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de l'Ontario

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Sunday 27 April 2008

Dimanche 27 avril 2008

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
Deborah Deller

Greffière
Deborah Deller

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Sunday 27 April 2008

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Dimanche 27 avril 2008

The House met at 1330.

Prayers.

ORDER OF BUSINESS

Hon. David Caplan: On a point of order, Mr. Speaker: I seek unanimous consent to arrange this afternoon's proceedings as follows:

The House will immediately proceed to introduction of bills for the purpose of introducing one bill, following which the Speaker will call for orders of the day;

The order for second reading shall be called immediately, and 10 minutes shall be allocated to each recognized party for second reading debate, following which the Speaker shall put the question for second reading of the bill without further debate or amendment;

Upon passage of the second reading stage of the bill, the order for third reading shall be called immediately and the Speaker shall put the question without further debate or amendment; and

Upon completion of consideration of third reading of the bill, the Speaker shall immediately adjourn the House until Monday, April 28, 2008, at 1:30 p.m.

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

Agreed to.

INTRODUCTION OF BILLS

**TORONTO PUBLIC TRANSIT SERVICE
RESUMPTION ACT, 2008**

**LOI DE 2008 SUR LA REPRISE
DES SERVICES DE TRANSPORT
EN COMMUN DE TORONTO**

Mr. McGuinty, on behalf of Mr. Duguid, moved first reading of the following bill:

Bill 66, An Act to resolve labour disputes between the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and Canadian Union of Public Employees, Local 2 / Projet de loi 66, Loi visant à régler les conflits de travail entre la Commission de transport de Toronto et la section locale 113 du Syndicat uni du transport, la section locale 235 de l'Association internationale des machinistes et des

travailleurs et travailleuses de l'aérospatiale et la section locale 2 du Syndicat canadien de la fonction publique.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): The Premier for a short statement?

Hon. Dalton McGuinty: I will save my remarks for debate.

ORDERS OF THE DAY

**TORONTO PUBLIC TRANSIT SERVICE
RESUMPTION ACT, 2008**

**LOI DE 2008 SUR LA REPRISE
DES SERVICES DE TRANSPORT
EN COMMUN DE TORONTO**

Mr. McGuinty, on behalf of Mr. Duguid, moved second reading of the following bill:

Bill 66, An Act to resolve labour disputes between the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and Canadian Union of Public Employees, Local 2 / Projet de loi 66, Loi visant à régler les conflits de travail entre la Commission de transport de Toronto et la section locale 113 du Syndicat uni du transport, la section locale 235 de l'Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale et la section locale 2 du Syndicat canadien de la fonction publique.

Hon. Dalton McGuinty: I rise to speak to the legislation we are presenting this afternoon, but before I do, I wish to offer a few words of thanks.

I'll begin by thanking the people and the businesses of Toronto for meeting this disruption in their lives with their characteristic goodwill, patience and grace.

I'd like to thank my colleagues on all sides of this House. You've come together on very short notice and taken leave of your weekend routines and your families to serve the people of Ontario. Ontarians, I know, will be grateful that you have acted on their behalf.

It is the people of Ontario we are serving today. By acting on behalf of Toronto workers, families and businesses, we are acting in the best interests of all Ontarians. It goes without saying that Toronto, our capital city, plays an important role for all Ontarians, and we all need

Toronto to be strong so Ontario can be strong. That is why we are bringing this legislation forward today, together. I have every confidence that in the days ahead we will continue to work together to see this situation resolved.

Lastly, I have a request of TTC users. I ask that, upon restoration of TTC services, users extend their usual courtesy to workers there for the invaluable service they provide. It seems to me that, going forward, courtesy and goodwill are the foundation upon which we should all seek to build.

Hon. Brad Duguid: I rise today to speak to legislation that would end the labour dispute between the Toronto Transit Commission and three unions: Local 113 of the Amalgamated Transit Union, Lodge 235 of the International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local 2. If passed, this legislation would restore normal TTC services.

Like the Premier, I'd like to begin by acknowledging the co-operation and support, thus far, from the opposition parties. It's in moments like this when members of the Legislature put aside partisan politics in an effort to protect and preserve the public interest.

Allow me also to express my thanks and gratitude to the political staff and the public servants: the dispute resolution services, cabinet office, the Ministry of the Attorney General, the Clerk of the House and her great staff, and of course my own great staff in the Ministry of Labour. Mr. Speaker, you and your staff also deserve thanks for coming here on a Sunday to help us move forward with this initiative. Many of these staff have worked tirelessly throughout the weekend, and I want to thank them for that. I think members should acknowledge the work that they've done.

Applause.

Hon. Brad Duguid: The TTC, as Mayor Miller has often said, is the backbone, the lifeblood, of Canada's largest city. Toronto is the engine of the economy of both Ontario and Canada, and when people can't get to work, that's a major problem.

Our government respects and believes in the collective bargaining process. At the Ministry of Labour, we have seasoned professionals who work with unions and employers to help them to resolve their differences. At all times, they are available to help them craft agreements that meet the needs of both sides. In fact, during the time of this government, more than 97% of all negotiations have been successfully resolved without a work stoppage. We're proud of this record. It is our belief that the best agreements are indeed settled at the bargaining table. We encourage the TTC and its unions to continue bargaining and to reach a mutually acceptable agreement.

At the same time, we cannot stand by while the dispute shuts down this vital transportation system in Toronto, affecting millions of people and businesses. It would be irresponsible for us in this Legislature to allow the TTC to remain closed and ignore the fact that almost 1.5 million riders a day depend on it to go to work, to get

to school, to conduct business, to attend medical appointments and to enjoy what this city has to offer.

Most of us cannot afford to be away from work. Many cannot afford the costly alternatives to public transit. Our most vulnerable residents will feel the impact and the hardships of this strike most severely.

The TTC is integral to reducing the burden of traffic congestion on the streets and public highways of Toronto. The shutdown will create traffic gridlock. This does more than simply inconvenience drivers. If more cars are on the road, this will translate into higher pollution levels, with the related health effects and impact on our environment. More importantly, this can severely impact emergency services, making it difficult to respond quickly to life-threatening situations.

A shutdown of the service has severe financial ramifications that extend far beyond the boundaries of Toronto and far beyond the TTC service area. For these reasons, we're acting with a measure of decisiveness to quickly have this service restored.

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Our mediators have worked with the parties for many weeks to assist them. We're introducing this legislation only after all parties have been given every opportunity to resolve the matter themselves. If passed, the bill introduced today would end the ongoing work stoppage at the TTC immediately upon royal assent. Employees would be required to resume their duties without delay, and the TTC would be required to resume normal operations.

There would also be a prohibition on any further strike or lockout with respect to this round of collective bargaining. The TTC and each of its three unions would have five days following royal assent to agree on the appointment of a mediator-arbitrator and to notify the Minister of Labour. If they are unable to agree, the minister would appoint a mediator-arbitrator who is, in the minister's opinion, qualified to act. The mediator-arbitrator would begin work within 30 days of appointment and be required to make the decision within 90 days. The decision would address all matters necessary to conclude a new collective agreement. The length of the agreement would have to be at least three years. In making the award, the mediator-arbitrator would be required to take into consideration certain typical criteria, including the employer's ability to pay and contract terms for other similarly situated employees.

I'm asking the members of the House to grant speedy passage of this legislation. The public interest demands that we do this quickly. Again, we've introduced this bill to ensure that 1.5 million people who rely on public transit will be able to do so. We continue to respect the collective bargaining process and we always will. In coming together today as a Legislature, we're ensuring that all three parties are working in the public interest. The public interest demands that we do this quickly.

The Speaker (Hon. Steve Peters): Further debate? The leader of Her Majesty's loyal opposition.

Mr. Robert W. Runciman: I'll be sharing my time with the member for Thornhill.

On Saturday evening, I think it was, John Tory, our party leader, indicated that we would be prepared to support speedy passage of legislation settling this strike quickly if indeed the government ensured there were appropriate ability-to-pay references in the legislation. I compliment the government for doing just that. I think it indicates that this will recognize significant concerns with respect to the fiscal situation in the city of Toronto and the economic situation in the rest of the province beyond the city of Toronto.

I think it's a safe assumption, given the Premier's earlier comments about his willingness to be receptive to consideration of essential-services legislation if the city of Toronto asks for it—I suspect, given that commitment, that it's probably likely that we will be looking at that situation in the not-too-distant future. I think it's fair to say that currently the right to strike is illusory. There's no stronger statement of that fact than that we're sitting here today, trying to move as quickly as possible to resolve this situation.

I just want to put on the record that if we do go down that road, from our perspective in the Progressive Conservative Party, we think we should be moving extremely cautiously. I've been involved at the provincial level for over 27 years and in municipal politics for over eight years, and I know that the whole issue surrounding arbitration awards has been a contentious one for many, many years, and continues to be one. The impacts it has on municipal budgets and on smaller municipalities who have to bear the brunt of the ripple impact of arbitration awards is a serious one. We have to ensure that if we ultimately do move in this direction, we take a close look at all of those impacts. I will use as an example the retention bonus provided to the police service in Toronto initially, which was a valid request at the time—it was losing police officers. But that, as the Premier and others know, has rippled right across the province to virtually every police service in the province—those who do not have any real concerns about retention of officers. So those are the kinds of things where we would be very cautious about looking at mandatory constraints, not guidelines, on arbitrators.

I think this bill, Bill 174 and the criteria related to the ability to pay is perhaps a good test case for us in terms of how the arbitrator, at the end of the day, interprets those directions and what impact they have on the municipal budget and on small businesses, other businesses. This has an impact not just in the public sector but as well right across the private sector, especially in the municipality being directly impacted.

I don't know—none of us know, I suppose, in this assembly—whether this was a real rejection of the offer that was on the table or internal politics. We're hearing differing versions of that. But I want to echo what the Premier said in terms of the citizens of Toronto not reacting badly to the folks who work hard every day in the TTC. It is in many respects a challenging job, and becoming an even more dangerous one in some situations, and we all recognize that. So I would urge and encourage, along with the Premier: Don't show those re-

sentments. I think there certainly is some anger and frustration, and some of that is well deserved. I think it has to be directed towards the leadership of the union who failed to meet a commitment with respect to notice and, by doing so, put many people in dangerous situations. We have heard concerns about young women being stranded, and others, elderly, being stranded—many people put in very, very difficult situations. This was irresponsible; in the view of many, outrageous and selfish. I believe that at the end of the day, the leadership of this union or unions owes an apology to the good people of Toronto.

This is a critically important service. I know the Minister of Labour talked about its economic impact, and the human cost as well, but I wanted to stress that I wasn't aware of how significant it was in terms of environmental impact. One subway line in Toronto takes 53,000 automobiles per hour off the road during rush hour. The TTC carries the equivalent of 365 million automotive trips annually, helping to reduce greenhouse gas emissions by more than eight megatonnes a year. So that's a consideration that we have to always keep in mind as well as we go forward.

So I congratulate the government on bringing this legislation forward. We will be supporting it. If, at the end of day, the Premier does make a commitment to move forward with other indications that he's given to the city of Toronto, hopefully he will be as receptive to working with us in terms of addressing how we approach that as he has been in terms of this legislation.

Mr. Peter Shurman: I've been a member of this House since last October, and I've never gotten angry; I've never arrived at this building angry. That changed this weekend.

My anger is not personal. My anger is an expression of what I'm hearing on the streets of Toronto and particularly in my riding. I speak for Thornhill, which, of course, is in the near 905, with 150,000 residents of that constituency to a large extent very dependent on the TTC in their daily lives. I live and work here in Toronto, and I use the TTC myself.

People are angry, and justifiably so. No one likes surprises. People want dependability, and, as the Premier has ably pointed out, people want courtesy. They have indeed extended courtesy this weekend one to another, but they want it in return. I wanted to make mention of that fact. People are angry at the amalgamated transit workers' union, they are angry at Mayor David Miller, they are angry at TTC Chair Adam Giambrone and, to an extent, they are angry at the McGuinty government. They are angry to the point where the words "essential service" are being heard spoken all over this city this weekend. No one likes that, but it is what I've been hearing. Indeed, we, this Legislature, are declaring the TTC to be an essential service on a one-time basis this weekend, because people need the TTC. We need the TTC on a regular basis.

Ask yourself whether you'd be feeling something akin to anger if you were the nurse who had left a hospital shift at midnight on Friday, expecting to get home, and

had not been able to do so; ask yourself if you'd been the youngster from my riding who went down to the Toronto entertainment district on Friday night and got out without the \$40 in pocket to get back to Thornhill absent the TTC, and I think you'll understand what it is I mean.

1350

Our party has stated that we support arbitration. In the arbitration process, what we want to see is the ability to pay. We're happy that's been included in the bill.

I believe that the amalgamated transit workers expected the events of Friday to occur based on comments in the media that the union's leadership issued last week, not 24 hours prior to the ostensible settlement. That suggests a lack of reliability on the union's part, and it's the main reason why people are angry.

I've been a small businessman myself; I've been through a strike like this. I might point out that that strike was parallel to a postal strike. I felt personally threatened. I felt threatened for my business. I felt threatened for myself because I not only couldn't collect money; I ran a 24/7 business that required people to be there, and the only way to get them there was to drive through a city clogged with cars and pick them up myself. I didn't want to see this happen. So I'm delighted that we're here today and we're going to take care of that.

If you want respect, I think we all know you have to give it. That is a message to the union. We support this legislation, but I for one do not want to see this happen again, and on behalf of the people served by the TTC, I think the union indeed does owe Torontonians an apology.

Mr. Howard Hampton: I want to take just a few minutes to address this legislation. As a matter of principle, New Democrats believe that the best way to settle the issues which inevitably arise in our workplaces is through collective bargaining. We believe also that using back-to-work legislation is something that should be avoided unless you have the most extraordinary of circumstances. I believe that historical fact supports our position. In fact, over 95% of collective agreements are worked out and settled at the bargaining table. Anywhere that I have been, a record of 95% is usually an A+. I don't think we celebrate that enough—the fact that in our society most working people come to the workplace and work very hard and in good faith to achieve agreements that both management and workers can live with and that the public will benefit from. I think we should celebrate that more.

Nonetheless, we have a circumstance here which I believe is an extraordinary circumstance. The members of the ATU, the members of CUPE and the members of the International Association of Machinists have bargained for many, many days. I think we all recognize that that bargaining has been very complex and at a number of levels, trying to deal with some issues that have been around for a long time, some issues that are new and some that involve the safety of the people who work for the TTC, which is increasingly—unfortunately—an issue out there. When people go to work at the TTC and fear for their own safety on the job, that is a real

issue and an issue that I think is becoming more serious all the time.

People worked very hard, both on behalf of TTC management and on behalf of the three trade unions, to find a collective agreement. I think we also need to recognize that much was accomplished; many issues were dealt with. Unfortunately, we're at the stage now where we recognize that there are some issues which probably cannot be settled at the bargaining table. Indeed, I was told yesterday that the parties got back together again but it was very difficult to move on any of the apparent issues.

So what is to be done in those circumstances? There are a number of interests to consider. There are all of those people in the greater Toronto area who utilize the Toronto Transit Commission to get to work themselves and to get to doctor appointments and to get to school and to get their children to child care and do all the other things that happen in a very large urban agglomeration like this. There are also the issues of whether this city can even work minus the TTC on an ongoing basis. Finally, you have to consider, as I said earlier: Is there a likely prospect that things will be settled by further discussions at the bargaining table?

I think, on all of those fronts, the recognition arrived at yesterday is that there are serious interests here that need to be addressed—public interests, human interests, the interests of the city—and also the fact that bargaining is probably at an impasse. For that reason, we will support this legislation.

We do not support it without reservation. As I read the bill that has been put forward—and I want to say this very clearly—there is language in the preamble that does cause us some concern. It causes us concern, and I'll say it here so that someone will not try to recite it two or three months from now and say, "Oh, you supported it then without reservation, so why not support it now?" There are real issues that need to be addressed, real issues that need to be addressed today, and that's what we're here to do.

The issue of essential-service legislation is something quite separate and apart. I think we should keep it separate and apart. Indeed, when essential-service legislation was mentioned over the last five or six days in the context of this labour dispute, I think it added a whole new level of complexity. If urban municipalities, if workers and if this Legislature want to consider essential-service legislation, then let's pick a time and a place to have that debate. But I think it's the wrong time to have that debate now, when we're trying to settle some very specific issues in terms of this workplace and in terms of these workers and in terms of this public service. So to the extent that the preamble might try to indicate that this is essential-service legislation, we reject that.

We recognize that there are important questions that need to be dealt with here and now in terms of this collective agreement, in terms of these bargaining agents and in terms of this management, and that's what we should do today. If we want to have that other philosophical debate about essential-service legislation, then

let's have that at some other time, when 1.5 million people aren't worrying about whether or not they'll be able to get to work tomorrow. So that is our position.

We too hope that the public, come tomorrow morning, will be able to get to work, will be able to get to school and will be able to do the things they need to do. We also hope that there will be goodwill—goodwill on all sides. It is never an easy decision to go on strike. Having spent, some would say, too much time on picket lines, I know it is never an easy decision. No worker ever wants to go on strike. That happens, though, when you feel that the normal mechanisms for working through disputes and working through issues somehow aren't getting you there.

So I hope that tomorrow people on all sides will go to work in the spirit of goodwill. I hope that very soon the union and the TTC will be able to agree on an arbitrator. I know they've exchanged some names already and they've started to narrow down the names they would consider as mediator-arbitrator. And I hope the issues that were not able to be resolved at the bargaining table will now be resolved, whether through further bargaining with the aid of a mediator or, finally, through an arbitration settlement.

It is never easy to simply legislate someone back to work, but I think we've faced the reality that there is no better option, given where we're at today. So we hope that people will go to work tomorrow with goodwill, and we hope that we will focus our efforts on this issue and on resolving these issues, and leave the other philosophical discussions which some folks may want to have to another date and another time, when the lives, safety and activities of 1.5 million people are not immediately going to be affected.

The Speaker (Hon. Steve Peters): Further debate?

Mr. McGuinty has moved second reading of Bill 66. Is it the pleasure of the House that the motion carry? Carried.

Second reading agreed to.

TORONTO PUBLIC TRANSIT SERVICE
RESUMPTION ACT, 2008
LOI DE 2008 SUR LA REPRISE
DES SERVICES DE TRANSPORT
EN COMMUN DE TORONTO

Mr. McGuinty, on behalf of Mr. Duguid, moved third reading of the following bill:

Bill 66, An Act to resolve labour disputes between the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and Canadian Union of Public Employees, Local 2 / Projet de loi 66, Loi visant à régler les conflits de travail entre la Commission de transport de Toronto et la section locale 113 du Syndicat uni du transport, la section locale 235 de l'Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale et la section locale 2 du Syndicat canadien de la fonction publique.

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

Third reading agreed to.

The Speaker (Hon. Steve Peters): Be it resolved that the bill do now pass and be entitled as in the motion.

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

The House adjourned at 1401.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Smitherman, Hon. / L'hon. George (L)	Toronto Centre / Toronto-Centre	Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
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Tabuns, Peter (ND)	Toronto–Danforth	
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Van Bommel, Maria (L)	Lambton–Kent–Middlesex	
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Wynne, Hon. / L'hon. Kathleen O. (L)	Don Valley West / Don Valley-Ouest	Minister of Education / ministre de l'Éducation
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