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Monday 26 October 2009

Lundi 26 octobre 2009

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 26 October 2009

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 26 octobre 2009

The House met at 1030.

The Speaker (Hon. Steve Peters): Good morning. Please remain standing for the Lord's Prayer, followed by a moment of personal reflection and thought.

Prayers.

INTRODUCTION OF VISITORS

Ms. Cheri DiNovo: It's my delight to have in the members' gallery Paul Pighin, the former candidate in London West and now a staffer in my constituency office; Bhutila Karpoche, also a staffer in my constituency office; and Susan Rogers, also a worker in my constituency office. Welcome to Queen's Park.

Mr. Bob Delaney: I'm pleased to welcome, in the members' east gallery, a member of my constituency, Mr. Roman Andrzejewski, accompanied by my legislative assistant, Jessica MacInnis.

Hon. Margaret R. Best: Good morning. I would like to welcome to the Legislature today the students from William Tredway Junior Public School in the riding of Scarborough–Guildwood. They are not in the Legislature yet, but they are in the hallway making their way up.

L'hon. Madeleine Meilleur: Je voudrais présenter aujourd'hui M. Philippe Boissonneault, qui est le président du conseil d'administration du Collège Boréal.

Hon. Deborah Matthews: I would like to welcome my friends Gary and Mary Margaret Koreen from the great city of London.

Hon. John Milloy: I want to give a blanket welcome to all the presidents of Ontario's community colleges who are visiting Queen's Park here today. As we've heard, some of them are in the gallery and others will be joining us and be here throughout the day, including a reception this evening. We certainly want to welcome them here to Queen's Park.

The Speaker (Hon. Steve Peters): On behalf of the member for Scarborough–Rouge River and page Nithya Nithiaraj, we welcome her mother, Christina, to the Legislature today. On behalf of the member from York West and page Rushabh Shah, we would like to welcome his mother, Reshma, and his father, Kamal, to the east members' gallery today. Welcome to the pages' families.

CORRECTION OF RECORD

Ms. Andrea Horwath: On a point of order, Mr. Speaker: I would just like to correct my record from Thursday's question period. During question period, in

response to a comment from the Premier, I said that for every \$1 that the HST costs consumers, 12 cents would be returned in income tax. I was in error and, in fact, it's 18 cents.

ORAL QUESTIONS

PROVINCIAL DEFICIT

Mr. Tim Hudak: A question to the Deputy Premier. Deputy Premier, within hours of revealing your record \$24.7-billion deficit, the Dominion Bond Rating Service immediately rendered its verdict, downgrading Ontario's credit rating. Moody's and Standard and Poor's are sure to follow.

To the minister: How much more will taxpayers be forced to pay in borrowing costs because of this very sobering downgrade?

Hon. George Smitherman: To the Minister of Finance.

Hon. Dwight Duncan: The member opposite is, in fact, correct that DBRS did lower it a notch, while not lowering it a grade. It's something that, frankly, we had anticipated. I would remind the member opposite that the last time Ontario got a credit upgrade was under the Dalton McGuinty Liberal government in 2004.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Tim Hudak: Back to the finance minister: Before Ontario's credit rating dropped under Dalton McGuinty, the Premier was already spending \$9.4 billion on serving the debt. That's more than the McGuinty Liberals spend on the entire colleges and universities system. It's more than they spend on the entire justice system.

Shockingly, with the worst deficit in Canada, the Premier's response on his plan to get us out of his mess was that he's going to stand there and he's going to do some heavy thinking. Well, Minister, it's been a year since the economic crisis began. Ontario families expect a Premier who will lead in a crisis, not freeze.

Is Canada's worst government so paralyzed by scandal that they're incapable of acting on this record deficit?

Hon. Dwight Duncan: Actually, this government led. It led in its March budget that is investing in stimulus, investing in job creation. It's investing to a manner and extent that was called upon by the International Monetary Fund, called upon by the OECD. It's being done by the government of Canada, the government of British Columbia, the government of Alberta, the government of Sas-

katchewan, the government of Manitoba, governments around the world. That was the appropriate response for this year and we will continue to implement that.

Going forward, governments around the world will have to grapple with deficits and we intend to do that. We will be responsible and focused. We will spend the next five months leading up to the next provincial budget consulting and working toward getting that down. That is the appropriate process, and when Ontario gets through this, and we will, we will be bigger, we will be better and we will be stronger.

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

Mr. Tim Hudak: While the Premier spent the weekend and this morning in his thinking place, Ontario families are now reeling with the news that we have the worst deficit in Canada. Furthermore, the McGuinty government is spending a colossal \$2.8 million more each and every hour than they're taking in in provincial revenue.

Not only did the Premier fail to bring a single item for restraint after that bombshell on Thursday, on the same day he revealed this record deficit the Premier said he'd bring in full-day kindergarten, a massive new spending program.

When Ontario families see their bank account is empty, when they find their credit cards are maxed out, they don't go shopping for a brand new car.

Has the Premier given up on any kind of restraint simply because this guy is hard-wired—

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

Hon. Dwight Duncan: This government and this Premier are taking appropriate steps in the worst downturn since the Great Depression to stimulate the Ontario economy. We're following the advice of the International Monetary Fund, of the OECD. We're doing what the government of Canada is doing. We're doing what the government of British Columbia and what governments around the world are doing.

We believe that investing \$32.5 billion in infrastructure is the appropriate response, even if it means a deficit this year and into the near-term future. Those are choices that governments around the world have made. It's about keeping the economy growing as much as we can in the context of a very difficult international circumstance. It's the right policy, and that leader and his party ought to tell the people of Ontario what they'll cut. Will it be hospitals? Will it be schools? Will it be water—

The Speaker (Hon. Steve Peters): Thank you. New question.

1040

ELECTRONIC HEALTH INFORMATION

Mr. Tim Hudak: A question for the Deputy Premier concerning his billion-dollar eHealth boondoggle. Last Thursday, when asked about the auditor's comments at committee, your Premier dodged, deflected and stone-

walled all the opposition questions. I'll give you a chance to do better.

Deputy Premier, why has the Premier been suggesting that the auditor did not find party politics were a factor in the billion-dollar eHealth boondoggle, when the auditor says that he did not even investigate this?

Hon. George Smitherman: I think the honourable well knows that the Premier has offered a quotation from the auditor himself on this very matter. But I do want to counter the characterizations that the honourable member offered in his very question.

First and foremost is his lack of willingness to acknowledge that while the auditor has pointed out areas where expenditures must be better controlled, he was also very clear in acknowledging that substantial pieces of the infrastructure necessary to implement an electronic health record have been created, and those expenditures which he continues to devalue—there has been clear evidence pointed out by the auditor of the investments that have been made in the underlying infrastructure toward the necessary implementation of an electronic health record.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Tim Hudak: We found out at committee and by reading page 6 of the auditor's report that he did not have any mandate whatsoever to investigate the political ties between the Dalton McGuinty government and their Liberal friends.

The Premier, week after week, has selectively quoted from the auditor's report, but from the auditor himself we found out that they "didn't conduct a specific investigation" and "didn't do any research into who could be politically tied" to the grants.

This is a very different story than what the Premier has been telling us, rather artistically, in the Legislature. There is no doubt that the Premier's assertions have now been proven incorrect. Deputy Premier, was that intentional?

Hon. George Smitherman: The honourable member, as has become the norm, seeks to impugn motive. First and foremost are his continuing references to the idea that there has been—

The Speaker (Hon. Steve Peters): I would ask the honourable member to withdraw the comment, please.

Hon. George Smitherman: I withdraw.

The honourable member continues in his presentations in this House to characterize the \$1 billion spent as not having achieved any objective towards the implementation of an electronic health record. This is not factually correct. As the auditor's report has indicated, substantial progress has been made.

Further, this is a quote directly from the standing committee that the honourable member himself referenced: "I wouldn't want to say that our work would have been comprehensive enough to allow someone to conclude that on all of these contracts, without a doubt, we're concluding that there definitely weren't political ties. All we're saying is, we kept our eyes open; we didn't see any evidence of it."

This is a quote directly referenced from the very committee meeting that the honourable member was speaking of.

Interjection.

The Speaker (Hon. Steve Peters): I would just ask the honourable member from Renfrew to moderate his interjections, please.

Final supplementary.

Mr. Tim Hudak: Ontario families know what you achieved in your billion-dollar boondoggle: Liberal-friendly consultants got fat and rich, and Ontario families got absolutely nothing in return.

The Premier tried to suggest that the Auditor General investigated the ties—

Interjection.

The Speaker (Hon. Steve Peters): Stop the clock. I'd just ask the Minister of Aboriginal Affairs to withdraw that last comment he just made.

Hon. Brad Duguid: I withdraw.

The Speaker (Hon. Steve Peters): Continue.

Mr. Tim Hudak: The Premier has tried to suggest that the auditor investigated ties between you, yourself, Minister Smitherman, and the McGuinty Liberals, and the Liberal-friendly consultants; the auditor, this past week, confirmed that he did no such thing.

There's no denying that at least Karli Farrow, your former senior political aide—and to the Premier—got rich from the untendered contracts, as did your friend John Ronson, the Ontario Liberal campaign chair.

I ask, are the McGuinty Liberals playing games with the auditor's quotes and refusing to call a public inquiry because they know other Liberal friends benefited too?

The Speaker (Hon. Steve Peters): Stop the clock for a moment. I do remind members on all sides of the standing orders about impugning motive. I have allowed some things to go through, but I would just ask members to be cautious of impugning that motive against decisions that have been made.

Minister?

Hon. George Smitherman: In the honourable member's lead-in to his question, he talked about what Ontario families achieved. Ontario families achieved a wait-time information system so that all Ontarians have access to timely surgical procedures. We connected 7,000 secure network sites, connected over 500 telemedicine sites and helped to build and maintain two highly secure data centres, the master patient index, the Ontario lab information system, the Ontario MD portal, the drug profile viewer, all the systems that support the Ontario telemedicine network and systems used by the community care access centres across the province of Ontario. These are all evidence of the infrastructure investments necessary to support the implementation of an electronic health record, and they all stand in contrast to the ongoing characterizations of that member to the people of Ontario telling them they got no value for their money, when the clear evidence in all of these areas is that people bought necessary elements of the infrastructure to support the implementation of an electronic health record.

ONTARIO DRUG BENEFIT PROGRAM

Ms. Andrea Horwath: My question is for the Minister of Health. The McGuinty government has a two-tiered solution to Ontario's fiscal woes: Ontario families get whacked with an unfair sales tax and are forced to live with cuts to health care, while well-connected insiders get corporate tax giveaways and lucrative contracts.

On Friday, we learned that McKinsey and Co. was paid \$750,000 to propose cuts to seniors' drug benefits. Will the minister come clean and release the contract details and McKinsey's recommendations today?

Hon. Deborah Matthews: Let me be very, very clear about this: We are absolutely not looking at reducing drug benefits for seniors or for people on social assistance. Let me repeat that: We are not considering any reductions to drug benefits for seniors or people on social assistance. In fact, we're doing exactly the opposite. We are expanding the number of drugs that are available to people through the Ontario drug benefit program. We have made great progress in increasing access to drugs. We're getting better value for money for taxpayers. But there is more work to do. Compared to other jurisdictions, Ontario is paying far too much for generic drugs. As I say, we have begun to get some savings, which we have completely reinvested in new drugs, but there is more work to do.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: Well, this deal was so secret that the government staff denied the sole-source contract even existed. Seniors and their families are told they need to pay higher taxes and accept cuts to health care, but this government refuses to tell them what it spends their money on.

Ontarians deserve full disclosure on what McKinsey charged in per diems and fees and what they recommended. Why won't the minister release the details of this secret sole-source contract right now?

Hon. Deborah Matthews: This "secret" contract actually formed the basis of a presentation that is on the Ministry of Health website. I would urge the leader of the third party to check out a discussion document that has been presented to our industry partners in July 2009. We are working with the drug industry, we're working with pharmacists, and we're working with consumers, all interested parties, to continue to increase the number of drugs that are offered to Ontarians. But we need to drive down the price that Ontario taxpayers pay for these drugs through using our greater purchasing power and providing accountability and transparency to our drug system.

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

Ms. Andrea Horwath: Seniors and their families are willing to make sacrifices during tough times; there's no doubt about it. But they expect their government to be balanced, transparent and fair. Instead, this government cuts secret deals with consultants, refuses to share the

details, and tells seniors to expect drug benefit cuts while corporate tax giveaways and consultants' contracts are handed out like candy on Halloween.

If the minister has nothing to hide, why won't she release all of the details of this secret contract and show Ontarians what they got for their money?

1050

Hon. Deborah Matthews: Let me repeat: We are absolutely not considering any cuts to drug benefits for seniors or for people on social assistance. We are doing exactly the opposite. We introduced Bill 102 so that we could leverage our drug program to get better value for money. We've saved \$700 million through that, all of which and more we have invested in more drugs, better drugs. We've added 682 new individual products to the formulary since 2006. We've increased funding for cancer drugs from \$72 million to \$195 million. We are investing more and more in drugs for people. We will continue to do that, but we must make sure we're getting the best value for the money.

HOSPITAL FUNDING

Ms. Andrea Horwath: My next question is back to the Minister of Health. In communities across Ontario, emergency rooms are closing and health services are disappearing, with tragic consequences. If, as this government claims and this minister claims, there are no health care cuts planned, why are local health integration networks projecting a decrease in hospital operating funds?

Hon. Deborah Matthews: Again, we will continue to do what we've done in the past. We will continue to invest more in hospitals and in the health sector overall. I think that the member opposite is referring to a planning document that was shared with the LHINs. It's very important for you to understand what this document is. This is not a budget document. This is not a document that tells—

Interjection.

The Speaker (Hon. Steve Peters): I'd just remind the honourable member from Hamilton East that if he chooses to offer some interjections through the question period, it best be done from his seat.

Minister?

Hon. Deborah Matthews: As I say, the document you are referring to is not a budget document; it is a planning document that is incomplete and out of date. It does not include increases to the base funding, which we have provided every single year we have been in office and will be providing again next year. It does not include any of the funding that we've given to hospitals on our wait-times strategy. Hospital funding will be higher next year; I can assure you of that.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: The minister knows that the document did, in fact, show up online and then it mysteriously vanished not too long afterwards. The minister was asked for details but she refused to speak to the

details. She cancelled the interviews that were supposed to be held on this very issue.

This is a government claiming it can cut corporate taxes and pay consultants millions of dollars every day without cutting health care, but it keeps getting caught in the act of cutting. If they aren't cutting health care services, I'd like to know why local hospitals keep closing, why people can't get OHIP-listed services and why the public is kept in the dark.

Hon. Deborah Matthews: Let me just speak to that. Health care is a key priority for this government, there is no question, and we have shown that year after year through our budget process. We know that we are facing difficult economic challenges, but our commitment to health care remains. We are very focused on enhancing the sustainability of the health care system because we need this health care system not just for our generation but for generations to come. So we are committed to increasing funding for hospitals. We are looking at any way we have to improve the sustainability of our system. Future generations are counting on us to do this job and do it well.

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

Ms. Andrea Horwath: Well, there's one thing I would agree with: The people of this province do need their health care system. Christine Wines from Grimsby lives in pain because her hospital cannot afford an OHIP-listed surgery. She needs her health care system. Bob Haynes from Port Colborne had to watch as his mother suffered a severe stroke because her local emergency room had closed. She needs her health care system, Minister. The government can find billions of dollars to hand out in corporate tax cuts and pay well-connected consultants \$1 million a day, while Bob, Christine, and countless Ontario families are told to accept cuts to their health care. How can this minister support such an unfair, unbalanced approach?

Hon. Deborah Matthews: I think it's very, very important—I think people in this House know, but anyone who is watching this should understand that there are no cuts to health care; quite the opposite. We have continued to improve and enhance health care in this province since we were elected in 2003. I invite people to think back to 2003, when people were waiting in excess of a year for hip replacements, for knee replacements, and more than that for cataract surgery. People could not find a family doctor. In fact, I had constituents in London who were travelling to Toronto to visit their family doctor because they couldn't get a new doctor in London. We have made tremendous progress since we were elected in 2003, and I'm very proud of the progress.

ELECTRONIC HEALTH INFORMATION

Mr. Frank Klees: To the Deputy Premier and Minister of Infrastructure: According to the fall economic statement, the McGuinty Liberals' stimulus plan adds an additional \$500 million to Minister Smitherman's minis-

try this year alone. What we know now is that while at the Ministry of Health, the minister was responsible for some 80% of the scandalous eHealth spending, some of which went to the stimulus of Karli Farrow, John Ronson and consultants at the Courtyard Group. Questions still remain, as we know, about how much more of the \$837 million that he handled went to Liberal-friendly consultants.

I want to ask the minister: If the Premier does not call a public inquiry for this billion-dollar scandal and clear the air, how can he expect public confidence in his ability to oversee yet an additional \$500 million of the public's money?

Hon. George Smitherman: First and foremost, I say to the honourable member that when I left the Ministry of Health, there was not one employee of eHealth, this organization that he has spoken about, but I did have substantial responsibilities over the Smart Systems for Health organization. I inherited that from a predecessor minister, and in the time that I was responsible for it, we invested substantially in building the infrastructure which supports the coming to life of an electronic health record. Clearly, the auditor has made comment about areas where that could be done more effectively. We take responsibility, we accept those comments, and we'll work harder than ever to make sure that as we go forward, we give Ontarians what they need in the form of an electronic health record.

By way of supplementary, I'd be happy to go over some of those very tangible steps of progress that the patients and the people of the province of Ontario have received as a result of investments in Smart Systems.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Frank Klees: By way of supplementary, I want the minister to answer my question, and that is that it's very clear that the auditor did not clear Minister Smitherman of mishandling public money. There is no denying that Minister Smitherman has close ties to Courtyard and Liberal-friendly consultants who received millions of taxpayer dollars in untendered contracts.

A public inquiry would give the minister the chance to restore his integrity once and for all. So I ask the minister: The only thing standing between him and being able to clear his name is a public inquiry that would answer all of those questions. Will the minister tell us if he objects to a public inquiry that would shine light on the facts that he disputes, and if he does object, why?

Hon. George Smitherman: But it's the honourable member that disputes the facts. It's the honourable member who's unwilling to acknowledge that substantial progress has been made with respect to the investment that the people of Ontario have made related to the electronic health record project. I don't need clearance from the honourable member. I know that the time I spent at the Ministry of Health is associated with substantial advancement in access to health care for the people of the province. All of the honourable member's political rhetoric and attack aside, the 600,000 additional people who gained access to a family physician as a result of the

efforts that I was privileged to make is satisfactory for me.

But on the issue of Smart Systems for Health, we have substantial accomplishments that occurred towards building the network site and creating the capacity for the information at the heart of an electronic health record to travel amongst the thousands and thousands of points of health care—

The Speaker (Hon. Steve Peters): Thank you. New question.

AUTISM TREATMENT

Ms. Andrea Horwath: My question is to the Minister of Children and Youth Services. According to her ministry's most recent quarterly numbers, the McGuinty government's autism program is not living up to the Premier's promise of ensuring that children with autism receive treatment regardless of their age. The IBI/ABA numbers for April through June 2009 continue to be troubling. Compared to the previous quarter, 1,649 children are waiting for IBI, 136 more than previously reported, and another 114 children have been abruptly cut off.

Why are more children with autism waiting for treatment, and why are more children having their treatment suddenly cut off and terminated?

1100

Hon. Laurel C. Broten: This is a file where I'm very pleased to be able to build on the work that's been done by our government and a variety of Ministers of Children and Youth Services since we took office in 2003. We've made a lot of progress. Kids are getting the help they need, we've expanded those services, and we're working to make sure that families also have the support they need. We're working to maintain that progress and push ahead, working with parents and experts. Over the last couple of years, we've been examining how we can do better for our kids in Ontario.

I had the opportunity last week to visit Surrey Place and speak directly with the experts and find out how they think we can best help kids in Ontario. There is more work to do—there is always more work to do. We continue to build on the efforts that we've put in place to make sure that Ontario kids get everything they need from our education system and that envelope of services around them.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: It's been six years. These children and these families cannot wait any longer for this government to get its act together when it comes to the autism file.

The regular quarterly numbers don't lie. The government is cutting off more children from IBI when schools are not able to provide the therapy. Instead of funding treatment, the government is allowing waiting lists to balloon and children to languish. When will parents see adequate service levels and proper funding for children's autism treatment?

Hon. Laurel C. Broten: I want to put some key facts on the table. We removed the previous government's age 6 cut-off and more than tripled autism spending, from \$44 million to \$165 million. We've more than doubled the number of kids getting IBI treatment—more than 1,300 now, up from just over 500 four years ago. We've introduced respite programs that serve almost 7,000 kids. The growing waiting list is not acceptable. That's why we've put more resources into the system.

But I would say that the numbers being brought forward by the leader of the opposition are consistent with numbers that we've seen in the past: 114 kids have completed the services for IBI, and we now have 1,262 kids receiving that service.

We need to get service to more kids. We need to broaden that continuum of support. That's why we're working with world-renowned experts like Peter Szatmari and Nancy Freeman and why we've brought that group of expertise to the table to make sure that kids in our schools get the treatment—

The Speaker (Hon. Steve Peters): Thank you. New question.

ROAD SAFETY

Mr. Kevin Daniel Flynn: My question today is for the Minister of Transportation. Ontarians agree that driving while using hand-held communications and entertainment devices is a very dangerous practice. Most people recognize that driving while distracted is unacceptable. However, on a daily basis we still see individuals who choose to drive their vehicles while talking on cellphones and engaging in other distracting behaviours.

In 2006, I introduced a private member's bill that looked at distracted driving and novice drivers. I'm pleased to see that the government took this concept one step further, addressing distractions for drivers of all levels and ages.

I understand that today is the first day this new law comes into effect. My constituents are pleased to see this. However, how will this bill be enforced? What is and what isn't allowed to be used while driving? What will the fines be? Will the minister share with this House what the new law means for drivers all across this province?

Hon. James J. Bradley: I would like to thank both the member for Oakville and the member for Durham. I think they both deserve applause for bringing forward an important piece of legislation.

As the member for Oakville noted today, this is the first day of the distracted driving legislation coming into effect.

Mr. Peter Shurman: You were on CFRB this morning.

Hon. James J. Bradley: I was on CFRB; you're right.

What we will see prohibited while driving includes the use of hand-held cellphones, BlackBerrys, text messaging, e-mailing, and any electronic device operated digitally with the hand. What will still be allowed are hands-

free wireless devices, such as an earpiece or a Bluetooth device.

There will be a three-month educational period when police will pull over drivers who are using hand-held electronic devices. As of February 1, 2010, police will begin issuing tickets with a fine of up to \$500. They can still lay charges—

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

Mr. Kevin Daniel Flynn: My question is once again for the Minister of Transportation. We all look forward to sharing the information he has provided, certainly with my constituents, but I do have further questions.

It's an important day for Ontario. The legislation will not only affect the driving behaviour of most Ontarians; it's also going to affect the millions of tourists who visit our province every year. There are studies out there that show that a driver using a cellphone is four times more likely to be in a crash than a driver who is focused on the road. Most people recognize that both dialing and texting while driving can be very dangerous behaviours. Common sense allows most people to understand the need for this type of legislation.

Today I'm wondering how we're going to advise the public that this government has delivered on making roads safer. Is there a planned publicity campaign to inform the general public and those who visit our province? Through you, Speaker, I was hoping the minister would be able to share with this House what steps will be taken—

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

Hon. James J. Bradley: On top of the already extensive television, radio and print media coverage, the MTO will use a number of ways to reach out to the public during the three-month educational period. These would include a targeted public education campaign emphasizing keeping your hands on the wheel and your eyes on the road; information cards outlining details of the new law, made widely available to the public as well as to our road safety and police partners for distribution; a variety of hands-free safety messages to be placed in rotation on our COMPASS signs; road signs on our highways at border crossings and other strategic locations; updating our website and road safety education curriculum; and other local community initiatives.

It's important to remember that anyone who chooses to drive while distracted can also be charged with careless driving or dangerous driving, both of which carry severe fines and could lead to jail time and demerit point penalties.

PROVINCIAL DEFICIT

Mr. Norm Miller: My question is for the Deputy Premier. Instead of giving taxpayers accurate information about Ontario's debt, the Premier seems more interested in PR schemes to sell his dismal economic performance. On page 60 of the economic statement, the McGuinty

Liberals compare Ontario's debt-to-GDP to other jurisdictions in order to suggest that our provincial economy is in the middle of the pack. But the information is taken from a period before the full brunt of the global economic crisis was known. There's no doubt that the information is misleading. Was it intentional?

The Speaker (Hon. Steve Peters): I'd just ask the honourable member to withdraw that comment, please.

Mr. Norm Miller: I withdraw that, but there's no doubt that the information gives Ontarians an incorrect picture of our comparative financial situation. Was it intentional?

The Speaker (Hon. Steve Peters): I'd just ask the honourable member to withdraw that last comment, please.

Mr. Norm Miller: Withdrawn.

The Speaker (Hon. Steve Peters): Minister?

Hon. George Smitherman: To the Minister of Finance.

Hon. Dwight Duncan: I refer the member to page 60—he has quoted that—and he'll see that the data between the graphs is comparable for the year ended March 31, 2009. It's designed to show the relative position of Ontario with the OECD countries as well as with our sister provinces. It is the most accurate and up-to-date information that's available to the people of Ontario.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Norm Miller: It's old information, and the minister may believe the inaccurate comparison, but international investors won't. DBRS has already lowered Ontario's credit rating, and others are soon to follow.

Because of the McGuinty Liberals, Ontario's deficit-to-revenue ratio is 27%—deficit, \$25 billion; revenue, \$90 billion—the highest in Canada. That's the worst in Canada. Every hour of every day, Canada's worst government spends \$2.8 million more than it collects in revenue. When will the McGuinty Liberals start giving a credible plan to get Ontario out of this mess and stop giving us misleading PR campaigns?

The Speaker (Hon. Steve Peters): I'd just ask the honourable member to withdraw the last comments, please.

Mr. Norm Miller: Withdrawn.

The Speaker (Hon. Steve Peters): Minister?

Hon. Dwight Duncan: Just by way of comparison, interest on the debt in 2000-01, for instance, was \$10.9 billion or 16.4% as a percentage of revenue. That was under his party's watch. Even though we're in the midst of the worst downturn since the Great Depression, our interest as a percentage of revenue is only 10.4%.

1110

There's no doubt the economy has gone through a terrible downturn internationally, but our government has invested in people. We've invested in people by creating stimulus, by investing in infrastructure—\$32.5 billion over two years. We have invested in the so-called built-in stabilizers. We have not cut the things that that member and his party want to cut. It's the right policy for the times. As we move out of this, we will begin to address

the deficit challenges that are facing all governments around the—

The Speaker (Hon. Steve Peters): Thank you. New question.

PENSION PLANS

Mr. Paul Miller: My question is for the Minister of Finance. On October 7, Nortel pensioners came to Queen's Park to ask this government to fulfill its obligations to laid-off and retired workers in this province. They came here to seek support from the McGuinty Liberals with their severance, benefits and pensions. Why is this government ignoring the plight Nortel employees are having with their severance, benefits and pensions and shirking its provincial responsibilities?

Hon. Dwight Duncan: The Nortel situation is, indeed, a challenging one. To those families that are experiencing the anxiety that goes with the bankruptcy of this company, of course our government is empathetic and sympathetic. That's why we've met with the employees—

Mr. Howard Hampton: I saw the executives; the executives are doing fine.

Hon. Dwight Duncan: No, I saw executives, and they're not doing fine, Mr. Hampton. Unlike you, they lost their pensions. You kept yours, but they didn't.

It's not just a matter—it's a matter affecting all employees.

Government after government in this province refused to fund the pension benefits guarantee fund. We have made changes to it to give us greater flexibility.

We will continue to work with Nortel through this bankruptcy position. There's no doubt—the member is right—it's a very—

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

Mr. Paul Miller: We're tired of this government's whitewashing rhetoric. We're tired of them leaving laid-off and unemployed workers in the lurch while they pad the pockets of their consultant buddies. And we're really tired of them—

The Speaker (Hon. Steve Peters): I reminded members about impugning motive. Please withdraw the comment.

Mr. Paul Miller: I withdraw.

We really are tired of them playing pensioners like a Ping-Pong game, fobbing them off to other levels of government.

When will the McGuinty Liberals stop ignoring Nortel and all the other pensioners in this province? When will they implement the Arthurs recommendation, their own consultant's recommendation, to increase the pension benefits guarantee fund's monthly benefit to \$2,500? And when will this government finally stand up for pensioners and laid-off workers by enacting Bill 6, which would ensure laid-off workers the severance back pay owed to them by your own law?

Hon. Dwight Duncan: The member opposite may not know this, but Professor Arthurs actually calls for

employees to make much larger contributions to the PBGF. If you're supporting that, that's fine.

What we've done is followed up on his recommendation to do a complete actuarial study of the fund. That is under way. I expect, as I indicated in the budget, to be bringing that to this House probably in late winter, early spring.

There's no doubt that these people at Nortel, the families across Ontario, are very anxious. One can't blame them. Our government is working with them on this circumstance. There's a federal overlay in terms of bankruptcy protection and the place of pensions relative to other creditors.

What we don't need is tired, worn-out rhetoric from people like that member who offer no solutions, only more empty language.

FIREFIGHTERS

Mr. Dave Levac: My question is for the Minister of Labour. Minister, some time ago our government took the steps to ensure that full-time, professional firefighters and their families are treated with dignity and compassion in the event of an illness caused by the very dangerous work that they do. We brought in legislation and regulation to support full-time, professional firefighters who develop certain cancers or suffer from heart injury as a result of their job. At the time, the then Minister of Labour indicated that our government would be determining how this legislation would apply to part-time and volunteer firefighters. I would like to ask the minister if he could tell us a little bit more about where we are with that particular issue.

Hon. Peter Fonseca: I'd like to thank the member for Brant for his advocacy and for his tireless work on this issue. I know I've had the opportunity to have some very positive discussions with the member regarding the expansion of presumptive legislation for volunteer and part-time firefighters.

Many of you here may know that the Premier made a commitment in 2007 to review how volunteer and part-time firefighters could be covered by presumptive legislation, and at that time our government began working with stakeholders and advocates to ensure that we got this policy right. Our government recognizes the hazardous, life-threatening work that these firefighters do, and we've taken steps to ensure that firefighters and their families are treated with dignity and respect. Volunteer firefighters are crucial to so many communities across our province—

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

Mr. Dave Levac: I know that you are working with various organizations that appreciate the work you're doing. Thank you. Presumptive legislation allows for the creation of regulations that recognize prescribed diseases and heart injuries as presumed to be work-related in firefighters unless the contrary is shown.

It is important that we continue to work with volunteer firefighters and the Firefighters Association of Ontario on

how legislation will apply to volunteers and part-time firefighters. It's important that President Bill Burns, past President Dave Thomson and their team, along with the Ontario Association of Fire Chiefs, understand that this is progressing. Many of my constituents have sent letters of support for this presumptive legislation. I know the government has recognized this, and they realize that it's a hazard for firefighters in this job that they do.

Can the minister tell us a little bit more about the discussions and how they're proceeding, and what's being done to expand the legislation for volunteer firefighters? This is an issue that we've been working on, contrary to what some people have indicated in the House, and I would appreciate the minister—

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

Hon. Peter Fonseca: With the member's tremendous support, we have been making great progress. I have to say that I've read many letters from municipalities, from ill volunteer firefighters and, sadly, from widows. I do not take lightly the responsibility I have over 18,000 volunteer firefighters, part-time firefighters and fire investigators who help all of our communities across this province.

As the member mentioned, earlier this month, my colleague from Brant and I met with a number of individuals to discuss this important matter, including the president of the Firefighters Association of Ontario, Bill Burns, and past president, Dave Thomson; and our health and safety representative and WSIB committee chair, Darren Storey. Consultations with part-time and volunteer firefighters continue. I appreciate the Firefighters Association of Ontario's continued support, and I look forward to working with them.

CHILD PROTECTION

Ms. Sylvia Jones: My question is for the Minister of Children and Youth Services. Minister, will you table a report setting out the additional resources required to enforce the Child Pornography Reporting Act?

Hon. Laurel C. Broten: The act which the member opposite speaks about is one that is in a field that I have worked on for many, many years. Bill 37, the Child Pornography Reporting Act, was my private member's bill under the last session, and I'm very pleased that child safety is of paramount concern to the government. As I drafted the bill, I consulted with a range of groups, including the Canadian centre for child abuse, The Gatehouse, Beyond Borders, KINSA and representatives from the OPP and the Toronto police forces. Since the bill passed, my new ministry, the Ministry of Children and Youth Services, has been consulting closely with those agencies again: the Canadian Centre for Child Protection, the government of Manitoba, the Ministry of the Attorney General and the Ministry of Community and Social Services. I'm extremely proud of the legislation, and I look forward to the finalization of the regulations.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Sylvia Jones: I asked the minister if she would table the report, because it will mean additional resources

to children's aid societies. You obviously don't care what onus your private member's bill will put on the children's aid societies across Ontario. Your bill specifically broadens the responsibility of children's aid societies, yet your government is not willing to fund children's aid societies for the mandate they have right now. Thirty-seven out of 51 children's aid societies have told you they cannot fulfill their current legislated mandates.

Minister, you mentioned you called the Ontario Association of Children's Aid Societies. What services have you recommended they cut from their budgets?

1120

Hon. Laurel C. Broten: Let's put some facts on the table because facts are imperative here. Over the last 10 years, funding for CASs has gone from \$500 million to \$1.4 billion. Our CASs across the province are protecting kids.

I want to speak for a moment with respect to protecting Ontario's kids from child pornography. That's who my priority is. That's who I care about, member opposite. I care about the kids in Ontario. This private member's bill put obligations on all of us to report incidents of child pornography.

I know what my bill did and it told all of us, including children's aid societies, including businesses, including individuals, that you can't be a bystander when kids are being abused. Every depiction of child pornography is a depiction of a child being sexually abused. Every depiction of child pornography is evidence of a crime. Those are the kids I care about.

Frankly, I think we can all step up a little bit and protect Ontario's kids better, and that's why I'm very proud to be part of a government—

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

Interjections.

The Speaker (Hon. Steve Peters): Stop the clock for a moment. I just remind honourable members, as I have in the past, if they're dissatisfied with an answer, file a late show.

New question.

NORTHERN ECONOMY

Ms. Andrea Horwath: My question is to the Minister of Northern Development, Mines and Forestry. The McGuinty government's so-called northern growth plan makes no mention of the 40,000 direct and indirect Ontario forestry jobs that have vanished. Is the minister wearing blinders? Or does he think that if he just ignores it, the devastation is going to go away?

Hon. Michael Gravelle: I was very pleased, along with my colleague the Minister of Energy and Infrastructure, George Smitherman, to release the northern growth plan last Friday both in Sudbury and in Thunder Bay. This is a document that is created by northerners, for northerners. It reflects their concerns and their recommendations for action, and there are many actionable items.

May I say, in terms of the specifics of the leader's question, the fact is, there are recommendations related to our need for forest tenure review, our recognition that indeed there is a transformation within the forestry sector and we must move forward in terms of wood supply allocation and other issues related to that as well.

So indeed, this is a document that relates to the potential for job creation in northern Ontario and is a real priority. We've very pleased indeed that we're now moving toward our final consultation process with communities in northern Ontario to further get some thoughts from our northerners. This is about job creation. It's about actionable items. We're very proud of this, as are all northerners. This is their document.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: Six years later and the McGuinty government continues to fail Ontario's forestry sector. More than half of the promised forestry aid sits unused in a government bank account as 40,000 unemployed northerners try to pick up the pieces. The government's so-called plan makes five forestry recommendations, none of which do a damn thing to address the sky-high electricity costs that are killing forestry jobs in this province.

How could this government's so-called northern Ontario plan ignore the most important issue that faces Ontario's forestry industry?

Hon. Michael Gravelle: The northern Ontario growth plan very specifically addresses that, plus many other aspects of the economic development needs in northern Ontario.

Interjection: I think she should read it.

Hon. Michael Gravelle: And I think the member should read it, exactly, and I encourage everyone to read it.

I was startled, indeed, by some of the comments made by your colleague from Kenora, who made no mention whatsoever of the incredible opportunity we have for the upgrade of the transmission lines in northern Ontario, particularly the priority line between Nipigon and Pickle Lake, which will bring stability and extra energy needs to the Musselwhite Mine in his riding, which he ignores, which will potentially take some First Nation communities off diesel and on to the electricity grid in his riding.

This report reflects the concerns that northerners have and the recommendations they've put forward. We have remarkable support from all across the north. We're looking forward to moving forward with this and our government is very proud of this plan.

RURAL INFRASTRUCTURE

Mrs. Carol Mitchell: My question is to the Minister of Agriculture, Food and Rural Affairs. Being connected is vital for both our social and economic well-being. Given the importance of being connected in today's day and age, access to broadband infrastructure should be available to as many Ontarians as possible, including our farmers, rural businesses and rural residents.

Broadband access will encourage the use of technology, whether it's local farmers checking satellite weather imagery, rural businesses conducting their businesses, or families communicating with distant relatives or children at school. In my riding, municipal economic development offices are looking to attract businesses to locate in their municipalities, but often barriers, including access to fast Internet connections, stand in the way of companies deciding to locate in the area.

Could the minister let the House know about the steps the government is taking to ensure rural access to broadband infrastructure?

Hon. Leona Dombrowsky: It's a very good question, because providing rural broadband infrastructure is absolutely essential for the health and well-being in rural communities.

In 2007, our government committed over \$27.4 million for 47 broadband projects across rural southern Ontario through the Rural Connections initiatives. Our government continues to address broadband gaps in Ontario through two particular funding initiatives. One, we've committed \$32.75 million to support projects in partnership with the federal broadband Canada initiative, the Connecting Rural Canadians program. We have also announced our commitment of up to \$55 million to fund a regional broadband project in eastern Ontario.

I was in a school on Friday where the students are using smart boards. They're able to do that in a small rural community because—

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

Mrs. Carol Mitchell: My constituents will be pleased to know that our government is working to provide them with further opportunities to connect socially and commercially. The ability to connect through broadband infrastructure will allow for the continued success and the prosperity of rural Ontario. My constituents were especially pleased to hear that our government has committed to fund regional broadband infrastructure. These investments will ensure that the municipalities are able to move ahead with much-needed projects, and certainly in a timely fashion.

Minister, over the summer you announced a second intake of projects through the Rural Connections broadband program to address the broadband gaps in rural southern Ontario. Could the minister please give the House an update on the status of these vital broadband infrastructure projects?

Hon. Leona Dombrowsky: With respect to the program that was announced, there is an expectation that they would be complete by the year 2012. I'm also pleased to report that we have had steady progress with the 14 intake one projects that are underway, with 14 to be completed in the next six months. Intake two projects are also progressing well, with two projects under way and another nine at the stage of negotiations with the Internet service providers. In total, 26 of the 29 that were announced in intake one and intake two are in the RFP process.

In the member's own riding of Bruce county, they are going to receive \$1 million of provincial funding toward a project valued at just over \$3 million. This is good news for the people of the member's riding. We expect that many rural communities across Ontario will benefit from this very important investment in broadband.

DRIVER EXAMINATION CENTRES

Mr. Frank Klees: To the Minister of Transportation: We're now in week 10 of the work stoppage at DriveTest centres across the province. Jobs are being lost because truck drivers can't upgrade their licences. New drivers can't get licences and so they can't get jobs; they can't enrol in driving training programs or in college programs.

The minister knows that the contract that was entered into with Serco obligates that company, under contract, to ensure that wait times for road tests are no more than six weeks, that there are acceptable service levels, that the MTO would safeguard the public interest under the terms of that contract. Serco is not meeting its obligations under the contract that they have with the province of Ontario. Why has the Minister of Transportation not stepped in to ensure that they meet those obligations and that Ontarians are not held hostage?

1130

Hon. James J. Bradley: I hope that the member is not contemplating or suggesting that strikebreakers be used in this particular case. Perhaps he isn't, because that would be the only way, of course, that that service would continue, is if strikebreakers were used. I know that the member would not be advocating that. You will be aware that when your government signed the contract with Serco, it was a full 10-year contract.

The ministry has taken certain actions to protect those whose licences have expired, in some cases, and in the same category are able to continue. They've had extensions, in other words. We are going to extend further, if necessary, the deadlines that will assist people who are renewing.

I don't know what the member is contemplating in this particular case, but we—

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

Mr. Frank Klees: What I'm contemplating is the fact that Ontarians are hurting. It's not enough to extend deadlines. There are people who need to get into those tests to upgrade their licences. Jobs are being lost.

Here's what I'm suggesting to the minister. It has come to my attention that in fact an offer has been made but the union is refusing to put that offer to a vote by its members. The Minister of Labour has the authority to direct that an offer be put before the employees. I am asking the Minister of Transportation and the Minister of Labour to ensure that at the very least an offer that has been put forward is put to a vote by the employees. That's what I'm asking.

Hon. James J. Bradley: The Minister of Labour has informed me that he has made available the very top

mediators within the Ministry of Labour of the province of Ontario to bring both sides together. He has urged them to come together. The mediator is available seven days a week, 24 hours a day, to work with both of the parties in this case.

When efforts are being made to reach a collective agreement, when there are discussions going on, I know that individual members of the Legislature such as myself, particularly ministers, can be unhelpful in this regard by coming down on one or the other side of the issue.

We know the great difficulties being faced by people, and I do know that the Minister of Labour is prepared to take appropriate action to bring the two sides together so we can finally get an agreement in this conflict.

ONTARIO CHILD BENEFIT

Mr. Michael Prue: My question is to the Minister of Community and Social Services. On October 10, I asked the minister a question about social assistance rates. In her response, the minister said, “We have the Ontario child benefit that we’re supposed to get up to \$1,100 ... by 2013, and we have advanced this investment this year so they”—and by “they” I assume she means families—“are receiving \$1,100.” Could the minister please clarify her statement? Is she saying that all families on social assistance are now receiving the full \$1,100 child benefit?

Hon. Madeleine Meilleur: Thank you very much for the question.

Yes, this government is very proud because we moved forward with the Ontario child benefit, which is a signature piece from our government.

As the member knows, the Ontario child benefit is related to the income of the family so that’s why it’s not only people on social assistance who receive it. That’s the beauty of it. People who are in the low-income bracket can benefit from the Ontario child benefit.

Every situation is a different situation. You need to give me a special case, and we will be able to tell you how much the family will receive.

It’s benefiting all the families that are in the low-income bracket and we’re very pleased with that.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Michael Prue: I listened intently to the minister and she doesn’t have a clue. The fact is that not all families receive the full increase to the child benefit. For example, on July 1, the government increased the child benefit paid to a single parent with a child over age 13 by \$42 a month, but at the same time the McGuinty government decreased the basic needs allowance paid to this family by \$41 a month, leaving a net increase in benefits of \$1 a month. Why does this government think that some Ontario families should receive the full child benefit and others, those with 13-year-old children, should not?

Hon. Madeleine Meilleur: First of all, I’d like to remind the member on the other side that he voted

against the Ontario child benefit. We are very proud of it. It’s a restructuring of social service assistance, and it was a request from the community: They wanted to have the benefits for children outside of social assistance, and that’s exactly what we did.

On top of that, we’ve increased social assistance since we came to power. This coming November and December, the increase will be 11% since 2003. It’s a lot better than what they did when they were in power, and it’s a lot better than what the Tories did when they were in power, because they cut social assistance by 22%. A lot of families were in very difficult situations when that happened.

This government is very sensitive to the needs of people on—

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

The time for question period has ended, and there being no deferred votes, this House stands recessed until 1 p.m. this afternoon.

The House recessed from 1136 to 1300.

MEMBERS’ STATEMENTS

ROAD SAFETY

Mr. Garfield Dunlop: I rise in the House today to pay tribute to the member for Durham, John O’Toole, and his advocacy against driver distraction. As of today, we all know that a new law prevents Ontario drivers from talking, texting, typing, dialing and e-mailing using hand-held cellphones and other devices.

My colleague Mr. O’Toole was among the first legislators in our country to raise this issue through a private member’s bill on distracted driving that he tabled right here in this House in the year 2000. Since then, he’s been very serious on this issue of public safety. He kept the issue on our agenda with five similar bills.

Today, the province of Ontario joins Newfoundland and Labrador, Nova Scotia and Quebec in restricting the use of electronic devices while driving. Manitoba has also passed driver distraction legislation.

Ontario’s legislation is a good example of the parliamentary process at work, and it’s a result of grassroots advice from citizens, along with input from researchers, police, doctors, insurers and many other stakeholders, as well as elected MPPs.

I would like to commend all those who were part of the process, but I would especially like to congratulate our colleague John O’Toole for his leadership on this public safety issue. It is an example why private member’s legislation does work. It took a long time for it to get through, but in the end, the government listened. I know John O’Toole wasn’t included today in some of the fancy press announcements, but everyone in this country and this province knows that John O’Toole was responsible for this legislation.

CITY OF CORNWALL

Mr. Jim Brownell: I rise in the House today to congratulate the city of Cornwall in my riding of Stormont–Dundas–South Glengarry, which has recently been ranked by the Canadian Federation of Independent Business as the fifth-highest Ontario community for entrepreneurship.

The communities were ranked based on a variety of factors, including net business start-ups, employment diversity, self-employment statistics, hiring expectations and local government involvement in business. Studies have shown that Canada offers many cost and quality-of-life advantages, and Ontario—and the 401 corridor in particular—is the first choice of most investors.

Cornwall enjoys a strategic location on Highway 401 between Toronto and Montreal and is just an hour's drive south of Ottawa, the nation's capital. This vital transportation link means that Cornwall companies can ship products efficiently and cost-effectively anywhere in North America, including international shipping ports.

Cornwall is not only part of Canada's most important transportation network, but it is also a vital link with an international border crossing to New York state. The strategic location offers companies advantages that go beyond the movement of goods, and transportation is quite easy by car, train, boat or air. Two international airports and the Cornwall Regional Airport are close by, and Cornwall is an important link on VIA Rail's passenger train service, allowing citizens to connect with people anywhere in the world.

Because quality of life continues to top most site selectors' lists, Cornwall's location on the shores of the St. Lawrence River adds just one more element to this mix. I'm very happy to congratulate Cornwall on this ranking in entrepreneurship.

WIND FARMS

Ms. Lisa MacLeod: I stand before this chamber today to support the private member's resolution of my Progressive Conservative caucus mate Bill Murdoch, MPP for Bruce–Grey–Owen Sound.

Mr. Murdoch is calling for a moratorium on wind farms throughout Ontario until more studies have been completed on the health effects wind turbines may cause.

The residents in the village of North Gower have contacted me regarding their concerns about a wind farm in our own community. During the committee hearings on the Green Energy Act, MPPs, including myself, heard from dozens of Ontarians who have warned us against the potential health hazards and impacts of those whose homes are near a wind farm.

Perhaps the biggest failure of the Green Energy Act—and there are many failures—is that local planning is taken away from local communities in favour of a made-in-Toronto plan by the Minister of Energy and Infrastructure. For the residents in my Nepean–Carleton riding, the only option left for us for any public input on

this wind farm that the Liberal government wants to impose on our small community is Mr. Murdoch's resolution on a moratorium. Nepean–Carleton right now is battling two encroachments in our small rural community: not only the wind farm in North Gower but also the doubling of the size of Manotick because provincial bureaucrats, not local politicians, are dictating our—

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

DRIVER EXAMINATION CENTRES

Mr. Gilles Bisson: To our friend the Minister of Transportation, I've got to say that there are many people across this province who are anxiously awaiting your taking some action when it comes to the long labour dispute that's been going on at DriveTest. Now, I'm not going to pronounce one side or the other as at fault or right; the point is that there's a labour dispute that is unresolved and, as a result of that, there are thousands of people across this province and in my constituency who cannot get their driver's licence renewed or get a brand new driver's licence.

We have all kinds of issues. Bus companies that are trying to get people to drive your kids to school every day are running out of drivers and literally are in a position where some of the bus runs are having to be cancelled because there are not enough drivers to go around. Why? Because they are not able to get their certification to be able to drive a bus. As you know, in that industry there is a turnover of people, and now they're finding it extremely difficult to find new drivers.

I've got paramedics who have come to my office saying, "I am able to get a job. I've been certified, I'm ready to go, but I need to get a special licence to drive an ambulance." They can't do that. Why? Because at DriveTest we have a labour dispute.

We have the general public, who are just at their wits' end trying to get their drivers' licences renewed or trying to get a brand new driver's licence for the first time, and again are unable to do so.

So I say to the Minister of Transportation across the way, my good friend Mr. Bradley, you've got to intervene in this particular labour dispute and find some way to get the parties together to solve this, because if not, there are a lot of people who are going to be hurting over the next fall and winter.

ON-TRACK

Mr. Lorenzo Berardinetti: I rise today to speak about On-Track, a career and employment service for women program that began in 1999 north of Toronto. On-Track is making significant contributions to career changes of women in my riding of Scarborough South-west and in our city of Toronto in general.

On-Track offers women a variety of employment skills, including its Trading Up program, that steer women into the skilled trades and apprenticeship career options. Trading Up is a ministry-funded program geared

to assisting women 18 years of age and older to re-enter the workforce. This three-week program teaches women to manage change and to develop skills training, communication, decision-making, resumé writing, cover letter, interview and presentation skills, among other things.

This year, On-Track has partnered with Centennial College's automotive service technicians for women program and Seneca College's early childhood education. In the last decade, On-Track has literally helped hundreds of women return to the workforce.

At the root of On-Track's success are the tireless and selfless efforts of its executive director, Marie Heron, and her staff. On the 10th anniversary of On-Track, I extend on behalf of this House congratulations and best wishes to Marie Heron, her staff, and all the women who have benefited from On-Track's programs to get them back on track.

TRANSPORTATION PLANNING

Mr. Frank Klees: Ontarians are becoming increasingly frustrated with the gridlock on our roads and highways. In the words of a Windsor resident, "I cannot begin to express the frustration that I have experienced trying to simply move around this province in the last two years."

What is of particular concern is the apparent mismanagement of highway projects and the resulting impact on traffic flow. Ramps to and from 400-series highways are closed almost daily with no on-road advance notice to drivers that would at least allow them to take an earlier alternate exit. Predictably, the result is more congestion and more frustration, and the addition of often many additional kilometres of unnecessary detour.

The gross mismanagement of 401 service centres can only be described as incompetence at its worst. To shut down service centres along this province's busiest highway with no alternative provided for travellers' comfort, to rest and to refuel, is beyond comprehension.

As much as the minister attempts to justify these examples of his ministry's incompetence, what matters is that the lives of Ontarians are being put at risk. That, I trust you will agree, is unacceptable.

I call on the Minister of Transportation to get a handle on his ministry, to call to account those individuals who are responsible for planning in his ministry and tell them to get on with it.

1310

NORTH YORK HISTORICAL SOCIETY

Mr. David Zimmer: I am pleased to congratulate the North York Historical Society for receiving Heritage Toronto's 2009 Community Heritage Award. It's an honour presented to one volunteer-based organization in each of Toronto's four community council areas for a significant activity that promotes or protects heritage in the area.

The mission of the North York Historical Society is to protect, preserve and promote the cultural heritage that defines North York and the Willowdale area. An example of the important work done by the North York Historical Society is Gibson House, which was identified as a historical building way back in 1960. The society lobbied for the preservation, restoration and adaptive reuse of this house as a museum. With the support of the society, Gibson House Museum opened in 1971. They've done marvellous things to enrich that heritage and make everyone aware of it.

The society continues its work in this regard, including the Dempsey store in North York and John McKenzie House—which, incidentally, serves as the headquarters for the Ontario Historical Society.

Heritage in Toronto is important to its citizens. The North York Historical Society has made a major contribution and should be congratulated.

VOLUNTEERS

Mr. Vic Dhillon: Today I rise to congratulate all of the unsung heroes in Brampton. I'm referring to the everyday individuals who go out of their way to volunteer their precious time to make a difference in our community.

These people do not volunteer their time because they believe they will receive a financial reward at the end of the day. They do this because they believe in our community and they know that their effort will pay off by inspiring future generations to take up the cause.

I firmly believe that volunteering in our community is quite important, with volunteers like Angela Johnson, who donates her time to various organizations, including organizing our spelling bee right here in Brampton and helping to make Carabram a huge success in our city. Angela never asks for anything in return. She is selfless and is to be commended.

That is why I have decided to hold Brampton West's first annual volunteer awards celebration. This will be an opportunity for residents to nominate an individual who has demonstrated exemplary volunteer service. I'm proud to say that Angela will be our first person nominated for this recognition. Those selected will be honoured at an awards ceremony in my riding in the near future.

ANNIVERSARY OF THE SINKING OF THE GRAF SPEE

Mr. Joe Dickson: The town of Ajax has celebrated the efforts of the Royal Navy veterans in World War II's first Allied major naval victory. Exactly 70 years ago, hundreds of young sailors on HMS Ajax, Exeter and Achilles fought against the infamous Admiral Graf Spee battleship, destroying that German ship, considered one of the best in the world.

The few remaining living sailors and spouses were treated to a week of honour by Ajax residents, including a massed band musical tribute on October 4. The dedi-

cation of the Ajax legacy obelisk was unveiled. The week was chaired by Councillor Pat Brown. Ajax always remembers its veterans.

Guests of honour were many, including the Honourable David Onley, Lieutenant Governor of Ontario, and his wife, courtesy of our mayor, Mr. Parish, and Ajax councillors Jordan, Crawford, Collier, Ashby, Dies and Brown. The massed band performers included the RCSCC Harwood band, Ajax; the pipes and drums of RCL branch 43, Oshawa; the concert band of Cobourg, the band of Her Majesty's Royal Marines; the HMCS York band, Toronto; and the Pickering community concert band.

The final honour of the week was a flyover of the Ajax waterfront by a giant C-130 Hercules of the Canadian Air Force.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON ESTIMATES

Mr. Garfield Dunlop: I beg leave to present a report from the Standing Committee on Estimates.

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 62(c), the following supplementary estimates (2009-10) are reported back to the House as they were not selected by the committee for consideration.

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

Pursuant to standing order 62(c), the report of the committee is deemed to be received and the supplementary estimates of the ministries named therein as not being considered for consideration by the committee are deemed to be concurred in.

Report deemed received.

PETITIONS

DOCTOR SHORTAGE

Mr. John O'Toole: It's always a pleasure to be here and attentive during petition time. My petition here is:

"Whereas the McGuinty government is conducting a review of the province's underserved area program (UAP) that may result in numerous communities across rural and small-town Ontario losing financial incentives to recruit and retain much-needed doctors; and

"Whereas financial incentives to attract and keep doctors are essential to providing quality front-line health care services, particularly in small communities; and

"Whereas people across Ontario have been forced to pay Dalton McGuinty's now-forgotten health tax since 2004, expecting health care services to improve rather than be cut; and

"Whereas taxpayers deserve good value for their hard-earned money that goes into health care, unlike the wasteful and abusive spending under the McGuinty Liberals' watch at eHealth Ontario;

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

"That the McGuinty government not reduce or eliminate financial incentives to rural communities and small towns needed to attract and retain doctors."

I'm pleased to sign and support this, and present it through Elliott, one of the pages here.

TAXATION

Mr. Bob Delaney: I have a petition addressed to the Ontario Legislative Assembly. I would like to acknowledge the efforts of Hassan and Ali Chaudhry of Mississauga for having collected it through the Effort group in Mississauga. It reads as follows:

"Whereas a retail sales transaction in Ontario should not be subject to two separate taxes, at two different rates, under two sets of rules and payable to two different levels of government; and

"Whereas Ontario will implement a comprehensive package of income and business tax cuts in 2010, which will especially benefit working families and retired seniors; and

"Whereas the income taxes of Ontarians will be cut permanently, seniors will receive double their former property tax credit and other permanent savings will flow to Ontarians; and

"Whereas the cost to businesses to produce goods will go down permanently as embedded sales tax is permanently eliminated from the business cycle, enabling these businesses to lower business costs and pass savings along to their customers; and

"Whereas these measures represent the most comprehensive tax reform in a half century, enabling Ontario to be the most competitive place in North America to create jobs, move, grow and operate a business;

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

"That the government of Ontario and the members of the Ontario Legislative Assembly support measures to swiftly enact Ontario's comprehensive tax reform measures, including the move to a single sales tax as proposed in the province's 2009-10 budget."

It's an excellent petition. I'm pleased to sign and support it and to ask page James to carry it for me.

GOVERNMENT SERVICES

Mr. Garfield Dunlop: "To the Legislative Assembly of Ontario:

"Whereas ServiceOntario will be terminating existing contracts with the approximately 60 independently owned and operated driver and vehicle licence-issuing offices in Ontario, we request that the Legislative Assembly stop the closures of these offices.

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

"The most efficient method of delivering driver and vehicle licence services to the public of Ontario is through privately owned facilities. Independent operators have an incentive to provide prompt, courteous service to their customers, many of whom they have been serving for years. Replacing experienced private issuers with ServiceOntario (government) employees will, at minimum, incur unnecessary training, salary and benefits, and facility costs which must be passed on to the taxpayer. Please keep our current issuers in business and their staff employed, providing the excellent service to which we are accustomed."

I'm pleased to sign that on behalf of my constituents.

1320

CEMETERIES

Mr. Jim Brownell: I have a petition signed by many Ontarians from Unionville, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas protecting and preserving Ontario's cemeteries is a shared responsibility and the foundation of a 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 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."

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

HOSPITAL SERVICES

Mr. Ted Chudleigh: I have a petition to the Legislative Assembly of Ontario, and it is signed by over 10,000 loyal citizens of Milton. It states:

"Whereas the town of Milton is the fastest-growing community in Canada, with a population that is expected to surpass 100,000 by 2014; and

"Whereas the Milton District Hospital is designed to serve a population of 30,000; and

"Whereas young families, seniors and all residents of Milton are currently unable to access quick and reliable health care; and

"Whereas the excellent doctors and nurses at Milton District Hospital are constrained by unacceptable conditions and a lack of resources;

"We, the undersigned, petition the government of Ontario to immediately approve and initiate the process to expand Milton District Hospital and to provide

adequate interim measures to prevent further suffering for the people of Milton."

I agree with this petition, I'm glad to sign my name and give it to Bethany to carry to the table.

DIABETES TREATMENT

Mr. Tony Ruprecht: Thank you, Mr. Speaker, for recognizing me on this very important petition. It reads as follows:

"Whereas elementary school-aged children in the province of Ontario suffering from diabetes require regular blood sugar monitoring and may also require insulin and glucagon to manage their disease; and

"Whereas there is no medical or nursing assistance readily available in schools as there was in the past; and

"Whereas the parents/guardians of these children must currently visit their child's school several times throughout the day in order to test their child's blood sugar levels; and

"Whereas the absence of medical support in our elementary schools results in substantial stress and disruption to the lives of children and their working parents;

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

"(1) That elementary schools in the province of Ontario have on-site staff trained in the daily monitoring of blood sugar levels of children who suffer from diabetes; and

"(2) That the trained staff also administer insulin and glucagon when required, with the consent of the child's parent/guardian."

Since I agree, I'm delighted to sign this petition.

TAXATION

Mr. John O'Toole: I'm pleased to present petitions from my riding of Durham, which read as follows:

"Whereas Premier Dalton McGuinty is increasing taxes yet again with his new 13% combined sales tax, at a time when families and businesses can least afford it;

"Whereas by 2010, Dalton McGuinty's new tax will increase the cost of goods and services that families and businesses buy every day. A few examples include coffee, newspapers and magazines; gas for the car, home heating oil and electricity; haircuts, dry cleaning and personal grooming; home renovations and home services; veterinary care and pet care; legal services, the sale of resale homes, and funeral arrangements;

"Whereas Dalton McGuinty promised he wouldn't raise taxes in the 2003 election. However, in 2004, he brought in the health tax, which costs upwards of \$600 to \$900 per individual. And now he is raising our taxes again;

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

"That the Dalton McGuinty government wake up to Ontario's current economic reality and stop raising taxes on Ontario's hard-working families and businesses."

I'm pleased to sign and support this, and present it to Katelyn, one of the pages.

SHARK FISHERY

Mr. Mike Colle: I have a number of petitions here. This one here is a petition to the Legislative Assembly of Ontario to stop shark finning.

“Whereas over 100 million sharks are being brutally killed, mutilated and butchered by the abhorrent practice of shark finning, which involves the removal of the fins of live sharks and then throwing the finless, immobile, live shark back into the ocean, where it is destined for a slow and torturous death, by either suffocation or attack by a predator;

“Whereas sharks are a vital component of the ocean’s interconnected ecosystem, leading ecologists to warn that rapid decreases in shark populations will disturb the ocean’s equilibrium...;

“Whereas the practice of shark finning can have disastrous effects on other fisheries...;

“Whereas the United Nations General Assembly itself has noted that the decline in the shark population could have ‘an impact on broader ecosystem functions’;

“We, the undersigned, urge the Legislative Assembly of Ontario to support the prohibition of shark finning and to call upon the federal government to support the prohibition of this cruel act.”

I support this petition. I’ll affix my name to it.

GOVERNMENT SERVICES

Mr. Garfield Dunlop: This has been signed by about 1,100 people from the community of Penetanguishene.

“To the Legislative Assembly of Ontario:

“Whereas ServiceOntario will be terminating existing contracts with the approximately 60 independently owned and operated driver and vehicle licence-issuing offices in Ontario, we request that the Legislative Assembly stop the closures of these offices.

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

“The most efficient method of delivering driver and vehicle licence services to the public of Ontario is through privately owned facilities. Independent operators have an incentive to provide prompt, courteous service to their customers, many of whom they have been serving for years. Replacing experienced private issuers with ServiceOntario (government) employees will, at minimum, incur unnecessary training, salary and benefits, and facility costs which must be passed on to the taxpayer. Please keep our current issuers in business and their staff employed, providing the excellent service to which we are accustomed.”

I’m pleased to sign that.

SOCIAL SERVICES FUNDING

Mr. Bob Delaney: I have a petition to the Ontario Legislative Assembly. I’d like to acknowledge Cheryl Doran of Brampton for having collected the signatures on it. It reads as follows:

“Whereas the population in Peel has tripled from 400,000 residents to 1.2 million between 1980 to present. Human services funding has not kept pace with that growth. Peel receives only one third the per capita social service funding of other Ontario communities; and

“Whereas residents of Peel cannot obtain social services in a timely fashion. Long waiting lists exist for many Peel region service providers. The child poverty level in Peel has grown from 14% to 20% between 2001 and 2006, and youth violence is rising; and

“Whereas Ontario’s Places to Grow legislation predicts substantial future growth, further challenging our already stretched service providers to respond to population growth;

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

“That the province of Ontario allocate social services funding on the basis of population size, population growth, relevant social indicators and special geographic conditions;

“That the province provide adequate growth funding for social services in Peel region; and

“That Ontario develop, in consultation with high-growth stakeholders, a human services strategy for high-growth regions to complement Ontario’s award-winning Places to Grow strategy.”

A very eloquent statement; I’m pleased to sign and agree with it and to ask page Madeline to carry it for me.

GOVERNMENT SERVICES

Mr. Garfield Dunlop: It’s another petition from the citizens of Penetanguishene.

“To the Legislative Assembly of Ontario:

“Whereas ServiceOntario will be terminating existing contracts with the approximately 60 independently owned and operated driver and vehicle licence-issuing offices in Ontario, we request that the Legislative Assembly stop the closures of these offices.

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

“The most efficient method of delivering driver and vehicle licence services to the public of Ontario is through privately owned facilities. Independent operators have an incentive to provide prompt, courteous service to their customers, many of whom they have been serving for years. Replacing experienced private issuers with ServiceOntario (government) employees will, at minimum, incur unnecessary training, salary and benefits, and facility costs which must be passed on to the taxpayer. Please keep our current issuers in business and their staff employed, providing the excellent service to which we are accustomed.”

I’m pleased to sign that and give it to page Rushabh to present to the table.

TOM LONGBOAT

Mr. Jim Brownell: I have a petition signed by a number of constituents of mine from South Glengarry and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Tom Longboat is Canada's greatest long-distance runner; and

"Whereas Tom Longboat is a great role model for all Canadians;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the Tom Longboat Day Act into law so that we can honour this remarkable athlete and courageous Canadian who is a great role model for all Canadians."

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

1330

HIGHWAY INTERCHANGE

Mr. Garfield Dunlop: I have another petition.

"Whereas the community of Waubauskene in the township of Tay has two entrances off Highway 400, one of which is the Pine Street-Highway 400 ramp; and

"Whereas the Pine Street-Highway 400 ramp entrance has had numerous accidents, including fatalities, over the past two decades; and

"Whereas the Pine Street-Highway 400 ramp entrance is very confusing and awkward for drivers trying to make left-hand turns onto Highway 12 from either Pine Street or the Highway 400 ramp; and

"Whereas the Tay community policing committee and the council of the township of Tay have expressed grave concerns over the safety at the Pine Street-Highway 400 and Highway 12 intersection; and

"Whereas there is a strong feeling in the community that traffic lights at the Pine Street-Highway 400 ramp and Highway 12 intersection would save lives;

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

"That the government of Ontario support the Tay community policing committee and the council of the township of Tay and immediately install traffic lights at the Pine Street-Highway 400 ramp and Highway 12 intersection."

I'm pleased to sign that and present it to Elliott to present to the table.

ORDERS OF THE DAY

EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT (LIVE-IN CAREGIVERS AND OTHERS), 2009

LOI DE 2009 SUR LA PROTECTION DES ÉTRANGERS DANS LE CADRE DE L'EMPLOI (AIDES FAMILIAUX ET AUTRES)

Mr. Fonseca moved second reading of the following bill:

Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000 /
Projet de loi 210, Loi visant à protéger les étrangers employés comme aides familiaux et dans d'autres emplois prescrits et modifiant la Loi de 2000 sur les normes d'emploi.

The Speaker (Hon. Steve Peters): Debate?

Hon. Peter Fonseca: Mr. Speaker, I'll be sharing time with my parliamentary assistant, the member for Brampton West.

I rise today to speak on this piece of legislation, the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009. This proposed legislation would safeguard a group of employees who are among the most vulnerable in our province: foreign nationals who work as live-in caregivers.

Imagine this: In another part of the world—China, the Philippines, Singapore, the Emirates, the Caribbean—a foreign national picks up a local newspaper, reads an ad and sees an opportunity to work in what is seen as one of the best countries in the entire world, Canada.

As they look at that ad, they're the type of caring individuals who see themselves doing that type of service, working as live-in caregivers helping someone's family: maybe a family with young children; or an older adult lives at home and needs extra care, and the family needs that support. Someone may have a disabled child or adult in their home who needs 24/7 support through a live-in caregiver.

So the live-in caregiver answers the ad, goes to a location and hears about what they may find to be a dream world for them: an opportunity to come to work in the greater Toronto area, Ontario, Canada. They are given a talk by a recruiting agency. Then they are told about the fees that need to be paid to access that opportunity, and those are thousands and thousands of dollars. So, many of these live-in caregivers from around the world take out their life savings or borrow thousands of dollars to fulfill this dream to do work they want to do to help a family, maybe living in any one of our neighbourhoods, in one of our ridings.

They go through a process and, all along, this program is under the banner of our federal government: Canada's federal government temporary foreign worker live-in caregiver program. You feel pretty good when you think, "Do you know what? This program is being overseen by the federal government." So the live-in caregiver embarks on this journey, pays out thousands of dollars, finds themselves getting on a plane. They land at Pearson airport, come through Customs, and that's where the dream comes to an end.

Interjection.

Hon. Peter Fonseca: The member is making fun of something that is very serious. There are vulnerable workers who are being exploited, who are being mistreated, and the member is heckling these vulnerable workers. Shame on him.

The vulnerable worker arrives at Pearson, and this is where their dream turns into a nightmare. The recruiter

who is there to receive them under this federal live-in caregiver program tells them all of a sudden when they arrive there, "Oh, sorry. There is no employer. That employer no longer exists."

So the live-in caregiver—I'm sure his or her dreams are destroyed—now has a decision to make: How are they going to get back home, or what are they going to do while they're here?

The recruiter maybe takes them to a holding locale and many times takes away their passport, takes away their work permit. Why would they do this? They'll do this because that gives them control of that poor, vulnerable employee, that live-in caregiver who is here—and then puts them into precarious employment or puts them into a spot which was nothing like the picture that was painted for them many months ago as they were coming over to Canada, to Ontario, to Toronto.

Mr. Gilles Bisson: Imagine how she felt when she walked into Ruby Dhalla's house.

Hon. Peter Fonseca: The member keeps heckling exploited workers, vulnerable workers. I don't understand what this member is heckling about.

Our government sees this as something that needs to be dealt with quickly and forcefully. That is why we have looked at what is happening with these live-in caregivers. We have consulted, and through those consultations we have found every possible loophole that these unscrupulous recruiters are using to exploit these workers, and through this proposed legislation are trying to close every one of those, as well as continuing to work with the Canadian government, which administers this temporary foreign worker live-in caregiver program, so that they can fix many things that are outside of our jurisdiction of Ontario before those workers arrive.

Our government has responded very, very quickly, and at the same time, though, carefully and responsibly, to ensure that these vulnerable workers receive protections that they need and deserve.

This legislation is about compassion. Martin Luther King once wrote that he dreamt of a country where every man will respect the dignity and worth of the human personality. Recognition of the dignity and worth of others is at the heart of this bill.

Many in this House are aware that there have been reports of exploitation of employees who are part of this federal live-in caregiver program. There have been justifiable concerns raised about exorbitant job placement fees and other charges that have been levied on these live-in caregivers.

I want to thank the many advocates out there who have helped inform this proposed legislation. I want to thank Dale Brazao and Rob Cribb at the Toronto Star for their series on this very important issue and for shining the light on it. I want to thank Deena Ladd at the Workers' Action Centre and Mary Gellatly with Parkdale legal, Speaker, as you would know. I want to thank the many, many live-in caregivers who consulted, who opened up, who explained their stories, who shared their stories of exploitation—and if it wasn't happening to

them, the stories they heard from their colleagues, from their friends, as they met at church, as they met at community centres and as they spoke to each other and supported each other in a way to help address these wrongs.

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I want to thank my colleague Mike Colle, who met with many of the live-in caregivers, met with the consul general of the Philippines, and looked to see what we could do here at the provincial level to stop these abuses, as well as my parliamentary assistant, the member for Brampton West, who will be speaking and who was involved in those consultations throughout the summer.

There have also been reports of instances of some recruiters and employers who withheld the passports and documents of these workers.

As I said, these employees devote their lives to caring for our most loved ones. These are people whom we are entrusting with our babies, with someone who is not able to take care of themselves, who has a severe disability, with an aged mom or dad who may have dementia or Alzheimer's. They are caring for our loved ones. They deserve our care, our protections, to ensure that their rights are being upheld, and that's what we're doing with this legislation.

The protections this bill would provide were arrived at through our consultations this summer. We received much public input. These consultations helped identify and clarify the problem which is so international in scope. As I said, these live-in caregivers are coming here from all continents because they have been given information about what a great life they may have. And it's true. All of us, except for the First Nations, have immigrated to this country to find hope, to find opportunity. That's why people come here, and we provide that. We also provide protections for our workers, and these foreign nationals deserve those same protections.

The McGuinty government is moving forward now to do what we can to protect these vulnerable workers, these foreign nationals. Our proposed legislation would prohibit direct or indirect charging of any fees to caregivers, including those related to recruitment or job placement. This comprehensive ban would cover recruitment and placement fees for other supplementary services such as resumé writing, interview coaching etc.

We looked for all the possible loopholes: not just banning those fees that recruiters are directly levying on those live-in caregivers, but also roundabout ways that unscrupulous recruiters would envision as to how they could still charge and grab funds from these vulnerable workers. They may try to do it in a roundabout way, by levying those charges through the employer and then those monies would be receipted back to the recruiter. Those practices and many other types of tactics these unscrupulous individuals may try to use will not be allowed if this proposed legislation passes.

As I said, by some accounts, recruiters would make deals with employers. They would deduct those fees and try to get them in a different way. The recruiter in turn would give the employer a break in the fees that that employer, not the caregiver, should properly be paying.

Having heard these accounts of devious exploitation, we ensured that we would stop this type of practice done to our live-in caregivers.

Also, to hear that somebody's passport or work permit has been taken away from them—this is paramount to taking away somebody's freedom. You are holding somebody hostage. You are imprisoning somebody by taking that documentation because that person is now not able to find other employment, fears moving, fears being deported, and is stuck in what may be a very difficult situation.

Through this proposed legislation, we would give our employment standards officers the power to issue a warrant to come into a recruiting agency or, if need be, a home to get that documentation back for that live-in caregiver.

Also, our employment standards officers will not need to wait for a claim to be made or a complaint to be made by that live-in caregiver. We know that the community of live-in caregivers is a tight one. It's close. They talk to each other. If there are tips that our employment standards officers hear about, where these types of practices are happening at that recruitment agency, they can go out with a warrant and crack down on the agency—go in, inspect and see what is happening—to address the situation.

We know that, if this legislation were to pass, there will still be those out there who will think about breaking the law. What we have done is, we have put in the stiffest penalties in all of Canada. The penalties for those who would break the law under this proposed legislation would amount to up to \$50,000 and up to 12 months of jail time. In no other province, even where they have banned fees and brought in other protections, has anybody brought in jail time. We would have 12 months' worth of jail time also as part of this legislation.

This legislation is about more enforcement—strengthening our enforcement; ensuring that we have stiff penalties; bringing in provisions for issues that we've heard about, like the withholding of personal documentation; and providing information to live-in caregivers as soon as they arrive, through their employer, through the recruiter, about the types of rights they have so that they know who they can call. We acted quickly as soon as we heard about the many stories of abuse. In this House, we said that we would assemble a professional team at our employment standards office to receive calls through a hotline and address claims for live-in caregivers, help them with information, provide the type of information on their rights that they needed, make the general public more aware of the duties and responsibilities of the employer. Everyone should be aware that these types of abuses, of exploitation, will not be tolerated in the province of Ontario.

Many in our province have the experience of coming to a country as immigrants, as my family came over as immigrants. Many who are in this chamber: Their families have come over as new immigrants, and some are in their second and third and fourth generation. But

when we came over here, we understood that there would be challenges. You come from a warm climate that speaks a different language from English or French and has maybe different laws and does things differently. You arrive here and you assimilate and you become part of Canada, part of Ontario, part of the greater Toronto area. You may go through some difficulties. I know, from my family coming from a country like Portugal, where it's quite warm, and arriving in February—if you don't have a coat on, it's going to be a rude awakening.

But it's a lovely country. It has given so much hope and opportunity to so many. Our diversity is our strength, and when it comes to those coming through the temporary foreign worker program and specifically the live-in caregiver program, yes, they will go through many of those challenges that we've all gone through, but what they should not go through is to be exploited, taken advantage of, duped by somebody who has sold them a bill of goods that is not correct and to have, in many instances, lost their life savings. This is completely unfair.

1350

It is not what we've built this country and this province on. The values of fairness, of working together, of supporting each other, those are the values that these live-in caregivers coming from wherever have heard about this great country of Canada. We must support them when they're here.

This legislation would correct many serious injustices. It will help protect some of the most vulnerable in our province. It demonstrates our compassion for those who show compassion in their work and their everyday lives, caring for others by caring for all of our loved ones. I again want to thank all of those who gave input into the creation of this very important piece of legislation.

The Acting Speaker (Ms. Cheri DiNovo): The member from Brampton West.

Mr. Vic Dhillon: I'm happy to address the Legislature on second reading of the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009. As the Minister of Labour has just said, this bill is about recognition of the dignity and worth of some of the most vulnerable employees in our province: foreign nationals who are live-in caregivers.

This past summer, during consultations held in preparation for this bill, I heard heartbreaking stories. I heard accounts of exploitation and abuse many of these employees faced. As caregivers and their advocates came forward and shared personal stories and accounts of situations faced by friends and relatives, an all-too-common scenario emerged.

Under the federal live-in caregiver program, a nanny will come to Ontario to work for a specific person named in the employment offer and the work permit. Typically, the nanny has no or little contact with the employer. Her only contact is the recruiter. The recruiter supposedly assists the nanny in navigating the immigration and work permit process, and for this service the recruiter charges the nanny several thousand dollars in fees. We heard

accounts of live-in caregivers being charged between \$10,000 and \$20,000 in fees. These fees were in addition to all other costs of moving to Canada: the cost of the medical exam, the visa and the airplane ticket.

When the nanny arrives in Ontario, she is supposedly released. That neutral term refers to the practice of setting the nanny adrift in a foreign land. She is told that her employer does not want to hire her anymore. In many of these cases employer never really existed or was never interested in hiring a nanny.

Once the nanny is released, she is an easy target for the unscrupulous recruiter. The nanny often cannot afford to go back home. She has no job and no prospect of getting one, either. She is at the mercy of this recruiter. She can't work legally until she has a new work permit that names a new employer. An alternative scenario is that the nanny does go to work for the employer, but the situation doesn't work out. Either way the nanny needs a new permit, and it can take months to get a new permit.

Until she gets a new work permit, a nanny will often be forced to work in violation of the terms of this program. Once she does that, she will often be told that she is now here illegally and must do whatever her employer tells her to do for whatever wage her employer decides to give her. If she protests to that employer and asserts her rights, she is threatened with deportation. Sometimes her passport is taken from her to hinder any attempt to escape from this miserable situation.

Our legislation is about stopping these unscrupulous recruiters and the victimization of these vulnerable workers. That is why we have provided for a complete ban on fees, a prohibition on withholding passports and personal documents, strong enforcement and stiff penalties. I invite all in the House to support this bill and thereby support the foreign live-in caregivers who are in desperate need of our help.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Gilles Bisson: I was looking forward to an opportunity to respond to both the minister's and the parliamentary assistant's comments on this legislation. I want to say up front that I support the legislation.

People are wondering why I was heckling, I was heckling because, in my view, part of the reason this bill is here is to extricate Liberals from the problems they had with Ruby Dhalla.

Ruby Dhalla is a federal Member of Parliament who decided—rightly so—that she wanted to have a nanny, and there's nothing wrong with that; it's a function of the lives people lead that leads them to that decision. As we remember, sometime last year, Ms. Dhalla was in a situation where she had a couple of caregivers in her employ. She had taken their passports away, she was getting them to work in the family business—there were all kinds of abuses as a result of the actions taken by Ms. Dhalla on those two particular individuals who worked for her.

I want to say up front that I support the bill. I think it's a good idea. Does the bill go far enough, Madam Speaker? I know that when you get a chance to speak, I'll

hear more on this. But I'll say that the bill should be toughened up in order to make sure we toughen some of the provisions. But the point I was making is that the government, in this case, is introducing this bill for good reason, because protection is needed for workers who come into this country to care for our children, and there needs to be legislation to protect them. I support that. I think that's a good idea. But let's not kid ourselves: This government has introduced this bill and talked about doing this bill at a time when there is a member of the federal Liberal caucus who is in trouble as a result of taking advantage of foreign caregivers who were in her employ.

Mr. Bob Delaney: On a point of order—

The Acting Speaker (Ms. Cheri DiNovo): Stop the clock for a second.

The member for Mississauga–Streetsville on a point of order.

Mr. Bob Delaney: Standing order 23(h) specifically forbids making "allegations against another member," and standing order 23(g) prohibits comment on any matter that may be the subject of a proceeding, which I believe the matter referred to by the member for Timmins–James Bay is. He's welcome to comment on the bill but not to contravene the standing orders.

The Acting Speaker (Ms. Cheri DiNovo): My understanding of that standing order is that it refers to a member of this House—I'm looking for any further direction from the Clerk. Thank you very much for sharing, member from Mississauga–Streetsville.

Mr. Gilles Bisson: Again, the member from Mississauga–Streetsville makes a point for me: It was a matter before the federal House of Commons—it was a federal Liberal member who got herself in trouble—and I'm commenting that this government, this Liberal government provincially, decided to introduce this legislation in the wake of what happened—I would just remind that the clock is not running; I wouldn't want to take anybody else's time.

Anyway, they were in a situation where they were trying to do some damage control on the Liberal brand, and that's why this particular bill has come forward. Is it a good idea? Absolutely. Will I vote for it? Absolutely. I think it's the right thing to do, but it needs to be toughened up. But let's remember why that bill is coming forward.

The Acting Speaker (Ms. Cheri DiNovo): Further questions and comments?

Mr. Dave Levac: The member from Timmins–James Bay may be totally shocked and surprised that I don't subscribe to that reason and rationale for the bill being introduced, except to say that there are many, many people who have indeed been taking advantage of the people we are trying to protect in this piece of legislation. On that we do concur. In terms of the branding situation, I think this is a long-standing understanding.

I want to thank the parliamentary assistant. He has done some honest-to-goodness consultations straight inside not just the Filipino community; many communities

have given him some input right from the grassroots. That is the part that I believe has been instrumental in making sure that people understand that this particular stream we're dealing with is an extremely serious problem, particularly for those who were intimidated in many ways: first of all in leaving their homeland, and secondly, by the unscrupulous people who existed and knew they would do anything to be here.

Having said that, I thank the government, the Minister of Labour and the parliamentary assistant for bringing forward this issue—it takes time for us to remove the onion skin over and over again. I will quite frankly wait to see if there's absolutely anybody in this House who will stand and say this is not the right direction to go for this government to deal with this particular issue.

1400

As I've said many times in this House, and the member from Timmins–James Bay knows, my philosophy about this is that this is a fluid activity in this place. We don't be-all and end-all with one piece of legislation. I look forward to the continuation of improvements for the people who are coming to the country under the impression that there aren't these people on the sidelines ready to rip them off before they even get a chance to make enough money to sustain their families.

I thank the government and I thank the parliamentary assistant, particularly for his grassroots work.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Norman W. Sterling: One of the problems that the opposition is having with regard to the government calling their legislation is that they change constantly. As I understand it, this wasn't put on the agenda until this morning, and therefore our caucus has not had an opportunity to meet, talk about the issues and formulate our position. This is second reading debate, and therefore, for the debate to be meaningful, there should be an opportunity for the caucuses to meet and talk about the principles in the bill.

I want to say that when I was a government House leader for three years, from 1996 to 1999, I ensured that every bill that was to be debated in this House was caucused not only by my caucus, the government caucus, but by the opposition caucuses. I would say to the opposition House leaders, "Please have your caucus review bills X, Y and Z because we may be calling them for debate in the next little while." Under the old rules, before this government made closure much easier, that meant at least three days of second reading debate before closure could be brought forward. Now it can be brought forward in six measly hours.

But notwithstanding that, this government is in total confusion. They don't know what they're going to debate next. It's off the cuff. This was introduced for first reading last week and the caucuses haven't had the opportunity to discuss it, formulate their positions and become knowledgeable on the issues. Therefore, this government is not only out of control financially but out of control legislatively as well.

The Acting Speaker (Ms. Cheri DiNovo): Further questions and comments?

Mr. Jerry J. Ouellette: I very much appreciate the opportunity.

I remember the member from Brant speaking about the individuals being ripped off and the concern about what's taking place there, but in the media we all too often hear about those individuals who were ripped off coming to Ontario or to Canada in the first place.

Some of the aspects: I know individuals who hire predominantly Filipinos who are coming to work in specific areas. One of the areas of concern that has been expressed that I've heard about is that when they come over, there's an understanding, at least when they're coming across, that it's the paying of their dues to work in their discipline for a short period of time. Then, once they're in Ontario for over a year, they get jobs in other areas. So he's constantly getting individuals because he has a very heavily disabled son whom these individuals come over and assist with on a regular basis and take care of. I've met with them and spoken with them; they're very happy with everything they do. However, it's on a short-term basis. So they come to Ontario, they work for about a year and then they migrate through the rest of the system.

I'm just wondering if there's any documentation to follow the individuals on how long they're in Ontario and how long they remain in those disciplines that they come to Ontario for. That's one of the areas of concern that we'd like expressed in some of the debate and hearings on this particular area, as to how long those individuals are there and how well they're taken care of, not only before they came here and what the expectation was when they arrive in Ontario and while they are here, but also afterwards. How long do they remain in those various disciplines?

I appreciate the opportunity, and I look forward to our caucus getting together and talking about this, probably tomorrow.

The Acting Speaker (Ms. Cheri DiNovo): The member from Brampton West has up to two minutes to respond.

Mr. Vic Dhillon: I want to thank the member from Timmins–James Bay, the member from Brant and the member from Carleton–Mississippi Mills for their remarks.

As the minister stated and I stated before, I had a chance to do some consultations over the summer on this issue. There were presentations made from a wide array of people from different communities and different ethnic backgrounds. As I stated before, the theme was all too apparent and all too often the same. The most appropriate word to describe what people were saying was just "heartbreaking," what these people had to go through. Oftentimes the amount of money that they have to pay is in the range of \$10,000 to \$20,000 or even more. These people do not have the money and often have to take out loans with stiff interest payments, and this amount snowballs to a very, very large amount.

These people have families back home who are dependent on them for support. Oftentimes they come here in the hopes of working and find out that they can't work, that they won't be given the work they were promised, and, yes, they end up doing whatever they have to. This is something that we're trying to change in this bill by way of a complete ban on fees, a prohibition on employers from withholding documents such as passports, and strong enforcement of these rules with real backup with real staff to make sure these rules are effective.

The Acting Speaker (Ms. Cheri DiNovo): Further debate.

Mr. Randy Hillier: I was just nearly brought to tears as I was listening to the minister's introduction of this bill. As he spoke, he stated that this Liberal administration would not tolerate abuses and exploitation. This, of course, is coming from a government who have abused their authority with taxpayers, have exploited taxpayers with their multitude of scandals and abuses on spending, and who have tried to dupe the people of Ontario into thinking that a billion-dollar scandal is not worth something to them. I guess there were new some drama classes in the Liberal caucus last week or whatnot, but any reasonable person would see through that façade.

I welcome the opportunity to speak to the House on Bill 210. I spoke to it at first reading last week. As the member from Carleton-Mississippi Mills said, we have not had time to caucus this bill. Because of the total state of confusion and chaos of this Liberal administration changing their bills, changing their patterns in debates, nobody knows what they're going to do next, not even themselves. But we did have first reading last Wednesday, and now we're into second reading.

Mr. Gilles Bisson: We used to know everything because of time allocation.

Mr. Randy Hillier: That's right. But I do maintain that this bill is valuable and it is necessary. As representatives of the people of Ontario, we have an obligation to represent people—

Interjection.

The Acting Speaker (Ms. Cheri DiNovo): The member for Timmins-James Bay.

Mr. Randy Hillier: We'll see if we can get some of the heckling down here.

We do have an obligation to protect the people of this province who cannot protect themselves. This bill is a good example of legislation that recognizes our responsibilities as representatives. So I once again applaud the government's attempt to protect foreign live-in caregivers who are not or may not be aware of their freedoms and their rights and responsibilities in this country.

That being said, though—and I think it's important to make this point—this bill is there to protect the rights and freedoms and justice for those foreign live-in care workers, but then, within this very piece of legislation, the government chooses to abandon those very same rights and freedoms and to trample the rights and freedoms of employers in this bill. We all know that you

cannot create justice when you provide for freedoms and justice for one group, but harm another group by doing so.

Let me just read this. Subsection 34(1) says, "An employment standards officer may, without a warrant, enter and inspect any place in order to investigate a possible contravention of this act or to perform an inspection to ensure that this act is being complied with."

1410

Why do we have to completely dismiss that long-held tradition, that long-held principle of common law that we are afforded? Our Constitution and our common law provide for protection of people within their homes. We have processes to ensure that government can still ensure that wrongdoing is not happening under the issuance and exercising of warrants. Why is it that now this Liberal administration decides we are going to dismiss 800 years of common law and provide for warrantless entry?

There is another section in the bill, a revision to the Employment Standards Act, section 92, that says that the employment officer may enter these residences to determine whether the employer of an employee who resides in this employer's residence is complying with this act. There's no need to even have the thought or reasonable or probable grounds that there is a contravention of the act. They can just enter anybody's home to see if they are in compliance with this act. That is a far, far stretch.

I realize that we do need to protect foreign live-in caregivers from the likes of Ruby Dhalla and other Liberal members. However we cannot—we cannot—dismiss 800 years of Constitution and common law protection because of one Ruby Dhalla in our midst. There may be a few others out there, but we cannot denigrate and dismiss our Constitution because of one individual.

I'd like to go on. This revision to the employment standards in this bill, although necessary and valuable, will be challenged. It is a violation of our Constitution. We must remember that employment standards officers are not a law unto themselves. For all people in this province, there is an expectation of checks and balances. There are no checks and balances under section 34. This government has given them the ability to breach all our property rights, all our privacy conventions and all elements of the rule of law. This section violates our Constitution.

Just as we want to prevent those one-in-a-thousands such as Ruby Dhalla, we cannot break the law ourselves in this House. Everybody here in this House who votes in favour of this section is choosing to violate our constitutional protections.

This isn't the first time. We've seen that this government, through its history, clearly has little regard for property rights. We've seen it on a multitude of occasions where they have brought in this ever-increasing ability for warrantless entry. We've seen it even with the Green Energy Act. We've seen it with the Clean Water Act, and now also in this new bill, the Animal Health Act, there are provisions for warrantless entry.

What is going on in the minds of this Liberal administration? Do you believe that the only way we can

have justice is if we dismiss all our constitutional protections? Are you guys completely ignorant of our history?

The Acting Speaker (Ms. Cheri DiNovo): I ask the member to withdraw that comment.

Mr. Randy Hillier: I withdraw.

Are you completely without knowledge of our history? I would have loved to see an employment standards officer bring to justice those who abuse live-in caregivers, including the federal Liberal member Ruby. Yet this provision, this section 34, is not about justice; it's about the government's attack on our constitutionally protected rights. It's a poison pill in an otherwise good bill, and I need to know: Why is it that this Liberal administration finds it necessary to add a poison pill to what otherwise would be good legislation? Why is it that you believe that you must poison a good document in order to pass it? Is it to shine yourselves in some light that we're unaware of? Is it to put others in a bad light? What is the purpose of this poison pill and this flagrant violation of our Constitution?

Let me be absolutely clear: Were the government to remove this provision and reintroduce this bill with an amended section 34 that does indeed protect the rule of law and justice and our Constitution, I would be willing to move for quick passage of this bill immediately. I'm sure that my NDP colleagues would agree that this legislation is indeed necessary and that they would support quick and timely passage as well, but we're going to leave it up to the minister and—I do hope and expect—to the public to decide. Does this minister want to shove poison pills down our throats and punish those employers who do employ live-in caregivers, or does he want to pass good, sound, constitutionally respectful legislation that will actually help the people of this province? If he chooses the latter, I'm ready to pass this legislation. I'm ready to go to caucus to advocate for it, without any more political gains and without any more of your poison pills.

In two years now of seeing the proceedings in this House, it's becoming more and more clear that nobody on the other side is watching the shop. Nobody is overseeing and looking at the legislation. Nobody has, apparently, any interest in protecting their constitutional responsibilities. It's just as if a piece of legislation fell off the tree and we're going to introduce it today, whatever piece of legislation fell off whatever tree, whatever political wind was blowing out there that blew some paperwork onto the House leader's desk and changed the proceedings of the House for the week.

I realize that there are difficult times for the Liberal administration. I recognize that the \$1-billion scandals and the OLG and the WSIB could take the best of people off guard—and not understand what to do next as scandals are dropping all around them. However, they do have a duty to be sensible, to be reasonable and to uphold our Constitution as well. You cannot, as I said earlier, protect the rights and freedoms of one by diminishing the rights and freedoms of another. That ought to be clear to every legislator in this House. It ought to be clear to

everyone in the Liberal administration that what you have done here is incomplete, it's flawed, but the concept is good. Get yourselves back on track; pick yourselves up; dust yourselves off. Forget about the scandals for a moment or two and how you're going to run away from them, start thinking about bringing in good legislation, and maybe the scandals will stop brewing so often over on the other side.

1420

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Gilles Bisson: I always enjoy following up on my good friend Mr. Hillier. I forget the name of the riding: Renfrew—

Mr. Randy Hillier: Lanark.

Mr. Gilles Bisson: Lanark-Renfrew; there we go.

Mr. Randy Hillier: Frontenac.

Mr. Gilles Bisson: Frontenac, Lanark, whatever. I would never be the Speaker of this House because I've been here for 20 years and everybody's riding is something that still eludes me.

There are two things in his presentation that I want to speak to. The first part is the assertion that this is the Ruby Dhalla bill—and I agree with him. I believe that the government, quite frankly, brought this bill forward—why? Because they were doing damage control on the part of a federal Liberal scandal of a federal member, Ruby Dhalla, who abused her nannies. She had taken their passports away and she had asked them—or not asked them, she told them they had to go work in the family business for free, and really was taking advantage of workers who should not be taken advantage of.

Now, is this legislation that's needed? Absolutely. Is this legislation that needs to be passed? Absolutely. There's no question about that. But I agree with him: That's the reason this bill came forward.

The part, I think, where I have a bit of a disconnect with my good friend is on the issue of searches without a warrant. I appreciate this because he puts himself out as the property rights guy here in the Legislature, and rightfully so. That's one of his passions. He says that under this bill, a Ministry of Labour inspector will be able to enter the premises in order to inspect to see if the person is actually being taking advantage of. Now, that's an interesting debate, because the fact is—

Interjection.

Mr. Gilles Bisson: Well, there are two sides to this. The member makes a point, and that is, should somebody have the right to enter my house if it happens to be a place of employment? That's where I think it gets kind of tricky. It is my private house but it's also a place of employment. I think there is an interesting line there, and I think that's something that we have to talk about at committee.

This power, as you know, exists in the Ministry of Labour when it comes to entering the premises of an employer to inspect a workplace for unsafe work. That is something that we already give as a right in the legislation in order to allow inspectors to be able to enter the

premise of an employer. But that of a house? I think that will be interesting.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments? The Minister of Tourism and the government House leader, among other things.

Hon. Monique M. Smith: Among other things, the member for Nipissing—a proud member for Nipissing.

I am pleased to have an opportunity to speak for a couple of moments on Bill 210. I would like to set the record straight on some of the comments that were made by the member from Carleton–Mississippi Mills and the member for Lanark–Frontenac–Lennox and Addington, who clearly have not had a discussion with their House leader. Again, the disarray that is in the opposition party shines through as they have no idea what schedule has been set for this House. In fact, this piece of legislation was discussed in our House leaders' meeting last week and we did schedule it for discussion today in the House.

I'm very pleased to be able to rise in support of Bill 210. I know that the member for Parkdale–High Park will also be joining in the debate, and in fact that it's you, Mr. Speaker, who have accommodated her schedule to allow her to have that discussion today, because we did know that this bill was up for discussion today.

It is an important piece of legislation, and I'm sorry that the members for Carleton–Mississippi Mills and Lanark–Frontenac–Lennox and Addington have trivialized it with a discussion on a certain aspect of the bill while not looking at the safety and security of our foreign caregivers, which is fundamentally the important part of this bill—and the bill that we as a government feel is important to protect those vulnerable workers who are entering our country and are not being protected.

For a variety of reasons, be it the inadequacy of the federal legislation and loopholes that have existed, we have found that these foreign caregivers need our protection. It was an issue that was raised here in this House and we are happy to be moving forward with this legislation, which we introduced last week, which the minister was here to introduce, which was discussed in our House leaders' meeting, and which was clear for all of the parties was going to be discussed today.

I believe the member for Whitby–Oshawa will also be speaking to this issue and was prepared, as I saw her enter into the chamber today with her notes. So she had fair warning of our discussion today.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Norman W. Sterling: I'm sorry that the government House leader has trivialized this important legislation, because the government introduced this last Tuesday, when we all have our caucus meetings. On Wednesday, the critic was given a briefing and the House leaders had their meeting, and it was read off that the government was going to call this bill today. But Tuesday comes after the time when we had an opportunity to deal with it in our caucus.

I don't like the government bringing legislation here and not allowing members to inform themselves of the

pros and cons of the pieces of legislation, and having to rely on our critic to carry the full load. I think the critic should have, and I know the critic believes there should be, a full caucus discussion about the positioning of a party. I trust his judgment with regard to legislation, but I don't think this is a fair and proper process showing that the government really believes this is an important piece of legislation. I believe it's an important piece of legislation and I know our critic does.

I'd also like to talk about the member for Timmins–James Bay, who talked about the entry issue. He was careful to avoid our critic's major objection to the entry provision in this bill. The entry provision, as I understand it from our critic, is that an officer can go into a home without warrant, and when you have it without warrant you allow the complete discretion to be given to the enforcement officer to make that judgment. All that is necessary and is—

The Deputy Speaker (Mr. Bruce Crozier): Thank you. The member from Parkdale–High Park.

Ms. Cheri DiNovo: Mr. Speaker, thank you for making it possible for me to speak to this bill, so thank you for filling in for me in the chair.

I don't want to get involved in the discussion about whether we should be debating this on such short notice or not. I'd like to talk about the content of the bill, G210. Needless to say, as my friend from Timmins–James Bay said already, we will be supporting this bill. Our question is how to make this bill stronger, and that's what I'm going to be addressing in a short while.

I wanted to speak to the comments, however, from the members from Lanark–Frontenac–Lennox and Addington and Carleton–Mississippi Mills, particularly about warrantless entry. I want to also uphold what my colleague from Timmins–James Bay said on this score: I think it's extremely important to recognize that the home is a place of employment for these women. It's not just a private home anymore. As soon as you bring in a foreign caregiver and employ her or him in your home, you become a de facto place of employment and therefore subject to the employment standards and to inspection by an employment standards officer. I think that's most important, because what we're dealing with here is a very vulnerable population, as vulnerable in some ways—and I think of the CAS example, who also can rush in to save a child. They need to be looked after, and that's what this legislation purports to do and proposes to move forward on. So you need that entry. You need it—unfortunately, I know. I don't believe that this is a strike at the Constitution. I believe that it is an inspection of a place of employment and therefore entirely within the purview of employment standards and the act itself.

I'll save any further comments for my hour lead.

The Deputy Speaker (Mr. Bruce Crozier): The member for Lanark–Frontenac–Lennox and Addington, you have up to two minutes to respond.

Mr. Randy Hillier: It's clear that if government was left up to the ideologues on the left, there would be no privacy and no justice at all in our country—but it might

be utopia. I have a slightly different view. There is an old adage that a man's home is his castle. That was from King Alfred the Great, who would not enter into a subject's home without his consent.

There have been some suggestions or arguments that because somebody may be employing somebody, their home is no longer their home. Well, we have at the present time many people who work in other people's homes, all kinds of home-based businesses where other people are working in their homes, but it still remains the person's home and there still are safeguards. But now we're suggesting that if they're a foreign live-in caregiver, then that position trumps our 800 years of history.

1430

I want to have a lot of regard and a lot of respect for foreign live-in workers; however, we have to respect our Constitution as well. If we open up these doors—and we are opening up these doors, because this legislation also allows for fishing expeditions. It doesn't have to be somebody who does have a foreign live-in worker working there. The employment standards officer can go into any home to see if there is a foreign live-in caregiver working there.

Fishing expeditions are not the way to craft legislation—thoughtful, sensible discussion.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Ms. Cheri DiNovo: It was interesting. Just to follow up before I begin on what I wanted to say on the warrantless entry issue—and I don't want to spend too much time on it, because I hope that this bill will go to committee and that the amendments will be brought forward and we can discuss it there.

The member does make a good point about possible fishing expeditions. We do have to correct any legislation to make sure that that's not possible. However, I still go back to my point that it is a place of employment, especially if you have somebody living there completely under the control, in a sense, of the person whose house it is.

There's a background to this bill, and that's where I want to start. The background is really the position of precarious immigrant labour in this province. It's precarious, needless to say, and it's abused and it's exploited. It doesn't stop with live-in caregivers; it continues right across the board with those who are here on temporary visas, those who are here illegally or working in the construction trade.

We have a problem in this province. We have a problem in many ways. First of all, about 37% of all jobs now are temporary, part-time or contract. When I put forward my employment standards act, a bill that was defeated—not even debated by this government—one of the things that I wanted to look at was the very definition of what an employee is. Part of the problem that foreign caregivers have is that really, through much of the experience of live-in nannies, maids, housekeepers—and drivers, in the old days—they were not considered employees in the same way as, say, an employee in a

factory, an employee in an office or an employee somewhere else. They were considered a breed apart. In fact, they still are, despite government Bill 210, because they still don't have the right, for example, to unionize. One of the things that we would like to see added to this bill to make it much stronger is that we would like to see the ability of foreign caregivers, foreign workers in the home, to unionize just like anybody else. In fact, Pura Velasco and her organization of caregivers would be the perfect place to start.

This is not a wild suggestion. I know that the Steelworkers and others have been working with live-in caregivers to try to steer them in that direction. Although we're pleased that the government has brought in G210, it's a step forward—although Her Majesty's loyal opposition are right in the sense that this would not protect Ruby Dhalla's two women, would still do nothing to protect them, and I will talk about why that is in a moment. Despite the fact that it's a step forward, it really is at the benevolence of the government that it's a step forward. It's not at the behest of the workers except so far as they've pushed this government to act. The protection, the safeguards, the safety of unionization is that workers themselves then organize and then deal with employers.

It was said to me in the briefing we had with government staff that there's one employee and one employer, so it's not a typical unionized environment or an environment that could be unionized easily. But in fact we've seen, from the actions of the nannies through the caregivers' associations and through, as the Minister of Labour himself admitted—the fact that nannies talk and nannies get together. Most nannies, I would warrant, probably come from similar countries and places, predominantly the Philippines in this province. They talk; they meet; they organize. It's their organization and their hard work and their letters and their petitioning of this government that has resulted in G210. So think how much stronger their position would be as still-vulnerable workers if they had a union to represent them.

I don't really buy the argument that because of their special status, they should not have the right to unionize. I think, like my friend from Lanark–Frontenac–Lennox and Addington, that the right to unionize is a critical and deserved right of all workers in the province of Ontario. It isn't right now, but it should be. That right should be paramount, and that would certainly add to this bill, make it stronger. So that's something that you can bet we're going to bring forward in the New Democratic Party as an amendment to this bill. So there's that.

What else in sort of broad strokes do we see as problematic in the bill as it stands?

The other problem with the bill as it stands vis-à-vis the workers who worked for Ruby Dhalla and the scandal that ensued, these poor women working 16 hours a day, certainly making less than minimum wage, which is a nanny's right to earn, by the way, who didn't get vacation pay, worked for the family business, did everything from shining shoes to washing floors of a chiropractic office,

and had their passports withheld—certainly these two women would not be helped by this bill insofar as they began their working life with Ruby Dhalla in the Dhalla residence. Why is that?

What this bill would help with, of course, was any fees that were charged to them for getting their jobs in the first place. It would eliminate those. That's a good thing. We support that. It needs to be stronger even in that regard, and I'll talk about it in a minute. But it stops at the door, so to speak. It stops at the door, because when the nanny begins to work for her employer and employment standards start to cover her rather than Bill 210, the question is, what happens if there's an abuse? Clearly there were abuses in the Dhalla household. Clearly there are abuses in a number of households across the province with live-in caregivers.

What would that live-in caregiver do? Her right under employment standards is to complain, but think about it. Here's where the vulnerability aspect really comes into play. Think about being the only employee in a household who then tries to complain about something that the employer is doing. Surely, no matter what follows from that complaint, whether it's a visit from the employment standards officer, whether it's a visit from the police or a visit from some other government body, they are going to know who made the complaint. Not only are they going to know who made the complaint, but that person has to continue to work there. Because of federal regulations, if that live-in caregiver leaves her place of employment within two years of arriving in this country—and this is, I know, not provincial but federal—and goes to another employer, she jeopardizes her immigration status.

So picture this poor, vulnerable worker who has a legitimate complaint about broken employment standards in the house, abuse, all sorts of problems. By even making the complaint, she jeopardizes her immigration status. By even making the complaint—even if she didn't jeopardize her immigration status and the feds do something about that, which they should—she's still incredibly vulnerable. Whether the employment standards office levies a fine against her employer or even if the employment standards puts her employer in jail, which there are no provisions for right now for employment standards violations in the home, even if they do that, she still has to work there for up to two years. She still has to work there.

Imagine working in an environment where you're looking after somebody's children and you've just levied a complaint against your employer. Imagine what that feels like. And imagine then, if you will, that not only are you going to have to put yourself in that position, but you don't speak the language particularly well. You know you have to carry this weight on your own shoulders. You have relatives back in the Philippines or wherever whom you are looking after and who are dependent on you.

And then, Mr. Speaker, I ask you, how many women are actually going to complain? The answer, of course, is virtually none until they leave their employ. That is why

this bill needs to be strengthened in terms of the length of time, because I don't assume that any of these women will complain during the first two years that they are stuck there under current federal laws. I think what's probably much more likely to happen is what happened in the Ruby Dhalla case, that after they leave their employ, after the two years, when they are freer to go and seek employment wherever, then they will start to complain—when they catch a breath of fresh air, when they understand their rights better and, more to the point, when their immigration status is not going to be challenged.

That's when the complaint is going to be made, and guess what? Under employment standards legislation they only have six to 12 months to lodge a complaint. So that falls well within that first two-year period. They're not going to do it. So we need to extend the time of complaint, the complaint-making process, just as G210 does for the fees charged, to the actual complaints made under employment standards. We'd like to see that amendment in this bill because that would actually go much farther to protect live-in nannies than this bill does right now, which only attacks the unscrupulous, exploitative recruiters at the time of employment.

1440

Speaking about unscrupulous, exploitative employers at the time of employment: Guess what's going to happen after this bill is passed? You can bet on it. I'll take your bets—any party; I'll take your bets. These same unscrupulous, exploitative recruiters are going to stop recruiting in Ontario because G210 will be in force and they're going to start going to the place of origin and recruiting nannies in the Philippines, in Jamaica, in these foreign places where the law of Ontario does not apply. And they're going to be charging them fees before they get on the plane, before they get on the boat, before they even begin to come to this country. That's what's going to happen. We know it. The government knows it. The researchers on the government side know it. They know that this is what's going to happen.

Another amendment needs to be in this bill, and that is that it has to be extremely clear that, within that 42-month framework that they have to complain in—that takes them well beyond, and safely beyond, I might add, the two-year period—that has to apply to all fees paid wherever they are paid, whether it's in our jurisdiction or outside our jurisdiction. There you've got a bit of a fight on your hands, but it's a fight worth having. Please, let's put that amendment into this. If it's a recruiter who is based in Ontario, even if they're charging the fee in the Philippines or Jamaica or anywhere else, they should still be liable to have to give that fee back to the live-in caregiver who paid it within 42 months, if she complains and demands it back, even if she didn't pay that fee here in Ontario. So that's a critical piece, and we want to make sure that that's really airtight because otherwise this is going to be a waste of everyone's time; we know it and the government knows it.

Interestingly enough, in terms of precarious employment, nannies sit pretty well where a lot of immigrant

women sit right now in Ontario. So you don't have to come to Ontario to work as a live-in caregiver to be exploited and abused; oh, no. In fact, most women of colour, immigrant women, who show up in the statistics, show up as women who are exploited one way or the other for one thing—and this is an interesting sidebar: We should be paying equal pay for equal work, and we don't, in the province of Ontario. One of the things my employment standards amendment hoped to correct was exactly that.

“In the European Union”—and I'm quoting here from an OPSEU publication—“they have banned discrimination against part-time and temporary workers for over a decade,” because the other way of protecting women, particularly immigrant women who are in precarious employment, whether as caregivers or not, is by making sure that if they only work part-time, they're paid the same hourly rate as a full-time employee. This shouldn't be just for them, by the way; it should be for all workers in Ontario. Where is the ethical justification that if you do exactly the same job as somebody else, you should earn sometimes half as much, only because you're on a contract, you're doing it temporarily or you're doing it part-time? Yet that's the case. It's not the case in the European Union now; it's not the case in the UK. It was actually some of the UK changes to their labour standards and employment standards acts on which I structured my own bill. So that's something we need to do.

The other thing we need to do to protect them and all precariously employed immigrant women more is, we need to define what an employee is. If you look at, for example, many of the immigrant men who come to Ontario and work as cleaners—that's a very standard entry job. My friend across, the Minister of Labour, is Portuguese. He will know that—since my husband is Portuguese, I know this for a fact; it's almost a sad joke—that the Portuguese couple comes over, the woman works as a cleaner or a caregiver and the man works in construction or cleaning. Those are their options. You'll find a predominance of Portuguese people in those professions.

Portuguese cleaners in office buildings are called contractors. They're not called employees; they're called contractors. Under that title, they have to provide their own tools and their own cleansing and cleaner products, and they have to look after their own books and submissions to the government. Guess what they don't get? Benefits. Because if you've got your own business and you're contracting out to somebody else, then that somebody else isn't responsible for paying your benefits.

This goes on all over Ontario. It's something we brought to light to this government many times. In fact, these are cleaners in government buildings. This is what's happening under contract in government buildings around this building. This is a blight on Ontario. It's a shame for Ontario, and it's because employment standards has missed an obvious chance that G210 might help correct; that is, to define what an employee is. Again, I come back to the fact that live-in caregivers who

were from other countries were not considered employees in the traditional sense until just recently, and even now we're fighting to get them the protection of traditional employees.

Under that larger umbrella, as it were, you've got all sorts of abuses. For example, what is to stop an employer who has a live-in caregiver from calling her a contractor, saying, “She's a contractor; she's selling caregiving services; she's got her own business somewhere,” and showing her how to set up her own business, and not paying her benefits, not paying her overtime, and making her supply her own supplies etc.? There are a thousand ways, under the current writing of the employment standards, to get around the employment standards and get around G210.

So G210 sits in a world of employment standards abuses. That's what it does. If the minister spent any time talking to Deena Ladd and Mary Gellatly from Workers' Action—and I know he did—or looking at any of the stories that come through Workers' Action, he would hear stories of flat out unpaid wages; people who worked for weeks at a time and didn't get paid. The employer says, “Too bad, so sad, don't have the money, can't afford to pay you.” Then it's incumbent on the person who hasn't been paid to go and complain about it. I mean, please. Particularly for our immigrant population, they're not going to spend the time necessary to complain to employment standards, who, by the way, would probably put them on hold and put them on the bottom of the list of complaints anyway, because that's been our experience of employment standards.

Less than 1% of all workplaces in Ontario ever get a visit from an employment standards officer, and guess what: We've just added to that workload every home that has a live-in caregiver, so I imagine it's going to drop to at least 0.05%. Their chances of ever getting inspected are virtually nil.

Employers know that someone who doesn't know their rights or feel particularly confident in asserting their rights—or in the language—is not going to waste the precious time they have to work to feed their families, to go and complain to some government bureaucracy to investigate for them. For what? They move on very quickly and get another job, hopefully—and they really are doing this prayerfully and hopefully—one where someone will actually pay them for the work they do. Again, our employment standards are woefully and inadequately resourced and woefully and inadequately enforced. That is the experience of workers right now who are considered workers, even those who have rights that live-in caregivers don't have up until this point.

We came across all this information when we talked about Bill 139 and temporary agencies. We talked about it all then, and we're still talking about it. And do you know what? I would hate to see another term go by when we're still talking about it. Something has to be done, and it has to be done quickly.

I saw a wonderful film, a documentary called *Schmatta*, on the *schmatta* trade in New York City and

how in 1965, 95% of it was labour done by immigrant women. Do you know that in 1965, American clothing was 95% made in America? Guess what the figure is right now? It's 5%. Only 5% of the clothes Americans wear right now are made in the United States. Guess where the rest come from? In a sense, we've exported our poor employment standards overseas. They come from sweatshops abroad, many of them in China, India and Pakistan. That's where those jobs have gone. And the picture is almost identical in Toronto.

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I remember when Spadina was the place where all the textiles and clothing were made—gone now, a huge industry just wiped off the face of this country. We're seeing what happened to the shmatte trade happen across the board in manufacturing, across the board in car manufacturing. It's only a matter of time before the first cars roll off the ships coming from China. They'll be cheaper, just like Walmart goods. People need cheaper because people have lost their jobs and the gap between the rich and poor is growing. In the last 20 years, the rich have become richer in this country by about 114%, the middle class have flatlined and dipped a little bit, and the poor have become increasingly poorer. That's the snapshot, and the snapshot is there for a reason. We are not the manufacturers we once were. We don't have the good working-class, middle-class jobs anymore.

This brings me to the backdrop again of G210, this bill that exists to help nannies, the most vulnerable of immigrant workers in our midst right now. Who are the families? Who are the women who are hiring the nannies? We haven't talked about that in this House. Why does a woman go out and hire a foreign caregiver? She has to give her a room, feed her, keep her under her roof to look after her children. Why? Because guess what? There ain't no daycare in Ontario. It's not like Manitoba on one side of us. It's not like Quebec on the other side of us. In Quebec, you can get daycare for \$7 a day. In Manitoba, you can get daycare for \$17 a day. In Ontario, guess what? According to the Ontario Coalition for Better Child Care, it costs between \$40 and \$65 a day, and that's if you can find a space, because there are tens of thousands of children waiting for a space in daycare and there aren't any spaces. One in 10 children is lucky enough to get a daycare space right now in Ontario.

Of course, women need to work. We want to work. We didn't fight all those wars for equal pay and women's liberation for nothing. We want to be able to have a family and work as well, just like men have been doing for centuries, but to do that, women need child care. They need it desperately, and they're not getting it in this province. So if you have two or more children, it makes economic sense to hire a nanny. It's the only way you can afford to go to work.

Here's where the problem starts: If you pay the nanny what you should be paying her, if you pay her minimum wage per hour, if you pay her vacation pay, if you provide her with a place to stay and food to eat, you have to make a pretty penny when you go out in the workforce

to be able to afford to do that with some justice. You can see why families start cheating a little bit around the edges. They're hurting too. So the pain gets passed on: the pain of being a woman working in Ontario who doesn't have child care spaces, who has to hire a nanny because there isn't anybody else to look after her children—and her lack of equal resources. Women still make 71 cents on the dollar to men in this province. If you look around this chamber, you'll see that women are not equally represented in political life.

So, women who still struggle for their equality and still struggle in every workplace they go into—in fact, it's still the law in Ontario that you can fire somebody when she goes on maternity leave. You don't have to hire her back. She can be fired. Everybody should know that who's watching this. If you take maternity leave in Ontario, you've got no guarantees that your job will be held, unless you're in a unionized environment. We talked about the importance and necessity of unions earlier.

So this woman who's going out to work and is being abused at the workplace herself is going to pass on her pain to the live-in nanny who's looking after her children. That's what happens. We all know that's what happens.

We can tinker around the edges, which is what this legislation does—and it's a good tinkering. Trust me, it's better than nothing. It's good that we stop abusive, exploitive recruiters from abusing and exploiting nannies. That's a good thing. They shouldn't be charging nannies fees. In fact, no recruiter should be charging anybody a fee for trying to find work for them. They are paid by the employer, and that's the way it should be. In fact, that's the way it was until Harris got rid of that. And here we are, six years under Liberal rule, and we still don't have it back. So there you go.

The pain gets passed along because there's no child care. The pain gets passed along because there's no enforcement of employment standards. The pain gets passed along because employment standards themselves aren't comprehensive enough to really speak to the reality in which we find ourselves in Ontario, and that's globalization. That's a reality where sweatshops abroad do all the manufacturing and where we're expected to compete with them for zero wages. And, you know, that pain too is exported, because who do we think these women are who are coming to Canada to find work if they are not the people who realize that their options at home aren't great?

Why aren't their options at home in the Philippines or in Jamaica that great? There are lots of American and Canadian companies operating in these places. Why aren't they that great? Because they know that the salaries are so poor they can barely feed their families on them. And imagine this reality, if you might. Imagine that it's actually better to pay \$10,000 to \$20,000 to recruiters in fees to come to Canada, to face possible abuse and alienation and certainly loneliness away from your family, and work as an indentured servant—let's

call it what is—for a family where you have virtually no rights and no right to leave, which, let's face it, is the only right most workers have, the right to say, "I quit." Nannies don't have that in the first two years of their being here because that would jeopardize their immigration status. They come here to work for what is minimum wage at best, if they get paid that. Again, there's a lack of employment standards enforcement.

I mean, how bad must it be at home—that's the question we should be asking ourselves—that that looks good? How bad is it in the Philippines, how awful is it in Jamaica, how horrible is it in all these other countries that they are coming here to be abused and consider this a step up? That's what we should be asking ourselves in Ontario. The answer to that question is where the 250,000 jobs we've lost in this province went and where the sinking economy of this province is also headed. That's the answer.

Again, with Bill 210 we are attacking really a pebble on a huge beach of problems, problems that this government is not attending to, not in any way: problems of child care, problems of women's equality, problems of globalization and how it affects us here at home, the problems of protecting Ontario jobs and Ontario workers, which we're not doing, the problems of protecting our manufacturing base, which we are losing quickly, rapidly. It's almost gone. "The last manufacturer to leave the province, please turn out the lights": We're really there.

Do we really foresee a future on this road, especially now that we've got—wow—the biggest deficit in Canada, especially now that we've got this horrendous debt that future generations are going to have to pay off? This is a pretty grim scenario, but unfortunately this is where that one little puzzle piece of foreign-trained workers, of immigrants, foreign-trained caregivers—that's where that little piece fits.

What do we want to say about this in the New Democratic Party?

First of all, we want to say we're going to support the bill. An inch is better than nothing. But we're in a state of the union in Ontario where, really, we need a mile and we need it fast, because that dying beast called the middle class that we're trying to get the last ounce of taxes out of with the HST—because that's where it's aimed, really, solidly: flat taxes, regressive taxes, aimed at the consumer. We're going to get the last ounce of money we can out of them. Our students are paying the highest student fees in the country, have the highest debt for students in the country. The cost of everything is going up. The middle class is sinking into the poor, the poverty class, pretty quickly; the rich are getting richer. That's always the way. It's always the way when this happens because, you know, they're not necessarily making their money from manufacturing anymore. It's just that great capitalist casino that keeps rolling over the dollars, and the winners cash out. So we've got some people cashing out right now in Ontario. They're fine. They're not concerned.

We in the New Democratic Party are concerned about everybody else—not only nannies, but the middle class who are forced to hire from overseas to do work that, quite frankly, should be given to well-paid workers here. Instead of doing what we've been doing, we should be paying our early childhood educators a living wage and providing daycare across the province.

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If we are bringing in women from the Philippines and from developing countries the way we are and abusing them the way we are, then we should pretty well make sure that we've got the employment standards—the chutzpah—to enforce the laws, even as paltry as they are in Ontario. If we don't enforce them, they're not laws at all, and where 1% of the workplaces get inspected, ever, by an employment standards officer, that's pretty pathetic. So now we're going to add all these households—I don't think my friend in the Conservative Party from Lanark-Frontenac-Lennox and Addington has much to worry about, quite frankly, with respect to unwarranted, warrantless entry, because there are no employment standards officers going anywhere anyway.

So here we're going to put the crux of enforcing employment standards on to the backs of the most vulnerable women—barely speak English, away from their homeland, shaky immigration status, existing in a home. They're going to be expected to push employment standards forward and to prosecute their employers? Please. Does anybody believe that's going to happen? Does anybody here actually believe that's going to happen, that this law is actually going to change anything, especially for the Ruby Dhalla nannies—let's talk about that for a minute—especially for those two brave women who spoke up at a meeting with the Minister of Labour and the Minister of Education, who were there, and told them about the egregious quality of life they were experiencing in a Liberal MP's household?

One of my questions is, what's been done about those two women, those two brave women who complained? One of the members here, the member from Mississauga-Streetsville, raised in a point of order when I was sitting in the chair that we're not supposed to speak about court cases. Well, I want to know, is there a court case ongoing? Is there an employment standards case ongoing? Is there an employment standards case ongoing around the Ruby Dhalla case? Are employment standards going to prosecute the Dhalla family for what those nannies experienced? I can tell you the answer; it's a rhetorical question. The answer is probably no. Quite frankly, it's not because of the laxness of employment standards at the Ministry of Labour. It's because the law doesn't cover them anymore. They have six to 12 months—any worker in the province of Ontario has six to 12 months to complain about breaches of the Employment Standards Act.

Think about that in the situation of a nanny. Again, I come back to what is a federal problem but it's our problem too; that is, for the first two years, they cannot change employers without jeopardizing their immigration

status. How vulnerable is that? There are two words for that: It's called indentured servanthood. If you can't quit without being shipped back to where you came from, if you can't complain—because how are you going to do that and keep your job? And then when you finally, after two years, leave your job and you still don't have any rights—because it's two years later and you only had six to 12 months to complain—that's a problem, and it could be fixed. Quite frankly, that problem could be fixed in this bill. We need a very strong amendment to extend 42 months to not only the recruitment fee but also to any breaches under the Employment Standards Act that happened in that home while that nanny was there.

So there's a great deal to do with employment standards. This is a small piece—an important piece, I warrant, but a very small piece—and we want that piece to be bigger. You know, my friends, who the biggest employer in the United States is right now? Manpower temporary. That should send a shiver down everyone's spine, that the largest employer, in one of the largest—I was going to say “in the largest economy in the world”—economies in the world, is a temporary agency. How frightening is that?

We are on their doorstep and our situation is not much different. The gap between wealthy and poor is getting broader, with the middle class being emptied out. Unionization's going down, not up where it should be. What do we need to address that? Simple measures, really, measures this government could and should take, which would then help live-in caregivers as well.

Number one, card-check certification: Allow nannies to unionize by law. They're not allowed to unionize by law right now. We need to get as many workers into unions as possible. That's where their best protection lies.

A minimum wage increase: Hey, if the minimum wage is a dollar below the poverty line, which it will be even next spring, a person is still working in poverty. Want to get people out of poverty? Raise the minimum wage. It's a tax-exempt move. You don't have to pay any tax dollars to do that—and you can do that.

Housing: I won't get into housing; it's a separate issue, but it's something we need to look at. And this dip in the budget for housing is very concerning.

Finally, we have to enforce laws, because if we don't enforce the laws we have—and this goes across any ministry, quite frankly. If we don't enforce the laws we have—including G210, including this law, which we hope passes quickly—if we don't enforce them, they might as well not exist. The onus to enforce employment laws should be on the Ministry of Labour, not on the person being exploited, because it's exactly for the reasons that they're not being enforced that that person is being exploited.

So again, please, see this as a very small step, see it as a necessary step, a necessary piece of a very big puzzle, and even of the very big puzzle of how we are going to save women from the kind of exploitation that took place in the Ruby Dhalla household. As I say again, this leg-

islation would not have helped them. We need to make it stronger so that it would help future victims, in future households like that.

I certainly remain committed to this, and I want to give thanks where thanks is due. To Parkdale legal, a phenomenal organization in my riding—I'm blessed to have them there. Mary Gellatly and Deena Ladd—you've heard their names mentioned many times in this House. Were it not for them, I don't think we would be talking about this, so a great thank you. Thank you to Pura Velasco and her organization of caregivers. Again, without their incredible effort, the effort of whistle-blowers everywhere, we wouldn't be speaking about this bill as it exists right now. Without those two brave souls who came forward, very publicly, and complained about their treatment in the Dhalla household, we wouldn't be talking about this bill. We know that, and thank you to them.

Finally, thank you to all of those workers out there—foreign, immigrant workers—who are being exploited and abused as we speak. If, by some strange reason, they have enough money to afford the channel to watch this on and have nothing better to do with their time than be watching this right now, let me say, please—even though the system is not your friend, even though the system is not working on your behalf—please complain. Please do what these brave women have done. Please step forward, because that's the only way we're going to make a difference in the lives of the women who we're mainly concerned about—and they are mainly women.

So for the future of this province, we need to do the groundwork: We need to strengthen employment standards and we need to enforce employment standards. We need to make sure that we grow a middle class again—the middle class we're killing—and we need to do that by all sorts of means, of which this a very, very small part. We need to win back those 250,000 good jobs that we've lost. We need to build our manufacturing base so that we're not shipping all our work overseas to sweatshops there and just transferring our employment standards problems out of here to over there. We need to look after our folks in Ontario.

You know, when my husband and I were in Sweden—and I know the member from Eglinton—Lawrence loves it when I talked about Sweden, so I'm not going to let this go by without it. Let me tell you, in a community of nine million people—we have almost 13 million in Ontario—every third or fourth person you see in Sweden drives a Volvo. Guess why? It's in their economic interest to do so, and the government invests in research and design dollars. It's a place with free—yes, you heard me right—free post-secondary; free—yes, you heard me right—free daycare; yes, free pharmacare. Where do they get the money from? They get the money from an incredible effort in terms of building up their manufacturing base, in part, and also by sharing the wealth better—two processes the Swedes do extremely well. That's why we know the names of their companies over here. Who has shopped at IKEA lately? Nine million. Where are the Ontario IKEAs? Where are the Ontario Volvos? Where

are the Ontario H&Ms? Where are the Ontario free tuition packages, free daycare packages? Where's the Ontario open, able access to long-term care? Where is that?

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So, within that great sphere, getting back to G210 again, will we support it? Yes, we will in the New Democratic Party; it's all we have over here, but boy, oh boy, are we going to work to make it stronger, and boy, oh boy, are we going to continue to do what we as New Democrats always do in this House, and that is to fight for the kind of Ontario where we shouldn't be having this conversation, where there aren't vulnerable people working as indentured servants in homes; an Ontario where every worker actually has some dignity, where every woman has access to daycare, where every immigrant knows and exercises their rights because their rights are enforced. That's the kind of Ontario that we want in the New Democratic Party. We won't settle for anything else; hopefully no one else will either.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Mike Colle: I want to thank my honourable colleague from Parkdale–Copenhagen there—I mean, Parkdale–High Park. Anyway, just on a side note, she mentioned how wonderful IKEA is, but I think we should shop at places like Bad Boy. Bad Boy, which is a Canadian, Ontario-based furniture manufacturer, has Canadian furniture manufacturers sell their products on the floor of Bad Boy, which is nice to see. So just a little plug in for Bad Boy there, and IKEA is a fine store too.

I think she has made some good general criticisms and comments about all the work there is to do, and I can't disagree with a lot of her interpretations of how challenging things are, especially for immigrant women and immigrant foreign workers in this province. I'm glad that she supports the thrust of the bill, and I know that she has put forward some pretty valuable recommendations for amendments which I think are good to make this stronger, if possible.

I think she knows full well that this is a very humongous piece of work, trying to enter into this field of protecting foreign workers. We've never done this before in Ontario, so it's going to be quite interesting to undertake this task because it's an area that the Ministry of Labour is taking on. I'm glad they're doing it, and I hope that we can help them in shaping this legislation so that it is effective and does serve a good purpose, because really, if it protects the foreign caregivers, I think it's protecting our own society, and we all have a benefit and better protection in this society. I think that's why it goes beyond just protecting caregivers.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mrs. Christine Elliott: I do appreciate the opportunity to just add a few comments with respect to Bill 210, An Act to protect foreign nationals employed as live-in caregivers. I would say, though we haven't had the opportunity to fully caucus this bill, that we certainly recognize the need for this bill.

I do appreciate the comments made by the member from Parkdale–High Park, who I think really commented on the plight that so many caregivers from different countries face when they come to Canada, wondering what kind of place they came to, to be treated as badly as they have been by some people here in Ontario. I have no doubt that that does happen; I have heard some of those stories myself personally.

I know that people are being treated badly, and I can't help but wonder how sad it is that we have to have legislation that we're introducing here in Ontario to require people to be decent to the people that they bring into their homes to take care of their children, to take care of their babies, to take care of their family members with disabilities, to take care of seniors in their households. You expect that kindness from them; why would you not extend to them the same kindness? So I think it's a pretty sad state of affairs that we have to legislate it, but the fact of the matter is that we apparently do.

So I support the intention behind this bill. We do have some concerns with respect to some of the enforcement provisions, particularly with respect to section 34, which allows warrantless entry. I think that we need to be concerned a bit about that, because it is a very significant power, allowing someone to come in to someone's home. I recognize that it is also a place of employment, but I think when you're giving that kind of ability to the employment standards office, you have to have very significant standards around when that can happen. I understand that it's only allowed now for possible contraventions of the act. I would urge the government to take a look at tightening that language up to make sure that it happens only in very exceptional circumstances.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Peter Tabuns: First of all, I'd like to thank the member from Parkdale–High Park for her impassioned and detailed approach and presentation on this whole issue.

There's no question, Speaker, as you are well aware and as other members of this House are aware, that there are abuses of temporary foreign workers. The Ruby Dhalla case is the one that has gained the greatest publicity. But clearly, when this bill was introduced, we had a number of representatives here in the House who had a long history of fighting for improvements in the lives of those who are temporary foreign workers.

It is clear this bill still has a long way to go in ensuring that temporary foreign workers are treated properly, are not exploited, are given the sorts of natural justice and fair treatment that we would expect from our society. The idea that someone comes from the Philippines or from the Caribbean and has to pay money to get a job in Canada is extraordinary to me, absolutely extraordinary. It can only be seen as an exploitation of those people and the desperate situations that they so often find themselves in.

When the member from Parkdale–High Park talks about the need to address poverty and to ensure that we

have a minimum wage—and this is, unfortunately, not asking for too much—that is set at least at the poverty level, she talks about a step that this government could take that would at least give people that protection. If you go door to door in many communities in this city, in many communities around Ontario, and you talk to people who are trying to live on minimum wage—people who are working one, two or three jobs—you know very quickly that what they're being paid is not adequate for them to provide shelter for them and their families.

This bill may have some good intent, but it's going to need an awful lot of good work.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Bob Delaney: I gather that all three parties are going to be supporting this, which gives people in Ontario an idea of the unanimity of purpose we all have here. So setting aside all of the rhetorical flourishes, let's bring it back to what the bill is about. The member for Eglinton–Lawrence and I will both have a few minutes to speak on this in greater detail later in the afternoon, but for anybody who's tuning in, remember what the bill is about: The bill is about a complete ban on fees charged to caregivers. We all agree this is completely unfair. Let's be done with it. It's all about a prohibition on withholding passports and other personal documents that live-in caregivers arrive with. As an employer, you can't do that. Overwhelmingly, the people who employ live-in caregivers don't do that. Overwhelmingly, the people who employ live-in caregivers now and who employed them in decades past have treated them just like treasured members of the family. But like vulnerable people anywhere—there's a narrow band of people who think, "Oh, they're vulnerable. We'll abuse them."

These are some of the reforms suggested by a lot of the circles of primarily Filipino caregivers who, over the years, have banded together, and under the leadership of Culture Philippines in Toronto, Kalayaan community centre in Mississauga, and other similar organizations, have had a chance to get together, organize some of the problems and assist our government with this very thoughtful set of reforms which, when enacted, are going to right wrongs.

It also allows for stronger enforcement. It doesn't just say these are guidelines. It says these are laws, and it gives them teeth, and it's important.

As well, it also carries stiff penalties. There's no point in passing a law if there's no consequence for flouting it, and through Bill 210 here, there are very stiff consequences for flouting the law.

Let's get on with it.

The Deputy Speaker (Mr. Bruce Crozier): Member for Parkdale–High Park, you have two minutes to respond.

1520

Ms. Cheri DiNovo: Again, Mr. Speaker, thank you for allowing me to do this this afternoon.

Just to reiterate, the New Democratic Party are going to be defending this bill and are going to be voting for it.

We are also going to be fighting with equal vigour for some strong amendments. Among the amendments are going to be that the time to complain about employment standards violations for live-in caregivers should be longer. It should be the same as the length of time that is in the bill—42 months—to collect any unscrupulous and illegal fees paid by the nannies to recruiters. The right to unionize is a necessary right for everyone, but certainly a very necessary right for vulnerable live-in caregivers. So the right to unionize needs to be part of this bill as well, if you really, really want to help live-in caregivers. Something also worth discussing is a registry. I know that if you are a live-in caregiver in Manitoba, there is a registry you have to sign; they have to know where you are—so some kind of tracking of caregivers who come from other countries, who are very vulnerable and sometimes act as indentured servants, so we know where they are. Again, this would help enforcement.

Finally, and most importantly, whatever we do, we've got to enforce it. Where only 1% of all places of employment are ever visited by an employment standards person, this is going to make that situation even worse unless a whole lot of new employment standards officers are hired, and I don't see that as a line in the budget. So the critical thing here is enforcement.

The other critical aspect is to protect those woman who complained about Ruby Dhalla after they started work, not only leading up to and when they begin work, which is what this bill does. Thanks for speaking about this. It's always a pleasure to speak about workers' rights and the lack of them in the province of Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Mike Colle: I'm here this afternoon to try to shed some light on Bill 210. I think it is a piece of legislation that is going to be welcomed by a lot of people, and I think it has already been well received. Again, to put on the record—I know we sometimes assume that people understand this legislation—this is a bill to protect live-in caregivers who are not Canadian citizens. They are part of Ottawa's federal live-in caregiver program.

Many people, certainly outside the GTA, may not be familiar with it, but the live-in caregiver program helps Canadians hire foreign workers to live and work in their homes to care for children, the elderly or people with disabilities. Service Canada, which is part of the federal government, works with employers who wish to hire live-in caregivers while Citizenship and Immigration Canada works with foreign live-in caregiver applicants. Live-in caregivers may receive a work permit for up to three years if they meet program requirements. Special conditions allow a foreign live-in caregiver to apply for permanent residency after working for two years in Canada. This program has been in effect for about 17 years.

It is estimated that there are between 8,000 and 12,000 live-in caregivers who come from other countries to do this work in Canada every year. It's a very popular program. It is a program that, generally speaking, is seen as

a great entry into Canada by many workers who live in other countries. They really look to this program as a great ticket into Canada. Because Canada has such an outstanding reputation, it is a country they want to come to. So it's a very popular program.

I guess the root of the problem is that the program has been in place for 17 years and there have been no changes or adjustments to it. As a result of the notoriety given to the program, I think the federal government is undertaking some changes themselves. They've promised some legislative changes; their committees in Ottawa have looked at it. As much as we are trying to introduce some legislation here in Ontario, the same debate is taking place in Ottawa, where they are going to introduce some changes.

What happens in these programs, as you alluded to in your presentation, Madam Speaker, is that it's not the individual family that needs the caregiver that is the problem. What happens is that there are unscrupulous people, the middlemen and women, who try to exploit a program like this for personal gain. They're very aggressive, very well organized, and very well financed. They've tried to circumvent the laws of Canada and the laws of Ontario; not only that, but they've also run afoul of the laws in Hong Kong, China, the Philippines.

These unscrupulous recruiters' agencies have taken advantage of this program not to help the families that need the caregiver to help an elderly parent or grandparent or young children; they've come into it to make money on the backs of these very vulnerable people, who in many cases will put together their life's savings to come to Canada. That's what it is. It not only their life's savings; a whole extended family may contribute to the ability of a young woman in Manila, for instance, to come to Canada. So the whole family chips in every last dollar they have to make this possible.

But what's happened in recent years is that there has been a pattern which is well documented, certainly in the series by Robert Cribb and Dale Brazao in the Toronto Star, of systemic abuses by these recruitment agencies. Not all of them but a number of them have been very prolific in basically distorting the program, abusing the caregivers and charging exorbitant what they call placement fees to come to Canada. These recruiters charge the young woman who comes from Manila or Hong Kong or Cyprus, but they also charge the employer, so they're getting fees at both ends.

This is what Bill 210 tries to deal with. I'm sure we all know that this is not going to be easy, because the pattern has been that every time there has been an attempt to deal with these unscrupulous recruiters, they have morphed into another type of agency or another type of undertaking. They change their name; they change their registration; they change their modus operandi. For instance, what they've done is say, "Well, we didn't charge them a fee"—because fees, I think, are prohibited in Hong Kong. So what they do is charge these prospective workers for English-language proficiency courses, for Canadian acclimatization courses, for early childhood care courses,

all kinds of ruses that they use to charge a fee that they are not supposed to charge, because they are prohibited even in the country of origin.

This has been an ongoing pattern of these recruiters, trying to essentially abuse a good system. I think the live-in caregiver program is a good program and has been a good program. Many of the people I have talked to who have gone through as caregivers over the years find that it is a good entry point into Canada, because, as you know, Canada is a very difficult country to get into. Through the caregiver program, they can get to Canada, and after two years they can apply for permanent residency status, which invariably is such a sought-after prize by many people. That is one of the big benefits of this program, that you can gain entry into Canada.

That is not to say that—the people who come into Ontario programs are, generally speaking, well educated. Some have excellent credentials in medical care; some are even accredited nurses. Some have had years of experience. So they are highly qualified for the most part. They come here and offer these services, and then the families benefit because they have someone who is caring, who is well trained to help in taking care of an elderly, disabled relative or loved one or in taking care of children. The program has been very popular because of the support of the individual caregiver, who sees a great opportunity, and the family.

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That's not to say that in every case—we're pretty well aware of that—it works out. In some cases, it doesn't work out, and there is a friction between the employer and the caregiver. The trouble with the program is, there is very little recourse for the caregiver. If they get into a situation where they're not treated fairly, it's very difficult for them. I think you mentioned it in your dissertation. You said that the problem is that if they make a complaint or object to the way they're being treated—overworked, long hours—they're subject to the threat of deportation, that they've violated their terms of the contract that they've signed. They're deadly afraid of speaking out, and if they do speak out, the employer or, most of the time, the recruiter will threaten them with reprisal if they don't do what they're supposed to do. In many cases in the contract or the agreement, the original family isn't the one on the documentation.

It is a good program, but what hangs over the head of every caregiver is the threat of deportation. That's why they're afraid. Before this bill was passed, the Minister of Labour established a caregivers' hotline. One of the problems with that is that many of the caregivers who do express a concern on the hotline are afraid to give their names because of the reprisals. But as you know, it's pretty hard to make a labour standards complaint unless you give your name. It's like a Catch-22. It's a good program but then there's no recourse.

In this bill, there are some attempts to give protections to the caregivers and to have a recourse in terms of making a complaint. The thrust of this bill, for the most part, deals with the recruitment agencies, which, up until now, really have had very little control, any real stan-

dards. We had some controls here in Ontario, I think, up until 2002, where these agencies had to be licensed, and then that was withdrawn. But, I think, even licensing these people, as was licensed before 2002—and I've been critical of that, the fact that the licensing was taken away. But in some cases, these fraudulent agencies—you could license them and you could register them, but what they'd do is they'd get charged under one name and within two days they're up and running under another name. So it is very difficult, even under licensing, to really get to the heart of dealing with these fraudulent, fly-by-night agencies.

With the provisions here, at least it's an attempt by the government of Ontario, the Ministry of Labour, to finally involve the labour standards part of the legislation in the Ministry of Labour, plus the ministry itself and the inspection, in protecting these caregivers. At least there is now some government on the provincial side which will try to protect these vulnerable workers. Again, it's promising that the federal government has promised to do a number of things. Hopefully, the combination of these two things will put a dent—and I'm not naive enough, as I know you're not, to think that you're going to end all these systemic abuses which occur. But at least we're moving as a country, as a province, in the right direction in dealing with these abuses in the system.

As I've said, for the most part, the abuse is the result of these companies that have been flouting the laws of the province and of the country. They're international in scope. These are not fly-by-night. Some of them are very well organized, very well financed, because there is big money in foreign worker recruitment. They don't only recruit caregivers; they're also recruiting for Harvey's and they recruit for Wendy's, which is a case right there. I'm not sure what the fee is. They may make \$10,000 a head, because there has been a shortage of unskilled workers. That's sort of a misnomer, but anyway. These recruitment companies will recruit people from all over the world to come and work in Alberta. They work in Manitoba. There's big money in this recruitment. There is very little control nationally and provincially over these agencies.

Just to give you a flavour of this—because we may be familiar with it, but I don't think the public is—this is an example of how they operate. This is from the Toronto Star on March 14 of this year:

“Four months after being lured to Canada, housed in a basement and pressured by a nanny recruiter to work illegally”—because that's what happens. They come here under the pretence that they are supposed to work for one family; then they find out the family isn't there. This nanny's name is Filipina. She “summoned the courage to take back her life.

“Desperate and disillusioned,” Filipina “stood on the doorstep of the woman who had brokered her entry to Canada—nanny recruiter Rakela,” and “demanded return of the passport that had been taken from her.”

That's why I'm glad that the legislation here prohibits the taking of passports and documentation, with fines up to \$50,000 for people who do this.

Filipina “claims in court documents that after her promised job with a Toronto family turned out to be bogus”—so there's no job—“she joined 16 other unemployed Filipina nannies sleeping on the floor” of Rakela's basement—that's the recruiter's basement; 16 sleeping on the floor in the basement—“‘in custody, detention, imprisonment and incarceration, without proper food ... harassed, frightened, scared.’ She said she and the other nannies were ‘exploited to work for Rakela and under stress, pressured, pushed and oppressed.’

“Following a curt exchange,” her recruiter handed the nanny, “a demure 44-year-old mother of four,” her passport, and served her notice that a lawsuit was coming and that she owed \$3,500 back to the recruitment agency.

This is typical of the stories that occur where these nannies will pay \$5,000 or \$10,000 to these recruiters. In some cases, recruiters who are supposed to have lined up a job don't have that job, so what they do is they pretend to lend the nannies money and they charge them interest rates from 20% to 30% on the money they lend to the caregivers. So they have no job, they are in the basement of the recruiter, and the recruiter has their passport and their bank book.

This is the kind of systemic abuse that takes place in Ontario, but it not only takes place here. I talked to a woman who said that her cousin was talking about a caregiver in Vancouver who was working 16 or 18 hours a day cooking and taking care of a family—16 or 18 hours a day, seven days a week. The caregiver finally ran away from the employer in Vancouver when the employer wouldn't give the caregiver one hour off on Sunday to go to church. That's the kind of abuse that occurs when there is no oversight.

As I said at the beginning, it's not to say that there aren't an incredibly good number of families who have caregivers in their homes, and there are a number of very good situations, but I think the root of the problem with the live-in caregiver program is the unscrupulous recruiters who charge fees and are above the law. Right now, there is no federal law and there is no provincial law that basically deals with these unscrupulous recruiters. They're blatant, they're aggressive, they're obscene in the way they deal with not only the caregivers but even the unsuspecting family that desperately needs a caregiver. So the recruiters are the ones this bill rightfully attacks, imposing fines, and it is even stronger in some respects than the Manitoba legislation, whereby it also makes it known that you can be liable, upon conviction, to 12 months in jail. So it's a serious piece of legislation. I certainly don't think we're going to see the end of this kind of systemic abuse, but I think we're seeing the light at the end of the tunnel.

I'm very happy to support this. As you know, Madam Speaker, I introduced my own private member's bill back in March when this horrific situation was well publicized by the Toronto Star series, and in talking with a lot of my own constituents, it's an obvious, necessary undertaking with Bill 210. I'm glad to see that my private member's

bill helped spur some interest and action and that now we have the government and the Ministry of Labour doing it. I hope that the Ministry of Labour will have the tools it needs to deal with these unscrupulous recruiters especially, and to make us all aware of the need to ensure that, whether a person is a foreign worker or is a fifth generation Canadian, there are certain basic labour protections that should be in place and we should be cognizant of.

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Just because a person doesn't speak English that well or just because a person is a foreign worker—because as you know, every year Ontario brings in 50,000 workers from the islands, from Mexico, to pick all of our fruits and vegetables. We've been doing that for years, and most of them are very well treated and they love coming back to Canada. But hopefully, this is the beginning of saying that we must have good, protective legislation for our workers and ensure that their dignity is respected, their working conditions are reasonable and that they are treated in a fair and a very Canadian manner.

So I just hope this sends a bit of a scare into recruiters who are unscrupulous and that the good recruitment agencies or the good companies that engage in this kind of work will become supportive and that we will get the bad actors out of the way, because they are of no value to the employer, who in many cases is as innocent as the caregiver. Let's work together with the federal government and ensure that we begin to take control of this Wild West situation which has existed for too long.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Ted Arnott: I'm pleased to have a chance to respond to the member for Eglinton–Lawrence, who spoke on Bill 210 just now. I know that over the course of the afternoon, there has been considerable discussion about this bill, and some of the comments that have come forward from our side have expressed a concern that our caucus has yet to have the opportunity to even caucus this bill. It's unfortunate that the government called it for debate so quickly after presenting it. I know that we'll have a chance to discuss it tomorrow at caucus, but I would think that our debate would have been more informed had all the caucuses had a chance to discuss the bill before its presentation at second reading today.

I listened with some interest to the member from Eglinton–Lawrence and I don't doubt his sincerity on this issue, but there is a concern that has been expressed this afternoon about the issue of warrantless entry into people's homes. I don't know if the member—I certainly didn't hear him address that issue. Perhaps he did and I just missed it, but I would ask him to comment on that provision of the bill and give it some consideration and defend the government's legislation in this regard.

The Acting Speaker (Ms. Cheri DiNovo): The member from Toronto–Danforth.

Mr. Peter Tabuns: My response to the member from Eglinton–Lawrence: He's described a situation that is truly Dickensian. I have to say to the member that your speech was solid, well researched and well presented, but I have to say that some of it's quite extraordinary to me,

and, frankly, given what you've described, one would think that this bill should be much stronger than it is.

Your comment that these recruiting agencies are making money by bringing in people to work at Wendy's and Harvey's—I'll take you at your word. But the suggestion that there's a shortage of unskilled workers: I have to say that I don't think there is any shortage of workers out there at all. There's a shortage of people who can make things work in their lives at the minimum wage that these companies are paying, so it's far easier to recruit someone from a country where \$8 an hour is a substantial wage. For people who have been in Canada for a while, clearly you can't keep a roof over your head unless you have two or even three of these jobs. So I would say that what you've described is horrific, and requires attention and action on the part of the government. I will speak, when it's my opportunity, about how this bill needs to be strengthened so that in fact the Dickensian elements are addressed.

The idea that not only are these recruiters taking direct fees from people in the amounts of \$5,000 to \$10,000 but are then charging payday loan kinds of rates of interest of 20% to 30% or higher, calls out for a very comprehensive response on the part of the government to shut down these operations.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Dave Levac: I appreciate the opportunity to engage again in this discussion.

The member from Eglinton–Lawrence is a little modest, but I would suggest to the House that we're looking at a gentleman who, time and time again, has been ahead of the curve and has brought forward some of the most important issues that we've dealt with as a government before it actually became apropos to do so. I commend the member for his work in that community and on this issue. He has done that several times on other issues, so I want to put it on the record that I respect deeply our friend's capacity to see events that need correcting. So he has done that.

The member from Wellington–Halton Hills asked a couple of questions. The one that I will address very quickly—it may not be the full details of the bill, but there is opportunity and reason to do warrantless entry now. You can do warrantless entry under the scope of the humane society act that we passed. We can also do warrantless entry when given permission. When given permission by the householder to have them enter, they don't need a warrant.

Quite frankly, this is not to go get the person in their house; this is to get the person when it has been done illegally. They are subject to not knowing sometimes, and that's the problem. The problem is that they're not aware that they've been duped by a middleman, and if they knew that, they may not be engaging that nanny. So if they were to offer the police an opportunity to enter the home, that is warrantless entry and that's absolutely legal. So that part of it is another issue that I think needs to be discussed.

Very contrary to what the member was concerned about at the beginning of his speech, the previous government had a habit of not even doing committees and not even taking the bills to the public. Proportionately, in their last term, 87% of their bills were time-allocated. So throwing the stones, I hear glass shattering very loudly from the member opposite who wants to bring up these points.

But having said that, I'm in full support of the member from Eglinton–Lawrence's comments and I'm really glad that he's on our side.

The Acting Speaker (Ms. Cheri DiNovo): Further questions and comments?

Mr. Robert Bailey: I'd like to comment on the bill too. A number of the members on this side said that some of those comments weren't exactly accurate, but I'll leave that to others. I wasn't here at the time. Anyway, two wrongs don't make a right.

Bill 210, employment protection for foreign nationals, has been spoken about many times here today. I think the member for Eglinton–Lawrence did a great job in defending the bill.

Mr. Ted Chudleigh: He didn't mention warrantless entry.

Mr. Robert Bailey: "He didn't mention warrantless entry," as the member said to me.

A number of the issues that we had on this side were about the warrantless entry, where it was a poison pill put into the bill, an abuse of power, we feel. Just because the humane society can do that doesn't mean that's right either. A lot of people had a problem with that when that was passed.

Interjection.

Mr. Robert Bailey: Yes. So we wanted to make those points on this side of the House. We thought that there have been abuses of foreign workers. Many times it has been documented and well-known. But sometimes you go too far when you bring in legislation that can impact other people who have done nothing wrong. We feel that some of this legislation we've seen lately is reactive. A number of these things should have been in place long ago but haven't been.

We'll look forward to the rest of the debate.

The Acting Speaker (Ms. Cheri DiNovo): The member from Eglinton–Lawrence has up to two minutes to respond.

Mr. Mike Colle: Thank you, good friends from Sarnia–Lambton and Wellington and Toronto–Danforth and Brant. You raised some good issues.

I want to mention that in a way I'm disappointed. This is the plight of some very, very hard-done-by workers here, and much-overdue legislation, and all they're talking about is one thing. But I'll try and clear that up. I thought more time would be spent talking about this incredible industry of exploitation that we have in Ontario and not doing anything about.

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Just on entry: First of all, if you take the passports and the identification of the caregivers, then employment

standards can go before the justice of the peace and get a warrant to get those back. Right now, they are not being able to be retrieved. In terms of the warrantless entry, it's a law that has been on the books—I think it was the Conservatives who put the law on the books. I think it was Bill Davis in 1974. Under the Employment Standards Act, in his wisdom, Bill Davis said that it's possible for an employment standards officer to visit workplaces. Now, if a workplace was your home, then the owner of the home could deny entry, and then you would require a warrant. I think Bill Davis was pretty wise in doing that. But it was a good question; I think this place is all about asking good questions.

Again, I think we can all agree that we have to do some work in this area, that there's some systemic, abusive exploitation—

Interjection.

Mr. Mike Colle: The member from Halton doesn't see this as serious, but there are people being systemically abused by people for profit—big profit—and right now they're above the law. This is an attempt to bring them under the law. The member from Halton doesn't agree with that, but I think it's time.

The Acting Speaker (Ms. Cheri DiNovo): Further debate?

Mr. Peter Tabuns: It's an honour to be able to speak to this bill today.

Applause.

Mr. Peter Tabuns: Thank you. Again, member from Eglinton–Lawrence, I appreciate what you had to say—the facts you put on the record today—and I will make further reference to them. I'm saying that in a very straightforward way; I'm not playing any games with your commentary.

Before I launch into a discussion about the bill itself, let's just look at the context within which this is necessary. Let's look at the global reality that puts us in a situation where we are bringing in workers who will work in very precarious situations for very low wages, and who in fact will pay a large amount of money to do that. I talk to my constituents in Toronto–Danforth—you have a couple, both of whom are working full-time, in a situation where daycare is extraordinarily hard to get, and because of their combined incomes, they're not eligible for any subsidy, and subsidized spots being very hard to get. Many of them say to me that for the amount they would pay for daycare, which would be in the range of \$25,000 to \$30,000 a year, they're just as well off to hire a nanny, a temporary foreign worker to come in to look after those children.

It speaks to me about the profound problem we have with daycare in this province when it is cheaper to bring someone over from another part of the world rather than hire people here in Ontario, provide them with decent employment and provide our children with good, regulated care. Instead, what we're doing is taking advantage of the desperation of people around the world—in eastern Europe, Asia, Latin America and Africa—for whom \$8 a day is the norm, not \$8 or \$9 an hour. The

reality of our taking advantage of global desperation is one that I find very distressing. It speaks to a lack of social support in this society and in this province.

When you were speaking as a member, Madam Speaker, you spoke about how many of these workers live as indentured workers. It's a term we don't use much, but in the 19th century—in the 1800s and probably in the 1700s before that—there were workers who were indentured, essentially sold into labour in a company for a specified period of time with severe legal penalties for leaving that work. Their rights as free citizens had been sold away, often by parents, to tell you the truth, for an amount of cash. It is extraordinary to me, because that reality is here again today. That Dickensian world is being replicated here in Ontario in the 21st century. The member from Eglinton–Lawrence is right: It is quite shocking to Canadian sensibilities that people would, in this day and age, effectively still be indentured servants—and they are indentured servants.

Just before I talk about the act, there's that whole question of jobs that Canadians won't do: I think about Wendy's, I think about Harvey's, I think about a wide range of minimum-wage jobs that people won't take. The simple reality is that if you pay people enough money to live on, they'll do all kinds of things. There are people in this city who work in the Ashbridges Bay sewage treatment plant, which, as a city councillor, I had an opportunity to tour, who work in the most difficult and odoriferous of conditions. They deal with very unpleasant circumstances and substances, and yet the reality is, they are paid decently. They do very critical, necessary work but they put up with an awful lot of unpleasantness.

If people are having to be recruited from the developing world to work in restaurants and fast food companies, it is not because Canadians don't want to do the work; it's because the wages are so low that people who are desperate come and do that work. No one in this society should have to be desperate.

I have a friend from Brampton whose wife went to Alberta to work in a Tim Hortons. She's a Sikh and had spent five to 10 years going from temporary agency to temporary agency trying to get a full-time job, trying to get a job that paid more than minimum wage. Finally, because of the labour shortages in Alberta, because of the mammoth subsidy to the tar sands development, she was able to get a job at Tim Hortons at something like \$15 to \$20 an hour. So she actually was attracted to that work because they were paying enough to make it worthwhile.

I don't think that we have a problem so much of work Canadians won't do as one of wages that are so low that they discourage people from doing that work, that they can't make ends meet.

To come to this bill—a bill that, quite correctly, member from Eglinton–Lawrence, tries to address some of the worst of these Dickensian excesses—I have to say to you, the bill as written needs to go much further. I think the member from Parkdale–High Park spoke to that quite effectively in her leadoff on this issue.

The first point that we have concern with as New Democrats is that the government has explicitly rejected

the notion of temporary foreign worker employer licensing. The concern I have for those on the government benches who were focused on this issue is: How do you actually know where people are working? How do you know where the workplaces are? How do you know where the law is to be enforced or not enforced?

Just last week we were debating the amendments of the Technical Standards and Safety Authority. In that case, there was no accurate list of propane businesses in Ontario, and we saw that as a substantial problem because, frankly, if you're enforcing the law you need to know where things are happening. If you don't know where people are employed, you can't enforce the law. Registration seems an utterly reasonable thing to do. It becomes a place of employment when you hire a live-in caregiver or a nanny; yes, it's your home, but it has also become a workplace.

It seems entirely reasonable that Ontario should require employers of temporary foreign workers to register with the Ministry of Labour, just as Manitoba's Worker Recruitment and Protection Act does. To my knowledge, Manitoba has not crumbled as a society recently and seems to be able to have this sort of legislation within its society, and families continue on. It seems reasonable. Manitoba employers are required to provide information about the employer, the position to be filled by the foreign worker, and contact information for individuals who will directly or indirectly be involved in recruiting foreign workers for the employer, among other matters.

The member from Eglinton–Lawrence was right: Companies that engage in what you might almost call human trafficking—and I'm sure in some instances there are companies that are very explicitly that—will morph into a variety of forms, will be constant shape-shifters in order to get around the law. At a minimum, we should know who they're contracting with. People who are employing temporary foreign workers are going to be the one contact point where we have some certainty as to who we're dealing with and who we're not dealing with. It may also give us some evidence and information over time about these recruitment agencies. Requiring this kind of information would assist workers at the Ministry of Labour in improving compliance with the Employment Standards Act. It makes sense to me. How do you have a sense of where the Employment Standards Act needs to be enforced if you don't know where the places of employment are?

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An effective bill would ensure that employers are refused the right to register to hire a temporary foreign worker if the employer has provided false information, has previously violated the Employment Standards Act directly or indirectly, or if there are reasonable grounds to believe the employer will not act in accordance with the law.

It seems to me that if we're going to protect temporary foreign workers, to the extent we don't take the steps necessary to make such a program redundant, then how are we going to protect people? The conditions that were

described were, I think, quite honestly, Dickensian. What steps need to be taken to ensure that those sorts of conditions are addressed? That registration seems a relatively simple, a relatively fundamental, step that one would take to at least make things visible to the government and to employers so that they would know that, yes, they have to register and those who have a record of behaving badly, of treating people improperly, would be barred. That, again, seems fair to me. It seems to be the right approach to take.

In terms of fees, prior to the repeal of Ontario's Employment Agencies Act in 2000, employment and staffing agencies could not charge any fees to workers for permanent or temporary work. Without a statutory ban on fees, the practice of charging workers fees for permanent and temporary placement has become commonplace. What an extraordinary reality. The member from Eglinton-Lawrence cited that, and the figure he used was \$5,000 to \$10,000 per worker. I'm willing to accept those figures. I find that staggering. For people from the developing world, from eastern Europe, we're talking a number of years of wages—extraordinary.

That issue is going to be a hard one to come to grips with because, you're right, you can call fees anything you want: tuition, acclimatization to Canada. You can play around the margins extensively. But at least if you have in law a prohibition on the fees, it gives you a lever to start prying open the box to see what's hidden in there, to see whether, in fact, that so-called Canadian acclimatization course was worth \$10,000 or simply a scam to extract money from people who are desperate in the first place.

The NDP believes that the charging of fees should be prohibited for all workers, whether the worker is hired under one of the federal temporary foreign worker programs or not. All who work or seek work in Ontario should be protected from fees for recruitment and employment. And generally speaking, let's face it, the people who pay those fees are the ones who have the least amount of money. If you are a person who can command a salary in the \$150,000, \$200,000, \$300,000 range, you aren't shelling out 10,000 bucks. No. You don't pay fees unless you desperately need work.

Further, where recruitment agencies fail to meet their obligations to recruit and place workers in employment, then the recruitment agency should be held responsible for all monetary losses incurred by the worker. And why not? Why should the burden be placed on these people who are coming here to work for so little?

The NDP believes that Ontario needs an expansive prohibition on direct and indirect fees for all workers to avoid creating unintentional loopholes that allow companies to bypass the intent of prohibiting fees for work. No question, we will deal with people who will quite cleverly shift the shells around the table trying to hide the pea, trying to play a game with us or with any regulatory authority, and in this, we are going to have to make sure that there are a broad range of powers to allow governments to go in and get access to those realities, pry open that box. For example, in terms of playing games with

fees, an employment agency licensed in Alberta to recruit foreign workers recently contracted an agency in Singapore to recruit workers. The Singapore agency charged workers fees on behalf of the Alberta agency.

So you're right, people can be quite devious, companies can be quite devious. They can play around and call a fee something very different or simply have someone else collect it for them and remit it through an offshore bank. Restoring regulatory prohibition of fees for all recruitment and employment placement services would reduce inequalities that workers in Ontario face in comparison to most other Canadian jurisdictions where such fees are prohibited.

When you first look at this bill, it says to you that there are real shortcomings in these areas around making visible and transparent who the employers are, making it clear that bad employers are not going to be able to take advantage of this program in the future. There are shortcomings with regard to the charging of fees. Those things have to be addressed when this bill is debated in committee.

Recovering recruitment costs from caregivers: Recruiting workers for permanent placement with an employer is a service provided to the client of the agency, and the employer should pay any fees associated with this service, not the worker. It seems to go without saying, doesn't it? If, in fact, there is a cost to do that, the person who is making the least in all of this should not be paying that amount. People should not have to pay money to work.

That's part of Canadian history when you think about it, the whole history of company stores in resource towns, where people would not be paid with the coin of the realm. They would be paid with company money, and they would have to buy at a company store. And as much as it was common in the 19th century, it was something that was hated. Just because it was common and normal didn't mean that it was good.

Some day we'll look back at this practice of charging minimum-wage workers astronomical fees for the right and privilege and opportunity to come and work in Canada and make so little, and say, "Why on earth was this allowed? How on earth was this allowed to continue and be part of everyday life in this country?"

The NDP believes that it is in the public interest to ensure that all recruiters and employers are equally prohibited from charging fees for work. This creates a level playing field for employers and reduces discrimination against workers because of their form of employment; that is, temporary foreign workers.

The NDP is concerned that there are too many exemptions in this area and too much is left to regulation. Exemptions will create loopholes for agencies to bypass the remedial purpose of prohibiting fees. This is one that I expect our critic will be following very closely in the course of committee hearings, in the course of amendments. There is no reason that this cannot be corrected in the course of debating and amending this legislation.

We're concerned as well about enforcement. The government has to allocate adequate resources for proactive

enforcement of recruiters and employers. Recruiters and employers must undergo training provided by the Ministry of Labour on their legal responsibilities. The majority of people in this society have not been and will not be employers. It stands to reason that they should at least be given some of the rudiments of employment standards law before they employ someone. Given that they're taking advantage of this program, they should have a grounding in the basic law so that, even unintentionally, they don't mistreat the people who are in their employ.

Employers should be required to provide written information about employment standards rights to employees hired under the temporary foreign worker program. Required written information should be developed by the Ministry of Labour and provided in languages appropriate to workers under the temporary foreign worker program. Again, it seems entirely sensible that employers should be fully aware of their responsibilities and their rights, that workers should be fully aware of their responsibilities and their rights and that that should be done in language that eliminates misunderstandings because of poor translation. People need to know these realities so that the Dickensian conditions that have been described are hopefully swept away, but at least in the short term we start to erode them substantially. This should not be part of our society, not in this century.

1610

The bill focuses on regulating recruitment of temporary foreign caregivers and temporary foreign workers. The NDP believes that this government needs to consider other initiatives to enhance protections for all temporary foreign nationals in Ontario, and I'd like to spend a little time talking about those other temporary foreign nationals who need to have their issues addressed because, in fact, there's a broad range of people who need to be treated more fairly.

I understand that I'm running short of time, and my hope is that my colleague the member from Timmins–James Bay will touch on a number of those issues when it comes to his turn to speak.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Mike Colle: I was listening to a number of very valid insights that the member from Toronto–Danforth put forward. In this legislation, what they have tried to do is deal with the issue of ensuring that these recruiters don't do things indirectly, because they're masters at this. As the member from Toronto–Danforth said, they would charge the fees in a foreign country; therefore, they would seem to be able to subvert Canadian and Ontario laws. The other scam is that they pretend they have these orientation courses, they have these acclimatization courses, administrative fees—they have a whole series.

The legislation does say that they cannot charge fees directly or indirectly. Section 8:

“No employer shall directly or indirectly recover or attempt to recover from a foreign national or from such other persons as may be prescribed,

“(a) any cost incurred by the employer in the course of arranging to become or attempting to become an employer of a foreign national as a live-in caregiver or in other prescribed employment....”

So these costs cannot be passed on to the caregiver. They must be paid essentially by the recruiter, and what the recruiters should do—or technically say they're doing—is pass them on to the employer, not to the worker. So it's an attempt to deal with this.

It's not going to be easy because, given the track record, I see how devious and how systemic this abuse is. There's going to be an attempt by the Ministry of Labour to do this, but I think we're going to have to keep an eye on the abuses, as they might morph into other areas.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. John O'Toole: As usual, I came back. I was watching this in my office, and I came back in to comment on the member from Toronto–Danforth, because I think his sincerity was evident in his remarks. I commend him for that. Everything he said was in support of vulnerable employees, and I think that is a rightful position and a position I'd like to strongly support myself.

But it's in the small detail, once again, where you really get your fingers slapped at this. There are a couple of things. One of them is the warrantless entry provision, but even if you look in the purpose clause of the legislation, it smacks of a lot of government regulations and a lot of government oversight. The section that says, “The records to be kept by employers and recruiters are specified,” as outlined in sections 14 and 15 of the bill. Provisions for enforcement are in light of the Ministry of Labour Employment Standards Act. There are provisions for contravention of the act that sound to me like fines and penalties.

I need to know that there's due process for both parties to the agreement. No one wants vulnerable—in many cases—new Canadians or people new to Canada—they need to be protected. That's clear. We support that provision. What we don't need is the child care police running around, coming into homes unwanted and causing undue challenges.

The other part of Bill 210—the whole idea of civil liberties is being breached here: “should take place as soon as possible to ensure that the security and just treatment of foreign nationals who are live-in caregivers”—but, as I said, not at the cost of civil liberties. It sounds good, but if it doesn't achieve the goal of fairness for new Canadians and employees who are vulnerable, then the bill fails. It's maybe not strong enough.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Dave Levac: As always, the member from Toronto–Danforth stays on focus and talks about the bill. Let me assure him again, and I remind the House, that this is a fluid piece of legislation. He does mention that he's concerned about other circumstances outside the scope of the caregivers, and that is another issue. This one is being specifically designed for this particular

issue, because of the enormity of the problem. It doesn't mean that we shouldn't be coming back, and I thank the member for continuing to remind us that these kinds of legislation are ongoing. Unfortunately, the bad guys are always trying to find a way to break the law. We're sometimes catching up to them and sometimes trying to move around to position ourselves. That's the intent of the legislation.

Unfortunately, the characterization of some, who are basically saying they're afraid of the daycare cops—that's not the intent. The idea—and I think you alluded to it—is that when somebody takes somebody's passport and takes somebody's papers or verification of who they are, and they no longer have access to prove who they are, on the federal level it's very easy for them to be the victim and the person who is stealing that material is seen, for some strange reason, as a broker of good news. So, yes, we have to find the balance of what we're talking about, but in essence what we're talking about is a problem that everyone in this House so far has agreed is a problem, and how we attack it and how we do it is an important aspect.

I assure the member, and the members of the official opposition, that we do go to committee and we do tend to have deputations and shop these things around for us drill them down and make them better. I appreciate the member's comments on the issue so far.

The Acting Speaker (Ms. Cheri DiNovo): The member from Toronto–Danforth has up to two minutes to respond.

Interjection.

Mr. Peter Tabuns: I have to respect the eagerness of my colleague from Timmins–James Bay.

My thanks to the members from Eglinton–Lawrence, Durham and Brant for their comments—almost always generous, gentlemen, almost always generous.

This bill is—what can I say?—much later than one would want and not as strong as we need it to be.

Mr. Gilles Bisson: The Ruby Dhalla bill? This is the Ruby Dhalla bill, right?

Mr. Peter Tabuns: There's no question—and I appreciate the suggestion from my seatmate—that much of this has come to the surface because of the Ruby Dhalla case and the fact that the situation of the women in her employ has been made public, made visible and seen to be utterly desperate. It isn't just in her household that people face these difficulties, as you are well aware.

Mr. Gilles Bisson: In a place of work, because she was using them for work.

Mr. Peter Tabuns: The reality is that there are temporary foreign workers, not only in households but working in our farm fields, who face extraordinarily difficult situations, and we in this Legislature have a responsibility to uphold those principles, those moral ideals that I would say most Ontarians think are an inherent part of our character; that is, treating people with fairness, not exploiting them, and treating people with a sense of caring so that they can be full members of this society.

What we have before us is a Dickensian situation, one that most of us don't have to deal with and most of us don't have to live through. Now that we have this bill before us, we should be taking full advantage, making sure that these fundamental problems in our society are addressed with a bill that needs a little more strength than the one we have before us.

The Acting Speaker (Ms. Cheri DiNovo): Further debate?

Mr. Bob Delaney: For those who are watching, admittedly we now have a bill, Bill 210, that all three parties have indicated they are going to support, and what this has brought out of all of us in the House, I think, is an example of how legislation really should be made. It is not the opposition's function to say, "Wow, you've got a great bill"; it is the opposition's function to say, "We're going to support this bill, but we want to make sure it's the best that it can be." To that extent, I'd just like to say that as a member who has only been here for six years, I'm kind of proud of the way the House is working this afternoon.

1620

There are, I know, an awful lot of caregivers, and very largely Filipino caregivers, who are following the passage of this bill with particular interest, so I guess in the interests of a community that over the last 20 years I've had the great luxury and privilege of getting to know, in terms of greeting them, I would just like to say:

Remarks in Tagalog.

In Tagalog, that just means "Good day to everybody."

I think I'd like to take some of my remarks today and begin by saying that this is how we measure ourselves in government. We don't consider ourselves successful in government if we look at how well we treat the wealthy, the degree to which we cater to the powerful, or the degree to which we support those who were born and raised here in Canada. This bill, Bill 210, deals with rights and enforcement of provisions that mostly relate to female caregivers who come, in a very large number of cases, from the Philippines and who come here as vulnerable people who are not citizens of Canada.

What this bill does say is how we as Ontarians deal with the weak, the unempowered and the vulnerable in our society, and how we bring to bear the measures of the state to ensure that those people are treated fairly. That's the thrust of this bill. That's primarily what I'd like to talk about here this afternoon.

Now, you know, the Filipino community is a very proud and very well-established one, even by our multi-cultural standards here in Ontario. It traces its roots to significant immigration from the Philippines back to the early 1960s. I can remember when they had the centennial of Philippine independence at the SkyDome in July 1998. I attended that, and in fact for the program, I assisted by doing the drafting of the history of the Filipino community in Canada. I've gotten to know, over the years, very many of the people who help make the community go, and it is a community that I've found to be very proud, very well educated, and one that comes

from a gentle, maternalistic society in which the notion of harming one another is, by and large, a foreign one.

Many of the nannies, caregivers, by whatever name we choose to call them, when they arrive here are coming here expecting the best. They're not coming here assuming that people who sent them, representing themselves as foreign worker recruiters, are instead in many respects what we know in human trafficking as snakeheads, which is an occupation I find completely reprehensible. The harder we hit them, the better, and in this respect, I do hope that the feds, for their part, can adopt measures that enable us to get at de facto snakeheads in the Philippines.

Among the Filipinos, we have now nearly two generations who have grown up here in Canada, and among those who have come here from the old country, we also have a very vibrant group of Filipinos who are graduates of the University of the Philippines. In all of Asia, one of the finest places that you can say that you are a graduate of is the University of the Philippines, and we've got a huge UP Alumni Association here which takes a real proprietary interest in how vulnerable people from the homeland are treated when they come here. As a result, there are a number of Filipino organizations, Culture Philippines here in Toronto, and in Mississauga, the Kalayaan Cultural Community Centre—which, coincidentally, is located in the home riding, Mississauga East—Cooksville, of the Minister of Labour.

Their building is one for which they began saving some 11 years ago, taking the profits that they made from that wonderful day at the SkyDome—on which everybody predicted they would lose money. In fact, they made a ton of money off it, and over the years very carefully saved and grew the money, matching it with donations and building it up to the point where in Mississauga they were actually able to acquire this very large unit which now serves as the KCCC's headquarters. It was my privilege to attend a number of functions there just after they opened it.

With that as some background on the community from which many of the caregivers come, I'd like to talk a little bit about them. Our caregivers come from all over the Philippines, and while Tagalog or, in some of the other areas from which they come, Ilokano or Visayan may be their primary language, most, if not all, will speak either very good or nearly perfect English. In the Philippines we've got a blend of Chinese, Malay and Spanish with, from the late 19th century onwards, a fairly heavy influence from the United States.

So culturally, Filipinos find it very easy to come here and to integrate. As a result, they are very easy immigrants for us in Canada to accept, because they come here well educated, knowing the language and understanding the culture and the customs. They integrate very easily into the society, to the point where a lot of the generation that's come from the old country looks at their kids and they say, "They're losing all of their ties to the Philippines." Well, of course they are. It's so easy to integrate into Canadian society, which is a lot of the thrust for setting up the cultural centres throughout the GTA.

The existence of the cultural community centres has also provided a magnet for so many of the caregivers who have come here from the Philippines to be able to gather together to find a community of interest from among others who have also come from the Philippines and to sit down and say to each other, "Well, did somebody charge you a fee?" "No." "They charged me a fee." "What do you mean, someone has taken your passport? They're not allowed to take your passport." Someone will say, "They're not?" "No, you've got to be able to keep your passport. That's your document, along with the other personal documents. Your employer can't take that from you."

Gradually, one was able to gather together kind of a critical mass of what things are going wrong. That actually made the drafting of the legislation fairly easy to target very narrowly, to say we are out to correct a specific wrong and we actually know a fair amount about the scale and the scope of the wrong we're out to correct, because the people who are being wronged, Filipino caregivers and caregivers who come from other countries, by and large, find it easy to gather together, and there's a community around them to provide some support and to bring those concerns forward to people like us and to the agencies that offer some assistance.

If you've come from the Philippines, very often you're not prepared for what to expect in Canada. What comes to mind is a function I was at one time where we were recognizing Filipinos who had made outstanding contributions to their communities. There was one lady there who was a researcher who now lives in Toronto but had done a great deal of work at the University of Alberta. In terms of not really being able to be prepared for the paradigm of life in Canada, she was telling the group there when she did her acceptance, "You know, when I left the Philippines, people said, 'It's cold in Canada.' "So," she said, "I brought a sweater." She had moved to Edmonton in the winter. Needless to say, this particular lady, as is the case with a lot of caregivers who come, faced some pretty sharp shocks with many of the things that especially we here in Ontario have learned over the years to grow accustomed to.

Boy, your first winter here in Ontario can be cold. I can remember, after my six lovely years living out in British Columbia, my first winter back here in Ontario. Oh, boy, did I suffer. I thought to myself, "This has got to be the coldest winter on record," but of course it wasn't. But if you've come here from a country that's at just about the same latitude as Hong Kong, so it's not exactly tropical but it's not very far from it—and the Philippines, as we've just seen tragically in the last few weeks, is very prone to being hit by tropical storms coming out of the Pacific. If you've come from that environment in which your winter wardrobe borders on the non-existent—a light jacket is about it—the first thing that hits you when you come to Canada is the weather.

1630

So, many of the ladies who come here are actually fairly well educated and they are in fact conversant or fully literate in English, but this is still not their home.

Anybody who has ever changed cities, even within your own country, knows how initially disorienting it is to move to a new city. I remember leaving my native Montreal to come here to Toronto and thinking to myself how odd it was to see signs not only written in English, but signs that didn't have the pictorial expressions that we were so used to in Montreal from Expo 67. Directions that were written in English words on signs in Toronto were written in universal sign language in Montreal, and I had to get used to reading signs written in words in English. That was just a tiny example, and I was born and raised in this country. So try to imagine that you've just come from the Philippines, and you've come from a warm country to a cold country, from a small country to a big country, from a crowded country to a spread-out country, from a country that's nowhere near as diverse and multicultural as Canada to one which is the world's most thriving, dynamic, multicultural metropolis—not only the most dynamic, multicultural metropolis that the world has now, but the most dynamic, growing, vibrant multicultural metropolis the world has ever seen in all of its recorded history.

When they arrive here, in addition to those things, many caregivers don't really have a circle of friends, and some, though not all, don't have a lot of family here. So they end up dropping down into this place, which is as different from the Philippines as it's probably possible to be—they're almost exactly halfway around the world—and they're very strongly dependent on their employers, and that creates a dependency bond the employers have to be respectful of. Overwhelmingly, Canadians are. Overwhelmingly, from the standpoint of the employers, the employers look upon the caregivers as someone who is part of their family, and when you look at the range and scope of the duties that caregivers perform for their employers, there is in fact a synergy in there.

Very often, the employers are a working couple with children. Certainly, out in our area, where those families are out of the house at a quarter after 7 in the morning—as I've told my staff, during elections, in some of the areas that are fairly heavily Asian, "Don't schedule me to canvas those polls on a weekday evening, because nobody is home until 7:30 or 8 or 8:30." We only have a very narrow window of time in which we can safely knock on those doors before it's 9 o'clock and people don't want to see you, which is perfectly normal. Those are the kind of people who, in the main, are going to be employing those Filipino workers. They're busy people. They have demanding lives, and they depend on the Filipino caregivers to come in and, to a limited or, in many cases, a very large extent, raise their families, look after their homes and simply be there when otherwise no one is in what are often fairly substantial homes.

The abuse that Bill 210 aims to address is abuse that has gone on longer than just recently. It's abuse that caregivers have complained about for years and on which, as a government, we have sometimes moved not fast enough. In this case, this is a comprehensive set of measures. These are measures with teeth.

Let's focus on some of the things that this bill does.

What it says is that there is a complete ban on fees. If you're coming here as a Filipino caregiver or as a caregiver from anywhere in the world, no one can charge you money. That money is paid by your employer. If somebody back home says, "Well, you need to do this, that or the next thing and pay me money," you should be aware of it. If you know of this happening back home, for heaven's sake call up and tell them that no one will charge you fees.

Secondly and very importantly, there is a prohibition on withholding your passport and withholding your personal documents. When you arrive, when you step off the plane, no one can take your documents from you. No one can ask you for them. You should store them in your room or in a safe place. If you trust your employers and your employer has a good relationship with you and they say, "Okay. Can we store them for you in our safety deposit box?", I'm not saying no, but I am saying to be careful, because those are documents that belong to you, and if you say, "I want them," you should be able to go and get them, then and there. That basically speaks to the bond between the employer and the caregiver, but no one can say, "No, you can't have them back." If you ask for them back, they have to give them to you. They have to, and if anybody says anything else, it's time to report them. There's no grey area here.

Secondly, this is legislation with teeth. There's a means to enforce it because, as the member for Parkdale–High Park said in her address, if you're employing a caregiver, your home is a workplace and your home should be subject to the same reasonable conditions that exist in any other workplace, and that's how the bill treats a home in which a caregiver works. It's a workplace, and it's important to remember that because no one can say to you, "You must stay in your workplace," because if, as a caregiver, you say to yourself, "Would it be realistic if my employer said, 'You can't leave work to go home today?'" You'd say, "No, I can't. Work is over. I need to go home and have dinner. I need to go home to be with my family." You can do that too. Even as a live-in caregiver, you have the reasonable right and the complete freedom to leave the home when you have to leave the home, but nobody can say you can't go out. You can.

It's also important to talk about the fact that the caregivers who come here tend to be very trusting people. They have a very strong sense of family values. They come from, as I said earlier, a maternal culture with a tradition that raising children is the most important thing that a family can do. It is not fair for an employer to prey upon the carefully inculcated values of a Filipino caregiver to say, "How could you neglect my children? I insist that you stay here," or, "You can't neglect my children. I won't give you your documents." You can't prey on a caregiver by using a sense of guilt. It's now illegal. You can't do it.

A conscientious caregiver will give the children a structure and an order that the parents, almost by definition, are not around to provide. It's something that chil-

dren need, and it provides the parents, who often both have challenging careers, a sense of security themselves, knowing that if they leave very early in the morning, as most of them do, and are out all day working very hard, running and managing businesses, as very many of them do, back home someone is physically in their house, which tends to be empty upwards of 16 hours a day otherwise, and mostly that their children receive breakfast before they go out in the morning; that someone is there if the school has to call and say, "Something has gone wrong with your child," or, "You have to take your child home"; at least someone is there to open the door, someone is there to prepare lunch, someone is there to clean the home, someone is there when the children come back in and, as very often happens, someone is there to make the children their dinner; and when mom and dad arrive home, very often exhausted after a full day, someone is there to say, "Here's what happened during the day. I went out and I did the following chores." In the overwhelming majority of cases, the employers are the ones who can say, "What would we do without you? Our careers couldn't be complete without you."

But the covenant in that is that you have to deliver value for the value that you receive, which is again not an issue with most employers. This is about dealing with the few bad actors. That's what about this bill is really about. That's what this bill does with the stiff penalties that say, "If you're a bad actor, we can get you": for example, a maximum penalty for an individual of \$50,000. Is it really worth it? I don't think it is. It also allows them to say, "You could have jail time if you abuse the trust, if you abuse the compassion, of your caregivers."

Thank you very much. I could go on for a little longer, but I'm a little bit out of time. For all of those who have watched, particularly from the Philippines, [*Remarks in Tagalog*] thank you.

1640

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. John O'Toole: The member from Mississauga–Streetsville gave a very respectable account of the particular persons who work in this field, and I commend him for that. I think in many respects it is kind of shameful that this bill was brought in after the horse had left the barn—the Liberal member Ruby Dhalla's tragic incident.

That being said, I don't want to be totally negative. We would support this whole idea of protecting the people who work in that industry from abuse, as well as injustice toward caregivers of whatever nationality or persuasion. That needs to be on the record for sure as our position.

As such, this bill may be a little late. Maybe parts of it could be strengthened, as we heard from the member from Toronto–Danforth. What I'm suggesting is that the real concern is section 34. I think this has been repeated. I think it's important to read that section, the investigation powers and inspection powers, "An employment standards officer may"—he or she may—"without a

warrant..." This means they could enter your home at any time. Where does this stop? It sounds a bit unbalanced here.

If you look at the bill, it requires an employer of foreign nationals, live-in caregivers, to provide them with a document outlining the rights of the caregiver and the obligations of the employer. This is an important step to ensure that all caregivers—non-Canadian or others—are informed of their rights and the laws that protect them.

There are also other persuasions, where they're not able to withhold anything—their personal effects, like their passport or other things.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Peter Tabuns: I appreciate the remarks by the member from Mississauga–Streetsville. There is no question that the Filipino community, which in fact is one of the larger sources of temporary foreign workers in this country, is one that has a record of organizing, has a record of standing up for itself, has a record indeed internationally of being willing to fight for social justice and fairness.

If you look at the history of the National Farm Workers in the United States, much of the publicity is around the Mexican farm workers, but in fact the Filipino farm workers were organizing in California back in the 1920s, 1930s, 1940s and 1950s. They did an awful lot of the pioneering work that allowed the National Farm Workers to flourish later, which brings me to the point that I wanted to touch on briefly, and that is the fact that much of the focus here is on temporary caregivers, on nannies, but we should also not forget there are many people who come to this country as temporary foreign workers who work in agriculture. At the moment, they are not allowed to organize into a union and that has a huge impact on their well-being, a huge impact on their ability to represent themselves and a huge impact on the kind of wages they can command.

I would say that it's necessary for this government to address not just the temporary foreign workers in nanny situations and long-term-caregiver situations, but to look again at the situation of agricultural workers and make sure that they have treatment with justice and fairness so that their time here is not one of oppression but one when they actually have a chance to build a future for themselves.

Hon. Madeleine Meilleur: It's a pleasure today to speak in support of Bill 210. How lucky are we Canadian families to be able to hire live-in caregivers? It's very dear to my heart because we recently had to have a live-in caregiver live with my mother, who unfortunately broke her hip last summer. All the family is so thankful for Françoise, this wonderful person who used to be in the health care area, but in her retirement she devoted her time, energy and love to seniors.

I want to support this bill, because we in Ontario have to make sure that live-in caregivers are well respected and well treated. We rely on them to take care of our children, to take care of a loved one in the family. The

least we can do is take care of them and make sure they are well treated. Bill 210 will give confidence to these caregivers who are already in Ontario or want to come from elsewhere to Ontario for, perhaps, a better life. As for us, we welcome them. They are so precious in each of our families. I hope that everybody will vote in support of Bill 210.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Mike Colle: I just wanted to reaffirm support of the member from Mississauga–Streetsville for his interest in this initiative. As you know, in his comments he demonstrates that this bill has a very important function, because it gets into a totally new area. As you know, Madam Speaker, we've never done this in Ontario, and there are some pitfalls when going into a new area, because you're dealing essentially with a national program.

The recruiters are stationed right across Canada; they're stationed in a variety of different countries. The one thing I found odd in looking at and examining this issue was that Cyprus seems to be a haven for these recruiters, and they use Cyprus to funnel people into Canada. It sort of becomes a holding station for people—Cyprus, of all places. I just can't fathom why that occurs in Cyprus. Supposedly, if you apply from Cyprus, you can get into Canada easier in this program than if you apply from one of the traditional countries like China or the Philippines etc.

There's a lot of circumventing of a good program taking place. It's not going to be easy, and I don't think the ministry underestimates the resources this will require and the initiative it will take to stay one step ahead of these unscrupulous recruiters. There are some good penalties; there are some good fines; there are some good requirements here. We have to make sure we are one step ahead of the unscrupulous recruiters. Hopefully it's something that my colleague will elucidate.

The Acting Speaker (Ms. Cheri DiNovo): The member from Mississauga–Streetsville has up to two minutes to respond.

Mr. Bob Delaney: Earlier in the decade I paid my first visit to Hong Kong. I was walking through a park one day, and I could recognize Tagalog from my rudimentary understanding of the language; there was a group of Filipino nannies who were sitting down and comparing notes on their employers. So, some things seem to be the same all over the world.

A couple of points, in response to the remarks by the members for Durham, Toronto–Danforth, Ottawa–Vanier and Eglinton–Lawrence, whom I thank for their contributions: This bill is not about any particular individual, regardless of how prominent, how wealthy or, in fact, how obscure that individual may be. Bill 210 is about doing the right thing right now.

My colleague from Toronto–Danforth pointed out in his comments something that I'd like to add to. It's part of a process of ensuring that the fairness and equity we take for granted as men and women who have been born and raised in Ontario or in Canada extends to every On-

tarian, whether they've come here recently from another land or whether they're here working in the capacity of a very vulnerable caregiver.

The bill itself is going to the Standing Committee on Social Policy, which is going to allow people who are interested in commenting on the bill to come in and make a deputation if they've got a good comment or idea to offer. That's the point at which the bill tends to get a little bit of tweaking, if it needs any work, or if there are some problems with it, that's the point at which we repair the problems.

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Finally, I want to thank my colleague from Eglinton–Lawrence, who is himself someone who represents a rich, vibrant, multicultural, mid-city riding. Mike Colle gets it. He has done his homework. He is a real credit to that riding and I'm pleased to have him as a colleague.

The Acting Speaker (Ms. Cheri DiNovo): Further debate?

Mr. Gilles Bisson: First of all, I just want to put a couple of things on the record in regard to this Ruby Dhalla bill and to be clear why we're debating this and what it's all about.

First of all, I want to say up front that this bill deals with trying to give some protection to foreign workers who are coming to work and care for our kids in our own homes, otherwise known as nannies. We know that in the past and currently there have been a number of examples across this country, but particularly here in Ontario, where nannies who have come in from other countries to care for our children have been taken advantage of. We've seen that more recently in the case of Ruby Dhalla. Our good friend Ruby Dhalla, the Liberal member in the federal House of Commons, rightfully so, decided, because of her busy schedule—and I understand that; this is perfectly acceptable—that she needed to have a nanny to care for her children. So, as a federal member of Parliament and a working woman, she decided—

Interjections.

Mr. Gilles Bisson: Oh, she didn't have any kids? I'm sorry. Let me retract this. She had a nanny with no kids? Okay. Well, that's a whole other story.

Interjections.

Mr. Gilles Bisson: Sorry, I retract. She was taking care of the mother. That's right. I will talk to you in French again; here we go. No, she was taking care of the mother.

Anyway, the point is the same, which is that many people in this country decide that they want to have somebody in order to care for their children, or in this case their mother. What happened in her particular case is that these foreign workers, two of them, were hired, and when they came to Canada to work for Ms. Dhalla and her family, they decided that one of the ways they would make sure that those workers, those two particular nannies, as we call them, would be—how would you say it?—motivated to work for the family is that she would withhold their passports. Clearly that is something that's pretty hard to take, right? A passport is an individual

document that I or you use for identity or to be able to travel abroad. Clearly the reason why people who use foreign workers, otherwise known as nannies, such as Ms. Dhalla had done for her mom, do that is because they are trying to make sure those people don't flee and that they have them under some kind of control. So clearly what's happening in this country is that we have employers, in this case families, who hire nannies—and not everybody does this, obviously. I want to believe that this is a minority of families who do this. I hope this is not the majority of families who have this practice. But clearly there are a number of families who are taking advantage of foreign workers.

So we're seeing in some cases, as in the case of Ms. Dhalla—the current federal Liberal member from her particular riding basically put herself in a position of withdrawing people's passports and asking for services above and beyond what, contractually, they had agreed on when it came to their work for the Dhalla family. This is not a case that is just particular to Ms. Ruby Dhalla. I'm sure this particular case is happening with other families across Ontario where foreign workers are being brought in in order to care for children and they are being made to work above and beyond the contract that they entered into. The way that the employer does that is to use different forms of intimidation in order to force the foreign worker to work for lower wages or to work for longer hours or to do services that otherwise may not be necessarily the services that they were hired for.

Clearly in Canada we have a sense of justice when it comes to working people. In this country, we pride ourselves on at least one that is civil and that says that people who work for a living enter into a contract with an employer. That contract sometimes is written, as in the case of employment contracts or collective agreements, or they are just understandings, where I work for you for so many hours a week, and, "I pay you so many dollars per hour and I expect you to do the following things." Those contracts are normally, we hope, honoured by the employer and by the employee.

But what happens in the case of foreign workers is that they find themselves in a position where often they may be taken advantage of because they don't know the rules of the country they are coming to—in this case, Canada—and the employer decides that they're going to take advantage of a situation because this is a person who may not understand the rules of the land when it comes to labour law. The employer is able to basically enforce some sort of intimidation or power over the worker by doing things such as withdrawing a passport or making innuendoes about the person not being able to emigrate to Canada if they don't get a good reference from the employer they used to work for. Clearly, those kinds of things happen, and that's why this particular bill is here. It's to try to say, "There is nothing wrong with hiring a foreign worker to work as a nanny, but there needs to be some sort of understanding as to what an employer is able to do when it comes to the types of services they want from this particular individual and what they can do

within the law." So this particular law is trying to limit the abuses that may happen on the part of certain employers when it comes to their use of foreign workers, such as nannies—people who work in their homes either as domestics or nannies.

Clearly, this is a bill that I think is needed. Does this bill do everything that we want it to do? Probably not. That's why we have a process called "committee." This bill, right now, is only at second reading, and we're dealing with, I would say, the principle, and the principle is one that I can support. I know that my colleague Madame DiNovo, who is currently our Speaker, spoke to this earlier. She has spoken to our caucus about it and has advised, based on her dealings with people in this field that she has had to deal with, that this bill may not go as far as we want it to, but at least it goes in the right direction. Therefore, we should support it on the basis that it's a step forward.

Does that mean to say, "Hmm, this is a great bill"? Absolutely not. Does this mean to say that this is earth-shattering? Probably not. But it means to say that we are going in the right direction. So the process will be that we will probably support this at second reading. Once the bill, if it should pass second reading—and I imagine it will because at least two of the parties at this point, we know, are going to support it; both the government and the New Democratic caucus. Now it's going to have to go to committee.

That's going to be the test. The test is going to be: To what degree does this bill need to change based on the input that we get from citizens who come before the committee? We have a practice, as whips and as House leaders, that we allow the committees to order up their own business. So the committee that is charged with reviewing this particular bill at the committee level will advertise and let people know that this bill is in committee, and people out there in the public who are interested will be able to contact the clerk's office and say, "I would like to present and talk about my experiences as a domestic worker or as a nanny in order to give input on this particular bill, what I like about it and what I don't like about it, and how I can strengthen this bill," or there may even be some people who are opposed to the bill. I would hope not, but I imagine there might be some out there. They will be able to come before the committee and give their thoughts.

Here's the point that I'm trying to make: The real test of this bill will be at the committee level, because once we've heard from the public, and hopefully we will have heard from enough people, the committee will then have a decision to make as to whether the bill should stand the way it is or be amended. Our experience as legislators, all of us here, is that there's hardly a bill that goes to committee that is not in need of some form of amendment. I just came out of a committee with two bills over the last month or so, the far north planning act and the Mining Amendment Act, and both the government and the opposition members brought all kinds of amendments to the bill, some that were adopted—mostly the government

amendments—and some that were rejected, mostly the opposition amendments. Nonetheless, the point is that bills need to be amended.

We will need to make sure that at the committee level we allow the committee to do its job, so that the committee itself is able to look at this bill, hear what people have to say—the public that wants to make depositions in this committee—and say, “Where does the bill need to be strengthened? What needs to be changed, how does it work and how do we move forward?” Hopefully, we’ll come out of the committee with a bill that all parties can support, and we can come back to third reading and pass this bill at third reading in order to afford some protection to people who, quite frankly, are very often abused by their employers when it comes to what they do for them.

This bill doesn’t cover a whole bunch of other workers, and this is one of the issues we’re going to have to deal with. I know the government might be reluctant to deal with this, but there are all kinds of foreign workers who work in Canada in various types of industries who are needed sometimes on a seasonal level, such as in agriculture. Most of the people who do the harvesting in our fields, on our farms here across Ontario, are no longer young kids looking for work out of high school, going to college or university. Most of those people now are, quite frankly, foreign workers. And I can get into a whole debate about how I think that’s a bit of a travesty—not that I hold anything against foreign workers. But I certainly think that young people working on the farm and doing some harvesting shows good character. I think it helps a young person understand that an education is a good thing and that if you go to school and you work hard and you adopt good work ethics, you can move ahead in the world. I think those first jobs, such as working on a farm, are very valued experiences for a young person. Unfortunately, not as many people do that today as when we were growing up.

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When I was 16 or 17 years old, a lot of kids would end up working out of northern Ontario, on the tobacco farms. They would travel down to the tobacco farms of southern Ontario, and they would pick tobacco for periods of weeks. They would make themselves some decent money, and they would come back to the north and help to pay for their college or university studies or whatever it might be. It was a good experience. Did they work hard? Darn right they worked hard—morning till night. Were they always treated well? Probably not. But it was a good experience; it was a good first job for people to learn.

Here’s the problem: In this particular economy we have now, there are all kinds of workers in that industry, and the majority of those who are doing the harvesting are foreign workers who come here on a seasonal basis. Should we be protecting those workers as well? So far, we’ve not done that. This bill, I know, is not contemplating that, but should it? I think that’s a fair question to put to the committee when this bill goes off to com-

mittee. Is it only nannies who are being taken advantage of, as far as foreign workers? I would argue there’s probably far more than that. Maybe we need to take a more comprehensive look at this particular issue. I think that’ll be interesting.

The other point that I want to raise is the one about the abilities of the inspectors to have access for inspection under this bill. I listened to my good friend Randy Hillier, who is known in this House, in the very short time he’s been here, as an advocate for property rights. I have great respect for Mr. Hillier. Sitting on committee with him, I’ve learned that he’s a pretty astute individual. He raised the point earlier, and at first my gut sort of went, “What are you talking about? This is just more of the same.” But if you start to think about it, it’s quite an interesting point that he raises, and that is, currently under the Employment Standards Act, the Occupational Health and Safety Act and probably under the Ontario Labour Relations Act as well, a Ministry of Labour inspector has the right to go into a workplace to do an inspection and does not need a warrant to do so. They either go in because they’re doing a spot inspection on their own or they’re invited by a worker or somebody who thinks there might be a problem.

The issue is, the inspector does not need a warrant to enter the premises of work to inspect something that might be a contravention of some act, either a health and safety infraction or maybe an infraction under the Employment Standards Act. We’ve done that for good reason, because the workplace normally—not always—is a public place. It’s not a private home. In other words, if I work in a department store, people are allowed to walk in there without any kind of—you hope they’re walking in there without any kind of restrictions. In many workplaces across Ontario, it’s the same.

The issue becomes, should we give Ministry of Labour inspectors the same right of inspection in a person’s private home that also happens to be the workplace of a domestic servant? My initial reaction is to say yes. I think, yes, how else are you going to enforce this act if you don’t give the Ministry of Labour inspector the ability to go in and do that inspection? If you had a system where, under this act, you would have to get a warrant to be able to go in and inspect what you think is an infraction under this act, it might become a bit of a problem, but maybe not. If there was a mechanism for being able to get a warrant so that clearly there is a sense of pause on the part of the Ministry of Labour, that you don’t just go willy-nilly into somebody’s home and say, “All right, I’m the nanny cop, and I’m coming to see if you’re exploiting your nanny”—I can tell you, as a homeowner, I would be mighty upset if somebody came into my house with Ministry of Labour inspectors to inspect my kids who are being cared for by a nanny, should I have a nanny. Our kids are now 33 and 26, so there’s no danger of that. But the point is that I would be, as a parent, somewhat upset if the Ministry of Labour was to walk into my house.

Mr. Hillier raises an interesting point. I think there are two sides to the argument. First, should the Ministry of

Labour have that authority? Normally, I would say yes, because that person is an employee and is working in a workplace. But the problem is the workplace happens to be the person's home, and normally that person is caring for a child.

It's going to be an interesting point that I think we're going to have to take a look at in committee. At this point I would still favour giving that non-warrant access to a Ministry of Labour inspector. That's where I fall at this point. I think the Ministry of Labour has to have that right. But I think Mr. Hillier raises a point that's interesting, and I think we need to take a look at that. Before I pronounce firmly on that, I want to hear what experts have to say about that being an infringement of a person's individual rights. I think not, but maybe it is. I want to leave an open mind on that one. I thought he raised a point at first that was quite interesting.

In closing, all I want to say is, it's a step in the right direction. It's a bill at the end of the day that I think will bring us closer to protecting foreign workers coming into this country. I really do believe that this has to go to committee in order to flesh out the issues. There are a number of issues that I think we need to take a look at. Are there other workers who need to be protected? Is the degree of protection reasonable and adequate? Should you have to have a warrant in order to search a home when it comes to a foreign worker etc? What kinds of practices are acceptable or non-acceptable when it comes to the practices of an employer? I think there are some legitimate questions to be asked, but I think, in the end, the legislation itself is a step in the right direction.

My very last point I would make is that the timing of this bill was, quite frankly, interesting because it really did revolve around Madame Ruby Dhalla. The government—I think, rightfully so—was somewhat taken aback when they saw their federal Liberal colleague Madame Dhalla abuse two foreign workers as a result of actions she took against them over a period of time. Passports were withheld; they were asked to do work that they had not contracted into originally when they came in to care for her mother—and I apologize; at first I said “children”; it's actually “mother.” I recognize that I made an error at the beginning there. But nonetheless, she clearly had infringed on these workers' rights.

I can well understand Mr. McGuinty, another Liberal, in this case at provincial level, somewhat embarrassed by the fact that a federal Liberal colleague had embarrassed and tarnished the Liberal name by getting involved in this particular type of action. So this government wanted to be seen as doing the right thing because we recognize that a large part of the voting bloc in Ontario are people who weren't born here in Canada—a larger and larger number of those—and they wanted to be seen as out in front of this issue.

So let's not kid ourselves. This is not an altruistic approach on the part of the government to say, “Oh, we're the friends of the working people.” If they were friends of the working people, they would have supported anti-scab legislation here two weeks ago. So this is not a

question of being the friends of the working people and certainly not a question of them just being friends of the new-Canadian community. They were trying to do some political damage control to what was the Liberal brand on behalf of what Madame Dhalla had done at the federal level.

With that, I look forward to this bill going into committee, and I look forward to comments from my colleagues in the House as to what I had to say this afternoon.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Mike Colle: I was listening to my colleague from Timmins–James Bay. I have just a couple of clarifications here. I had a private member's bill here before this House a long time before the issues he referred to were even in the press.

On the right of Ministry of Labour inspectors to investigate a work site, well, that has been on the books since Bill Davis introduced that in 1974, and it was reaffirmed by another Tory government in 2000. What it says is that there are many home-based industries where you might have one, two or three people who work in a home-based industry—or employed in a home. The homeowner has the right to deny entry to the inspector. That's always been on the books. So if the inspector comes to your home and you're operating your insurance company out of your home and you've got a secretary working there and she puts in a complaint, you can deny entry to the Ministry of Labour inspector. That has always been there—if it's your home. Okay? It's still in effect. That doesn't change with this act. You have the right to deny entry. Then if a Ministry of Labour inspector wants to get in, he'd have to go back and get a search warrant.

I referred to the case of one of these recruiters who had 16 caregivers living in her basement, sleeping on blankets on the floor. If one of those caregivers sleeping on the floor in the home of the recruiter—how would they ever find out or prove this? They would have to go to the home and inspect it, and obviously the recruiter would probably deny entry. Then they go back and get a search warrant, they go into the home of the recruiter and verify that 16 people—because a lot of the stories have not been believed. Nobody's done any inspections, because they're outside the purview of the provincial labour legislation. Now this brings them into the—

The Acting Speaker (Ms. Cheri DiNovo): Thank you. Questions and comments?

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Mr. John O'Toole: I listened again to the member from Timmins–James Bay, and I think he summed up pretty well the general concerns that I've heard here this afternoon on Bill 210. I would say we would be on the record as supporting this initiative to protect vulnerable workers.

I just want a key consideration here: I think that this particular bill entrenches protections for live-in caregivers and foreign temporary workers. What it doesn't do

is more important, I suppose, for the purpose of debate here. These protections apply only to a small number and a very specific number: that is, the case of nannies. What it fails to recognize or address is the extent to which 91,000 temporary foreign workers in Ontario aren't covered. Why are they only going that far, when in fact they have an opportunity, when they've opened up the legislation, to look at it? I think it's worthy of input from all of those groups, and I would encourage the parliamentary assistant, who is here listening, to take that forward in this process of public hearings.

But I think the member from Timmins–James Bay said all of the things—more specifically, we're very concerned about the civil liberties issue around section 34, which is the warrantless entry provision. I think it's a little heavy-handed, when in fact there are very specific disclosure requirements in the legislation with respect to the rights of the employer as well as the persons who are employed. These must be provided to them in writing, probably in multiple languages, and I think that's fair. I am very supportive of those—the rights to the acknowledgements.

I think if we work together on this, we can improve it and raise the question here of warrantless entry as well as the provision for extending to it other groups that we've heard recently in the media aren't covered and should be covered.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Michael Prue: I had an opportunity to listen to my colleague from Timmins–James Bay and what he had to say. I would like to stand up and commend him for having a very good knowledge in talking about some of the problems that have been faced by people who are temporary or part-time workers here in this country.

As members of the House may know from many of my speeches over a long time, I worked for 20 years in the immigration department. I worked for 20 years watching the abuse that took place daily of people who come from other countries merely seeking a better life, and nobody was abused more than those who were temporary workers. Nobody was abused more than the nannies. Nobody was abused more than the agricultural workers who came to this country. To see what happened at the hands of recruiters who would take huge and serious advantage of innocent, poor people who were just trying to make a buck to send home to their families, a buck to send home to their countries where everyone lived in poverty, and where the money that they earned, albeit minimal and minimum wage, wasn't enough—and that people would take advantage.

So I want to, at the outset, commend the government for what they're bringing forward, but also to echo what my colleague from Timmins–James Bay had to say about there having to be safeguards; about the government having to look very seriously at going into people's homes, but at the same time having to go in and put down stringent standards so that people can't get around the law.

I will tell you, some of the laws in this country that are most frequently broken are the laws related to the entire immigration program. The government of Ontario, for too long, has been outside of that program, even though under section 92 of the British North America Act they have equal jurisdiction. It's time to bring that home to protect the most vulnerable people and to make sure that they have rights in this country.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Bob Delaney: I think it's very important that we judge ourselves by the way in which we protect those who can't protect themselves. We've heard one too many sad stories of live-in caregivers who have come to Canada, only to be taken advantage of by unscrupulous employers who shouldn't be allowed to employ them at all and who hitherto had been beyond reach of the law. Bill 210 changes that. Bill 210 comes with teeth. Bill 210 comes with penalties and means to enforce them. That's why Ontario has made a commitment this past spring to bring forward this new legislation specifically to provide these additional protections for live-in caregivers.

I think it's also important that we made clear that we're not going to stand idly by as a government and wait for the proposed legislation to work its way through. We came up with something that's workable right now that we're going to introduce and that all three parties have indicated they will support. So I think we're going to see fairly quick passage of it.

This is an example of how this House has come together, put its natural divisions aside and has said, "There's important work that we have to do as legislators, important work that makes a difference to vulnerable people here in Ontario." All three parties have come together to say, "This is work that we are going to do, this is legislation that we're going to pass and this is a law that's going to be enforced as quickly as we can bring it through committee, give it the thorough treatment that we normally do here, get it passed and have it enacted."

I think that along with the government's outreach, fact sheets and our toll-free hotline, one thing it does send is a very clear signal to employers and caregivers alike that the additional protections that live-in caregivers need are going to be here very quickly.

The Acting Speaker (Ms. Cheri DiNovo): The member from Timmins–James Bay has up to two minutes to respond.

Mr. Gilles Bisson: I want to thank the members who commented on my short presentation on this bill.

I think it's all been said from the perspective where I'm at. Generally, I think this bill is going in the right direction. I would support it, certainly at second reading in order to get it into committee.

I think we need to take a look at some aspects of the bill. My friend Mr. Prue raised the issue quite succinctly, that some of the most abused people—and the member from Mississauga–Streetsville made the same point—when it comes to the workplace are people who are new

Canadians and often Canadians who are temporary workers. In this country, we need to hold a standard where we say that a person's labour is something that is to be respected. We need to make sure that the people who are working for a living are respected by way of not have their basic rights abused, they're properly remunerated, and they're given some protection under the law. I think Mr. Prue made the point quite effectively.

The test will be in committee. It will go to committee, hopefully, once this bill—if it does pass second reading, and I don't imagine it won't. It will be the real test to hear what people have to say about a number of issues.

I listened to the member from Eglinton–Lawrence, who gave an explanation on the issue of the search without warrant. He's saying, "Don't worry. There are already provisions that that can't happen if it's a person's home." I want to see that. I hear and take him at his word. He's an honourable member. I don't think he would tell me that otherwise, but I now have the member from Eglinton–Lawrence who's saying one thing, and I have the member from wherever it is—Mr. Hillier's riding—saying something quite different.

I want to hear what legislative counsel has to say. I want to hear what the ministry lawyers have to say on that particular issue. I think you do have to have the right to search if you think a person's rights are being violated, but certainly you've got to give some protection to the home.

The Acting Speaker (Ms. Cheri DiNovo): Further debate.

Mr. Lorenzo Berardinetti: I'm pleased to have an opportunity to speak for a few moments, anyway, on Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000.

I want to start off by saying that I was appalled when I heard some of the stories of abuse that came forward in the last few months involving foreign live-in caregivers who were living in conditions where they were in basements or other parts of people's homes, crammed together in small spaces and being forced to do things that were outside of the scope of being a caregiver. I'm not here to point my finger at any particular person or party or name, but the reason I stand and speak today is that I support the fact that we are taking action, and we're taking decisive action. We're bringing forward this bill, a bill that's saying no to the abuse, a bill that is saying, "We want to protect those foreign nationals," a bill that says no to allowing the recruiters to charge a fee to bring these nationals here, a bill that prohibits the homeowner from keeping or withholding a passport or other personal documents from a caregiver, a bill that has strong enforcement, and a bill that has stiff penalties. The bill is not perfect. I don't think any of the bills that come before this Legislature are. That's why, in our parliamentary structure here, we have committees. We've heard the debate so far today. We know that this bill probably will go to committee, and there probably will be amendments to it.

1720

Not too long ago, this House had before it a bill involving the creation of a college for trades and apprentices. I happened to be chairing that committee. I heard many depositions, many interested groups who came forward and spoke to the bill. As a result, we had over 80 amendments proposed, and well over a dozen of them were passed and implemented to change that actual bill. Those amendments didn't come only from the government party, the Liberals; there were good amendments that came from the Conservative Party, and there were good amendments that came from the NDP. We incorporated some of those into the bill as a result of the consultation and the presentations that were made before committee, and I think the same thing will happen here.

We've put forward what we believe is a strong and very good bill, and when it goes to committee, we will hear from the deputants, we will hear from caregivers, we will hear from nannies, we will hear from those who are interested in this bill, and we'll hear their stories. Some of them may have points that are relevant to making changes to this bill and others may not, but in the end, in my experience here, being in this Legislature, I have seen that most bills that have gone to committee usually result in at least some changes, whether they be minor or major, before they come back for third reading.

We're engaged now in second reading debate. It's a good debate, because there are several outstanding issues that we don't know the answers to. Some of these will be worked out in committee, and when we come back hopefully for third reading debate, which we do here, those questions will be answered.

I want to touch briefly on something that I think almost all speakers have spoken to, and that's the civil liberties issue or section 34 of this bill. Section 34 allows or says that—let me just go to it so I have the correct wording. I want to make sure I say the correct thing here.

Mr. Gilles Bisson: Don't let that stop you.

Mr. Lorenzo Berardinetti: No, no. I want to do this and read the section out properly.

"Investigation and inspection powers

"34(1) An employment standards officer may, without a warrant, enter and inspect any place in order to investigate a possible contravention of this act or to perform an inspection to ensure that this act is being complied with."

Now, I guess the feeling of some members is that you just can't have an inspector go in and decide to run roughshod through someone's home looking for evidence and looking for contraventions to the act. That's clearly not the intention here. Case law in the past—all one has to do is look at case law in the past—makes it clear that nobody is allowed to go in and conduct a fishing investigation or go into a place and just randomly look around.

Here in Ontario, the law as I know it to be is that even with regards to police officers, they can enter a home or premises only in two circumstances. One is called exigent circumstances, and that's when a police officer believes that an offence is occurring or has occurred and that if that police officer were to depart to get a warrant

to search the premises, the evidence would be removed, tampered with or destroyed. In those cases, the police can enter without a warrant.

Secondly, if a police officer has reasonable grounds to believe that someone may be in a situation where they could be harmed or hurt, the police officer can search the premises without a warrant to ensure the safety of the person. That's basically the case law that I understand exists presently. Whether or not this section does more than that remains to be seen, and I think that when we go to committee and we have the lawyers present at committee, when we have the lawyers and research officers present at committee, they'll be able to tell us exactly the scope of this section and whether or not it needs to be amended so that it conforms to the existing laws that are set by our judges and the Supreme Court of Canada. We bring forward statutes, and the courts interpret them. This statute will be interpreted by the courts. We want it to be in harmony with existing case law so that we don't have to have challenges to the section.

I don't see it as being a particularly bad section. We want to make sure that those who do violate—and we heard cases of those who violate, people who bring people into their homes to act as so-called caregivers who end up doing other things. We don't want that to happen. We don't want them in conditions where they're jammed into a room. We don't want them in situations where their health is at risk or they're not doing the job that they thought they were supposed to do or where they face any other type of harm.

The intention here is good. The exact wording will be worked out, and that remains to be done at committee. As far as I can see, it's a balancing act. We want the interests of the individual homeowner always to be protected. We're not saying here that we want to invade homes. On the other hand, you want to make sure that abuse does not happen when someone takes these workers into their home as caregivers.

Another important issue that I wanted to discuss here, because my time is limited and there's a lot that we've talked about on this bill, is the fact that we have brought here a response to something that really was created by the federal government. Again, I'm not pointing a finger at any particular person or individual in the federal government, but there are two laws that exist. Don't forget there are two sections to the Constitution, sections 91 and 92. Section 91 is federal, and 92 is provincial. Section 91 deals with immigration, and we don't deal with immigration. We have a department here, a section, that can help out with immigrants but the general immigration process is handled federally. That was decided a long time ago, back in 1867 when the BNA Act was passed.

The federal government has the responsibility to decide who comes into this country and who doesn't. They administer who comes in through their Human Resources department and through their Immigration Canada department. Those are the two departments. They are the ones that are allowing people to come in and perhaps allowing even those who do the recruiting, those

who charge money to bring in foreign workers, to get away with what they're doing. What they're doing is charging a fee. They're saying, "If you 12 or 15 or 20 caregivers want to come into Canada, I'll get you in, but you've got to pony up \$100 each or \$1,000 each"—whatever the fee is—"and I'll process your papers and get you in through the border."

Ontario doesn't have border guards. The federal government does. They carry federal badges on their sleeves, not Ontario badges. Those badges are there to ensure that the right people come in and that their paperwork is properly in place. When a problem occurs and someone slips in through the system, the federal government should be able to follow up either through their Human Resources department or through Immigration Canada. When somebody is exploiting the system and beginning to bring groups of people in and acting as a recruiter, that should be something the federal government should be aware of.

But we're not going to wait for the federal government to act. We're deciding here to say that no person can charge a fee for doing recruitment. You cannot charge the foreign care workers who come into the country and say, "You know what? I'll bring you in. Pay me money, and I'll get you placed into Mr. Jones's house or Mrs. Smith's house"—whoever's house it's going to be—"to work as a foreign caregiver." We're going to stop that right away.

I think that the focus needs to be put where it belongs: A lot of this is federal. From the newspaper clippings that I've read and from the information that has been put in front of me, hundreds or maybe even thousands of these foreign caregivers have paid up to \$5,000 just in the last decade to come to Canada to care for children or the elderly. These jobs sometimes end up being fake. They arrive here and they're told, "Sorry, there's no job for you," or, "Sorry, we're going to have you do something else." Unfortunately, what are these individuals to do? They leave their country. I know that many come from the Philippines. Others come from other countries, whether it is China or the West Indies or even England. People come over here, and they want to work as foreign caregivers in the live-in caregiver program, and we want to make sure that that system works properly.

1730

This bill is a very strong message to those who would try to abuse the system. Not everyone does, but there are those who do. Those who do abuse the system need to be held accountable for their actions and for doing this. I want to reiterate that the powers we're putting forward here are in compliance with the Constitution Act. They're in compliance with the BNA Act, which I mentioned earlier. The provisions provide appropriate protection for employers while allowing the employment standards officer to determine whether contravention of the act has occurred.

These protections include limiting entry to regular hours of the business, and a requirement to seek a warrant if the business location is a dwelling and the

person does not consent to the entry. That's the way I interpret it. Again, some members of opposition interpret it differently. When we go to committee, we'll work it out. We'll find a solution to it, so that it doesn't have to go before a judge to be determined.

It also requires employment standards officers to show identification. You just can't have someone showing up, knocking on door and saying, "I've got a warrant; I want to come in." They've got to show identification before they come in. When you think about it, the home is a place that—I think Trudeau was the one who said a long time ago that the government has no business in the bedrooms of people's homes.

On the other hand, if you're bringing people into the home and having them work for you, and they're not doing the work they're supposed to do, and they're just not one person or two but they become dozens, then you've got to have some balance, some power to allow an officer to at least come and knock on the door and say, "Hey, is everything okay? Are you sure there's no abuse going on in there?"

It brings to mind the case in United States where, in the backyard of someone's home, a girl flourished and lived for dozens of years. Officers came and officers left, and officers came and officers left. I don't know how many times they came, but this poor girl ended up living her life in the backyard of some—I don't even know what word to use.

Mr. Gilles Bisson: Deranged individual.

Mr. Lorenzo Berardinetti: Deranged individual, my friend from Timmins—James Bay said, who decided to keep this girl in the backyard. She's scarred for life.

We have to have some powers to go into someone's home, and not go away and say, "Do you know what? That's inside the house. We're not going to bother with it. What goes on in there is not our business." It is our business when you've got 12 or 16 or more people stuck in the home doing things they're not supposed to do and living in conditions they're not supposed to live in.

There has to be some balance struck, and that's the key: Where is that line drawn, where is that position taken, where both the interests of the homeowner, because it is sacred—the home is someplace where the maximum amount of privacy should be kept. On the other hand, you have to allow some kind of entry and some kind of action to be taken because of the fact that it becomes a working environment and because you have workers in there.

Again, this bill in front of us is swift action. I commend the ministry and our government for bringing this forward so quickly to act on something that came to our attention as a result of abuses that were going on throughout the province. We didn't sit back and say no.

Another issue I want to address is that some have said, "How come you're only focusing on this particular group and not the others?" Government can't solve every problem. I think everyone knows that. Government cannot solve every problem. We are taking care of a problem here that is an abuse that existed long before we came

into power in 2003 and that would continue to be that way if we didn't take action today. There are other areas, of course, and other people and individuals who have not had their interests 100% protected, but the government cannot solve all problems. It never has, and it never will.

One need only look at what happened back in the early 1960s, not too far from where we are here today, in Hoggs Hollow, where a group of immigrants were digging a tunnel 50 feet underground. Some of these men were 21 years old, just arrived from Europe, and some of them had young children. There were no laws in place at the time regarding employment standards. Seven or eight of them got caught in one corner when digging a tunnel—they got caught where there was a fire and, as a result, they suffocated and died, leaving behind young families and young wives. I've had a chance personally to meet some of these children who never knew their fathers.

As a result of that, the government of the day, back in the early 1960s, enacted employment standards regulations, saying that in the future, you have to have certain protections in place. You just can't send workers that have just come off the boat down into a tunnel and dig without any kind of protection, without any kind of oxygen masks, without any kind of ropes or radios or other types of things that now exist. You would never dream today of sending a worker 50 feet underground to dig a tunnel with only a shovel in their hands and maybe a pair of gloves. That has changed due to legislation.

It's the same here today: The problem existing with the foreign nationals coming here will change as a result of this legislation. You won't see 10 or 16 or 20 workers stuck in someone's home in horrible conditions, not doing what they were told to do, not doing what they expected they were going to do, and being maligned and treated in such a poor way.

Again, we are taking steps here, and they are strong steps. I've only alluded to a few sections of the act—I haven't spoken about other parts as well. But we want to make sure that those who come to this country, because many want to come here—it is the greatest country in the world, without a doubt—are treated well and that they at least are able to do that which they expect to do when they come here and are not hoodwinked by other individuals who take advantage of them because they can be seen as being somewhat vulnerable. When they leave their homeland, they leave their families behind, they leave their parents behind. They come to this country expecting to be a live-in caregiver and end up doing something else instead. That's wrong, that needs to be changed, and that's why this bill is here today.

It'll go into committee. There will be discussions. There will be changes, I'm sure—that's what I think—and it will come back. It appears that the other parties support it. It's not perfect. I don't think any bill we've ever brought forward was perfect. No government has brought a perfect bill forward. But again, it's through dialogue and debate that hopefully we will resolve the outstanding issues.

My time is up, and I thank you, Madam Speaker, for giving me this chance to speak to this very important bill.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mrs. Christine Elliott: I do appreciate the opportunity to make some comments with respect to various matters spoken to by the member from Scarborough Southwest in his commentary on Bill 210.

I would like to just address the one section that he addressed early on in his speech with respect to section 34 of the act, which is the so-called warrantless entry section. I think that his comments were actually quite thoughtful, and I agree with many of the points that he raised in that respect: that it is a question of balancing rights here with respect to protecting the needs of a group of people who are extremely vulnerable, people who have no opportunity to advocate for themselves and who do need to be protected from situations in which many of them find themselves. But we also need to also bear in mind the issues of the employer and to make sure that any interference with civil liberties is done so very thoughtfully and very carefully. So it is a balancing of those rights and needs, and I hope that we will have the opportunity to explore that further when the matter does get into committee.

1740

I guess, both of us being lawyers by profession, when we talk about the wording in section 34 and when we talk about possible contraventions of the act which allow the employment standards officer to go into premises in order to conduct an inspection, we do make sure that we're careful that it is not a fishing expedition, that people shouldn't be able to get into premises which are also a person's home to make sure that there hasn't been a contravention of the act. I think we need to bear that in mind as we go forward with this, and I would urge all members, when we get this matter into committee—I hope that we will have the benefit of some thoughtful legal analysis as well to give us some advice as to how to appropriately restrict the wording but still be able to achieve the main goals of the act.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mr. Gilles Bisson: I rather enjoyed the presentation from the member opposite and hearing his explanations with regard to the issue of search without warrant. He may be right. I have looked at the legislation somewhat and I guess you could interpret it that way, but I think it's incumbent upon us to make sure that in fact we do protect a person's individual property rights so that we don't have inspectors coming in without good cause as far as reason to know.

He also raised, though—and this really hits the issue of an individual's right as far as a person's home being their own castle—the issue of what happened to that poor young woman and her kids who were kept in that person's backyard for all those years. In that case—and I don't pretend to be the expert—the police had suspicions of this guy for other reasons. Neighbours had com-

plained. There was probably probable cause for the police to go in and investigate him. For whatever reason, they didn't. I guess my point is, if the reason they didn't was because they felt they didn't have the authority to go and check, then a travesty was done to that poor young woman and her kids.

I think it raises an interesting point. At what point do we protect a person's property from being able to be visited by the authorities, in this case the crown through the police, and to what point do we protect an individual's rights? Because those two things are very important. I think nobody in this Legislature has a monopoly on saying, "I advocate for citizen rights," and there's nobody on the other side who has a monopoly when it comes to the issue of public safety. So it's an interesting debate, and I think at one point we have to ask ourselves, if there is a possibility that somebody is being abused—that is a really extreme case that he raised, but I thought he raised the point quite effectively.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments?

Mrs. Maria Van Bommel: I also want to participate in the debate on this particular bill, Bill 210.

I think, earlier, one of the members talked about the fact that most households and, we would hope, most recruiters would not be guilty of these kind of travesties, but there's an old adage about how it takes one rotten apple to spoil the barrel. I think that's exactly what's happening here. When we listen to the stories and we read the accounts of what's going on in some situations, it's reminiscent of a very bad movie. It's hard to believe, in a country like Canada and a province like Ontario, that this is even possible, and the fact that we have to legislate to make sure that it isn't happening is, of course, then very important for us to do.

What's happening here—and I've heard accounts of 16 people being forced to sleep in a basement together, of passports being withheld, of people being forced to work, of people not knowing where they're going, where they are going to have to work—is almost akin to slavery, and we need to take action on this.

Certainly it is important, and I absolutely agree, that the federal government—because it is an international issue; it's not just a provincial issue. The federal government, as the member from Scarborough Southwest has said, has a great responsibility, a greater responsibility in this. But I'm particularly proud that all parties are agreeing to the fact that we need to make a statement on this issue as a province and need to move forward to protect the interests of those people who are not acting well and not acting properly on these things.

The Acting Speaker (Ms. Cheri DiNovo): Questions and comments.

Mr. Mike Colle: I think we had a very good interchange of legal advice between the member from Whitby and the member from Scarborough Southwest here. I think it's important to get different perspectives on any piece of legislation. It's very helpful because when you

put together a piece of legislation of this nature, it is just incredibly difficult.

I just heard of another case where some poor person paid \$10,000 to come to Canada to work as a caregiver. He gets to Canada, and the employer he's supposed to be matched up with says, "Well, listen, I didn't ask for a male caregiver. I asked for a female caregiver, so I'm not going to hire you." So the poor guy goes back to the recruiter and says, "Can you help me? I paid you \$10,000 to come here. You set me up with the wrong person." Do you know what the recruiter says? "Well, tough luck." So they've got this poor guy's \$10,000. He's here illegally and then on top of it, to make it even worse, he gets a letter from Citizenship and Immigration Canada telling him to come to Ottawa for a hearing because he's here illegally now because he never fulfilled the terms of that contract where the employer said they wanted a female caregiver.

This is the type of utterly disgraceful, systemic abuse that takes place every day in Ontario, every day in British Columbia, every day in Manitoba—right across this country. These money-hungry recruiters are abusing people for tens of thousands of dollars because they're above the law right now. There is no law. There are no enforcement agencies that take any control over these abusers. That's the main thrust of Bill 210, to deal with these rip-off artists who are abusing the poorest and the most vulnerable of all.

The Acting Speaker (Ms. Cheri DiNovo): The member from Scarborough Southwest has up to two minutes to respond.

Mr. Lorenzo Berardinetti: Thank you, Madam Speaker. I want to thank the member from Whitby—Oshawa, the member from Timmins—James Bay, the member from Lambton—Kent—Middlesex and the member from Eglinton—Lawrence for their comments.

Again, just to respond to some of the comments made, we are engaged in a debate on a bill that is important. We all know that it's important. I think we all support the bill. The question—and it's an interesting one—is: Where do we draw this line, and when do we allow inspectors to go in and make sure that people are not

being treated so horrendously, as the member from Eglinton—Lawrence pointed out? People who end up doing jobs like cleaning or who take on other part-time jobs instead of doing the real job that they're supposed to do when they come here is wrong. How do you stop that from happening? Where do you draw the line in your investigatory role?

Courts tend to behave differently than Legislatures at times. We may pass certain laws, and the courts may say, "No, you can't do that; the home is a place where nobody can go" or, on the other hand, the court may say, "Well, in this situation it's justified for an inspector to enter."

We've put forward, I think, what is a reasonable compromise here in section 34, but again we want to make sure that this thing doesn't get tangled up in the courts. That would be my concern as a member of this Legislature who has an opportunity to discuss and put some input into this bill. It's a strong bill and it's a strong response to a problem that needs to be resolved. So I thank you again for the opportunity to speak to this bill today.

The Acting Speaker (Ms. Cheri DiNovo): Further debate.

Hon. Monique M. Smith: Madam Speaker, I move adjournment of the debate.

The Acting Speaker (Ms. Cheri DiNovo): The government House leader has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

Second reading debate adjourned.

The Acting Speaker (Ms. Cheri DiNovo): Orders of the day.

Hon. Monique M. Smith: Madam Speaker, I move adjournment of the House.

The Acting Speaker (Ms. Cheri DiNovo): The government House leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry? I declare that the motion has been carried.

This House stands adjourned until tomorrow morning at 9 o'clock.

The House adjourned at 1750.

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Vice-Chair / Vice-présidente: Lisa MacLeod
Laura Albanese, Michael A. Brown
Howard Hampton, Ernie Hardeman
Rick Johnson, Lisa MacLeod
Yasir Naqvi, Leeanna Pendergast
Jim Wilson
Committee Clerk / Greffier: Douglas Arnott

**Standing Committee on Justice Policy / Comité permanent de
la justice**

Chair / Président: Lorenzo Berardinetti
Vice-Chair / Vice-président: Jeff Leal
Lorenzo Berardinetti, Ted Chudleigh
Christine Elliott, Peter Kormos
Jeff Leal, Dave Levac
Leeanna Pendergast, Lou Rinaldi
David Zimmer
Committee Clerk / Greffière: Susan Sourial

**Standing Committee on the Legislative Assembly / Comité
permanent de l'Assemblée législative**

Chair / Président: Bas Balkissoon
Vice-Chair / Vice-président: Khalil Ramal
Bas Balkissoon, Jim Brownell
Bob Delaney, Joe Dickson
Rick Johnson, Sylvia Jones
Norm Miller, Khalil Ramal
Peter Tabuns
Committee Clerk / Greffière: Tonia Grannum

**Standing Committee on Public Accounts / Comité permanent
des comptes publics**

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-président: Ted Arnott
Ted Arnott, France Gélinas
Phil McNeely, Jerry J. Ouellette
David Ramsay, Liz Sandals
Norman W. Sterling, Maria Van Bommel
David Zimmer
Committee Clerk / Greffier: Katch Koch

**Standing Committee on Regulations and Private Bills / Comité
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Michael Prue
Vice-Chair / Vice-président: Paul Miller
Bas Balkissoon, Mike Colle
Kim Craiton, Gerry Martiniuk
Paul Miller, Bill Murdoch
Michael Prue, Tony Ruprecht
Mario Sergio
Clerks / Greffiers: Trevor Day (pro tem.), Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de
la politique sociale**

Chair / Président: Shafiq Qaadri
Vice-Chair / Vice-président: Vic Dhillon
Sophia Aggelonitis, Vic Dhillon
Cheri DiNovo, Linda Jeffrey
Sylvia Jones, Jean-Marc Lalonde
Carol Mitchell, Shafiq Qaadri
Elizabeth Witmer
Committee Clerk / Greffier: Katch Koch

**Select Committee on Mental Health and Addictions / Comité
spécial de la santé mentale et des dépendances**

Chair / Président: Kevin Daniel Flynn
Vice-Chair / Vice-présidente: Christine Elliott
Bas Balkissoon, Christine Elliott
Kevin Daniel Flynn, France Gélinas
Helena Jaczek, Sylvia Jones
Jeff Leal, Liz Sandals
Maria Van Bommel
Committee Clerk / Greffière: Susan Sourial

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