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des débats
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Tuesday 22 October 2002

Mardi 22 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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OF ONTARIO

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ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 1845.

ORDERS OF THE DAY

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I ask if there is a quorum.

The Acting Speaker (Mr Bert Johnson): I'll have them check and see.

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

AGRICULTURAL EMPLOYEES
PROTECTION ACT, 2002
LOI DE 2002 SUR LA PROTECTION
DES EMPLOYÉS AGRICOLES

Mrs Johns moved second reading of the following bill:

Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

Hon Helen Johns (Minister of Agriculture and Food): I would like to split my time with the members from Hal-dimand-Norfolk-Brant and Durham.

I am pleased to have the opportunity to speak to the proposed Agricultural Employees Protection Act, 2002, in some detail this evening. It's an important piece of legislation, one that would protect agricultural employees while also reflecting the unique characteristics of Ontario agriculture and the family farm in Ontario.

The Ontario government has introduced this legislation to comply with the Supreme Court of Canada decision regarding the rights of agricultural workers to associate. That decision requires Ontario to provide legislative protection to the rights of agricultural workers to form and maintain meaningful associations as guaranteed in the Charter of Rights and Freedoms. The Supreme Court of Canada clearly defined this issue, and this issue is clearly about freedom of association.

First, I would like to address just what this legislation would do. The proposed Agricultural Employees Protection Act would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a very meaningful way.

Under the proposed legislation agricultural employees would be able to exercise their rights to form and join an employees' association; to participate in lawful activities; to assemble; and to make representations to an employer through an employees' association. All of this must be free of interference, coercion and discrimination.

1850

This proposed legislation would ensure that this protection is meaningful. It would give the Agriculture, Food and Rural Affairs Appeal Tribunal the authority to hear complaints about alleged contraventions of the act. The tribunal would decide, after a hearing, whether an employer had failed to comply with the proposed legislation. If it is found that an employer had contravened the act, the tribunal could issue a remedial order requiring the employer's compliance.

To ensure that the tribunal is neutral and that they have expertise, the proposed legislation would provide a special roster of people for this tribunal. These people would have neutrality and expertise. These people would have expertise in labour and farm matters, among other areas. They would be appointed by the Lieutenant Governor in council.

I want to emphasize that the proposed legislation contains no restrictions on the composition of the employees' association, other than that the association must be comprised of agricultural employees. An employees' association could be a union, a branch or local of a union, or any other organization the employees deem to be the right association to make sure their needs are met. An employees' association could be comprised of agricultural employees from any number of farms in the province, and it could be organized on any basis the employees want. For instance, employees from a particular farm area or commodity sector might want to form an association.

Under the proposed legislation, a union or other organization could assist employees in forming this employees' association, or the employees could come together themselves and form an association to be able to make representations to their employer. That would be true whether the association was formed as a branch or local of a union, another organization or a separate association unto themselves. An association would, of course, be responsible for collecting its own dues.

However, I need to make one thing very clear here. While an agricultural employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers.

I have heard it said that this proposed legislation falls short of the direction given to the province by the Supreme Court of Canada. Let me assure everyone here tonight that this is not the case. The government is advised—

Mr Peter Kormos (Niagara Centre): Oh, I feel better now.

Hon Mrs Johns: Thank you, I'm glad you do. The government is advised that the Supreme Court of Canada decision regarding Dunmore versus Ontario obligates the government to extend legislative protections to agricultural workers. It obligates us to do this to ensure that employees have the right to form and join associations, as well as have the protection necessary to ensure that the freedom of association is meaningful. The government of Ontario will meet these obligations.

At the same time, our legislation recognizes the very unique characteristics of agricultural production and the family farm in Ontario. This government, I believe, and I think many around believe, has proposed a very balanced piece of legislation. Not only are we providing for and protecting the rights of agricultural employees under the Charter of Rights and Freedoms, but we are also ensuring that Ontario's agricultural operations and their undeniably important contributions to the quality of life in this province are recognized and protected.

Before we introduced this proposed legislation, we consulted with a lot of individuals and groups that would be most affected. We met with them, we listened to agricultural employers and union representatives, and in August and September of this year, staff of the Ministry of Agriculture and Food met with the United Food and Commercial Workers International Union. We also met with the Labour Issues Coordinating Committee. For people who don't know, the Labour Issues Coordinating Committee is a coalition of agricultural organizations that came together because they were interested in representing the interests of employers in the agriculture and horticulture sectors in the province of Ontario. On top of meeting with those two groups, which were important stakeholders, we also held open consultations in Kemptonville, Vineland and Leamington. I want to say that we chose those areas because they had been the heartland of previous activities with the previous NDP bill.

Ontario's agricultural employers told us they believed they currently have a good relationship with their employees. It is a relationship they value and wish to maintain. We heard from them that it was important to treat all agricultural employees in a consistent manner and, for that matter, all employers in a consistent manner. In their view, all farms must be treated alike. Small, large, family farms, partnerships: they all must be treated alike.

We also heard from many that Ontario's agricultural production must not be vulnerable to the risks of potentially devastating labour disputes. I was on a TV show last night and people said, "Well, you know, agriculture's the same as the Ford line or when somebody goes to the hospital, the nurses and the doctors." What's different about agriculture is that if that crop isn't planted on the

specific days it can be because of weather or drought or any of those things, it's not planted for another 365 days. That affects the livelihood of farm families in the province of Ontario. We have to be very careful about the vulnerability of the agricultural community in Ontario.

This government has worked very hard since 1995 to increase competitiveness in the province. We have tried very hard to ensure that we provide some stability for the agricultural sector in the province. We are still working hard to enhance the competitiveness of our agriculture sector as they compete more globally year after year, Speaker. I know you know that because you represent a large agricultural riding that is a very competitive part of Ontario's fibre in food and agricultural production. That's why the legislation I have introduced today recognizes the unique characteristics of our agricultural operations, and especially our farm families and the employees who work for our farm families in the province of Ontario.

At the same time, we do and we will respect individual and constitutional rights, and that's another reason why we have put forward this bill today. I want to assure all members of our agricultural sector, whether they're employers or employees, that we are significantly advancing today the employee-employer relationship, which we believe is integral to good business operations in agriculture. We believe that this proposed legislation meets the requirements of the Supreme Court. We have struck what I believe is the appropriate balance in providing meaningful protection to the rights of the agricultural employee while, at the same time, recognizing the unique characteristics of Ontario's agriculture sector.

I certainly hope that all members of the House will think about their agricultural communities across the province when they think about this bill and will work with me to help enforce and strengthen agriculture in the province of Ontario. It is our future. It is our food supply.

1900

Mr Toby Barrett (Haldimand-Norfolk-Brant): It's my privilege this evening to speak to Bill 187, the proposed Agricultural Employees Protection Act. When our Minister of Agriculture and Food, my colleague the Honourable Helen Johns, introduced this bill on October 7, she told us that the government had introduced this legislation to comply with the Supreme Court of Canada decision regarding the rights of agricultural workers to associate. That decision requires the province to provide legislative protections to the rights of agricultural employees to form and maintain meaningful associations, as guaranteed under our Charter of Rights and Freedoms. This proposed Agricultural Employees Protection Act would do just that, but it would do so in a balanced way. Bill 187 would recognize and protect the rights of agricultural employees to associate, while having regard to the very unique characteristics of farming.

I wish to expand a bit on the rights of agriculture employees that are protected by this bill. As our minister just indicated this evening, the bill would protect the rights of workers to form and join employees' associa-

tions, to participate in lawful activities, to assemble and make representations regarding terms and conditions of employment to an employer through an employees' association, all of this being done free from discrimination, free from coercion and free from interference.

I think at this point it is worth noting that while the bill is not about workplace health and safety and is directed at agricultural employees' rights of association, it would enhance the ability of employees and employers to communicate about terms and conditions of employment. Again, through this communication, this could include any concerns about workplace health and safety. I draw your attention to section 5 of the bill. Section 5 would require that an employer provide a reasonable opportunity for an association to make representations concerning terms and conditions of employment of the employees who work for an employer and who are members of the association. These representations could be made orally or in writing, and the employer would be required to acknowledge them.

I do wish to outline the protections in the proposed legislation that will ensure that employees are able to exercise their rights to associate in a meaningful way. First, the proposed legislation would prohibit conduct that interferes with the exercise of rights under the bill. Section 8 of this bill would prohibit an employer or an employers' organization from interfering with an employees' association or the lawful activities of that association. Section 9 would prohibit employers from interfering with employees' rights under this bill through discrimination in employment or other related threats or reprisals. Finally, section 10 would prohibit intimidation or coercion of anyone in connection with membership in an employees' association or the exercise of rights under the bill.

Then the proposed legislation would back up those prohibitions by providing meaningful recourse for persons who have complaints regarding contravention of this legislation. Section 11 of the bill would allow an employee or an employees' association, an employer or an employers' association, or any other person to file a complaint with the Agriculture, Food and Rural Affairs Appeal Tribunal. The tribunal would be required to hold a hearing and, if it was satisfied that a contravention of the legislation had occurred, could make orders to rectify the situation.

At this time I would like to turn to how this proposed legislation also recognizes the unique characteristics of agricultural production and, as we all know, the often-times economic vulnerability of this particular sector. It would protect a farm's most valuable assets—that farm's land, its livestock, its crops—by recognizing the employer's right to control access to his or her property.

I do hasten to add, however, that this would not prohibit all access to the property. Section 7 of the bill would allow any person or group to apply to the Agriculture, Food and Rural Affairs Appeals Tribunal for access to farm property where agricultural employees reside for the purpose of encouraging the employees to

join an employees' association. In dealing with such applications, the tribunal would take into consideration the following factors: human health and safety, normal agricultural practices, animal health and safety and plant health, planting and harvesting, biosecurity needs, and privacy or property rights. These are very essential considerations to ensure that normal agricultural practices are not unduly interfered with.

For instance, we all know just how important it is to ensure the biosecurity of our agricultural operations. It was just last month that Britain's beef industry resumed exporting its product after being devastated by foot and mouth disease.

This legislation would also recognize that Ontario's agricultural production, a key contributor to our quality of life in this province, must not be vulnerable to the risks of potentially devastating labour disruptions. Planting and harvesting, for example, are extremely time-sensitive operations, and all too often the timing of these operations is not determined by the operator, not determined by the farmer, but are clearly in the hands of Mother Nature.

Also, since agricultural production depends on biological processes, these can also obviously be vulnerable to sudden crises: changes in weather, floods, drought, all alone breakdowns in machinery, such as an engine shutting down or a breakdown of hydraulics, for example.

This is why, for instance, the same section of the bill that requires an employer to give an employees' association a reasonable opportunity to make representations respecting the terms and conditions of employment also recognizes the critical nature of timing in farming.

In 1995, the government of Ontario repealed the Agricultural Labour Relations Act, an act that was brought in just the year before, 1994. In 2001, the Supreme Court of Canada directed our province to revisit that decision, and that is why, following consultation with a variety of members of the agricultural community, including employers and representatives of organized labour, we have introduced this proposed legislation, the Agricultural Employees Protection Act.

I do wish to add, by the way, that Ontario's agricultural employers told us that they value their current relationship with their employees. They feel they have a very good rapport with people who work in the industry and they want to maintain that rapport, that relationship with their employees. The proposed legislation would not only show consideration for that valued relationship, it would also recognize, as we've heard this evening, an individual's right to form and maintain meaningful associations.

In conclusion, Bill 187 is, in my opinion, a carefully and appropriately balanced bill. Bill 187 would protect the rights of Ontario's agricultural employees. Bill 187 would also recognize the unique characteristics of our farms across the province of Ontario.

1910

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Mr David Ramsay (Timiskaming-Cochrane): I'm very pleased to stand in my place today to make comment on the minister's speech and the others. I have a history in agriculture, not only running a family farm before I was elected, with my wife in Belle Vallée in northern Ontario, but also a year as being Minister of Agriculture in the province.

I would say to the government that this is a bill we're going to support, only in that it's a good start, a good first step to improving the rights of agricultural workers. But I think we have to think beyond what this bill does and look at the next step with our relationships in agriculture with our workers.

Mr Speaker, agriculture, as you know, is very, very vast in its scope. We have small family farms with no or few employees, and very large operations today, up to maybe 200 employees, such as mushroom operations, some of the canning and freezer packing operations that have many, many employees. I think once we get through this step, we really need to look down the road to the future, and we need to sit down with labour and our agricultural groups and see how we can better organize the workplaces of large employers in agriculture.

We have large, large workplaces now, whether they be these canning factories or mushroom operations, that aren't the family farm but are large agricultural workplaces. These are large employers. We need to look at those workers as any other worker in society in those large workplaces and ask ourselves why those people should be denied the rights to organize. That's something we have to look at. We have to do that in partnership. And of course we always have to do that with the safeguards that animals and perishable goods cannot be jeopardized and therefore the right to strike cannot be there, but the right to bargain needs to be there.

Mr Kormos: I can tell you absolutely, without hesitation, that New Democrats don't support this legislation. I'm proud that I was with New Democrats forming government in this House when they introduced the first legislative enablement for workers in the agricultural industries, workers on factory farms, to organize into trade unions and, most importantly, to collectively bargain.

For this minister to stand up here and talk about in any way taking heed of the direction given to this government by the Supreme Court of Canada in Dunmore by saying, "Oh, we'll let workers form associations." Oh, how patronizing, how paternalistic. "They can form little clubs. Oh, yes, they're entitled to make representations to their bosses. Oh, yes, the bosses have obligations too, because the bosses have to acknowledge receipt of that communication." But that's where any responsibility on the part of the boss ends.

I'm sorry. The Supreme Court of Canada in Dunmore made it very clear that the family farm is perceived by so many as increasingly mythological and that what is being addressed and what is of concern to working women and men and to New Democrats is the new trend in corporate mega-farming, where workers—and to say all of those

bosses are bad is naive and of course not true—risk their lives, risk their health, risk their well-being and are denied the most fundamental right of any worker in a democratic society, and that's the right to belong to a trade union and to engage in collective bargaining with one's boss. I can't think of any more significant hallmark of a democratic society. My heart breaks to see that abandonment of that hallmark of democracy here in this Legislature this evening.

Mr Wayne Wettlaufer (Kitchener Centre): My wife was born and raised on a small family farm not too far from where the minister herself comes today.

Interjection.

Mr Wettlaufer: I have to say, aside from all the ridiculing that is going across the way there right now, that I have a great deal of interest in this.

As you are aware, the pressures on the small family farm are much too severe, and they're ever increasing. I don't think we need any needless pressure on the small family farm. This legislation is designed to address that very thing.

Mr Dave Levac (Brant): I appreciate the opportunity to make a few comments on the bill. What I like about the bill is that it does present us with a step toward helping farm workers in the province of Ontario. The issue, though, that is important for us to understand is that it goes beyond—the minister made reference to "small, medium, large; it's all the same." I do beg to differ; it's not the same. There are organizations that employ 200 or 300 people, and for us to say that a mom-and-pop farm, and literally mom and pop are the only ones working the farm, and compare it to, say, a mushroom operation that hires 250 people in one spot is not a comparative. You should not be able to say that those two things are the very same and the type of legislation that we put in place is the same. It really is not the same. The actions of some of those operations need to be watched very carefully to ensure that those workers' rights are protected.

As far as the mom-and-pop operation is concerned, I don't know that this type of legislation is going to impact them at all because, quite frankly, the mom-and-pop operations that have one, two, maybe three people working—usually all family members—are going to simply carry on the way they are, the way they have been doing traditionally, year after year, generation after generation. I don't think that this type of legislation should be feared by them, but I do have a deep, deep concern for the new operations that are now appearing, mega-corporations from around the world buying up large operations and putting 250 people to work, that we should not be looking at making sure that those workers are protected, particularly, I must say, for health and safety reasons, if not at least for their operations and ability to negotiate contracts with them.

The Acting Speaker: The minister has two minutes to respond.

Hon Mrs Johns: I would like to thank my colleagues from Niagara Centre, Timiskaming-Cochrane, Kitchener

Centre and Brant for their comments. I want to say first off that it is important to recognize that we have different-sized farms in the province. I have to say that it's a very clear thing that's happening these days. As people of our age or less who are entering the agricultural community come along and they are going to support a family with young children coming through the system, they need to expand their farms all the time. The farms are growing from 100 acres, which we saw when my grandparents came from Ireland in the 1860s, and they're expanding to where some places, right now, I have friends who are farming 5,000 and 6,000 acres. But that doesn't mean they have a huge employee base; what that means is they have a larger farm to be able to support a family. We have to be very careful when we start to break down farms by size or livestock units. What we have to recognize is that in the province of Ontario right now we have approximately 57,000 farms, and 35,000 of those farms have no employees whatsoever.

The unions say they don't want to unionize any of those. I worry about that, but I say OK. Twenty-four thousand farms are left, and of those 24,000 farms, they have on average of one employee per farm in the province of Ontario. So it's not like we have huge farms with hundreds of thousands of employees. The average farm—

Mr John Gerretsen (Kingston and the Islands):

How are you going to unionize non-existing people?

Hon Mrs Johns: I'm just giving you statistics; I'm sorry if you don't agree with them. Of the 24,000, they have 27,000 employees, and they have about the same in seasonal employees. So on average, we have about 1.3, 1.4, 1.5 workers for every farm in the province of Ontario. I think everyone would consider those to be family farms.

1920

Mr Steve Peters (Elgin-Middlesex-London): There are a number of issues that need to be discussed this evening in dealing with this legislation.

The first point I'd like to put on the floor is that I challenge the minister to table in this Legislature, for all of us and for all the citizens of this province, her definition of a family farm. We've heard the minister this evening on at least six occasions talk about the family farm. We just heard the member from Kitchener make reference to the family farm. I would truly love to have the minister table that definition, because it's a term that is going to be thrown out quite regularly through this debate. It's a term that I don't think anybody in the agricultural community can accurately define for us, and I would truly love to hear the minister's interpretation of what that means. As we're going to hear through the debate on Bill 187 about the term of large-scale industrial operations, intensive livestock operations, factory farms, we need to know from the Ministry of Ag and Food what that definition is, and we've yet to hear that, though it's a term they love to throw out. So I challenge the minister to please table what her definition of a family farm is and what her definition is of a factory farm because I think

the people of Ontario and the agricultural producers in this province deserve to know exactly what that means, from this government's perspective.

This is certainly an emotional issue. It's an issue that is not new to this Legislature. It's an issue that has been in front of this Legislature in the past, and through the course of my discussions and comments this evening, I'll talk a little bit about the history.

We need to start and begin with what the farm does and the impact it has on this province. I think we lose sight of that. Speaker, you represent a rural riding, so you have a good and better understanding than the vast majority of individuals in this place do, and you probably have a better understanding—I know you have a better understanding—than the vast majority of the citizens in this province have when it comes to agriculture. In my opinion, we have not truly given value to the role agriculture plays. We give it lip service. The minister will stand up on a regular basis and talk about the second-largest industry in this province. We heard a backbench question today about the importance of agriculture and its importance to the economy of this province.

But I think we've failed miserably at making sure that consumers in this province understand the role agriculture plays and understand as well—and we can use this term “unique.” It is unique. It's an industry that every one of us depends on on a daily basis. From the moment we open that fridge in the morning and pull out that quart of milk, pull out the box of Corn Flakes, throw some strawberries on it, and have a cup of coffee with cream, we depend on agriculture. It's an industry, though, that in my opinion, as consumers, we've just taken for granted. It's an attitude we need to change. We truly do need to change the way we look at agriculture.

Agriculture is, as the minister will stand up and say, the second-largest industry in this province, but what we fail to recognize—when you look back at everything that happened from September 11, we've talked about increased security at our borders, increased security at our airports, increased security here, increased security there. Do you know what we've failed to talk about in security? The security of our food and our food supply. We haven't recognized that we need to do everything we can to ensure that we protect the process from the field to the fork, and that we don't allow there to be any interruptions in any way, shape or form in that process. Food security is truly a national issue. I don't think this government has truly recognized it, I don't think the federal government has truly recognized it, and I don't think that we as consumers, who rely on this industry, have recognized it either.

We need to gain a better understanding of this business of agriculture and the contributions it makes to our daily lives. You'll hear talk of providing support for agriculture. We heard the minister this evening use that term—she used it tonight and she used it during the course of the introduction of this legislation—and she spoke of competitiveness. I'll come back a little later and speak about some of those areas where the Harris-Eves

government has failed the agricultural community miserably, where they haven't supported the agricultural industry the way they should. I will come back to that and speak of that.

It's this lack of understanding and appreciation for what agriculture does to our daily lives where we need to pull up our socks and need to open our ears and listen. There have been various studies done when it comes to agriculture. We'll use the box of Wheaties as an example. As we all know, on that box of Wheaties they often use a sports celebrity to help us when we're in the grocery store; when we're walking down aisle 2 and deciding what kind of cereal we're going to purchase, you'll have that picture of Tiger Woods on the box of Wheaties. One of the terrible misconceptions we have as consumers—most people would think the farmer's getting the majority of the dollars from that. It's not the case. Tiger Woods is making more money than the farmer that grew the wheat that went into that box of cereal. There's something wrong there.

The agricultural community has been faced with unprecedented challenges. Some of them as government we can deal with, but many we can't. We can't control the weather as politicians, but farmers in this province have witnessed over the past three years unprecedented weather conditions. In 1999 it was too much rain; in 2000, 2001 and 2002 we're into dry, dry weather. And it's been spotty all over the province: some areas have done all right, others haven't. My area of Elgin county has been extremely hard hit as a result of weather conditions. Now the farmers are paying another price for it, because this government, in Agricorp, fails to recognize some of the problems that soybean growers are facing, with the issue of green beans. This government doesn't recognize it as a weather-related issue, and that's a shame. It's a shame for the soybean producers of this province.

We face other challenges as well. We know of the huge subsidies that the European Union puts in to support agriculture and the huge subsidies that the Americans put in to support agriculture. But as much as we can argue about subsidies, what those governments have recognized and what we fail to recognize in this country is that it is important to support and preserve the agricultural industry.

I will give the minister credit for her efforts in ensuring that in the safety net funds that have been distributed and allocated from the federal government, she chose to find a different way to allocate the province's 40% share. I commend her for that, because I think it was important to do that. But we do need to do a better job. We need to support this industry of agriculture, and we haven't done that.

1930

I think another thing we fail to recognize about agriculture is that a farmer—man or woman—who's born on that farm is going to die on that farm. They'll spend their whole life on that farm, from cradle to grave. They will work hard, they will work hours that the majority of

us as citizens would probably never even consider doing. Look at the season we're in right now; you go out for a ride in rural Ontario and you may wonder, "Boy, what are all those lights out in the field right now?" That's a farmer out there harvesting his corn right now because he has to work around the weather, and he will be out there and he'll work all night long to get that crop in. We fail to recognize that. I think we fail to recognize too that, as I say, as a farmer you are there from cradle to grave, and that a farmer does not retire. A farmer is always going to continue to work on that farm. He may pass that farm on to the next generation, but he doesn't walk away from it and he doesn't go and move into town and sit back and enjoy a relaxing life. He or she is going to continue to work on that farm, whether it be pitching in at harvest time, helping repair some machinery or working in the barn.

As urban Ontario, we really and truly do not recognize the contributions that rural Ontario, and particularly the agricultural industry, makes. I would urge all of us, urban and rural members in this Legislature, to do a better job at getting the word out about the contributions this industry makes. It is an industry that we can't take for granted. We do need to show some appreciation, we do need to continue to support what this industry is doing. We have not done a good job of that.

The comments I've tried to make this evening have been to try and bring this bill into the context of what we're dealing with, with agriculture. This is an industry that is different. As much as my riding is a rural riding, I also have a very urban component to my riding. I have the St Thomas assembly plant, the only plant in the world that builds the Crown Victoria. I'm proud of that car, proud of the employees that build that car, and proud every time I turn on a TV and see that car in service with the police, protecting people. I'm proud of many other industries that are there serving our province and helping the economy. But the other aspect of industry in my riding is agriculture. I have to admit that, as a born and raised city person, my own knowledge of agriculture probably was not what it should be. But I would say that certainly I thank individuals from the Middlesex Federation of Agriculture for what they've done in helping me gain a better understanding of this business of agriculture and the contribution it makes.

But agriculture is different. Agriculture is different from the automotive industry, it's different than manufacturing, because you're dealing with a product where, early in the spring, the farmer will be out planting that crop. He or she will be out over the course of the growth of that crop to see that it's fertilized, that pesticides are placed on that crop. The farmer, for the most part, is going to sit back and pray that the weather co-operates, that you get enough rain, that you get enough sun. As that crop grows and matures through the summer, there comes a point when it needs to be harvested. At that point, it has to be harvested. It can't wait. It's much like the dairy farmer. When a cow needs to be milked, that cow needs to be milked. You can't wait. The window is

very small. You can't wait an hour. Goodness forbid you wait a day, because you're going to lose the production from that cow. Anybody in the agricultural industry knows it's a time-sensitive business. There is a point where you have to harvest. There is that point where you have to ship the pigs to market, and you can't wait. You can't in any way be concerned about any sort of interruption in that whole stream. A farmer cannot wait because this is time-sensitive.

This is an industry that, as the minister pointed out, is unique. It's an industry, though, that's special. It's an industry that's different. This isn't about building cars. This is not about manufacturing light bulbs. This is about food, the food that every one of us in this chamber and all 12 million individuals in this province need to ensure is there. From the farmer's perspective and for the livelihood of that farmer, he or she needs to ensure that when the time comes to harvest, they harvest, but they also need to have that understanding that if it's going on to further processing, there's not going to be any interruptions in that whole chain. The food chain is very important and we can't in any way allow for interruptions in that.

We've got the bill in front of us this evening, the Agricultural Employees Protection Act. It's a bill that is here as a result of a Supreme Court decision in 2001 that was led by a challenge by the United Food and Commercial Workers to a decision this government made in 1995. I would just like to talk a little bit about the history, where we've been, where we are today and where we're going. I need to stand up, as the critic responsible for agriculture in this province, shadowing the Minister of Agriculture, lighting those fires under the minister when they need to be lit and at times offering praise when it needs to be given. From the Liberal Party's perspective, we are supporting this legislation.

Hon Mrs Johns: Oh, thank heavens, it's finally out.

Mr Peters: Well, thank heavens the minister finally woke up. For the past 19 minutes and 50 seconds she's been quietly buried in her reading. But she woke up.

Mr Barrett: What happened at first reading?

Mr Peters: This is an interesting question: what happened at first reading? Let's just talk a little bit about the process of this place. I would like to know how you and the minister would react if you knew you had legislation being introduced, a piece of legislation that is a response to a Supreme Court ruling, and you knew that piece of legislation is going to have the potential to have some serious ramifications on this province.

How this process works is that at about 1:30 of the clock in the afternoon, we come into this Legislature. We find out around noon hour that the minister's going to be making a statement. We don't know the details of that statement and we don't know the contents of that bill. We walk into this Legislature and we're handed a copy. At about 1:30 or twenty to 2, I receive a copy of the minister's statement and we receive a copy of the bill. Generally, the tradition in this place is that when legislation is introduced on first reading, there's not a

recorded vote. Traditionally, when legislation is introduced, it's passed on first reading to give everybody the opportunity to review it, to see what's in it. Then it gets on the floor and begins a debate. But the difference with this legislation was that the NDP chose to force a vote. We have to make a very quick decision: do you stand up and blindly support a bill without knowing what's in it, without knowing if it complies with the Supreme Court ruling?

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Hon Norman W. Sterling (Minister of Transportation): On a point of order, Mr Speaker: I just wonder why the Liberals have voted on so many other bills after first reading, then.

The Acting Speaker: That is not a point of order. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: In the case of this bill, we wanted to ensure that it complied with the Supreme Court ruling. Given the track record of this government and the way they love to hide things and add things to legislation, we had no guarantees that this was a bill that complied with the Supreme Court ruling. So that decision was made to abstain in the voting. We'll stand behind that.

I would challenge any one of the members on the other side: unless you're the trained seals that we often think you are that are going to stand up and blindly vote for a piece of legislation—how many of you read that legislation before you voted on it? Not too many. Maybe the members of cabinet did, but I don't imagine any of the individuals in the backbenches did. You will stand up and blindly do whatever the head seal says to do; you'll stand up and vote for something. I think it's very irresponsible to your constituents that you would stand up and vote for something without having a thorough knowledge of what's contained in it.

Mr Wettlaufer: On a point of order, Speaker: I question whether or not the allusion to trained seals is really according to protocol in this House. If that's the case, certainly they are more trained seals—

The Acting Speaker: That's not a point of order. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: I can't get up this evening and talk about my manure-spreader political platform, because I've already been accused once of using the analogy of having the Tory members stand up on that manure platform and turning it on and letting her rip. That's the way you guys operate. You do; you just let her rip. But I'm not supposed to use that analogy, so I won't use it.

In 1994 we saw the NDP introduce its legislation when it came to dealing with agriculture and the agricultural community in this province. The Liberal Party, under the wonderful leadership of Lyn McLeod, stood up and opposed that legislation. We recognized as well under Mrs McLeod that there were some serious flaws in that legislation. In April 1994 the Liberal Party introduced an opposition day motion and stood up and spoke against the legislation.

We fast-forward a bit into 1995 and we're into an election campaign. The Liberal Party, at that time of the election, stood up and said that they would be supporting the repeal of Bill 91, the NDP legislation. After the election, in the fall of 1995 the new government came in and introduced Bill 7, another omnibus piece of legislation, something this government is well renowned for introducing. It's unfortunate that contained in that legislation, which was known as Bill 7, was the repeal of Bill 91. One only has to read the Hansard to see the Liberal Party's position. When our speakers were up, dealing with Bill 7, those who represented a rural community spoke in favour of the repeal of Bill 91, that aspect of Bill 7. Unfortunately, though, there were a number of other pieces in Bill 7 that we couldn't support, so we were forced to vote against Bill 7. But I think our record will show—

Mr Kormos: Here's the Hansard: Dwight Duncan.

Mr Peters: I know very well. Thank you very much, Mr Kormos.

Mr Richard Patten (Ottawa Centre): On a point of order, Mr Speaker: Just because of the lateness of the hour, I did want to introduce our friends from the certified general accountants' association who are in the gallery tonight and who have been fighting for the opportunity to express and deliver their full set of skills throughout the range of opportunities that we have in our society. I want you to know that I support you, and I think most members do. I hope we see something that changes that in the very near future.

The Acting Speaker: That is not a point of order, but we welcome you anyway.

Mr Peters: Perhaps one of the pages could return this Hansard to Mr Kormos. It would be appreciated, because I do have the Hansard. I made sure I went back and reviewed a lot of Hansards. You just wait until I come to some of the Hansards later on. It's cool. It's very interesting when you talk about this government's commitment to agriculture, or lack thereof. Anyway, we'll get back to the bill.

We supported the repeal of Bill 91 in 1995 but, unfortunately, because it was held hostage in an omnibus bill, we were not able to vote in favour of it and that was too bad.

Again we fast-forward. Traditional with this government in many ways is that they stick their heads in the sand and hope that something is going to go away. It's a bad trait to have, but they did that. They figured that with Bill 7 and the repeal of Bill 91, the issue would just go away, and it didn't. Hence it led us to the Supreme Court decision that spelled out the five key issues. I think it's important to reiterate what came out of the Supreme Court.

The five key issues raised by the Supreme Court in their decision that was tabled in December 2001 included the right of agricultural workers to join an organization that represents their interests; the right of agricultural workers to participate in the organization's lawful activities; protections for individuals against discrimi-

nation, interference and/or coercion for exercising those rights; the freedom to assemble; and the right to make representation. Hence the government had 18 months to respond.

Interjection.

Mr Peters: Great; it looks like I'm going to get some more time. Well, maybe not.

The government had to respond by June 2003. We saw the introduction of Bill 187, the Agricultural Employees Protection Act, on October 7, 2002. The bill is going to provide for legislative protection for those areas that were pointed out by the Supreme Court as needing to be addressed. I trust that the government has done its homework in ensuring that, as it claims, the bill is constitutional and meets all the requirements of the December 2001 Supreme Court decision. I truly, truly hope that that homework has been done, because I fear—and I think it's not a fear; it's a reality—that we're going to be back in court again. A lot of government dollars are going to be put toward dealing with this issue again before the courts, and a lot of dollars from the agricultural community are going to be used to go before the courts, and a lot of dollars from the trade union movement in this province are going to be spent again at the courts.

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As I said, we will be supporting this, but there are some areas that I think truly need to be spoken about in this Legislature, that we have an opportunity to not just have this bill debated in the House but that there is an opportunity for public hearing on this bill. I think it's imperative. I think, quite honestly, it's imperative that, with any piece of legislation we deal with in this province, we have public hearings, that we give all sides, be they in favour or against, the opportunity to appear before a standing committee of this Legislature to present their views and offer suggestions, offer amendments. Because I think what we often lose sight of in this Legislature, what we're not conscious of enough, in my opinion, is: how do we make things better? How do we improve bills? One way we can improve bills before this House is by having them go to committee, by having them go out to public hearings so we can have that opportunity to listen. If there are good ideas, then we incorporate those ideas into the legislation, so we do everything in our power to ensure that it's a piece of legislation that's going to be there and serve and meet the needs and the interests of Ontario citizens.

I'd like to talk about a few points in the bill. There's one area in section 5 that talks about the rights of agricultural employees, and we'll deal in particular with clauses (6) and (7). There was reference made to clauses (6) and (7) this evening. Section 5(6), "The employer shall listen"—listen—"to the representations if made orally, or read them if made in writing." Section 5(7) goes on to say that "If the representations are made in writing, the employer shall give the association a written acknowledgment that the employer has read them." I'm concerned that, with the way these two clauses are

written, when you think about it, there's not even any common manners or politeness in this. We're relying that somebody is going to do something, be it the employer or the employee.

I have some serious concerns about this. In theory, it's supposed to work. In writing, it's supposed to work. But I've got some concerns that, on either side, they don't have to have regard for what is said or what is written. They don't have to acknowledge what is said or what is written. They don't even have to nod their heads. I see that as a shortfall. It's "listen," and that's it. I don't think that is in the best interests of either side. Common courtesy: that's what it's all about. That's what the intent of this bill is, but often common courtesy doesn't exist. I think that there needs to be some strengthening of these two sections of the bill.

We'll move to section 14, dealing with the tribunal. This is a tribunal that is set up, it's a creature of the Ministry of Agriculture and Food, the old Ministry of Agriculture, Food and Rural Affairs. That's another thing—if I may digress—I'd love for the minister to table what's happened to, now that we have agriculture and food, and the RA has been taken off and Brian Coburn's gone with RA to municipal affairs, it would be nice to hear what the new organization looks like. That happened, gosh, back in April and we still wait. RA is out there, just in municipal affairs now. Some day maybe the minister will have the courtesy to let the public of Ontario know what is the mission of Agriculture and Food and how RA fits into it all. We'll wait. We're still waiting.

Interjection.

Mr Peters: Yes, I'd love for the minister to stand up. I think there are a lot of people across this province who would like to know what happened to RA and how rural affairs truly fits in and the role that it used to play with OMAF that it no longer plays any more.

Let's talk a little bit about, under section 14, the whole area of the tribunal, because if there is a disagreement, if the employee is not satisfied with the way that the employer has dealt with an issue, they can go to the agriculture, food and rural affairs tribunal. Under this we know that there is going to be a special panel created. My concern is that we need to ensure that there is balance on this special panel, that it is a panel that is not just there representing the interests of the agricultural community. It's a panel that is also going to represent a wider interest of the issue that affects that employee. It may not necessarily need to be somebody who comes from agriculture, but we need somebody who understands labour issues, somebody who understands health and safety issues. We need to ensure that those individuals who are appointed to this tribunal have the ability to look at all sides of an issue.

I need to express concern over the whole appointment process in general, that we ensure that when the Lieutenant Governor in Council makes these appointments, they are appointments that are truly going to be reflective of Ontario and not reflective of the views of the

Conservative Party. If you go and review some of the government appointments, that common question that's asked over and over again, "Can you please tell us your political affiliation?" "I belong to the Conservative Party." "How did you find out about this appointment?" "The local riding association president told me about this appointment."

We need to ensure that doesn't happen. We need to ensure that this tribunal is truly representative of the interests of all. One of the few points that has been made on the tribunal is that the only obligation is that one of the members be a barrister or a solicitor. There are no mandated numbers as to the makeup of this tribunal. The only mandated number is that it's an odd number and not an even number so that a decision can be made. There are no qualifications. There is no balance. But worst of all with the tribunal in what's being proposed here—I urge the minister to address at the committee level giving this tribunal some teeth, because the teeth aren't there. Oh, there are some teeth, but the only recourse you have if you want to put some teeth behind that tribunal is to take it before the courts.

Interruption.

The Acting Speaker: Would you please clear the gallery? We'll take a five-minute recess.

The House recessed from 2001 to 2007.

The Acting Speaker: We will continue. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: I will just finish my point on the tribunal, that there are no teeth in the tribunal and that an individual's only recourse is going to court.

For those viewers at home who may wonder why we just had the five-minute recess, I think it's important to address the concerns of the young people who were just here this evening, who obviously have an issue in dealing with migrant workers. I give those individuals credit. Maybe this wasn't the best forum to try and make their case. They probably would be further ahead to come in and make an appointment with individual members and state their case, but I commend them for speaking their minds.

Migrant workers are not dealt with in Bill 187. Migrant workers such as those who work in tobacco or the fruit-picking industry are under federal legislative jurisdiction and never were covered by the NDP's Agricultural Labour Relations Act or any other Ontario labour or workplace legislation. The issue of migrant workers is a federal issue. I think it's incumbent on the Minister of Agriculture, though, that in terms of the issues that may be facing migrant workers, concerns such as those raised by the individuals tonight or in what she hears on the ground, she take those issues and address them with the federal minister. Migrant workers are a very important part of the whole component of harvesting. Many migrant workers are here for a whole season: they come in the spring and help with the pruning in the fruit-picking industry and are there right through to harvest. But if there are issues facing migrant workers, it's incumbent on this minister to ensure that she takes

those concerns to the federal minister, and I would urge her to do that.

Something else that's not addressed in this legislation is the whole question of collective bargaining. I'm quite sure we're going to hear a great deal about that in the course of the debate, but the Supreme Court ruling that was handed down neither dictates nor prohibits collective bargaining. It's the consensus within the agricultural industry that collective bargaining is going to be harmful to the industry. But it's not an issue that was addressed by the Supreme Court and it's not an issue in this legislation. Perhaps, though, it is something we'll hear more from the minister about.

Another area not addressed in this legislation that I know we're going to hear about during the course of debate is the whole question of workplace health and safety. Again, the question of workplace health and safety was outside the jurisdiction of the court ruling, but it does need to be looked at comprehensively and in consultation with the industry. It needs to be looked at as part of maybe an expanded piece of legislation down the road that deals with agriculture. We have an entity in place, the Farm Safety Association of Ontario, that provides a number of services not only for the agricultural industry but for landscape and horticulture. Their mission is to promote safe, healthy workplaces and lifestyles for agricultural, horticultural and landscaping industries in the province.

What I think is sad, when it comes to this issue of dealing with workplace health and safety, is the lack of recognition from the government in supporting the Farm Safety Association and their efforts. The vast majority, in excess of \$1 million, of the funding to support the Farm Safety Association in this province comes from the WSIB. Finally, just last year in 2001, there was a recognition from the Ontario government that they needed to support farm safety. I don't know if those dollars have been renewed for this year. Last year it was \$90,000 that this province put into workplace safety in protecting farmers in this province—\$90,000. It's a pittance, and it shows the lack of recognition by this government of the need to do everything we can to help ensure we have a safe workforce and that those individuals on the farms know what those best practices are.

I commend the Farm Safety Association for what they've done in educating farmers and, perhaps more importantly, educating the families of farmers and children. If we're going to make any great strides in improving health and safety in agricultural operations on the farm, we need to start to plant that seed at an early age. It's starting, but we need to do more—much more. I think it's incumbent on the Minister of Agriculture to ensure that that happen, that we teach safety in the classroom so that those children go home and say, "Gosh, Mom and Dad, we're not supposed to have two people on the riding lawnmower. There should only be one person on that riding lawnmower," or "Why isn't that manure pit covered up, Dad? Somebody could fall in. The dog could fall in." We need to plant those seeds, and this govern-

ment has failed miserably when it comes to dealing with workplace health and safety issues.

We're making progress with this bill. It's a start, but is there more to do? Yes, there is. The government, in their knee-jerk reaction, only did the bare minimum. They responded to the Supreme Court ruling. Could this piece of legislation have been made better? Yes, it could have been. Should issues such as workplace health and safety have been addressed in this legislation? Yes, they should have been. It hasn't happened. That's why it's going to be incumbent on future governments and individuals like my leader, Dalton McGuinty, to lay out clearly what we're going to do to ensure that these other issues do get addressed.

I opened my comments this evening by speaking of the lack of recognition for the agricultural community, the lack of understanding, from the consumer's perspective, of the agricultural industry. But I want to talk a little bit about some of the comments that the minister has made. The minister has used the words "improved competitiveness" twice. She used it when the legislation was introduced and she used it again this evening. We'll talk a little bit about commitment to agriculture. It's really revealing. We'll hear from the other side about all these lost years, talking about the Liberal government and the NDP government and about all the things that they didn't do.

I will reverse the clock back to the time when David Peterson was Premier of this province. If you analyze the budgets for agriculture and look at commitments to supporting this industry, when were those commitments most pronounced? With the David Peterson Liberal government. What we've seen since the end of the Peterson era into the Bob Rae era and the Mike Harris Era and the Ernie Eves era has been this steady, pronounced erosion of the agricultural budget. More and more we're seeing services cut to agriculture.

Hansard is a wonderful thing. Hansard is truly a wonderful thing. Certainly the Harris-Eves bunch loves to go look at Hansard and see what we said. I commend the Hansard people for the wonderful job that you do at recording what is said in this Legislature and preserving those comments for future generations, but they also preserve those comments for future politicians. It's wonderful. You should spend some time. My advice is, just go pick up a copy of the Hansard index and go look at agriculture and go look at who said what.

You go back to 1984 when the NDP introduced Bill 91 and the comments that came out of some members from the current government—it's really interesting when you look at who made these comments. These are comments that are made by Michael D Harris, the former Premier of this province. This is what the Premier had to say about agriculture: "The Toronto media—and I don't blame them—don't understand rural Ontario. They don't understand agriculture. Quite frankly, that's fine. That's not their job. But it really upsets me when I have a Minister of Agriculture and whole party and a cabinet in

power that don't understand agriculture and don't understand rural Ontario."

He goes on to say, "You know what, Madam Chair? We have had public hearings on virtually every issue that has come along. Rarely has a government forced bills through without allowing the public an opportunity, especially on a bill this significant, to fundamentally change the way particularly family farms are operated"—even the Premier, eight years ago, couldn't define family farm—"to fundamentally change the labour laws of this province as it affects the agribusinesses...."

Well, Madam Minister, you heard the former Premier there saying the importance of the public having the opportunity for public hearings. Mike Harris said that, and I hope that Ernie Eves will stand up and say that too, that we need to have public hearings on this bill, as a former Premier said.

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We'll go on a little bit to look at some of the other comments from the former Premier. He talks about—and this is to laugh for. "In the Common Sense Revolution, and it's particularly appropriate to this amendment, we call for no cuts to agriculture, not a single nickel.... We have said very clearly in the Common Sense Revolution where we would cut and where we wouldn't: no cuts for agriculture." No cuts for agriculture. What a joke. Because what did you do after you were elected in 1995? You immediately found about \$14 million or \$15 million of cuts within the summer of 1995 and you haven't looked back.

We've seen the closure of the extension offices, we've seen cuts to staff and programs, we've seen the University of Guelph struggle in dealing with their agreement with OMAFRA, we've seen decisions being made that have forced the research station in northwestern Ontario, for example, to close. We've seen the reliance on picking up the phone and dialling 1-800. We've seen where you're forcing the rural communities to rely on the Internet, even though many of those services are not available in rural Ontario. It's starting, but we've got a long way to go. We've seen a government who has to be dragged kicking and screaming to the table to deal with agricultural issues. I think I sense that there must be an election looming in the air, because all of a sudden agriculture is a priority for this government.

I think if one were to sit back and review Hansard, there have been more questions asked in the Legislature in the past week and half about agriculture than there probably were in the previous five years, because you know you're vulnerable out there. You know that you've hurt rural Ontario. You know that you've hurt the farmers in this province. Suddenly the light has come on and you need to do something. You failed and you continue to fail agriculture.

Here we are right now in dealing with nutrient management, and the government is out on the consultations. I challenge the minister—I know that the call, if it hasn't come to her office yet, it's going to come, either to the minister or the parliamentary assistant, for you to sponsor

a press conference. At the International Plowing Match there was a survey undertaken into what the agricultural community thinks of the nutrient management legislation, the regulations and where it's going. I know that there were in excess of 2,200 individuals who responded. The firm that undertook the study wants the opportunity to come here to Queen's Park and present those findings and host a media event. I hope that you'll sponsor it. I said to them, "If the government won't sponsor it, we certainly will," and I hope you will.

The other area where you've certainly failed when it comes to nutrient management—and you talk about implementing all of Justice O'Connor's recommendations. One of Justice O'Connor's recommendations was made very clear: that financial resources had to be put in place to help agricultural producers in the transition, in the area of compliance. We put forth, we mirrored, that recommendation. And you know what? The government turned it down. The farmers are still out there right now wondering, "Are you going to put the boots to me to make me comply?" But you haven't come to the table with resources, and that's a shame.

This bill, Bill 187, is going to have a great deal of debate. The debate is appropriate. It is very appropriate, though, that it go to committee and that we have those public hearings and allow those individuals who are either yea or nay toward this bill to have that opportunity. The Liberals will be supporting this bill. Are there areas where we could and should be doing more? Yes, there are. There are many other areas that are not being addressed in this legislation.

The Acting Speaker: Now we will have four members with comments or questions.

Mr Kormos: As a matter of fact, in around eight minutes I get the floor on behalf of the New Democratic Party to speak to this bill. I want to talk about the right of agricultural workers to organize and to collectively bargain. I believe that's among the most fundamental rights you could have in a democratic society. I understand full well the resistance of corporate farming, the factory farm community, to the prospect of—by God, how radical—letting those farm workers organize and collectively bargain. I appreciate that it's a revolutionary and bold step, but you see, it's a bold step New Democrats took in 1994. I'm a little taken aback at the pride with which some speakers have referred to the repeal of that legislation by way of Bill 7. I think Bill 7 was a regrettable exercise in its repeal of Bill 91.

As well, over the course of the next few minutes, my good friend, my sometimes partner in crime, Ms Martel from Nickel Belt, is going to be addressing this matter. She has interesting things to say as well. In eight minutes time we will take the floor and we'll have a good hour, give or take 15 or 20 minutes, to address this bill on the leadoff on behalf of the New Democratic Party. I'm looking forward to it. I realize I've got stiff competition out there. This is prime time television—Law and Order is playing on some network or other—and Lord knows the last couple of hours haven't exactly helped keep our

audience. So we're going to have to work as hard as we can in the course of the next few minutes to try to get some of those numbers back of the people with the clickers.

Mr Barrett: I listened carefully to the Liberal member for Elgin-Middlesex-London. I think many fruit and vegetable farmers in my riding listened very carefully to his comments on the Agricultural Employees Protection Act. Many of us were dismayed that the Liberals did not support this bill on first reading. We hear a different story this evening. I can only guess what we'll hear during third reading.

I represent labour-intensive agriculture. I represent offshore labour. We have a very good working relationship with people from Trinidad, Barbados, Mexico, Brazil and Jamaica. Fruit and vegetable farmers are following this very closely.

From the Liberal member opposite, I heard criticism of the track record of our Minister of Agriculture. I have just been handed the October 16 newsletter of the Ontario Processing Vegetable Growers. They "wish to acknowledge the efforts of Agriculture Minister Helen Johns and her staff with respect to the recently announced safety net package. Giving credit where credit is due, Minister Johns asked the Ontario agriculture industry, through the Ontario Agricultural Commodity Council, how the funding should be delivered, and then did exactly what was requested. The same cannot be said, however, about federal agriculture minister Lyle Vanclief."

Mr Bart Maves (Niagara Falls): He's a Liberal.

Mr Barrett: Yes, he is a Liberal. I do wish to point this out to the Liberal member opposite, from whom I heard some criticism of our Minister of Agriculture.

As a representative of a labour-intensive fruit and vegetable area, I think it's very important to put this on the record and to present this on behalf of the Ontario Processing Vegetable Growers.

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Mrs Lyn McLeod (Thunder Bay-Atikokan): Since the previous commenter raised the issue of our position of abstaining, I believe it was—I look to our House leader; yes, we abstained; let me make it clear that we did not vote against but abstained from voting on first reading of this bill—I am also going to take a little bit of my two-minute time to address that issue.

One of the things we run into on this side of the House is a frustration which mounts with every piece of legislation this government presents. Fortunately, there is very little new legislation coming from this government, so most of what comes to us is legislation that we've had a chance to see before and we already know what's in it and we already know how we voted on it in at least one previous incarnation, so it's not a problem. But this government has made a practice of presenting us with new legislation, on the rare occasions when it's new, with absolutely no notice at all.

There's a basic principle in this place. It used to be that it was almost a formality to vote for legislation on first reading to get it before the House in order to begin

the debate, but it was also a practice in governments in past days to give us advance notice of what that legislation would be so that we had some sense of what we were voting for on first reading. This government had not given us that courtesy in I can't remember when, if ever.

So from time to time our frustrations are going to be apparent and we're going to say no, we're not voting on a piece of legislation which we think is of importance and which we've not seen. That was the case with this bill.

I would submit to this government that this is a bill of extreme importance, of extreme delicacy, one of the pieces of legislation that comes forward at different times in this House dealing with a very difficult issue. I think all governments have struggled to find the right balance when it comes to the appropriate protections for workers on what is called the family farm. One of the issues is that it is increasingly difficult to define "family farm," and I think that will be a focus of debate on this legislation and potentially in the future when this legislation is being reviewed.

Ms Shelley Martel (Nickel Belt): I am pleased to put on record the New Democrats' position on this bill tonight. I am proud to say that it is different from the Liberals' and the Conservatives' because we believe that farm workers, agricultural workers, do have the right to organize and bargain collectively.

I heard the Minister of Agriculture describe family farms tonight. I don't know if it's the working definition of the government, but she implied that many were mom-and-pop operations or mom-and-pop-and-several-employee operations and that most of those employees would be relatives.

Let's face it. Unions have never expressed any interest at all in organizing family farms. Realistically, who is there to organize if who you're talking about is mom and pop and relatives? There isn't anyone. Unions have never been looking to organize those family farms.

What we do have is many agricultural workers who are in canning factories, who are in mushroom plants, and those plants have 100, 200, 250 workers and are owned by corporations. Many of those workers face similar situations to workers in industrial plants, right through to health and safety concerns, and those workers should have the right to organize into trade unions and to bargain collectively.

Our government did that in 1994 and I'm proud that we did that. We passed the Agricultural Labour Relations Act at that time. In the bill, it's important to mention, workers were not permitted to strike, and that dealt with any of the concerns dealing with planting or harvesting or processing any of those crops, dealt effectively with that. Workers were allowed to deal with their issues by final offer arbitration.

In my view, we should be here tonight dealing with the provisions with that 1994 legislation, because these workers should have the right to organize and any issues regarding planting or harvesting or concerns about getting the crop to market can effectively be dealt with in

the provisions that were in the 1994 bill. It's a fallacy for the government to argue that by offering collective bargaining this is going to somehow stop harvesting etc.

This bill is going to have this government right back in court again. The government should do the right thing now: allow agricultural workers to form unions and bargain collectively.

The Acting Speaker: The member for Elgin-Middlesex-London has two minutes to respond.

Mr Peters: I'd like to thank the member from Niagara Centre, the member from Haldimand-Norfolk-Brant, the member from Thunder Bay-Atikokan and the member from Nickel Belt for their comments.

The member from Niagara Centre raised a couple more points. The Minister of Agriculture should define "factory farm," should define "corporate farm," because there are many family farms that are corporate farms. Families who have an operation are incorporated, so where do you draw the line?

To the member from Haldimand-Norfolk-Brant, my riding is much like yours. The reliance on offshore labour is so important to that harvest. I made reference to that, the role they play, from planting to harvest, from pruning to harvest. I say 99% of those individuals who rely on offshore labour treat their employees well. When something goes wrong, though, I think it's incumbent that we get the message through to the federal government that something is wrong. But those individuals—I remember working in the grocery store. They would be in every week and they would buy their food and supplies and then would go home. They left a lot of money in the local economy. There's no doubt the migrant workers played an important role.

The member from Thunder Bay-Atikokan also made reference to the family farm. Again, I think it's incumbent for the minister to define these terms that many of us—we do—just throw loosely around. Let's hear that definition.

And to the member from Nickel Belt, the health and safety concerns she raised do need to be addressed. We need to ensure that we have a safe environment from production to processing in dealing with agricultural commodities in this province. Health and safety is of the utmost importance.

The Acting Speaker: Further debate?

Mr Kormos: I'm not going to get quite the whole hour in this evening, but I'm going to come pretty darn close.

I was reading a book earlier today that was published in 2002. The author is Tanya Basok. It's published by McGill-Queen's University Press. The book's title is *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada*.

I'll make a couple of brief references to some of the excerpts. Primarily, Ms Basok was working with Mexican migrant workers down in the Leamington area, in tomato country, southwestern Ontario. She writes of two meetings with Mexican migrant workers. I'm not talking about the 1940s or the 1950s or the 1960s or the

1970s. This first meeting she had was in 1997. And I'm not talking about down in the southern United States. As I've indicated, I'm talking about right here in southern Ontario.

She writes, "At the first meeting I asked the workers, who could not stop giving me examples of abuses they had suffered, to make a list of farms and indicate whether their patrones offered them vacation pay and public holiday pay and whether they used unsafe work practices. Not a single person volunteered to make such a list. At the second meeting, those who attended promised to look up the labels"—

Hon Mrs Johns: On a point of order, Mr Speaker: I think we all know in this House that this legislation is not about migrant workers. I just wanted to see if you wanted to make a comment about the validity of the discussion that's going on.

The Acting Speaker: I'm very interested in the comments of the member from Niagara Centre. I haven't made that determination, but if and when I do, I will. That is not a point of order, though.

Mr Kormos: She writes about her second meeting, these meetings back in 1997, "...those who attended promised to look up the labels on the pesticide cans used on the farms and give me the names of the pesticides ... but I did not receive a single name. My informants did not wish to be known by their patrones for their rebellious behaviour, and they did not trust each other enough to hope that their activism would be kept secret from them."

Yes, these are migrant workers. They're agricultural workers. They're women and men, be they Mexican, be they Spanish-speaking, be they third-generation or fourth-generation Canadian or be they new Canadian, who work in farm fields and in the factories that we call contemporary farming.

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Let me tell you about chicken catchers. Oftentimes, when I even mention the name "chicken catchers," people's smiles light up because they find it somehow amusing. But you can spot a chicken catcher across the road—we have a whole lot of them down in Niagara region; I know a whole lot of them—because you see all the scarred-up wrists and the hands, you see the red, running eyes, you see the open sores on the face and around the nostrils and the mouth. Because what chicken catchers do—and they're usually young men, and the ones I know work hard, real hard, and they're extremely proud of the fact that they do work hard, starting work at, oh, 10 or 11 o'clock at night and working through until 4 or 5 in the morning catching chickens. They're usually employed by contractors. They make \$12,000, \$13,000, \$14,000, \$15,000 a year on piecework, and they raise families with those incomes, they do. They support spouses and partners and kids, believe it or not, on \$12,000, \$13,000, \$14,000, \$15,000 a year. Many of them don't have real good educations; they just never had that happen to them. Some of them will acknowledge that they're not about tomorrow to quit the chicken-catching

business, put on a suit and go work for a bank. They understand that. But they're good, hard-working people.

When you sit down and talk to a chicken catcher when you want to find out why chicken catchers, to the final one, have the open sores and the red-rimmed, running eyes and the pus-sy sores around the nose and the mouth, they'll explain to you that when you catch chickens, thousands of them in one night, as you catch the chickens and you scoop them up and you hold one, two, three, four, as many chickens as you can, with the legs of the chicken between your fingers the way a waiter would hold a set of wine glasses as he or she is taking them out of the dishwasher, the chickens are defecating and urinating in your face. And the dander and the mites from the chickens are being—because the chickens of course are scurrying and flapping their wings, and the whole barn is just full of a ball of chickens, all attempting to elude the chicken catcher.

These chicken catchers, usually working for private contractors, get carted out to big chicken barns with 10,000, 20,000, 30,000 chickens in them. They get carted out in the dark of the night and have to work through the dark of the night because those chickens have to be caught, caged and carted off to the processor before sunrise. These chicken catchers are working in two-storey barns, oftentimes suffering serious falls because when it isn't dark, the vision is obscured by the dust and the disruption, just the huge mass of wing-flapping chickens.

These same chicken catchers tell me that as often as not they're carted out to these barns in old 10-, 15-, 20-year-old vehicles with holes in the floors and the smell of carbon monoxide and other exhaust fumes leaking up into the vans, with no seat belts and sometimes not even any seats in the van. And they also tell me that it's a rare farmer, never mind their own contractor, who will provide them with bottled water to drink during the course of the night. It's an even rarer one who will provide them with safety equipment, be it gloves or safety boots or—think of it—a mask you could wear to avoid inhaling all these things I talked about that are going to be prevalent in that chicken barn.

It's a rare contractor who's even going to require them to provide it, because the bottom line is that it's all about the bottom line. I understand that. I understand how corporations are motivated to make profit. I understand that and I have no quarrel with that. That's the nature of the beast. But I also understand that I've got a whole lot of young workers, right down in Niagara region where I'm from, in the chicken-catching business who need some fundamental rights in terms of some access to some health and safety controls over their workplace. By God, if anybody deserves a right to some fair collective bargaining around the issue of appropriate wages and around the issue of the right to refuse unsafe work and around the issue of ensuring that they have access to some basics like water during the course of an eight-, nine-, 10-hour chicken-catching shift, it would be those young chicken catchers.

So you see, Ms Johns, when I read about the circumstances of Mexican migrant workers and you protest and say, "Oh, no, they're not our responsibility; they're the responsibility of the federal government," what I'm telling you is that you've got agricultural workers who are your responsibility, whose conditions are just as described in *Tortillas and Tomatoes*, the research piece I referred to, by Tanya Basok.

These same chicken catchers, just like the Mexican migrant workers whom Ms Basok talked to, will spend and have spent hours with me outlining their concerns and their grievances about their work conditions and their lack of rights in the workplace and the dangers of their workplace. But they're hard-pressed to join me in a press conference in front of television cameras with the local press who are up here at Queen's Park because, just like these Mexican migrant workers in Leamington, these chicken catchers know that if they're revealed or exposed as in any way being, oh, rebellious or a threat to the contractor whom they've been working for they won't have jobs to go to, no matter how miserable those jobs are.

Let's understand something very, very clearly. I understand the interest of the corporate agricultural community in trying to perpetuate the mythology of the family farm, the romantic imagery of red-painted barns and haystacks and a couple of cows and what have you. I'm sorry; that's not the reality of agriculture in this province, and you know or you ought to know that that's the case.

Increasingly, farming, agricultural production in this province, indeed across this country, is corporate. Calling these operators family farms—and that's not to say there aren't any; of course there are. Down where I come from there's a whole lot of family farms. Do you know what family farms are? Family farms mean there are a couple where the husband works at General Motors, the wife works as a nurse at the hospital or as a teacher, and they operate the farm in the evenings and on weekends because that's the only way they can survive, because, Lord knows, on a small family farm like the ones I've got down in south Niagara—don't shake your head and hold your head like that, Ms Johns—

Interjection.

Mr Kormos: Don't hold your head like that, Ms Johns. I suggest you listen; écoute.

Hon Mrs Johns: They deserve to be on the family farm all the time.

Mr Kormos: These are the folks who are operating your so-called family farms. They don't have any employees, for Pete's sake, and if they do, they hire them seasonally to do a harvest or help out from time to time. Do you want to know something, Ms Johns? As Ms Martel has already told you, no trade union has any interest in organizing a local that consists of a couple of teenaged kids and a brother-in-law. That's just not the nature of the beast. The sad reality is that your attempt to perpetuate this mythology around the family farm—and, as I say, I'm sure some of them are owned by families;

but then again, Conrad Black owned the National Post. Was the National Post a family newspaper? You know the sort of imagery of mom and dad, the old Walt Disney movie there, sitting in the print room, putting the little type together and then printing the paper off once a week so it could be published on Monday? Give me a break.

Your line about family farms is about as valid as calling the National Post a family newspaper because Conrad Black owned it. You know full well what we're talking about. You know full well what Bill 91 in 1994 addressed, and you know full well whose interests you were acting in when you repealed it and whose interests you're acting in when you replace it with the embarrassment that you've put before this Legislature for second reading this evening.

You purport to have read Dunmore. Gosh, last night you told me you were the one who wrote this bill. She did. I take Ms Johns at her word. She insisted that she wrote this bill. I don't know whether she did it on a little Selectric or whether she got her Waterman fountain pen out and just drafted it off longhand some night, or whether she dictated it into a dictation machine, but Ms Johns says she wrote this bill, and far be it from me not to believe her.

The Acting Speaker: Two things: I wondered if you would, first of all, address your comments through me; and I wondered if you'd address other members by their ridings or their titles. Thank you.

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Mr Kormos: Speaker, you know I always appreciate your direction, and you're 100% right, as usual. I can't recall a time when you've admonished me that you have not been bang-on. I should be calling her the Minister of Agriculture, and by God, I will.

So there's the Minister of Agriculture last night—we were doing the Coren show—insisting that she wrote this bill herself. I don't want to offend any of her minions because I know there are all kinds of bureaucratic staff that the Minister of Agriculture has, people who draft these things, but do you know what? I thought about it. I looked at the bill again, because I had read it several times, and I realized that this bill was supposed to have been a response to Dunmore. When I realized how inadequate it was as a response to the Dunmore decision of the Supreme Court of Canada, I realized that, by Jove, the Minister of Agriculture probably did write it herself. She probably freelanced this bill. She thought it was just so warm and fuzzy. "I'll tell you what we're going to do." It was sort of like Judy and Mickey in one of those old movies. "Let's go form an association for some agricultural workers. Maybe they can put on a play. They can have a club. They can pay dues and they can elect a president and a vice-president. The association isn't going to have any impact on anybody's ability to collectively bargain or improve their lot in terms of better wages or fair collective bargaining around issues like occupational health and safety—no, no. But they can form a club."

In hindsight, and on reflection, I realize that the Minister of Agriculture probably did write this bill herself, because for the life of me I can't see anything in this bill that would have come from the very competent legislative counsel and legislative drafters whom I know to be working here in and about Queen's Park.

Let me tell you something else. I'm going to refer once again to the work. I commend it to you. I'm going to show it to Hansard so she can get the citation down right. It was published in 2002, McGill-Queen's University Press, *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada*, by Tanya Basok. The first reference I made, by the way, that I read a little while ago, was in the preface, page xvii. She makes reference to another bit of social research: 1994, Tatroff.

I was so sad when I saw Bill 187. I spoke to any number of groups over the next few days about this taking all of us back to Steinbeck and the Grapes of Wrath. Do you remember that? The Okies leaving the dustbowl and heading out, and the incredibly abusive and dangerous and exploitative conditions they were working under in those fruit orchards? Basok writes on page 61:

"In 1994 Tatroff described the conditions under which farm workers worked and lived as follows: 'Farmworkers are still being abused, they're still being housed in filthy shacks; they're still being packed like sardines into beat-up old school buses and driven to fields where they're forced to breathe in toxic pesticides; they're still not receiving the minimum wage; they're still being short-changed at the weight-scales; and families ... are still being cheated out of their meagre earnings by greedy farm labour contractors.'"

Before the OFA gets the printing presses running and sends out any number of missives to its membership saying, "Look what Kormos said in the Legislature," and I said it—I know there are farm employers, agricultural employers out there who don't fit that description. But I'm telling you, the research indicates that there are. One of the problems is, be they Mexican migrant workers or chicken catchers down in Niagara, they're afraid to speak out. They know they don't have a lot of marketability out there in the job market. These people understand, as I say, that they're not going to go over to wherever you go to buy a suit nowadays. I don't know where you go to buy a suit—how would I know?—Stollery's. You don't go over to Stollery's, put on a suit and end up working as a bank manager or a CEO of some big corporation.

I tell you that for us as a community not to accord farm labour the same collective bargaining rights as any other working person is an injustice and in and of itself is a crime.

A final reference. I know the Minister of Agriculture may get really concerned but I commend the book to her. I just wanted to interest her in the content of the book. This is what's interesting. When I read from page xvii of the preface, I talked about the meeting in 1997 that the author had with Mexican migrant workers, and five years later, in 2002, she's meeting with them again, again

down in southwestern Ontario, Leamington. I'm referring to page 149 of her book. She writes:

"What I experienced that Sunday afternoon was a replay of the events I discussed in a preface to this book. As before, Mexican workers were anxious to tell anyone who was willing to listen about the abuse they had experienced on Canadian farms. They talked about accidents at work and their uncertainty about compensation insurance coverage. They described the deplorable living conditions some of them experienced. They talked about long hours of work without overtime pay. Some were frustrated about not having received their income tax return from the Mexican consulate, and they were very critical of ... the Mexican consulate in general. They were upset that unemployment insurance premiums were deducted from their pay without them benefiting from this insurance policy. And they were uncertain about whether they could ever collect their Canadian pension. I had a feeling of *déjà vu*."

The image that's painted here, for instance, is in direct contrast to the image that's painted by folks like one Hector Delanghe. I met Hector Delanghe for the first time—I might have met him here or there before—last night, once again in that same Coren show. The Minister of Agriculture was there and she had her little entourage with her that waited in the back room. Hector Delanghe was there and his wife was with him—I think it was his wife—but not an entourage. Hector got up on this television show and was just praising Bill 187 no end. He said, "That's exactly what we need. We can't have unions on the farm, because farming is special. After all, I'm a family farmer and I understand family farming." He really painted the image of the family farm, again this romantic image of the family farm.

I want to tell you something. I remember my grandparents' farm down in the Tilsonburg area. I was just a little kid. There weren't nothing romantic about it. Sorry—nothing romantic about it. It was a lot of hard work, outhouses, no plumbing—granted, this was back in the 1950s—and the longest days, I suspect, that anybody's ever had to work. I'm not old enough to remember my other grandparents' farm. They lost that in the Depression, I'm told, so there wasn't much there in any event and nothing romantic about that either. Talking to my grandmother—farming as a romantic endeavour? Sorry—all she could remember was painfully difficult work. These people were peasant farmers. Understand that as well. These people were peasant farmers. They clearly didn't make any money at it. They barely fed themselves and didn't even succeed very well at doing that. They didn't have any employees.

I want to tell you, I have nothing but the strongest words of praise for United Food and Commercial Workers and Mike Fraser, among others, with that trade union. I should let you know this: I believe that trade unions—their membership, their leadership and the trade union movement—have done more to effect social and economic justice in our society than any other institution. I believe that. I believe that trade unions and the trade

union movement are responsible for the creation of the working middle class and for the kind of prosperity that I enjoyed as a kid and as a young adult, in stark contrast to the incredible hard work that my parents and their generation did. I believe that too. I challenge anybody to refute that.

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It certainly wasn't the largesse of big corporations that all of a sudden one day decided to give their workers benefits or pension plans or better wages, because it doesn't work that way. You see, when the shareholders of a huge corporate agribusiness gather at the end of the year to have their annual shareholders meeting, and they've got the CEO and the board of directors sitting up in front of them on a stage and they get to line up because there's a microphone there and people line up and ask questions to the CEO and the board of directors, the shareholders of a big corporate agribusiness don't line up saying, "How much did we improve our workers' lives this year?" They don't stand up and say, "Oh, how many workers' children did we send to college or university this year?" They don't line up and say, "Oh, how did we improve our workers' housing this year?" No, they stand up and say, "How much more profit did we make this year?" I understand that. It's neither good nor bad. It's not immoral. It's amoral. That's just the nature of the beast. I understand that.

I also understand that at the end of the day, working people have nothing to sell but their labour. That's not rocket science either, and it's neither immoral nor moral. It's neutral. It's just the reality of life.

But I know this. One of the fundamental, basic tenets of a democratic society is the existence of a strong and vibrant trade union movement. Make no mistake about it. You can mark my words. You pick any culture you want. You pick a totalitarian one and there will be trade unions, maybe, but they'll be there in name only. You go down right-to-work states and they've got trade unions all right, the kind of trade unionism that the Minister of Agriculture advocates. She suggests that one of the associations that a farm worker might be entitled to join under her legislation is, oh yes, a trade union, but it will be a trade union in name only, because it won't have the power or any of the rights that a trade union has in terms of being able to act for or collectively bargain on behalf of its membership.

I really don't know what the fear is. Agricultural workers understand that they're in a low-wage industry. They know that. They know the profit margins are slim. I tell you, the goal of agricultural workers when they seek to organize into trade unions and collectively bargain is not to earn auto assembly salaries. Their primary goal is around the issues of health and safety.

I'll say it again. Every year agricultural workers are murdered and maimed on their work sites. I use those words very advisedly, because I'm not going to sanitize the death of any worker by referring to it as a mere accident when I know full well that when workers have control over their workplaces in a meaningful way they

can prevent those deaths. It implies that it's not an accident any more. An accident is an act of God. You know what I mean? That's an accident. When you've got a complete failure to entertain any risk management and when you don't give workers statutory or contract rights over health and safety in their workplace, sorry, I'm hard-pressed to believe that those are accidents any more that take those workers down and bury them six feet under or that leave them crippled or legless or armless.

In fact, let's be fair. Farming is one of the most dangerous if not the single most dangerous occupation, trade or work in this province. That's as equally true for farmers as it is for farm workers. I acknowledge that too. The Canadian Medical Association has some very special things to say about that. Talk to doctors from out in rural parts of Ontario and they can tell you about some of the very special types of medical treatment that they apply in response to farm injuries.

But for the life of me, I am not going to buy the argument that somehow there's something so unique, so extraordinarily special about the agricorp workplace and distinct from any other workplace that would permit one group of workers to form unions and collectively bargain yet deny it to the others. In fact, if you read Dunmore really carefully and very thoroughly you will note the observation made—let me see if I can find it for you. It might just take me a second; I promise not to be long. Let me see if I can find for you the reference to the fact that there's nothing so distinctive about agricultural work that would prevent it from unionizing.

Well, I haven't got that one tabbed, but I do have tabbed one of the many references—government, you see, hides behind the reference to association in the legislation that the Minister of Agriculture penned or Selectricked as the case may be. I hope it wasn't late at night and she was all alone and just on whimsy said, "I'm going to write myself a bill. I'm going to write myself Bill 187. I'm going to give the right to associate to farm workers because I've read this Dummore decision. It's a thick one, but I got through it all right. I think I'm just going to write myself a bill. Here's a bill, Bill 187." That's what she told us last night and I have no reason to disbelieve her.

The Dunmore decision is rife with references to the fact that the so-called family farm simply isn't there any more, and if it is there, it's in modest numbers. The nature of farming in terms of agribusiness has changed dramatically. That may not be a good thing. As a matter of fact, I'll suggest to you that it's not a good thing. Folks from the National Farmers Union would say it's not a good thing. The National Farmers Union: are you familiar with them, Minister? Those are farmers who understand that they are as much a victim of megacorporate farms as are agricultural workers. The National Farmers Union, the farmers who are members of that organization, support the right of agricultural workers to belong to trade unions and collectively bargain.

The reference—the fellow last night on that TV show made it over and over again. Oh, I should tell you. This is

what I found really interesting about meeting him for the first time last night, this Hector Delanghe. Here he was, and he was adamant that there should be no right to unionize, that folks like me—"You kind of people"—that's what he was like: "You kind of people"—meaning me, right?—"you don't understand farming. Farming is a precarious business." All those things are probably true, but then I saw that Hector Delanghe, who's firmly on-side, in bed, cheek-to-cheek, jowl-to-jowl with this government around Bill 187, was one of the members of the task force on agricultural labour relations that in November 1992 effectively helped draft the NDP Bill 91. What's going on here? Is this somebody who will court anybody who happens to be in government to have his interests or the interests of the people he speaks for best met? It looks like back in 1992 he was a friend of the government of the day then, part of the team that wrote Bill 91.

Bill 91 was—talk about rife. If anything, it was rife with compromises. I acknowledge that. One of the things that was regarded as unique about agriculture was the perishability of the product and the need for timing, timing, timing, and the observation that a labour dispute, a work stoppage, a strike could have far more serious consequences for an agricultural producer than it could for a producer of widgets. You can't just shut the machinery down and turn the furnaces off and put everything in storage until a week or two weeks later when the resolution has been arrived at and then get back to work again. By then—I agree—the crop's gone, she's gone. If you've got livestock, cattle and so on, you leave them one or two days without proper handling and you've got a serious problem.

So the task force on agricultural labour relations, among other things, embraced the proposition that in Bill 91 when the New Democratic Party as government in the province gave agricultural workers the right to join trade unions and to collectively bargain it would not give them the right to strike but would rather require a resort to arbitration. It was a final offer—final selection, final offer; which is the correct terminology?—type of arbitration, which is very tricky stuff. It really is. It's a totally different beast. "Final selection" is the language used for it. I should know this much better, in terms of final selection.

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Ms Martel: It's "final offer."

Mr Kormos: Yes: "final offer." Wow, thanks, Ms Martel.

But that's much more high-stakes arbitration than the usual interest-based arbitration and takes away any disincentive to negotiate and have mediated as much as you can. In other words, final-offer selection, as an arbitration model, encourages you to mediate as much as you can, because you may not like the result, as compared to what was argued by the task force. Again, this is one view, and I know there are views out there: regular interest-based arbitration, which some say creates an incentive to keep as much in your back pocket—in

other words, to settle as little as possible, saving as much as you can for the arbitrator. Final-offer selection does the exact opposite.

So if the concern is around a work stoppage interfering with harvest, that concern was met in the NDP legislation. I don't know if Mr Steele gave me a summary of the argument being made last night by the OFA. Perhaps if he hasn't, he'll make sure I get a copy of it; yes.

I listened very carefully to the Liberal agriculture critic, who accurately indicated that the Liberals did not support the NDP legislation, that they supported the Conservative repeal of the NDP legislation; and I listened really carefully when he said the Liberals support this bill now, Bill 187. I ran it over to him with the excerpt from Hansard, where the now Liberal House leader, the then-Liberal member from down Windsor way, was trying to make it quite clear: "Look, folks, we're going to vote against Bill 7, the one that repeals Bill 91, but I want you to understand that we really do want Bill 91 repealed." We've got to make that very, very clear. Look, all I can do is draw inferences, that the official opposition party doesn't want agricultural workers to be able to join unions either. They're supporting this bill, which offers up but the right to associate. I put to you that nobody, least of all agricultural workers, even need legislation that gives them the right to associate. I put to you that that's inherent in and of the charter itself.

Mr Steele is getting that summary for me of the arguments that were being made by the OFA. He was down there at the Michael Coren studio thing with me and he's bringing me the summary of the OFA arguments. What concerned me, and notwithstanding that the Minister of Agriculture assures me that she personally wrote this legislation—busy, busy little minister with her Waterman fountain pen, writing this legislation into the dark hours of the night. I then was amazed at how unfamiliar she seemed to be about its real impact and effect. Folks kept on talking about resorting to the tribunal: "Oh, you can go to the tribunal." Yes, but what can you go to the tribunal with? Do you know what your rights are? Your rights are to submit your grievances to your boss. That's your right; that's what you're entitled to do as an agricultural worker.

Here we are: "Purpose," section 1, right at the beginning. This is when the Minister of Agriculture, as she was writing this bill, as she explained to me, was still fresh. She was just getting into it: "The right to make representations ... respecting the terms and conditions of their employment." In other words, you've got a right to tell the boss, "Boss, we've got people dying out here because of their exposure to pesticides." You've got a right to go to the corporate boss and say, "Boss, we've got people being ripped off here because they're being cheated at the weight machines." You've got a right to go to the corporate boss and say, "Boss, these wages are lower than minimum wage." You've got a right to go to the corporate boss and say, "Boss, the procedure or the equipment that you're requiring us to operate isn't safe

and won't be safe until certain things are done to install safety devices." But you see, then what's the obligation of the boss, of the employer? The obligation of the employer—catch this: "The employer shall listen to the representations if made orally, or read them if made in writing.... If the representations are made in writing, the employer shall give the association a written acknowledgement that the employer has read them." End of story. It's over. Silly.

That I sat with the minister and an advocate for agribusiness last night on so-called public airwaves and had them tout this to however many people happened to be watching and listening at that time, in hindsight is downright embarrassing, isn't it?

As I told you, the minister had her little entourage there. Minister Ecker was with her as part of that entourage, and they were doing the spinning and the doctoring, I'm sure. So tonight what's interesting is that the Minister of Agriculture said, "Oh, mind you, when I say they can join associations, I suppose that means they could join a trade union too. But don't think it's going to do you any good, because the rights that will be accorded you with that trade union will be to write a letter of concern to your boss, and if you write it to him, he'll have to acknowledge receiving it, saying, "Received." He's got a rubber stamp. It will just say "Received October 22, 2002, 10 pm." If you make it orally, he doesn't even have to nod. He doesn't even have to say, "Yes, I hear you," or "I'll think about it."

This is very sad stuff and it's certainly not an adequate response to Dunmore, nor is it an adequate response to the interest that workers have for being in trade unions and in collective bargaining. Look, I understand. I also believe that you've got to take sides, right? You cannot be so subtly straddled, with one foot in each camp. You've got to pick sides.

The government and the minister: I know what side they're on. They never did like unions. I doubt if they ever will. They've been bad-mouthing unions from day one. Since their first day here in 1995, they've been vilifying union leadership. They've been talking about union bosses and union goons. This government doesn't like trade unions. It basically doesn't like working people. It thinks that working people should work for less and less so that other people, the rich people, the corporate bosses, can make more and more. Look, that's a point of view. It's not one that I share, but it is a point of view. So I understand why this government introduced this bill.

If this government could strip workers who now have collective bargaining rights of those rights, it would love to. I remember—heck, it wasn't that long ago, here in this chamber—that out of this government came a private member's bill and a private member's resolution that would have abolished the Rand formula. Do you remember that one? You know: "Do through the back door what you couldn't do through the front door."

This is the government that has advocates of right to work. Understand that that doesn't mean a right to fair

wages, it doesn't mean a right to a safe workplace. It means a right to bid against your neighbour for lower and lower wages. It means the right to bid against your neighbour for longer and longer hours. It means the right to bid against your neighbour for reduced pensions. It means the right to bid against your neighbour for the right to work until you're older and older, not because you want to, not because you enjoy the work, but because you have to.

I understand this government's agenda. This government has never gone or sent a delegate or one of its ministers—whatever, what have you—to a trade union convention and said, "Please vote for us." This government simply wouldn't. They may be miserable, tax-cutting, right-wing—what have you—but at the end of the day they've got a strategy. They don't have to go to trade unions asking for trade union support because they've got the big money support, they've got the big ticket items. I go through those lists of campaign contributors during that leadership convention. Those are the kinds of friends they have.

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I want folks out there to understand very clearly that you can't on the one hand say, "Oh, we're for working families and working people," but have some workers better than others. That's what some people in this Legislature are saying right now, that some workers are better than others, that some workers have the right to belong to trade unions and bargain collectively and others don't. New Democrats dispute that.

Perhaps Mr Steele can bring up that memo. I've got most of them here. I want to make sure I don't miss any, that I get them bang on. I've got one more.

This advocate for corporate agribusiness is saying, "What if workers do a work slowdown or a wildcat? Even though they don't have the right to strike, what if they wildcatted or did a work slowdown? That would put our crops in peril." Please, listen. Read my lips. Be careful. Slow down. Pay attention. These guys just don't get it. An employer has far more control over a work slowdown or a wildcat if his workers are unionized and there's a contract than if not. Do you understand what I'm saying? When you've got a union, unionized workers with a contract, there are certain liabilities that go along with that. Sorry, pal, but unorganized workers can stage a wildcat as readily as organized ones can, and yes, that poses a danger, but that's why you want a healthy collective bargaining environment.

I know employers in union operations that have been doing what they've been doing and making money while they're doing it for decades without a strike, without a single day of lost work as the result of a labour dispute. That includes some of the most militant, activist unions.

You had some concerns expressed, but not by New Democrats. You see, one of the patterns here at Queen's Park is that this government introduces legislation, has three days of second reading, and bang, files a time allocation motion, and bang, one more day and then it's shut down, shipped out the door.

I don't know whether the government is going to do that with this bill or not. I know it's going to be embarrassing for the government to expose this bill to public scrutiny. They'll be able to muster up some participants in public hearings who will say the bill is good, "We don't like the fact that agricultural workers should be able to join unions and have the right to collectively bargain." That's what they'll say. But then there's going to be a whole lot of other people—workers themselves, trade unionists, lawyers, analysts, constitutional experts and charter of rights experts—who are going to make the Minister of Agriculture and her little drafting exercise in the wee hours of the night on that Selectric look pretty pathetic.

I don't know if the government is going to send this bill out to committee or not. Let's go back to 1994 and Bill 91, the NDP labour relations structure for agricultural workers, which gave them for the first time in their history the right to join trade unions, the right to collectively bargain.

Did all workers on little family farms organize? No, but I'll tell you who did. An operation called Fleming Chicks did, a chick hatchery—no mom-and-pop operation, let me tell you—and a mushroom factory in southwestern Ontario—no mom-and-pop operation. They organized.

This government came to the rescue. It wasn't Mr Snobelen on his horse; it was somebody else riding in on his steed to the rescue of those corporate operators. This government repealed the legislation that permitted the collective bargaining.

My concern is that the debate around this bill is going to be one of misrepresentations, of less-than-accurate statements—I'm being careful, aren't I, Speaker?—of less than the complete set of facts, and oh, of prevarication after prevarication by any number of people.

My concern is that at the end of the day this legislation will not withstand more court scrutiny. The government already owes a huge amount of costs to the United Food and Commercial Workers. The government blew a whole bunch of taxpayers' money fighting the Dunmore decision all the way to the Supreme Court of Canada. They dropped a bundle on what was a futile exercise. A first-year law student could have told them it was money ill-spent. Thank goodness for the United Food and Commercial Workers.

We had the Minister of Agriculture last night on a television show, Michael Coren's show on the CTS network, and she was telling people that, yes, she's prepared to duke it out again and she'll bet the bank this time—won't you?—that the courts will uphold her bill. That's what you said last time, not you but your predecessor. Come on. If it's the same lawyers advising you now who advised you then, I'd get new lawyers.

Sit down with the Attorney General and have a tête-à-tête with him. Let him read Dunmore and review your Bill 187. The Attorney General will tell you you've got about a snowball's chance in Hades of your Bill 187 passing scrutiny by a court in terms of any effort, even

the most modest compliance with the direction imposed by Dunmore when the Supreme Court of Canada ruled.

More important, we've got tens of thousands of agricultural workers in this province who have been made invisible and whom you are keeping invisible. You want to keep them disempowered. These are hard-working people. These are people whose lives are taken every year and who are injured in even greater numbers, who are poisoned by the pesticides and other toxins that are used in agricultural production, who work tremendously hard and have little interest in shutting down production, albeit a mushroom factory or a chicken hatchery or any other type of agricultural production, who have demonstrated every interest in working darned hard.

What I really dislike is your effort to paint agricultural workers, or any other worker for that matter, but least of all agricultural workers, as somehow devious, conniving sort of people who only want to go in there and destroy the farmer's crop—the farthest thing from the truth. Be they chicken hatchers, be they mushroom workers, be they field workers, the agricultural workers I know are incredibly hard-working people. They're proud of the produce they help create. They just don't want to be poisoned by pesticides in the course of creating it. These same workers just want to make sure there are a few dollars left—

The Acting Speaker: That's it for tonight. It being 9:30, this House stands adjourned until 1:30 tomorrow.

The House adjourned at 2129.

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