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Monday 5 June 2006

Lundi 5 juin 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 5 June 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 5 juin 2006

The House met at 1845.

ORDERS OF THE DAY

HUMAN RIGHTS CODE
AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT LE CODE
DES DROITS DE LA PERSONNE

Resuming the debate adjourned on May 30, 2006, on the motion for second reading of Bill 107, An Act to amend the Human Rights Code / Projet de loi 107, Loi modifiant le Code des droits de la personne.

The Acting Speaker (Mr. Michael Prue): On the last occasion, we were in mid-speech. I do not see the member present who was giving that speech, and therefore we will go in rotation. The next speaker would be from the NDP. The member from Trinity–Spadina.

Mr. Rosario Marchese (Trinity–Spadina): I'm happy to have this opportunity. Speaker, do we have 20 minutes, or is it 19?

The Acting Speaker: You have 19 minutes.

Mr. Marchese: That is it, eh? Okay. We thought we only had 10 minutes. You see what happens? If you get here early and Joe Tascona's not here to do his six minutes, we get 20 minutes. It's a good thing, because we need the time.

I want to welcome the citizens of Ontario to this parliamentary channel. It's 6:45 and it's Tuesday. We welcome people to this—

Interjections: It's Monday.

Mr. Marchese: You see why it's important to be here and pay attention? Because when someone says on the other side, "Welcome. It's 6:45 and it's Tuesday," the Liberal members are awake and they remind me that it's Monday. That's very, very good. You see, it's important.

I want to talk about Bill 107, the Human Rights Code amendments. The member from Niagara Centre had his lead to speak to this bill, and he did so with considerable skill and took the measly one hour that was afforded to him to try to explain it, and I think he did a good job of it. The member from Willowdale spoke to this bill, and a few others last week, and they are defending these changes in a way that suggests the following: "The Human Rights Commission has not worked for a long time, and we, the government, after 40 years of no changes or few changes, are here committed to making

sure that this bill passes and that these amendments are carried through."

The concern we have around this is that, rather than fixing the problems of the Human Rights Commission, which in my view are related to financial support—you recall, Speaker, that in our time—you weren't here then, but when we were here in 1994, the government of the day was giving the Human Rights Commission approximately \$10 million or \$11 million or so, and 10 years later the Human Rights Commission gets about \$12 million, give or take. We haven't seen much financial support to this commission to do its work. It's for the obvious reason that if you do not provide the extra support that the Human Rights Commission needs to do its job, there's going to be some backup. There are going to be some problems in terms of the commissioners being able to do a job.

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Quite rightly, many of the people who complain—and the people who complain, by the way, have been people with disabilities and those who have been victims of racial discrimination and/or any other type of discrimination that people might have suffered through. The majority of the people who have gone to the commission have been, by and large, victims of some form of abuse or discrimination, and we believe changes need to happen, but not to get rid of the commission altogether. That's not what people have talked to me about, generally speaking.

Rather than providing the support the commission needs, we're going to get rid of this investigative body. Yes, the section 4 that they're getting rid of, the commission itself, has the power to investigate abuses, to investigate discrimination, to investigate in a way that we believe could bring about the kind of resolution of a problem that we're looking for—and we believe that the resolution of the problem ought not to take years. It used to be in fact that it would take anywhere from six months to three years to resolve a case. What we have learned from Barbara Hall, the new appointee to this commission, from the facts she presented here—not here but to us, I think a week or two ago—is that about 60% of the cases get resolved or solved in a way that people are pleased. In fact, very few of those cases ever got to the tribunal. Imagine what they could do if you provided more staff to the Human Rights Commission to be able to do its job. This is one commission that has not received the support it's needed for a long, long time.

Mr. Zimmer, the member from Willowdale, came and said, "These changes are essential. We need to scrap the commission." I'm not sure he's able to justify why it is that we need to do that, except that he argues that we haven't had changes for 40 years. Does merely saying that we haven't had changes justify the need to get rid of the commission and the investigative powers that it has, with a system that says that you now will have direct access to the tribunal, which the member from Willowdale and the government defend as a good thing?

The member from Willowdale in fact talked about the third pillar. The third pillar—remember, the first is the commission, the second was supposed to be the tribunal, and the third pillar that the government introduced is the one that suggests that people will have access to legal support to be able to have direct access to the tribunal. Recall that neither the member from Willowdale nor his minister have ever said, "Here's where the third pillar is embedded in the bill, here's what it means and here's how it's broken down." Nowhere is the third pillar, i.e., legal support to those who want to go directly to the tribunal, in the bill. The fact that it's not in the bill suggests, to me at least, that those who want to go directly to the tribunal are not likely ever to get the support they need to be able to do so, which suggests to me that the people with disabilities and victims, racialized communities who are victims of discrimination, are on their own.

Speaker, you might know or not, but lawyers certainly know that some of these folks cost 300 bucks an hour. If you're lucky, you might find someone who charges 200 bucks an hour, but you don't know what you're getting at that kind of price, I suspect.

Mr. Peter Kormos (Niagara Centre): When's the last time you visited a lawyer?

Mr. Marchese: But at the upper end we're talking about 600 bucks, and if you're really, really good, like a Kormos type—

Mr. Kormos: No, no; Ms. Elliott.

Mr. Marchese: —or Ms. Elliott—you would be charging \$1,000 an hour. Do you understand what that means to people, to find 600, 700, 800, 1,000 bucks an hour to be able to defend yourself? Where do people find that kind of money? Where is the state going to find that kind of money, assuming that, if you believe them, if you want to be able to take your case directly to the tribunal, you're going to have legal representation?

It's a mere promise. If the government were serious, it would be in the bill. The fact that it's not in the bill suggests that we are not going to get much support. Assuming someone has a case and wants to take it to the tribunal directly, we're not quite sure what you're going to get except that you're on your own, whereas in the past, under the old human rights commission act, what we have is a guarantee that if you've got a complaint, if you've got a problem that you want to deal with, you can go to the commission and someone will investigate it.

It's possible that many who have gone in front of this commission might have had a hard time. It's possible that many who have gone to the Ontario Human Rights Com-

mission before may not have gotten the support they might have wanted; it's very, very true. But I speak to you on the basis of some experience: This commission has been underfunded for a long time, and under-resourced.

I'm not trying to justify some of the complaints that people might have had with respect to the commission, but it surely speaks to a problem. Rather than saying, "We're going to put in a couple of million dollars to be able to support the Human Rights Commission," they're scrapping it, and they're scrapping it in the hope that somehow this new process, direct access, is going to give them what they're looking for.

Unless you put the supports in place, we're not sure what we're getting. That's what we want and that's what we are saying to government that they need to do. But nowhere is this promise embedded in the bill that would allay my concerns or allay the concerns of those who are victims of a particular problem.

We are opposed to this bill, and we are not alone in doing this. There are a number of people who have spoken to this issue, and I'd like to quote them as a way of suggesting that people who have a great deal of knowledge and expertise in this matter are also concerned about this. Here's what some of them have to say.

Tony Silberman, past chair, League of Human Rights for B'nai Brith, says, "Rather than improving the complaints process, the proposed model would make it more onerous for the consumers by requiring them to conduct their own investigations and gather evidence within an environment that is already poisoned by the very filing of a complaint. The resulting power imbalance mitigates against injustice being done since, as well, respondents may be in a better position to afford legal representation."

The Chinese Canadian National Council says, "Under the proposed changes by the Attorney General of Ontario, a sexual discrimination victim could be asked to personally investigate the crime scene, file his or her own police report and then to personally seek prosecution in the criminal court system."

They also believe that conducting investigations strengthens the commission. The Canadian Association of Retired Persons says, "In CARP's experience, it is very important for the commission to be directly engaged in human rights issues. By limiting this role, the depth of their reports and their capacity to act on their findings could be seriously eroded."

Alistair Fraser of the Multiple Sclerosis Society says, "[Currently] people who experience discrimination don't have to be able to afford a lawyer or qualify for legal aid to ensure that a lawyer with specialized knowledge in human rights will present their case to the tribunal. The proposed changes appear to take away that guarantee. People with disabilities will rarely be able to afford the costs of privately investigating their own case. They won't have the public investigation powers that the Ontario Human Rights Commission "now has."

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Sri-Guggan Sri-Skanda Rajah of the Urban Alliance on Race Relations says, “The Attorney General’s proposed plan would force victims of discrimination to conduct their own human rights investigation and hire their own lawyer to present their case to the Ontario Human Rights Tribunal.”

These are people with a great deal of experience in dealing with human rights issues, and they are concerned with this government’s abolition of the commission altogether. While we realize that there are a number of different opinions in this regard, we know that a lot of legal minds in the legal clinics are supportive of the change. I’m not here to dispute their ideas or their position in this regard except to suggest that from our experience and from the experience of the people I have quoted, we are highly, highly worried about what this government is going to do. We are not at all certain that the supports are going to be there to allow people the opportunity to have their case heard. Unless the government makes that clear in its bill, we could never support it.

My friend from Niagara Centre simply believes that this is the privatization of our legal system and could never support it in any way, shape or form. I am tempted, with my limited experience in law, to agree with him, but I could be persuaded otherwise. If the government is serious about wanting to support victims by making sure that there is legal representation for them under all circumstances—unless they do that, there will be opposition from me and all New Democrats.

We don’t believe that the government has any intention at all of providing those kinds of supports. We do not believe it. As a result, most vulnerable people will be left on their own to fend for themselves. If you trust the Liberal government with this, then God bless you. We don’t trust them, and that’s why we oppose them. We are hoping that those of you who feel strongly about this will make your views known to this government. But as it is, we will be opposing this bill.

The Acting Speaker: Questions and comments? Seeing none, the member from London–Fanshawe.

Mr. Khalil Ramal (London–Fanshawe): As always, I’m honoured and privileged to stand up in this place to speak on many different issues. Today we’re speaking about the Ontario Human Rights Commission amendment bill, which I believe is a very strong issue, a very important issue for many people, especially for the human rights activists across the province who believe strongly that we have to strengthen this issue because it means a lot for vulnerable people who for many different reasons are subject to racism and discrimination—because of their physical or mental disability or their colour or their weight—for any reason. Definitely, for many people this commission is the last resort to go to, to present their case and hope somebody will listen to them and give them their justification for living and support them and defend their cause.

History shows us that this Human Rights Commission has never been touched over the last 40 years. It’s out-

dated. Many people before that commission waited for a long, long time and nobody listened to them, and there were also a lot of delayed and unresolved issues. Sometimes some issues stayed about three to four years. People who desperately need support, people who desperately need somebody to listen to them, to defend their cause, to protect them, cannot wait two, three or four years to have somebody listen to them. That’s why this bill came about, as a proposition to open and to transform the Ontario Human Rights Commission, to enable vulnerable people among us to have people listen to them, support their cause and also defend them and help them.

By establishing a human rights legal support centre, we’ll give the people the ability to appear before the tribunal with full support from the government by funding all these activities. I was listening to the honourable member from Trinity–Spadina talking about this issue. He asked, what happens to people who don’t have the money to appear before the courts? How can they get funded? I want to tell the member that this is the intent of the bill: to give those vulnerable people the ability to get funded and defend their case and explain to the people with full support from the government. This addresses the need and the intent of the bill to establish human rights legal support, to offer a variety of support for many people who want support in this province.

Also, the bill wants to create two secretariats to protect and to look after two important elements in Ontario life: racism and disability, two most important components which all of us hear about on a daily basis. We hear about how much racism goes on in Ontario and how many people discriminate against the disabled. That’s why those secretariats will be established to educate and help people who are suffering from those two issues.

I believe that transforming the Human Rights Commission will give the ability to many people to feel comfortable because we have a government and a minister to look after them and listen to them. Also, so many different concerns—we heard about them from different stakeholders—to understand the intent of it and to have some kind of explanations. I believe this bill is going to the committee and the committee is going to listen to many stakeholders and many human rights activists. Then, after we collect that information, it’s going to be addressed—

Mr. Garfield Dunlop (Simcoe North): When did you start listening at committee?

Mr. Ramal: As you know, all the bills go to committee as a preamble, and then after finishing in committee and after hearing from many different stakeholders, most of the time the bill is amended and modified to respond to the people who come to the committee and voice their concern. That’s why we listen at the committee.

The honourable member from the other side is talking about, when the bill goes to committee, nobody listens. We have a committee to hear it. Unlike what happened in the past when the Conservative government was in power—they never listened at committee; they never had a committee. They used to pass the bills without any

committee hearing. We do it differently in this government. We ask the people what they want, and we listen to the answer. That's why—

Interjections.

The Acting Speaker: Order, please.

Mr. Ramal: This is the answer. This bill that we're now debating in the House will give an opportunity to all the members from every different party to voice their concerns. When we go to committee, this bill is going to open up to many stakeholders across Ontario. We're going to listen to them, and after that we're going to have the necessary amendments as a result of those people who came—

Interjections.

The Acting Speaker: The member from Bruce–Grey–Owen Sound is—

Mr. Bill Murdoch (Bruce–Grey–Owen Sound): He didn't know where I'm from.

The Acting Speaker: It doesn't matter whether he knows where you're from. I know where you're from and you're being very loud, so I would ask you to tone it down.

Mr. Ramal: I know the member from Simcoe North doesn't want to listen because he's jealous of the government that opens up all the bills and all the subjects to committees. As I mentioned, we are doing government differently from the past: We listen to people. We ask them a question and we listen to them. That's why so many stakeholders came to us and complained to us, because the Human Rights Commission is not able to absorb all the complaints. They don't have the mechanism to listen to all the people. It is about time for this to be opened up, to be modernized, to have the ability to listen to vulnerable people and to give them what they need. By establishing the human rights legal support centre, I think this important centre will give the legal ability and financial support to the people who don't have the support to have people listen to them and have their issues solved right away, not waiting two or three or four years. That's why this bill is so important.

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Every person has a right in this province to live with respect and dignity. Every person in this province has a right to have his or her own life run like a normal life, without any complaints, without any hesitations, without fear to go out and be discriminated against due to their colour, or their race, or their religion, or their size or whatever, the way they speak, the way they talk, the way they walk. With this bill, we'll listen to those people's concerns right away and act right away and not have to wait two or three or four years.

It's about time our government took action on this issue. It's about time the minister opened it up to the people to listen to their concerns. Let's open it up to modify it; let's open it up to have an incentive for people in this province to complain and to have people listen to them, with full legal support.

I'm privileged and honoured to be part of a government that listens to people. Also, I believe strongly

that when this bill goes to committee, we're going to listen to the people and their concerns. They're going to open our eyes on certain issues we didn't deal with in the preamble of this bill. I'm strongly convinced that we deal with all the bills that go before committee in a professional fashion. If there are any concerns or any suggestions, we'll take them into our considerations, and most of the time people see a lot of changes in the bills. That's why I'm very hopeful that when this bill goes to the committee, we're going to listen to those people who voiced their concerns to me, who came to my office because they didn't understand some elements and some sections of this bill. Hopefully, when they come up to us, present to the committee their concerns and explain them in full detail to the committee, I think our committee is going to listen to them and our minister is going to respond to their concerns and can open it up and can modify this bill to service their needs.

I want to assure you that the intent of the bill is to have a Human Rights Commission that's strong and able, in a modern fashion, to respond to all the people in this province of Ontario and make most of the people who choose to live in this province feel comfortable that there is a government, there is a board if they have any concerns or if they feel they have to go somewhere to complain. That place will be open to them and respond to them and help them right away, and they don't have to wait years and years and years.

The Acting Speaker: Questions and comments?

Mrs. Christine Elliott (Whitby–Ajax): The Progressive Conservative caucus welcomes the modernization and improvement of the Ontario Human Rights Code, but it's also our position that there are significant concerns with respect to Bill 107 that need to be answered. We've talked about several of them at great length—the lack of consultation, the lack of accountability to the Legislature—but most importantly I would like to speak just briefly on the issue of the so-called third pillar of the legal support centre to complement the first and second pillars of the commission and the tribunal.

As the member from Niagara Centre indicated during his speech last week, this really is a phantom third pillar. It's been much talked about, but in actual fact the only mention in this piece of legislation about legal support for victims of discrimination is section 46, which just indicates that the Attorney General is able to make an agreement with another agency or party for the provision of legal services. There's no mention of a legal support system; there's no mention in any discussion that's been held other than a vague promise of \$1.5 million being provided for legal assistance to victims of discrimination. That won't even put a dent into the backlog of the 2,400 cases that are going to come back before the new organization if this legislation is passed.

I think that it's nice to talk about it, but it's requiring a huge leap of faith for people to agree with this bill as it's presently drafted, because there is absolutely no guarantee that the people who are the most vulnerable in Ontario are going to get the legal support they need.

Right now they have the commission counsel, who assists them. It's true that they don't have legal aid lawyers who are acting for them, but there is able counsel there who are able to present their case for them. If this bill gets passed, there will be nothing there and no legal supports in place. Unless we can be guaranteed that that's going to happen, there remain considerable problems with this piece of legislation.

Mr. Marchese: I just want to say that from time to time some Tories and New Democrats agree on some things. The member from Whitby–Ajax stated the position that we have articulated here today and that my colleague Peter Kormos articulated last week, as was indicated by the member from Whitby–Ajax. This is the problem: You're going to have a whole lot of Liberals blah, blah, blah on this bill for hours and hours and they're going to talk about getting the service you need, blah, blah, blah, and on and on. What we've got currently is a Human Rights Code that includes the right to have a complaint investigated. This is a right that we have currently. This government is replacing that with a right to a hearing and the promise of support. So you've got a right to a hearing with a promise of support. Maybe the member from London–Fanshawe is going to talk about and articulate what this support is going to be like and relieve many of us of this fear we've got that people with disabilities, who represent half of those who go to the Human Rights Commission, are going to have that right somehow entrenched and are not going to have to worry about the fact that there's going to be somebody who's going to help them out, and they're not going to have to worry that they're going to be on their own, having to take their issue directly to that tribunal and investigate themselves and defend themselves.

It's possible that the member from London–Fanshawe actually believes that his minister is saying, "Don't you worry. Everyone who wants a hearing will be defended by a lawyer. No matter who they are, no matter what the issue is, they will have the defence." If the member can do that, maybe he should say so when he has his two minutes.

Mr. Norman W. Sterling (Lanark–Carleton): It's ironic that we are speaking tonight on the Human Rights Commission when this afternoon the Legislature was so condemning towards this government's policies with regard to our first citizens and the Six Nations land claim dispute. This afternoon, our Legislature voted and recognized that the McGuinty government provoked the situation with regulation identifying the greater Golden Horseshoe area as the first area for which a growth plan will be prepared. The Legislature voted this afternoon that the Premier of this province procrastinated and failed to show leadership when it was most needed—

Interjections.

The Acting Speaker: On the point of order, you're commenting on the statements made by the member from London–Fanshawe. I don't remember him getting into that at all.

Mr. Sterling: On a point of order, Mr. Speaker, and I'm sure you'll allow me to return to the clock with regard to my comments: We are talking about human rights. We are talking about minorities. We are talking about Bill 107 and the rights of these minorities to seek redress with regard to their rights in front of the Human Rights Commission. Mr. Speaker, that's what I'm talking about.

The Acting Speaker: All right. I've heard enough. If you will continue in that vein without going into another topic, which was this afternoon, then it would be in order.

If you would give him another minute. Thank you.

Mr. Sterling: Thank you very much, Mr. Speaker. I think it's important for this Legislature, as it did this afternoon, to recognize how this government on the one hand says that they want to help minorities with regard to human rights issues and on the other hand this Legislature recognizes that this party cares little about actual minority problems that are occurring in our province today. We had, in this Legislature this afternoon, very few members of the government caucus appear in this Legislature—very few members.

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Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: We know that the tradition is not to speak of people's attendance in this place.

The Acting Speaker: On the point of order, I've heard the objections here. I didn't hear anyone being named as not being present. He said that few members were present, but I don't think that contravenes anything. Please continue.

Mr. Sterling: Mr. Speaker, could I have another minute with regard to my remarks? They continually raise points of order.

The Acting Speaker: I'm trying to be fair here, so another 30 seconds. Go ahead.

Mr. Sterling: Thank you very much, Mr. Speaker, and I'm glad you're in the chair this evening.

The point I'm trying to make is that, while we are debating Bill 107 and trying to improve the Human Rights Commission, trying to improve the ability of minorities to seek redress with regard to issues that are outstanding, we have a government that has been condemned this afternoon on an opposition motion which calls into question the Premier's intent with regard to these issues. It is disgraceful.

Mr. Levac: The bill that we're talking about, the Human Rights Code Amendment Act: I just wanted to make sure that the House is aware that I've received correspondence from many constituents in my riding that are pro and con. There are people who have made comments on why they speak against the bill. If we were to listen to what the opposition is saying, that there is absolutely no one in favour of this legislation—I want to make it clear that there's a very large number of people in this province that realizes that the Human Rights Code Amendment Act needed some work, and it's being redressed. I hope that this Legislature sees fit to pass the bill.

The Acting Speaker: The member from London—Fanshawe has two minutes in which to respond.

Mr. Ramal: First, I want to thank the members from Whitby—Ajax, Trinity—Spadina, Nepean—Carleton and Brant. Some of them spoke about what I said and some of them didn't. But regardless, I listened to the member from Whitby—Ajax talking about the intent of the government and that she doesn't trust the government. I want to tell the members of this assembly and the people of Ontario that we have a great mandate that we believe in strongly. This Human Rights Commission act has not been opened in the last 40 years. Everyone in this province knows how difficult it is to approach the Human Rights Commission and get results within a very fast and limited time. That's why our government and our minister wants to open it up, wants to reform it, in a fashion that gives the people the ability to come before the Human Rights Commission and get results fast and quick.

The member from Nepean—Carleton talked about minorities and the government's response to the people. We saw his government's record, which was a bad record in terms of defending vulnerable people, whether disabled, the sick people, the aboriginals, on many different issues. We have a clean record. We have one direction. Our direction is very clear: to support the people of Ontario in any way and in any fashion, whatever we can do, whether it's in health care, whether it's for the disabled or for people from ethnic backgrounds. That's why it's very important to this government that this bill be opened up to let the people who have some kind of complaints go before the tribunal and to have the mechanism, to have the support legally and financially to voice their concerns, with people on the other side who will listen to them and act on their concerns fast and quick, and also to establish some kind of mechanism to educate people about the importance of creating awareness and protect the people of this province.

The Acting Speaker: Further debate?

Mr. Cameron Jackson (Burlington): I've been most anxious to comment on this legislation for a variety of reasons. Let me begin by saying that I think it's an element of great pride for all Ontarians that we live in a province that was the very first jurisdiction in North America to ban slavery, as an example, and that we live in a province that was the absolute first jurisdiction in North America to create the office of the Ombudsman. We're fortunate as Ontarians to live in a society and a culture that was the very first to have a human rights code, even before the federal governments on either side of the 49th parallel.

That rich legacy has continued up until this point. Why do I say that? I say that because no one ever said that the Human Rights Commission should be a fast track to something. The Human Rights Code has evolved as a powerful instrument for change in this province. It has evolved, under the leadership of its past commissioners, to cause governments to change laws. It has evolved as an instrument for change. It hasn't been all that pleasant

for some governments because the truth seldom is when you're dealing with the five most significant disadvantaged groups in our society.

I can tell you, as a former Minister of Citizenship, when the Human Rights Commission was an area of responsibility for my ministry—it's now in the hands of the Attorney General; that's the pleasure of the Premier of the day, to determine where those services will be provided—I remember distinctly my very first briefing on the Human Rights Commission. I remember distinctly meeting with the then chief commissioner, Keith Norton, a man whom I had known at that point for many, many years and had come to respect his complete independence of any government of the day, and to respect the energy and the vision and quite frankly some of the very difficult and delicate decisions that he made as chair. But he did it with conviction and he did it with the knowledge that he was the chief commissioner in the province of Ontario, and Ontario had established a worldwide reputation for a Human Rights Commission that actually achieved meaningful results.

I guess that's the first point I want to start with, this issue of achieving meaningful results. This is not an assembly-line piece of legislation. This is not a process that governments tolerate because there's expectation out there. It fulfills a very important and real role in terms of how we combat discrimination in this province. It has not been an easy road. Clearly, if you talk to an employer who's had to go before a tribunal, had the Human Rights Commission inside their offices causing them to come forward with their authority under the Statutory Powers Procedure Act to allow them to cross-examine people before they even go to a tribunal—these are very powerful instruments, and those instruments exist in this province because of the very principle that persons who are discriminated against, by their very nature, are not in any form of a power position in order to respond to or overcome that discrimination.

The founders of this legislation, who all stood in this House and fashioned for themselves an instrument for change and an instrument that acknowledged the weaknesses of those in society to have a voice, did so with the knowledge that this process would take time and that it had to empower the individual in a very clear and specific way. I do not wish to deviate from this model. I think it has served this province well. It has served its citizens well. It has people who will indicate publicly, like His Honour Lincoln Alexander, who will indicate just how powerful an instrument that is in the life of a province and how dependable an instrument like that can be.

I ask the question, why is the government trying to change this instrument when in fact they didn't campaign on it, they didn't make any overt promises and they didn't even identify to the public that this was a serious problem, save and except that there is a backlog?

I want to go back to when I was the minister and I received that first briefing. Two things struck me. One was the unusually long time that it took to get the hearings to a point where they were before the tribunal, and

I'll deal with that in a moment. The second was the disproportionate number of claims that were being filed by one of the five most vulnerable groups that I referenced earlier, and the disproportionately low number of claims and applications that were made. In that time it was the disability community.

I was shocked and appalled to see—I raised questions about those statistics, and I was told, “Quite frankly, the process is one in which there are so many elements of discrimination out there for the disabled that we have so many claims, and they're all unique because disabilities are unique.”

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We're to believe from this government, first of all, that the only way to fix this process of a timely hearing is to take away the most important element of the activity of the Human Rights Commission, and that's its power to investigate for the vulnerable, the weak and the powerless. So they would have us believe that by pushing these people immediately to a hearing or, as is contained in their legislation, the right to dismiss them out of hand before there has been any investigation—that one is a whole subject we could spend hours on. But let me simply state for the record that it's hard to believe that a tribunal empowered with something as significant as whether a citizen in this province is being discriminated against in terms of employment, in terms of access to health care—the list goes on—can dismiss that out of hand when they haven't even undertaken an investigation. When the tribunal dismisses it when there's an investigation, fine. Perhaps not enough were dismissed. But if the government is serious about reducing the time frames and reducing the total number of cases, then there are going to be wholesale rejections by many of these tribunals. I'm not so sure that's a good thing. It might benefit some taxpayers who don't see the relative value of the Human Rights Commission, but turning its new responsibilities into what are referred to here as being an adviser, a place for information on legal services: By the same token, how do you tell a person with a disability that you really have to go out and get a lawyer if you want to be adequately represented?

I realize that a previous government allowed for class-action movements in this province before the courts, that whole classes of disabled persons could make applications, but it's not clear in the legislation that even that is possible in the manner in which it's currently written.

The next point I want to raise is this issue of the fact that there's been very little, if any, consultation. This was just tabled in the House one day and took everyone by surprise. If you look at the list of individuals who have expressed their concern and, in some cases, their outrage about the government's approach in this manner, it's a pretty impressive and a very frightening list of individuals whose voices should have been listened to by the government prior to their bringing in these radical changes to the way North America's first human rights commission was constructed.

The first group is one that I have a lot of experience with. It's one that I've had the chance to work with. It's the Ontarians with Disabilities Act Committee, which changed its name when the government brought in the second disabilities act in this province to the Accessibility for Ontarians with Disabilities Act Alliance. This group is extremely concerned, and I think there's a footnote to their concern. One is that their inspirational leader, David Lepofsky, is actually an employee with the Attorney General's department in the province of Ontario. The government was very, very anxious to bring Mr. Lepofsky to the Legislature, to get him to be front and centre, to be vocal about the changes in the Ontarians with Disabilities Act, some of which he agreed with, some he didn't agree with. He was sort of trotted out as the poster person for their new act.

Now that he has exercised his basic civil rights in this province to speak up about a piece of legislation, he, as a learned lawyer and as a blind person, a person who is differently abled in this province, who feels passionately about this legislation, was bypassed, his committee was bypassed, and he does not see the reality that the government purports will happen with this bill—in fact, quite the opposite. He says this is a step back for the rights of the disabled in this province.

What did the government say about Mr. Lepofsky? Well, they said he must cease and desist from making any comments about this legislation. After all, he is an employee of the province of Ontario. So much for the open, transparent government that we keep hearing this government talk about, but in practice they're out there muzzling one of the province's outstanding spokespersons.

There were days he didn't agree with everything I was doing, and he had the right to be critical. I didn't take it personally. I think we were all working to move the benchmarks forward in this province, to make this a better province and a more accessible province for all our citizens. That's what he's doing today with Bill 107, except the government is saying, “No, no, Mr. Lepofsky, you cannot comment. You're a civil servant. You must remain silent.” Why? Because he disagrees with many of the elements. I'm sure there are elements of this bill he likes, but as an advocate, it's his personal role—

Mr. Marchese: You didn't muzzle him with the disability act.

Mr. Jackson: I never muzzled him.

Mr. Marchese: You didn't muzzle him with the disability act.

Mr. Jackson: No, I didn't. He was very frank about his commentary.

This is incredible. You've got a government that says it's going to improve things, and yet this is one of the most important organizations.

That's just the start of the list. There are other groups that were not consulted and, in fact, in some cases these groups—the government has been out there. The Attorney General's office says, “Oh, we consulted with them.” Then, when you contact them, they say, “That

would be wrong, and it would be erroneous for anyone to suggest that we were consulted.”

Here are the groups: the African-Canadian Legal Clinic, the Alliance for Equality of Blind Canadians, B'nai Brith of Canada, the Bob Rumble Centre for the Deaf, the Canadian Association of Retired Persons, the Canadian Hearing Society, the Chinese-Canadian National Council, Community Living Ontario, the Disabled Women's Network of Ontario, the HIV and Aids Legal Clinic for Ontario, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the MS Society, the National Anti-Racism Council of Canada, the Ontario Council of Agencies Serving Immigrants, Operation Black Vote Canada, OPSEU, Parkdale Community Legal Services, South Asian Legal Clinic, the Toronto Residents in Partnership and the Urban Alliance on Race Relations.

All these groups have as part of their ethos to advocate for those who are disadvantaged on any number of levels, whether it be before the courts, in employment situations, government programs. They feel passionately about this, and came forward to say, “Not only were we not consulted, we are insulted by the fact that the government is out there saying that we somehow were consulted and are somewhat supportive of this.”

The details in this legislation are cause for considerable concern. This whole issue of removing the power to investigate is extremely troublesome. It's troublesome because that's how we were getting the most significant rulings in this province. If we wanted to be helpful, we should have—many of the delays that are referred to by the government are delays that were precipitated by employers who weren't co-operating or the person to whom the accusation of discrimination was directed towards failed to respond within a reasonable time frame. It certainly wasn't the fact that the complainant was delayed in making their submission or articulating their concerns.

The issue of the tribunal hearings themselves: As I said, I have commented on the fact that they can be dismissed at the whim of the tribunal. There's this whole issue around barriers to participation by indicating that you will bring legal counsel and legal support with you in order to be able to make your case.

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The government is now withdrawing that kind of advice that it was getting—not the advice. They're now saying that they'd like to create a mechanism where they can advise people. Basically, it's a phone system that says, “You'll need legal counsel. Here are certain documents you can search in the archives if you want similar cases.” But generally the person to whom there is an accusation of discrimination will come with a battery of lawyers. Let's look at some of the cases that have been historical in this province: taking a theatre chain before the Human Rights Tribunal. They showed up with a battery of lawyers, and it was all for one individual in a wheelchair and another individual with a hearing dog

who wished to participate in the community life which included the entertainment in a local theatre.

Under this new tribunal system that the government is proposing, all parties will have to come with legal assistance. This is going to be hugely expensive for organizations like community living, because the individuals whom the Ontarians with disabilities program supports will lack the means and the financial resources in order to represent themselves in court. The average disabled person can barely afford the transit for their fundamental life needs—just getting to medical appointments is extremely difficult. Mr. Speaker, you raised that in the House just today and again yesterday; you know exactly what I'm talking about. So it's hard for me to understand just how this legislation is going to be better for the people whom it is there to serve and to protect.

Will it serve the interests of the current Attorney General? Absolutely. This is an Attorney General who completely gutted and virtually eliminated the Office for Victims of Crime in this province, something we were the first jurisdiction in North America to bring forward. Yet this minister was seen to have his budget flatlined by the Treasurer and has gone after those instruments that the Attorney General has that allow this province to function better: the Human Rights Tribunal, as well as the Office for Victims of Crime and other such programs. We've seen the same with the cuts to the coroner's office that the Solicitor General's office has imposed because of the shifting priorities for that minister and this government.

I could have used a couple of hours to express my concern on behalf of those persons who rely on the Human Rights Commission and its tribunal, to find the recourse that the courts cannot afford them in a timely fashion, or that the government lacks the political will to provide.

I cannot in good conscience, on behalf of the organizations which I have read into the record, support this legislation. Albeit on second reading, clearly the government has a hidden agenda here; clearly the government feels that saving money and reducing access to justice is defensible in this day and age, but I for one do not.

The Acting Speaker: Questions and comments?

Mr. Marchese: I just want to support pretty well everything that the member from Burlington has said. He's made a good case, a case that I believe most Liberals and those watching should take seriously.

I should point out that the Human Rights Commission, as far as I know, is well known throughout Canada and the world as a model that many would like to be able to imitate, and this government has taken the unprecedented move of eliminating the commission with direct access to the tribunal. It's unprecedented in terms of the change that this government has implemented. Rather than a slow, typical evolutionary Liberal process that they might want to engage in, they've done something completely radical, and so radical that we New Democrats think it's

nuts. Once this bill passes, Mr. Ruprecht may or may not know, section 4 eliminates the commission altogether. He probably doesn't know the commission is gone, and the commission is the body that does the investigative work to deal with the issue of discrimination or whatever it is that the aggrieved is bringing forward to the investigators on the commission. It's gone. Once this bill gets proclaimed or passed for third reading, you're on your own.

So if you've got a problem with discrimination, you no longer have access to an investigator or access to the commission; you're on your own. You've got to be able to take that to the tribunal. Think about it: a person with a disability or a person from some racialized community who doesn't have the time, the skill or the energy to say, "I'm going to take this directly to the tribunal," this with a government that has not put in the bill any support. You are on your own. How can Liberals defend such a reactionary move? Maybe Mr. Ruprecht can stand up and tell me.

The Acting Speaker: Questions and comments? Seeing none, the member from Burlington has two minutes in which to respond.

Mr. Jackson: I'm overwhelmed by the support for my comments this evening.

Just to reiterate, when I was the minister, I did have to find additional money in my budget in order to increase the number of cases that could be managed and brought full term. It cost more money. We had to contract out with staff in order to make that happen. That is the reality of the current process.

What concerns me is that we are seeing more and more examples where the government is taking these arm's-length, independent agencies, such as the Office for Victims of Crime, the Ombudsman, the chief coroner and the Human Rights Commission, and chiselling away at the independence by strangling their budgets and withholding the funds, which prevents them from fulfilling their mandate.

I understand we have to manage the budgets of these powerful and important organizations in our province, but the truth of the matter is, we are dealing with issues of discrimination. The government's own legislation dealing with the disabled won't be fully implemented, even at that point, for 20 years. That means there will be a considerable number of cases that have to be investigated and brought before the tribunal, yes, in a timely manner, but they have to be fully investigated.

I personally would like to see these amendments made to the legislation and hope that the Attorney General can focus less on the pressure from the Treasurer and the Premier to flatline his budget and do the job that he was elected to do as the chief law officer of this province and support the Human Rights Commission.

The Acting Speaker: Further debate?

Ms. Andrea Horwath (Hamilton East): I wanted to put a few comments on the record in regard to Bill 107, because as I was looking through the comments, particularly the ones made by the NDP critic, Peter Kormos, on second reading of the bill, I started to get quite

concerned about the implications of Bill 107 should it go forward in its current form. The bottom line is—and it's been mentioned by the member from Burlington, by my colleague from Trinity–Spadina and I'm going to mention it as well—in effect, what this bill does is eradicate, get rid of, totally repeal what we now know as the Human Rights Commission. That's really what's happening here. Bill 107, in part IV, basically gets rid of, holus-bolus, the Human Rights Commission.

I was reading the comments that have been brought forward in this regard. The way this is described by people who are more knowledgeable about the legal system than I am—I'll say that straight out front—is akin to saying that just like in criminal cases, for example, where you have an array of people who investigate a criminal charge, gather the evidence and put together all of the information that's necessary for the next phase to take place, which is the prosecution of a criminal charge, where these functions are happening in the criminal justice system, functions that serve the broader good of society, that serve the broader import of society to have laws that are followed and that are prosecuted when they're broken, similarly, those are the functions that we are going to lose that are currently being undertaken by the Human Rights Commission.

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Just like we would never think of getting rid of police, for example, who investigate criminal activities or investigate the evidence around criminal charges, and just like we would never get rid of crown prosecutors, the people who are, on behalf of the public, looking after the public good, prosecuting these cases, bringing them forward, similarly, we shouldn't be getting rid of those very same functions that are in the public interest when it comes to the Human Rights Commission. There is a public interest, there's a broader public import with issues of harassment and discrimination, with issues of discrimination that need to be uncovered, that need to be investigated, that need to be then dealt with by the commission and taken through the process.

It's very alarming to me, when you look at it in that context, to say it's okay to get rid of the Human Rights Commission, it's okay that we no longer have that body that oversees the broader public interest in the province of eliminating discrimination, of weeding it out and holding it up to the light and saying, "This is not acceptable behaviour. These are people's basic human rights that you are offending, and it is not only that individual this matters to; it is all of us, because this is not something that we find acceptable. This is not behaviour that we approve of as society or as a civilized group in the province of Ontario."

Unfortunately, it seems to me that the government has no problem with getting rid of this very important function of the Human Rights Commission. That is why I decided that it was important for me to have a few minutes to speak to this issue this evening, because there's no doubt that this is a controversial bill, and there's no doubt that there are people who are very much

in favour of Bill 107 and people who are very much against. But I would say to you—and I think we'll find this out much more clearly in the process of the public hearings upon completion of this second reading debate—that those who are in favour are buying a pig in a poke when it comes to this bill are holding out their hope that the government, that the Attorney General, his third pillar of resourcing and ensuring access to justice, actually comes to fruition.

I don't know about anybody who might be watching tonight. I'm hoping people are flicking through. My understanding is that there's a hockey game on, so I'm sure there are many people who are glued to their TVs, waiting for that hockey game to start, and they're flicking through and they're flicking into the parliamentary channel, the Legislative Assembly channel, and they're going to be hearing what we have to say about this bill because it's a very serious concern.

I'm sure that many people at the hearings are going to bring forward that, in fact, when this McGuinty Liberal government says, "Trust us. Support this bill; just trust us. We're making a promise that there's going to be access to justice. We're taking away the existing access to justice and we're taking away people's access to investigation; we're taking away people's ability to make sure that their complaint gets investigated, gets dealt with, that there's somebody intervening their behalf and making sure that evidence is being gathered so that their case can move forward; we're getting rid of that, but just trust us," the McGuinty Liberals say—because we know that they're a very trustworthy bunch here in the province of Ontario, don't we? Give me a break. How can anybody really, truthfully believe that the promises that the Attorney General is making are going to hold water? That is the crux of the matter. From my perspective, this entire bill is built on a house of cards, a leap of faith that, really, is not going to come to fruition.

The problem is that there's no parachute, as my friend from Trinity-Spadina was saying earlier. There's no parachute. We're leaping from the system we have now into the wild blue yonder, where nobody knows for sure what's going to happen, nobody knows for sure whether the government is going to fulfill its promises in terms of access to justice for complainants under this legislation, and there's no parachute. There's no going back. Once this bill receives third reading and royal assent, well, then, guess what? There's no more commission. There's no more guarantee, not only that the individual case is going to come forward, but that the broader public interest is held in the forefront of our deliberations around human rights abuses in Ontario. That is absolutely unacceptable.

So what happens? What does a person do once Bill 107 is brought into law? Well, what the government says you get to do is that you get to find a way to hire someone or to get the resources somehow to put together the material yourself. Maybe you have English as your second language, maybe your third or fourth language, and you're harassed at work or you have a discrimination

complaint against your employer. You decide you have rights under the province of Ontario's Human Rights Code and you want to enforce your rights. So you start to figure, "Okay, I need to enforce my rights. What do I do? I'll write it down. I'll explain what's happened to me, how my employer discriminated against me. I'll explain it all and I'll submit it to the tribunal, because I have direct access to the tribunal." So you submit it to the tribunal in your own language, in the way you are best able to describe the situation that occurred to you, and what happens? You get to the tribunal, you get your direct access right to the tribunal, and lo and behold, there's your employer sitting at the other end of the table, maybe with two or three lawyers, with evidence packed stacks high because he or she can afford to buy the legal expertise to mount a defence in the case you're bringing against them.

The bottom line, just in the basic view of things, is that it's very apparent that people without the means are not going to have access to justice. That's the thing that most people who come to the hearings are going to be very concerned about when we talk about whether or not this bill is going to be an improvement on the current system.

It's true that a lot of correspondence has come forward; members have received it. A number of people in the province will say that the system's not working, that the system's broken and needs to be fixed, that people aren't getting access to justice, that it's taking too long for people's cases to go through, too long for people to have their cases heard and their issues dealt with.

But we found, from a letter provided with a statistical analysis from the current commissioner, that this is a lot of hyperbole, that for the most part, the average length of the process is not what some would have us believe. In spite of some hyperbole around the time it takes for a complaint to be dealt with, what we really have is a system that is well renowned and well respected but simply needs to be better resourced. Instead of resourcing the existing system in a better way, a more appropriate way, the entire thing is being thrown out the window by Bill 107.

There are just a couple of points I want to make, because I know people are hoping we move on to the next piece of business for this Legislature. I already mentioned the issue that the most vulnerable people—people with disabilities, people who don't have a huge income, people from racialized groups, people who are already marginalized in our society—are generally going to have their access to justice reduced in the new milieu that Bill 107 brings forward. But the government says quite clearly, "We're going to guarantee access to justice." Well, how are they going to do that? Some say that the legal clinic system or perhaps the legal aid certificate system will be the system we can rely on to fill the gap and to help people who are not able to finance their own bevy of lawyers and team of investigators to have their claim appropriately dealt with, to have that direct access to justice at the tribunal.

I come from the legal clinic system. Prior to being in this elected life, I worked at a legal clinic. I can tell you, back then, 10 years ago, legal clinics were under-resourced, and as of the last time I checked, just a couple of months ago at a reception here put together by the Ontario legal aid plan—and I have many friends still in the legal clinic system—the legal clinic system is still under-resourced. Not only are the lawyers not at a level of compensation that they would be able to expect in private practice, but there simply aren't enough of them to deal with the cases in front of them.

Why is that? Legal clinics deal with an area of law that's broadly described as poverty law. If you look at the instance of poverty in this province, it goes without saying that their caseloads are going through the roof, that the needs of all the people living in poverty and unable to have their own lawyers and their own representatives paid out of pocket are simply increasing exponentially. So it's unrealistic, unbelievable, that we would expect the legal clinic system to step in and take over to help people out in this new regime under Bill 107.

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So then you say, well, maybe legal aid certificates are how we're going to do it. Again, Mr. Speaker, I will tell you—I don't need to tell you, because you already know—that the same complaints exist in the context of the legal aid certificate system. You just need to look, for example, at the mess and the backlogs that exist in the family courts and you will know that that system does not have the capacity or the ability to take up all the cases that will be coming forward as people purportedly get their direct access to the tribunal.

Many New Democrats have already spoken about the fact that this in effect Americanizes or privatizes our human rights system. That's shameful, and that in itself should give people the idea that this is not something to be supported.

There is one other thing I want to mention. A number of letters that have come forward have indicated very clearly that what this does, this theory or this idea of direct access to justice, is in fact the opposite: A direct power imbalance occurs. A power imbalance will occur immediately because those with the least amount of power and the least ability to fend for themselves under this new system are those who will be the most directly harmed by it. The problem exists that a huge power imbalance is immediately going to be felt by the most vulnerable people in our community when it comes to enforcement of the Ontario Human Rights Code.

I want to finish off with one last piece that I don't think has been mentioned, at least not this evening. You know what? This is not a new idea, not a new concept, not a new model. In fact, the province of British Columbia has undertaken a similar model. I thought it was important to let people around here know that the Liberal government in British Columbia in 2002 started to sell their new model for human rights, called direct access, to British Columbians. The Campbell Liberals promised that victims would be able to file a complaint

directly with the Human Rights Tribunal—sounds familiar—and speed up the process. However, the evidence in BC is that the so-called gatekeeping function of the commission has simply shifted from the commission to the tribunal. There is criticism that the commission has acted as a gatekeeper; in fact, I'm sure we're going to find this in the hearings, that this is one of the criticisms that comes against the commission. In trying to eradicate this gatekeeper function, the BC government, the Liberal Campbell government, in 2002 brought in the very same model that this McGuinty Liberal government is bringing to Ontario. But guess what happened? Well, 947 people filed complaints to the tribunal in 2002-03; only 310 decisions or settlements were made, and 23 of those were final, where the tribunal actually produced a ruling. That's a completion rate of about 32.7%—not a huge increase at all—with less than 3% of the complainants actually getting a hearing.

The direct access model is not actually allowing more complaints to be adjudicated on their merits in the province of British Columbia. In fact, Mary Woo Sims, former chief commissioner of human rights for BC, says this: "There's a saying, 'Be careful what you ask for!' I'd urge Ontarians to be very careful. Our experience in BC is that a direct-access human rights model is doublespeak for a model that ensures no justice at all."

That is certainly not something that I support. It is certainly not something that New Democrats support. I urge the members of the Liberal government sitting in this House to be very, very careful about what they do with Bill 107, because it could be the end of Ontario's positive reputation on human rights and it could be taking us in a direction that nobody really wants to go.

To close, I just want to invite anybody who happens to be watching tonight to take the time to call your MPP and write your MPP and make sure you're watching to see when those hearings are coming, because we're going to need your voice to be able to make sure that the government doesn't continue down this wrong-headed path of eradicating people's access to human rights justice in the province of Ontario.

The Acting Speaker: Questions and comments?

Mrs. Elliott: I certainly support the comments made by the member from Hamilton East with respect to the changes to the commission proposed by Bill 107. While the Attorney General has said that the changes will result in the commission's ability to focus more on public education, advocacy and the investigation of systemic discrimination, when you look at the actual substance of the legislation, there are no real, substantive powers of investigation left in the commission. So I'm not sure how it's expected that they'll be able to go out and investigate these complaints, because they don't have the ability to do it. I guess they have to wait for them to walk in the door and then take them to the tribunal. It's not something that's likely to happen.

All that's realistically going to happen with all of these changes is that you're going to have individual complainants taking their cases to the tribunal—that is, if the tribunal will even let them be presented, because it

will have the ability to turn down the investigation and hearing of complaints—and all of the investigations, all the issues with respect to systemic discrimination, discrimination in the workplace, are just going to be left hanging out in the air. So any element of public interest in this is going to be left out. What we're going to have is like a small claims court in the tribunal for human rights cases—all individual cases—which is great; they should be investigated; but the public interest is not going to be represented in this process.

Mr. Marchese: At the moment, we have this commission, which is embedded in part IV of the Human Rights Code, that permits a person to file a complaint with the commission when they believe their rights have been violated. I want to point out that the commission has a great deal of power.

“33(3) A person authorized to investigate a complaint may,

“(a) enter any place ... at any reasonable time, for the purpose of investigating the complaint;

“(b) request the production for inspection and examination of documents or things that are or may be relevant to the investigation;

“(c) ... remove from a place documents produced in response....;

“(d) question a person....

“(11) No person shall hinder, obstruct or interfere with a person in the execution of a warrant or otherwise impede an investigation under this act.”

The commission has a great deal of power, and the investigators have power to investigate a complaint to the extent that close to 60% of the complaints at the moment have been solved by the commission, which is not a bad success rate for the Human Rights Commission. Why would the government not try to improve on that rather than invent a totally new system similar to the one that we have in British Columbia, where, we just heard from the member for Hamilton East, we have seen the reduction of complaints, not an increased number of people taking their complaints for resolution? Why would the member for Willowdale, who has been a lawyer and has experience in this field, support such a revolutionary leap of faith with a bill where we have no clue what his minister—the member for Willowdale, you don't have a clue what your minister is going to give by way of resources. Why would you support such a bill without knowing that? I just don't understand it.

The Acting Speaker: Questions and comments? The member for Hamilton East has two minutes in which to respond.

Ms. Horwath: I want to thank the members for Whitby–Ajax and Trinity–Spadina for commenting on the remarks that I made regarding Bill 107.

I have to say that it seems like, on this side of the House at least, we have some agreement and some concern about the government's direction in regard to Bill 107. I'm looking forward to the public hearings process because I suspect that the government members, at least the ones who sit on the committee, are going to get an earful and a bit of an awakening as to what the im-

plications of Bill 107 are. It seems to me that not only is it a matter of access to justice; it's a matter of making sure that the province of Ontario maintains a solid reputation in protecting the human rights of the people of Ontario, and it seems to me that the government is prepared to turn its back on that current celebration that we have about our ability to protect people's human rights. Certainly, it's not perfect. It isn't. Nobody here, I think, would say it's a perfect system, but it's a system that works not only on behalf of the individual but it's a system that works for the broader public good of upholding a Human Rights Code in the province of Ontario that the other system, the system that Bill 107 is going to bring forward, will absolutely not do.

I think that, come the public hearings on this particular bill, we're going to see more and more people raise concern, more and more people begin to understand the implications of following along the government's promise that people are going to have access to lawyers and access to investigators. As you can tell by the comments of the member from Trinity–Spadina, the bottom line is, the kinds of access that currently exist, the kinds of opportunities that investigators currently have under the current system, will be completely wiped out. No matter how much you want to hire your individual private investigator—if, of course, you have the money or if, of course, the government gives you the opportunity to do so—you will not get access to justice the way we get it currently.

The Acting Speaker: Further debate? Are there any other members who wish to participate in the debate? Seeing none, in the absence of the minister to speak, Mr. Bryant has moved second reading of Bill 107, An Act to amend the Human Rights Code. Is it the pleasure of the House that the motion carry? I heard some noes.

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.

There being more than five members standing, please call in the members. There will be a 30-minute bell.

I have here a note dated June 5, 2006, to the Speaker of the Legislative Assembly: “Pursuant to standing order 28(h), I request that the vote on the motion by Minister Bryant for second reading of Bill 107, An Act to amend the Human Rights Code, be deferred until the time of deferred votes, June 6, 2006.” Signed by Dave Levac, chief government whip. Having that, that motion will be deferred until tomorrow at the time of deferred votes.

Orders of the day.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): Mr. Speaker, I move adjournment of the House.

The Acting Speaker: The Minister of Natural Resources has moved adjournment of the House. Shall the motion carry? Carried.

This House stands adjourned until tomorrow at 1:30 of the clock.

The House adjourned at 2012.

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE**

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Garfield Dunlop, Andrea Horwath,
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Finances et affaires économiques**

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Julia Munro, Richard Patten,
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Règlements et projets de loi d'intérêt privé**

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Khalil Ramal, Mario Sergio, Tony C. Wong
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Vice-Chair / Vice-Président: Khalil Ramal
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Kuldip Kular, Jeff Leal,
Rosario Marchese, John O'Toole,
Shafiq Qaadri, Khalil Ramal, Kathleen O.Wynne
Clerk / Greffier: Trevor Day

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Vice-Chair / Vice-Président: Norm Miller
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Michael Prue, Monique M. Smith,
Norman W. Sterling, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

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