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Official Report of Debates (Hansard)

Wednesday 23 March 2011

Journal des débats (Hansard)

Mercredi 23 mars 2011

**Standing Committee on
General Government**

Toronto Transit Commission
Labour Disputes Resolution Act,
2011

**Comité permanent des
affaires gouvernementales**

Loi de 2011 sur le règlement
des conflits de travail
à la Commission de transport
de Toronto

Chair: David Oraziotti
Clerk: William Short

Président : David Oraziotti
Greffier : William Short

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 23 March 2011

Mercredi 23 mars 2011

The committee met at 1613 in room 228.

TORONTO TRANSIT COMMISSION
LABOUR DISPUTES RESOLUTION ACT,
2011

LOI DE 2011 SUR LE RÈGLEMENT
DES CONFLITS DE TRAVAIL
À LA COMMISSION DE TRANSPORT
DE TORONTO

Consideration of Bill 150, An Act to provide for the resolution of labour disputes involving the Toronto Transit Commission / Projet de loi 150, Loi prévoyant le règlement des conflits de travail à la Commission de transport de Toronto.

The Chair (Mr. David Oraziotti): Good afternoon, everyone. Welcome to the Standing Committee on General Government. As you're aware, we're here to consider, clause by clause, Bill 150. Does anyone have any introductory comments they'd like to make before we get going? Seeing none, we'll take a look at the first section and, if we're agreeable—in sections 1 to 5 there are no proposed amendments—I would ask that the votes be considered in a block or a group of what's before us in the bill so that we can move directly to the amendments that are before us.

Shall sections 1 through 5 carry?

Mr. Peter Kormos: One moment. There is debate, notwithstanding we're proceeding with them as a group. I will be reserving my comments for the end of this afternoon. I have no comments specifically on that but I will be asking for a recorded vote, please.

The Chair (Mr. David Oraziotti): Okay. A recorded vote has been called for. On each of those individually, or—

Mr. Peter Kormos: As a group is fine. I'll indicate if we have to look at something, in my view, in a section.

The Chair (Mr. David Oraziotti): Okay.

Shall sections 1 through 5 carry?

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Those sections are carried.

Section 6, the first NDP motion. Mr. Kormos, go ahead.

Mr. Peter Kormos: I move that subsections 6(5) and (6) of the bill be struck out and the following substituted:

“Final offer selection

“(5) Final offer selection shall not be selected as the method of arbitration under this section.”

The committee heard from participants who attended the committee and who made submissions that this was repugnant to the labour parties, and we in the NDP find it a particularly oppressive style of resolution—that is to say, the final offer selection. That's why we're asking that it be struck out on this and on subsequent parts of the bill.

The Chair (Mr. David Oraziotti): Thank you, Mr. Kormos. Further comment? Mr. Qaadri.

Mr. Shafiq Qaadri: Thank you, Mr. Kormos, for NDP motion 1. It's the government position that we will not be supporting this particular amendment, and I will offer the following rationale: The provisions of the act, as proposed, are consistent with other labour relations legislation that provides for compulsory interest arbitration such as the Hospital Labour Disputes Arbitration Act.

It would allow the parties to select the method of arbitration. The minister could select the method of arbitration only if the minister appoints the arbitrator, meaning if the parties themselves cannot agree on an arbitrator.

Final offer selection could be imposed as the method of arbitration in this circumstance only if mediation is part of the process and, even then, only if the minister in his sole discretion selects that method because he is of the view that it is the most appropriate method, having regard to the nature of the dispute.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Peter Kormos: Recorded vote.

Ayes

Kormos.

Nays

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

The Chair (Mr. David Oraziotti): The motion is defeated.

Shall section 6 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Section 6 is carried.

Section 7, NDP motion 2: Go ahead, Mr. Kormos.

Mr. Peter Kormos: I move that subsection 7(4) of the bill be amended by striking out “or mediation-final offer selection” in the portion before clause (a).

This amendment is consistent with the one I made previously, and for the same reasons.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Qaadri.

Mr. Shafiq Qaadri: Thank you again, Mr. Kormos, for NDP motion 2. Our rationale for opposing this particular motion is also remarkably consistent with our earlier rationale, and that is that the provisions of the act as proposed are consistent with other labour relations legislation that provides for compulsory interest arbitration. It would allow the parties to select the method of arbitration. The minister could select the method of arbitration only if the minister appoints the arbitrator, which means that the parties themselves cannot agree on an arbitrator.

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Final offer selection could be imposed as the method of arbitration in this circumstance only if mediation is part of the process, and even then, only if the minister in his sole discretion selects that method because he is of the view that it is the most appropriate method, having regard to the nature of the dispute.

The Chair (Mr. David Oraziotti): Further comment? Seeing none, all those in favour of the second NDP motion?

Mr. Peter Kormos: Recorded vote.

Ayes

Kormos.

Nays

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

The Chair (Mr. David Oraziotti): The motion is defeated.

Section 7: Shall section 7 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Carried.

Sections 8 and 9: There are no amendments. Shall sections 8 and 9 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Sections 8 and 9 are carried.

Section 10, NDP motion 3: Go ahead, Mr. Kormos.

Mr. Peter Kormos: I move that paragraph 1 of subsection 10(2) of the bill be struck out.

Paragraph 1, of course, refers to the employer’s ability to pay in light of its fiscal situation. That can offset any of the other number of considerations, and the issue around appropriate pay should be what’s fair and what’s reasonable in terms of the work that’s being provided.

The Chair (Mr. David Oraziotti): Further comment?

Mr. Shafiq Qaadri: We thank the NDP for presenting motion 3. It’s our government position that we will not be supporting this particular amendment, and the reasons are as follows: The arbitration process is an independent one. Arbitrators are required to consider specific criteria when rendering a decision, including, of course, ability to pay. The provisions of this particular act, as proposed, are consistent with other labour relations legislation that provides for compulsory interest arbitration, such as, as an example, the Hospital Labour Disputes Arbitration Act.

The Chair (Mr. David Oraziotti): Any further comment? NDP motion 3—

Mr. Peter Kormos: Recorded vote.

Ayes

Kormos.

Nays

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

The Chair (Mr. David Oraziotti): The motion is defeated.

Conservative motion 4: Go ahead, Mr. Hillier.

Mr. Randy Hillier: I move that section 10 of the bill be amended by adding the following subsection:

“Consumer price index, limit on salary increase

“(2.1) The arbitrator shall not award an increase in employees’ salaries in respect of any period if the increase would exceed the increase in the consumer price index for Canada for prices of all items in that period if either the province of Ontario or the city of Toronto incurs a budgetary deficit during that period.”

The Chair (Mr. David Oraziotti): Debate or comment?

Mr. Randy Hillier: Yes. We have seen the rise in cost in essential service legislation. The same criteria that are outlined in this one are used in others. And we’ve seen that arbitrators have not significantly adhered to or have taken broad latitude with the criteria in other labour negotiations. This amendment imposes a definition of “ability to pay,” and it’s suggesting that if the province or the municipality is indeed in a difficult financial circumstance, the award shall not be greater than the consumer price index.

The Chair (Mr. David Oraziotti): Any further comments? Mr. Kormos, go ahead.

Mr. Peter Kormos: New Democrats oppose this amendment.

The Chair (Mr. David Oraziotti): Okay. Mr. Qaadri.

Mr. Shafiq Qaadri: Thank you, Mr. Hillier, for your presentation of amendment 4 on behalf of the PCs. We join in fact with the NDP for not supporting this particular amendment, the rationale as follows: The arbitration process is an independent one and the bill already requires arbitrators to consider specific criteria when rendering a decision, including the ability to pay and, of course, the economic situation in the province of Ontario and the city of Toronto. The provisions of the act as proposed are consistent with other labour relations legislation that provides for compulsory interest arbitration, such as, once again, the Hospital Labour Disputes Arbitration Act.

The Chair (Mr. David Oraziotti): Any further comment on the motion?

Mr. Steve Clark: Recorded vote.

Ayes

Clark, Hillier.

Nays

Dhillon, Johnson, Kormos, Mangat, McNeely, Qaadri.

The Chair (Mr. David Oraziotti): The motion is lost. Conservative motion number 5: Go ahead, Mr. Hillier.

Mr. Randy Hillier: I move that section 10 be amended by adding the following subsection:

“Duty of employer re certain salary increases

“(2.2) If the arbitrator awards an increase in employees’ salaries in respect of any period that exceeds the increase in the consumer price index for Canada for prices of all items in that period, the employer shall ensure that the amount of the increase in salaries that exceeds the increase in that index is financed by corresponding increases in rider fares.”

The Chair (Mr. David Oraziotti): Thank you, Mr. Hillier. Any further comment on this?

Mr. Randy Hillier: Yes. I think that should be intuitive, the rationale and the motivation behind this amendment. We are looking at, should there be an award that’s greater than the consumer price index, that it is not just the property taxes, not just the ratepayers of Toronto who will have to carry the burden of that increase, but that increase is shared by the riders and the users of the TTC.

Now, granted, I’m sure I’m going to hear the same response from the government side as for the last five amendments—it has not deviated at all—but clearly this amendment shares whatever those awards may be that are determined by the arbitrator with all ratepayers in the municipality and with the users of the TTC.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Kormos.

Mr. Peter Kormos: Yes. New Democrats don’t support this proposal. Number one, with all due respect to the mover, as it stands, it would be an unenforceable or moot proposition, because there would be no consequence. There’s no enforcement process contained in the legislation. That’s number one.

Number two is the proposition that public transit should not be funded, nor can it be if it’s going to be effective public transit, solely by the sale of tickets or by the charges assessed against users of public transit. There’s a broader public responsibility to maintain public transit, and this motion overcomes that broader public interest in supporting public transit, not just by municipal taxpayers but by provincial and federal taxpayers.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Shafiq Qaadri: At the outset, I thank you, Mr. Hillier, for bringing forward PC motion amendment 5 and also Mr. Kormos for not supporting it, as is the government position. Again, the rationale is that the fare increases are a matter for the TTC to decide, of course, internally, and I think that’s a process that we on the government side need to respect, and the provisions of the act as proposed are consistent with other labour relations legislation that I have already cited. The arbitration process is an independent one, and the bill already

requires arbitrators to consider specific criteria when rendering decisions, including, of course, as we've cited again, the ability to pay and the economic situation in the province of Ontario and the city of Toronto.

The Chair (Mr. David Orazietti): Thanks. Further comment?

Mr. Randy Hillier: Yes. I'm sure every member on this committee has heard from their own municipal leaders, elected officials, of the burden of essential services legislation, with fire, with police, and how that increasing cost is a significant hardship and burden on those municipalities and on those taxpayers.

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I'll add to Mr. Kormos's comments. The subsequent amendment that I've proposed does provide a consequence.

I would also really encourage the government members—you know that your municipal people are having difficulties; we need to provide some vehicle to lessen the burden on the ratepayers in municipalities. I would encourage you to look at the amendments as a bulk, in their totality, and have a greater respect for those ratepayers in the municipality of Toronto.

The Chair (Mr. David Orazietti): Any further comment?

Mr. Shafiq Qaadri: Thank you, Mr. Hillier, for raising those particular concerns, but I think the fare increases, as I've stated, are really a matter internal to the TTC.

The Chair (Mr. David Orazietti): Any further comment on Conservative motion 5?

Mr. Steve Clark: Recorded vote.

Ayes

Clark, Hillier.

Nays

Dhillon, Johnson, Kormos, Mangat, McNeely, Qaadri.

The Chair (Mr. David Orazietti): The motion is defeated.

The next motion is Conservative motion 6. Mr. Hillier, go ahead.

Mr. Randy Hillier: I move that section 10 be amended by adding the following subsection:

“Appeal from award

“(8) The arbitrator's award may be appealed by either party to the Superior Court of Justice on the ground that the award is not consistent with the requirements set out in this section.”

The Chair (Mr. David Orazietti): Mr. Hillier, further comment?

Mr. Randy Hillier: Again, I believe it should be intuitive to everyone on this committee, especially with what we've seen through our experience with essential services contracts, that there ought to be a remedy so that if an arbitrator does not hold consistent with the criteria in

the establishment of a settlement, there is a vehicle to remedy that failure of the arbitrator. This amendment provides that vehicle to remedy the situation and is consistent with due process of law and consistent with the recognition of our principles of justice.

Mr. Peter Kormos: New Democrats oppose this amendment. There already exists in law a remedy for arbitrators who exceed their jurisdiction and fail to comply with the law. It's well known and often used. That's the appropriate process with respect to any arbitration-style legislation.

The Chair (Mr. David Orazietti): Further comment?

Mr. Shafiq Qaadri: The government will not be supporting this particular motion, although I do thank Mr. Hillier for moving it—PC motion 6. The rationale is as follows: The labour arbitrators have been recognized by authorities, including the Supreme Court of Canada, as having expertise in this particular area. The courts have shown deference to that expertise. The provisions of the act, as proposed, are consistent with other labour relations legislation.

The Chair (Mr. David Orazietti): Any further comment? Mr. Hillier.

Mr. Randy Hillier: Once again, this defines very specifically, and it's included in section 10 with the criteria, that if the arbitration award is not consistent with the specific criteria outlined, then the parties have a remedy—not if the arbitrator has exceeded necessarily; if the arbitration award is not fully compliant and consistent with the criteria. This amendment is open to both sides of the dispute or settlement. I think this provides a clear check and balance to the arbitrator. That arbitrator's settlement or award will be closely monitored, and a very easy remedy can be applied if it is not. I really encourage the members of the government side to reconsider that remedy, what it's there for, and really place a little greater check and balance on the decision-making authority of the arbitrator.

The Chair (Mr. David Orazietti): Thank you. Any further comment?

Mr. Steve Clark: Recorded vote.

Ayes

Clark, Hillier.

Nays

Dhillon, Johnson, Kormos, Mangat, McNeely, Qaadri.

The Chair (Mr. David Orazietti): The motion has been lost.

We were dealing specifically with section 10. Shall section 10 carry? All those in favour?

Mr. Steve Clark: Recorded vote.

Ayes

Dhillon, Johnson, Mangat, McNeely, Qaadri.

Nays

Clark, Hillier, Kormos.

The Chair (Mr. David Oraziotti): Section 10 is carried.

There are no amendments from section 11 through and including section 21. Shall section 11 through and including section 21 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Carried.

Section 22, NDP motion number 7: Go ahead, Mr. Kormos.

Mr. Peter Kormos: I move that section 22 of the bill be struck out and the following substituted:

“Repeal of act

“22. This act is repealed on the earlier of,

“(a) the day following the fifth anniversary of the coming into force of this act; and

“(b) if a final finding is made under the constitution of the International Labour Organization that this act contravenes a convention of the International Labour Organization that has been ratified by Canada, the day that the final finding is made.”

Obviously, the amendment creates a bone fide and binding sunset clause.

The Chair (Mr. David Oraziotti): Further comment?

Mr. Shafiq Qaadri: Thanks for motion 7, which the government does not support for the following reasons: Included in the bill already is a five-year review provision. This was specifically requested by city council to assess if the act is working as anticipated. The proposed act requires that a review take place within five years of the act coming into force and a report back to the Minister of Labour. To automatically repeal the act would preclude a review from taking place. The proposed legislation demonstrates respect for the collective bargaining process. Nothing in the legislation would prevent the parties from engaging in that collective bargaining process to resolve their particular disagreements. Where an impasse is reached, the legislation will provide a fair system of interest arbitration by a neutral arbitrator.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Hillier.

Mr. Randy Hillier: I will say that it does provide for a sunset clause, not a sunset review. A sunset review is indeed an important element of this. However, this amendment is not proposing that review, just a straight revocation of the act.

To subordinate the Ontario Legislative Assembly to an international labour organization on our decision-making is contrary to the expectations, the conventions and the legislative authority, so we will not be supporting this amendment.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Peter Kormos: Recorded vote.

Ayes

Kormos.

Nays

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

The Chair (Mr. Pat Hoy): The motion is lost.

Conservative motion number 8: Mr. Hillier, go ahead.

Mr. Randy Hillier: I move that section 22 of the bill be amended,

“(i) by striking out ‘initiate’ and substituting ‘complete’; and

“(ii) by striking out ‘shall require a report on the results of the review to be provided to the minister’ and substituting ‘shall lay the report before the assembly by delivering it to the Clerk.’”

The Chair (Mr. David Oraziotti): Any further comments?

Mr. Randy Hillier: I think everybody will see that it’s a tweaking of the clause that’s in the present bill that the review process is completed within a period of time instead of just initiating a timeline to start a review. It is also respecting the role of members of the Legislative Assembly in that it is not just a minister’s prerogative to see this report; it is a prerogative of all members of the Legislative Assembly to see what this review has indicated.

This is not a partisan issue; this is a subject and an amendment to improve the knowledge, understanding and the role of all members of the Legislative Assembly.

1640

The Chair (Mr. David Oraziotti): Any further comment? Mr. Qaadri.

Mr. Shafiq Qaadri: I think the government certainly welcomes non-partisan commentary from you, Mr. Hillier. I’d like to thank you for PC motion number 8, but the government will not be supporting it. The rationale is as follows: The act provides the appropriate degree of flexibility to assess how the proposed act is working, and it is practice and not uncommon for major reports to be made to the minister. The proposed act requires that a review be initiated within five years of the act coming into force, and a report back to the Minister of Labour.

I would just add that this requirement responds to the Toronto city council’s motion.

The Chair (Mr. David Oraziotti): Thank you. Mr. Kormos, go ahead.

Mr. Peter Kormos: In this interesting moment during the process of this bill through committee, the New Democrats support the proposition made by the official opposition.

We all know this government's track record when it comes to complying with legislative requirements to conduct reviews. It's a pathetic record; that is to say, the government's record is pathetic in that regard.

We also know that the members of the Legislature have little remedy. We can appeal to the Speaker; we can ask the Speaker to find the government in contempt. But those efforts have not been successful. To date, even public shaming has not motivated the government to comply with any number of instances of legislative requirement to conduct reviews. I suppose this government has gone well past the point of ever feeling ashamed.

Even with the amendment as proposed, we acknowledge that there will be an unenforceability element to it, but it does make it clear, when there is a report, that it be tabled so that it becomes a public document. Otherwise, it has the capacity to remain a private document. That is very, very dangerous. It means that it's not subject to public scrutiny and that the breadth of the review can't be examined and commented on. The accuracy of the conclusions can't be spoken to. Indeed, as the government has designed section 22, a report that is, let's say, unfavourable to the interests of either party could be buried, for political reasons, to prevent the appropriate action from being taken with respect to the future of this legislation.

We're going to support the amendment put forward, even though, as I say, this government has demonstrated that even an amendment, as it says, requiring a report to be completed is the sort of thing that this current government routinely ignores.

The Chair (Mr. David Oraziotti): Any further comments on the motion? Mr. Hillier.

Mr. Randy Hillier: I thank the member from Welland for his comments. But I do want to say to members on the opposite side: If you vote against this amendment, you are voting against yourselves. You are diminishing your own role within this assembly. You are abrogating any of your responsibilities, not just for yourselves, but for all members of this House. You are allowing strictly and only the minister to have any decision-making capacity of this review. He will be the only person who has the authority to look at this report. Without this amendment, all we know is that the review will be started; there is no mandate in this present bill to complete the report. There is no timeline to complete the report, just to start it.

I really have to ask the members on the government side: Why are you so willing to diminish your own purpose in this Legislative Assembly? Why are you willing to diminish the people who come after you and their responsibilities in this Legislative Assembly? That is really the question, because in five years' time, you people may not be here. You may not be in government; you may be in opposition. Do you not want to be able to

look at the report and find out if this bill has accomplished what you are voting in favour of? If you're not interested in measuring and seeing what the outcome of your legislation is, then why bother bringing forward legislation? Why bother having members of the Legislative Assembly if you are going to handcuff and gag them and put blindfolds on them that they cannot see the reports that ought to be tabled?

Mr. Shafiq Qaadri: The government's position stands firm.

The Chair (Mr. David Oraziotti): Okay. We have a recorded vote called for Conservative motion 8.

Ayes

Clark, Hillier, Kormos.

Nays

Dhillon, Johnson, Mangat, McNeely, Qaadri.

The Chair (Mr. David Oraziotti): The motion is lost. Shall section 22 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Dhillon, Johnson, Mangat, McNeely, Qaadri.

Nays

Clark, Hillier, Kormos.

The Chair (Mr. David Oraziotti): Section 22 is carried.

Conservative motion 9: Mr. Hillier.

Mr. Randy Hillier: I move that the bill be amended by adding the following section:

"22.1 The definition of 'essential services' in section 30 of the Crown Employees Collective Bargaining Act, 1993 is amended by striking out 'or' at the end of clause (c) and adding the following clauses:

"(e) disruption of the economy of the province of Ontario or of a municipality in the province of Ontario, or

"(f) disruption of the transportation or mobility of people, goods or services."

This is in keeping with—

The Chair (Mr. David Oraziotti): Mr. Hillier, I'm sorry to interrupt you, and I appreciate your enthusiasm for your amendment, but I have to stop you there because the ruling on the motion before us is out of order. It's beyond the scope of the bill being considered today. So I have to rule it out of order, and it can't be considered.

Mr. Randy Hillier: I grant you that. I think it is important for members of the committee to understand what we've heard and that legislation—

The Chair (Mr. David Oraziotti): Mr. Hillier, I will let you go on in your comments on the bill or other sections of the bill, but with respect to this we need to

just move on. You can comment on any other part you feel you'd like to, but with respect to this we're going to rule this out of order and move on to section 23.

There are only two other sections here that we have not approved or had discussion on: section 23 and section 24. There are no amendments to those sections, so I'll ask members—

Mr. Peter Kormos: Recorded vote, please.

The Chair (Mr. David Oraziotti): A recorded vote has been called for. Shall sections 23 and 24 carry?

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): We'll deal with the preamble in the bill. Shall the preamble of the bill carry?

Mr. Peter Kormos: One moment.

The Chair (Mr. David Oraziotti): Any comments? Yes, go ahead.

Mr. Peter Kormos: Look, I want to make it clear, just in case people haven't understood, that New Democrats don't support this legislation and don't support denying workers the right to withdraw their labour, because we consider that an integral part of collective bargaining.

Reference was made to the Supreme Court of Canada's decision that flowed out of the British Columbia Court of Appeal with health workers a few years ago, where the Supreme Court of Canada indicated clearly that the right to collectively bargain was a constitutionally protected right. If collective bargaining is a constitutionally protected right and if the right to withdraw one's labour is an integral part of collective bargaining, then the right to withdraw one's labour is a constitutionally protected right.

New Democrats understand the concept of essential services, and as we pointed out during second reading debate, we believe that if you're going to address the issue of essential services, then you use models that exist already, which require that these are in the public sector and which require, like with correctional officers, that before a work stoppage can take place, the employer and the collective bargaining unit negotiate a minimum level of staffing if it, in fact, is an essential service.

1650

I noted, during the course of the debate and during the course of committee hearings, that the preamble attempts to import the assumption of serious public health and safety concerns. I don't think there's any dispute that there are economic concerns about disruption of service on the TTC. That economic concern exists whether it's the TTC or whether it's the GO train, which, quite frankly, appears to be disrupted far more often than the TTC

is, for all sorts of reasons that the province should be held accountable for.

There are disruptions on the TTC on a regular basis, any number of things: mechanical problems during inclement weather, amongst other things. Again, the argument of \$50 million—people have wanted to pick that number, and I don't think there's any strong evidence. That's the evaluation, notwithstanding what I'm sure was excellent research done by Ms. Churley in the preparation of her report for the transit workers and the transit union.

My concern about the preamble is that it attempts to turn black into white. Our position is that it's regrettable that the government is incorporating this preamble. However, we see a bright light here because this will undoubtedly be one of the things that, should this legislation be subjected to court challenges, will get pointed out by skilful and undoubtedly well-paid lawyers who argue that the province has violated constitutional rights because the TTC doesn't constitute an essential service in Crown Employees Collective Bargaining Act definition. There may well be other references made beyond the Crown Employees Collective Bargaining Act position.

I simply wanted to indicate our opposition to the whole bill and the whole proposition of denying the right to withdraw labour and point out that in our view, the preamble has an element of cuteness to it that's pretty transparent. It does two things. The government is trying to create a silk purse out of a sow's ear. On the other hand, by the government's inclusion of the reference to public health and safety, it is making it clear that it knows that if you're going to deny the right to strike, there has to be more than economic impact; there has to be an impact with respect to public health and safety. That will become an interesting test. That will become the focus of the argument. I look forward to that argument. I look forward to the litigation around it.

I already mentioned that the environmental comment was cute and, I suppose, the government is simply trying to maintain its spin around holding itself out as the exclusive protector of everything that's green in the province of Ontario. But to try to import that into the bill, I thought, was again a little bit over the top.

But God bless the drafters, because it was clever. There's never anything wrong with clever. I compliment the people who wrote the preamble for their cleverness.

The Chair (Mr. David Oraziotti): Any further comments on the preamble?

Mr. Randy Hillier: The member for Welland and myself do share a number of views on that preamble. The amendment that is ruled out of order, of course, tries to fix up and amend some of the loopholes, or some of the forgotten elements. Or maybe the government just thought the cleverness would be suited, but they are opening themselves up to challenges with the way the bill is written and not seeking to diminish the probability of those challenges. The reason why I put that amendment in there was to see what sort of triggers would happen with the government themselves and if they would seek

to close up those loopholes and prevent legal challenges to this bill. Clearly, that was not the case.

But I do want to say on the whole bill, and on this committee, that the government members may have a right to diminish their own role in life and their own role here in the assembly, but they have no right to diminish the role and responsibilities of others. I've seen one member from the government side here today speak. Just because you're a member of the Liberal Party, you may choose to withdraw your right to have an opinion or your right to express an opinion, but you have no business trying to take that from other members. That's what you've done striking down that amendment, trying to empower the members of this Legislature to do their job.

You five people are trying to take it away from us. You should be absolutely ashamed of that. Just because you're part of the Liberal Party doesn't mean that you ought not to have a voice whatsoever and that you consider yourselves nothing but parts of a process that have no influence.

I'm very disappointed with the members of the government on this committee.

The Chair (Mr. David Oraziotti): Any further comment on the preamble? Seeing none—

Mr. Peter Kormos: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for. Shall the preamble carry?

Ayes

Dhillon, Johnson, Mangat, McNeely, Qaadri.

Nays

Clark, Hillier, Kormos.

Mr. Peter Kormos: I thought you were tricked for a minute, Chair.

The Chair (Mr. David Oraziotti): No, I wasn't sure whether or not the official opposition had intended to vote for the preamble or not, with the way voting has been going here today.

The preamble is carried. We're on to the next item. Shall the title of the bill carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): That's carried.

Shall Bill 150 carry?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Shall I report the bill to the House?

Mr. Peter Kormos: Recorded vote.

Ayes

Clark, Dhillon, Hillier, Johnson, Mangat, McNeely, Qaadri.

Nays

Kormos.

The Chair (Mr. David Oraziotti): Thank you, folks. The committee is adjourned.

The committee adjourned at 1659.

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