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**Tuesday 28 April 2009**

**Mardi 28 avril 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
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Greffière  
Deborah Deller

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 28 April 2009

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 28 avril 2009

*The House met at 0900.*

**The Speaker (Hon. Steve Peters):** Good morning. Please remain standing for the Lord's Prayer, followed by the Jewish prayer.

*Prayers.*

### ORDERS OF THE DAY

#### TOXICS REDUCTION ACT, 2009

#### LOI DE 2009 SUR LA RÉDUCTION DES TOXIQUES

Resuming the debate adjourned on April 27, 2009, on the motion for second reading of Bill 167, An Act to promote reductions in the use and creation of toxic substances and to amend other Acts / Projet de loi 167, Loi visant à promouvoir une réduction de l'utilisation et de la création de substances toxiques et à modifier d'autres lois.

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

**Mr. Peter Tabuns:** I appreciate the opportunity to talk about this bill this morning. As you are well aware, this issue of toxic contamination, of the imposition of a toxic burden on people of this society, is one that's fundamental to the health and well-being of Ontarians. The issue of toxic chemicals and the need for a tough toxic chemical strategy cannot be emphasized strongly enough.

I have to say, before I go on to the substance of the bill, that one needs to look back at the history of other toxic substances and action that has been taken to deal with them and inaction in dealing with them. In the early and mid-1950s, a drug was produced in Germany called thalidomide. For those who are of my son's generation, this is not a drug that they're familiar with, but when I was much smaller, much younger, we heard about thalidomide and the fact that this drug that was produced to deal with morning sickness had a huge impact on women and their children. It led to birth defects that ruined people's lives. I remember as a paper boy in Hamilton in the early 1960s going to the door of a household—I was collecting their weekly payment for the Globe and Mail—and a boy came to the door who was a few years younger than me who had flippers for arms. He didn't have arms. That particular birth defect was a common one in the use of thalidomide. I don't know if that was what had happened to that child, but I'd seen enough and read enough, even in my pre-teen years, to know that this was one of the common occurrences.

So when we play with chemicals, when we work with chemicals that go into our bodies, there are a wide variety of impacts that those chemicals can have. We will talk about things today, in the course of this debate, that can be quite general and statistical. We can talk about broad principles, but in the end it comes down to direct human impact. It comes down to birth defects and cancer. It comes down to deaths that can be attributed to a variety of sources but are ultimately derived from exposure to toxic substances or toxic chemicals.

You are well aware of the impact that asbestos has had in this society over decades. In Sarnia—I was there last year talking to people about the toxic chemical impacts that they were dealing with and one that continued to have a legacy impact. Sarnia has been hit very hard by asbestos. A friend of mine there lost her father to asbestos exposure. That particular substance was not dealt with seriously. We drove down a road which on one side had had a fairly infamous industrial installation, and on the other side of the road was a high school. In its heyday, that factory, which did a lot of work with asbestos, released enough asbestos that you could see a cloud of it moving across the road. You could see the asbestos fibres settling down on the football field of that high school.

The reality of the impact of asbestos on human health took a long time to recognize and took a long time to generate action. In the meantime, many people lost their lives. When the argument was made that perhaps asbestos was a problem, those concerns were initially dismissed. But the companies that worked heavily with asbestos ultimately were saddled with huge liability costs for the impact that they imposed on human health and well-being.

My hope is that we will be dealing with legislation that will avoid the kinds of mistakes we've made in the past, where we've ignored clear signals of problems with human health and clear signals of problems with impact on the environment; and that we take action that is substantive, that allows for an orderly transition from one regime to another and that, frankly, gives us the opportunity to build the kind of economy that we're going to need in Ontario in the 21st century: one that is based on green energy and green chemistry.

Across Canada, over 23,000 chemicals and substances are used in manufacturing products that we use every single day of our lives. These are products such as building materials, toys, cars, food, medicine and entertainment products. We encounter the chemical compounds used in this kind of production and industry every day of our lives. Although these chemicals proliferate, we know

relatively little about them. Little data exists regarding their impact on human health or environmental health. However, increasingly, emerging research is starting to paint a concerning picture of the relationship between these toxins and the health outcomes of populations and the environment.

In 2006, a study examined human tissue samples in a number of Ontario families. The results of this study found 46 industrial chemicals in the bodies of these family members, substances like heavy metals, pesticides, PCBs and Teflon-related chemicals. We know that cancer, asthma, infertility, learning problems and birth defects are all being increasingly linked to our exposure to toxic chemicals. Especially when it comes to the health of our children, there is increased evidence of the need for action.

In the Registered Nurses' Association of Ontario's 2006 submission to the Standing Committee on the Legislative Assembly regarding the Community Right to Know Act, the RNAO stated:

"Large margins of safety must be built in to accommodate for the much greater vulnerability of children to toxins, as they are exposed to more toxins per body weight; absorb ingested substances differently; have developed fewer protections against toxins; face additional risks while undergoing development; face higher exposures due to activity and behaviour; and have much longer to develop disease from toxins. In the case of toxins, a precautionary approach is appropriate."

#### 0910

The Registered Nurses' Association of Ontario was speaking about the Community Right to Know Act, my private member's bill that came forward in 2007. Their words were applicable to that act or to any other legislation that needs to take on the whole issue of toxic chemical exposure in this society. There is no question that if you are concerned about the well-being, the life experience of young people, children in this society, that you have to, in your planning, take account of how they react differently to toxic chemicals and how the reality that they are still growing leaves greater scope for danger to their systems. We are talking about changing not only the potential for good health but also their behaviour and the potential to achieve in the world. We should be taking action that will be substantively shifting the exposure of this whole society to toxic chemicals.

When we look at this bill, when we evaluate this bill, we have to ask whether it will fulfill its set purpose of improving the health of Ontarians, improving the environment, and is this bill setting the high standard that the health of our children and the well-being of our children demands of us? We know that every day, the research making the connection between toxic chemicals and health outcomes grows. As we learn more about the complex interaction of lifetime exposures to chemical compounds in our biology and the interplay of genes in the environment, it's the precautionary principle that must take precedence.

Prior to the last election, Premier McGuinty was quoted on the Toxic Nation Environmental Defence web-

site commenting on the need for this kind of legislation. Mr. McGuinty commented on the need for "a tough new toxic reduction law and a carcinogen reduction strategy." He called for a plan that puts Ontario at the forefront in North America on tackling this issue. Well, his comments there were the right comments to make. Those commitments were the right commitments to make. That approach was the right approach to take. But the reality is that the bill before us doesn't live up to his commitments, his comments or the reality of the situation. It doesn't live up to the recommendations of the minister's toxics reduction scientific expert panel and the expert opinion of groups like the Canadian Environmental Law Association. It fails to live up to the expectations of the 90% of Ontarians who are concerned about this issue. That's a deep concern, because, as everyone knows, it isn't very often that legislation makes it to the floor of this Legislature. We deal with a lot of bills every day, but in the population of Ontario, of 13 million people, with tens of thousands of concerns, with a population that needs a broad range of issues addressed, the ability to actually address them here on the floor of this Legislature is quite compressed. There aren't that many opportunities to address any given issue. So when the opportunity presents itself to bring forward a bill and it falls short of the Premier's commitments, falls short of what people expect and falls short of what Ontario needs it is extraordinarily distressing—disturbing.

Let's look at the current toxic situation in Ontario. In North America, Ontario is second only to Texas in tonnes of toxic chemicals being released into the air, water and going to our landfill sites. That's an extraordinary thought. North America is a very big jurisdiction. There is a lot of industry on the eastern seaboard of the United States and there's a lot of industry in California. Texas is home to the petrochemical industry in the United States. We're second only to Texas.

We have a huge responsibility. The toxic chemicals that we dump into the water flow through the Great Lakes, down the St. Lawrence into Quebec. The toxic chemicals that we dump into the air are carried thousands of kilometres—some to the Arctic, some out to the east, some to the Atlantic. We have a responsibility not only to our own citizens, but to the environment generally, to actually get this right. Second only to Texas in the tonnes of toxic chemicals being released into air, water and going into our landfill sites: That is a huge responsibility and one that, as this bill is written at the moment, is not properly discharged. I'll go on to talk about the bill in greater detail. Just again, to note that being the second jurisdiction in North America for releasing toxic chemicals into the environment says that we have a huge responsibility.

In Ontario it's not only that our level of emissions are high; it's also that the kinds of toxins that are being released are of great concern. Ontario's use of cancer-causing and reproductive toxins is higher than jurisdictions with similar emission levels. In 2004, Ontario released three million kilograms of known or suspected

carcinogens into the province's air, including trichloroethylene, ethylbenzene, styrene and formaldehyde. Think about that: in 2004, three million kilograms of known or suspected cancer-causing chemicals. You're talking about an awful lot of toxic material. Three million kilograms over a decade is a few kilograms for everybody in the province. It's a lot.

What people thinking about this bill should consider is that we are putting substances into the air that we know cause cancer or we suspect cause cancer. That's one of the things that has always taken me aback about the regulatory regime here in Canada and Ontario. People think that if something causes cancer they're going to be protected from it by government, that it isn't going to be introduced into their food, their air, their water. But the reality is, we generally don't protect people against slow-acting poisons. If it kills you on the spot, generally speaking, we'll put in place a rule to deal with it. But if it's slow-acting, then we put millions of kilos of that into the environment on an annual basis and don't particularly act in an aggressive way to deal with it. I don't think that's a responsible approach; I don't think that's a defensible approach.

That record of three million kilograms of known or suspected cancer-causing chemicals that we dump into the province's air leaves Ontario as the fourth-highest emitter of cancer-causing chemicals in North America. Now, there are a lot of states in the US that are bigger, but still, we're the fourth-highest emitter of cancer-causing chemicals in North America. That is a record that we cannot be proud of.

When it comes to reproductive toxins, Ontario ranks even worse. We're the second-highest emitter of reproductive toxins, second only to Tennessee, releasing more than four million kilograms into the air in 2004. Ontario's industries account for 36% of the total Canadian discharges of what are called reportable chemicals into the air and 50% of the discharges into water. If you ever have an opportunity to go to the mouth of the St. Lawrence River, around Tadoussac, the Saguenay Fjord, you'll be able to see a population of beluga whales that swim in those waters. They're gorgeous animals, and they have very high levels of toxic chemicals in their bodies. If their bodies wash up on shore, they have to be disposed of with care because there are so many toxic chemicals in those bodies. It affects their reproduction and causes tumours in the whales. That's not all Ontario, but Ontario contributes substantially to the toxic chemicals in the water that flow down the St. Lawrence, accumulate in the food chain and have that impact. It's having an impact on them. It's going to have an impact on all of the creatures that are higher up on the food chain, and we're pretty high up on the food chain.

#### 0920

Years ago, studies were done about the flow of toxic chemicals into the Arctic. When you have toxic chemicals released into the air, they're carried aloft by wind currents. When they get to the north, if they're carried in water, that water precipitates out and falls. So his-

torically, there has been an ongoing problem in the north with contamination of lakes with mercury and with pesticides, chemicals that aren't generated in the northern economy. We are part of what causes that deposition of toxic chemicals in the Arctic. We have a responsibility to take them on, so it's good to have an opportunity to take a step forward. It's not clear at this point whether this act will actually give us that step forward. We have an opportunity to protect the health of future generations—not just an opportunity but a responsibility. We have a responsibility to lower a constantly rising cancer rate. The question again remains: Will the opportunity before us be fully realized? The reality is that, as this bill is written, it's filled with holes; it's filled with inadequacies. That is of great consequence to the people of this province and the people downwind from this province, the people downstream from this province. Bill 167 lacks the teeth necessary and fails to even define some of the most central objectives it purports to accomplish.

New Democrats strongly support effective government action when it comes to protecting the health of our environment and the health of Ontarians. We need a toxics reduction bill that has the strength needed to protect the people of this province. We are very concerned that this bill represents a wholly inadequate response to one of the most pressing and serious issues facing our generation and future generations.

I want to talk a bit about another area where you can see the direct impact of toxic chemicals. In Sarnia, the Aamjiwnaang First Nation has their reserve, their residence, located in the middle of a group of chemical production plants. A number of years ago it was noticed that in that population, the number of boys born every year had declined and the number of girls born increased. The reason for that was that many of the chemicals that are released into the environment masquerade as natural chemicals, hormones that we produce in our bodies that can direct the development of a fetus. I want to be accurate on this, and I'm not sure my memory of the precise mechanism is entirely there. I can say, simply, that exposure to those chemicals seems to have caused an imbalance in the birth ratios of male and female. That is of concern to those parents, and it's an indication of the impact of the chemicals on that population. When we talk about these issues, we need to understand that it's not just a question of numbers and broad concepts; it has an impact on families, on individuals and on communities that has a residue, that is a shaping force over generations.

I want to take some time to outline the failings of Bill 167 and contrast the gaps that are in it with the suggestions offered by groups such as the Canadian Environmental Law Association, the Registered Nurses' Association of Ontario and even the minister's Toxics Reduction Scientific Expert Panel. I want to provide some context about the successes of other jurisdictions with similar bills and how Ontario's version is currently falling short. Frankly, there's no reason for Ontario's bill to fall short now or at the end of this legislative process.

First of all, I have to say that we in the New Democratic Party are tremendously concerned about the bare-bones nature of the bill. The bill provides a skeletal framework that fails to define the central aspects of the bill, including which facilities and toxic substances are to be regulated and the time period of implementation. These aspects are left to regulation to be defined at a later date. These are not minor details; these are central details to the effectiveness of this bill. These are not side issues; these define whether the bill will be effective or not effective. They are issues that don't require more research. What they need is a decision, politically, about where we're going to go, what direction we have to take as a society, and then setting in place the legislative framework, the enforcement framework, that will actually deliver the change that we need.

The ministry has been researching this issue for a year and has received exact and expert advice from leaders in the field, so why has the government chosen to leave so much off the table? Given the fact that there's so much absent in the bill, it makes it awfully hard to offer a solid critique to comment on the specific oversights and suggested changes. The fact that the government has chosen to leave so much undefined is of great concern. The fact that they're playing politics rather than dedicating their energy to creating the toughest legislation possible, the most practical legislation possible, is a great disappointment to Ontarians.

We're working from the assumption that many of the regulations will follow the contents and procedures worked out in the Ministry of the Environment's 2008 discussion paper. We'd, of course, like to be basing our analysis on the contents of the bill, but the government has made that impossible, because when you read the bill, it is overwhelmingly enabling legislation rather than prescriptive and directive legislation. We will have a lot to say about what's in the bill itself, but the omissions, at this point, are as important as what is actually put in place.

I want to start with the very beginning of the bill, the stated purpose of the bill, and that, in and of itself, is of concern to those who are concerned about reducing the exposure of people in this province and in neighbouring jurisdictions to toxic chemicals. Bill 167 reads:

"The purposes of" the bill "are,

"(a) to prevent pollution and protect human health and the environment by reducing the use and creation of toxic substances; and

"(b) to inform Ontarians about toxic substances."

The Canadian Environmental Law Association, CELA, a public interest group whose purpose is to use and improve laws to protect public health and the environment, provided the Ministry of the Environment with a model bill during the Ministry of the Environment's consultation process on this issue. The model bill that CELA drafted provides a stark contrast to Bill 167. In this model bill, a multi-pronged and significantly expanded purpose section could be found. It reads:

"(1) protect human health and the environment by reducing the use of toxic substances;

"(2) promote the use of safer alternatives to such substances;

"(3) recognize the public right to know the identity and amounts of toxic substances in their community from various facilities; and

"(4) apply the precautionary principle and principles of sustainable development to these issues."

Of these four principles, only the first is included in Bill 167. So we can say that even right from the very start, when the direction of the bill itself is being set out, the scope of action, the scope of steps that are to be taken, is far too limited—far less than what has been recommended; far less, frankly, than what we need; and far less than what is politically possible.

I want to just note here this fourth point: "apply the precautionary principle and principles of sustainable development to these issues." For those who were around for the tainted blood scandal, when Canadians were infected with AIDS, with hepatitis, who saw the report of the Krever commission afterwards, who understood in concrete terms that when you're dealing with human health, when you're dealing with substances and risks to the population that are of consequence, one should approach these things with caution. Krever was clear in his report about the need to be looking out for what's going on there, to be willing to act to protect human health when the direction that evidence took you was to see that there was a substantial potential for a problem here.

#### 0930

That's not in this bill. That's an error on the part of the minister in what he has put forward for this bill. When we're dealing with chemicals that we know cause cancer and we continue to release them into the environment in their millions of kilograms, when we know that we're dealing with chemicals that in their millions of kilograms cause reproductive problems, then, frankly, one does need to take a precautionary approach. One does need to say, "You know, human health could be getting compromised here. We should be acting."

The purpose of the bill that was put forward by CELA and not incorporated into the act was promoting the use of safer alternatives to such substances.

There's an opportunity here to take on the 21st-century shift in our economy. Green chemistry is going to be part of what happens in this century. We've missed the boat in the past.

I had an interesting discussion with my colleague from Kenora—Rainy River, Howard Hampton, about the plants, the industry, the machinery used to bleach paper. Ontario did not go far enough when it brought in regulations on bleaching paper to move chlorine out of the process. Nordic countries in fact did go further: They went to oxygen bleaching. The world's production of that machinery is now dominated by those jurisdictions that set the higher bar.

If we are not, in fact, thinking in this act about protecting human health and at the same time transforming our economy, we miss out on a huge opportunity. That is

a mistake on the part of the minister who brought forward this bill. He should be thinking about, and should in practical terms be moving forward, an agenda that causes a transition in our economy, from the unsustainable habits of the 20th century to what is going to have to be a far more sustainable economy in the 21st.

Again, of these four principles, only the first is included in Bill 167. The failures of the bill start at the very beginning and unfortunately characterize what we find throughout the bill.

**Targets:** Bill 167 sets no targets for toxics reduction and benchmarks regarding the success of this initiative. If you don't have targets and you don't have benchmarks, how is a government held accountable for whether or not the bill is successful? If, five or 10 years from now, the reductions are in the range of 5% or 10%, which would be wholly inadequate, what does the minister of the day say to the question, "Was this bill successful?": "Well, there was some reduction"?

You have to have targets, you have to have timelines if you're actually going to get anywhere, and we learned that from the whole process of fighting climate change. The initial global treaty written on climate change didn't set targets and timelines, and nothing happened coming out of that process. We went to the Kyoto Protocol, which, for all its weaknesses, at least set targets and timelines so governments could be held to account by their populations if they so desired. It matters to give that sort of framework so that governments and legislators can be held accountable for what they do and don't do.

In any event, Bill 167 sets no targets for toxics reduction and benchmarks regarding the success of this initiative. In the ministry-created Toxic Reduction Scientific Expert Panel, the recommendation for targets is made twice.

On July 23, 2008, in a memorandum to the environment minister, the expert panel states: "Ontario's pollution prevention legislation should:

"Include clear, viable, and progressive goals (i.e. a percentage reduction in toxics use and release in the province within a specified period of time); the statute should include renewable toxics reduction targets, and a mechanism for monitoring and public reporting on achievement of those targets. The panel notes that goals are not set in the current discussion paper ... and program."

Ontario's failure to create a set of targets for toxics reduction contravenes the most successful of toxics reduction legislation, like that in Massachusetts. By failing to create targets, Bill 167 is also ignoring the advice of CELA, which recommended a 50% reduction in releases and a 20% reduction in use within five years of the first mandated reporting period.

I have to ask myself: How serious is the government about this initiative if there are no targets? Is this simply a public relations exercise? Will we ever be able to hold the government to account on this bill if there is no target set? Will any bureaucrat say, "I've got to move things forward this year because we're nowhere near the targets

that we have to meet"? It is a mistake in terms of legislation, and it is a mistake in terms of public accountability to put forward legislation like this that doesn't have targets.

Anyone who runs a business knows there are targets every year to be met in order to achieve the goals of that business. If you want to have a bottom line that shows something positive at the end of the year, you have to set targets throughout your process of planning. You have to work to those targets. You have to provide people with incentives for those targets. You have to provide people with punishments for not reaching the targets. That is a very simple thing, and it is missing in this legislation.

**Sectors affected by the bill:** No particular sectors are defined in Bill 167. We're going to have to go back and assume that the Ministry of the Environment's 2008 discussion paper will form the basis for content. For the moment, that's all we can do. If indeed that is the case, then there are concerns here—substantial concerns.

The Ministry of the Environment's discussion paper identified two sectors to be affected by toxics reduction: manufacturing and mineral processing. I have no doubt that those two sectors need action on reduction of toxic chemicals. But that's it. What's absent here are waste treatment plants and energy generating plants, which are some of the highest emitters of toxic substances. There doesn't seem to me to be sound reasoning in restricting it to two sectors rather than aiming a toxics reduction strategy at any facility that is endangering the health of Ontarians through the release of a reportable substance.

Other jurisdictions have done better, and so should Ontario. The fact of the matter is that with only two sectors likely to be included in the bill, Ontarians would continue to face many risks from hazardous substances. Bill 167 should be amended to include, at a minimum, all sectors that report to the federal National Pollutant Release Inventory, NPRI: manufacturing, mining, forestry, electric utilities, hazardous waste treatment and solvent recovery facilities, chemical wholesalers, petroleum bulk terminals, the oil and gas sector, sewage treatment plants and incinerators. Legislating mandatory reporting when it comes to these sectors would stand a chance in making a significant impact on toxics reduction in Ontario.

We have a bill so far that is narrow in the scope of action that's going to be taken, that doesn't have targets for the amount of reduction that's actually going to happen, and that, within the whole broad sweep of industrial activity in Ontario, may deal with two sectors, given the discussion paper, which is all we have to go on in the moment about what sectors may be included.

#### **0940**

Those problems alone are quite substantial in terms of the viability, the effectiveness of this bill, but then we have to look at the substances that will actually be regulated, for to assume that the substances to be regulated will follow the Minister of the Environment's discussion paper—New Democrats have their concerns.

In this discussion paper there are four categories of toxics divided into four schedules. Currently, the federal

National Pollutant Release Inventory requires reporting on the pollutant releases, disposals and transfers of 320 substances of concern. The first schedule contains 45 National Pollutant Release Inventory chemicals that have been identified as priority toxic chemicals—ones that we should be paying far more attention to and acting on. This first schedule is set to become the first phase-in of Bill 167, with requirements for materials accounting, toxics reduction planning and reporting by 2010 to 2012. The first phase-in would also include schedule 3. However, schedule 3 would only be subject to reporting and not include a mandate for a toxics reduction planning strategy. Included in schedule 3 are 20 priority non-NPRI toxics. However, the action on these so-called priority toxics is weak at best.

The second schedule contains an additional 275 substances, and this would maybe be phased in by 2014 or 2016. These 275 substances make up the rest of the chemicals that must be reported by the National Pollutant Release Inventory. The discussion paper states that the phase-in of schedule 2 would be dependent on further consultation.

Schedule 4, finally, contains 135 non-National Pollutant Release Inventory substances. According to the Ministry of the Environment's discussion paper, the schedule 4 chemicals "are classified as reproductive toxics, neurotoxins and mutagens"—what's a mutagen? A chemical agent that changes genetic material, our DNA—"as well as carcinogens," cancer-causing chemicals. When is schedule 4 set to be phased-in? Well, the short answer is, perhaps never.

The discussion paper states: "This list is not proposed to be subject to legislative requirements at this time. However, the ministry proposes to examine the substances in the schedule and would consider whether any actions should be taken to address them over time." This approach has got to be of concern to Ontarians. Ontarians want to see action taken on toxic chemicals, and they want to see it now. To act in the manner that I've just described is a clear-cut refusal to act on the precautionary principle that the health of humans and the environment should be coming first.

Why is it that this government has not set the bar higher than the federal reporting standards, given that the implementation of reduction plans are not mandatory? If the reduction plans aren't mandatory, why don't you have a broader net to deal with the broader range of toxic chemicals? It looks like it's entirely possible that schedule 4 chemicals will never be phased in.

It's worth quoting the CELA assessment of this at length, as discussion in their submissions to the Ministry of the Environment's discussion paper:

"Quite simply, too few substances (45 NPRI substances under the proposed schedule 1) are designated for immediate action (i.e., in phase 1 as defined by the Ministry of the Environment). The 45 substances represent just 14% of the total number of substances (320) that currently are subject to the National Pollutant Release Inventory. Moreover, the 45 substances represent just

1.5% of the total annual tonnage of emissions of NPRI-reportable chemicals for the two industrial sectors (manufacturing and mineral processing) that MOE does propose to address under the new legislation (11,000 tonnes out of 717,000 tonnes). That percentage drops to about 1% of the total annual tonnage of emissions of the National Pollutant Release Inventory-reportable chemicals when one includes the other sectors covered by NPRI that the Ministry of the Environment does not propose to address under the new legislation."

We have a limited scope in the bill itself. We don't have targets. We talk about only a small part of the total sector that deals with toxic chemicals and then we deal with a small percentage of the toxic chemicals themselves. This may well be the incredible shrinking bill that we witness as we go through this process.

Ontarians deserve better legislation than a mere 1% reduction in toxic substance emission by 2012. When you're putting three million kilograms of known and suspected cancer-causing chemicals and four million kilograms of reproductive toxic chemicals into the environment, you would think that we would be shooting for a much higher target than 1%. The federal regulation should be a base that Ontario adopts and a base which becomes the starting point of increased reporting and, hopefully, a reduction schedule.

Fees and funds: How are we going to make all this happen? How are you going to pay for the enforcement? How are you going to pay for the research? How are you going to fund the transition from one process of manufacturing that uses toxic chemicals to one that uses green chemicals? Bill 167 fails to create a fund and doesn't impose fees on the regulated businesses, and that's a mistake. The minister's Toxics Reduction Scientific Expert Panel had the following to say about this issue, and this is from their December 31 memorandum to the Minister of the Environment: that the "TUR [toxic use reduction] strategy be funded by fees levied on the regulated community, recognizing the cost-saving potential of efficiencies discovered through the toxics use reduction planning required by the TUR legislation."

The absence of a fee structure and the creation of a fund has grave implications for the success of this strategy. Without this ongoing funding, the ministry is putting itself in a position where toxics reduction strategy is designed to fail. A process like this, one that requires expertise, oversight, research, planning etc., requires ongoing financial resources.

Currently, there's \$40 million earmarked for this strategy over a four-year period. That, \$10 million a year, is not going to be enough to provide adequate resources to the industries that need it. It will not be enough to keep the public informed. It will not be enough to see the success of this strategy realized.

If we look to Massachusetts, a state that has experienced great success—"success" defined as a reduction in toxic chemical use of 41%, reduction in toxic waste by 65%, on-site release reduced by 91% and reduction in toxic chemicals and products shipped by 58%, between

1990-2004—with its now 20-year-old Toxics Use Reduction Act, we can see the importance of instituting fees. Massachusetts levies an annual fee on companies that are required to report. This fee is on a sliding scale determined by the number of employees and the number of reportable chemicals. These fees fund a permanent institute that provides technical support, expertise in pollution prevention, research training and public awareness. The institute also trains toxics use reduction planners. The Toxics Use Reduction Act legislation established this institute, set up at the University of Massachusetts at Lowell.

In addition to this university-based institute, the Toxics Use Reduction Act also created the Office of Technical Assistance and Technology for toxics use reduction, the OTA. The OTA is a non-regulatory office located within the Massachusetts state government that offers free technical support and guidance to industries to help them meet their legislative obligations.

Extensive studies have been carried out on the Massachusetts experience. A study of the costs and benefits of the program found that between 1990 and 1997, the costs of implementing the program were \$77 million and the benefits were \$91 million over the eight-year period. Participating companies saved more than \$88 million in operating costs. Overall, state industries saved \$14 million. That's a lot of money. That makes a difference in terms of the viability of companies; it makes a difference in terms of the cash available to them to invest in productive areas; it makes a difference in the terms of the cash available to them to pay their employees and make sure they have adequate benefits and paid vacations. So \$14 million is of consequence.

That is the kind of legislative impact that we need to see here in Ontario. We need to see those cost reductions; we need to see those chemical use reductions. The benefits just listed in terms of dollars don't include the human health, environmental and worker benefits of reduced toxic exposure and increased health outcomes. There is clear benefit to having in place a more effective act. Massachusetts has shown that there is a clear benefit. Their business community has had an improvement of their financial situation out of this. Their workers have had an improvement in their situation out of this. Why do we not at least come up to their standard?

**0950**

Next issue: mandatory substitution of safer alternatives. Although toxics reduction legislation in Massachusetts has been updated to ensure that when safer substances exist, their substitution for the more hazardous chemicals is mandatory, Ontario has chosen to ignore this best practice. Why would you do that? Why would you not at least put in place that where a substance is available that is non-toxic, that does the same job and can replace the toxic chemical, why would you not mandate that you replace the toxic chemical with the non-toxic one? It makes sense. It makes sense in terms of creating the market in Ontario for green chemicals; it makes sense in Ontario in terms of reducing the impact on people's

individual health, the health of the population as a whole. We have, as I said earlier, three million kilos of known and suspected cancer-causing substances that we dump into the air every year and four million kilos of reproductive toxins that we dump into the air every year. Why wouldn't you mandate that, when a viable substitute is available, you replace the toxic chemical with the non-toxic? That makes a lot of sense, but we don't have it; Massachusetts does.

Bill 167 chooses to ignore the issue of safe alternative substitution. CELA, the Canadian Environmental Law Association, notes, "It appears that the province hopes that safer alternative substitution will occur as a result of the regulated community seeing the benefits thereof, not as a result of legal requirements to do so." CELA goes on to discuss how, in this day and age, after the experience and actions of states like Massachusetts, it is inexcusable that Ontario would not institute a mandatory substitution regime. They are right. It's inexcusable, and it's staggering. Why would you not act? We're not saying that you should shut down your production; we're just saying that you should clean up your production.

Thresholds: The thresholds defined in Bill 167 are actually defined in this bill, as we are told that Bill 167 will apply to facilities that (1) employ more than the number of employees specified by regulations or (2) use or create more than the quantity of a prescribed toxic substance set out in the regulations. Of course, we don't know what these regulations are, so it's very difficult for us to knowledgeably comment on whether these thresholds will be useful or not useful, extensive enough or far too narrow. However, we do have the discussion paper the Ministry of the Environment put out, the regulations set out in their discussion paper. These thresholds will follow the federal National Pollutant Release Inventory program, and that is a mistake. The minister's Toxics Reduction Scientific Expert Panel had this to say about copying the National Pollutant Release Inventory thresholds:

"On the issue of regulatory thresholds, the panel notes that the current proposal incorporates the thresholds as set out in the NPRI. Although the NPRI is a well-known reporting mechanism, MEO emissions modelling and assessments indicate that there are numerous NPRI chemicals for which point source (reporting facility) form only a small portion of total estimated provincial emissions. Area estimates (from small and medium emitters based on densities of certain type of businesses in a regional area) in some cases form a high percentage of the emissions." And I'll emphasize what they had to say: "As a result, the panel recommends implementing pollution prevention obligations to facilities with lower thresholds than NPRI for certain substances."

Once again, the government has chosen to set the bar too low, is ignoring its own expert panel and is not putting in place the sort of tough legislation that was promised by the Premier when he was talking, prior to the election, about the need for action on toxic chemicals.

Next issue: conflict with municipal bylaws. Bill 167 is silent on the issue of conflict with municipal bylaws. We

don't know what would happen in the case of a judicial challenge of bylaws that have stronger regulations than those contained in this legislation. That's something that needs to be addressed by the minister and needs to be addressed through this legislation.

As members of this House well know, the city of Toronto recently passed a toxics right-to-know bylaw. Without the explicit addressing of this issue, the government is leaving Ontarians to deal with legal challenges on the basis that the provincial legislation supersedes any municipal act. That needs to be addressed in the bill. Hopefully, it will be addressed in amendments.

**Public right to know:** Although Bill 167 includes basic provisions for keeping the public informed about parts of the mandatory reporting of affected sectors, this reporting is grossly insufficient when it comes to the public having any abilities to ensure compliance.

CELA notes in their responses to the 2008 Ministry of the Environment discussion paper: "Furthermore, the discussion paper is silent on the right of members of the public to request that the minister review an industrial facility's toxics use reduction plan or (as we recommend in the CELA model bill) substitution implementation plan to determine if they comply with the act's requirements."

CELA also notes the absence of provisions that would allow a member or members of the public to resort to the courts if the government does not act.

The fact of the matter is that this bill not only fails to include mandatory compliance with the toxics reduction plans that affected facilities must create, but they don't even include provisions to protect any of the teeth that this act does have. Once again, we're left wondering why this government has failed to create a toxics reduction strategy that will have the impact that it has to have.

Let's look at the lessons from other jurisdictions. We have an advantage in Ontario in setting our toxics reduction legislation. We have a broad range of research and best practices developed from more than two decades of toxics reduction legislation in other North American and European jurisdictions.

Take Massachusetts, which I referred to earlier. They have their Toxics Use Reduction Act, which set the standard which we should, at a minimum, be meeting or, hopefully, surpassing. Their legislation was introduced in 1989, and since then, the following has been achieved: 41% reduction in toxic chemical use, 65% reduction in toxic waste, 91% reduction in on-site release, and 58% reduction in toxic chemicals in products shipped out of state. All of this occurred between 1990 and 2004.

The reality is that Ontario is set to introduce a toxics reduction strategy that would place us at the bottom of the barrel when compared to other jurisdictions that are taking the action that needs to be taken.

When we look at the REACH legislation in Europe—their reporting, education and research on toxic chemicals—it is far ahead of anything that we're doing here.

What's being done in other jurisdictions means better environmental health, better health for human popula-

tions, lower disease rates and lower hazardous exposure for the workers in these facilities. It means cost savings and a contribution to the knowledge economy, a green industry and green chemistry. It means an industrial sector that stands to gain by reducing the release of toxic chemicals.

I've covered a fair amount of ground in the past almost hour. I want to draw some conclusions out.

First of all, rather than demonstrating a leadership role in toxics reduction, the McGuinty plan for a toxics reduction strategy falls short. Prior to the last election, Premier McGuinty was quoted on the Toxic Nation Environmental Defence website, commenting on the need for this kind of legislation, "a tough new toxic reduction law and a carcinogen reduction strategy. Our plan puts Ontario at the forefront in North America on tackling this issue." Well, it's very clear today that Bill 167 doesn't deliver on this promise. Bill 167, according to the experts, is not the toughest in North America; that's clear. Instead, it's a great disappointment for those of us who are ready for strong and decisive action, action that would truly lead North America.

#### **1000**

Bill 167 fails to live up to the standards set by jurisdictions that have already demonstrated success. What we have before us is a bill that's bare-boned and grossly deficient in detail, and what details we can conclude, we can infer, in terms of what will form the content of Bill 167 once the regulations have been set, at this point leave us sorely disappointed. Ontario has failed to raise the bar on one of the most pressing issues facing Ontarians. Ontarians are being told that action on reducing toxic exposures will not be mandatory and that the reporting measures will keep the bar at the same level already imposed by the federal National Pollutant Release Inventory program.

New Democrats believe in a strong toxics reduction strategy. We look forward to this bill going to the committee and to the amendment stage, where the bill has the possibility of being strengthened—and it needs to be strengthened. We have gone through the weaknesses in the bill. If the government is listening to the population, if it takes the opportunity to go back to the recommendations of the expert panel, if it listens to organizations like the Registered Nurses' Association of Ontario and the United Steelworkers and if it listens to the environmental groups that are out there pushing hard for reduction in the use of toxins, then they will go back to this bill and, in the course of hearings and in the course of amendments, substantially strengthen it.

People in Ontario deserve a bill that is substantially stronger, and it is our intention in the NDP to fight for a bill that is substantially stronger.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Kevin Daniel Flynn:** It's a pleasure to join the debate this morning and to follow the remarks of the member from Toronto–Danforth, who actually had some substance to his remarks. I compliment him for that.

Yesterday, from the same party, we had a lot of questions but not many answers from the member from Trinity–Spadina. The member today, I think, showed a good grasp of the issue.

Some things, though, that I would like to correct and that certainly, I think, run on the same road on this bill—some members of the opposition think it goes too far and others think it doesn't go far enough. At the end of the day, it probably does exactly what it's intended to do at this point in time. But I want to clear up any misconceptions that the bill is going to override the Toronto bylaw. They're complementary bills, very different bills, but they do complement each other. We have the agreement of the Toronto Environmental Alliance on that. So the point that perhaps these two are at odds with each other I don't think, upon analysis, proves to be accurate.

They talk about setting targets as well. I suppose you could set targets now. When you're drafting a bill, you've got the ability to do anything you want, put it before the floor of the House and see what they think. It seems to me that this would be an unwise time to set those targets. Do I agree that targets should be set at some point in this process? Personally, I would agree with that approach. Is this the time to set them? I don't think so. I think right now we'd be setting what we would be deeming as arbitrary targets. I think you can take a look at the data that comes in from the first round of the process that we're suggesting should be set up and then, perhaps, you can look at targets. You'll know that you'll be basing the targets on some realistic assumptions and on some hard data that includes information that comes directly from industry within the province of Ontario.

The expert panels that we've had in Ontario have proven to us, shown us the evidence that the Massachusetts model has worked in the past. A lot of this bill is based on that model. I suspect it's a wonderful first step that's going to work in the future.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Toby Barrett:** Yes, there has been a discussion of targets this morning, and I appreciate the hour done by the member for Toronto–Danforth, the environment critic for the third party.

Targets are important. We do have to go beyond merely filling out the forms.

As far as implementing and reaching some of these goals, many companies and businesses can continue to move forward on that front. But there are other enterprises that would have difficulty as far as actually accounting for or assessing what's going through their process and filling out these mandatory forms. It can be very complicated for certain industrial processes. I think of oil refineries, for example. That would be very challenging. It would be work-intensive to do an accounting of every individual toxic substance that comes through the main pipeline and contained within the crude oil. By the same token, to try to analyze crude oil coming out of an oilfield near Petrolia or down Leamington way, as

with Alberta—the product is there. Ideally it's contained within vessels, it's contained within tanks and pipelines, but is it really necessary to analyze day by day the toxic substances in crude oil once it comes into a refinery? It's contained within the lines; it's contained within the various tanks. Is it necessary to report on the toxic substances that are contained? They're not being released unless there is some kind of emergency spill or a blowout, but why go to this trouble when something is contained, and how can you document that in the day-by-day refining process anyway?

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Khalil Ramal:** I listened to the honourable member for Toronto–Danforth for almost an hour, speaking about Bill 167, toxic waste reduction in Ontario. I heard him saying that the threshold is low and there's a limited scope and not providing people, including sectors—not setting up targets, and overriding the bylaws and federal jurisdictions, and many different issues.

I don't agree with the honourable member. I know of his opposition to this bill. He thinks this bill does not go far enough to deal with toxic waste in the province of Ontario. I disagree with him because I know that the Minister of the Environment and the leadership of our minister went far and wide in the province. I'll give you an example in my riding of London–Fanshawe. There is a big, huge project under way right to clean up the PCB sites in London. I think the cost is going to be huge, because we believe strongly that our environment should be clean, our communities should be clean and we should take the leadership in this matter.

I know it doesn't matter what you do in this life; you cannot do it all in one shot. You have to go step by step. You have to discuss it with your partners in communities. You have to take into consideration many different elements: the companies, factories and jurisdictions. It's all important to us. That's why the parliamentary assistant for the Minister of the Environment, the member for Oakville, mentioned that targets should be set—it may be that it's too early right now to set them up—before you go far and deep and consult and see what you can include in your target.

He mentioned that we're not doing enough in comparison to different jurisdictions—I think one in the United States—but he never mentioned any provinces in Canada. I think we are the leader in this country. I think the Premier set the bar very high because he believes strongly in a clean environment and in protecting our communities across the province of Ontario by introducing a strong bill to protect our communities.

**The Acting Speaker (Mr. Ted Arnott):** We have time for one last question or comment. I'm pleased to recognize the member for Durham.

**Mr. John O'Toole:** I'm always pleased to respond to the member for Toronto–Danforth. We talked about the bill yesterday. I know the minister spoke yesterday, and the parliamentary assistant, and there was general agreement on it, but the really serious content questions were

raised by our opposition critic, Mr. Barrett. As well, on this side we believe that there is not the right consistency in the legislation when working in harmonization with the federal government. Let's be very clear. What we're saying here is this: This was part of our campaign platform, so we take this issue of toxic materials very seriously. The federal government has shown leadership on this issue as well.

We see the implications for the economy at the time and we see in this bill, under sections 45 and 46, a couple of sections that are really riddled with red tape. What they're not doing is getting it right. So we're trying to make the point here—and I'm sure the member, who has an illustrious career with Greenpeace in the past, wants also to support this bill. But getting it right is what the debate is about. Getting it right means that certainly we should have consistency between jurisdictions. You wouldn't want to have a national plan where Ontario had a separate set of rules or a separate set of forms for reporting or for reviewing materials that could be coming from other jurisdictions. So let's get it right and let's work with the national plan. Let's make sure that there are standards that are achievable and methods of getting there.

This isn't new territory. Working in industry, as I have for 30-plus years, there was already a regime of reporting materials that was in use, either for cleaning or part of the process. This was called the WHMIS discipline. There were MSD sheets which defined the component and constituent parts. That information was shared, and that's a foundation to move forward with.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments. I'll return to the member for Toronto–Danforth, who has two minutes to respond.

**Mr. Peter Tabuns:** My thanks to the members from Oakville, Haldimand–Norfolk, London–Fanshawe and Durham for their comments.

I think I'm going to focus on the comments from the member from Oakville and the whole question of setting targets. I believe that this government could look at jurisdictions across North America and could look at industrial jurisdictions in Europe. They could, before they presented this bill—maybe even now, in the next month or so—benchmark what's possible in advanced industrial societies and look at what's common in terms of the chemicals that are used, look at the commonality in industrial purpose and industrial activity and come forward with a target that would be achievable and that would allow this government and subsequent governments to be held accountable for action or lack of it.

I don't think it's a question for waiting for data from industry after we've brought forward an act; it's a question of saying: "This is where we want to go as a society. These are the cleanups that have to happen. This is the approach that we're going to take, and it is going to be one of substance." To bring forward and to try and move through a bill that doesn't have those targets undermines the government's credibility when it says

that it's going to be tough and innovative. It has to say where it wants to go. That is critical.

I'm pleased that he's been on the record saying that this act will not in any way override the city of Toronto's legislation, but I have to say to him that I've seen court challenges before in areas where the legislation has not been clear enough, and it would be very useful to have within the legislation an explicit statement that it doesn't override municipal bylaws that set a higher standard than is put in the legislation itself.

*Second reading debate deemed adjourned.*

**The Acting Speaker (Mr. Ted Arnott):** It being close to 10:15, this House is in recess until 10:30.

*The House recessed from 1013 to 1030.*

## INTRODUCTION OF VISITORS

**Hon. Monique M. Smith:** I'd like to welcome Natalie Bellehumeur and Guy Faucher, who are the parents of Myriam Faucher, one of our pages, who's the page captain today. They're here from North Bay visiting.

**Hon. Michael Chan:** I would like to welcome the grade 10 students from Father Michael McGivney Catholic Academy. They will be joining us in the public gallery later today.

**Mr. Jim Brownell:** I'd like to introduce William Webber, a former student of mine and a recent honours graduate in the social science program at Ottawa U. This fall, he'll be studying for a law degree at the University of Ottawa. Welcome, William.

**Hon. Peter Fonseca:** I ask for unanimous consent that we can wear the yellow and black ribbon to recognize the Day of Mourning.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

**Hon. Ted McMeekin:** I'd like to introduce in advance—I don't think they're here yet—12 students from Westdale Secondary School, accompanied by their teacher, Ms. Krista Lively. They're part of the Equal Voice Experiences program, which attempts to match young high school students with members of Parliament, current and former.

**The Speaker (Hon. Steve Peters):** On behalf of the member from Newmarket–Aurora and page Cooper Toogood, I'd like to welcome his mother, Patti; his brother Rhys; his sister Katie; his grandmother Sandra; his grandfather Hal; and his principal, Bob Sandiford. All will be here at Queen's Park today. Welcome.

## ORAL QUESTIONS

### INFECTIOUS DISEASE CONTROL

**Mr. Robert W. Runciman:** My question is to the Premier. There has been much discussion at all levels with respect to the concerns stemming from the global outbreak of swine flu, with cases that are appearing

throughout the world—and we're hearing of cases being monitored here in Ontario. Ontarians have a legitimate right to be somewhat concerned. I think we can all agree that this isn't a partisan matter. Would you tell us who is it that you and/or your Minister of Health are speaking with at the federal level and what discussions are taking place?

**Hon. Dalton McGuinty:** I appreciate the question, and I'm very grateful for the tone as well. I think that the leader of the official opposition is absolutely right that this calls for all of us to be at our very best and to rise above differences which may not be that meaningful to Ontarians.

Let me say at the outset that there is a cause for concern, it is real, but I think it's not a cause for undue alarm, and I think we're always at our best when we approach these things in a calm and thoughtful way.

I want to take the opportunity, first, to assure families and reassure families that we have drawn all the lessons that we might from our experience here in 2003 at the time of SARS. We have more resources, more expertise, more technology and more protocols, and we have in place a very solid plan that helps us deal with these kinds of new strains, which, sadly, are a part of our modern reality. I just want to assure families that we are on top of this.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** My colleague and the opposition health critic yesterday questioned the Minister of Health on this same matter in light of the fact that not all public health units in Ontario have local plans in place and not all units have permanent medical officers of health. It's also important to point out that in short order, Ontario will have a new chief medical officer of health. I think it's fair to say that there's going to be a period of transition when that occurs. Ontarians deserve to know that protocols and functions are in place and ready to go if there's a need.

Premier, you were asked this morning in a scrum about agricultural workers, who are vital to many sectors of that industry. Could you advise how you are approaching that matter, and what you are doing to ensure that those steps have been taken and that the proper protocols are in place?

**Hon. Dalton McGuinty:** Let me just provide some assurance from one of our experts, someone who, although he may not be a household name, became very prominent at the time of the SARS experience. He said the following lately, and I take some considerable confidence from this as well. This is Dr. Donald Low, who is the medical director of laboratories, Ontario Public Health Agency. He said, "There's been a big shift. We really have come a long way. We had no way to respond to this six years ago. We didn't have the infrastructure; we didn't have the expertise; we didn't have the communications. Those are all there now. We're doing a much better job. It's good to see that that investment is paying off when we have a crisis like this." So again, I want families to draw some reassurance and confidence in that kind of a statement.

With respect to the specific issue raised by my colleague, I'm going to rely on our health experts to tell us what should and should not be done in those circumstances. Obviously, the priority has to be to protect Ontario families.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Robert W. Runciman:** Certainly, we trust that the minister is working with officials and staff at the local, provincial and federal levels in order to monitor and prepare. With that in mind, Premier, we would hope that we could get some assurance that regular updates, be it daily or perhaps weekly, be provided to the public in a formal manner. I would think that these updates, not just based on questions here in the Legislature, Premier, would be in a public format in order to provide concerned Ontarians with information about the status of the outbreak, the availability of a vaccine and ensuring that health staff are ready and available when needed. Will you make that commitment, Premier?

**Hon. Dalton McGuinty:** First of all, I couldn't agree more with my honourable colleague that it's really important that we keep Ontarians informed on this matter. My understanding is that Dr. Williams, our chief medical officer of health, will make himself available daily to provide information to Ontarians through the media. I also want to take the opportunity to invite Ontarians to help us so that we can manage this in the best way possible together. There are some simple things that we can and should do. We need to regularly wash our hands. It sounds old-fashioned, but it's really important today. Cover your mouth or your nose with your sleeve when you're coughing or sneezing. If you are sick and you think you're suffering from the flu, don't go in to work; stay home and contact your health care provider. We have a new ServiceOntario hotline, an info line, 1-800-476-9708, that's available to Ontarians so that they might become better informed about the swine flu.

## TAXATION

**Mr. Robert W. Runciman:** It's a good thing the Premier had a note sent in. At least we got some positive response to the questions.

My second question is to the Premier as well, and it has to do with yesterday's Toronto Star, where it was indicated that you did not advise your cabinet colleagues of your plans to bring in a blended sales tax. We know from earlier reports that you were less than forthcoming with your own caucus. Premier, why would you eliminate your own caucus from participation in discussions around the appropriateness of proceeding with this record-breaking new tax?

**Hon. Dalton McGuinty:** I'm always pleased to take the opportunity to speak about our budget, and I appreciate the prompt from my colleague. We are determined, together, to build both a more caring and a more competitive Ontario, and our budget speaks to that very intention. Among other things, it does provide for busi-

ness tax cuts and personal tax cuts, and it does speak to the importance of moving ahead with a single sales tax. We're absolutely convinced that this package of tax reforms that we've introduced in this budget is absolutely necessary to put us on a stronger and a more competitive footing. We want to give our businesses the same advantages that they enjoy in 130 other countries and four other provinces; we want them to be able to compete on the same level as those other businesses in those jurisdictions. We want them to be strong so they can hire more Ontarians and generate the wealth we need to support our schools and our health care and supports for our vulnerable.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** Premier, you've shut out your own cabinet, your backbenchers and, with last week's closure motion on the budget bill, you've shut out opposition parties and, most importantly, the public, the people who will have to pay this gargantuan new tax.

Your finance minister says he has not heard one concern from Liberal backbenchers. You've turned this government into one-man rule. You've gone against everything you stood for as an opposition leader, and, true to form, not one of your backbenchers has enough steel in their spine to stand up and oppose your autocratic rule.

Premier, it's not too late to be faithful to positions you took in the past. Stop the quick passage of your budget bill, consult with the opposition and open the bill up to extensive public hearings. Will you do that?

1040

**Hon. Dalton McGuinty:** I think my honourable colleague knows—it's something I've said many times before—that Minister Duncan engaged in more extensive pre-budget consultations than any previous Minister of Finance ever has. That was appropriate, in keeping with the nature of the economic challenge that we're all coming to terms with.

I think that Ontarians—in fact, I'm confident that Ontarians want us to take action. They oppose inaction. I believe they understand that there's no easy way out of this, that we're going to be called upon to do something to make sure we can look our kids in the eye and say, "We did what was necessary to protect your schools, your health care and our supports for your vulnerable, to make sure you could have good jobs. We generated the wealth to support a caring society." That's what we try to speak to through this budget. So while we do cut, for example, business taxes, we're also increasing the Ontario child benefit, increasing the minimum wage and reducing income taxes on our lowest income earners.

**The Speaker (Hon. Steve Peters):** Final supplementary?

**Mr. Robert W. Runciman:** Premier, yesterday's news story also indicated that you've given your neglected and ignored cabinet ministers their marching orders, along with speaking points, and ordered them to get out and sell your new McGuinty sales tax because opposition is growing. There's nothing in the story about listening to taxpayer concerns.

In the PC Party, we've heard from residents in North Bay, Kitchener, Barrie, Lindsay, Cornwall, on and on, upset with this new tax grab, residents of Liberal-held ridings who apparently have no voice in this Legislature, represented by MPPs who won't even convey their concerns to the Minister of Finance.

Premier, this is wrong. It's wrong that you shut out the public. It's wrong that you've shut down your own members. Open the process up. Do the right thing: Honour your commitments of the past.

**Hon. Dalton McGuinty:** I just don't share my honourable colleague's perspective with respect to how we're moving forward with this. At heart, the opposition parties are in favour of doing nothing. They think that the fact that this is the biggest economic crisis in 80 years doesn't warrant action; the fact that we've lost hundreds of thousands of jobs doesn't warrant action; the fact that families, businesses and communities have been devastated doesn't warrant action. We think that inaction is not an option.

I think Ontarians understand that we are being called upon, that our generation is being called upon to do something that is not easy. We understand that. We recognize that. We're not saying that Ontarians are going to rush out there and embrace a single sales tax. I understand that. But I believe they know in their heart of hearts that we've been called upon to rise to the occasion, and that's what we're doing through our budget.

#### AUTOMOTIVE INDUSTRY

**Mr. Peter Kormos:** To the Premier: The news out of General Motors is stunning. The company's restructuring could cost Ontario up to 38,000 jobs. Something clearly has to be done, and it has to be done promptly. Why won't this government borrow a page from the Obama administration and insist on an equity stake in return for the substantial public investment that's being made to prevent GM from disappearing altogether?

**Hon. Dalton McGuinty:** I appreciate the question and the opportunity to speak to this. I know that my honourable colleague would want to recognize that, first of all, we're the only subnational government in the world which is at the table and putting considerable taxpayer dollars forward in order to strengthen our auto sector. We're the only one in the world.

Secondly, with respect to this whole issue of an equity stake, it may or may not be a real possibility, and I will not foreclose that possibility. I think we have to be pragmatic. So I say to my honourable colleague: I'm not saying no to that and we're not saying yes to that. I think we have to be open to all the possibilities. Whatever we are called upon to do to help strengthen the sector and put it on a solid footing, we remain open to that.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Peter Kormos:** If there ever was a time for public ownership in the auto sector, this is the time. Ontario taxpayers and auto workers themselves must have a direct say in GM's future course. We've invested far too

much to let the company make decisions independently. It's those earlier decisions that the company made that created this mess in the first place. When will the McGuinty government realize it needs an ownership stake to ensure Ontario's interests are protected?

**Hon. Dalton McGuinty:** We've been there from day one as a government. We have firmly planted our flag in the future of our auto sector. For five years running, we were the number one auto producer in North America, an achievement we'd never enjoyed in the past. Now our sector, like the American sector and like the global sector, has fallen on hard times. We're going to continue to work hand in hand with the workers, with GM and Chrysler, with the federal government and, through the federal government, with Washington as well to see what we can do to protect the integrity of the sector for the future.

There are good reasons to be optimistic. We know that GM, for example, is going to launch six new products, and three of those will be built here in the province of Ontario. This speaks to the future. Honda has also announced they're going to build a brand new product in Ontario, beginning later this year. So here are reasons for us to remain optimistic about the future of the sector here in our province.

**Mr. Peter Kormos:** This isn't the time for more photo ops; it's time for bold and decisive action. Ontario taxpayers are flowing billions of dollars into GM. In return, there's got to be a public ownership stake. Why won't this Premier agree with that modest proposal?

**Hon. Dalton McGuinty:** Again, we'll just have to wait and see what unfolds at the table together with Ottawa and the workers and others. I think we have to be pragmatic in that regard.

I think my honourable colleague said, somewhat dismissively, that it's not a time for photo ops. I just want to say that we took a moment, just a moment this morning, to celebrate Honda of Canada's five millionth vehicle here in the province of Ontario. As I said just a moment ago, they made a commitment to begin to produce a new vehicle here in Ontario. I know this is a difficult time for workers, families and for the sector generally, but we want to work as hard as we can to put the entire sector on a solid footing so that workers in particular have good reason to be optimistic about their future.

#### MEDICAL EVACUATION

**Mr. Peter Tabuns:** My question is to the Premier. Victoria George-Pazzano is a young woman in my riding. She has a family—a husband and a small son. Ms. George-Pazzano was vacationing with her family in Mexico when she tragically suffered a severe asthma attack. All the George-Pazzano family wants is to bring Victoria home so that she can see her son, perhaps for the last time. Yet the family is encountering roadblocks from this government. What justification does this government have for refusing the wishes of the family?

**Hon. Dalton McGuinty:** Let me just say—I'm going to give the supplementaries to my Minister of Health—

that our heart goes out to this family who have a daughter in Mexico who has been stricken by a terrible illness. Obviously we want to do everything that we can to ensure that their daughter can be brought back here to Canada at the earliest possible opportunity. But as I understand it, that requires the consent of the attending physician in Mexico to ensure that it is in fact safe to transport their daughter here. But I want to assure the family that we have the capacity to accommodate their daughter, and we are more than prepared to assist in any way we can to receive her.

**Mr. Peter Tabuns:** As people know, all this family wants is to have Victoria brought home to Toronto. While the Premier says that this family is not going to find roadblocks with the health care system, what they've reported so far is, in fact, they are meeting those roadblocks. Victoria's husband has arranged for an air ambulance transfer, but they're being told that the hospital beds are full. There is no place, they're being told, for Victoria to be cared for in her home province. Victoria's family suspects she is being barred because of fears of the swine flu. I appreciate the comments of the Premier, and I hope that in the answer that we're given it will be made clear what steps the government is going to take to make sure that this family gets the support that they deserve and need.

**Hon. Dalton McGuinty:** To the Minister of Health.

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**Hon. David Caplan:** I think, as the Premier has indicated—first of all, I want to let the member know that my heart goes out to the families in a very difficult time. I know that a lot of people are working very hard on this challenging situation. I have a concern for any Ontarians who become ill when they are abroad, and I want to be clear with the member and with all Ontarians that we have ICU bed capacity in Ontario to be able to accommodate this particular case, and all cases, in fact. There aren't any provincial restrictions on guidelines permitting the transfer of patients from Mexico into Canada.

I can't comment on the specific individual case, but in cases like the one the member has cited, the patient's care provider would work with the patient's insurance provider to secure an available bed in a hospital. As I mentioned before, it is not an ICU capacity issue. It's important to note that any decisions on whether the patient is well enough to travel is a decision made with their care provider—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Mr. Peter Tabuns:** As the person representing this family in this constituency, I have to say to you, Minister, that the family has been told that the problem is that there isn't an ICU capacity; you've said that there is.

Can you tell us why there seems to be this barrier between what you're saying and what the hospitals are saying to the family, and how are you going to pierce that barrier so this family can get what they need?

**Hon. David Caplan:** I'm not sure what has been communicated to the family. What I can assure this member

of, indeed what I can assure all Ontarians of, is that there is ICU bed capacity in the province of Ontario. I do know that a lot of people are working very hard to ensure that work can be done to help this individual and this family to be able to have a place in Ontario and to be able to receive the care that is so desperately needed.

I hope there will be a very quick resolution to this particular situation, but I do want to reiterate, for the purposes not only of this individual case but for all Ontarians, that in fact there is the capacity within Ontario's hospitals—an ICU capacity—that is available and that we will be able to provide on an ongoing basis the kind of care and treatment that any Ontarian would expect.

#### GREEN POWER GENERATION

**Mr. John Yakabuski:** My question is for the Minister of Energy and Infrastructure. Minister, you have claimed that your Green Energy Act will create 50,000 new jobs over the next three years in the province of Ontario, but you have not given a single piece of evidence to substantiate that claim. Now you've been forced to back off on your ill-conceived energy audit plan and your powers of search and seizure by your energy police.

I'd ask the minister: Given those changes and knowing that your plan was fictitious to begin with, what is your new fictitious job number for the green energy disguise?

**Hon. George Smitherman:** This is a fine opportunity to demonstrate, in the course of the legislative process, that bills can be refined and improved with the input of Ontarians and with the participation of members of the Legislature. We do want to thank the members of the committee who are continuing to do hard work.

It is true that we have offered an amendment on home energy audits, which will continue to be mandatory. We have created the condition whereby a purchaser may waive their right to an audit, perhaps in cases where they are intending to demolish the home or to substantially renovate it. On powers of search and seizure, which the honourable member did give quite a bit of attention to, we're very prepared to eliminate those because we feel very, very confident of full participation in those areas that might be subjected to it. By way of supplementary, I'll be happy to tell the honourable member more about how this is going to spark a green economy—

**The Speaker (Hon. Steve Peters):** Stop the clock for a second. I'd just ask the honourable member to be cautious of his choice of words. There was a word that he used a couple of times in his question that is a bit questionable. Thank you.

**Mr. John Yakabuski:** Thank you, Speaker. Minister, your "50,000 jobs" figure is nothing but a fairy tale. Mind you, we in the opposition have been pleased to have been able to force you to back down on your ill-conceived plans in your Green Energy Act. We now know that there won't be an energy auditor lurking on every corner, and the toaster police have been unplugged. But I'm asking the minister to tell us again what effect this is going to have on those job numbers. London

Economics International says that your job numbers are unsubstantiated. They have examined your act through something other than rose-coloured glasses. So I ask you again, Mr. Minister: What is the revised job number for your green energy disguise?

**Hon. George Smitherman:** The honourable member raises his friends whom he contracted at London Economics. He promised us a full study, which still hasn't arrived.

I say to the honourable member that last Friday we had the opportunity at the Green Living Show to hear from world experts, many of whom said that they thought the 50,000-job number was too low. Let me leave it to this quote. It does talk about the opportunity. This is from Don McCabe. Don McCabe is a vice-president of the Ontario Federation of Agriculture, and he's a straight shooter. Here's what he said. He predicts that 15,000 farmers could eventually sell biomass, such as leftover corncobs, to that industry, bringing \$1 billion annually to the farm gate. The former tobacco fields of Norfolk county could be a perfect spot to grow crops for biomass facilities—

**The Speaker (Hon. Steve Peters):** Thank you, Minister.

#### ATTAWAPISKAT FIRST NATION

**Mr. Gilles Bisson:** My question is to the Premier. Last week, your government affirmed your commitments to Jordan's Principle. That means that no child in a First Nation anywhere in this province will go without services that are necessary to be able to survive in those communities, either by way of social services or health services. If this is the principle that you signed on to, can you tell me why, then, you're still allowing some 600 kids to be without school as a result of the diesel spill in Attawapiskat, and your government is doing nothing?

**Hon. Dalton McGuinty:** To the Minister of Aboriginal Affairs.

**Hon. Brad Duguid:** I thank the member for the question because it does give me an opportunity to once again say how proud we are as a government to stand with First Nations in making a statement last week declaring that, indeed, this government will abide by Jordan's Principle. This does put the health of children first in this province, ahead of jurisdictional disputes.

I'll speak further in the supplementary about the situation in Attawapiskat, because I probably won't have the time now. But I would say that the member knows full well there is no jurisdictional dispute with regard to what's going on in Attawapiskat. The First Nation knows that, the federal government knows that and the provincial government knows that. We are working together in this situation. We do take it seriously. I'll respond further in the supplementary directly to that.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Gilles Bisson:** You sure have a funny way of showing how you stand in solidarity with First Nations when there are 600 children at Attawapiskat who can't go

to school. You've got some 200 people who are ill as a result of the diesel fumes that are emanating from that particular site in Attawapiskat. What that community has told you is that the federal government is unwilling to do anything in order to double-check the situation as far as health and safety. They've asked your government to go in with Ministry of Labour, Ministry of the Environment and Ministry of Health in order to ascertain what the health effects are to the kids in that community and the families.

This is clearly a jurisdictional dispute. Why don't you live up to your commitments in Jordan's Principle and go and do what the First Nation has asked you to?

**Hon. Brad Duguid:** The member should familiarize himself with what Jordan's Principle means. It comes into play when there is a jurisdictional dispute. There's no jurisdictional dispute here. The federal government is responsible for the air quality in Attawapiskat. They know that; they're involved there; the First Nation knows that as well. We've been in touch with the First Nation. They're very much aware of that.

But despite that fact, we recognize the seriousness of the situation. We know that the First Nation would like reassurances. The federal government has been doing testing in there; they're doing more. We're reviewing that testing, as we committed to, to give reassurances to the community that in fact there are no health problems there. There's a third party that's doing testing as well.

We will continue to fulfill our responsibility. We will continue to work with the First Nation in Attawapiskat and we'll continue to work with the federal government to ensure that those assurances are given.

#### INFECTIOUS DISEASE CONTROL

**Mr. Kevin Daniel Flynn:** I've got a question today for the Minister of Health and Long-Term Care. All members will know and the minister will know that yesterday, the World Health Organization increased its global alert level to level 4. What this increase verifies is sustained human-to-human transmission of the swine flu.

1100

My constituents in Oakville, and I'm sure all over Ontario, are hearing news about the swine flu from sources all over the world. Intermingled with these ever-changing details, there's also a lot of speculation and a lot of rumours going on. So my question for the Minister of Health today is: Can the minister set the record straight? Specifically, are there any cases of swine flu in Ontario, and how can Ontarians continue to protect themselves against this illness?

**Hon. David Caplan:** I'd like to thank the member for the question. I want to start by reiterating that at this point in time, there are currently no confirmed cases of swine flu in Ontario. I know that of course Ontarians are worried, but we are doing everything that we can to keep them informed. Yesterday, for example, we opened a new ServiceOntario infoline to directly answer questions that Ontarians have about the outbreak. People can dial

1-800-476-9708 to learn more about how they can protect themselves from the flu. My office forwarded this number to all members of this House so that they can share it with concerned constituents. We've offered opposition members briefings with the chief medical officer of health, David Williams, and I'm happy to say that they have accepted.

Individuals should use the same precautions as for flu: Wash your hands frequently; cover coughs and sneezes; and stay home if you are ill. Individuals who think they may be ill should contact Telehealth Ontario or their local health care provider. I'm confident that experts not just in—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary.

**Mr. Kevin Daniel Flynn:** I want to thank the minister for that answer. It provides Ontarians, I think, with a reasoned and a reassuring response.

I appreciate that the minister is doing everything he can to monitor the situation and to continue to provide Ontarians and this House with up-to-date information. But still, over the last few days, many questions have been raised about just how well prepared Ontario is for this outbreak. I've heard my constituents and indeed other members of this House ask about our province's preparedness in this regard. So I wanted to take this opportunity to set the record straight. Can the minister tell the House: How is Ontario prepared to deal with the current swine flu outbreak?

**Hon. David Caplan:** I want to thank the member for the question. I want to reassure the House that Ontario is, indeed, well-equipped to handle swine flu. In fact, Ontario has learned the lessons from SARS. We have a network of people in place to be able to better monitor, to communicate and to coordinate in a far better way than we did in 2003.

The experts agree. I want to quote Dr. Michael Gardam, director of infectious disease prevention and control for the Ontario Agency for Health Protection and Promotion, who says, "In terms of concern, we've been working on this for years. I think we're as ready as we're ever going to be for something like this."

Dr. Robin Williams, chief medical officer of health for the Niagara region public health unit, says, "I think we are as best prepared as we could be for whatever that storm is going to look like here.... We have surveillance now. Five or six years ago, we wouldn't even have realized this was happening."

Vicki Hawksworth, the Lambton county supervisor of environmental health and prevention services, says—

**The Speaker (Hon. Steve Peters):** Thank you, Minister.

#### AUTOMOTIVE INDUSTRY

**Mr. Toby Barrett:** To the Minister of Finance: General Motors announced yesterday that 300 car dealerships would be closing across Canada. That means 6,000 direct jobs slashed and another 14,000 slated to disappear, plus

18,000 in the auto parts sector. Minister, this is happening on your watch. What have you done and what are you doing to keep car dealerships open here in the province of Ontario?

**Hon. Dwight Duncan:** To the Minister of Economic Development.

**Hon. Michael Bryant:** The province has been, since December, working with the car companies to keep them viable. The best thing that a government or investor or lender can do for that company to speak to the health of those dealerships is to in fact have a healthy company. These are the kinds of significant changes to the company that were deemed by the company to be necessary. It is obviously a big contraction to the industry itself, which reflects the massive drop-off in terms of sales. It's very, very tough news. It may in fact be necessary for the companies to do that in order for them to turn around and have a profitable future.

**The Speaker (Hon. Steve Peters):** Supplementary.

**Mr. Toby Barrett:** Back to the Minister of Finance: This is about tax policy. I've written you twice with regard to the benefits of a tax holiday with respect to vehicle sales. You chose to ignore the warnings, and today we see the results of your inaction. Each dealership will be firing between 50 and 150 employees. Each dealership will no longer be contributing up to \$100,000 to sports, local hospitals and charities within their communities.

Minister of Finance, will you reconsider your position? Will you implement a tax holiday on vehicle sales and help stem this tide in job loss?

**Hon. Michael Bryant:** I'll refer this question to the Minister of Finance.

**Hon. Dwight Duncan:** No, we won't. I would refer the member to a column in the *Globe and Mail* yesterday by Eric Reguly that pointed out the failure of the German policy. It's consistent with what I said earlier to the member and his colleagues, that it doesn't in fact increase sales. What it does is move sales forward, and then, when the tax is removed, as it's going to be in Germany, there's no net benefit.

The member and his party have voted against every—every—initiative we have taken to help the automotive industry. They voted against helping General Motors. They have spoken and voted against helping Chrysler. They have not offered anything of substance.

The policies we've outlined in the long term, given the enormous challenge in the economy, are the right response today and will help rebuild this industry as we come out of this global world challenge.

## TAXATION

**Mr. Michael Prue:** My question is to the Premier. Across Ontario, a backlash is brewing over this government's HST tax grab. MPPs' offices, including mine and, I'm sure, those of every single MPP in this room and in this Legislature, are being flooded with angry letters from

hard-working Ontarians who just can't afford the extra 8% at the gas pump and on their home utility bills.

At a time of unprecedented economic turmoil, what does this government have to say to the millions of Ontarians who are angry at this tax grab and rightly refuse to accept your explanations given in this House to date?

**Hon. Dalton McGuinty:** To the Minister of Finance.

**Hon. Dwight Duncan:** I remind the member opposite what the Premier said in an earlier question, and that is, Ontarians are looking to their governments to take dramatic action to help build this economy and help get us through the enormous challenges we face. That's why we put together a comprehensive tax reform package, a tax reform package that will lower personal income taxes by some \$10.6 billion, with corporate tax cuts for both small and large businesses and, importantly, investments in vital public services—investments in tax cuts for the Ontario child benefit, for instance—the kinds of policies that, as we get through this challenge, and we will get through this challenge, will ensure that not only are we competitive but we remain a very, very compassionate society.

**The Speaker (Hon. Steve Peters):** Supplementary.

**Mr. Michael Prue:** This is the same tired explanation that people are not accepting out there in the province of Ontario. Apparently, this government's only response to the HST uproar is to send ministers out on the road armed with updated spin lines that we're hearing here today. No matter how they spin this tax grab, Ontarians are not buying it.

Yesterday, the government, through the Deputy Premier, admitted that they were wrong-headed in the mandatory home audits. Why won't this government now admit that the HST is bad economics and the wrong tax at the wrong time, and pull the plug on yet another wrong-headed policy?

**Hon. Dwight Duncan:** We don't agree with the member. I think what Ontarians want is a government that's prepared to confront the challenges of the day.

The people of Ontario reject a party that criticizes us for a single sales tax and that 18 short months ago wrote a letter to us asking us to increase the provincial sales tax. You were there; he was there, he was there, and he was there—all of them, Mr. Speaker. They were all there.

This tax reform package and our investments in the most vulnerable represent a bold response to the challenges in today's economy. It's about building confidence in our economy and maintaining the compassionate and caring society that Ontario always has been. When we get through this—and we will—we will be bigger, better and stronger, with better health care and better education for all Ontarians.

## DRIVER LICENCES

**Mr. Bruce Crozier:** My question is for the Minister of Transportation. On March 6, 2009, the Photo Card Act, 2008, became law. This authorized the creation of

an enhanced driver's licence as a passport alternative for entry into the United States via land or water.

Recently, other jurisdictions have begun implementing their versions of the enhanced driver's licence, most notably the province of Quebec and also the state of Michigan, a jurisdiction frequently travelled to by constituents in my riding.

I often receive questions on this card from my constituents. I ask the minister to share with this House the status of Ontario's enhanced driver's licence and when we might expect to see it available. I've been hearing conflicting reports on the release date of this important form of ID. Can you clarify this matter so I can relay accurate information to my constituents?

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**Hon. James J. Bradley:** It's an excellent question from the member, first of all.

As he knows, Ontario is introducing a driver's licence called an enhanced security driver's licence to help ensure the efficient flow of cross-border travel, that it is not interrupted by the implementation of the new US border-crossing rules which come into effect on June 1 of this year. We have been involved in negotiations with the US Department of Homeland Security and the Canada Border Service Agency, and I can inform the member from Essex that we are on track for that implementation date of spring of this year. This means that the first of those approved for the card will have it available to them by June 1 of this year.

The new card design has been finalized. Ministry staff have also implemented the new system that will be used, and of course people can exercise the other option of getting a Nexus pass or a passport if that happens to be their particular choice.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Bruce Crozier:** To the minister: I want to thank him for that answer.

Not only is the enhanced driver's licence an easy-to-carry tool for those living in Ontario, but it's also important for those in the States who like to visit our area, either on a planned trip, on impulse or on one-day trips. We have wonderful wineries and other tourist attractions throughout the Windsor-Essex area which rely on this type of travel. This card is important to those living in Essex, and I'm encouraged by the number of people who plan to obtain an enhanced driver's licence. I was pleased to hear that Windsor is one of the locations where the program is initially scheduled to roll out.

I ask the minister to share with this House a few more details on the enhanced driver's licence program. Particularly, how much will it cost and where will Ontarians be able to apply for this valuable card?

**Hon. James J. Bradley:** First of all, if they're going to travel by air, of course, or they anticipate that could happen, they can obtain a passport from the Canadian government. But the enhanced version of this licence will cost \$40 above the \$75 price of a driver's licence. Currently a passport costs \$87, which means the EDL represents about a \$47 saving to travellers.

MTO worked with ServiceOntario to identify the initial locations. They were selected due to the expected demand for uptake. Enrolment offices will be initially located in eight communities: Thunder Bay, Sault Ste. Marie, Windsor, St. Catharines, Kingston, Ottawa, Cornwall and Toronto. The government recognizes that other communities may be interested in or benefit from an office where an enhanced driver's licence could be available. That's why we'll be monitoring enrolment volumes, and as demand increases, we'll consider more locations.

## TRAVEL INDUSTRY

**Ms. Lisa MacLeod:** To the Minister of Consumer Services: You refused to answer my question yesterday about repeated calls for a public inquiry into the 2006 collapse of One Step Travel. Why did you ignore a meeting request by the Association of Retail Travel Agents when they wrote to you just two months before Conquest collapsed, on February 3, about the serious and prevailing consequences of TICO's failure on One Step and the safeguards a public inquiry would have put in place to prevent further collapses of vacation companies that lack sufficient working capital?

**Hon. Harinder S. Takhar:** Actually, I answered the member's question yesterday, and I want to say this again to the member: The first priority when a travel company fails, the first priority of TICO and our government, is to protect consumers and bring the people back if they are stranded outside in any region. That is our responsibility.

I want to ask the member—this happened in 2006 and this was an Ottawa-based agency. Do you not want us to bring those people back? Do you want us to leave them where they are stranded? Is that what you want us to do?

Not only that, but this issue was raised in the annual general meeting of TICO last year, and TICO has ordered a third party review and I am waiting for the recommendations of that review. As I said yesterday, if any recommendations come out of it that we need to implement, we will do that.

**Ms. Lisa MacLeod:** "Wow," is all one can say—wow. But the Premier himself has often said that the best indicator of future behaviour is past behaviour. Minister, your mandate is to protect Ontario's consumers, yet your lack of oversight, accountability and apparent regard for what TICO has done has been pitiful. On June 25, 2008, an Ontario Court of Justice criticized TICO for not doing its job and said, "Should TICO have sanctioned One Step much earlier, perhaps the offences would not have resulted." On June 24, 2008, at a TICO AGM, members called for a public inquiry into the demise of One Step Travel. On February 3, 2008, as I just mentioned, ARTA asked you for a meeting to discuss a public inquiry into One Step, and on March 5, 2009, you told them you were too busy.

Minister, isn't it true that had you acted on TICO's failures with One Step, you could have prevented the collapse of Conquest?

**Hon. Harinder S. Takhar:** What is really true is that Ontario is very fortunate. There are only two other provinces in Canada that actually have a fund that protects consumers. TICO did everything to protect consumers and bring them back.

I think the member has missed an important point, which is this: My understanding is that the case of One Step involved some fraudulent activities, and charges were laid. The independent view was ordered, and we are waiting for the recommendation of the independent audit. If there are any recommendations that will come from that, we will implement them. But the important thing here is for TICO to act quickly and as fast as they can to bring people back into the country so that they don't suffer and they are taken care of. That's what TICO did, and I'm not sure that any of these activities could have—

**The Speaker (Hon. Steve Peters):** Thank you.

#### GRAPE AND WINE INDUSTRY

**Mr. Peter Kormos:** A question to the Premier: Grape growers like Don Wiley down in St. Catharines can't find a market for all of their grapes and are on the verge of bankruptcy because the Ontario government continues to allow so-called Ontario wines to be made with up to 70% imported grapes or juice. When is the government going to require Ontario wines to be made of 100% Ontario grapes so that grape growers like Don Wiley aren't forced out of business?

**Hon. Dalton McGuinty:** That is to the Minister of Government Services.

**Hon. Ted McMeekin:** We have a very good program to support our wineries throughout Ontario. I can say to the House that never has there been a finer couple of years in the grape industry and the wine-making industry than of late.

The House should also know that our government has consistently stood with both the winemakers and the grape growers in terms of assuring that, on balance, the industry is viable and that they're working together in the interest of Ontario consumers. We're proud of our wine industry. It has made great strides over the years, and we continue to stand with the industry.

**Mr. Peter Kormos:** More horse feathers—please. Grapes are rotting on the vine because grape growers like Don Wiley can't find a market. These are generations of families who have been working this very scarce, rare agricultural land. California has an 85% minimum California content. Why can't Ontario at least come close to the California standard?

The government, in October 2008, called upon the wine council and the grape growers to resolve the impasse. They've been unable to do so. The government said that if they couldn't, it would. When is this government going to act to protect grape growers? It talks a big game about Buy Ontario, but all it does is line the pockets of the ad firms down the road on Bay Street.

**Hon. Ted McMeekin:** As the honourable member opposite should know, VQA wines, which are really our

flagship label for Ontario wines, are 100% Ontario-grown wines. He also should know that when the Ontario grape growers asked us for help some time back with the lack of contracts for certain grapes, we provided one-time \$4-million funding. We did that proudly. We did that very much in the context of standing in solidarity with our grape growers and wine producers. We continue to be proud of both.

We have urged them to continue to work together to resolve some historical difficulties and we're optimistic that that will come to, dare I say it, fruition.

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#### ABORIGINAL HOUSING

**Mr. Bill Mauro:** My question is for the Minister of Municipal Affairs and Housing. Minister, recently you visited northwestern Ontario, including my riding of Thunder Bay—Atikokan, and I understand you also visited Fort Frances and the Northern Ontario Municipal Association annual conference.

As you know, ensuring that there is enough housing that is safe and affordable is a constant issue that all levels of government deal with. In many northern communities in particular, aboriginal communities have come forward asking our government to assist in providing more affordable housing. They are doing what they can to provide for their fellow citizens, but they need our help as well.

I was pleased that you and Ministers Duguid and Gravelle announced a new program for off-reserve housing for the aboriginal community. Could the minister please inform the House about the details of this program?

**Hon. Jim Watson:** I'd like to thank the honourable member. It was a pleasure to be back in his riding and also to be joined by my colleagues the Minister of Northern Development and Mines, the Minister of Aboriginal Affairs and the Minister of Natural Resources. Together with the Ontario Federation of Indian Friendship Centres, the Métis Nation of Ontario and the Ontario Native Women's Association, we signed a historic memorandum of understanding that will see the investment of \$60 million in affordable housing for over 500 low-income aboriginal households living off-reserve outside the greater Toronto area.

This is part of our government's continuing effort to work to build strong, vibrant communities across Ontario, and it marks a historic partnership between the government of Ontario and the aboriginal communities of Ontario. I thank the honourable member for his interest, and we look forward to seeing this money invested in—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Bill Mauro:** Thank you, Minister. At the announcement, you emphasized that the recommendations made by the aboriginal community for their housing needs off-reserve formed the basis of the FIMUR housing program. The aboriginal community led extensive

community engagement to determine the specific needs of the members of their communities. Across Ontario, the aboriginal community is demonstrating a true willingness to work with the government to provide the best for their communities and to strengthen Ontario.

This funding was made possible through the aboriginal housing trust. This is an important program that is delivering needed housing dollars to our aboriginal communities. Could the minister speak more broadly about the aboriginal housing trust?

**Hon. Jim Watson:** This is an opportunity for funds and programs to be run by the aboriginal community, for the aboriginal community, in the aboriginal community. It's a total of \$80 million; \$60 million will be going to off-reserve housing initiatives outside of the GTA, and for the remainder of \$20 million, we've signed a separate MOU with the Miziwe Biik Development Corp. that will provide new affordable housing for up to 320 low-income aboriginal households living off-reserve in the GTA. Twenty million dollars will be available for new affordable housing rental units, homeownership loans and home repairs.

We will continue to consult with our aboriginal partners so we can help make a positive impact on the lives of aboriginal peoples as early as possible. My ministry will ensure that off-reserve aboriginal communities in Ontario have fair, transparent and equitable access to the trust funds.

#### SCHOOL CLOSURES

**Mr. Garfield Dunlop:** My question today is for the Minister of Education. Minister, this past weekend Simcoe county celebrated the annual maple syrup festival in Elmvale. Tens of thousands of people attend this great rural event each year, and this year the talk of the community was a decision by the local school board to close the Elmvale District High School.

The school board is reluctantly recommending the closing of schools such as Elmvale because they simply do not have the money and the funding to keep them open. In Toronto, you found \$12 million to keep swimming pools open, but the Elmvale District High School does not have a swimming pool and they never asked for one. They just want their school to stay open, not a pool.

Will you support the citizens of Elmvale and flow funding to the local school board so the Elmvale District High School can remain open to serve this vibrant rural community well into the future?

**Hon. Kathleen O. Wynne:** Whenever there is a decision about a change like the closing of a school or consolidations of schools or changing a program, I know those can be difficult for communities. But what I also know is that when local boards engage in consultation with their communities and they make a decision that is going to provide for better programming for students, those kids get a better opportunity in their schools.

The fact is that over the last four or five years we have provided millions of dollars. This year alone, rural boards

have received \$131.6 million in new investments, bringing their total funding to \$3.45 billion. They've received that money in the face of declining enrolment. By next September, there will be 106,000 fewer students in our schools than there were in 2002-03. We have worked very hard to buffer school boards against declining—

**The Speaker (Hon. Steve Peters):** Thank you. The member for Simcoe-Grey.

**Mr. Jim Wilson:** I just want to quote from a letter that has been sent to you several times by the group Let's Build It Here and Let's Build It Now. It says: "The current situation at the school is unbearable. The on-the-ground capacity for the school is 366 students and our current enrolment is 585.... This year, 99% of our students will be attending at least one class in a portable, and at any given time 31% of our students are in portables. In fact, 44% of our school capacity is in portables."

Clearly, Minister, the need is there; it has been there for a few years. The school board could vote on June 17 to rebuild the Elmvale District High School.

I was also at the maple syrup festival this weekend and was reminded in discussions with many merchants that the high school in Elmvale is really the lifeblood of the community and certainly the economic lifeblood of the community. So there are the jobs to be considered and the businesses to be considered, as well as the quality of education for the students.

If the school board votes on June 17 to build that school, will you help to pay for it?

**Hon. Kathleen O. Wynne:** I think the member opposite knows that these decisions have to be made locally. The funding for the Simcoe County District School Board has increased by \$117 million since we've been in office. I think it is clear that we have continued to provide support for this board and boards across the province even though there are fewer students in the schools.

I think it would be irresponsible for a minister at the corner of Bay and Wellesley to make a decision about a school in a community where there are particular needs and there are trustees who know the community. Every board in the province has to develop a capital plan that provides the facilities and the programming for the students in those local communities. I have every confidence that the Simcoe board is going to be able to do that. My hope would be, actually, that the MPPs would be part of a constructive community process that would provide for better programming for the kids down the road.

#### MANUFACTURING JOBS

**Mr. Howard Hampton:** My question is for the Premier. Yesterday Magna announced it was laying off 725 workers at its Formet Industries plant in St. Thomas. That's on top of 120 layoffs already announced in January; that's on top of major layoffs at the Ford assembly plant in St. Thomas.

St. Thomas and other communities like it are being devastated by this massive job loss. Workers like these

now-to-be-laid-off workers in St. Thomas want to know: What is and where is the McGuinty government's plan to sustain manufacturing jobs in Ontario?

**Hon. Dalton McGuinty:** To the Minister of Economic Development.

**Hon. Michael Bryant:** To answer the member's question quite directly, the support for the manufacturing jobs comes first from the budget, which provides significant tax changes for significant assistance to the manufacturing industry. Secondly, the government for some years now has been investing hundreds of millions of dollars to leverage billions of dollars of investment by the manufacturing industry through the advanced manufacturing investment strategy and other programs that have sometimes grown companies within the manufacturing industry and, in some cases, as we are heading through these consolidation battles between suppliers, provided assistance for future growth.

We met with Magna executives yesterday. These layoffs are temporary layoffs, I know the member would want to point out, and they reflect the huge drop in demand that people have had for automobiles.

**The Speaker (Hon. Steve Peters):** Supplementary?  
1130

**Mr. Howard Hampton:** I think we should take from that that the McGuinty government's plan is the same old, same old—the same old that has seen over 300,000 manufacturing jobs disappear in the last couple of years, the same old that has the unemployment rate headed to double digits.

My question is more specifically this: It's interesting that when one of the Premier's so-called economic gurus, Professor Florida, was asked, "What should laid-off workers do?", his advice was, "Well, they should become creative and open an art gallery." Is that the McGuinty government's real economic strategy here for laid-off workers? Because the same old, same old obviously isn't working. What is the strategy? And is Professor Florida right in saying, "Oh, simply be creative; get a job in an art gallery"?

**Hon. Michael Bryant:** The member reminds me that the Martin Prosperity Institute and the dean of the Rotman School of Management said just two weeks ago that the budget that was introduced by the Ontario government is literally going to completely turn around the approach, fiscally, that will allow for growth of our export companies. Roger Martin referred to the budget as "fantastic" and "excellent," and said as much on several occasions. In fact, it is a huge boost to the manufacturing industry.

It's a very tough time, no question, Mr. Speaker, for those workers in St. Thomas, something that I know you care very deeply about, and you continue to do your job as an MPP in that regard.

The government of Ontario has provided literally hundreds of millions of dollars in both assistance and stimulus to the manufacturing industry. We've been there for that industry before, and we'll continue to be with that industry in the future.

## AGRI-FOOD INDUSTRY

**Ms. Sophia Aggelonitis:** My question is to the Minister of Agriculture, Food and Rural Affairs. We all know about the importance of eating locally produced food. It provides benefits to the local economy and better returns for farmers, and is beneficial for our environment. We have talked about this issue many times here in this House, and I've spoken about this issue back home in my great riding of Hamilton Mountain, where my constituents are very interested in knowing where their food comes from.

A recent study conducted by Farmers' Markets Ontario shows that there is an increasing demand for farmers' markets in this province, and Ontarians place great value on knowing where their food comes from. Can the minister tell this House some of the results of this study?

**Hon. Leona Dombrowsky:** I thank the honourable member for the question. It is really important that we talk about the successful partnerships we have forged with groups like Farmers' Markets Ontario. They indicated to us that it would be important for them to do some research to understand what the purchase patterns are for the people of Ontario, and that study was conducted.

Among the highlights of the study by Farmers' Markets Ontario: Over 15 million shoppers visit farmers' markets in Ontario and 47% of Ontario vendors report that a greater-than-50% total of the farm income is generated through farmers' markets—indeed, a very successful venture in the province of Ontario. Fifty per cent of vendors report the creation of up to five jobs as a result of market participation. Farmers understand that by participating in farmers' markets, there is definitely job creation there.

The economic impact of farmers' markets in the province of Ontario is estimated to be up to \$1.9 billion per year. That is money that is raised and largely reinvested in rural communities right across Ontario.

## NOTICE OF DISSATISFACTION

**The Speaker (Hon. Steve Peters):** Pursuant to standing order 38(a), the member for Nepean—Carleton has given notice of her dissatisfaction with the answer to her question given by the Minister of Small Business and Consumer Services concerning TICO and the collapse of Conquest Vacations. This matter will be debated today at 6 p.m.

There being no deferred votes, this House stands recessed until 3 p.m. this afternoon.

*The House recessed from 1134 to 1500.*

## INTRODUCTION OF VISITORS

**Mr. Garfield Dunlop:** In the members' gallery today we have some guests with us: Mira Majdov-Veselinovic and her daughter Branka Veselinovic. They are here to witness the proceedings of Parliament today, and I ask everyone to give them a warm welcome.

## MEMBERS' STATEMENTS

### RAINWATER COLLECTION

**Mr. Toby Barrett:** This morning would have been a good morning to collect rain. Imagine all the water dripping from the roof of this building, for example. It could go on gardens and lawns. For every inch of rain that falls on a 1,000-square-foot roof you accrue nearly 600 gallons of water.

I've got a booklet here put together by the Ontario Horticultural Association, in conjunction with the Ontario Mutual Insurance Association. I commend these groups for reminding us about a very simple, inexpensive concept, something that we've abandoned over recent years. Our grandparents and our great-grandparents used rain barrels to supplement their water supply by putting their collected water where they wanted it for their own use. Today, much of that water goes right into a storm sewer or sits next to the foundation of your house or is pooled in the lawn.

History tells us that rainwater has been collected for 2,000 years. Clay containers were used in Thailand. Thirty per cent to 40% of the water used during the summer months is used for lawn and garden maintenance. Hence, get yourself a \$50 rain barrel and you'll earn that money back in water costs. It would seem we've come full circle if this idea continues to take hold. Very simply, everything old is new again, and in my book, rain barrels make sense.

### LOCAL HEALTH INTEGRATION NETWORKS

**Mr. Peter Kormos:** A few folks are coming up to Queen's Park tomorrow from down in Niagara—probably more like a few thousand, because you've got people across this province mad as all get-out, as mad as can be at this government's attack, the Dalton McGuinty Liberals' attack on smaller-town and small-town hospitals.

Down in Niagara, we've got a government hiding behind the skirts of the local LHIN. It ain't so local, is it, Mr. Levac? That LHIN covers Niagara, Hamilton, Haldimand and points beyond. A LHIN that's unelected, a LHIN with a CEO earning a salary of, oh, darn near a quarter of a million bucks, plus hundreds of dollars of other salaries—an unelected board, unaccountable, anonymous, irresponsible.

I tell you, our position is, the LHIN should simply be abolished. Can't fix it? End it; shut it down. Quite frankly, what we've got to do is start electing hospital boards—direct elections—at the same time as municipal elections. That's why I've got Bill 134 before the House now. Down in Niagara, each one of the 12 municipalities should have an elected member of the Niagara Health System so that you know what their political perspective is when they run and you know who to call when you're

mad; you know who to call when mom or dad hasn't been treated well. You could expect those directly elected people to fight to keep emergency rooms, maternity wards and mental health beds in those communities where the families of those people who are being hospitalized live. This government is the most anti-hospital government we've witnessed, bar none.

### BAPS WOMEN'S CONFERENCE

**Ms. Helena Jaczek:** I recently had the opportunity to speak at the second annual BAPS Shri Swaminarayan Mandir Women's Conference. The BAPS conference is held simultaneously in a dozen locations across North America to draw attention to the need to inject health, wellness and balanced development into the lives of women everywhere. I was pleased to meet so many committed, talented and influential women who work hard for the benefit of their respective communities.

BAPS has served Canadians since 1970 as a civic and religious organization which is dedicated to spiritual wellness, child and youth development, family unity, humanitarian services and, of course, Indian heritage. The BAPS Women's Conference also celebrated International Women's Day. Events such as this one connect women worldwide to commemorate and cherish their importance and influence in everyday issues.

I wish to thank Mrs. Kokila Sachdev, my constituent and the wife of the president of BAPS, for her hospitality and the pleasure of a personally guided tour of the Canadian Museum of Cultural Heritage of Indo-Canadians. The museum is fascinating, as it dedicates itself to communicating the diversity and cultural heritage of Indo-Canadians to all members of the community.

In closing, I wish to extend warm greetings to the participants and organizers of the second annual BAPS Shri Swaminarayan Mandir Women's Conference.

### SCHOOL SAFETY

**Mrs. Joyce Savoline:** I rise in the House today to make sure that the Minister of Education understands exactly what's at stake next Monday on Bill 157.

Monday, May 4, the social policy committee will meet to hear from citizens across Ontario who wish to participate in the democratic process. Stakeholders and parents will share their impressions of Bill 157 with that committee in hopes of strengthening what is a very weak piece of legislation. It is clearly a hush bill, thrown together to silence the opposition, who have been the only legislators standing up for victims of student-on-student violence and abuse. If this legislation is to make one iota of difference in the lives of students who face unimaginable bullying and violence on a day-to-day basis, it needs some teeth.

We must also remember to praise the brave children who have suffered violence and abuse at the hands of their fellow students and have had the courage to share their heart-wrenching stories. We cannot let their bravery

be for nothing, Minister. I hope you have the grace and the conscience to make the necessary changes to Bill 157. These changes will give these students the protection they need, the protection they deserve, and no less.

#### ORLÉANS-CUMBERLAND COMMUNITY RESOURCE CENTRE

**Mr. Phil McNeely:** Last weekend, the Divine Infant parish Knights of Columbus in my riding of Ottawa–Orléans spearheaded an effort to refurbish computers for the Orléans-Cumberland Community Resource Centre.

The project, which started about four months ago, was led by Orléans native Doug Drouillard, who wanted to do something for his community. Working with community reps, Doug got connected with the Orléans-Cumberland resource centre, and then the initiative for the Knights of Columbus had begun.

For all the students in my riding of Ottawa–Orléans whose families just can't afford even the cheapest of computers, this program is going to make an enormous difference for them. Through the kind generosity of National Capital FreeNet, all the recipients of these refurbished computers will be receiving Internet service free of charge.

My special thanks to Doug Drouillard for all of his hard work and determination with this project, as well as to Isabelle Diotte from the Orléans-Cumberland resource centre, Pierrette and Luc Raymond from 1-800-GOT-JUNK for offering to pick up the two tonnes of rejected computers and take them for recycling, and the countless Knights of Columbus council members and volunteers who came out this past weekend to participate in the project.

In difficult global economic times, it is important to work together to help those around us who are less fortunate than ourselves. The Divine Infant Knights made this initiative a huge success.

#### VIOLENT CRIME

**Mr. Garfield Dunlop:** On April 7, I asked the Attorney General a question pertaining to the murder of Natalie Novak and the conduct of the crown in this case. Arsei Hindessa was convicted of murdering Ms. Novak after numerous breaches of court orders requiring him to stay away from her.

Further to this, on April 22, 2009, our leader, Mr. Bob Runciman, sent the chief coroner a letter requesting an inquest into the death of Natalie Novak. We now have received a response from Andrew McCallum, chief coroner for Ontario, and his letter reads:

“Dear Mr. Runciman:

“I write in response to your letter of April 17, 2009, in which you requested an inquest be held into the death of Natalie Novak.

“Inquests are considered in cases once all other investigations and court proceedings have concluded. In this particular case, the court proceedings against Arsei

Hindessa are ongoing in that the sentencing phase has not yet concluded. In addition, it is the policy of the Office of the Chief Coroner to wait until appeal periods have expired in the interest of natural justice and judicial fairness. Once this has occurred, the regional supervising coroner will consider the appropriateness of calling an inquest. Please be assured that the concerns such as those brought by you will be part of that consideration.

“Thank you for your bringing your concerns and request to the attention of my office.

“Yours truly,

“Andrew McCallum,

“Chief Coroner for Ontario.”

It is our understanding that the chief coroner is indicating that after due process an inquest can possibly be called. We hope that the Minister of Community Safety and Correctional Services—and I know he's here today—will do the right thing and order an inquest for this unnecessary death of Natalie Novak.

1510

#### CARNATION REVOLUTION

**Mr. Charles Sousa:** I rise today to commemorate the Carnation Revolution, which occurred 35 years ago in Portugal. After nearly 50 years of dictatorship, on April 25, 1974, Portugal began a peaceful revolution to throw off fascist oppression to become the democracy we know today. This is celebrated as the Carnation Revolution because, as a symbol of their commitment to non-violence, citizens, soldiers and many children put carnations into the army's guns and rifles. To the eternal credit of Portugal and its people, the armed forces preferred to lay down their arms and accept the will of the people rather than fire a single shot. My own family fled the oppression of dictatorship in the early 1950s, and like many others they sought the welcoming shores and open democracy of Canada.

So to this day, April 25 has a special significance to my family and to Portuguese people around the world. This year I had the pleasure of celebrating April 25 with our local Portuguese community. Associação do 25 de Abril held its annual dinner in Toronto, where we were honoured by the presence of a former colonel who participated in the revolution. I was pleased to be joined by Minister Fonseca and the member for Davenport as well as representatives from the federal government and the city of Toronto.

Further celebrations held in the community included a myriad of artistic performances in commemoration of this landmark in Portuguese and, indeed, world history. Portugal showed the world the path to democracy and freedom without violence; a path that they continued to follow by making great advancement in human rights, relinquishing their hold over their colonies and moving toward greater openness. They proved that we can begin and bring about great political change without resorting to violence. That's why the Carnation Revolution of April 25, 1974, stands today as an example to the whole world.

## NOBLE VILLENEUVE

**Mr. Jim Brownell:** Last Friday I had the distinct honour to attend the 13th induction ceremony of the Glengarry Agricultural Wall of Fame, held in Maxville, Ontario. Thirteen years ago, the farmers of Glengarry county and farm organizations were recognized for the work they do to improve soil and crops, to support livestock production and to help promote agricultural supports and services. The Munro and McIntosh Carriage Co. Ltd., the late Omer Poirier and a Williamstown farmer, Alfred Vogel, were the 2009 inductees. Joining them too was a man who was well known to this House and who spent many years farming, promoting farming practices and speaking for agriculture in the Ontario Legislature: the Honourable Noble Villeneuve.

Born in Cornwall, his early years were on the family farm in the Dyer Road in Maxville. For many years Noble operated a dairy farm, until converting it to a beef enterprise during the 1970s. He became highly involved in the farm credit association and eventually became a farm estate appraiser.

In 1983, Noble Villeneuve was elected to the Ontario Legislature and was the agriculture and food critic from 1990-95. In June 1995, he was honoured with his appointment as Minister of Agriculture, Food and Rural Affairs and a dual responsibility as minister responsible for francophone affairs. Besides his grassroots knowledge of agricultural practices and pursuits, Noble provided a strong and active voice for farmers of eastern Ontario, and this was particularly evident during the ice storm of 1998.

On behalf of all my colleagues in this House, I extend sincere congratulations to Noble Villeneuve on being inducted into the Glengarry Agricultural Wall of Fame. We shall always respect and admire you for your tireless work for agriculture in Ontario and in your riding.

## TRANSIT VEHICLE CONTRACT

**Mr. Bill Mauro:** I'm pleased to congratulate Bombardier and its workers for winning a massive contract worth \$1.2 billion to build the next generation of Toronto streetcars. The deal for 204 cars is the biggest light rail vehicle purchase in North American history and includes a multi-billion-dollar option for hundreds of additional new vehicles. The TTC voted yesterday to award the contract to Bombardier, and they did this because the workers at Thunder Bay's facility deliver world-class-quality vehicles and service at very competitive prices. This builds on the last \$700-million TTC contract, which was supplemented with \$200 million from the government of Ontario, which helped secure more than 300 high-quality manufacturing jobs for Thunder Bay for five years.

Just recently, the government of Ontario came through again when it provided \$56 million to purchase 20 new bi-level rail cars for GO Transit from Bombardier. The total value of contracts awarded to Bombardier in the last few years now approaches \$2 billion.

It's my hope that the city of Toronto, which requires about \$800 million from senior levels of government, will make this contract a priority in terms of their applications to our government's infrastructure programs. The importance of this contract to Thunder Bay, to the workers and their families and to all of northwestern Ontario requires that the city of Toronto make this their priority.

I'd like to give special thanks to all the people of Thunder Bay who worked so hard at making this contract a reality. Without their effort and diligence, this deal would not have been possible.

## REPORTS BY COMMITTEES

STANDING COMMITTEE  
ON SOCIAL POLICYCOMITÉ PERMANENT  
DE LA POLITIQUE SOCIALE

**M. Shafiq Qadri:** Je demande la permission de déposer un rapport du Comité permanent de la politique sociale et je propose son adoption. Je vous l'envoie par le page Zachary.

I beg leave to present a report from the Standing Committee on Social Policy and move its adoption. I send it to you by way of page Zachary.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Your committee begs to report the following bill, as amended:

Bill 152, An Act respecting a long-term strategy to reduce poverty in Ontario / Projet de loi 152, Loi concernant une stratégie à long terme de réduction de la pauvreté en Ontario.

**The Speaker (Hon. Steve Peters):** Shall the report be received and adopted? Agreed? Agreed.

*Report adopted.*

**The Speaker (Hon. Steve Peters):** The bill is therefore ordered for third reading.

STANDING COMMITTEE  
ON ESTIMATES

**Mr. Garfield Dunlop:** Pursuant to standing orders 60 and 61(a), I beg leave to present a report from the Standing Committee on Estimates on the estimates selected and not selected for consideration by the committee. I give it to Cooper to take down to the table.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Mr. Dunlop, from the Standing Committee on Estimates, presents the committee's report as follows:

Pursuant to standing order 60, your committee has selected the estimates (2009-10) of the following ministries for consideration:

Ministry of Economic Development: seven hours, 30 minutes;

Ministry of Energy and Infrastructure: seven hours, 30 minutes;

Ministry of Finance: seven hours, 30 minutes;

Ministry of Research and Innovation: seven hours, 30 minutes;

Ministry of Municipal Affairs and Housing: 15 hours;

Ministry of Health and Long-Term Care: seven hours, 30 minutes;

Ministry of Small Business and Consumer Services: seven hours, 30 minutes;

Ministry of Community and Social Services: seven hours, 30 minutes—

**Interjection:** Dispense.

**The Speaker (Hon. Steve Peters):** Dispense. Agreed? Agreed.

Pursuant to standing order 61(b), the report of the committee is deemed to be received and the estimates of the ministries and offices named therein as not being considered for consideration by the committee are deemed to be concurred in.

*Report deemed received.*

#### NATIONAL DAY OF MOURNING

**Hon. Peter Fonseca:** Mr. Speaker, on a point of order: I believe that we do have unanimous consent that up to five minutes be allotted to each party to speak on the National Day of Mourning commemorating workers whose lives have been lost, or who have been injured, in the workplace.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

**Hon. Peter Fonseca:** Today we observe a sombre remembrance in Ontario and across Canada: the day of mourning. On this day, we remember workers who have been killed, injured or suffered illness as a result of work-related incidents and hazards.

Today is a particularly special observance of the National Day of Mourning: It is the 25th anniversary since its inception. In 1984, April 28 was first declared the National Day of Mourning by the Canadian Labour Congress. The Ontario government has been recognizing the day of mourning since the 1980s. Over the years, this observance has spread to many other countries.

Too many lives continue to be destroyed by workplace incidents and occupational illnesses. Too many workers lose their lives at Ontario workplaces, and too many are injured. As Minister of Labour and as a father, I find the statistics involving our young workers to be devastating.

Some of the injured are fortunate and are able to return to their jobs, but others are not, and their lives and the lives of their families are changed forever. The human toll of workplace incidents and illnesses is enormous. There is also a huge cost to our economy. What is most devastating is that these incidents could have been prevented.

No one should ever have to face the tragedy of a workplace incident. That is why our government is committed to preventing worker injuries and deaths before they occur.

#### 1520

We have a number of initiatives aimed at preventing workplace incidents. This year marks an important milestone for one of those initiatives. It's the 30th anniversary of Ontario's Occupational Health and Safety Act. The act came into force on October 1, 1979. Its main purpose is to protect workers against health and safety hazards on the job.

Much progress has been made in health and safety over the years as a result of the dedication and commitment of many individuals, but there is also so much more work to do, and we can't do it alone. All of us—government, employers, labour and unions—have a role to play in workplace health and safety. Today we're reminded of those roles. To my honourable colleagues who sit here in this House, I urge each and every one of you to make workplace health and safety a top priority. It's not only for the people of Ontario and the communities that you represent, but it's also for your own families and for your friends.

Some of you are wearing yellow and black ribbons like this one to commemorate today's event. I want to encourage all of you to wear these ribbons. The black represents mourning and the yellow represents hope, the hope we have for the future. Today, here in Toronto, the CN Tower will be illuminated in yellow as another tribute to honour workers who have been injured and killed. We must work together to make sure our loved ones return home safe and sound from work each and every day. It's our duty and responsibility, both as elected representatives and as citizens of this province.

In a few moments, we will observe a moment of silence to remember those who suffered tragedy in the workplace. Let us honour the memories of all those workers and pay our respects to their friends and loved ones who have also suffered. Let us do so while reaffirming our commitment and dedication to the ultimate goal of zero—zero workplace injuries and fatalities in Ontario. Wouldn't that just be wonderful?

**Mr. Robert Bailey:** I am pleased and honoured to rise as well today on behalf of the official opposition to mark the 25th anniversary of the Day of Mourning, which is when we remember the millions of Ontario workers who have been killed or injured on the job and those who have had their lives changed forever as a result of an occupational disease.

Last year, in my duty as MPP for Sarnia-Lambton, I was privileged to participate in the Sarnia Day of Mourning service in Centennial Park, where there is a permanent memorial set up to remember those killed on the job in the Chemical Valley. Having worked in industry and construction all my life, I have seen, all too often, workplace injuries and the stress they put on workers, co-workers and families.

Today is the day when we offer our condolences and our support as legislators to those families and individuals who have had a loved one killed or injured in workplace accidents. I can only imagine what the families of injured, killed or sick workers must go through when the loved ones whom they left in the morn-

ing for what should have been just a routine day of work in all too many cases never come back home, or if they do, they're changed forever. It must be a terrible feeling, and one that our words here will not be able to take away.

As the Minister of Labour pointed out, there are over 300 Ontarians killed every year on the job or because of occupational diseases. The International Day of Mourning is a good day to remind all members of the House and the province of Ontario of the importance of workplace safety. We should be using today to reaffirm our commitment to making Ontario's workplaces the safest we can, to recommit ourselves as legislators to prevent illness and injury and to reaffirm our commitment to zero tolerance for workplace fatalities.

I know that all three parties share the same concerns when it comes to making Ontario's workplaces safe. Fundamentally, we all share a common responsibility to make safety a priority and to work to eliminate injury and death in the workplace. We may disagree on how we get there, but we all want to see our workers protected.

As someone who has worked in industry, I was struck by the fact that workplace fatalities and injuries are all the more terrible because they can be prevented. As the Workplace Safety and Insurance Board reminded us last year, there really are no accidents. All members and employers should remember that today.

**Mr. Peter Kormos:** New Democrats join in recognizing this Day of Mourning for workers whose lives have been stolen from them in their workplaces. Notwithstanding that this is the 25th anniversary of this event, last year alone, here in the province of Ontario, 356 workers were killed in their workplaces; slaughtered, taken out. They might as well have been assassinated. Thousands more, 317,000, applied for workers' compensation for work-related injuries. It's not a very admirable record, is it? We're not in some Third World country. To lose almost 400 workers last year alone—moms, dads, sons and daughters—and to have over 300,000 applying for workers' compensation, WSIB, is not a very impressive record at all.

We mourn for the dead; we fight for the living. And if we truly pay tribute to the dead and are committed to ensuring that workers are entitled to come home in the same physical condition—maybe a little tired—as they went to work in the morning, we've got to do far more than simply pay lip service. We've got to do far more than mourn. We've got to fight, fight, fight for the living.

Common sense tells us that when the minimum wage remains below a living wage and when workers, more often than not women than men, have to work at two jobs and three jobs, work 14- and 15-hour days, they're less protected than a worker who is well rested. We know that unionized workplaces are safer workplaces. Unions and collective bargaining that give a worker some control over the work conditions enable a worker to protect himself or herself from the brutality of a workplace assault, yet this government will not extend card-based certification to all workers in this province, including those workers who need it most, like the Wal-Mart

workers and the workers in some of the lowest-wage industries.

We know that the agricultural industry is the most dangerous place to work in this province: 40% of all cancers, we're told, are occupational, and one heck of a big chunk of that exposure comes in the agricultural industry. Yet this government persists in denying the constitutional right to organize into a union and to collectively bargain to those agricultural workers here in the province of Ontario. Notwithstanding that the Ontario Court of Appeal told this government that it was wrong, dead wrong, and that its anti-union bill and legislation was unconstitutional, this government persists in spending what will be tens, if not hundreds, of thousands more of taxpayers' money fighting that issue to the Supreme Court of Canada, in a fight that it inevitably knows will be unsuccessful.

You can't talk about believing in making workplaces safer for workers when you tell agricultural workers that they can't belong to a union and that they can't collectively bargain. Agricultural workers know that they're not in a high-wage industry. They want unions so that they can bargain around issues like health and safety. That's why they want to be able to unionize, and Mr. McGuinty and the Liberals have turned their backs on those workers. Mr. McGuinty and the Liberals have turned their backs on workers in other low-wage industries, inevitably the more dangerous ones.

We reject the proposition, of course, that there is such a thing as a workplace accident. These are attacks on workers, and it's inevitable that it's corporate greed that has prevailed when a worker leaves the workplace in a body bag, or when a worker leaves his or her workplace with a broken back or their sight stolen from them, their hearing stolen from them; their arms and other limbs broken and battered. As long as we support CEOs and their six-digit, seven-digit salaries and condemn workers who dare seek better wages, better pensions or dare fight to keep good jobs in their community, workers are at risk.

New Democrats want to make it very clear: We support the right of all workers in this province to belong to a union. We support card-based certification for every worker in this province. We support a minimum wage that's a living wage and we support people over profits.

**1530**

**The Speaker (Hon. Steve Peters):** I'd ask all members and guests to please rise in a moment of silence in recognition of those individuals who have been killed or injured on the job or are victims of occupational disease.

*The House observed a moment's silence.*

**The Speaker (Hon. Steve Peters):** Thank you.

## PETITIONS

### CEMETERIES

**Mr. Jeff Leal:** I have a petition here today from a number of folks from the riding of Peterborough.

"To the Legislative Assembly of Ontario:

"Whereas protecting and preserving the remains of our ancestors undisturbed in their final resting places is a sacred trust and a foundation stone of civilized society; and

"Whereas failure to safeguard one of our last remaining authentic original heritage resources, Ontario's inactive cemeteries, would be disastrous for the continuity of the historical record and our collective culture in this great province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario."

I agree with this petition and will give it to page Cameron.

#### TAXATION

**Mr. Bill Murdoch:** I have a petition to the Legislative Assembly of Ontario.

"Whereas residents in Bruce-Grey-Owen Sound do not want a provincial harmonized sales tax that will raise the cost of goods and services they use every day; and

"Whereas the 13% blended sales tax will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to house sales over \$400,000; and

"Whereas the 13% blended sales tax will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and lawyer and accountant fees; and

"Whereas the blended sales tax grab will affect everyone in the province: seniors, students, families and low-income Ontarians;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the McGuinty Liberal government not increase taxes for Ontario consumers."

I have also signed this.

#### TAXATION

**Mr. Michael Prue:** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government's March 26, 2009, budget introduced a harmonized sales tax to be implemented on July 1, 2010; and

"Whereas the harmonization will have a deleterious effect on all Ontarians, merging the GST and the PST to a regressive 13%; and

"Whereas new home buyers will be forced to spend 6% more on any property above \$500,000; and

"Whereas additional taxes will be levied on properties between \$400,000 and \$500,000 on a sliding scale; and

"Whereas rentals of commercial property will now be taxable for the first time; and

"Whereas legal fees, appraisals, commissions, home inspections, moving costs and other services associated with the purchase of property are now subject to HST;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the McGuinty government not implement the harmonized sales tax, particularly where it relates to the sale of property and especially at this time of economic slowdown and recession."

I am in agreement and would sign my name thereto.

#### CHILD CUSTODY

**Mr. Jim Brownell:** I have a number of petitions here from the constituents in my riding. It's to the Legislative Assembly of Ontario.

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and their grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child; and

"Whereas subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act as above to emphasize the importance of children's relationships with their parents and grandparents."

As I agree with the petition, I shall sign it and send it to the clerks' table.

#### HOSPITAL FUNDING

**Mr. Norm Miller:** I have a petition to do with the Burk's Falls health centre. It reads: "To the Legislative Assembly of Ontario:

"Whereas the Burk's Falls health centre provides vital health services for residents of Burk's Falls and the Almaguin Highlands of all ages, as well as seasonal residents and tourists; and

“Whereas the health centre helps to reduce demand on the Huntsville hospital emergency room; and

“Whereas the operating budget for Muskoka Algonquin Healthcare is insufficient to meet the growing demand for service in the communities of Muskoka–East Parry Sound; and

“Whereas budget pressures could jeopardize continued operation of the Burk’s Falls health centre;

“Now therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the McGuinty government and Minister of Health provide adequate increases in the operating budget of Muskoka Algonquin Healthcare to maintain current health services, including those provided by the Burk’s Falls health centre.”

I support this petition.

### COMMUNITY SAFETY

**Mr. Yasir Naqvi:** I’m very proud to present a petition from my riding of Ottawa Centre.

“To the Legislative Assembly of Ontario:

“Whereas crack houses, brothels and other persistent problem properties undermine a neighbourhood by generating public disorder, fear and insecurity; and

“Whereas current solutions—enforcement measures based on current criminal, civil and bylaws—are slow, expensive, cumbersome and not always successful; and

“Whereas safer communities and neighbourhoods (SCAN) legislation is provincial, civil law which counters the negative impact on neighbourhoods of entrenched drug, prostitution or illegal liquor sales based out of homes and businesses and is being successfully utilized in Manitoba, Saskatchewan, Nova Scotia and the Yukon; and

“Whereas the following have endorsed SCAN legislation: city of Ottawa, city of Kingston, city of Hamilton, federation of Ontario municipalities, Ottawa Police Service, Ottawa Police Services Board, Ottawa Centre MPP Yasir Naqvi, Ottawa Neighbourhood Watch executive committee, Concerned Citizens for Safer Neighbourhoods, Eastern Ontario Landlord Organization ... Somerset Street Chinatown BIA, Boys and Girls Club of Ottawa and the Dalhousie Community Association;

“Be it resolved that we, the undersigned, urge the province of Ontario to enact safer communities and neighbourhoods (SCAN) legislation in Ontario, for the benefit of our neighbourhoods and communities.”

I agree with this petition and affix my signature and send it by way of page Lindsay to the table.

### MOTORCYCLE SAFETY

**Mr. Bill Murdoch:** I have another petition.

“To the Legislative Assembly of Ontario:

“Whereas to impose a total ban on an activity or sport under the guise of protecting the public from injury as presented by MPP Helena Jaczek in Bill 117 to amend the Highway Traffic Act, section 38.1, ‘No person shall

drive or operate a motorcycle on a highway if another person under the age of 14 years is a passenger on the motorcycle,’ would be an injustice to us, the people of Ontario; and

“Whereas the restrictive aspects of this proposal far outweigh the minor risks associated and confirmed by the annual Ministry of Transportation statistical safety reports, and further, there is no clear distinction that ‘motorcycle-related injuries’ apply to Ontario streets or highways, as stated in defence of Bill 117;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Request that Bill 117 be rejected and not become law.”

I have signed this.

### PROTECTION FOR WORKERS

**Mr. Mike Colle:** The petition I have is brought to me from the good people of the wonderful city of Brampton, and it’s in support of our vulnerable caregivers.

“To the Legislative Assembly of Ontario:

“Whereas a number of ... caregiver recruitment agencies have exploited vulnerable foreign” caregiver “workers; and

“Whereas” caregivers “are subject to illegal fees and abuse at the hands of some of these unscrupulous recruiters; and

“Whereas the federal government in Ottawa has failed to protect” caregivers “from these abuses; and

“Whereas, in Ontario, the former Conservative government deregulated and eliminated protection for foreign workers; and

“Whereas a great number of ... caregivers perform outstanding and difficult tasks on a daily basis in their work, with limited protection;

“We, the undersigned, support ... the Caregiver and Foreign Worker Recruitment and Protection Act, 2009, and urge its speedy passage into law.”

I support the people of Brampton, and I support this petition and affix my name to it.

1540

### TAXATION

**Mr. Jim Wilson:** I want to thank Peter and Lucienne Weeks from the Blue Mountains for sending me this petition.

“Whereas the hard-working residents of Simcoe–Grey do not want a harmonized sales tax (HST) that will raise the cost of goods and services they use every day; and

“Whereas the 13% blended sales tax will cause everyone to pay more for, to name just a few, gasoline for their cars, heat, telephone, cable and Internet services for their homes, house sales over \$400,000, fast food under \$4, electricity, newspapers, magazines, stamps, theatre admissions, footwear less than \$30, home renovations, gym fees, audio books for the blind, funeral services, snowplowing, air conditioning repairs, commercial property

rentals, real estate commissions, dry cleaning, car washes, manicures, Energy Star appliances, vet bills, bus fares, golf fees, arena ice rentals, moving vans, grass cutting, furnace repairs, domestic air travel, train fares, tobacco, bicycles and legal services; and

“Whereas the blended sales tax will affect everyone in the province: seniors, students, families and low-income Ontarians;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the McGuinty Liberal government not increase taxes for Ontario consumers.”

I agree with this petition and I’ve signed it.

#### CEMETERIES

**Mr. Jim Brownell:** I have a petition to the Legislative Assembly of Ontario.

“Whereas Ontario’s cemeteries are an important part of our cultural heritage, and Ontario’s inactive cemeteries are constantly at risk of closure and removal; and

“Ontario’s cemeteries are an irreplaceable part of the province’s cultural heritage;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario.”

As I agree with this petition, I shall sign it and send it to the clerks’ table.

#### CHILD PROTECTION

**Mr. Bill Murdoch:** “To the Legislative Assembly of Ontario:

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Whereas Ontario is one of the few provinces that does not have independent oversight of child welfare administration; and

“Whereas eight provinces now have independent oversight of child welfare issues, including child protection; and

“Whereas all provincial Ombudsmen first identified child protection as a priority issue in 1986 and still Ontario does not allow the Ombudsman to investigate people’s complaints about children’s aid societies’ decisions; and

“Whereas people wronged by CAS decisions concerning placement, access, custody or care are not allowed to appeal those decisions to the Ontario Ombudsman’s office;

“Therefore, be it resolved that we support the Ombudsman having the power to probe decisions and investigate complaints concerning the province’s children’s aid societies (CAS).”

I’ve signed this.

#### HOSPITAL FUNDING

**Mr. Bob Delaney:** I have a petition to the Ontario Legislative Assembly. I especially would like to thank Teresa Wright of Erin Mills for having coordinated the signatures. It reads as follows:

“Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the ongoing capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could be performed in an off-site facility. An ambulatory surgery centre would greatly increase the ability of surgeons to perform more procedures, reduce wait times for patients and free up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ministry of Health and Long-Term Care allocate funds in its 2009-10 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

I wholeheartedly support this petition. I’ll affix my signature and ask page Kenzie to carry it for me.

#### SALES TAX

**Mr. Norm Miller:** I have a petition I received from Bray Motors in sunny Sundridge. It reads:

“To the Legislative Assembly of Ontario:

“Whereas the auto industry in Ontario and throughout North America is experiencing a major restructuring; and

“Whereas the current economic crisis is affecting the auto manufacturers and the front-line dealerships throughout Ontario; and

“Whereas many potential automobile purchasers are having difficulty accessing credit even at current prices; and

“Whereas a three-month tax holiday of the PST on the purchase of new cars and trucks would stimulate auto sales;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario implement a three-month PST tax holiday on new vehicle purchases and that the Ontario Minister of Finance include this PST holiday in the next provincial budget.”

#### CEMETERIES

**Mr. Jim Brownell:** I have a petition to the Legislative Assembly of Ontario.

“Whereas Ontario’s cemeteries are an important part of our cultural heritage, and Ontario’s inactive cemeteries are constantly at risk of closure and removal”—

*Interjection.*

**Mr. Jim Brownell:** Many people are sending them—“and

“Ontario’s cemeteries are an irreplaceable part of the province’s cultural heritage;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario.”

I’ll sign this and send it to the clerks’ table.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for petitions.

## ORDERS OF THE DAY

### EMPLOYMENT STANDARDS AMENDMENT ACT (TEMPORARY HELP AGENCIES), 2009

#### LOI DE 2009 MODIFIANT LA LOI SUR LES NORMES D’EMPLOI (AGENCES DE PLACEMENT TEMPORAIRE)

Resuming the debate adjourned on April 23, 2009, on the motion for third reading of Bill 139, An Act to amend the Employment Standards Act, 2000 in relation to temporary help agencies and certain other matters / *Projet de loi 139, Loi modifiant la Loi de 2000 sur les normes d’emploi en ce qui concerne les agences de placement temporaire et certaines autres questions.*

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

**M. Gilles Bisson:** Merci beaucoup, monsieur le Président, de l’occasion dans ce discours de discuter un peu de ce que le gouvernement propose dans ce projet de loi faisant affaire avec les changements à la loi de travail qui va donner certains droits aux travailleurs qui travaillent pour les agences temporaires.

Je veux dire, premièrement, qu’on trouve de plus en plus que les projets de loi dans cette place sont un peu, comment dire, moitié-moitié, comme on dit en français—c’est un beau mot qu’on peut utiliser—dans le sens que le gouvernement dit qu’il veut faire une belle affaire pour être capable de protéger les travailleurs, et il y a certaines provisions dans le projet de loi, oui, pour donner certaines protections aux travailleurs de la province qui travaillent dans des agences temporaires. Mais si on regarde les détails dans ce projet de loi, il n’est pas nécessairement que les travailleurs dans cette province vont être capables de courir dans la rue la journée que le

projet de loi est passé pour dire, « Regardez la grosse victoire ».

I want to say that I’m not taking the lead, by the way. I notice you’ve got me taking the lead.

**The Acting Speaker (Mr. Ted Arnott):** You’re the leadoff speaker, so what you would have to do is seek unanimous consent of the House to have the lead stood down, if you wish to do that.

**Mr. Gilles Bisson:** After one minute and 10 seconds, I would like to stand down the lead, with unanimous consent.

**The Acting Speaker (Mr. Ted Arnott):** The member is seeking unanimous consent to stand down the lead for his party. Agreed? Agreed.

I’ll return to the member for Timmins–James Bay.

**Mr. Gilles Bisson:** But, Mr. Speaker, if you had been listening to me, that’s what I did say when I was speaking in French.

Just joking. I stole that line.

**The Acting Speaker (Mr. Ted Arnott):** No, you did not, but thanks anyway.

**Mr. Gilles Bisson:** It was only in jest. I thought that every now and then you can plagiarize a good line if you hear it, as long as you give credit to who gave it to you. Anyway, sorry. That really threw me off.

Comme je disais, les travailleurs de la province de l’Ontario ne vont pas exactement courir dans la rue la journée que ce projet de loi est passé en vigueur dans cette Assemblée. Les travailleurs vont apprendre que, sérieusement, il y a certaines déficiences dans ce projet de loi qui ne donnent pas nécessairement les protections aux travailleurs dans ces agences qu’on penserait qu’ils auraient voulu donner dans la première place.

Je veux donner une expérience que moi, j’ai passé à travers, parce qu’on a vu ce qui s’est passé avec les agences temporaires sur une période d’une vingtaine ou d’une trentaine d’années. On sait que ça ne fait pas longtemps que dans la province de l’Ontario les agences temporaires n’étaient pas des institutions telles qu’on voit aujourd’hui. C’était quelque chose un peu particulier. S’il y avait un travail très spécial, s’il y avait une situation un peu différente, il y avait une certaine agence qui donnerait au secteur privé ou au secteur public des travailleurs à la pige quand nécessaire pour des durées de temps très courtes. Mais on voit à cette heure, comparé à 30 ans passés, que c’est devenu plus la norme dans notre économie. Au lieu de voir les agences temporaires donner l’ouvrage à la pige aux individus pour venir travailler dans nos industries et au gouvernement, on voit que c’est plus la norme. En d’autres mots, cela a beaucoup accéléré, et je pense que le long et le court de l’histoire, c’est que pour beaucoup de travailleurs qui pourraient travailler à la permanence pour un employeur, avoir des bénéfices, être membre d’un syndicat, etc., ça a beaucoup diminué et leurs droits sont beaucoup diminués. On a vraiment vu une accélération à cette pratique d’utiliser les agences temporaires dans la province de l’Ontario.

**1550**

On va voir, par exemple—moi, je viens de l'industrie minière. J'en ai justement parlé hier, ici à l'Assemblée. J'ai fait beaucoup de mon temps à travailler comme électricien sous-terrain puis dans des moulins comme électricien dans les mines dans le nord de l'Ontario. Dans les années 1970 et 1980 même, on ne voyait pas bien souvent, il n'y avait pas beaucoup d'occasions, où les employeurs de ces mines, soit Noranda, Kidd Creek, Inco et ces compagnies-là, utilisaient des travailleurs à la pigo. D'habitude, si on avait besoin de travailleurs, on en engageait pour venir travailler. Même dans notre instance d'un employeur où je travaillais, on va l'appeler Moore, on avait dans notre convention collective quelque chose qui s'appelait un employé temporaire qui était défini, qui disait que, si l'employeur a besoin que quelqu'un vienne travailler sur un projet spécial, il y avait du langage dans la convention collective qui disait : « Tu peux seulement le faire pour une période de 90 jours ». Si c'était plus de 90 jours, là tu avais besoin d'engager quelqu'un à la permanence, et ça faisait partie d'une convention collective qui donnait aux travailleurs une certaine protection.

Mais les employeurs de la journée ont dit : « Écoute. » Ils pensaient un peu à voir comment pouvoir contourner les conventions collectives, comment être capable de contourner le droit des travailleurs. On commençait à penser : « Peut-être ce qu'on peut faire, où possible, pas nécessairement là où il y a de bonnes conventions collectives mais spécialement dans les nouvelles mines qui ont été développées dans le temps : on veut utiliser des contracteurs qui eux autres vont rentrer puis faire l'ouvrage qui est normalement fait par les employés à la permanence dans ces industries. »

Donc on a vu, depuis les années 1970 et 1980, qu'une grosse majorité à cette heure des travaux dans les nouvelles mines qui se développent aujourd'hui sont faits avec des contracteurs. En d'autres mots, c'est beaucoup plus difficile pour un employé de négocier une entente, une convention collective, ou même de former un syndicat, parce que les employeurs ont finalement décidé qu'à la place d'engager le monde à la permanence pour la compagnie elle-même, ils vont engager les travailleurs, eux autres même, à travers des agences temporaires qui vont faire beaucoup d'ouvrage.

Si on regarde, par exemple, il y a beaucoup d'instances à cette heure dans l'industrie minière à travers le nord de l'Ontario où les nouvelles mines qui ont été ouvertes n'utilisent plus les travailleurs à la permanence dans leur compagnie. Je regarde, par exemple, le projet Montcalm. Le projet Montcalm, au sud de la ville de Timmins, a une centaine de personnes qui travaillent là. Pour la plupart, ce ne sont plus des employés à la compagnie. La plupart d'entre eux sont des travailleurs qui travaillent pour des contracteurs. Cela veut dire que si les travailleurs commencent à s'organiser et disent : « Nous autres, on va avoir les meilleurs bénéfices », soit par gages ou bénéfices pour avoir travaillé dans cette place, cela veut dire que c'est plus difficile à faire parce qu'il faut négocier ça avec le contracteur. L'employeur,

la personne à qui la mine appartient, dit : « Écoute, s'il y a trop de problèmes syndicaux dans notre coin, on va aller chercher un autre contracteur ». Donc, cela a vraiment détourné le droit des travailleurs de s'organiser avec un syndicat pour l'employeur. Puis je pense qu'à long terme pour l'économie ce n'est pas une bonne affaire.

Par exemple, si on a 100 travailleurs qui travaillent dans un plant quelque part en Ontario et eux autres travaillent pour la compagnie à la permanence, cela veut dire qu'il y a la chance de négocier une convention collective. Cette convention collective va dire que beaucoup plus de l'argent qui est payé pour l'ouvrage fait pour cet employeur va aller directement dans la poche du travailleur ou de la travailleuse. Dans ce point-là, cela veut dire que cet argent-là va être recyclé dans l'économie, et cela veut dire plus d'argent pour acheter les produits qu'on vend dans les municipalités pour acheter des maisons, etc. Si on a des contracteurs, cela veut dire que plus d'argent à la pigo va aller à la compagnie au lieu d'aller directement au travailleur, ce qui veut dire que le travailleur, à la fin de la journée, va travailler pour moins, et ne va certainement pas avoir autant de bénéfices qu'il aurait eus s'il travaillait pour la compagnie.

Donc, le point que je fais : je regarde ce qui est arrivé dans l'industrie minière pour toutes ces années-là, et cela a beaucoup changé la manière dont le travail est fait dans cette industrie. A la fin de la journée, est-ce qu'on est bien servi ? Moi je dis, pas nécessairement. Je pense qu'il y a un point où, s'il y a une permanence à l'ouvrage, tu as besoin d'avoir une permanence à l'emploi. En d'autres mots, si l'employeur est en train de bâtir, on va dire, quelque chose en construction mais tu sais que c'est un point défini—c'est six mois, c'est huit mois, c'est un an, c'est 14 mois—là ça fait du bon sens qu'un contracteur rentre et qu'il fasse beaucoup d'ouvrage.

Mais quand c'est un job permanent, un job à la production qui va être là pour cinq, 10, 15, 20, 25 ou 30 ans, pourquoi donner cet ouvrage-là à quelqu'un à travers une agence temporaire ? Donc, moi, je le regarde et je dis à moi-même : « Est-ce cette pratique, avec cette loi, va être changée ? » La réponse est non. Tout ce qu'on fait dans ce projet de loi, c'est donner certains droits aux travailleurs qui travaillent pour ces agences temporaires, et on ne fait franchement rien pour protéger le concept de l'ouvrage.

Cette province était bâtie sur une certaine morale où le monde qui est venu ici en Ontario et au Canada des différents pays du monde a dit : « Je viens de l'Italie », « Je viens de la Pologne », « Je viens de l'Allemagne », « Je viens des Indes », de différentes parties du monde, « et si je travaille fort, je vais être capable de me joindre au succès qui est l'Ontario et le Canada. »

Je pense que, quand on a beaucoup plus d'agences temporaires, ça veut dire à ces travailleurs-là : « Vous pouvez continuer à travailler très fort », mais c'est quoi le retour qu'ils vont avoir dans notre société ?

Donc, il faut se demander, c'est pour qui, l'économie ? Est-ce que l'économie est là pour nous, ou l'économie

est-elle seulement là pour les entrepreneurs ? Oui, on a besoin des entrepreneurs. Oui, on a besoin du monde qui va gérer et penser à comment développer de nouveaux produits pour bâtir une économie et donner des opportunités économiques non seulement à l'entrepreneur mais, je dirais, à tous ceux qui sont affectés par la décision de cet entrepreneur. Si on a des lois dans la province de l'Ontario, comme au Canada et ailleurs, qui disent que l'entrepreneur peut détourner les droits des travailleurs et dire que les travailleurs peuvent être payés moins pour leurs travaux, est-ce que c'est vraiment une situation qu'on doit, nous dans la province, accepter ? Mois, je dis non. Je pense qu'à la fin de la journée, il faut reconnaître que les travailleurs, eux autres aussi, ont une partie dans cette économie. Un bon entrepreneur, une bonne entreprise, ne peut pas faire le succès sans avoir des employés qui sont dédiés à l'ouvrage que fait cette compagnie-là, et dédiés à l'ouvrage qu'ils ont besoin de faire, comme leur part, pour mener cette entreprise, soit à travers des travaux des journaliers ou des entrepreneurs eux autres mêmes qui ont la gérance de la compagnie.

Pourquoi seulement un secteur de la population peut-il partager les retombées économiques de cette entreprise ? Donc, je dis encore que ce projet de loi ne va pas arrêter ces pratiques-là, et à la fin de la journée, est-ce le monde est bien servi dans cette province avec cette situation-là ?

Est-ce que les travailleurs dans ces entreprises, à la fin de la journée, vont être protégés quand ils perdent leur emploi ? Présentement, si je travaille pour une entreprise et que je suis là pour plus de trois mois et finalement l'employeur, après un an ou deux ans, dit : « Je n'ai plus besoin de vos services », il y a certains droits que tu dois m'accorder comme employé. Tu as besoin de faire ça, de payer mes vacances et aussi de payer mes severances en partant de la compagnie. Mais présentement, si tu travailles pour une agence temporaire, ce n'est pas le cas. L'employeur, parce que tu es défini comme temporaire sous la loi, a le droit de dire : « Bye-bye. Prends ton kit. Vas t'en. À la fin de la journée, je n'ai pas besoin de payer tes vacances ou de payer tes severances » parce que les vacances, d'habitude, sont payées chaque semaine, un surplus qu'on donne sur le salaire lui-même.

Donc, est-ce que ces travailleurs-là vont avoir ces protections sous cette nouvelle loi ? Pas nécessairement. Oui, il y a certains travailleurs qui vont être protégés, mais ce n'est pas une protection qui est aussi claire que nécessaire pour tous les travailleurs dans un tel projet de loi.

L'autre grosse question qu'il faut se demander, c'est quels droits les travailleurs vont avoir sous ce projet de loi, comparés aux lois existantes de la province de l'Ontario pour tout autre travailleur. Présentement, si je travaille en Ontario, j'ai le droit à certaines protections sous les lois minimales du ministère du Travail. Si je suis un employé temporaire, ce n'est pas nécessairement le cas que je vais avoir exactement les mêmes protections sous les différentes lois du ministère du Travail, « Employment Standards Act » et d'autres projets de loi. Donc, est-ce que ces travailleurs, une fois que ce projet

de loi est passé, vont avoir, eux autres, les mêmes protections que les travailleurs permanents présentement ? La réponse est non. Les travailleurs ne vont pas avoir les mêmes protections que les travailleurs à la permanence qui travaillent pour d'autres compagnies en Ontario. Donc, il faut se poser la question : est-ce que les travailleurs sont égaux ? Pour une personne qui travaille dans la province de l'Ontario, doit-on avoir deux standards : un standard pour une classe de travailleurs ou ouvriers qui travaillent avec une agence temporaire et une classe pour les travailleurs qui travaillent pour un employeur permanent ? Moi, je dis non. On doit tous avoir les mêmes droits. On est travailleurs, c'est ça la clé. Les entrepreneurs, eux autres, ont tous les mêmes droits. Oui, il y a un risque à être entrepreneur, ça, je le comprends très bien, mais on a besoin des entrepreneurs pour faire ce qu'ils ont à faire dans l'économie. Ce n'est pas pour dire que c'est du monde méchant. Mais les entrepreneurs, sont gérés par toutes les mêmes lois, et tous les entrepreneurs au-dessous des lois provinciales ont les mêmes protections et ont les mêmes droits à la cour et à d'autres protections qu'on trouve dans la loi existante de la province de l'Ontario et du Canada.

#### 1600

Mais ce n'est pas le cas pour les travailleurs. Dépendamment de la classe de travailleur, des protections ne sont pas les mêmes. Je demande aux députés ici aujourd'hui, une fois que ce projet de loi est tout fini et passé, est-ce qu'on va encore avoir des travailleurs à deux vitesses ou des travailleurs de deuxième classe ici dans la province de l'Ontario ? Et la réponse est oui parce que, autour de ce projet de loi, on verra encore continuer la discrimination des travailleurs et des employés temporaires, les employés d'agences temporaires avec des lois qui sont plus minimales que les lois qui sont acceptées pour les travailleurs à la permanence ?

Donc c'est clair que oui, ce projet de loi va une certaine distance pour donner des protections aux travailleurs, mais ce n'est pas pour dire qu'ils vont avoir plus de protections sous ce projet de loi. Ils vont avoir plus de protections, il n'y a aucune question là-dedans, mais ils ne vont pas être égaux à tous les autres travailleurs dans la province de l'Ontario. Je penserais que, comme Assemblée législative—aucune différence, à n'importe quel parti on appartient—on voudrait voir les travailleurs traités de la même manière sous la loi provinciale. N'importe quelle sorte de travailleur que tu es, si tu es un travailleur à la permanence ou un travailleur temporaire, tu dois avoir les mêmes droits en-dessous de la loi provinciale, et c'est clair qu'en-dessous de cette loi on ne va pas l'avoir.

L'autre question devient, avec les vacances qu'on a telles que Noël, le Jour de l'An, la Fête du Canada etc : présentement, si je suis employé à permanence et que je suis avec cet employeur plus de, je pense, 30 jours sous la loi présente, j'ai droit à toutes mes vacances statutaires. Il y a 10 ou 11—c'est 12, hein ? C'est 12 jours de vacances obligatoires auxquels tu as droit présentement sous la loi ontarienne. Si je suis un employé avec une

agence temporaire, il y a des situations où je ne vais pas avoir accès à ces mêmes vacances. Je demande encore la question : comme législature, est-ce qu'on veut s'assurer que tous les travailleurs ont les mêmes protections et les mêmes bénéfiques que les autres travailleurs, ce qui sont les standards minimales qu'on donne dans les lois du ministère du Travail dans la province de l'Ontario?

Monsieur le Président, j'imagine que vous, comme moi et les autres députés de cette assemblée, allez dire : « Mais oui, les travailleurs sont égaux. Si les entrepreneurs ont tous les mêmes droits, on doit accorder les mêmes droits aux travailleurs ». C'est seulement quelque chose qui fait du bon sens. Ce n'est pas quelque chose de vraiment radical. Mais quand on regarde présentement la pratique, on sait que les travailleurs qui travaillent non à la permanence mais pour les agences temporaires n'ont pas les mêmes protections sous la loi présente. Quand je regarde le projet de loi, ça va être encore la même situation.

Je vous demande, c'est quoi qu'on essaie de faire ici? C'est quoi que le gouvernement essaie de faire? Je vais vous dire mon impression, puis c'est mon opinion : le gouvernement a toujours l'occasion et veut toujours être vu comme : « Ah, monsieur McGuinty, le gouvernement libéral : on est donc beau. Regardez les belles affaires qu'on fait pour le monde de la province de l'Ontario ». Les députés libéraux provinciaux puis le premier ministre puis le cabinet peuvent se promener autour de la province en disant : « Regardez. On traite les travailleurs si bien. On a un projet de loi qui est là pour protéger les travailleurs qui travaillent pour les agences temporaires ». Et les travailleurs, eux autres, parce qu'ils n'ont pas tous les détails puis ils n'ont pas le temps non plus pour être capables de lire tous ces projets de loi, disent : « Ah, mais c'est beau. Mon Dieu. Wow. C'est tout quelque chose. Quelqu'un veut me protéger. Peut-être que c'est un bon gars, ce gars-là, après tout. Peut-être qu'il augmente mes taxes, mais il me donne des protections sur l'autre bord ». Mais je vous demande, si vous êtes travailleur dans une agence temporaire, de prendre l'occasion de lire le projet de loi, et vous allez voir que M. McGuinty a de belles paroles, mais quand ça vient aux protections que tu dois avoir sous la loi, tu n'as pas les mêmes protections que tu aurais si tu étais un travailleur à la permanence pour une entreprise. Donc, cela devient un choix : cette Assemblée peut décider dans ce débat, et une fois qu'on a fini au comité et finalement la troisième lecture, soit de protéger les travailleurs temporaires soit de ne pas les protéger.

Moi, je dis que ce projet de loi ne protège pas les travailleurs d'une manière où on pourrait être satisfaits comme néo-démocrates. Moi, ce que je veux voir c'est que si on passe un tel projet de loi, qu'on donne à tous les travailleurs dans cette province les mêmes droits. Je répète encore : les entrepreneurs de la province de l'Ontario sont gérés par toutes les mêmes lois. Il n'y a pas un entrepreneur qui a comme différence ce à quoi il a accès quand ça vient aux lois pour les protéger ou ne pas les protéger, dépendant de quelle manière tu le regardes.

Mais la question devient qu'ils sont tous les mêmes : les entrepreneurs sont tous traités de la même manière sous la loi; ils sont tous traités de la même manière, avec les lois.

Mais quand ça vient aux travailleurs, eux autres ne sont pas protégés de la même manière. On a deux classes de citoyens : on a les travailleurs à la permanence et on a les travailleurs qui sont dans les agences temporaires. C'est le cas avant ce projet de loi; je dis que ça va être le même cas après ce projet de loi. Je demande au gouvernement, quand ils écoutent ce débat et veulent regarder quoi faire à la deuxième lecture, de faire les amendements qui vont être nécessaires pour assurer que tous les travailleurs de la province de l'Ontario soient traités d'une manière égale et traités avec du respect et de la dignité dans cette province, et non pas comme deux classes de citoyens.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Khalil Ramal:** I was listening to the member from Timmins-James Bay speak about third reading of Bill 139. I know he spoke about many different elements of protection for workers in the province of Ontario, and I know he is not satisfied in the end, after the third reading, with what we introduced in this House. But I want to tell the member that it's important to address all these issues and talk about them in detail. We have to create a balanced approach.

As you know, in this bill—I guess I'm going to, in 10 minutes, speak for a long time to explain my position, how I understand the bill and how we can strengthen the Employment Standards Act in Ontario in order to protect workers in this province. I know the member spoke about how we can protect the workers who go to work on the assumption they're going to have a job and a vacation, and all of a sudden they lose all this stuff without any protections. But as a matter of fact, this bill will protect those workers who want to work through a temporary agency. That's why the Minister of Labour introduced this bill and that's why our government introduced this bill: to create some kind of protection for people who go through temporary agencies in this province.

I think it's important to create a balance. It's important for the government to interfere and create that protection for people who we believe are vulnerable, especially for newcomers and new immigrants who don't understand the laws. There are many different good elements of protection in this bill for people who want to work in this province through employment agencies.

So hopefully I'll get 10 minutes, in a few minutes, to speak in detail about my position and explain our thoughts as a government on this piece of legislation.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Robert Bailey:** It's a pleasure to be able to comment on the remarks for the member for Timmins-Thunder Bay, and—

**Mr. Michael Prue:** That's a big riding.

**Mr. Robert Bailey:** That's a big riding, is it? Did I get the right—

**Mr. Gilles Bisson:** James Bay.

**Mr. Robert Bailey:** James Bay. Sorry.

**Mr. Michael Prue:** Thunder Bay is on the other side.

**Mr. Robert Bailey:** I don't know my geography that well, I guess. I'll admit to that.

Anyway, I found the comments very interesting, and I'm going to speak a little later about our side of the House's take on the bill.

I sat through the committee hearings and was interested to hear the submissions from employer groups, employees who came in and spoke, and many employee groups. People came in and spoke about the need for temporary agencies and how a number of them went from temporary placements to permanent employment. A number of agencies came in and spoke about the need that their agencies will fill when the economy does recover, down the road: A number of employers will look to temporary agencies for employees to fill that gap as they move forward. We had a number of larger companies and a number of smaller businesses. One thing that did come through was that a number of the temporary employee agencies felt that they were being portrayed in the worst light and said they were horrified at the process. They were being made out to be some type of villain. Acknowledging that there may be a number of bad apples in the industry, no one wanted to see those people dealt with any more than them, because it gave the whole business a bad feeling.

I look forward to speaking as well in further remarks as my time comes up.

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**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Michael Prue:** It was a pleasure to listen to my colleague from Timmins–James Bay and the way he spoke so eloquently. I had not heard a debate on this topic ever in French, and to listen to how he brought it forward, how he talked about his own experience, how he talked about the mines, how he talked about Kidd Creek and all of those things, brought it all together, but the nub of what he had to say was that this legislation will continue to allow for a second-class status to people who work through temporary agencies, and I think that is the failure of the legislation. It acknowledges and continues second-class status for a group of people, a great number of people, including those who work in temporary care, and that will continue to exist.

What my colleague from Timmins–James Bay had to say that was he was not satisfied, and he is correct. We should not be satisfied that in this great province of Ontario there are two levels of citizens: those who have permanent jobs that pay decent wages and benefits, and those who work through a temporary agency—usually through no fault of their own—who have somewhat less protection.

He said it very well, and I commend him for what he had to say in terms of the legislation itself. As a New Democrat, of course, he is probably a little worried about this, too. What do we say? Do we think this is a good

bill? Obviously not. Is it a step forward in a few small regards to some people? Yes, it is. There are aspects of the bill that are correct. There are aspects of the bill we must support, but in the end it is a lot about nothing to people who are looking to us for some real huge support and unfortunately will not find it within the body of this bill.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Vic Dhillon:** I want to thank everyone who spoke on this issue. All we're trying to do is make the lives of people who work under temporary agencies better, and I think this bill has done precisely that. I just want to outline some of the aspects that are enshrined in this bill.

Temporary agencies—we need the good ones. We've had presentations from many great temp agencies who do just wonderful work in terms of placing people in permanent jobs in a well-coordinated and respectful way. What we're not in favour of is these fly-by-night temp agencies who abuse the sometimes new immigrants and visible minorities.

One of the aspects of this bill is that temp agencies will no longer be allowed to charge temporary-to-permanent fees. I've already been hearing from many of my constituents and from people all over Ontario that there's a huge markup between what client companies pay temp agencies and what workers receive. So this is one very good step in terms of putting more money into the pockets of temporary workers.

Also, there will not be fees for services such as resumé writing or interview preparation. Often these are just frivolous, made-up fees that again drastically reduce the amount of money that people earn sometimes in very onerous, labour-intensive positions.

Also, one other element is the anti-reprisal side of this bill. If someone complains, they will not be punished, and they can bring their complaints forward without any reprisal being taken.

**The Acting Speaker (Mr. Ted Arnott):** The member for Timmins–James Bay has two minutes to respond.

**Mr. Gilles Bisson:** I've got to make the point that this is all about incrementalism. If you believe in incrementalism, you have a party, and it's called the Liberal Party. They will give you what you want to hear when it comes to the great words, but when it comes to moving the agenda forward, it really is about incrementalism, and the sense is that you're not going to get to where you want to go in the timely fashion that you wish.

This bill—let's be clear: Once it's passed, there will still be two classes of workers, period. You will still have workers in this province who work for a permanent employer who will have greater protection under the law than a worker who works and does the same job for less money in a temporary agency. That's the test.

What I'm saying is this: Is this bill totally bad? Obviously not. It does move the yardstick forward. It is a step forward. I'm not going to say everything in this bill is a step back and is terrible. It tries to deal with an issue, but it doesn't bring us to where we need to be.

The argument that I put forward is this: When it comes to entrepreneurs in this province, they all play by the same rules. They're covered by the same laws of Ontario and the same laws of Canada. They may like those laws or they may dislike those laws—in many cases they don't like them at all—but they're all subject to the same laws. No matter what happens with the entrepreneur, he or she, who goes and invests to start up a business—they play by the same rules.

Workers in this province, under this bill, will not have the same protections. You will have two classes of workers: those who work for a permanent employer, who have the full weight of the Employment Standards Act and the Employment Relations Act to give them the protection that they need at a time when an employer decides to do something that is not exactly the right thing to do towards the employee; and you will have those employees who work for temporary agencies, who, yes, will have better protection than they had before—but they will still be treated as two classes of citizens. Why should we stand for that in this Legislature?

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

**Mr. Khalil Ramal:** I'm privileged and honoured to stand up and speak in support of Bill 139, An Act to amend the Employment Standards Act, 2000 in relation to temporary help agencies and certain other matters.

This is an important step towards a brighter future for the workers of this province. I still remember when my colleague from Brampton West brought this issue forward to this House as a private member's bill a few years ago. He spoke about temporary agencies. He spoke about the bad ones, he spoke about the good ones, he spoke about the need for temporary agencies, and he spoke about the importance of regulation in this industry, because this industry wasn't regulated.

As you know, temporary agencies in this province were created as a result of a need for temporary workers, whether a company needed people for five days, 10 days, a week or a month. Those temporary agencies came to supply the demand being created by many successful companies across the province of Ontario. As you know, sometimes a company or an agency needs people because they're short of workers—somebody is sick, somebody is on maternity leave, somebody is on sick leave—for whatever reason. Those temporary agencies were created to fill those demands and supply those companies to continue work on a regular basis.

As we grow, as our economy grows on a daily basis, those temporary agencies also grow alongside those companies and those factories that are spread out throughout this beautiful province. Those agencies work very hard to supply those companies, to supply the demand which is being created on a daily basis in this province.

But some of those temporary agencies abused the system and took advantage of the vulnerable people who were looking for jobs badly.

I'll give you an example. I remember listening to the Minister of Labour speaking a couple of days ago about

his experience. When he was a young guy, he read an article in a paper, an advertisement for a person who can make up to \$20. When you talk about 20 years ago, \$20 per hour was a lot of money back then. But when he went, he discovered a lot of different things. False advertisement—they told him he can get this and this and this if he does one, two, three, four. He went and did whatever they asked him to do, but in fact it wasn't correct information. That's why he left or was forced to leave without any payment.

Also, many people want to find a job to feed their families—many newcomers who come from different parts of the globe. They don't understand the regulations and the rules in this land. They want to just focus on finding money to feed their families. They go wherever, they do whatever, in order to create some kind of protection and to feed their families.

**1620**

So what happened? Those temporary agencies used to take advantage of them because there were no rules, no protections. According to the laws and rules in this province, there was no reason for them to provide new workers with any information concerning the job or how much they would get, about the vacations. As the member for Timmins-James Bay mentioned, there are two classes. People who do the same job, get vacation pay, they get a certain amount of money, but the other person, who works through the temporary agency, gets less money, no vacation and no protection. Also, as a matter of fact, many of those temporary agencies used to ask for fees: "If you're going to work for us, we'll allow you to work, but you have to pay \$500 as a tipping fee to allow you to enter the job. Then, if you perform well, we might give you back that money." So many companies created wealth through their careers by asking new workers, through the temporary agency, to pay a certain fee. All these accumulated fees created some kind of wealth for those companies. There was no protection for that reason.

But what happened, through this bill—if this bill is passed—we heard from many different people who came before the committee and spoke clearly and loudly about the importance of creating a law in this province to protect the workers. We listened to the Conservative Party many different times. They don't agree with that. They want no regulations, no rules. They want to apply the open market; the market would dictate the rules and regulations. But our duty and our responsibility as people elected in this province is to protect the workers, to protect vulnerable people. We believe strongly as a government, as a Ministry of Labour, in protecting workers in this province, in creating fair grounds for everyone, an even, level field for everyone, in creating an opportunity for the people who want to work, who want to pay back this province, who want to work and to provide support for their families and not to be used and abused through a system in this province. That's why the Minister of Labour came with an aggressive bill to create that balance.

So many different temporary agencies do an excellent job in the province of Ontario. They provide a service

and they deserve respect and protection. They do it because they believe strongly they have a role to play in this economy. But on the other side, there are so many different people who come to the marketplace to take advantage of vulnerable people. That's why this bill creates that balance, creates the protections. I think it's important for all the people who want to work to know the rules and regulations before they go to work, before they start working, because they might have understood it differently; they might not know exactly what that job required. We don't want to get anyone in trouble. Therefore, if this bill passes, it will require the temporary agency to provide all the workers with all the information needed about the nature of the job, and also prohibit any temporary agency from applying any fee to anyone, and also make sure all the people working through that temporary agency get their vacation pay, get a similar salary with no discrimination against anyone. Despite the member for Timmins–James Bay, this bill will create a balance. It doesn't create two classes of workers. As a matter of fact, it creates a level field for all the people who want to work in the province of Ontario.

Do we need those temporary agencies? As I mentioned at the beginning, yes, we need them. As I mentioned at the beginning, those temporary agencies play a pivotal role in our economy, in our communities, in our cities and towns. Sometimes people don't need full-time jobs. They want to fill some kind of job for a couple of days, a couple of hours, whatever. So that's why they're needed. But our duty and obligation as a government is to create that balanced approach, to protect the people who want to work in this province. I believe that by creating that balance, this bill will achieve the goal and achieve a level of understanding between the temporary agencies and the new workers, and it will create some kind of protection mechanism for the people who want to work through those temporary agencies to get their holiday pay, to get the same salary as other people, to know exactly what the job is all about. All this adds support that wasn't there before.

I think it's important, every once in a while—it depends on how the economy grows; it depends on the nature of the jobs; it depends on the structure of our community—to come up with some kind of rules and mechanisms to create some kind of protections for the people who work in the province of Ontario.

Many people spoke before me, and I know some people are happy with certain elements and some people are not happy at all with this bill because they think it's not needed, especially the Conservative Party. Some of my colleagues spoke in support because they know it's the only way we can approach this issue: by creating a balance, by inviting and rewarding those companies who follow the rules and regulations of this province, that are created just to create jobs and help other companies to grow, and also to find an opportunity for many workers in this province to work.

As you know, not everyone has the ability to find a job. Not every one of us in this province has the

techniques or the credentials or the connections to find a job, so that's why some of these temporary agencies, when you go through them, find you a job that suits you. They find you a job that matches your education and your qualifications. Some of them do an excellent job in order to match the jobs with the workers and with the factories and companies. Some of them, as I mentioned, take advantage. That's why this bill, if passed, will create the balance and create protections for the people who are looking for jobs and who don't want to be taken advantage of.

Also, if this bill is passed, the government will, to a certain degree, fulfill its obligations toward the workers in this province and toward the companies and temporary agencies that want to do a good job, that want to follow the rules and regulations of this province. Also, I think this bill, if passed, will weed out all the fly-by-night agencies and temporary agencies that want to come to the market just to gather the money without any respect for the rules and regulations, without any respect for the workers who pay their time and effort.

Today is an important day. All of us are wearing the ribbon to remember the people who died while they were working.

Again, Mr. Speaker, thank you for allowing me to speak. Hopefully this bill will be supported by all the members of this House.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Norm Miller:** Thank you for the comments from the member from London–Fanshawe.

I just thought I'd get on the record parts of an e-mail I received from the past president of ACSESS, Gary French, who happens to be a councillor in my riding, in Archipelago township, and he's an expert on this area. He points out:

“The general trend for the past two decades has been to deregulate the industry globally, recognizing the importance of labour market flexibility as a vital component to competitiveness in the global marketplace. As such, the legislation as it now stands would increase costs through the continuing work provisions, to which ACSESS objects, both to staffing companies trying to administer the provision and to end users of the services provided who have choices where their work is carried out. New costs would have to be passed on and would form a part of the business case as to where work is carried out. For example, IBM operates many contact centres across Canada and has announced plans to consolidate these to less cities in Canada as well as transfer some of what is currently being done in Canada to Colorado. It would also introduce employment legislation to the staffing industry, whose bedrock, in all North American industries, is to abide by the same laws that apply to all employers. Why would Ontario want a new cost and, more importantly, a new and negative cost consideration that defines Ontario in a negative competitive light, to become part of the business case analysis for all companies seeking to improve their com-

petitive position? Why would Ontario seek to highlight that it leads the way in employment legislation designed specifically to reduce flexibility and increase the cost of doing business? This is an example of legislation that, while perhaps well intended, will hurt the very people it purports to help at a time when, I would suggest, Ontario needs to build every competitive advantage that it can instead of putting up new roadblocks for business.”

He goes on: “Let me just say that the employment relationship between a worker”—and I can see that I’m running out of time, so I can’t summarize further. He’s pointing out that this may have good intentions, but it’s going to increase costs, making Ontario less competitive, as so many of these Liberal bills have, and Ontario becomes less and less competitive in this worldwide, global economy.

1630

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Michael Prue:** I listened intently, as I always do, to the member from London–Fanshawe and what he had to say. As a matter of fact, I thought he was in full flight after about 10 minutes in explaining what he wanted to do, when mysteriously there came a hook from the other side and he seemed to be cut off in what he wanted to say. I was a little disappointed, because I was hoping that he would have explained to the Legislature here why he thought it was such a good bill, and about all of the good intentions.

I know that he has a two-minute response. I would really like him to explain to me, and perhaps to all of the people who wonder, why the Liberal Party took the extraordinary step during the preparation of this bill—at second reading, and in committee—of excluding home care agency workers.

Home care agency workers are not being given the same rights as everyone else. Home care agency workers, in my opinion, should not have to wait three more years before they get termination and severance rights. If you’re going to say that this is a step forward for all workers, why are these workers being forced two steps back? Why are they not being given the same legislative rights that you’re so proud of, the member from London–Fanshawe?

I know that you were cut off before you had a chance to explore this very weighty issue, but I’m hoping, in the last two minutes, that you can go on to that. You did start off in a very correct mode by saying that the majority of people who work for temporary agencies and who have been exploited in the past are new immigrants, people of colour, and women, and surely they deserve that kind of protection. The ones who deserve it most, I would suggest to you, are the home care agency workers, who are not being protected at all.

I’m waiting for your two minutes, and I know that you will make every single effort to finish what the whip would not allow you to do in your 20-minute speech.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. Gilles Bisson:** I too watched in amazement as my good friend the member from London–Fanshawe was in full flight. I thought he was making some pretty good points. I don’t necessarily agree with him in the sense that the bill goes as far as he was making it out to be, but I thought he was making good points. And I saw for myself, with my own eyes, the whip reach across the aisle and just cut him off at the knees and bring him down. I want to say, as a fellow whip: That’s disgusting. You would never see me do something like that to one of my members. In fact, they’d cut my knees off if I tried to do it.

So on behalf of all the members of the House, I say: Free Khalil. Allow him to give his entire speech. We should be asking for unanimous consent to give him another 10 minutes. I’m just hoping that one of the government members will get up and do that, because I’m sure that it will be supported from this side of House.

I say to my good friend the member from London–Fanshawe that it’s always a pleasure to listen to him. But be freed—let the whip go down.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Mr. Vic Dhillon:** Leading up to this bill, as the parliamentary assistant to the Minister of Labour, I had the opportunity to hold several consultations over the summer with many employee, employer, and union groups. We heard what they had to say.

After the bill was introduced and went into committee, we heard from many people from across Ontario. Listening to the stories, it felt like some of the horror stories that were presented in committee were plagiarized, in a way, for lack of a better word. But they weren’t; they were real stories, and they were similar, and they stressed the same points that were heard when my bill about temp agencies was introduced in the previous term. I believe that bill was intended to license temp agencies, and we got a considerable amount of interest in that from people all over Ontario, which led to this bill.

Before, when I was speaking, I was speaking about reprisal, an important element of this bill. A lot of the people who are preyed upon by temp agencies are new immigrants, visible minorities, people who are very afraid to pick up the phone and call, because they’re fearful of the fact that they will not be called back to work, they won’t be paid—and many other reasons, including not knowing about the law. So this is a very, very important aspect of this bill. People should not be fearful, and people watching today, after this bill is passed, should go to work, if they’re working through a temp agency, with full confidence, knowing that they’re protected.

**The Acting Speaker (Mr. Ted Arnott):** The member for London–Fanshawe has two minutes to respond.

**Mr. Khalil Ramal:** Before I start, I want to say that we are lucky in the government caucus to have a good whip like Mr. Colle.

I listened to the members from Parry Sound–Muskoka, Beaches–East York, Timmins–James Bay and Brampton

West. To the member from Beaches–East York, this bill is very clear: to protect the workers, to create some kind of protection for people who once worked through a temporary agency, because they need protection. Before this bill, or if the bill does not pass, people would be in two different classes; they would have a different payment. This bill will allow the workers who work through a temporary agency to get the same amount of money and the same vacation time. They'll be paid and protected, and also they will learn about their job before they start work. It's important.

The member from Parry Sound–Muskoka does not believe in this bill. He believes that by passing this bill we'll create some kinds of barriers. I don't understand it. I think it is our obligation to protect the vulnerable people in this province, not to create obstacles. I think this bill will protect the people and also protect the good temporary agencies who want to work and follow the rules and laws.

Look at what happened in the United States and many different parts of the globe because there is a lack of regulations in the whole world. What happened? We fell into a chaotic situation and a mess economically around the globe. That's why I think, as a responsible government, we should take whatever we have in our power to protect the people and create some kind of protection. Also, I think it's our obligation and duty as a government, as the Ministry of Labour, to protect the vulnerable workers who want to work to feed their families.

I believe that if this bill is passed, it will create those protections. It will make sure that everyone who works in this province will be protected and will get paid. Also, they'll know exactly what they're going to work at and what kind of conditions they are going to.

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

**Mr. Robert Bailey:** It's a pleasure to rise and give the official opposition's leadoff debate. This time it was deferred.

It's a pleasure for me to rise and take part in today's third reading debate of Bill 139, An Act to amend the Employment Standards Act—for temporary staffing agencies.

On this side of House, we had high hopes for this bill. We thought that the government might have been serious about wanting to protect workers who were being taken advantage of by unscrupulous temporary agencies. Instead, we got a bill that seems, at its heart, to want to drive the temporary staffing agencies out of business.

Right now, there are in Ontario over 700,000 Ontarians who work through temporary staffing agencies; that is the number, according to ACSESS, which is the Association of Canadian Search, Employment and Staffing Services. People work through temporary agencies for a variety of reasons, and it's not up to us to decide what a good reason is to go the temporary route. People choose temporary routes for various reasons.

At committee, we heard from Frank Wilson of The Employment Solution, who spelled out very clearly why

the industry exists. He said: "Why do our clients hire contract personnel? Because many of Canada's important industries work on a project-based model. It's their nature—not anything controlled or created by ourselves. Aircraft companies work on designing and building new aircraft. High-tech companies work on developing a new piece of software or hardware. Major service corporations plan and carry out a major overhaul of their delivery infrastructure. Energy and natural resource companies build new pipelines or new extraction operations. The list goes on and on.

"During these times, they need specialized skills that they wouldn't need the rest of the time. That's where we come in. We recruit designers, planners, engineers, software designers, and many others too numerous to mention."

The point is that temporary staffing agencies are an important contributor to our economy. Many of Ontario's largest employers rely on temporary workers to make sure they are fully staffed to meet their business plan commitments.

**1640**

On this side of the House, we agree that there are some in the industry that were not adhering to the best practices, and they need to be straightened out, but this bill goes too far. As a matter of fact, through this entire process the government has done its best to paint the temporary staffing industry as a menace. One of the presenters at committee said, "What has horrified me in this process, listening to all of this, is that our sector is being made out to be some kind of villain. We are absolutely the contrary to that. We are not fraudulent; we are certainly not fly-by-night. We have 20 years' experience, and we have wonderful employees who care every day about what they do."

This is a view shared by many in the industry. I recently received a letter from a company called The Staffing Edge in Brampton, Ontario, where the chief financial officer writes, "We support and have asked government for years to address rogue operators in the staffing business but this bill affects both the staffing industry and business at large. It will both force business to leave the province, stop them from coming here and will greatly reduce the opportunities for young people and new immigrants to enter the workforce."

After sitting through all the committee hearings and the clause-by-clause, I was struck by how consistent the message was from the staffing industry and from individuals who have been helped by the staffing industry as well. Everyone who presented said exactly the same thing: that staffing agencies could, indeed, support this bill if the government agreed to lift the limitation on temp-to-perm conversion fees and eliminated the notion of continuance of employment. We agree on this side of the House, as does the staffing industry, that such things as charging for interview preparation and resumé writing should not be allowed. This bill does address those items, but in the meantime it completely throws the baby out with the bath water. This bill has many flaws that we had

hoped would be corrected through committee. Unfortunately, the government was not interested in any amendments we offered at committee that would have made this bill better and more acceptable to the vast majority of the industry.

The one thing that shone through at the committee hearings was that the majority of staffing agencies were not opposed to this bill in general. In fact, they had hoped that there were ways they could make this bill better and stronger. As I mentioned, my party offered many amendments to Bill 139 that the government would have been wise to adopt. There are also some fatal flaws that we would like to point out again to the government.

The first thing that surprised us was the blanket exemption given to community care access centres. Under Bill 139, the CCACs do not need to follow the same rules that everyone else does if they use temporary workers. This is a case of this government exempting itself from the very same rules of the game, and for no good reason. If the exemption is good enough for firms that have contracts with the CCACs, it should be good enough for all firms that provide personal health service. We heard from a number of these personal health services that have seen their competition be allowed to function under a different set of rules just because they have a contract with the government. We on this side of the House don't think that is fair. If the exemption was granted at all, then it should have been granted to all temporary staffing firms that do business in Ontario, not just those that deal with CCACs.

Comfort Keepers, a temporary staffing firm that provides personal health services, presented to the committee and said, "Comfort Keepers believes that private-pay services and those that are funded publicly should be treated equally under Bill 139. Therefore, our recommendation is that the government broaden and amend section 74.2 to remove that unfair playing field, and we put the language in there. The option of both private and public care is very important to Ontario residents and, quite frankly, nothing should systemically create an inequality between these two."

In true McGuinty government fashion, they chose to ignore this advice and create an unlevel playing field in the personal health services sector.

Through the course of the debate on Bill 139 and through the committee stage, it became clear to me just how important temporary agencies are to the economic well-being of Ontario. One firm pointed out that if temporary agencies are not in a position to help Ontario's employers meet their temporary staffing requirements when the economy picks up, firms will therefore not be able to respond as quickly as they should.

In committee, we heard from Nicolette Mueller, representing Adecco, who said, "At a time when the state of the economy demands removing us to temporary employment, certain parts of Bill 139 do the exact opposite. In fact, it will become costlier for companies to hire agencies and thereby impair their ability to respond to those unpredictable times." In effect, this bill could actually slow down any economic recovery.

Of course, nothing will slow down the recovery quite like the new Dalton sales tax, which will put an 8% tax on almost everything we use in our day-to-day lives, including, I would like to point out, temporary staffing agencies, which the DST will apply to—yet another cost on those businesses.

I was very impressed with a presentation from Kathryn Tremblay, who runs a staffing firm in the Ottawa Valley. As she said, "Specifically, our average assignments last 18.81 weeks. Based on applying the rules, it would take us 22.8 weeks to actually break even on our assignments. That means that we would lose 0.7% on every candidate that we place on an 18-week assignment. We would not be able to stay in business under those circumstances. Or we could pass on the cost to our client, the client being the employer. As Kelly Harbridge from Magna said—one of the employers that uses temporary agencies to a great extent—I don't believe any company in Ontario right now can absorb an extra 5% or 6% cost for a temporary worker. This is not the time for us, in this economy, to go to our client and say, 'Oh, by the way, can you pay another 5% or 6%?'"

Throughout this debate, I have met with people on both sides of this debate about this bill. Many people saw common ground on this bill, yet the government refused to budge or accept any amendment.

One of the most important issues raised by the staffing industry had to do with the notion of continuance of employment.

In committee, the official opposition moved to delete subsection 74.4(2) from the bill. We believe that this section created and implied "continuance of employment" while not on assignment, which, in turn, constructs an inconsistency between the employer's obligation and the reality of the employment context. Ontario is the only jurisdiction in Canada that will have this rule if this bill is passed.

This is the clause that fundamentally proves the government does not understand the temporary staffing industry. According to ACSESS, "It creates a different and higher standard for staffing company employers, and creates a higher cost burden and liabilities for temporary staffing companies compared to all other agencies in every other industry."

What this does is deem an employee terminated if they have not been on assignment for 37 consecutive weeks. Essentially, if that happens, the temporary staffing agency will be on the hook for severance or separation pay. This could happen regardless of whether the person who was on assignment—whether they knew they were going to be going back or on another assignment at all.

I was told that if at the end of the assignment an agency doesn't sever a summer student, for example, that agency, in 37 weeks, could be liable for a severance payment to that student, whether or not the student had any intention of wanting another temporary assignment. It would be a good summer job. It would be a great way to go back to school, I guess.

Here's an example provided by Adecco staffing services to the committee:

“Take the example of the temporary workers we assign to one of our clients’ state-of-the-art warehouse distribution centres in the GTA. The client is a large national retailer, and our temporary workers assist with shipping and receiving merchandise during this retailer’s Christmas rush. Their assignments usually start early in the fall and continue through into January, after which point the client flexes back down to its core group of permanent employees until late spring when business peaks again”—if it does this year; it might be doubtful, as this could be a different year for a lot of employers in this province. “At this point, some of the same temporary workers may be offered a second assignment there. Some may accept and some may not. Possible reasons for not accepting a second assignment are numerous. People move or find employment elsewhere. They may be travelling or at school or may have decided to stay home with children during summer months”—all personal choices by individuals. Every individual will make a different choice. “Regardless, even though they’re not available to work, this deems them to be continuously employed and accruing tenure. Then, 35 weeks later”—after the clock’s been ticking all that time—“that employee is entitled to one week’s termination pay. Any other employer would not be liable for this amount, but Adecco would.”

**1650**

We wanted to put in the legislation a clause that would make it very clear to temporary staffing agencies that nothing in the bill took away their rights to sever or terminate an employee at the end of an assignment. According to one of the agencies that presented at the committee, this issue alone could put up the cost of using temporary agencies by over 8%.

Again, I would say to the government that you are making it more expensive to do business in the province of Ontario, and you will be making it harder and harder for us to recover from this recession if and when it ever comes to an end.

Of course, what this government did—

*Interjection.*

**Mr. Robert Bailey:** And I hear my good friend from Peterborough—

**Mr. Jeff Leal:** Be optimistic.

**Mr. Robert Bailey:** “Be optimistic,” he says. Be optimistic. It’s very hard, at this time, with all the gloom and doom that’s in the papers. I would say that a lot of it is brought forth by policies, not necessarily just from this government but the world recession as well, but it’s hard for someone to be optimistic. I always like to see the glass as half full as opposed to half empty.

**Mr. Jeff Leal:** There you go. You’re an optimist.

**Mr. Robert Bailey:** There you go. I’m an optimist. As they said, I’m an optimist. The member from Peterborough reminded me that I’m an optimist.

That leads me to my next remark. Of course, what this government did with the recent budget will also make it harder to recover. We shouldn’t be surprised, when they tried to drive the stake through the heart of a legitimate

industry just to placate some of their friends in this province.

This is a government that recently announced a record deficit, with no concern for the long-term effect on our economy—\$18 billion over two years, and that’s just a start. They could have encouraged Ontarians to buy new vehicles just by offering a PST holiday on new vehicle purchases. We suggested that. This would have encouraged car sales. It probably would have led to new salesmen coming from a temporary agency. Those temporary agencies could have provided sales agents to go and work in these car dealers. The car dealers would have been swamped with new car sales. They wouldn’t have been able to keep up with the orders. I understand that the last time something like this was done, it was in place for approximately three months and it led to a 17% increase in sales on those car lots. Just imagine: Now these temporary agencies could provide salespeople to those agencies and they could take advantage of that.

This is a government that recently announced a record deficit, with no concern for the long-term effect on our economy. They could have encouraged Ontarians to buy new vehicles just by offering that PST holiday on new vehicle purchases. This was a concrete suggestion that our caucus made to them, but they didn’t listen, again. We told them again and again. It sounds like an old nursery rhyme.

The best way to bail out the auto industry is to get people to buy cars. That is what they should be focused on. We need to get industry working again. We need to get people spending money. When they spend money, they’ll go to these temporary agencies. They would employ people that might lead from temporary to permanent jobs. That is what they should be focused on. Instead, they spend their time on these feel-good bills that try to solve problems that don’t exist.

Since I have been elected, I have not had one person call my office about their treatment by a temporary agency. As a matter of fact, since being a member of provincial Parliament, I have in fact relied on temporary agencies to find temporary staff for my constituency office. Not only was my experience a good one, I actually hired the person who was on assignment full-time, so they were an example of going from temporary to permanent. I was a shining example, something that the government side of the House could have taken some vision from. I know that the member from Peterborough would agree with me on that. I think he’s nodding yes. Anyway, he could agree with me on that.

Not only was my experience a good one, I also hired that person who was on assignment full-time. The agency that I used was Express Employment Professionals. They were easy to deal with, they were fair, and I was very happy with the person that they sent to me. At that time, I asked the owner of Express, Mr. Bruce Hein, what his comments were on the bill. He spoke quite passionately about one section that he felt certain was going to have a very negative impact on his business. That is the section dealing with the prohibition of fees that agencies are able to charge.

In a letter to Minister Fonseca, Mr. Hein wrote: "Section 74.8, paragraph 8 of subsection (1) and exception (2) limit a temporary help agency from charging a fee to a client in connection with the services provided. The client is always a company or an organization and is never the worker or candidate.

"Controlling financial business terms between a staffing service and client represents a misapplication of employment standards legislation in the area of consumer and commercial transactions.

"The Employment Standards Act governs the relationship between employers and employees in Ontario. The act should not be misused to interfere with established contractual business agreements between staffing firms and their clients.

"Temporary help services incur significant advertising, recruitment, background/screening, risk and other overhead costs and should be permitted to offer their services to clients without the government's arbitrary interventions, limitations and restrictions upon legitimate business terms."

But it would be totally foreign to this government to not intrude and insert themselves in traditional business transactions normally contracted every day throughout this fine province and this country.

"This provision fails to provide"—these are Mr. Hein's words, actually, not mine. I kind of interjected mine there. Anyway, I don't want to attribute remarks to him that I made. Those remarks were mine.

Mr. Hein went on to say: "This provision fails to provide any meaningful benefit to low-wage workers and will significantly damage the largest percentage of the industry providing important service in the areas of information technology, accounting, engineering, medical services and other professional services. These amendments will cause significant hardship and irreparable harm to staffing service companies and, by extension, clients and candidates."

The official opposition and I completely agree with Mr. Hein on this. We moved in committee to strike out the section of the bill that prohibits companies from charging fees.

Also during committee, we heard from Mr. Peter Jeewan of the Lannick Group, a staffing agency that specializes in placing accounting professionals. Here's what he had to say about temp-to-perm fees: "The draft bill addresses temp-to-perm fees as a barrier to employment. I can tell you unequivocally that we have never encountered a situation where a candidate lost a permanent job opportunity because of a temp-to-perm fee. These types of fees are a long-standing and generally accepted part of an efficient fee structure in the industry across the world. They allow clients to pay for services in the manner that they intend to use them."

He says, going further: "Restricting our ability to charge temp-to-perm fees means that we will have to recover our recruitment/acquisition costs by charging higher hourly margins. This will boost the cost of knowledge workers to companies and may even result in

reductions to these hourly workers as firms seek to expand margins to compensate for lost temp-to-perm fees. We maintain that these fees are the domain of the free market system." And they should be left that way.

It was interesting to me that this is the only section of the Employment Standards Act that sets out how businesses deal with each other. The Employment Standards Act is a bill that regulates how employers deal with employees, not how one business deals with another, but now, if this bill is passed as written, it will.

I would also question the constitutionality of governments regulating what type of agreement two businesses may enter into when it comes to temporary staffing. I'm sure that this issue is one that will find its way before the courts sooner or later.

This government should have listened to professionals in the industry and strengthened the bill. Instead, they ignored the advice they were given and are now about to drive a stake through the heart of the staffing industry, just when we could use those types of industries as we try to recover from this recession, which is going to be with us for at least the next year or so. When Ontario industry and small and large businesses could use these temporary staffing agencies to recover from this recession, we're going to be placed at a disadvantage.

**1700**

Those are my comments as the leadoff speaker for the official opposition on this. We look forward to hearing further debate on this. Thank you for the opportunity to respond to this bill.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Michael Prue:** I listened intently to the member from Sarnia over those 22½ minutes that he spent describing the bill, and I kept waiting to hear him talk about workers, because I thought that's what this bill was about. In 22½ minutes, I have to tell him that I never heard him once mention workers, save and except—save and except—when he talked about using a temporary agency to hire a worker in his office, whom he subsequently hired.

Now, I thought that the bill was an important bill. I thought that the bill was to help solve the problems of the many people in this province who are being ripped off by temporary agencies. I will acknowledge that the member from Sarnia has good things to say about some of the temporary agencies and the work they do in order to match employees with employers, but he spent his entire time talking about those employers and how they were going to not benefit from this particular bill, how it was going to make it more difficult for them to make a bigger profit. He never once spoke on the other side, which I think is an important thing.

I hope he will, in the two minutes that he is granted at the end, talk about the effects that the bill will have on employees: on those people who have been subjected, in some cases, to abuse; in the cases of some people where they have not been paid; in the cases of some people where they have not been allowed to take full-time jobs;

in the cases of some people where they have literally seen their careers and their futures be absorbed by the employer and not allowed to go forward. I think that that is what the real intent of the bill is.

I listened to him as well when he talked about the home care agency workers and how somehow it was a good thing that the home care agency workers will not be given that same sort of advantage that workers in other fields will be given. That's his two minutes. I hope he will answer those questions or make comment on what I've asked.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Toby Barrett:** I learned a bit, listening to this presentation by the member from Sarnia–Lambton, our critic for this portfolio. One thing he reminded us of is a number of flaws within this legislation, Bill 139. When we're discussing the whole issue of temporary health agencies, especially in this present changing climate, it's important that we get this right.

I do know that the member from Sarnia–Lambton put forward a number of recommendations, put forward amendments during committee hearings, to improve this piece of legislation. None of those amendments were accepted by the government—rejected out of hand. It raises the issue for us: Why would we consider voting in favour of this piece of legislation when any ideas that have been put forward to improve it didn't make the grade?

One concern that I have: There's a double standard. We know that small organizations, for example, that are struggling with human resource issues, given the economic climate they're in right now, need that kind of flexibility to access people to come in and help. They have to follow the rules. They're going to be following a lot more rules with respect to this legislation and any regulations that come along with it. As we realize, CCACs don't have to follow those rules; they're exempt. CCACs, as you would know, Speaker, are the community care access centres. Our question is, why would community care access centres be exempt and a small company have follow these kinds of guidelines?

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Gilles Bisson:** There's an old song in the labour movement. It goes something like this: "Which side are you on?" I've got to say, you've clearly decided which side you're on, but I guess that's fair. There are different sides to every story, people need representation on both sides of issues, and clearly you're saying that temporary agencies are a great thing and should continue in the province of Ontario. I disagree, but clearly you know the song well, "Which side are you on?" I just want to let you know that I sing a very different verse than you when it comes to this particular issue, as I do with most labour issues.

I will agree with the member that you have to have bills in the Legislature that are bills that, yes, protect workers but at the same time try to provide an atmos-

phere so that people are prepared to invest in the province of Ontario. But here's the issue: If entrepreneurs in this province are able to start businesses and have to follow the same laws as every other entrepreneur in the province of Ontario, why should the workers be any different? In this province today, as it will be once we finish this bill at third reading, a worker who works as a permanent employee of an employer, who is hired as a permanent employee, has a different level of protection under the law than a worker who works for a temporary agency—and is that right? That, to me, says that there are two different classes of workers, and that is clearly wrong. For this member to argue that we should continue that practice—I want to say I totally disagree. If entrepreneurs in this province have to follow the same laws as every other entrepreneur in the province of Ontario and they're subject to exactly the same laws, why shouldn't workers get the same protection? If we have an Employment Standards Act and we think it's good for permanent employees in this province, why should employees who work for temporary agencies not have the same protection as other workers? That's the question. To me, it's a question of fundamental rights, and I think all workers should be treated the same.

**The Acting Speaker (Mr. Ted Arnott):** We have time for one last question or comment.

**Mr. Vic Dhillon:** Again, the intention of this bill is to make the employment situations, the environment for temporary agency workers better. In doing that, one aspect of this bill that goes a long way is that temp agency employees will have to be advised by their temp agency in writing about the where, what and when and how much they'll be paid. One of the repetitive complaints that I got was that people answered advertisements where they were offered \$500 to \$1,000 per week, not knowing the job and where they would have to go for this or how much they would be paid. It wasn't nearly the \$500 or the \$1,000. These were, at times, very labour-intensive jobs, and the aspect of not knowing made it even more difficult. So this is one element which will go a long way in addressing this issue.

Again, it's the vulnerable people, new immigrants and visible minorities who are preyed upon by these temp agencies, and those are the types of situations we're after. We're not after the good employment agencies that follow the rules and all the laws of the Employment Standards Act, which we feel should be enforced and which this bill tries to do.

I want to thank everyone who has spoken on this. Again, it's about fairness, which is precisely what this bill intends to do.

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments, and I return to the member for Sarnia–Lambton.

**Mr. Robert Bailey:** I'd like to thank the member for Timmins–James Bay—I got that right this time; I apologize for my missing on the geography there, before—also Beaches–East York, Haldimand–Norfolk and Brampton West. Thank you for all of your comments. It's nice to

know where you stand and who you're with and who you're not with. What I was trying to do was explain the other side of the equation, because we did hear from a number of the temporary staffing agencies that felt they were being unfairly maligned, and, like I said, they admitted themselves that there were some rogue organizations out there. There's no one who wants to see those rogue organizations out of business any more than they do, because they feel it takes away from the job they're trying to do.

1710

They did try and talk about the costs that it was going to load onto their businesses, the difficulty it would make for them carrying on business during this recession, trying to bring Ontario out of the recession, because they will be used. The temporary agencies will hopefully be something that industry will look to, and the opportunities to go from temporary to permanent. I did hear a lot of people come in and make some very great presentations, the employees as well. My thoughts are also with them. They need an opportunity to work with these temporary agencies. If they're not full-time jobs, then we need temporary agencies that can give them the opportunities to get the experience. It should be a good experience. They should be well paid. There should be decent working conditions. One day, hopefully, either in that industry or in another industry, they'll have received the experience and the proper training, and they will have the opportunity to go from temporary to permanent.

I look forward to the rest of the debate.

**The Acting Speaker (Mr. Ted Arnott):** Further debate? The member for Beaches–East York.

**Mr. Michael Prue:** I rise to speak to Bill 139. Just by way of a little bit of background, long before there were temporary agencies or long before there was such a prolific number of them, governments and other businesses used other measures in order to try to control workers, to try to pay less wages, to try to produce less-than-ideal working conditions. I even remember myself, going back into the early 1970s, getting a job with the federal government of Canada. Now, you would think that the federal government of Canada would be one of these ideal and idyllic employers which would have a wonderful workplace and would treat its workers with respect. In fact, to a large matter that was not true, because when I joined the federal civil service back in 1973—I believe the date was February 26, if my memory is correct—having graduated from university, I was hired on, like every other civil servant, in a casual employee status. The government used this casual status to great benefit, because when they hired you as a casual, they only had to keep you on for up to six months, and at the end of six months you could be laid off for a single day, and then they would hire you back. Then you would have casual status again for another six months, and this might go on ad infinitum.

Once in a while, the federal government would hold competitions amongst the casual employees to determine which ones merited to become permanent employees,

and those lucky few—the 3%, 4%, 5% or 10%, whatever it was at the time—who were deemed to be, by the management, the cream of the crop could sit the competition, could answer the questions and could hope to be made permanent.

Over the years, a lot of people came into the federal civil service that way, and it was in the early 1980s—by this time I was a permanent employee—that the unions started to fight against what we considered to be an unfair practice, because you had half of the employees who had permanent status, who had stability within their workplace, who weren't laid off every six months for one day only to be hired back, who had all the benefits of a full employee, and then you had the rest of them, many of whom they had worked side by side with for years and years, who had nothing of the sort. They took the matter to court and they won, because the court said that, for all intents and purposes, these were permanent employees. These were people who were working in the same workplace, doing the same jobs, getting paid roughly the same amount of money, and they deserved the same protections of having permanent employment and the opportunity to join the union.

I'm digressing a bit from the bill because I think this is pretty much the same thing that's happening today. You don't have governments anymore that can afford to do things that the courts in the past have said are illegal, but you have governments and employers in general that are trying to find ways around the legality of the law, and they have found one in the temporary employment agencies. The same way that governments, both federally and, I believe, provincially as well, used to use casual employment, you now have companies in the government and the private sector using the same thing with casual employees. The loophole needs to be closed because the loophole is fundamentally unfair to a whole broad class of people. Back in my day, in the 1970s, it was unfair to women, it was unfair to visible minorities and it was unfair to young people. Those were the people who were hired on as casuals, and those were the people who most often kept that status over a long period of time. Those of us who were lucky enough to get permanent employ were mostly older adult white males. Today the same thing is true. I commend the government for bringing forward this bill—because there are some good parts in the bill—because we have to close that loophole. It is no longer fair in this society to ask people of colour, to ask new immigrants, to ask women, to ask young people to accept any less than what the rest of us accept as normal daily work practice.

We in the NDP can support this bill because it does a number of good things. It ends the fees that are charged to workers by temporary assignment agencies. Not only do some of these agencies go out and recruit and try to find people to fill vacancies in slots in companies, but they charge most of these would-be workers a fee to do so. They charge them an exorbitant amount. I remember quite clearly a few years ago that my colleague who works in my office—her son went to a temporary agency

because he was looking for a summer job, and he found what he thought was a summer job through the agency. But when he went into the agency to try to get located, they asked him for hundreds of dollars in order to be placed in a job. And then there was an ongoing fee, and there were training fees and there were uniform fees; and to the everlasting credit of this young man, he stood up in the middle of all of this, in a room full of largely immigrant people, and he announced to all of them that this was a rip-off and that they should all flee that place in a great hurry because the company was trying, in effect, to extort the desperation of new workers, people who were anxious to get a job. He convinced some of them to leave along with him. He said that he needed to explain to them that the process that they were following in their hope to get a job was not a good one and that they should in fact leave, and some of them did leave with him. And he was absolutely correct.

So when the government seeks to end the fees, that is a good thing. I don't think anyone should for a moment think that people who are desperate to get a job and who go to these agencies should have to pay a fee, especially when the job is often not delivered.

The second thing that the bill purports to end is the reducing of barriers to permanent work for temporary agency workers. This is a huge thing that has to be done. People go into a workplace. They have training. They have abilities. The workplace did not find them themselves. They go to work, and a boss or bosses or management or supervisors look at them and say, "This is a good employee. This is an employee that, if we had had gone out and hired ourselves, we would have been anxious to have. They have proven, in the period of time"—over six or eight or 10 or 12 weeks, or whatever the matter is—"that they are capable of doing the job, and we want to hire them permanently." And, you know, you have to pay a fee. You have to pay a fee to the company. These people are practically indentured. They cannot get out of the contract. I think that by trying to reduce the barrier to permanent work for temporary agency workers, this is a good thing, because it gives people the permanence and stability of a real job. It allows them to work alongside their fellow employees and get paid the same amount of money, to have the same benefits and, if possible and if unionized, to join the union as well. So this part of the bill is a good thing.

The next part of the bill that I think is worthy of support is that it ensures that everybody gets holiday pay. We have all read in newspapers of people who are hired on temporary contracts who go in and work the day before and the day after a holiday, and all of a sudden, when they're about to leave or when they're told they can't be working there anymore or when their time is up, they're told they're not getting paid for that holiday. What a disgraceful thing that is. In this province, we have 10 or 11 holiday days that are paid to literally everyone who works, and there should be no difference between people who are temporarily employed and those who are employed full-time. Holiday pay is statutory. That's what

it says: It's statutory. It must be paid, and it must be observed by all people in the province of Ontario. So I think that all temporary agencies should be paying workers, and all workers should be getting that, whether on assignment or laid off from the assignment. The holiday pay is an essential thing that they have for statutory holidays, but it's also an essential thing that they have in terms of the Labour Relations Act, that they get 2% at the closure of their term or contract.

#### 1720

Another thing in the bill that I think we should be supporting is that we require agencies to give workers information about the assignments and their basic rights. Oftentimes, as I started out to say, the agency people hire new immigrants, people who are looking for a first job, looking for a first opportunity in Ontario, a first opportunity in Canada to get Canadian experience. They go to the agency because it's very difficult—and I know this from my time in immigration—for a new immigrant whose first language is not necessarily English or French but who is somewhat fluent in the language, to go out there and to try to get a job in the field for which they have been trained or to which they aspire. It's a very difficult thing, and they often don't understand about the assignment or about the basic rights that they have. It is important, and this bill will require agencies to give people those first rights.

I do know, to digress just a little, when I worked at Canada immigration at Pearson airport back in the 1970s, part of my job at that time, every single day when the planes came in, was to land new immigrants. They would come, they would proffer their documents; it was immigration form 1,000. They would sit before the immigration officer, me, and oftentimes be very nervous because they were coming to a new place. They got asked a lot of questions, they had to answer them, they had to sign the document, and I had to stamp their passport. But in the end, we always welcomed them to Canada; we tried to assuage their fears. I oftentimes took a minute or so to give them some advice. That advice was how to go out there and find a job, and not to take the first the one offered to them but one that truly reflected their abilities. I would ask them what kind of work they did in the countries from whence they came—be it Jamaica, Portugal, Great Britain or Germany or from the far-flung corners of the earth—what kind of job they did there, how much it paid there, and how much they could probably expect to earn here.

I remember on one particular occasion having a young woman who said that she did legal secretarial work and that she worked in Britain. She was very concerned about whether she could get that kind of work, and she told me what her salary was. I know that with her qualifications, her salary in Britain at that time was much less than she would be making in Canada. I remember talking to her for a few minutes and convincing her how much salary she should be going out to look for, and not to be conned into taking the first job or the first agency that came along but to actually look for a job that would pay her the

going rate in Canada. I did this many times, but with this particular young woman, about six or eight months later I met her again because she came to work for the immigration department itself as a court reporter. That's the kind of skills she had in being able to transcribe materials. She came to work as a court reporter and she asked, "Do you remember me?" Of course I did, and she thanked me for the advice because she did get a job with a legal firm, but she almost immediately got a job with the immigration department to make even more.

My reason for telling this story is that it behooves all of us to tell new immigrants about their skills, to recognize those skills and to encourage them to seek the kind of payments that should be paid, rather than sending people off to temporary agencies where they will work for far less under much more trying conditions than they might ordinarily if they can obtain a full-time job.

I also agree that temporary workers should be given termination and severance protections, and that is contained within the body of this bill, and that the bill will require that both agency and client companies are legally responsible when a worker is penalized for trying to enforce their rights. All of these aspects of the bill are good aspects. Under those aspects, I think the bill should be supported.

I do know that there are agencies—and I will speak to the agencies for a minute—that are not pleased. My friend the member from Sarnia did quote one agency. He quoted it by name, and I actually have the same letter; they sent it to me, too. The Staffing Edge is very unhappy with the bill. The bill, in the first paragraph, makes a statement, and I agree with this statement—well, I don't agree with the statement, but I do agree with the facts contained within this statement. It says, "It will both force businesses to leave the province, stop them from coming here and will greatly reduce the opportunities for young people and new immigrants to enter the workforce." The part I agree with is that they recognize full well that it is young people and new immigrants who are their chief clients. The body of the statement I made before was to recognize that those are the people who are being most greatly affected.

The author of this Staffing Edge letter, Mr. Victor Winney, CMA, chief financial officer, goes on to criticize the bill and says—and again I don't agree with what he says—"This bill is so irrational and convoluted that we are not sure if any staffing service can comply. The staffing industry has offered very constructive suggestions but has been totally rebuffed."

I have to say that the agencies and the industry will have to learn to work around this rule, just as agencies and industries have learned to work around other rules. We are now in the process of seeing what is going to happen to all of those overnight lending industries, and they're all saying that they're all going to go bankrupt. I'm not sure that they are all going to go bankrupt, but we cannot allow usury to happen, and we cannot allow exploitation to happen. Those companies that are good companies will be able to learn from this bill, will be able

to comply with this bill and will be able to continue business. Those that are fly-by-night operations will be driven from business, and I for one will not shed a single tear for those businesses that are removed from business that are in an exploitive situation, that are exploiting the needs and the fears of new immigrants, young people, women and those looking for their first job.

I have four minutes left. I have spoken about the benefits of the bill for 16 minutes. I wish to tell the government a few things that I think they could have done better and should have done better in this bill, because part of the critique, even when you're supporting a bill, is to tell them how they could have done it better. There are four things that I think could have been done to make a good bill a great bill. Of those four things, the first one is that the bill does not protect workers who use agencies for permanent job placements; temporary placements, yes, but not permanent job placements. Bill 139 should have been expanded to protect these workers from scams and unfair fees. It is important to protect all workers, whether they are out there trying to get a job, as my friend from Sarnia said, for an average of 18.1 weeks, or whether they are trying to get a permanent job. It should have encompassed all of them; it did not. Perhaps in a little while this government or a future government may look upon this and expand the nature of the bill. It's one of the things that I think should have been included.

The second thing that should have been done is that home care agency workers should not have to wait three more years before they get termination and severance rights. I do not understand the rationale behind this government. I do not understand, upon listening to the CCACs and others who said that home care workers who come from temporary agencies should be treated differently, why this is the case. In almost literally every single case—and certainly I know from my own experience in Beaches-East York and in Toronto—these home care workers, temporary ones, are women and people of visible minorities. You know it. That's who they are. They are not going to be given the same rights and the same privileges. I don't understand why. I thought that was who we were trying to protect. Why do they have to wait three years? Why is it not possible? Because contracts were signed? No contracts have been signed. But why is it not possible for this government to enforce the legislation so that on the day this bill is proclaimed into law they have the same rights as every other individual?

The third thing I think should have been contained within the body of the bill and was not was that temporary agencies should tell workers in writing what the expected length of the assignment will be and also make the markup fee transparent, so that when workers go in they know that it's only a two-week assignment. The markup fee, whatever is being charged, should be put in front so that the worker knows how much the temporary agency is charging the company, usually because that corresponds to how much less the company pays them. They're not going to pay them the markup fee plus the same salary as their own employees. So I think that's

only fair that that be known. I don't know why that has been hidden. I don't know why the government did not include that. They should have and could have, but they did not; had they done so, a good bill would have been a better bill.

1730

Last but not least, Bill 139 would let agencies charge a fee to companies if workers are hired directly by companies in the first six months of an assignment. I don't know why this continues to be there. If a worker is a good worker, if the company recognizes how good they are, if they want to make them permanent on their staff, it is a barrier to the permanent employee when the government allows for a fee to be charged directly when they are there for less than six months. In most cases, companies will know within three or four weeks, a month, two months at the outside, whether or not the employee fits into their company and whether or not they should be hired. To pay a fee after six months is tantamount to not having that person who is a good employee hired.

Those would be my comments, Mr. Speaker.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Bob Delaney:** It's a pleasure to follow the comments of my colleague from Beaches–East York. I'd just like to add a personal observation here.

I've been privileged to have as my seatmate, for the five years in which I've been elected, the member for Brampton West. In the course of one's parliamentary career, there are probably a handful of things that you can say that, by and large, as a member you did that and it was enacted by the government and it's going to make a big difference to a lot of people. So for the people in Brampton and especially for the member for Brampton West, he can look just about anybody in the eye and say, "When it came to cleaning up some of the abuses of temporary workers, that was something I had the privilege of contributing to." Good on the member from Brampton West, and people should say, "Thank you, Vic Dhillon."

There's one point I'd just like to dwell on, and that's one of the things that Bill 139 does uniquely well. If you're taking an assignment from a temporary agency, Bill 139 says that the agency has to give you reasonable details about the work: for example, to provide employees, in writing, with the name and address of who they're going to go and work for; some description of the client's contact information when they're offered a work assignment; the wages, the benefits, the hours of work, the pay schedule, some things which had not been regulated and are now regulated, some things where people had deliberately or accidentally played fast and loose, where the new regulations say, "No, you've got to provide a temporary worker these things," and, finally, a general description of what kind of work they're going to be doing, because people should know, to the limit of the agency's ability, what kind of work they're going to do when they're sent out on a temporary assignment.

That's just one facet of the benefits of Bill 139 and why it deserves passage.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments.

**Ms. Lisa MacLeod:** I'm incredibly pleased to be part of this debate today. When I first got out of university and was looking for work on Parliament Hill, I tried my hand at temporary work for a couple of months until I landed that big job, making next to nothing on Parliament Hill. When I did that, I found it was great. It was flexible. It provided great opportunity. It allowed me to find new skills.

Years later, of course—10 years, to be precise—I had the opportunity to go back just this year to see Isabelle Copeland of Harrington Staffing in Ottawa. What a tremendous honour it was for me to go there, look at her and say, "Thank you. I've now become your MPP."

It's that type of opportunity in Ontario that we must foster. By adding more burdens on small and medium-sized staffing companies, we may put them out of business. I don't mean "we" as in the official opposition; I mean "we" in this Legislature, which is dominated and controlled by the Liberal Party.

We heard several concerns from Isabelle and her colleagues about what this bill, if not modified and amended properly, would do to her agency and other agencies like hers. My colleague Bob Bailey and the official opposition moved to delete section 74.4 from the bill because we believe that this section creates an implied so-called continuance of employment while not on assignment, which in turn constructs an inconsistency between employers' obligations and the reality of the employment context. Ontario is the only jurisdiction in Canada that has this rule. At a time when we need able-bodied young men and women in the workforce, we cannot close these temporary agencies down.

**The Acting Speaker (Mr. Ted Arnott):** The member for Timmins–James Bay.

**Mr. Gilles Bisson:** I want to congratulate my friend and colleague the member from Beaches–East York. He raised, I thought, a good personal perspective in regard to what this type of legislation, if properly done, could lead to, and that is making sure that workers are not treated as two different classes of workers; I think that's the point he was trying to make. He spoke of the example of the young woman who was immigrating back to Canada and about how he had advised her of what her rights—not so much rights but what she should be looking for when it comes to employment, and eventually she took that advice, moved forward and got herself a very good job in the end, which says that we as a society have a responsibility. So if individuals in this society can take responsibility towards assisting people in making the proper decisions when it comes to employment, certainly to God this Legislature can help by having a template which is legislation that treats workers not as two different classes of workers. I guess that's the problem that I have with where the government is going in the end with this legislation.

Again, is what they're trying to do bad? Obviously not. I congratulate the member across the way from

Brampton for the work that he has done. There have been a lot of members, such as Cheri DiNovo from Parkdale–High Park, who had been working on this issue along with you and others, and you’ve been trying to raise what is a real issue. There is a preponderance of new Canadians who are being preyed upon by temporary work agencies to do work that would normally be done by full-time employees, and we need to protect those people who are not as informed on the laws of Canada and not as likely to ask for their legal rights to be maintained because, as new immigrants, they may be worried about repercussions because of the experiences they have had in their previous countries. Does this legislation go as far as it needs to? No. Is it a step in the right direction? Yes. I only hope that one day all workers will be treated with the same courtesy and respect by the law of Ontario.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Norm Miller:** I’m pleased to have the opportunity once again to comment on Bill 139. I have certainly heard from some people who are in business who are concerned that this bill, if passed, will negatively affect the workers that it’s intended to protect. That’s true in the home care sector. As was pointed out by our critic, the CCACs, the community care access centres, are going to be exempted from this bill, and yet those small private businesses that are in the business of providing personal health services are not exempt. I received a letter from Home Instead Senior Care, where they point out that:

“One serious impact this legislation could have on the home care industry is that our trained caregivers could be hired away by clients to work on an independent basis after six months without penalty. This would drastically change if the oversight by our providers was easily eliminated. Providers invest a significant amount of resources to make sure seniors are provided with quality care. Without this quality assurance, seniors’ safety and security are at risk.

“It is my understanding that this bill applies to private home care providers, but it exempts CCAC-funded home health care providers. Both providers are employers; the only difference is that one is publicly funded and the other is solely private-pay. Neither fall in the category of temporary care agencies.”

So this is pointing out how this legislation will negatively affect services for our seniors who are trying to stay at home and be provided for. I’m glad that I have received this letter. I didn’t get a chance to read the whole thing so that I could get it on the record. That was from Sharon Galway, who is the managing director of Home Instead Senior Care, and she does have many other points that hopefully I can get in next time around.

1740

**The Acting Speaker (Mr. Ted Arnott):** That concludes the time for questions and comments. I return to the member from Beaches–East York to respond.

**Mr. Michael Prue:** Thank you very much, Mr. Speaker. There was a time when I sat in that chair, as you

are sitting there tonight, and there was a time when I lamented that the members, in the two minutes’ opportunity to question and comment on the debater, would not do so, and I must say again tonight that I don’t know whether any of them were listening to me.

I thank them for their comments, the members from Mississauga–Streetsville, Nepean–Carleton, Parry Sound–Muskoka—and I’ll get to the member from Timmins–James Bay last—but all three of them stood up and spoke not one word about what I had to say.

The member for Mississauga–Streetsville quite rightly pointed out that the member from Brampton West had had a hand the initial stage, and that’s correct, but it was nothing that I spoke about. The member from Nepean–Carleton talked about 74.4 and her colleague from Sarnia and how he tried to delete that section of the bill, but I did not say anything about that at all. And the member from Parry Sound–Muskoka talk about home care, CCACs and Mr. Bailey’s role in the committee, again to which did I not speak.

So I guess I’m bound to talk to the member from Timmins–James Bay. I thank him for at least listening to my small story of the new immigrant who was coming to Canada from Britain and the role that I tried to play in educating her, her husband and her family in terms of what to expect in Ontario and the kind of job that she could do and what to expect in terms of remuneration. That’s what I’m hoping this bill will do. That’s what I’m hoping the temporary agencies will do. I would like to thank all of my colleagues for their comments, but I am hoping that in the future, against all hope, the comments will be made reflecting on the debate that preceded them.

**The Acting Speaker (Mr. Ted Arnott):** I want to thank the member for Beaches–East York for reminding all members of this House that questions and comments are supposed to relate back to the original member’s presentation and not just be on any subject. If I was remiss in not enforcing that standing order rule, to the member for Beaches–East York I apologize, but I would take this opportunity again to remind all members that that’s the way it’s supposed to work.

Further debate?

**Ms. Lisa MacLeod:** According to my chief opposition whip, I am the temporary stand-in for Joyce Savoline, the member from Burlington, who unfortunately cannot be here at the present moment. She’s at a Big Brothers charity event. As we all know, Ms. Savoline is a wonderful member here and has lots of experience.

As I mentioned previously, and just to note the previous speaker—

*Interjections.*

**Ms. Lisa MacLeod:** Big Sisters as well.

In any event, I must admit it’s very difficult to concentrate on my remarks that Ms. Savoline has so kindly prepared for me with so much exchange going on to my left. Of course, those of us on the right of the political spectrum will not be supporting Bill 139. We will not be supporting Bill 139 as a result of the government not listening to the people who requested amendments, those

stakeholders that the minister is so fond of speaking with that he apparently doesn't listen to.

Ms. Savoline, of course, is absolutely flabbergasted, as am I, that every other province in the nation at this very tough economic time is turning their attention to helping businesses, yet consistently with the Minister of Labour we see job-killing policies, whether it's rushing through that minimum wage three times in a very short period of time or Bill 139.

**Mr. Gilles Bisson:** You're starting to sound like Mike Harris.

**Ms. Lisa MacLeod:** Well, I can honestly say to my colleague from Timmins–James Bay that I am a big fan of his.

**Mr. Gilles Bisson:** I kind of figured.

**Ms. Lisa MacLeod:** You know I am on a personal level, but we must remember that while Mike Harris was the Premier of this great province, over one million jobs were created because of his business-friendly, family-friendly and middle-class-friendly policies. Yet what we've got on the other side is a government who chooses consistently to put pieces of legislation like this at our feet so that we see those 200,000, 300,000, 400,000 jobs leave this province. In the months of January and February alone in this great province, once the economic engine of Canada, over 100,000 jobs were lost. How does this government respond? With job-killing policies.

Let me give you a few examples. The HST that we're about to face or, as some of my colleagues call it, the Dalton sales tax, is going hurt consumer confidence. It's not good for small business.

We've got a Green Energy Act before us, which is essentially a tax and power grab, which is going to outline—

**Mr. Mike Colle:** On a point of order, Mr. Speaker: I just want to make sure the member from Nepean knows that she's supposed to be speaking to Bill 139 before us, and she should stay on that bill.

**The Acting Speaker (Mr. Ted Arnott):** All members have to speak to the bill that's being debated in the House.

I return to the member for Nepean–Carleton.

**Ms. Lisa MacLeod:** Thank you very much, Mr. Speaker. Let me just go on a little bit longer because it does show a picture, because what it is—we've got the very forceful increase in the minimum wage in a short period of time. That's job-killing. We've got the Green Energy Act or, as we like to call it, the tax and power grab, which could, if implemented the way Mr. Smitherman, the Minister of Energy, wants it to, increase energy bills by as much as 30% to 50%. How's that good for a small business man or a medium-sized business man?

Then you've got Bill 139 here, which is essentially going to administratively kill those people who are trying and attempting to give people the skills to find full-time employment, the connections to find full-time employment and the flexibility for those in the province who would choose to work in a different set of circumstances than most of us.

As I said to the previous speaker who talked about a new Canadian, there was once upon a time when I was a new Ontarian, when I first came to this province with \$200 in my pocket and was sleeping on my friend's sofa, because I knew you could get a better life in Ontario. Now, kids like me are moving to Saskatchewan. But there was once a time when that was the first place I could look to find employment in this province before I worked on Parliament Hill. It was a great head start.

I had the tremendous opportunity to go see Isabelle Copeland a few weeks back to thank her for that, to do a tour of Harrington Staffing and see what kind of obstacles are faced by her and her company. I was pleasantly surprised to see the great strides they're taking not only in trying to find and match people who need a job and who want a job to a potential employer, but also what they're doing with workplace safety. These are tremendous employers. It's always when Mr. McGuinty finds somebody else he wants to tax or fill out an extra form for that we see these pieces of legislation.

I want to talk a little bit about Mr. Lane. Mr. Lane was a stakeholder who's been in the industry for over 11 years. He sent an e-mail to the minister that clearly was ignored. Mr. Lane gave Ms. Savoline the permission to read his e-mail in the Legislature, which I will in turn do for her. I hope, and it's probably hope against hope, that this Liberal government will listen to Mr. Lane, but I'm going to quote him: "The implementation of the statutory holiday provision which came into effect in January 2009 and promptly added approximately 6% to the cost of every temp agency in the province of Ontario"—that's a 6% tax hike.

We recently saw the \$11,000 tax hike on WSIB for small contractors. That sure as heck hurt the folks in Nepean–Carleton. This is going to hurt the folks in Nepean–Carleton. Their massive increase in the minimum wage in a very short period of time is going to hurt the folks in Nepean–Carleton. Their HST, I already know, is going to hurt the people in Nepean–Carleton. And the tax and power grab—30% to 50% more in power and energy rates. I don't know how much more they think they can soak the people of Ontario and the people of Nepean–Carleton, but this Liberal government has found yet another way, with a new 6% tax hike on every temporary agency in the province of Ontario. Perhaps now the chief government whip would like me to stop talking about the bill instead of staying on message as we run through a litany of tax hikes brought on this year by this Liberal government. This is just one more example.

**1750**

According to ACSESS, another temporary agency, most agencies that did post earnings earned less than 5% before taxes, which basically means you've already put almost every agency into a loss position from the provisions already implemented. By moving forward with the requirement to meet standards for termination and notice provisions of Bill 139, you will effectively destroy the entire temporary help industry in Ontario.

It's a sad, sad state of affairs. Who will benefit when temporary agencies cease to exist, somewhat like our

manufacturing sector in some communities? Where are the jobs? If Mr. McGuinty and Mr. Fonseca and the other job-killing creators of legislation in the Liberal Party have their way, there won't be any jobs at all for these temporary agencies to fill. I am very disappointed in this legislation. I think we can all do better in business practices. But at a time when small and medium-sized businesses are suffering, regardless of what they are, why bother bringing in more job-killing legislation like Bill 139?

On that note, I've asked my question; I've made my case. I will oppose this bill, and I want to congratulate the people like Isabelle Copeland, Mr. Lane and so many others who I know not only sent members of the official opposition correspondence on this contentious piece of legislation, but also sent it to you—and shame on you for not listening to them. Shame on you for not listening to them on imposing the GST, and shame on you for not listening to them in their opposition of Bill 150, because what's going to happen, of course—we all know this. It's happened too many times since this second mandate, and at some point the people will not forget. The people will not forget the constant taxing, the constant regulations. They will not forget the constant burdens placed on them by this Liberal government, whether it's at their work or at their home or even at the hockey rink, where they're going to start raising taxes on ice times at our local rinks.

So, Mr. Speaker, I want to thank you very much for the opportunity, my colleague Bob Bailey from Sarnia for doing one great job on this piece of legislation, and Joyce Savoline, the MPP for Burlington, who allowed me to fill her slot with some of her words. Thank you very much. I appreciate it.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Mike Colle:** It's sad but not unexpected. The member from Nepean–Carleton gets and up talks about Bill 139, which is about giving some of the most vulnerable people in Ontario a little bit of protection, so that they will be paid a decent minimum wage, so they won't be made to work in unsafe conditions, so they'll be treated in a humane way, so they won't be abused by some employers, yet she in her dissertation never for once mentioned these vulnerable workers—not one word about these young mothers, these young newcomers, these people who are working for these temporary agencies who have come to governments for many years asking for a little bit of protection. They want to work, but they don't want to be forced to work in unsafe conditions, working 14 hours a day and then not being paid.

That's what this bill tries to address, and the member from Nepean–Carleton wouldn't even mention them in this legislation. All she talked about is the Mike Harris legacy of destroying this province, and yet she doesn't even care about these people who came to committee, who have written letters. Many of them cannot speak English that well, yet they came because conditions were so deplorable as a result of some of these temporary agencies.

We have a duty to protect those who can't protect themselves, and that's what this bill tries to do. The temporary agencies and the people who own them also have rights, but I think they have a stronger voice in the member from Nepean–Carleton than the poor, under-serviced temp help workers do.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Norm Miller:** I'm pleased to have an opportunity to comment on the speech from the member from Nepean–Carleton to do with Bill 139, the temp help agencies bill. It was interesting to hear the member from Nepean–Carleton talk from personal experience about when she had a positive experience at a temp help agency working in Ottawa, and from her temporary work ended up getting permanent work. We certainly heard from a lot of people who came to the committee that that was their experience as well, that it was a way to build skills, to develop skills, to find employment, to have flexible employment. We heard from a lot of people who appreciate the flexibility that they have, and we certainly know from a business perspective that that flexibility is very much needed, particularly where the economy is in a state of flux, where things are uncertain, where factories don't know how many orders they're going to have and they need to bring more people in. It helps our economy, but it also provides opportunity for people.

It's interesting that we heard from the critic, Bob Bailey, the member from Sarnia–Lambton, about his positive experience where he actually used a temporary help agency to help staff his constituency, and also got a full-time employee out of it. So I say to the member from Eglinton–Lawrence—I would like to quote Gary French, the past president of ACSESS, where he says, in an e-mail to me, “The brush is being liberally (no pun intended) applied to the detriment of Ontario business and workers in these proposals to which ACSESS objects. Other parts of the legislation are supported and maintain a level playing field.”

I think that's good representation. You're taking a broad brush and affecting all those good operators out there, the 99% of them, to deal with the 1% of bad operators.

**The Acting Speaker (Mr. Ted Arnott):** Questions and comments?

**Mr. Bob Delaney:** I think that when we discuss this bill we have to keep coming back to what it's there to do. What it's there to do is to set out a clear, defined, level playing field for both the firms whose business it is to find clients who need temporary help, to find people who like to do temporary work—and match the two. What the bill set out to do—successfully, if one heard the many deputations in the hearings overwhelmingly in favour of what the bill was trying to do—what the bill does is to make clear what the expectations are of those agencies that recruit temporary help and match that temporary help with opportunities among the firm's clients.

I want to come back to a couple of points. When it comes to making the transition from working temporarily

for a firm to being employed full-time by a firm, the bill prevents the agencies from doing what amounts to double-dipping. It can't take a candidate and say, "We'd like to charge you a bunch of money for writing your resumé and doing some job training" and whatnot, with the implication being that if you don't take this money and you don't take this training and you don't buy this service, maybe the agency won't find you a job. The bill says, "We're going to make the playing field level. You're not allowed to charge this money, which, by the way, you don't need to charge anyway."

The bill also says that if you've been placed with a client company for a period longer than six months—and six months is plenty of time for everybody—if the company says, "Look, we like you. We'd like to have you on staff," there is no penalty payment to the agency. The agency cannot charge a temp-to-permanent fee. That's a progressive step. Those are just two small items that make Bill 139 a piece of law whose time has come.

1800

**The Acting Speaker (Mr. Ted Arnott):** Questions or comments? I'll return to the member for Nepean–Carleton then, who has two minutes to respond.

**Ms. Lisa MacLeod:** I'd like to thank my colleagues from Eglinton–Lawrence and Mississauga–Streetsville, and of course my good friend from Parry Sound–Muskoka.

I don't know what to say in response to the comments made by the member from Eglinton–Lawrence. I thought from his criticism of me—that I didn't speak from experience or from the knowledge of temporary agencies—that he must not have been listening. I'm not sure if he has any direct experience himself of having worked for a reputable firm who gave you a hand up. I'm not sure if he ever did, but I certainly did, and I'm certainly grateful for that experience. I think it's made me a better person who understands the value of a hard-earned dollar, because not all of us live in downtown Toronto and have the world at our feet.

In fact, some of us struggle to create a better life for ourselves and our family. And thankfully Ontario, under Mike Harris—as much as they want to heckle and jeer—made that possible, because he created an environment which we should never forget was the fastest-growing economy in the country. It made the economic engine of this country strong, robust and viable.

When they took the keys to Queen's Park and the Premier's office, all we saw was a business-killing, job-killing environment which put more people on the rolls of social assistance when we had worked so hard to get them off. All this bill will do is be another slap in the face to those people who are out there trying to create the opportunities that I had and probably others here have had as well.

So again, I am adamantly opposed to this bill, adamantly opposed to the way they've been carrying on and conducting themselves since they were re-elected, and of course since they were elected in the first place,

and I look forward to 2011, when the voters remember all of the things that they have done.

*Third reading debate deemed adjourned.*

## ADJOURNMENT DEBATE

### TRAVEL INDUSTRY

**The Acting Speaker (Mr. Ted Arnott):** Pursuant to standing order 38, the question that this House do now adjourn is deemed to have been made.

The member for Nepean–Carleton has given notice of her dissatisfaction with the answer to a question given by the Minister of Small Business and Consumer Services. The member has up to five minutes to debate the matter, and the minister or his parliamentary assistant may reply for up to five minutes. I recognize the member for Nepean–Carleton.

**Ms. Lisa MacLeod:** I'm pleased to have this opportunity under standing order 38(a) to offer why I'm dissatisfied with the response I received from the Minister of Consumer Services today during question period, which dealt with his refusal to meet with TICO task force members just weeks before the collapse of Conquest Vacations. This minister has failed to address the systemic shortcomings of TICO, which date back to the demise of One Step Travel in 2006. Why is this important and how does this concern Conquest Vacations?

The minister wishes that the failures under TICO in the Liberals' first term in office would stay in the past, but I think that the leader of his party, Premier Dalton McGuinty, had one thing right when he once said, "The best indicator of future behaviour is past behaviour." So if TICO erred once, it was likely that they'd do it again. And that they did. One Step, which in seven of its 10 years lacked sufficient working capital, with three of those years working with negative capital, was tried and convicted in an Ontario Court of Justice. The justice ruled, less than one year ago on June 23: "... should TICO have sanctioned Mr. Anavari (of One Step) much earlier that perhaps the offences would not have resulted." That's astounding. The judge at the time admonished TICO for its role, or more aptly, for its lack of a role in preventing the single-largest payout in Ontario's history from TICO's compensation fund, which was \$1.1 million. Now we'll be on the hook, or more aptly, the retailers will be on the hook in their compensation fund, which is limited at \$5,000 per person and \$5 million in total after the Conquest compensation.

Ever since, the TICO task force and members of the Association of Retail Travel Agents have been calling on TICO and the Minister of Consumer Services to meet with them and call an inquiry into what happened at One Step to prevent the situation from ever happening again. Then, just weeks after making their most recent request, the Minister of Consumer Services says he was too busy

to meet. Conquest collapses, leaving Ontarians stranded in several out-of-country destinations.

While not all the circumstances in Conquest's instance are the same as One Step's, one very important variable does connect the two cases: lack of sufficient working capital and TICO's knowledge of this. While Conquest was going under, the president of TICO, Michael Pepper, knew they lacked sufficient working capital and acknowledged that on April 18 in the Toronto Star when he said, "I'm not going to suspend anyone when they're off-side of working capital, but if they can't address it, that's when I'm going to take some action."

Perhaps had the inquiry been called, a key recommendation would have been made to take more precautions when a vacation company can't address working capital. Unfortunately, we will never know that. The minister has continually refused to call an inquiry or to even meet with those who have ideas on how to better protect our vacationers. Instead, the minister has been glib and insulting in his answers over the past two days, and the vacationers and retail travel agents in this province deserve much better from him.

I've asked serious questions, all outlining a systemic breach in TICO's monitoring and disclosure practices, all outlining the minister's failure to hold TICO to account for its shoddy work, which has put Ontarians at risk in other countries when they were left stranded. Instead of providing answers, the minister resorted to ill-advised and often wrong assertions on TICO, the Conquest Vacations collapse and One Step's situation. One Step, had it been investigated by the minister properly, could have averted the collapse at Conquest and significantly reduced the utter catastrophe faced by so many Ontario travellers.

Now let me share with you an e-mail from Bruce Bishins, president of the Association of Retail Travel Agents of Ontario:

"Takhar seems to continue to blur the issue that TICO agreed and put forth the independent audit at the June 2008 TICO AGM. This is false.

"TICO staff and officials did everything they could to prevent members from pursuing a public inquiry. Even after the members prevailed in getting the motion approved....

"TICO's announcement of an audit first came on February 25, 2009, and only after public revelations that the court took TICO to task....

"The issue which Takhar continues to make that One Step was 'ancient history' is also a red herring because the facts regarding TICO's incompetence and the release of the trial transcripts first came in the fall of 2008.

"Also, his continuing drone on bringing people home is all fine and well"—

**The Acting Speaker (Mr. Ted Arnott):** Thank you very much. The parliamentary assistant to the Minister of Small Business and Consumer Services, the member for Hamilton Mountain, has now five minutes to reply.

**Ms. Sophia Aggelonitis:** I'd like to thank the honourable member from Nepean—Carleton for her question.

First, I'd like to begin by making one thing very, very clear: One Step Travel and Conquest are two separate situations. In the case of One Step Travel, which closed in 2006, TICO investigated its conduct and, in 2008, charges were laid under the Travel Industry Act. One Step Travel and its principal were convicted of financial misconduct relating to its trust accounts. In addition to these convictions, the principal of One Step Travel was sentenced to 18 months in jail.

In 2007, the executive committee of the TICO board of directors reviewed TICO's handling of One Step Travel and determined that TICO handled the matter appropriately. Acting on a complaint, the executive committee conducted a second review of TICO's handling of this closure, and the committee again, for the second time, found that the matter had been handled appropriately.

At TICO's 2008 annual general meeting, some member raised concerns regarding TICO's handling of One Step's closure. The TICO board directors then decided to commission a third party review of how TICO handled the specific closure of One Step Travel. This independent review is currently in progress and is being conducted by the Ontario internal audit division of the Ministry of Finance. The review is independent of both the Ministry of Small Business and Consumer Services and TICO. I know the minister looks forward to seeing the results of this review.

In the case of Conquest, in light of the closure, we are doing an assessment which is currently in progress. Our first priority is to protect consumers. Any time something like this happens, it's a struggle for the people who get caught in the middle. It's important to always take stock and see what lessons can be learned and applied in the future. The assessment in light of the Conquest Vacations closure is currently in progress, and I know that the minister looks forward to receiving the findings.

It is also important to know whether TICO has adequate tools to carry out its responsibilities. This is about continuous improvement and learning. The assessment will examine if these responsibilities provide the necessary level of consumer protection. Once this work is completed, any necessary changes will be implemented.

TICO is a self-managed, not-for-profit corporation that was created in 1997, and they are responsible for their day-to-day operations. TICO is governed by a 15-member board of directors which includes 11 members from the industry. As both the Premier and the minister said last week, we need to take a look at TICO and make sure it has the necessary authority to intervene in situations at the appropriate time and see what lessons might be learned.

However, it's important to remember that we are one of only three provinces that have a compensation fund for travellers. Consumers who purchase travel services in Alberta, Saskatchewan, Manitoba, Newfoundland, PEI, Nova Scotia and New Brunswick are not protected like Ontarians are.

In closing, consumers who purchase travel services through a registered Ontario travel agent should feel protected. Ontario travel agents are covered should something unfortunate happen that causes their travel plans to be disrupted or cancelled.

**The Acting Speaker (Mr. Ted Arnott):** There being no further matter to debate, I deem the motion to adjourn to be carried.

This House stands adjourned until 9 a.m. tomorrow.

*The House adjourned at 1812.*

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Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman, Tonia Grannum

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Balkissoon, Bas (LIB)	Scarborough–Rouge River	
Barrett, Toby (PC)	Haldimand–Norfolk	
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Craitor, Kim (LIB)	Niagara Falls	
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Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
<b>DiNovo, Cheri (NDP)</b>	Parkdale–High Park	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du Comité plénier de l'Assemblée législative
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Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	

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Gélinas, France (NDP)	Nickel Belt	
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<b>Gravelle, Hon. / L'hon. Michael (LIB)</b>	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Minister of Northern Development and Mines / Ministre du Développement du Nord et des Mines
Hampton, Howard (NDP)	Kenora–Rainy River	
Hardeman, Ernie (PC)	Oxford	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
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Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
Hoy, Pat (LIB)	Chatham–Kent–Essex	
Hudak, Tim (PC)	Niagara West–Glanbrook / Niagara- Ouest–Glanbrook	
Jaczek, Helena (LIB)	Oak Ridges–Markham	
Jeffrey, Linda (LIB)	Brampton–Springdale	
Johnson, Rick (LIB)	Haliburton–Kawartha Lakes–Brock	
Jones, Sylvia (PC)	Dufferin–Caledon	
Klees, Frank (PC)	Newmarket–Aurora	
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Lalonde, Jean-Marc (LIB)	Glengarry–Prescott–Russell	
Leal, Jeff (LIB)	Peterborough	
Levac, Dave (LIB)	Brant	
MacLeod, Lisa (PC)	Nepean–Carleton	
Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
Marchese, Rosario (NDP)	Trinity–Spadina	
Martiniuk, Gerry (PC)	Cambridge	
<b>Matthews, Hon. / L'hon. Deborah (LIB)</b>	London North Centre / London- Centre-Nord	Minister of Children and Youth Services / Ministre des Services à l'enfance et à la jeunesse Minister Responsible for Women's Issues / Ministre déléguée à la Condition féminine
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<b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
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McNeely, Phil (LIB)	Ottawa–Orléans	
<b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Vanier	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
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Miller, Paul (NDP)	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	
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Mitchell, Carol (LIB)	Huron–Bruce	
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Murdoch, Bill (PC)	Bruce–Grey–Owen Sound	
Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
O'Toole, John (PC)	Durham	

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<b>Phillips, Hon. / L'hon. Gerry (LIB)</b>	Scarborough–Agincourt	Chair of Cabinet / Président du Conseil des ministres Minister Without Portfolio / Ministre sans portefeuille
Prue, Michael (NDP)	Beaches–East York	
<b>Pupatello, Hon. / L'hon. Sandra (LIB)</b>	Windsor West / Windsor-Ouest	Minister of International Trade and Investment / Ministre du Commerce international et de l'Investissement
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Ramsay, David (LIB)	Timiskaming–Cochrane	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
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Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
<b>Smitherman, Hon. / L'hon. George (LIB)</b>	Toronto Centre / Toronto-Centre	Deputy Premier / Vice-premier ministre Minister of Energy and Infrastructure / Ministre de l'Énergie et de l'Infrastructure
Sorbara, Greg (LIB)	Vaughan	
Sousa, Charles (LIB)	Mississauga South / Mississauga-Sud	
Sterling, Norman W. (PC)	Carleton–Mississippi Mills	
Tabuns, Peter (NDP)	Toronto–Danforth	Deputy Third Party House Leader / Leader parlementaire adjoint de parti reconnu
<b>Takhar, Hon. / L'hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Small Business and Consumer Services / Ministre des Petites Entreprises et des Services aux consommateurs
Van Bommel, Maria (LIB)	Lambton–Kent–Middlesex	
<b>Watson, Hon. / L'hon. Jim (LIB)</b>	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
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Kevin Daniel Flynn, France Gélinas  
Helena Jaczek, Sylvia Jones  
Jeff Leal, Liz Sandals  
Maria Van Bommel  
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