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**Official Report
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(Hansard)**

Monday 21 October 2002

**Journal
des débats
(Hansard)**

Lundi 21 octobre 2002

**Standing committee on
justice and social policy**

Volunteer Firefighters
Employment
Protection Act, 2002

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

Loi de 2002 sur la protection
de l'emploi des pompiers
volontaires

Chair: Toby Barrett
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

Monday 21 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Lundi 21 octobre 2002

The committee met at 1600 in room 151.

VOLUNTEER FIREFIGHTERS
EMPLOYMENT
PROTECTION ACT, 2002
LOI DE 2002 SUR LA PROTECTION
DE L'EMPLOI DES POMPIERS
VOLONTAIRES

Consideration of Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.

The Chair (Mr Toby Barrett): I wish to welcome everyone here this afternoon. This is the regular meeting of the standing committee on justice and social policy for Monday, October 21. We are receiving delegates this afternoon for public hearings on Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters.

Before I commence with delegations, I have a question for committee members. The subcommittee did not set a deadline for amendments. What is the wish of the members? Do we wish to set a deadline?

Mr Peter Kormos (Niagara Centre): May I move that no deadline be set. We'll be doing clause-by-clause tomorrow, as I understand it.

Mr Dave Levac (Brant): I don't have a problem with that, Mr Chairman.

The Chair: All right. That will remain as reported by the subcommittee.

CHRISTIAN LABOUR ASSOCIATION
OF CANADA

GREATER HAMILTON VOLUNTEER
FIREFIGHTERS ASSOCIATION

The Chair: I would ask the Christian Labour Association of Canada to approach the witness table, please.

I would ask for your name, sir. You have 15 minutes, and you may wish to leave a bit of time if committee members would like to comment or ask questions.

Mr Ian DeWaard: Thank you for the opportunity to make this presentation today. My name is Ian DeWaard.

I'm a representative of the Christian Labour Association of Canada. The CLAC is an independent, multi-craft trade union that represents roughly 28,000 members across the country.

In May 2000, the Ontario Labour Relations Board certified the volunteer firefighters in the city of Hamilton as a trade union. In September of this year, that group, the Greater Hamilton Volunteer Firefighters Association, voted to affiliate with the CLAC. I'm here today, on behalf of that association and the 300 members it represents, to speak to an issue that greatly affects them and the more than 17,000 volunteer firefighters in the province.

I'd like to commend the efforts of the honourable Mr Ted Arnott and the Legislature for considering the bold steps outlined in Bill 30. As an independent union that takes its lead from Christian social principles such as fairness, dignity and justice, the CLAC supports the direction Bill 30 takes to protect the rights of both full-time and volunteer firefighters.

This bill will in essence prevent the trade union from disciplining its members who serve as volunteer firefighters in their free time. That is because a certain union is attempting to discipline its members on the grounds that their volunteer status is a form of misconduct, regardless of the detrimental effect to the volunteer stations throughout the province and the municipalities that rely on two-hatters.

The amendments contained within Bill 30 are something the labour movement as a whole would generally find too intrusive. Even the Ontario Labour Relations Board itself would not normally get involved with the internal operation of a trade union or its membership policies. However, the IAFF in this situation operates under a different legislative regime than a typical trade union in Ontario and is therefore not subject to the provisions in the Ontario Labour Relations Act that protect the individual rights of union members from the collective interests of a trade union. Trade unions, like employers, must be held accountable to the people over whose lives they hold significant influence.

In the view of the CLAC, governments and trade unions should both be working to protect the freedom of members; in this case, specifically the rights of two-hatters. The government's role in labour legislation is also to work as an umpire. Therefore, where a trade union fails to protect the rights of workers to work and to

freely associate or not associate, the government must step in and restore the balance.

Some argue that in the case of two-hatters, government should not interfere with agreements that have been achieved through the bargaining process. They will argue that the only result of the government's interference in these agreements will be substantial litigation. This argument is seriously flawed. It is true in some cases that municipal governments, in the wake of municipal amalgamations, have agreed to enforce the union's demands that full-time firefighters permanently turn in their volunteer pagers and gear. However, when municipal governments are expected to relinquish the right to determine their volunteer selection policies or force volunteers to resign their positions within the volunteer force, it is more likely that we will see legal challenges based on freedom of association rather than complaints based on this Legislature's interference.

The IAFF's two-hatter policy is one that comes from the IAFF constitution and not from collective bargaining. This is not an arrangement that has been reached through the process of fair bargaining but rather is an arbitrary internal union rule. The fact that some municipal governments have complied with the IAFF's demands does not make this policy right. No union has the right to act as though it owns its members. The IAFF has abused its responsibility to represent the interests of its members through the sanctions imposed on two-hatters, the result of which is the bill before you today.

Practically speaking, this no-volunteer policy is a lose-lose situation. First, it will have an adverse effect on community safety, and second, it is bad business. By preventing full-time firefighters from serving as volunteers in the communities where they reside, the IAFF is depriving these mostly rural areas of the expertise and leadership that professional full-time firefighters provide to volunteer stations. Volunteer firefighters are members, contributors and benefactors of the communities in which they live. New volunteers undergo over 100 hours of rigorous preparatory training before responding to their first call. Often, the training and experience gained as a volunteer is helpful in acquiring full-time employment as a firefighter. In return, many full-time firefighters desire to give back to the communities where they got their start by offering their skills and their free time.

Volunteer stations have relied on the skills and training brought by full-time firefighters for decades. If an association is permitted to put a stop to this practice, volunteer stations will be forced to find new volunteers to fill the void created by the loss of trained and capable manpower. The training costs could be potentially devastating on small communities and newly amalgamated municipalities, and the immediate loss of expertise should not be underestimated.

The IAFF would have you believe that two-hatters endanger the health and safety of their co-workers and the public at large. They say that firefighters working in both capacities will be too exhausted to properly ensure the safety of those around them. Quite frankly, if this

were indeed a legitimate concern, the association would prevent its members from doing any strenuous activity in their off hours. Obviously, this is not the case. Full-time firefighters can be found in their off hours working part-time jobs, running their own businesses or playing on the local soccer team. It would be preposterous of any member-based organization in this country to rule the lives of its members in this fashion. How, then, can this association legitimately dictate activities in which its members may or may not participate?

The two-hatter issue is not new. The IAFF's constitution has always restricted its members from serving as volunteer firefighters. Until now, the union has failed to ever enforce this provision in its constitution. Some of its representatives have gone as far as to say that the province should completely do away with volunteer firefighters. The issue boils down to money and control. Volunteer firefighters do not pay dues to the IAFF. Volunteers, in the eyes of the IAFF, take away potential full-time jobs. Quite simply, this is a transparent attempt by the association to increase its number of dues-paying members.

Because of the recent municipal amalgamations across the province, full-time firefighters who also volunteer in neighbouring municipalities are now in the jurisdiction of a new and commonly managed corporate umbrella. Critics of Bill 30 characterize this situation as a conflict of interest or moonlighting, or both. Neither is accurate. The business of emergency response is not a competitive market. This bill will prevent public safety from being held victim to the association's agenda.

This committee needs to be aware that the two-hatter issue goes deeper than the three small paragraphs contained in Bill 30. Bill 30 has more serious implications than what appear on its face. The association will force its members to choose between their full-time employment and their community service. Likewise, when the IAFF enforces its no-volunteer policy, they force those municipal governments to decide who possesses the greater legal and/or economic threat: the IAFF or the volunteers. The answer, unfortunately, is simple. The municipalities that rely on volunteer firefighters will lose the two-hatters and will experience unnecessary hardships and loss of manpower. This could very well threaten the viability of some volunteer stations.

In closing, the CLAC wishes to encourage this committee to take the steps necessary to ensure justice, fairness and equity for the men and women we rely on to provide our rural communities with fire and emergency response services. We encourage you to continue on the course that has been set in motion by Bill 30 and to report to the Legislature on the need for this amendment to the Fire Protection and Prevention Act, 1997.

The Chair: Thank you, Mr DeWaard. We have about five minutes for comments. I'll start with the Liberal Party. We can go in rotation and see how that works.

Mr Levac: Thanks very much for your presentation. Throughout your presentation, you use words such as "abused" and "arbitrary" and that critics are making one

or two assumptions. Are you aware of other ways in which there have been criticisms of the bill?

Mr DeWaard: Some of the criticisms of which I'm aware are the potential challenges that may arise with respect to enforcement—how a trade union may or may not discipline its members. I'm not qualified to speak to how that could potentially be amended or made even better. At this time, I am able and willing to support in general the concept of protecting the status of volunteer firefighters.

Mr Levac: Are you also aware that some volunteer fire services are speaking out against the argument that we are losing expertise and leadership, that some volunteer services actually take offence at the fact that some of the support for Bill 30 is being provided by challenging the assumption that they can't provide that expertise and leadership, and some of them are actually quite offended by that?

Mr DeWaard: I'm not familiar with that side of the argument. My experience to date has been, as I've said, with the Greater Hamilton Volunteer Firefighters Association, and my understanding is that at one time up to 25% of the membership were working as two-hatters, and that issue hasn't been raised as a concern, that they're offended by this line of argument.

1610

Mr Levac: OK. I'll pass it to my colleagues, if they have any.

The Chair: Any further comments? If not, I'll go to Mr Kormos. We have a couple of minutes.

Mr Kormos: I read your submission along with your putting it on the record. Look, I take it at face value. But like everybody in the room, I'm a taxpayer too. We all are. I agree with you about the incredible contribution that professional firefighters can make to a volunteer service. Nobody can quarrel with that. But as a taxpayer, shouldn't I be concerned about the fact that down where I come from, I'm prepared to finance the training of our professional firefighters, and then a neighbouring community may be able to take advantage of that training, and they aren't kicking anything into the kitty?

I accept your argument that they are a very valuable tool and reduce the cost to communities that employ them as volunteers, but I'm wondering, from my position as a taxpayer, I'm wondering from the position of Torontonians, who invest a lot of money—maybe not enough; I'd argue they should be investing more in firefighting services—but why shouldn't we resent the communities utilizing these professionals and not picking up, oh, let's say 20% of the cost of training them? Where is the fairness there?

Mr DeWaard: Sure. And with all due respect, the full-time associations have often relied on the training that the volunteers have received within their municipalities or rural communities. The training is fairly rigorous as a volunteer as well, and the full-time associations have always been able to rely on that. Their hiring policies, I would think, and I know it to be true in some

cases—they look first to the volunteer forces in the local areas and say, "Can we draw on that resource?"

Mr Kormos: I suppose that's the other problem I have, because down where I come from—you're right—young women and men who aspire to be firefighters utilize the volunteer forces, which are becoming limited in numbers, because we've got city councils who are saying, "No. We've got to reduce our number of volunteers" because they can't afford to sustain them. So many young people whom I know, good folks, use the volunteer as hopefully an entry point into full-time firefighting services, whether they apply up in Peel, in the big expanding areas or even locally. Some of them have expressed concern to me, saying, "Hey. There's limited spaces in the volunteers," let's say in a hybrid community like mine; "Jeez, give me a chance at developing some firefighting skills. The full-timer, the professional firefighter, has already got a firefighting job. I'd like one too." Again, I'm wondering about the concerns those people express, saying, "I'm being squeezed out of a slot because here's a person who's already a full-time firefighter who's occupying a scarce volunteer spot." Again, that's just one of the dilemmas, I suppose.

Mr DeWaard: Sure. As a matter of fairness, I don't believe that the full-time force restricts its hiring practices to the volunteer forces. There are other ways in which other people can get in. And maybe that's a legitimate argument; I'm not sure. I'm not familiar enough with their hiring practices to speak to the fairness of that.

Mr Kormos: But do you understand the dilemma I'm speaking about?

Mr DeWaard: Yes.

Mr Kormos: I'm on the waiting list to join a small volunteer company that's being compressed in the number of volunteers because the city says we can't afford to maintain the large complement that we had. And I'm saying, "Hey, I'm on a waiting list, and there's one firefighter, two firefighters who have already got their full-time jobs. I want a kick at the can."

Mr DeWaard: I understand the dilemma, yes.

The Chair: Thank you, Mr Kormos.

Mr Kormos: Thank you, sir.

The Chair: On behalf of the committee, I wish to thank the Christian Labour Association of Canada. Thank you for your presentation.

Mr DeWaard: Thank you, sir.

ONTARIO ASSOCIATION OF FIRE CHIEFS

The Chair: I wish to call forward the next delegation, the Ontario Association of Fire Chiefs. Good afternoon, gentlemen. We'd ask for your names. We have 15 minutes. You may want to leave some time for questions.

Mr Milt Wilson: Thank you, Mr Chair, and honourable members. I'm Milt Wilson. I'm the president of the Ontario Association of Fire Chiefs and I'm also the fire chief in Oshawa. With me is Doug Tennant, who is the

first vice-president of the Ontario Association of Fire Chiefs and also the fire chief in Severn.

The Ontario Association of Fire Chiefs appreciates the opportunity to provide our organization's comments regarding the two-hatter issue and Bill 30.

The Ontario Association of Fire Chiefs represents the full-time, composite and volunteer administrative levels of the Ontario fire service from a fire protection and prevention/education management perspective. Currently, the OAFIC has approximately 600 members representing over 400 fire service organizations across the province. The membership is comprised of full-time departments protecting 55% of Ontario's population; composite fire departments, which is a combination of full-time and volunteers, protecting approximately 30%; and volunteer fire departments representing approximately 15% of the population.

The OAFIC is directed by its membership through a resolution process which takes place at our annual conference. The OAFIC has been directed by a resolution of our membership to examine all aspects of the two-hatter issue and report back to our membership. A copy of that resolution is in our handout. It's also in your information package from an internal handout.

The OAFIC has been participating in a process with the Ontario fire marshal to identify all of the issues through a discussion paper and attempt to bring all of the stakeholders together to formulate a solution to this situation. Unfortunately many issues, such as the provincial strike, resulted in the final process being incomplete at the time of the OAFIC conference in April 2002. Bill 30 was subsequent to our conference, so it was passed after. At this point in time, the fire marshal has met and organized a meeting with the Ontario Association of Fire Chiefs, the OPFFA, the volunteers' association and AMO. The basic principle in any discussions that the OAFIC has been involved in began with the premise that public safety must not be compromised.

The IAFF two-hatter issue is not a new situation. It has surfaced many times over the past years. For the most part, it has been a "don't ask and don't tell" situation. The firefighter associations have not been aggressive in demanding that the IAFF constitution be followed to the letter. Fire chiefs, municipal managers and the full-time firefighters working as part-time firefighters have been aware of these IAFF constitutional restrictions because it has arisen before. But there has not been a point in the past where the issue became such a serious problem that it required associations, municipalities or the province to demand legislative action to protect a firefighter's right to work. The amalgamation of several large cities and the dramatic growth of former rural communities surrounding the large urban mega-cities has been the main catalyst for the current situation.

As directed by our membership, the OAFIC has attempted to encourage and participate in a process with all stakeholders to identify a non-legislative solution to this issue because of the significant legal complications that may arise if legislated restrictions are imposed on

long-standing firefighters associations' constitutions and also under collective agreement wordings.

The Ontario fire marshal's discussion paper on two-hatters identifies many of the issues and offers some suggestion to move forward on this problem. The Ontario fire marshal had organized a meeting of the groups in August where each stakeholder brought forward their position. At that meeting it was clear that the firefighters' associations were restricted in their options by the wording in their constitution. AMO stated that it was unclear that any of the parties in the room had the right to negotiate on behalf of the affected communities. Since that time the stakeholders have solidified their positions.

AMO encourages the passing of Bill 30 with amendments. The volunteers' association, the FFAO, have presented the same suggestion, also with amendments for the bill. Position papers from the OPFFA and the recent lifting of the moratorium letter of October 1 make it clear that the only option for them is the eventual phasing out of all two-hatters to meet their constitutional mandate. However, the fire service, both full-time and part-time, will still be left in the same position as before, where an individual firefighter association member could charge a brother firefighter who is two-hatting. Without the agreement of all stakeholders and the assurance that a firefighter's right to fair representation is achieved, it is not possible to implement the phasing-out process that we had originally tried to discuss.

As stated in our Ontario Association of Fire Chiefs letter of June 12, the OAFIC supports the right-to-work intent of Bill 30 but is concerned with the legal ramifications of the wording. Bill 30 is a legislative solution to the two-hatter situation that has been introduced in isolation of broad stakeholder input. Legislation of this type should not be taken lightly. There must be a full understanding of the positive and negative ramifications of the bill. To my knowledge, there has been no professional consultation or investigative process to provide the background and sound reasoning for the wording in the legislation.

While the OAFIC understands the well-intended reasons for the introduction of Bill 30, our organization believes that in its present form it may not serve the purpose of minimizing the impact on public safety that is envisioned by some of its supporters. I am sure that the OPFFA, when they make their presentation today, will tell you of some of the ramifications of Bill 30. They will range from legal challenges at the provincial and municipal level to increased peer pressure on firefighters in other communities. We emphasize that this peer pressure in the tightly knit firefighter community is a very real thing that will happen.

While we have no extensive documentation, we are sure that the OPFFA letter lifting the moratorium on laying charges will have a further negative impact on firefighters and the ability of some communities to maintain the expertise in training and leadership they now have through the use of experienced firefighters who live in their communities. In some cases, the removal of these key members could affect public safety.

1620

The OAFIC is also very concerned that a further alienation of relations between full-time firefighters and part-time firefighters could have a detrimental effect on the numerous successful mutual aid systems that are now in service and have been developed over the years through the OFM fire coordinator system.

I just want to briefly touch on the OAFIC concerns with Bill 30 wording. As well as the public safety aspect of this situation, the right-to-work wording in the bill has become the focus of concern. However, stating that, we also realize that this is a situation that has been around for many years, and any attempt to legislate away long-standing labour constitutional provisions and negotiated collective agreement wording without very clear legal wording will produce serious legal challenges.

The wording in the bill restricts a local bargaining unit from using their freely negotiated or arbitrated collective bargaining unit provisions to enforce rules against their own members. The OAFIC does not advocate that the firefighters' associations cannot formulate their own rules to manage their organizations and members. These rules were negotiated under the fair bargaining practices of the province. This part of the bill could be challenged through the Charter of Rights and be tied up in the courts for many years. Amending the bill to minimize the effect on collective agreement rights to discipline their members is necessary.

The local firefighters' associations also will be compelled to challenge the legislation at the municipal level to enforce the wording in their collective agreements until that wording is changed through negotiations or arbitration proceedings, which is a very long-range plan.

If a firefighter's union card is withdrawn and they are no longer a member of the bargaining unit, then the local union shop and contracting-out clauses will come into play.

Is provincial legislation binding? Can collective agreements override provincial legislation? There have been a number of cases where the intent of the FPPA exclusion process and automatic aid provisions have been successfully nullified by local contracting-out clauses. This same thing can happen with the wording in Bill 30 if it is not legally clear.

These challenges will lead to extensive litigation costs for the province and some municipalities that are affected, with no assurance of a positive outcome. There must be enabling wording in the bill to ensure, even though a firefighter is disciplined and has his union card revoked, that they can still work as a firefighter.

The OAFIC also supports the principle that there should not be an attempt to intrude on collective agreements where there is an issue with full-time firefighters working as volunteers in the same community. In these circumstances, the collective agreement wording should be followed until changes are made through local negotiations.

The OAFIC is also concerned that the term "volunteer" that is used in the bill could become a costly legal point.

The issue of the meaning of this wording in the FPPA, as it relates to the definition of "volunteer" versus "part-time," has been before the labour board with more than one opinion as the outcome. During deliberations on this bill a new phrase, "paid on-call firefighters," has emerged. Wording must be crafted to ensure it is clear whom this legislation affects.

The OAFIC had been directed by its membership to form a task force to review all aspects of this issue. The association has attempted to play a part in this process, and there were discussions about a phase-out program and negotiations to solve the problem.

With the positions that have been taken by the stakeholders, and the lifting of the moratorium on charging union members, it is now clear that the parties cannot come to a non-legislated solution to this issue. Because there appears to be no way to change the IAFF constitution, it is necessary for the government to come to a decision on the right of fair representation for firefighters, which is similar to the protection enjoyed by other workers in the province. The OAFIC does not believe that the firefighters in Ontario should have fewer rights than other workers.

This is a very emotionally charged and complicated issue. There is no single, easy answer. Even the government's own research and information services handout on the volunteer firefighters' employment issues points out that the laws in other jurisdictions and the Ontario Labour Relations Act are not completely clear on the issue of double-hatting.

In summary, the OAFIC has attempted to meet the intent of our resolution through discussions with the other stakeholders. Unless there is an agreement by all stakeholders and a change to the IAFF constitution, phasing-out of two-hatters is not a supportable solution. The OAFIC supports the right to fair representation for Ontario's firefighters. The wording in any bill that allows this to happen must be clear to minimize the legal ramifications.

Whether Bill 30 passes or fails, there will be ramifications. The OAFIC is committed to work with the stakeholders to minimize that impact.

If you have any questions, that's the end of my presentation.

The Chair: Thank you, gentlemen. I'll turn to the PC side.

Mr Ernie Hardeman (Oxford): Thank you very much for the presentation. Maybe I'm looking at it too simplistically, but to me this is more a bill about my right to do with time that's my own rather than when I'm working. I spent 25 years as a volunteer firefighter, and no one told me what I could do with the time that I wasn't at work. It seems to me that's what this is trying to correct. Do you not see the same need for professional firefighters to have a right not to be governed by their union contract when they're not at work?

Mr Wilson: I believe that at the end of my statement we said, "The OAFIC supports the right to fair representation for Ontario's firefighters," which means that

not only can they two-hat and be a volunteer firefighter; they're also free to do other things on their own time, when away from work.

Mr Ted Arnott (Waterloo-Wellington): I want to thank you very much for your presentation. I think you brought some important points forward for the committee's consideration. Members in your organization have a lot to say about this, obviously, and we have to heed your advice. Do you support Bill 30 in principle?

Mr Wilson: We put out a letter on June 12, which is attached. We say that we support the intent of Bill 30. We just have problems with the legal ramifications that could happen with the wording in it.

Mr Arnott: As the individual who brought the bill forward initially in the Legislature, I'm certainly quite happy to consider amendments with respect to the presentations that have come forward both last week and this week. If we can find ways to improve the bill to make sure its intent is better understood, is clarified so that over time it stands up, I would want that to happen, obviously. So we do appreciate the advice that you bring forward.

The question I have goes back to the middle of your presentation, on page 3. You say, "The local firefighters' associations will be compelled to challenge the legislation at the municipal level to enforce the wording in their collective agreements until that wording is changed through negotiations or arbitration proceedings." Why would they be compelled to challenge the legislation?

Mr Wilson: Local unions will have contacting-out clauses. If a union member's card is pulled, not being a member of that union through the union shop clauses, they wouldn't be able to work in the fire service. The city may be compelled to try to keep them working in the city somewhere but, because of the wording in the collective agreement, they wouldn't be able to work at the fire department. Not all collective agreements have contracting-out clauses, but many do.

The Chair: Chief Wilson and Chief Tennant, thank you very much for your time.

OFFICE OF THE FIRE MARSHAL

The Chair: I wish to call forward the office of the fire marshal of Ontario.

Mr Kormos: Chair, while the fire marshal is seating himself, I wonder if we could address Mr Fenson in terms of legislative research. A reference was made last week to craft unions like electricians' unions, plumbers' unions and so on that had the potential to pull their member's union card in the event that that union member worked at a non-union job. I appreciate the short time frame, but I wonder if by tomorrow Mr Fenson could give us some briefing on that. It could be simple. I could give you the names of some of the union bosses I know and you could give them a call.

The Chair: Could we leave that with you, sir?

Mr Kormos: Why don't you give us some briefing on that?

Mr Avrum Fenson: On instances where this is done?

Mr Kormos: In the craft union contracts. Building trades, craft union contracts would be the most appropriate, I would assume.

Mr Levac: On a point of order, Mr Chairman: Just a quick clarification. In the subcommittee we asked for the minister to be present, and we received another letter from the minister's office saying that the fire marshal would be coming. Is that in his place, speaking on behalf of the government, or is that just the fire marshal making a presentation as the fire marshal?

The Chair: Sir, do you have an answer to that comment?

Mr Bernard Moyle: It's my understanding that I'm speaking as the fire marshal.

The Chair: Good afternoon, gentlemen. For Hansard, we'd ask you to please give us your names. We have 15 minutes and we'd like a bit of time for comments within that 15 minutes.

1630

Mr Moyle: Good afternoon. My name is Bernard Moyle, and I'm the fire marshal of Ontario. I am joined today by deputy fire marshal Doug Crawford and assistant deputy fire marshal Tony Mintoff.

I would like to thank the committee for allowing us the opportunity to provide comments on Bill 30, the Volunteer Firefighters Employment Protection Act. This is a very complex and highly emotional issue, as it involves public safety, individual rights, union rights and potential changes to labour relations. The issue has raised concerns within the fire service community and with the public, public officials and municipalities, and has been well reported in the media. Historically, volunteer firefighters have played a vital role in the delivery of fire protection services in the province of Ontario, especially in rural areas. Approximately 95% of Ontario's fire departments are either volunteer or have a volunteer component. Career firefighters have for many years offered their services to other municipalities on a volunteer or part-time basis during their off-duty hours. This practice has become known as two-hatting.

In most full-time and composite fire departments, career firefighters are represented by local associations that are affiliated with both the Ontario Professional Fire Fighters Association and the International Association of Fire Fighters. The constitutions of both these organizations prohibit career firefighters serving as volunteer firefighters. As a result, the OPFFA has periodically directed that members stop two-hatting or be charged under their constitution, which could result in being expelled from the association.

Expelling two-hatters is problematic because many fire service collective agreements in Ontario require their members to maintain membership in the firefighters' associations as a condition of full-time employment. This common stipulation means that a full-time firefighter found guilty of a breach of the association's constitution and bylaws could have their membership revoked and consequently be ineligible to continue their full-time

employment. Understandably, career firefighters who are serving as volunteer or part-time firefighters would be under considerable pressure to resign if their full-time career was put at risk.

The conflict between the practice of two-hatting and the association's constitutional provisions is producing tension and instability in Ontario's fire protection delivery system. My office was officially notified of a potentially serious situation involving two-hatters by the chief of the Hamilton fire department on February 8, 2002. In addition to the letter from the city of Hamilton, a number of other letters and inquiries on this subject were received indicating that some career firefighters were receiving letters from their association requesting proof of resignation from their part-time employment within 30 days.

Information received by my office indicated that the scope of the IAFF activity was not limited to Ontario but was also occurring in some areas of the United States. As a result, I established an internal working group to examine the issue of two-hatting and to determine whether there was a public safety concern arising from the OPFFA's increased activity to enforce its constitutional provisions against its members who were two-hatting.

Under the Fire Protection and Prevention Act, the fire marshal has discretionary power to review and monitor municipal fire protection services to determine if they meet the mandatory requirements of the FPPA and if a serious threat to public safety exists. This was the authority we used to constitute the working group to review the two-hatter issue. Because of the scope and nature of this issue, my office proceeded under the potential serious threat section of the FPPA to review the impact of the OPFFA initiatives to enforce their constitution.

The OFM's concern was that these actions had the potential to result in a sudden withdrawal of the services of two-hatters throughout the province. The right-to-work issue is not part of the mandate of the OFM and was not addressed in our analysis of the situation. In fact public safety was, and continues to be, the OFM's single focus in this matter.

I would now like to review the steps taken by my office in attempting to reach a non-legislated solution.

A brief meeting was held with representatives of the Ontario Association of Fire Chiefs and the Ontario Professional Fire Fighters Association in mid-February 2002 to informally discuss the issue. At that time, the OFM committed to working with affected stakeholder groups to determine if there was any common ground that could be used to arrive at a sustainable solution to the problem. The OPFFA and the OAFCA agreed to work with the OFM and other stakeholders. Moreover, the OPFFA agreed not to aggressively pursue charging their members until such time as the matter had been reviewed and discussed with the stakeholders. They also committed not to take any action that would jeopardize public safety.

A draft discussion paper was prepared by the OFM working group and distributed to the stakeholders for

review and comment. The paper concluded that there was no immediate threat to public safety at this time, but a sudden or widespread withdrawal of two-hatter services would have varying degrees of repercussions to municipalities, up to and including a potential serious threat.

Formal individual discussions were then initiated to obtain the positions of the following stakeholders: the Fire Fighters Association of Ontario; the Ontario Professional Fire Fighters Association; the International Association of Fire Fighters; the Ontario Association of Fire Chiefs; and the Association of Municipalities of Ontario. The first meeting was held with representatives of the OPFFA and the IAFF on May 14, 2002.

On May 22, 2002, MPP Ted Arnott introduced a private member's bill, Bill 30. We now had the consultation process as well as a proposed legislated solution on the table.

The consultation process continued, and the first joint stakeholder meeting was held on August 1, 2002, to determine whether a non-legislated solution could be found. Several ideas were discussed and proposals put forth, one by the Ontario Association of Fire Chiefs which involved grandfathering existing two-hatters, and another by the OPFFA which involved the phasing out of two-hatters in a manner that would not jeopardize public safety. At the request of AMO, the parties were requested to provide more detail on their proposals.

The proposals were sent to all the stakeholders for review and comment. In response to these proposals, both the FFAO and AMO advised my office that they could not support the proposals and were supporting a legislated solution.

During the discussions, it was apparent that no mechanism existed to allow any of the parties to bind their membership to any agreement that may have been arrived at by the parties. For example, AMO could not bind municipalities to an agreement reached with the OPFFA, nor could the OPFFA guarantee that their locals or individual members would adhere to an agreement. Certainly, all were in a position to influence their membership.

Moreover, the parties appeared to be polarized in their positions related to phasing out two-hatters. For example, the FFAO, AMO and the OAFCA do not support the phasing out of career firefighters who serve as volunteer part-time firefighters, which is the position of the OPFFA. There simply was no common ground for agreement on a non-legislated solution.

For the reasons stated above, it is our opinion that an enforceable and sustainable non-legislated solution to the two-hatter issue is not achievable.

In a letter distributed to members of the OPFFA on October 1, 2002, by Mr Fred LeBlanc, president of the association, the moratorium on secondary employment charges was lifted, which could significantly increase the activity by the OPFFA membership and potentially impact on public safety.

It is my understanding that the OPFFA committed to the moratorium as long as constructive dialogue was

taking place. This is no longer the case, so the moratorium was lifted. This is not intended as a criticism of the OPFFA, as they have a legal right to enforce their constitution. However, the lifting of the moratorium by the OPFFA will likely exacerbate the existing tension and uncertainty in both the fire service and municipal communities, and it is unclear to what extent and degree this action will impact on existing two-hatters.

The sudden or phased withdrawal of two-hatters from communities dependent on volunteer fire departments could significantly impact on their ability to provide an adequate level of fire protection and may in some cases pose a potential serious threat to public safety for the following reasons.

There would be a loss of experience, leadership and expertise in some communities. In fact, for that very reason, even a single two-hatter can make a significant difference in a small rural community. For example, some two-hatters serve as senior officers and captains and have fire prevention and training responsibilities, which are key functions in any fire department.

There may be a reduced capacity for providing adequate emergency responses during weekdays, when two-hatters are more readily available due to their shift schedules.

Increased response times may occur, at least until replacements can be recruited and adequately trained, if in fact replacements are available within the community. There may be an increased time in which to assemble an adequate fire attack team and a potential short-term reduction in fire ground effectiveness, resulting in greater fire losses.

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The time required to recruit and train full-time, part-time or volunteer firefighters can be extensive, creating short-term delivery difficulties. In some communities there may not be a pool of potential candidates available to become volunteer firefighters and a community may not be able to afford hiring full-time firefighters, creating a potential public safety issue.

In a number of communities that have a heavy reliance on two-hatters, the sudden withdrawal of their services could create a potential serious threat to public safety.

In conclusion, there is a provincial and public interest in protecting two-hatters who wish to serve as volunteer firefighters. We do not believe that a non-legislated solution is achievable or enforceable. As a result, without a legislated solution, the existing tensions and uncertainty in the fire service community will continue, and the high potential for two-hatters to resign as a result of OPFFA constitutional enforcement activities could well result in significant public safety concerns arising. It is my understanding that such protection is not uncommon in most jurisdictions in Canada and in the United States.

In closing, my office recognizes the importance of balancing interests where possible, but supports first and foremost the need to develop a legislated solution that clearly protects the interests of public safety. It is important that career firefighters who wish to serve as

part-time or volunteer firefighters in their home communities are permitted to do so without fear of loss of employment.

Thank you for allowing us the opportunity to appear before this committee to make a presentation on the two-hatter issue. We'd be pleased to answer any questions you may have.

The Chair: Thank you, sir. We really only have about one minute. Any comments?

Mr Levac: I'll be very brief. Thank you for your presentation, Fire Marshal. I've got so many questions that I'll get to the one that I think I needs clarification. You indicate that the first joint stakeholder meeting was held August 1, 2002. Can you tell me how many meetings took place after that?

Mr Moyle: That was the only meeting. That was when the OPFFA and the OFC put their proposals forth and we had to distribute those proposals for the other stakeholders to comment on. After we evaluated the responses, it was pretty clear that there was no opportunity to achieve a non-legislated solution.

Mr Levac: That was after your appraisal of AMO's decision and the OFFA?

Mr Moyle: Yes.

Mr Levac: And you never got to the table after that?

Mr Moyle: No.

Mr Levac: Thank you.

The Chair: Thank you, Mr Levac. On behalf of the committee, we wish to thank the office of the fire marshal. Thank you, gentlemen.

EAST GWILLIMBURY,
WHITCHURCH-STOUFFVILLE,
GEORGINA, AND KING TOWNSHIP

The Chair: For the next delegation, I ask for the towns of East Gwillimbury, Whitchurch-Stouffville, Georgina, and the township of King.

Mr Kormos: If I may, Chair, I want to welcome the Minister of Labour to the committee.

The Chair: Thank you, Mr Kormos.

Good afternoon, gentlemen. We would ask you to give us your names. We have 15 minutes.

Mr John Rogers: Thank you, Mr Chairman. My name is John Rogers and I'm the chief administrative officer of the town of East Gwillimbury. Beside me is Mayor Wayne Emmerson from the town of Whitchurch-Stouffville. I'll be giving the first part of the presentation, then Mayor Emmerson will give some additional comments to you. I'd like to advise you that as well we have, from the town of East Gwillimbury, Chief Ken Beckett; from the town of Georgina, Chief Bill O'Neill; from the township of King, Chief Dennis Gannon; and the from the town of Whitchurch-Stouffville, Mayor Emmerson, Nick Kristoffy, the CAO, and deputy chief Tim Beckett.

First, I'd like to tell you a little bit about the four municipalities. We're all in the GTA; we're in the north-east part of York region. The town of Whitchurch-

Stouffville has six full-time firefighters and 58 volunteer firefighters, 19 of those being double-hatters. The township of King has no full-time firefighters, 88 volunteers, 19 double-hatters. In the town of East Gwillimbury we have no full-time firefighters, 80 volunteers and 20 double-hatters. The town of Georgina has 22 full-time firefighters, 41 volunteers, eight of those being double-hatters or two-hatters.

I'd like to deal with three basic areas: firstly the right to work, secondly the safety issues, and thirdly the financial impact on small municipalities.

The right to work is something that we feel is very important. This legislation is aiming toward the opportunity to give to people who are volunteering for our fire departments the right to work in that capacity. We're not trying to take away any right from those firefighters. They are entitled to work in any role they wish. We find it unusual that in many situations the full-time firefighters are given the opportunity to work in other roles in either part-time capacities or in another capacity, as an electrician, as a plumber, doing anything they wish to do. To us, this opportunity to work as a volunteer firefighter for a town such as East Gwillimbury or Whitchurch-Stouffville is certainly something they should be given that right to do.

The second issue is the issue of safety. I heard the fire marshal. I'm glad they went in front of us to confirm what our view is, that is, that the provision of assistance by full-time firefighters to small communities such as ours is immeasurable. We cannot say to you in any stronger words than that it is essential that we have a proper and fully trained firefighting force in the four municipalities I'm speaking for today. We need the assistance of the full-time firefighters. They are often our training officers. They are often the people who train our new volunteer firefighters who are coming on to the force.

The other side of it is that we are finding people in our community who want to help our community. It's important that they're in the community helping the community. They often will come to the municipality when they have an interest in firefighting and will join the volunteer fire force so they can get some experience and can get some training. Often what happens is that the volunteer firefighter then moves up and finds a full-time position in a municipality that is offering full-time firefighting opportunities. We feel that is very important for the concept of developing safe firefighting forces, not only for our municipality but also for the municipality where they go to work. The new municipality will have an opportunity to hire someone who has training, who has the ability and the experience of having offered their services in a volunteer capacity. Very often, when they do go to that full-time position, they want to come back to their community and offer their services and, in a sense, give their thanks to their community and be part of the volunteer firefighting force. We certainly find that can be accommodated. They can be a full-time firefighter and still come back to their community and help out in their local community.

The third point I wanted to make was very briefly about the financial impact. Again, I heard the fire marshal indicate to you that in smaller municipalities the financial impact could be quite significant if we had to go to full-time firefighting forces. In our town of East Gwillimbury it would essentially be a financial burden that would be very difficult to pass on to the taxpayers of our municipality.

We know that as we grow—all the municipalities in the GTA and in York region are growing—we'll have to go to full-time firefighters at some point in the future. But it should be on a planned basis, it should be on a smart growth basis, and we would like to control that, rather than being put in a position where we are concerned that if there is all of a sudden a removal of the double-hatter concept, we would be put in a very difficult position financially.

We do welcome the legislation that is before the committee and would ask that you support the legislation.

I'd like to turn it over to Mayor Emmerson.

Mr Wayne Emmerson: Thank you, John. Thank you for taking us this afternoon.

In my municipality, although we don't have that many, it's not about dollars and cents. It's about helping my community. Those full-time firemen who are working as double-hatters make between maybe \$4,000 or \$5,000 extra a year. It's not big money.

We're the highest-paying volunteer group in the province of Ontario. I know that. But it was getting down to the daytime, when we were having difficulty getting people who could volunteer their services during the day and not at night. That is why we had to go back quite a few years ago to hire full-time fireman as volunteers. They welcomed the chance to come and help us. It wasn't a common thing many years ago, but now it is.

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So I think it's of benefit to us to have them, because I think we all know that if you take a volunteer, they do their best when they go out and they learn the best trade they can. But it's that professionalism; when you have someone in a major fire, ladies and gentlemen, you need the best possible we can have. Having a few of those full-time firemen coming to help our volunteers is a big benefit to my municipality.

As John says, we're going to eventually get full-time fire people. As a matter of fact, just the other day we hired 12 new recruits—very young recruits, not full-time people. They were hired as volunteers. It was great to see them come out. It's tough sometimes to leave their jobs, but they do it. The other day we lost a fireman because he worked for my works department. He was a volunteer fireman in off hours. We trained him and put extensive dollars into him. Now he's working for the town of Richmond Hill as a full-time fireman, but he wants to come back and help his community that he serves.

Ladies and gentlemen, I really hope you consider this bill because we don't want to lose these people. They are a big benefit to my community.

The Chair: Thank you, gentlemen.

Mr Kormos: I found it interesting that you're jointly submitting. You, sir, say it's not about dollars and cents within minutes of you, sir, saying that if double-hatting were not permitted, it would put us in a very difficult position financially.

Mr Emmerson: Maybe I can explain myself. It's not about dollars and cents to the fire person. I think some people think that they do this because they're going to get a lot more money. They do not get a lot of money. They only get between \$4,000 and \$5,000 extra in their pay. It's big money to a municipality when we can use these people instead of going to a full-time force. My issue was that it's not big money to the double-hatter who's coming to work for us. I do apologize.

Mr Kormos: I heard the passion last week of a double-hatter who appeared to be adamant that he should be entitled to volunteer, as well as being a professional firefighter. He was passionate, no two ways about it. But I'm listening to you and, again, I don't quarrel with anything you say, because I'm getting the impression that it's very important that communities like yours and others that made representations last week have the expertise of firefighters who are professional firefighters from other communities. Is that a fair observation?

Mr Rogers: Sure, in many respects. I'd like to see where you're going with that.

Mr Kormos: Let's do it one step at a time.

Mr Rogers: Yes, that's fine.

Mr Kormos: I just wanted to know whether that was a fair observation.

Mr Rogers: To a certain extent, yes, because there's the reverse to that as well. The reverse to that is that we take people from our communities who are interested in fire protection and service to their community, and we train those young people with professional training. We give them professional training and the opportunity to find out if they really are meant to be part of the fire service. Once they've found that that's the case, then they go to the full-time position somewhere else.

Mr Kormos: Not necessarily in your community.

Mr Rogers: Certainly not in our community, because we don't have any full-time firefighting positions.

Mr Kormos: You're not suggesting there's any injustice done to you financially as a result of that, are you?

Mr Rogers: No.

Mr Kormos: Again, I've got no quarrel with your taxpayers, right? But should I be concerned that I'm training a firefighter in my community—you heard me mention this to one of the presenters a little while ago—whose expertise is being utilized and who is creating a financial advantage? You said that if it weren't the case, it would put you in a very difficult position financially. Should I be concerned that you fellows in your community aren't kicking anything back to share some of the cost of that training?

Mr Rogers: Sorry. I don't understand that.

Interjection: Are you ripping off the other guys?

Mr Kormos: If I'm paying taxes for a full-time professional firefighter in his or her training, and then you're

taking advantage of that financially—you said that if that full-time firefighter weren't allowed to work as a volunteer in your community, it would put you in a very difficult position financially, right?

Mr Rogers: Yes.

Mr Kormos: But you're not kicking anything back to the community that's training that firefighter, are you? You don't expect to.

Mr Rogers: Except what I said earlier to you. Very often we do provide that service. Those people who are coming back to our community have come from our community, so we've already put dollars into the training of those firefighters in our community.

Mr Kormos: Sort of a quid pro quo from your point of view.

Mr Rogers: Yes, a quid pro quo.

Mr Kormos: My sense, I've got to tell you as I see communities across the province, is that we've got 100% professional firefighters and we have volunteer-based, part-time firefighters, because the language has evolved, hasn't it? Then we've got composite or what I call hybrid communities. I remember back when old Jack Labenski responded to the Crowland fire siren down on Lyons Avenue, down where I come from, as he ran from his little corner store. My sense is that small towns that are utilizing volunteer forces as their sole base regard these as part-time, on-call firefighters more so than they do volunteers in the sense of old Jack Labenski tearing off his butcher's apron and running to that little fire hall as the siren's blowing down on Lyons Avenue in Crowland.

Mr Emmerson: I hear you, sir, but have 58 volunteers. Only 19 are double-hatters. We're not expecting all these people on our fire brigade to be double-hatters. We know at least two thirds or more are volunteers. We also need some of these double-hatters to cover some of our times when there's not accessibility for all volunteers.

I don't disagree with you when you're talking about dollars and cents. I have another company that I also work at. I have plumbers, electricians, carpenters and you name it who are upset that these fireman can go out now and work, build a home and charge less money than a professional carpenter can. They're saying we're not doing justice with them; you're not really taxing them anything different. So I think that all these volunteer firemen who are full-time firemen also are just asking to come in and help our community, but I don't think we're taking anything away from you people who have paid the full-time rate to put this person through fire college or whatever you have to do to make him a full-time fireman.

Mr Kormos: I hear you, and I take you at face value. I suppose if Mr Snobelen were here, he could give us a real idea of what double-hatting means.

The Chair: Thank you, Mr Emmerson and Mr Rogers. We appreciate your time.

WHITBY PROFESSIONAL FIRE
FIGHTERS' ASSOCIATION

The Chair: We would call forward the next delegation, the Whitby Professional Fire Fighters' Association.

Good afternoon, gentlemen. We'll ask you to give us your names. We've got 15 minutes, and you may want to leave a few minutes for questions from committee members.

Mr Mike Pfeiffer: Certainly. Thank you. My name is Mike Pfeiffer and I am the president of the Whitby Professional Fire Fighters' Association, IAFF Local 2036. With me is Ron Haines, secretary of our local. I have been a professional firefighter in Whitby since 1989 and a paid on-call firefighter two years prior to my full-time employment. I am here today to speak against Bill 30 for a number of reasons. I will address working conditions, job security and firefighter safety as well as community safety in my presentation.

After 31 years of collective bargaining, the members of our local enjoy a stable labour-management relationship, reasonable benefits and good working conditions. These benefits were negotiated due to the sacrifices and solidarity of our members. Successful staffing and training standards were negotiated based on a group of dedicated professional career firefighters employed by the town of Whitby.

Past and current agreements would have been difficult to obtain with the pressures of a competing group of paid on-call firefighters consisting of IAFF members from other locals. This is an even greater concern now that the 18,000 volunteers/paid on-call firefighters have the right to become unionized, with the right to strike like other municipal employees. Municipal policy will then be determined through potential strike action.

Local 2036 executive boards have consistently educated their members that the violation of our constitution as it pertains to secondary employment as a volunteer/paid on-call firefighter will have a significant negative impact on many of the benefits that we currently enjoy. Local 2036 members have never worked as paid on-call firefighters in other communities, nor have our members allowed IAFF members from other communities to work as paid on-call firefighters in Whitby.

Job security may not always be in jeopardy during strong economic growth; however, during recessions municipalities will always try to find cost savings. Without our ability to enforce our constitution, municipalities will hire IAFF members from other municipalities to work as paid on-call firefighters for less pay and no benefits. The use of double-hatters will jeopardize the job security of all members, especially members such as Tim Lee who have little seniority. Tim Lee may fall victim to the very legislation that he so vehemently supports.

Bill 30 will jeopardize hundreds, if not thousands, of full-time firefighter jobs because there are absolutely no protections in Bill 30 for the over 9,000 professional firefighters, including Tim Lee. The over 600 professional firefighters who live in our community of Whitby will have to be considered a threat to our job security if Bill 30 is passed.

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Firefighting is an extremely dangerous and physically exhausting activity that requires all our members to be

physically and mentally prepared to perform all firefighting duties when they show up to work. A professional firefighter who works as a paid on-call firefighter in their off time has no control over when emergencies will happen and will feel committed to respond even if they are required to go into work at their full-time employment. It is only logical that these firefighters, when exhausted, will jeopardize their safety as well as the safety of their crew. Tim Lee is the only member in our department currently working as a paid on-call firefighter. However, we have over 14% of our members who could work as paid on-call firefighters, which would seriously increase the chances of firefighters not being prepared to work at their full-time jobs. This will increase the use of sick leave, WSIB benefits and the duty to accommodate obligations, as well as added exposures to cancer-causing agents.

Our department is a small department that relies heavily on a limited number of firefighters to provide emergency services to our community. Many times during the year general alarms are sounded, requiring all members to report back to work. If 10% to 20% of our department have commitments to other communities and are unable to respond, firefighter safety as well as the safety of the community they are contractually obliged to protect will be seriously jeopardized. Our taxpayers have nothing to gain and everything to lose with Bill 30. Why should the town of Whitby taxpayers subsidize the city of Kawartha Lakes' fire and emergency services? Our taxpayers will have to foot the overtime costs for Tim Lee's replacement when he doesn't report to work or is injured or disabled as part of his secondary employment.

We should all be able to agree that although we live in a free and democratic society, nobody has the complete freedom to work where they please. Our members cannot exercise their basic democratic rights and run for public office in the community they live and work in. Members of the provincial Parliament have restrictions on secondary employment. Most union workers cannot work on other trade union sites—well, apparently not.

Mr Richard Patten (Ottawa Centre): We don't have restrictions.

Mr Pfeiffer: This has been challenged and stayed all the way to the Supreme Court of Canada. Most private sector employees have conditions of employment that prevent moonlighting in their respective professions. Police officers cannot work part-time for other forces.

All we are asking for is the right to protect our job security, working conditions and safety, and to have the same right to discipline our members as do all other professional organizations.

Because of the time constraints we are under, we have taken the liberty of preparing some questions and our answers to these questions are for you to peruse. We thank you for allowing us to present.

The Chair: Thank you, sir. You've left eight or nine minutes for questions or comments.

Mr AL McDonald (Nipissing): Thank you for your presentation. As you might know, or might not know, I

voted against first reading of this bill and I wanted to hear all the different pros and cons.

Is your concern that a volunteer who is a two-hatter might be too tired to perform the next day? Is that the concern you have, a public safety concern?

Mr Pfeiffer: Quite often, emergencies don't follow the 9-to-5 work pattern that most people follow. So at 3 o'clock in the morning, when that call comes in from the city of Kawartha Lakes or a small community up north, that firefighter feels obligated, with that strong sense of community, to respond and ends up rolling in to work at 7 o'clock in the morning exhausted and unable to perform their duties. Has this happened in the past? Yes.

When we expand that to a greater percentage of members in our department, that just increases the odds of that happening on a continuous basis. We are a very small department. We don't have the luxury of an endless amount of staff at emergency calls.

Mr McDonald: Having said that, and I can understand the argument that the individual might not be able to perform because of his volunteering on the weekend, do you have the same criteria if one of your members is a hockey coach and he takes his hockey team eight hours down the road for a hockey tournament and comes back and he doesn't get in till midnight? Obviously, he won't be able to perform the next day as well. Do you have the same criteria for other volunteering aspects of your members?

Mr Pfeiffer: I've had the experience of coaching teams and I've had the experience of being a firefighter, and I cannot compare the exhaustion you will get at a fire call to coaching a team and being up till 12 o'clock at night. That's not comparing apples to apples.

If our members show up to work not prepared to work, yes, there are avenues to deal with that. The officer on the shift has the opportunity to deal with that.

I don't know if that answers your question.

Mr McDonald: I was interested in your questions and answers here, sir. I don't know who Tim Lee is, but it states in here, and this is your suggested answer, "Our members have conducted themselves in a professional manner throughout this entire process," and I congratulate you on that. But the next line kind of bothers me a bit, that you say, his "public campaign of misrepresentation and lies." Is that a professional stance, for you to state that he's lying? Is he lying?

Mr Pfeiffer: Yes.

Mr McDonald: He's lying?

Mr Pfeiffer: Yes, as a matter of fact, he is.

Mr Arnott: I don't believe that Tim Lee is lying, but that's your submission. I suppose observers can listen to both sides and draw their own conclusion.

But I have seen the letters that have gone from a number of unions to their members whom they accuse of being double-hatters, and they state in the letter, "If you don't quit your volunteer service, we will take steps to have you dismissed from the union and therefore you could lose your full-time job." If that's not a threat, if that's not intimidation, I don't know what is.

Mr Pfeiffer: With all due respect, Mr Arnott, you quoted our member in your introduction of Bill 30 without even verifying if in fact those accusations were true. I called your office, spoke to your assistant and asked for you to return the call. You failed to do so. I say to you, when you made that quote in the House, did you attempt to verify whether in fact our member was harassed? I take great exception to a member of this House accusing members of our local of that type of activity. For you not to return my phone call so you could at least get the other side I felt was inappropriate.

Mr Arnott: I asked my staff to get back to you. I assumed that they did with the message.

Mr Pfeiffer: No. I spoke to your staff member and I asked specifically for you to call so you could perhaps try to verify whether in fact what you quoted as a justification for the introduction of this bill, to find out if in fact that had happened—and that was not done.

Mr Arnott: At least we're having the dialogue at this time.

Mr Pfeiffer: The introduction was June 6.

Mr Arnott: It was debated, discussed, and certainly I had a letter from Mr Lee. Again, I have no reason to—actually, you have really given no other evidence to suggest that anything he said in the letter to me or any of the statements he's made—you're just suggesting that it's a lie. You've offered no evidence to substantiate that, that I've seen.

Mr Pfeiffer: I could certainly forward you all the evidence that you need.

Mr John O'Toole (Durham): It's a pleasure to see you again. I just wanted to be on the record that I do have the greatest amount of respect for those in the fire service employ. That isn't really the debate here, in my view.

When I look at my riding, and specifically Port Perry, I see a community that's vastly underserved. In fact, if I look in the future, it's an area they should be addressing with respect to the complement of full-time firefighters. But at the same time, not specifically in the case of Port Perry, but more in the cases of rural and remote parts of Ontario where they have no assessment base, it becomes an issue of public safety. It's from that perspective, Mike, where I try to find some reasonable and balanced way and I think you should have a part in determining what that reasonable way is, but people shouldn't be threatened in the respect that there's no other mechanism outside of the constitution for you to deal with this. But it has been an issue for some time.

I remember and know people who were volunteers with Whitby some years ago who slowly got phased out. The community was able to support a more professional, full-time, completely developed force. So that's really where I'm coming from.

1710

Assessment-poor communities have a really difficult challenge to meet the new fire safety standard, the 10 and 10—all full-time. That's a pretty onerous challenge for some communities. You respectfully think that trained professionals as volunteers offer a great resource, albeit being subsidized by Whitby, Toronto or someone, and a

tremendous asset to those communities. Fortunately, in the future they may have opportunities in Port Perry, Lakefield or wherever else the circumstances arise.

Have you got any feeling? Because I'm stuck. This isn't a statement about any sort of disrespect for you, the Whitby Professional Fire Fighters' Association, at all. It's about recognizing that the 10 and 10 standard isn't achievable for some communities for purely different reasons, basically assessment wealth.

Mr Pfeiffer: I don't know how I can answer that question. I'm here as a representative of our local, and I'm here to represent our community. I'm very sympathetic to rural Ontario, which has the difficulties in raising tax dollars to pay for their fire service, but there are ways to do it.

You mentioned Port Perry. Are you aware that volunteers from the community are not being hired and are being put aside so that double-hatters can be hired? These are local business owners who could respond but aren't even given the chance.

Mr Levac: Thank you very much for your presentation.

Mr O'Toole made reference to a big challenge for rural communities. Are you aware that police services receive 50-cent dollars to hire police officers?

Mr Pfeiffer: Yes.

Mr Levac: Would that help?

Mr Pfeiffer: As I have said in our presentation, the province of Ontario needs more firefighters, not less, and not one firefighter responding to two municipalities. That doesn't make any logical sense whatsoever. Our community needs our firefighters, as your communities need your firefighters. There is a vast amount of expertise—my first captain was a volunteer captain, a 25-year volunteer, and I learned a great deal from that individual.

I would continue to ask this provincial body to support the education of volunteers. Let them build the experience. Don't rely on full-time forces as the only avenue for training and expertise in volunteer companies.

Mr Levac: Mr Chairman, do I have time for a couple of quick ones?

The Chair: Half a minute.

Mr Levac: You indicated that with the passing of Bill 30, there could be major problems for 6,000 more people. Do you believe there'll be a mad rush for professional firefighters to volunteer?

Mr Pfeiffer: We have, in the past, through labour discussions, been threatened with exactly that: that either through us being laid off or no more hirings—and we will aggressively recruit full-time firefighters to impact our jobs. That has been a threat in our municipality and in two other municipalities in the region of Durham.

The Chair: Thank you, gentlemen. We appreciate you coming forth on behalf of the Whitby Professional Fire Fighters' Association.

CITY OF KAWARTHA LAKES

The Chair: I now wish to call forward the city of Kawartha Lakes. Good afternoon, gentlemen. We'd ask

you to give us your names, please, for Hansard. We have 15 minutes.

Mr John Robison: My name is John Robison, CAO for the city of Kawartha Lakes. To my immediate right is Mayor Art Truax, and to my far right is Chief Dave Guilbault, director of fire and rescue services for the city of Kawartha Lakes.

First of all, Mr Chairman, I would like to thank you and the members of the committee for giving Bill 30 the attention it deserves. And of course, a very special thank-you to Ted Arnott, MPP for Waterloo-Wellington, for his understanding of a major injustice with respect to firefighters and for his initiative in bringing the matter to the legislative bill stage. Thank you also to those members who have already supported Bill 30 in its first and second readings. As well, thank you to the many municipalities across Ontario for overwhelmingly offering their support to Bill 30.

Obviously, the city of Kawartha Lakes supports Bill 30 in its first and second readings. As well, thank you to the many municipalities across Ontario for overwhelmingly offering their support for Bill 30.

Obviously, the City of Kawartha Lakes supports Bill 30. It addresses a long-time void; that is, the absence of the right to fair representation for firefighters, a right granted to all other occupations in the province through the Labour Relations Act. The absence of the right to fair representation for firefighters in Ontario is a flaw that does not exist in most other provinces in Canada or states in the United States.

Sadly, that flaw is being exploited by the Ontario Professional Fire Fighters Association, a branch of the International Association of Fire Fighters, a 245,000-member, Washington, USA-based union, of which 17,000 members are in Canada. Hundreds of skilled firefighters have already resigned their community volunteering role because of the threat by the IAFF that their continued activity will result in their membership being withdrawn, in many cases effectively terminating the employment of the offending firefighters.

Mr Chairman and members, in many respects this IAFF constitution which permits such action is archaic and possibly contrary to the Canadian Constitution. For example, this constitution prohibits membership in the Communist Party by an IAFF member even though Canada is a country where the Communist Party is not an outlawed party. I mention this because comments have been made by MPPs who have expressed concern about interfering in any union's internal business. We contend that if the IAFF constitution effectively denies to firefighters privileges that would be granted to other working groups in Ontario, something is drastically wrong. If the union constitution runs contrary to our country's Constitution, then something else is drastically wrong.

Full-time firefighters who at the same time volunteer as firefighters in their community of residence have been living with a threat of withdrawal of union membership for all too long. The province now has a situation where at this very moment many full-time firefighters across the

province are effectively being threatened with giving up their voluntary firefighting service in the community in which they reside or risk losing their full-time job entirely.

We were advised that the provision regarding “membership in a rival organization” until recently was very rarely enforced, and when it was, it was the result of a complaint by a union member against another union member. This appears to no longer be the case.

The issue has been discussed previously, not only in Ontario but also in other Canadian provinces and in the United States. Attempts have been made by the IAFF members in the past to remove this provision from the constitution, but it still remains, possibly because of its limited use. Probably another factor is the irony of this provision being an attempt to limit moonlighting in a known skill possessed by full-time firefighters while at the same time being silent on moonlighting outside the fire service, a common practice among full-time firefighters.

Interestingly, in towns and cities throughout Ontario, the volunteer fire service is common recruiting ground for full-time firefighters. Every person who gets involved as a volunteer firefighter brings some special skill or skills from their regular career that help the department as a whole. These skills can also be passed on from one individual to another. For example, mechanics help keep the fire trucks in top working order. Electricians teach about electrical hazards and what to watch out for in a fire. Medical professionals pass on knowledge of first-aid skills and organize the supplies required. One can only imagine the benefits when volunteer firefighters become career firefighters.

The IAFF claims that volunteering is threatening full-time jobs and/or slowing the formation of new full-time jobs in all cases, even in parts of rural Ontario where no full-time service currently exists. The union now refers to volunteer fire departments and/or their associations as rival organizations. This puts double-hatters in the difficult position of facing union discipline if they don't quit volunteering. The situation becomes even more serious for them, considering that most of these firefighters work under collective agreements that contain a closed-union-shop clause requiring maintenance in good standing of union membership as a condition of continued employment with their employer.

As is the case with many other Ontario communities, the City of Kawartha Lakes Fire and Rescue Service is dependent upon its volunteers, including its double-hatters. Replacement of double-hatters in the city of Kawartha Lakes with fully paid firefighters could increase the city's budget by a minimum of 3% to 7%. This is a burden which is not necessary and is unwise.

The flaw in the IAFF constitution creating such a loophole in fairness to firefighters can be remedied only by the government of Ontario. It cannot be done by municipalities acting on an employer-by-employer basis with their respective unions. Please do what other provinces and states in North America have done: right the

wrong; plug the loophole. Bill 30 does just that. Please support it.

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The Chair: We have eight or nine minutes. I'll go to the PC side for any comments or questions.

Mr Arnott: The city of Kawartha Lakes is an amalgamated municipality, I assume. Just for the benefit of the members, what communities were amalgamated to form the city of Kawartha Lakes?

Mr Robison: It would take a long time to mention them all, but there are 17 municipalities plus a county. The major communities that were amalgamated are the town of Lindsay, the village of Bobcaygeon, the village of Fenelon Falls, Omemee, Pontypool, Coboconk, Norland. It's essentially a very, very broad rural community running 100 kilometres from top to bottom and 65 kilometres from east to west.

Mr Arnott: Did Lindsay have a full-time department before amalgamation?

Mr Robison: Lindsay had a composite department—some full-time, some volunteers—

Mr Arnott: But we're talking about mostly small towns?

Mr Robison: —and a volunteer fire service in all other communities with one minor exception, Bobcaygeon, with some fire prevention personnel—

Mr Arnott: I'm glad you pointed out the reality, and certainly this is the case in my community too, that a lot of young firefighters get their start as volunteers. Mr Kormos continues to allege that somehow it's improper for training to take place outside a municipality where another municipality will benefit from the training. I would argue that that in fact happens in the case of young firefighters who first become volunteers. They get at least their basic training, if you want to call it that, in the small town where they start, which may in turn benefit a neighbouring city if that firefighter gets a full-time job. Is that not correct?

Mr Robison: As a matter of fact, it is correct and very common, and one can understand why it's common. Here are individuals who have training in the field, in the techniques, and they're naturals for—

Mr Arnott: I represent a community that's largely rural, and I've never heard anybody complain that they're training these volunteer firefighters and they're going off to get full-time jobs. In many cases, if they continue to live in the community they came from originally, they wish to continue serving as a volunteer just to pay back to their home community.

Mr Robison: The irony is that to some degree the small communities are actually paying for the training of fully paid firefighters.

Mr Arnott: Exactly.

Mr Robison: I wouldn't say that—

Mr Arnott: Mr Kormos heard that.

I appreciate your support of the bill, and I understand Tim Lee is one of your volunteer firefighters.

Mr Robison: Yes, Tim Lee is one of our volunteer firefighters.

Mr Garry J. Guzzo (Ottawa West-Nepean): Thank you very much for your submission. I just want to state for the record that you have phrased the issue absolutely correctly: it is a contest between the union document and the Constitution of Canada. I assume that before you came here, AMO or somebody has asked for a constitutional opinion.

Mr Robison: I have a legal opinion that, yes, the provisions in the union constitution are indeed contrary to the Canadian Constitution.

Mr Guzzo: Quite frankly, I would have assumed that was the situation. I have never practised in the field of constitutional law, but I have heard Mr Kormos from time to time, one of the foremost legal minds in the House and in Ontario with regard to constitutional matters. I'm waiting to hear his opinion, because I know he's researched it.

Mr Kormos: I just defended innocent people. I never had a guilty client in my life.

The Chair: Mr Hardeman, briefly.

Mr Hardeman: Thank you very much for your presentation, well thought out and well versed.

The previous presenter—I presume you were in the room when they presented—was somewhat concerned about the question, not in a derogatory sort of way, that having two-hatters was somehow infringing on the closed shop or the right to represent the full-time firefighters within the full-time departments of professional firefighters. Are they not closed in—if you are a professional firefighter, you are a member of the professional firefighters' association? Why would this have any impact on that?

Mr Robison: If the employees of the department are certified, more often than not they are members of the International Association of Fire Fighters in Canada. It's the primary firefighters organization. Not all collective agreements do have the union shop provision; in those situations the IAFF could not require the withdrawal of one's membership card and therefore require the loss of their job. But where they do, applying the contract, applying the collective agreement and an employee loses their membership, then obviously they have lost their job, because that's a condition of employment.

The Chair: We appreciate the city of Kawartha Lakes coming forward. Thank you very much.

Oh, did you want to slip in a question, Mr Levac?

Mr Levac: If I can, I'd like to.

The Chair: I'm sorry. I didn't realize you had a question.

Mr Levac: Yes. Well, it was actually the NDP's turn, but we rotated back after they had taken the other time.

The Chair: That's right.

Mr Levac: You had mentioned that you wanted to plug the loophole with Bill 30, and you say it does just that. Are there any problems or flaws with Bill 30 as it's presently written?

Mr Robison: I wish I could say that I could answer that authoritatively; I cannot. But I would expect that the wordsmiths drafting legislation would be able to look at

that aspect of it. The principle of Bill 30 we certainly would support.

Mr Levac: You indicated in the last part of the brief that your budget would be increased 3% to 7%, and that you didn't think it was necessary but it was unwise. If you had money available, would it still be unwise to hire?

Mr Robison: Probably, yes.

The Chair: Thank you again, gentlemen.

SUE CANNON

The Chair: Our next presentation is from Susan Cannon. Good afternoon, ma'am. We have 10 minutes, if you wish to proceed.

Ms Sue Cannon: All right. I do have copies of my presentation, but I found people pay more attention if they don't have them ahead of time, so I've held on to them.

Good evening. My name is Sue Cannon. Even though appearing here today makes me somewhat nervous, I do want to thank the justice and social policy committee for the privilege of speaking on this issue tonight.

I live in a very large rural ward on the outer edge of the new city of Ottawa. West Carleton ward consists of 624 square kilometres, with a population of just over 18,000. I work 30 hours weekly in an administrative position so that I can allow myself the pleasure and satisfaction of volunteering in my community. I have been a volunteer all my adult life.

I was on an advisory committee for three group homes and volunteering with my local community association and mental health association when the issue of double-hatters came to my attention in March 2001. My councillor, Dwight Eastman, called a community meeting to determine if there was support to contest the double-hatter decision in the city of Ottawa. I joined the committee to support volunteer firefighters formed as a result of that meeting.

Four months later, my councillor's office asked me to join another committee representing Ottawa's five rural wards. This broader group became the rural fire services working group. In June 2002, my selection to the agricultural and rural affairs advisory committee was approved by the city of Ottawa councillors. This advisory committee has rural emergency protective services as part of its mandate.

I have been writing different levels of government for 19 months now about the need to provide protection to double-hatters and to our volunteer fire service. Normally, I would not talk about my volunteer commitments as I have done just now. I like the doing of the jobs and I don't need to talk about them. However, today I wanted to be sure that this audience understands that I do have a very real dedication to the people and community around me. Volunteering matters. Working in my community matters. Rights matter.

There are any number of labour issues, fire service issues and legal issues here relating to Bill 30. These can be as complicated as you want them to be. The more

complicated you make them, the better pleased the OPFFA executive is going to be. The more complicated, the more tiresome the arguments and the details, the more likely positive, permanent changes such as those proposed by Bill 30 will stall or die out. I don't see this issue as complicated. It comes down to what is right, what is fair and how we can make Ontario match the legislative protection provided by the majority of Canadian provinces.

I want sound answers to the following questions: Why, apparently, do the rights of this union "win" over the rights of an individual? Why does an individual volunteering to protect his or her neighbours and friends not "win" in the rights department over union directives that have been clearly stated as geared to giving the OPFFA more leverage when bargaining with employers? Why is it more important to support a self-serving union directive that is part of their own internal constitution over the rights each of us is supposed to have under the Canadian Charter of Rights? Certainly it suits the IAFF and the OPFFA to maintain the status quo. Just because they have had an unbalanced advantage to date is no reason to continue forward down this path.

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We have a responsibility to protect the quality of volunteer firefighting services in rural areas, and we have a responsibility to protect the rights of every individual professional firefighter who makes a free choice to serve their home community as a volunteer firefighter. To me, this is a fundamental basic right, a right that should be indisputable in Canada. I would have the same strong feelings if we were dealing with a protective bill for child care workers, forestry workers or any other profession. The type of work is irrelevant; this is a matter of principle. I would be extremely resentful if some person or group told me how I could or could not choose to serve my community on my own time.

The Upper Huntley Community Association, which is my local, totally rural community association, routinely funds projects with unpaid volunteer help and with help donated at a lesser than "book rate" fee. The municipality considers the money equivalent of the donated labour as money raised by the community association, and municipal grants are matched to the association's financial contribution. We now have two soccer fields, a baseball diamond, a lit and paved outdoor rink pad with basketball hoops, a play structure and a small building thanks to the community members who volunteered their time. What if the volunteer plumbers, electricians, carpenters and landscapers could not assist their neighbours? Our community's gains are the result of the differing skills our local volunteers can offer, including those skills offered by professional firefighters.

There is a critical shortage of volunteers in many fields. There are fewer people volunteering today, period. At the same time, many service providers require an increasing number of volunteers as services are down-loaded or broadened. Our communities and our governments at all levels are dependent on the skills, goodwill

and financial contribution volunteers make. Let's not throw up unnecessary roadblocks. It is a danger to any volunteer service to reduce the number of potential volunteers. Eliminating double-hatters does exactly that to the volunteer fire service.

On May 19, 2000, Mr Bill Cole, the chairman of the Ottawa Professional Fire Fighters Association, wrote to all members of the association informing them that "full-time firefighters working within the new city of Ottawa will not be permitted to work as part-time or volunteer firefighters for the same employer," effective January 1, 2001. On December 28, 2000, this order was modified by a memorandum of agreement between the Ottawa Transition Board and the Ottawa, Cumberland, Nepean, Gloucester, and Kanata Professional Fire Fighters' Association to grant an extension until September 4, 2001, with no extension beyond that date.

The transition board members were unaware of the serious implications this ruling would have on the ability of our volunteer force to maintain volunteer numbers, on volunteer morale and training, on fire station officer staffing and on our ability to provide daytime coverage. They made a quick decision in the last few days of December 2000, giving in to the fearmongering provided by OPFFA Local 162.

Legal advice since that time has shown that they were misinformed in many ways and the decision to make the "agreement" that they did was not necessary under present legislation and the definition of volunteer firefighter. The only missing piece of legislation was that of duty of fair representation and protection against job loss for the firefighter from their union. Everyone makes mistakes, including transition-municipal staff. We did not benefit from the elimination of our double-hatters. The union did.

An August 10, 2001, an Ottawa Citizen article quotes a report obtained by the Citizen, to be presented in camera to the city's EPS committee on September 10, 2001. "The report blames gaps in provincial legislation that did not anticipate the impact on collective agreements of merging municipalities for the two-hatter problem." The article goes on to say, "The city has approached the province to change legislation that would allow two-hatters, said Steve Kanellakos, the general manager of emergency services." Our September 10 EPS minutes quite bluntly say, "The bottom line is that the two-hatters were placed in an impossible position by virtue of these gaps in legislation, which can only be fixed by the province."

Friday, Ottawa Fire Chief Larabie wrote me a brief history of the city's efforts to retain their double-hatters as their understood January 1, 2001, deadline fast approached. Larabie writes, "On behalf of the Ottawa Transition Board, a meeting was held with the association to work out some arrangements that could address their concerns while preserving our two-hatters. Further meetings were held in our attempts to get them to abandon their position, but to no avail. The best that we could achieve was to get the association to delay their

actions until September 2001, in order to allow us some lead time in recruiting, training and restructuring the volunteer service. Consequently, the two-hatters were lost in the fall of 2001.”

The IAFF is making gains all around rural Ontario. The union has the time, the money and the experienced staff to formulate plans and make decisions that are more informed than can city councillors splitting themselves so many ways to serve their municipality. The IAFF has full-time staff devoted to one goal. Pass Bill 30 for the sake of the rights of the individual firefighters involved and for the communities they serve. What happened here in Ottawa need not have happened and would not have happened if provincial legislation such as Bill 30 had been in effect at the time amalgamation took place.

While amalgamation has offered our fire services more resources and a more effective emergency response system, we have not replaced the experience our former double-hatters provided. We are just coming to the first-year anniversary of the first recruits brought on board to fill vacancies left by departing double-hatters. Realistically, and thankfully, there are limited opportunities for a volunteer firefighter to gain field experience due to the limited number of calls. Obviously it will be longer still before these first recruits have full in-the-field incident training. Regardless of the positive changes made through the volunteer firefighter management program, a program designed to help overcome the hardships incurred due to the loss of our double-hatters, we would have been much better off retaining our double-hatters.

As taxpayers, we have the right to the best service for each tax dollar paid. Volunteer firefighters in large rural areas provide us with this service. While my ward lost 10% of its total volunteer firefighters when double-hatters were no longer allowed, some municipalities stand to lose an even higher percentage of their total volunteer numbers. Bill 30 supports Ontario taxpayers. Bill 30 will prevent other municipalities from having to undergo the upheaval the city of Ottawa has undergone. Bill 30 will protect individual rights and volunteerism.

We need to support our firefighters and Bill 30 because it is the right thing to do. I am grateful that MPP Ted Arnott had the courage to put Bill 30 forward. I am thankful for the many MPPs who have provided support for this bill.

The Vice-Chair (Mr AL McDonald): Thank you, Ms Cannon. We have about two minutes left for questions. Mr Kormos.

Ms Cannon: I must have talked really fast.

Mr Kormos: Ms Cannon, we've got to go fast here. I'm persuaded that double-hatters are an invaluable resource to volunteer fire companies. There's simply no two ways about it. I don't think there's a person here who doesn't acknowledge that they, with their training and professional firefighting background, constitute an extraordinary contribution to volunteer firefighting units.

Please, in your view, what is the motive behind the Ontario Professional Fire Fighters Association in resisting double-hatting? How do you understand that?

Ms Cannon: We have it in print, in that letter we got May 19, 2000. I believe they said it basically would affect their bargaining rights, that it would conflict with them getting more professional firefighters on who paid dues, who provided money for them to do what they do. We had that documentation in print.

Mr Kormos: I know the Ontario Professional Fire Fighters Association, for as long as I've been here, has been on a campaign to increase the complement of full-time professional firefighters in every community where they exist. Is that your understanding as well?

Ms Cannon: I have read a lot of stuff about this and done a lot of research; I would say that was true. But my point today is speaking, as a community member who has volunteered for many years, for volunteerism and individual rights more than what you're asking me.

Mr Kormos: Go ahead. Are you saying there's more there than what I'm asking you?

Ms Cannon: No, I'm just saying if you ask a lot of questions about that other stuff, that's not what I'm here with today.

Mr Kormos: OK. So then, to understand your submission—

The Vice-Chair: Mr Kormos, that's all the time we have. Thank you, Ms Cannon.

1740

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Vice-Chair: Our next presenters are the Ontario Professional Fire Fighters Association.

Mr Fred LeBlanc: Good afternoon and thank you for the opportunity to address this committee. My name is Fred LeBlanc and I'm president of the Ontario Professional Fire Fighters Association. With me today are Ron Gorrie, OPFFA executive vice-president, and Jim Lee, assistant to the general president for Canadian operations of the International Association of Fire Fighters.

The OPFFA and the IAFF represent over 9,000 full-time firefighters in the province of Ontario. I think it's worth noting that the FFAO, which made a deputation to this committee previously, only represents one third of the volunteer firefighters in Ontario while they lead us to believe they represent all of the volunteers in the province.

Our objective today is to set the record straight based on facts and to disclose the problems with being a two-hatter, relying on two-hatters and the problems with the legislation before us, namely Bill 30.

Two-hatters, as we all now know, are full-time professional firefighters who also act in the capacity of a volunteer or a paid on-call firefighter. For the purposes of my presentation I'll be utilizing the title of "paid on-call" as it is a more accurate description given the fact these individuals are paid, in some cases in excess of, \$28 per hour for their volunteer work, which is the case in Whitchurch-Stouffville.

Bill 30's introduction is as a result of misunderstandings, false accusations and a deceptive hysteria. The accusations and assumptions launched by AMO and the FFAO, that our organization's goal is to eliminate all paid on-call firefighters, are completely and unequivocally untrue. As well, the fear of huge tax increases is based solely on replacing all of these members with full-time firefighters.

For the record, our position, which is located in tab C of our brief, has been and continues to be focused only on our members who are two-hatters and not all paid on-call firefighters. As well, our position states that municipalities should replace these individuals with either new paid on-call or full-time firefighters, if required, based on local needs and circumstances.

Fighting fires continues to be recognized as one of the most dangerous occupations. The Fire Protection and Prevention Act, 1997, under part IX, section 43, states that the maximum hours of work are not to be more than 48 hours a week; as well, that our time off duty shall be free from fire department activities. These provisions obviously identify the Legislature's intent to recognize the physical and mental fatigue, as well as the effects of cumulative stress, that can accompany our occupation, thus necessitating the need for time away from our work environment. The act, by the way, is located at tab D of our brief.

Bill 30, the FFAO's and AMO's position would encourage full-time firefighters to continue to be or to become two-hatters and essentially be a firefighter 24 hours a day, seven days a week. We assert that this would be putting these firefighters, our other members and the communities they serve at an even greater health and safety risk. It is obvious that Bill 30 directly conflicts with the Fire Protection and Prevention Act in this regard.

The effects of being a two-hatter are many. There is the health and safety risk, as I previously mentioned, and WSIB implications. A two-hatter increases their exposures to the cancer-causing agents and occupational disease that are ever present in our job. The WSIB has recognized many forms of cancer as a result of being a professional firefighter.

Benefit entitlements: there are still many questions surrounding what benefits our members or their families would be entitled to if they were seriously injured or killed while responding as a paid, on-call firefighter, and maybe, most importantly, who pays for it?

There has been much discussion surrounding our constitution. Our constitution is a document governing our affairs and has been democratically developed. This is no different than constitutions governing other unions, professional organizations and the three political parties represented here today. It is our position that all of the above have given themselves, through their constitutions, the right to discipline their members for varying reasons.

For our own members to actively engage themselves in similar work activities outside of their primary occupation, circumventing their own collective agreement or other full-time firefighters and putting themselves, other

members and our collective positions at risk is unacceptable and is therefore prescribed as a violation of our constitution. This is no different than trade unions protecting their work from their own members working for cash and dismissing them from the union job as a result.

Specifically, two-hatting and its lack of acceptance is not unique to the fire service. In the political spectrum, you cannot be a politician at more than one level of government at the same time; thus you cannot be a political two-hatter. We believe it's hypocritical for this or any level of government to unilaterally circumvent our constitution in this regard when you discourage the same practice within your own vocation.

The Ontario fire marshal's role: considering the debate on this issue should have been focused on the impact to the fire service and public safety, I believe it is critical to realize the role of the Ontario fire marshal in this issue.

Despite today's presentation the fire marshal created a discussion paper in April of this year, and that's located at tab E. Our respective position papers were to be submitted, consultation sessions were to be conducted and a final report was to be created and given to the minister. To date we have not seen that final report.

As a result of the lack of a final report, I have relied upon the OFM's discussion paper for reference. I would like to focus on the "Survey Results, Analysis and Observations" found on pages 7 through 9, and the "Conclusions," on page 15.

The number of two-hatters was found to be less than 10% in the municipalities that were surveyed, and these are municipalities known to utilize the services of two-hatters. That figure was then extrapolated to determine a range of 600 to 1,000 possible two-hatters across the entire province.

With approximately 10,000 professional firefighters and 20,000 paid on-call firefighters in Ontario, two-hatters only represent 2% to 3.3% of all of the firefighters in the province and only 3% to 5% of all paid on-call firefighters. This illustrates the minimal impact two-hatters truly have on the fire service in Ontario.

On page 6 of this paper the town of Caledon, which made a presentation to this committee, is identified to have a high percentage of two-hatters, some 25% to 30%.

On the second-last bullet point on page 8 of the OFM paper it states—and I think this is a very important point—"In a very limited number of municipalities, an inordinate reliance on the services of two-hatters may be inappropriately delaying the hiring of full-time firefighters that may be justified because of community growth and development and the corresponding increase in the number and frequency of emergency responses."

I can only wonder, given this above statement, if this is why the town of Caledon is on the recently released fire marshal's list of municipalities being monitored for potential serious threats to public safety.

Is there a problem?

The Chair: No, continue.

Mr LeBlanc: OK. This clearly illustrates the heightened risk citizens will face when municipalities are en-

couraged to rely upon two-hatters and attempt to avoid providing proper levels of fire protection in their community.

This brings me to recent legislation introduced by the former Solicitor General, the Honourable David Turnbull: Bill 148, the Emergency Readiness Act, which requires municipalities and crown corporations to develop emergency plans for large-scale emergencies. Everyone in this room knows that large-scale emergencies do not restrict themselves to a municipal border. We all want and expect that when we need an emergency response it will be there.

With the reliance on two-hatters and Bill 30's encouragement, we will continue to see multiple municipalities relying on the same firefighter in their time of need.

My experience in the ice storm saw my department in Kingston recall all off-duty firefighters to respond to this emergency. If they were two-hatters and already committed to another community, where would the city of Kingston be? Conversely, what happens to those rural areas that have admitted to depend heavily on two-hatters and do not have their experience and leadership in their greatest time of need? This is a dangerous manner in which to base an emergency response.

It is our contention that Bill 30 directly contravenes the intent of Bill 148 and will prove to be a threat to public safety.

In conclusion, on page 15, the fire marshal's paper, under the title "Conclusions," states "that there is no immediate threat to public safety, but a serious potential threat does exist in municipalities that are heavily dependent on two-hatters to provide fire protection services. A sudden widespread withdrawal of two-hatter services would have varying degrees of repercussions to these municipalities."

Two points: this coming from the office responsible for public safety as it relates to the fire service clearly indicates that the imminent threat to public safety simply does not exist; rather, the true threat is a heavy reliance on two-hatters.

As well, the fire marshal only speaks to a sudden withdrawal. We have advocated for the phasing out of two-hatters. This allows municipalities the necessary time to recruit, train and replace the two-hatters with either new paid on-call or full-time firefighters based on their own local needs and circumstances.

Under these circumstances there is absolutely no threat to public safety. Previous deputations have pointed out that the fire service is a local responsibility. This application has been supported by this government, with the language in the FPPA and the reluctance to become involved in determining protection levels.

Two-hatters and their local impact are no different. It is ironic that these same municipalities that do not want government intervention to determine levels of service, as we have witnessed with the recent opposition to the fire marshal's 10-in-10 staffing guideline, now want intervention to allow them to attain full-time firefighters for part-time prices.

Bill 30 is problematic with its intent to unilaterally remove freely negotiated closed-shop and membership clauses, as well as an organization's right to discipline. This may have wide-ranging implications and leaves room for possible legal challenges.

Bill 30, as I've previously identified, conflicts with existing and pending government legislation, with the FPPA and hours of work and Bill 148 respectively.

Bill 30, in our opinion, certainly will create huge morale problems within our membership and their respective departments. This was also a major concern for the Ontario Association of Fire Chiefs.

Considering all the foregoing, we strongly believe that Bill 30 infringes on our rights as a professional association and will ultimately harm the fire service, and will result in a true threat to public safety. We request that this committee reject Bill 30 in its entirety.

The Chair: Thank you, sir. We have about a minute and a half.

Mr Arnott: Thank you very much for coming in. It's good to see you again, Fred. I wanted you to have the opportunity to have your say even though we disagree.

I want you to know that I have the highest regard and respect for all our firefighters in the province—I do—but I feel that in this instance you're wrong, and that's why I brought the bill forward.

You've talked in your conclusion about the fire marshal's recommendations, but I'm sure you heard his presentation here today, because you were here in the room. He—

Mr LeBlanc: I think it's ironic that he is now shifting his position.

Mr Arnott: Well, I think he has listened to what has been said to this point and has concluded, I think—

Mr LeBlanc: Yeah. No consultations except for one day have occurred, Mr Arnott. That's the problem.

Mr Arnott: I think he would conclude that Bill 30, in principle, is something that is necessary at this time, and most recently as a result of your October 1 letter, in which—

Mr LeBlanc: I'm glad you brought up my October 1 letter. That's as a result of the FFAO and AMO adamantly saying there's no reason to continue with consultations and reasonable dialogue with this issue, so there was no reason for me to try to restrict my members' rights. Since October 1, there has not been one charge laid in the province of Ontario.

The Chair: Any further comments or questions? Mr Levac, very briefly. Members do have to get up to vote.

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

Do you believe that government financial support is necessary for firefighting in the province of Ontario, for hiring?

Mr LeBlanc: Absolutely.

Mr Levac: Thank you.

The Chair: On behalf of the committee, I wish to thank the Ontario Professional Fire Fighters Association. We are adjourned.

The committee adjourned at 1753.

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