



ISSN 1488-9080

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 15 October 2002

**Journal
des débats
(Hansard)**

Mardi 15 octobre 2002

**Standing committee on
justice and social policy**

**Volunteer Firefighters
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**Comité permanent de la
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volontaires**

Chair: Toby Barrett
Clerk: Susan Sourial

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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

**COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES**

Tuesday 15 October 2002

Mardi 15 octobre 2002

The committee met at 1600 in room 151.

**VOLUNTEER FIREFIGHTERS
EMPLOYMENT PROTECTION ACT, 2002**

**LOI DE 2002 SUR LA PROTECTION
DE L'EMPLOI DES POMPIERS
VOLONTAIRES**

Consideration of Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.

The Chair (Mr Toby Barrett): I would like to commence. Good afternoon, everyone. Welcome to this regular meeting of the standing committee on justice and social policy. Our purpose this afternoon is to receive deputations with respect to Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters. For the purposes of Hansard, we're meeting this day, Tuesday, October 15. We have a number of delegations and we have available 15 minutes for each delegation.

TOWN OF CALEDON

The Chair: I wish to call forward the first delegation. That would be the town of Caledon. Good afternoon. Have a chair and we'll ask you to give us your names. You may want to allow members time to ask questions and make comments.

Ms Carol Seglins: Mr Chair and members of the committee, I'm Carol Seglins, the mayor of the town of Caledon. I am joined today by our fire chief, Mr Boyd Finger. I believe you all have copies of the material, so I'll go through it quickly.

I would like to thank the committee for allowing us to provide comment on Bill 30, the Volunteer Firefighters Employment Protection Act. I'd also like to formally acknowledge the work of Mr Ted Arnott, MPP, Waterloo-Wellington, who has had the courage, and really realized the significance for municipalities such as ours, to bring forward the proposed legislation, and the Association of Municipalities of Ontario for their support for the bill.

I would like to begin by giving the committee information about the community that I serve. The town of Caledon is the largest community in the region of Peel, with a land mass that exceeds that of the city of Toronto. We currently have a population of approximately 50,000 persons scattered throughout the town. Bolton is our largest centre, with roughly 40% of the population. In all, there are 13 villages and hamlets and a substantial rural area.

The Region of Peel Act stipulates that fire and emergency services are an area municipal matter, and our council takes that responsibility very seriously. We have a very qualified chief who manages a number of full- and part-time staff. We currently have a full-time fire prevention officer, a public education officer, two support staff and 215 volunteer firefighters.

Each station is staffed by volunteers with a district chief, an assistant district chief, three captains, a training officer, an assistant training officer and a fire prevention officer. We currently have one Ontario Fire College master facilitator trainer and 16 facilitator trainers.

Our very large geographic area poses some interesting challenges. In order to ensure a proper level of service and reasonable response times, we have a total of nine stations for a population of 50,000 residents. Our inventory of equipment is also significant, with 10 triple combination pumpers, seven pumper/rescue vehicles, one pumper aerial truck, one rescue squad unit, six water tankers, three pumper/tankers, one command/lighting unit and two mechanical units. Of all these pieces of equipment just mentioned, 10 are class A foam-equipped units.

Our very large and diverse geography has created another challenge, that being finding the best way of providing the human resources to deal with the delivery of the fire and emergency service. Our chief has developed a level of staff resources appropriate to deliver fire suppression, public education and fire prevention services. Our complement varies, but at this time we have over 200 firefighters, the majority of whom are volunteers. These public-spirited members of the community have other employment and choose to receive training and, when they become qualified, offer their service to our community. These volunteers are joined by a number of fully trained and qualified firefighters who work in other communities but reside in Caledon. These individuals have full-time municipal employment elsewhere and

choose to volunteer in their hometown to respond to community service needs. These so-called double-hatters are the subject of this proposed legislation.

I think it is safe to say that when our council learned that an association of firefighters based in the United States began to assert its policies on our firefighters in Caledon, we were both shocked and mystified. After all, we assumed that it was a basic right and freedom in this country for someone to work in whatever profession they chose. In fact, many full-time municipal employees, including full-time firefighters, are free to spend their non-working hours with their families or going to school or working at a second job. This is a basic freedom that we enjoy in this country and province, not only for full-time municipal employees but for everyone.

We also learned that there was such a backlash when this first became an issue in the United States that the International Association of Fire Fighters recently clarified its stand on the issue of double-hatters. The reason I bring up the international association relates to the fact that it was this organization that first highlighted the matter of double-hatters in Ontario.

However, in a letter to lawmakers in the United States this past July, the International Association of Fire Fighters' president wrote, "Concern has been raised that our organization is engaged in action against volunteer firefighters that would be injurious to these individuals' employment status and job security with their government and/or fire department position. I can assure you that these concerns are groundless. The IAFF has never supported any actions that would jeopardize a firefighter from obtaining or maintaining a full-time position in a career fire department.... This is a matter of personal choice...."

The firefighters of our fire department who serve as full-time firefighters elsewhere deserve this same protection and freedom to make a personal choice. They have recently learned that earlier this month, the Ontario Professional Fire Fighters Association, which is affiliated with the International Association of Fire Fighters, wrote to its members advising that it will now be lifting its moratorium on secondary employment charges. They had developed a policy of not taking any action against its members for the time being and issued a moratorium on new charges. However, as of October 1, the moratorium has been lifted. A copy of their letter is attached to your material that you have before you.

It is precisely because of this type of action that taxpayers and our firefighters so desperately need the protection afforded in Mr Arnott's bill. Some of our firefighters have already been subjected to pressure and, without some form of protection, may lose their personal choice.

I am given to understand that Ontario is one of the few jurisdictions that does not have this type of legal protection for its municipal workers. Perhaps this is because we have not seen this extraordinary intervention before. At any rate, seven other provinces in Canada offer protection to employees.

In addition to the larger issue of the right to work, the eventual elimination of double-hatters would have a significant impact on the Caledon taxpayer. If we were required to replace these staff, the taxpayers would see a significant property tax increase with no appreciable improvement in the level of service. This is simply not acceptable. I gather that other areas of the province may be hit with substantial increases as well. Frankly, it is up to this committee to ensure that the rights of the employee are protected and unnecessary tax increases avoided.

The loss of our firefighters who live in Caledon and serve in neighbouring communities would have a dramatic impact on public safety. Where would we possibly find new staff with the same qualifications and training? How would we manage the immediate stress on our operations? How do you explain this loss of service and the immediate threat to public safety to our residents and businesses? Where do you find the individuals?

On behalf of our community, please do the right thing for our taxpayers and our firefighters and recommend passage of Mr Arnott's bill.

Thank you very much for permitting me to address the committee. The chief and I are happy to take questions.

The Chair: We have a little under five minutes. We'll commence with the Liberals or the NDP.

Mr Dave Levac (Brant): What time frame are we talking about? A couple of minutes each?

The Chair: We have about five minutes.

Mr Levac: For holistically?

The Chair: Yes. We'll see how the time goes. We may have time just for the Liberal side at this point.

Mr Levac: My apologies for being a little tardy for your presentation, Madam Mayor. I was delayed for a moment, but I still got the gist of your comments.

A couple of quick questions: you indicated that the elimination of double-hatters would have a tremendous effect on your taxpayers' base—an "increase with no appreciable improvement in the level of service." Is that an implication that you're going to replace them with professional firefighters, or simply the volunteers that they're asking to replace them with?

Ms Seglins: About 25% of our force would be affected. We'd have to find the individuals and have the costly training for new volunteers coming on. Losing all of that expertise, I think you could just imagine that there could be a significant loss of manpower and also a threat to public safety.

Mr Levac: When you say "a threat to public safety"—the fire marshal had implied, from my reading of his report, that there wasn't at this time a threat to public safety, unless holistically all of the double-hatters were removed. So you're saying that in your community, the removal of the double-hatters would pose a threat to your community's safety and security?

Ms Seglins: Yes. I mean, the people aren't out there trained and ready to go at this point in time. There would be a significant time lag before we could find the individuals as well as have them up and trained.

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Mr Levac: Ok, and there's an assumption, then, that without the passing of this bill the removal of the double-hatters would have to happen immediately, and there hasn't been an agreement on or discussion of how to replace those double-hatters?

Ms Seglins: We are not looking at trying to replace them. They want to participate in their community. They have a great level of expertise and training. They give support to the other volunteers who are coming on to the force. We have not chosen to do that, and we think those people have the right to work in their community on a volunteer basis if they so choose.

Mr Levac: And the training and professional development are not at a cost to your community?

Ms Seglins: We maintain training for all our firefighters.

Mr Levac: So you're saying, though, that by replacing them, you'd have to pay for them. You'd have to pay for training?

Ms Seglins: No, I'm saying there would be a cost for training new individuals coming on to the force. I understood your question to be, if 25% of our force were eliminated, how would we meet the manpower needs of the chief? We'd have to find that many more individuals from the community who wanted to volunteer as firefighters, and once we recruited them we'd have to go through a substantial training program. That's a very costly thing. Ongoing training is one matter. Getting them up to speed, and certainly to the level of expertise that some of the full-time firefighters offer to our service, would be substantial.

Mr Levac: I guess the follow-up is that that professional training is provided by the community from which they're coming.

Ms Seglins: That's provided by our municipality, yes.

Mr Levac: So the community providing that service is paying out of its own pocket for the training—

Ms Seglins: Yes, we pay for our firefighters to be trained.

Mr Levac: —and paying for all the equipment?

Ms Seglins: We buy our own equipment.

Mr Levac: So under the circumstances, not a dime is coming from the government?

Ms Seglins: We call ourselves a level of government, sir.

Mr Levac: From the provincial government?

Ms Seglins: No. This is a municipal responsibility.

The Chair: Mr Kormos?

Mr Peter Kormos (Niagara Centre): How are we doing for time?

The Chair: We've got about two minutes.

Mr Kormos: You said there are approximately 200-plus volunteer firefighters in your firefighting service.

Ms Seglins: Yes.

Mr Kormos: Approximately—and I appreciate again that it's approximate; that's fair enough—25% are—

Ms Seglins: It's about 50.

Mr Kormos: Fifty per cent?

Ms Seglins: I'm saying to you that 25% is about 50.

Mr Kormos: That's right, but 25% are double-hatters.

Ms Seglins: Yes, approximately.

Mr Kormos: Are there one or two communities these people are from where they're full-time?

Ms Seglins: We have 13 communities.

Mr Kormos: But they're double-hatters, which means they're employed by some other community as full-time firefighters.

Ms Seglins: There's no one service that they all come from.

Mr Kormos: Can you give us two or three?

Ms Seglins: I would say that all the surrounding GTA communities are hosts to several or more of these volunteers.

Mr Kormos: The new city of Toronto? Mississauga?

Ms Seglins: Brampton, Vaughan.

Interjection: Markham.

Mr Kormos: Were you aware of the efforts to negotiate a resolution of this via the fire marshal's office?

Ms Seglins: I've not seen that.

Mr Kormos: I hear what you've got to say, and I'm not in a position to dispute any of what you've got to say. Here you are, and I suspect you're telling the truth; I have no reason to believe you're not.

I'm just reading the Ontario Association of Fire Chiefs' submission that they made to this committee by way of a letter. Have you had a chance to see that submission at all?

Ms Seglins: I haven't seen it. This is the large city chiefs? Who is it?

Mr Kormos: The Ontario Association of Fire Chiefs. Chief Finger, you might be in a better position to tell us who these folks are.

Mr Boyd Finger: It doesn't mean we agree with everything they say.

Mr Kormos: Quite right. The Ontario Association of Fire Chiefs—those are larger cities or are they fire chiefs of—

Mr Finger: Any fire chief in Ontario can belong to it.

Mr Kormos: They expressed some concerns about a legislated so-called solution compared to a negotiated one. Do you share any of the concern that they express?

Mr Finger: If I lived in a perfect world, it would be nice to think we could negotiate this. But I don't live in a perfect world, and I don't see negotiations going anywhere at the present time.

Mr Kormos: If you spend some time here at Queen's Park, you'll see even less.

Mr Finger: I've also been around for those six years, so I've seen it all.

The Chair: Thank you, Mr Kormos. I wish to thank Mayor Seglins and Chief Finger.

FIRE FIGHTERS ASSOCIATION OF ONTARIO

The Chair: I wish to call forward our next delegation, the Fire Fighters Association of Ontario. Good afternoon, gentlemen. We would ask for your names for the record.

Out of the 15 minutes, could you leave some time for comments from committee members?

Mr Dave Thomson: Thank you very much, Mr Chairman and committee members, for allowing us to be present today and make a submission. I'm Dave Thomson, president of the Fire Fighters Association of Ontario, and with me is Adam Gall, a member on the two-hatter committee.

Just a little bit on who our association is. The Fire Fighters Association of Ontario is a provincial organization consisting of member fire departments, fire companies, firefighter associations and ladies' auxiliaries. This association was formed in 1899 and was incorporated in 1910. It is comprised of volunteer and composite departments across the province of Ontario. It is our position that the practice of two-hatting should be preserved for now and in the future, and it is neither rational nor desirable to reduce the reliance on two-hatters within the Ontario fire service. Simple common sense tells us that a career firefighter should be able to provide his or her skills and expertise in service to his or her community.

Volunteer fire departments are often the centre of their communities and form an integral part of that community. These two-hatters are the most dedicated of the volunteer firefighters and, in many cases, two-hatting has carried on for generations. We feel that their local communities should be able to benefit from their knowledge, skill and leadership to achieve the best public safety available.

Dedication in the volunteer forces goes far beyond any money or compensation they receive; it's helping your neighbours. However, presently if a two-hatter does assist the community in a time of need, they will be subject to putting their career on the line. Many career firefighters retain a second job or livelihood for their families; for example, as truck drivers, electricians, pipefitters and so on. No other professional association to my knowledge suspends or disciplines its members for providing their professional skills in community service.

When we look at public safety, our association stresses the impact on public safety, as also identified in the discussion paper of the fire marshal's office: (1) loss of experience and leadership—these two-hatters have many years of experience and training and most often hold a rank in leadership on volunteer fire departments; (2) increased response time until replacements are recruited and properly trained; (3) reduced daytime response because many of the two-hatters work shifts, and that's convenient for a volunteer fire department, and (4) potential reduced fire ground operations.

Compensation coverage: the Workplace Safety and Insurance Board only permits top-up of insurance coverage for volunteer firefighters, volunteer police officers and volunteer ambulance attendants. Almost all municipalities have topped up or increased this extended insurance coverage for their volunteers to the maximum allowed under the act. Life insurance varies from municipality to municipality, but all firefighters are covered to some extent for life insurance.

Volunteer retention: in today's economic and social lifestyle with employment or career changes, it is essential to retain any two-hatters in order to maintain the best protection for the community. The time frame or expectancy of a volunteer varies across the province but is approximately five to six years of service.

As indicated by the fire marshal's office in their discussion paper, the cost to replace two-hatters is huge. According to the FMO, the minimum ongoing additional cost of replacing a two-hatter is approximately \$100,000 per year, and this does not include the cost to train and outfit new personnel and officers to replace the two-hatters. The cost to train and outfit a volunteer is significant. In some instances, these municipalities will lose in the end with the training, expertise and knowledge they lose. This economic loss was clearly identified in the Ontario fire marshal's paper.

Many firefighters begin their careers in the volunteer fire service. When they are hired full-time they are rookies and low men on the seniority pole, and then they are pressured to give up their volunteer positions by the full-time association.

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What is the volunteer fire service? Is it a prep school for the career fire service? I believe it is. Is that a problem? No, it's not really a problem unless we mean to cut our own throats by doing so. Many times, comments from older fire chiefs and officers seem to go against some of the training and professionalism in the volunteers, because their attitude is sometimes, "We're only going to lose these men, so why bother training them?" Small communities merely become a cost-free training school for full-time forces.

Regarding a negotiated settlement, it became clear from the FMO discussion paper process that a negotiated settlement, in the absence of any legislation, was not workable due to the fundamental lack of authority of the stakeholders to control or negotiate on behalf of their members. The IAFF constitution gives the right to charge a member to every other member. Neither the Ontario Professional Fire Fighters Association nor any International Association of Fire Fighters local has the power to prevent a member from laying charges.

Throughout the discussion paper process, IAFF locals continued to pressure two-hatters to resign. Most recently, 15 two-hatters in Clarington, Ontario, resigned as a result of a letter threatening charges and suspension from the IAFF.

On October 1, 2002, the Ontario Professional Fire Fighters Association lifted its moratorium on charges and advised all members that they have unfettered freedom to charge two-hatters.

It is clear that in the absence of protective legislation, IAFF locals will continue to charge two-hatters, and municipal volunteer fire departments will be at the mercy of this association.

We look at its impact on other legislation that's out there. Bill 148: the short title of this act is the Emergency Readiness Act, 2001, and first reading was on December

6, 2001. We as an association feel that this bill, if enacted, in the future would not have an impact on or bearing toward the two-hatters in general. Emergency training and public education are already in place, and if further assistance is required to assist, mutual aid agreements can be activated with necessary manpower and equipment for that emergency.

Regarding Bill 30, although we support the intent of Bill 30, we have some concerns with the bill in its current form for the following reasons:

First, in proposed section 56.1, we are concerned that in attempting to directly regulate the union discipline process, the bill may be open to a constitutional challenge.

Second, it only deals with two-hatters who work as volunteer firefighters and does not extend the broader principles of unfair representation to career firefighters available to most other unionized employees in Ontario and career firefighters across North America.

The goal of all stakeholders of the fire service should be to provide the best possible public safety to all citizens of Ontario, not just the minimum.

Volunteer traditions run deep. The two-hatters are as much part of our communities as any other volunteers. An attack on them is an attack on all volunteers. This is simply a matter of being able to help friends and neighbours in a time of need.

We as an association, speaking for volunteer firefighters in the province, urge you to support the intent of Bill 30: to support firefighters and their communities.

The Chair: Thank you, Mr Thomson. We have about four minutes. We'll commence on the government side.

Mr Ted Arnott (Waterloo-Wellington): Thank you very much for your presentation. I really appreciate your input on this. Unfortunately, I don't think you had a written presentation for us, but we'll be able to get it out of Hansard so that next week we can review it when it's available.

Mr Adam Gall: We'll be submitting a detailed report.

Mr Arnott: I appreciate your suggestion concerning amendments. As the individual who brought the bill forward in the Legislature on behalf of the volunteer firefighters, I'm certainly prepared to listen and be involved in discussions concerning the possibility of amendments.

There's been a recent development that I need to bring forward. This was brought up by the previous presentation from the town of Caldedon. A letter was sent on October 1 from Mr Fred LeBlanc, who is the president of the Ontario Professional Fire Fighters Association. In it he has written, apparently, all the members of the OPFFA and suggested that the moratorium that his predecessor, I guess, had recommended be put into effect in terms of new charges on members who were double-hatters be lifted, and indeed I think he's suggesting that there should be more charges rather than fewer.

I assume you've seen this letter and are aware of its contents, and I'd like you to respond to it. Why do you

think the union would be taking that approach at this time?

Mr Gall: Your guess is as good as mine. Why would they be taking this approach at this time? It's a good question. It seems to me, from their perspective, that it probably would have been a better strategy to lie low at this point.

Maybe I can give you a bit of history. This whole process basically started back in 1999, when the OPFFA, at their convention, passed a resolution advising all member affiliates to start to monitor and to report on any two-hatters within their jurisdiction. This was followed up in August 1999 by a legal opinion which the OPFFA had done for the purposes of finding out whether or not, if they suspended someone from the union for two-hatting, enforced the union security clause, they would be able to have that person dismissed. The conclusion of the legal opinion they had was that because of the lack of existing legislation, yes, the IAFF would be able to suspend and then have them dismissed. They basically used that legal opinion—I wouldn't say against their members, but they used it to convince their members that if they don't give up volunteering, they are going to lose their jobs, and because of the lack of statutory protection, they've been very successful in doing that.

As I think you know, through the discussion paper process, different local affiliates continued to pressure members to quit. The Clarington people have actually received letters, I understand, and 15 of them have quit. So there's been very little respect of this moratorium by the members themselves, even though apparently it was promised by Mr Watson, the previous president. It would appear that, again, members have continued to charge and continued to pressure in spite of that moratorium, which I think goes to show just how little control the IAFF and the OPFFA have over their members on this issue.

That's why Bill 30 is so critical. I think their most recent position, of lifting the moratorium, is indicative of where they are headed, and that is to rid this province of all two-hatters.

Mr Arnott: Which is their stated intent.

Mr Gall: Which is their stated intent.

Mr Arnott: I know Mr O'Toole had a question. He represents the Clarington area.

The Chair: Mr O'Toole, and we have about one minute.

Mr John O'Toole (Durham): Thank you very much. We appreciate your presentation. It's a very important voice.

The volunteer component in my riding—my riding is Durham. It does include Clarington, and also includes Port Perry. For a lot of reasons, some historic and some just a weak assessment base, those municipalities have worked for a long time with a lot of volunteers who provide first-line, high-quality response to residents who may otherwise have their lives endangered.

I know it's a complicated issue. I'm just wondering, for those trying to work with and alongside other pro-

professionals—and I consider the volunteers to be professional; I don't think they are a weaker standard, as some may have suggested, by anything I've seen—what caution or what protection do you afford the people who are willing to volunteer? They could do many other things, but they love the profession or the occupation of firefighter. Those 15 people are, in my view, badly needed in our community, in the short term and in the longer term as well, as part of the solution to providing first-class fire protection services in our community.

Do you think this issue can be solved through this bill, or is there something the professional association is going to do to make it the best possible solution for those communities that don't have complete full-time firefighters? I know that in all of Durham it's been an issue for years.

Mr Gall: You make a very good point there. This has been an issue for years and it keeps surfacing, it keeps coming up again and again, primarily because there is no statutory protection. If the statutory protection that Mr Arnott has proposed is in place, then this problem is not going to keep arising. Under Mr Arnott's bill, it obviously has the power to prohibit the unions from actually disciplining. We're suggesting a gentler sort of approach where we don't stop them from disciplining, but we prevent any ramifications from that discipline from affecting their employment.

Without the bill, I think you're going to see what happened in Ottawa and what happened in Hamilton. That is, the IAFF will be able to use its position and its power and this lack of protection to basically force all two-hatters out. The whole idea of a negotiated settlement is kind of moot because, as it stands now, municipalities really have no bargaining position, nor do the two-hatters. That's all with the IAFF at this point. Because they can threaten full-time-job loss—getting a full-time firefighting position is very difficult, as you know. Every time a city advertises, there are thousands of applicants. It sometimes takes years to get a full-time firefighting job.

Mr O'Toole: I know many firefighters in Port Perry want their hometown to be where they actually are firefighters. They may be in Toronto at the moment, waiting for that opportunity to open up. I'm encouraged to find municipalities that are able to support it and to move forward.

The Chair: Thank you, Mr O'Toole. We've run out of time. Thank you, Mr Thomson and Mr Gall.

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: Our next delegation is the Association of Municipalities of Ontario.

Mr Kormos: Chair, while those folks are being seated, I'm really concerned about the time frame today, because Mr Guzzo is right: we've got a vote at 5:50.

Mr Arnott: The bell rings at 5:50.

Mr Kormos: Yes, that's right, but I'm suggesting that we be prepared to sit beyond 6 o'clock—the Legislature is sitting this evening—to accommodate all the folks. It will only take us a few minutes.

Mr Arnott: I would agree with that, Mr Chair.

The Chair: OK, if the need arises. Does that make sense?

AMO, we would ask you to give us your names, and we have 15 minutes.

Ms Ann Mulvale: Thank you very much, Mr Chairman. I'm Ann Mulvale, the immediate past president of the Association of Municipalities of Ontario. I'm joined today by a policy person who is working on this particular issue, Jeff Fisher. I would like to thank you and the members of the committee for allowing AMO to appear before you to comment on Bill 30, the Volunteer Firefighters Employment Protection Act. This bill is critical to many of Ontario's 447 municipalities and the volunteer firefighters who contribute to each of our communities.

As indicated, I am the past president; I'm also the mayor of the town of Oakville. Ken Boshcoff, the current president, was not available to attend and asked that I continue the association's representation on this issue. I am going to outline our interests and suggest amendments to improve the bill.

Bill 30, if passed, would go a long way to protect the employment of two-hatters, those professional firefighters who choose to assist their local communities by working as volunteer firefighters. Two-hatters have been around for decades, and while the issue of protecting two-hatters has come to a head recently, it has been an ongoing concern for many municipalities and volunteer firefighters. It needs to be resolved finally, and, with some changes, Bill 30 will do this.

I ask the committee, why should a full-time firefighter not have the ability to determine what additional work they might want to undertake, whether that is doing long-haul driving, courier delivery or being on call for fire protection in their home community? Why should they be treated any differently than any other professions? Should police officers be limited in what they can do in their off hours? Should teachers be prevented from using their teaching talents as night-time instructors or tutors?

Why should Ontario's volunteer firefighters not have similar protections to those that are available to two-hatters in other North American jurisdictions, including other provinces in Canada? We are not establishing a unique precedent in Ontario with Bill 30; we are merely following those many other jurisdictions.

For many of our members, it seems odd that the very union that in the past has fought to protect the rights of firefighters to live where they want and to work during their free time should now take action against their own membership for doing what has previously been fought for to obtain. Bill 30's intent is merely to provide Ontario's volunteer firefighters with similar protections that are available to two-hatters elsewhere and to offer them protections in line with other workers in Ontario.

As much as this is a choice-of-work issue, it is also a matter of who determines the staffing levels and composition of municipal services. Most taxpayers believe it is their duly elected councils that have this responsibility. However, recent actions of the union are impacting this responsibility, and could usurp it all together.

We know that dozens of firefighters have recently resigned as two-hatters because of union pressure, and many have indicated that they would return should Bill 30 pass. If Bill 30 does not pass, no one should be surprised to see continued resignations. I am sure no one on this committee or in the Legislature wants to contribute to a potential public safety concern in any community, either because of a partisan line or because some MPPs see this as an urban-versus-rural issue.

Let me assure you that the latter is far from true for municipalities. Large urban municipalities, like Peterborough, appreciate the benefits of having full-time firefighters who also work as volunteer firefighters. They gain leadership, training and additional experience, particularly as fire suppression as a percentage of a firefighter's work has decreased over recent years, and continues to decline. This is why the Large Urban Mayors' Caucus of Ontario, led by Mississauga's Mayor Hazel McCallion, passed a resolution in support of Bill 30. That is why the mayor spoke passionately about this at the AMO conference and there was a resounding response and a call for action. Communities helping communities is a time-honoured tradition in Ontario. Also, it cannot be forgotten that full-time fire departments have benefited in the past from volunteer firefighter departments in smaller communities, as many full-time firefighters have been recruited from those volunteer departments.

It would be unusual for AMO to appear before a provincial committee such as this and not speak to the cost implications of a policy issue. Let me assure you that this is not one of those unusual circumstances. To be clear, should municipalities continue to have their two-hatters leave the volunteer force, and if there is any acceleration, replacing them with other volunteers or full-time firefighters will have significant impact on service costs in some of our smaller municipalities. I will leave it to those municipalities that are appearing before you to outline the possible local cost implications: the potential skyrocketing nature of tax increases to ratepayers, property taxpayers, that could result without Bill 30.

I want to emphasize that property tax increases should be a determination of the locally elected municipal councils in consultations with their electorate, not by the action of unions. You know that difficulties arise when orders of government direct policy or standards that arbitrarily impact municipal services. In this case, denying municipalities the ability to use two-hatters would result in arbitrary service changes without the input of locally elected officials. Over the past seven years, the opposition parties have similarly supported AMO in the fundamental position of local democratic control over

local services. This issue is no different, so we ask you to walk the talk on this bill.

Are there other solutions besides this bill?

We met with various fire associations—the chiefs, the Ontario Professional Fire Fighters Association, the Ontario Association of Fire Chiefs and the Fire Fighters Association of Ontario—to see if there was a non-legislative solution. There are none. What was offered was a phasing-out plan and grandfathering. For municipalities, and more importantly volunteer firefighters, this would have the same end result, and both proposals would likely require legislative action. As the OPFFA and the OAFIC rightly pointed out in their proposals, even with agreements between stakeholders, there would still be no guarantees that charges would not occur in the future.

Therefore, we strongly urge the committee to proceed with this bill. We do believe it needs an amendment to incorporate the “duty of fair representation” provisions, section 45(3) of the Labour Relations Act, into the Fire Protection and Prevention Act. A copy of that provision is included in the appendix to our submission. Such an amendment would give individual volunteers recourse to the Ontario Labour Relations Board in the event that their association sought to take disciplinary action against a two-hatter. Along with section 56.1 in the current form of Bill 30, this amendment would serve as the enforcement clause of Bill 30. Given that other professionals are afforded access to the “duty of fair representation” provisions of the Labour Relations Act, it is only reasonable to extend such a provision to firefighters.

We also have some other amendments that will serve to clarify the existing provisions in Bill 30, and I refer you to them in the appendix as well.

Once again, I would like to thank you for allowing AMO to speak to this important piece of legislation. We urge you to pass it with our proposed amendments as soon as possible so our fire departments and their communities can continue to benefit from the skills and leadership of Ontario's two-hatters.

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The Chair: Thank you, Mayor Mulvale. We have about four minutes. We'll go now to Mr Levac.

Mr Levac: Thank you for your presentation, Ms—

Mr Kormos: He uses all the time again; I get shafted out of any conversation with this mayor?

Mr Levac: You have two minutes left. You're using up my time.

Ms Mulvale: Remember, Peter, you can talk to me at any time. You don't have to feel shafted.

Mr Kormos: I know that.

Mr Levac: Thanks very much, Ann, for your presentation. I appreciate your being here.

Earlier in your presentation you mentioned teaching, that the same should be afforded should teachers be prevented from using their teaching talents at nighttime and doing tutoring. That's permissible as long as it falls within the constitution of the teachers. So if I start

teaching things that are not acceptable to the unions, then I can be disciplined.

In another circumstance, I bring to your attention that if I were sitting on a beach in Florida, speaking to a friend who happens to be sitting beside another teacher, and I say something about that teacher, I've got 48 hours to, in writing, say what I said to that teacher or else I can be disciplined by my union. So the discipline doesn't fall within the realm of simply on the job. Would you accept the reality that constitutions in the unions have a right to exist?

Ms Mulvale: No one's denying that they have a right to exist. What we're suggesting to you is that they don't have a right to dictate policy to municipally elected governments or to impact in this way, without a collective bargaining framework, the cost of municipal services. Obviously, there is good language in constitutions of unions. No one from AMO is arguing against the constitution of the union if it deals in a fair way with its union membership. But you will agree with me, if you look back at history, that unions have fought for the right of their membership to use their free time as they see fit.

Thirty years ago, firefighters were fighting for the right to hold jobs outside of the fire service. They were fighting for the right to be employed as firefighters in a community and not be required to reside in it. So in my response, and that on behalf of AMO, we're trying to assist union constitutions in not going backwards and not being used as a disservice to some of their members.

Mr Levac: In the larger community, if that were to take place—for instance, I'm looking at the unions' or the associations' ability to negotiate a fair contract—what would happen, or has there been a rationale used that if I can go to a small community and find that service for, let's say, \$25 or \$30 an hour and I'm paying \$45 or \$50 an hour here, and we're providing what's been described as the same service, would that interfere with their ability to negotiate a contract?

Ms Mulvale: I don't think so. In fact, as a mayor, I sit at the contract negotiation tables with firefighters. We have no volunteer firefighters in my community—haven't for years. That was a negotiated thing. That evolved at the negotiating table. So we're not trying to stop the collective bargaining agreements at all. We're here to protect the rights of municipally elected people to provide service levels, and we're here to protect the rights of the firefighters.

I can tell you, many firefighters want us to be here making these submissions. There is not unanimity within the firefighters' unions about that part of the constitution and the way it is being deployed.

Mr Levac: I would agree with you on that. I would definitely agree with you on that. I'll pass.

The Chair: Thank you, Mr Levac. That actually wraps up the time. I could give you a full slate on the next one, Mr Kormos.

Mr Kormos: You mean he exhausted the time?

The Chair: Yes.

Ms Mulvale: Mr Chairman, if it helps MPP Kormos, I miss his question too. Thank you very much.

The Chair: Thank you, Mayor Mulvale and Mr Fisher.

MNJIKANING FIRST NATION RAMA RESERVE

The Chair: Our next delegation: I wish to call forward Mnjikaning First Nation (Rama Reserve), and I may ask for a correction on that pronunciation.

Mr Mark Pankhurst: Thank you. It's Mnjikaning First Nation.

The Chair: Thank you, and your name, sir?

Mr Pankhurst: My name is Mark Pankhurst.

Mr Chairman and committee members. I'm here today to speak in support of Bill 30. My presentation will be very brief and to the point. I'd like to take a moment to talk about my professional experience and background. I've been a full-time firefighter for 14 years. I have been a double-hatter firefighter with the City of Kawartha Lakes Fire and Rescue Service for 10 years. I am presently the fire chief of the Mnjikaning Fire Rescue Service, otherwise known as the Rama Reserve.

I'd like to take a couple of minutes and speak about basic fundamental entitlements and responsibilities, and I'd like to start out with the taxpayer. Taxpayers are entitled to fire protection services as legislated in the Fire Protection and Prevention Act, Bill 84. Taxpayers choose the level of fire protection services for their community.

Elected representatives: municipal councils establish the level of fire protection services required based on taxpayers' requests. Municipal councils create fire protection, establishing and regulating bylaws. These bylaws outline how the fire protection services will be delivered to the community.

The firefighter is responsible for the delivery of these fire services to the community.

The fire chief manages the fire department, which includes the delivery of economical, efficient and effective services that meet the performance expectations of the community.

The chief administrative officers or city managers manage municipal resources effectively in times of fiscal restraint.

The union is responsible for the representation of firefighters in the collective bargaining process, which includes the negotiation of fair wages, benefits, pension plans and general working conditions. I'd just like to keep in mind and reinforce fundamental entitlements and responsibilities as we move through, and those are basically what I've listed.

The composition of firefighters in Ontario: there are approximately 10,000 full-time firefighters and 18,000 volunteer firefighters in the province. This is a \$1-billion asset in Ontario. Approximately 2,000 of these firefighters are double-hatters. The average career of a full-time firefighter is 25 to 35 years and the average career of a volunteer firefighter is five years.

I'd like to speak about the utilization of double-hatters. As a former fire chief within the City of Kawartha Lakes Fire and Rescue Service, Mariposa division, and presently the fire chief of the Mnjikaning Fire Rescue Service, Rama Reserve, it is my professional opinion that the utilization of double-hatters is an essential component in the delivery of economical, efficient and effective fire protection services for the following reasons: double-hatters create a win-win situation for the fire departments they work for; knowledge, training and experience are continually exchanged between the departments they work for; double-hatters are shift workers and are available through the day to respond to calls; and the average career length of a double-hatter as a volunteer firefighter exceeds the five-year average.

Other fire protection services: there are many full-time firefighters in Ontario who are not double-hatters and provide services to fire departments on their days off. Some of these services are as follows: fire prevention, ice and water rescue training, high-rise training, auto extrication training, hazardous materials training and hazardous materials response.

The Mnjikaning Fire Rescue Service and the City of Kawartha Lakes Fire and Rescue Service have utilized many of these services. These services have been a vital component in the delivery of economical, efficient and effective fire protection services that meet the performance expectations of the community.

What are the consequences of defeating Bill 30? Basically, the fundamental right of council to establish the level of fire protection services will be taken away. The fundamental rights of the fire chief to manage the fire department will be taken away. The fundamental rights of the chief administrative officers or city managers to manage municipal resources will be taken away. The fundamental rights of the firefighter who wants to serve as a double-hatter or provide other fire protection services will be taken away. Most importantly, the fundamental rights and entitlements of the taxpayer to choose the level of fire protection services for their community will be taken away and the door will be opened for the unions to dictate taxation policies to the taxpayer.

Thank you very much for inviting me to speak on this very important issue. Please feel free to ask me any questions you may have.

The Chair: Thank you, Chief Pankhurst. We have about five minutes.

Mr Kormos: So the casino is in your jurisdiction, is it?

Mr Pankhurst: Yes.

Mr Kormos: Which puts some special pressures on your fire service.

Mr Pankhurst: Huge.

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Mr Kormos: Yes, it's been peripherally the subject matter of a whole lot of debate here around some other legislation.

First, let me assure you and other people that if the government wants this bill to pass, it's going to pass. The

government has control of it. It has received second reading. The government has a majority and if the government wants the bill to pass, it will pass.

Having said that, I'm concerned because everything you say I'm listening to, but we've been getting such a patchwork, little bits and pieces. One of the concerns I have is that our Mr Fenson tried to obtain a copy of the fire marshal's discussion paper around the issue of double-hatting, because I think that would be a very valuable thing for all of us to have access to, to see the full painting instead of just little pieces of the puzzle. Regrettably, the fire marshal sees it as a private document and at this point isn't going to give us access to it. I'm going to ask the researcher to try again.

Apparently the membership of the Whitby fire service utilized, according to one report we've had, article XV of the IAFF constitution and conducted a hearing around the matter. Are you aware of how that process took place?

Mr Pankhurst: Somewhat.

Mr Kormos: Tell us a little bit about that, because the problem is that nobody has told me about that yet.

Mr Pankhurst: Actually, would I be able to refer any of those types of legal questions to Adam Gall?

Mr Kormos: Sure, please.

Mr Pankhurst: He's probably more qualified to answer those questions.

Mr Kormos: Come on up.

The Chair: We'll ask for your name, sir.

Mr Gall: Adam Gall.

Mr Kormos: What was the process in Whitby, for instance, a small, 86-member firefighting service?

Mr Gall: Basically, there was a full-time firefighter in Whitby who was a volunteer in Kawartha Lakes.

Mr Kormos: That's where you were.

Mr Gall: Yes, exactly. Basically, his local union pressured him to resign his volunteer work. He refused to do so. He felt it was his right to do so. So they proceeded to charge him—you're correct—under article XV, section 3, not to carry on secondary employment as a full-time firefighter. That hearing proceeded on August 20 and we're waiting for a decision.

Mr Kormos: So that hearing took place internally, right? Has there been a judicial review? What's become of it? What's happened to it?

Mr Gall: No, we're only at the very first stage. What happened was that the IAFF constituted a trial board at the Oshawa local. They had the trial on August 20 of this year. They then provided transcripts from the trial. We were given an additional seven days to provide written submissions. That's all gone in. They now have 60 days. I think the date was September 6. They have 60 days from September 6 to render their decision. This is just a first tribunal. Then there's a huge system of appeals through the IAFF constitution.

Mr Kormos: Where the lawyers make money.

Mr Gall: Not this lawyer, I can tell you that much.

Mr Kormos: Fair enough. You're not taking legal aid certificates either?

Mr Gall: No, I'm a volunteer. I'm doing this as a volunteer and that's what we volunteer to do.

Mr Garry J. Guzzo (Ottawa West-Nepean): The old legal aid system. You remember that.

Mr Kormos: I remember it well.

Mr Gall: Anyway, we have to go through. Once that decision is rendered, if they do convict him, then we appeal it to the IAFF president and then, beyond that, to the executive committee and then beyond that to the membership at large. So the appeal process is about two years long.

Mr Kormos: How many other instances are you aware of the process being formalized as it was with Whitby?

Mr Gall: In Hamilton there were six firefighters charged.

Mr Kormos: Local 288?

Mr Gall: Yes, Local 288. There were six firefighters charged.

Mr Kormos: What happened there?

Mr Gall: I'll get into that when I present, if there's enough time.

Mr Kormos: Fair enough.

Mr Gall: So if you want, I can hold that off till my presentation.

Mr Kormos: Because I think we should hear that. I do, Chair, ask you to request that Mr Fenson request of the fire marshal once again the discussion paper. It seems to me that thousands of people—maybe not thousands, but hundreds—have seen it; everybody but us. You can't keep a secret around here anyway. Ask Mr Jackson.

The Chair: I might mention that we do have about two minutes, if there are any very brief comments.

Mr Arnott: I just want to thank the presenter for coming forward today and expressing his views on behalf of the fire department that you represent. Thank you very much.

Just to speak to the point Mr Kormos made, of course, in terms of the passage of this bill, it's probably somewhat more accurate to characterize the situation this way: if the assembly collectively, in the majority, wants the bill to pass and if it's called for third reading and there is a vote, yes, it will pass. But as you know, it wasn't necessarily a vote along party lines at second reading. I think he also perhaps understates his own ability to filibuster, because Mr Kormos is the one who spoke for 17 hours on one bill, I recall.

Mr Kormos: The rules are changed. They'll never let me do that again.

Mr Arnott: He certainly has the ability to drag out a debate.

Mr Kormos: My own Premier changed the rules. Don't you remember?

Mr Arnott: But I know he won't want to do so on this issue, because he realizes how serious it is, and he wouldn't employ that kind of a tactic, I'm certain.

Mr Levac: He couldn't even if he wanted to.

Mr Guzzo: Where is he now? He's a junior partner in that law firm that Harris is in.

Mr Kormos: They hired Mike Harris, yes.

Mr Guzzo: That's called progress.

The Chair: I wish to thank you, gentlemen, for coming before the committee.

GREATER HAMILTON VOLUNTEER FIREFIGHTERS ASSOCIATION

The Chair: I wish to call forward our next delegation, the Greater Hamilton Volunteer Firefighters' Association.

Mr Gall: That's me.

The Chair: OK, moving right along.

Mr Gall: Busy guy.

Mr Guzzo: If you had a legal aid certificate, you'd be triple-billing. That's why the system is broken.

Mr Gall: I don't do legal aid. Sorry.

The Chair: Mr Gall, do you wish to proceed?

Mr Gall: I would like to thank the committee very much for bringing this bill forward so quickly and giving us the opportunity to speak. I would particularly like to thank Mr Arnott for his vision and courage in bringing this bill forward. It certainly helped us get this issue on the front burner.

I am Adam Gall. I am a volunteer firefighter in the city of Hamilton, formerly in the municipality of Flam- borough, and I am also president of the Greater Hamilton Volunteer Firefighters Association. We're the largest organized union of volunteer firefighters in the province.

The reason I am presenting here today is that we were basically the centre of the storm of this double-hatter issue. It was Local 288 which was the first union to bring charges against members. Just to give you a bit of background, I think I mentioned earlier that the OPFFA originally passed a resolution in 1999 advising all its affiliates to begin to monitor, collect names and to report that information to both the OPFFA and the IAFF. This was followed in August 1999 by a legal opinion done on behalf of the OPFFA advising them that they would be entitled to charge members, suspend them from the union and thereby have them dismissed from their full-time firefighting jobs.

As a result of that legal opinion and the resolution, Local 288 in Hamilton on February 2, 2001, issued a special notice to all its members asking them to stop their volunteer employment or potentially face charges. Local 288 made it clear to those members that their full-time careers would otherwise be in jeopardy if they did not comply. At that time the city and the fire department pledged support for the two-hatters, regardless of the union actions. However, by September, 2001, all but six of the Hamilton two-hatters had either taken a leave of absence or resigned their volunteer positions. Well over 20 members, including full-timers recently recruited from the volunteers, were then lost from the volunteer service.

Many of these members are willing to return if Bill 30 is passed. The six remaining two-hatters—and this goes to your question, Mr Kormos—were charged by the local president of 288 and there was a trial date set for January

28. That trial was then postponed because we had our application for certification before the labour board and it had not been determined at that point whether we were volunteers or whether we were part-time firefighters.

Mr Kormos: Your application for certification—

Mr Gall: Under the Labour Relations Act.

Mr Kormos: As a—

Mr Gall: As a union.

Mr Kormos: Yes. So you are a group of volunteers that have your own—

Mr Gall: We are a certified union.

Mr Kormos: You are unionized. Which union is that?

Mr Gall: The Greater Hamilton Volunteer Firefighters Association.

Mr Kormos: OK, I'm sorry. Thank you.

Mr Gall: So there were six remaining two-hatters who refused to take a leave of absence or resign. There was a trial date set for January 28. That trial was postponed pending the outcome of our certification application.

On February 1, 2002, Toronto Local 388 sent out letters to all its members who were volunteering in Hamilton requesting them to resign from their volunteer positions within 30 days or face charges. A number of additional volunteers were then lost as a result of that letter from the Toronto local.

On February 18, 2002, Chief Glen Peace, the fire chief for the city of Hamilton, wrote to the fire marshal advising him that the actions of the IAFF were creating a public safety problem in Hamilton and that urgent action was needed to prevent the resignation of two-hatters. That was the genesis of the entire discussion paper process with the fire marshal's office. It was a result of our fire chief writing to the fire marshal's office and advising of the imminent public safety problem that prompted the FMO to undertake the discussion paper process.

Mr Kormos: When did that correspondence take place?

Mr Gall: That was February 18, 2002.

On April 17, 2002, the labour board awarded us a certificate as volunteers under the Labour Relations Act. As a result of losing the hearing, the city withdrew its support for the two-hatters and joined Local 288 in attempting to secure their resignations. By May 22, 2002, under mounting pressure from both the city and Local 288, the remaining Hamilton two-hatters agreed to resign by the end of 2002. They are obviously hoping that this bill will pass by late 2002 so they won't have to resign.

What I really want to make clear here is that there was never any kind of negotiated settlement in Hamilton, which is what the IAFF is claiming. This simply wasn't true. It was the lack of protection of Bill 30 and the continual pressure from the union against the two-hatters that caused most of them to resign or to take leaves of absence pending the passing of Bill 30.

1700

I think Hamilton demonstrates clearly the power of the IAFF to eventually force all two-hatters to resign if Bill 30 is not passed. Career firefighting positions are extremely difficult to obtain. Few are willing to risk their

full-time livelihood in the absence of clear, statutory protection of their volunteer activities.

Personally, there are a number of two-hatters in my rural fire hall, not only from Hamilton but also from other full-time jurisdictions. I can tell you that these are people who view firefighting as more than just a job. These are people who care about their local communities and neighbours and are willing to provide their skill and expertise at little or no cost in order to provide their friends and neighbours with affordable fire protection. These people are our friends, neighbours and fellow volunteers, and as far as we're concerned, they're irreplaceable.

The actions of Local 288 in attempting to eliminate the two-hatters from the Hamilton fire department have been hugely destructive, not only to the available service to the community, but also to the reputation of Hamilton Emergency Services and the morale of both the volunteer and full-time ranks. The actions of the IAFF have caused an already fractured relationship between full-time and volunteer forces to worsen significantly. The mass of local media attention surrounding the two-hatter issue has served not only to slow the acceptance of amalgamation by the rural communities, but has also created further conflict between the urban and rural areas. In the absence of legislation like Bill 30, this pattern is going to repeat itself time and time again across the province.

Just a quick note on current legislation: as you are all probably aware, the fire protection act was amended in 1997, as was a lot of the labour relations legislation. If you take a good, hard look at those acts, the FPPA, the Employment Standards Act, the Labour Relations Act and the Public Sector Labour Relations Transition Act all clearly provide, and the statutory structure clearly provides, for the continuance of double-hatters.

In our application for certification before the board, the board had no issue with putting the two-hatters in the city of Hamilton in both unions. It was not even a concern for them. So any spectre of labour relations problems or anything are simply unfounded. I've certainly not seen any evidence of it, and the labour board itself doesn't seem to think it's a problem.

The only missing element in the current statutory scheme is the protection against union action that may cause suspension from the IAFF and, in turn, full-time job loss. This is a protection that's already enjoyed by the vast majority of Ontario workers and firefighters across North America, so it's hardly anything new, as I think Ms Mulvale had pointed out. We're merely asking to be put on the same level as other jurisdictions.

I want to make very clear that our situation in Hamilton has nothing to do with an amalgamation issue. It has to do with the respect of the local communities and the volunteers. It's an issue of individual freedom of association and right to work. If Bill 30 had been in place at the time we amalgamated, none of this mess would have happened and the amalgamation would have been a lot smoother, to be quite honest with you.

The only other thing I'd like to add is my concerns about Bill 30. I have concerns with 56.1; as the FFAO

voice, there may be some constitutional problems with that. We would like to see a provision that doesn't necessarily prohibit the union from disciplining its members, but protects all their employment rights from the results of any such discipline, so that basically their full-time work would be unaffected should they breach union rules, which again is the protection most workers in this province already have.

The Chair: We have a bit of extra time. It is the Liberals' turn. We have about three minutes for each party, if you wish.

Mr Levac: Thanks for the presentation. In our previous discussions, you had hit on the issue I expressed to you as my concern, the fact that you're going to stick your hand into a constitution and say you can't discipline. Quite frankly, I was offended by that and I understand that you were, to a certain degree, offended by the fact—

Mr Gall: I wouldn't say offended. I think we just thought it might—

Mr Levac: You thought it could be unconstitutional—

Mr Gall: I think it could be unconstitutional, yes.

Mr Levac: —and could cause some problems for the professional firefighters, volunteer firefighters, municipalities, and quite frankly, needs to be reworked. Is that a fair—

Mr Gall: Yes. Obviously, we'd like the bill to be as strong as possible to resist any constitutional challenge. That is certainly an amendment we'd be willing to look at, work on and support, as long as—our concern is that all the employment rights of the full-time firefighters are preserved. We want to avoid any transfer or anything like that out of the fire service. We just want to ensure that their membership is maintained for the purposes of their relationship with the employer. What the union does within its own bailiwick is up to them.

Mr Levac: I'll be quick with the next two. The fire marshal indicated between 600 to 1,000 two-hatters may exist. Some people have indicated as high as—I've heard, 3,000. We've heard today that 2,000 two-hatters exist. Do you have a guesstimate on how many two-hatters we have?

Mr Gall: It's real tough, the reason being that a lot of two-hatters—I know that in our previous municipality of Flamborough it was very common practice, for certain reasons, for volunteer workers to work under an assumed name, that sort of thing. It is because of the union position on this. It's a very hard number to come to. A lot of the two-hatters, for obvious reasons, aren't willing to come forward because they then become the object of harassment from their union locals. It's hard to guess, and whether or not an inventory could be undertaken, I'm really not sure.

Mr Levac: The last few deputations I've heard have talked about little or no cost to the municipality. I'm concerned this is turning into a debate on how to save money, as opposed to providing a service that's been costed at a certain expense. I am concerned about that. Is

there any kind of word you can share with me about whether or not it's strictly a cost issue?

Mr Gall: It's a cost issue in the sense that a rural municipality simply cannot afford to have a full-time fire station. It's pointless. You're going to have guys sitting there for one or two calls a week. It makes absolutely no sense whatsoever. To me, it's an issue of cost in the sense that full-time departments are an impossibility for most rural municipalities. Obviously, volunteers are the only practical method of delivering that fire service. Otherwise, people would be paying more in taxes than they would in rent.

Mr Levac: I totally agree with you.

The Chair: We'll go to Mr Kormos.

Mr Kormos: It's interesting, Mr Gall. I'm aware of volunteer firefighters joining the IWA as a trade union, joining the Teamsters, I understand, although nobody's told me where the Teamster locals are in the province.

Mr Gall: North of Kawartha.

Mr Kormos: There you go. Yours formed its own association without affiliating with—

Mr Gall: Actually, we have just recently affiliated with a larger union, the Christian Labour Association of Canada.

Mr Kormos: I think that's a whole new interesting event in the history of volunteer firefighting services. You heard my question. You assisted in the response to it. You're right, we haven't, but we may well before these hearings are over meet a double-hatter who has been called to task by his union.

I'm interested. For instance, in the Whitby local, I'm told there are 86 members in that local. I don't know how many of those members are double-hatters, but I'm interested in hearing how it is that a double-hatter who felt he or she was being persecuted, why they wouldn't be able to rally the support of their sisters and brothers in that 86-member local, because that membership could instruct their leadership not to prosecute?

Mr Gall: Actually, that's not correct.

Mr Kormos: Let me put that to you.

Mr Gall: As has been pointed out by a few of the deponents here, the IAAF constitution gives the right to charge to every single member—not to the affiliates, not to the IAFF executive, not to the OPFFA, but every single member of the IAFF has the power to charge another member, so a member from Tallahassee can charge a member from Gander, if they so desire.

Mr Kormos: Was it people outside the Whitby local who were doing the charging?

Mr Gall: No, it was one member from the Whitby local who charged him.

Mr Kormos: Then the president, I presume, has a responsibility and duty in response to that charge.

Mr Gall: No. The president was the one who charged him, but charged him as a member, not as the executive.

Mr Kormos: Was the president re-elected at the next go-round?

Mr Gall: I don't know when they had they had their elections or whatever. I really don't know.

Mr Kormos: You understand what I'm getting at. The litigation that's been undertaken so far is still very much in the air. All of us have lots of letters of people commenting, and not inappropriately, on, let's say, the constitutionality of article XV. My concern is that none of this has been allowed to progress through to its final, logical conclusion. I give great weight to the Ontario Association of Chiefs of Police who express concerns about a legislated so-called solution and the divisiveness that's going to cause. I know there's already some growing divisiveness between full-time firefighting services and volunteers, especially in those communities that are contemplating eliminating the volunteer forces. I'm not talking about rural areas where they are totally dependent upon volunteers, but you've got communities now that are saying, "Hmm." Again, I've gone to the wall for those volunteers, indicating they are a part of the municipality's history, traditions, and you don't whack people over the head, blindside them.

Are you aware of some of these other frictions that are going on that go well beyond the double-hatter issue?

1710

Mr Gall: There's always been friction between full-time and volunteer. The position of the full-time association has always been that no services should be provided by volunteers whatsoever. I have to be honest with you: I think it's probably that sort of view on behalf of professional firefighters that has been at the base of a lot of the problems between volunteers and professionals.

Mr Kormos: Why do volunteers unionize?

Mr Gall: Why did we unionize?

Mr Kormos: Yes; why do volunteers unionize?

Mr Gall: We unionized because the city tried to force us into the full-time union, and the full-time union had pledged to eliminate us by 2003. So for us it was a matter of survival.

Mr Kormos: So you're going to engage in collective bargaining now around what?

Mr Gall: What do you mean?

Mr Kormos: Well, you're going to engage in collective bargaining—

Mr Gall: Yes.

Mr Kormos: —around what issues?

Mr Gall: With the city? The same as any other union would do: working conditions, wages—

Mr Kormos: Salaries, any pension issues.

Mr Gall: Salaries, policies, pensions. Well—

Mr Kormos: Are there pension issues?

Mr Gall: —we wouldn't be going through pensions, but different issues.

Mr Kormos: Benefits issues, salaries, are going to be the subject matter of your negotiations?

Mr Gall: Yes.

Mr Kormos: So all those very same things, by and large, that the full-time firefighters, through their union, advocate for.

Mr Gall: Right, for their members.

Mr Kormos: Bill 84 sure changed the world of firefighting in Ontario.

Mr Gall: It certainly did, yes.

Mr Kormos: I want you to understand I didn't vote for Bill 84.

Mr Arnott: Thank you, Mr Gall. You indicated you're a practising lawyer and a volunteer firefighter. You have a unique expertise that you bring to this committee, and I'm pleased that the opposition parties both had an opportunity to ask questions, because it elucidated some additional helpful information for all of us. I hope we can follow that procedure with future rounds, Mr Chairman, if that's possible.

Mr Gall, I just want to ask you one simple question: what do you think will happen to fire service in Ontario if Bill 30 doesn't pass in some form?

Mr Gall: Well, I've got to be honest with you. Obviously I don't think this issue has generated as much publicity and as much activity as it has this go-round. As you know, on October 1 the union lifted the moratorium on charges. I think it's pretty clear what's going to happen if Bill 30 doesn't pass.

Mr Arnott: Well, tell us what you think.

Mr Gall: I think the IAFF is going to try to eliminate every two-hatter in this province.

Mr Arnott: What effect would that have on the volunteer forces in many small towns in Ontario?

Mr Gall: It would have a huge effect. In my fire station alone we have 25 members, and we have at least five double-hatters; actually, more than that: six or seven. So you're talking 25% of our fire hall being double-hatters. If they are gone, we have to replace them. Two of those double-hatters are officers and certainly two of our most committed volunteers. They live for the fire service. That's why they do the volunteering, because the full-time just isn't fulfilling; they want to do the whole thing.

Mr O'Toole: I do first want to pay respect, Mr Gall, to your expert view and the amount of time you've committed to establish the issue and the credibility of the volunteers and to make sure it's not a reduction in service, that it's more legitimizing people's right to choice of work. I see it as that in the broadest sense, really. They should have the right to choose work.

I just want to put this clearly on the record. Scugog township is a part of my riding of Durham, and there the chief, Richard Miller, is part-time; Captain Dave Ballingall, the district deputy chief, is more or less part-time; and the deputy chief, Rob Gonnermann, is also part-time. In fact, they don't really have any full-time. I would put to you they probably should have full-time, and probably as their assessment base is growing they will have. I support that. But I've met with, when they opened their new station just recently here, and brought it up with the mayor: what is the future? It's a very complex community, sort of separated by Lake Scugog, and some of the travel times—this 10 and 10 is almost impossible to achieve without the volunteers in small places like Caesarea and Blackstock. They could never possibly achieve it.

I guess my point to you is that you put a very strong argument, a very credible argument, forward here today,

and our briefing notes do support much of what you've said. On the record here I want to applaud Mr Arnott for looking after the whole theory—I see firefighters generally in my community as people helping people. Even Whitby—I was on council here in Durham—had many volunteers. The plan was to eliminate them. That may be, in the final resolution of large communities growing and maturing and becoming more and more full-time until ultimately there is no space left for volunteers—that might be appropriate. In some areas, it's not. I think that we're looking for a solution here which Ms Mulvale I think characterized as having local governance pay for fire service.

You don't have the right to strike, and there have been arbitrated hearings and settlements where they've been forced to pay them a certain amount. Arbitration rules—in fact, it said “irrespective of the municipality's ability to pay.” So those decisions are made with public safety at stake for the right reasons. What we're looking for here are the rights of the independent firefighters to teach part-time or to work in construction or to work as volunteer hockey coaches, all the things they do in their time away from their work.

As you've said, clearly in the first few years—the life of a volunteer, I think you said, was five years. In my experience, a lot of them choose to go further in the profession, perhaps move up, take further training, but they bring a lot to the local community. I see it first-hand. In the community of Clarington, I've talked to Chief Creighton and Deputy Chief Gord Weir, Bill Hesson, Graydon Brown—just recently on the weekend I ran into him—and Tim Calhoun, the past president of the association; I've met with him many times.

I think that this bill is the right thing for small towns, and yet the professional association needs to listen to what the people are saying. It's not a fight with professional firefighters at all. But the culture inside must be terrible for those volunteers, or double-hatters, so to speak, working in a suspicious, undefined kind of circumstance. As Mr Kormos said, the final rulings of their ability to suspend haven't really been made, but I'm confident, with the work you've done, that in the end individual firefighters will have the right to work where and when they choose to work.

Mr Guzzo: Do you understand the question, sir?

Mr Gall: I know there was a question in there.

Mr Guzzo: You're the only one in the house who does.

Mr Gall: He did raise a point—

Interjection.

Mr Gall: No? Can't talk?

The Chair: OK. Very briefly, sir.

Mr Guzzo: Do you want us to stay after 6 o'clock and allow that?

Mr Gall: He did raise an interesting point which I think is very important to point out because the IAFF has made this argument and it simply doesn't hold water. They think that the use of double-hatters somehow is limiting municipalities from expanding their full-time

service. That's entirely untrue. When you go to “A full-time service is dependent on your demand, on the insurance underwriters”—they set certain parameters which fire services must meet in terms of going full-time. I can't think of any instance where the existence of a two-hatter has prevented a municipality from going to a full-time fire department. That's simply a red herring. That's all I have to say.

The Chair: Thank you, Mr Gall. I appreciate your remarks.

The Toronto Fire Fighters' Association was slated to do a delegation. I understand they are not present.

THUNDER BAY PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Chair: We'll go forward to the next delegation, the Thunder Bay Professional Fire Fighters Association, Local 193. If you could approach the witness table.

You have 15 minutes, gentlemen. I'll ask for your names, please.

Mr Les Newman: Thank you, Mr Chairman. My name is Les Newman. I'm the first vice-president for the Thunder Bay professional fire fighters. With me is Ron Gorrie, the president of our association.

I would like to thank you and the committee for the opportunity to present the views of our 204 members with respect to this bill.

What we believe we're dealing with here is a narrowly focused bill that only really represents one side of the issue: that of the municipalities using full-time firefighters as part-time firefighters. To be honest about it, in my mind there are very few true volunteer firefighters around. A great many of those who work as volunteer firefighters do indeed get paid for their services, and some quite handsomely.

There appears to be little consideration in this process given to the municipalities who are the full-time employers of these firefighters. The city of Thunder Bay has invested time and money in giving my members the skill sets that we use every day at work on their behalf.

1720

Do we now have the right to take those skill sets and sell them to another municipality? Are those skill sets really of much of a fit to another municipality if the municipalities are that diverse? If indeed they are, then the full-timer probably finds himself in a position of authority in that part-time department, either as an officer or possibly even a chief officer. If so, then I believe it may be difficult with some individuals to remember which role they're in when they start switching back and forth. If we enter the realm of the major emergencies, ice storms, other major weather events, even the possibility of terrorist attacks, should one of these events involve both municipalities that this individual works for, I am fairly certain that his full-time employer is going to want to see him at work before he sees him at work at his part-time employment, if for no other reason than to fulfill the mandate of his contract with his full-time employer.

This bill purports to protect the employment rights of career firefighters, and it is career firefighters we're talking about. With all due respect to the writer for a noble purpose, I believe that employment protection is my job as a duly elected representative. I think you would be hard pressed to find a municipal leader who deals with firefighters' unions across this province who would admit that we have done a deficient job in protecting and enhancing the employment rights and working conditions of our members. When I approach the bargaining table, I would prefer not to have my own members undermining my position by working elsewhere at the same job for less than union scale.

There are those in support of this bill that would have you believe that the only reason that the International Association of Fire Fighters and the Ontario Professional Fire Fighters Association, and indeed the local associations, are opposing this bill is to bolster our numbers, that we are creating a situation whereby the part-time employers are put in the position of having to create full-time firefighter positions and therefore more union members.

I would be among the first to admit from a union standpoint that would be wonderful, and in a perfect world it would be, but I am also realistic enough to appreciate the fact that this is merely pie in the sky. My duty to the members I serve is to provide the best possible and safest set of working conditions that I can. This bill does not support that.

As a duly elected official I am sworn to uphold the constitution and bylaws that govern our association, documents that are duly, freely and democratically created by the members we serve. That membership also strives by the same process to keep these documents current and relevant. I believe that this is a similar approach to the conduct of business in this Legislature and why I am appearing before you today. If I were to try to run something past my membership that was contrary to my constitution they would be in my face in a heartbeat, and rightly so, and admittedly it has happened. Now you bring forward a bill that would force me to violate one of the constitutions and bylaws that we live by.

If I'm hurt on the job as a part-time firefighter, how does my full-time employer deal with the WSIB? The act compels my full-time employer to provide me with modified work. If the position does not exist or is already full, how far must they bend to accommodate me? How long must they pay the overtime costs to cover my absence? What are the consequences to the benefit provisions of my working agreement, health care benefits and insurance plans? I would think that this scenario becomes even more insidious when the employer is self-funded, because now I put a drain on the benefit resources for all that is even greater and with no direct connection to my full-time employment.

What are the further consequences if my absence causes my full-time employer overtime? With the current emphasis amongst employers on attendance management, my full-time employment could easily be in

jeopardy because of an accident at a part-time fire. I know that this same jeopardy could occur as the result of any accident, but the inherent dangers in firefighting make the possibility of a career-ending injury or death exponentially greater.

If I spend hours at a fire with a part-time department, how do I then effectively go to work at the full-time department? How safe am I for my crew, for our customers, for myself? My crew may not have much faith in my judgment to take them into harm's way and bring them out again safely if I am obviously tired and distracted from lack of sleep. Can the citizens trust me to make the right decisions to save their loved ones or their property if I am not operating at my best?

Indeed, I believe the current Fire Protection and Prevention Act contemplated these problems when the clause was put into the act that limits our employment as firefighters to an average of 48 hours a week. The majority of professional fire departments across this province already work a 42-hour week. That only leaves six hours legally under the act to put into a volunteer department.

These situations could also bring up issues of liability to the corporations that we work for, to our unions and to ourselves if someone is injured or, worse yet, killed because I'm not performing at the level and standard that my full-time employer has come to expect. On the other hand, if I'm so tired that I can't go to work—I've decided after this fire that it's not going to happen—I can just phone in and book off sick. I have that provision within my working agreement. My full-time employer is now forced to bring in overtime to cover my absence. It hardly seems fair to them, considering their investment in my career.

In comparing the different types of firefighters in the province, we look at training. The fire marshal's office does provide a curriculum for firefighters which provides a basic nuts-and-bolts process by which to learn the business, or in other words a training standard at the lowest common denominator. This standard is one that does apply in most situations at a rudimentary level; however, each municipality must then enhance that training to reflect the realities of their own situation. Are you then asking a firefighter to acquire two skill sets—one for his full-time job and one for his part-time job—that could represent drastic differences, and then ask them to develop the ability to switch back and forth between them and know clearly which one to use at any given moment?

Every day, when we as career firefighters go to work, there is an element of training accomplished. We familiarize ourselves with our equipment, making sure that it is operating properly, and it gives us a greater familiarity with that equipment when we need it. We are encouraged to spend time driving through our response areas to note anything new, anything that's changed, and pass that information on to the rest of the department. We are made aware when there are infrastructure repairs that could impede our response times—water systems, streets.

This creates a situation where much of what we do and much of how we react in an emergency situation happens automatically because this crew works together, we know each other's capabilities, and we know in a lot of cases what each other is thinking.

Going to work in a part-time department will, most likely, not provide me with this type of hands-on familiarity, nor will I be provided with the same level of information flow that I have grown to expect as a full-time firefighter. I could also be put in the situation of expecting something to happen because that is normally the way I work, when in fact it may not because of the difference in the level of experience of the part-time firefighters. The training for part-time firefighters, the ones I am aware of: they train perhaps once a month, once a quarter, maybe even less. With all due respect to their intentions and their desire to serve their communities—I would never take that away from them—what would I then expect of their abilities in a life-and-death situation?

We have been told in discussions with AMO, by our provincial executive, that this is a local issue for municipalities to deal with. We would then suggest that local solutions would be most appropriate. Bring all the relevant stakeholders to the table with all of the necessary factual information, not guesstimates, with the intent of striking a solution that is workable for everyone. The municipalities that believe they must rely on full-time firefighters to augment their part-time department should have risk assessments done to determine what would be the appropriate level of protection and how best to achieve it without relying on somebody else's firefighters. We would then advocate a timely period to institute this type of arrangement.

I'd like to thank you for allowing me to appear before you and I'd be pleased to answer any questions you might have.

1730

The Chair: Thank you, Mr Newman. If the committee so wishes, a couple of minutes of questions for all three parties.

Mr Michael Gravelle (Thunder Bay-Superior North): Mr Newman and Mr Gorrie, welcome. I've been trying to catch as much of the session as I could this afternoon. You appear to be the first group that has actually expressed some concerns about the bill in a very specific way. I do think the concerns you expressed are important ones and I hope that Mr Arnott and the committee members are conscious of that.

The issue of choice has been made. I think the point needs to be understood, and I know you've been able to make the point, that when one talks about a full-time person in a job going to part-time work, you often don't have the issue related to something as obviously sensitive and dangerous as firefighting.

You've also made reference to the fact that this could be done in a different fashion. I've spoken to Mr Gorrie about this previously, and there was some concern when the bill came forward that you felt this was an issue that could be dealt with outside the Legislature, and there was

a process in place to try and work this through. Do you still feel that way?

Mr Ron Gorrie: Definitely. I believe that through a negotiated settlement process we can resolve this. We proposed to the discussion with stakeholders a process of the phasing out of two-hatters, to do it with the minimal effect possible on any municipal fire department relying on that type of service.

Mr Gravelle: The concerns you have expressed in your presentation particularly in terms of liability, in terms of a firefighter being in a situation, either in his part-time capacity or full-time capacity, and being able to work at 100%: have you had an opportunity to express them again outside this process? Have you been able to deal with Mr Arnott in the preparation of this legislation? Clearly, those are real concerns, and I would think all those who are in favour of the bill must also acknowledge those concerns in terms of the fact that if you've got somebody who's been involved in a great deal of work, either in their part-time position or their full-time one, they're not necessarily going to be at 100% capability of doing it. Have you had a chance to discuss that with others?

Mr Gorrie: I never talked directly with Mr Arnott on a case or on the situation, but it would be our position that there is a distinction between working part-time as a volunteer firefighter and part-time, as somebody has alluded to before us, as a truck driver. When you're working part-time as a truck driver, if you're feeling tired or worn out to the point that you might jeopardize your employment as a career firefighter, you always have the option to say, "That's it. Thank you very much. I'm going home for the day," whereas if you're a volunteer firefighter and you're at the scene of a fire, I'm sure the chief of the volunteer fire department would expect his volunteer, whether he be a two-hatter or not, to stay at the scene of the fire until the fire is sufficiently under control that he can be released. Therefore, that volunteer firefighter has no control about the extent of work and exhaustion he may incur. Then he would be expected, of course, ultimately by his full-time fire chief and employer and the taxpayer to go to work to earn the salary he's earning there. His alternative would be to book off sick and therefore take advantage of a benefit earned by his union for sick pay, and then cause extra expense to his full-time employer and the taxpayer.

Mr Levac: Just a very quick question: is your organization out to get rid of volunteer firefighters?

Mr Newman: No, sir, we're not. It has never been the position of our associations to attack volunteer firefighters. They provide a service where that service is needed, and we've never questioned that.

Mr Kormos: It's been very frustrating, because we don't have any hard data, for instance, on the number of double-hatters. So that's frustrating. You saw me in here trying to get some sense of who's hosting these professional firefighters as employees and who's using them as volunteers. Yet the Hamilton scenario is somewhat unique because you've got the megacity, the amalgamation of the smaller towns.

The history of article XV in the IAFF constitution: how long has that article been a part of that constitution?

Mr Gorrie: Living memory, I believe, Mr Kormos and Mr Chair. It's been there since I can remember.

Mr Kormos: You're almost as old as I am, so—

Mr Gorrie: Almost.

Mr Kormos: Has this ever been the subject matter of a—I trust that over the course of your years as a professional firefighter you've been to the conventions, both national and international.

Mr Gorrie: Again, if I understand the question—

Mr Kormos: The question is, has this ever been a matter raised on the floor by the membership, to change the constitution? Has it ever been debated by the membership?

Mr Gorrie: Yes, it's been debated to a great extent, as I understand it, at the provincial level and at the international level. I'll just speak to the provincial level and I'll allow Mr Newman to talk about the international level.

It was debated, as you've heard before, in 1998, 1999, whatever it was, in order to actually bring part-timers into our association and it was defeated by the majority of elected representatives at convention to change the constitution to allow that. So yes, it was discussed and, in the fairest way possible, defeated.

Mr Kormos: It was put to a vote on the floor of the convention?

Mr Gorrie: Exactly.

Mr Newman: With respect to the international situation, two years ago in Chicago, the issue came up repeatedly during the first several days of the convention, and it was believed that the issue was at that time decidedly a Canadian issue and it was left to the Canadian locals to deal with. The spectre at that point was that, because of all the amalgamations, we would be put in the position, because of legislation, of having to represent part-time employees. Technically, under the terms of the international constitution, we are not allowed to do that. There is a process by which special dispensation can be requested from the general president to represent part-timers, particularly in light of the fact that it was legislated.

But as far as the American segment of that convention, they did not for themselves seem to think it was that much of a problem and they referred the repeated raising of the issue back to the Canadian locals.

Mr Kormos: Again, I'm going back to Whitby, a small local, 86 members, as I read the information, that has launched at least one case against one of its members pursuant to article XV. I'm just interested in the fact that firefighters, being as tight a brotherhood and sisterhood as they are—the existence of article XV doesn't appear to be a matter of great concern by the vast majority of professional firefighters. I don't know whether that's an accurate observation or not.

Mr Gorrie: Again, the existence of article XV has been endorsed by the international convention that Mr Newman was referring to, and the problem was dealt back to the Canadian caucus about what to do if in fact,

through amalgamations and through legislation and through labour relations board decisions, part-time employees are put into the bargaining unit. That was the question that was being debated. It was not the question of the validity of performing a two-hatter function, if you will. That was not the question. It was, can we represent part-time people, not our own members, doing two functions? Just so the committee is aware, the international was not ever in doubt about a full-time professional firefighter also being a volunteer firefighter. That was never the question. It was a question of, can we represent part-time firefighters if forced to do so by a decision of the Legislature or a statute? That was the issue of debate.

Mr Kormos: How much is Bill 84 responsible for this matter becoming as contentious as it has become?

Mr Gorrie: Almost completely.

Mr Newman: Solely.

Mr Kormos: I want you to understand I didn't vote for it.

Mr Arnott: Thank you very much for coming all the way from Thunder Bay to make your views known in this process. I want you to know that I have the highest respect and regard for all our firefighters, but I would respectfully submit that in this instance the Ontario Professional Fire Fighters Association is going too far with these kinds of charges and that's why I brought this bill forward. I know you have a different perspective, but I certainly respect your right to come to this committee and express your views. It's something that I thought was important. I didn't want to stand in the way, certainly, of people who had a divergent point of view other than my own. I didn't want them to be denied an opportunity to come forward at a legislative committee and express their views. I'm looking forward to reviewing the Hansard and thinking over more so some of the points you've made because I think you've made a number of important points.

In response to Mr Levac's concluding question—he asked you whether it is your association's view that volunteer firefighters should be phased out—you said no, that it's not your position volunteer firefighters should be phased out. But it is your position, am I not correct, that double-hatters should be phased out?

Mr Gorrie: Exactly, no doubt about it. We feel that full-time career firefighters who act as double-hatters are doing an injustice to the rest of us career firefighters. It's much more difficult to negotiate, it's harder to maintain salary levels, it's hard to justify, if you will—Mr Gall was talking about Flamborough, Stoney Creek and Hamilton. It was very difficult for the firefighters in Stoney Creek to continue to exist for years because Flamborough was a purely volunteer fire department. Municipal councils talk, and they say, "My volunteer fire department costs me \$10 and your full-time fire department costs me \$20." There was always a difficulty for the full-time firefighters in Stoney Creek.

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There has never been a time when I personally, or my association in Thunder Bay, of which I'm proud to be the

president, ever advocated getting rid of volunteer firefighters. We know that in the towns of Emo, Atikokan, Terrace Bay and Marathon, basically they're not going to do it, my friend. Right next door to us in Shuniah, Neebing, Dorion, Murillo, Kakabeka Falls and Kaministikwia, they're not going to have full-time professional firefighters for a thousand years. I don't say we've got to get rid of them. I say bring them on, let's train them, let's make sure they're doing a good job, let's protect them, let's help them.

But, sir, do I believe that double-hatters should be eliminated? Obviously I do.

Mr Arnott: We disagree on that point.

Mr Gorrie: You talked about the right to come before the committee, and I certainly appreciate that right being exercised. We've heard about rights of people for freedom of association and freedom of employment, but we'd just suggest to the committee to consider that, as a municipal employee, I am forbidden to sit in this House, I am forbidden to sit on municipal council and I am forbidden to run for federal Parliament. Why? Because I'm a municipal employee. So my freedoms are impinged upon just by being that. You, sir, Mr Chairman and members, are forbidden to sit on municipal council and you're forbidden to sit in the federal Legislature. Why? Because you happen to be here.

In every day of our life, we know that our rights to associate, our rights to employment and our rights to do as we want, to represent our people, are limited. Mr Newman, my first vice-president, as Mr Gravelle will probably attest to you, chaired the United Way campaign in Thunder Bay. He was a deputy chair of the United Way. He's run more functions for the firefighters association at Thunder Bay to benefit the community in fundraising than anybody I know of. He helps his community. He's loyal to his community.

Mr Guzzo: As a volunteer.

Mr Gorrie: Not as a volunteer firefighter, sir; as a volunteer. We advocate volunteerism. If you want to be a volunteer, by all means, but don't, please, violate the constitution, as a career firefighter, the oath that you took, and then also be a volunteer firefighter.

Mr Guzzo: You can run your own construction company in your off-hours, but don't volunteer.

Mr Gorrie: If you will, yes. We have no problem with that. In many other professions, if you're a painter, you can't paint under scale. If you're an electrician, they'll pull your ticket if you're working under scale. We're no different than any other trade union.

The Chair: Thank you, Mr Gorrie and Mr Newman. On behalf of the committee, we appreciate your coming down from Thunder Bay.

TIMOTHY LEE

The Chair: The next individual is Mr Tim Lee. Individuals are allocated 10 minutes, as opposed to an organization.

Mr Kormos: Mr Chair, while Mr Lee is being seated, perhaps this is a good time to let these folks know that

people from out of town can submit to the Chair requests for mileage for travel to Toronto. It's a practice the committee has, but sometimes the committee doesn't like telling people about the practice, and then people find out about it too late. I know there are folks who have come here from some significant distances, and even not so long. I'm encouraging them to submit mileage slips and any other incidental expenses. They will be thoroughly scrutinized. No movie titles will be blacked out.

The Chair: Thank you, Mr Kormos. That is subject to the approval of the committee. Mr Lee.

Mr Timothy Lee: I am honoured to stand, or sit before you, in this case, today to address a critical issue that threatens the freedoms and rights of firefighters and the safety of Ontario citizens.

Eight years ago, I started my career as a volunteer firefighter, and it has been my privilege to have also served as a career firefighter for the last six years, first with the city of Mississauga and now with the town of Whitby, which is closer to my home, the city of Kawartha Lakes, where I continue to volunteer. I am called a double-hatter, one of hundreds, if not possibly thousands, of professional career firefighters in Ontario who voluntarily make their services available in their own communities while they are on their time off from their full-time jobs.

The International Association of Fire Fighters, or IAFF for short, has charged me for refusing to stop volunteering in my home community. Three additional charges have also been laid against me for my support of Hamilton firefighters finding themselves in similar circumstances. If Bill 30 does not pass, I and others like me who have been charged and threatened with charges stand to lose our jobs. My case will set a precedent for the IAFF. What happens to me will establish their course.

We in Ontario are being carefully watched, as this response to Bill 30 will determine whether or not the IAFF moves full steam ahead in other provinces and, indeed, across the States. While the Canadian director of the IAFF claims this is simply a low-level regulation process of internal union affairs that should be left to the union, what they are actually doing is trying to affect changes to social policy and affect the general public by exploiting loopholes in provincial legislation.

The determination of the rights of citizens cannot be left in the hands of unions. That is why all other workers in Ontario have protection from unfair labour practices within the Labour Relations Act.

I had two grandfathers who fought in World War II, and a great-grandfather who fought in the First World War. I come to encourage you to honour and uphold the fundamental freedoms they valued above their lives. To ensure these freedoms for firefighters, it is critical that Bill 30 must be passed into law.

In their efforts to bolster their position, the IAFF has made a number of faulty claims.

Faulty claim number one is that firefighters can become exhausted through volunteering and be less effective in their full-time work, endangering the public

and their colleagues. In truth, if that were really an issue, firefighters would have to avoid any strenuous work or sports on their time off. Obviously, safety cannot be the true motivator for the IAFF's concerns, otherwise they would ban their members from engaging in any activity that could be deemed hazardous or taxing. The practice of double-hatting has never been identified as being a public threat by the office of the fire marshal. In fact, the only potential threat identified by the office of the fire marshal is the withdrawal of their services.

Faulty claim number two is that double-hatters masquerade as volunteers, when they're really paid workers. The concept of volunteerism, I submit, has evolved into a concept of work without pay. In fact, according to Webster's dictionary, it refers to "one who enters any service of his own free will"; that is, without being conscripted. Taking a page from the military, both volunteers and conscripted soldiers are fully paid. Webster's also defines "free" as being "without charge." Volunteers are not free. They are highly skilled professionals requiring continuous training and expensive equipment who willingly engage in activities necessary for the protection of their community.

While it is true that volunteers receive a token hourly wage when they respond to calls, that is not the motivation for their service. In my case, the remuneration usually doesn't amount to much more than about \$150 a month, obviously not the huge incentive for putting my life on the line that some would have you believe.

Faulty claim number three is that double-hatting decreases public safety. Without professional volunteers who are available to answer calls during the daytime, when other volunteers are at work, daytime emergencies will not have the necessary response. Double-hatting actually increases public safety.

Faulty claim number four is that double-hatting increases exposure to cancer-causing agents. There are many jobs that could expose a worker to cancer-causing agents or a variety of other, more immediately dangerous situations. That is why all workers, including firefighters, must follow occupational health and safety guidelines.

Faulty claim number five is that all IAFF members have sworn an oath to the IAFF and that they are just asking them to keep their word. In reality, I and many other firefighters have never sworn such an oath. Before December 8, 2001, I had never been given a copy of, or for that matter the opportunity to look over, the IAFF constitution and bylaws. I did make sure my employer was well aware of my volunteer experience prior to being hired. I was never told by my employer about the anti-volunteer clause in the IAFF constitution and bylaws, nor was I ever asked to discontinue my volunteer activities. It actually helped me get the job.

1750

The support for Bill 30 has been tremendous. Beyond the support you have seen here are evidences like a petition with over 4,300 signatures from my own rural community and wide newspaper coverage in our support in other Canadian provinces and throughout the United

States, as well as locally. The bottom line is, what will happen in Ontario if this bill does not become law? The consequences of Bill 30 not being passed, I feel, are dire.

Consequence number one is that double-hatter firefighters will have to choose between giving up their full-time jobs or giving up their volunteer service to their communities. Unlike all other unionized workers in Ontario, who have the protections from unfair labour practices found in the Labour Relations Act, firefighters have no statutory protection from the union charges. If my union card is revoked, the union will be able to request that my employer terminate my employment.

The following remarks were made by Justice Grange of the High Court of Justice in Ontario. He said, "It is difficult to understand why firefighters, almost alone among unionized workers, should be excluded from relief against arbitrary conduct of their union." You can imagine the stress and uncertainty that I face in providing a future for my wife and three young children, aged 12, 11 and nine. Nevertheless, I cannot lead my children into adulthood with the example of one who compromises his freedom and principles for job security.

Consequence number two is that the financial and legal implications for municipalities are staggering. Volunteer firefighters provide a billion-dollar resource to Ontario every year. Besides the necessary tax hikes to cover the costs, the implications to levels of service, public safety and insurance liabilities are unthinkable if a phase-out of double-hatters is imposed on municipalities and the citizens of Ontario by the IAFF. In the absence of the protection proposed by Bill 30, many municipalities will find themselves caught between not only conflicting provincial laws and liabilities but also in conflict with federal constitutional rights issues. Although the IAFF is not subject to the application of the Charter of Rights and Freedoms, municipalities are.

Consequence number three is that the safety of rural Ontario will be compromised. We will forever lose the decades-long benefit of full-time, highly trained firefighters who choose to benefit their communities with their skills and experience on their time off, both in training and protection services.

In a society where there are ever-increasing demands on families and further commutes are required to get to work, staffing of volunteer fire stations has become a real challenge. Meeting this challenge has been possible in part because of the contribution that double-hatters make. If double-hatters are forced to quit, the reality is that small communities that cannot afford to hire full-time firefighters would simply be left without effective services, thereby creating animosity towards the union but a very real public safety crisis.

Consequence number four is that bullying will be legitimized. The IAFF has chosen to continue, as I speak, the campaign against double-hatting members in spite of community concerns. Well over 60 double-hatters have been lost already due to union pressure tactics known as fire hall justice. Many of them have shared their stories

with me. I am not immune to their concerns, particularly in sitting before this committee today.

In summary, while the interests of the working man have historically been protected by the union, unfortunately the opposite is true in this situation. I believe that the movement of the IAFF towards a self-serving agenda must be reversed back to that of serving the community. The Honourable Robert Runciman, who is the Minister of Public Safety and Security, recently recognized firefighters as “part of that dedicated, reliable core of individuals within each community that allow all of us to feel safer and more secure.” He went on to say, “They place their lives at risk every day, ensuring people’s safety.” I hope that we as firefighters will be allowed the same security and feeling of safety in our employment.

In closing, working to protect the rights and freedoms guaranteed to all Canadians is not always easy or popular

with everyone, but it is right. The foundation of Bill 30 is built on common ground where partisan politics can be temporarily put aside in the interests of working together to benefit Ontario. I respectfully ask all political parties to unanimously put your support behind Bill 30 and the vigilant firefighters who serve and protect your communities. Thank you.

Any questions?

The Chair: Thank you, Mr Lee. That’s 10 minutes right on the button. We appreciate very much your presentation.

Mr Kormos: That will give us enough time to get back in on the vote against the government’s time allocation.

The Chair: This committee will reconvene on Monday.

The committee adjourned at 1755.

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