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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 29 October 2002**

**Mardi 29 octobre 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 29 October 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 29 octobre 2002

*The House met at 1845.*

ORDERS OF THE DAY

AGRICULTURAL EMPLOYEES  
PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION  
DES EMPLOYÉS AGRICOLES

Resuming the debate adjourned on October 24, 2002, on the motion for second reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

**Mr David Ramsay (Timiskaming-Cochrane):** As a farmer who still lives on a farm, it's certainly an honour and a pleasure to speak to this bill tonight. I start with talking about agriculture in general. It was the first occupation that the people who settled these parts of the world we now call Ontario embarked upon. It was necessary, obviously simultaneously, to obtain shelter and be able to produce food. Most of southern Ontario and a lot of northern Ontario provided a very fertile and productive land base, which today is one of the best agricultural producing areas in the world.

In Ontario we produce 200 different commodities, which for the size we are probably has one of the most varied scopes of agriculture anywhere in the world. We are blessed with a tremendous climate and tremendous soil. Our geographic location and access to markets are ideal. We have, maybe until as of late, some of the best research in the world, because we as governments used to fund a lot of that. We need to be putting more money into our research to keep on the cutting edge of agricultural effectiveness and efficiency.

Ontario is agriculture, and it's a big base of it. We are not only self-sufficient in the crops we produce, but we are major exporters around the world of our agricultural commodities. It's been a very important industry. It's been the base industry. In fact, if you take the whole agri-food industry in this province, it's the second-biggest employer in Ontario, after automobiles. The whole spectrum of the agri-food business is big business and very vital to a self-sufficient society. Agriculture has a special place with people but also with government.

Governments have looked upon agriculture as obviously vital to the population, that we need to be self-

sufficient, and we also need to be able to produce food at the most reasonable price we can to make sure our people are fed. So governments pay special attention to agriculture and have given it a lot of assistance because it's a very tough occupation. I can't think of any business that is as challenging as agriculture. There are so many variables out there that challenge agriculture: soil conditions, the weather, world markets. It's a very tough occupation, it's challenging and I would say that for people who are in agriculture, it's a calling. It's not something you're really going to get rich at, but it's something that somehow is in the blood. It is something that whether you were born to it or came to it, such as I, there's something very basic about producing food from scratch, literally scratching the ground and making the soil viable so that you can plant seed and produce food. It's very satisfying.

It sort of reminds me of how people used to be very self-sufficient in the old days and provided for all their means. Today most of us are quite isolated from that, but those that toil on the land know how to produce the basic foodstuffs. It's a tough business. It is probably the ultimate small business today in Ontario. It's a small business with lots of challenges, and it needs protection.

Agriculture has moved from the base of just being the family farm that historically has been made up of a family of husband and wife, with children chipping in. As farms grew larger and more affluent, they were able to hire hired hands to help. Most farmers need some sort of labour assistance, mostly on a seasonal basis, and many of those people come from overseas. The migrant workers come in, and there are a lot of them from around the world, a lot from the Caribbean countries. There are maybe about 10,000 farm workers in Ontario. About 3,000 are migrant workers, and they are protected under federal legislation. For the 7,000 or so farm workers from Ontario, they come under our jurisdiction.

**1850**

Historically, it has been looked upon as being the ultimate small business, that there probably wasn't a requirement for the organization that unionization brings to a workplace. I know, when I talk to large employers, that they really appreciate the democratic organization that unionization brings to that workplace. A large employer needs to be able to communicate with their workers and having a union structure is the way to do that. But it has been seen historically that for the farm of a few workers, that really wasn't necessary.

The ultimate right of unionization would be the right to strike. That of course has been seen, and still is seen

today, as not really being part of a business that deals with perishable goods and livestock. Even when, in the 1990s, the NDP government brought in an agricultural labour relations bill and allowed unionization of farms, the right to strike was forbidden at that time. A dispute resolution system was put in place. It was a mediation process, with binding arbitration if that failed.

After several attempts to organize certain farming operations in Ontario, when the Harris government first came in in 1995, they basically revoked that agricultural labour relations bill. One of the main commercial food unions, the food and commercial workers, went to the courts to challenge the Mike Harris bill that got rid of the right of farm workers to unionize. What we have before us today in this bill, Bill 187, is this government's response to the Supreme Court decision that basically said that while there is no right in our Constitution to organize and collectively bargain, there certainly is a right to associate. The Supreme Court said that this legislation was contrary to our constitutional rights to associate through the Charter of Rights and Freedoms.

This bill takes one step back to the right all Canadians have of being able to associate. This bill, in its one step, and only one step, allows farm workers to associate, discuss and meet about work conditions and wages, and to have only discussions with their employers. At the same time, it protects the employees from any sort of intimidation from their employers, but it doesn't give them the right to unionize or collectively bargain.

For the majority of farm operations out there, this bill would suffice; it would be suitable. For most of the farm operations out there—I would say about 95% of them; maybe a higher percentage—are basically mom-and-pop family farms that maybe have a couple of workers, maybe a couple of full-time seasonal and maybe some other, temporary workers. This bill probably addresses the majority of situations in agriculture today and certainly would have addressed agriculture 30 or 40 years ago.

Agriculture today is vastly different than it was in the mid-last century. Now we have large agribusinesses that are very large employers, so we really have two classes of operations. The ones I know most about, which are mostly in my area of northeastern Ontario and in most of this province, are the family farms. They are basically family businesses, with the help of a few workers. This bill probably addresses that situation sufficiently.

But we also have today, because of international markets and expanding agribusiness operations, very large agricultural employers, many of which employ 50 to 200 people in vast operations, whether they be the incredibly growing greenhouse industry of southwestern Ontario, the Chatham-Kent and Essex area, where there are high heat units in southwestern Ontario, one of the most ideal places to have a greenhouse industry—that greenhouse industry has just literally, to maybe mix a metaphor, mushroomed, which is the very opposite type of operation, which is in the dark and underground. But these operations have basically absolutely expanded to an

incredible extent, making Ontario a highly competitive agricultural entity. We're keeping up not only with vegetable and fruit production under glass, but also the flower trade. We are big producers of fruit, vegetables and flowers in southwestern Ontario, ideally suited to the markets of Toronto and Montreal but also the United States.

There are also other operations, such as mushroom farms, that are basically 24-hour-a-day operations, where workers work in very difficult and tough situations. What I think is required there is an opportunity for those workers who are finding themselves the employees of big employers to be allowed to have the next step. That really needs to be considered.

In consultations on our side, we have talked to the Ontario Federation of Agriculture and we have told them of our view about that. In fact, our leader, Dalton McGuinty, talked to my friend and neighbour Jack Wilkinson, who is the president of the Ontario Federation of Agriculture and used to be your neighbour, I suppose, down your way years ago, and told him what we would do if we became the government after the next election, that we felt the workers for the large agricultural employers who have in the range of 50 to 200 employees need to have the opportunity to collectively bargain and to organize.

I would say that because we have to look at the rights of workers. Historically we have protected farming and agriculture, and as a farmer and ex-Minister of Agriculture, I certainly support that. The reason we have done that is because of the nature of the operations and that agriculture didn't have those vast numbers of employees working at one particular entity, and that sort of organization or protection wasn't required. But now agriculture is moving, literally, into the 21st century with vast operations, many of them agriculturally associated. There may be canning operations, freezer-packer operations. Some of those are running on two or three shifts a day during the season. They have a multitude of employees, and basically they're working in factories. Yes, because it's a primary food source, a perishable food source that has to be processed, we have given in government that sort of protection against the right to strike against work. That right of striking has to be forbidden in this particular industry, but I think formulas could be arranged that allow for mediation and binding arbitration, if necessary, for those large employers.

There's another area where agricultural workers have not had the protection of government. Quite frankly, I find it very hard to believe, but agricultural workers are exempt from all of Ontario's occupational health and safety legislation. We have very good legislation that protects the working women and men in this province from all the hazards in the workplace. We do our very best in legislation—we can always do better, and we keep looking at it to make it better—to protect our men and women who go to work every day to make sure they can come home to their families at the end of that working day.

I suppose for the reason that we put agriculture in a special place and we want to give it special protection and we want to protect that sector of the economy, we have basically sacrificed the workers in that industry to say that they should be exempt from this legislation. I think that's something all of us in this House really have to re-examine. I think it's time that we looked at our agricultural workers and said to them that they deserve the same rights as any other worker in society. Why should agricultural workers be exempt from occupational health and safety legislation? If we deem that every other worker in the province should have that protection, then why not our agricultural workers?

We have to do this with a sensitivity that understands the nature of agricultural production. We know that it's a different type of workplace. We're dealing with live animals, and we know that we have to make sure we treat those animals with respect and dignity and make sure no cruelty is done to them.

We are also dealing with perishable goods, and we have to make sure those gifts we are producing that are going to feed our province have to be protected also, because we should never waste food. Therefore that food should be protected. We have to bring that in balance, and while we protect the perishable goods and we protect the livestock, we also have to make sure—

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** He's coming home. I think they're getting a seat ready for you up there, David.

**The Acting Speaker (Mr Michael A. Brown):** Order. Would the member for Bruce-Grey-Owen Sound come to order? Thank you.

**Mr Ramsay:** I appreciate the comments of the member from Bruce-Grey, but I think it's important that we bring balance to our legislation that there are competing rights in society. We have to make sure that our farmers are protected. We have to make sure that our agricultural sector is protected. On the other hand, that doesn't mean that we sacrifice the rights of workers to do that. There needs to be balance. We can do that with sensitivity. Looking at that and the common sense way of doing that would be to look at those large workplaces. Not the size of the farm, not the revenue of the farm; what we're talking about are employees here. If you have an operation that has 50 or 200 or 300 people, well, then that's a workplace that should have the rights of unionization, like any other workplace. When you're talking about a mom-and-pop operation with a few people, maybe just seasonal, then I think this legislation hits the mark for that.

I'm saying we'll support this legislation, that this is a first step. But if I get the opportunity, after the next go-round, I think we need, in consultation with labour and with the agricultural groups, to look at our next move.

I would move adjournment of the debate at this time.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1902 to 1932.*

**The Acting Speaker:** All those in favour will please stand and remain standing.

All those opposed will please stand and remain standing.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 14; the nays are 23.

**The Acting Speaker:** I declare the motion lost.

Further debate?

**Mr James J. Bradley (St Catharines):** Thank you very much for the opportunity to speak on this legislation. As the member for Timiskaming was discussing this matter in some considerable detail, he was pointing out—

*Interjections.*

**The Acting Speaker:** Stop the clock. We really need it to be quiet while the member for St Catharines makes his presentation.

**Mr Bradley:** I think one thing all members in the House would agree on is the following: we would want to ensure that the working conditions on farms across this province are such that those who are doing the work are not placed in jeopardy or that their safety is not compromised. Some members of the Legislature—my friend for Niagara Centre has described in some detail and colourfully, but also accurately, circumstances that face some farm workers who have less than what you would call glorious jobs to perform. He has also described, as have others, including my friend Mr Ramsay, circumstances where you have some very large operations which would not be defined as family farms. More and more we see a movement, unfortunately in my view but nevertheless it is happening, toward what we would call industrial operations or industrial farms, with a large number of workers and with conditions that are not acceptable to most fair-minded people in Ontario. It seems to me, as my colleague Mr Ramsay has suggested, that somewhere along the line in the next step we must address those circumstances that confront people who are not in the mom-and-pop type of farming operation but are in the larger operations which in essence are industries.

I express my concern about that. I've listened with a good deal of interest about some of the problems confronting our farm workers. I reside in the Niagara Peninsula, where a number of the people who are working on farms, certainly not all, are in fact offshore workers. Years ago that wasn't necessarily the case. In many cases it was students who were doing the work and others who were new to the country, sometimes, but not offshore workers brought in for the purpose of dealing with the farm operations. It seems to me that what the Minister of Agriculture and Food and the Minister of Labour would want to see happen is a reduction in the number of accidents that happen on farms, for instance, and that the working conditions are acceptable to the people of Ontario. What you find, largely, on the mom-

and-pop types of farms, the family farms, is that those who work with them are very often almost members of the family. They're people who are accepted, and accepting of the chores that are necessary to keep the farm in operation. The relationship between the workers in that situation and the families themselves is often a very good one. Where the problem arises is where we get away from the family farm, even the larger family farm, and into operations which clearly are of an industrial nature. That has to be addressed with further legislation.

It is important as well that we ensure the viability of farms. One of the things I've wanted to see in our province over the years is the retention of agricultural land for agricultural purposes. Members of this House will know that on two separate occasions I have brought resolutions before the House, passed on both occasions, dealing with the issue of the preservation of agricultural land. The first was asking the provincial government in a general way to take any and all action necessary to preserve the quantity and quality of agricultural land that exists in the province today. As we've pointed out, if you look at the country of Canada as a whole, the amount of arable land, the amount of land that is contained within climatic conditions conducive to the growing of crops, is relatively small compared to the large size of the country. It seems to me that the prime agricultural land that is available to us should not be disappearing the way it is today to development.

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If farmers could be guaranteed that they are going to be given a fair shake, they might well be prepared to buy into the efforts to preserve agricultural land. Those of you who know the Niagara Peninsula would know the area that I am talking about. I have had unanimously passed in this Legislature, at least by a voice vote, a resolution which called for the establishment of an agricultural preserve in the Niagara region. I was pleased to note the support of two cabinet ministers from the Niagara region in that regard, as well as the overwhelming majority of members of this House.

To be fair to the farmers, of course, you have to ensure, if you are going to establish an agricultural preserve, that they are going to be able to make a decent living from that land. That's always extremely important. For instance, if we look at the issue of grape land, the vineyards in the province, there are some within the wine industry who would like to see the establishment not necessarily of an agricultural preserve but of a vineyard preserve similar to that in the Napa Valley. I think the Napa Valley is a good example in many ways. But at the same time, some of those individuals are not prepared to guarantee that they are going to purchase the grapes that are grown within that agricultural preserve. It seems to me that there is a compelling case to be made by the grape growers in our part of the province and other parts of the province that if their land is to be kept in agricultural production for the purposes of growing grapes, they should be guaranteed that there is going to be a market for those grapes and that they are going to

get a decent price for them. That would certainly allow farmers to have the kind of inflow of funds and profits which would be helpful in having them compensate those who work on the farms in a way that we would all consider to be appropriate.

I believe as well that we have a couple of choices in the province. We as Canadians and—let's be more definite and parochial—we as Ontarians have a choice of either paying the price that is deserved at the farm gate for the products produced on our farms, whether it's grown crops or whether it is other agricultural production that takes place, including cattle farming and so on—either we are prepared to pay the appropriate price so the farmer has a viable operation or, conversely, we're prepared to support government programs which are of assistance to farmers. So far, my observation has been, as I think it is for many, particularly in the agricultural community, that consumers have not been prepared to pay the kind of prices that the farmers believe are fair and that would provide a reasonable return on their investment. That is why I am supportive when the federal and provincial governments provide programs to assist farmers who face a lot of unknowns that people in other businesses don't face. They are particularly susceptible to changes in weather and in climate.

That gets me, of course, to another subject. Farmers would be among those individuals who would be very much in favour of the Kyoto accord and the protection that it would afford to their crops.

*Interjections.*

**Mr Bradley:** As well, they know that they would benefit from the alternative fuels that can be produced by agricultural production.

I want to hear the "No, they're not" now, because I know I won't hear the "No, they're not." I have heard from those farmers who will say to me, "We look forward to contributing to the production of alternative fuels through ethanol and through biodiesel products which will help the environment and which will be much more benign environmentally in terms of the burning of fuels to allow our vehicles to travel around the province." Many of those farmers have been very helpful there. But they're looking for the kind of justifiable assistance that is necessary to keep them in a viable operation.

I have watched for a number of years as there has been a paving of agricultural land in the Niagara Peninsula. There are some municipal politicians who will not be satisfied until they've paved every last square centimetre from the edge of Metropolitan Toronto, as we used to call it, to Fort Erie, from the Niagara River to Lake Ontario to Lake Erie. When they've paved it all, they will have reached paradise. That's how far-thinking some of those individuals are. They say, "Unless we can grow every year, we cannot be a viable community." And I ask the question, "So when you've paved every last inch of land"—just as I say to those who like cutting the trees, "When you've cut all the trees, then what do you do? You come to government and say, 'Well, we have to do something else now.'" In terms of the agricultural land, if

they paved it all, what do they do, put it up on stilts next and keep paving? Do they go out into the lake? That's the silliness of the argument that they make.

I know there are many members of this House who want to assist farmers in carrying out their operations and want to preserve agricultural land, which is why they do not want to permit what I call death by a thousand cuts; that is, the so-called economic severance which many of them look for. Because some of us who represent communities that have some agricultural land in them realize that there are folks who move out from the urban part of a city to the rural part of a municipality, and then they want to complain about the noise, the odours, the dust. They're the ones who moved from the downtown part or the built-up part of the city out to the countryside, and then they want to dictate to farmers what kind of agricultural operations they have.

So I think it's important that we plan carefully, that Smart Growth really means smart growth and is not simply a terminology used as an interim until we have paved all this land.

I'm not in airplanes very much, but for people who are, and once in a while when I am, it's actually appalling to leave the Toronto airport, for instance, Pearson International Airport, Pearson airport, and look over the land that's just being gobbled up for development purposes. The developers are happy. They're making money hand over fist. What it encourages is the kind of urban sprawl that brings about problems in terms of the utilization of individual vehicles, because oftentimes governments will say it's not practical to have public transportation out into those areas. So I am concerned.

I was pleased to see the support that I received in the House, speaking-wise, from many of the members for preserving agricultural land in this province and, at the same time, preserving those farmers who are on the land.

There are some people who will tell you—you could have the most lush land available and the best climatic conditions, and they'll say, "Oh, you can't grow anything on that." I can think of one person who always makes a representation to city council in St Catharines who says that. No matter what the land is, it's no good for growing. Yet you look out there and we have grapes growing, apricots, apples, peaches, pears, cherries. That's in terms of the tender fruit.

**Mr Richard Patten (Ottawa Centre):** Grapes.

**Mr Bradley:** Of course the grapes in great abundance, strawberries in the spring, raspberries. We have all kinds of products available, in terms of fresh fruits as well as vegetables, in our part of the province; and some growing of game, for instance, cattle and other animals. So we have a major agricultural area there that I want to see preserved.

How can we do it? We can do it through, as the Minister of the Environment would know—and he would be in agreement with this—using appropriate planning mechanisms to ensure that we don't gobble up all of this agricultural land. I know he would agree with those kinds of appropriate planning mechanisms.

**1950**

He would also not want to see the paving and developing of the Niagara Escarpment in our area. I wish his ministry still had control of the Niagara Escarpment. It's now given over to the Ministry of Natural Resources. I always thought that, at least in theory, the Ministry of the Environment would be more inclined to protect those lands that are part of the escarpment. What is frightening, of course, is that the member for Bruce-Grey-Owen Sound is the parliamentary assistant to the Minister of the Environment. I know the member for Bruce-Grey-Owen Sound is not a fan of the Niagara Escarpment Commission, to say the least. So it would be my hope that on some issues the Minister of the Environment might listen to the member for Bruce-Grey-Owen Sound but that on other issues he would listen to his seatmate, the Honourable Norm Sterling, who was responsible for the establishment of the Niagara Escarpment plan and believes strongly in appointing people to the Niagara Escarpment Commission who actually want to preserve the land within the mandate of the commission, rather than pave it.

*Interjection.*

**Mr Bradley:** I'm being interrupted again. The last time I got interrupted significantly by the Minister of the Environment, the Speaker was giving out penalties. For a relatively benign interjection, I had to depart from the Legislature, which I must say was a headline story in my local newspaper. Many of course think it's nice to be feisty, but I kind of regretted, after 25 years without ever having to leave the Legislature out of something other than my volition, even if it was only for the afternoon, that I was asked to. I know the Speaker was very reluctant to do so and, simply as the referee in a game where a penalty has been called on the home team, had to call a penalty on the opposition to even it up. I know that his mother forgives him for that. I know that Mrs Carr, if she's watching this evening, has now, I think, with my benevolence toward the Speaker, forgiven the Speaker for a decision which not everyone in the House might have agreed with on that particular occasion.

**Mr Bert Johnson (Perth-Middlesex):** Everybody does.

**Mr Bradley:** The Deputy Speaker may have had a different take on it on that occasion.

Anyway, looking at this bill that we have before us, I think one of the things that we have to do as a province, through the Ministry of Agriculture and Food—and the Minister of Environment is the former Minister of Labour—is do everything possible to ensure safety in the farm setting. Farm settings are often exempted. The former Minister of Labour would know that the incidence of accidents on farms, as it is in other areas, is too great. Some of the accidents are fatal, and some of the accidents cause lifelong impairment for the person. That is most unfortunate. But what I do think has to happen—and this bill obviously is going to pass—is that when we look at the industrial operations involved with farming, we have to ensure that those individuals are in a position for

collective bargaining and unionization, where there are the large, non-family operations, and that as much assistance as possible should be provided to other farm workers in the small operations, which are the mom-and-pop or the family operations in this province. I hope that we will see, subsequent to this legislation or perhaps as an amendment to this legislation, an opportunity to deal with those industrial operations.

The Minister of the Environment, who is here this evening, just so his family is aware that he is not at a hockey game or something—

**Mr Rick Bartolucci (Sudbury):** Or at the Albany Club.

**Mr Bradley:**—or at the Albany Club, as the member for Sudbury says—will take that into account as a former Minister of Labour and presently as the Minister of the Environment, because I know he deals with the issue of the application of pesticides. He would be diligent in wanting to ensure that those who are the applicators of the pesticides are indeed protected in a health and safety manner. I do hope that we see that additional step forthcoming, and I hope we do everything we can to maintain the viability of family farms in this province.

**The Acting Speaker:** Questions or comments?

**Mr Michael Prue (Beaches-East York):** It is always entertaining to hear the member from St Catharines. I especially was interested in his remembrance of the other day when Mr Speaker had him unceremoniously removed from this chamber. I understand it was the very first time.

**Mr Peter Kormos (Niagara Centre):** Uncharacteristic.

**Mr Prue:** Yes, it was very uncharacteristic. I hope Mrs Carr forgives her son; I hope she does. And I would hope the Premier is equally forgiving of Mr Carr after what came out here today. I'm sure he is in great need of forgiveness, and perhaps all members of the House should forgive him.

The member is always very interesting to listen to. He made a number of points. In the time allotted to me—I only have a little—I'm just going to pick one, and that is the whole issue of farm safety.

The argument has been made by two out of the three parts of this House that farm workers really don't need to be protected in quite the same way as unionized workers. Quite frankly, that is a wrong thing to say, because in the eight years for which we have statistics, the last eight years, 1,049 people have died on farms in this country. It is a very dangerous occupation. That is more people than have died in all of the auto plants. That is more people than have died in all of the manufacturing plants. That is more people than have died in all of the industries in Canada. This is the most dangerous one, and it is the one for which farm workers need the most protection. It is the one for which they need unions and collective bargaining to protect themselves.

**Mr Johnson:** It's a privilege to be able to get up and add my comments tonight. A little later on I hope to take more time. I did want to just make a comment or two

about the member for St Catharines, because I didn't hear anything about Bill 187 and the farm workers' right to associate. I listened intently until the end and I didn't hear a thing about 187. Quite frankly, I understand it. For the Liberals it's a particularly squirming type of situation that they find themselves in.

**Mr Marchese:** It's a slithering issue, isn't it?

**Mr Johnson:** It would seem so—those kinds of visions. The people will want to understand why that is so. Of course, the reason is that when our government thought that the former NDP legislation should not be enforced, the Liberals opposed that. So when we brought in Bill 187 they were caught a little flat-footed, because they couldn't, they thought, be seen supporting it, nor could they be caught not supporting it. So they sat on their duffs and didn't vote either for or against it at first reading. So I can actually understand why the member from St Catharines—besides wanting to make the Niagara Peninsula into a land reserve and do all those other things that would grossly manipulate farm practices Ontario—didn't want to touch on Bill 187.

**2000**

**Mr Patten:** It is a pleasure for me to stand here and challenge the member for Perth-Middlesex across the way, who said that the member from St Catharines did not address Bill 187. Right at the outset he said there is a simple principle here, and the principle is that all workers, no matter who they are and where they come from, should all be in a safe environment, should all be remunerated adequately and should all be protected from abuse.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** He didn't say anything like that.

**Mr Patten:** Those are my words. I'm paraphrasing what he said, but I believe that's essentially the principle of what he said when he began to speak this evening. He's a man of principle. That is what should drive this particular issue.

The member for St Catharines has also, I might say—and I'm sure most members of the House would acknowledge this—been around for a fair amount of time and, because of that, has developed a certain nimbleness in his ability to draw what may appear to be obtuse relationships to the main issue, which in fact are not. Later on, he weaves these issues back into his argument.

For example, he mentioned that he was thrown out of the House for the first time. I think he felt like an abused worker. I think this is what he was trying to say in his own manner. He forgave the Speaker for that, and I'm sure he knows that his mother probably forgave the Speaker at the same time. That was very important.

He went on to talk about the rich heritage of his area, the St Catharines-Niagara area, in terms of what it produces and his worry about—

**The Acting Speaker:** The member's time has expired.

**Ms Shelley Martel (Nickel Belt):** I listened to the remarks made by the member for St Catharines. I've got to tell you, I was disappointed that he didn't say anything



about the chicken catchers from his part of the world. My colleague from Niagara Centre last week spent a great deal of time during his remarks talking about the appalling conditions that chicken catchers from that part of Niagara have to deal with, folks who are working piecemeal, working through the night under appalling conditions, who can't even get a bottle of water from the contractor they're working for, folks who are getting shafted, folks who desperately need a right to organize a trade union in order to have their health and safety protected, to get decent wages and to get water from the employer. I thought the member for St Catharines was going to talk about why we should be debating a bill tonight that allows agricultural workers to be unionized, because that's the only way, through collective bargaining, that they're going to get some decent wages and some decent health and safety.

Workers don't need the right to associate. Goodness, they have that under the Charter of Rights and Freedoms. This government isn't giving them any new rights through the bill we're dealing with. The Liberals should recognize that. The Liberals should be voting against the government bill because it doesn't do a single thing to help agricultural workers.

I hope the member for St Catharines reconsiders and decides he's going to fight for his chicken catchers tonight and that he's going to vote against this government bill and vote for a bill that would allow agricultural workers to unionize in Ontario.

**The Acting Speaker:** Response?

**Mr Bradley:** One thing I want to reconsider, if I could, would be that contract with Manitoba Hydro for 4 cents per kilowatt hour that was cancelled by the NDP government that would have been benign, clean electricity coming into the province of Ontario.

*Interjection.*

**Mr Bradley:** It was a great deal at the time, as the member for Burlington points out. I'm sorry that got cancelled. I know the member, if she could, would want to reconsider that.

I want to thank all of my colleagues for their interventions this evening. I did make reference to the earlier speech by the member for Niagara Centre where he discussed the appalling conditions that exist. I think in those circumstances what should happen is that an investigation by the Ministry of Labour into this practice should be initiated.

*Interjection.*

**Mr Bradley:** In fairness, the conditions the member for Niagara Centre has described don't sound like conditions that would fit within any fair law I would think of in the province of Ontario. I think that is deserving of investigation by the Ministry of Labour and the Ministry of Agriculture and Food. I did mention earlier that in the larger industrial operations, there is justification for unionization and for collective bargaining.

One thing I was glad the member for Beaches-East York brought up was the whole issue of the cost of hydro. As you would know, not only are consumers

phoning me, not only are business people phoning me, but members of the farming community are being impacted immensely by the huge increases in the price of electric power in this province, increases attributable to the policies of this government.

**The Acting Speaker:** Further debate? Just to help the member for Trinity-Spadina, we are now in 10-minute speeches.

**Mr Rosario Marchese (Trinity-Spadina):** Ten minutes?

*Interjection.*

**Mr Marchese:** No, I need the whole 10 minutes. There is so much to say.

I've got to tell you before I begin on Bill 187, it's not for me to speak about the Liberal position. It's not my job. It's the job of the Liberals to explain theirs and the job of the electorate to decide who carries what position on what issues. That's the point, isn't it?

I want to begin by talking about the title. The title of Bill 187 says agricultural worker protection act. Let me be clear, because Mr Runciman is here. Does that sound the like the Victims' Bill of Rights to you? To remind Monsieur Stockwell and others who are in this room, did that bill confer any rights on victims? It didn't. Judge Day told us, and told them, that there were no rights. But if you listen to the title of the bill, member for Nipissing, Victims' Bill of Rights, you would likely think, "Gee, there are plenty of rights in that bill and victims will be protected. They'll have rights. They'll be able to go to the courts. They'll be able to do all sorts of things, because the bill says so."

Under this bill, the agricultural workers protection act, it says that workers will be protected, like the Victims' Bill of Rights. Judge Day told Chris Stockwell, the Minister of the Environment, and Mr Runciman, whose title no one can remember, that victims have no rights.

Do you remember the Tenant Protection Act, Jim? You remember that one, eh? When you say Tenant Protection Act, Chris Stockwell and others clap. What they're clapping for is the opposite of what the bill gives you. The only rights are the ones contained in the title, nothing more, because in its substance there are no rights. The people watching this particular political channel know, because they've seen the debates, they've heard the debates. They listen to Tories and they listen to New Democrats on this side as we demystify the bills, exfoliate those terrible onions they put out, and the public is able to see, "Ah, now I understand." Because you peel the layers and then you say, "OK, now we get to the bottom of it." That's the point of exfoliating the onion, right?

The Tenant Protection Act gave no rights to tenants. In fact, vacancy decontrol says that as soon as you leave an apartment, the owner of that apartment building is able to jack up the rents as much as he can—and they do. In the city of Toronto and beyond, rents are so unreachably high, so obscenely high that most of the 3.3 million tenants have very little protection from the so-called Tenant Protection Act. All they're getting is whacked by this

government. They smile and proudly say, “The Tenant Protection Act: isn’t that great?” And they’re doing the same thing with this particular bill, the agricultural worker protection act.

Speaker, I’m drawing parallels for your benefit and that of the public watching so they can see the links, because there is a master plan at work. It isn’t just a bill that pops out with no connection to any previous bill. There’s a connection. You guys know what you’re doing. That’s why I often say that you’re good—you’re bad, but you’re good at what you’re doing. And bad is an understatement.

Look what this bill does: it says you can form an association. What it means is that it’s a café kind of club. You go to the coffee shop and chat a little bit, have a little coffee, sip and chat and talk. That’s what we mean by an association. It’s powerless. You go nowhere except for a coffee somewhere.

**2010**

**Ms Martel:** They don’t need a bill.

**Mr Marchese:** As my colleague said, you can do it now. So what more rights are they getting than what they already have? Freedom to associate? We can all associate. And now you’ve got it in law, the freedom to associate.

**Mr Kormos:** That’s big of them.

**Mr Marchese:** That’s big. Let’s follow this through a little bit. The next one says, “make representations to their employers” through their association. So you go pleadingly, because you don’t go there with rights, knowing full well you’re backed by law. You go there pleading to Mr Stockwell and say, “Please, Stockwell, can I have some bread? Can you change the working conditions? Can you increase my minimum wage? I know how you feel, but please don’t hurt me. I know what your position is on minimum wage, but do you think maybe 5 cents more would be OK?” “Make representations to their employers” through their association—a lot of power, substance, big stuff for the workers. Man, are they going to be protected by this law.

What else does it say here? You can use a delegate to make those representations. So you can go to Stockwell’s friend or Runciman’s friend and say, “Please, can you go and talk to them? You know Chris. If you know him, maybe we can squeeze a couple of cents more from him, change the working conditions. But don’t be harsh, don’t be hard. You’ve got to go gentle, because if they don’t like what you say, it’s going to be bad.”

**Hon Robert W. Runciman (Minister of Public Safety and Security):** Let’s talk about the Liberal position on this.

**Mr Marchese:** The Liberals stand with you. It’s not my job to play that role, where you sit on the fence so superbly well on both sides of it. It’s a tough one. I can’t do it.

**Hon Mr Stockwell:** And it discolours the fence too.

**Mr Marchese:** It does more than discolour the fence.

**Mrs Marie Bountrogianni (Hamilton Mountain):** It’s so nice to see you guys getting along.

**Mr Marchese:** Yeah, this is man’s talk. It’s not good. Move on, please.

**Ms Martel:** What does the employer have to do?

**Mr Marchese:** Well, let’s just see here. “The employer shall listen to”—by law, we’re going to have the employer listen. That’s big. This is power. We’re talking about a bill called the agricultural workers protection act. This is power we’re giving to the worker. It says, “The employer shall listen to ... or read” representations. The employer can read the representation himself. We’re giving the employer power to read representations, and we’re giving the worker power to have the employer listen to the representation. They’re good, right? These guys are really, really good.

I’ve got two minutes left. Man, does time fly.

They have the right not to be treated in an arbitrary or discriminatory manner by their bosses because of their association or their representation. So you understand, the only power, the only appeal process, the only thing you can deal with is the arbitrary or discriminatory language only as it relates to their belonging to an association. It doesn’t talk about the conditions, wages, health and safety conditions. It doesn’t deal with that. It only deals with issues connected to association.

Have I told you enough, Speaker? In the brief time I’ve had, is that clear? It think it’s clear, more or less. We had a bill in 1994 that gave the workers the protection they needed. We understood that striking in farm areas is a difficult one. To strike would be a problem. We understood that, and in our bill in 1994 we recognized that. Why couldn’t this government just take that bill again—even though we know their insolence in having to abolish it because they’re so beholden to agribusiness. We understand. But after having understood, after years in power, they could have taken that bill and said, “Ah, we can do it.” For God’s sake, give them some modicum of power. It takes us nowhere. It takes us, Speaker, to a desire for me to move adjournment of this debate.

**The Acting Speaker:** Mr Marchese has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

**Hon Mr Stockwell:** A point of order, Mr Speaker.

**The Acting Speaker:** You’re out of order.

**Hon Mr Stockwell:** I have a point of order regardless.

*Interjections.*

**Hon Mr Stockwell:** Oh, OK. Thank you.

**The Acting Speaker:** Mr Marchese has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All in favour will say “aye.”

All opposed will say “nay.”

In my opinion the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 2015 to 2045.*

**The Acting Speaker:** All those in favour will please stand and remain standing.

All those opposed will please stand and remain standing.

**Clerk of the House:** The ayes are 12; the nays are 24.

**The Acting Speaker:** I declare the motion lost. The member for Trinity-Spadina.

**Mr Marchese:** It's my last 15 seconds.

Workers have no rights, just like in the Victims' Bill of Rights where the victims had no rights, just like in the Tenant Protection Act where the tenants had no rights. In this act, the so-called agricultural workers protection act, the workers don't have any rights. We're talking about workers earning minimum wage—minimum wage—and those who come from outside of these parts get minimum wage and have to pay for their room and board. We're talking about people who have no protection whatsoever, poor working people with no one to help them. We have a government that passes a bill that purports to help them and does nothing of the sort—a shameless act presented, disguised, as one that gives rights and has no rights whatsoever for those poor workers.

**The Acting Speaker:** Questions or comments?

**Mr John O'Toole (Durham):** On this particular bill—you always have to bring it back to the riding, to the people I represent in Durham. I honestly believe, when I think of the Ocala Orchards or Archibald Orchards and the number of people that they have, seasonally, I might add, to harvest the crops for the food I eat—it almost brings tears to my eyes. To think that they can be shut down by some inordinate group of people—I think of Sid Ryan and people like that who would shut it down at the most opportune time.

At least I understand where the members of the NDP are coming from. The Liberals are waffling once again. Look, there are five Liberals here and almost the entire NDP caucus. The real opposition here is the NDP, and I understand that. They stand for Sid Ryan. They stand for the Ontario Federation of Labour. Howard has been the strongest voice in this House in terms of opposition. Dalton's not even here tonight for this important debate.

But this is about the safety of food, the quality of food. This is about fresh, quality food in the province of Ontario. There are those who want to stop this—

*Interjection.*

**Mr O'Toole:** I'm disappointed by the opposition here tonight.

This bill, of course, makes sure that we have an ongoing commitment to food quality and food safety and also allows members of organizations to have an opportunity where farm workers can associate. This is part of this bill. It allows them to associate. It's the ability to stop the production and the seasonal operations of farming operations in this province.

So I am standing in support of my constituents, the agricultural community in my riding. I don't want to see strikes on family farms.

2050

**Mr Bradley:** The concern that the member for Trinity-Spadina has for those involved in agricultural production was evident from the speech he delivered to the Legislature this evening. He described some circumstances, particularly as you get into the larger operations, that are of concern, probably to people on all sides.

There was a time when all we had in the province, essentially, were family farms, what we refer to as the mom-and-pop operations. Now we have—and the Minister of the Environment, of all people, should know, and the Minister of Agriculture would know—a number of operations which are in essence industrial operations. In some cases very intensive farming is taking place; a large number of people are employed. Special circumstances confront those who are in those particular occupations, and they are deserving of the kind of protection that others in an industrial setting would enjoy.

In addition, I have to say, as I did before, that the member for Niagara Centre brought a very compelling case to the Minister of Labour, here this evening—you're the former Minister of Labour sitting across from me—about the conditions facing those who deal with the chickens, who have to catch the chickens, and the very difficult times they have.

I'm pleased that the member for Trinity-Spadina has addressed all the issues that he felt were compelling to members of this House, and I want to commend him on his address this evening.

**Mr Howard Hampton (Kenora-Rainy River):** I want to congratulate the member for Trinity-Spadina for outlining very clearly for the public of Ontario just how bad this legislation is, that this legislation makes it impossible for workers who work in the agricultural industry to come together, to form a union to, for example, take positions with respect to worker health and safety. It deprives those workers of coming together and forming an association and collective-bargaining around issues like health and safety and improving health and safety standards in the workplace. It prevents those workers from coming together and bargaining for a fair wage. It prevents those workers from coming together and forming an association and going to the table and bargaining over working conditions.

We've seen resolutions from the Conservative members of the House here dealing with their working conditions. They want a 25% increase in pay. They have no trouble passing legislation, coming together, forming an association and putting forward legislation to give themselves a 25% increase in pay. But to some worker out there who's working in unsafe working conditions, who's working very long hours, who doesn't have the benefit of Conservative cabinet minister expense accounts, some poor worker who wants to form an association, a union, for the purpose of collective bargaining, to have a say in their health and safety, to have a say in their working conditions, to bargain for fair wages, what do the Conservatives say? "No. We're not going to permit—"

*Interjections.*

**The Acting Speaker:** The government House leader will come to order.

*Interjections.*

**The Acting Speaker:** Come to order. I am warning the government House leader.

The member for Niagara Falls.

**Mr Bart Maves (Niagara Falls):** It's very interesting to sit back and listen to some of the hypocrisy from the members opposite. Oh, I withdraw, Speaker. I'd pick another word, but I can't think of it right now: the mendacity of the members opposite.

Earlier this evening we discussed a time allocation motion. As the House leader for the government pointed out—I started off and he finished off so eloquently—we had a bill before the House that was one page, the red light camera bill. The members opposite wanted to debate it for four days, even though they agreed with the bill. Finally, the House leader had no choice but to move time allocation. The members opposite cried and went on about the anti-democratic House leader moving time allocation. They said, "We want to debate bills." Well, you supported the bill. It didn't make much sense.

The House leader was correct. He said, "We want to save time. Instead of debating for four days and having time allocation motions on a bill that everybody agrees with, let's save the time to debate something we disagree on." Well, here tonight we have such a bill: a bill to stop the unionization of the family farms. The NDP's opposed to the bill, the government's in favour of the bill and the Liberals are all over the map. Here's the bill where the House leader was right. There are differences of opinion. He wants to debate this bill. What do the Liberals and NDP do twice already tonight? Move adjournment of the debate. They don't want to debate it.

Thirty-minute bells rang so we could waste 30 minutes of debate time. That was by the Liberals. We came back. We voted, "Let's keep on debating. We love debate. We love democracy." The NDP comes in and they move adjournment of debate—another wasted 30-minute bell. We came in here. We brought in our people from all over Toronto, where they were out busy working. They came and they voted and said, "We want more debate. We are the champions of democracy." What the heck is the matter with you guys?

**The Acting Speaker:** Response?

**Mr Marchese:** I just thank my friends—and foes, of course. I just want to make reference to the member for Durham, because he talked about how this is a bill about safety and food and the quality of food. Why didn't he call this bill the agricultural safety protection act or the agricultural quality of food protection act? That's not what it's about.

It was sad to see him say what he thinks of the farmers. He wants to start crying. What pitiful stuff. Why doesn't he talk about the poor farm workers as well, who toil in those farms day in and day out for minimum wage?

**Interjection:** Or less.

**Mr Marchese:** Or less, because the migrant workers who are here get the minimum wage but they've got to pay room and board. Why doesn't he cry for those workers? It's pitiful what you hear in this place.

This other guy, from Niagara Falls, talks about how this bill is about stopping the unionization of farm workers. Why doesn't he call this bill what it is, the anti-

union bill? Why doesn't he say, "This is the agricultural stop-the-unionization-of-farm-workers act? Why doesn't he say it straight out, instead of calling it the agricultural worker protection act? The hypocrisy, I tell you. All right, I take it back; I withdraw.

We're talking about farm workers, minimum-wage workers. These are the people who are scraping by. We're talking about a bill that gives no protection or rights to these workers. We're not talking about appellants or applicants. We're talking about farm workers who come as supplicants to these people, pleading for rights: minimum wages and fair working conditions. They come pleading, because that's what this bill is all about: pleading for crumbs. That's not what workers want.

Call it what this bill is. It's an anti-unionization farm workers act. Say that.

**The Acting Speaker:** Further debate?

**Mrs Julia Munro (York North):** I want to set the record straight. There are some things that need to be clarified when we look at this piece of legislation.

First of all, it is a balanced piece of legislation. It represents a significant advance in facilitating employee-employer relationships. All of us who come from communities where agriculture forms a very important part of our economy recognize how important it is to our quality of life and the importance of making sure we continue this balance.

At issue is the freedom of association, as guaranteed in the Charter of Rights and Freedoms. This bill would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a meaningful way.

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Before this piece of legislation was introduced, there was a great deal of discussion within the industry—members of the agricultural industry and representatives of organized labour—and from this, then, came this bill. The message received was that Ontario agriculture employers value the relationship they already have with their employees. They believe it is a good one. We heard that it's important to treat all agricultural employees in a consistent manner. We heard that Ontario's agricultural production must not be vulnerable to the risk of potentially devastating labour disruptions.

When this bill was drafted, we remembered what we had heard. So the proposed legislation before us today does respect individual and constitutional rights of agricultural employees, while having regard to the unique characteristics of agriculture. The proposed legislation would enable agricultural employees to exercise their rights to form and join an employees' association, to participate in the lawful activities of that association and to have the right to assemble and make representations to an employer through an employees' association. The proposed legislation would ensure that all of this could be done free from interference, coercion and discrimination.

It's important to emphasize that the proposed legislation contains no restrictions on the composition of an

employees' association other than that the association be comprised of agriculture employees. An employees' association could be comprised of agricultural employees from any number of farms. It could be organized on any basis that employees want. It could be a branch of another organization, including a branch or local of a union. A union or other organization could assist employees in forming an employees' association whether the association was formed as a branch or local of the union or other organization or as a separate association. To be clear, while an agriculture employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers.

It is also worth noting that the proposed legislation 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, including any concerns about workplace health and safety.

It would give recourse should an individual or association believe that their rights have been contravened. It would give the Agriculture, Food and Rural Affairs Appeal Tribunal authority to hear complaints about alleged contraventions of the act and to issue remedial orders.

The proposed legislation would also protect a farm's most valuable assets—land, livestock and crops—by recognizing an employer's right to control access to his property—not prohibit access, mind you, but to control it. Any person or group could apply to the Agriculture, Food and Rural Affairs Appeal Tribunal for access to farm property where agricultural employees reside for the purpose of encouraging the employees to join an association. When dealing with such applications, the tribunal would take into consideration human health and safety, normal agricultural practices, animal health and safety, plant health, planting and harvesting, biosecurity needs, privacy and property rights. These are essential considerations to ensure that normal agricultural operations are not unduly interfered with.

The proposed legislation would protect the rights of Ontario's agricultural employees and would also recognize the unique characteristics of Ontario's agricultural operations.

I would also like to speak to another aspect of this piece of legislation that many have suggested: the issues of farm safety. Certainly, when I look at the members of my community and the concerns they have about farm safety—I know they have worked very hard with the Farm Safety Association of Ontario to make sure that farms become safer places—we have some extremely important information with regard to farm safety. If you look at the period of the last few years, there are some disturbing statistics, which fortunately are improving. One of them is that of 109 fatalities on farms between 1996 and 2001, 17 were under the age of 16, and of the same number, 109 fatalities, 23 were over the age of 65. We're talking here about farm families, and we're talking

about the kinds of dangers that must be addressed on farms. The agricultural employee fatality rate was 4.54 per 100,000 employees in 2000. The rate of agricultural employee lost-time injuries declined by 25% from 1996 to 2001. So some of the fearmongering we have heard with regard to health and safety for employees has certainly been an ongoing issue and has certainly been addressed by much of the work that has been done by the Farm Safety Association.

The Canadian statistics demonstrate that in Ontario over the past few years, there has been a significant decline in the number of work-related farm fatalities between 1990—about 40 per year—and 1998—about 20 per year. When you look at the combination of this balanced piece of legislation and the work that has been done by the Farm Safety Association and the results of that work and the decline we are seeing, all of this is designed to continue to ensure that agriculture does have a very firm foundation and future in the province of Ontario.

**The Acting Speaker:** Questions and comments?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** The debate around this issue—and it's a complex and highly sensitive issue—has been going on for a long time. I'm not sure that any government has really resolved all the issues that are involved. Obviously this bill is being presented as an agricultural bill—concern for what needs to happen in order to sustain agricultural operations. It's presented as employer-worker protection, as opposed to being presented as labour law. If it were being presented as labour law, the balancing of powers might look quite different than it does in this particular legislation.

I share some of the concerns that have been expressed by the previous speaker, and which I know are going to be expressed by my colleague when he rises to speak next, because he is one of the individuals who has persuaded us, along with others, that the issue of the perishability of goods in an agricultural setting is one that has to be taken into consideration. The fact that the fruit has to be picked and that the cows have to be milked is a factor that has to be taken into account in terms of determining whether or not an agricultural operation can sustain a labour disruption. I think that's the kind of question that would have to be addressed if what we were looking at tonight was in fact labour law, as opposed to a law presented by the Ministry of Agriculture.

I think the case can be made, where the labour disruption would create too great a hardship, that there can be some alternative; we look in health services, obviously, at areas of essential services, recognizing that a labour disruption would not be sustainable. When we reach that conclusion, I don't think it takes away the onus on government to make sure there really is protection of workers and, secondly, that there is labour law to be considered that would differentiate a small family farm operation from a larger, more industrial kind of complex, which many once-upon-a-time family farms have now become. I think there is still more work to be done by this and future governments on this issue.

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**Mr Prue:** These chambers have been here for a long time, and I am sure that similar words were coming out of the government benches at the turn of the century. I'm sure the same words were spoken about factories and mines and where children were working. I am sure the same words were coming out of members' mouths who sat in that very seat back there, talking about protecting factories from those horrible workers who were seeking to unionize, from those horrible people who were seeking health and safety for themselves and for their children. I'm sure the same words we're hearing today came out of mouths on those benches all those many years ago.

You can say that after one year you've gone from 40 deaths per year to 29 on the family farm. That is still 29 deaths too many; 29 deaths that people who were properly able to deal with the situation, who were able to collectively bargain, to form a meaningful association, could speak to. These are absolutely controllable, and people have the right to try, as best they can, to control their own destiny. It is not enough for governments, people in this House, to control that destiny. People have to collectively, or sometimes individually if they are powerful enough, control their own destiny.

That is what is missing in this bill. You are treating these people, who are often poorly educated, who are often from outside this country, as if they have no destiny to control. They have a right as human beings to expect fair wages and good working conditions. They have a right to express that in any way they deem appropriate, not through some Mickey Mouse association, but from something they want to control and elect themselves, someone who will speak for them and who will do it right.

**Mr Johnson:** I just wanted to congratulate the member for York North on an excellent presentation and analysis of Bill 187. I might like, at some time, to further debate the member for Beaches-East York on the differences between mining and factories, and farming, because I know of many farming operations—I think particularly of beef operations—where an interruption would actually ruin production for a year and a half. I think there are great differences, and I think that farmers in my constituency would be quite disappointed if didn't point that out.

I was thinking that the member for York North forgot to point out the Liberal leadership, the McLeod-McGuinty leadership, crawling on their knees up Highway 11 to call on Jack Wilkinson, the leader of the Ontario Federation of Agriculture, quite a capable, dynamic leader, and I can imagine the reason. They wanted to try to explain to him why they all sat on their hands during first reading in this House. I would think Mr Wilkinson would have some questions for them, and I would love to be the fly on the wall to hear what kind of story the McLeod-McGuinty Liberals would tell that particularly respected leader in the north.

I did want to add my comments to the member for York North and to congratulate her on a very excellent presentation.

**Mr Michael Gravelle (Thunder Bay-Superior North):** The government would have us believe that they care a great deal about agriculture and farmland and farmers across the province. But I can tell you, as a member from Thunder Bay—and my colleague from Thunder Bay-Atikokan will back me up in this—we certainly don't feel there is much concern being shown for agriculture in northwestern Ontario, with the impending closure of the Thunder Bay agricultural research station, which is happening this coming Thursday, October 31. It's been a battle we have been really fighting. Here we have one of the great stories of economic diversification in northwestern Ontario, something this government tells us they want us to promote and want to support, yet the agricultural research station, which has just been an extraordinary story from the point of view of new products, new soils, new soybean production, things that never could have happened before in our farmland—we have 238 farms in that area, in the Thunder Bay district. We have 27,000 acres that are under cultivation in the area. We have 27,000 other acres that could be used. Through the work of a gentleman named Gordon Scheifele, who has been heading up the agricultural research station, it's been just remarkable what has happened in terms of the future for agriculture in northwestern Ontario, and that's about to end. We are really full of despair about that. Certainly the Northwestern Ontario Associated Chambers of Commerce have gotten up about this and asked the government to help. I have spoken to the Minister of Agriculture about it. She would explain to you that the funding comes through the University of Guelph, and their funding has been cut back. So they have made a decision to no longer fund the station.

But it's the government's responsibility and opportunity to support this agricultural research station. Certainly, we are pleading with Northern Development and Mines Minister Jim Wilson. We know there is lots of money in the heritage fund. We think that can be a way to keep this research station open. We believe it's vital to keep it open, we think it's incredibly important to keep it open and we believe that if the government really cared about agriculture in northwestern Ontario, they would find the small amount of money that is needed to keep that agricultural research station open in Thunder Bay.

**The Acting Speaker:** Response?

**Mrs Munro:** Thank you to the members from Thunder Bay-Atikokan, Beaches-East York, Perth-Middlesex and Thunder Bay-Superior North. My first comment would be to the member from Thunder Bay-Superior North in that a two-minute response is a response; that is, to the information that has been provided. I wasn't aware of any that was made.

To the member from Beaches-East York, I think that an effort to try to draw out an Oliver Twist kind of attitude toward the legislation frankly fails because of the

fact that throughout the piece of legislation we're discussing this evening is the balance that is being presented here, the opportunity to recognize an individual's charter rights, the opportunity then to form an association and a balance, which the member from Thunder Bay-Atikokan referred to, that looks at what is essential to the preservation of agricultural viability on the one hand and ensuring the opportunity for employees to associate.

The comment that was made with regard to the number of injuries: I think I was very clear about the fact that one injury or fatality is one too many. The important thing to recognize here is the work done by the Farm Safety Association of Ontario and others to address the kinds of dangers that exist in the agricultural community as a workplace and to find methods to respond to them.

**The Acting Speaker:** Further debate?

2120

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** C'est un plaisir pour moi de prendre part à ce débat ce soir. C'est suite à la décision de la Cour suprême que l'on a dû procéder avec ce projet de loi 187, Loi visant à protéger les droits des employés agricoles. Ce projet de loi 187 pourrait avoir des conséquences négatives sur l'avenir et l'opération actuelle de nos fermes familiales. Avec certains amendements, je vais définitivement apporter mon appui à ce projet de loi.

Je voudrais apporter aussi une précision. J'ai écouté tout à l'heure la députée de Nickel Belt. Je comprends très bien sa situation lorsque nous parlons d'employés sur des fermes avec une quantité d'employés tels que des producteurs de tabac, pour un exemple. Je veux aussi préciser que la position que je prendrai ce soir ou demain, lorsque le vote sera demandé, c'est que j'appuie définitivement les corps syndicaux lorsque vient le temps de protéger l'employé.

N'eût été des syndicats, je pourrais dire que beaucoup de gens qui travaillent sur les chantiers de construction ne pourraient pas continuer à vivre adéquatement ni avoir une qualité de vie, puisque aujourd'hui nous savons que sur la construction, rendus à l'âge de 55 ans, nous avons à travailler maintenant 11 et 12 mois par année. Dans le passé, nous travaillions seulement six à huit mois par année mais aujourd'hui, avec les conditions que nous avons, nous devons travailler sur les chantiers de construction. C'est grâce aux syndicats que nous pouvons apporter une sécurité d'emploi à ces employés.

Mais je dois dire que lorsque je parle de fermes familiales en Ontario, la moyenne de vaches qui sont traitées par jour est de 51. La traite se fait en moyenne sur 51 vaches sur nos fermes laitières en Ontario. Si nous procédions à ce que la Cour suprême a décidé, je crois que nos fermiers ne pourraient plus continuer. Nous savons que de plus en plus, le nombre de fermes diminue en Ontario. Je regarde dans ma circonscription pour un exemple.

Pour apporter plus d'attention aux élus du secteur urbain, j'ai demandé à plusieurs députés de venir passer une journée sur la ferme afin de comprendre davantage le

travail et l'importance de la ferme familiale. La députée de Windsor-Ouest, Sandra Pupatello, lorsque je lui ai demandé de venir travailler sur la ferme, m'a dit, « Voyons, Jean-Marc, c'est tout automatisé maintenant. » Elle a su ce que c'était parce qu'à 4 h 30 le matin, on se lève et on ne peut pas aller se coucher avant 11 heures le soir. Alvin Curling, le député de Scarborough-Rouge River, m'a dit, « À Toronto, nous travaillons de 9 heures à 5 heures, mais ici c'est de 5 heures à 9 heures, l'inverse. Aussi, sur la ferme on doit aller travailler pour gagner notre déjeuner. Sur la ferme on doit travailler, aller déjeuner et retourner au travail. » Mario Sergio, le député de York-Ouest, a été travailler sur la ferme de Pierre Bercier à Ste Rose et il a compris ce que c'est, travailler sur la ferme.

On ne peut pas se permettre d'avoir une grève sur les fermes. Pour ceux qui sont conscients de la ferme laitière, une vache pour quelques jours peut attendre 20 minutes pour la traite. Pour quelques jours, 20 minutes est le maximum que l'on peut attendre pour la traite. Même à cinq minutes la vache commence à être nerveuse. Voyez-vous une grève sur une ferme familiale où on a un ou deux employés? Avoir une grève, quand l'employeur actuellement doit travailler sept jours par semaine? Maintenant c'est de 5 heures à 11 heures, et même à 2 heures du matin, puisqu'on doit procéder à trois traites par jour au lieu d'une ou deux, comme dans le passé.

Les agriculteurs dans ma région travaillent en étroite collaboration avec le Collège d'Alfred, qui est un campus de l'Université de Guelph. Encore une fois, je comprends très bien la situation de la députée de Nickel Belt. J'ai rencontré l'Union des cultivateurs franco-ontariens le lundi 21 octobre. Ils m'ont répondu par lettre, que j'ai reçue le 23 octobre, et je vais lire quelques paragraphes de cette lettre. Elle m'a été adressée par Alain Delorme, directeur général de l'Union des cultivateurs franco-ontariens. Il me dit :

« De mon avis il y a deux points très importants à prendre conscience face à cette à cette loi.

« 1. Malgré que la loi, pour satisfaire la clientèle agricole, ne permet pas le droit de négociations collectives, il pourrait y avoir escalade vers des pouvoirs de négociations avec le temps, ou pire encore, des pouvoirs de négociations donnés par la cour, ce qui aurait pour effet de nuire considérablement aux opérations agricoles normales, très saisonnières et très fragiles reliées aux animaux, aux fruits et légumes et autres productions périssables. Les entreprises agricoles pourraient être très négativement affectées au niveau financier par une escalade éventuelle vers des pouvoirs de négociations collectives. Même les petites entreprises à employé unique pourraient éventuellement avoir à faire face à des revendications de régimes collectifs si leur employé décide de joindre les rangs d'une association de travailleurs.

« Le problème est que ces associations, même si elles n'ont pas présentement le pouvoir de négociations collectives, elles l'obtiendront avec le temps et les efforts qu'elles y mettront. À ce moment, tout le secteur agricole

sera confronté à des revendications qui soit mettront les entreprises en péril ou soit pousseront les prix des denrées vers le haut. »

Mais, monsieur le Président, le deuxième point, l'autre point très important « qui est bon de souligner est celui des travailleurs saisonniers étrangers qui affluent vers l'Ontario au moment de la récolte. Ces gens se comptent par milliers et se retrouvent plus souvent qu'autrement dans des conditions de travail assez misérables. C'est-à-dire: sous le salaire minimum, conditions de travail difficiles et non sanitaires, longues heures de travail, et logeant à des endroits où les conditions sont moins que désirables. » Je peux dire même que ces personnes qu'il appelle des esclaves, qui sont sous la juridiction du fédéral, demeurent dans des endroits encore pires qu'en brousse de l'Afrique, parce que là-bas on a des conditions meilleures. « Je comprends alors pourquoi il y a un certain mouvement vers la syndicalisation et le droit de négociations collectives à l'intérieur des entreprises qui offrent ces conditions. »

Il m'a dit à considérer: « La solution ne serait-elle pas plutôt de se tourner vers une réglementation qui assurerait des conditions de travail et de rémunération minimums pour les travailleurs agricoles qui sont pour

l'instant exclus du code des normes de travail. » C'est juste.

« Une autre solution pourrait être la possibilité d'associations et de revendications collectives sans droit de grève avec le droit à un processus d'arbitrage exécutoire qui prendrait en considération le contexte fragile actuel dans lequel les entreprises agricoles doivent opérer. Le contexte actuel inclurait des choses tels: la fragilité de l'entreprise, les produits périssables, le confort des animaux, le temps de la récolte et des différentes applications d'intrants, etc. Ce conseil d'arbitrage aurait un pouvoir d'exécution qui pourrait faire appliquer la décision.

« Une autre solution à envisager serait que la loi ne s'applique qu'aux entreprises ayant au-dessus d'un certain nombre d'employés. » Je dis un exemple: 20 employés. Ça pourrait être 10, ça pourrait être 100. On le verra dans nos amendements qui seront emportés. « De cette façon les risques seraient associés surtout au plus grandes entreprises... »

Merci, monsieur le Président.

**The Acting Speaker:** It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2130.*



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