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(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 12 April 2005

Mardi 12 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 12 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 12 avril 2005

The House met at 1845.

ORDERS OF THE DAY

LABOUR RELATIONS STATUTE LAW
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
CONCERNANT LES RELATIONS
DE TRAVAIL

Resuming the debate adjourned on April 5, 2005, on the motion for second reading of Bill 144, An Act to amend certain statutes relating to labour relations / Projet de loi 144, Loi modifiant des lois concernant les relations de travail.

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): I'm pleased to comment on Bill 144, which is essentially dealing with the Construction Labour Relations Act, fundamental changes under Bill 144. It also has aspects that deal with the retail sector.

I have received from constituents—the owner of a Tim Hortons in my riding has indicated that they have real concern with the changes with respect to the powers that are being given to the Ontario Labour Relations Board, which will essentially bring us back to the days when the board had the power to bring in remedial changes that effectively made employers subject to the unions' unfair labour practices. So there is concern out there with respect to the powers being given to the board and, in essence, the abuse that can be used in terms of pushing an employer to the point where they accept what the union wants without getting a hearing, because of the costs of the litigation and the fact that you don't get costs as a result of litigation at the labour relations board.

The thing about this bill that I want to talk about a little bit, from the construction labour relations act point of view—there's talk about bringing a balance, to what it was before the Tories came in, in terms of their changes. Essentially, we require a vote, a freely elected secret ballot, where you elect your bargaining agent or decide not to elect a bargaining agent. That's the way you become a union and certified in this province, other than being voluntarily recognized. We have a situation where the Minister of Labour is talking about, "We're bringing it back to bring some fairness."

You've got an international union—most of the construction unions internationally are located out of the United States, in Washington. These are huge unions. You're talking about, we'll say, a contractor or sub-contractor who's maybe got two employees in whatever trade they decide to be in, whether it's plumbing or sheet metal or roofing. You're telling me that the changes to this act are necessary to bring fairness for an international trade union dealing with a two-employee construction company and that they need the powers of card-based certification, they need the powers and unfair labour practice certification, as opposed to voting in a union.

That's one point that has to be looked at. It's just not acceptable in logic, it's not acceptable in reality, and it's not acceptable the terms of good labour relations. What do we want to do? Do we want to get rid of every small company that decides to go into the construction industry, whether they're one-, two- or three-person firms? Do we want to put them up against international trade unions and say, "We're going to level the playing field so we can make sure that when you go down to the labour relations board, the union has every weapon in their arsenal in terms of unfair labour practice certification, card-based certification, so we don't have to go into what a vote is"? Because how can a small contractor go up against a big international union in terms of legal costs? What's going to happen is, that contractor is going to go under. As we know, in this province, if you're certified as a union, the only way you can get out of being certified with the union is if you leave the province, leave this country or you get the union decertified, because that certification will follow you for the rest of your working life. That's the situation we have under section 1(4) of the Labour Relations Act and the successor provisions.

1850

This is very fundamental labour law. It's fundamental from the point of view of, why does the government feel that it's necessary to give construction trade unions the ammunition that they really don't need in terms of dealing with small contractors? What is the driving force behind this, other than the fact that probably the Liberal government gave a promise to the construction trade unions during the election that "If you elect us, we'll give you that legislation so you can make sure you get every small contractor in this province, whether by harassment or by organizing in a manner that will make sure they will give up because they can't afford to fight you."

It's very difficult on this side of the fence to listen to the Minister of Labour talk about a process that will

restore the balance, because if that was the case, certainly we're looking for a balanced labour relations system. The last time the construction industry received a major overhaul—and really a major overhaul in how it was structured—was in 1980. We did make some fundamental changes in the 1990s with respect to a response to the construction strike that was happening in the low-rise residential sector, to make sure that you didn't have one trade going out all through the summers when the next trade reaches a settlement, so you didn't have that revolving door effect. We wanted an end to the ripple effect with respect to trades going out in the low-rise residential sector, so we put in a procedure in terms of time to make sure that everything was resolved at a certain point in time so you didn't have people affected who were trying to get into their home, you didn't have the problems with the police, you didn't have the problems with one trade going up against another trade. That was a major effect, and I think it was to the benefit of the construction labour relations in this province.

But when you come to this situation of Bill 144, which is an overstep, it's an overreaction in terms of pure, base politics. That's all the government is doing here. They're not interested in good labour relations; they're interested in making sure that the construction labour unions, which are based out of Washington, get what they said they would get when the Liberals were running to become the government. There's nothing wrong with construction labour relations as the status quo sits right now—nothing wrong per se. But if you're a two-person operation, your days are numbered in this province. It's going to be over with for the small operator in this province because they're going to be buried by Bill 144—guaranteed. You're going to see a major increase in organizing activity, you're going to see a major increase in unfair Labour Relations Act certification applications and you're going to see a major increase in certifications to the unfair labour practice process. That's something that is not in the best interests of this province, because the fact of the matter is, those things weren't happening before, but because now you can get certified because of alleging unfair labour practices—and let's be true to the facts, allegations of unfair labour relations practices, if you have to litigate them, are as good as putting you under if you can't afford to fight an international trade union, which is going to happen here.

You may hear some other rhetoric across the way or whatever, saying that this is balanced and all that stuff. Quite frankly, I don't think anyone on the other side of the fence even understands construction labour law, let alone what they put in the bill, let alone whether they've even read it. It's a very difficult piece of legislation to deal with. The construction labour relations law in the province is very complicated. If they really understood what they were talking about, they wouldn't be putting forth something that they say restores the balance. That is just spin, just a code word to satisfy what the construction labour unions wanted in terms of making it easier to certify. It shouldn't be any easier to certify someone by

going up and saying, "We've got more bucks than you, and if you don't agree to us, either we're going to outspend you and make sure you are out of business or we're going to put you in a position where the labour board is going to make a decision that you're not going to be able to run your business."

That's not what this province is about. That's why it's very disappointing when you see a process that is based on free elections—why wouldn't you want that? I find it very difficult in terms of why you would not want a secret ballot to elect your representative. Everybody gets that choice. That's why we have elections every four years—or so the Liberals say, that we're going to have an election this four years. But we haven't seen whether that really will happen. Time will tell.

I find Bill 144 an overreach. It has caused great concern in the business community. I think it has caused concern because there was a lack of consultation, and everybody knows that it's an overreach.

The Acting Speaker: Questions and comments?

Mr. Michael Prue (Beaches–East York): I listened to the whole speech by my friend sitting beside me here, and I have to tell you that the member from Barrie–Simcoe–Bradford did not touch on really any of the points that I would consider to be relevant to this debate, save and except his last comment, his last few sentences, when he talked about the need to further discuss this.

I will tell you, what is wrong in the province is that workers are being denied the rights that have existed in the province since the 1950s. Since the 1950s and up until some 10 years ago, workers could organize; workers could certify a union based on card-based certification. This was a democratic right that workers fought for, that workers expected. Workers organized around convincing the fellows where they worked that they would be much better off if they were united and if they were together. That's what we in the New Democratic Party think all workers should have and what we should go back to.

The problem that we have—and I will be speaking to this bill in a few minutes—is that it is not universal. To simply reach out and to say that construction workers can have the rights that all workers once enjoyed but no one else can have them is the major problem. The problem is not workers wanting to have power. The problem is not workers wanting to have a better lifestyle. The problem is not workers wanting to have control over their places of employment. The problem is those who would deny it. We believe that this legislation that is proposed here today, far from going too far, does not go far enough. I will be addressing that in my own statement.

The Acting Speaker: Further questions and comments? The member for Nepean–Carleton.

Mr. John R. Baird (Nepean–Carleton): Thank you very much, Mr. Speaker, and might I compliment you on the fine job you've been doing in this Legislature. Perhaps I shouldn't say this in this place, but all of us on the official opposition side of the House are tremendously proud of you.

For those of you who don't know, the member for Waterloo–Wellington was appointed to three party task forces. He is the co-lead of the John Tory task force on economic development; he is also serving on the health task force, which I am privileged to serve on; and he is also serving on the education task force. There's quite a bit of anger and resentment in the John Tory caucus that Ted would get appointed to three of these working groups, but I think it underlines the huge amount of commitment and support that our leader John Tory has in the member for Waterloo–Wellington. He is tremendously well-regarded in our caucus, as evidenced by those three critical appointments.

1900

The Acting Speaker: The member is completely out of order, and I'd ask him to withdraw all those statements, please.

Mr. Baird: Withdrawn.

I would like to congratulate the member for Barrie–Simcoe–Bradford on his remarks. I share the member's view that, what in goodness' name do we have against secret ballots? The sanctity of the secret ballot is being violated by this Liberal government. They have secret ballots in Afghanistan now, they have them in Iraq, they have them in Russia and—

Mr. Robert W. Runciman (Leeds–Grenville): Palestine.

Mr. Baird: No, there is no country called Palestine. It's the Palestinian Authority, which is part of the state of Israel.

That is the remarkable thing, and I call upon this government to amend that terrible part of their bill.

Ms. Shelley Martel (Nickel Belt): I had a chance to speak on this bill and also to make some comments with respect to other people. Let me say to the member for Barrie–Simcoe–Bradford that it will be no surprise to him that we're opposing this bill too, but for different reasons.

I think there is a need—it has long been recognized that there is a need—for card-based certification, because the fact of the matter is that there are employers who would use every tactic, every bit of intimidation they could to try to intimidate workers between the time of the organizing drive and when they could actually get certification.

What is really interesting about the position of the Liberals is that they talk about balance but their legislation doesn't reflect the long tradition of balance with respect to card-based certification that has actually been in place. Since 1949, successive governments have allowed card-based certification to apply in all workplaces, not just one sector of the economy. If it was fair for John Robarts and fair for Bill Davis and fair for David Peterson and fair for Bob Rae to have card-based certification apply in all workplaces, why isn't it fair now for the Liberals to apply the same, especially since it was a Liberal government under David Peterson that followed that long tradition?

I don't understand why this government insists on discriminating against a certain sector of workers. That's exactly what this legislation does. It allows some workers to use card-based certification, but not the majority of workers, and leaves the majority of workers—predominantly women and new Canadians—at the mercy of employers who will use whatever tactic, whatever method of intimidation they have to stop a unionization drive. The government needs to explain why it is prepared to discriminate on this matter too.

The Acting Speaker: We have time for one last question or comment.

Mr. Runciman: I want to echo my colleague's comments with respect to the outstanding job you are doing in the chair, Mr. Speaker.

Mr. Baird: For the task force or as Chair here?

Mr. Runciman: Both. There is no question about his abilities, Mr. Member, soon to be a federal member—we're very confident of that.

I want to say that I'm starting to receive a significant volume of correspondence in my own constituency office with respect to this legislation. Mr. Speaker, I'm sure you are having the same experience in your office as well. I won't talk about card-based certification to any extent, although I certainly share the concerns with respect to secret ballots. But I think most of the small business people who are starting to contact my office—whether they run a Tim Hortons franchise, a Canadian Tire store or a McDonald's operation—are very, very concerned about the changes this piece of legislation will bring about with respect to the increased powers of the Ontario Labour Relations Board.

This is really back to future. In fact, when anyone has a concern with respect to what they perceive, rightly or wrongly, as inappropriate activity on the part of management, they will now have the right to complain, and the ORLB will then, at some point, make a decision with respect to certification. If you look back—history should teach some lessons here—the ORLB will be inundated with complaints about management from the union sector with respect to organizing drives, and the practice of the ORLB, much too often, was to agree with the union complaints and automatically certify the union. This is unfortunate, and I think is going to have a dramatic impact on our ability to attract new investment and new jobs and to grow our economy.

The Acting Speaker: I'll return now to the member for Barrie–Simcoe–Bradford. You have two minutes to reply.

Mr. Tascona: I certainly appreciate the comments from the members for Beaches–East York, Nepean–Carleton, Nickel Belt and Leeds–Grenville.

The members of the NDP caucus have been succinct in terms of what they're asking from the Liberal government, which is, why are you just giving card-based certification to the construction industry? Why aren't you applying that all across the board? For the members of my caucus, certainly, there's a recognition that there has to be a balance.

Everybody knows that small business is driving the economy of this province. This particular piece of legislation is really a shot across the bow in terms of what the government's intentions are here in labour relations. Why are they tinkering in areas that really don't need to be affected? The construction industry in itself has been operating very efficiently. There have been changes to make sure that they've reduced labour strife. Here we come back again to the 1980s and 1990s, saying, "OK, we're going to give the international unions the hammer, and they can come in and use the unfair labour practice approach in terms of getting certification." Because they're going to get that and they're going to use it, and it's going to increase the litigation, as the member from Leeds-Grenville talks about, in terms of inundating the labour board.

The question that really does arise—and I think that's why the NDP is asking it—is, why did you limit it to the construction industry? Why did you do that? I think it's very simple. There was something that went on with the Liberal government and the construction unions, which is disturbing, because that's not good policy in terms of how you're trying to operate this province.

This is a difficult piece of legislation to deal with, and I can tell you that the labour board is going to need more manpower just to deal with it.

The Acting Speaker: Further debate?

Mr. Prue: I'm absolutely overjoyed to say something about this. This bill is before the Legislature. It has brought back a lot of memories to me, as a young person growing up in downtown Toronto and seeing what Toronto was like in those days, particularly for those who did not earn enough money, for those at the bottom of the socio-economic ladder, for those who were struggling, trying to do the best they could for their families, often in very difficult circumstances.

As a young person, I had a number of jobs. I'm sure young people in those time frames and even today had a number of jobs, trying to get some money to pay for an education, trying to get some money to help one's family, trying to get some money by any number of means just to simply live and to exist. Some of those first jobs were tough. Some of them were very tough. They involved night shifts; they involved sweeping of floors; they involved picking dew worms. I even did that for one summer. That's back-breaking work, if you've ever tried to do that.

But something wonderful happened to me when I was about 17 or 18 years of age. I got my first union job, working in a factory. I want to tell you that although that was a dirty, dangerous place in which to work—it was a rubber factory on Queen Street in Toronto called Dunlop. They made conveyor belts, bicycle tires, handrails for escalators, those kinds of things. There were people there who had obviously suffered the trauma of workplace accidents. There were people there with black lung. There were people there who had to breathe in carcinogens, who worked with toluol and toluene, who would sometimes get so dizzy from the fumes and from the heat

and from the exhaustion that they would literally pass out. It was not uncommon, on a yearly basis or so, to have someone die at the machine through overexertion.

But it was a unionized factory, and it was very different from any other place I had ever worked before. It was a unionized environment where, collectively, the men and women who worked there had an opportunity to change that environment, to bring in machines so that people didn't literally go through what we called Banburys, where the rubber was flattened to the size of a pancake, and if your hand got stuck in there, so were you. There weren't even safety bars when I arrived there, but there were by the time I left. The union and its representatives could sit down and negotiate health and safety concerns, so that people did not die, so that people were not maimed for life. It was an opportunity where they sat down collectively and argued wages. Whereas all my friends, including myself, worked for what today is the pittance of about 75 or 80 cents an hour, my first unionized job paid \$2.40.

1910

I never forgot what that collective agreement meant to me. It meant earning three times as much as someone who had a non-unionized job, even all those years ago. It was also an opportunity to have job security because, within the terms of the collective agreement, we knew how much we were going to get paid. We knew that the wages would come each and every week. Throughout the life of that collective agreement, until another one was signed, we were reasonably secure in the knowledge that we had job security. We knew how much we would be paid for moving from one machine to another. The rates would change a few cents an hour, but they would change as some jobs required more skill and dexterity.

The thing that it taught me most, though, was that the workers in that location were different than in every other location I had worked in before or in some of locations I have worked since, because the workers had something that non-unionized workers will never have: They were equal with their employers—not every day, but equal with their employers at least once every couple of years when they sat around the collective bargaining table, when they negotiated one-on-one with the guy who showed up in a white shirt and a tie. They negotiated one-on-one with him, and they were able to come to an agreement and to shake hands and to set their own terms and conditions in which they worked. It was an opportunity for equality for them.

It was an opportunity they probably would not have otherwise had, because, you see, it was a rough place to work. People came from all over the world. They spoke many languages. Some were new immigrants. Some didn't know much of the system. A great many of them had only a rudimentary education and in some cases no education at all. But through the collective agreement and through card-based certification—which preceded me—they had an opportunity to negotiate and to control some of the elements of their life. I never forgot how important

that was to those men and women. What they had, I think all workers should have.

The government of Ontario some 50 years ago determined that there should be card-based certification. Many, many unions in the industrial sector, some in the commercial sector—even the public sector, even the construction sector—used that card-based certification to establish unions and to make working conditions, wages, health and safety considerations and equality—I stress equality—the hallmark of places of employment. If you go back those 50 years, back to that time that some Conservatives want to take this province to, back to that time before there was equality and before there was a presence in the workplaces, then you take them back to a time of inequality.

I am not surprised that some members of the official opposition oppose this bill. They want to take us to a meaner place that exists south of Canada, in the United States, where the buzzwords that are being used here are commonplace. But I want to say that I think that what we had here 50 years ago was correct and is what I would like to return to; that which was taken away 10 years ago is correct. I want that for all people.

Mr. Tascona: You can't go back.

Mr. Prue: No, you can't go back, but you can't take us back 100 years either, which is what you're trying to do. Your position is to take us back 100 years.

Mr. Tascona: Yes, but we're not the government.

Mr. Prue: I know.

Anyway, I'm not surprised at the official opposition. I am surprised, though, at the government, because I had thought the government was more interested in being fair than that. I have a quotation here from Dwight Duncan, which I think is very good; I wish they were following some of the things they said before. This is from October 18, 1995: "We believe that unions are already democratic organizations and that the so-called workplace democracy changes are an unnecessary and deliberate provocation of organized labour... We will ask the government to restore the 55% automatic certification."

That's what we would like to have happen for everyone, not just those in the construction sector. The reaction from the construction workers, of course, has been one of saying this government is doing OK, because they are looking to have restored for them what they had for so many years. But the other unions in Ontario are starting to say this is not right.

In closing, I'd just like to read what a few of them have to say. First, the United Steelworkers write: "As the Steelworkers District 6 director representing 90,000 members in Ontario, I am writing to you today to request your support to oppose Bill 144. It would be an insult to every woman and visible minority in this great province to have Bill 144 pass. The Liberals' proposed amendment to the Labour Relations Act to extend card certification only to the construction sector is deplorable."

I would like to quote from Unite Here. They say: "On behalf of the over 22,000 members of Unite Here in Ontario, I am writing to ask that the entire Ontario New

Democratic Party caucus vote against the Liberal government's Bill 144 in its present form," and goes on to say that the rights should be for all employees, not just those in the construction sector.

I will be the last debater for our party, and this will be the end of NDP comments. We are asking that this be sent to committee and that some very fundamental and real changes be made to this bill so that all workers, all people, men and women in this province, have the rights that were so brutally taken away from them 10 years ago. I ask that this government send it to committee and do the right thing, not just for construction workers but for every Ontarian.

The Acting Speaker: Questions and comments?

Mr. Baird: While I find the member's conclusions rather compelling, I don't exactly take the same journey he does to get there.

Ms. Martel: Let me pick up where my colleague from Beaches–East York left off, which is to say that what we want for construction workers in the province, we want for all workers in the province. That's the way it was from 1949 to 1995. For 50 years in the province of Ontario, through successive Conservative, Liberal and NDP governments, the rule of the day was that card-based certification was applicable to all workers. The fact of the matter is that all workers can be subject to intimidation, subject to employer reprisal, subject to employer tactics to force them not to join a union, and we need to recognize that. Regrettably, that's as much a part of the Ontario economy today as it was for the 50 years that card-based certification was in place. What's the difference now? There isn't any. We should be protecting all workers from employer reprisals. That's what card-based certification did from 1949 to 1995, and that's what we in the New Democratic Party want it to do again, but for all workers.

There is no valid reason that only one set of workers in the province should have that protection. Every worker in the province should have that protection, and the government could very easily send this bill to committee and amend it so that all workers would be protected. I wait to hear from the government members whether or not they are going to end the discrimination against other workers or just merrily continue with it, as is so clear in this bill.

1920

Mr. Runciman: Very briefly, the Progressive Conservative caucus, under the leadership of John Tory, also supports this legislation going to committee and providing an opportunity for concerned Ontarians outside of Toronto to have input into this legislation, which we believe will have a very negative impact on the growth of the economy in the future, on jobs and on this province's attractiveness as a place to invest and grow your business.

I also want to make note of the fact that there are rumours circulating that the member for Nepean–Carleton, my seatmate, may soon be departing the Legislative Assembly of Ontario to seek to become a federal

member of Parliament in the riding of Ottawa West–Nepean. I want to say this evening what a significant loss that will be, not just to the Progressive Conservative caucus but I think to this place. He is an outstanding individual and an outstanding representative of the riding. If indeed the people of Ottawa West–Nepean have the opportunity to have him represent them as a federal member and serve them in the federal Parliament of this country, he will do them proud. He certainly has done us proud.

Mr. Tascona: He's not gone yet, I'd say to the member for Leeds–Grenville.

I just want to say to the members from Beaches–East York and Nickel Belt that I think they've put a spin on this that there's discrimination with respect to other workers because of card-based certification. The fact of the matter is, the discrimination is that people had the right to vote, and one area is still going to be allowed the right to vote and others are not.

That secret ballot to decide who your bargaining representative is going to be is a principle that I thought was very progressive in terms of making sure that we had free elections and every employee was involved, rather than the labour board making that decision. Because that's what happens: Whether it's an unfair labour practice certification or a card-based certification, every card ends up being litigated. But when you're into a free vote, people get their opportunity to vote. It minimizes the disruption in the workplace. When you get into the card-based and the unfair labour practice, you get disruption in the workplace.

When we're talking about small businesses being able to operate, their rights have to be respected too. It can't all be one way. So when the Liberal government comes out with this piece of legislation—nobody knows why they've come out with it. There is no policy reason as to why they came out with it. Even the Minister of Labour is pained to explain why he's brought it forward, other than the fact that it's basic Liberal arrogance, saying, "We're going to change the labour laws because the other party did something." That's one reason why that's bad policy. All it's going to do is affect small business, and that's going to be to the detriment of this economy.

The Acting Speaker: Member for Beaches–East York, you have two minutes to reply.

Mr. Prue: I thank the members from Nepean–Carleton, Leeds–Grenville, Nickel Belt and Barrie–Simcoe–Bradford.

I had hoped that some of the members of the governing party might want to comment on what I had to say. I have to say I am disappointed that not one member from the governing party in this House tonight saw fit to stand up and rebut anything that was said on this issue, either from the Conservatives when they spoke or from me when I spoke. I can understand your not wanting to put up any additional speakers, because I think the minds appear to be made up over there, but to not even comment on what I think are very valid criticisms of this particular bill is doing a real disservice to this House, this

Legislature and the bill that you are seeking to have passed.

You have an obligation, I would suggest, to justify the built-in discrimination in this bill. You have an obligation to say why only one sector of workers is going to be covered by card certification and why every other sector in the province is going to be denied that right. You have an obligation to explain why you are headed in this direction and, if indeed you intend to send this to a committee, which some have suggested you're going to do, you have an obligation to say to what end. If you are bound and determined to leave the bill virtually intact, and if you are not going to extend the right to the many and are going to keep it only for the few, then I think we ought to know this before it is in fact sent.

Again, I have to tell you, I am disappointed that not one person is willing to get to their feet to defend the government action, and I am in a quandary to understand why you are proceeding at all.

The Acting Speaker: Further debate?

Mr. Garfield Dunlop (Simcoe North): I'll be very brief.

As the member from Leeds–Grenville mentioned earlier, a number of letters have been coming into our constituency offices from our ridings opposing this legislation. I had a couple today that came into this office in Toronto, one from the Ontario Electrical League and one from a constituent of mine who operates four Tim Hortons donut restaurants in the area, and it reads:

"Dear Garfield Dunlop, MPP

"As an owner of four Tim Hortons restaurants located in your riding, I am proud to say that I employ 115 people. I have also been in business since 1984, supporting and contributing to my community. I am writing to you today to express the serious concerns that I have about the changes to Ontario labour laws, as proposed in Bill 144, the Labour Relations Statute Law Amendment Act.

"As it is proposed, Bill 144 threatens the fundamental principles of democracy in labour relations and it will create uncertainty and imbalance in the workplace. The uncertainty created by the untimely labour legislation will discourage investment in Ontario and lead to lost jobs and a lack of government revenues that should be funding our health care, education and other priorities.

"Ontario's hospitality industry in particular continues to struggle from a number of factors, and events over the last few years have contributed to declining tourism numbers and spending, creating economic instability for many businesses. Events such as 9/11 and the resultant border delays, SARS, BSE, the NHL strike, increased food costs due to weather conditions in the southern States, and the high Canadian dollar are all factors outside the industry's control that have had a significant and direct negative impacts on the industry. Uncontrollable rising costs such as gas and oil prices and insurance costs have also greatly affected the hospitality sector. The government must take every step possible to revitalize

and stabilize the hospitality sector and Ontario's workforce.

"I am seeking your support of the legislative amendments as proposed by the Ontario Restaurant Hotel and Motel Association, a member of the Coalition for Democratic Labour Relations. These amendments have been presented to the Ministry of Labour. If the government does not adopt these amendments, then we are calling for Bill 144 to be defeated.

"Our specific issues with the bill include:

"Remedial certification: Bill 144 gives the Labour Relations Board the power to impose union certification if it judges that the employer has broken a rule and conducted an unfair labour practice. While the minister has stated that this power would only be used as a 'last resort,' the legislation does not explicitly state this. We must have clarity and precise definition written into the law, defining when this power can be used. The types of conduct that can trigger remedial certification must be clearly specified. Employees must be given at least one opportunity to cast a ballot and exercise their democratic right.

"Card-based certification: Bill 144 permits unions in the construction sector to certify a union by filing membership cards signed by 55% of employees. Bill 144 denies employees their right to a secret ballot vote. This is a cornerstone of democracy. This is totally inconsistent with the Ontario Liberal Party's campaign theme of the need for 'democratic renewal.' Card-based certification should not be the methodology in any sector of business.

"Definition of non-construction employer: Bill 144 requires clarity in the definition of construction employers. Simply put, employers who clearly do not operate a construction company should not be bound to construction collective agreements.

"Decertification posters: While we have no objection to the requirement that decertification posters be removed, it is important that it be clearly defined in law that the employer retains the same rights to communicate with its employees. There should be no provision in the bill that creates an offence for failing to remove the poster.

"Interim reinstatement: Bill 144 gives the labour board the power to reinstate workers who have been dismissed for cause during an organizing campaign. If this is not amended, it will lead to the union filing unsubstantiated claims of dismissal regardless of the merits of the case. This clearly is a concern for all businesses, whether they are currently unionized or not.

"Now is not the time to be creating uncertainty and sending negative signals to people making investment decisions within the province. The finance minister himself has openly discussed the fiscal problems being faced by our provincial government.

"I ask that you as my MPP, please tell the Premier withdraw Bill 144. If he does not listen to the hundreds of employers who are very concerned about Bill 144, then we ask you to vote against it."

It's signed by Theresa Tennant, the owner of the Tim Hortons.

1930

On behalf of John Tory and our caucus, I want to say to Ms. Tennant that we will not be supporting this bill in its current form. I look forward to people like Ms. Tennant, the people at Tim Hortons, the Ontario Electrical League and all the other folks who are sending us letters having an opportunity to debate this and to make amendments and recommendations to the standing committee.

The Acting Speaker: Questions and comments?

Mr. Prue: The member quoted a letter at length, so I'd like to quote some opposing views from two others, which I couldn't get in in my 10 minutes. The first is from the Communications, Energy and Paperworkers Union of Canada, and they wrote the following letter on April 12:

"I am writing on behalf of the over 50,000 CEP members in Ontario to request that the Ontario New Democratic Party caucus vote against Bill 144 as proposed by the Liberal government.

"Bill 144's denial of card-based certification rights to all workers except those in the construction industry is discriminatory and tramples on the rights of women and visible minorities in Ontario. The card-based system is particularly vital to women, visible minority and new Canadian workers who deserve the same rights.

"This province does not need legislation that provides card-based certification for some and 'second class' status for the majority of working people and their families.

"Ontario does need legislation that ensures all workers are treated equally, with equal access to trade unions, without fear of reprisals and intimidation from employers. Sadly, Bill 144 does nothing to address these issues.

"Bill 144 in its current form is a deplorable, indefensible and discriminatory piece of legislation that I am urging all NDP MPPs to vote against."

It's signed by Cecil Makowski, who I think some people may have heard of.

In the few seconds I have left, I want to say that it is very difficult to understand, when rights come to be in a province or in Canada, that they can only be shared by some people. I do not understand it. If these were rights to vote and you said only men could vote and women could not, you would deplore that; or if you said that only native-born Canadians could vote and those foreign-born could not, you would deplore it. I do not understand how you can find this to be defensible.

Mr. John O'Toole (Durham): I'm always pleased to respond to the member from Simcoe North. I endorse wholeheartedly the sentiments he expressed in the letter from Ms. Tennant, who represents just a small fraction of the small business people who have serious concerns about the style and priorities of the current government. In looking at the job creators in Ontario, they are indeed the entrepreneurs, the innovators and small businesses in the province. It's a sad testimony of the slow and gradual but deliberate encroachment of government into the

territory of persons who risk their own assets and personal initiative to create jobs in the economy of Ontario.

This current rebuke by the NDP is evidence that this has no reasoned resonance with many of the constituents in Ontario. The NDP are clearly on record as supporting a unionized workplace, and I have no fault with that. And I have no fault with the argument made by the member from Simcoe North. It's clearly ill-conceived, ill-drafted and ill-prepared legislation that does nothing to create jobs. It creates uncertainty for jobs and investment.

In my riding of Durham, a large number of people work in very organized work sections, which would include General Motors. The CAW itself has issues on this card certification. As well, Ontario hydro workers, the current OPG, also have expressed anxieties with respect to that. If you look at the construction industry, it's a very unique industry and a unique sector in employment, and they have had work site organizational issues for a long time.

Clearly, there is nothing in this bill that does anything for jobs and creating investment and opportunity in the province, as stated by the member from Simcoe North, his constituent Ms. Tennant and the employers in this province.

Ms. Martel: It's not going to surprise the member for Simcoe North that I disagree with him entirely and disagree with the perspective he raises. We opposed his government when it cancelled card-based certification through Bill 7, and I am proud that I did that. I am proud that I was part of a caucus as well that opposed this government when they went ahead and repealed the legislation that was in place to ban scabs—that was a mistake—when the Conservatives brought in changes that really reduced workers' access to WSIB and benefits; when the Conservatives brought in changes to proxy pay equity and cancelled proxy pay equity for women. That had to be fought and reinstated through the courts. The Conservatives were very much on record as undermining trade unions, workers' rights and workers' protections, so I'm not surprised about what I hear tonight from the member for Simcoe North.

What's interesting is that the Liberals, when they were in opposition, opposed Bill 7 too. They actually opposed it when you did away with card-based certification, and here we are tonight with a half measure that reinstates card-based certification for some and not for others. I've got to tell you that my opposition to this bill would be the same if we were here tonight giving card-based certification to every other worker except those in the construction trades and denying it to those in construction. That would be wrong. It's discriminatory. I wouldn't support that, and I'm not going to support this here this evening.

This government has yet to explain why they think it's OK that they would apply some rights and protections to some workers in one sector and not to everybody else. What was good enough for all workers for 50 years in this province, before the Conservatives gutted card-based certification, is good enough now for all workers. The

government needs to stand in its place and try to defend its half measure to protect some and its measure that will leave most open to employer intimidation and employer tactics.

I will not support a bill that discriminates against some workers. That's wrong, and I won't be party to it.

Mr. Baird: I want to say three things: (1) a great speech from the member for Simcoe North, and (2) my God, don't you support the secret ballot?

There's a third thing I'd like to do while I'm here. The member for Nickel Belt talked about when we repealed Bill 7. Well, I can tell you that the labour movement was very enthusiastic in their response to that legislation. My friend Pat Dillon, a good trade unionist, is here from the building and construction trades. I got a very rousing welcome—in the week that we repealed Bill 40, I had the good pleasure to attend a meeting of Pat's, a provincial meeting in Windsor. I can tell you, I have never had a reception quite as enthusiastic as the one I received that day in Windsor. Welcome, Mr. Dillon, who is with us here in the gallery.

Despite the impassioned speech of the member for Nickel Belt, I agree with the member for Simcoe North and appreciate his wise advice on this issue.

The Acting Speaker: The member for Simcoe North has two minutes to reply.

Mr. Dunlop: First of all, I want to thank the members from Durham, Beaches–East York, Nickel Belt and Nepean–Carleton for their comments.

I guess I'm wondering who is really going to support this bill. If Michael Prue, Howard Hampton and the New Democratic Party are not going to support it from one angle, and over here we're hearing from the business community—and I have other letters that are similar to that, from other companies, but I thought the letter from Ms. Tennant from the Tim Hortons branch in the Midland area summed it up for the business community—I'm not sure anybody is actually supporting this legislation.

I want to say, as Mr. Runciman said earlier, that we look forward to the committee hearings. As time goes on and more people are finding out about Bill 144, I think we're going to see a lot of objections from the supporters of the New Democratic Party, as well as the small business community, who certainly will be objecting to this.

I wanted to mention that I have another couple of meetings tomorrow with some other constituents, now that this has become an issue they are really concerned about. They're worried about job creation, they're worried about economic growth in their businesses and in the community. Of course, we should be concerned, as the Minister of Finance is—it has been mentioned—that this could have a detrimental effect on the economy of our province.

I appreciate the opportunity to say this today and thank you once again.

The Acting Speaker: Further debate?

I am going to ask the Minister of Labour if he wishes to reply to the debate. He has an opportunity, if he wishes, to sum up.

Hon. Christopher Bentley (Minister of Labour): That's very kind, Speaker, but no, thank you. So much has been said.

1940

The Acting Speaker: You're right about that.

Mr. Bentley has moved second reading of Bill 144. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members.

I wish to inform the House that I have received a deferral notice from the chief government whip. Therefore, the vote on second reading of Bill 144 will be deferred until tomorrow at the time of deferred votes.

Orders of the day.

LAW ENFORCEMENT AND FORFEITED
PROPERTY MANAGEMENT STATUTE
LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE L'EXÉCUTION
DE LA LOI ET L'ADMINISTRATION
DES BIENS CONFISQUÉS

Resuming the debate adjourned on April 11, 2005, on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I just want to comment briefly on this bill, because I have been in the Speaker's chair for a number of days of debate and have listened to some very interesting criticisms and comments from the Liberal side that this is going to solve the problem.

In my riding, we had a very serious situation that occurred at the old Molson plant, and it wasn't something that was found by anything other than happenstance, in terms of dealing with this. I think there are some measures in place that this bill could possibly address in terms of building inspectors, but quite frankly, when you're in a plant as large as that type of plant—I was speaking to a firefighter the other day. We were dealing with a program that he was promoting in terms of mercy ships, which is dealing with surplus fire equipment to take over to Third World countries. He talked about a fire that he fought last week in Toronto, and in the course of fighting

that fire, which was in the west end of Toronto, they came across in the plant a grow-op. Fortunately, it wasn't booby-trapped or whatever, so they could get into that particular office space where this grow-op was.

That's something that this bill is not even going to deal with. It will not be able to deal with that unless you have a plant set up on separate meters, and a lot of them aren't on separate meters. So for a situation that occurred in Barrie at the Molson plant and further up the highway near Orillia at another plant, this bill is wanting in terms of trying to deal with this particular situation. It won't deal with it.

I can tell you also that we have heard talk about the police officers. The Liberals promised 1,000 new police officers on the street. None of those have come forth. What is the point of having a law unless it can be enforced? The enforcement mechanisms that are put in place are wanting. They're trying to make this look like a municipal responsibility when in fact it is a criminal responsibility. So I find that this effort put forth by the Solicitor General is wanting, and it's not going to solve the problem.

The Acting Speaker: Questions and comments?

Mr. Michael Prue (Beaches-East York): I unfortunately did not hear all of what was a very short speech, but the point that needs to be made is that what is really needed, if you're going to stop grow operations, is an expanded police enforcement unit. Whether that involves one new officer or the 1,000 officers that this government talked about during the last election continues to remain to be seen.

It is not of much use to have civil rights trampled upon by this bill, as has been suggested, where people can enter premises without a warrant simply on the say-so of a police officer, and it is simply not enough to say that the fines are going to go up. Yesterday, my colleague from Timmins-James Bay had an opportunity to speak on this bill. He likened it to what would have happened had the United States government introduced a similar bill during the time of Al Capone, and whether or not this would have stopped any of the bootlegging operations.

When you cut off electricity, when you enter premises or when you increase the fines—which average some \$1,500, so maybe they're going to be \$2,500 on multi-million dollar operations—none of those is going to work unless you have a police presence. There is nothing in this bill that indicates that the police presence will be increased, and therefore I wonder at the value of the bill itself. That is the problem with it. I have not heard any government members talk about the possibility or the probability in the upcoming budget of there being monies for police, nor have they talked about assisting the municipalities in funding them themselves.

I don't know what this bill purports to do, and I'm waiting again for some government member to speak to it.

Mr. John O'Toole (Durham): The member from Barrie-Simcoe-Bradford is a practising lawyer and, as such, knows of what he speaks to some extent. But I

think the real issue here was brought forth by the member from Leeds–Grenville. He understands it well, having served as the Minister of Community Safety. I would refer to his remarks earlier on Bill 128, that this bill does nothing to stop the proliferation and the rash of profit-making and profiteering in a criminal environment, and that this bill, in its attempt to do the right thing, serves no measure of penalty for inappropriate conduct in our communities.

I will be speaking just after this about my conversations in Durham region. As many of you and the listeners tonight would know, Chief Kevin McAlpine is the co-chair of the greenbelt initiative that was formed, the Green Tide committee that met in Toronto, and is still serving, I might say, to bring these and other tools to the forefront. But the government has failed to recognize that all of what has been said here does little to give police the tools. Although it's a step, in many cases there are no resources to support the initiative.

I feel for the victims, the youth in our society and our communities. I feel for the perpetration of crime, because the police are given less than adequate enforcement tools. The government has a lot of bark but no bite, and this causes me great concern. I know that Mr. Runciman, the minister at the time, would have brought the full force of the law to tougher sentencing and the Attorney General would have directed the crown attorneys to appeal any soft sentence. This does not go nearly far enough.

Ms. Shelley Martel (Nickel Belt): This bill reminds me a little bit of the debate we were having earlier on Bill 155, to which I also had an opportunity to speak. In Bill 155, the government members have been out promising support recipients in particular that the new tools they are bringing forward with respect to new enforcement mechanisms to get more money are going to get at these so-called deadbeat dads, get money out of them and get it to the recipients and the children who need it. I'm all in favour of getting court-ordered support to recipients and children who need it, but the problem with the government analogy is that there's neither the computer system, the case management system nor the staff in place at the FRO to make it happen.

I make that conclusion and draw it as an analogy to this bill, because the fact of the matter is that here's the government with this legislation, promising a crackdown, a big law-and-order agenda: "We're going to get tough on grow-ops. We're going to get tough with people who are associated with them." Frankly, nothing is going to happen unless you can back it up with additional police enforcement; zero is going to happen. That's what the government has failed to address. The fact of the matter is that despite Minister Kwinter's announcement some time ago about additional police resources—50% funded by the province and 50% funded by the municipalities—I can tell you that my municipality is still waiting for the cash, still waiting for the dinero, still waiting for the green stuff in order to actually be in a position to hire some new police officers, and it hasn't come yet. We had this announcement from the minister—it's getting to be

months ago now—and still no arrival of money at the local level to actually hire new police. The fact of the matter is, you're not going to be able to get tough with respect to grow-ops unless you're in the enviable position of having adequate enforcement. We don't have that, and there is no sign in sight in terms of additional police resources either.

1950

The Acting Speaker: The member for Barrie–Simcoe–Bradford has two minutes to reply.

Mr. Tascona: I appreciate the comments by all the members, and I can say no more.

The Acting Speaker: Further debate?

Mr. O'Toole: I'm pleased, out of respect for the work that's done by Durham regional police services and Chief Kevin McAlpine, who, as I said earlier in my response, serves as the co-chair of the Green Tide Summit. In fact, Durham region has served a leadership role, and I do want to be on record as supporting Chief McAlpine and the work done by the drug enforcement unit. I spoke today to the police services group, and I understand that they see this really—in Durham, the record is very clear: There are 200 grow-ops; they've had court proceedings that addressed a very serious problem for the community as well as some of the safety issues that go along with that.

Just this week, in the Canadian Statesman—I'm looking here at one of our local papers. I'll read the headline for the record: "Judge Dismisses Charges Against Grow-Op Defendant." This was a deliberate and overt case. I read that it's by Jeff Mitchell, a staff writer. The article is dated April 6, 2005:

"Durham regional police officers trampled the constitutional rights of a man arrested for operating a ... grow operation when they barged through the front door of his home without a search warrant...."

That's the issue here: the search warrant. I'm not sure this bill does very much to address this inadequacy.

"Superior Court Justice Barry MacDougall said officers took a 'casual approach' with regard to Edmond Kim's rights when they entered a Pickering house in April of 2003, on the pretext of rounding up two large dogs that had been terrorizing the neighbourhood. The judge threw out evidence gathered by the drug enforcement unit ... including grow equipment, cash and more than 560 marijuana plants, resulting in the dismissal of charges against Mr. Kim.

"Mr. Kim, 30, pleaded not guilty to three charges at the start of the trial."

"Given the conduct of police ... I find the breach of the defendant's (charter) rights to be a serious one,' Justice MacDougall said in delivering his judgment Monday afternoon in Whitby."

Mr. Tascona: What's the date of the article?

Mr. O'Toole: The member from Barrie–Simcoe–Bradford has asked for the date; potentially he wasn't listening. For his record only: April 6, 2006.

Mr. Tascona: It's 2006?

Mr. O'Toole: It's 2005, pardon me.

Mr. Robert W. Runciman (Leeds–Grenville): A prognosticator.

Mr. O'Toole: Well, it's a case that could be appealed, of course.

I would only say to you that that article characterizes what's missing from the bill: this search warrant issue. The member from Halton last night, I would say, argued the case very well. It's worth looking at Hansard from last night, because he did cover the case.

I just want to be on record as supporting the hard work by the drug enforcement unit, the number of convictions, the role of Kevin McAlpine, our chief, and how important an issue this is in our community. With that, I believe that Bill 128 is a bill that takes a good first step, as our critic Garfield Dunlop, the member from Simcoe North, has stated.

Mr. Tascona: A modest first step.

Mr. O'Toole: A modest first step.

I'll support the bill, based on the advice of our critic, who watches the minister's actions very vigilantly. This is just a baby step in the overall scheme of things. Most of these issues affect our children; therefore, I'm very concerned.

The Acting Speaker: Further debate?

Mr. Prue: There is a provision here in the bill that I have not heard, and I have had the opportunity to sit in the Speaker's chair and to hear much of the debate around this issue. There is a provision that no one has spoken to yet that ought to be raised. One of the provisions is that the maximum fines for violations of the Building Code Act, 1992, are doubled and the possibility of imprisonment for up to one year is added.

I think that people who break the law knowingly should be prepared to do the time and that people who break the law should know what is involved. But I want to tell you of a very unique story that I don't think is all that strange in the annals—

Interjections.

Mr. Prue: It's very hard for me, Mr. Speaker. The conversation here is far too close.

The Acting Speaker: The member may take his seat. I would ask the members who are engaging in a conversation to perhaps leave the chamber to engage in it so that the member for Beaches–East York has the opportunity to speak to this bill.

Mr. Prue: I received a phone call from a constituent, and he knew that we were talking about grow operations as part of a government bill. He invited me over to his former place of residence, a home that he owns, a home that he has, for a number of years, rented out to families. He invited me over to tell me exactly what had happened to him. It is a very nice two-storey home in Beaches–East York. It is a home that is kind of nondescript from the street, in a quiet neighbourhood, just an ordinary home that's maybe 50 or 60 years old.

He decided some time ago, owning a couple of homes, that he would leave that home where he and his family had lived for many years and where I got to know him. He moved to a newer and larger home in Scarborough.

He decided to keep the house and to rent it out. He rented it out last year to a group of young people, and that's when his problems began. You see, he rented it out, and they were a little bit late with the rent, and he struggled. Even though they were late, they continued to pay. He served them eviction notices, but of course it was very difficult to evict. He kept getting his money. He noticed a deterioration on the outside of his home but actually had a very difficult time trying to get inside the home to inspect and make sure that it was all right.

In January, the police raided his house, and they confiscated a number of marijuana plants. They confiscated grow operation equipment. They confiscated the wiring system that they had rewired in order to allow the plants to grow and the fluorescent lighting to be on 24 hours a day. The police busted that house and the people who were renting it under the old legislation.

But this is what happened to him, this poor, innocent victim who did nothing except rent his house to the wrong people—and this is what I'm worried about in this particular provision of the Building Code Act. Under the existing Building Code Act, this is what happened to him in the province of Ontario. The first thing, he was required by law to have his house have an entire structural analysis. He had to call in structural engineers to determine whether or not the boards, the joists, the floors, the ceilings, the roof and everything that was part of this 60-year-old house were still structurally sound enough to make it habitable by humans. This was done at great cost to him. It was found that the house was still structurally sound. He was then required under the laws of Ontario to have a complete health check. The health unit of the city of Toronto was called in, as were various doctors and health professionals. They completely checked the house to determine whether or not there was any mould, any mildew or any vestiges of disease that were left over from the growing of marijuana.

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He was then required, under the laws of the city of Toronto and the laws of the province of Ontario, to have his home inspected by bylaw enforcement officers, the same ones that you want to give more power to. Not only did they inspect the areas in the basement where the grow operation was taking place, they have literally inspected every single square inch of his house. Downstairs, upstairs, where the marijuana was growing and where it was not growing, the backyard, the fences, they have inspected it all. This man in a 60-year-old house now has to make repairs to everything from cracks in the cupboards to cracks along the walls. He has to putty. He has to put in new balconies. None of this was related to the grow operation. This is what happened under the provisions of the Building Code Act to an individual who did nothing wrong, save and except to rent out his home to the wrong people.

Now, you are asking in the provision of this to give more powers under the Building Code Act and greater penalties. I am very curious as to whether you want to extend this to poor, unsuspecting people who just rent out

their house, who have nothing to do with the grow operation, but in whose property this happens. We know that the Molson's plant in Barrie probably had no idea that a grow operation was going in there. I don't know what it cost the Molson's company, although they probably had a much better financial opportunity to make the necessary repairs, and probably have hundreds of thousands of lawyers to defend their case against governments, big and small. I don't know what it cost them.

If this government is trying to get hard on crime, I would say fine, but if you are going to turn around and get hard on ordinary citizens who have the temerity, the unmitigated gall to try to rent out a home rather than to sell it, trying to keep something within the family as a means of enhancing the family income, then I have very real problems with what is being suggested. I have not heard from any government member what this provision means. I need to know from this government whether or not you are going to bring down the wrath of the government on somebody who, unbeknownst to them, has fallen victim to grow operations. It seems to me that the individuals who were actually growing the marijuana were released on bail almost immediately. It seems to me that he has had a difficult, if not impossible, time getting anything from them in terms of monies. It's hard to sue them. It's hard to even find them in order to try to recoup the losses of the structural engineer's wages and the wages for the health unit that he had to pay for and now the tens of thousands of dollars and hundreds of hours of back-breaking work he is having to do to make every single minor repair you can possibly imagine existing in a 60-year-old house. Even the comments on the size and the wattage of the light bulbs have been included in the work orders.

I find this strange; I find this bizarre. If that is what this bill intends to do, then I think the bill is off on the wrong footing. This is what happened to one individual. I don't know whether that's the intent of the government bill. I would ask the government again to take this to committee. I would like very much for my constituent to come and to describe in graphic detail, to show you some pictures of what happens inside a grow operation. But more importantly, I think that you should understand what happens under the existing law and that if you are going to make the new law even more onerous on ordinary citizens, then I think that has to be reworked.

I think that's the only aspect of this bill that I wanted to comment on, other than the part about the police enforcement. Surely if the law is worth enforcing, then we have to have people who are capable and willing to do it. We cannot rely on bylaw enforcement inspectors and electricity people to cut off the electricity. We need trained police officers, officers who understand the law, officers who have the authority of the law to enter, officers who have the authority of the law to get warrants where warrants are necessary. What I would be much happier to see from this government is the finances to make that a reality.

The Acting Speaker: Questions and comments? Further debate?

Ms. Martel: I just want to talk about policing, if I might, with respect to this bill. As my colleague from Beaches–East York noted, if you're going to make something like this work, you're going to have to have the police enforcement to back it up. What has become clear to me is that there are many communities across the province right now who feel that their current position, even without this bill, is that they don't have enough police officers in the community, on the streets, to do the job that is necessary for their officers to do in order to protect the public.

I spoke a little bit earlier and I just want to repeat my concern with the fact that the government would try and portray this as somehow a law-and-order issue and give people the impression that with the new tools that are going to be at the disposal of inspectors and others we're really going to be able to clamp down on grow-ops, to get tough on this type of crime. I've got to tell you, I'm thinking that our police resources could probably be much better utilized in domestic violence crimes, murder, home invasions—those kinds of things where people really feel violated and, indeed, are violated. I would argue even today that there aren't enough police officers in our communities around the province to carry out those very necessary safety issues.

The government, some time ago, made an announcement that they were going to put the funding up so that 1,000 new police officers could be hired. I wish that were the case. But what is interesting is that since the minister made that particular announcement and made that commitment to funding, there have been a number of communities that have come forward and said, "The fact of the matter is we're not going to be able to hire police officers with 50-cent dollars. It's not going to happen, and we're not going to be better off, and frankly, we're not even going to bother to use the government money because we don't have enough of our own to make it a reality."

You've got municipalities like Sarnia, where Mayor Mike Bradley said the program that was announced by Minister Kwinter will be too costly for the city to participate in, since the province is asking civic governments to ante up half of the cash for new officers. Bradley said that the plan would require his city to spend \$50,000 per officer. Damian Parrent, the Niagara regional police superintendent of executive services, said it will be hard for the Niagara region too to capitalize on this program. Here's a quote from him: "If we were to take advantage of any offer coming forth, the region would have to pay the other 50% of that amount to hire a police officer for that job." It remains questionable whether or not they have the financial resources to do so.

In Ottawa, the police services board chairman Herb Kreling said he doesn't think the city of Ottawa is in a financial position to hire more officers, even if the province picks up half the tab. He said to the Ottawa Sun, "The reality is today I have no provincial assistance, and

we don't have the affordability to hire the officers in 2005." In Timmins, Police Chief Richard Laperriere won't be embarking on a hiring spree any time soon either. He said of the government program which offers 50-cent police officers that it doesn't look very promising.

I had an opportunity to speak to some of the northern police chiefs when they were here at a lobby late last fall, and it became painfully evident to me that most, if not all, of the police forces across northern Ontario would not be in a position to hire, even those in major cities like Timmins.

Mississauga Mayor Hazel McCallion described the plan as a "form of downloading" if the province doesn't fully fund the new officers. We know that that's not what the province has in mind, that the province has made a decision to put on the table 50-cent dollars. So if that is the program that finally comes forward, I suspect we'll see any number of municipalities who will say very clearly to the province, "We can't afford to participate."

If I look at my own community, for example, because there has been a lively discussion about the hiring of new police officers at the local level, any new hiring for 2005 was put off because the province hadn't anted up the money they had promised. Indeed, there was concern around the council table whether, even if the province anted up 50 cents on the dollar, the city of Greater Sudbury would be in a position to hire new officers. In fact, this matter went to city council some time ago. There was a proposition to hire 15 new officers. That was quickly changed when it was very clear that the funding that was going to be allocated was 50-cent dollars. It went down to five for this fiscal year, and even that was put on hold, because none of the money has gone out the door.

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Where we are in our community is, frankly, a number of city councillors saying that there has to be a greater share of the costs covered by the province or the city will not be in a position to hire any new officers at all. We still don't know whether the government is going to do something other than what it has already announced, which is 50 cents on the dollar for new officers. If it doesn't, I suspect that even the city of Sudbury will not go forward and council will not agree that any more police officers should be hired because of the cost to the municipality.

So I think there are a number of communities, particularly across northern Ontario, whose special needs have to be recognized and have to be met. If the government truly wants to see new police officers hired, it is going to have to come to the table and put more than 50-cent dollars on the table, cover more than 50% of the cost if, indeed, municipalities, particularly in northern Ontario, are going to be in any position whatsoever to actually hire new police officers.

The government's grand announcement of 1,000 new police officers, of course, has not come to pass. It's very unlikely, unless there is a significant change in the funding formula, that it is going come to pass at all. I suspect that my municipality, most of the others in northern Ontario and I'll bet a whole number across southwestern Ontario, will not do any hiring at all, because they won't even bother to participate if the cost is 50-50.

I raise that because if you look at this legislation, there certainly is the proposition that you are going to have to count on, have to rely on additional police presence in order to make this bill work. I say again, I think most people in most municipalities would argue now that there's not enough of a police presence, that they want to see more. If the government doesn't ante up some of the funding to make that happen, you won't, and there won't be the police mechanisms in place to actually make this bill work.

Let me say in conclusion that I know the government has tried to portray this bill as big on their law-and-order agenda. I've got to tell you, I think there are a lot of people out there who would much rather see police resources used for domestic crimes, for violent crimes at home, for home invasions and those types of crimes that really seriously affect the personal security and the person of so many people. The government might want to say that this is big on the law-and-order agenda; I'm not sure that most folks out in the province would agree. Frankly, if there are no police to enforce it and make it effective, it's not going to be worth much in the end.

The Acting Speaker: Questions and comments? Further debate?

Mr. Kwinter has moved second reading of Bill 128. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

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

I have now received a notice from the chief government whip deferring this vote until tomorrow at the time set aside for deferred votes.

Orders of the day.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move adjournment of the House.

The Acting Speaker: The government House leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. This House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 2015.

CONTENTS

Tuesday 12 April 2005

SECOND READINGS

Labour Relations Statute Law

Amendment Act, 2005,

Bill 144, *Mr. Bentley*

Mr. Tascona.....6187, 6189, 6192

Mr. Prue6188, 6190, 6192, 6193

Mr. Baird6188, 6191, 6194

Ms. Martel6189, 6191, 6194

Mr. Runciman6189, 6191

Mr. Dunlop6192, 6194

Mr. O'Toole 6193

Vote deferred..... 6195

Law Enforcement and Forfeited

Property Management Statute Law

Amendment Act, 2005, Bill 128,

Mr. Kwinter

Mr. Tascona..... 6195

Mr. Prue6195, 6197

Mr. O'Toole6195, 6196

Ms. Martel6196, 6198

Vote deferred..... 6199

TABLE DES MATIÈRES

Mardi 12 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois concernant les relations

de travail, projet de loi 144,

M. Bentley

Vote différé 6195

Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens

confisqués, projet de loi 128,

M. Kwinter

Vote différé 6199