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**Jeudi 7 décembre 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

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ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

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*The House met at 1000.  
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

CANCER TREATMENT

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I move that in the opinion of this House, the Ministry of Health should undertake to do the following:

—Review the schedule of payment for PSA testing in Ontario to determine whether providing payment for PSA testing by the provincial health plan for men without symptoms may increase detection of prostate cancer in asymptomatic men and, if so, provide such payment;

—Create a prostate cancer awareness program and provide the money required for such purpose;

—Work with the Canada Post stamp advisory committee to facilitate the development and issuance of a commemorative stamp to raise research funds to support the fight against women's breast cancer.

**The Deputy Speaker (Mr Michael A. Brown):** Mr Tascona has moved ballot item number 53. The member has up to 10 minutes for his presentation.

**Mr Tascona:** The first part of my presentation on this matter will deal with PSA testing and the second part will deal with the commemorative stamp for women's breast cancer.

First of all, what is a PSA test? It is a blood test that measures a substance produced by the prostate gland called prostrate specific antigen. The PSA blood test tells doctors when patients have a higher-than-normal level of PSA. A high level of PSA usually means that the patient has a prostate problem but it does not necessarily mean he has cancer. Men who have a prostate infection or prostate growth that is not cancerous may also have high levels of PSA.

Studies have shown that prostate cancer is the second most frequent cause of cancer-related death among men and early diagnosis is essential. The bottom line is that the PSA test is one of the most significant biochemical tests for the early detection of cancer.

Currently the ministry pays for the following: when a man has been diagnosed with prostate cancer and is receiving treatment or is being followed up after treatment for the disease, the PSA test is available at no charge to the patient through the hospital laboratory service. Secondly, when a doctor suspects prostate cancer

because of a man's history and the results of his physical examination, including digital rectal examination, PSA testing is available at no charge to the patient through the hospital laboratory service.

In men without symptoms, the PSA test is not paid for by the provincial health plan. A man can have his PSA test if he is willing to pay for the test himself. However, it is hoped he will make the decision only after discussion with his doctor.

The ministry has stated, in a letter to one of my constituents: "The laboratories branch of the ministry has committed to reviewing the comments the ministry has received over the last year regarding the impact of the policy on PSA. We will also consider any new clinical evidence that has been published. In evaluating the clinical evidence, we will again rely on the opinions of experts."

The resolution I have put forth today has been reviewed by the Prostate Cancer Research Foundation, and they are supportive of there being a reduction in the barrier to the increased use of PSA tests and are also in favour of prostate cancer awareness with respect to bringing this issue forward.

In terms of the studies, there are a number of them. The one I want to refer to is entitled *To Be Screened or Not To Be Screened: PSA Testing for Prostate Cancer*. It's very interesting. It says:

"In recent years the incidence of prostate cancer diagnosis has been increasing in Canadian men. On the other hand, the mortality rate from prostate cancer has remained relatively stable. This increasing gap between incidence and mortality suggests either that the treatment is more effective or that earlier detection is taking place, with men living with a diagnosis of prostate cancer for a longer time."

What that indicates, not only here in Canada but also in studies in the United States, is that there is a clear downward trend in prostate cancer mortality in Canada and in the United States.

"This downward trend in mortality coincided with an increase in PSA screening. Although these data may reflect earlier diagnosis and treatment of advanced disease, as well as more definitive treatment of localized disease, the figures are compelling.

"Before we adopt a universal screening program for the early detection of the disease it is important that an effective treatment be available to those diagnosed. Although some studies report prolonged progression-free survival following radical prostatectomy and suggest that

this is a result of earlier treatment and more organ-confined disease, others suggest that the benefits of prostatectomy have been overestimated. Until we can determine if the prolonged survival is a result of earlier detection and treatment or the fact that less malignant tumours are being identified by screening, we cannot argue against prudence in prescribing PSA testing for all men between 50 and 70 years of age. PSA screening every five years does not seem adequate, however. I agree that yearly testing is reasonable unless the serum PSA level is below 1.0 ng/mL, in which case testing every two years would be acceptable.”

What we’re looking for is a balance here in terms of the bar with respect to this type of testing.

#### 1010

My constituent from my riding, whose name is John Batstone, shared this information with me. Certainly the figures are out there with respect to PSA testing. He says:

“I realize that a study to prove that the mortality rate of men will improve with widespread screening for prostate cancer has not been conducted. I suggest to you the study will never happen as it will be difficult to find a group of men who will be willing to forgo a PSA test that will find cancer in at least 3% of the group. I think 3% of Ontario men is a significant number, and to suggest funding for widespread screening is not warranted based on that percentage is to legislate without conscience.”

The information we have with respect to prostate cancer and the fact that there should be more awareness made of it with respect to men speaks to two things: (1) early detection can decrease the mortality rate, and (2) a focus with respect to dealing with the PSA test in terms of whether it should be a test for one year or two years or you designate a particular age group. That issue has to be reviewed and it has to be given the attention it deserves.

What I’d like to do in the last couple of minutes of my opening statement is deal with the breast cancer stamp. I’ve received support from Cancer Care Ontario with respect to this initiative. I’ve also received support from Premiers and ministers of health across the provinces and territories with respect to this initiative. It’s designed to raise funds to support research for breast cancer. This is done in the United States through a semi-annual stamp.

I have a letter from the Canadian Breast Cancer Foundation which supports this initiative. They comment about the United States stamp:

“We know that this stamp was extremely successful in the United States, raising over \$15 million in two years, and we are certain that we can also have very successful results in Canada. The proceeds from the stamps will be used by the Canadian Breast Cancer Foundation for breast cancer research, education, diagnosis and treatment. This will bring us one step closer to eradicating this disease.”

The major challenge is to get the Canada Post stamp advisory committee, which is located in Ottawa, to allow this to happen. They have only allowed a stamp of this nature to be used to raise funds on one occasion, and that was with respect to literacy. I would say that there’s

compelling evidence and there is obviously tremendous support with respect to a breast cancer stamp. I’ll just read from this article:

“According to the American Cancer Society, breast cancer is the leading cause of death for women between the ages of 35 and 54. This year 173,000 women will be diagnosed with the disease and 43,000 will die from it.

“The breast cancer stamp features a woman with the phrase ‘Fund the fight; find a cure.’”

I have written to the Canada Post stamp advisory committee. They have indicated they will look at this, but I think we need to make sure that we have the support of this Legislature, that we have support throughout this country and also from organizations such as Cancer Care Ontario and the Canadian Breast Cancer Foundation to emphasize to the Canada Post stamp advisory committee that this needs to be done. To me, to have issued one stamp to deal with raising funds for literacy has set a standard that this can be done also.

That’s my resolution. I look for support from the House on these two matters for PSA testing and breast cancer.

**Mr Michael Gravelle (Thunder Bay-Superior North):** I’m very pleased to join the debate. I will say at the outset that I certainly intend to support the member’s resolution, and I hope all members of the House will. In some ways, it probably doesn’t go far enough. I think the Ministry of Health and the minister have been slow to recognize that this is something that should be under the OHIP formulary. There is no question that this has some real impact on people that is substantial. I want to make it clear that I think we should be moving forward with this.

The issue of prostate cancer is one of extraordinary concern. According to the Canadian cancer statistics for the year 2000, there are more cases of prostate cancer diagnosed among Canadian men than any other form of cancer.

I think it’s important to say that prostate cancer doesn’t just affect men. It impacts on entire families, because it is the fathers, the sons, the husbands, the brothers, the uncles, the grandfathers, the cousins or the friends who are affected, and the reverberating effects are obviously experienced by all.

The fear of prostate cancer also impacts on individuals. Sometimes men are unable to have entitlement to the peace of mind that can accompany a screening test that has been negative simply because they cannot afford the luxury of having a test that has to be paid for out of their own pockets. There is genuine concern among many people due to the fact that the cost of the PSA test, which of course is the prostatic specific antigen test, that’s done at a clinic or a doctor’s office, even in cases where cancer is definitely suspected, is not covered by OHIP. I cannot help but wonder why such an important testing procedure is not properly funded through OHIP rather than shuffling off to a hospital laboratory those men whose physical exam and history point in a substantial way to cancer being a distinct possibility. Those costs are covered by OHIP.

This year, huge amounts of money are being poured by this government into supplying free flu vaccine to anybody who wants it. There is absolutely no fee schedule. Whether you're high risk, low risk, no risk, no matter, the flu shot is there for the taking, and that's a good thing. But add to this the very substantial dollars that have been poured into the expensive advertising, including television promotions, to encourage individuals to take advantage of this free vaccine, and you see what the ministry is able to commit to.

In contrast, examine the selective criteria related to the schedule of payment for PSA testing in Ontario. I will just read it quickly, if I may. This is the schedule of payment for PSA testing:

"When a man has been diagnosed with prostate cancer and is receiving treatment, or is being followed after treatment for the disease, the PSA test is available at no charge to the patient through the hospital laboratory service.

"When a doctor suspects prostate cancer because of a man's history and the results of his physical examination ... PSA testing is available at no charge to the patient through the hospital laboratory service.

"In men without symptoms ... PSA testing is not paid for by the provincial health plan. A man can have the PSA test if he is willing to pay for the test himself. However, it is hoped he will make this decision only after discussion with his doctor."

This has to change. The minister has stated publicly that the ministry will review its position on broad public screening for PSA if there is clinical evidence to support the statement that screening improves the outcome of patients. I think we've moved beyond that point. The minister's colleague Mr Tascona is asking that there be a review of the schedule of payment for PSA testing in Ontario to determine whether providing payment for testing by the provincial health plan for men without symptoms may increase detection of prostate cancer in asymptomatic men. If so, they should provide such payment.

I've spoken with many of my constituents over the past several years who are very apprehensive about the possibility of prostate cancer and who would very much like to have the screening test but who simply cannot afford the test, particularly on a repeated basis. Prostate cancer is known to be a disease of aging, and this is the time of life when most people are on reduced incomes and where every penny counts. Often these are men whose wives very sensibly practise preventive health measures of their own and who make sure, for example, that they have their regular Pap smears, breast examinations and mammograms, all of course paid for in full by our provincial health system, as it very much should be. We're very pleased that's the case. They keep hearing that early detection is of paramount importance. How long do we have to wait for government-appointed experts to tell us this is also the case with prostate cancer?

Certainly there is an added cost to this, but I ask you, Speaker, and ask everyone in the House, what price do

we put on a situation that can possibly prevent a death? Having lost my own father to cancer about a year and a half ago, I understand first-hand how painful it is to watch a loved one suffer and ultimately lose that person's treasured presence. I want to support positive measures for early detection and for prevention of advanced disease. I care for my constituents, and I worry about the things which worry them. On their behalf, I want to fight for what is fair. I believe that my colleague's resolution is fair, and therefore I offer my support for it and I ask all members of the House to support it as well.

1020

**Mr Gilles Bisson (Timmins-James Bay):** I want to say at the outset that I, along with other members of our NDP caucus, will be supporting this resolution. I think we also recognize that there's not much chance that this in the end is going to lead to PSA testing being done on an annual basis and being paid for by the Ministry of Health, for a number of reasons which I want to outline.

We know the Canadian Cancer Society is not as supportive of this endeavour of annual testing for PSA as some would believe. The Canadian Cancer Society still believes there's some work to be done in order to determine if actually doing a PSA test on every individual is in the end going to give us the results we want when it comes to detecting the possibility of somebody contracting prostate cancer. Mr Tascona can speak to that a little bit later.

I know and I understand quite well, knowing how this government operates and how other governments have operated in the past, that this resolution will be passed this morning. But the way the resolution is written, it basically gives the government the kind of wiggle room it needs to be able not to do anything, but to give the opportunity to the member to say, "Look at this. I've got a resolution. It passed. I was able to do this wonderful thing in the Legislature this particular morning, December 7, 2000."

If you look at the resolution and you read it carefully, it says, "[To] review the schedule of payment for PSA testing in Ontario to determine whether providing payment for PSA testing by the provincial health plan for men without symptoms," etc. The point is "review." All that's going to happen is that the ministry is basically going to utilize the work that the Canadian Cancer Society is doing and is going to say, "Until the Canadian Cancer Society is finished its work, we don't believe that paying for PSA tests on every man in the province of Ontario within certain criteria is warranted." It is not going to happen. This is just an opportunity to say, "Look at something wonderful we are doing in health care."

I would suggest to the member across the way that what we could do, and it is something that is proven, something that is supported by the Canadian Cancer Society, is around the whole issue of colorectal cancer. You would know that Cancer Care Ontario and the Canadian Cancer Society have both come back and said that if we were to do tests on men over age 50 every year, and all we were to do is, I think, take a stool sample and

check for blood, that is the most effective way of being able to curtail the amount of death caused by colorectal cancer. In fact, in studies where that's been done—and according to the research notes I have, there have been 22 studies done in North America—all 22 studies have said in conclusion that if we were to check for colorectal cancer, we would be able to eliminate up to 80% of those deaths from colorectal cancer.

I raise this in this debate for the following reason. The government of Ontario, the Mike Harris government, agreed with that position about two years ago if I remember correctly. At that time, the Minister of Health got up and said: “We believe that what we are being told is true. We want to be able to provide for an annual test for colorectal cancer across the province for men over age 50. We know, according to the studies,” said the government of the day, Mike Harris, a couple of years ago, “that if we were to do this, we could save up to 80% of those people who contract colorectal cancer.”

Unfortunately, like most health announcements made by this government, nothing came of it. There was a photo op. The minister got up in front of the cameras. They had their drop designed in the back in order to give the specific message they wanted to give going into the last election. They made the announcement that they were going to do this, and nothing happened. We are two years later and there is no annual testing done for colorectal cancer.

When the government was brought to task after the election, raised by our NDP health critic, Frances Lankin, the minister said, “Oh, well, hang on a second. We are not going to do full annual tests for everybody. We are going to do a pilot program in order to determine if doing screening for colorectal cancer will actually give us the results we are looking for, because we have to make sure whatever we do is done in such a way that we know we are going to get a good result for the dollars being spent.” That was over a year and a half ago. The pilot project that now the minister has retreated to, where she has said they are not going to do full annual testing for colorectal cancer for men and women over age 50, but instead are going to do a pilot project, hasn't even started yet.

I say to the member across the way, and I know the member for Barrie-Simcoe-Bradford brings this to us in sincerity, the reality is that your motion is going to pass this morning, and the Minister of Health is going to basically sit on this and do nothing with it because she is not convinced, even in cases where colorectal cancer testing has proven to determine who is going to get cancer and curb the number of people dying from cancer; 22 studies that have been done all point in the same direction, that up to 80% of those tested will have their lives saved because of the colorectal test. They have not moved on that particular issue. What makes you believe that the government is going to move on PSA testing when the Canadian Cancer Society is at this point saying, “We think the book hasn't been written on this”? They don't believe at this point that testing across the province every man over the age of 40 or 50 is going to be the way

to go. I don't know. I'm not a doctor. I'm not a scientist. I'm not going to pretend it is or isn't.

We'll support your resolution because we think it's a step in the right direction, but I want to ask the member simply this: what makes you believe, Mr Tascona, that at the end of the day the government is actually going to follow through on this resolution? And are you prepared to give us some sort of guarantee that within a period of time—let's say we'll give you 12 months—we are going to get a definite answer on your resolution? I don't think so. I don't think you're going to be able to commit to that. You know yourself, when it comes to other issues of annual testing such as colorectal cancer, that it is your government that has not taken action on that particular issue. That's much the same as we've seen with most issues dealing with health care with this provincial government.

When they were elected in 1995, the Harris government embarked on an aggressive agenda in order to wrestle money out of the health care system. They set up the hospital restructuring commission, which took a look at which hospitals they could close across Ontario. We're seeing the effects of those decisions now by way of people who are not able to get into emergency rooms across Toronto and across all of this province. In fact, people living in Kapuskasing were not able to use the emergency department for what it is intended on two nights in the month of November because we didn't have doctors to give us coverage in those emergency departments.

One of the reasons we find ourselves in this position is because the government has systematically taken money out of health care in order to offset what they were giving to people by way of the tax cut, and it is only lately that they've started to put some money back because they threw the entire system into chaos and the system is starting to break down to an extent. Yes, the Ontario health care system is still a good public health care system that works fairly well for individuals. There are all kinds of good examples where people who need treatment for bypass surgery or whatever it is get excellent care in our hospitals. But there are signs that the system is starting to fray. It started to fray directly, member from Barrie, because your government made cuts in the health care system that threw the system into a bit of a spasm, as we might say. Now your government is starting to invest some of that money back in. Welcome back. We don't know where you've been for the last six years but we're happy that you've finally come back to your senses. But you created the problems in the system that we're now having to experience today.

I don't think for a second that by passing this motion we are in the end going to see Ontario come any closer to annual PSA tests being done for men over the age of 40 or 50. I don't think that's going to happen because clearly your government has not demonstrated, in my opinion and in the opinion of many others, that it is really committed to the issue of public health care and developing a public health care system into the new millennium. In

fact, I think you've been trying to take us down the other way.

I believe that part of what this whole agenda about taking money out of the health care system was about was an attempt to put the system into chaos so they could make the argument to start privatizing the system. I really believe that's what the agenda is of the Harris government. What they have found is that the public's appetite for private health care is not as strong as the government thought it would be or would like it to be, so they're trying to put some of the money back in that they've taken out. You can't have a system of health care operate the way it does now, where you take money out and you put entire communities at risk.

**1030**

I say, on behalf of the people of Kapuskasing, that your government on coming to power in 1995 promised it was going to respond to the critical doctor shortages we have in northern Ontario, that you were going to build on the successes of previous governments—the NDP government and the Liberal government before that—with programs designed to attract doctors to northern Ontario. Our approach in the NDP was to train doctors in northern Ontario so they established themselves there. You said you were going to find a solution and here we are, five years later, no closer to having more doctors in northern Ontario than we were five years ago.

Now we're finding situations such as we found in Kapuskasing this last month, where the doctors are worked off their feet. They're underpersoned as far as the doctors' complement in the community of Kapuskasing is concerned. These people are not superhuman. They can't work 24 hour a day, seven days a week, 365 days a year. They need to have some support from their provincial government to say, "We're prepared to make the investment in health care to make sure that communities like Kapuskasing, Ontario, have a full complement of doctors so that we can provide the kind of health care system the citizens in that community, as in other communities, are entitled to."

It is unacceptable to find ourselves in a situation where, for two days last month, the emergency ward at Sensenbrenner Hospital had to close from 8 o'clock at night to 8 o'clock in the morning because there weren't doctors to cover the emergency ward. What we have instead are people coming into emergency, being treated by nurses, who try real hard, but if there's anything serious we don't have the expertise of a doctor to cover off the emergency that walks through the door. That I put squarely in the lap of the provincial government. I say to the Minister of Health and to the Premier, let us hope and pray that nobody comes to their death because they've not been able to get a doctor in an emergency ward somewhere in Ontario, like Kapuskasing, over the next while.

We've been raising this issue with you directly and we're asking for your help. We're saying there are two things you can do. The first thing you can do is provide the kind of funding that's necessary to bring doctors in

on locums. Yes, there are already existing programs there and, yes, that is partially successful, but we need to try to do something to attract those doctors in other communities who might be able to come in on a locum to give doctors like we have in Kapuskasing the respite they need.

That deals with the immediate solution, but the long-term solution is that we need to establish a northern medical training centre somewhere in northern Ontario. One thing we've learned in the north is that if people go off to study to become doctors, that means they're making a seven- to 10-year commitment of studying somewhere in southern Ontario. If that person is studying in Toronto or London or wherever to become a doctor, they establish roots in the community where they've gone to university. They meet somebody, they do their internship and their residency in a hospital somewhere in southern Ontario, they develop a network of friends and they develop an attraction to a community. I understand that. At the end of the day, they decide to establish their practice close to where they made that group of friends. It's hard for them to then pick up and take off and go to practise in a community like Moosonee or Kapuskasing or Pickle Lake or wherever it might be.

I would argue that what we need to do, especially in the north, is to establish at one of our universities that currently exist—Lakehead, Laurentian or Nipissing—a program where we're able to train our own doctors in northern Ontario facilities, universities and hospitals, so that those young people in northern Ontario who decide—or people in southern Ontario—to become doctors and go to university in northern Ontario have an opportunity to train in the north, establish roots in those communities, do their internship and residency work directly in places like Manitoulin Island, Sudbury, Timmins, Kapuskasing, Pickle Lake, Nipigon or wherever it might be. There's more of a chance that once those young people graduate, they are going to stay in those communities and decide to make their lives in those communities.

We have learned one thing through this process. The Liberal government tried by way of attraction programs to drag doctors to northern Ontario. It was a good idea at the time, but we've learned that as much as you try to entice people to a community, you can't force people to live somewhere if they don't want to live there. We found the most attractive program is to train those doctors in the north. That's something the NDP started when we did the northern residency program. We found the retention is that about 80% of those people who do their internship in northern communities end up staying there. We're saying, let's expand on that success and let's create a medical facility in northern Ontario that trains doctors so that in a day not too far down the road we don't have to shut Sensenbrenner Hospital because we didn't happen to have a doctor.

**Mr Bob Wood (London West):** I'm sure it will come as no surprise to anyone in the House that I rise to support this resolution today. One of the reasons I do that

is that I think it fits very well into the overall context of our health care reforms. Members are of course familiar with what those reforms are: the restructuring of hospitals to bring them into the form of 21st century institutions that can provide 21st century health care; the changes in home care, where there have been massive injections of new money, and a change in the system to improve the quality of care and make more care available; and perhaps most important, particularly in the context of this resolution, is our commitment to primary care reform. We have seen an important start on that in the form of the recent agreement with the Ontario Medical Association. I think that provides the basis for a partnership that is going to result in something everyone agrees should happen—primary care reform. But we get less consensus when we get to actually looking at how it might be done.

I think an important part of primary reform is going to be prevention, and this resolution speaks directly to that. That's why it fits so well into the context of our overall direction in this area.

What I like most about the proposals put forward in this resolution is, number one, it takes a look at prevention; number two, it takes a look at results-based action. When we look at paragraph 1, it speaks not only of the proposal, but of finding out whether or not this is a way of actually preventing disease. As we look at prevention, we have to look at what actually works and what actually doesn't. I think the author of this resolution has been very wise in setting out, as part of the resolution, that we have to know that something is actually going to do some good before we endorse it and do it.

Paragraph 2 speaks to what I think is going to be another important part of 21st century health care, and that is communicating what has to be done to the general population. We've heard over many years that we're now in the communications age, and that's absolutely true. If there's a way of making people's health better and they don't know about it, it's worth absolutely nothing. So I think what is spoken about in paragraph 2 is very much a part of what's going to become 21st century health care.

I offer the same comment about paragraph 3. It speaks again about communications. We, as Canadians, for historical reasons I think have been rather poor communicators, both to our own people about who we are, what we do and what we should be doing, and to others. We don't get that message out to people outside Canada either. I would encourage the member to continue the work he's doing with Canada Post. Everybody uses postage stamps, which is obvious. On the other hand, to get important messages on those stamps so that more people get the message, more people can do things that will help improve their health, is very much a 21st century health care idea and I congratulate the member for that.

The last comment I'd like to make in this general area is this: I'm quite confident that this resolution is going to pass. What I'm a little less confident about is that something is going to happen as a result of it. I'd like to offer a caution to everyone in this Legislature and to the

government, that I think it's important this thing not get filed somewhere without further action.

It's quite possible, as is sometimes done, that we agree with something and then do nothing. I understand why that's the case, because there are heavy cost pressures and priorities have to be set. But this surely is a good idea. It is not going to cost a lot to get started on it and I hope something will actually happen. I invite all members of this Legislature and all members of the government to give a serious look at actually carrying out what's proposed in this resolution. It is going to make a real change for the better in the lives of a good number of people if we actually do what's proposed here, and I invite the Legislature and the government to do it.

**1040**

**Mr James J. Bradley (St Catharines):** I am going to be speaking in favour and voting in favour of the resolution today. I'm going to deal primarily with what is in provincial jurisdiction, as I believe we very often and unwisely spend a lot of time dealing with the federal jurisdiction. I will support the stamp as well, I think that is a positive move, but that's something we can no doubt tell our federal friends they should proceed with in the federal House.

I want to deal with the test itself. I raised this issue about the PSA test in a question to the minister on December 17, 1998, among other times. I happen to believe the PSA test should be available to men who wish to have that test, at no cost—it's as simple as that, in my view—just as other tests are available for other reasons.

Obviously early detection, when you're dealing with any kind of cancer, is very positive. It increases the chances, first of all, of a person avoiding death from any particular form of cancer, or some longer-term health consequences. It's going to be important that we have this test available to men, that there not be a barrier. What happens now is that it is essentially a two-tiered situation in health care. If you can afford the test, you can get it, and you pay for the test. If you believe you can't afford it, then you're not going to get the test.

I don't think we should have a two-tiered health care system. That was one of the issues in the federal election campaign. I hope the federal election campaign solved that issue, though I suspect it did not, because those who are proponents of a two-tiered health care system continue to propose that.

I think all of us would agree that early detection is important. This test is one tool available for that purpose. All of us probably have received telephone calls and letters from people who are grateful they had the PSA test and had their cancer detected early. I remember getting a letter from a former teacher of mine who lives in the riding of Parry Sound-Muskoka and is a friend of Ernie Eves, as well as a friend of mine. We correspond from time to time, at Christmastime and so on. He wrote to me saying how he thought it was very important because his cancer had been detected early as a result of a PSA test.



We've heard that from people so many times. We've also heard from people who are sorry they did not have that test available in a timely fashion, because their cancer had been more advanced. We're all aware of people we've lost—good friends, colleagues, members of family—to prostate cancer and other forms of cancer, and we're saddened by this. My very good friend and former colleague in this House the Honourable Robert Welch, as we know, passed away this year as a result of prostate cancer. He made a wonderful contribution to this province.

There should be no cost to this test. I suspect this resolution has been vetted by the Ministry of Health because it doesn't call directly for this test to be provided free of charge. It asks the government to investigate this. That means it has gone through the Ministry of Health and the Minister of Health has looked at it and said, "Please don't put this in the form of resolution that compels the government to do so. It puts too much pressure on."

However, it does raise the issue again. I think it is positive to have the issue raised in this House again so that the minister can have yet another look at this matter. Reference has been made to colorectal cancer, for instance, and screening processes for colorectal cancer. It would be important to make that much more widespread. Many of us realize that many people have been afflicted with that disease and that early detection is extremely important in that case.

When we get into the treatment of these diseases, because we're looking at some costs, this will save money in the long term if people have their cancer detected early. The consequences will not be as great. It will save money. I don't think people should have to go to another country to receive timely treatment for cancer care. That's what's happening now in Ontario.

I worry about the doctor shortage in Niagara, and it's an acute crisis at this time, whether people again are going to be able, through other ways, to detect diseases at as early a stage as I would like to see them detected.

We know we have a chaotic ambulance dispatch service in the Niagara region. That's another problem for another day that we will have to deal with in this House.

As well, because we're talking about costs here, there's no question that if you're going to have a top-notch health care system which is available universally, which is not a privatized system, which is not a two-tier health care system, it requires a massive investment of government funding. I believe the people of this province want to see that investment. That's why members hear me worry aloud in this House about massive tax cuts. It's because I believe we deprive ourselves, particularly during a downturn in the economy—not so much now, but during a downturn—of needed revenue to be able to invest in the kind of essential health care matters that the member from Barrie has raised before the House today. That's certainly a worthwhile investment and I would support that kind of investment.

He talks about awareness. It's absolutely essential to have that awareness. People are fearful, but we have to

have that awareness. I believe the stamp would be a positive step as well.

I intend to vote for this resolution, though I believe the test should be free of charge at this point in time and available upon request.

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to rise this morning to make a few comments on the member for Barrie-Simcoe-Bradford's resolution. I'd like to thank the other speakers, from Thunder Bay-Superior North, Timmins-James Bay and London West, for their comments, as well as Mr Bradley's comments.

I was at a meeting just the other morning, the township of Oro-Medonte's inaugural meeting, and a gentleman came up to me from the Probus Club in Barrie. Mr Tascona had spoken to the club a few weeks ago and had brought up the fact that he was bringing forward a resolution here in the House. The gentleman asked me to make sure we do whatever we could here in the House to support this resolution. He himself had been through and is currently going through some prostate cancer treatments, and he asked me to pass on to the members of the House and to Mr Tascona that we do everything we can to keep this resolution going forward.

I'd also like to thank Mr Tascona for his support of the Cancer Care Ontario unit that we're working very hard to have come to Simcoe county, to that part of Ontario. The Royal Victoria Hospital in Barrie of course is a very large and new hospital; it's almost regional in status. Mr Tascona has been working very diligently to ensure that Cancer Care does come to Barrie, and I hope that does happen over the next few years because we have a growing population in that region. I'm pleased that Mr Tascona has taken the initiative in his own riding to have that done.

#### 1050

I think the resolution is really an investment in the citizens of our province. I look at paying the \$20, and whether the people can afford it or not. I think it should be available at no cost to men across our province, particularly as men reach the age of 50 and early detection could save or protect that person's health for the future. It's not only for health care dollars that may be spent in a terminally ill ward at some time, but it's also the fact that people can lose their salaries and lose many years of work or contribution to Ontario's economy. I think for the investment alone it's well worth it, although I would expect that our federal partners would want to cover their fair share of any of these costs as well.

The other thing that I think is very important this morning is the portion of the resolution on the Canada stamp. That's an excellent idea. I hope this resolution is successful today and we can forward this. I hope that any discussions with Canada Post's advisory committee will bring forth a positive response and we can put the fight against breast cancer in women on that stamp. I think it falls in line with other awareness we see about women's breast cancer, and that's the fact that even a lot of companies like Royal Doulton—I don't know if anybody's aware of it, but if any of you gentlemen want to buy a

Christmas gift for your wife or your mother or anything like that, the Royal Doulton Co has a doll each year from which, for every one bought, they contribute \$35 to the cancer society in support of the fight against breast cancer in women.

I was amazed, when we opened the new breast screening program in the city of Orillia, how supportive the community was. I didn't have any idea at that time that just in one year, in one of the locations, they had done over 22,000 breast screenings for women. I wasn't aware it was that high.

I consider this a resolution of protection. It's very similar to the public health money we spend, and I certainly hope all members of this House will support this resolution this morning.

**Mr Rick Bartolucci (Sudbury):** I stand in support of the resolution by Mr Tascona and commend him for taking up the cause as a member on the government side. Certainly you will know, and Hansard will show, that for over three and a half years now I have read petitions into the record with regard to this particular test, asking the Minister of Health and the Harris government to ensure that it is covered. To date, I've only received letters from the Minister of Health that she won't include it. So I commend the government member for challenging the Minister of Health to do what is right. To this point in time she hasn't. Hopefully he will effect some positive change and will join the chorus of Dalton McGuinty and the Ontario Liberals in asking the government to fund this test.

I speak from very personal experience because my father died of prostate cancer, a very, very horrible death. He suffered brutally, I guess is the best word to explain it. I don't know if early detection would have caused him to live longer, but I do know that his was a cruel death. He was a good man, a man who involved himself in his community in a very positive, caring and loving way. Although we question why someone dies the way they die, what we try to do is ensure that others won't have to experience the same thing, and this is what this resolution does. If early detection saves one life, it's worth it. If this test saves one life, it's worth it.

So I commend the member and certainly I'm going to be supporting the member's resolution. I hope the minister will listen to the member and include this on her list of things to do for treatment within the realm of the Ministry of Health when it comes to cancer. I would also hope that this minister changes her mind and will start fully funding the northern health travel grant, will ensure that there isn't discrimination for cancer patients. This is all a part of it. This is a bigger picture. But I don't want to get into that today. Everyone in this House and across Ontario knows my position on this.

This is a resolution that deserves to be supported. It is a resolution that challenges the government to do something positive. It is a resolution that cares about the people in Ontario who hopefully, with this early detection, will avoid the very painful death that my father experienced.

**Mrs Brenda Elliott (Guelph-Wellington):** While I'm pleased to rise in the House this morning to participate in this debate, and I would like to compliment my colleague Joe Tascona for bringing this issues before the House, it is a difficult issue to discuss. There have been a number of articles and pieces of research done on this particular topic, as to what is the most effective and accurate way of determining whether or not cancer is beginning in the prostate for men.

The resolution that we're debating today has three parts. The first is to review the schedule of payment for the PSA testing, the second is to create a prostate cancer awareness program, and the third is dealing with the issue of a commemorative stamp to raise research funds to support the fight against women's breast cancer. Since two of three of these items deal particularly with prostate cancer, I think those are the two I would wish most to speak about this morning, even though I am a woman and breast cancer obviously is of more personal concern to me.

From my point of view—I guess this follows from the comments of my colleague across the House, and perhaps it's because of the age I'm at—it seems that I know more and more men who have been stricken with this, or at least have had a scare. Perhaps it's the demographics that we're facing, but from my own personal experience, and I certainly have received a number of letters about this matter in my constituency office, it's very clear that it is an issue that is on the minds of the male constituents in my riding. I wouldn't limit it just to the men in my riding, but obviously then on the minds of the people who love those men in our riding. There is something about a cancer that is deeply frightening to people, and particularly when you're dealing with prostate or breast cancer there are different implications that come with that which speak probably to the manliness or the womanliness of the person involved.

It is something that we need to pay attention to as a government, and whether or not the government decides to act on this issue of the testing, the very fact that this issue is being debated in the House this morning in private members' hour is a step in the right direction to raise awareness of the whole issue for men who haven't been thinking about it and who may somewhere along the line read an article or have someone mention to them that it's something they do need to pay attention to and something that they need to understand for their betterment and for the issue of preventing problems and maintaining optimal health. For the most part it is an illness that, once detected, can be successfully treated, and that's true of most cancers nowadays. But obviously the incidences of cancers are growing and any steps that can be taken to prevent this are important.

For many years there has been increased awareness of breast cancer, and certainly our government and many other governments around the world have taken steps to address this. The fact that the whole issue of a stamp is out there being discussed indicates how far awareness of this illness has come. I was at an event this summer, a

walk to raise funds and to remember women who had been stricken with breast cancer who had died, and those who had survived. I was quite heartened to see how many family members were present to remember, but foremost in their minds was to raise the awareness of others in the community so that they wouldn't lose somebody and so that they would be successful in their fight. Of course, the key in all of that is early detection. Funds are needed for that.

I would simply add my voice as a woman in caucus here to say that I compliment my colleague who has brought these three initiatives forward. I think they are worthy of the consideration and support of this House. They are not always easy topics to talk about, because for many of us when it's on our minds it's a signal that we know someone or we have had a personal experience that probably has been painful to us in our personal lives. Such is certainly the case in my own life, but the outcomes have been positive.

I compliment my member and I support him in his endeavour.

1100

**The Deputy Speaker:** In response, the member for Barrie-Simcoe-Bradford.

**Mr Tascona:** I want to thank the members who have spoken on this resolution: Thunder Bay-Superior North, Timmins-James Bay, London West, St Catharines, Simcoe North, Sudbury, and Guelph-Wellington. All of their comments are received with thanks.

Certainly the part of the resolution that deals with PSA testing—prostate cancer is the second most frequent cause of cancer-related death in men. That is a fact. Early detection—call it prudence—is something that universal screening can address. There may be issues, obviously, with respect to the age category where that may arise. There may be issues in terms of the frequency of testing. But I think it's important to look at this for what the intent is, to pay for that test, because prudence is something we should be promoting.

Funding of the awareness is very clearly set out in that resolution. We need to fund an awareness program with respect to this type of cancer. There are ministerial materials that go out there right now to the physician and to the patient which are basically educational in nature. I would submit that's not enough. We have to do more.

Finally, on the breast cancer stamp, certainly that is something that would be very positive in terms of raising funds for research across this country and also the other issue of awareness. I think with the support of this House and the support that I've received in letters from Premiers and Ministers of Health across the country, and working with the Breast Cancer Foundation and other cancer groups, we can put forth a strong case to the stamp advisory committee for them to make this a stamp that can raise funds to fight breast cancer.

**The Deputy Speaker:** This completes the time allocated for debate. I will place the question regarding this motion at 12 o'clock noon.

## FIREFIGHTERS' MEMORIAL DAY ACT, 2000

### LOI DE 2000 SUR LE JOUR DE COMMÉMORATION DES POMPIERS

Mr Levac moved second reading of the following bill:  
Bill 107, An Act to proclaim Firefighters' Memorial Day / Projet de loi 107, Loi proclamant le Jour de commémoration des pompiers.

**The Deputy Speaker (Mr Michael A. Brown):** The member for Brant has 10 minutes.

**Mr Dave Levac (Brant):** Mr Speaker, I seek unanimous consent to make reference to and display and read some materials received from outside the House.

**The Deputy Speaker:** Agreed? Agreed.

**Mr Levac:** Thank you, members.

I want to be very clear about the bill. It's a bill that I believe is non-partisan. I believe it's long overdue. For the record, I want to read the bill. The bill in itself is two pages long. The first page is the cover page. The second page, the essence of the bill, is one sentence. But the preamble is very important, so I'd like to read the bill into the record.

"An Act to proclaim Firefighters' Memorial Day

"Fire fighting is known as one of the most dangerous professions. Firefighters working on behalf of the people of this province are called upon to take extraordinary risks every day in order to protect the public from the dangers posed by fires and other life-threatening situations. Many firefighters have given their lives in the performance of their duties.

"Given the enormous commitment which the firefighters in this province have demonstrated repeatedly to the people of Ontario, it is appropriate to proclaim a memorial day to commemorate those firefighters who have fallen in the line of duty. This day will provide an opportunity for all Ontarians to honour and recognize the important contribution these people made to preserving our safety and well-being.

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows"—and this is the bill:

"1. The first Sunday in October in each year is proclaimed as Firefighters' Memorial Day.

"2. This act comes into force on the day it receives royal assent.

"3. The short title of this act is the Firefighters' Memorial Day Act, 2000."

That's the essence of the bill. It's non-intrusive but it's important: small but mighty.

I've had the opportunity to speak on several occasions in this House regarding firefighters, as is my duty and role as critic for the Solicitor General. When given that honour by Dalton McGuinty, I was taken aback by the trust that he placed in me to protect and to understand the needs of our firefighters and our police and our emergency measures act. So I'd like to share with you some of the comments I have made in the past about our firefighters in this province.

"I rise today to speak on behalf of Dalton McGuinty and the Liberal caucus to recognize the professional firefighters who join us in the Legislature today from fire stations around the province. This is a job that places one's life on the line every single day. Firefighters perform their duties, understanding the threat of personal injury, in order to keep our communities and families safe. To them and their families I say ... thank you.

"This past Sunday"—three Sundays ago—"a firefighter was injured in Sudbury responding to a home fire. Earlier this month, a lone firefighter saved two lives in Midland, even under unsafe" working conditions. "As legislators, it is our duty to assist firefighters any way we can so that they can do their job professionally and safely...."

"That is why months ago I introduced Bill 107, the Firefighters' Memorial Day Act."

Specifically, it was in June and, coincidentally, the member from Simcoe North introduced an act to honour police officers as well. Under those two particular umbrellas, this House must take action that is non-political, non-partisan and simply says that we honour these people. Today it's the firefighters.

It's important that we go beyond Bill 107, as important as it is. We have to have right-to-know legislation to protect our firefighters. Third party investigations into occupational diseases is also needed.

I appreciate the fact and the opportunity that has been given to us today to honour and protect our firefighters. As I asked and received unanimous consent, I have received over 450 pieces of correspondence from firefighters across the province, from fire services across the province, from fire chiefs across the province, supporting, asking for and commending this bill because for one day it requests us to stop and think and remember the people who have given their lives in the performance of their duties. There are people in this House who have been affected by the professionalism of firefighters. There are people in this House who have unfortunately lost family members as a result of firefighting.

In the letter I sent around to ask people if they understood and wanted to have a memorial day, I was able to raise awareness of the fact that currently there is no one day officially recognized in the Ontario Legislature to pay tribute to the outstanding contribution firefighters and those in fire services continue to make in our society day in and day out. I felt, after doing my homework on this issue, that it was long overdue. We need to officially recognize a memorial day for the firefighters.

I also have a list of over 400 individuals from all of the different ridings that were represented in this Legislature from all parties that have received these pieces of correspondence. I also reported to the House beforehand that the bill was approaching and that I sought their unanimous consent to pass the bill as quickly as possible. Unfortunately, that's not the case right now, but I continue to push and ask this House to give us that time, to give us that moment in time, in history, to allow us to do something in the Legislature that far too often

we do not do, and that is fully co-operate on the passing of this legislation in order to prove in a positive and upbeat way that our firefighters are appreciated and their sacrifice is indeed honoured.

We've received correspondence from Elora, King, Toronto, Stratford, Listowel, Lincoln, Middlesex, North Perth, the firefighters of West Perth, St Marys, Durham and of course Brantford. Three people in Brantford have lost their lives performing the tasks of firefighting over the years. I want to share for a very short moment some bravery across the province.

On June 17, 1998, Brian Young, a 12-year veteran from south Frontenac, heard a loud crash outside his home, and frantic screams. He rushed out of his home to find a truck engulfed in flames mere metres away from his front door. The 12-year-old driver was already dead. However, Young was able to save the 14-year old passenger after he managed to cut the boy's safety belt free. When asked what went through his mind when he did this act of bravery, Young said, "I never really thought about it. I just jumped in and helped the boy. That's my job."

On November 13, 1999, firefighters pulled a 40-year-old man from a burning house in Timmins. Although the house was in flames, members of the Timmins fire department entered the residence and removed the man safely.

#### 1110

The list is endless. I pulled from the Web site the honour roll from the Toronto firefighters. As far back as 1848 we've had firefighters give their lives in the line of duty. From 1848 to now, we have not given ourselves an official day to recognize those who have died in a job that very few people want to do.

I'm asking for non-partisan acceptance of this bill and quick passage in any way, shape or form. I would challenge the members in this House to find a way to make sure that those people who have the authority and the power to do so would take the time to ensure that our brave firefighters are recognized in an official way across Ontario.

I'm very proud to say that I formed a group called Friends of the Firefighters in Brantford, Ontario. In Brantford, our goal was to raise enough money for one thermal imager. The community banded together and we raised enough money to buy three thermal imagers, plus accompanying equipment and training, to the tune of over \$110,000. Equally important, in the rest of the riding of Brant I was able to secure through our committee enough money to buy three more thermal imagers, which speaks to our dedication to our men and women who sacrifice their lives day in and day out. These types of activities prove nothing less than that we honour, respect and admire our firefighters in Ontario. This bill, this act of Parliament, this dedication that we can put in legislation will show one more time the importance in which we hold our firefighters in Ontario.

It's important for us to recognize that families are behind the firefighters. We need to honour and bring

dignity to those fallen lives, for the sake of the firefighters, yes, but more importantly for the living, as a testimony that we respect their families. We respect and honour them and thank them for the sacrifice they know their loved ones make day in and day out.

As I finish my time, I can only ask the members of this House to pass Bill 107 as quickly as possible, and I thank them for their indulgence.

**Mr Garfield Dunlop (Simcoe North):** I rise this morning in support of Bill 107, An Act to proclaim Firefighters' Memorial Day in Ontario.

I guess I have to agree with the member from Brant: it's one of those bills that should be non-partisan and that I believe is very similar to the bill of Mrs Mushinski, from Scarborough Centre, Bill 130, and similar to what I had discussed with Mr Levac earlier, my Bill 111, the Ontario Police Week Act. The fact that no other province has shown leadership in this regard is a chance for us in the province of Ontario to do just that.

As my notes say here, in the last 20 years, between 1979 and 1999, 25 firefighters have lost their lives in the line of duty. I'm not sure whether those numbers are full-time fire departments or include volunteer fire departments, but I did know one person one time, Mr Johnson from the township of Orillia fire department. He died in the line of duty, but he actually died of a heart attack carrying a generator to the scene of a fire. That was a very sad day in the history of that volunteer fire department.

I'd like to just say a few things about volunteer fire departments. I know a lot of the major fires we hear about are handled by full-time departments, but across Ontario we rely heavily, particularly in rural Ontario, on the volunteers who sit on and train under our municipal councils. I've had a working relationship for almost 20 years with volunteer fire departments, starting with Fire Chief Ernie Beach in 1980. It was a department that was along the lines of a social club, although they handled a number of fire calls and they did a lot of resuscitation calls as well. As time progressed, they had continually done more and more training until, when I finished my political career in municipal government in the township of Severn, we had an active volunteer fire department of 80 volunteers, and a full-time chief and deputy chief. I can't say enough about the work these people do, the hours they put into training, the hours they put into fundraising on behalf of organizations like muscular dystrophy and working on behalf of school programs. They are just good, active members of our communities.

Any time we can support a resolution like Bill 107, I think it's important we do so. It's important that we recognize those many people who have given their lives, but also that we recognize that we appreciate the work put in by our full-time and volunteer fire departments across our province. It's certainly respected. There's a lot of precautionary action taken on any fire, but the odd time someone dies in the fire and that's very unfortunate. This time it's a good opportunity for our government and the opposition to support Mr Levac's bill. I believe it will

send a good message to all our volunteers and our full-time fire departments across the province.

A number of people in this House had the opportunity last week to meet with the professional firefighters' association. They brought forth some good points. I thought they presented themselves in a very professional manner. I met with them for over an hour in my office and we discussed the issue in Midland where one fireman went into a house fire and actually saved two people. If he hadn't been there, there probably would have been two people dead today. So those types of problems come forward.

I'm pleased to listen to it. I support Bill 107 and I ask the members of this House to support it as well.

**Mr John Gerretsen (Kingston and the Islands):** I too would like to add my congratulations to the member for Brant for bringing this forward. Many taxpayers, particularly residential property taxpayers, sometimes do not see the value they get for their tax dollars. There are certain municipal services where everyone can see the value they're getting. We're thinking of the police, of fire, of some of the other municipal services such as roads and parks and things along that line. Quite often we forget the risk these individuals take on our behalf to make sure our cities and communities and our smaller villages and hamlets are secure. Whether they're full-time firefighters or part-time firefighters, they all are doing it with one prime motivation and purpose in mind: to ensure that the people of their communities are safe and sound. To recognize all the firefighters, particularly those firefighters who have given their lives over the years for the safety of their fellow citizens, is commendable and highly overdue.

I was just given a list, and this is only a list of the Toronto firefighters who have lost their lives in fires going right back to 1848. There are well over 250 names on this four-page list of individuals who have actually died as a result of fires that have taken place. I'm sure this goes for the entire province.

I've been given another list. In researching this matter, I was able to find these statistics. Just last year, there were three firefighters who lost their lives trying to protect our communities. In Sault Ste Marie a fire occurred in April of last year and a firefighter lost his life. Also in April of last year, two firefighters escaped serious injury in Port Colborne, but they could have very easily been severely injured or killed as a result of that. In May of last year, two Cumberland firefighters used their rescue boat to in effect save two boys who were clinging to an overturned canoe from drowning.

Firefighters aren't only there to fight fires for us and to make sure our communities are safe; they also are helpful in so many other ways. If we can recognize them all, particularly the ones who have fallen in the course of duty, then I think we should do that. I would like to congratulate the member for Brant for bringing this bill forward. Let's make sure that from now on, the first Sunday in October will forever be known as Firefighters' Memorial Day in this province.

1120

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):**

I'm very pleased to rise today with respect to the private member's bill brought forth by Mr Levac. The intention—it's An Act to proclaim Firefighters' Memorial Day—is something this province would be the leader in with respect to doing such a thing, because when you review the jurisdiction across the other provinces in terms of what they have done, it's remarkable that there is little, if any, legislation on the matter. Second, some provinces don't have a memorial or a provincial day of recognition for this group of hard-working public servants.

This province has taken a number of measures to support our firefighters. In 1997 the Ministry of the Solicitor General introduced a public safety officers' survivor scholarship fund of \$5 million to provide scholarships for spouses and children of public safety officers killed in the line of duty. The fund was established to enable the people of Ontario to partially recognize the debt of honour owed to surviving families.

Firefighters are considered public safety officers. We obviously know that because their service is so essential that they're not given the right to strike. To date, approximately \$81,000 in scholarship funding has been provided to 13 recipients, since the program was introduced. All were children of fallen officers, 11 in total, or firefighters, two in total.

There is also another initiative that's underway by Marilyn Mushinski, the member for Scarborough Centre. Her private member's bill entitled An Act to proclaim Ontario Firefighters' Week recognizes the brave men and women who unselfishly risk their lives to keep us safe from the perils of fire in our homes, workplaces and communities. Her bill would legislate a week dedicated to the contribution firefighters make to public safety and encompass a day of memorial for fighters, as per current practice.

There's no doubt that Firefighters' Memorial Day is something we all can support. The measures that have been taken by this government have gone a long way in terms of changes to how firefighting is done, not only in terms of fire trucks but in changes to the Ontario fire code; smoke alarms; Bill 84, which is the Fire Protection and Prevention Act; changes to the fire marshal's public fire safety council; and also the office of the fire marshal, who has a very important role to play in this process also.

The Solicitor General has taken a number of steps with respect to not only giving recognition to the men and women in the firefighting profession, but also providing a structure to promote not only safety within the profession but also public awareness. I think that's what the member across is trying to do here: bring about public awareness, public appreciation of the work that has been done by firefighters in their profession.

When you combine that with the private member's bill by the member for Scarborough Centre, An Act to proclaim Ontario Firefighters' Week, it certainly is recognition to honour our firefighters with respect to public

safety, so certainly I can support this. I'd be very surprised if other members in the House wouldn't support this in terms of the role that firefighters play. This is not something that is owned by one particular member. We're glad the member has brought this forth. We're all here together as equals. We're all here together to recognize a profession that has provided public safety, and there should be no ownership in this particular piece of legislation, because there isn't any. It's all something that we equally share.

**Mr Ernie Parsons (Prince Edward-Hastings):** It truly is a privilege to stand and support Bill 107, put forward by the member for Brant. I congratulate Mr Levac on taking the initiative and the lead to get this going.

I, quite frankly, am in awe of our firefighters, whether they be full-time or volunteer. We have all too often in this particular era lost the meaning of "hero." Many of our young people, if asked for a hero, will name a movie star or a music artist when I would suggest that each and every firefighter in the province is a hero. They show incredible bravery that has not been recognized enough by our population, so what a wonderful opportunity this provides to set aside a little time each year to recognize their contribution.

There is a verse in the Bible that I may not quote exactly but it is to the effect that "No greater love hath a man than this, that he lay down his life for a friend." Our firefighters, each and every day, leave home knowing that there may be a requirement for them to lay down their life for us. That absolutely overwhelms me. The emotions are too great to actually describe that there are people who are prepared to do this. I think it is fair to say that for those in the firefighting profession it's not a job—it's a calling. It's a mission on their part, and I've spoken to many who have told me that as far back as they can remember they wanted to be a firefighter.

I can think of one individual in my riding, Tom Nobles, who is suffering the effects of poor health due to attending at a fire with unknown chemicals in it. Without thinking, without any hesitation whatsoever, Mr Nobles entered the building to ensure that no one in there was at risk and to put the fire out. He is paying, and his family is paying, a price for that. We need to recognize and appreciate. There are many Tom Nobles all over this province who are suffering ill health because of their commitment and their dedication to us.

We also need to recognize the commitment of family members of firefighters who know that each time their loved one leaves the home, absolutely nothing may happen that day or there may be a major event requiring them to lay their life on the line.

So the least we can do is set aside a little time each year not only to remember those who have paid the supreme sacrifice in protecting us but to also recognize and respect and honour those who each and every day perform the service that ensures us and our loved ones are safe.

This is such an overdue bill that I'm stumbling a little bit on what we need to say to these people. This is just a

wonderful way to recognize their contribution. I hope everyone ensures speedy passage of this bill.

**Mr Peter Kormos (Niagara Centre):** Look, part of me bristles a little bit. Were it not for my regard for the author of this bill, and my understanding of his intent, were this to come from anybody other than an opposition member, I'd be far more critical of the bill. Of course I'm going to vote for the bill. If there's anybody here that doesn't vote for the bill, they're not being good Canadians, they're being disrespectful to firefighters. But good grief, firefighters were here on November 28, 29 and 30 for a very specific reason. They weren't here to lobby for Ms Mushinski's feel-good, "Let's scratch them behind the ears and send them home" legislation. As a matter of fact, that was an insult and I was ashamed. Firefighters were in the members' galleries and the public galleries, and in an incredibly cynical and opportunistic move—oh, and are cynicism and opportunism the unique prerogative or in the unique ownership of Conservatives? Of course not. I guess part of politics is seizing the moment, being there at the right time in the right place with the right comments. Because Lord knows if you're not there in the right time and the right place, or if you're there with the wrong comments, then all hell breaks loose. You know that.

**1130**

So of course I'm going to support the bill, and other New Democrats are going to support the bill, just like we supported Ms Mushinski's bill. As I say, I have regard for the author of this bill and for his intent and his motives in putting it forward.

But it's oh so easy to erect a monument to police officers, as they deserve, but then to deny the fact that we have fewer cops per capita now than we did in 1994, when the province was still reeling from a deep recession, when revenues had crashed through the basement. It's also fine, similarly, to proclaim a day for recognition of firefighters—a week, a month, a fortnight. But then to turn our heads to firefighters when they come to this Legislature with some real concerns about staffing, about the power of the fire marshal's office, about the abuse of the managerial exclusions, a power that was created in Bill 84—an abuse that this government was forewarned of; it was the subject matter of a whole lot of criticism during the Bill 84 hearings. The role of the fire marshal and whether or not he or she, that office, will have the real power with adequate staff to perform audits of local firefighting services and make sure those audits have some impact on how those municipalities provide for staffing of those firefighting services was very much at the forefront of debate during the Bill 84 hearings.

Let's not ignore the concern that firefighters had and continue to have about the stupid squeegee bill, which prevented firefighters, along with a whole lot of other good people across this province, from doing the fundraising they do and have done historically, that amounts to millions and millions of dollars a year, fundraising that's incredibly creative, fundraising that involves all of the community, but fundraising that relies most signifi-

cantly on the incredible commitment and the contribution of volunteer time by firefighters. I'm talking about the boot drives. Maybe folks in Toronto—I don't know if Toronto gets a chance to experience those the way we do in small-town Ontario. I was out with the firefighters in Welland when they had their boot drive, and what they do is they take their helmets and boots. It's a very creative form of fundraising—not for themselves; for muscular dystrophy, among other things.

I was proud to stand with them. I praise and credit the Niagara Regional Police for exercising their good judgment at not laying any charges, but I also understand that had there been, for instance, a single complaint from what I call a cranky citizen, the Niagara Regional Police probably would have had no choice but to lay a charge. I also understand that in other communities firefighters weren't as assured as they were in Welland and Niagara that there would be no charges actively pursued, to the point where—again, I'm not faulting those police departments. The job of those cops is to enforce the law. There's the law; they didn't write it. They may, and I suspect they do, agree that it's among the sillier laws that have been passed in this province, or imposed, but their job is to enforce it. So I'm not criticizing the cops.

So here we are, and I join in with the words of praise for firefighters. I know these women and men from down where I come from, and I know a whole lot of them from across the province. I've gotten to know them to know them, and I feel very fortunate for having gotten to know them, during the course of my involvement here at Queen's Park, and very much during the incredible battle over Bill 84, where firefighters organized one of the most effective campaigns this province has ever seen.

Although they didn't achieve all of their objectives, they made some serious impact on the most dangerous elements of Bill 84. But they also raised those concerns about Bill 84 on which I recall government members of that committee saying, "Don't worry about it." What's the line? "No problemo." Well, it is a problem. The matter of managerial exclusions has been being abused in municipality after municipality. Firefighters are saying, "Look, amend the act so that the matter of managerial exclusions can be dealt with" and can only be dealt with in a fair way, in a way that doesn't attack and impact in a negative way on the collective bargaining unit.

A modest proposal, isn't it: the issue of minimum staffing. Firefighters, like our cops, like our correctional officers, are called upon to be very much that front line of community safety personnel. We may, all of us, as taxpayers—and all of the folks across this province are taxpayers of one sort or another—say, "Why do there have to be so many firefighters on duty at that time? Heck, there wasn't a fire, there wasn't a call that day."

But when your mom or dad has the heart attack or the stroke or when your house is on fire and you've got your kids up in their bedrooms on the second floor, you want the biggest damn crew of firefighters arriving as can possibly be imagined. It's of little comfort to see firefighters in the dilemma, understaffed, on their truck

that's first to arrive on the scene, of having to break their own regulations to enter the building—and they do—having to put themselves at risk—and they do. That's how firefighters die. Or they have to perhaps—and firefighters are loath to do this—pause that extra second to try to evaluate the situation. That extra second, as we know—and if you didn't know, read the transcripts from Bill 84 and you will learn that mere seconds count oh so dramatically. Seconds—not minutes, seconds—mean the difference between life and death.

And firefighters do far more than put out fires. Firefighters, as we all know, in every community across this province, as understaffed as they are in almost every community across this province, are there at motor vehicle accidents. They're there in those traumatic injury situations. They're there in those traumatic health crises—heart attacks, strokes—with the defibrillation units, the paddles.

With the screwed-up ambulance dispatch system that this government has imposed on municipalities, it has caused at least two and maybe as many as four deaths down in Niagara region—not because our paramedics don't want to do their job and certainly not because firefighters or other emergency personnel don't want to do their job. When this government screws up the dispatch system, in the context of that, firefighters' role in attending to those health emergencies becomes that much more relevant.

This government's obsessed with giving municipalities the tool box. The tool box is a wrecking bar, a chainsaw. That's what it is. The tool box is new arbitration rules, and the government tried to jig it even more. Thank goodness for the Ontario Court of Appeal, because the government tried to jig that up even more with their appointment of judges as arbitrators. Remember that? It was the SEIU and CUPE decision. And this government's contemplating appealing that decision? I'm not sure that we shouldn't be more concerned about that waste of taxpayer's money, because this government's track record in our courts has not been particularly impressive. I'm hard-pressed to recall a case that they've won. Lord knows, don't send the Attorney General, because we heard the comments that were made about his last appearance in the Supreme Court of Canada. He certainly didn't do anybody proud, did he?

1140

Look, colleagues, friends—if I have any here. I'm not here to develop social relationships. That should be obvious to you folks by now. I'm not particularly interested in them. But listen friends and colleagues. It's one thing and it's oh so easy to stand up and say, let's declare a firefighter memorial day, week, month, fortnight, whatever. Let's cut to the chase here and commit ourselves to talking about those—of course, we should be acknowledging the incredibly important role of firefighters, who, at great risk to themselves and with great professionalism—firefighting has never been more complex and it has also never been more dangerous. The role of firefighters has never been broader in terms of the emerg-

encies they respond to reactively and the work they do proactively, because you'll note that there are fewer fires than there have been historically. That's a result of the firefighter's role in fire prevention. There are fewer deaths in this province than there were 50 years ago from fires and that's because of the firefighter's role in promoting fire safety, fire services that go door to door installing smoke alarms and detectors.

Do all these services deserve to remain unsung? Of course not. But if you really mean what you say, let's be prepared to address those issues that firefighters raised during their lobby efforts here at Queen's Park November 28, 29 and 30. Let's do more than engage in, "Let's make them feel good and tell them oh how grateful we are. Thank you very much, firefighters," and then boot them at the same time. Let's respond to those concerns. Let's have legislation amending Bill 84 dealing with managerial exclusions. Let's have amendments dealing with minimum staffing. Let's have amendments dealing with the power of the fire marshal to make meaningful audits and to make sure those audits are complied with by municipalities. Otherwise, they're irrelevant. That's what firefighters said and that's what the criticism was during the course of Bill 84.

And let's not handcuff our firefighters when they want to do community service like raising money for muscular dystrophy. Let's make sure they don't have to go out there uncovered by any municipal permit, at risk of being busted and uninsured. Let's get down to the real issues here.

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):**

I rise to speak in favour of the bill and I'd like to congratulate the member from Brant, Mr Levac, in introducing this bill. I can see he spent some time in its preparation. I think it is time that we spent a specific day honouring firefighters, and the day he has chosen is the first Sunday in October.

My riding, like many others in this place, is basically a rural community, although there are some urban parts to it. The entire riding consists of volunteer firefighters. I appreciate that the larger communities are full-time fire departments, and I'll let others speak to that, although they do basically the same work. But I would like to address my comments in support of the bill to the volunteer firefighter. I am pleased that Mr Levac has introduced the bill because I think we need to honour those people.

There are many communities in my riding that have volunteer fire departments: Dundalk, Shelburne, Grand Valley, Orangeville, Caledon—it goes on; there are quite a few of them. They all do outstanding work. They literally save us. They save our lives; they save our property; they do things that we should be forever grateful for, which I trust is the main purpose of his bill.

There was a fire just recently in Dundalk, several weeks ago, which we were quite concerned about. It was on the main street; a number of buildings were damaged. There was a seniors' facility nearby that had to be temporarily vacated. Fortunately, the fire didn't affect



them, but the work of the firefighters, from speaking to the local mayor, Don Lewis, and others in the community, was simply outstanding. There have been other fires, and I know we could all tell stories in our communities of fires that have occurred and the wonderful work that is done.

These firefighters do all kinds of things. Some of them have been alluded to by other members. They hold open houses, and the purpose of those open houses is to introduce members of the public to the volunteer firefighters, to show how some of the equipment works, to talk about home escapes—how you get out of a place that's on fire—the inspections that go on. Yes, they're becoming more rigorous, and well they should be. As one of the other members mentioned, probably the number of fires is down, but it's because of the work that's done by these fire departments around our province.

The firefighters are being required to do more and more, with the number of medical calls they do with ambulances. They have to go on training courses continually. They go away and spend time out of their own—they're leading two lives. They have their regular job, and then they have the life of a volunteer firefighter, and they take time off from work and time off from the family to go and take courses. Then they come back and educate the other firefighters and other people in the community.

I spoke to one member in my riding, Bruce Beatty, who's a volunteer firefighter in Orangeville, and he said he wanted me to mention one thing. That was the topic of green lights, which were recently introduced by this government, and that if you see a car with a green light on it, it's not mandatory, but members of the public should be aware that that is a firefighter who's going to a fire or going to the fire hall to serve maybe even your own house. He thinks the public should be made more aware of those green lights, as do I.

I've attended functions all throughout my riding honouring these people, people who have spent 25 years or more performing this wonderful service to their community. I congratulate the member for Brant. As has been said, I can't believe anyone's going to vote against this, but I congratulate him for the initiative he's taking in bringing this bill forward.

**Mr Rick Bartolucci (Sudbury):** I stand in support of Bill 107 and thank the member for Brant, Mr Levac, for bringing it forward. I also stand in my place today and challenge the government, the Ministry of the Environment and the Solicitor General's department, to investigate a very serious occurrence that took place at an Inco dumpsite blaze. It started on October 27; it was put out on October 29. Some 31 firefighters were involved. The Ministry of the Environment was asked to come to the site to identify the toxins that were burning. They refused. At the beginning of November, the fire chief from Sudbury sent a letter to the Ministry of the Environment asking for the opportunity to sit down to have a debriefing so that these 31 men can understand what type of chemicals they were fighting. To date there has been no response.

I simply challenge this government, if you support this bill, support it by your actions. Make sure that the Ministry of the Environment sits down with the Sudbury professional firefighters. Make sure those 31 people who want to know what they were fighting at least have some closure to this fire. I challenge this government to not only talk the talk today, but to walk the walk.

I commend and thank the Sudbury professional firefighters for the excellent work they do. Chris Stokes, Marc Leduc, Mike Ouellette, Mike O'Reilly and Danny Stack are only some of the executive who ensure that our community is protected. I challenge this government to live up to their obligation.

**1150**

**Mr James J. Bradley (St Catharines):** I will be supporting this resolution of course. I think it's most appropriate that we recognize firefighters with this particular bill, which is An Act to proclaim Firefighters' Memorial Day.

I was very pleased when we saw a move in that direction with the police officers. We had a police memorial erected where the provincial government followed the lead of the federal government of a number of years ago. I think it was 1993 that the federal government erected a police memorial and the provincial government dud so last year. I was pleased with that. I was in attendance at that.

I think a memorial day for those who are involved in firefighting is very important, but there are so many other issues that we must deal with in terms of firefighters in this province. We have to remember those important issues. We know it's a very dangerous job. Anybody who has watched firefighters in action has to admire the fact that they're going into danger at all times. You simply don't know what you're dealing with when you're dealing with fire, what is inside the building you're going into or the vehicle you're going into.

They confront very difficult circumstances. In a fire or in a drowning situation or any kind of accident that happens, they are often the people who are there to help to extract people who are very badly injured or who may be deceased. It has to be very difficult for firefighters, both psychologically and physically, to do the job they do. We thank them very much for that.

But we must recognize the issues they've brought to our attention on their day—we call it lobbying here—when they came to speak to us about issues such as their voluntary action in the community. They are great fundraisers. They are really people dedicated to the community in so many different ways. The squeegee bill has had a negative effect on them, for instance, because they're unable to do what they used to be able to do with the special fundraising they had in that particular circumstance. So I want to urge the government to look at all of the issues that are important to firefighters in this province.

I intend to support this bill because I think we should pay tribute to those who have lost their lives in the defence of others and in trying to save others.

**Mr Gerry Phillips (Scarborough-Agincourt):** I will be supporting the bill by my colleague Mr Levac. I think it's important to recognize those who have given their lives, but it's also an opportunity to recognize those who have risked their lives.

I'll just give a brief personal experience. My wife and I and our family live in an old farmhouse. It's 160 years old now, a wooden structure. I think it was 15 years ago, on Christmas Eve, the coldest Christmas that I can ever remember. We were going to go out to a friend's house for Christmas Eve dinner. My mother-in-law wasn't feeling well so my wife stayed home with her. Fortunately, we have smoke alarms in our house. The smoke alarm went off and there was a fire building very quickly in our garage. Remember, this is a wooden structure. This was about 10 o'clock on Christmas Eve. We were very fortunate. The fire truck was just backing back into the hall, having been out at a call. Fortunately, we live close to the fire hall. The call came in and the fire truck was there probably in about 30 seconds and they saved the house.

My point is this: first, while I was out enjoying Christmas Eve and warm and comfortable in a house, there were our firefighters again working Christmas Eve. They had just returned from another fire and, as I said, without a question of a doubt, they saved our house, so we still live in it, fortunately, and it's now 15 years older, and 15 years better I might say.

I wanted to particularly salute the firefighters—at the time the Scarborough firefighters, now the Toronto firefighters—and say from personal experience how much the community appreciates what they do. Nothing could perhaps be more symbolic than Christmas Eve, as the rest are enjoying the festivities, there our firefighters are on duty, standing by and protecting us. From first-hand experience, our family has benefited enormously, so I obviously will support the bill. As I said, it is an opportunity to pay tribute to those who have lost their lives, but also to recognize those who continue to risk their lives for us.

**Mrs Sandra Pupatello (Windsor West):** I want to congratulate the member for Brant for bringing the bill forward today in a very honest fashion, allowing us the opportunity to discuss once again what the real issues are for firefighters across Ontario.

On behalf of the constituents of Windsor West, I congratulate our own firefighters from Windsor who work diligently, not just fighting fires and saving lives, but also working in the community on a regular basis.

I marvelled when the firefighters were here last week, coming to lobby MPPs, in particular the government MPPs, about what the real issues are in terms of allowing them to do their job better. One of the items that struck me most was that if the government members were truly interested in being supportive of what firefighters do day in and day out, they would review the office of the fire marshal, so that when we have instances like we had in Midland, when firefighters are at a service level that doesn't allow them, in their opinion, to do their job like they want to do it, that actually puts a firefighter at peril

when he goes and responds to a call—those are very real issues for firefighters. I don't want to have to add to the list of those firefighters that we memorialize because we've lost lives because they spent the time for us fighting fires and we could have made the difference in allowing them to have the kind of fire service levels available in municipalities across Ontario that do right by the public.

Does the public have a right to know that their municipality has the right level of fire service? This is the role of the fire marshal. This, I contend, is what the fire marshal is not doing across Ontario today.

There are many other issues in the area of the health and safety of our firefighters. When our firefighters have to do battle repeatedly with the Ministry of Labour when there are issues over fires that have caused the illness in our firefighters, where we have an unprecedented level of a certain type of cancer among our firefighters and they go forward to the Ministry of Labour and say, "Please consider what you will look at as obviously work-related injuries"—we shouldn't have to fight and do battle with the government when it seems so clear that we as a government want to be supportive.

I applaud our member for bringing this forward, and even the member opposite who last week brought forward a private member's bill. But when the rubber hits the road and we are truly interested in helping our firefighters do their job, we have to discuss the very real issues that they face every day, through the fire marshal's office, through health and safety regulations for the very people who are saving our lives.

**The Deputy Speaker:** Response.

**Mr Levac:** I'm humbled and very pleased with the comments from the members from Simcoe North, Kingston and the Islands, Barrie-Simcoe-Bradford, Prince Edward-Hastings, Niagara Centre, Dufferin-Peel-Wellington-Grey, Sudbury, St Catharines, Windsor West and Scarborough-Agincourt. I'm truly humbled by their comments and I appreciate the fact that they do recognize that this is simply a bill so that all of us could get around to saying thank you to our firefighters.

I have done my homework and I want to make it perfectly clear to the members of the House, in case they don't think so, that I have gotten responses back since I've introduced Bill 107, and the comments to me have been very clear and plain, from the fire chiefs, from the communities, from the mayors, from the firefighters themselves: they only want one day. That's all they've asked for. That's all they deserve. As a matter of fact, they didn't ask for it; they haven't asked for it. I'm presenting it and their feedback to me has been that they only want a day.

I want to make another comment. Earlier I had said something about the thermal imaging machines that we've been able to purchase in Brant—a total of six for our entire riding. I was informed just a couple of months ago that though thermal imaging has multiple uses, we actually have had confirmed by a couple of our firefighters that a life was saved with the use of a

thermal imager. I would challenge the ministry, I would challenge the government, to ensure that every single fire department in the province of Ontario has a thermal imager as part of its standard equipment across the province. I think it's necessary and I think it's needed.

I want to thank the member from Niagara Centre and the member from Windsor for their challenges. These challenges are important to take up. As much as this is strictly just a day to honour our fallen firefighters and their families, we need to start from here and move forward with correcting the problems that have been pointed out. The member from Barrie-Simcoe-Bradford wanted to take credit for an awful lot of the goods; I didn't hear him stand up and say that there were some problems that needed to be corrected. As has been pointed out from this side of the House and by the firefighters themselves, we need to do more in this Legislature to ensure the safety of the citizens of Ontario.

**The Deputy Speaker:** This completes the time allocated for this ballot item.

#### CANCER TREATMENT

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 53. Mr Tascona has moved private member's notice of motion number 32. Is it the pleasure of the House that the motion carry? Carried.

#### FIREFIGHTERS' MEMORIAL DAY ACT, 2000

#### LOI DE 2000 SUR LE JOUR DE COMMÉMORATION DES POMPIERS

**The Deputy Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 54. Mr Levac has moved second reading of Bill 107. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, this bill will be referred to committee of the whole House.

**Mr Dave Levac (Brant):** I seek unanimous consent that Bill 107 be sent to the justice and social policy committee.

**The Deputy Speaker:** Agreed? Agreed.

All business relating to private members' public business now being complete, I will leave the chair, to return at 1:30 of the clock.

*The House recessed from 1201 to 1330.*

#### MEMBERS' STATEMENTS

##### BRANT WALK OF FAME

**Mr Dave Levac (Brant):** On Tuesday, December 5, I was honoured and privileged to co-host an event in my riding of Brant that I would like to bring to the attention of this House and to the citizens of Ontario. Having

founded and chaired the annual Walk of Fame, I am pleased to announce that we have completed the fourth instalment with three more very worthy inductees.

Mr Pat Goddin, born and raised in Brantford, now living in Paris, Ontario, is a six-time world champion wood carver of waterfowl. He's the Wayne Gretzky of this delicate, fine art form.

The Cockshutt family virtually revolutionized the farm implement industry and helped build Brantford from the bottom up during the Industrial Revolution. The family produced mayors, councillors, a Lieutenant Governor and provincial members of Parliament, all to the betterment of Brantford.

Finally, we honoured no less than 23 Olympians and para-Olympians from the past century, starting with Tom Longboat from the Six Nations, to Kevin Sullivan, our 1,500-metre track and field Canadian champion.

Our previous inductees include such notables as Doug Jarvis, the Ironman of the NHL; Dr James Hillier, scientist and inventor of the electron microscope; comedian Phil Hartman; Alexander Graham Bell; poetess Pauline Johnson; Arnold Anderson, a local sports radio broadcaster for over 50 years; Brantford's favourite father and civic booster, Walter Gretzky; and finally, Dr Emily Stowe, the first female doctor and principal in Ontario. The list goes on: Wayne Gretzky and others will be included.

The riding of Brant has proved itself to be a hotbed of talent, innovation and endless possibilities.

#### MUNICIPAL RECOGNITION AWARDS

**Mrs Julia Munro (York North):** Last week I attended the town of Georgina's municipal recognition awards in my riding of York North. The awards pay tribute to volunteers who have made a significant contribution to the municipality. The following people were presented with awards: Paul Harpley, for arts and culture; Henry "Bill" Kasper, sports mentor of the year; Doris Baker, senior citizen award of merit; Debbie Gordon and Yvonne MacKinnon, special recognition; Dalton Mercer, service recognition; Kaelea Campbell, junior citizen of the year; and Anne Pegg, citizen of the year.

Anne Pegg's award of citizen of the year is well deserved. Her list of community involvement and commitment is a long one. Her most recent volunteer activity is with the Trillium Foundation as chair of the grant review team. "Rewarding and educational" is how Anne describes her years of volunteer commitment.

Anne Pegg and the other recipients of the Georgina municipal awards are examples of why next year has been declared International Year of Volunteers. Volunteers from around the globe are gearing up for next year's celebration. The United Nations General Assembly declared the year to promote the activities of volunteers everywhere and to encourage many more people to donate time and energy to a worthy cause.

Congratulations to the recipients of the 2000 Georgina municipal recognition awards.

## LABOUR DISPUTE

**Mr Dominic Agostino (Hamilton East):** I rise again in this House to speak about the plight of the 200 community care case managers in the city of Hamilton who have been out on strike now for nine weeks as a result of this government's underfunding of home care in the Hamilton area. These 200 people deal with hospitals and discharge planning. They ensure people get the care they need in their home.

As a result of the strike, we've had emergency room meltdown in the city of Hamilton, we have hospital backlogs, we have longer stays, and this government continues to refuse to acknowledge the plight of these 200 people who do a tremendous job in our community. The reason they're on strike is that they are being paid less than other workers who do the same work in neighbouring municipalities. The reason they are on strike is because their caseloads are larger, because their working conditions do not allow them to deal with the people they are helping in our community.

This government has put blinders on, their heads in the sand. They have continued to ignore it. Nine weeks on the picket line while the health care crisis in Hamilton continues, while there's chaos in our hospitals, while there's chaos in emergency rooms. These people want to be back doing the job they're supposed to be doing; that is, helping people.

What makes it worse is that the CCAC management has brought in scab labour, scab workers, to try to do the work of these 200 trained professionals. They think nine or 10 clerical people can do the work that these people who are here in the audience today should be doing. It is a disgrace that that has happened. It is a disgrace that this government has allowed the strike to go on. I urge Elizabeth Witmer today to come to the table with the money necessary to properly fund the CCAC and get these people back to work where they belong, helping patients, and not on the picket lines, and to get those scabs out of the Hamilton office.

## BOWMANVILLE ZOO

**Mr John O'Toole (Durham):** I'd like to invite the people of Ontario to visit my riding of Durham over the holiday season to witness something truly unique and fun for the whole family. Throughout December and into January, the Bowmanville Zoo is putting on a festive show with a bit of a twist called The Animals' Gift: Christmas in the Stable. This is a one-of-a-kind play featuring 50 of the zoo's animals and their trainers, Marcia Hendrickson, Jackie Borosa, Ted Strikwerda, Brad St John and Chris Vanderkooi.

Last year when Bowmanville Zoo owner Michael Hackenberger and the show's manager, Kelly Whitlock, staged this production, it attracted some 6,000 people over a one-month period. This season, even more people are expected to see this one-and-a-half-hour-long production of the original Christmas story.

Furthermore, I'm proud to report that the Ontario Ministry of Tourism has provided \$7,500 in funding for

the Bowmanville Zoo production through the Ontario Tourism Event Marketing Partnership program. The Bowmanville Zoo, established in 1919, is the oldest privately owned zoo in Canada, and several of its animals have appeared in films and television. The tourism program is designed to help increase attendance at a variety of community events in Ontario, which, as we know, helps local and regional economics and therefore benefits all the province.

I enjoyed the show myself. I invite everyone to participate this winter.

## MUNICIPAL RESTRUCTURING

**Mr Rick Bartolucci (Sudbury):** Shortly after our area was ordered to restructure into the city of greater Sudbury, I expressed concern to the Minister of Municipal Affairs and Housing that, as is usual with the Harris Tories, ideology would take precedence over people and that funding needed for this transition would not be forthcoming.

While the Tory experts estimated restructuring costs to be \$12 million, the reality is that restructuring in my community has cost \$24 million. One year ago, I wrote to the minister asking him to treat the people of my region fairly. I pointed out that he had given the city of Toronto \$250 million for restructuring costs, and Chatham and its surrounding municipalities \$22 million in order to cover restructuring costs. I asked that my citizens, my community, be treated fairly. To date, I have not received a reply from the minister saying that he would do that.

Last June, the Tory-laden and -appointed transition board wrote a letter requesting that the minister cut a cheque for \$24 million. To date, no cheque has been cut; no response has been made. In a few days from now, Minister Clement will be attending the inaugural meeting of the city of greater Sudbury. I challenge this minister to bring with him a cheque for \$24 million to pay for the Tory municipal experiment in restructuring in Sudbury.

My community cannot afford \$24 million for your experiment. That \$24 million would pay for the David Street pumping station so that southern residents would be able to drink clean water; \$24 million would pay for the community share of our hospital restructuring, which is in a mess because of this government; and \$24 million would pay for infrastructure costs, much needed in my community. My community cannot afford your experiment any longer.

1340

## LABOUR DISPUTE

**Mr David Christopherson (Hamilton West):** I rise today to join with my colleague from Hamilton East in condemning this government in your Pontius Pilate-like attitude toward the strike of 200 workers at the CCAC in Hamilton. I would point out it is exactly the same attitude you've taken toward teachers. The fact is that you control all the purse strings, you control all the legislation, and yet whenever we have major disruptions and turmoil in

our communities, you say it's up to local entities to solve the problem. The fact of the matter is that you've underfunded community health care. You've underfunded our education system. You are the cause of all of these strikes.

Further to that, at the Hamilton CCAC we now have scabs. Prior to your taking power, there were laws in Ontario under the NDP that prohibited scabs. They were illegal. You have now made it possible for this unnecessary, unwanted strike to continue. There are 200 workers, many of whom are here in the gallery today to look you, Minister, right in the eye and say to you that you have an obligation. This is your failed managed competition system. It's your failed funding system that has caused these workers to be out on strike. All they ask for, all they're seeking here today, is fairness and justice, and all they receive from you is the back of your hand.

This government has an obligation. Given that you created the problem, that you are the one who has put Hamilton patients as well as these Hamilton workers into the situation they're in, you have an obligation to provide a solution, and that solution is money. We know the hospital system is in crisis, emergency wards are in crisis, and this strike is just adding to that. You have an obligation to step in and provide adequate funding for community health care, just as much as you have an obligation to step in and provide health care funding for hospitals.

I'm pleased to stand here for as long as I can—

*Interjections.*

**The Speaker (Hon Gary Carr):** Sorry about that. It would have been a long afternoon if somebody hadn't stepped forward. Thank you.

#### AIMING FOR THE TOP SCHOLARSHIPS

**Mr R. Gary Stewart (Peterborough):** I rise today to show my appreciation for the hard work and academic achievement by the Aiming for the Top tuition scholarship winners in my riding and across the province. I am very impressed with the average mark of scholarship of almost 88%, and I understand that more than 1,500 winners graduated with marks of 90% or higher. The dedication and quality of the recipients certainly are reflected by these marks.

Our government is committed to helping every willing and motivated student to receive a post-secondary education. Aiming for the Top is a new Ontario government program that recognizes hard-working students who earn top marks. I also would like to acknowledge the role played by the parents, teachers and principals who helped the students achieve this award.

Please join me in congratulating this year's Aiming for the Top tuition scholarship winners.

#### DOCTOR SHORTAGE

**Mr James J. Bradley (St Catharines):** As each month passes, the doctor shortage in St Catharines and Niagara becomes more acute. For individuals whose

family doctors have retired, fallen victim to illness themselves, passed away or moved to a new location, their situation becomes a genuine crisis as they attempt to enlist the services of a diminishing number of physicians, many of whom are simply unable to accept new patients.

At last count, the Niagara region was short at least 78 physicians, including both family doctors and specialists. An objective and accurate assessment would likely reveal that many doctors resident in Niagara are approaching the normal age for retirement and, for some, this point is only a few years away.

Hospital emergency wards and walk-in clinics are the only option for people who do not wish to or are unable to travel beyond the borders of Niagara to receive health services from a family physician or the services of an ophthalmologist or other specialist.

Ontario must begin to graduate far more physicians, surgeons, family doctors and specialists to meet the urgent needs of a growing and aging population, and special incentive programs must be accelerated and expanded to encourage these essential medical practitioners to locate in St Catharines and Niagara. If this requires a substantial investment of funds, forget about further politically attractive tax cuts for the rich and devote government revenues to an area that surely all residents would consider to be essential.

#### ST THERESA'S HIGH SCHOOL

**Mr Garfield Dunlop (Simcoe North):** I'm pleased to inform the House of a very pleasant experience I had when I visited St Theresa's High School in the town of Midland last Friday. At the invitation of school principal Richard Pressé, I was able to spend the morning. With keen interest, I toured the school with Principal Pressé. I discussed technical programs and the shortage of skilled tradespeople with instructors Richard Belanger and Mark Stewart. I visited the cafeteria, where students work in a co-op program preparing food for the students and staff. I was able to have a round table discussion with president Katie Breckbill and her student council and their teacher adviser. I was able to spend time with representatives of the parent council. I was able to meet with teacher Sean Mei and visit his very unique audio and video studio, where students make their own recordings and have their own cable TV show, STTV. I was able to spend time with teachers who told me first-hand their concerns with extracurricular work.

St Theresa's is a school growing at a rapid rate, I believe because of the school spirit and bonding and the highly motivated and professional staff. Parents in the Huronia region of my riding often choose St Theresa's as the school they prefer their children to attend. After experiencing an expansion only two years ago, already the growth has meant the school is at full capacity with an additional 26 portables this fall.

The purpose of my visit was very simple. Everyone wanted me to see first-hand the growth that was occurring and problems the school was experiencing with

reforms to education. However, they painted their picture in a very professional manner, using constructive criticism and suggestions for improving our system. I've been invited to return to the school in the new year and plan to do so. In the meantime, I thank Richard Pressé, his staff, his students and his parent council for allowing me the opportunity to visit St Theresa High School.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mrs Julia Munro (York North):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 101, An Act to promote snowmobile trail sustainability and enhance safety and enforcement / Projet de loi 101, Loi visant à favoriser la durabilité des pistes de motoneige et à accroître la sécurité et les mesures d'exécution.

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

## INTRODUCTION OF BILLS

### NIAGARA ESCARPMENT PROTECTION ACT, 2000

#### LOI DE 2000 SUR LA PROTECTION DE L'ESCARPEMENT DU NIAGARA

Mr Murdoch moved first reading of the following bill:

Bill 157, An Act to revise the law relating to the Protection of the Niagara Escarpment and the Surrounding Wetlands / Projet de loi 157, Loi révisant la loi concernant la protection de l'Escarpement du Niagara et des terres marécageuses environnantes.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** It's my pleasure to introduce the Niagara Escarpment Protection Act, 2000, to the Ontario Legislative Assembly. This act, if passed, will allow the Minister of Natural Resources to designate the Niagara Escarpment and surrounding wetlands as a natural area of each municipality within the area, if the designation approves. When the minister makes a designation, the Niagara Escarpment Planning and Development Act is repealed.

Development of the natural areas is prohibited unless the municipality where the land is situated approves. Then this development must be approved in this House. Basically this act abolishes the Niagara Escarpment Commission, a move I believe should have happened years ago. Abolishing the Niagara Escarpment Commission will save the taxpayers of this province over \$4 million, and this money in turn could be used to buy the land. In short, this is a common sense bill and it should have been used a long time ago.

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### MARRIAGE AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LE MARIAGE

Mr Murdoch moved first reading of the following bill:

Bill 158, An Act to amend the Marriage Act / Projet de loi 158, Loi modifiant la Loi sur le mariage.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** It's my pleasure to introduce the Marriage Amendment Act, 2000. This act, if passed, will create a new position in the province of Ontario: a marriage commissioner. I don't know if many of my colleagues are aware of this; however, it is difficult if not impossible to have non-denominational marriage ceremonies performed in rural and northern Ontario. That is why I've introduced this act. Through it, six marriage commissioners will be appointed in each of the 103 electoral districts in Ontario by the Lieutenant Governor in Council. These commissioners will be able to perform marriages during their three-year term, much like justices of the peace performed marriages in the past.

Marriage is a sacred institution. It should not be entered into lightly, nor should it be any less of a celebration of a life-long union. A religious ceremony has always been an option in this province. Up to a few years ago a non-denominational ceremony was also an option. The Marriage Act will restore this second option to the people of Ontario.

### PERSONAL HEALTH INFORMATION PRIVACY ACT, 2000

#### LOI DE 2000 SUR LA CONFIDENTIALITÉ DES RENSEIGNEMENTS PERSONNELS SUR LA SANTÉ

Mrs Witmer moved first reading of the following bill:

Bill 159, An Act respecting Personal Health Information and related matters / Projet de loi 159, Loi concernant les renseignements personnels sur la santé et traitant de questions connexes.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** I will be making a statement during statement time.

**Ms Marilyn Churley (Toronto-Danforth):** On a point of order, Mr Speaker: I wish I had been able to tell you about this beforehand, but if you'll just give me a second here, a senior professor at the University of Toronto made a chilling comparison of women who came out to mourn the 14 women murdered in Montreal to the Ku Klux Klan. I want to say that people who nurture this kind of hatred toward women are as dangerous as the man who pulled the trigger and should be sanctioned.

I'm asking for unanimous consent for the Minister of Colleges and Universities to condemn these comments on behalf of all of us in this Legislature.

**The Speaker:** The member is asking the minister to make a statement. Agreed? I'm afraid I heard some noes.

#### VISITOR

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: I'm pleased to introduce, in the west members' gallery, Daniel Di Cocco, who is the son of our colleague Caroline Di Cocco from Sarnia-Lambton. Welcome.

### STATEMENTS BY THE MINISTRY AND RESPONSES

#### PERSONAL HEALTH INFORMATION PRIVACY LEGISLATION

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** I rise in the house today to introduce a piece of legislation that is critical to the inherent right of each and every Ontarian to be assured of privacy and accessibility when it comes to their own personal health information.

Before I continue, I would like to express my thanks to Phil Jackson, Jutta Auksi, Gilbert Sharpe, Liam Scott, Halyna Perun, Mary Marshall, Carole Appathurai and all of their colleagues in the Ministry of Health and Long-Term Care for their very hard work in bringing us to where we are today.

Today I'm pleased to introduce the Personal Health Information Privacy Act, PHIPA. This legislation is necessary to protect the privacy and confidentiality of people's health information in a modern and much more integrated health care system. Perhaps no information about individuals is more sensitive than their personal health information. That's why we need clear rules in place, rules that tell people how their personal health information will be protected, rules that tell people in the health system what steps they need to take to make sure the information is used at the right time and only under the right circumstances, for the right purposes.

Our government is moving forward with some of the most significant and necessary reforms to the delivery of primary care services ever undertaken in this province. We are moving toward a better patient-centred system of care, where doctors, nurses and other health professionals will be available 24 hours a day, seven days a week.

Our primary care reform and modernization will manifest itself in a wide variety of services, including smart systems, hospital report cards and the new Tele-health Ontario service. The end result will be a system that offers Ontarians easier and more convenient access to health professionals.

The Personal Health Information Privacy Act is the cornerstone for primary care reform. The health sector has unique, specialized needs when it comes to the sharing of patient information, needs that are fundamental to the provision of quality, seamless care, to research into new treatments and cures, and to better integration of health services among health service providers.

We have heard from the health care community about the need for health service providers to have the information they need to deliver the best possible care for patients. We have also listened to health professionals and providers who have raised some very valid concerns about the federal privacy legislation, Bill C-6. They have told us that the rules that apply to buying books on the Internet will not serve patients well in an emergency room.

That is why our government has developed this legislation: to ensure the protection of individual privacy as we move to a reformed and enhanced system of effective, integrated health care. This marks the first time in Ontario that a consistent and comprehensive approach has been taken to protect personal health information that is collected, used and disclosed within the health system.

Indeed, it may interest people in this House to know that 20 years ago an Ontario royal commission actually called for these comprehensive reforms. In fact, both the current and the former Ontario privacy commissioners and our opposition health critic have called for comprehensive legislation. Our government is now responding to these demands.

These efforts support our government's commitment to strengthen the rights of all Ontarians to access complete health information, including records and test results, but also to ensure their privacy concerning their own personal health and personal health records.

The legislation I'm introducing today addresses a number of key objectives, including protecting the confidentiality, the privacy and the security of personal health information for each and every Ontarian; ensuring that patients have a right to access their health records; improving the quality of care for patients by ensuring that their personal information is available to the health professionals treating them; improving health system integration for continuity of patient care; improving health system management and performance measurement, and the prevention of fraud; and finally, maximizing the benefits of health technology and other health system resources.

To create this legislation, we have conducted a series of extensive consultations that began in June 1996, when we first distributed a consultation paper entitled *A Legal Framework for Health Information* and launched regional round table meetings.

In November 1997, we released a draft act for discussion entitled *Personal Health Information Protection Act, 1997*, and again, there were further regional round table meetings.

**1400**

A third and final round of consultations took place this fall, led by John O'Toole, the parliamentary assistant to the Minister of Consumer and Commercial Relations, on my behalf. At that time, we distributed about 5,000 copies of a policy document entitled *Proposed Personal Health Information Privacy Legislation for the Health Sector*. I am very pleased to say that we did hear numerous presentations and we received more than 100 written submissions in response.

We have met with professional associations, physicians, nurses, psychologists, health service provider associations, regulatory bodies, researchers, advocacy groups, privacy and health law consultants, affected groups and, most importantly, members of the public. This is an exhaustive list and it is indicative of the extent to which we have sought advice in drafting this piece of legislation. To introduce this bill at this time will provide us with the opportunity for further consultation. It will give us another opportunity to hear from Ontarians about this important government initiative.

It is critical because it will ensure that effective protections are in place when health information needs to be shared to provide better patient care. It is critical, above all else, because it will strengthen the confidentiality and the security of personal health information.

**The Speaker (Hon Gary Carr):** Responses?

**Mrs Sandra Pupatello (Windsor West):** We have to say at the outset, when the government rises in the House to talk about bringing in legislation to save the public, to try to protect the public's privacy, we have very grave concerns.

Let's do just a brief history since I've been in the House, where we had a Ministry of Health—the same administration that is speaking in the House today—whose own minister had to resign because a member of their staff released information about a doctor's salary: a matter of privacy, released for all the world to see, and we could read about it in the pages of the *Globe*.

Not too distant from then, we had a minister of corrections who was forced to step aside because from this same government administration we had members of staff preparing documents to be read into the record, so that our Lieutenant Governor could stand in the House and read the names that identified young offenders.

Fast-forward a couple of years and we have this same offence being committed by the same government under the same administration where, just Monday of this week, the member for Northumberland resigned his post as parliamentary assistant because he created an offence

by naming young offenders in this House—again, an issue of privacy. To add to that, the Minister of Correctional Services—again the same ministry making the same error in releasing private information—steps aside and is forced to resign.

**Mr James J. Bradley (St Catharines):** And POSO.

**Mrs Pupatello:** Let's talk about POSO. We all remember where we were stunned to learn that thousands upon thousands of names and account balances under the Province of Ontario Savings Office, the bank of the province, were released to a private firm in order to do polling. The only way that came to light was when members of the public, with their account balances, received a call. They said, "How and why is my private information being released to a private company?" This is the same administration under Mike Harris.

Let's not forget the Ministry of Transportation, which released thousands upon thousands of names of drivers and licence information to, again, a private company, the same kind of privacy information that ought not to be in some hands. This is the same administration that stands in the House today.

May I say, there were over 180 submissions when this first draft came forward in 1997 and most of those submissions were highly critical of what the government was proposing in the area of protecting the privacy of individuals. It is this Ontario government that requested to be exempted from the federal legislation around privacy. It is this administration that said, "We've got to hive off the chunk relating to health," because this government wants something to do with private information about its citizens in the use and delivery of health services, and we ask why. Today, like never before in the province of Ontario, we have the advent of private companies in the area of health care delivery. I ask the question to the Minister of Health, what information will be flowing from my personal records to private companies that I won't be aware of? There are a host of questions that we have to ask.

The record of this government is not good to be bringing this forward. It is not a record where the public will say, "I trust Mike Harris with my personal information." That is not how the public feels. You've been caught on a number of counts through a number of ministries without having any regard for private information. Just this week, when we asked a member to withdraw remarks immediately when they were made, that member stood with a big grin, "No, no, I am not withdrawing," without even realizing the force with which he had broken the law, and it wasn't the first time within this same area that a law had been broken.

This is the government that today wants us to believe that they have the best interests of the public at heart in advancing this kind of legislation? I think not. The public is going to want to know, line by line by line, what it is proposing we do with private, personal medical information. Just this week a doctor expressed concern under the ODFC disability form that doctors sign chits for transportation. A different minister, yes, but nevertheless still a point, that by signing a transportation chit in order to



pay for transportation, we identify the kinds of illnesses that these people who are on disability have.

If it is truly the intent of government to protect the privacy of individuals, it ought to flow across all ministries of this government. I look forward to intense scrutiny of this bill with the many groups that are going to want to see line by line exactly how we, the public, will be defended by the laws of Ontario.

**Mr David Christopherson (Hamilton West):** I want to begin by joining my colleague who just raised the issue of the history of this government and your track record in dealing with privacy information. I won't repeat the very full list of infractions that this government has already committed with regard to the sanctity of citizens' personal information, both the moral issue and the legal issue.

I remind members of the government that with regard to the Province of Ontario Savings Office scandal, you still have stonewalled any attempt on the part of the opposition to force you to comply with the privacy commissioner's request for certain powers so that a complete review can be undertaken of what exactly happened in that case. To date, we have still not seen this government act.

You're far too comfortable in allowing things to be brushed under the carpet. It wasn't until there was a leaked story in the *Globe and Mail* that the whole issue of Ontarians' personal financial information being leaked was brought to the attention of the public. Where is your response to our demand that you give the privacy commissioner the powers needed to review this, not in some political witch hunt, but to determine what happened and make sure it doesn't happen again? Yet, you expect us to believe that you have the interests of Ontarians at heart when we're dealing with information arguably that's second to none in terms of its importance. You've already got a track record of divulging citizens' financial information. What on earth would lead the people of Ontario to believe that you're going to treat their medical information with any more sanctity?

Further to that, if this is all about the citizens of Ontario and it's all about patients, and you make reference to what you committed to do in the Blueprint, where is your patients' bill of rights? Marion Boyd, a previous member of the NDP caucus, presented to you in this House a number of years ago a patients' bill of rights that set out all the things that you say you want to give to Ontarians in terms of protection, and yet you've done nothing. Where's the patients' bill of rights? What's holding it up? Why are you not completing the job that's at hand?

**1410**

Further, there are some real concerns—and we're going to be looking very closely at this legislation—with regard to what you're doing by regulation. This government has shown a serious inclination to move things out of the legislative side, which means taking it off the floor of the Legislature, and putting it into the regulative side of things. Regulations, as we all know, are passed in cabinet, in secret, behind closed doors.

So first we want to make sure the protections are in place in the law that ultimately passes in this House, but we also want to make sure that the law is structured in such a way that you can't change the protections that are in there by regulation, which you've already got a track record of doing.

We also share with the Registered Nurses' Association a serious concern that all personal information needs to be captured by this legislation. We can't afford to leave anything out. If anything, the experience of this government shows us that we need to have an airtight law that covers our medical information regardless of who collects it or where it comes from. To date, given the fact that we only had about 10 minutes to deal with this prior to coming into the House, we don't know whether those kinds of protections are in this legislation, but we are going to be looking very closely to ensure that you do cover that off.

Lastly, let me say to you that we know there are serious concerns about the ability to receive consent from those who are incapable by law of providing it for themselves. We need to ensure that there's a process that works for those individuals and that the family members or the caregivers are a part of that decision-making, and again we'll be looking very closely at your legislation to ensure it does that.

In summary, let me say that the NDP caucus is quite prepared to participate in a non-partisan way to look at developing this legislation. Whether or not you can do that on this issue, given your track record, remains to be seen.

## ORAL QUESTIONS

**The Speaker (Hon Gary Carr):** It is now time for question period.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: We were given to understand that the Minister of Labour would be here for question period today.

**The Speaker:** I believe I did see him wandering around here. We'll just maybe take a minute for the Minister of Labour. Here he comes.

## LABOUR LEGISLATION

**Mrs Sandra Papatello (Windsor West):** My question is for the Minister of Labour. The minister is probably aware, as all members of the government side are, of the Premier's intense focus on family. The Vanier Institute of the Family had a release just this past November 20, and the question they ask is, "Who Has Time For Children?" As the Vanier Institute describes in it, with today's life, busy working parents have less and less time for their children.

I'd like to ask the Minister of Labour, in your bill that you've introduced in the House and that we are now debating, how does the possible extension of the work-

week to 60 hours by employers for their employees make life easier for families and their children?

**Hon Chris Stockwell (Minister of Labour):** If the individual does not want to agree to work more than 48 hours, they don't have to.

**Mrs Pupatello:** I think that you as a minister, of all ministers in the cabinet, probably know what it's like to be told what to do by your boss and have to do it.

What becomes clear is that this bill you've brought forward that, among other things, extends the potential of the workweek to 60 hours for those individuals who work in a non-unionized environment and don't have the luxury of reviewing their contract, of having union representatives follow that they're working the regulated number of hours as prescribed by a contract—those in a non-unionized shop, in particular young people, in particular women, in particular new Canadians, don't have that luxury. They already struggle in the workplace to be able to say no.

Your bill says "voluntary" throughout, but the reality in the workplace, in these kinds of workplaces, is that it's hard to say no, and in fact they feel intimidated and have to work. So the impact on the family and children in particular is great.

To the minister, I ask you again: for young people, for women, for new Canadians, how does your extension of the workweek to 60 hours help these people?

**Hon Mr Stockwell:** First off, I enjoy taking orders from my bosses, all 103,000 of them who live in Etobicoke Centre.

Further, we've put some big teeth into this bill when it comes to inspections. We've given more power to the inspectors to spot-audit, to audit when an anonymous tip comes in from an employee. We've given them powers to reinstate. We've given them anti-reprisal powers. These are powers that the unions have been asking for for decades.

So if you're telling me that there isn't anything in here the unions asked for—there is. They asked for powers to be implemented for the inspector to reinstate, anti-reprisals, to spot-audit anonymous tips. These things happen, and they happen in non-unionized shops.

If you're asking if there are bad employers out there, yes, I agree there are some bad employers. It's up to us, as an obligation, to give the inspectors teeth so we can get in there, protect vulnerable workers and do the job we were elected to do.

**Mrs Pupatello:** This government keeps saying that it's bringing in policies that are helpful to children. What I'm saying is that your bill doesn't do this. The legal aid clinics studied the bill and said that immigrants, young, new Canadians, are going to have trouble because they already have trouble today in the workplace.

I ask you very specifically, what does Dr Fraser Mustard say about your legislation that's going to extend the workweek to 60 hours, keeping in mind that your government says it's here to bring in policies that are friendly for children? What does Dr Fraser Mustard say about your extension of the workweek to 60 hours?

**Hon Mr Stockwell:** The trouble is that they keep saying it so they think this is going to be a fact. We're not extending the workweek to 60 hours. Before, you just got a permit and you could extend it beyond 48 hours. The question very clearly is, what's the legislation going to say? A maximum of 48 work hours per week, end of discussion. If an employee agrees with proper authorities and signing, they can work longer hours.

I want to tell you something. We're a progressive province, very progressive. Seven of the 10 provinces in this country don't even have maximum work hours. We are one of the few that have limited, capped, the work hours. We're friendly for the children and workers of this province. We're so friendly we've created 800,000 jobs. They want to go to work, they want to earn their money, and we are going to protect them.

### SCHOOLTEACHERS

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I wonder if I can direct you to dealing with some of the consequences of the poisoned environment the Education Improvement Commission talked about yesterday that you've created and that's hurting kids.

People know that in Bill 74 you brought in the Ecker standard and that has helped to cancel extracurricular activities all around the province. But it is also, we're learning now, lowering the quality of instruction. Six times as many teachers gained temporary approval letters from the College of Teachers because they are being forced to teach subjects they're not qualified for. As well, there are unqualified people, people who are not teachers, now at the front of the classroom in record numbers.

Minister, for the benefit of parents out there who think their kids are entitled to qualified instruction, can you tell us today how many letters of permission has your ministry given out to unqualified people because you have poisoned the environment for good teachers to come to work in this province? And will you tell us, what the heck are you going to do about it today?

**Hon Janet Ecker (Minister of Education):** I'd like to remind the Liberals yet again, because they seem to keep forgetting it, that the recent international test results, the TIMSS report, as it's called, actually show that Ontario's results on the testing that they do show that our hard-working teachers are making a difference in the learning abilities of our students. As a province, we said we would be setting higher quality standards across the system. We are indeed doing that, and we are seeing improved student learning. That's certainly what parents want to see, and that's certainly what teachers want to see. I think it's important for them. I'm quite prepared to thank the sector for the work they have done on that.

Secondly, as the honourable member should know if he has taken his briefings, for the system to have flexibility and for school boards to have letters of permission—that is not a new process. That has been in existence for many years.

1420

**Mr Kennedy:** What we want to talk about, though, is what's happening now, today. We want you to talk about the letters of permission that are there in record numbers at various boards around the province. This is what principals are receiving in the Catholic school board in Toronto. It says, "Give us the names of the unqualified emergency supplies that have some teacher training. Personnel will review their files and might offer them a one-year teacher position. Tell us who your education assistants and child and youth workers are, because we may give them teaching permission certificates as well."

The children of this province have every right to expect quality teachers in front of their classes. We have quality teachers in this province whom you have scared into retirement, whom you have discouraged from teaching, and now we have an acute problem of your creation. If you're so proud of your record and your contribution to the quality of instruction, table with us today how many letters of permission you've been forced to give out to the boards in this province, and tell us what you're going to do about the lower quality of instruction that you've created in this province.

**Hon Mrs Ecker:** First of all, the honourable member again is missing the point. The test results I'm talking about and the improved student learning I'm talking about are recent. Those reports were released this week.

Secondly, as the honourable member again should know, every profession in North America, whether we're talking about doctors, police, bricklayers, managers, nurses, teachers, lawyers, all of these professions are being hit with the demographic trend, where the population is getting older, the majority of people are retirement age.

The other interesting thing is, I'm very surprised to hear the honourable member's negative comments talking about early retirement. It was the teacher groups who asked for an early retirement option for their members. They asked for it. They put their money on the table for it; the government put their money on the table for it. It was a co-operative effort. We responded to the requests from the federations and so, of course, that is encouraging more retirements right now. I would hope the honourable member is not saying he would like us to go back to the teacher groups—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

**Mr Kennedy:** I think by now there must be parents out there hoping this minister's time is up.

Minister, if you would address the question directly—you can't avoid it—you have to tell us how many unqualified teachers you're being forced to authorize in this province. If you're afraid to answer that, I think that's going to go well remarked.

Minister, 4,414 teachers got out of teaching last year for reasons other than retirement, and you should know that. They left because of conditions you've created. That's a 23% increase in one year. Over 10% of the teachers we trained in this province did not register to

teach in this province. That's a doubling in one year. We lost over 600 student teachers who were trained in this province. They're not going to be teaching here. The reason they're not teaching here is because of the way you've poisoned the environment for teachers. You've come up with this Ecker standard that doesn't work anywhere, that you took out of Durham and put all around the province.

Your reckless policies that aren't working are robbing children of their education, of quality instruction. Again, will you table the number of letters of permission you've been forced to issue? Will you do it today, and will you tell us how you're going to put peace back in the schools and get teachers to want to teach in Ontario again?

**Hon Mrs Ecker:** Perhaps we would have teachers who might be willing to teach in Ontario if the Liberals would stop telling teachers how terrible everything is in the system. As I meet with teachers, they want to hear people in public life talk about the positive things in the sector, talk about things like improved test results. I'm quite prepared to thank the teachers for the work that has created those results. The honourable member across the way obviously is not.

The other thing I think the honourable member again should understand is that school boards are in charge of hiring and putting in place in classrooms people who are qualified, who have the skills that are necessary, and I find again the insulting tone he takes to those many people who are providing good service in our classrooms.

Finally, if he's opposed to letters of permission, why did his government grant them when they were in power?

## HOMELESSNESS

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Housing. Today the Toronto Disaster Relief Committee unveiled an immediate solution to homelessness. It's a made-in-Canada solution. It's prefabricated housing we're talking about that in my view avoids warehousing people in shelters or leaving them to freeze in the street. It's a very cheap solution to the kinds of problems we're experiencing, so I'm asking you to provide the kind of safety and the kind of dignity that homeless people are looking for and asking you to fund this housing so that homeless people have a real alternative to the streets.

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** We are looking at both short-term and long-term solutions. As the honourable member is aware, this is a very complex issue. It's not only the question of a venue of housing or shelter; there are also many complex health issues, many complex mental health issues which my colleague the Honourable Minister of Health has attended to in her most recent announcements of mental health supports for those who are at risk of being homeless or who are homeless. That is also part of the solution.

So it's not only the venue, it's not only having a space available; it is all of the other supports which this

government is taking the lead on in its \$100-million approach to our portion of tackling the homeless issue. We have also facilitated the creation of single-room occupancy units through our changes to the building code. All of these things will help. Perhaps the honourable member's suggestions will help when the federal government puts its two cents' worth in as well.

**Mr Marchese:** I know that we can blame the federal government, and God knows they're to blame for not helping out; this is true. But I'm looking to you for a solution and I know that you have one. It's within our grasp. I also know you have a home and that homeless people don't have one. So it's all right for you to say it's complex, but for homeless persons it's easy: they're looking for a home.

This is a very cheap solution to the homelessness they're experiencing. We're talking about a \$6,000 home that you can afford to pay for because you've got the money. As a government we have the money. I'm saying to you that the cost of a solution is far less than the price we pay for allowing this problem to continue. Far less.

It's minus 20 degrees out there and people are living in this kind of inclement weather where 31 people have already died. It's not that they're going to die; 31 have already died. It's not enough for you to say it's complex. They need a home first and then you and the Minister of Social Services can work out how to provide the extra support.

I'm looking to you for leadership. Or am I supposed to ask you, why is it that you still have "housing" in your title?

**Hon Mr Clement:** For him to attack a government that is spending over \$2 billion a year for supports for those who are homeless or at risk of becoming homeless through our rent geared to income, through our shelter allowances—I would say to the honourable member that we need a bit more than rhetoric here. I'm not trying to sweep away the problem by describing its complexity. It is important to understand, however, that the issue is more than innovative approaches, and I agree they are innovative, to build cheaper units that could be used in such a fashion.

We have to find the land; we have to make sure it is serviced; we have to make sure that all the other amenities that are important for life support are there. That is why we have taken a complex issue and have had a multifaceted response. That is why the Minister of Health is involved, that is why the Minister of Community and Social Services is involved, because we understand that it is a complex issue and we share—

**The Speaker (Hon Gary Carr):** The time is up. Final supplementary.

1430

**Mr Marchese:** I don't think I have to ask for your resignation as Minister of Housing, because you've already abdicated that responsibility a long time ago.

Why is it rhetoric for me to say to you that people have come up with a very cheap solution to this problem and you're calling it rhetoric? I don't understand that.

Then you say you're spending \$2 billion, and I say to you we were spending \$2 billion when we were in government. It's not new money. It's the same money we were spending when we were in government.

This is a solution that is easy to find. People here in Toronto are paying \$683 for an average bachelor apartment—if you can find it for that price. And thanks to your cuts, welfare pays \$325 a month for shelter. It means that people are being driven out on streets. They can't afford it: \$683 is the cheapest; you give \$325. People can't afford it.

Minister, why don't you feel just a little responsibility to fix that mess that in my view you have created—just a little responsibility? Why?

**Hon Mr Clement:** With all due respect to my honourable friend, I don't believe he or his party have cornered the market on compassion and concern when it comes to this issue. If I were to be partisan and rhetorical, I would be dragging up all the mistakes that his government made when it came to affordable housing and on these issues. I will not do that, because I think we're all searching for solutions together.

I say to the honourable member, it is a complex issue. There are issues of health, there are issues of mental health, there are issues of socio-economic status. They have to be tackled from the point of view of community and social services, of health, as well as housing. We are working on it together.

We have removed some of the barriers to affordable housing creation in this province. We have made it cheaper to build and construct affordable housing. We have made it easier to build single-room occupancy units that are available for persons who are in need and we have added \$50 million of rent-geared-to-income for these types of housing.

## SCHOOL EXTRACURRICULAR ACTIVITIES

**Mr Rosario Marchese (Trinity-Spadina):** My question is now to the Minister of Education. Minister, you are ignoring the extracurricular meltdown in our schools. The president of OSSTF asked for an emergency meeting with you today and all he got was a flat-out no. The teachers have taken the Education Improvement Commission's warnings about extracurricular activities to heart and they have said to you, "We are coming with a clear mandate to solve this problem." Why, Minister, haven't you cleared your agenda to find time to meet with the president of the OSSTF so you can come to a solution to this problem?

**Hon Janet Ecker (Minister of Education):** I'm very interested in how the honourable member across the way knows what my schedule is for the next couple of days, the next week, since there has been no "no" given to any teacher leader who has asked for a meeting. As a matter of fact, I'm assuming Mr Manners will be attending the regularly scheduled Ontario Teachers' Federation meeting that I have on a regular basis with all the affiliates,

and I would be very surprised if the agenda does not include some of the important issues that we need to continue to talk about in order to resolve. Our students deserve extracurricular activities. They're part of the education services they should be getting, and as I've said many times, we need to take steps to ensure that we are resolving this as the union negotiations are being completed in board after board.

**Mr Marchese:** Minister, this crisis requires your immediate attention. The president of OSSTF has asked to meet with you today. They called as late as 1 o'clock in the afternoon. You would think that as this crisis is so important to parents, to students, to many organizations out there, you would say, "If the president calls, I'm clearing my agenda and meeting with this man," as opposed to saying, "I hope this man will come at the regularly scheduled meeting so we can talk about this problem." This man has asked for an emergency meeting with you today so you could meet perhaps this evening or tomorrow morning or any time tomorrow. You said no.

The EIC warned about reduced achievement and increasing high school dropouts if you don't act, and you don't have the time to meet with Earl Manners? I think that you are wilfully avoiding a solution to the crisis—wilfully avoiding a solution. Minister, I say to you, if you can't make the time on this important issue, just resign.

**Hon Mrs Ecker:** Maybe Earl Manners asked you for a meeting with me. Earl—

*Interjections.*

**Hon Mrs Ecker:** Mr Speaker, if you'd like to call the honourable member to order, I'd be very happy to answer his question.

Mr Manners and I are speaking today, to the honourable member. No one has said no to any meetings. But as I have said many times, we have a meeting scheduled already with all of the affiliates, which I think is extremely important. If Mr Manners wants to meet with me separately and privately, I have met with union leaders before on that basis. I'm prepared. I think the fact that he has made that offer is a very helpful step and I'm very pleased to meet with union leaders to talk about the issues that we have here. We know there are students who are suffering because some teachers are choosing to work to rule. I don't think that's acceptable, and I know that many people in the—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

#### SCHOOLTEACHERS

**Mrs Sandra Pupatello (Windsor West):** We'd like to return to the serious question we're asking the Minister of Education. In the Blueprint that you ran on in the last election, you told the general public and you told parents, "It's common sense to make sure that our teachers are the best qualified and skilled professionals." That's what you said. I ask the Minister of Education: are parents aware that these applications are coming across the ministry's desk now by the hundreds for your authorization to put

people in front of students who are not qualified? We'd like to ask this Minister of Education today, how many people are you putting in the classroom—these pretend teachers—how many of them are you today putting in front of students, who are not qualified to teach? What is that number?

**Hon Janet Ecker (Minister of Education):** First of all, letters of permission are a way for employers, the school boards, to ensure that qualified people can be there for classrooms when that is needed. That is a system that was in place when the honourable member's party was in government and when the NDP was in government. There are many people who have qualifications which can be useful in a classroom, and I do find it rather insulting that they make this judgment that somehow or other a person that a board is hiring is somehow not going to be capable of dealing with the circumstances with which they are being asked to deal.

We know we have a problem with the number of teachers, as we have in many other professions. That's not unique to Ontario. That's happening Canada-wide, it's happening North America-wide and it's even happening in other countries. That's one of the reasons that at the last meeting with the Ontario Teachers' Federation, we are putting in place and talking about ways—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

**Mrs Pupatello:** If we had lawyers practising law without a licence, they wouldn't be allowed to practise law. Doctors don't practise without a medical licence. You have—

*Interjections.*

**The Speaker:** Member, take a seat please. The member for Durham is out of his seat. If you're going to yell some comments, you've got to be in your seat. Sorry for the interruption.

**Mrs Pupatello:** These other professions have to be qualified in order to practise in Ontario. You don't have doctors without a licence.

*Interjections.*

**The Speaker:** Member, take a seat. Order. That's enough from the member from Brampton Centre, or he'll be out. We're not going to stand up here and challenge each other across the floor and act like a bunch of kids in grade 8. It's ridiculous. That's the last warning for you—

*Interjection.*

**The Speaker:** Now you do it, and now you're going to be named. I name the member, and you're out for doing that. Member Joe Spina is being named and I ask him to leave.

If you want to behave like children, you're going to be treated like children.

*Mr Spina was escorted from the chamber.*

1440

**The Speaker:** Let me say this: I'm not going to tolerate any conduct like that. Challenge people across the floor—it's disgraceful.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I would like to speak to this

incident, because it may help you to understand what has taken place.

**The Speaker:** It's not a point of order. I understand what has taken place; I've dealt with it. The member take his seat. We're going to continue on.

Member for Windsor West.

**Mrs Pupatello:** Thank you, Speaker. This minister's own Education Improvement Commission had this to say in a report addressed to you about the Durham Catholic board, which is in your own riding: "Like many other Ontario boards, the Durham Catholic board is experiencing a shortage of qualified occasional teachers, and often must use uncertified occasional teachers."

The point is that we have a growing reliance on people who are not qualified to be in front of children. We ask this Minister of Education: how many people today are standing in front of our children in the classroom who are not qualified to be there? There is no such comparison to other professions. If you're a lawyer, you've been to law school. If you're a doctor, you've been to medical school. It is not a fair comparison. These individuals, by the hundreds, are in front of our children now. I ask this Minister of Education to tell us now how many people are in front of our children. Our parents are not aware that when they send their kids to school every day it's a crashshoot as to whether they get a certified teacher teaching them today in this province.

**Hon Mrs Ecker:** We quite recognize that there is a challenge in terms of making sure that we have enough qualified teachers to be standing in front of our classrooms. We understand that.

That is something that is happening in every province across this country, I say to the honourable member, who again hasn't checked the research. Also it's happening not just in Ontario but in Canada. That's one of the reasons why the teachers' federations and the government are talking about further steps that can be taken so we can resolve this. For example, we already have expanded spaces in teachers' college. Some 6,000 new extra teachers will be coming forward who will be available for the Ontario system.

The other thing that is interesting to note is that by the research and data that's indicated, as all the provinces struggle with this particular issue, Ontario has actually done better at hiring teachers to fill these spots. So we're going to continue—

**The Speaker:** Order. The minister's time is up.

#### LABOUR DISPUTE

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a question for the Minister of Health and Long-Term Care. I'm concerned with recent news articles regarding the strike by unionized staff of the Hamilton-Wentworth Community Care Access Centre. The opposition continues to imply that the strike has had a negative effect on emergency departments in Hamilton. As you know, emergency departments in my riding have seen an increase in volume of patients because of doctors

shortages at both West Haldimand and Norfolk General, but I fail to see the impact on Hamilton hospitals by a CCAC strike. Is there cause for concern over the impact of service delivery in Hamilton during this strike?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** First of all, we need to be mindful of the fact that this is a labour dispute between the CCAC and their staff, and although the ministry does not get involved in labour disputes, we certainly do monitor the situation on an ongoing basis. I have been informed that to date all eligible service requests have been met, and also, we have been informed by the Hamilton hospitals that the strike has not had an impact on their emergency departments nor on their ability to discharge patients from the hospitals.

We do know that the CCAC is going to be working with the local hospitals in order to plan and to ensure that they can continue to respond to the requests for home care and facility placements during the holiday season.

**Mr Barrett:** I also wish to acknowledge on behalf of the board of our local Haldimand-Norfolk Community Care Access Centre the 2% increase in base budget announced in September. In fact, I just received a letter today from board chair Don Hart. They're most grateful; however, they also are under continued financial pressure, but they are taking measures.

But back to Hamilton: Minister, could you tell this House what our government has done to improve community care services in the Hamilton area?

**Hon Mrs Witmer:** Ontario has one of the most generous home care programs in the country. In fact, we are spending the highest per capita, approximately \$128; second is the province of Manitoba. I also think I need to add that six of 10 provinces charge co-payments for personal care and homemaking services. For example, if you were living in Newfoundland you would have to spend about 12% of the overall cost, to a maximum of \$2,000, yourself. As I say, we have a generous program in the province of Ontario. In fact, the spending is the highest per capita.

If we take a look at Hamilton, recently we announced an additional \$92.5 million for community care services. Hamilton received approximately \$3.5 million. That was a 6.6% increase this year in the funding for the budget for the CCAC.

#### NURSING PROGRAMS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Minister of Colleges and Universities. The nursing profession in our province, and indeed across the country, is moving toward a system whereby all graduating nurses will have a four-year baccalaureate university-level degree. That's an initiative that certainly my leader, Dalton McGuinty, and our party support.

I was distressed to learn, however, in conversations with officials from the University of Windsor and St Clair College, that in fact as a result of these changes, next year—the first year of this program—we'll see a

22% reduction in the number of students admitted to our nursing programs at those particular institutions. Discussions with other community colleges and nursing faculties throughout the province have revealed similar concerns. Minister, I wonder if you could address this question and whether or not you think it's appropriate, in a time like this when we are faced with future nursing shortages, to cut the number of students we're admitting to all of our nursing faculties.

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities):** The member is quite right in that we are negotiating these new collaborative programs and that we are planning for the year 2005 with regard to the new requirements. I will tell you that the number of graduates from our college and university nursing programs has actually increased substantially in recent years. This is just recently. This year we expect almost 2,000 nurses to graduate, and that's up from 1,750 last year, which is an increase of some 14%.

These are new programs that are taking some very careful discussions and the arrangements are different from colleges and universities. But I'm extremely optimistic that we'll have a plan that will meet not only the demands of his college and university, but others as well.

**Mr Duncan:** Minister, you and your colleague the Minister of Health are in receipt of correspondence from a number of faculties indicating that these discussions have broken down. This correspondence to you indicates that the biggest concern has to do with the first-year funding of this program and the colleges' concerns that they are moving out of other existing programs into this program. You're also aware that your government has made no commitment beyond the first year of this program on the funding question.

Officials from virtually every college and university that I've spoken to across Ontario indicate to me that your government's inability to make those kinds of commitments in a timely fashion threatens their ability to implement this program. I ask you today two things: (1) will you table in the House those letters that you have received; and (2) will you undertake that adequate funding will be in place to ensure that we have a sufficient growth in supply of nurses in this province to meet what all of us know are going to be increasing demands in the coming years?

1450

**Hon Mrs Cunningham:** I can assure the member opposite that we are doing our very best. I could go through the list, but I did it twice last week, and he can talk to me if he needs more clarification. We are working very hard, and I am feeling extremely optimistic that in just a short while we'll have the kind of collaborative agreement that we need.

As far as I know, most of the colleges and universities are onside. There are some that are having more difficulties than others, and we're working very hard to find solutions.

## DISTRIBUTION OF MATERIAL IN SCHOOLS

**Mr R. Gary Stewart (Peterborough):** My question is to the Minister of Education. Recently, one of my constituents contacted me with his concerns about a pamphlet that was attached to his daughter's report card that came out of Thomas A. Stewart Secondary School in Peterborough. It was sent home with the students. The pamphlet, which I have, is entitled *Enough is Enough: Let Teachers Teach*, and was published for teachers by the OSSTF. It was sent home with the students for parents to read. It would appear that children are being used as pawns to push OSSTF propaganda.

Would you please advise whose responsibility it is to ensure that this type of pamphlet is not sent out with students' report cards in the future?

**Hon Janet Ecker (Minister of Education):** I have had many parents express concerns along these lines about politics in the classroom. As the Education Improvement Commission pointed out this week, the classroom is not the place for politics to be. It undermines the work of good teachers in terms of their ability to teach students to learn and get the outcomes that we want.

There are many opportunities for people within the education sector to express their political views, whatever they may be, without resorting to the classroom. The school board has the responsibility for approving and making decisions around what goes out, for example, with children's report cards. In this case, I understand that when we looked into it, it was one particular school. A person has taken responsibility for that judgment call and said it was inappropriate, as I understand, and was not something they should have done.

**Mr Stewart:** When I first received this and read it, I was completely disgusted with it. It's interesting to read the report given by the EIC yesterday, which says we should be creating a positive climate for learning in the classroom, and that means teaching the curriculum.

What can be done to ensure there is no future distribution of this type of pamphlet or any other form of politically biased literature that does not reflect anything to do with the curriculum? For too long our students have been surrounded by these negative, confrontational approaches within the school community, which lead to major conflict. Is there not a code of conduct?

**Hon Mrs Ecker:** There are rules and standards that boards have set for distribution of materials. If parents have concerns about something that has happened in a classroom that they think is inappropriate, they certainly should take that up with the principal and/or the school board to discuss it.

I understand there are differing views around many of the issues, but having that kind of political debate in a classroom is not appropriate.

*Interjections.*

**Hon Mrs Ecker:** Again, the honourable members across the way are hooting and hollering about this issue, but what is interesting is that where the federations and

the government work together, we have accomplished great things; for example, the implementation of the new curriculum and helping teachers to teach it better. The international tests are actually showing that it is having a positive impact on our students. We have resolved many issues. Unions and boards are resolving issues at the table as we speak.

We have other issues we need to continue to work to resolve. Extracurricular is one of them, and we—

**The Speaker (Hon Gary Carr):** New question.

#### LABOUR LEGISLATION

**Mr David Christopherson (Hamilton West):** My question is to the Minister of Labour. Many of us have been trying to understand why your government would think that anyone would submit to a 60-hour workweek, giving up two weeks' annual vacation together, and possibly giving away overtime. Given that you stand behind the fact that this is all optional, that people can say no, it just keeps going through our minds, why would anyone agree to these things?

Then it occurred to us that maybe that's the explanation for your refusal to raise the minimum wage in five years, that it's your hope that if you can create a permanent pool of desperate workers, they can be counted on to submit to the pressures that employers will put on them and they would accept these working conditions, because other than that, why would anyone opt for these things?

My question to you is, is that why you refuse to increase the minimum wage? You want to create a pool of desperate workers who will do whatever it takes to keep a job to put food on the table?

**Hon Chris Stockwell (Minister of Labour):** I've never heard anything so crazy in my life. That's just absurd. When you give employees the opportunity to agree to work certain conditions, times of the week, to create their own flexible workweek, the member opposite suggests you're trying to create, through some capitalist conspiracy, a working poor which is so desperate somehow they would want to work longer hours for less money and not take holidays.

Do you know why you can't understand it? Because that's not what the bill says. It's quite simple. The bill doesn't say that. The bill says it's a standard 48-hour workweek. You get paid for overtime after 44 hours. If, and only if, the employee wants to create their own workweek, they can do that, with consent of the employer and the employee. Whatever else you said, whatever conspiracy is rolling around in your head, don't ask me to answer those questions.

**Mr Christopherson:** Let me tell you, the only thing that's crazy is this legislation when you say that it's somehow going to help workers. That's crazy.

Your new defence on this issue, every time you're asked about the 60-hour workweek or averaging overtime where workers lose, is always, "They can just say no," as if somehow the workplace is some big democracy where everybody gets an equal say. The reality is that if you

look at these options, a worker would have to be crazy to say, "Yes, go ahead, work me for 60 hours, please. Yes, please break up my vacation. I want it one day at a time. I don't want a week with my family. Oh yes, please make me work 12 days straight before I get off. That's what I really want. Please, have a new formula for my overtime so I don't get wages that I would otherwise get." That's what is crazy. Let me say to you, there is nothing crazy nor is there anything supportable about someone who makes \$6.85 an hour being leaned on by their employer to agree to those very things I just listed.

I submit to you again, Minister, because you still didn't address the issue of minimum wage, if that's not the reason why you won't increase the minimum wage—if it's not to create, as we think it is, a pool of desperate workers who will grasp at anything and any working conditions in order to keep a job to put food on the table—then why have you not seen fit in this bill to increase the minimum wage in Ontario when it's already been increased twice in the United States and they are looking at increasing it a third time?

**Hon Mr Stockwell:** It begs the response, the member for Hamilton West: if you were opposed to those kinds of agreements between employers and employees to extend their workweek, to change their vacation, to readjust their plans as to how they work one week to the next, why did you let your government do it? It begs that question. Why did you let your government do these things? Why did you let your government do all these horrific things that you're claiming are unfair to workers? Because 18,000 permits were issued under your government to allow exactly what you claim is a conspiracy theory to create a working poor underculture that would only work at the behest of some unfair employer. Why did you let that happen? I don't know, and I'm doing my best to fix it.

#### OPP FACILITY

**Mr Ernie Parsons (Prince Edward-Hastings):** My question today is to the Solicitor General. Your government talks a great deal about being fiscally responsible and about public safety and about the law-and-order agenda, yet the Ontario Provincial Police in eastern Ontario are using a 30-year-old radio system, ancient technology in today's society. That puts at risk their safety and the safety of all of the citizens in eastern Ontario. But there's no need for that. The OPP a year ago identified the ideal site for their new radio transmission centre. They have an existing building that, had it been acted on a year ago, would have been up and running today. There is no excuse for it not to be in service now, while they are looking and advertising for a new facility to be built in Perth, not where the OPP recommended.

Pork-barrelling is not common sense. Why are you not supporting the Ontario Provincial Police in their need for a modern radio system now?

1500

**Hon David H. Tsubouchi (Solicitor General):** We are supporting the OPP to modernize the system. In fact, the restructuring of the OPP operations and services is



part of our goal to improve public safety through more efficient and more effective delivery of services.

The OPP started centralizing the communications centres in 1986 under the Liberals, where there were 57 sites reduced to 16. This process continued under the NDP and in fact this process is continuing now.

I might say to the member that he's talking about the site in eastern Ontario, but no decisions have been made on this at this point in time. He is certainly ahead of himself here. I assure you, though, that at the end of the day sites will be selected on the basis of best practices and best locations.

**Mr Parsons:** I understand no decision has been made in ridings that involve Liberal or NDP members; I do note it has been made in the three ridings that involve your members.

Let me read to you the process that the OPP have followed in their recommendation. This is from their document about the factors used to determine the number of OPP com centre locations. One of the points is "The opportunity to limit infrastructure costs associated with the new network." I would suggest a new \$1-million building in Perth does not limit it. Regarding locations of com centres, the OPP document states that they're being selected "to take advantage of existing resources." I would suggest a brand new, empty OPP building would be an existing resource compared to a building not yet constructed. Regarding implementation, the plan the OPP presented to you for it says that in the implementation they will require "renovation of existing government buildings." That implies to me that they want to use the existing building and not a brand new one.

This plan that they put forward was workable, was implementable a year ago, except the building is in the wrong riding.

**Hon Mr Tsubouchi:** I missed the question. Sorry, Speaker.

I don't profess to be the expert in terms of making these determinations, and certainly the member is making some sort of implication in terms of the process. I do assure you, though, that at the end of the day we will be looking for the best site based on best business practices.

I might say as well that there are a number of these locations across the province. As I was saying, this process has been going on since 1986. In an orderly way, we're going across the province doing these things. There are a number of other sites as well. Certainly there's a site in northwestern Ontario that hasn't been decided yet—either Thunder Bay or it could be Kenora-Rainy River. They are the two sites. I expect that maybe the member wants to give an opinion on that as well.

At the end of the day, we, the government, certainly are supporting best business practices and best decisions, and for the best efficiency for the OPP as well. That's the way the decision-making will be done.

#### LEADER OF THE OPPOSITION

**Mr David Young (Willowdale):** My question is for the Minister of Community and Social Services. The

leader of the Liberal Party has made a lot of noise of late about the proposed drug treatment legislation, even going so far as to satirize it in what I think I could frankly call a fanciful and insulting bill that he brought forward in this assembly.

My question to you is, upon reflection and consideration of the comments from Mr McGuinty opposite, the leader of the official opposition, can you tell me what you think he is trying to accomplish?

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** What's happening right now is that we're discovering the real facts. The fact is that Dalton McGuinty and the Ontario Liberal Party don't support mandatory drug treatment for welfare recipients with a drug addiction. What we discovered in this process, when they brought up the issue of the Web sites, was that Dalton McGuinty and the Ontario Liberal Party are taking their orders from the OPSEU union bosses. That's becoming very, very clear. It was in fact the OPSEU union bosses who made the initial discovery. Within an hour of the OPSEU bosses calling the tune, Dalton McGuinty and the Ontario Liberal Party were up playing to them.

This is not an issue which should be treated lightly. This is a group of people who obviously need our people. I saw on the Liberal Party's Web site that they've got a picture of a duck and a jar of urine. And they accuse this government of partisan uses of taxpayers' money? It's a real disgrace.

**Mr Young:** I thank the minister for his response. I do indeed. I also noted that some of the heckling from the Liberal Party included that of the member from Hamilton East, who is not in his seat at the present time, who asked the minister to reference a Web site, so I certainly appreciate the minister's answer, in which he did just that. I understand that the Liberal Party has asked the Speaker to investigate a news release on a ministry Web site. I ask the minister what he can tell us today about what he believes the proper use of Web sites should be.

**Hon Mr Baird:** I wanted to check out the taxpayer-funded Web site of the Liberal Party, so I got a letter from Dalton McGuinty, equipped with the Legislative seal, "leader of the official opposition," and the Web site address is right on the back. So I logged on to the Liberal Party's Web site, advertised by taxpayers' dollars. What do these taxpayers' dollars—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock.

*Interjections.*

**The Speaker:** Order. OK. Back at it.

**Hon Mr Baird:** This Web site was advertised under the "Leader of the Opposition" on the member's Legislative Assembly letterhead. You click on it, and there are a number of interesting things. One says, "Donate Online" to the Liberal Party. They're using taxpayers' dollars to promote political donations to the Liberal Party. You can click on another section, "Get involved. Donate now." Advertised by taxpayers' money. But

that's not it. They're all in on it. You can even donate money to Sandra Pupatello and—

*Interjections.*

**The Speaker:** Order. Stop the clock. The minister's time was up.

**Mr Gerard Kennedy (Parkdale-High Park):** On a point of order, Mr Speaker: I'm wondering if this is appropriately addressed through you, because it's about legislative services. We heard a reference to the Ontario Liberal Party Web site. I wonder if we could get a super across the replay of this. It would say "Ontarioliberal-party.com," where you can help—

**The Speaker:** That's not a point of order. The member for Trinity-Spadina.

*Interjections.*

**The Speaker:** Stop the clock. Point of order, the Minister of Community and Social Services. I'll let you know I'll be very quick. It had better be good or it'll be right up.

The member for Trinity-Spadina.

*Interjection.*

**The Speaker:** Oh, I'm sorry. I apologize to the member for York Centre. I wondered why he kept getting up. My mistake. I apologize.

#### INTERNATIONAL TRADE

**Mr Monte Kwinter (York Centre):** I have a question for the Minister of Economic Development and Trade. You issued a trade strategy on December 1, 2000. One of the key components of your strategy is to encourage and increase the number of small- and medium-sized Ontario businesses with export potential to engage in exports, since only 15% of these companies are currently engaged in international trade. If 85% of these companies are presently not engaged in international trade, surely the easiest and most productive market and opportunity for them is the USA, which accounts for 93.5% of our international trade. The US is the largest market in the world, it speaks the same language, has the same culture and is located right next door.

Another component of your trade strategy is to reduce Ontario's over-dependency on the US by establishing trade representatives in the USA, the UK, Germany, Japan and China. I'm pleased you're going to be restoring representation in these jurisdictions, but do you not agree that you should, as a priority, also be establishing representatives in such cities as New York, Chicago, Atlanta, Dallas, Los Angeles and Boston?

1510

**Hon Al Palladini (Minister of Economic Development and Trade):** I want to thank the honourable member for the question. It's worth possibly sharing some information with the Legislature because the points the honourable member has raised are very valid. I think the province of Ontario should be a little more prominent in establishing a presence in some of those areas the honourable member has mentioned.

We have intentions of making sure we don't take our neighbours south of the border for granted. I like to refer

to them as a good fleet customer so you don't take them for granted. You have to make sure you service that customer but also take a look at other markets as well. I take the member's advice and I can assure the member that the province will establish a presence in various parts of the world to make sure Ontario will continue to thrive.

**Mr Kwinter:** There's an old saying that the place to go hunting is where the ducks are. If in the United States we have this huge market, here is an excellent opportunity for us to get these companies, the 85% of the companies that aren't engaged in international trade even though they have the capability, to learn how to trade. I don't know if they've told you this at the ministry, but when I was there they used to say, "You get your BA in trade in the United States, your MA in Europe and your PhD in the Far East." I'm suggesting to you that if you get exporters in Ontario doing business in the United States first, then they get the feel for what it's like. They know how they do it and then they can expand into these other markets where I think there is long-term potential. I think it's great, but I think there should be a real emphasis on getting these 85% of companies that can trade but aren't active in the export business. I'd like your comments on that.

**Hon Mr Palladini:** Again the honourable member has made an excellent point. I'm surprised he might not have the information that I'm going to share with everybody here in the Legislature. About a little over three and a half years ago, we actually embarked on a mission to make sure that small and medium-sized businesses knew what to do if they were interested in getting into exports. Our people at the ministry have certainly engaged with small and medium-sized businesses that have expressed that interest in getting into the export market. We've also gone to the tune of establishing trade days within various parts of the province and working with municipalities to make sure they are aware that we have very important information that we can pass on in working with municipalities and the businesses in those municipalities to address who is interested in getting into the export market.

But those are very good points. I can assure you we have great people with tremendous information at the ministry and we're going to continue to utilize—

**The Speaker (Hon Gary Carr):** New question.

#### DRINKING AND DRIVING

**Mr Bart Maves (Niagara Falls):** While I'm very intrigued and would love to pursue the Liberal Party abuse of taxpayers' dollars further, I have another, more pressing question for the Minister of Transportation.

Minister, very tragically, about a month ago in my riding, two 13-year-old boys were struck down and killed by a drunk driver. It strikes me that as I read the newspapers and watch TV today, the incidences of people being struck down and killed by drunk drivers seem to be growing in Ontario. I wonder if you could update the Legislature on these types of tragedies.

**Hon David Turnbull (Minister of Transportation):**

The issue the member for Niagara Falls raises is tremendously important. I want you to consider the fact that accidents caused through drunk driving are the leading criminal cause of death in Canada today. It's a blight on our society. That's why our government has taken very tough action on this important file.

I'm pleased to report to the House that as a result of action that our government has taken between 1995 and 1999, drinking-driving fatalities have decreased by 36.6%. That being said, we can and we must do more because this is a blight on society. As we move toward the holiday season, I would encourage everybody who hears this and all of my colleagues around the House that when people are having parties, find out who the designated driver is and make sure they're only served soft drinks, offer them accommodation if somebody you think might be driving has been drinking, and suggest taxis.

**Mr Maves:** Thank you, Minister. Those numbers surprised me a little bit, but I'm glad to see and it's somewhat encouraging that there actually is a downward trend in the province of Ontario.

You talked about tough new measures that this government has adopted to combat drunk driving. I wonder if you could inform the people of Ontario what some of those measures have been?

**Hon Mr Turnbull:** Yes, we have moved on several fronts. We've increased suspension periods for repeat offenders from two years to three years for a second offence and to a lifetime suspension for a third offence. We've introduced the vehicle impoundment program for those driving while suspended due to Criminal Code driving convictions. We have introduced administrative driver's licence suspensions. Over 63,000 people have lost their licences for 90 days since the program was implemented in 1996, and we work with our partners in OCCID and MADD and the various police departments. We have dedicated multi-year RIDE funding of \$1.2 million annually.

I thank my colleague for the question.

## PROVISION OF INFORMATION

**The Speaker (Hon Gary Carr):** Oral questions are now over. The member for Windsor West on a point of privilege.

**Mrs Sandra Pupatello (Windsor West):** For my point of personal privilege, I would ask the Speaker to investigate what I believe to be a serious matter. This afternoon at 1 o'clock my office was called to participate in a briefing on the bill that the Minister of Health tabled in the House today. The briefing time was to go between 1 o'clock and 1:30. We had suggested at the time of its booking that that wasn't enough time. We had wished that it had been sooner, in fact on a different day, not on the same day so that we would be going from the briefing into the House at 1:30 for question period and to see the tabling of the bill.

We arrived at our place of meeting at 1 o'clock and no one was there. We sat in the meeting room waiting for our briefing until 1:20. Some bureaucrat staff had arrived about 1:15, but the political staff from the minister's office hadn't arrived. They arrived about 1:20. They refused to give us a copy of the bill, so as we were to have the last 10 minutes to have any discussion about the content of the bill, we couldn't look at a bill. The bureaucrats proceeded, in the 10 minutes we had, to try to explain to us something we couldn't even see written because we couldn't see the bill.

I don't know if this is standard procedure in terms of briefings, but what caused me great concern was that in these 10 minutes we had, at 1:20 this afternoon, we learned that the ministry had already given full copies of and access to the bill, with a full briefing, to the Ontario Medical Association, to the Ontario Hospital Association and to "several other groups" who were in a lock-up several hours ago. All morning they were accessing information that I, as a member of this House and a critic for the health area, could not access at 1:20.

Mr Speaker, I would ask you, since they had set the briefing time so that we would have gone directly from the briefing into the House, that you could have said it was indeed a lock-up; that we could hardly have had available time to spread the news across to the public when the minister's intent was to advance the bill in the House herself at that very same time.

I ask the Speaker, as a member of the House, what privileges do I have; that at a minimum, I would have had the same level of access to a bill that was to be tabled in the House today that members of the Ontario Medical Association had, that the Ontario Hospital Association had? Considering its content, I have to question why they would have tried so hard to keep information away from us.

I'm very concerned about the precedent it has set. There has been a precedent that the critic responsible for those areas can at least see the contents of the bill before it's tabled in the House so that we too may prepare in terms of our response. That was denied to me today, and I would seriously ask the Speaker to consider whether in fact I have lost privileges today.

1520

**Hon Janet Ecker (Minister of Education):** On a point of order, Mr Speaker: As you know, there are no written rules in the standing orders about sharing this information with critics and the policy varies from ministry to ministry. As you also know, there are very strict rules around ministers about the sharing of information. We're certainly prepared to look into the circumstances in this case, whether it was something untoward or whether an inadvertent mistake was made. As you know, the policy varies from ministry to ministry, depending on the timing and the issues.

**Mr David Christopherson (Hamilton West):** On the same point, Mr Speaker: I appreciate the words of the Minister of Education. I rise to underscore the fact that, first of all, it's not just the one opposition party; it affects

both parties on this side of the House. But it's not the first time. The minister in her comments said there are different, varying policies. It makes it extremely difficult when there is short notice. Even if the briefing is called a little earlier, say at noon, getting a call at 11 or 11:30 that the briefing is at noon makes it equally difficult for the members to attend, especially when they are expected to stand, to rise, and offer some intelligent comments on the issue.

Could Minister Palladini not leave the House, please. Al, I need to talk to you before you go. I'm sorry, I couldn't afford to lose him. It's an important local issue.

I want to underscore the fact that we have the same problem in this caucus and that we have had it with other ministries. Again there is a trend of less information, shortened time, and in this instance, where others are being briefed ahead of time, there must be some issue of privilege here that you could potentially address.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I've listened to the point made by the member for Windsor West and I was also paying attention to the other comments, particularly by the Minister of Education. I'm sure the Minister of Education is right that there is no provision in our standing orders for briefings. I'm sure the Clerk will agree with me on that, right, Claude? I don't believe there is. It's nowhere written. But there is a long-standing practice that from time to time, and not always on every bill or every measure, governments of varying stripes will extend a briefing opportunity, not just to members of the Legislature but to affected stakeholders in the community.

I think the member from Windsor makes a very good point, and we need to know what happened here. I say something that I have been saying in recent weeks. I want all members to think about the way we are treating one another and the way we expect to be treated. I have been there and I understand that on a number of bills there would be every reason for members of the Legislature to ask for and get a technical briefing on a government bill. Quite frankly, if that is asked for, in my view, unless it's a tax bill where the release of that information might cause some difficulty to the finance department and to a variety of other issues that we could all imagine, it ought to be granted.

It is, to my way of thinking, utterly intolerable that ministers of the crown of whatever stripe in whatever government would be taking material out into the community to brief others, while not at the same time offering in a fair and generous way that equal opportunity at least at the same time, if not before, to members of the Legislature who might have an interest in receiving such a briefing.

In this case, it may have been inadvertent, it might have been accidental; I don't know. But I say again that if we have any concept of self-respect and any hope for the institutional integrity of this place, surely we could all agree that if a briefing is asked for by members of the Legislature, it should almost always be granted, and it

should be granted to members before, or not later than, it is offered to people in the general community.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I just want to ensure that we keep this issue in context. The member's main concern, as I understand it, unless I've missed the thrust of her point, was that she was refused the copy of the bill following the briefing. I understand that the ministry was prepared to provide the briefing. There may well have been a problem with timing, but that is something that has to be arranged between the member and the staff.

The issue of not receiving a bill is one we face appropriately. The bill had not yet been introduced. It would have been inappropriate for that bill to be released to the member. We, as caucus members, do not receive a bill. We often, as caucus, receive briefings where we're not allowed to take with us copies of the bill for that same reason.

So I submit to you, Speaker, that the whole issue of briefings is a privilege; it is not something the ministry is obligated to do. I agree with the member who previously spoke that obviously it's important for members to know what is happening, what is coming down from various ministries, and it's appropriate for the briefings to take place, but I really believe that the member's concern in this particular instance is unfounded.

**The Speaker:** I thank all the members. I think there is going to be a little bit of clarification. The whip maybe missed the point. Go ahead, member for Windsor West.

**Mrs Papatello:** Just to be clear for your own deliberations: no, we did not get a copy of the bill. That may or may not be a point, that I would deserve to get a bill at that time, given that within nine or 10 minutes it was going to be placed on the table. The truth of the matter is that these groups outside this House, not elected members, had access for hours to look at the bill, to leaf through the bill, to have full briefing access of all the technicalities by the bureaucrats, not just by the political staff but by the bureaucrats involved, those who were writing this bill.

This was the kind of information I would have expected to receive during the briefing. Whether or not I actually keep a copy of the bill in walking from the second-floor hallway into the House I imagine is a separate point, but that I, as a member who's elected to come to this House, in my critic responsibilities wouldn't have had the same access that outside groups would have had for a long time I think is untenable. It's not acceptable to me.

I hope that in his deliberation the Speaker will find that I would deserve, at minimum, as my colleague from Renfrew puts it, equal opportunity as the Ontario Medical Association and the Ontario Hospital Association. I think that's reasonable; in fact, perhaps I should have had more.

**The Speaker:** I thank the members for their input.

**Hon Mr Klees:** On a point of order, Mr Speaker?

**The Speaker:** Yes, very briefly. We're almost done here. The chief government whip.

**Hon Mr Klees:** Speaker, I appreciate that clarification. If in fact the staff were late for the briefing, we apologize. That is something that has happened and we regret that. There is an opportunity for a fuller briefing once the bill has been introduced and that will take place. I trust the member understands that these things happen. It shouldn't happen, it did, and we regret that.

**The Speaker:** I thank the members for their input. As the senior statesman in the House points out, it is not a violation of privilege in the circumstances when the government fails to invite a member to a briefing or event. I therefore find that the situation described by the member does not fall into the category that a prima facie case of privilege has been made out.

I would, however, encourage all ministers of the crown, as the senior statesman of the House said, to ensure that members on both sides are briefed in a timely and pending fashion. I take the words of the Minister of Education, who is trying to be helpful in highlighting some of the circumstances, as well as the chief government whip. I know we all treat each other with respect. While the rules might not be there, as a member who's been in this House for 10 years and sat on the other side in opposition, I know I've sat in on briefings like that and I hope that tradition would continue so there would be some element of trust between both sides.

I appreciate all the comments. There is not any violation of the rules, but I hope we'll take back the message of the chief government whip and the Minister of Education so the briefings can take place.

When we get down to specifics, as the member for Windsor West said, about whether or not the bill can come in, certainly the process of having technical briefings has been a courtesy that's been extended, and hopefully that tradition will continue. As a result of this point of privilege, hopefully the ministers of the crown will in the next little while be able to follow some of the recommendations we had here.

I thank the member for bringing that up.

1530

## PETITIONS

### STUDED TIRES

**Mr Dwight Duncan (Windsor-St Clair):** Lisa Clements of Toronto has done a tremendous amount of work on the issue of studded tires in Ontario, and I am pleased to present this petition.

"To the Legislative Assembly of Ontario:

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

"To rescind the law banning studded tires in Ontario."

Because of Lisa's great interest in these studs, I am pleased to affix my signature to the petition.

## PROTECTION OF MINORS

**Ms Marilyn Mushinski (Scarborough Centre):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas children are exposed to sexually explicit material in variety stores and video rental outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to sexually explicit materials;

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

"To enact legislation which will:

"Create uniform standards in Ontario to prevent minors from being exposed to sexually explicit material in retail establishments;

"Make it illegal to sell, rent, or loan sexually explicit materials to minors."

I am pleased to affix my signature to this petition.

## OPP FACILITY

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My petition is to the Legislative Assembly of Ontario.

"Whereas we, the undersigned, petition the Legislative Assembly of Ontario to locate the eastern regional OPP dispatch centre in the vacant and relatively new OPP building on Wallbridge Loyalist Road in Belleville, Ontario;

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

"To locate the eastern regional OPP dispatch centre in Belleville, Ontario."

I will sign my name to this petition and I will deliver it to the table through Tim.

## NORTHERN HEALTH TRAVEL GRANT

**Ms Shelley Martel (Nickel Belt):** I have a petition that has been signed by a number of residents from North Bay regarding this government's ongoing discrimination against cancer patients. It reads as follows:

"Given that the northern Ontario travel grant"—actually, Speaker, just one second because it's all in French and I'm trying to find the English one. I could do it in French but it would probably take me longer. I apologize to members of the House.

"Whereas the northern Ontario health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

"Whereas a cancer tumour knows no health travel policy or geographic location;

"Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to

health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

This is signed by a number of residents of North Bay, Ontario, the Premier’s riding. I agree with the petitioners and I have affixed my signature to it.

**The Acting Speaker (Mr Tony Martin):** Further petitions? The member for Durham.

#### REGISTRATION OF VINTAGE CARS

**Mr John O’Toole (Durham):** I thought for a moment you were going to ignore me. I’m getting literally thousands of these newspaper petitions that have been mailed to me. It’s incredible. I personally want to thank Dave Lumsden from Ancaster, Ontario, who has a 1964 Buick Skylark, and others, all of whom are enthusiasts.

“To the Legislative Assembly of Ontario:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas Durham MPP John R. O’Toole”—that’s me, actually—“and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

“Whereas the Honourable David Turnbull,” on the other hand, “as Minister of Transportation has the power to change the existing regulation,” and to this moment he hasn’t—I’m just adding some of this;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act,” to allow vintage auto enthusiasts to register their vehicles using year of manufacturing plates.

I’m pleased to present these petitions to the page, who is Aaron from Lambton-Kent-Middlesex, and he will carry them to the table. Thank you, Mr Speaker, for that indulgence.

#### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** “To the Legislative Assembly of Ontario:

“Whereas we strenuously object to permits to take water being issued by the Ministry of the Environment without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest;

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

“We request a moratorium on the issuing of permits to take water for non-farm, commercial and industrial use and the rescinding of all existing commercial water taking permits that are for bulk or bottled water export, outside of Ontario, until a comprehensive evaluation of our water needs is completed. An independent non-partisan body should undertake this evaluation.”

The people in my riding have brought this to me to bring to the floor. I congratulate them for their initiative and I proudly sign my name to their petition.

#### REGISTRATION OF VINTAGE CARS

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I have a similar petition. There must be quite a need for this thing; that’s why these keep coming.

“To the Legislative Assembly of Ontario:

“Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

“Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates; and

“Whereas Durham MPP John R. O’Toole,” my good colleague from Durham, “and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

“Whereas the Honourable David Turnbull as Minister of Transportation has the power to change the existing regulation;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act to be used on vintage automobiles.”

I agree. I’m going to pass this on to page Tim and he’s going to bring it to the clerks.

#### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** “To the Legislative Assembly of Ontario:

“Whereas there was no environmental impact study done for this permit;

“Whereas both wells for Stirling’s municipal water supply and Stirling’s sewage lagoon depend on water levels downstream;

“Whereas there are peregrine falcons in the area; and

“Whereas no water has yet been taken in the three years since the permit was granted;

"We, the undersigned, request that permit to take water number 96-P-4110 for lot 11, concession 7, Huntington ward, municipality of Centre Hastings, be rescinded."

#### REGISTRATION OF VINTAGE CARS

**Mr John O'Toole (Durham):** Hopefully this isn't indulgent, but we're reading this petition a number of times out of respect for the people who have sent it to us; for instance, Ross and Lynn Pratt from Kincardine.

"To the Legislative Assembly of Ontario:

"Whereas there are many Ontarians who have a passion for perfection in the restoration of vintage vehicles; and

"Whereas unlike many other jurisdictions, Ontario vintage automobile enthusiasts are unable to register their vehicles using the original year of manufacture licence plates"—what a shame—"and

"Whereas Durham MPP John R. O'Toole and former MPP John Parker have worked together to recognize the desire of vintage car collectors to register their vehicles using vintage plates; and

"Whereas the Honourable David Turnbull"—that's another story—"as Minister of Transportation has the power to change the existing regulation"—and I think he will, actually.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: to pass Bill 99 or to amend the Highway Traffic Act" to allow vintage auto enthusiasts to use the year of manufacture plates."

I might say that Bill 99 will be debated, I believe, a week from today. I'll give this to Adam from London North Centre.

1540

#### ORDERS OF THE DAY

##### EMPLOYMENT STANDARDS ACT, 2000

##### LOI DE 2000 SUR LES NORMES D'EMPLOI

Resuming the debate adjourned on December 6, 2000, on the motion for second reading of Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

**The Acting Speaker (Mr Tony Martin):** We'll move to the Liberal caucus. When we last ended, the member for Lambton spoke, and if he were here we would do the two-minute questions and comments. But since he's not, we're going to move on in the debate and we're going to the member for Eglinton-Lawrence.

**Mr Mike Colle (Eglinton-Lawrence):** I'm here to engage in the debate on the amendments to the Employment Standards Act, Bill 147. It's ironic that we're talking about this bill today. I see that the profit of the CIBC, one of the banks, doubled this year to \$2.1 billion

net. Yesterday the Bank of Nova Scotia's net profit was \$2 billion. It's ironic that we're here trying to ensure that employees somehow shouldn't share in this huge windfall we're seeing for our banks. I know that we should be very happy to see our banks making these huge profits, and that's dandy, but I think ordinary Ontarians should also be sharing in the wonderful success that the booming economy in the States is reaping in Ontario.

I hope this government sees that unless you share the wealth eventually we all suffer. That's the basic philosophy of the Liberal Party, to ensure that as well as the private sector doing well and employers like the banks doing well, we want to ensure that the ordinary workers do well too. That is something most Ontarians would agree with. They believe in fairness and sharing.

The bill before us today is part of this incremental attempt by this government to water down a lot of the protective pieces of legislation that have been built up in this province over decades to ensure that workers have certain rights. I notice there's an article here that I picked up from the London Free Press. It talks about this bill being "A Return to 19th-Century Labour Laws." This article, if I may quote from it, says:

"Heads up! Premier Mike Harris's government is about to gut already mediocre employee protections in the Employment Standards Act. It is doing so in the guise of modernizing the law to meet the needs of flexible workplaces.

"What is really happening is the trashing of what took workers more than a century of struggle to achieve. The planned changes are all about providing employers with the power to schedule employees to work matching peak production and service times and decreasing labour costs.

"The Employment Standards Work Group, a self-described network of more than 30 community legal clinics, community centres and organizations which work with non-unionized workers in Toronto, has produced a critique of the government's"—

Some of the points, and I hope the public will bear with me, in terms of the impact of this legislation: as you know, sometimes it takes a while for everybody to understand the impact of the legislation before us. I should put on the record some of the highlights of this Bill 147.

"Increase the maximum workweek from 48 hours to 60 hours. Although the government has said an employee could legally refuse to work more than 48 hours a week, given the imbalance of power in the employee/employer relationship, this will not be a real choice."

I agree with that. There are some good employers who will obviously not coerce or intimidate employees into working 60 hours, but in many cases employees—especially, there are a lot of employees in my own constituency of Eglinton-Lawrence who are very eager to work. Some of them have two or three jobs. Some of them are driving for courier companies. They deliver food. They work in variety stores. Then they clean offices in the early hours of the morning. People are more than willing to work and, in many cases, because of wages not exactly being

lucrative for them, they're willing to work two or three jobs. Those are the workers I am concerned about.

When the government puts forward this so-called option of 60 hours, many of them will be afraid to turn down that offer of 60 hours. That has been my experience, because right now those same workers, as I said, are desperately seeking any kind of employment and will work two or three jobs. Mr Speaker, I don't know if you're aware of this in Sault Ste Marie, but in Toronto with some of these employees there are sometimes two or three families basically living in a one-bedroom apartment.

That is how desperate their need for work is. They have to live maybe six to eight people in a one-bedroom apartment. That's what's happening in the city of Toronto right now. People are desperately looking for work because the price of housing is so high. Look at the price of cauliflower. You have to pay five or six bucks for a head of cauliflower this week in Toronto. The price of food is going up. The price of natural gas, the average price of heating your home, is going to go up \$550. You try and fill up your car in Toronto and you almost have to take out a mortgage.

These are average Ontario residents. They are meeting these pressures on a daily basis. They are confronted with a situation where their employer is saying, "You can choose to work the 60 hours. Employee B has already chosen to work 60 hours. Why are you not making that same choice?" That's why I think the 60-hour option that this government has included in this legislation is something that they hope this government will retract. I know they rarely make amendments and rarely listen to advice, but I think most people who are either in opposition or objective are saying that the 60-hour proviso is not a good one to have in the legislation.

Another critique is, "Hours worked would be averaged over three weeks so the maximum is, in effect, 180 hours in three weeks. An employee could legally be required to work 40 hours in the first week, 45 hours the second and 95 hours the third week. It's hard to imagine how families will juggle scheduling, especially if they have young kids."

If you talk to people who work and live in crisis areas of our province, you will see that one of the direct causes of problems, with adolescents especially, is that the parents don't have the time to be at home with their young children. In most cases the two parents are working. Again you can imagine that some parents are working two or three jobs, so in this case, if in the third week of this option you have someone working 95 hours in one week, how could you dare gamble leaving your kids basically on their own for that week? That's what you'll be doing.

It's not good for the workers. It's not the top echelon workers I'm concerned about so much because I think they generally get paid more and they have more protections. They can read and write English very well. I'm talking about people who are marginalized in the workforce. They are going to suffer and their kids are

going to suffer, because I don't know who could afford any energy to come home and cook and clean and sit down with their kids and do their homework when they're working 95 hours in a week, or 60 hours. With these pressures, there is really no energy left to devote to your kids.

#### 1550

Another interesting proposal in this legislation: "Currently, many workers receive overtime pay after 44 hours' work in one week. Averaged over three weeks, it would only be payable if you worked 132 hours. This means if you worked 35 hours then 65 hours and 35 hours, which equals 130 hours, you would not get overtime for the middle week." Again, it's another wrinkle that I think is on the side of the employer and doesn't help that marginalized worker.

"An employer will be able to 'request' you take time off rather than be paid overtime. How can a non-unionized worker refuse?" We certainly know in the 1940s and 1950s that this was a common practice, and it was a way of really diluting the rights of the worker, and many workers were forced into that situation where they weren't really paid for the overtime, but instead were intimidated into taking the time off. I certainly agree with the thrust of this article in the London Free Press that says that this type of legislation is edging us back into pre-war types of protections for employees.

"The One Day's Rest in Seven Act will be repealed and replaced with a provision that employers provide two days off every 14 days, which means an employee could be forced to work 12 days straight without a day off. Working such a stretch has health and safety consequences." Working 12 straight days is one of the possibilities that arises as a result of this legislation. It can cause all kinds of stresses on that worker.

"Employers will be able to 'encourage' employees to take their vacation time one day at a time rather than in one-week periods." Again, I think this is very anti-family in that in some of the unscrupulous workplaces when the day is slow and there's not much business, they will say you take this day off rather than taking a full week off, whereby you can get together with your family and take a real rest. This type of legislation basically says you don't need that combined week off. You just take that one day here, one day there. Again, it's obvious that it gives more leverage to the employer, less family time to the employee. As I said, that is not good for workers in Ontario who want to work, who are desperate to work and will work no matter how low the wage is.

"There will be no requirement that an employer provide one day off when an employee works on a public holiday." That's another change.

"Historically, labour standards were enacted because of the unequal bargaining power in the employee-employer relationship." That's why you need protections for workers because, generally speaking, the individual worker has very little power against an employer who generally has more availability of information, and certainly experience, so that a worker entering the workforce needs some protection.



“Without minimum standards, history shows that employers tend to ‘mine’ their employees, with serious social and health impacts.” That’s a danger that lurks there. There is more impact on their health, and their social health, also.

“At its most extreme, employees are literally worked to death, as was the case in Victorian England prior to labour uprisings.” I’m not saying we’re going back to the days of Charles Dickens, but I’m saying there is a creeping regression here that we’ve seen with this government and its attempt to dismantle decades of labour peace and labour co-operation in this province.

“When you look at labour standards in Europe, you quickly realize we Ontarians are living in the modern equivalent of a slave state.” I don’t agree that we’re in a slave state, but in comparison to where Europe is going, I think we are going in the opposite direction.

“In Germany, workers receive a minimum six weeks’ annual paid vacation and 10 paid holidays. In the UK, they receive five weeks’ paid vacation and eight paid holidays.

“What do we get? A minimum two weeks’ paid vacation and eight days’ paid holidays, less than half the European average.”

The Europeans are not suffering. Considering the lack of resources that a small country like Italy has or a smaller country like Belgium, they are able to provide good education, good health care and good housing for most of the citizens. Ontario is much wealthier in resources. We should be more than able to give workers a break. With this legislation, as I said, we’re regressing.

“Statistics Canada has referred to the time stress is on the increase for every age group, more than three million Canadians described themselves as workaholics and more than half of the 25-to-44 age group worry they don’t spend enough time with friends and family.” I know this government doesn’t put that much value in that and says this is not part of the bottom line, but I think a healthy family and a healthy community is very valuable to this province. It’s very valuable to the city of Toronto. It’s very valuable to every community.

I don’t think this legislation has been measured against that benchmark. It has been done, I’m sure, by Bay Street lawyers who really have little regard for the social impact or the family impact of this legislation. I would like to see if they’ve consulted people who deal with families under stress and the impact of this type of legislation. Certainly you’ll find that a lot of people who deal with families that have to make both ends meet—take care of kids, hold down two or three jobs, pay rents which are going through the roof or pay mortgages or pay property taxes—think this is not going to help. It’s not going to do anything to relieve that stress and that pressure point, which causes all kinds of health problems and all kinds of social disruptions, not only in our communities, but in our schools and throughout Ontario.

But again, this government has not quantified that. I don’t think that’s their priority or their interest, and this legislation demonstrates that is not their priority or

interest. I think working families are in many ways the forgotten element in this province, because they’re the ones who are quiet. They are the silent majority, the ones who pay their taxes and take care of their kids. They do their chores around the house. They volunteer at the local arena. They are the ones you’ll see going door-to-door for the cancer society. They are the ones that are taken for granted because they are too busy to complain. They can’t afford lobbyists, which you have to hire to talk to this government. You just cannot be heard if you’re one of those average Ontarians who belongs to one of these working families. They don’t get listened to and are very, very often forgotten.

This bill, without a doubt, is an attack on working families that are stressed out, in many cases underpaid and in many cases cannot deal with the stresses of work and the stresses of taking care of children, not to mention the interpersonal relationships with families and friends.

“Increasing work hours exacerbates economic inequalities by allowing overtime hours to be concentrated among certain groups of workers. This means less hiring—less sharing of the work. Women, who are pressured to agree to longer working days or weeks, will find it even harder to have and raise children.” I see them in the morning. It’s still dark in the morning and you’ll see, in general cases, mothers carrying one or two young toddlers under their arms, trying to catch the St Clair streetcar to get to a daycare before they go off to work. That mother then has to spend all day working, and in this case her hours of work may be extended. Then she has to come home again on the streetcar, pick up her children at the daycare or at the babysitter’s and bring them back home. By the time she gets home, that mother has been out on the road working and transporting her kids for maybe 14 or 16 hours. This bill does nothing to help that mother of those kids. But that is a common sight.

Many of these people cannot even afford a car. We assume that everything is like peachy-keen suburbia. There are many inner-city-type conditions all over Ontario where mothers especially are forced to deal with the reality of making a living and taking care of their kids at the same time, unable to get to work—they don’t drive, they don’t have anybody to drive them—and then they work hard at their jobs. This bill cares very little for them. In fact, it’s going to make it much harder.

#### 1600

We need progressive labour standards that promote quality of life, that are applied to all workplaces and enforced to protect workers and ensure a level playing field for all employees. Unfortunately, Premier Mike Harris has a different vision. It’s true, they have the right to have that vision, but it’s a different vision of this province. I would think it’s no different than the vision of Canada that Stockwell Day had. It’s a different vision, and the people of Canada rejected that vision.

Hopefully we in Ontario will stand up for ordinary Ontarians, working families, who have a vision that includes families and kids. They may not be able to speak

perfect English or they may not be able to e-mail the Premier or hire a lobbyist, but they have every right to be heard. Hopefully we, as legislators, can speak up on their behalf and tell the Premier of this province that these people are not part of the boom we see on the front pages of the Financial Post, where we see the CIBC profit doubling to \$2.1 billion. God love the CIBC, we love our banks, but I think we should have a little bit of love left over for those children who are on the St Clair streetcar at 6:30, 7 o'clock in the morning with their mothers taking them to daycare centres so the mother can go and work in some factory making 7 bucks an hour. Those people need a little bit of love, they need a bit of care, just as much as the CIBC or the Bank of Nova Scotia and all these wonderful big companies and wonderful big corporations.

Let's share some of our love as legislators, some of our caring, with ordinary Ontarians, who also pay taxes, probably proportionately more than some of these big outfits do. So that's my message. This bill doesn't help families and in fact hurts a lot of vulnerable families who don't have people to speak up for them.

**The Acting Speaker:** Comments and questions?

**Mr Peter Kormos (Niagara Centre):** I have but two minutes. Look, I'm old enough to remember down where I come from in Crowland and Welland and Thorold, across the Niagara region, when working people, people like my parents, fought for a 40-hour workweek. They fought hard and they fought with great commitment and they fought not so much for themselves as for their children and grandchildren. They fought for families.

I spent some time with the self-proclaimed leader of the family values caucus of the Conservative Party last night, and I tried to explain to him that, yes, our whole NDP caucus is a family values caucus. That's why we're fighting for an increase to the minimum wage. That's why we're fighting to maintain a 40-hour workweek. That's why we're fighting to ensure that families earn decent salaries and have decent, affordable housing. That's why we're fighting for daycare and other pre-school programs. That's why we're fighting for an economy where instead of people working at McJobs or jobettes, so that both parents have to work, one parent can work and one parent has the freedom to choose to remain home, whether it's the father or the mother, to help raise those kids.

In but two minutes, speaking to this bill on behalf of our caucus this afternoon is going to be Rosario Marchese, the member for Trinity-Spadina. Rosario Marchese and the New Democrats are going to fight this government on their effort to impose a 60-hour workweek, a rollback to the Dirty Thirties.

Just as we opposed the greed of this government; just as Rosario Marchese stood up and said no when this government with its greed wanted a 42%, a 32%, oh, let's split the difference, a 17% salary increase for themselves; just like Rosario Marchese and the New Democrats said no to that, Rosario Marchese and the New Democrats say no to a 60-hour workweek, Rosario Marchese and the

New Democrats say no to these prolonged and continued attacks on families, on family values and on the working women and men of this province.

**Hon Margaret Marland (Minister without Portfolio [Children]):** I wanted to take this opportunity to say that I'm extremely proud of this legislation which our government has brought to this place under the esteemed leadership of my colleague, the Minister of Labour, Chris Stockwell.

I am particularly, of course, as minister responsible for children, very grateful that we have included in this bill the extension of the parental and maternity leaves and the 10-day family crisis leave. This is an area that I believe has long been needed to help families give their youngest children the best start in life. Obviously, everything that our government is doing in terms of the early years program is making that start in life the priority.

Ontario's Promise, which under the leadership of Premier Harris was announced on November 3, further emphasizes the priority and the commitment that our government is making to children and youth in this province. The maternity and parental leave extensions will give families the option of choosing, while their job is protected in terms of their return to the workplace, to be at home with those young children. We now know that that early nurturing and care for those young children is paramount to the future behaviour, health and success in their adult life of these precious, important young children.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I would certainly like to commend my colleague from Eglinton-Lawrence. I thought he made some very salient points about this legislation, and he presented some very moving images in terms of the people who will be affected when this legislation might become law.

I appreciate it has been presented by members of the government that the 60-hour workweek component is a voluntary one and that the employee would have to first consent to a 60-hour workweek. But I've talked to people in my riding, and they have presented this scenario to me: someone, usually someone who would be looking for a job in a service industry, someone who would be making minimum wage perhaps, is asked at the time of their employment interview, "Would you have any problems working a 60-hour workweek?" This is someone who needs a job, is looking for work. It might be the corner store just down the street. It's convenient, it means that they don't have to go as far to work, they're close to their home, if their family needs them they're nearby. They are asked by their prospective employer, "Are you open to working a 60-hour workweek?" This person really wants the job. Do they feel they're in a position where they can say, "No, that really wouldn't work in my situation"? How comfortable do you think they will feel when they leave that job interview knowing that conceivably there will be others interviewed who may be in a position to work a 60-hour workweek? So while they probably don't want to work it, they will feel they would be forced to say yes.

I would suggest that's a scenario that is a very real one and makes the voluntary perspective or the voluntary presentation of this legislation not a realistic one.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It's a pleasure to take part in the two-minute hit. The member for Eglinton-Lawrence certainly talked about some emotional issues, emotional in the sense of the price of cauliflower going up every winter. I don't think that has anything to do with the Employment Standards Act, the revisions we are doing, the 60-hour workweek or the permits that different governments have had to issue in order to be flexible.

He talked about banks making money and businesses in Ontario making money. I want to be on the record to say that making a profit, making money in Ontario is not a crime. We want to make sure that companies are profitable, that they are able to set up shop, and we want to encourage them to stay here. We want to encourage the environment for businesses to set up shop here and to stay here.

1610

I certainly want to commend the minister for children for highlighting the Ontario initiative so eloquently. Our Premier, along with General Colin Powell, who happened to be there as well, unveiled that. This initiative is the best thing we could do for the children of Ontario. I happened to have a few moments to discuss a few of the business issues with my wife last night and she was also saying that the initial six years are the best years in a child's life. We want to ensure as a government, in the policies we make, that we pay attention to those six years and that parents have the ability to stay as long as one year, the first year, in the bringing up of their children.

**Mr Colle:** I appreciate the comments of the members from both sides, especially the comments of my colleagues from Hastings-Frontenac-Lennox and Addington, Mississauga South, Niagara Centre and Bramalea-Gore-Malton-Springdale. I think it has a lot to do with the price of cauliflower. Ordinary people have a hard time paying for extremely high gasoline prices, the price of natural gas that heats your home, the price of groceries, the price of rent. I don't know if the member ever finds out what it costs to shop in this city any more, what it costs to pay rent, what it costs to fill up a car, and now the price of heating your home is going to go up through the roof. He says, "Well, it's wonderful." I don't think everything is wonderful.

There are some things in this province that are wonderful, but what I'm trying to say is that this legislation does not help hard-working people who are struggling. It is very clever by half to include some of the measures we've been advocating about parental leave and the 10-day emergency leave, but then what it does with the backhand is basically decimate a lot of working families through the back door. They know they're doing this. They know they're pleasing just one segment of Ontario by doing this. I'm saying share the wealth.

They should be ashamed of themselves. In this time of plenty, when there's a budget surplus in the billions, they

can't even put money into schools and hospitals, and they're in chaos. Either they are poor managers, incompetent, or they want to destroy public health care or public education or good labour legislation in this province. What is it? Are you incompetent or are you out to destroy good people in Ontario? Which one is it? That's my question to the member for Bramalea-Gore-Malton-Springdale. Which one is it: destruction or incompetence?

**The Acting Speaker:** Further debate?

**Mr Rosario Marchese (Trinity-Spadina):** I stand proudly in opposition to Bill 147, as all of our members do, and there are many good reasons for it. But before I get to my comments, it's interesting to have the minister for children stand up proudly saying what a great bill this is. While there are some elements of this bill which I will touch on that are very good, in fact, because we were promoting it—Shelley Martel was urging the minister to deal with one part of this issue that they had refused to deal with. That's a good part of this bill. But there are other elements of this bill I will be talking about, and I will make reference to some articles that will speak to the dangers of what this government is about to engage in. That you should have the minister for children stand up saying what a great thing this is, I don't get it. To know that this concerned caucus has a family values caucus, of which I think there are about 10 of them in it—

**Mr Kormos:** We're not sure. They won't identify themselves.

**Mr Marchese:** You're quite right; we're not sure how many there are, although they estimated that they think there are about 10 of them that are for family values. I want to ask them that question. Family values means, if I can define it for them, as least as it relates to this, that you have a manageable workweek that allows you, as a mom or a dad, to get back home and do your duties at home: looking after your family, looking after your children, having enough time to relax, enough time to be able to spend with the children to help them grow emotionally, intellectually and physically. I think those would be the values these people would be espousing, if indeed there is this group actively working in there, saying, "That's why we have a family values group." Where are they? Fighting for whom? I can see one of them hiding away, skulking under the seat because he doesn't want to be identified with a family values caucus that could support a bill that is about to cause the ruin of not just some families but many families in Ontario.

We hear the minister so proudly, in his own peacockish sort of way, say, "We are a government that is for flexibility and adaptability. We are modernizing the workplace." He says it proudly. "We are modernizing. What's wrong with allowing the individual to work longer if he so chooses? What's wrong with that?"

**Mr Kormos:** Oh, right. It's the right to work.

**Mr Marchese:** The right to work for the individual. Anyone can work 12 hours a day if they so wish. What's so wrong with that? And what's so wrong with a family values caucus supporting an individual's right to work as long as he wants to and as long as he needs to—

**Mr Kormos:** At \$6.85 an hour.

**Mr Marchese:** —for a mere \$6.85 an hour?

I think, Peter, my good buddy, the reason they're doing this is because people are so darn poor under this government that they've got to work 60 hours a week, at a minimum, in order to make up for the cuts this government is engaged in against the people of Ontario. First they chop them down to size. The middle class is about to disappear and what we've got left is a smaller and smaller, shrinking middle class that's growing this base of working poor in the middle. Because that's happening, the minister quite rightly says, "They've got to work more to be able to make ends meet. That's why we're giving them the right to work," because individuals have a—see you later, Chris.

*Interjection.*

**Mr Marchese:** I know. I said see you later.

**Mr Kormos:** His PA's here.

**Mr Marchese:** Where's the PA? There he is, proudly seated in his seat.

The right to work is what this is all about. It's called adaptability, flexibility, modernizing the workplace, giving the individual the tools and the right to work as long as he needs to to support his family, at \$6.85 an hour.

**Mr Kormos:** Twelve hours, 14 hours, 15 hours a day; maybe even 80 hours a week.

**Mr Marchese:** Twelve hours might be long. It could hurt the worker's ability to stay awake and maybe cause some serious injury to himself or herself or the co-workers. But it's his right to work as long as he needs to, and Chris Stockwell, the Minister of Labour, is making it happen because he's for the little guy. Should that worker be tired after working three, four or five days, 12-hour shifts, he might not be awake enough to be able to stay away from the dangers of the workplace and something serious could happen. The worker could be injured. The children of that worker would find themselves in total misery, the spouse of that individual would find herself in total, abject misery, all because the government says, "We need to modernize, to keep up with the times, to give the individual the right to work. We need to do that." And Stockwell—here's our man—is making it happen, because we need the money.

My father worked very hard to provide for six of us. People like me worried about how hard he had to work to provide for the six of us. My mother worked at home. These are not easy experiences for working people. They devote themselves completely to their family. What we now have is a situation where men and women have to devote themselves completely to the family, because one salary is not enough. You have men and women working harder, longer, for less money than ever in the history of Ontario, in a good economy yet, to make ends meet. Because they're not making any money, these people have to work longer—a sad, pitiful state of affairs.

1620

How could you, good people of Ontario, taxpayers, good citizens, permit such a government to do this, and to do it without any consultation whatsoever? You

understand that the only way they could keep themselves accountable is to take such a bill, with all the multitude of minutiae that is contained therein, and put it out to the public so they could review it and assess for themselves the impact on them and their families.

**Hon Mrs Marland:** They were consulting when Minister Witmer was the Minister of Labour.

**Mr Marchese:** Minister Stockwell said, "We don't need to do that. We're just changing a couple of acts." We're rewriting the act completely.

**Hon Mrs Marland:** For three years.

**Mr Marchese:** The minister for kids is saying we've consulted for three years. I guess that ought to do it.

**Mr Kormos:** Who did they consult with?

**Mr Marchese:** I don't know who they consulted, but the minister for children said they consulted for three years, so it ought to be enough because she supports the bill, and because she is for little kiddies she must feel—

**Mr Kormos:** They must have asked Stockwell Day.

**Mr Marchese:** Sure they asked Stockwell Day because he likes this. Stock said, "It's OK by me. Working men and women have the right to do whatever they want, and work longer, harder, for less. It's their right."

Minister for children, how could you say we dealt with this? How could you not give those working men and women the ability—

**Hon Mrs Marland:** Three Ministers of Labour—

**Mr Marchese:** I understand that. I know, but bear with me for a couple of seconds.

**Hon Mrs Marland:** I will. I'm trying.

**Mr Marchese:** How could you not give those men and women out there, real people, not abstractions—moms and dads, grandpas and grandmas, kids and young people, 18-year-olds, 20-year-olds—why wouldn't you give them the ability, the power to be able to say, "This is interesting. I don't think I agree with this"? Give them the power to disagree with you. Give them the opportunity to say, "Yes, I like this," and, "No, I don't." You're not giving the public the opportunity to make you accountable. How could you play this divine role, this ex cathedra position you take—that's a good Latin word; probably only the lawyers would understand that word—giving yourselves such divine powers in the position you hold to say to the public, "We are doing this for your own good. We don't need to hear from you."

How could you, taxpayers of Ontario, take this lying down and simply let the opposition parties deal with this and not have you out in the streets demonstrating against a government that punishes you and treats you like a child and says, "We don't need to hear from you"? How could you allow them to do that? You ought to be outraged that this government holds you in such deep contempt. Yet bill after bill, these things get passed in a short period of time and we don't hear enough from the general taxpayer of Ontario saying, "Something is deeply wrong with this." We don't hear from you, and surely I know that you, as working men and women, have serious concerns about this bill. I know that. It's basic. I don't have to give you facts. It's very basic.

Look what a number of articles have said about this. This is very revealing. For those taxpayers who don't want to listen to me, this is what others have said on this. This is from the Sudbury Star:

"Workers who complain around the water cooler that their jobs are killing them might be right, a new study by Statistics Canada suggests."

**Mr Kormos:** Literally.

**Mr Marchese:** Literally.

"The number of Canadians working long hours has climbed since 1980," and this minister says it can keep on climbing a little more; the workers can take it.

"The result may be an unhealthier lifestyle and, for women, an increased risk of depression...." Yet the government doesn't seem to read stuff like this.

"It is premature to make comparisons with the Japanese phenomenon of *karoshi*—death from overwork, said author Margo Shields...."

"But 'there is currently sufficient evidence to raise concerns about the health and safety risks of working long hours,' she said."

This is people studying this matter, but you don't need researchers to tell us these things. You can, taxpayers and citizens, know instinctively that if they force you to work longer hours, it's going to have unhealthy consequences on you and your lives. You know that instinctively. You don't need it from me and you don't need it from PhDs to tell you that.

"The study concluded that women who work long hours are twice as likely to experience depression.

"Moving to a longer workweek was associated with 'unhealthy weight gain' for men, increased smoking for both sexes and with an increase in drinking for women."

How could you, family values caucus—

**Hon Mrs Marland:** On a point of order, Speaker: I think I heard this member refer to lies and I don't think that is considered parliamentary language under our standing orders.

**The Acting Speaker:** I didn't hear it, but if the member did, I'm sure he's an honourable person and will retract it if it is so.

**Mr Marchese:** Thank you, Speaker. She obviously heard something else.

"Overtime can equal anxiety.

"The study does not directly discuss if overwork causes an unhealthy lifestyle or if workaholic tendencies are part of a self-destructive pattern that might also include alcohol, tobacco or other abuses.

"Some international studies have looked at stress in the workplace but few have looked at the impact of long hours on health.

"It is hypothesized that long hours bring about unhealthy lifestyle changes such as smoking, alcohol abuse, lack of physical activity, sleeplessness, poor eating habits and fewer chances for medical examinations."

How much more abuse can you give this poor body of ours? How much more can human beings, as frail as they are at the moment, how much more can Minister Stockwell continue to flagellate and beat and whack people—

women, men, young people—until the body says, "I can't take it any more"? How long?

Minister Stockwell can stand up and say, "No, this is flexibility for the workers. What's wrong with that? The worker can say no if he doesn't want to work longer."

Good taxpayers of Ontario, sir, madam, how could you support this minister who says you have the power to go and tell your employer, if you don't want to work those hours—you can say no to them and the employer will simply say, "No problemo, Mr Smith. You don't have to work them long hours. We can accommodate that. And by the way, Mr Smith, we won't need you tomorrow morning. Don't you worry your little heart. You don't have to worry that your poor little frail body can't take it, because tomorrow we don't have work for you. Is that OK with you, Mr Smith?"

Then you can go to Mr Stockwell and say, "Mr Stockwell, sir, I said this to my employer the other day, because you told me I could tell them if I don't want to work them long hours and the employer will say, 'OK, no problemo,' and he said, 'Look, if you don't like to work here you can just leave.' He said, 'No problemo,' and Minister Stockwell, sir, please help me out because I'm all alone. The guy just fired me." Is Minister Stockwell going to be there to say, "No problemo, Mr Smith, I'll take care of it. I'm going to call Mr Jones and tell him he has no right to fire you"?

**Mr Kormos:** He'll call Mr Jones and say, "Right on."

**Mr Marchese:** Yes, Mr Jones and Mr Stockwell already have an understanding.

**Mr Kormos:** Oh, an intimacy.

**Mr Marchese:** They talk. They consulted for three years. Like the minister for kiddies said, they've been talking for three years and they're in agreement that this is part of the new flexible workweek.

**1630**

You know, Mr Taxpayer, sir, that you don't have much power when it comes to dealing with your employer, don't you? I know that. My daughter, who has worked in many retail stores, knows that. That's why they all shut up when there is a problem in the employer's office. When an employee has a problem, as my daughter and her colleagues did, wherever she has worked in the retail sector, she said to me, "Dad, I can't say anything because if I say something I'm going to get fired," and you know that's the reality, Mr Taxpayer, sir.

Camera, put a light on that guy over there—Minister Stockwell. He's over there.

**Mr Kormos:** Shine a little light on him.

**Mr Marchese:** Shine a little light on Mr Stockwell's night.

Mr Taxpayer, sir, you've got to keep an eye on what's happening here. I can't do it for you alone. My good buddy from Niagara Centre, Peter Kormos, can't do it for you. Our other colleagues from the NDP can't do it for you. We're not enough because our powers are so limited. Our powers come from your desire to fight a government that's about to whack you and whack you good and is going to whack you for a hell of a long time,

and you won't be able to get it back until you boot this government out. But why wait to boot them out to protest against the abuses against your body, against your family, against your children? Why would you do that? Why would you wait for so long? You've got to get up and fight. You can't leave it to us. You can't.

Minister Stockwell says they'll extend parental leave from 18 to 35 weeks to match federal parental leave provisions, and then he rolled it into this other malfeasance known as Bill 147. You see, if he had separated the two we would have supported this. We want to support parental leave because we think as a family values caucus, and New Democrats are, that the people need a break. They want to be with their kids. But with the other part of the bill, they won't be able to be with their kids because they will be in the shop working until they drop. So this guy says, "You can have a year," but on the other hand he says, "But you're going to have to work. You won't be able to see your kiddies any more."

Separate the two, is what we asked them to do. Shelley Martel our colleague said, "Support this extension of 18 weeks to 35 weeks." Minister Stockwell at the time said, "No, nobody's asking for this. We've got to consult our small business employers. They don't like it. We've got to talk to them. Sorry." Then, lo and behold, he inserts this element into this bill. Why does he do that? To make it harder for the opposition to oppose the other malfeasance of Bill 147, thinking he can suck us into supporting a bad bill by putting a good measure in the bill.

I am calling upon you, Mr Taxpayer, citizens of Ontario, those of you who go beyond the pocketbook and realize that bills like this are going to suck your body out of itself, that you won't have anything left for your children and your families—they're going to whack you and whack your body good until you've got nothing left to do with that body. I'm calling on you to fight Monsieur Stockwell and the malfeasance of Bill 147, and do it now.

**The Acting Speaker:** Comments and questions?

**Hon Mrs Marland:** I'm sorry that the member for Trinity-Spadina was not called to order on some of his unparliamentary language. It is 4:35 in the afternoon and it's quite possible there may well be some young people who are watching this afternoon. I would not like them to think that a number of the words this member used are considered parliamentary under our standing orders. We take personal exception to that.

I will, however, say in comment on this—I don't know whether it was a tirade or how to describe it, but it was certainly a performance for the cameras. When the member for Trinity-Spadina finally said, "You can't leave it to us," he obviously is pleading for more members for his caucus. Those of us who had to change the standing orders of this House to make their nine-member caucus a legal entity in the operation of this place know that since they fell from government—when they were in government from 1990 to 1995 they had 74 seats, as I recall, and now they're down to nine. The good news is that indeed the people of this province are not interested

in leaving it to them. They have elected a government for a second term with a majority number of seats, and it's this government, our government, that has created 830,000 net new jobs in five years, 279,000 of which have been created only in the past year. So I would say to the member that this legislation is further confirmation that we do indeed care for the people in this province because we want them to have jobs.

**Mr Colle:** I certainly appreciated the dissertation on the member from Trinity-Spadina's out-of-body experiences. It was hard to keep track of all his comments, but he was in general expressing a lot of distress, and his distress I think was focused on the fact that this legislation does have a negative impact on working families. That is the major problem, in that there are very few enhancements or protections for ordinary working families who spend long hours trying to make a living, and they are basically threatened with making these so-called deals with employers who hold all the levers.

There are some very scrupulous, wonderful employers out there, but what I worry about is that employee who is faced with one of a number of employers who are not scrupulous. That's the concern. I don't see any possible way that protections are there for people in those situations.

This government takes a lot of credit for things. I should remind them again that almost every recognized economist will tell you—I heard an economist this morning on the radio who was asked, "Why is the Ontario economy doing so well? Is it because of the tax cuts or is it because of something else?" He said, "Without a doubt the Ontario economy is doing well because it exports to the United States, and the United States economy is doing so well." So tax cuts have very little to do with it. What this government should be spending more time on is investing in children, investing in working families, not just helping the big guys. Help the little guy once in a while.

**Mr Kormos:** I'm grateful to the member for Trinity-Spadina for his comments on this bill and his contribution to this debate. You see, I remember the 1950s as a kid. I remember my folks working six-day workweeks, seven-day workweeks, and folks throughout Crowland, throughout Welland, doing the same. I remember their fight for a 40-hour workweek. I remember reading things like *Popular Science* and *Popular Mechanics* and *Life* magazine and the promise—some of you will recall this during the 1950s—of shorter workweeks and more time for families and more time for community and more time for recreational activity, and the fact that robotics and other technologies emerging in that post-war era of the 1950s were going to make working women's and men's lives better and that the wealth they create was going to be shared a little more equitably with those workers, the women and men who create that wealth but who, inevitably, never get to own it.

Now, as someone who's far older, quite frankly than my parents were at that point in my life, I see those same kinds of families working harder, working longer and

working for less. I see those kind of working families that I grew up a part of, and in the community I grew up in, like Crowland, Welland and Thorold, I see those working families receiving less of the wealth they create while at the same time the volume of the wealth they create has grown exponentially. The fact is that there are huge amounts of wealth being created in this province right now and it's increasingly being monopolized in the hands of fewer and fewer people. The Frank Stronachs of the world don't share their wealth that's created by their workers with those workers. They squeeze those workers as tight as they can, and this government has clearly taken a side. It's on the side of corporate bosses, not on the side of workers or workers' families—no question about it.

**Hon Chris Stockwell (Minister of Labour):** I will say on the record right here and now, I do not believe for one moment that Bill 147 will suck the body out of anybody's self. I say that to you. No one will suck their body out of themselves because of 147. I will go on the record with that. I think you spend way too much time talking about a body part that shouldn't be talked about too much in this place.

Further, I want to ask Mr Kormos—in the 1950s you were reading *Scientific American*, *Popular Mechanics*, *Life* magazine, and you were born in 1952. So let's see; that would mean that at four and five years old, you were reading *Popular Mechanics*. You were one bright little guy, weren't you? Obviously we should have had longer workweeks.

1640

To listen to this stuff, I'll tell you one thing: the NDP never had to worry about workweeks, because nobody was working. That was one thing. Everybody was on welfare, for heaven's sakes. I don't know why you're worried so much. You didn't have to worry about it, I guess.

The one thing I will say you should have worried about is, if this was such a horrible thing, longer workweeks and vacation etc, why were you issuing permits to allow people to do it? You never asked—

**Mrs Sandra Pupatello (Windsor West):** For the exemption, and you know it.

**Hon Mr Stockwell:** Oh, no, they're not the exemption, as I hear from the member for Windsor. You also had 24 sectors excluded from the employment standards: agriculture, mining, hospitality—I can go on. Millions of people weren't covered under the Employment Standards Act, and now you've found the Lord in opposition. This was a horrible thing going on in this bill, when you were excluding millions of people from working under that act.

I want to get back to the one point that you should talk about. If you were so concerned about the family and you were reading *Popular Mechanics* when you were four years old, why did you introduce Sunday shopping? That was the one specific killer of the family day: Sunday shopping. You were opposed in opposition; you were human pup tents, you folded so quick over here.

**The Acting Speaker:** Further debate? The member for Windsor West. Oh, I'm sorry. The member gets a response; I made a mistake. The member for Trinity-Spadina.

**Mr Marchese:** I thank the minister for participating in the debate. It's always a pleasure. I enjoy him and his remarks.

The reason I made reference to the body parts is because this guy, the minister for work, is going to force people to work harder, longer, for less money, work till you drop. The body works, you see; it's the body that works. It's not a machine; the body is not a machine. He is forcing people to work harder, longer, for less. What he's saying is, "Don't worry, workers, I ain't doing that. It's just the opposition that talks about it. They're just inventing it. I won't require you to work harder, longer, for less. I won't require you to work till you drop. That's not my intent. I'm just going to make sure that you and your employer can work things out, you know? You just go and talk to the employer and just work things out, because we want to give you the right to work as long as you want." Working longer, harder, for less, making the body work till they drop. Men and women, a family values kind of caucus. This is the family values Conservative Party at work.

Here's a study that says the University of Montreal found that couples working these non-standard hours were twice as likely to separate as those working the standard 9 to 5. As if it didn't add enough abuses to what happens to individuals, divorce goes up; sleeplessness causes injuries in the workplace. Working harder, longer, for less means you don't see your children. Families, men and women, don't see their kids. Then we have law problems to deal with, and you've got the Conservative government, the law and order, coming in with more laws to keep you down. Minister Stockwell, you are so good.

I am calling you, taxpayers, the ones who support these people, to fight Bill 147, as is your right to do.

**The Acting Speaker:** Further debate?

**Mr Gill:** I'm very pleased to join in this debate today on Bill 147, the Employment Standards Act, 2000. As we go about debating these bills, many times I'm sure people at home start wondering, what is it in particular that they are talking about? I want to highlight that this is Bill 147, the Employment Standards Act, 2000.

I'm going to take you back to the year 1968, 32 years ago. I was 17 years old, and that is when, with my parents, I came to Canada. This Employment Standards Act coincidentally goes back to 1968. I remember going to university, and things have changed in the last 32 years, as you know, in every sector of life, including perhaps life itself.

There used to be these huge computers that filled up whole rooms that were air-conditioned, humidity controlled and everything, and I remember we would have to line up first of all to punch cards with FORTRAN. FORTRAN was the language of science, of engineering. You would line up, you would get your turn and punch these cards, and then you would line up again. After the

program was run, you would invariably find a glitch—I would say in 99% of the cases there was a glitch—and you had to line up again.

What I'm coming to is these days we all have different technologies. I see the minister for children has this new gadget these days on which she can receive e-mails, and she can transmit e-mails right from her chair if she wants to do so. What I'm arriving at basically is in the last 32 years things have changed for the better. I'm certainly very happy to have evolved in the same way from 32 years ago.

What Bill 147 does is bring the reality into the workplace. Things certainly have changed over the years. People are using computers every day. For example, IT: information technology. The word did not exist at that time. Nobody talked about the IT sector, and now this has become one of the prominent sectors and many young people today are going into that sector and benefiting from that. We wanted to make sure that the current employment standards reflect the reality of those changes which have come about because of the evolution of the workplace. I am certainly pleased.

I will be sharing my time with my colleagues from Durham and Niagara Falls.

As a member of the Mike Harris government, I'm very proud of the things we've done to increase the freedoms and opportunities for working people in Ontario. Since this government was first elected in 1995, our labour legislation has played a part in one of the biggest booms in our province's history. We can talk about the reasons for it, whether it's free trade, whether it's the 93% trade with the USA, whether it's the tax cuts; there are many factors.

What has been proven—and I'm going to use words which you might have heard a few years ago—is tax cuts create jobs. A lot of people didn't believe that. But if you look at the recent rhetoric that went on in the federal election campaign, which ended on November 27, every party, including the federal Liberals, said that they would be giving tax cuts to businesses and to individuals—even parties like the NDP, who said they don't believe in tax cuts, that they believe in sharing their wealth. They believe that the rich people should be made poorer so that the poor can benefit. That is a myth. You do not benefit the poor by making the rich poor.

Because of our actions, we have been able to create 830,000 net new jobs. I'm going to qualify "net new jobs." We never said that we are going to only increase jobs or employment. We said there will be cuts wherever there's fat in the public sector, in whatever areas, but we promised there would be an increment of net new jobs. As I've said before, we are known as a government that keeps our word.

#### 1650

In one way, we were wrong, because we actually surpassed what we said. We did better than what we said we were going to do. In the last year, since 1999, we have increased net new jobs by 279,000. That is an unprecedented increase in net new jobs. Businesses are

flocking to Ontario. Ontarians are back to work. Incomes are rising. Taxes are falling. Literally, the cranes are back in terms of more construction going on.

Recently, I was at a hotel opening. A good friend of mine opened up a new hotel at Jarvis and Dundas. I didn't realize, until one speaker said, that this was the first hotel opening in the last 14 years. This opening of a hotel, especially in the Jarvis and Dundas area where the neighbourhoods were going down, is going to bring back prosperity. It's a bold move by this good business friend of mine, Mr Steve Gupta, and I certainly want to congratulate him for having done so.

Ontario is back on the right track, but we must not become complacent. This government has taken strong steps since the last election in establishing workplace democracy and sunshine laws for union leaders. We have restored the balance between unions and businesses, as well as between unions and their members. At all times, our focus has been on the individual freedoms of Ontario's workers. We have fought to ensure that their rights are paramount, whether they are dealing with the employer or with the union.

The next step in labour law reform for this government comes in this bill. It is our plan to move employment standards into the 21st century. Over the past few weeks, opponents of the balanced labour legislation have been spreading a lot of rhetoric and deliberately misleading information in the media and in Ontario's workplaces about this bill. I want to take this opportunity to set the record straight. It is important that Ontarians know the truth about our proposals.

The current Employment Standards Act, as I said before, was enacted in 1968 and has not been significantly updated since the early 1970s. The world has changed, society has changed, and workplace laws have to change to keep up with the way we work and live in the 21st century.

Many provisions of the current act do not make sense in our new business environment. The system of permits required is bureaucratic and wasteful. Modern working arrangements are not taken into account and time off in lieu of overtime pay is not even contemplated in the old act.

I want to shed some more light on what I mean by work permits and stuff like that. Under the current law, whenever there is a deviation from the set standards, people have to apply to get a permit. Under the NDP government and, I will admit, even under our government, as many as 18,000 applications were processed to allow people that minor flexibility. The fact of the matter is that workplaces need flexibility. Even though you would think they should be able to plan better—and I agree with that—from time to time, because of a surge in demand, workplaces have to ask employees to work overtime. To be able to do that, there is red tape in the system right now where there's a standard form they have to fax in to the ministry. And it's almost like rubber-stamping; it is approved. Some 90 permits, on average, are approved on a daily basis. What this bill



does is take the initiative of reduction of the red tape one step further. It allows employees and employers to come to an agreement if they so decide, and they do not need the government to interfere with whether they should work extra one day and less another day.

For Ontario to remain competitive, we must continually modernize our laws and regulations and reduce the size of government. We do not need to legislate or regulate. We must ensure that the provisions we pass are clear and not a burden on business and individuals. This bill contains a number of specific measures that will increase the individual freedom of workers without placing a great strain on our businesses, large or small.

I want to make it perfectly clear: the government is not proposing to force anyone to work 60 hours a week. Whoever says otherwise is just scaremongering among Ontario's workers. I certainly want to admit that the opposition think it's their job to perhaps scaremonger, to scare the workers of Ontario that everybody will have to work 60 hours. But as I said before, all this bill does, if passed, is give the employers and the employees that flexibility I talked about.

Currently, the act permits employers to ask employees to work extra hours, but that can only be done by obtaining a permit. Another myth is that the government is proposing to remove the right to overtime pay. There were some numbers being thrown about yesterday that it's going to be averaged over four weeks, and that's quite true. The overtime is going to be averaged over four weeks, and that is if the worker desires to do so. If somebody works 60 hours today and 20 hours next week and 40 the week after and 40 again, if they so desire, they may wish to average the overtime. But if they don't, they are certainly entitled to overtime for the 60 hours that they worked. The ability of employers and employees to agree, for their own specific reasons, to average overtime has existed since 1968. It's nothing new, and the system has worked well. We are not creating anything new right here.

Employees, as has been said before, working in nuclear plants, hospitals, manufacturing, automotive and IT industries are already familiar with overtime averaging. Many of the province's nurses, security and maintenance employees, software designers and miners average overtime in order to facilitate compressed workweek schedules. The only difference between the current act and the government's proposal is the necessity of a rubber stamp from the Ministry of Labour. As I said before, overtime would continue to be payable at time and a half after 44 hours per week. Overtime hours could be averaged over four weeks with the written agreement of the employee, without ministry approval.

A new provision that benefits workers would allow employees to take time off in lieu of overtime. This is something interesting: they could take time off in lieu of overtime at a rate of time and a half. So they're not giving up any rights. This is an entirely new right gained by Ontario's workers. Time off in lieu of overtime provides an employer with flexibility while giving em-

ployees the benefit of a significant tax break. Small businesses, in particular, will benefit from this proposal, as many cannot afford monetary overtime payments.

Another myth is that the government plans to let employers force their workers to take vacations one day at a time. That is wrong. The fact is that employers would still be required by law to schedule vacations in minimum periods of one week or more. Only employees, not employers, could consent to a different arrangement.

Some people are also spreading the myth that employees could be forced to sign agreements to work excess hours and go without overtime pay and vacation periods or else lose their jobs. That's wrong as well because that's against the law. Employers could be charged for that. In fact, we are proposing to hire more investigators, increase their powers, increase proactive inspections and increase fines against employers who try to break the law.

#### 1700

The maximum penalty for repeat offenders could go as high as half a million dollars and result in a jail term of up to one year. In addition, the government proposes mandatory posting of employee rights in every workplace that will include a toll-free complaint line and the ability to make anonymous complaints. This measure will discourage intimidation in the very small number of non-compliant workplaces.

Our reforms are designed to protect employees while at the same time allowing individuals to structure work schedules that meet their own needs. The fact that the government is proposing mandatory written agreements between employees and employers for arrangements that deviate from the standard for hours of work and overtime averaging is a new safeguard where none existed before.

Upon inspection, workplaces would be required to produce documentation as proof of employee agreement. Currently there is no such requirement. Bill 147 reduces the Ministry of Labour's involvement in issuing permits for variations from the standards in the act and allows greater flexibility in the workplace. To balance this flexibility and ensure that vulnerable employees are protected, we will establish stronger enforcement provisions.

Currently, employment standards officers can only issue orders to pay for monetary violations. They are without the authority to order employers to comply with the act or address non-monetary violations such as failure to keep records. The only recourse presently is prosecution in provincial court, which is very expensive and time-consuming. The authority of employment standards officers to issue orders will be extended to all provisions of the act. They will be able to use a system of fines as an enforcement tool. The current act allows for a maximum fine of \$50,000 and/or six months in jail. The new standards would allow for escalating fines: \$100,000 maximum for the first offence, \$250,000 for the second, and half a million dollars for the third offence. The maximum jail sentence would be increased from six months to a year. These proposals are aimed at repeat offenders. Good employers do not break the law. We're aiming for

a level playing field where the small number of law-breakers cannot benefit from cutting corners.

As we promised in the Blueprint, employees in workplaces with 50 or more employees will be provided with up to 10 unpaid days of family crisis leave. This is an important humanitarian change that is long overdue in Ontario. This will avoid, as I said yesterday while I was talking about the same bill, the scheduled sickness that sometimes happens in the workplace these days. People know that they have to take their loved one to a doctor's appointment or many other things and they know they're going to be sick, so-called, next Thursday. This will avoid that. This will give them the right to attend to those very important family-related emergencies.

So this bill overall, contrary to what the opposition is saying, is a good bill. It's a good bill for the employees, it's a good bill for the employers, and it gets the government out of the hair of workplaces.

**The Speaker (Hon Gary Carr):** Questions and comments?

**Mr Colle:** Just to comment on the remarks of the member for Bramalea-Gore-Malton-Springdale, I guess the thing that perplexes me and I think many people out there is that the member stands up and starts talking about all these misconceptions about the bill, all these myths, misunderstandings, and for the life of me, I can't understand why they wouldn't have at least one or two days of public hearings to clear the air. I'm just wondering, why wouldn't they have these hearings to invite all the employees, invite the representative labour groups, invite the members of family organizations and let them come in here and ask questions of the minister and the bureaucrats? I guess that's the only thing that I find very perplexing and maybe the member could respond to that: why no public hearings? As you know, Mr Speaker, this is a pattern of this government. We passed another bill the other day—no public hearings. They pass bill after bill without public hearings.

To get back to the point of this bill, what we're saying here is that it's not a level playing field. For the member to put forward the proposition that there's a level playing field out there between employees and employers—I'm sure he doesn't really believe that. There is an advantage in the hand of the employer and anyone who would say the employees have the advantage is certainly dreaming in Technicolor.

What this bill does, as I said, is weaken a lot of legislation, a lot of attempts by governments in the past to strengthen the protection of workers, to protect families from the undue hardship of long hours and stress. This bill is a regressive bill. It takes us back 30 years into an era when employees had very little protection and it really not only jeopardizes the worker; as I said, this hits right home to the families that are going to be threatened by this extra onus on their working day.

**Ms Marilyn Mushinski (Scarborough Centre):** I'm very pleased to be able to join in the discussion and comments on the submission made by the member for Bramalea-Gore-Malton-Springdale, and an excellent presentation it was, I might add.

Clearly, the member for the Liberal side wasn't listening to his submission. He starts off by suggesting that the minister hasn't held any public meetings. The member has quite clearly indicated, and I believe the minister on several occasions has indicated, that the government, first of all, released a consultation paper in July, 2000, it held public meetings in five Ontario cities and it received submissions from more than 240 groups and individuals.

Yet again the members from the Liberal side like to perpetuate this myth that somehow this government doesn't consult, when it has probably consulted more often this year than they did when they were in power. When you consider that this is an Employment Standards Act that has been in effect for 30 years and hasn't received any comprehensive review whatsoever in that 30 years, I put it to the Liberal member across the way, where was he? Where was your government when you were ruling for five years and you did absolutely nothing to modernize the workplace?

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to respond to the remarks by the member for Bramalea-Gore-Malton-Springdale. I want to talk about the part of the comments where he was referring to the financial and fiscal record of the government, and I hope he'll comment on this. I was looking at the release this week on the finances of the province and I see that the government says the debt of the province has gone up by \$22 billion since Premier Harris became Premier. That, by the way, is 25%. We're paying about \$9 billion of interest every year on the debt. Premier Harris took it up 25%, so almost \$2.5 billion a year of extra interest charges because of the debt.

We've always said, as Alberta did—what Alberta did was to balance its budget and then it cut taxes. What Quebec did was to balance its budget and then cut taxes. What the federal government did was to balance its budget and then cut taxes. What Ontario chose to do was borrow money to cut taxes. It borrowed \$10 billion just to cut the taxes.

So I just say to the public of Ontario, the debt under Premier Harris has gone up 25%, \$22 billion. We are paying an extra \$2.5 billion every year in interest costs. He'll say we needed that to stimulate the economy, but again, you look in this report and what it says is—this is the government's report—that what has been driving the Ontario economy is exports. It points out here that 10 years ago exports were equivalent to about 29% of the gross domestic product, and today it's 55%.

I just say, because I'm referring to the remarks of the member for Bramalea-Gore-Malton-Springdale, that the tax cuts could have been handled in a completely different way, not borrowing the money but doing what Alberta, Quebec and the federal government did; that is, getting our fiscal house in order and then cutting the taxes, and the exports would have continued to drive the Ontario economy.

1710

**Hon Mr Stockwell:** I compliment the member on his statement in the House today.

I say to the member opposite from Scarborough, that it would have been really interesting had you campaigned on that. The trouble is, you didn't. You campaigned on tax cuts too.

**Mr Phillips:** Oh, I don't think so.

**Hon Mr Stockwell:** Mr Phillips, please, I read the red book. You had tax cuts in there. Don't tell me you didn't. You had tax cuts in 1995 and in 1999.

*Interjection.*

**Hon Mr Stockwell:** Now the argument is that it wasn't quite as high. But the point he was trying to make was that we would have to give tax cuts—we had a 30% tax cut—and have to borrow and in fact the debt would go up. But he's just splitting hairs. He had tax cuts too, in 1995 and 1999. You would have had to borrow and you would have had—

*Interjection.*

**Hon Mr Stockwell:** Yes, you would have. Why are you saying no? That's simple arithmetic. Come on, be fair. I listened very carefully to you and I accept the fact that you've been consistent in the criticism, but you haven't been consistent in your campaigning. You promised tax cuts in 1995 and you promised tax cuts in 1999. Since you promised those cuts, all you're saying is it's how big they were. You're not saying you'd do any different; all you're saying is that you maybe would have given smaller tax cuts, but regardless, you would have had to borrow money. It may make a lot of sense in here, but then you should have campaigned on that. The trouble is you campaigned on the exact opposite, both in 1995 and 1999.

*Interjection.*

**Hon Mr Stockwell:** That's not fair to heckle. You did. Read your red book. You know you promised tax cuts.

I say to the member for Eglinton-Lawrence, I had public hearings on this white paper. Two years ago we had public hearings. I went to London, Windsor, Sudbury, Thunder Bay, Ottawa, Toronto, and I was out in Sarnia and to Oshawa. I think it's better to get public input on a white paper before you draft a bill. A lot of those complaints and issues that the unions brought to me during that white paper made it into the bill. They told me they should have a 10-day crisis leave. They told me the inspectors needed more power. They told me they needed to do spot audits. It made the bill. We publicly consulted. That's not fair comment.

**The Speaker:** The member for Bramalea-Gore-Malton-Springdale.

**Mr Gill:** I want to thank all the members who took part in this discussion, from Eglinton-Lawrence, Scarborough Centre, Scarborough-Agincourt and the Minister of Labour.

I want to commend the Minister of Labour because I believe it was in July of this year when we had the white paper out so people could send in their feedback. He visited five cities and more than 240 groups or individuals made a presentation, contrary to what the member for Eglinton-Lawrence was saying, that we did not go out.

**Mr Colle:** On a point of order, Speaker: It's the right of this Parliament to have public hearings. They denied us the public—

**The Speaker:** That's not a point of order. The member take his seat.

**Mr Gill:**—that he is currently wherever people have been brainwashed that the sky is falling.

The minister went to Oshawa and only 28 people showed up in the riding, which is a so-called big labour type, General Motors and everything. The minister was out in Sarnia as well, and in Kitchener, so he was doing his due diligence. He has been out there making sure that some of the myths the opposition is trying to spread are nullified. I want to congratulate him.

Some of the things this bill does, but nobody has talked about—I'll take the next 16 seconds because that's all the time I've got left. Direct deposit of wages: the law did not allow previously for the employers, even though it has become a common practice, to have direct deposit for their employees. This bill, if passed, would allow that.

**The Speaker:** Further debate?

**Mrs Papatello:** I am happy to speak to the Employment Standards Act amendments tonight. I wanted to speak in particular to how this bill will affect women in the workforce. We asked the Minister of Labour today in the House during question period—I am very happy to be sharing time with the member for Scarborough-Agincourt, who will be able to take half of my time.

I want to speak about women in the workforce, women who live in Windsor West, who work in a production-type company, who work every three months not knowing whether they're going to work the next three months. It is a very labour-intensive position they have. There isn't a lot of skill required when they get the job. It is above minimum wage; it usually ranges between \$8 and \$12 an hour. They are on call. They get called that week; maybe they're going to get called the next week.

These are the women I was thinking about when I was reading the contents of this bill. Some of these women are new immigrants. Some of them have been in Windsor for a long time and don't speak the English language well but understand enough to get by, certainly. These are the women I was thinking about when I read the contents of the bill. These are the same women who will not say to the employer, "No, I can't work the extra time. I have to get my children from school." These are the women who are not going to have protection. These are the same women I have met who are not going to pick up the phone and dial 1-800-something-or-other and say, "I've got to lodge a complaint."

These are the people the Ministry of Labour is responsible for and is letting down completely with this bill. I resent the fact that the Minister of Labour, of all ministers, uses the terminology "union bosses." I don't hear anyone calling police chiefs "boss hogs." It's a very uncomplimentary term. Why would they ever stand in the House and speak about people who are duly elected? Clearly this minister has never been a member of a union.

I've been a member of a union, and I know that when we select our union leaders, those are the people we elect to represent me. I find it insulting to think they would treat these people with this kind of disregard and label them "union bosses." It's just rude. If the Minister of Labour had any integrity, he would stand up and say, "I apologize. I'm not going to do that again because people find it offensive." I find it offensive. Having been in a union workforce, I find it offensive that our own Premier of Ontario speaks to people in this manner and calls them names and lets the view be that it's OK to talk about groups in this manner; it isn't.

Of all groups that come, the Conservative MPPs in this House stand up and talk about how they modernizing the Employment Standards Act. "Modernizing" means that it's going to be better for people in the workforce, and I don't believe that's true with what you've changed.

We've brought up the point that they're going to allow a 60-hour workweek to be the norm, and they say, "No, no, that's not the case. It's going to be voluntary, if the employer and the employee agree." If it is not the case that there are going to be 60-hour workweeks, why was it put in the bill?

We have allowances in the bill now to change how vacation time can be taken. In essence, they can give the vacation one day at a time, as opposed to a week at a time or two weeks at a time. When we bring up that some employer may take advantage of that and individuals won't be able to say no to what the employer is requesting, they say, "No, no, that's not going to happen because you can call a 1-800 number and complain about that." That is not the reality in the workforce.

I go back to the women I know who work in a circumstance where they need to work. Often they are single moms. These are the same single moms whom the government is determined to keep off the system. If that's the case, they are in a workforce where they are not in a position to say no to an employer, for a whole variety of reasons. Number one, they don't know that they can. If even under the current law they don't know that they can say no, do you honestly believe that with the new law they're going to know that they can say no? If they did say no, the consequence would be a great impact in terms of how long they stay with the company.

We have plants where I come from where these individuals don't know if they will be working there in the next six months. They move from this kind of employment to another, always in a three-month time period. Maybe it's going to go for six weeks, as long as the work holds out. They are not a unionized shop. These are the people who know they have to work, and if they're going to be the individuals on the list who keep saying no to the employer about extra time, "No, I can't take vacation time in that manner," "No, I don't want to switch my lunch time so it's more convenient for the employer," they go to the list. Those are the individuals who don't get called to come back for their next three months' work. Come on. Can the Minister of Labour not understand that that's the reality in the workforce out there?

We are just seeing a glimmer of some kind of slowdown, and all the economists are talking about it. The employers start to sharpen their pencils to see, "How many employees do I need to keep on now?" Of all times, this is when they start taking a sharp look at which of their employees in their view is the most reliable, prepared to go to the wall for the company.

1720

Individuals who would always go to the wall for the company will do so unless it interferes with child care, picking up their children from school. There's been no discussion around the child care industry. Are we going to all of a sudden provide greater access to child care when these hours go into the evening? Is there any recognition that when an employer asks the employee to stay on and the employee can't say no, they are going to cover somehow the additional costs of leaving that child in the daycare centre longer, at an additional cost? It always costs more after hours. Is daycare even available after a prescribed set of hours? Is the daycare industry suddenly going to look and say, "Oh, we've got a new Employment Standards Act. We'd better change our business to comply"? That is not the reality in the workforce.

We asked the minister today in the House, what does Dr Fraser Mustard think of these changes? It behooves the Minister of Labour to answer that question.

This is the government that keeps saying they are there for the kids. The Vanier Institute for Family: you know that these organizations looking out for the best interests of family say that you've got to have parents with the availability, the time to give their kids. Those in a unionized workforce are going to have the protection of their contract. The ones that I fear for most are those who are not under contract. They are, as we pointed out today in question period, young people just making their way; women who will not have a choice because they know they have to work and know they can't say no; new Canadians who won't know the current standards, the current laws, and won't understand the changes. I do not see the Minister of Labour going out of his way to ensure that everyone's going to understand what the rules are.

That's the reality in the workforce. It's certainly the case where I come from. These kinds of places exist. If the Minister of Labour is not interested in helping these people, the ones who need help the most, who is looking after them? It's certainly not the balance of the ministry or the cabinet. I don't hear anyone else standing up in defence of these people who are going to need the protection. That's the job of the Minister of Labour, and instead he brings a bill into this House with complete disregard for the real impact on individuals in the workplace in Ontario.

They did come to Windsor and talk about this. They called it a white paper that they had prepared. They called my office on a Friday to say they were coming on Monday. I believe it was Monday of a constituency week, when all MPPs have their weeks fully booked, when they know they're going to be home in the riding. I

managed to get a staff to attend, sure. What we knew was that every group that presented to the Minister of Labour on that day disagreed, and the only ones we could find that agreed were those that represented independent business, the chamber of commerce. Of course we know what they're going to say, and I'm sure the Minister of Economic Development and Trade looks after their interests well, but the Minister of Labour is responsible for looking after employees in Ontario, and with this bill he hasn't done that. Nor has he answered the very real questions about the effect of this bill on children. What does Fraser Mustard have to say about the extension into a 60-hour workweek? What did he say about that? I ask the minister to answer the question.

I would ask the minister responsible for children to give an opinion: is this in the best interests of children in Ontario?

Is it in the best interests of women? I ask the minister responsible for women. Did she have any input at all into the effects of this kind of law on working women in Ontario?

Those are the questions that should have been asked in public hearings, which we did not have, and there is no excuse for the government to say these things will not happen, because they should not have been put into law or even considered, making the excuse that all kinds of applications were signed away and they were always given permits to do this. Permits are under extenuating circumstances, and that's always been the case. What's very different today is that this government is putting these things into law, a law that is going to be very detrimental to young people, to women and to new Canadians. We're going to wait and see the impact of this, and I'll be voting against this bill.

**Mr Phillips:** I'm pleased to continue the debate on Bill 147. As kind of an overview of it, almost every area of Ontario's society, in my opinion, over the last five years has been changed quite fundamentally by Premier Harris. Of the four big areas of change, in my opinion the health care system is in worse shape now than it was five years ago, and I believe there's some objective support for that. Our emergency rooms are encountering worse problems now than they did five years ago.

I think our education system is in some considerable turmoil, and I base that on my visits to the schools. Our teachers are under an enormous amount of stress. I've always said this: that education is relatively straightforward, that it is attracting a motivated, qualified, trained teacher and putting that person in front of a group of students in a safe warm environment. It's that simple. We've demoralized our most important asset in education, in my opinion, which is the teacher.

I don't think there's any doubt that our environment's in worse shape now than it was five years ago, and I base that not on just my view; I base it on the Environmental Commissioner's view and on the Provincial Auditor's view.

There's no doubt that the housing situation today is far worse than it was five years ago. I've said many times

that Ontario needs to see 15,000 rental units built every single year. For the last four years, we've need less than 1,000 built every year. There is no doubt a crisis is building.

The reason I mention all those things is that in the area of workplace relations, we've had relative calm in Ontario. I carry around with me a document that the government produces of why businesses should locate in Ontario. This is the document that's used to persuade businesses to come to Ontario, and I think it's a very worthwhile document. This is what the Ontario government says in this document about our workforce and what someone who wants to invest in Ontario should expect here, among other things:

"Our workforce is forward-looking, sensible, self-reliant, loyal and committed to employers' objectives. In 1997 job tenure averaged nine years for managers and eight years for all workers. In the 13 countries studied by Walker Information CMS worldwide, Canadian employees ranked first for commitment and felt that their employers were highly focused on customer quality and employees. The labour-management legal framework is streamlined and balanced. Labour-management relations are constructive and stable. Bargaining is rooting in realism and a clear understanding of the competitive nature of the global economy."

It essentially goes on in this document to say to some potential investor that one of the key reasons you should come to Ontario is that there is a good working relationship between employers and employees. So if we're going to change that, there should be some substantive good reason for it. The bill we're dealing with today is one of three labour relations bills we're dealing with. This bill attempts to provide protection for employees, workers in a non-organized environment. In other words, in a unionized environment the employees have their union to protect their interests. In a non-unionized environment, the employees have something called the Employment Standards Act, and that's what we're debating here today.

I acknowledge that within this bill the crisis leave is an important element and the maternity leave is an important element. The rest of the bill takes away some of the protections employees have had. I just say to us all, why would we do that? Do our employers need substantially more flexibility than they currently have?

I go back to, why would we now turn our attention to fundamental change in an area of Ontario's society and economy that seems to have been working well? I go back a little bit also to the Provincial Auditor. He made his major presentation to the Legislature. This is the Provincial Auditor that we, the Legislature, employs. The Provincial Auditor gives us independent advice. The Provincial Auditor issues annually something he calls a value-for-money report. He issued that report, and when he was commenting on the report he said several things. One thing he said was that since he's been the auditor—he's been the auditor for eight years now—his last two reports, the one that he just presented and the one that he

presented last year, were the two strongest, most condemning of the government of the reports he's presented. I know that's embarrassing to the government because he was here when the NDP was here and, obviously by inference, he's suggesting the NDP was doing a better job of spending the taxpayers' money than this government is. But he made these points.

1730

This is unusual for the Provincial Auditor because he's very cautious in his comments. He said two things. One is that while the civil servants, the bureaucracy, recommend moving slowly, the government tends to want to move very quickly to implement broad-scale things that, in the auditor's opinion, perhaps should be tested. The second major point he made, among others, was that he's talked to most governments in North America about private sector partnerships and, without exception, all who have moved quickly would say that if they could do it all over again they would move more slowly and more deliberately.

The point for raising all of this is that the Provincial Auditor is another independent source that suggests to us that the Harris government is now moving into another area of fundamental, significant dramatic change that, in my opinion, undermines what the government says has been a strength of Ontario's economy. One of the previous speakers on the government side said this is getting government out of the workplace. I understand that, but government has a role to define some fundamental rights in our workplaces, in my opinion, and I think on all sides of this House we would acknowledge that. But this bill takes away some of the protections that employees have in a non-organized environment. I happen to think that the government is probably making a significant mistake here. It is taking away one of the rights workers have had that have maintained a sense of stability and peace in the labour force.

The words that the government has in this document are important in terms of pointing out that "Ontario is fortunate to have a forward-looking, sensible, self-reliant, loyal and committed to employers' objectives"—in other words, I don't think it's any accident that Ontario has been able to enormously successfully compete with the US. Ontario now is the most export-oriented jurisdiction in the world. Nobody exports a larger percentage of their gross domestic product than Ontario does. Our auto plants are renowned across North America for being highly productive. This document actually says that: "Our auto assembly plants, for example, have been consistent winners of North America quality plant awards issued by J.D. Power and Associates, and throughout the 1990s our relative manufacturing unit costs fell further than those in the US."

So here we are taking a successful working environment that Ontario understandably brags about when we're trying to attract business to come here and we're making a decision that we're going to essentially make some very fundamental changes. It's not just this bill. As you know, there are two other bills.

For Ontario, in my opinion, health care, education, the environment and housing have been made worse by this government, and now I think we're about ready to make labour relations worse rather than better.

**The Speaker:** Questions and comments?

**Mr Bob Wood (London West):** It's my pleasure to be able to agree with some of the remarks just made by the member from Scarborough and to feel it my duty to disagree with a couple as well. He has rightly pointed out that we are highly competitive with the United States. He's quite right.

The statistics show us that our growth rate is greater than that in the United States and there's not much doubt that Ontario is very much on the move. If current projections turn out to apply in 2001, we are going to have more vehicles made in the province of Ontario than will be made in the state of Michigan. That is a great credit to the people of this province.

The auditor said the government wants to move more quickly and the bureaucrats want us to move more slowly. That's exactly right. I'd much rather move quickly and get done what needs to be done, than move slowly and deprive the people of what they rightly need and want by way of service and progress from the government.

He has referred to public-private partnerships. These have been highly successful throughout the world and we've engaged in a good number of very successful public-private partnerships. I think we have to continue to explore, as we do, where public-private partnerships are appropriate and to take advantage of those where they are needed. The fact of the matter is that almost all, if not all, of the public-private partnerships we've engaged in have been highly successful.

The member referred to the question of people who have chosen not to be represented by a union. He seems to think these people aren't doing well. That is completely wrong. The non-union sector is thriving. It has people who are skilled, dedicated and doing very well. They have chosen not to be represented by unions because they feel quite capable of representing themselves. I think we can be very proud of the accomplishments of those people. I think his concern is misplaced when he thinks these people are not quite competent and capable individuals who can make the right decisions for themselves.

**Mr Michael Bryant (St Paul's):** I listened with great interest to the member's speech, as we all do in this House on these particular matters.

The great concern that has been articulated here is one not with respect to whether we ought to be making things better. It's not the why or the what; it's the how. The great concern that has been articulated by the member is that yet again the government is rushing to judgment without thinking through what the consequences are in fact going to be.

We all know sometimes that's what happens in moments of revolution. We talk about political revolutions, but we are here as legislators and we have had identified

before us a number of serious concerns about the direction in which we're going and the adverse consequences. In the spirit of trying to do the right thing, we may end up having created the reverse situation.

I appreciate the comments from the member. I hope the government takes them all to heart and I hope we can get the changes that are necessary. I fear that's not going to happen; of course, that is not what happens in the year 2000 in the Ontario Legislature.

That said, for all Ontarians who want to know a few years from now how the government of the day got it wrong with respect to this legislation, I know they're going to want to listen to the speech of the member from Scarborough-Agincourt, as did I.

**Mr Bart Maves (Niagara Falls):** It's a pleasure to respond to the members from Windsor West and Scarborough-Agincourt.

The member from Windsor West told a tale of woe of workers in her riding, perhaps new immigrants, perhaps people who are not readily conversant with the English language, perhaps people who would be too nervous to stand up to a boss who wanted them to work more than 44 hours without overtime pay, to work more hours in a week than they are currently working, too timid to say, "No, I don't want to do that. I don't want to get into that kind of a flexible work relationship. I don't want to sign a form where I give permission."

I wonder why, then, that member and her party—and in fact the member from Scarborough-Agincourt, who I believe was a labour minister in the Peterson government—believed that up until today, in the years they were in office and the NDP was in office, the permit system that's in place right now was OK. It allows the same thing, only you have to get a rubber stamp on a permit, a piece of paper from the Ministry of Labour.

1740

We've heard our labour minister say that in order to protect people like those the member for Windsor West pointed out, we're going to have new responsibilities and rules that hours of work need to be posted in the workplace that aren't there now. The member for Scarborough-Agincourt, when he was the Minister of Labour, didn't insist on that. I don't know why he doesn't talk about that and mention that part of the bill. Now they're going to hire more inspectors and give those inspectors more authority, give them authority to levy even higher fines on people who contravene this act. Why didn't they move to those changes when they were in office and in fact why do they oppose those changes now which will be tougher on workplaces that try to contravene the act?

**Mr Frank Mazzilli (London-Fanshawe):** I certainly am pleased to speak on this. When we talk about modernizing, it occurs in many different areas. The one thing that we don't have from Dalton McGuinty or the provincial Liberals is any harmonization, if you will, with what their federal Liberal cousins are doing. I got up on another evening when this issue of modernizing workplaces was discussed in a different debate, and I suggested that members from Dalton McGuinty's Liberals check with their federal Liberals.

Let me tell you where it came up. Sergio Marchi, the World Trade Organization representative for Canada, obviously a very big Liberal—what did he say? The issue was privatization. There was an article in I believe the National Post, and while doing this research, what did he say? He said there are plenty of services that are ripe for privatization. That's from Sergio Marchi. He brought wonderful tidings to a US business coalition. Then he identified areas that are "ripe for liberalization." So he calls privatization "liberalization."

"In a subsequent interview, Marchi claimed that Canada would not jeopardize public health and education in the negotiations. Yet according to the Washington Trade Daily, in his speech Marchi specifically named 'teaching and education' as areas for expanded coverage." What's he saying there? On one hand, we want to modernize workplaces and we want private partnerships. Then what do we get from Dalton McGuinty and the Liberals? "No, we don't want to do any of those things. We don't want our province to grow, to prosper, to create more jobs." At least their federal cousins are open to some of these suggestions.

**The Speaker:** Responses? The member for Scarborough-Agincourt.

**Mr Phillips:** I'm pleased to respond to the members' comments—I guess London West, London-Fanshawe, St Paul's and Niagara.

Just to perhaps clarify, because the member for London West—I may not have explained it properly. In terms of the government moving more slowly, when asked why the environment is all screwed up and why the transfer of land ambulances is in a mess and why Agricorp is in a mess and why the jail situation is in a mess, the auditor said that in his opinion these are probably examples where the bureaucracy had a plan for implementing this properly, and because, I gather, the Premier is driven by ideology or something, he just simply overrode the bureaucracy and there's the problem.

We've got enormous problems in the environment. The land ambulance transfer is going very badly. He pointed out some significant problems in the corrections services, and the Agricorp board was investing in things that I gather were not only high risk but were illegal.

On the privatization one, the 407 is your best example. I guarantee you that the users of the 407 have been ripped off big time. The government when they sold it said, "Listen, the rates on the 407 will go up in total in 15 years perhaps three cents a kilometre." They've already gone up three cents a kilometre, and if you don't pay those tolls you don't get your licence renewed. In my opinion they are paying tolls twice what they should be because Mike Harris wanted a cash grab. The deal closed the day the election was called and the poor 407 users are paying the price now, and will forever.

**The Speaker:** Further debate?

**Mr Maves:** It's a pleasure for me to rise and join the debate on Bill 147, the Employment Standards Act, 2000. There has been quite a bit made so far in this debate about the consultation process surrounding the Employ-

ment Standards Act reform. I remember when I was the parliamentary assistant to the Minister of Labour in our first mandate, from 1995 to 1999, at that point in time there were quite a number of people both in business and in labour, and actually in the bureaucracy, the civil servants who work for us at the Ministry of Labour, talking about how outdated the Employment Standards Act was and how outdated employment standards were in the province of Ontario. Indeed the act had been brought in, I believe, in 1968 and had never really substantially been updated, and they were engaging in a process even then, well before 1999, to look at how we might modify the Employment Standards Act.

Part of that goes to the fact that there's a totally changing nature of work in Ontario today, and throughout the world, in fact. In the old days, in the 1950s, a lot of folks marched off to plants and punched clocks. It was very routine and everyone went off to their own workplace. There were very similar work experiences throughout Ontario and throughout the developed world. As we marched along in time, those typical workplaces changed rather dramatically. The number of people, for instance, in the past decade who have created their own businesses, are operating their own businesses out of their homes, are working out of their homes for another employer on a piecemeal basis or on a contract basis doing computer work or some other type of work like that, has grown enormously.

In fact, a lot of the economic growth—as the chamber empties at 10 to 6 on a Thursday—a lot of the economic development, a lot of the job changes that have happened over the years require an updating of the act, require us to look at these standards, require us to look and see if the proper flexibility is there so that the growth in self-employment, the growth of work at home and contract work will fit in and continue to flourish, and we continue to have the growth we've had over the past few years in that sector with a more flexible Employment Standards Act. That's what we embarked on in the previous mandate, when I was the parliamentary assistant to the Minister of Labour. That's what this minister has continued down the road on since his appointment in 1999 as the Minister of Labour.

They talk about not enough consultation. It seems to me that with every bill I've ever been involved with since 1995, the comment from across the way is, "There wasn't enough consultation." The problem with that is that the facts speak for themselves. Between 1995 and 1999, the government sat more hours in this Legislative Assembly than any government in the history of Ontario—I'm not sure about this fact, but I think any government in the history of Canada, in any province or even our federal government. That's how many hours of debate on bills we had in this Legislative Assembly from 1995 to 1999. Yet on every single bill we passed, the members opposite complained and shrieked, "Not enough time for consultation."

In fact, that government between 1995 and 1999 had more hours of public hearings on bills than any govern-

ment in the history of Ontario, than any government, I believe, in the history of Canada. That's how much consultation we did. but did you hear the members opposite stand up and say at that point in time, "Congratulations. You've done enough consultation on the bill. You've heard the consultation and we've seen you've done the consultation; we acknowledge it. Go ahead and pass that bill"? No. Never. They never did that. Never once would they say that we had enough consultation on any bill. So the refrain again from the other House is pretty much—

*A noise interrupted the proceedings.*

**Mr Maves:** Something is happening here, Speaker, and I have no idea what it is, but I'm going to just toss this over there. We're not supposed to have electronic equipment in this Legislature. That's an old rule, but the workplace is changing. In fact that goes to my point: the workplace is changing. A lot of members think I had indigestion there, but it wasn't.

**1750**

The workplace is changing. I remember that even in this Legislature, in this place, we have our own standards. There was quite a bit of debate in the last legislative sitting where we talked about maybe introducing electronic equipment into this place. In the old days, you obviously wouldn't bring a typewriter in here, but today some people think we should be able to bring our computer notebooks here and quietly do our work. Maybe this is an example of why we shouldn't. Even with our best intentions, those people with electronic equipment don't remain quiet.

I thought it was an instructive example, actually. I would like to say I planned that, but I didn't.

As for as the members opposite once again raising this issue of not enough debate, not enough consultation, not enough time to look at this—poppycock. If we go back to the previous mandate, we were doing consultation then, and the minister did some more consultation on a white paper and now we've had many hours of legislative debate in here.

There was a time-honoured tradition in this place, which some older than I remember much better than I, where the House leaders of the three parties would get together and talk about the process of bills through the Legislature. They would work it out between themselves, that while members opposite may disagree with the bill, they would give it a certain amount of debate, and eventually the bill would pass through and there would be agreement between the House leaders.

With the NDP government between 1990 and 1995—I confess it started when we and the Liberals were in opposition—there seemed to be quite a bit of gnashing of teeth and banging of heads. Quite often the NDP government invoked closure on bills. They would pass motions in this House, and debate them for a day, to limit the debate on a bill. They did that many times. In fact they did not have a lot of public committees and standing committees on their bills. Some of the most controversial bills they passed, like the social contract, which went against every principle the NDP has stood for since they



started—the sanctity of the collective bargaining agreement—they totally went against that. They had no public hearings on that—none.

It's really difficult for us to sit across the aisle, knowing our record of how much in the way of public hearings we've had as a government, how many hours we've sat as a Legislative Assembly debating bills. I've been here until midnight on many nights and my colleagues the same. I can see tired nods now as we sit on this side of the House fully until 6 o'clock, or until 9:30 most nights of the week. We've experienced just how much more this government has added to the time of debating bills in this Legislature, the time of having bills go through the public committee process.

To sit and listen to this time after time actually shows—the people at home should look at this and say, “Why can't the members opposite debate the contents and the merits of the bill? Why are they always on about process?” I'm not necessarily arguing this, but some would argue that they don't know the contents of the bill, that they don't really understand the merits of the bill.

They look at themselves as opposition, “Therefore, I must oppose whatever comes up. If I don't have time to necessarily get into the nitty-gritty of the bill, if I don't have time to necessarily understand the bill, then I have

to have something to complain about to the government. So I'll complain about a Provincial Auditor's report that has nothing to do with this bill, or I'll complain about some spending or some taxation policy or something that has nothing to do with the bill.” Quite often, they'll complain about procedure: not enough time to debate in this Legislature, not enough public hearings, and so it goes. It's too bad.

The public should look at these types of debates and say to the members opposite, “Why don't you guys talk about the details and the merits or lack thereof of a certain bill? Why do you go on about so many other topics?”

It seems to me that, as opposition members, you're just trying to fill time, you're just trying to oppose for the sake of opposing, and that's too bad. I hope that as we move forward in the coming years, that attitude from across the aisle changes and we can sincerely begin to work better together as an entire government of the people, to do better and better bills for the people of Ontario.

**The Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday.

*The House adjourned at 1755.*

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Chair / Président: John Gerretsen  
Vice-Chair / Vice-Président: John C. Cleary  
John C. Cleary, John Gerretsen, John Hastings,  
Shelley Martel, Bart Maves, Julia Munro,  
Marilyn Mushinski, Richard Patten  
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /  
Règlements et projets de loi privés**

Chair / Présidente: Frances Lankin  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Brian Coburn,  
Garfield Dunlop, Raminder Gill, Pat Hoy,  
Frances Lankin, Bill Murdoch  
Clerk / Greffière: Tonia Grannum

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