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Thursday 28 October 2004

Jeudi 28 octobre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 28 October 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 28 octobre 2004

The House met at 1845.

ORDERS OF THE DAY

EMPLOYMENT STANDARDS
AMENDMENT ACT (HOURS OF WORK
AND OTHER MATTERS), 2004
LOI DE 2004 MODIFIANT LA LOI
SUR LES NORMES D'EMPLOI
(HEURES DE TRAVAIL ET AUTRES
QUESTIONS)

Resuming the debate adjourned on October 25, 2004, on the motion for second reading of Bill 63, An Act to amend the Employment Standards Act, 2000 with respect to hours of work and certain other matters / Projet de loi 63, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les heures de travail et d'autres questions.

The Acting Speaker (Mr Joseph N. Tascona): The speaker who previously had the floor is not here, so we'll move on. The Chair recognizes the member from Trinity-Spadina.

Applause.

Mr Rosario Marchese (Trinity-Spadina): Thank you to my Liberal friends who are clapping. I want to welcome the electorate, the Ontario citizens who are watching this program. We are on live. I had to run here. I didn't know whether the Conservative member would be here to do his last minute. So I'm here on time to debate a very important bill, Bill 63, the Employment Standards Amendment Act.

I've got a whole lot to say on this bill, and I know that people watch because they see us engaged, they want to know what we're thinking, they want to know what the members of government have to say about this bill, what the opposition has to say. As you would imagine, we do have a lot to say, and that's why we like to be engaged with you. I say to the Liberals, this is an interactive process. Don't be shy to participate as I speak, because I think it's good for democracy.

Mr John Wilkinson (Perth-Middlesex): You feed off that, right?

Mr Marchese: I don't feed off it. I do not feed off it. That's unfair. But I do like the idea that when people want to engage me in some way, I want to acknowledge them in some way or other.

First of all, to the citizens of Ontario, you have a Liberal Party that claims to have a heart, that claims to be on the side of workers, that claims to support unions—nobody is nodding too hard on that one.

All I want to say to the unionized workforce and the non-unionized workforce is that Liberals are not friends of yours. They never have been; they never will be. They have never introduced any labour legislation in this province that you can be proud of. In fact, when we were in government, they opposed every piece of labour legislation we ever introduced.

Hon David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr Speaker: Yes, it's true that the Liberal Party opposed the social contract.

The Acting Speaker: That's not a point of order.

Mr Marchese: Don't you fret. I don't mind my friends interacting with me. When we introduced the anti-scab legislation, you couldn't find one Liberal to be there, as you did that. We felt you need to help workers to fairly negotiate agreements, and that includes anti-scab legislation. Not one Liberal in the then official opposition ever stood up to say, "Yes, we think it's a good idea." Not one.

You don't have a Liberal caucus that is devoted to dealing with issues of labour as it relates to the Employment Standards Act in any way that would change what the Conservatives introduced, that would benefit workers. Not much there. You would think that Ontarians support a 40-hour workweek. It's a fair demand. In fact, we wouldn't be the only province to demand a 40-hour workweek, had you had the courage to introduce it, because there are many other provinces that have a 40-hour workweek.

Mr Wilkinson: Name some.

Mr Marchese: Name a couple of provinces? British Columbia is one. Saskatchewan is another; Manitoba, Quebec, Newfoundland, Nunavut, Yukon, Northwest Territories. It's not just one province but many that have 40-hour workweeks. Why couldn't the Liberal Party, devoted to the family and to the working men and women of this province, introduce legislation that says, "We think a 40-hour week is fair," because people are working a lot of overtime, some people are not working and some are underworking. Some are unemployed and some are laid off and cannot be recalled, may not be recalled. Minister of Transportation, what's wrong with that? Whose side are you on?

Hon Harinder S. Takhar (Minister of Transportation): Your side.

Mr Marchese: No, you're not on my side, I can tell you, Minister of Transportation, and you're not on the side of the working men and women out there. You're not. You had an opportunity—

Interjections.

Mr Marchese: Now, now. Mon ami, Minister Caplan, l'honorable monsieur Caplan, Minister of Public Infrastructure Renewal, you have got to remember that you've got the wheels now. You can go back to 1990; you can go back to the 1970s, when they were in power; you can go back to whenever you want. You've got the wheels now. You just introduced a bill that says, "No, we're not going to have a 40-hour week, because we just don't like it. We want workers to work."

Mr Shafiq Qadri (Etobicoke North): Mais, il faut travailler de temps en temps.

M. Marchese: Ils travaillent beaucoup, et plus que ça.

Speaker, I need time to reflect with my friends about this bill, and I want to talk to the Liberals, and I want a whole half-hour. For that reason, we're going to move adjournment of this House.

The Acting Speaker: The member from Trinity-Spadina has moved adjournment of the House. Is it the pleasure of the House that this motion carry? I heard a nay.

All those in favour of the motion, say "aye."

All those opposed to the motion, say "nay."

In my opinion, the nays have it.

Call in the members—a 30-minute bell.

The division bells rang from 1853 to 1923.

The Acting Speaker: All those in favour of the motion, please rise and remain standing.

Please be seated.

All those opposed to the motion, please rise and remain standing.

Please be seated.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 10; the nays are 22.

The Acting Speaker: I declare the motion lost.

The Chair recognizes the member from Trinity-Spadina.

Mr Marchese: It's good to be back. I was waiting—I gave the Liberals an opportunity for us to talk, but nobody came; not one person came. What happened to that 40-hour workweek? Tony Ruprecht, what happened to that 40-hour workweek? We don't have a 40-hour workweek. We didn't have it under the Tories, but we had hopes for the Liberals. People believed them. Union and non-union members said, "Finally, the Liberals; they're good, they've got a heart." Nothing came of it.

In fact we have a bill by mon ami monsieur Bentley—il n'est pas ici.

Mr Gilles Bisson (Timmins-James Bay): You haven't got time, Rosie. You've got to read it.

Mr Marchese: Really?

Mr Bisson: Yes, you do. Trust me.

Mr Marchese: You're kidding. Two minutes and 30 seconds? We need at least an hour to debate this bill.

I've got so much to say, and yet I've got to move a motion here.

I move an amendment to the motion for second reading: that the bill be not now read a second time, but be read a second time six months hence.

Isn't that beautiful?

The Acting Speaker: The member for Trinity-Spadina has moved an amendment to the motion for second reading. It reads, that the bill be not now read a second time, but be read a second time six months hence.

Mr Marchese: Speaker, I would like to move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. There will be a 30-minute bell.

The division bells rang from 1927 to 1957.

The Acting Speaker: All those in favour, please rise and remain standing. Take your seats.

All those opposed, please rise and remain standing.

The Clerk-at-the-Table: The ayes are 11; the nays are 24.

The Acting Speaker: The motion is lost.

The member from Trinity-Spadina.

Interjections.

Mr Marchese: I only have a couple of seconds. Minister Bentley introduced Bill 63 as a measure to revoke the Tory 60-hour workweek. That's what he pretended to say. Well, it doesn't do that.

Interjection: What does it do?

Mr Marchese: I'll tell you what it does. This bill allows employers to seek permits for workweeks longer than 60 hours. We thought the Liberals were going to be better than that. You got rid of them and we got you, and now they can work even longer than 60 hours. Yet Minister Bentley made us all believe that somehow the 60-hour workweek was gone. It's with us, and it's going to stay with us for a long, long time.

The Acting Speaker: Questions and comments?

Mr Lorenzo Berardinetti (Scarborough Southwest): The purpose of this bill is obviously to reduce or reverse a harm or an injustice that was caused back in the Harris-Eves days, when they decided to bring in the 60-hour workweek. The legislation is straightforward. I see no problem with the legislation. Let's bring it through second reading. If they want us to bring it to committee or discuss it at committee, that's something they should consider. But let's move on; get this thing over and move on to the next bill.

Mr John O'Toole (Durham): I'm always compelled to respond to the minister from Trinity-Spadina—actually, the former minister—because he's always passionate about issues, especially employee rights.

Bill 63 is another attempt by the government to convince people that they're doing one thing when in fact they're really doing nothing. If you look at the legislation as it currently stands, with respect to working over the

mandatory 48 hours, what it really says is that both the employer and the employee must come to an agreement. That's the way it stands today. This is a consensual agreement.

But if you look at the real world of work today, you have to recognize that in the world of technology and contract employment, the relationship is not what it was some time ago. We need to make sure that in a world of just-in-time response to the market, whether it's the auto industry or suppliers to the auto industry or indeed the whole economy of Ontario, we need to make sure that employee rights are respected while at the same time the employer is able to fulfill their contractual commitments with whomever they're supplying their product to.

Once again, Bill 63 says one thing and does quite a different thing. In fact, there's really nothing compulsory here.

Interjections.

Mr O'Toole: It does not. Members of the government who are not familiar with the bill in any detail should realize that it does not eliminate the 60-hour workweek. For the viewer listening tonight, it's one more example of creating more bureaucracy, more red tape, solving no problems, but trying to convince you that they're the government of change. In fact, they're making it worse for the employers and the employees of Ontario.

Ms Andrea Horwath (Hamilton East): It gives me great pleasure to comment on the astute observations of my colleague Rosario Marchese from Trinity-Spadina. I have to say that he really took the time to review the analysis of the bill that provides us with the opportunity to, quite frankly, determine that the bill itself is a huge disappointment for workers in Ontario. In fact, the Ontario Federation of Labour is extremely disappointed with this particular bill. Last night in Hamilton East, I attended a meeting of injured works and explained to them the lack of teeth in this bill and how much this bill is a broken promise by the government, and they already knew. I wasn't giving them any news. They were shaking their heads in agreement and saying, "Yes, we know that the Liberal government has once again pretended they were going to fix"—sorry—"the nasty legislation that was brought in by the previous government." I have to say it was nasty. I think the people of Ontario, particularly the workers of Ontario, had some serious expectations about what this government was going to do to redress the injustices that were brought in by the previous government. What we found in this particular bill was exactly the opposite.

Mr Marchese: It's worse.

Ms Horwath: You're right. It's actually worse than the previous legislation. What it does, in the total, normal liberal way, is pretend it's going to make an impact, and we know it doesn't make an impact. It messes around the edges and perhaps makes the employer jump through one or two hoops more, but ultimately what it does is tell the workers of Ontario, "You do not have the right to work a decent workweek that's going to give you work-life balance. What you're going to end up having to do is

kowtow to your employer's desire to make you work 60, 62, 64, 66." It is not progressive legislation; it's shameful.

Ms Laurel C. Broten (Etobicoke-Lakeshore): I am pleased to speak in support of Bill 63. I know that I have had ample opportunity throughout this debate to state my views with respect to the bill. This bill brings forward protections for workers in this province. I look forward to voting on it. I'm surprised that my colleagues across the House don't look forward to voting on this legislation and bringing protections in for the workers of Ontario.

The Acting Speaker: In reply, the Chair recognizes the member from Trinity-Spadina.

Mr Marchese: Thank you to friends and lots of foes on the other side. They are so eager to vote for this bill because it supports workers, and they don't feel any qualms of shame for saying it. How is it supportive of workers when this bill allows employers to seek permits that would allow the workweeks to be longer than 60 hours? How is that supportive of the workers? Can she explain that to me, she or the minister when he comes in this House? How is it possible that when there is no maximum on excessive hours of work per week or per year in Bill 63, that's a good thing for workers? How can she justify that? How can she say that it's good for working men and women?

Speaker, you have to understand why someone would be upset. When my friend here says the unions feel disappointed—disappointed? They should be and ought to be shocked, it would seem to me. They argue, "But if the employee says it's OK to work beyond 48 hours, then that's OK." That's what the Tories used to argue. It's not OK, member from Etobicoke-Lakeshore. It's not a level playing field. Employers have power and employees do not. So if the employer says to the little guy, "We'd like you to work beyond the 48-hour week," what's he going to say? "No, I'm sorry, Mr Employer, I'm not going to work?"

You have not eliminated the averaging that the Tories allowed. They allowed averaging over a four-week period, when averaging should be over one week, and if you work over 44 hours, you get overtime. You don't get that with the Libs, and they are so eager to support this bill, because they are so eager to support the working man and woman. This is not a bill that supports workers or non-unionized workers. This is an anti-worker bill, and we are going to fight it until the very end.

The Acting Speaker: The Chair recognizes the deputy government House leader.

Hon Mr Caplan: It is a pleasure to speak to Bill 63 tonight. It was introduced by my colleague Minister Bentley, the member from London West, back on April 26, 2004, some six months ago.

At the time, the members of the Conservative Party said they were going to vote against it because it repeals the 60-hour workweek, which they brought in with great fanfare to try to kowtow to their friends simply on one side of the equation, simply on the business side, the management side.

It was opposed at the time by my friends in the third party, in the New Democratic Party, who have claimed to be on the side of workers but have spent all night, in fact have used obstructionist tactics, to delay the passage of this bill.

I ask you, Speaker, who's really in favour of workers? Not the NDP, the party of the social contract; not the NDP, the party that blocked family medical leave protecting workers whose family members get sick and giving them job guarantees; not the party that is now blocking a repeal of the 60-hour workweek. Speaker, members of that third party should be ashamed of themselves. They had one line back when they opposed the Tories. Now that we're undoing that sorry legacy, they have an entirely different line. They're opposed to the fact that we're going back to the Employment Standards Act the way it was under the New Democratic Party. Do you believe that? All of those criticisms you just heard from the member from Trinity-Spadina existed in their own legislation.

So I must say to the member from Trinity-Spadina that the comments he just represented over the last hour or so are bunk, absolute bunk, my friend. You make no sense. You are not consistent. You are anti-worker because you're blocking this bill. We've had 10 hours of debate in this House. The opposition has moved to end the debate five times. They don't want to debate this any more. That's why I move that this motion now be put.

Interjections.

The Acting Speaker: We're going to adjourn the House for a five-minute recess.

The House recessed from 2010 to 2017.

The Acting Speaker: We're not going to allow the motion. Continue the debate.

Hon Mr Caplan: Speaker, I am terribly disappointed that you wouldn't allow that motion. I must say that I am very disappointed that motion would not be allowed.

Mr Marchese: Are you challenging the Speaker?

Hon Mr Caplan: No, I'm just expressing my disappointment. There's sufficient precedent, I must admit, but that's OK, because eventually we will have a second reading vote, we will have committee hearings, we will have third reading and we will finally repeal the 60-hour workweek, a draconian measure that my friends opposite brought in and that my friends in the third party say they oppose. But obviously they do not support workers, because they don't support our repeal of the 60-hour workweek. As I said, they obstructed family medical leave, where workers would have the right to have their jobs—they introduced the social contract. I think that's absolutely disappointing.

Speaker, I must tell you I'm disappointed that you did not allow the motion for consideration of the second reading vote, but I do know that eventually this bill will come to the floor, will pass and we will have resolution of it.

The Acting Speaker: Questions and comments?

Mr O'Toole: I've listened quite intently, not just since April 26, when Minister Bentley introduced Bill 63.

I would have to say that just the very name implies they're substantively changing the Employment Standards Act, 2000, with respect to certain matters, specifically hours of work. After reviewing the bill and listening to the debate and their attempt to force the vote on this bill after very limited debate, it disappoints me and members of our caucus, and dare I say the members of the NDP caucus as well, that it fails to do what it purports to do.

It's very much like during the election, and I hate to digress. Perhaps I may be off topic, but during the election my opponent was saying one thing, and I knew and they knew—for that matter, Mr Phillips knew; he's here tonight—that they couldn't deliver on the promises. I have the book that said they had \$6 billion or \$7 billion worth of promises, promising to spend a fortune. This bill is another example of, "Say one thing, do another." In fact, over the 10 years I've been here, and the 10 years prior to that while I've been listening, one thing you can depend on is absolutely nothing that the Liberals say. I'm listening to Adscam and all that in Ottawa. Paul Martin is blaming everyone.

For the viewer tonight, this bill really says it's changing the requirement of the 60-hour workweek. In fact, it really penalizes the employee. In many cases we're very much pro creating jobs and a healthy economy, and I understand that some of the NDP's legislation is kind of giving more power to workers, and better for them. What we want is fairness and honesty, and that's completely missing from Bill 63.

Mr Marchese: If you listened very carefully to the minister of public infrastructure and otherwise, he said absolutely nothing. If you listen to other members as they may take the opportunity to speak, they will say nothing. Do you know why? Because there is nothing to say, other than, "This is a bill that supports workers and is for workers, and let's move on and vote." That's all they can say, because the bill belies what they say it does. We used to attack the Tories for Orwellian titles, and the Liberals just picked up where they left off. Nothing changes. Plus ça change. Nothing changes. Don't you see why people like me get frustrated?

They say this gets rid of the 60-hour workweek. Well, show me in the bill where it does. It does not do that. In fact, the employer can ask, through the ministry, to work for longer than 60 hours and they will. So it's left to the ministry to determine what that cap is. There is no cap. There is no weekly cap. There is no monthly cap. We don't know, because the employer can go to the ministry and say, "We want to be able to work for so many hours. We got approval from Mr Peterson, who wants to work more than 48 hours a week or whatever it is, and everything is dandy." And the Liberals say, "That's OK."

Listen carefully, Speaker, and I say to you people watching, listen carefully to what the Liberals are saying. They're saying absolutely rien, because it's indefensible. This bill is indefensible. Non-unionized workers have no protection. The minister says they're going to have 2,000 inspections out there for the workplace. There are no

enforcement workers; there is no extra money. How can they enforce anything without any extra workers? There is nothing for the worker. This is the extension of what the Tories left us. This is not good for workers.

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): I'm pleased to rise in response to the comments of the Minister of Public Infrastructure Renewal and deputy House leader. I think he made an appropriate and salient motion at this point in time. After more than seven hours' debate, our rotation is now well below the 10-minute limit. Many members have spoken to this bill in the House and a lot of territory has been covered. I hope at some point the members opposite will recognize the wisdom of the Minister of Public Infrastructure Renewal and deputy House leader in asking that the question be put.

Mrs Julia Munro (York North): I think when we look at Bill 63, we're seeing the ability of the government to provide an election promise. During the election, this was something that was held out to the voters and certainly to the workers of this province.

They interpreted the previous bill that had allowed by mutual agreement a 60-hour workweek, but based on a monthly cap. So instead, during the election the promise was to eliminate this piece of legislation.

What they did then was to create a level of expectation, and it is the expectation that it would in fact be a very different kind of structure than we see in this bill. No, there is no monthly cap, but there is certainly the ability for people to work just as long or longer. But with this bill there is the addition of red tape, of having to go through further administrative burden. We know that people before were able to do this. There were 19,000 applications that the Ministry of Labour had to work through.

Our bill was an attempt to eliminate that and provide the guarantee for both employers and employees. What we're seeing here tonight is simply sleight of hand; nothing has changed.

The Acting Speaker: In reply, the Chair recognizes the deputy government House leader.

Hon Mr Caplan: Speaker, I can assure you and all members of this House, especially in the opposition, that we will eliminate the 60-hour workweek. Whether it is over your objections or not, it will happen. I want to assure workers across this province that this—

Interjections.

Hon Mr Caplan: They howl in protest because they see their hideous agenda now unravel in front of their eyes, but it will happen. Rest assured that the 60-hour workweek will come to an end.

To my friends in the third party I say shame on you. Shame on you that you say one thing, that you support workers, but your actions are entirely different. You say you support collective bargaining; you introduce the social contract. You say you support hours of work; you oppose a workweek that comes back to a progressive employment standards level that we've seen in the past. You say you support workers; you obstruct family medical leave. This is the legacy of the third party.

Workers in this province are not fooled by your rhetoric. Workers are not fooled. They know your record and they know how you vote. You've paid a price for it. It is why that party has become irrelevant in the province of Ontario.

I do know that this bill will pass. Workers' lives will be better and it will be thanks to Dalton McGuinty and the Liberal Party.

The Acting Speaker: Further debate.

Mr Ted Chudleigh (Halton): It's interesting that the arrogance of the official government suggests that the NDP is irrelevant. I would ask you to remember the by-election in Hamilton not long ago, when a new member was returned to this House. I believe last Thursday, about a week ago, she moved a motion that at the very least embarrassed the government in losing a day. Not bad for irrelevance; not bad at all.

You know, it's interesting when you consider what's going on tonight. There's a lot of bickering going on in the House and a lot of not good faith. I'm particularly pleased to be speaking at this moment. Perhaps I can lower the temperature in the House and perhaps we can talk about some of the issues of Bill 63, the elimination of the 60-hour workweek. It ain't gonna work. The bill doesn't do it. It's not going to happen.

The government likes to be the great protector of workers, to protect workers against a 60-hour workweek: my God, a sweatshop of 60 hours. Do you know what? Do you know what workers tell me? On Friday of every week I sit in my constituency office and people come in and talk to me. Last Friday they came in and said, "Does this mean I can't work 60 hours a week any more?" I said, "Yes, if this bill passes you won't be able to work 60 hours a week without permission from the Minister of Labour." They said, "Every once in a while we get behind in our company and I get an opportunity to work 60 hours a week." Well, he's making 32 bucks an hour. Christmas is coming. He really wants to work 60 hour a week. He wants to pay those Christmas bills, and this government is going to prevent that from happening. I'm sorry, in a democratic society of freedom that's wrong.

You guys are wrong. You can't protect people from doing what they want to do, and that's what you're doing in this bill. You're wrong. All the employers in this province are bad people; that's what you're saying. You're saying that all the employers have a whip out over their employees and they're beating them. That may have worked in the 1880s and in the 1890s, but it doesn't work in today's society. This bill is opposed to workers' rights, and that's bad legislation.

I see the member from Scarborough-someplace is upset about that.

Mr Mike Colle (Eglinton-Lawrence): Don't demean Scarborough.

Mr Chudleigh: Sorry; York, whatever.

I'm not going to abuse the NDP tonight. They've made an eloquent statement and of course they're the party of labour. They are the labour party in Ontario. Under their government, there were 10,000 jobs lost in

Ontario. Under our government, in eight years there were a million jobs created. I would suggest to you that every labour person in Ontario wants a job, and if he doesn't want a job, he wants a better job. We created a million jobs in Ontario over our term of government, unprecedented in Ontario's history; an unprecedented rate of job growth. That's what we created. That's our record.

The private sector—

The Acting Speaker: Member from Perth-Middlesex, you're not in your seat. If you want to take your own seat.

Mr Chudleigh: Thank you, Speaker. I appreciate the protection.

Bert Stewart would never have done something like that—Bert Johnson; sorry.

Mr Tim Hudak (Erie-Lincoln): The best of Bert Johnson and the best of Gary Stewart put together—one super-MPP.

Mr Chudleigh: Absolutely, a super-MPP.

My God, I've burned through a lot of this stuff. The pace of the House is just too fast, and I think that for this evening anyway we should adjourn the House. I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. There will be a 30-minute bell.

The division bells rang from 2034 to 2104.

The Acting Speaker: The member from Halton has moved adjournment of the House. All those in favour please rise and remain standing. Please be seated.

All those opposed please rise and remain standing.

The Clerk-at-the-Table: The ayes are 9; the nays are 25.

The Acting Speaker: I declare the motion lost. The member from Halton.

Mr Chudleigh: I know, Mr Speaker, you can identify with my disappointment on that loss on that vote, but we will labour on. Labour on—did you get that? That's a little pun there.

You know we were talking about the 60-hour workweek and I was mentioning how employees sometimes want to work a 60-hour workweek. I'll give you an example.

Last year, in 2003, the Queen's Plate was held at the Woodbine Racetrack on the same—

Mr O'Toole: Who won?

Mr Chudleigh: I don't know who won. I didn't have any money on them.

It was held the same weekend as the North American Cup. The people who serve dinner and drinks, and the wait staff at the Woodbine Racetrack, who do such a marvellous job, make the day such an exciting time. They like to work that weekend because the tips are really good and the people who come to those races are perhaps what might be referred to in the industry as high rollers. But because of this legislation, they couldn't have those

two races back-to-back, because there wouldn't be a 12-hour period that they would have off, which is covered in this legislation. So they couldn't work that very lucrative weekend—which they all want to do—because of this legislation, unless they went through the bureaucratic claptrap that is outlined in the bill and is not going to work very smoothly anyway.

So I would like to move an amendment to the motion for second reading. I move that the bill be now read a second time, but be read a second time four months hence.

The Acting Speaker: There is already an amendment on the floor, and only one is permitted. So that's not in order.

Mr Chudleigh: I would like to move a motion of personal privilege on that if I could, if you'd like to stop the clock, because the member from—

The Acting Speaker: I've already decided it's not in order. Do you want to continue speaking?

Mr Chudleigh: So that amendment's not in order, you're saying? OK.

There are a few other items that I could talk to on this Employment Standards Act—17.4, for instance, sets out a criterion which will allow for a 60-hour workweek, even if approval from the ministry is not received within 90 days after application. What protection is that? After 90 days—oh, I think perhaps we'll leave the 90 days for a while, Mr Speaker, and I'd like to move adjournment of the debate.

The Acting Speaker: Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Call in the members.

There will be a 30-minute bell.

The division bells rang from 2110 to 2140.

The Speaker (Hon Alvin Curling): Mr Chudleigh has moved adjournment of the debate.

All those in favour, please rise.

All those against, please rise and remain standing.

The Clerk-at-the-Table: The ayes are 9; the nays are 26.

The Speaker: I declare the motion lost.

Mr Chudleigh?

Mr Chudleigh: I'm very pleased that we are able to continue to discuss this very important piece of legislation, which is working against the best interests of Ontario's hard-working people who want to go to work and make that extra money whenever they have the opportunity to do so.

The Speaker: Questions and comments?

Mr Marchese: I just want to say to Ted, the member from Halton, that this government is on your side. They are hand in hand with you. They're not fighting your bill; they're helping to improve your bill.

Mr Chudleigh: Shoot over there.

Mr Marchese: I hear you, but I don't know what you were arguing in terms of what they're doing. They're not interested in having a cap on the workweek, and you

weren't either; you're united on that. There are no maximum working hours; you're united on that. They said they would eliminate the 60-hour workweek. They're not doing that. You guys are united on that. You have to say that, otherwise people get confused out there because then you create the impression that they're doing something different. They're not.

They can go to the ministry and ask that working hours exceed 60 a week. They can do that, and we believe that when the ministry gets the agreement from individual workers to do so, they will say it's OK. If that is the case, they are no different from you; in fact, they're worse, because they can, and would, increase the working hours beyond 60. You've got to understand that, Ted; I'm a bit concerned.

We want to take this to committee; we absolutely do. We need to hear from working men and women. We want to hear from the unions that would say, "You're right. We love you Liberals. We always loved you. We love this bill." We want to hear from working men and women who say, "We love this bill. Good heavens, we didn't know, but the bill does eliminate the 60-hour workweek." We want to hear that, please.

Let's join together. We'll send it to committee, which of course is what we all want to do, and hear from the unionized and non-unionized men and women so they can praise the good work you are doing. I can't wait.

Mr Colle: I find it quite perplexing, on this side of the House, to try to figure out this coalition of the NDP and the Conservatives, what they really have in common, because they're contradicting themselves. The left side of the coalition, the NDP, is saying, "The workers shouldn't work, because the minister would have to get permission from the employer"; the right side of the coalition is saying, "People want to work until they blow the top of their heads off." The right side says, "Let 'em work till they drop." The left side—I'm not sure, because you are supposed to be in the same coalition, obstructing this bill. Yet, as you obstruct this bill—like any bill, there's always a question for debate. But you're not even willing to make this bill go forward. There's no doubt that there is improvement here for people in Ontario who want certain protections. Do you know why I think we're right? It's because we've got agreement on the far right and the far left in this coalition of the unwashed.

I think what we're telling the people of Ontario is, "There's a lot of work to be done in this province. We want to go ahead and do it." And all you can do is ring bells. Perhaps you could come forward with a better strategy than ringing bells and tell us how you're going to do things better for the people of Ontario. At least, with this bill, we're trying to do that. But you have no alternative. All you say is, "We agree with the far right. Don't do it." That's all you can say.

Mr Jerry J. Ouellette (Oshawa): I look forward to this opportunity on Bill 63. I can remember when the legislation they're trying to replace was brought in by Minister Stockwell. At that time, I had some strong concerns. Behind closed doors with the minister and

caucus, I spoke about the fact that I wouldn't support the bill until the minister actually came out to the riding of Oshawa and explained it to the people from my riding. Well, first reading came along, and then he agreed to come out after that. I have to tell you that I took out ads and we called everybody. Minister Stockwell was a bit concerned about coming to Oshawa, a labour town—CAW, General Motors—and what was going to happen to him. We had 43 people at the meeting. The interest and the concern on that bill was not that strong.

Actually, the more I got into it, the more I found out that there were over 19,000 permits issued annually prior to the piece of legislation we're replacing. It was a huge bureaucracy that was rubber-stamping. All the permits were coming through, were rubber-stamped to go through, and the next one came in. So what was taking place was General Motors actually had to utilize fewer individuals once our piece of legislation was brought in. Now we're going to have companies like General Motors employ more people to work inside to rubber-stamp the bills to allow it to go through—and that's exactly what they said.

I understand there's going to be some tinkering behind closed doors. Effectively, they're going to be allowed to do it by e-mail, through the Net, so they don't have to send the forms back and forth to do that process, which will help out. But it's not going to change the situation that's going on now.

As a matter of fact, I met with a lot of CAW workers who had concerns that they weren't going to—because, quite frankly, a lot of them look forward to their overtime hours. A lot of them are working a six-day week and enjoying it or getting all the extra overtime they can, and they're paid very well for it.

I don't think this is going to resolve the situation, and I don't think it's going to accomplish what we're doing. What we're doing is moving forward on a feel-good piece of legislation that's not going to change anything, but only add more bureaucracy.

Mr Peter Kormos (Niagara Centre): In approximately three, four minutes' time, Andrea Horwath, the member from Hamilton East, is going to be speaking to this bill on behalf of New Democrats here in this Legislature and across the province of Ontario and on behalf of working women and men, unionized and non-unionized, who have been abandoned by this government.

When people voted for change—this government, the Dalton McGuinty Liberals, give the minimum-wage workers in our province change; they give them spare change.

I tell you that this legislation does not rectify the de-regulation of work hours in this province. Indeed, it gives license to greedy, voracious, mean-spirited, dark-hearted bosses to rip off and exploit workers more than they ever have been before—ever—in the history of this province since, for sure, the era of the dirty, mean 1930s.

This government has presented legislation, the title of which is more deceptive than anything we ever saw from their predecessors, the Conservatives. At least the Con-

servatives had a sense of humour about it. There's no sense of humour about the mean-spiritedness of Liberals when it comes to working women and men and their rights in the workplace.

Andrea Horwath, the member from Hamilton East, is going to tell you that New Democrats don't support this legislation because New Democrats stand with working women and men. New Democrats insist that this legislation go to committee so there can be broad-based and thorough consideration of the analysis and opinions of people across this province. New Democrats are going to insist that this legislation receive the thorough scrutiny it deserves in committee.

I say to this government that should it try to block the referral of this bill to committee, it will have demonstrated itself to have been the heavy-fisted, ham-fisted legitimate successor to the mean-spirited, black-hearted Tories.

The Speaker: Member from Halton, you have two minutes.

Mr Chudleigh: Thank you, Mr Speaker. I'd like to thank the member from Trinity-Spadina for his comments. He sees a plot developing in this area. The member from Eglinton-Lawrence made some interesting comments. His comments on the workplace reminded me of the stage show *Oliver!* and the 1800s and how people abused their workers.

2150

In fact, in today's environment, the workers of Ontario have options. If they don't like the job they have, they can move to another job. Our government created a million new jobs in this province and many of those jobs are still here. They're beginning to kind of fade away, as this government increases taxes and makes things more and more difficult for employers to operate in this province, but they're still there. Workers have options.

This bill is anti-worker. Creating jobs in this province will give workers the options that they need. The 48 hours, 60 hours—I don't know, today we're working something like 18 hours. We're going to be here until midnight. I started at about 8 o'clock this morning; I was here. That would be illegal. I should get permission from the Minister of Labour.

The member mentioned that all we can do is ring bells. The member suggests that we ring bells. You have a majority, sir. You should get things done. If you can't manage this government with a majority, how can you manage Ontario, which you're not doing? You're not managing Ontario. You're not creating jobs in Ontario because you can't manage this place even though you have a majority.

The Speaker: Further debate?

Ms Horwath: I'm very pleased to have the opportunity to speak to this particular bill, particularly in the context of the discussion that we're having tonight, and have been having over the last couple of days, about how real, progressive and appropriate change occurs in Ontario.

It was interesting to me to hear the questions-and-comments portion of the last few minutes, when the

members were given the opportunity to comment on some of the previous debate. That set a good context for the comments I'm going to make about this particular bill, because I think what's really salient about some of the issues that were raised during that discussion was the comment made by my friend Peter Kormos. One of the things he said, and I think it's quite true, in the way he characterized what this bill really is—and I think he was absolutely right on the money when he articulated the fact that this bill really is mean-spirited in terms of what this government is prepared to do for the workers of Ontario.

I say that because I think the workers of Ontario had some high expectations. In fact, do you know what? I don't think the workers had some high expectations, I know that the workers of Ontario had high expectations. I know that the workers in Hamilton East had high expectations of real reform when this government was elected a scant year ago. Here they are, after a year, faced with this legislation, faced with this piece of work that really does nothing to redress some of the rollbacks, some of the regressive pieces of legislation that were brought in by the previous government.

If you really take the time to look at this bill, and I have, and if you take the time to talk to workers in this province, and I have, as recently as last night—in fact, injured workers are the people I talked to last night. These are workers who are off the job because they were injured in the workplace and they are aware of this particular bill. They know that Bill 63 does nothing, nothing at all, for the lot of workers in Ontario. They know that their sisters and brothers, whether they're unionized or not, workers in Ontario will not have a better lot as a result of this particular bill.

I have to say to you that it would be the opinion of the members of this particular caucus that Bill 63 does nothing at all to provide changes to the system that existed under the previous government. It fails in very many ways to protect workers from things like coercion by the employer. It fails to guarantee workers a 40-hour workweek, which has been a long-standing desire of both organized labour and unorganized workers in Ontario. It fails in so many respects that it's actually kind of embarrassing to have to stand in this Legislature today and listen to the protestations of the government indicating that they think this bill does very positive things for workers in Ontario, and it absolutely does not.

It's actually quite disconcerting that we have to go through a protracted debate in this regard when we all know very well, as we sit in our seats and we read the bill and we read, quite frankly, the notes that come from the researchers that look into the fine details, that it's the devil in the details that makes the difference for workers in Ontario. In this particular bill those details do not spell positive, progressive reform in terms of hours of work. Everybody who's sitting in this chamber tonight knows that that's the truth.

What we really need in Ontario, and what can easily be done if the government was committed to progressive

labour law reform, is the instatement of a firm 40-hour workweek in the province of Ontario. It's really funny, because on the one hand, when we talk about things like pensions, we have the government saying, "You know, there are just not enough workers around to do the work." And on the other hand, "the workers that are there—we're going to make them work 60, 80, 100 hours a week." In fact, this bill provides opportunities for employers to put workers in a position where there's no cap on the amount of hours they can work. It's actually quite a regressive piece of legislation if you look at the details.

What we really need to see are real, specific changes around the mechanisms that would perhaps lead to the negotiations between worker and employer. The problem—and again, it's the detail—is that in such negotiations it's always the employer that has the upper hand. Why is that? The employer has the upper hand because it's the employer that has the piece of the equation that has the most power. It's the employer that can give or take the livelihood and the well-being of the workers and their ability to support themselves and their family.

In any situation where we talk about negotiations—I come from community social justice work, so I know very well the movement towards mediation and all these kinds of different ways of settling disputes. It's a basic, fundamental issue that is apparent in every negotiation of this type, the fact that there is one party that holds the upper hand and holds the power. Unless there's a system that balances that power and redresses that problem, then you have a system that is not going to work. It's particularly not going to work for the person who is at the bottom edge of that power imbalance. In Ontario, that means the worker. And you know what? That means the worker, regardless of whether that worker belongs to a trade union or whether they do not.

I can tell you that the people who are my friends in the labour movement are telling me they are extremely concerned about the fact that the unions are totally, totally opposed to this legislation. They are opposed to this legislation because they do not believe they have a rightful and appropriate spot in this particular negotiation.

I need to say to you that it's extremely important that this particular bill goes to an appropriate scrutiny at a committee level so that my friends—on my caucus, the NDP caucus, Trinity-Spadina, all of whom are here. In fact, we have Marilyn Churley, who's joined us just now; we have Gilles Bisson; we have Peter Kormos. All of these members are very much interested in making sure this bill gets the scrutiny it deserves. It needs to go to committee. It needs to have full debate. It needs to have people coming in to speak to it.

At this point in time, I forfeit the floor—and see that this bill gets put to committee and to a vote.

The Speaker: I presume that the member from Hamilton East has completed her speech?

Ms Horwath: Yes, Mr Speaker.

The Speaker: I'm going to then ask for questions and comments, if she's completed her speech. Questions and comments?

2200

Hon Mr Caplan: I appreciate the comments of the member. I'm surprised to hear that the New Democrats do not support ending the 60-hour workweek, because they used to say that they did. That party used to say that they supported workers.

I remember that when they were government, each and every one of them voted for the social contract. They voted to end collective bargaining, strip contracts and rob workers of their rights. I remember when, back earlier in the spring, the members of the third party blocked family medical leave, a law which would allow workers the right to care for family members who were sick. I remember the pious, sanctimonious waves that came from over there.

It is very hard to take. Obviously, the member has not read the bill, because if the member had read the bill, the member would have known that it parallels the Employment Standards Act that was in place between 1990 and 1995 when her party was the government. So I, for one, am very surprised that the members of the third party do not support eliminating the 60-hour workweek.

Mrs Elizabeth Witmer (Kitchener-Waterloo): I just heard the member opposite, and I would say to the Minister of Public Infrastructure Renewal, this bill does not in any way, shape or form end the 60-hour workweek.

Mr Bisson: And you would know, Elizabeth. You're an honourable member.

Mrs Witmer: I would know, because I used to be the Minister of Labour, and if you check with lawyers, they will tell you this does not end the 60-hour workweek. This bill is wasteful. It goes back to the permit system that we used to have in the province of Ontario. It is very costly. What's going to happen is businesses will do to you what they did to the NDP: They will go elsewhere, and we'll lose 10,000 jobs.

Mr Kormos: Very briefly, and in the company of my colleagues in the NDP caucus Marilyn Churley, Rosario Marchese and Gilles Bisson, I say that the member from Hamilton East, Ms Horwath, has made it very clear that New Democrats are eager to see this bill go to committee, that she did not exhaust all of the time available to her. She was ceding the floor so that the bill could be put to a vote, and what does the deputy government House leader do?

Interjection: Filibusters.

Mr Kormos: Mr Caplan filibusters the government's own bill. You guys couldn't organize a drunk-up in a brewery. You guys are pathetic. You guys are hopeless. You guys are miserably inept. Ms Horwath has indicated that New Democrats are ready to let this bill go to a vote on second reading. We don't support it. I assume you do. Let's vote on it and see whether it's going to progress through the process. Don't filibuster your own legislation.

Mr O'Toole: I'm surprised. What the member from Hamilton East asked was a reasonable compromise at this time of the day. After some time, it appears the gov-

ernment's intransigent to even try to find a solution. She has proposed to you—it's quite simple—that she wants broader input from the stakeholders that, thus far, have not been consulted because of the ambiguities in the bill.

If you read it here—I'll just read one section in the very limited time. I'm reading from the bill itself, Bill 63, and it says right here—these are the weasel words that I find in it—“Employers are prohibited from requiring or permitting employees to work more than 48 hours in a workweek unless the employees have agreed to do so in writing.”

Then I go down further here, and see in another preamble section it says, “Existing agreements to work hours in excess of the limits in the act continue to be valid”—so if they've agreed—“but are subject to the requirement to obtain an approval.” What this does—I can just see it now. It's sort of like a call centre at the Ministry of Labour. Somebody there seven days a week, 24 hours a day, waiting for the call for permission to work, and they both have agreed. Consensual agreement on both sides is required; that's implicit.

What you're trying to do is actually slow down the economy of Ontario, and I think it's working. From the recent numbers, I think your plan to slow down the economy is working.

If I had more time, I would tell you what I've recently heard from Inco and others about the exceedingly exaggerated costs of electricity, one of their chief costs of doing business. The pulp and paper industry, the steel industry—you're shutting the economy down and you don't get it.

This is not just an example of failure to pass this bill; it's a failure to govern. It's embarrassing to be here and listen to the inaccuracies being articulated on the other side.

The Speaker: The member from Hamilton East has two minutes to reply.

Ms Horwath: I must admit that I'm a bit confused about what's happened here in the last little while. Quite frankly, it's my opinion that we've had some very positive debate on this bill. But, really, the next phase of this bill is to move it into committee, where it can get the scrutiny and debate it deserves.

I thought I had made that clear. I thought I opened an opportunity for the Liberals, the government, to deal with that. But do you know what? The bottom line is, they didn't take that opportunity. They fumbled that ball, and we're not necessarily going to be debating this any more.

We'd like to see this go to committee, where we can really deal with it in a very specific and very detailed way. There are a lot of stakeholders involved here who need to have the opportunity to have that discussion because, quite frankly, this bill is bad. It is not a positive and progressive bill; it does not do good things for workers in Ontario. Quite frankly, this bill can be voted on at this point in time and we can take it to committee.

I don't understand what happened here tonight. I think it's time that this bill moves to the next phase and gets to committee for scrutiny. We should be voting on it at this point in time.

The Speaker: Further debate?

Hon Steve Peters (Minister of Agriculture and Food): It's quite ironic, we hear honourable members say they want this to get to committee, and yet they persist in delaying debate. I think it's important for those people viewing at home—I would encourage them to pick up the phone and contact the House leaders of the two opposition parties for the disrespectful way they are treating the citizens of Ontario. The citizens of Ontario have sent us here to do a job, and all the opposition members do is try to find ways to put roadblocks in place. I think it's time that we got on with business, that we started dealing with the business of this Legislature.

I move that the question be now put.

Mr Kormos: On a point of order, Mr Speaker: New Democrats concur, as the member Ms Horwath was trying to say: Let's put this bill to a vote so we can get it into committee.

The Speaker: I have listened very carefully, and I understand that the government now is asking that the motion be put. The indication and my sense of it all is that the opposition also wants it to be put. So I will entertain the motion of the Minister of Agriculture and Food.

Mr Peters moves that the motion be now put.

All those in favour, say “aye.”

All those against, say “nay.”

I think the ayes—

Call in the members. There will be a 30-minute bell.

The division bells rang from 2210 to 2240.

The Speaker: Mr Peters has moved that the question be now put.

All those in favour, please rise one at a time.

Ayes

Arthurs, Wayne	Fonseca, Peter	Peters, Steve
Berardinetti, Lorenzo	Hoy, Pat	Peterson, Tim
Bisson, Gilles	Hudak, Tim	Qaadri, Shafiq
Brotten, Laurel C.	Jeffrey, Linda	Ruprecht, Tony
Caplan, David	Kormos, Peter	Scott, Laurie
Churley, Marilyn	Kular, Kuldip	Takhar, Harinder S.
Colle, Mike	Marchese, Rosario	Witmer, Elizabeth
Delaney, Bob	McMeekin, Ted	Wong, Tony C.
Dhillon, Vic	McNeely, Phil	Wynne, Kathleen O.
Duguid, Brad	Milloy, John	Zimmer, David
Dunlop, Garfield	Mossop, Jennifer F.	
Flynn, Kevin Daniel	O'Toole, John	

The Speaker: All those against, please rise one at a time.

Nays

Chudleigh, Ted	Ouellette, Jerry J.
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The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 34; the nays are 2.

The Speaker: I declare the motion carried.

On June 9, Mr Bentley moved second reading of Bill 63. Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those against, say “nay.”

I think the ayes have it.

Call in the members. There will be a 30-minute bell.

Pursuant to standing order 28(h), I request that the vote on the motion by Mr Bentley for second reading of Bill 63, An Act to amend the Employment Standards Act, 2000 with respect to hours of work and certain other matters, be deferred until Monday, November 1, 2004.

PROFESSIONAL LEARNING PROGRAM
CANCELLATION ACT, 2004
LOI DE 2004 ANNULANT LE PROGRAMME
DE PERFECTIONNEMENT
PROFESSIONNEL

Resuming the debate adjourned on October 26, 2004, on the motion for second reading of Bill 82, An Act to amend the Ontario College of Teachers Act, 1996 to cancel the Professional Learning Program / Projet de loi 82, Loi modifiant la Loi de 1996 sur l'Ordre des enseignants et des enseignantes de l'Ontario en vue d'annuler le programme de perfectionnement professionnel.

The Speaker (Hon Alvin Curling): The member who had the floor the last time is not here, so I think—

Mr Gilles Bisson (Timmins-James Bay): Whoa. I had the floor.

The Speaker: Order. My understanding is that it was the Conservatives who had the floor the last time.

Mr Garfield Dunlop (Simcoe North): On a point of order, Mr Speaker—

The Speaker: Let me just state what I'm going to say before your point of order.

I understand that the Conservatives had the floor the last time, and the member is not here. The rotation is now to the third party. I understand that the member from Timmins-James Bay—

Mr Peter Kormos (Niagara Centre): No, he has spoken already.

The Speaker: Order. Is the member from Niagara Centre standing up now for further debate?

Mr Kormos: I'm not sitting down, am I? I'm standing, Speaker, ready to speak to this bill.

The Speaker: The member from Niagara Centre.

Mr Kormos: It's a pleasure, at the hour of a quarter to 11 on Thursday night, to be speaking to Bill 82 for the modest 10 minutes allowed me.

I have found it to be of some interest, the way and the manner in which this government, now a year and a few days into its term, still fails to understand the role of members of this Legislative Assembly, the role of individual members; how this government, with its huge majority, still, with a tyro's ineffectiveness, is incapable of managing the business of this House, and indeed has developed a backlog of legislation that is an embarrassment and a revelation of the utter incompetence of this government and its leadership.

It is remarkable that after a year and change, the government House Leader, the government whip, the deputy House leader, the deputy whip, the assistant deputy House leader and the assistant deputy whip—and it could go on and on—don't understand that you pass

legislation when you've got a majority government by calling the bill, by having it debated, and when the debate's over, it goes to a vote. Then, assuming the whip has done his or her job getting members in, with a majority government, the legislation passes. It passes second reading and then it may go to committee.

Once it's discharged from committee, it goes back to the House, and when the House leader calls it, and not before—opposition members can't call government business and, quite frankly, we're not inclined to. It's not our function to set priorities for this government. It's not my function to help the government House leader, to take him by his hand, to open the standing orders and show him, page by page, "Government House leader, these are the rules. This is how it's done." It's not my job. The government House leader could take an afternoon, maybe, take out his standing orders and learn how bills get passed. They get passed when the government calls them, when they're submitted to the Legislature for debate, and when that debate is over, when they're put to a vote.

I want to make it clear, however much I bemoan the fact that there are but eight New Democrats—and now we have Andrea Horwath from Hamilton East. I understand that the election of Andrea Horwath continues to be a matter of some despair for so many Liberals. We're grateful to Andrea and we're grateful to the folks of Hamilton East for ensuring that New Democrats here at Queen's Park got party status, but I want to tell you—and, like the guy on the cooking channel says, "It ain't rocket science"—when we've only got eight members, we can't block legislation.

I want to explain it to you. I'm going to do it very slowly. It's in the standing orders. You can look it up in the index if you're so inclined. A leadoff speech by an opposition critic is one hour. Subsequent comments by his or her colleagues in this eight-member caucus are 20 minutes apiece and at some point but 10 minutes each. You do the math. Even if and when every member of this caucus speaks to any given piece of legislation at any stage of its progress through this House, you're talking about, at a maximum, a couple of hours and change of debate time. That's it. It's physics. It's scientific. It's not—well, it's not debatable. You calculate the time and that's the amount of time.

I can't help it if your government House leader loses bills so that he doesn't call them for weeks and months at a time. It's not my business. It's not my concern. And I have no intention of doing the government House leader's work for him.

Are there people in his caucus who are more capable than he is? I'm sure there are. I'm looking across the aisle at Ted McMeekin, the member for Ancaster-Dundas-Flamborough-Aldershot, and although he would be loath to blow his own horn, I can tell by his body language and by his demeanour that that member thinks he's more capable than the government House leader by a long shot. Ted McMeekin, with one arm tied behind his back, could do what the government House leader—he could do it standing on his head. I have no hesitation in saying that.

Dare I speak to the skills of other members of the assembly?

Mr Shafiq Qaadri (Etobicoke North): Not me.

Mr Kormos: One modestly shakes his head and says, "No, not today. Not me." He doesn't want to steal the spotlight. He doesn't want to monopolize the front pages of the papers. I understand. He's a modest person. So I won't speak to that member's inherent skills, which clearly qualify him far beyond the capacity of the government House leader to perform that House leader's role. As a matter of fact, if Dr Qaadri had been organizing the House business, we'd be on our Christmas break already. I have no hesitation in saying that. He is a talented man. And I tell you, I know he's literate. We can tell every time he speaks that he's well read. He is. I say that not mockingly or condescendingly; I have regard for him in that regard. If Dr Qaadri were government House leader, well, we'd be contemplating how we were going to spend our Christmas vacation right now instead of sitting here till midnight.

Do you know what's amazing? It's that now we're into the—Ms Wynne's shaking her head in amazement. She's concerned because I have detailed the skills of two of her male colleagues and omitted her. No, Ms Wynne, I'm not going to tout you as being capable of being government House leader because your skills are far in excess of what's required of a government House leader. You surely could be a parliamentary assistant to the Premier. You surely could be a Deputy Premier. And it'd be refreshing to see one of the young new Turks, young blood, in the party and in the caucus, sitting beside this Premier. Lord knows, he needs all the help he can get.

I want to say this to you: I'm looking forward to the 10 minutes of questions and comments. But before we do that, can we please, please, gather together in our seats and, exercising the opportunities that we have—a moment or perhaps a few to reflect—can we please consider a motion to adjourn the House?

The Speaker: The member from Niagara Centre has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

Those against, say "nay."

I think the nays have it.

Call in the members. There will be a 30-minute bell.

The division bells rang from 2253 to 2323.

The Speaker: Mr Kormos has moved adjournment of the House.

All those in favour, please rise.

All those against, please rise.

The Clerk-at-the-Table (Mr Todd Decker): The ayes are 11; the nays are 25.

The Speaker: I declare the motion lost.

Mr Kormos is on.

Mr Kormos: I have but one minute and 30 seconds left. Then, of course, we'll have 10 minutes of questions and comments, should members wish to avail themselves of that 10 minutes. And then I presume a Liberal will be standing and speaking to the bill. Once a Liberal speaks

to it, I presume a Conservative will. Once a Conservative speaks to it, why, a New Democrat will. But you see, there are only eight New Democrats, and we can't make this debate last forever.

I feel for the government.

Interjection: Do you share the pain?

Mr Kormos: I share the pain of a government House leader who is subjected, my goodness, to having his bills debated. What a novel proposition.

It's interesting to observe that in four nights of midnight sittings not a single bill has passed but with the consent of the opposition. Four nights of sitting midnights and not a single bill has passed but with the consent of the opposition.

Had these bills been called in the normal course of events, I put to you that at least three or four would have passed, perhaps even more. I was in this House, like one or two others, at a time when there were no time restrictions on debate, when debate went on for hours, and sometimes days and weeks, but more legislation was passed than you guys ever have in the last 12 months—something to reflect on.

The Speaker: Questions and comments?

Mr Lorenzo Berardinetti (Scarborough Southwest): I just wanted to thank the member from Niagara Centre for his comments. I look forward to further debate on this matter, if the opposition wishes to do so.

Mr John O'Toole (Durham): I deliberately stayed here this evening. On Bill 82 there's so much more to be said. Mr Klees today did ask a question to the Minister of Education with respect to protecting the safety of children in our schools. He deflected the question to the Minister of Energy, because it was an issue relevant to energy issues, of course, but it just showed the lack of accountability and the lack of ability to manage an issue that came up when it involved children's safety.

In the case of Bill 82, what it's trying to do is to give complete control to Earl Manners and his sort, the teacher union bosses. I say this with some compassion and some conviction because many of you would know from the past 10 years that my wife indeed is a teacher, as is my daughter a high school teacher. I know how hard they work.

I honestly think that if you read Bill 82, you'll find they're really demeaning the profession. What they're trying to do is say that the college should not have functions over the union. That's really what it says. The college should, in its function—Mr Speaker, you would know that all professions, by definition, are self-regulating. That is, they enforce their own standards, and the disciplinary functions are usually allocated to the college, whether it's physicians and surgeons or indeed lawyers. The law society would perform their function, and there would be a professional enforcement group.

When they are trying to become—in this day of an education economy and an education society, I believe that teachers want to continue their education, to be recognized for it. But if you read Professionally Speaking, which is the teachers' magazine, there were ad-

vertisements there that were going to penalize teachers who participated in improvements.

I know how hard they work as a profession, and many would make the argument that they work way too hard. I know my wife and many teachers. I respect them. This bill does nothing but respond to the teacher unions.

Mr Bisson: I have some respect for the teacher unions in the sense that I believe as a New Democrat that workers have the right to associate by way of a union and negotiate with their employer the ability to get a collective agreement. But that's for another debate.

However, on this particular bill I want to say, as a New Democrat, that I support the intent of what the government is trying to do here. We agree with the government that in fact this particular issue of mandatory participation of teachers in training is out of step with what's happening with every other profession, and I spoke to that the other night.

However, I do believe there are some issues that need to be dealt with at committee, and I believe this bill has got to be referred to committee. I think that is important, because there are a couple of issues that my good friend our critic for education, Mr Rosario Marchese, raised that I think need to be spoken to.

2330

I want to speak to the comments of my good friend Mr Kormos, the member from Niagara Centre. This government has been quite confusing, I think, in their approach to how they bring legislation to this House. They decided, for whatever reason, to call midnight sittings at the beginning of the session. Normally, we never get that. Everybody in this assembly knows we get midnight sessions at the end of the session, not at the beginning of a session. This government, for whatever strange reason, decided to bring in midnight sittings at the beginning of the session and then wondered why the opposition was somewhat upset about that. Then they try to jam a whole whack of bills through the House in some sort of programming motion that would allow them to get virtually what they want.

As a New Democrat, I want to say that we're not interested in holding up your agenda and not allowing you to govern and pass your bills. We think it's important that all members of the assembly get an opportunity to debate the bills, so we have an opportunity to put on the record our supporting and objecting points on them, but then, if necessary, to bring a bill to committee to allow it to move forward. I would suggest that if the government allowed due process to happen, they would have far more bills passed in this House this week than they've accomplished with this pretty dumb process.

Ms Laurel C. Broten (Etobicoke-Lakeshore): Bill 82 is an important piece of legislation. We're happy to be here at 11:30 on a Thursday night debating it, and we look forward to hearing questions and comments from across the aisle.

The Speaker: The member from Niagara Centre has two minutes.

Mr Kormos: The parliamentary assistant to the Premier, while she was feigning joy, could at least have been happy for the whole two minutes allowed her. But I appreciate her joy, I appreciate her glee, I appreciate her pleasure and I appreciate her vigour here at 11:30 on Thursday night.

And I appreciate that Ms Broten, the parliamentary assistant to the Premier and the member for Etobicoke-Lakeshore, would be a far better government House leader than what her colleagues have had to suffer for the last year. Ms Broten, whose work I've witnessed, can think analytically. Ms Broten understands things like statutes and standing orders. Ms Broten, for instance, in her year and change here has acquired, at a visceral, a gut level, a feel for how bills become law. This is sort of like Civics 101. Again, Ms Broten, with one hand tied behind her back, could outperform the current government House leader hands down.

Ms Broten could get bills passed. She knows that you get bills passed by calling them; that once you call them, you debate them; that when people are finished debating them, they go to a vote; and that if the government whip is organized and gets his people out, then the government whip is successful at using the majority to pass the bill. I want to make it quite clear—I know Ms Broten's humility; perhaps she's embarrassed at the praise being heaped upon her. I also suspect that some of it may appear, albeit in an edited form, in her next newsletter. But I'm prepared to say, here and now, Ms Broten for House leader.

The Speaker: The member from Don Valley East.

Hon David Caplan (Minister of Public Infrastructure Renewal): It's indeed a pleasure to rise and speak to Bill 82, introduced by my colleague Gerard Kennedy, the Minister of Education, back on May 13. It's been subsequently debated on June 16, October 19, October 25, October 26 and of course today, October 28. We've debated this for nine hours. In fact, we've had indication from the third party that they support the bill, and yet, on three occasions, they have moved adjournment to try to block passage of this bill.

We've had the official opposition—I understand their opposition; this undoes something they did when they were in government, and I appreciate their opposition to it. They too have tried to block passage of this bill.

Just so everybody understands—for the people who are viewing at home—the actions of the member from Timmins, Mr Bisson, belie his words. I must say there is obviously no interest in seeing passage of the bill when the member himself has twice moved adjournment of the debate and of the House in an attempt to block passage of this bill. The New Democrats say one thing and do something else.

Interjections.

Hon Mr Caplan: The truth hurts, my friend, but that is the case.

That being the case, I move that the question be now put.

The Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those against, say “nay.”

I think the ayes have it.

Call in the members. There will be a 30-minute bell.

The division bells rang from 2335 to 0005.

The Speaker: Mr Caplan has moved that the question be now put. All those in favour, please rise one at a time.

Ayes

Arthurs, Wayne
Berardinetti, Lorenzo
Brotan, Laurel C.
Caplan, David
Colle, Mike
Delaney, Bob
Dhillon, Vic
Duguid, Brad

Flynn, Kevin Daniel
Fonseca, Peter
Hoy, Pat
Jeffrey, Linda
Kular, Kuldip
McMeekin, Ted
McNeely, Phil
Milloy, John

Mossop, Jennifer F.
Peters, Steve
Peterson, Tim
Qaadri, Shafiq
Takhar, Harinder S.
Wong, Tony C.
Wynne, Kathleen O.
Zimmer, David

The Speaker: All those against, please rise one at a time.

Nays

Bisson, Gilles
Dunlop, Garfield
Horwath, Andrea

Kormos, Peter
Marchese, Rosario
O'Toole, John

Scott, Laurie

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 24; the nays are 7.

The Speaker: I declare the motion carried.

On June 16, Mr Kennedy moved second reading of Bill 82. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? It is therefore referred to committee of the whole House.

It being after 12 of the clock midnight, the House stands adjourned until Monday at 1:30 pm.

The House adjourned at 0008.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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