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**Official Report
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Wednesday 19 February 2014

**Journal
des débats
(Hansard)**

Mercredi 19 février 2014

**Standing Committee on
the Legislative Assembly**

Committee business

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 19 February 2014

Mercredi 19 février 2014

The committee met at 1203 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Garfield Dunlop): We're going to call the meeting to order. Ladies and gentlemen, welcome to the Standing Committee on the Legislative Assembly. We're here today to discuss Bill 122, An Act respecting collective bargaining in Ontario's school system. It's an organizational meeting, and right now the direction of the committee, following the last meeting back on December 11, was to deal with Bill 122. I understand we have motions here.

Mr. Todd Smith: Yes, I've got a motion.

The Chair (Mr. Garfield Dunlop): We've got at least two motions coming, I think.

Mr. Smith, official opposition, you have a motion?

Mr. Todd Smith: Yes, please. Thank you, Clerk.

I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 122, An Act respecting collective bargaining in Ontario's school system, 2013:

(1) Three days of public hearings and two days of clause-by-clause consideration beginning on the next regularly scheduled meeting date.

(2) Advertisement on the Ontario parliamentary channel, the committee's website and the Canadian NewsWire.

(3) Witnesses to be scheduled on a first-come, first-served basis.

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members.

(5) The deadline for written submissions is 3 p.m. on the day following public hearings.

(6) That the research officer provide a summary of the presentations by 5 p.m. on the Monday following public hearings.

(7) The deadline for filing amendments with the Clerk of the Committee be 11 a.m. on the day before clause-by-clause consideration of the bill.

The Chair (Mr. Garfield Dunlop): Would you like to speak to your motion at all, Mr. Smith?

Mr. Todd Smith: Well, we just feel that we need to provide an opportunity for stakeholders to express their opinions on Bill 122 before the committee and take all of that into consideration and give members of the committee an opportunity to question those stakeholders.

The Chair (Mr. Garfield Dunlop): Okay. I'm going to question everyone else. Does the third party have any questions?

Mr. Peter Tabuns: Is there a government motion on this?

Mr. Bas Balkissoon: I have one. I notified the Chair.

Mr. Peter Tabuns: That's all I needed to know. Thank you.

The Chair (Mr. Garfield Dunlop): We do have a government motion coming up, but I want to ask for debate on this particular motion.

Mr. Bas Balkissoon: Mr. Chair, my motion is different and I would prefer to introduce it and debate all of it together.

Mr. Todd Smith: But you like my motion?

Mr. Bas Balkissoon: I have some difficulty.

The Chair (Mr. Garfield Dunlop): We're going to do one at a time, and I want to get your feedback on this particular motion. If you've got any concerns with it or you approve of it, I want to make sure that we can deal with this first and then we'll go to any other motions on it.

Mr. Bas Balkissoon: So you want to deal with his motion first?

The Chair (Mr. Garfield Dunlop): Yes, I want to make sure if there are any comments on this particular motion, and then we'll move to the next. Yes, Mr. Balkissoon?

Mr. Bas Balkissoon: He's finished?

The Chair (Mr. Garfield Dunlop): Yes, he made his opening statement.

Mr. Bas Balkissoon: Mr. Chair, before I debate his motion, I have an opening statement, because I'd like to be in Hansard, my position on behalf of my colleagues.

Bill 122 is needed to create central tables for collective bargaining, with formal roles for the province, the trustee associations, school boards, teacher federations and support staff unions. The model will help us ensure constructive dialogue and maintain positive relationships.

Just to provide some context as to how we got here today, the bill was introduced on October 27, 2013. It was debated for 14 hours, for nine days. It passed second reading on December 3, 2013. The House authorized the committee to sit during the winter break to conduct public hearings and clause-by-clause consideration on the bill. However, it was left to the subcommittee, composed

of one member of each caucus, to set the agenda for the committee. Without an agreement from the subcommittee, the public hearings and clause-by-clause could not have taken place.

Had the committee met during the winter break, we could have been debating third reading of this important piece of legislation in the House today and this week. I'm very disappointed with that. It's unfortunate that the official opposition boycotted the subcommittee meetings during the winter break to agree on the agenda for the committee.

I look forward to their cooperation in the coming days, but Mr. Chair, Mr. Tabuns and myself made ourselves available. If not, we had a substitute for every opportunity to schedule this bill.

I think the motion, if you read it on its surface, sounds good. But to me, there are too many days outlined here, which is a filibuster in process and a delay in process. Most of the parties that will come to make deputation on this particular bill have been engaged somewhere or another along the way by the ministry and the minister herself.

I have a motion that sort of speeds this up because we need to get it done. It is something that is very important to all the parties, and I can't support the motion put forward by the member in the official opposition because three days of public hearings, in my opinion, is way too much. Two days of clause-by-clause is way too much, because this is a technical bill. I can't see it being amended significantly. It will be amendments that most of us will agree on because it involves third parties. It doesn't involve us around here, other than the minister and the ministry. So I have a lot of difficulty with what has been put forward, and I have my own motion that I'll be moving next.

The Chair (Mr. Garfield Dunlop): Okay. I'm looking for a debate on this. Does the third party have any questions or comments?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Garfield Dunlop): Okay. Any further comments here? I'm going to call for a vote on this motion here. Okay?

Mr. Todd Smith: I would just like to say, Chair, that I find it a bit odd that a member of the government would talk about the speed of anything, considering that most things that they've done have moved at the speed of an iceberg. However, I am willing to make a change and reword my motion, that we would be willing to meet for up to three days of public hearings and up to two days of clause-by-clause if the committee members would be inclined to agree with that motion.

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Mr. Bas Balkissoon: You would need to explain what "up to" means, because the committee has a schedule. Once we say "up to three," we can't change it, because the public needs to know. So I'm sorry, that wording is not going to fly with us.

The Chair (Mr. Garfield Dunlop): Excuse me, you're making an amendment to your motion?

Mr. Todd Smith: We as a committee, though, agree on the schedule, so obviously we would need to discuss that schedule, and we could meet in subcommittee to decide that.

The Chair (Mr. Garfield Dunlop): Okay, so—

Mr. Todd Smith: Yes. To answer your question, Chair: Yes, I'm amending my motion.

The Chair (Mr. Garfield Dunlop): Okay. So I'm going to allow the amendment to take place, but I want comments on that. I think we've heard from—

Mr. Bas Balkissoon: Mr. Chair, if it will help my colleague on the other side, my proposal is one day of public hearings, because we know what parties most likely will show up, and two days of clause-by-clause if we are going to argue about the amendments. I think that's a fair opportunity to deal with this bill that absolutely needs to go forward as quickly as possible. The only reason the House approved us to meet during the break was because there was a need to deal with this.

The Chair (Mr. Garfield Dunlop): I understand. So right now we have the motion reading "up to" that I'm going to call a vote on, okay?

Mr. Bas Balkissoon: Okay.

Mr. Todd Smith: I don't know how the member on the other side knows how many stakeholders would be interested in appearing at the public hearings. If we open the door to up to three days, and there aren't enough deputations willing to come in during that time, we'll fill it up as it goes. But if the interest is out there from stakeholders who want to come appear before the committee, then I believe we have to give them the opportunity to come and speak to us and share their feelings on Bill 122.

The Chair (Mr. Garfield Dunlop): Okay. Mr. Walker.

Mr. Bill Walker: I'd also like to reinforce what my colleague Mr. Smith is saying, because one day limits people who may not, on that one given day, be able to make it. If we're supposed to be transparent, open and accountable to the public, and they can't come on just one day, then at least two gives them a flexibility that they can maybe make that day. I do believe if there are not enough deputations, then that certainly makes a very balanced approach in my opinion, so I would support that wholeheartedly.

The Chair (Mr. Garfield Dunlop): Okay. Just so the committee knows, we do have 12 requests right now to speak to this bill at committee hearings, so I think that's safe to say.

Any other questions on this up to motion—"up to"? Okay. All in favour of Mr. Smith's motion? That's defeated.

We'll now go to Mr. Balkissoon. If you could read your motion?

Mr. Bas Balkissoon: Yes. I move that the Clerk, in consultation with Chair, be authorized to arrange the following with regard to Bill 122, School Boards Collective Bargaining Act, 2013:

(1) One day of public hearings and two days of clause-by-clause consideration, commencing on the first day that the committee next meets;

(2) Advertisement on the Ontario parliamentary channel, the committee's website and the Canadian NewsWire;

(3) Witnesses be scheduled on a first-come, first-served basis;

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) The deadline for written submissions is 3 p.m. on the day of public hearings;

(6) That the research office provide a summary of the presentations by 5 p.m. on Friday of the same week following public hearings;

(7) The deadline for filing amendments with the Clerk of the Committee be 12 noon two days preceding day one of clause-by-clause consideration of the bill.

Mr. Chair, this is almost similar to what we had submitted, as a subcommittee that met without quorum, and had sent to the opposition party to endorse, and we received no support.

The Chair (Mr. Garfield Dunlop): Okay. Further comments on Mr. Balkissoon's motion? He has made a statement. Mr. Smith and then Mr. Walker.

Mr. Todd Smith: Thank you. I would like to amend that we have two days of public hearings. As we've already heard from the Clerk, we have 12 interested parties who would like to appear before the committee, and if we're trying to jam in 12 without advertising the fact that we're having these meetings, who knows how many more may be interested in appearing before the committee? So if we could amend that to say "two days of public hearings and two days of clause-by-clause consideration" commencing on the first day that the committee next meets, I believe that would be sensible, considering the interest that exists already in appearing before the committee to discuss Bill 122.

The Chair (Mr. Garfield Dunlop): Mr. Walker, you've got a comment?

Mr. Bill Walker: Yes. I'd like to also be on the record that I think the government should take a secondary look at this. We have 12 deputations, as we've already heard, without advertising. My concern would be that they're trying to stifle the ability for our taxpayers and the constituents of this great province to have their say. I don't see that another day of ability for people to come in and voice their thoughts, their concerns, their opportunities—that's what we're here for. We're here to work for the people, always listen to the people, so I am concerned that if they're going to be basically steamrolling this ahead, there must be some ulterior motive, and I would question what that would be from my respected colleague and hope that he will address that a second day is not unreasonable and in fact should be the approach we take, so that the public have their say on such a piece of legislation.

The Chair (Mr. Garfield Dunlop): Further comments, anyone?

We've got an amendment now to your motion from Mr. Smith.

Mr. Bas Balkissoon: Is Mr. Tabuns up for any comments? I've just got one comment.

The Chair (Mr. Garfield Dunlop): Go ahead, Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, I would be respectful to my colleague had we not tried more than once and, I should say, more than twice, to get an opposition member to be on the phone or to come in person to deal with a subcommittee meeting. The delay was not done by my colleagues in the NDP and it was not done by ourselves. We've had—I don't know—six, seven, eight weeks, and from what I'm hearing on the other side, I really don't know how to take it, but my motion stands.

The Chair (Mr. Garfield Dunlop): Mr. Smith?

Mr. Todd Smith: I would like to make a comment on that. I find it appalling, actually, that since we already have a full day of stakeholders, the government members wouldn't allow interested parties who would like to come to speak to this committee. Are you basically telling interested parties who would like to appear before this committee that they're not welcome here, that we don't want to hear what they have to say? Because we already have a full day, with 12 interested parties. Is that what you're saying? Are you turning down people who would like to come and provide some input on a bill that is about to pass through committee? It's appalling to me that this kind of behaviour is existing and you would rather argue over phone calls or attendance, which is out of order anyway, in my opinion.

We're here now. We're dealing with this now. We have 12 interested parties without anybody advertising the fact that this is going to take place. Anyone else who might be interested, if we do the advertisement on the Ontario parliamentary channel and the website and Canada NewsWire—you're basically telling them, "We don't want to hear what you have to say."

I think it's only fair that we advertise an extra day—we're not asking for the world here; it's one more day—where we would meet and hear from interested parties who want to talk about this bill.

The Chair (Mr. Garfield Dunlop): Mr. Walker, and then I'll go to Mr. Crack.

Mr. Bill Walker: Again, I just want to echo and reinforce. You've brought up the fact that people weren't able to attend via telephone or however due to complicated, busy schedules, so here is yet another time that if you only have one day and already have 12 groups, how do those other groups get in? You purport to be the education party. This is something that is definitely going to impact education across the province—107 ridings. Maybe every one of those will want some say in this matter. I think it's reprehensible that you would actually try to rush this through for your own benefit, whatever that may be, as opposed to allowing the great people of Ontario who are interested in this legislation to have their say.

I would parallel it to the Green Energy Act, where you steamrolled that and took away the democratic right of people to have their say about where they want wind turbines. This is yet another situation where that may be

the same type of thing, so I think it's only out of respect for the people of Ontario—who pay the freight for all of us to be here—that we have that second day offered. I don't think it's unreasonable. I think my colleague is very right in trying to stand up for the people of Ontario. We've got 12 deputations, and there may be 25 deputations. Now you're going to expect that to happen in one day. People feel rushed. Can they get there on that one day if their schedules are already blocked? You haven't advertised it to allow them.

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I think it's very balanced. I'm hopeful that my NDP colleague will step up and defend the right of Ontarians to have a legitimate say in this piece of legislation and support us in that request for a second day to be added to the schedule.

The Chair (Mr. Garfield Dunlop): Further comments? Mr. Crack?

Mr. Grant Crack: I just think that this is yet another situation where we, as a government, want to move a very important piece of legislation through the House, through committee. It looks like it's being delayed again.

The committee was authorized to meet over the winter months. There's no secret about that. I think the 12 who have indicated that they are willing to come before committee are the serious stakeholders who have been following this. I'm not going to say that there's not an opportunity for others to come forward and speak to the committee, but there are also the written submissions that play a very important role in committee deliberations as we move forward, so I'd like to put that on the record—that there's plenty of time, but this is an important piece of legislation that needs to go through the House.

Mr. Bas Balkissoon: Chair?

The Chair (Mr. Garfield Dunlop): Yes, Mr. Balkissoon.

Mr. Bas Balkissoon: With all due respect to my colleague Mr. Walker—Mr. Tabuns, yourself and myself, we met. We did not have representation from the other side. We compiled a method of doing this bill's business that the committee could work on. It was unofficial; I know that. We submitted it to the other party and said, "This is what we're proposing."

If they didn't agree with the one-day hearing requested back then and they wanted two, the simplest thing they could have done was send it back and say, "Look, let's have two days of hearings, but we're not available until the House resumes." At least today would have been a hearing. But to me, what was done before was a delay that could have been avoided, if I could put it in simple terms.

The public out there that is really involved in this collective bargaining is most of the groups that I mentioned in my opening remarks. It's not the general public who has a kid going to a school. I don't see them getting involved in the collective bargaining strategy and details and whatever—there might be one or two. But everybody out there knows that this bill has been presented to the House and it was sent to committee for public hearings.

We have 12 deputants. The time specified in my motion accommodates those 12 deputants. As my colleague just stated, there is the written opportunity. If the member has two or three known deputants who he wants, and he wants to identify them, I may be able to think about it. But right now, I want to move the business of this committee along, and hopefully, we'll get it done in time.

The Chair (Mr. Garfield Dunlop): Mr. Walker, you had a question or a comment.

Mr. Bill Walker: Yes. With all due respect, Mr. Balkissoon, I will stand up for those parents who may actually feel they do have a right and the obligation and the interest to have comment. Should they wish to, we need to be appropriately accommodating that.

It seems to me that you're caught up in process. Maybe things didn't happen the way you wished, maybe there could have been a different way, but the reality is we are here today. You seem to be more concerned about the process that was followed; we seem to be more compelled about the ability for people in a democratic society to have their say, and an appropriate say, and an opportunity to have input into a very critical piece of legislation.

I find it a little bit interesting that you would bring up something of timeliness. Just as we walked out of the House, the last question of the day was about the Ring of Fire. Your government has had 10 years to put something in place with that very, very critical project that will have a huge impact on Ontarians and the workforce—

The Chair (Mr. Garfield Dunlop): Stay to Bill 122.

Mr. Bill Walker: —so to say that we have to expedite this because you didn't get the timeline that you want I think is a little bit rich.

I think, Mr. Balkissoon—and again, I'm going to continue to stand up for the people who may wish to. How you would know that there may not be any other groups when you haven't even advertised—the other question is, why would you want to advertise now if you're not prepared to allow other groups to come along? So again, a little bit of waste and duplication of effort, time and energy. If you really are saying there's no opportunity for more people to come in, why would you advertise the fact that you're going to have one solitary day that's packed with 12 deputations already?

I'm getting a bit of a mixed message. I'm worried that it's process driving the process, if you will. We will stand on our principle of the people of Ontario have the right to have their say. We want that and we will again ask the NDP to support us in that measure, that the people—I don't believe asking for an additional day is unreasonable. Maybe the timeline didn't meet your expectation, and we apologize, perhaps, for that. We have had a few snowstorms over the winter break that maybe had some challenge there, and what happens if this one happens the same way? Having two alternative dates, I think, is not unreasonable.

Mr. Todd Smith: I would also take exception to the comment that was made, with all due respect to Mr. Balkissoon, that parents aren't concerned about this. Parents are concerned about what has happened in our

schools. We saw what happened in September a year ago. I think there's nobody in Ontario that's more concerned about what's happening in our schools than our parents. I can tell you that I'm a parent who has a child in school. We want our children to be in school. This is very important to them.

Also, reinforcing what my colleague from Bruce-Grey-Owen Sound, Mr. Walker, has said, why would we advertise if we don't have room to allow delegates to come and speak to us about this bill? I would question that as well.

I would ask, Mr. Chair, that we have a vote on our amendment to have two days of public hearings and two days of clause-by-clause.

The Chair (Mr. Garfield Dunlop): We're going to do the amendment right now—

Mr. Todd Smith: Thank you, sir.

The Chair (Mr. Garfield Dunlop): —if there isn't any more comment, and then we'll—

Mr. Bas Balkissoon: Call the question, Chair.

The Chair (Mr. Garfield Dunlop): That's what I'm saying. So there are no more comments on this?

Mr. Bas Balkissoon: No.

The Chair (Mr. Garfield Dunlop): Okay. On Mr. Smith's amendment to Mr. Balkissoon's bill for up to two days of hearings—

Mr. Bas Balkissoon: Motion.

The Chair (Mr. Garfield Dunlop): I'm sorry, on your motion. I apologize.

All in favour of Mr. Smith's amendment? Opposed? The bill is defeated.

Mr. Grant Crack: The motion.

Interjections.

The Chair (Mr. Garfield Dunlop): The amendment to the motion is lost.

Any more debate on the actual motion?

Seeing none, all in favour of Mr. Balkissoon's motion? Those opposed? The motion is passed.

Mr. Bas Balkissoon: Thank you, Chair.

The Chair (Mr. Garfield Dunlop): There's no further business for this committee today. Everyone enjoy the day. The meeting is adjourned.

The committee adjourned at 1227.

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