurer when he dropped this bombshell in your lap, but nevertheless, it's not much notice.

In the standing committee on finance and economic affairs this morning, the government refused to expand the hearings, as they should be. I ask the minister this: how on earth can you have meaningful, credible, reasonable, good public hearings under these totally chaotic situations?

Hon Janet Ecker (Minister of Education, Government House Leader): I am not sure what members of your caucus have been doing, but I know that members of our caucus have been very actively encouraging groups and supporters of government initiatives, of budget initiatives, to call up the clerks' office, to stay in touch with their office. I know some of our members, as soon as the decision was made about when and where hearings would be, have been on the phone to individuals. I know many of the organizations, both pro and con, have been quite anxious to come forward to a committee, to the government, to express their views. As you know, that's one of the reasons we all agreed that there should be public hearings on this. They've already submitted reports, submissions, letters, expressions of opinion.

I appreciate the honourable member's concern for the residents in his community and recognize that it is a bit short notice for this particular day, but I think everyone has been bending over backwards to try and ensure that citizens have the opportunity to put forward their views.

Mr Bradley: I want to say from the beginning that I do not blame the Minister of Education for this. I know where the blame lies on this particular issue.

Again, before the Minister of Finance dropped this bombshell in your lap for you to handle, for you to answer the questions in the House and to the people of Ontario, he probably didn't realize the issues that would arise from this. He didn't realize they would be asking whether teachers would need the same certification qualifications to teach in private schools as in public schools; whether private school teachers would be tested the way you're going to test public school teachers; whether the established school curriculum would be used in private schools as it is in public schools; whether

private schools would be subjected to the same kind of inspections, whether all students would be eligible to be admitted to these private schools and whether standardized tests would apply to those schools. The Minister of Finance didn't realize that when he dropped this in your lap.

1430

Minister, I ask you this: why don't you do something that would be extremely helpful? Why don't you divide the bill, separate the tax credit from the rest of the bill, and hold meaningful hearings across the province in the summer when people have lots of time to be able to prepare and make their presentations? Why don't you give people the opportunity to have valuable input on a very important piece of legislation?

Hon Mrs Ecker: I must confess that when the Liberals stand up and say they're on my side, it may be time for me to look for a new job.

I think we should be very clear here that on this side of the House we believe very strongly that when you have public hearings, when you put out legislation to hear concerns and comments, both pro and con, it's not a bad idea to let those issues come forward. That's indeed what we're doing in this case. I don't think it is appropriate for me as House leader, or for me as education minister, to say they should only talk about this or only talk about that. I think we'll hear what they have to say.

The other thing it's important to recognize about the policy that will no doubt be the topic of the hearings is that this is a policy, a proposal, to actually trust parents. I must say I was appalled to see that the Liberal candidate in the by-election in Vaughan-King-Aurora is actually saying it's crazy to put money in the hands of parents. I don't know about the Liberal Party, but on this side of the House, we think respecting parental choice, both inside the public system and with independent schools, is an important value.

ITER FUSION PROJECT

Mr John O'Toole (Durham): My question is to the Minister of Energy, Science and Technology. Mr Speaker, with your indulgence, I'd like to introduce in the members' gallery Ron Collis and Adrian Foster, who are members of the ITER community council in my riding of Durham. ITER is an international research initiative involving the European community, Japan and Russia. The goal is to establish fusion as a viable option for power generation. Although competitive bids are expected from France and Japan, as you know, Canada is strongly positioned to win the bid and to locate the international fusion reactor project in my riding of Durham—and the Deputy Premier and Minister of Finance, and Janet Ecker and Jerry Ouellette. It's a very important project for Ontario.

I understand that in the very near future, Canada will be submitting a bid to host the international research project related to fusion energy, which would be located in Ontario, as I've mentioned. Minister, would you tell us the status of this bid project and your direct involvement?

Hon Jim Wilson (Minister of Energy, Science and Technology): Thank you to my colleague from Durham. Ontario is in a particularly strong position, we think, in this bid because of our assets. We have a terrific nuclear power infrastructure, industrial and academic expertise, a stable electric power grid and a secure and dependable supply of tritium. Tritium fuel is used for fusion reactors and it's a natural by-product of our Candu reactors.

Today I am pleased to report to the honourable member and to this House that the federal government has finally agreed to support the launch of the bid to locate the ITER project in Ontario and that the bid was tabled at a meeting of the international ITER committee in Moscow earlier today.

I would urge the federal government to take their commitment even further and offer financial support, much like that being committed to by Ontario Power Generation and our government. Ontario Power Generation will commit the fully developed site with a value to the project of \$1 billion, and will provide the tritium fuel with a value of \$700 million over the life of the project. And we've committed \$10 million per year for 30 years. That's been the commitment of the Mike Harris government to this important research project.

Mr O'Toole: Minister, I'd like to thank you very much for that very comprehensive and timely response. As you know, on this project you've supported all of my requests, and the Minister of Finance, in the most recent budget, made it clear that Ontario is fully supportive of this important energy research project.

That being said, can you expand as to the scope of this project? I've heard people talk about the space station and the Olympic bid, and yet this international project is of great importance to Ontario and to the taxpayers of Ontario. Could you tell us today what the real benefit of this is to the hard-working taxpayers of this province?

Hon Mr Wilson: If we're successful in the bid, the research and development project would bring to Ontario 250 of the brightest scientists, the greatest minds, in nuclear science and would create 68,000 person-years of direct and indirect employment over the 30-year life of the project. It would obviously boost our high-tech industry in Ontario and create tremendous spinoff opportunities for a large number of companies in the local area.

In economic terms, it's projected that the project would inject about \$5.2 billion into the Ontario economy. More importantly, in case honourable members are missing the gist of this, this is perhaps the solution to the world's energy problems. If fusion can be found to be a safe, reliable, dependable, environmentally friendly way of producing electricity and power, it is a project well worth investing in. I thank the federal government for moving forward finally with the bid and I wish all those involved in the bid the best of success.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education.

The Speaker (Hon Gary Carr): A moment while she returns, please. I'm sorry, I didn't see her. The member may proceed.

Mr Kennedy: Minister, the people of this province depend on you and the assurances you make in this House. They depend on you as Minister of Education, and at one time they depended on you when you said that public money for private schools was a bad idea.

You said in this House on June 4 and your Premier said on May 29 that the money going into education is increasing this year by some \$360 million. In fact, on your own ministry-released figures, the amount of money available for students this year is not going up; it's going down by \$10 million. I want you to look at these figures, but I want you to respond because you may be in a position to do so already. Will you do the honourable thing today and agree that the figures you have been putting forward in this House are wrong and that you withdraw them and that you will not mislead the people of Ontario?

The Speaker: You have to withdraw that last comment.

Mr Kennedy: I withdraw it. Madam Minister, this is your opportunity to give the correct information to the people of Ontario.

Hon Janet Ecker (Minister of Education, Government House Leader): I'd be quite happy to give accurate information to the House. That's exactly what I've been doing over the past many weeks. It's unfortunate the honourable member chooses not to understand that we have. Education funding in this province is going up, as it should be, for the public education system: \$12.9 billion in 1995-96; it is now \$13.8 billion. Unlike previous governments, we don't think lumping in other costs, other expenditures—we could say we're spending more by adding in the teachers' pension plan, but what we think is important for parents to know is the amount of money that is going out to school boards to deliver quality education. We stand by our figures.

Mr Kennedy: Then you may fall by your figures, Madam Minister, because here on this page and now in front of you are your figures. We've sent them to the Provincial Auditor, but you may not have to wait for that, and we've sent them to outside referees at the faculties of education, but you don't have to wait for that either. What your figures show is that the amount of money available for operating last year was \$12.989 billion and this year it's \$12.979 billion. It has been reduced, by your own figures, and on an enrolment basis, the amount of money for students has gone down for every one of your members by \$40 per student on top of a reduction done previously.

Minister, you hid some money, or your staff may have done it inadvertently. It may be a mistake, but there's \$300 million you didn't report this year that was spent last year. This is your chance to fix it. We know you didn't do that just to balloon the amount of money that's being spent this year. We're certain you didn't do this to mislead the people of the province. We're sure you did

not. But in this important debate, we're starting these very brief hearings tomorrow—

The Speaker: Order. The member can't use that word in that context too. I know you were doing it in reverse, but I'm going to ask you to withdraw that. Please be very careful what you say when you use the word "misleading."

Mr Kennedy: I'm happy to take your direction on that.

The Speaker: Sorry, and withdraw it.

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Mr Kennedy: I withdraw.

Madam Minister, it is essential. There is a very short-lived debate that you are permitting to happen in this province. We've heard about how the committee is rigged. Will you withdraw—

The Speaker: Order. The member's time is up.

Hon Mrs Ecker: Mr Speaker, I do believe the honourable member also just said something that was unparliamentary as well. That seems to be his practice today. It's unfortunate that he would try to do that.

The figures are very clear. If he can't make the distinction between one-time bulk payments to school boards that were reported publicly over a year ago, I'd be quite happy to have ministry staff do detailed briefings with him. But public funding for public education in this province is indeed up, as it should be, and I believe that kind of growth in expenditure for public education, which is a growth above and beyond enrolment, should continue.

PUBLIC SECTOR COMPENSATION

Mr Doug Galt (Northumberland): My question is directed to the Minister of Health and Long-Term Care. Recently, a newspaper article written by Jim Flesher, the president of the Ratepayers Association of Quinte West, points out that four employees of the Quinte Health Care Corp make more than \$160,000, and 11 make more than \$100,000. That's up three from 1999.

Minister, \$160,000 is 50% greater than your salary, and it's my understanding that the CEOs in our other hospitals make more than this. Are there any guidelines or limits on hospital administrative salaries?

Hon Tony Clement (Minister of Health and Long-Term Care): I thank the honourable member for Northumberland for the question. I can advise the honourable member that under the Public Hospitals Act, hospitals in Ontario are and have been designated as independent corporations with independent boards of directors. Every hospital has, as part of its mandate, the responsibility for setting the salaries for its administrators. This happens typically in any form of corporation, business or otherwise. There are obviously top medical and other community leaders who are on the boards. To answer the question directly, that's how the salaries are set, by the boards that are independently constituted and outside the direct purview of the Ministry of Health and Long-Term Care.

Mr Galt: Minister, we have limited the dollars that can be spent on education administration and have maximized the dollars in the classroom. This ensures that students are indeed put first. In hospitals, the patient should come first and funding should indeed be patient-oriented. How will you ensure that dollars transferred to hospitals will be aimed at patients and not spent on excessive salaries and wastage in the health care system?

Hon Mr Clement: The honourable member has a timely and important point. Indeed, we should have the kind of transparency of spending that we take for granted, perhaps, in this chamber. That's why we brought in the sunshine law in the first place, to ensure that there is at least, in the first instance, public salary disclosure of those who earn more than \$100,000 a year in the public sector.

But I think we can do more. I think that's part of our accountability with the hospitals, part of our expectations that they reach certain benchmarks when it comes to putting patients first, when it comes to ensuring that the patient is the focus of their attention, their fiscal resources, their staff resources. I take the honourable member's question under advisement. As we move ahead with our accountability agenda for the broader public service and for the hospitals, I'll take his comments under advisement.

WALKERTON TRAGEDY

Ms Marilyn Churley (Toronto-Danforth): To the Minister of the Environment: the Walkerton inquiry tells us that your cabinet and the policy and priorities committee of your cabinet were warned in 1996 that your deep cuts to the Ministry of the Environment would increase the risk to human health and to the environment. Minister, is this true? Were you warned?

Hon Elizabeth Witmer (Minister of the Environment): As the member knows full well, the commission is presently taking a look at all of the information. I think it would be premature and inappropriate to prejudge the outcome of the inquiry.

Ms Churley: That's not what I'm asking you. Indeed, this is an inquiry. There is no gag order on any of you over there and particularly you, because you have not been asked to testify before the inquiry.

Minister, you were and are a member of the executive council and a member of P and P. Furthermore, you were the Minister of Health who should have had a direct interest in this warning. I'm going to say again, the Walkerton inquiry has said very clearly that your cabinet and P and P were warned that serious consequences could happen to our health and to the environment. I'm asking you to tell us: were you warned in 1996 that this could happen?

Hon Mrs Witmer: Just to set the record straight, in 1996, personally I was the Minister of Labour. I did become the Minister of Health.

I would like to also point out that the number one priority for our government has always been the protec-

tion of human health and the environment. As we move forward, we are continuing to take the necessary steps. Certainly the situation in Walkerton, which was extremely tragic, has contributed to everyone taking the necessary steps to ensure that we have the safest water anywhere in Canada. In fact, I'm pleased to say that Quebec this week announced a similar program, and they indicated in making their announcement that they wanted to adopt the same measures that we have taken in order to ensure that they have the cleanest water possible as well and that we can protect human health and the environment.

ACCESSIBILITY FOR THE DISABLED

Mr Steve Peters (Elgin-Middlesex-London): I've a question for the Deputy Premier. It's no secret your government's track record on dealing with issues affecting Ontarians with disabilities is less than stellar. Today I want to bring to your attention the shocking case of a resident in my riding, Ms Margaret Daugharty. Like so many other Ontarians who are blind or visually impaired, she relies solely on her family and friends for transportation. For her safety she requires a parking permit to place in her front window, yet this is what the Ministry of Transportation officials wrote to Mrs Daugharty:

"Unfortunately, we are unable to process your application because disabled person parking permits are issued only to a disabled person who is unable to walk 200 metres unassisted in eight minutes or less without great difficulty or danger to health or safety.

"Currently, blindness is not a qualifying sole factor, there must also be an element of danger to the applicant of the permit."

Minister, are you aware of this policy within your government? Just think about it. How did your bureaucrats come up with a ludicrous assumption that a blind person can walk 200 metres, unassisted, in perfect safety? Minister, will you make a firm commitment today in this House to address and rectify this situation that Marg Daugharty faces?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The minister will respond.

Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors): I would like to thank the member opposite for his question. I'd like to reassure him that this issue has been identified by the government and we share your concern. That's why we are sitting down talking to municipalities about setting a common set of eligibility guidelines for all persons with disabilities seeking disabled parking permits in Ontario. I'm working closely with the Minister of Municipal Affairs and the Minister of Transportation to ensure that we can provide access to this kind of accommodation, which disabled persons rightly deserve in the province of Ontario.

Mr Peters: I'll certainly be happy to pass this letter over to the minister. But this letter didn't come from the municipality. This letter came from the Ministry of

Transportation, so how this is a municipal issue—this is a provincial responsibility that needs to be addressed.

Minister, I want to thank you, and I really urge you to look seriously at this issue. I'm going to send the information to you and to the Minister of Transportation to make a further commitment today to instruct the Ministry of Transportation to review all its policies with Ontarians with disabilities.

I strongly encourage you and you've just mentioned that you will consult with the people and meet directly with advocacy groups. I am personally more than willing to help facilitate those meetings, whether it be CNIB, the Hearing Society or, more importantly, the Ontarians with Disabilities Act Committee, who have yet to have a meeting with the Premier even though they've been trying for six years. These individuals have a wide spectrum of the issues facing persons with disabilities.

1450

But you know what the other problem is? We don't have a strong and effective Ontarians with Disabilities Act, something that your government promised in writing over six years ago, an act that has been supported unanimously in principle by this Legislature. Minister, will you make the commitment today to help Ms Daugharty out, make the commitment to review the issues facing persons with disabilities under the guise—

The Speaker (Hon Gary Carr): Minister.

Hon Mr Jackson: First of all, I want to acknowledge that I know the member opposite has expressed a lot of concern in this area. He's done some very important work in the community, and he's brought it to my attention, and I've thanked him for that publicly.

My reference to the municipalities is, and I'm sure the member is aware, that a lot of permits are issued by municipalities as well as by the province. I want to indicate as well to the member opposite that I have met with most of the members of the Ontarians with Disabilities Act Committee. We are engaged in a second round of discussions. We're looking at a whole range of reforms that will improve accessibility in this province.

But I remind the member opposite of two things: one, that Ontario leads our nation in accessibility programs for persons with disabilities—that's a record we're proud of—and, secondly, when I read through your Liberal Party research, you didn't make one single recommendation, so I'm pleased that you've saved it from the report but raised it in the House today. We're most anxious to hear what—

The Speaker: Order. The minister's time is up. The member for Scarborough Centre.

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Citizenship. Like every member of this House, I have a significant number of constituents in Scarborough Centre who are disabled. We know that many of these citizens are active participants in the local economy, sharing their talents and their experiences with businesses that are eager to employ them and returning much of their income to the community

through businesses that are accessible to disabled customers.

One of the difficulties that disabled people encounter, though, is that much of our economy is not accessible to them. A significant number of people are prevented from spending their money in some restaurants, theatres and shopping districts because some of these venues are not accessible. Could you share with this House any information on what this lack of accessibility costs the provincial economy?

Hon Mr Jackson: I want to thank my colleague for the question, because this is an important question for members of the disabled community as well as for the provincial economy generally.

There's a recent report that's come out by the Royal Bank of Canada that estimates that Canadians with disabilities account for about \$25 billion worth of economic purchasing power. This is a very important statistic and it's a very important fact of life that we need our private sector to better understand, that persons with disabilities have every right to participate fully and financially in our economy, so much so that there are estimates on the impact for tourism that are very significant. This is a growing market, and Canada and Ontario are not receiving their fair share of disabled tourism activities. They say that there is as much as \$44 billion being spent by Americans with disabilities, and it's our intention to ensure that we become more tourism friendly for disabled travellers to our province.

Ms Mushinski: Thank you for that informative response, Minister.

I'd like to read a quote from Bob Ferguson's March 11 article in the Toronto Star. It says, "Toronto would become the most accessible city to the disabled if the city wins the 2008 Summer Olympic Games."

Given the potential market that persons with disabilities represent, could you please tell this House what, if any, action is being taken to make the city of Toronto, and indeed Ontario as a whole, a more accessible destination for persons with disabilities?

Hon Mr Jackson: Again, I want to thank the member for her question. I know members are all aware that the mayor of Toronto, Mel Lastman, is over in Europe right now selling Toronto as one of the more accessible cities in the world in preparation for the Olympics. He's able to do that because there have been commitments made by the government of Ontario to work more directly with organizations like the Greater Toronto Hotel Association, where we've jointly ventured to develop a service guide for the hospitality industry in Toronto. We've increased our funding to about \$200,000 a year to develop a community transportation action plan so that we can assist municipalities to be better able to transport persons with disabilities. We know that there are lots of activities that Ontario is engaged in with the municipalities. We know we can do more, but that is part of the commitment this government has made, and we'll see more when Ontarians with disabilities legislation is brought in later this year.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): A question again to the Minister of Education: Minister, on May 29, the Premier said that there were 360 million new dollars going into the public education system. You've had some figures in front of you for at least a few minutes. These figures are your figures. They are the ones your ministry has published this year. I notice you didn't repeat that 360 million new dollars in your answers today, because those figures show average per student funding down. They show total funding in operations down by \$10 million.

This is extremely important. The hearings start tomorrow. You have an opportunity today to make a clarification that will be of benefit for the debate and the discussion that we're going to have across the province. I ask you again, Minister, do you not agree now that there's been a \$10-million cut in operating funds to school boards and that the people of the province have a right to know that?

Hon Janet Ecker (Minister of Education, Government House Leader): First of all, the people of this province have the right to know the facts. School funding, funding to school boards, is up, over \$360 million for the upcoming school year.

Mr Kennedy: Then on behalf of students who are out there waiting, 35,000 of them, for special education evaluations, on behalf of students in Peterborough, on behalf of the member of Peterborough who did not bring it forward, we surfaced the textbooks that they're stuck with next year because you cut textbook funding in half: no new textbooks for your new curriculum in history, none whatsoever.

There are students out there who are going to be in larger classes, who are going to get lost sight of because of not enough money.

Interjection.

The Speaker (Hon Gary Carr): Member for Peterborough, come to order, please. Stop the clock.

Mr R. Gary Stewart (Peterborough): On a point of order, Mr Speaker: I would suggest that the member get his facts straight.

The Speaker: Will the member take his seat. It's not a point of order. Stop wasting our time. Member for Parkdale-High Park, I will remind him he has about 10 seconds to wrap up.

Mr Kennedy: There is money missing in education. There is \$1,100 that has been taken per student, and when you include inflation, which affects the ability of students to be taught in this province, there's another \$250 million—

The Speaker: Sorry, the member's time is up.

Hon Mrs Ecker: Thank you very much, Mr Speaker. I appreciate that. First of all I repeat: spending for education this coming school year has increased over 360 million new dollars. As the honourable member may not be aware, there are many envelopes—

Interjection.

Hon Mrs Ecker: No. As I've said, if he wants to have briefings by ministry staff so he can understand the figures, I'd be quite happy to do it. It's obviously proof of why we've needed to change from that old curriculum. He may not be aware that if a school board wants to take textbook money and spend it on other priorities in the classroom, it is their choice to do that. As a matter of fact, some school boards have done that. They've been very open with their community. One school board, for example, wanted to use textbook money for teacher compensation. They declared that to the public. The public re-elected those trustees. So perhaps he wants to second-guess their decisions—

The Speaker: New question.

YOUNG OFFENDERS

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Correctional Services. A concern that many of my constituents who are parents share is that there may be a risk to their child at school from the student sitting even next to them. Under proposed changes to Canada's Youth Criminal Justice Act, Bill C-7, it is not mandatory for information about the criminal past of young offenders to be shared with schools.

The federal government doesn't seem to care that the safety of students may be compromised because a school may not know that one of their students has a history of violent behaviour or was convicted of even sex offences. Minister, how is it possible that the staff, school and those in charge of protecting our loved ones may not know the criminal past of the young offenders who are students in our schools?

Hon Rob Sampson (Minister of Correctional Services): I thank the honourable member for the question. He raises a very serious matter. All the justice ministers in this province had a number of issues with Bill C-7, which unfortunately has now carried in the House of Commons and is now in the hands of the Senate of this country. Unfortunately, the three justice ministers were shut out of any committee hearings around this particular legislation. It's shocking but true.

1500

If we were to have been heard, we would have raised to the Legislatures of this country a very serious issue around how young offenders are dealt with—

Interjections.

Hon Mr Sampson: Members from the Liberal caucus are barracking here. I wish you would listen, because this is a very serious matter about how young offenders are dealt with in the jurisdictions in which they have to serve their time, and outside. I think it's terribly appropriate for educators and those who have to deal with these individuals to understand their challenges when they leave the institution, to help them reintegrate—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Supplementary.

Mr Dunlop: It seems that the federal government does in fact have a different impression of what is needed to protect the public and hold young offenders accountable. The people of Ontario have been waiting too long for young offender legislation to finally hold young offenders accountable.

Minister, can you tell us what else Ontario calls on the federal government to do to put justice into the Youth Criminal Justice Act?

Hon Mr Sampson: I'd like to refer that question to the Attorney General.

Hon David Young (Attorney General, minister responsible for native affairs): First of all, if I may for a moment comment upon the initial question, let me say this: it is unfair to the young people in schools across this country not to ensure that the school administrators are aware of a criminal record of a new student coming into the school. That's what the trustees' associations have asked for across this country and that's what we have asked the federal government to do. That allows for the young person to be assisted, if he or she can be assisted; that allows for the protection of the other students in the classroom and for the staff.

We have come forward to the federal government on numerous occasions over the last little while and asked for meaningful changes to be made to the Young Offenders Act, changes that would include being able to publish the names of older young offenders, individuals who have committed serious crimes, changes that would ensure that if you commit an adult crime, you do adult time.

CONTAMINATED SOIL

Ms Marilyn Churley (Toronto-Danforth): To the Minister of the Environment: I am sending you some photographs showing that poison dust with nickel contamination levels 16 times above allowable limits, dust that may even contain highly carcinogenic nickel oxide, is blowing into homes less than 500 metres from a parking lot being built in Port Colborne.

Your staff were informed on May 30 that this project was about to begin. You did nothing, even though you must be aware that many of these homes are already contaminated. The residents were not even warned to take precautions.

Minister, unless you act now, today, that poison dust will be blowing into those homes 365 days a year. Will you this afternoon order that proper groundcover, at least, be put in place immediately to protect the citizens of the Rodney Street community?

Hon Elizabeth Witmer (Minister of the Environment): The member knows full well that this government's number one priority has been and is and will continue to be to protect the health of all local residents in Port Colborne.

The member also knows that Inco was present in that community until 1984, when they ceased to process nickel, following 60 years of emissions from the refinery.

We are the first government to take action in order to ensure that we can protect the health of the residents in Port Colborne, and we are doing so.

We are working with the local medical officer of health. We have continued to provide timely information to the residents, and we have continued to ensure that the medical officer of health is informed and is able to make decisions that are necessary to ensure the protection of the human health of those residents.

USE OF QUESTION PERIOD

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I would ask you to review the transcript of the question that was just posed by the member for Simcoe North. It is an extremely important public policy question, there is no doubt. The question referenced an important piece of legislation where there are significant differences of opinion.

My concern, Mr Speaker, is that it was a question involving a federal piece of legislation that had full public hearings in this country, was debated in the federal Parliament, was passed by the federal Parliament and became law in a proper parliamentary institution.

The original question was posed to the Minister of Correctional Services about a school issue and about whether or not those records should be—

Interjection.

The Speaker (Hon Gary Carr): Take your seat. On a point of order we are not going to have any heckling; no heckling from the government side. Sorry for the interruption.

Mr Duncan: The question had to do with what members opposite believe is a failure of that particular law on not notifying educators with respect to the criminal records of young offenders.

I would ask you, sir, to review that transcript (a) with respect to the appropriateness of the question to that minister, who on the supplementary himself passed it to the Attorney General even though it effectively dealt with an education question, and (b) when a law is duly passed by the federal Parliament, with full public hearings by duly elected members of the federal House—hearings, I might add, that are much more extensive than the types of hearings we have on a variety of issues—whether that constitutes an appropriate use of the time of this Legislature.

The Speaker: I thank the member.

Hon Janet Ecker (Minister of Education, Government House Leader): On the same point of order, Mr Speaker: For your consideration and to provide some additional information, the Young Offenders Act is legislation that the provincial government administers. It is administered through the Ministry of Correctional Services and through the Attorney General. Whether or not it is impacting on a school board or any other particular area in the province, I think it is certainly within the purview of one of our caucus members to ask a justice minister a question about the impact of that federal

legislation on a provincial matter, and that is what they have done.

The Speaker: I thank both members for their submissions.

Hon Rob Sampson (Minister of Correctional Services): On a point of order, Mr Speaker: I think it's important to understand that the justice sector, represented by the three justice ministers here, has a very keen interest in all the laws of this land, whether they be provincial or federal. As it relates to the criminal justice system, criminal justice acts are passed by the Parliament in Ottawa.

As it relates to the Young Offenders Act, we are all charged with administering that act in this province. It's a responsibility of my ministry to deal with young offenders. It's a responsibility of my ministry to respond to questions as they relate to young offenders. It's a responsibility of this ministry, if the act so allowed, to involve and participate with other people who have to deal with young offenders, indicating to them their behaviour patterns in institutions, what types of act they are involved in etc.

Had the act had the full public hearings the member referred to, we would have been able to make that point publicly. We didn't. We weren't allowed to. But as the minister responsible for the administration of that section of the act here in Ontario, I think I'm entitled to make that statement in this House.

The Speaker: One of the problems we have in this country is the overlapping of jurisdictions. It is very difficult, particularly in the justice field where the federal government passes the Criminal Code and it's administered by the province. I take his point very carefully. It is very difficult sometimes to know.

Having said that, up until now I have left it pretty much up to the members to decide questions, because I didn't want to interfere, as Speaker, in the questions being asked. But I will say very clearly, particularly to the government members, that if questions dealing with federal issues are out of order, I will be a lot quicker to get up. I put the government particularly on notice, warning that I and the table will be listening very carefully, and that if it doesn't relate to the minister's portfolio, I will rule it out of order.

Having said that, as all members say, it is very difficult to do that with our overlapping provincial and federal jurisdictions and money coming from the federal government, but I will try to the best of my ability to ensure that the questions, under the standing orders, relate to the ministers. It is a very difficult task to do that, but I'm going to be much stricter in trying to adhere to the rules under the standing orders. Hopefully I'll be successful in doing that. If I'm able to figure out some of it, hopefully it will be helpful to all members of this House.

I thank the House leader for the opposition as well as the House leader for the government. Again, we will be listening very closely to see if in fact questions are in order. I also say there may be occasions when we'll listen

carefully for the opposition as well. Up until now, I have taken the responsibility as Speaker of wanting to stay out of it as much as possible, but in light of what happens continually in here—members keep pushing it and pushing it—I say very clearly to all members of the House, I am now prepared to act.

BUSINESS OF THE HOUSE

Hon Janet Ecker (Minister of Education, Government House Leader): Pursuant to standing order 55, I have a statement on the business of the House for next week.

On Monday afternoon, we will continue debate on Bill 58. On Monday evening there will be second reading debate of Bill 60.

On Tuesday afternoon we will continue debate on Bill 58. On Tuesday evening we will continue debate on Bill 60.

Wednesday afternoon we will continue debate on Bill 60; Wednesday evening will be determined.

Thursday morning during private members' business we will discuss ballot items 13 and 14; Thursday afternoon will also be determined.

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PETITIONS

EDUCATION TAX CREDIT

Mr George Smitherman (Toronto Centre-Rosedale): I have a petition to the Legislative Assembly of Ontario:

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government plans to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

Ms Shelley Martel (Nickel Belt): I have a petition that's addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

“We, the undersigned, petition the Legislative Assembly as follows:

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

I agree with the petitioners. I have affixed my signature to this petition.

Mr Joseph Spina (Brampton Centre): This is a petition signed by people from a riding that currently has no representative. They're from Woodbridge and King City, as well as from my own riding of Brampton and Minister Clement's riding. It is to the Legislative Assembly of Ontario:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Muslim, Jewish, Hindu or other religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I'm pleased to sign this and to have Vernissia bring it down to the Clerk's desk for me.

NURSES

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislative Assembly of Ontario:

“Whereas the nurses of Ontario are seeking relief from heavy workloads, which have contributed to unsafe conditions for patients and have increased the risk of injury to nurses; and

"Whereas there is a chronic nursing shortage in Ontario; and

"Whereas the Ontario government has failed to live up to its commitment to provide safe, high quality care for patients;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the Ontario government take positive action to ensure that our communities have enough nursing staff to provide patients with the care they need. The Ontario government must:

"Ensure wages and benefits are competitive and value all nurses for their dedication and commitment; ensure there are full-time and regular part-time jobs available for nurses in hospitals, nursing homes and the community; ensure government revenues fund health care, not tax cuts; ensure front-line nurses play a key role in health reform decisions."

I'm in full agreement of this petition and have signed it. I'm going to deliver it to the table with Danielle Vanhie, who's a constituent of my riding of Elgin-Middlesex-London. I want to thank Danielle for her service, and present this to you.

EDUCATION TAX CREDIT

Mr Peter Kormos (Niagara Centre): I've got a petition and Katie, the page, is going to bring it to you on her last day at work here at Queen's Park. It's addressed to the Legislative Assembly of Ontario and it reads:

"Whereas tax credits for private schools will create two-tier education;

"Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

"Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

"Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

"Whereas tax credits for private schools effectively create a voucher system in Ontario;

"Whereas the Harris government has no mandate to introduce such a measure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario."

Dale Dixon, David Onion, both of Perth, Ontario, and hundreds of others have signed this petition, as have I, sir.

The Speaker (Hon Gary Carr): The member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Thank you, Mr Speaker, finally.

"To the Legislative Assembly of Ontario:

"Whereas wide parental and student choice are essential to the best possible education for all students; and

"Whereas many people believe that an education with a strong faith component, be it Christian, Sikh, Muslim, Jewish, Hindu or another religion, is best for their children; and

"Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

"Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

"Whereas the parents of these students continue to support the public education system through their tax dollars; and

"Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible."

In agreement, I affix my signature.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

"Whereas tax credits for private schools will create two-tier education;

"Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

"Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

"Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

"Whereas tax credits for private schools effectively create a voucher system in Ontario;

"Whereas the Harris government has no mandate to introduce such a measure,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario."

This is signed by several dozen more of the many thousands who are signing the same petition. I affix my signature. I am in full agreement with their concerns.

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas wide parental and student choice are essential to the best possible education for all students; and

"Whereas many people believe that an education with a strong faith component, be it Christian, Sikh, Muslim, Jewish, Hindu or another religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of those students is to allow an education tax credit for a portion of the tuition fees paid for that education;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I'm pleased to attach my signature to this petition.

HEALTH CARE

Mr Mario Sergio (York West): I have a petition addressed to the Legislative Assembly of Ontario.

“Whereas we believe that universally accessible, publicly funded health care is sacred and must be protected;

“Whereas Mike Harris intends on turning his back on working families and transforming our system into an American-style, two-tier system where only the rich will get quality health care;

“Whereas we believe that Mike Harris had a secret agenda to promote two-tier health care in Ontario and now the secret is out,

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Do not turn your back on Ontario's working families. Fight Mike Harris's agenda to destroy medicare and fight his plan to create a two-tier health care system.”

I concur with the petition and I will affix my signature to it.

1520

DIABETES TREATMENT

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): “To the Legislative Assembly of Ontario.

“Whereas over 500,000 people in Ontario have diabetes; and

“Whereas to the expense of treating diabetes, many people cannot afford the ongoing expense of treating diabetes, and if left untreated or improperly managed, diabetes can lead to blindness, vascular disease, kidney disease, neuropathy and other problems; and

“Whereas today, more than ever before, people with diabetes can expect to live active, independent and vital lives if they make a lifelong commitment to careful management of the disease; and

“Whereas by providing the resources to successfully manage this disease, the government can ensure more

efficient health care for people with diabetes at a reduced cost to the health care system;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That all diabetic supplies as prescribed by an endocrinologist be covered under the Ontario health insurance plan.”

NORTHERN HEALTH TRAVEL GRANT

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario.

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

“Whereas the Ontario government acknowledged that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north, which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical location;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

This petition continues to be signed week after week by dozens of concerned constituents in my home riding, and I affix my signature once again in full and continued sharing with their concerns.

EDUCATION TAX CREDIT

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas wide parental and student choice are essential to the best possible education for all students; and

“Whereas many people believe that an education with a strong faith component, be it Christian, Sikh, Muslim, Jewish, Hindu or other religion, is best for their children; and

“Whereas many people believe that special education methodologies such as those practised in the Montessori and Waldorf schools are best for their children; and

“Whereas over 100,000 students are currently enrolled in the independent schools of Ontario; and

“Whereas the parents of these students continue to support the public education system through their tax dollars; and

“Whereas an effective way to enhance the education of these students is to allow an education tax credit for a portion of the tuition fees paid for that education;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To pass the budget bill giving tax credits to parents of children who attend independent schools as soon as possible.”

I am pleased to affix my signature to this petition.

Mr Mario Sergio (York West): I have a further petition addressed to the Legislative Assembly of Ontario which I'd like to read.

“Whereas tax credits for private schools will create two-tier education;

“Whereas the government's plan is to give parents a \$3,500 enticement to pull their kids out of public schools;

“Whereas tax credits for private schools will encourage the growth of a segregated society of narrowly focused interests;

“Whereas tax credits for private schools will steal money from an already cash-starved public system and deliver public money to special interests who do not have to account for its use;

“Whereas tax credits for private schools effectively create a voucher system in Ontario;

“Whereas the Harris government has no mandate to introduce such a measure,

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We call on the government of Ontario to withdraw its plan for two-tiered education and properly fund public education in Ontario.”

This is part of a petition signed by 3,586 people, and I will concur by putting my signature to it.

ORDERS OF THE DAY

AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001

LOI DE 2001

SUR LA NÉGOCIATION COLLECTIVE DANS LES SERVICES D'AMBULANCE

Resuming the debate adjourned on June 6, 2001, on the motion for second reading of Bill 58, An Act to ensure the provision of essential ambulance services in the event of a strike or lock-out of ambulance workers / Projet de loi 58, Loi visant à assurer la fourniture des

services d'ambulance essentiels dans l'éventualité d'une grève ou d'un lock-out de préposés aux services d'ambulance.

The Speaker (Hon Gary Carr): Further debate? The member for Niagara Centre.

Mr Peter Kormos (Niagara Centre): Speaker, you'll recall that I had to start doing my comments on second reading of Bill 58 yesterday afternoon and I only got 15 minutes into the hour allotted to me. As I indicated yesterday, I'm going to use the balance of that hour. An incredibly important piece of legislation, a bill that's going to impact, as so many bills from this government do, on some very important workers, on some very professional—on paramedics here in the province of Ontario: paramedics, people—women and men—well-trained, committed, professional workers out there in communities across this province who save people's lives. Now this government has got these paramedics in their sights. The government has got its cross-hairs set on women and men who serve our communities, who are on the front line of health care.

One government member, I think a cabinet minister, expressed such shock and disappointment at the outrage and anger that flowed out of the CUPE provincial convention in Ottawa last week. I was up there with CUPE members in Ottawa at their annual provincial convention. The leadership are people like Judy Darcy, people like Sid Ryan, people like Brian O'Keefe—strong leadership, committed leadership. Judy Darcy, Sid Ryan, Brian O'Keefe, you couldn't want to meet any other people who are more committed to not only the welfare of workers in this province but to the quality of public services delivered by, among others, the workers they represent.

The level of outrage and anger, I tell you, has never been higher. For government members—for one cabinet minister to respond with I suspect what was feigned shock showed an incredible lack of awareness of the extent to which this government has gone to punish those very same committed professional public sector workers, people like paramedics who are very much under attack, directly under attack, very specifically under attack, under a very concentrated acute attack in Bill 58.

Among other matters that were discussed by CUPE delegates to that convention in Ottawa was Bill 58. CUPE members at that convention passed a resolution. The resolution reads,

“That whereas the government of Ontario has passed first reading of Bill 58,” the bill we're talking about, “and “Whereas, if enacted”—listen to this, please, Speaker—“this legislation would restrict workers' right to strike and would restrict access to an independent, unbiased arbitration process; and

“Whereas the legislation, if enacted, will be used as a model for restricting free collective bargaining; and

“Whereas the provision of emergency medical services during a strike or lockout should be determined by the employer and the bargaining agent,

“Therefore, be it resolved that the Ontario division of the Canadian Union of Public Employees call upon the government of Ontario to withdraw this draconian bill and be it further resolved that the Ontario division of the Canadian Union of Public Employees call upon AMO,” yes, we know who they are, “the OHA and all Ontario municipalities that provide ambulance services,” because the bill is very much directed at ambulance workers, paramedics who work directly for municipalities, “to advise the Ontario government that this legislation should be withdrawn as the parties have historically demonstrated that they’re able to reach essential service agreements through free collective bargaining.”

1530

You see, the government’s rationale, the government’s pathetic explanation for presenting this bill to the Legislature simply doesn’t hold water, because the fact is that CUPE members, as well as OPSEU members as well as SEIU members, in the ambulance, paramedic services across this province have historically demonstrated an ability to reach essential service agreements through free collective bargaining.

Not a single member of this government, least of all the Minister of Labour, can name a single paramedic or ambulance worker, ever, throughout the history of ambulance services in this province, who during the course of labour negotiations, or as the result of strategies that have been or could be employed during the pursuit of collective bargaining—this government can’t name one ambulance worker or paramedic who has ever denied the right of a member of any of our communities to ambulance services or endangered the life of a member of this provincial community.

I’ll tell you, it wasn’t ambulance workers who killed that patient in the back of an ambulance as it was shuttled from emergency room to emergency room during the course of this past week, and it wasn’t ambulance workers, it wasn’t paramedics, who killed seven in Walkerton.

I read an interesting observation the other day in a column; I believe it was by Jim Coyle, the columnist. I had occasion to refer to that column when I was at the book launch for Ruth Cohen, the author and the editor of the book *Alien Invasion*, what Mike Harris has done to the province of Ontario. I told you about that last night. Jim Coyle reviews Ruth Cohen’s book, *Alien Invasion*, and I commend it to people. It’s published by Insomniac Press here in Toronto: \$19.95 Canadian.

Jim Coyle, in his column reviewing that book, made note of the fact that here we’ve got a government that’s obsessed with testing urine but has no interest in testing water. Think about it. This government wants to test urine but won’t test water. People died. Seven people died in Walkerton because this government didn’t want to test water. Now this government wants to target—it’s part of an agenda, it’s part of an ongoing process—those paramedics who work directly for municipalities. It wants to and does.

Bill 58 does. I tell you, it does. I’ve examined the bill. Others have examined the bill. I’ve examined the bill

thoroughly. I asked members last night as part of their preparation for today to please read Ontario’s Arbitration Act. Please read it, because this bill says that the Arbitration Act doesn’t apply to what this government calls arbitrations under Bill 58. If you say the Arbitration Act doesn’t apply, you’ve got real problems in terms of fairness and the most fundamental principles of natural justice.

I suspect that like many, members of the government caucus failed to heed my advice and have not read the Arbitration Act. Understand that the Arbitration Act, 1999, was a major revision. It was a codification of arbitration law here in the province of Ontario. It harmonized the Arbitration Act of Ontario with the arbitration acts of a whole lot of other jurisdictions. It relied upon precedent that’s been established through the course of several hundred years of arbitration, with its roots, among other places, in Great Britain.

And understand that the Arbitration Act, 1991, as it is, allows for a great deal of flexibility on the consent of the parties to an arbitration. In other words, parties to an arbitration can tailor their arbitration on consent. But there are certain core values that the Arbitration Act says cannot be negotiated away during the course of an arbitration by any parties regardless of the level of consent. You understand that, don’t you? You understand that. These guys don’t understand it.

Let’s understand what the Arbitration Act—because you see, Bill 58 says the Arbitration Act doesn’t apply to arbitrations under Bill 58. It’s really scary stuff, I tell you. This is a fundamental attack on what is now centuries of precedent around arbitration.

Some of what are referred to—it’s referred to in a number of ways—the sort of six core values of the Arbitration Act in the province of Ontario, are things that cannot be, by consent, negotiated away by the parties to an arbitration. In other words, parties to an arbitration can agree that the arbitration award doesn’t have to be in writing. They can agree to that. They can tailor their arbitration. They can agree that submissions to the arbitrator will be written or that submissions to the arbitrator will be *viva voce*—spoken. But nobody under the Arbitration Act can, under any circumstances, set aside the fundamental requirement of equality and fairness which is guaranteed by the Arbitration Act. No party to an arbitration under the Arbitration Act can, by consent or by negotiation or by contract, by any way, shape or form whatever, set aside, for instance, section 48, which permits a party to an arbitration to seek a declaration of invalidity of that arbitration.

Bill 58 wipes that all off the board, because Bill 58 says that arbitration under Bill 58 is not subject to the terms of the Arbitration Act; it says the Arbitration Act does not apply.

This government wonders why Sid Ryan and Brian O’Keefe and CUPE membership are threatening workplace actions and major disruption across this province? This government wonders why the membership of that union are prepared to go to the wall with some pretty

radical and militant action? I'm not surprised at all. This government fuels that anger. It fuels that passion. This government fuels the antipathy that working people in this province—public sector and private sector workers—have for a government that is determined to smash trade unions, that is determined to destroy free collective bargaining, that is determined to eliminate the right of workers to strike and that is determined to undermine centuries of arbitration history. This government doesn't like workers. This government likes trade unions even less. It despises the lowest-paid workers and it hates the unemployed.

How dare I say that? I say it because over the course of six years, the history of this government, the policies that it's pursued, the legislation that it's introduced and rammed through this Legislature, have confirmed that each and every day that this Legislature has sat.

As much as the Conservatives and the Tories and Mike Harris don't like working people, hate trade unionists and despise the poorest workers, this government expresses similar disdain for even the function of this Parliament. Unprecedented—never before has this chamber seen as many time allocation motions as it has during the course of the last six years, and I've seen some pretty nasty periods during the history of this House, during the history of any number of governments, when time allocations came to be relied upon more than they ever had in the past. But this government beats the record by any stretch of the imagination. Count on it; take a look at the record. Bet the farm on it, because that record is irrefutable. This government has shut down debate more than any other government in the whole history of the province and the whole history of this Legislative Assembly has ever attempted to, has ever done, has ever been inclined to do, has ever even wanted to do.

Because you see, it's the paramedics who are under attack in Bill 58, and the thousands of other working people here in the province of Ontario who know that they're next, know what Bill 58 is: again, it's just another little piece of the puzzle. You're sitting at your cottage on a warm summer night and maybe it's raining outside, so you're indoors at the kitchen table. You're doing a puzzle, maybe with your kids or your neighbours—I don't know who you're with—but you take the first few pieces and you put them together and you have no idea what the picture's going to be, but finally you put together enough pieces and that picture starts to emerge, doesn't it? And then it becomes clearer and clearer. It all started way back with Bill 26. Do you remember Bill 26? It was an omnibus bill, wasn't it? That was about the mother of all omnibus bills, but bills have been getting more and more omnibus. That's one of the secrets to the puzzle, omnibus bills, because hidden away in each and every one of them—oh, you've got to look carefully. Man, you've got to be careful.

1540

I've got to tell you I was with the Minister of Labour. He was giving me a briefing on Bill 58 and, at the same time, Bill 57 was being prepped for introduction to the

chamber. Bill 57, under the name of one N. Sterling: oh, another red tape bill, and there it was. There was no briefing of it. I was at the briefing for Bill 58, this one, the one we're talking about here. But Bill 57 was introduced in the House on the same day. N. Sterling is the Minister of what? He's not the Minister of Labour. Forgive me. I really don't—

Interjection.

Mr Kormos: He's a minister. I've known him for a long time. He's been here longer than I, he's greyer than I am, richer than I am, shorter than I am.

So there we've got Bill 57, oh, another omnibus bill, red tape bill, more government efficiency, fair enough, but tucked away in there, deep in the bowels is a vicious, nasty little piece of work: amendments to and repeal of significant portions of the Ontario Health and Safety Act. Don't think for a minute that the labour movement isn't outraged about that.

The president of the Ontario Federation of Labour, Wayne Samuelson, was here in this building two weeks ago at the press conference, warning the people of this province, warning this government that there was going to be some very direct workplace action and that there weren't going to be warnings this time. There wasn't going to be advance notice.

We're not talking about marches of hundreds of thousands of people up University Avenue to Queen's Park by working people and their friends. We're talking about surreptitiously organized workplace actions that will disrupt those workplaces in a very specific and fundamental way.

Working people don't make that decision lightly, just like CUPE didn't make its decision lightly at its convention in Ottawa last weekend to engage in some of those same well-planned but unannounced workplace and community strike actions. And I tell you, New Democrats are going to be with those workers when they engage in those actions, because we understand that working people in this province have available to them little other choice. Little other choice.

Committee hearings? No. New Democrats are insisting on committee hearings for Bill 58—really don't know to what end, though. Committee hearings have become more and more meaningless here at Queen's Park. Committee hearings have become a sham. Committee hearings have become a pathetic charade of what they ought to be. Committee hearings: part of their history is designed to include the public, just folks out there, in the legislative process by giving them an opportunity to speak to legislation that might be before the Legislature from time to time, those bills being referred to that committee for consideration.

Again, in the years I've been here I have never seen the committee process so abused as I have during the course of the last six years. I have never seen the government dominate those committees using the brute strength of this majority in such a dangerously undemocratic way.

I see at committee after committee lineups of interested, concerned, well-educated, well-researched mem-

bers of this provincial community prepared to offer advice and counsel to members of this assembly who are considering a particular bill, just as they will be with respect to Bill 58—articulate, well-read, experienced people who've got some very specific things to say to you and you and you. Oh, and they've tried to do it. They've tried to do it through your offices, friends, Kormos says sarcastically to the government backbench.

Members of OPSEU and CUPE have tried to organize meetings with government backbenchers to explain to them the dangers inherent in Bill 58 and the fact that there's a far more effective way for this government to treat paramedics, effective because it's a way that can include some modicum of respect. You know what I mean: respect for people who work a heck of a lot harder than any member of this assembly—I'll say that in no uncertain terms—and for people not one of whom makes anything close to what members of this assembly make, and for people who are out there day after day in incredibly stressful, incredibly demanding situations where the level of responsibility—paramedics hold people's lives in their hands.

Paramedics are there before the doctor is there. Paramedics are there before your mom or your dad or your kid or your spouse gets to the emergency room. Inevitably, more often than not, they're doing what they've got to do with less than adequate tools. They're not doing it with the array of equipment and technology that's available in a hospital emergency room, or at least that used to be available in a hospital emergency room. There's none of the niceties and assistance and, "Oh, nurse this, nurse that. Help me here, help me there." There's no code blue. They're there and they've got to do what they've got to do, and they've got to do it fast and they've got to exercise judgment and they've got to exercise good judgment, and they do.

I don't think there's a family in this province, I don't think there's a family out there among 11 million Ontarians, that hasn't directly or indirectly had contact with paramedics, certainly not within my family's experience, whether it's grandma—baba in our ethnic background—who falls and breaks her hip, or your kid or your nephew or your niece who is off the swing and there he or she is with a broken arm.

I'm sure there are folks in this room who as parents understand the incredible panic, the fear, the riveting shock that travels through a parent's body and mind and heart as they pick up an injured child, their own kid. They don't care how many red lights that ambulance goes through. They just want that ambulance there sooner rather than later. Let me tell you, those folks have got respect for paramedics. Those folks understand the incredible challenging job that paramedics do on a daily basis. Folks like them understand why a little bit of respect is in order.

These paramedics, when they've finished their shift, when they've finished their job for the day, don't drive home in their Mercedes-Benz or their Cadillac Biarritz or their Rolls-Royce or their Lincoln Continental Towncar.

They drive home in their Chevy Cavaliers and their Toyota Corollas, and not new ones either, or their Chrysler van, the one they use to cart their kids to the hockey rink on Saturday morning at 5 am or to the baseball diamond on Sunday afternoon at 2 pm. They're the people we're talking about.

Paramedics have never been better trained. The professional demands require higher and higher qualifications. We've got paramedics right here. We've got a paramedic right here, a young woman who works in the city of Toronto, employed by the city of Toronto. She knows what Bill 58 is all about. She was here yesterday and she's here again today. Other paramedics have been sitting in this chamber through the visitors' galleries and in members' galleries listening to this debate. I've had a chance to talk to them. Their efforts to talk to government members about Bill 58 have been met with slammed doors and unreturned phone messages.

The Minister of Labour attempted to tell us that he consulted. Oh, I have no doubt that the Minister of Labour consulted. I'm sure he consulted. I'm sure he consulted with AMO, the Association of Municipalities of Ontario. The minister says, "Oh, I consulted." So I thought that I'd better do a few consultations of my own, that I'd better call up CUPE and I'd better call up OPSEU and I'd better call up the SEIU, the Service Employees International Union, just to see which among them were consulted—zip, nada, zero, not a one.

1550

I told Tim Little, a staff person at OPSEU, "Why don't you try giving the minister a phone call and see if you can set up a meeting." So he did give him a phone call and tried to set up a meeting, just a short meeting, not a long meeting; just a chance to sit down with the minister and give him the paramedics' perspective. The minister, you see, hadn't heard from paramedics, he just listened to the employers, and it's not hard to infer from the bill because the bill is all about the employer and it's nothing about paramedics. This bill is a direct attack on free collective bargaining. This bill is a direct attack on the right to strike. This bill is a direct attack on the long-held, hard-established, hard-fought-for principles that prevail in real arbitration, like arbitration under the Arbitration Act, 1991, here in Ontario. It's patently clear that there was no consultation with paramedics or with their representatives or with their unions, because had there been, this bill wouldn't have been as one-sided as it is.

The bill is about far more than just AMO. The bill is about the whole privatization agenda here in Ontario.

We're calling for committee hearings. Each time we call for committee hearings we do it more and more fecklessly, because our experience with committee hearings over and over again generates more and more despair, not only among us in the New Democratic Party caucus but among those people, like paramedics, who would want to talk to members of this Legislature about Bill 58, who want to flesh it out and want to explain to members of this Legislative Assembly, like the Conservative backbenchers sitting here in this chamber now,

a little bit about what it means to be a paramedic, a little bit about what it means to be able to freely, collectively bargain, and a little bit about what it means to have access to fair arbitration, all of which is being wiped off the universe for paramedics by Bill 58.

Committee hearings—what?—like the ones that are being held around Bill 45? Please. You know the budget bill, and the most contentious component of it that is going to transfer public funds to private, many of them for-profit, schools, and take those public funds out of our publicly funded education system, already gutted to the tune of billions of dollars by this government, so that the teachers I know are taking money out of pocket to buy construction paper and scissors and pencils and crayons for the kids they teach, especially at the elementary school level. They are. This government is going to take billions more out of it as it embarks on this incredible brave new world of using public funds to pay for private education and private profits.

Those committee hearings? The committee hearings finally are commencing at 10 am tomorrow, June 8, at the Holiday Inn in St Catharines. Notwithstanding that the New Democrats tried to insist that those committee hearings sit for at least 12 hours a day, well into the post-dinner hour, so that people who work for a living and teachers who are working in their classrooms during the day would have a chance to come out to those committee hearings—no, the government used its brute force and its majority today in that finance committee to shorten the committee hearing day so that it begins, rather than at 9 o'clock, at 10 o'clock in the morning, shuts down at noon—Lord knows these government backbenchers wouldn't want to do without a meal—and resumes after a healthy lunch break. As a matter of fact, I look around and I reflect on myself over the course of the last 13 years and many of my colleagues, and most of us could probably do without a lunch break. But it starts at 10, rather than at 9, shuts down at noon, has a healthy and substantial lunch break—oh, that's right: lunch provided for, courtesy of the taxpayers of Ontario. It is. You see, if you're a member of the Legislature, you don't have to buy your own meals; you submit your chits. Then it resumes and shuts down at 4:30 in the afternoon.

It's down at the Holiday Inn, tomorrow morning at 10 o'clock in St Catharines. I'm going to be there. Rosario Marchese's going to be there. I'm convinced that hundreds of people are going to be there from across the Hamilton and Niagara area who have very important things to say about Bill 45 and this government's confiscation of public funds from the publicly funded educational system already starved into a crippled state so that those funds could be transferred over to private schools. There are going to be hundreds of people there, and there are going to be people who are outraged. There are going to be people who are incredibly angry about what the government did today in terms of shortening the committee hearing day. There are going to be people who are incredibly irate. There are going to be people who are irate, angry, outraged and who are going to demand their

right to speak. There are going to be folks there, young and old. There are going to be trade unionists and non-trade unionists. There are going to be workers and people who aren't working. There are going to be young people, old people, who recognize that Bill 45 and the public funding of private schools is the most radical educational reform since the full funding of separate schools. That agenda was entitled to 80 days of public hearings across the province of Ontario—80 days, not eight.

New Democrats asked for 80 days for Bill 45; we ended up with 80 hours. People are going to be incredibly angry. I do not begin to predict or anticipate how those people are going to react to government representatives whose minimum wage is \$80,000—yes, that's the minimum wage around here. Yes, it's that minimum wage that these Tories wanted to bump up by 42%, what was it, six, seven months ago? A minimum wage of \$80,000 a year, and yet they're telling paramedics to forfeit their right to freely, collectively bargain agreements? That's nuts, unconscionable and not acceptable by any fair-minded, just-thinking person in this province, nor does any fair-minded, just-thinking person fail to recognize that the government sham of committee hearings commencing tomorrow in St Catharines is a direct assault on some long-held and hard-won rights of citizens here in Ontario.

The chamber becomes increasingly irrelevant. A couple of weeks ago I raised the case of that young man Jeffrey Fleeton. Jeffrey Fleeton, a 17-year-old boy who had just finished grade 12, had been struck dead by an illegally loaded truck as that young boy was working along the side of the highway for his father's surveying firm in his summer job. Immediately after completing his grade 12 term, he was struck dead by an illegally overloaded truck. The truck was charged with an illegal load. The crown attorney, the provincial prosecutor, whose boss just happens to be the Attorney General of the province of Ontario, was going to cut a deal with that trucking company that killed that 17-year-old boy, struck him dead along the side of the road while this 17-year-old boy in broad daylight was trying to do a modest summer job, trying to earn a few bucks to sustain himself through his coming years in post-secondary education. The Attorney General of this province's provincial prosecutor was going to pull the charge in exchange for a charitable contribution. He was going to cut a deal, a little bit of plea bargaining to make the law-and-order agenda of this government—I don't know. Did you guys think it was going to enhance your law-and-order agenda?

1600

I got a phone call today. That case was back in court again, adjourned now to June 25, and the provincial prosecutor still refuses to meet with this young boy's family, still refuses to include them in any decision-making about the deal they're going to cut with this trucking company whose illegal load killed their boy.

This government shows no regard for workers. That's demonstrated by Bill 58. The government shows no

regard for free collective bargaining. Do you folks understand how important free collective bargaining is, how that's a critical and fundamental part of any democratic society, that the only places I know of where free collective bargaining doesn't exist are totalitarian regimes that have no regard for democracy? Do you people understand that? Do you people understand that the right to strike is a fundamental tenet of democracy, that the only places I'm aware of where workers don't have the right to withdraw their labour are totalitarian regimes? Do you understand the right to an equal and fair standing before an arbitrator, the right to contest, for instance, the legitimacy of an arbitrator by virtue of, let's say, his or her fundamental bias?

I haven't got a whole lot of time. Let's understand what Bill 58 does in terms of defining—because, you see, what happens is that a boss, an employer, a municipality, can hold out for a mere seven days. That's how long it takes, a mere seven days, and then you go into default.

The government picks the arbitrator. The arbitrator isn't picked as a result of a consensus by both parties. They aren't picked from any list of approved arbitrators. As a matter of fact, the arbitrator who is picked doesn't even have to be an arbitrator. The arbitrator could be a golfing buddy of a Premier. It could be somebody who has no previous experience as an arbitrator. It's in the legislation. I know this sounds like fantasyland, but I'm not making this stuff up; I wish I were. It's in the bill.

The government gets to pick the arbitrator. The arbitrator doesn't have to have had any experience as an arbitrator. I suppose that's just as well because the Arbitration Act doesn't apply. So why do you need an experienced arbitrator who might know about equality and fairness and equity and natural justice? Why concern yourself with that? Because none of those apply to what this government calls an arbitration under Bill 58. Literally, you can pick someone who has no previous experience as an arbitrator.

"The minister shall select the method of arbitration." Because the Arbitration Act doesn't apply, that means the minister—you know who that is now, don't you? Just between you and me, Speaker, you know the minister I'm talking about, the Minister of Labour. Come on, if you're a paramedic, do you want this Minister of Labour picking the arbitrator? Sorry, I think there are a few working folks out there who have lost confidence in the Minister of Labour. A few? I suspect every single working person in this province has lost confidence in this Minister of Labour. This Minister of Labour, from day one, since his appointment, and as a matter of fact every Minister of Labour of this Conservative government, has demonstrated that they have no interest whatsoever in the daily lives of working people other than to beat those working people down more and more, to attack their trade unions, to attack their salaries and to attack those public sector workers who have served our municipalities and our province honourably and with professionalism and commitment over the course now of decades and generations.

Take a look at the mandate. Oh, before you get to that, this one is slick.

Interjection.

Mr Kormos: Garfield, read the act. Come with me. OK, I'll do this slowly for Mr Dunlop, who is the member from—where the heck is he from? Where is this guy from? From Simcoe North. I'm going to do this slow for him. You've got the bill. The bill is under your desk in one of those binders, those dusty binders, the ones that haven't been opened for months. Go under your desk and pull the binder out. We're looking at Bill 58—that's five-eight. Mr Dunlop, from—where the heck are you from? From Simcoe North.

The Acting Speaker (Mr David Christopherson): I would remind the member to please speak through the Speaker, not directly to other members.

Mr Kormos: Of course, Speaker. I'm calling upon Mr Dunlop from Simcoe North, through you, sir, to reach under his desk, pull out the binder, and in the book of bills he'll find a Bill 58, which happens to have been the bill that was called today by the whip for the government, the bill we're debating.

I want the member to open that bill. The bill consists, Speaker, through you to the member, of sections. We're talking about section 20. This is a little bit difficult for some people. That's on page 10 of the bill. Go to page 10, and you've got to turn the page one more time, which makes it page 11, and we're talking section 20(4). OK? Turn the page one more, because we're going to the top of that page, that happens to be page 12, and we're talking section 20(13). This one's a kicker: "No application shall be made, taken or heard for judicial review of or to question the appointment of an arbitrator or replacement arbitrator ... or to review, prohibit or restrain any of the arbitration proceedings."

Do you understand the ramifications of this? Do you understand what this means? You could have somebody called Peter Minogue appointed as arbitrator. You could have Peter Minogue in the worst condition he's ever been in his life appointed an arbitrator. You could have Peter Minogue unconscious appointed as arbitrator.

Ms Frances Lankin (Beaches-East York): That might be better.

Mr Kormos: The member for Beaches suggests that maybe you'd be better off. She did, and that was an astute observation.

You could have what's his name, Guy—

Mr Rosario Marchese (Trinity-Spadina): Giorno.

Mr Kormos: You could have Guy Giorno appointed as arbitrator and you've got no recourse.

That's why it's necessary for them to say the Arbitration Act doesn't apply, because Bill 58 attacks, in a very direct way, natural justice. It attacks the fundamentals of history, of centuries of arbitration. It attacks paramedics, it attacks their trade unions, it attacks their right to freely, collectively bargain. Members of this Legislative Assembly, Conservative backbenchers, should not only be answering the phone calls of paramedics who have been trying to reach them; they should be opening the doors and sitting down with them and talking to them, they should be reading the bill and the parts that—look, I

understand that parts of it deal with stuff that's not in the mainstream of any people's lives, things like arbitration, things like collective bargaining. But that's why paramedics can help, because paramedics, as working people and as trade unionists, understand what collective bargaining means and can explain those provisions of the bill to members of the government backbenches.

Paramedics know what arbitration is because, as trade unionists, they've got experience in what arbitration is and they've read the Arbitration Act of 1991. That's why government backbenchers should answer these phone calls, and that's why government backbenchers should encourage their political bosses to have public hearings—real ones, not like the one around the public funding of private schools that's going to begin tomorrow in St Catharines on Friday, June 8, at 10 am at the Holiday Inn, where hundreds of people are going to arrive expressing outrage at not being able to be heard by the committee as it sits from 10 to 12 and then from 1 to 4:30, as compared to the 12-hour day of sittings that Rosario Marchese from the New Democrats had insisted on.

1610

Be careful. I don't know which government members are going down to St Catharines for that committee. A St Catharines Standard columnist, I think Doug Herod, referred to you as the "cardboard cut-outs." He did. It was in today's column in the St Catharines Standard. It was Doug Herod; sure it was. He said, "Which cardboard cut-outs from the Tory backbenches are going to be sent down here to conduct these committee hearings?" Because it's obvious, Doug Herod from the St Catharines Standard says, that this government has no real interest in listening to the people of Ontario.

Members of the Tory backbench, withdraw the bill. Tell your political bosses to pull the bill. If you're not going to pull the bill, have public hearings, and before you have public hearings, sit down with paramedics. Paramedics from your own community want to talk to you about this legislation—from your own community. You represent them. You have a responsibility to them. The only politician who wouldn't talk to these paramedics is probably Tom Wappel. So I'm asking Tory backbenchers who don't happen to be Tom Wappel, talk to the paramedics, vote against the bill. Let's have the committee hearings. Let's do things right.

The Acting Speaker: It is now time for questions and comments.

Mr Garfield Dunlop (Simcoe North): It's always a pleasure to try to follow the member from Niagara Centre, who made some very interesting comments this afternoon. Obviously, I don't agree with them as a member of this government. Nonetheless, I do respect his comments.

I can say to you, Mr Speaker, and to the members of this House, the services provided by our ambulance workers, our paramedics, are essential to the people of the province. I don't think there's a family in this province that hasn't had the need at some time or seen

the hard work done by paramedics and workers such as the people who are here today. I welcome you here today to listen and take part in this debate. Myself, I've come across accidents on highways and I didn't know what to do. I've helped a person who was almost dead at an accident and tried to keep them comfortable until someone called 911 and the ambulance workers were there.

If the perception is that there's a lack of respect, that's absolutely not true, particularly from someone like me. I have the greatest respect for the work you've done, particularly the social part of it, how you at times have to comfort families. That's sort of the hospice side of it, when you look at someone who's injured seriously and could possibly die and you have to comfort the family. You fall into the same category as the police and often the fire department that way, because they have the same type of respect.

I just want to say that there is a great deal of respect for these services. I'm going to talk a lot more a little later on, but I wanted to fall in for this hit.

Mr Joseph Cordiano (York South-Weston): I want to comment on my colleague's comments earlier in the debate. He makes a number of very good points. The most salient point of all of this is the fact that this government will continue the patchwork that exists now in labour relations rules that cover ambulance and dispatch workers. It sets different standards for people who essentially do the same work. I think that's a recipe for disaster. You cannot have different people, doing the same work, have different bargaining rules, depending on which parts of the act apply to them and which sections of this particular bill apply to certain paramedics. And then of course the Labour Relations Act applies to other workers who are under OPSEU. What's going to happen to the public out there, with different working conditions and different pay scales?

This is a recipe for more chaos in the health care system. We don't need any more chaos. We have enough of it already with emergency rooms across this city and across this province. We are in a crisis, a continuing crisis, as we've pointed out repeatedly. If you don't think that's true, all you need to do is visit some of the hospitals in this city and see what's happening in the emergency rooms. Go to hospitals in my riding. Go to Humber River Regional Hospital, where there is a crisis a day at the emergency room, and it continues as a result of this government's policies. This bill will only make that worse.

Ms Lankin: The member for Niagara Centre certainly knows this sector well and he understands the process of collective bargaining in the public sector where the right to strike has either been withheld or has been limited, as it is in this bill, and the importance of the replacement of free collective bargaining, therefore, with a fair arbitration process, a fair interest arbitration process.

This is an area that of course I have some very strong feelings about and have some extensive history in. Before my life in elected politics, I negotiated on behalf of

ambulance paramedics in this province under the Crown Employees Collective Bargaining Act, under the Hospital Labour Disputes Arbitration Act and under the Ontario Labour Relations Act. What I have to say to the minister is that that patchwork is very problematic. It has existed for some time; you continue it here.

The paramedics themselves I think make a very good case, and the member for Niagara Centre has underscored this, of the importance in terms of emergency personnel, the parallel to be made between police and fire and paramedics. I think at some time this province is going to have to come to terms with that.

I suppose I understand what's behind this bill, and this is what disturbs me the most. At a time when you have placed a lot of pressure on lower levels of government, municipal governments and the funding pressures with the downloading of ambulance services and the cost of providing that, I see through this bill that you're trying to give those municipalities some sense of security that an arbitrator won't come in and provide an unpredictable increase that would be outside of the budgetary expectations of the municipality. But I say to my friend the Minister of Labour, you cannot have a fair arbitration process that replicates free collective bargaining and control that at the same time. What you are doing is insisting that those public sector workers, those men and women, those paramedics, our emergency personnel, subsidize the cost of the delivery of the public service for which they are engaged. I think that's just blatantly unfair.

Hon Chris Stockwell (Minister of Labour): Let me say, the underpinnings of the comments you've made are incorrect. What we're trying to accomplish with this bill, and what I think we have accomplished, is to protect the collective bargaining process. I think most unions are loath to go to arbitration. They don't want to go to arbitration.

To protect that public ability to go on strike, we just used the template that Toronto used for 30 years. Metropolitan Toronto used this template for 30 years with their paramedics. They just made an essential services agreement with their paramedics and the essential services agreement basically said, "You're still in the union, you pay union dues, you get all the protection of being in the union, but you're an essential service." So if a strike ensues for the outside workers in Toronto, those paramedics don't go on strike. They continue to go to work. But by going on strike and benefiting from a huge increase of a collective bargaining process, that immediately is given to the paramedics. So you're maintaining that vital thread of the ability to withdraw services and go on strike and giving the benefit to the paramedics, who have signed an essential services agreement. This process worked for 30 years, maybe more, in Metropolitan Toronto. It was an acceptable process.

I'm loath to take away the right to strike; yes, I am. I'm also loath to give it to an arbitrator, unless I have to, with respect to one person making the decision. It's a collective. That's why you have collective bargaining.

That's why you have strikes, that's why you have lockouts. Those are the beautiful things that we've developed in labour law over the last number of years in the province. What you're advocating is, "No, they don't have the right to strike and they don't have the benefit of a strike. They can only go to binding arbitration," which is sort of a false economy. It's one individual deciding what the terms and conditions are, rather than the collective negotiating.

I'm frankly shocked that you are opposed to this.

Interjections.

The Acting Speaker: Order. The member for Niagara Centre now has two minutes to respond.

Mr Kormos: If only government members understood what arbitration is. I've got a concern about the Minister of Labour's clear, transparent indication of his disdain for arbitration, as if it wasn't clear enough from the bill. When are we going to see a bill repealing the Arbitration Act, or at least those sections of the Arbitration Act that require natural justice and fairness, as those sacrosanct six points are, the ones that can't be bargained away, *Scott v. Avery* etc?

1620

The minister doesn't have to tell us about his disgust and disdain for arbitration, because it's apparent in Bill 58. He rejigs it. He's both denying the right to strike and denying arbitration to paramedics. It's not a secret any more. It's pretty transparent.

I'm glad the member for—where the heck is he from?—Simcoe North was here this afternoon because, member from Simcoe North, I'm quite proud of you. After spending 45 minutes with me this afternoon, he said, "Yes, paramedics are like police and firefighters." Bingo. Exactly the point. Go talk to your Minister of Labour in that regard. I'll bet you dollars to doughnuts right now, member for Simcoe North: you explain that to your Minister of Labour and he'll have a whole bunch of paramedics onside, just like police and firefighters. You should be the Minister of Labour. You've got it hands down over this guy. The member for Simcoe North understands, after listening to me for a scant 45 minutes of paying a little bit of attention to the bill, what the paramedics are really all about.

The Acting Speaker: Further debate?

Mr Dunlop: I will be sharing some time with the member for Durham, Mr O'Toole.

Thank you very much, Mr Speaker, for allowing me to speak to Bill 58, the Ambulance Services Collective Bargaining Act, and I would like to thank all the members who have made any comments here today.

It's always interesting, as I said earlier, to listen to the member for Niagara Centre. Although we don't always agree—and I should point out to the young people in the gallery what an interesting gentleman the member for Niagara Centre actually is—it is entertaining to hear him speak so passionately on the concerns he has, and I respect him for that.

The number one priority of our government is to protect public safety. It is a tremendous concern to this

government and it's a concern to all the residents of Ontario and all the members of this House.

On January 1, 2001, ambulance services transferred from the province to upper-tier municipalities as part of our local services realignment program. Before that, in 1996-97, I was a municipal council member and that was when I tied my interest into emergency services. We had quite a debate at the council level of Simcoe county on whether or not the government should transfer this particular service. The council was split on it. A lot of the council members felt it was a health care issue only; other council members across the province felt it was an emergency services issue. That's why I mentioned it in the same sentence with police and firemen.

Under the local services realignment, municipalities across Ontario shared policing. They hadn't previously. A lot of municipalities, like all the police associations in the cities and the regional governments, had their own police forces, but in many parts of Ontario, the province paid directly through the OPP. Of course, most municipalities across our province had their own fire associations or fire departments.

I must say that in my years on municipal government, I noticed a huge improvement in the quality of services the fire departments provided to their constituents, as well as the types of equipment they now purchase. I'm sure most of it is health and safety related, because no municipality wants to spend a lot of money, but today we have a lot of very good equipment that the fire departments work with right across our province. I'm pleased to have been involved in municipal government over the last 20 years and to have seen this change. So I really wanted to point out that I felt in a lot of ways that ambulance was in fact tied in very directly to policing and fire departments.

Of course in rural Ontario—and this isn't something Mike Harris started or Bob Rae or anyone else—the fire departments were always the first to respond, especially in small villages, rather than the paramedics. So in a lot of cases, the paramedics taught our firemen and firewomen across our province a lot. They would give them lessons and just teach the little things that would help with resuscitation and that type of thing. I don't think that's anything new to anyone here. I know they respected it, and today across our province a high percentage of our calls are actually health-related on the fire departments. I think that's why I was putting the two together, or the three together, in my response to Mr Kormos's speech.

Historically, ambulance services were operated by three types of employers: the hospitals, crown organizations and municipal fire departments, and of course the huge area there were the 1,000 paramedics who were employed by the city of Toronto. Services that were run by hospitals fell under the Hospital Labour Disputes Arbitration Act, and no right to strike on that act.

The services that were also run by crown agencies, the private operators working for the provincial government, fell under the Crown Employees Collective Bargaining

Act, and the conditional right to strike and essential services agreements need to be in place prior to any legal strike or lockout. That was something that we found in Simcoe county. We had seven operators prior to the local services realignment across the county. Some were private, some were operated by the hospitals, and there was the local Ministry of Health as well.

I just wanted to point out that in the end, in Simcoe county they chose to have a private company. I think it was amalgamated with a company in Midland and one in Waterloo and in London. I believe the three of them went together and formed a couple of organizations to run the whole county.

As a result of the transfer in January 2001, most ambulance workers now fall under the Labour Relations Act, 1995, and therefore have an unfettered right to strike.

There are currently approximately 4,400 ambulance workers across the province, and they include emergency medical attendants, paramedics and dispatchers. They're employed now by 88 services and controlled by 23 municipalities. Of course, I refer to the county of Simcoe under that one.

Of the 88 ambulance service providers in Ontario, 26 currently have the right to strike; 32 services are operated by the hospitals, with no right to strike; and 30 services are operated by crown agencies, with a conditional right to strike.

Anticipating this situation, our government, the Ontario government, began consultations 18 months ago. The government of Ontario has consulted with ambulance workplace parties. OPSEU is included in that, the Service Employees International Union, the crown ambulance operators, the Association of Municipalities of Ontario and the Ontario Hospital Association. Consultations showed that generally OPSEU preferred mandatory arbitration; AMO preferred the "pure essential services" model; the Ontario Hospital Association preferred mandatory arbitration; and crown operators preferred mandatory arbitration.

The result at the consultation was the act you see in front of you today, the Ambulance Services Collective Bargaining Act, 2001.

This act requires that the provision of essential ambulance services during a strike or lockout be negotiated by the employer and employees prior to a strike or lockout. The terms of this act ensure that the withdrawal of ambulance service will not endanger public safety. That's the whole intent here. If passed by this House—and we are in second reading and there's a lot of debate still to take place—the bill would ensure continuous ambulance service during a strike or lockout.

This bill would affect ambulance employers and their organizations, ambulance service employees and their unions, and employees in bargaining units that include ambulance workers. In the event of a labour dispute, ambulance service operators would have to continue to meet the standards and requirements of the act and its regulations.

1630

I have a little bit more on the proposed legislation before I turn it over to Mr O'Toole. The proposed legislation would safeguard public health and safety in the event of an ambulance service strike or lockout as well as balance employer-employee interests in collective bargaining.

The proposed legislation would also create a framework for resolving labour relations disputes which requires that prior to any strike or lockout an essential ambulance services agreement be negotiated between the employer and the employees.

The legislation would also define the essential ambulance services that must be maintained to ensure public health and safety objectives are met.

The act would also require an essential services agreement be in place prior to a lawful strike or lockout.

The legislation would also give the parties access to a conciliation officer and the Ontario Labour Relations Board for assistance in creating these agreements.

Finally, the legislation would provide a number of remedies if the essential ambulance services agreement has prevented parties from having a meaningful right to strike or lockout.

The Ontario Labour Relations Board could then direct the parties to continue negotiating, refer the parties to mediation, amend the essential services agreement and order all outstanding matters to binding arbitration. The right to strike would be maintained, but critical services would continue to be delivered under this legislation. The legislation would apply to ambulance service employers and their organizations, ambulance service employees and their unions, and the employees in bargaining units that include ambulance workers who work for 23 direct municipal operators and 33 services contracted by municipalities, including the 30 currently considered crown agencies.

With that, I would like to now take the opportunity to allow my colleague from Durham a chance to say a few words on this. He only has about nine minutes and 20 seconds left, so with that I appreciate the fact that I've been allowed to say a few words on the act proposed by Mr Stockwell.

Mr John O'Toole (Durham): It's most unfortunate the member for Hamilton West isn't participating in this debate because he does have a strong voice in support of labour and we've kind of tied him up now that he's in the Chair.

Anyway, it's my pleasure and indeed my privilege to respond to the member for Simcoe North and to the importance of this debate. I should start out by saying—you would probably know, Mr Speaker, and if you don't, you will know now because I'm going to tell you—that Durham region was the first upper-tier municipality to actually sign the agreement with the transfer of ambulance services down to the upper-tier municipalities. I think that was showing confidence that it was the right thing to do.

As people know, if you look to the history of this event, there were a number of providers of ambulance services across the province, and therein lies the real problem. The service, over history, has been provided by a combination of providing agencies, of which hospitals were one, and of course, being employees of hospitals, they were under the Hospital Labour Disputes Arbitration Act, with no right to strike. So that point has been established. There was one group going into this that had no right to strike under the emergency services provisions, like doctors, nurses and others in the health services don't have the right to strike. They have developed over the years a number of dispute resolution mechanisms, and that's part of the debate here of how you reach a fair collective agreement. A negotiated settlement is the preferred option in most cases.

Then, of course, there were those that were run under crown agencies which fell under the Crown Employees Collective Bargaining Act and there were conditions with respect to the right to strike.

It's most important here to establish that this is an essential service. It's very important to put on the record that Bill 58, by the Honourable Chris Stockwell, who is in attendance and is very interested in this issue—certainly listening to me just now as I speak—was introduced on May 17, and the purpose of the bill is to ensure that the provision of essential ambulance services in the event of a strike or lockout is maintained.

It would require employers—in this case the upper tier and, as I've mentioned, from my perspective the riding of Durham, it would be Durham region—"who provide ambulance services"—by the way, for the viewer today, they should understand that this was all part of the local services realignment equation. The commonly used media term is "downloading."

There was downloading of about \$250 million in services, but there was uploading of about \$300 million. That should be remembered. In the ambulance equation, there were many discussions held. I know the member for Simcoe North was part of those discussions with respect to trying to find the precarious balance in this reallocation of responsibilities.

At the end of the day, providing standards of service, response times and those things were part of that debate, but another important part was, who pays? It's got to be clear to the people listening today that the province pays, I believe, 50 cents on every dollar. They also set standards, which is as it should be. We need to have appropriate response times and methods of getting people the right attention at the right time in the right place. There's a lot of debate about that in the press today. It's an important thing to have standards, but ultimately the province is part of the paying solution as well.

"To negotiate an essential ambulance services agreement"—an absolutely essential service. I don't think anyone here would not agree on the importance. I might say it's been mentioned in the debate how we collectively—I'm not saying the ambulance attendants themselves—have progressively increased their training and

their commitment to professionalization, working in partnership with other health care providers, to improve the level and types of service. Whether it's cardiac or whether it's some sort of intervention within the ambulance itself, it is a very important part of wrapping up this whole first-tier response in the health care system.

It would be wrong for me to assume that someone attending in my home in the event I had during the evening some sort of heart attack or something like that—heaven forbid. You'd want the right people with the right training, not because of some other ulterior motives but because it's the right thing to do. Yet you're trying to find the balance of how they exercise their employer-employee rights through some kind of method so there is a locally negotiated solution to both local and broader collective bargaining issues at the provincial level. I think those ongoing resolutions will occur.

I think the encouragement here is, "The parties may apply to the Ontario Labour Relations Board if they are unable to negotiate an essential ambulance services agreement. They can also apply to the board to amend or enforce such an agreement." It gives parties a mechanism to go to a board, in this case the arbitration board, to resolve disputes.

As a result of the transfer, as the member for Simcoe North mentioned, most ambulance workers now fall under the Labour Relations Act, as the new upper-tier municipality takes responsibility. What we're trying to find here is the right framework for dispute resolution and for appropriate harmony in collective bargaining. Currently, approximately 4,400 ambulance workers across the province, including medical attendants, paramedics and dispatchers, are employed by 88 services or controlled by 23 municipalities. Some of the lower-tier municipalities obviously have empowered the upper tier. In many cases, they've put together, coordinated co-operatives between municipalities to provide a better coordinated ambulance service, and that includes the dispatch service.

I won't go into the long history of emergency services and how it's important to look at police, fire and ambulance as one. I think at this point in time it's considered to be under the health side of an essential service, and as such, having a collective bargaining process. Of 88 ambulance service providers in Ontario, 26 have the right to strike, 32 services operated by hospitals have no right to strike and 36 services operated by crown agents have a conditional right to strike. We're looking for a solution. I believe Minister Stockwell's bill has provided a framework that will provide the assurance of delivery of an essential service—I think that's a given—and secondly, a mechanism for bringing forward disputes and some format for resolution.

If you listen to municipalities and some of these arbitration award things, and maybe I shouldn't even go down this road, the ability to pay still has something to do with this equation. To think that the levels and kinds of service, whether it's in Toronto or in, let's say, Tweed or Hastings, and to even go further, in northern Ontario,

the types of services, the types of training are different across the province. Arguably, in my area there may not be the ready availability of that higher-order hospital as in the case of Toronto, where you could ultimately argue that there are more services available than for someone living in Timmins, perhaps, where they could be a helicopter ride away from the appropriate level of service. So there are varying degrees across the province, where to have a one-size-fits-all dispute contract would probably not be in everyone's interest.

1640

I think the arguments have been made. This is certainly an attempt to make sure that an essential service is uninterrupted and that there is a process for those employer-employee relationships to get resolved. This old-fashioned idea that we must always get the placards out and we must deprive the service, specifically when lives are at stake, we can't be using the frail elderly as hostages. Now, that may be going too far on this, but it's an essential service. We have provided a framework, and it's the right thing to do.

I expect the other side will be supporting this. It's my understanding that they have the right to disagree, certainly, but at the end of the day, if reason prevails, it's the right thing to do for the people of Ontario who need the absolutely uninterrupted service provision of well-trained, well-qualified and in fact well-paid and well-respected health care workers in the province of Ontario.

The Acting Speaker: It is now time for questions and comments.

Mr Mike Colle (Eglinton-Lawrence): I want to comment on the ambulance services bill and the comments from the government members. The member for Durham mentioned the fact that people from Timmins have a long way to go for emergency services. I'll tell you, in Toronto we're in a state of paralysis because of the reckless cuts that your government has made to ambulance services. Our emergency services personnel in Toronto are really second to none, but because of the failed restructuring, the closing of six emergency departments in the city of Toronto, people are now waiting two or three hours to get service. People are in essence being released from hospital without being seen. There was a tragic case of a gentleman which is now before the coroner.

Ambulance services are critically important. They are services that this government has really played havoc with. I hope they understand that whether it's in Toronto or it's in remote communities, the challenges met by our ambulance services personnel, or EMS personnel, are more difficult than ever. Perhaps the government—

Failure of sound system.

Mr Colle:—shame on this government.

The Acting Speaker: The Chair recognizes the member for Niagara Centre.

Mr Kormos: The scripts that have been prepared for the government members seem to be full of these nice little warm, fuzzy platitudes about paramedics. Look, paramedics don't want you to say nice things about them;

they just want you to treat them with respect and they want you to join other fair-minded people in protecting their right to freely collectively bargain. And when they're required to have recourse to arbitration, they want to be assured that the arbitration process is a fair one, that it's one that has as its basis the principles of natural justice, that the arbitrator is unbiased and that the arbitrator has a fair mandate that binds him or her when arriving at a judgment or arriving at the appropriate award with respect to the dispute between paramedics and their employers from time to time as they go about negotiating new contracts.

Sorry, friends, paramedics are not particularly well-paid workers here in the province of Ontario. They're not. And it's an insult to paramedics to suggest that somehow they should just be happy little campers and abandon their collective bargaining rights, abandon historical arbitration principles because, after all, Big Brother here takes such good care of them. I'm sorry, the paramedics whom I've talked to, when this government starts putting its arm around paramedics, recoil in horror and say, "Thanks, but no thanks. I do not seek succour from the Tories by any stretch of the imagination." The paramedics of this province know what's going on.

The other interesting thing is this talk about consultation. How come the member for Simcoe North says that paramedics were consulted? OPSEU says no, CUPE says no, SEIU says no. Somebody's not telling the truth.

Hon Mr Stockwell: My friend from Welland, he's a funny guy. He says paramedics don't want people to just say nice things about them, and paramedics aren't over-paid, and they don't make a lot of money. I'm with him, except he was part of a government that ripped up every collective agreement the paramedics ever signed, rolled back their wages arbitrarily and ratcheted the contracts all to heck. I think they would have been happy if you had just said some nice things about them rather than doing what you did.

It is funny listening to him, because when he was in government—and to the guy he is today, he's not even recognizable. I think somebody's taken over his body, because when he was over here he didn't have any difficulty with that: ripped up collective agreements, rolled back these wages for these hard-working individuals. That's true. Do you remember that? You guys are hard workers, went out there; you're paramedics and you answered calls. And what did my friend from Welland do? He ripped up your collective agreements and rolled back your wages arbitrarily. So when he had his hands on the levers of power, when he could have declared paramedics essential services and sent them off to binding arbitration, not only did he not do that, he put his hand, not around your shoulders, he put his hand right into your pocket and grabbed your money and took it out.

For him to stand here today and tell us about the noble causes he's promoting and the great things that he thinks are going on in Ontario and how the oppressed worker is being put upon, no government in the history of this province ever unilaterally, by one act of this House,

ripped up more collective agreements and rolled back more wages at any time in the history of the province of Ontario. So pardon me if I'm not going to listen to your diatribe today.

Mr Dominic Agostino (Hamilton East): I'll certainly speak to the details of the bill in a couple of minutes or more, but when I listen to my colleagues across the floor and I listen to a Tory government talk about protecting workers' rights or protecting collective bargaining or protecting to ensure there's a fair system, it's an absolute joke. If you look at the history of this government, and this is another example here, they have made a history and a career of attacking working men and women in this province, out of attacking labour unions, out of attacking people who belong to unions across this province. They've made a career of it.

Look at the number of bills they've passed, and this is just another attack on that. They disguise this under somehow this is to protect health and safety, this is somehow to ensure that there's no disruption. If they're serious about that, then they would have treated paramedics in the same way you treat firefighters and police officers: make sure there's a fair system in place. What you've done here is tied one hand behind their back. You have literally tied their hands behind their back, and now negotiate fairly while both your hands are in front of your face on the other side?

This is really nothing more than another disguised attack on labour, on working people, on the paramedics in this province. If this government were serious about it—again, the nice words and the feel good and the warm and fuzzy, yes, that's nice. But, do you know what? It does absolutely nothing to deal with the issue. You can say all the wonderful things you want about paramedics. Yes, we know how great they are. We know how essential they are. We all understand that. Nobody in this House would disagree how important their role and their work is to the health and safety of Ontarians. But you have to go a little further than just saying nice things; you've got to prove it. You haven't proved it through this. This is just absolutely nothing more than an attack on professionals who do a great job in this province, who go out of their way.

1650

As we get into the next round of this, I will talk a little bit in detail on some of the impact of this bill, some of the absolute powers that this minister has, the fact that they're bigger than the courts when it comes to appointing arbitrators—because the courts have told them they've done something illegal once, so now they can't go to court any more. There are hundreds of holes in this bill which I'll point out to you in a few minutes.

The Acting Speaker: It is now time for two-minute responses. The member from Simcoe North for the full two minutes.

Mr Dunlop: I'd like to thank the people who made comments on this: the members for Eglinton-Lawrence, Niagara Centre, the Minister of Labour from Etobicoke, and the member for Hamilton East.

I wanted to just say very briefly that we hear these comments and concerns in the House, especially from the member for Niagara Centre, but I want to repeat what I said earlier. Although our government wants to see the ambulance workers as an essential service, I just want to repeat the importance and the respect that I have personally and I think most people in this House and most people in this province have for the work that paramedics and ambulance workers do across our province.

As I said a little earlier, I think there's hardly a life that hasn't been impacted at one time or another or that has seen the results of the work of our paramedics. I am saying warm and fuzzy things; I'm not denying that. But I am telling you that you very seldom ever hear of a complaint in this field. I can think of people who have had heart attacks or major accidents on highways or industrial accidents or construction accidents. They're very, very happy to see an ambulance arrive on the site. Like I said earlier, I've been involved in a few of these incidents over my lifetime and I know that people usually make way in a construction site and they do their best to work with the paramedics.

I will be supporting the bill, but the key thing here is I wanted to show my support for the paramedics in general across the province.

The Acting Speaker: Further debate?

Mr Agostino: I will split my time with my colleague from York South-Weston.

As you look at this legislation, you hear the government members and they just say, "This is what was wanted; this is what paramedics have been asking for." I listened yesterday with interest to the Minister of Labour and looked at his comment today, asserting, as he did with the building trades over the double-breasting issue, "It could have been worse. They are lucky that they're just getting away with this, because I could have stripped their contracts and everything else when we downloaded the responsibility to municipalities." This is how this government approaches negotiations in labour. It's, "Do as I say. I'm going to hammer you, and if you don't cooperate with me, I'm not just going to hammer you twice; I'll hammer you three, four, five times." That's fair, balanced negotiations Tory-style in Ontario.

This bill, as important as it is, can't be looked at in isolation in the ongoing attack on labour and on working women and men in this province since this government took office. Go back to Bill 26, which fundamentally changed the role of arbitrators and what they could do in Ontario. Look at Bill 7, which basically ripped up 50 years of progressive labour legislation and sent us back to the Stone Age in many areas because their business friends who pay the tickets to the big fundraisers the Tories have wanted that done. That was done quite easily. One of the first acts of this government, Bill 49, changed the Employment Standards Act, changed the WCB and injured workers; Bill 136 impacted the public sector; Bill 131; and on and on. If you look at the changes, every single piece of legislation that this government has brought in has been to favour their rich

corporate friends, to the detriment of working women and men across Ontario.

You have to look at this piece of legislation. Let's make it clear: if you belong to a union, if you're a working man or woman in this province, don't expect any favours. Don't ever, ever believe that anything this government does when it comes to labour legislation is trying to protect you, because it's more to protect their corporate friends and to protect their rich friends across Ontario.

When you look at this, it says to paramedics, "You're kind of essential but you're kind of not essential. You kind of have the right to strike and you kind of don't have a right to strike." It leaves them hanging on both sides and really hanging out to dry.

What should have been done, and what the Liberals and Dalton McGuinty have stated in the past, was to make paramedics an essential service and to give them the same rights and the same process as we have for firefighters, police officers and nurses across Ontario, so that there is a fair process in place when it comes to disputes.

Here you're going to create chaos. If you're going to allow them to strike, what you say at the end is, "If there is a strike and it gets to that, then you have to have a number of paramedics to maintain full service." For example, if you have 30 paramedics in a community and 25 are necessary, five will be allowed to go on strike and 25 will be necessary. Is that an essential service? If it's essential, it should be fully essential. Every community across Ontario desperately needs more ambulances and more paramedics. We don't need a situation where you're going to pit workers against workers, where you're going to pit one paramedic against another paramedic because they're one of the five who are out and the other 25 are not. We should never get into that situation.

There should be a process here that is fair, and it should be fair from the point of view of what arbitrators can do. This bill gives the minister, as usual, unlimited power. If they can't agree to an arbitrator within seven days, then the minister will appoint one. It makes it clear in the bill that the arbitrator appointed doesn't have to have any experience, doesn't have to have any background, doesn't have to have any knowledge of what he or she is dealing with, and then you can't challenge that.

It can't be challenged in the courts. The government was challenged on a decision and the courts said they were wrong, so now they have put in a clause that says, "You can't challenge our decisions in the courts." Not only do they get to hand-pick the arbitrators—they can have absolutely no experience, no background in the decision they're making—but no one can dare challenge this minister and this government and their holier-than-thou decisions on how to approach this.

If you look at the criteria they have to use, what you're going to have is an imbalance across Ontario. They have already under Bill 26 limited tremendously the criteria that arbitrators would get to use in making decisions. Now they're going to limit that even further. To suggest

this is what paramedics were lobbying for I would suggest is wrong, is untrue and is not reflective of what paramedics across this province are looking for today.

If you look at the principle of the argument here, where the paramedics are essential workers in this province, no one can argue their role. No one can argue against the fact that if someone is a victim of a heart attack or an accident, they should demand, expect, require and will have immediate paramedic help in Ontario. To me, that's essential. That is as essential as if your house is on fire and you need firefighters there. That is as essential as if you've been victimized or a victim of a crime and you need a police officer there. Paramedics should be treated the same way.

Members of the government kind of alluded to it. They keep talking about paramedics being in there with firefighters and police officers. Then why don't you back up what you say and put your money where your mouth is? Walk the walk, more than just talk the talk, and make them truly an essential service and give the protection that is necessary, as limited as it is. As I said earlier, you already have stripped away many of those powers of arbitrators through Bill 26. What you're now doing is putting them further behind, further in the hole.

This is certainly not what paramedics are looking for. It's not what Ontarians are looking for. This could actually cause more disruptions. Paramedics don't want to go on strike. They realize how important their role is in this province. They're an important part of the health network of Ontario. They're essential, like any other service we provide. I would say to you they're as essential as firefighters and police officers and nurses and health care workers in this province. Those folks don't have the right to strike. Nurses don't have that right, police officers don't have that right, firefighters don't have that right and paramedics should be treated the same way. Don't do them any favours by trying to protect their right to strike here, because you're not. What they're looking for is a fair mechanism.

If this bill goes through, which I presume it will, I hope the government will send it to committee so there can be some meaningful amendments made, so there can be some changes made. What the government should do is rip up the bill and start all over and bring in a new piece of legislation that would truly require them as essential workers and give them the same protection and the same rights and the same arbitration process. Failing that, I think there are some changes that can be made and this government should look at that. This government should allow this bill to go to committee. You haven't talked to paramedics across the province. I challenge the members and the minister across the floor to outline which locals they've spoken to and when, which paramedics they've spoken to about this issue, because I don't believe it to be true when members opposite are suggesting that this was consulted. There was no consultation with paramedics. I've even been warned that municipalities think this may be what AMO wants, that when the government talks about 50% of the cost, that

ultimately develops to 50% of what they see is the cost, and anything above that, with any local settlements or anything else, you're on your own. That's how this government has operated in the other areas they've down-loaded. I think AMO really has to understand what's on the line here as well with this funding formula that is part of the 50% formula that they talk about here.

1700

I very much believe that this government has to come to its senses with this issue. This is too important. This is too important a service, this is too important to Ontarians, to be playing silly-bugger politics of just trying to bash another union.

Interjection.

Mr Agostino: Bugger. I think "bugger" is OK, Mr Speaker, isn't it? It's questionable? I'll withdraw it if it's not.

The Acting Speaker: It's got to be borderline. I'd appreciate it if you would withdraw it.

Mr Agostino: If it's unparliamentary, I'll withdraw that word, Mr Speaker. Sorry. I wasn't trying to be unparliamentary at all there.

But this is too important to the health and safety and to the well-being of Ontarians to play silly games with it, to use it as an attempt to attack working women and men in this province, to use it as an attempt to continue their war on organized unions and on labour across Ontario.

Again, the Liberal Party believes very strongly that paramedics are essential, are part of the fabric of this province, are part of the health and safety net for this province, and this government has to come to that realization. You cannot simply treat them as second-class citizens. You can't make them almost essential and give them almost the right to strike and almost the right to bargain and almost the right to arbitration. Treat them fairly.

If you really believe everything you have said across the floor about how important the work of paramedics is across Ontario, how essential paramedics are, how you continue to compare them with the work of firefighters and police officers—and I agree with all that—then do the right thing today, do the honourable thing. Withdraw this piece of legislation. Rip up this bill and come back with a piece of legislation that truly treats them with the dignity and respect they deserve and need and, frankly, ensures that Ontarians continue every minute of the day, every day, every week, every month, to get the type of service that is necessary, to depend on that service and to have men and women out there who do that work. They truly are essential. They truly are needed. This government should show them some respect and dignity and treat them that way by ripping up this legislation and putting them on par with firefighters, police officers and nurses.

I'll turn it over to my colleague.

Mr Cordiano: To follow on my colleague's always passionate speeches made in this House, I just suggest that this government is truly consistent. That is one thing that we can say about the government. It is consistently

attempting to denigrate and to strip public sector workers of their rights and continually making difficult the public service in the sense that you take away incentives, you demoralize, and you make it extremely easy to then privatize all these services. That's part and parcel of what this government's agenda is.

I want to comment on an earlier remark by my colleague the member for Beaches-East York, when she alluded to the fact that municipalities are under extreme pressure. The minister may, with this bill, have attempted to alleviate the financial pressures that may be part of the reality for municipalities now that they've been down-loaded with some of these additional responsibilities. Upper-tier municipalities may now take on these responsibilities with respect to paramedics, ambulance services, all of these services that have been provided for in the past and paid for in some instances by the province, that are being paid for by some of these municipalities in the future, making it now easier for municipalities. Perhaps in the future their fear is that if this bill was to make paramedics truly an essential service, then municipalities would fear the wrath of arbitrators in this province, as in the past when arbitrators truly were fair, and would make possible settlements that were reflective of realities that working people were facing.

It is true that what this government is doing is attempting to use the wages of paramedics to subsidize their service, lost wages, in the future. So I believe that what they're engaging in here is consistent with what this government has done on so many fronts with respect to services that are provided for the public. This government seems to want to marginalize these services and to reduce them to the lowest-cost denominator right across the province.

As a result, for citizens ultimately, their view is, "We're going to end up with more efficient services," ie, efficiency means lower wages for these people who provide these services, and that can only mean one thing. With the privatization of these services, when you eliminate the not-for-profit sector or the public sector, ultimately wages are reduced, as they are in other jurisdictions south of the border, where many of these services have been privatized for many years. We see that wages in those states south of the border are indeed lower.

That's what this province, through this government's vision, has become: providing a low-cost, low-wage jurisdiction for companies operating these services right across North America, for this province to become far more attractive to those companies wishing to locate here. But it's not the kind of investment we're looking for. Ultimately we want a highly paid, highly educated workforce. The services that are being provided by public sector workers now are of great quality, and they ought to be paid on a fair basis.

The fact of the matter is, this bill does not make paramedics an essential service. It says they can go on strike, only some of them, and while the strike is going on, they can be replaced by other workers. So, in effect, there isn't

really a strike going on here. Ultimately it undermines the collective bargaining process.

Really you're getting the worst of all possible worlds in all of this, because you're not going to end up with what I think everyone would agree would be the fairest process for arbitration to take hold. Fair arbitration means that an arbitrator be an independent arbitrator, at least at arm's length from the government, and that's not going to happen under this bill. The minister can appoint the arbitrator, thereby limiting the awards. There's a great fear on the part of this government that over the years arbitrators have awarded settlements that to its mind are too high and that this has resulted in the public sector wages increasing steadily over time. I have heard comments over the years from my friends opposite that the public sector costs too much, that we have to reduce it, we have to marginalize it. Ultimately, when you do that, you turn to the private sector.

More and more this is part and parcel of this government's modus operandi to privatize a greater number of services and not to deal with the real issues at hand. To my mind, this is part and parcel of the crisis that we're facing in health care in this province. Ultimately, not to declare paramedics essential in every sense of the word is to set up, as I said earlier, a patchwork, or a continuation of the patchwork that did exist, but to aggravate it as a result of the emergency room crisis that we're facing now.

These people are under tremendous pressure to do their jobs, and they do them very well. But with these kinds of issues hanging over their heads, I suggest that it makes it that much more difficult. As I say, workers in the public sector have become so demoralized that under this government's auspices that can only continue with this bill and be aggravated under this bill.

1710

The patchwork of labour relations that covers ambulance and dispatch workers will continue. Some air ambulance paramedics and dispatchers are under the Crown Employees Collective Bargaining Act and will continue to be so. There will be those who are under this act, which will govern them. There will be different rates of pay. There will be different working conditions. These people are all providing the same service right across the province. It does not allow for even service throughout the province as a result. That's another reason to worry about what this bill results in.

The paramedics are basically asking for three things: guaranteed access to fair interest arbitration, which we've been asking for all along; fair powers of appointment for arbitrators, which I've alluded to earlier; and that we require arbitrators to use the same criteria as for fire, police and health care workers. That's not asking for a lot.

In addition to that, I don't believe there are public hearings for this bill. I've not heard that suggested. That speaks to the lack of interest this government has to open up more of the legislation in this assembly to public debate, for public input. Again and again we see that this

government moves away from real meaningful public hearings on any subject.

This is a bill with some controversy. It deserves some attention and some public hearings. We are debating it in this House in a limited fashion with a limited time period. I believe that when there is a bill that involves some degree of controversy or difference with respect to the people who are affected by the bill, there ought to be some public hearings. That isn't the case.

I say to the government, you aren't listening, you aren't open to suggestions, you aren't recognizing that there are some real difficulties with this bill, and we are concerned about it and are opposed to this bill.

The Acting Speaker: It's now time for questions and comments.

Ms Lankin: I'm pleased to have an opportunity to respond to the member from York South-Weston. In particular, I want to reflect on his comments about the paramedics who are calling on the government to institute in legislation a fair and equitable process for selection of an arbitrator and criteria for consideration by an arbitrator.

I'll have a chance in a few moments to speak at greater length on the bill, but on that particular point I want to say that I agree with the member. This is very critical. I fail to understand, and have yet to hear from government members who have spoken to this bill, why they see it as appropriate that these paramedics are to be treated differently than other emergency service workers like police, fire or nurses, those workers who also have access to binding interest arbitration as a dispute resolution mechanism, an arbitration process that has a different selection process for arbitrators and has very different criteria imposed on those arbitrators as they give consideration to the parties' representations before them.

Perhaps, if there's a government member speaking next, they may try to answer that question because I think it's a very legitimate point on the part of the paramedics of the province who are working for municipalities. Why should they be treated differently? Why should the criteria we impose on arbitrators considering their contracts be so much more stringent than in other areas? Why not trust the expertise of a professional arbitrator to look at how to replicate the contracts that would have been arrived at in free collective bargaining? Of course that begs the question, will you have full professional arbitrators doing these interest arbitrations? I ask the government members to address the point of why the process for selection of arbitrator that works so well for other essential public sector emergency workers shouldn't work for ambulance workers at all.

Mr O'Toole: It is an interesting debate this afternoon, on Thursday, despite the fact there are so few members present. But I think it's important to respond to the member for Hamilton East. Basically, he went on the normal, scripted tirade; I understand that.

I prefer to comment specifically to the member for York South-Weston, for whom I have a lot of respect.

He's sort of known as a fiscal person. When he was running for leadership, I was quite worried. His message clearly could have moved the party closer to a more reasonable line, and in the future that may be part of the discussion.

But more importantly in this particular debate today, the member for Beaches-East York asked for a response on, quite substantially, the very point the member for York South-Weston was questioning: the professionalism of the arbitrator, which is a quasi-judicial body. It's like elected government members trying to interfere with the judicial process, as if to imply that somehow the government wouldn't provide professional, well-meaning arbitrators from whatever party.

The member for Beaches-East York, as a former Minister of Health—I also had a lot of respect when she was there—realized the difficulty and the subtle differences between police, fire and ambulance. This is arguably the first step toward a much more harmonized approach to emergency services. In the differences between municipalities, the first phase here is providing standard levels of service agreements. That's important. The arbitrator will have to respect that. But under the NDP, when they were in government, they had these arbitrators whose rulings, some would suggest, and some of you who were in municipal politics may recall, were irrespective of the municipality's ability to pay. There's only one taxpayer, and what we're trying to find here is the right service at the right time in the right area.

I know this bill should be supported. It's the right thing to do. It's the first step in a long-overdue overhaul.

Mr Colle: I'm very happy to comment on the wonderful contributions made by my colleagues from York South-Weston, on the banks of the Humber River, and the member for Hamilton East, on beautiful Hamilton Bay. I would say that they care about these men and women who basically put themselves out to save people when they're in very fragile condition. So the least we can do in this Legislature is respect the fact that they do sacrifice themselves and they go above and beyond the call. I've seen it first-hand. I've ridden in the back of ambulances. I've been there, talked to them, and I think we have a calibre of people, certainly across the greater Toronto area, that is second to none.

So when legislation is before us, we have to think of the work they do to give them some kind of feeling of being respected for the work they do. That's what this legislation is all about, but this legislation doesn't have that respect in it. That's why my colleagues have stood up, saying, "Why not this respect for these men and women?"

As we sit here today, Mr Speaker, as you know, in the city of Toronto we are faced with an incredible crunch when it comes to emergency services. We've got ambulances unable to deliver sick people as a result of this government's lack of respect for our hospitals and emergency services. They have played recklessly with our hospitals and these men and women and downloaded things without ever thinking them out. They've closed in

Toronto alone six emergency departments, and the consequences are being felt by the men and women who deliver the sick, who are suffering because this government is so inept, so reckless in dealing with health care.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure. As a former parliamentary assistant to the Minister of Labour, I think it's very important that we should have this sort of bill brought forward. I'll take the liberty of just explaining it to the audience out there who may be listening and wondering what this bill is all about.

The purpose of this bill is to ensure the provision of essential ambulance services in the event of a strike or a lockout. I think it's very important for the public, to make sure they have the assurance, whether there's a strike or a lockout, that if they ever need an ambulance, they must be able to have that ambulance available. In fact, even today in the committee we were discussing about some of the air ambulance services. The government is totally committed to making sure that is available and provided evenly all across Ontario.

1720

I'll go further. It would also require the employers who provide ambulance services and trade unions that represent employees involved in providing ambulance services to negotiate an essential ambulance service agreement. Again I will assure the people at home that if they are ever worried whether they will have ambulance service or not, this sort of bill will ensure, if passed, that those essential services are available for the people.

It's a great bill, despite the negativity and the opposition. In fact, even the \$200 that the government gave back, the opposition didn't like that either. I'm not sure why they don't like it. I'm sure the members opposite who spoke on this bill will agree that it is important to be able to provide this.

I know there are some other problems we are facing. The directive from the Minister of Health is out there to make sure that ambulances are not turned away, and we'll discuss that another day.

The Acting Speaker: Further debate? Oh, pardon me, a two-minute response, the member for York South-Weston.

Mr Cordiano: The essential point that's missing in this bill, let's be clear, is the fact that this government has not declared paramedics an essential service, period. They should be declared an essential service, like police, firefighters and other health care workers, end of story. You have not done that and therefore this bill falls short of what we consider to be absolutely necessary when it comes to health care workers.

I say to you, the government is consistent, because they consistently camouflage whatever they're doing. An essential service agreement is not to declare these workers essential. There is still an opportunity for this government to weasel its way out, that there not be a fair arbitration process.

The Acting Speaker: The member is pushing it. I would ask him to withdraw that, please.

Mr Cordiano: Pardon me; I did not intend for that to be unparliamentary. I withdraw that, Mr Speaker.

But I think it's fair to say that this government is suggesting through this bill that these workers are essential when in fact we know they're not going to be essential, as are the police and firefighters. That's what the public out there wants, ultimately. They want to know that paramedics who are in life-and-death situations are essential, that they're going to be there in the future and that there isn't a disruption of service.

As it is, with this essential service agreement there can be some who are on strike, but the majority of them will not be. They will not be given access to a fair binding arbitration process, and that's the bottom line. It's a failure. This bill does not satisfy that essential service declaration that we want and therefore we won't support it.

The Acting Speaker: Now the floor is open for further debate.

Ms Lankin: I'm pleased to participate in the debate on this bill at this point in time. I suggest to members opposite that some of the things I will speak about you may have heard me speak about on previous arbitration bills, because there are some very strong parallels in terms of previous legislation that you've brought forward. But, of course, some of the comments set out—

The Acting Speaker: Excuse me. I'm sorry to interrupt, but we are out of rotation. Indeed, it is actually time now for the government, if they wish to have a speaker. I recognize the member for London West.

Mr O'Toole: What's with the golf shirt?

Mr Bob Wood (London West): I'm going to explain that in a moment. First, however, I would like to indicate that I'm going to be sharing my time with the member for Niagara Falls.

Someone asked a moment ago, "What's with the golf shirt?" That's a good question. As members will note, I am wearing a Golden Horseshoe Marathon shirt and that is because I completed the last two kilometres of the 210-kilometre Golden Horseshoe Marathon in a wheelchair just an hour or so ago.

Ms Marilyn Mushinski (Scarborough Centre): Did you have help to make the last kilometre?

Mr Wood: I had to have assistance to make the last two kilometres, but that's another story.

The purpose of the marathon was to help research and treatment of spinal cord injuries and to promote better public understanding of disabilities issues. As the House can gather, it was highly successful, and I'm looking forward to participating again in the new year.

With respect to the bill before the House, I'd like to indicate that I do intend to support this bill because I think it's based on two principles, both of which are sound principles. The first principle is that everyone should have the right to free collective bargaining where this right does not conflict with the overall public interest. Where it does conflict with the public interest—and this is the second principle I suggested was a sound one—I think that free collective bargaining must be

limited so as to protect the public interest, and in some cases it has to be replaced by a right to independent arbitration. I think both of these principles are sound ones and they have stood the test of time.

The third option, of course, between free collective bargaining and arbitration is an essential services agreement. Those agreements have worked well over the number of years they've been employed. I think it's obvious, in the case of ambulance services, that there can't be unfettered free collective bargaining. This bill of course provides an answer to that, and I'd like to suggest to the House that it provides the right answer.

I'd like to test the provisions of this bill against the principles I've just outlined. The bill will require employers who provide ambulance services and trade unions that represent employees involved in providing ambulance services to negotiate an essential ambulance services agreement. The agreement would require that essential ambulance services continue to be provided during a strike or lockout.

The bill also provides for the employer to be able to call additional ambulance workers in to work for a temporary period for unanticipated emergencies that arise during a strike or lockout if the number of ambulance workers required to work under the agreement is insufficient.

I think that those provisions comply entirely with the principles I outlined earlier and indeed are going to lead to essential services agreements that work well.

I do not think this is a situation, as some of the members across the way would suggest it is, where we have to completely remove the right to strike. We can have the full benefits of free collective bargaining while fully protecting the interests of the general public. I think the provision I've just outlined does that in an effective manner that fully protects the interests both of the workers and the employers.

There is the provision that says the parties may apply to the Ontario Labour Relations Board if they are unable to negotiate an essential ambulance services agreement. They can also apply to the board to amend or enforce such an agreement. If the parties reach a total impasse on all issues, there has to be a means of arbitrating the essential services agreement itself. I think this is a fair means of coming up with an agreement where the parties themselves cannot do so.

We also note that in the bill there's a provision that says that either party can apply to the board for a declaration that the essential services agreement would deprive employees of a meaningful right to strike, or the employer of a meaningful right to lock employees out. In such a declaration, the board can order various remedies, including amending the agreement, appointing a mediator, referring the dispute to final and binding interest arbitration. I think that particular provision shows an approach that we see throughout this bill, which is that in a measured way we give the parties every opportunity to engage in free collective bargaining to resolve their issues. The imposition of any kind of solution on the

parties happens only if that is absolutely essential to protect the safety and health of the public.

We also note that if the board orders arbitration, any strike or lockout of any employees in the bargaining unit would be terminated, and the terms and conditions of employment that were applicable to them prior to the date on which the strike or lockout became lawful would be restored.

If the parties are unable to agree on an arbitrator, the Minister of Labour would be able to appoint an arbitrator and select the method of arbitration, which could include mediation arbitration or mediation-final offer selection. The arbitrator would be required to consider specified criteria in making an award.

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There's some concern about how the arbitrators are selected. The answer to that of course is that the arbitrators are going to be selected by the parties in almost all the cases. This is a procedure that has been done in labour relations for at least the past 57 years and that has worked well. But I would like to remind the House that arbitrators do not function in a vacuum. Arbitrators are subject to various rules of law, and those rules of law require, for example, that there be no reasonable apprehension of bias with respect to someone who is doing an arbitration. So if either party has a reasonable apprehension of bias, in other words that they're not going to get a fair shake from the arbitrator, that party can have that arbitrator removed and someone else appointed.

The arbitrators are also subject to the legal requirements of what is basically due process: to treat the parties fairly procedurally. When we hear some of the concerns raised by the opposition about arbitrators being unfair, I think the members raising that tend to forget the rules of law by which arbitrators are bound and are required to follow in each and every case. So when we hear concerns raised, and of course it is the function of the opposition to raise concerns, we have to see those concerns as being plausible or implausible in light of the long history of how arbitrations have worked in labour relations in Ontario.

I'd like to suggest to the House that we have a very good history of well-conducted and fair arbitrations, and all this bill does is make available to the parties a system that has worked very well. When you get right down to it, when you consider the number of arbitrations conducted every year in this province, and by the way not just in the labour relations area, and consider the number of applications for judicial review, it has to be an extremely small percentage of the total number of arbitrations that are done. What that tells me, at least, is that the parties by and large approach arbitrations in a fair-minded and sensible way. They realize they have reached an impasse. They realize arbitration has to be done in these circumstances. They look for a fair arbitrator, they come up with a fair arbitrator, and of course they have to live with the decisions the arbitrator makes.

As this bill comes into operation, as I hope it does, I think that's how we're going to find the bill actually

working. There may be very rare cases where the minister actually has to appoint an arbitrator. I acknowledge that in a few cases that may actually happen, although when you look at the record, it's an extremely small percentage of the number of cases that are actually arbitrated. Where that does happen, I think the mechanism set out here is going to result in the kind of fair and expeditious arbitrations that are so common in this province.

The members should bear in mind that the minister is going to bear in mind what I've just said when appointing an arbitrator. He is not going to get involved with any hint of reasonable apprehension of bias. He is not going to get involved with an arbitrator who doesn't have the skill and doesn't understand what's expected of an arbitrator and the legal requirements that apply to an arbitrator.

When we hear these concerns, the concerns are sometimes raised in a way that would leave one with the impression that an arbitration is done with no ground rules, no history of how these things are conducted and should be conducted. I think when you look at it without looking at it in that context, one tends to have an erroneous impression of what the likely result is going to be of the system that's proposed and of this bill. I would invite members to take a look at the history, take a look at the context and take a look at what I think are the very sound principles I outlined earlier. After they do that, I think most fair-minded members are going to give serious consideration to supporting this bill.

On that note, I would like to give the balance of my time to the member for Niagara Falls.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I know that the Speaker earlier recognized the pages who were with us. I'd like to take this opportunity to particularly recognize Phillip Birnbaum from Oak Ridges. He's a fine young man, has an outstanding record of community service already at his young age, and I wish him well in his future career.

The Acting Speaker: Thank you.

The member for Niagara Falls now has the floor.

Mr Bart Maves (Niagara Falls): Thank you very much, Speaker, as you were kind enough not to rule that was actually not a point of order but I guess well-received praise from the chief government whip toward the page he mentioned.

While we're on that subject and while I have a little more freedom to say what I want as I speak over the next few minutes, I might also congratulate my page from Niagara Falls, Katie Cook. Katie has done a great job over the past month. I'd just like to point out to the members opposite that I actually coached Katie in basketball this past year, in January and February, on the John Marshall basketball team. Katie was a tenacious point guard for our team. We went through the regular season in the playoffs undefeated and actually won the city championship at our level. I've had the great pleasure of knowing Katie for more than just her time as a page; I've also known her since January at her school. So

congratulations to you, Katie, and to all of your fellow pages. I'm sure if all members had the opportunity, they'd get up and speak similarly in glowing terms about the other pages, who have all done such a great job.

But I digress, Speaker, and I apologize for doing that because I know I'm testing your patience.

It is important today to rise and speak about Bill 58, the Ambulance Services Collective Bargaining Act. I, as the parliamentary assistant to the Ministry of Health, have had the honour and pleasure of following Brad Clark, who's currently the Minister of Transportation and was formerly the parliamentary assistant to the Minister of Health, as well as Brian Coburn, who was the parliamentary assistant to the Ministry of Municipal Affairs, who is now the Minister of Agriculture and Rural Affairs in Ontario. Both those gentlemen served on behalf of the government of Ontario, along with members from the Ministry of Health, on the land ambulance implementation steering committee—as we call it, LAISC.

This is a committee made up of myself and the parliamentary assistant now, Mr Kells, the parliamentary assistant for Municipal Affairs, members of the Ministry of Health and members from different municipalities. It's co-chaired by Mr Roger Anderson, the regional chair in Durham. There are members from city council in Hamilton. The CEO from Thunder Bay is on that committee. The emergency health services director, Ron Kelusky, from Toronto is on that commission. John Cunnane, from my own Niagara region, who's in charge of emergency medical services, also serves on that committee.

It's been an excellent committee. We've dealt with a lot of issues. Prior to my getting the appointment as parliamentary assistant in health and going on the committee, we dealt with a funding template because initially we were letting municipalities fund 100% of ambulance services, but we've taken back 50% of that cost. We then had to enter into a relationship where we came up with a funding template of cost that the municipalities would incur when they deliver the services that we would agree to fund through the Ministry of Health.

Why is that necessary? We have many shared-cost programs with municipalities. What we need to say to someone to protect the taxpayer as best we can is, "You can't just give us a bill and say, 'Pay 50%,'" because we may be willing, for example, to say that we're willing to fund a LeSabre. If that municipality or other partner goes out and buys Park Avenues, we can say, "No, we only agreed to pay 50% of the cost of a LeSabre. You're going to have to find the rest of the cost of that more expensive Park Avenue." That's why we have to have a funding template which says what are eligible expenditures. That's something that committee has dealt with.

The committee currently works with how we're going to achieve certain response time standards that the province and LAISC can come up with. We're working diligently on that.

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We're also working diligently and have had discussions and will have further discussions on issues such as

dispatch services. The province of Ontario still delivers dispatch services and pays 100% of the costs of those services. The 19 dispatch centres throughout the province obviously work very tightly and uniquely with the municipally managed ambulance services, so that relationship is an important one if ambulance service, from the time of receiving the call to getting in the ambulance and getting to that patient, is going to be an efficient process. So we're working on that.

When I came to the committee, one of the problems that had not yet been dealt with that the Minister of Labour was working on was that now that these land ambulance employees, the paramedics, were no longer employees of the province of Ontario—they were now employees of the municipalities—that transfer meant that the majority of workers would now fall under the Labour Relations Act, and under the Labour Relations Act, those paramedics would have an unfettered right to strike. So it was acknowledged by everyone, I believe, including the paramedics, that it was important for us to ensure continuous ambulance services during any kind of a strike or lockout. It was important that we have a bill that would ensure continuous services in the ambulance sector.

I think the minister has worked diligently. I know there has been praise from the Association of Municipalities of Ontario for this legislation. I think the minister worked diligently to try to find a way of balancing the right to strike for these employees with the need for continuous service. As the minister has said I think on a couple of occasions now in talking about this bill, the unions in Ontario and the members opposite on behalf of the unions in Ontario quite often talk about the need to have that right to strike. So the minister has found a very neat way—it's not the first time this has ever been done—of making sure these paramedics have a right to strike and a right to collectively bargain, to maintain their right to engage in a collective bargaining relationship.

How does this happen? They are now members of the larger bargaining unit, and if that larger bargaining unit, which includes paramedics and other municipal employees, decides to strike—in order to have a meaningful right to strike, they have to have a large enough bargaining unit—then the paramedics, which are part of that broader union—75% probably will remain and become an essential service and continue to do their work. The remaining percentage of paramedics may also go out on strike. That leaves that lever for the paramedics and those other public service workers when they strike to withdraw their service, because they have the right to withdraw the service, as a lever when engaged in negotiations. Yet this unique relationship keeps a majority of the paramedics on the job and looking after the health and safety of people.

When there is a settlement with that broader collective, whatever the benefits and wages that collective agreement and that collective action that they took comes to a conclusion, then those paramedics who remained on the job get the full benefit of that job action, and they will get whatever pay increases are arrived at, whatever

benefit improvements are arrived at, and all the while they kept their essential services being delivered to the people of their municipality, which I think all of us in this place know is an appropriate and important thing to have occur.

I congratulate the minister on a creative bill and a creative way of letting people retain their right to strike, letting them continue to be involved in a collective bargaining arrangement, yet protecting the citizens of Ontario.

The Acting Speaker: It is now time for questions and comments. Hearing none, the floor is open for further debate.

Mr Gerry Phillips (Scarborough-Agincourt): I am pleased to continue the debate on the bill. Many of us in the Legislature have had experience in the health care area. I was fortunate enough to be on a hospital board in the area I represent, Scarborough, and appreciated more and more the role that our paramedics and ambulances play in health care. Certainly, as we look ahead, with an increased amount of home-based care, our hospitals working hard to minimize the length of stay in a hospital, where much more of our operations are done now on an out-patient basis, many of us are aware of all of the—

The Acting Speaker: My apologies, member. If you'd just take your seat for a moment. We've now added two ministers to this group meeting over here and I've asked you—

Interjection.

The Acting Speaker: If the member for Durham says one more word, he'll be leaving early. I've asked you nicely—

Interjection.

The Acting Speaker: I have asked you nicely. I won't ask again. The member may resume his debate.

Mr Phillips: Thank you, Speaker. The direction that I think probably all parties support is increased home-based care wherever we can, operating procedures done on a day-surgery basis where someone can be transported from their home to the hospital for a clinic. That's in all of our best interests. I think the patient is more comfortable in many respects at home with the adequate services. Our hospitals are not tied up with expensive long-term stays by individuals, and it's cost-effective.

One of the mechanisms that makes that work, of course, is our ambulance services, and one of the reasons why we've seen such a dramatic increase in the services provided by ambulances is just because of the way we now choose to deliver health care. I happen to have had a hip replacement. I was in the hospital for a relatively short period of time and then went to a rehab facility, by ambulance, of course. That was cost-effective all around.

My point is this: the ambulances have been an integral part of our health care system forever, but they are even more so now linked to the operation of our hospitals. For any of us who have spent any time watching a hospital, it's just a beehive of activity: ambulances bringing patients for day surgery or clinic work, transferring patients from one hospital to another. Increasingly, as we

all know, hospitals are specializing, so that a patient may be stabilized in one place and then transported to another. Consequently, while the ambulance service has always been essential, it is now virtually totally integrated into the operation of our health care system. It no longer is kind of a separate service; it's integral to our hospitals. So we're now faced with the challenge of how we ensure that that integral part of our health care system is available.

For our paramedics, our ambulance personnel, the bill may very well result in the worst of all worlds for them in that they no longer have essentially an unfettered right to strike. They have quite a limited right to strike and, without doubt, this bill will significantly weaken their bargaining position. The public may say, "That's fine, because one must look after the health care system," and I agree with that. But I don't think there's anyone who could look at this bill and not suggest that for our paramedics, our ambulance personnel, their bargaining rights are being substantially weakened.

Once the essential services agreement is signed, essential health services will continue to be provided, although, I might add, I think it's going to be very difficult to define any longer essential services. If you believe, as I believe, that now our very hospital system is essentially dependent upon our ability to transport people, whether for day surgery, for clinical work, for transport from one hospital to another—again, the area I represent in Scarborough, along with Ms Mushinski, both of us were on the hospital board together. Two of the major hospitals there merged, and I can guarantee you that throughout every single day there is an enormous movement of patients from one of those hospitals to the other and then back again.

1750

If you believe, as I do, that the ambulance service now is so integrated to our hospitals as to be essentially a part of it, what is the solution? The essential services agreement does provide for "essential services delivered during a labour dispute," but I believe there will be a very strong argument that there are relatively few non-essential services provided by our ambulance personnel. Most of their activity I think people now would regard as extremely important, if not essential.

What's the solution? You take away their unfettered right to a strike and you limit it with the essential services agreement. The solution that I think merits consideration, and certainly in our caucus we believe it to be the solution, is that if we believe police and fire are essential services, perhaps we have to look at the same sort of consideration for our paramedics.

As I say, my fear in this bill is that for our paramedics, rather than it helping to reach a collective agreement, it runs the risk of making collective agreements less easy to reach. It takes away a significant amount of their collective bargaining. When you try and find the middle ground, sometimes the middle ground can make matters worse and, in our opinion, this particular bill does.

As you look ahead at our health care system and the future of it, I think this particular bill, rather than

providing the solution, may very well simply add to some of the problems that we will encounter.

The Acting Speaker: Is the member concluding his remarks in total?

Mr Phillips: Yes.

The Acting Speaker: Very well. Then the floor is now open for questions and comments.

Ms Lankin: I want to say I agree largely with the remarks the previous speaker made. I think one of the things government members continue to ignore is, in my opinion, the absolute necessity, if you are creating a regime of essential services—I can talk about whether the way you're doing that is effective or not, and when I have an opportunity to speak to the bill at greater length, I would like to go into that. But if you are creating an alternative to a right-to-strike situation, an essential services regime with interest arbitration, binding arbitration as the end point for dispute resolution, it has to be a fair system that seeks to reflect what happens in the world of free collective bargaining.

The problem with this bill, and quite frankly with a number of other pieces of legislation most recently brought forward by this government which also fetter binding arbitration, is that you have created a scenario, both in terms of the process of appointment of arbitrators and then the criteria by which you seek to fetter their independent judgment, that leaves the workers without access to a fair dispute resolution mechanism.

Over and over again—I know the member from London who spoke talked about the principle of free collective bargaining, unless in the public interest you had to go to binding arbitration. He supported those principles. He also said he supported the principle of the binding arbitration process being fair. Here again, if you take a look at the list of criteria that are written into legislation, which direct an arbitrator—they go so far as to suggest that if there is to be an increase and the municipality argues there will be service cuts, to detail those service cuts. This is a system that does not allow for a fair review of the facts and figures by an impartial arbitrator.

Mr O'Toole: I'd say we've had a fair and open debate this afternoon on Bill 58. To repeat, it provides for essential services and provides for them in an uninterrupted way, while at the same time providing some process for arbitrated solutions, as well as trying to provide a framework for locally negotiated solutions.

The member from Scarborough-Agincourt—I'm quite surprised because he was close to getting it right—said there's a very close historic relationship. As we know, prior to January there were different groups that were directly delivered by hospitals that were covered by emergency services agreements. It was an essential service, and as such they did not have the right to strike even prior to January 2001. Then there were those that were provided by the municipal level of government that did have the right to provide other mechanisms for having a collective agreement, with the right to strike. What this does is bring together a comprehensive plan

that provides, in many cases, for locally negotiated solutions, and in the event that can't be achieved, for some arbitration process. I think when the member was speaking, if I was listening properly, he was saying he recognized the relationship, it being first an essential service.

As he would know, nurses don't have that right to strike but they do have other ways. Barb Wahl recently has been doing a great job of animating and articulating the nursing negotiations. In fact, that process is the important part. They have the right to oppose, whether it's government—in fact they negotiate with the hospitals directly. That will sort itself out in due course of time.

There is an important place for the rights of workers and the rights of employers, and that's what can't be overlooked. On those rare occasions when agreements can't be reached, there is a process for arbitration. I believe it's a quasi-judicial body. We should let that process work while respecting the important work that health care and ambulance workers provide to this province.

The Acting Speaker: The member for Scarborough-Agincourt has up to two minutes to respond.

Mr Phillips: I appreciate the comments from both the member for Beaches-East York and the member for Durham. The member for Beaches-East York is extremely knowledgeable in this area, so I listened carefully to what she said, not that I didn't listen to what the

member for Durham said, but I think Ms Lankin knows the area well.

She points out that for the employees who are affected by this legislation, the government has moved to direct the arbitrators. The government might say, "Well, it's our right to do that," but certainly if you are relying on the arbitrator to provide you with a fair settlement for your remuneration and your working conditions, when the government essentially puts—"handcuffs" is too strong a word—some significant restrictions on the arbitrator, you can understand why those who are impacted by it feel it's not a fair process.

The member for Durham mentioned nurses. I would point out to him that one of the things the paramedics have asked for in this bill, which they do not get, is the same criteria that would be used by arbitrators for nurses and police and fire. This bill, as the member for Beaches-East York has pointed out, does not provide the same criteria for the arbitrators. So if the member for Durham supports that, he may want to make sure an amendment is proposed for the bill—that would help to strengthen the bill, in our opinion—to make sure that the arbitrators, at the very least, have the same criteria as they have for nurses. I think he's made a good suggestion that I hope he will follow up with.

The Acting Speaker: It now being after 6 of the clock, this House stands adjourned until 1:30 Monday next.

The House adjourned at 1800.

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