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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 8 June 2004

Mardi 8 juin 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 8 June 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 8 juin 2004

The House met at 1845.

ORDERS OF THE DAY

EMPLOYMENT STANDARDS
AMENDMENT ACT
(FAMILY MEDICAL LEAVE), 2004
LOI DE 2004 MODIFIANT LA LOI
SUR LES NORMES D'EMPLOI
(CONGÉ FAMILIAL
POUR RAISON MÉDICALE)

Mr Watson, on behalf of Mr Bentley, moved third reading of the following bill:

Bill 56, An Act to amend the Employment Standards Act, 2000, in respect of family medical leave and other matters / Projet de loi 56, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne le congé familial pour raison médicale et d'autres questions.

The Acting Speaker (Mr Ted Arnott): Is there any debate on the bill?

Hon Jim Watson (Minister of Consumer and Business Services): Mr Speaker, I'll be sharing the remainder of my time with the members from Oakville, Huron-Bruce, Bramalea-Gore-Malton-Springdale and Thunder Bay-Superior North.

Mr Kevin Daniel Flynn (Oakville): I am pleased to take part in third reading of the proposed Employment Standards Amendment Act (Family Medical Leave), 2004, Bill 56. It's my pleasure today, as the minister has said, that I'll be joined by and sharing my time with the members from Huron-Bruce, Bramalea-Gore-Malton-Springdale and Thunder Bay-Superior North.

This bill, if passed, would represent a profound and very important change in the support we are able to give employees in this province as a government. It would bring our province of Ontario in line with a similar new way of thinking that is now becoming the norm across Canada, and that is saying that governments should be supporting workers as they face the end of a loved one's life, not just those welcoming a new loved one into their life. This bill, if passed, would do that.

For some time now, we have recognized the needs of workers who bring a child into this world and we have adopted legislation that allows for that. We have supported them with pregnancy and parental leave so that they can focus on the hard work of raising a baby and still be able to return to their jobs after that period. Preg-

nancy and parental leave protections in the Employment Standards Act have helped thousands of new parents, including myself, meet their commitment to their new family and return to work, better able to focus on their job, knowing that their new family has been established and that life can continue as normal.

But what do we do about workers with a family member who is facing the other end of life, and that is the end of life? For anyone who has taken care of a dying loved one or is taking care of a dying loved one, there is an emotional burden that simply must be borne at that time. It's a responsibility we cannot shrink from. Taking care of a seriously ill loved one puts immense strains on anyone who is faced with it. The emotional strain is obvious to all, and it can create significant worries about long-term finances of caregivers if their jobs are threatened.

At that time of life, I think most, if not all, of us in this House would prefer that the person who is looking after the loved one have the needs of the loved one over and above all other thoughts, such as wondering if the rent is going to get paid and if their job will still be there when they get back.

Many workers in this position are forced to choose between either caring for a dying loved one or keeping their job. This government does not believe anyone should be forced to make this impossible choice. If this bill is passed, that choice will not have to be made. This bill would provide some relief by allowing workers to take time off their job, up to eight weeks, without having to worry about losing that job. Although the Ontario leave is unpaid, many will also be able to access the federal government's compassionate care benefit under the employment insurance program that currently exists, providing them with some income during this period as well.

1850

Some have argued that this bill does not go far enough to support workers in this position. Some have argued that tax cuts may provide a better benefit. The facts, however, simply don't support those assumptions.

According to a recent study of cancer patients, more than 40%—think of that: 40%—of family members of patients surveyed had to quit work to care for them. Twenty five per cent lost most or all of their savings during that period. About one in four working Canadians experienced high levels of caregiver strain, due in no small part to the difficulties of trying to balance their work life with the demands of caring for a seriously ill loved one.

Tax relief would simply provide no immediate relief to workers when they actually need it. Tax relief is of no

use to individuals if you don't have a job. It doesn't help if you have to live off your savings and worry about how you're going to live, while at the same you have to deal with the death of a family member.

Then there are the practical matters that we all know of in dealing with a dying person. Is it the right medication for the person? Is a person getting the right medication at the right time? When did they eat last? These are simple things that we have to do when we are caring for a dying person, to ensure that they live their last days in some dignity. The day-to-day detail of providing care can be overwhelming to anybody at that period in their life.

Now you try and head off to work and you try and do a good job. You try to keep your mind on the job. But your mind is really back home with the loved one who is in a bedroom or is in a hospital. Your mind should be on your job, or you shouldn't be there. It puts you in an unsafe position. That's not what we want for the dying person, that's not what we want for the caregiver and that's not what we want for the caregiver's employer either.

Family medical leave would, if passed by this Legislature, give employees providing care and support for a dying family member a window of relief that will help them focus on what's most important. After the death has taken place, they would be able to return to work with less emotional stress and much better able to focus on their job. This would provide the immediate help that a worker in this position needs. It would also provide a benefit to the dying family member.

This same study also showed that 36% of dying patients had to be admitted to hospital, not because they wanted to be there, not out of any medical necessity, but because their family simply could no longer provide the care they needed at home. I've heard of circumstances in my own riding where people have reached the point where they simply cannot care for the terminally ill person, and they put a call into 911. It's not really an emergency. It's not really what 911 is there for, but these people know that if they call, the ambulance will come and the loved one will be taken to the hospital and looked after.

This government believes that people have the right to die with dignity and, if they so choose, in their own home. You shouldn't be playing games at this time. I think we should be dealing with people up front and honestly. For many people, this means being able to remain in their own home as long as they possibly can, with the support of the people they love, rather than in the institutional environment of a hospital or a long-term-care facility.

We all know the stresses that our health care system is facing today. Some of those stresses and financial costs are the results of an aging population. Being able to stay at home reduces the strain on an already overburdened health care system, but providing dying people with the quality of care they deserve is a good enough reason. I'm sure most of my colleagues in this House would agree.

Our doctors, nurses and other health care providers in Ontario provide a standard of care in this province for

dying patients that is second to none, but even they will tell you that there is simply nothing that can substitute for the care provided by family members. If this bill is passed, patients who are nearing the end of their lives would be able to do so with better support from loved ones. Many may be able to stay in their homes just that little bit longer. This can make all the difference in the world for someone who is facing their final days, being able to spend as much time as they possibly can with loved ones and in a familiar environment.

The facts I've already mentioned, I think, are reason enough to support this bill, but the benefits to employers must also be taken into consideration, as this certainly will impact them. We have found out that employees under high levels of stress tend to miss more work, they tend to be far less focused on their jobs, be much less productive, and it can also damage workplace morale and the productivity of the entire workplace. Employees with high caregiver strain are 13 times more likely to miss three or more days of work in a six-month period and are almost twice as likely to miss work because they are emotionally, physically or mentally fatigued. If you're an employer, you don't want employees at work whose minds are not on the job. You don't want employees at work who are under stress. You don't want employees who are thinking about a loved one. As I said earlier, that loved one may be in an institution, may be in a hospital, but that person's thoughts are with them when that person could be operating dangerous machinery; they could be driving a vehicle; they could be handling dangerous goods. If their minds are not able to be on the job, you as an employer simply do not want them there at that point in time.

Employers also stand to benefit from this bill. In today's work environment, it is becoming increasingly difficult for many workers to find a good balance between their work lives and their personal lives. This has a direct impact on the bottom line of business. The direct costs of absenteeism in Canadian workplaces due to high work-life conflict are estimated at between \$3 billion and \$5 billion per year. Indirect costs are estimated to add, perhaps, an additional \$5 billion to those costs. Caregiver strain is a significant contributor to the costs I've just mentioned. The direct costs of absenteeism due to high caregiver strain to Canadian business is estimated to be upwards of \$1 billion per year, with an additional \$2 billion per year in indirect costs as well.

While family medical leave may have an immediate cost to some employers by having to make some arrangements for employees away on leave—and we as a government understand that that would have to be done—the employer would not have to pay that employee for the period that they would be on leave. So it isn't like you'd be paying somebody twice. The person who is leaving to go on the leave would go on to the EI system for a replacement of some of their income while the new person who is taking their place on a temporary basis would be paid by the employer. However, this cost—and there is a cost, obviously—would be comparatively min-

or, and the disruption it would cause is less than what is currently being incurred through employee stress, absenteeism, loss of productivity and eroded loyalty.

These costs are considerable. Employees with high caregiver responsibilities, as I said, are six times more likely to experience stress at work. That leads to reduced productivity and it leads to disruptions in the workplace. As I mentioned earlier, they are 13 times more likely to miss three or more days of work in a six-month period. Your attendance becomes unreliable at that point in your life. Your mind is elsewhere. Your responsibilities are elsewhere. Your employer cannot count on you showing up. It's best that you be with your loved one. They're twice as likely to miss three or more days of work in a six-month period. That's not due only to the stress of having to care for a loved one; that's due to the fatigue that's involved with caring for a loved one, putting in eight or 10 hours a day at work, going home and caring for a loved one. You know that a 24-hour clock has no meaning to somebody who is in their last days. They're more than twice as likely to consider leaving their jobs, quitting their jobs entirely, taking with them all the knowledge, all the experience and all the skill that they've been able to build up during their period of employment with the employer.

1900

Absenteeism due to caregiver strain results in direct costs to Canadian businesses of over \$1 billion. As I said earlier, if you add the indirect costs, it can go as high as \$3 billion. These costs are huge, but they're avoidable if we act responsibly as a society and recognize that we need to take care of the people who must take care of a dying member. It's a contract we make with ourselves. It's a contract that says, when you're facing the last days with a loved one, "I will look after you. When I'm facing those same days, I would like you to look after me." In its simplest form, that's what this bill does. Family medical leave is the responsible thing to do. It would allow for unpaid absences, letting workers deal with a personal crisis on their own time, without disrupting the workplace and affecting productivity. It allows workers to come back to work when they are better able to focus on their job, with less stress and in better health. It would mean many employees would not be forced to quit their job in order to care for a dying family member—and that causes even more disruption and cost to employers.

The impact of this is often taken for granted, but it can affect businesses very significantly. So we see that family medical leave makes sense for all workplace parties and for our entire society as a whole. Family medical leave would give employees the support they need, when they need it, ensure they still have a job to come back to, and an income that supports them during that period. It would help people to keep their job, protect their future earnings and savings, and help patients who are dying to remain in their homes for as long as possible, making them happier, with better peace of mind. One of our main priorities as a government is to promote healthier Ontarians in a healthier Ontario. We believe that our people's health is our

most precious resource. We all share a responsibility to protect it from harm and to care for it in times of need. Family medical leave would help us do this. It's the right thing to do. It would provide change that works for the people of Ontario.

We believe that a government should be there for people not just at the beginning of life but when life is drawing to a close as well. That is what government should do. Choosing between a job and caring for a dying family member is not a choice a caring society should ask its people to make. This government is not prepared to ask people to make that choice. With the support of members of this House for this bill, we will make that possible.

Mrs Carol Mitchell (Huron-Bruce): I rise this evening in support of Bill 56. This bill is another step forward and will make Ontario a province where human values and compassion are recognized as part of our character. There is nothing more stressful for a family than having one of its members facing death. Every minute, every second away from the person who is dying is agony, and each of us wishes to give comfort and support for our loved ones. Time becomes even more precious when one knows that the sands of the hourglass are running out. There is no need to list the stresses which living in the 21st century place upon all of us. There never seems to be enough time for what we must do to earn a living and to take part in our family.

Even in our rural parts of Ontario the pastoral life is part of a memory. The demands of farming, keeping a job off the farm and dealing with the variances of weather, as well as helping with the family, all add to our stress. Our many farmers and business people pursue their livelihood as independent owners. The vein of independence runs very deep, and this remains as we age. Our parents, our older citizens, wish to remain independent but there is a time, unfortunately, when independence must be surrendered to dependence. This is when the family must draw together and this is the time when a family member must be able to focus the time and efforts on the suffering and their loved one. When we add the stress of earning a living, plus all the physical and emotional demands of caring for another, the situation can certainly become intolerable.

There are a few occasions in government when we can make a difference in individual lives. Often we can deal with the big picture and forget the personal sagas that are going on in our ridings. But this bill will make a difference.

I spoke earlier about the generation in the middle. These are the people who have their own families and care for their parents. These are the people who are driving their children to school, to soccer games, to hockey games, and the ones who check up on their parents and take care of the details of their lives. As we all know, in most families both partners work now. When the prospect of a long-term illness faces the caregiver, there is much more stress heaped on. Bill 56 creates an avenue of relief. The person can leave their job knowing that it will be there when they return.

The lives of these people and their sacrifices are rarely noted. It is not dramatic and is little noticed except by those who are receiving them. The rare statistics tell the story. More than 80% of Canadians would prefer to spend their last days at home. This shows that that situation will not change. Most Canadians who had to take time off work to provide care or assistance did so for six weeks or less. More than 40% of employees caring for a seriously ill family member had to quit their job. Bill 56 will resolve this.

I am so pleased to speak on the third reading of Bill 56, the Employment Standards Amendment Act, in relation to family medical leave. As has been stated in past readings, this bill is about allowing compassionate people of Ontario the ability to look after their loved ones.

I would like to talk about the impact on Ontario employers. Employers who have an employee who is off work and utilizing the federal EI benefits for a family medical leave may incur costs due to staffing coverage. However, an employer providing a job-protected leave will save the expense of having to hire and train a new person if the employee were to quit the position to care for a seriously ill family member because leave was not provided.

My riding consists of many small businesses and entrepreneurs. Having employees who are able to focus on their jobs will make far more productive employees for the employer. But job loyalty and maintaining a productive workforce are certainly something that all employers hope will result from this important bill. But these are qualities that employers need and want in their employees.

By the passing of this bill, employees and employers will succeed. The government has designed the program so that family members can share the eight weeks' leave so as to not cause hardship for the employer. Employees would not be required to have worked a specified length of time in order to qualify for the leave. Anyone covered under the Employment Standards Act, 2000, is eligible for job-protected leave, including part-time workers.

1910

I would also like to share with you the cost of not implementing the family medical leave. Family caregiving has a direct impact on our workplaces. Employees experiencing high caregiver stress are more likely to miss work because of caregiving responsibilities or because they are emotionally, physically or mentally fatigued. Employees who are under stress because they must provide for a dying relative are often distracted and less productive.

The direct cost of absenteeism due to high levels of caregiver stress has been estimated at just over \$1 billion a year in Canada, with additional indirect costs of \$1 billion to \$2 billion. These costs could be alleviated if an employer could plan for a period of absence and staff accordingly. More than 40% of employees caring for a seriously ill family member have had to quit work. Close to one third of employees lost a major source of income, while another 25% lost most or all of their savings.

I wish to speak about the impact that Bill 56 will have on our rural communities. Elderly citizens make up a very large part of my riding. It is an age where they are very much used to their independence, the style of life-style that they have had, certainly the farming and the entrepreneurial spirit. This will allow their family to maintain their independence as long as possible. It's a characteristic of our rural life.

Most people, when they're given a choice, choose to remain in their home as long as possible with the support of the people they love, rather than an institutional environment of a hospital or a long-term-care facility. Unfortunately, this choice is not always available. A recent study showed that 36% of dying patients had to be admitted to hospital, not because of medical necessity but because their family could not provide the care that they needed at home. Bill 56 will make it possible for them to receive help from their own family members.

In Ontario, we have a generation who are parents and who are also in a position to take care of their parents. This generation in the middle is under great stress. In my riding, we see families where both members, as I said, are working plus raising a family. When we add the distance which people must drive in rural areas to get to their jobs, we realize that time is very much in short supply.

In rural areas we tend to stay for many generations. People taking care of their parents is certainly a very common theme. The eight-week leave will reduce that pressure. It will create stability, which is necessary at a very emotional time.

The employer will benefit when the employee will not be torn between balancing the numerous roles that are placed upon us in this society. It will provide the employer a very clear-cut option and will allow the staffing needs to be met over a very much longer term.

Taking care of our parents and loved ones is a quality which we value in our society. We, as the people who represent our constituents, should and will rise to the challenge. By introducing this bill, our government is making real, positive change. I know that for my fellow members—as the member for Oakville has said—this is something that we willingly and gladly endorse.

We know that by giving the proper tools, we will empower the people of Ontario to meet the needs of their families. What more could we give our families than our most precious resource, which seems to be our time? If we can allow our families to have the dignity to remain in their home in their greatest time of need, I do not believe that we can give of ourselves in any better way than we can to our families, who have given so much to us to get us to the stages where all of us have the ability to help out within our families.

It is my pleasure to rise this evening to support Bill 56, which I believe is a very important piece of legislation to allow the people of Ontario the ability to give of themselves in times when their families need them the most.

Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): I'm happy to join my colleagues in the third reading of Bill 56, An Act to amend the Employment Standards Act, 2000 in respect of family medical leave and other matters. I'm honoured to be speaking on this bill because I believe it is a truly Canadian bill.

Bill 56 will provide eight weeks of unpaid leave from work for those who are taking care of a terminally ill family member at risk of dying within 26 weeks. Our government is providing this medical leave if this bill passes, because this bill gives them leave and it's the right thing to do. Family medical leave is a sign of a compassionate society, a compassionate government and compassionate employers.

One of the dreadful choices many of our citizens are facing is choosing between their jobs and caring for a dying family member. It's not a choice a compassionate society asks people to make. When they have to make this choice, it causes stress and anxiety, affecting their health at a time when they need their strength to care for a dying family member, for a dying loved one.

I say that I support this bill for one simple reason. Although it's a simple and understated reason, the point needs to be made that any society that encourages and fosters compassion in its citizens will always be better for it.

Some members of the opposition party mentioned during the second reading of this bill that this bill is condescending to our business community and is legislating a sensitivity that already exists throughout the province. I know many people in our business community share those sentiments, but in a time of grave family illness and personal crisis, does it not make sense that we provide an immediate remedy? That's what our government is doing at this time. It's providing an immediate remedy for people who have to look after a family member who is in the last stages of dying.

On April 21 of this year, the member for Whitby-Ajax as much as said that this is a very minor bill. He said, "I'm speaking about the relatively minor legislation that has been brought into this House, compared to the major issues that we are facing, and are looking for that major reform from the Ministry of Labour. Goodness knows, we need continued labour reforms. We need jobs. We lost 25,000 jobs last month. My goodness. It's shocking."

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He continued on to say, and I beg your indulgence because I do have a point, "I look forward to the kind of economic initiatives coming forward from the government that will make a bill like this seem not as important, because we'll be looking at the bigger issues: We'll be looking at innovation in the province. We'll be looking at skills training. We'll be looking at balancing budgets. We'll be looking at paying off public debt. We'll be looking at those fundamentals that the Liberal candidates and the now Liberal Premier talked about during the course of the general election only six or seven months ago, but about which we have not seen legislation in this place.

"I'd like to hear that they're working on it and that we're going to see this kind of important step forward, but I haven't even heard that."

The member from Whitby-Ajax unfortunately only sees the single tree, not the entire forest. What bigger issue is there than the emotional well-being of the people of this province? I would like to say that that member will benefit from the knowledge that there were 31,000 jobs created in the past month. So now, hopefully, we can get back to the legislation at this time. I'm quite honoured to speak on the third reading of Bill 56.

This bill is a fundamental part of this government's determination and desire to provide the best level of care to those who are near death and dying, and to allow for their families to take the necessary time off work without worrying about their job security. This is a simple, straightforward and holistic approach to ensuring that employees who must take a leave of absence from work to care for a gravely ill family member have the assurance of their own government that their job will be there for them following the palliative process—and the employer who doesn't want to lose the economic benefits provided by a skilled worker. That's what this government has committed itself to, and I will get into the specific commitments later on.

Going back to the care, about 30% of Canadian adults are now responsible for the care of an old relative in their homes and 80% of Canadians would prefer to spend their last few days at home, not in a hospital or in an institution. Yet only 25% of those who are in the last stages of their life are able to do it.

The same day, on April 21, when the member from Whitby-Ajax commented on the bigger issue that our government should focus on, his caucus mate from Kitchener-Waterloo commented that, "The bill neglects to take into account the serious emotional, physical and financial burdens one bears when an individual decides to take care of a terminally ill family member. Where are the resources that will allow family members to care for them? Where is the additional money for home care, long-term care? What is the government's plan of action to assist caregivers in these types of situations where they choose to take time off to help their family? These are questions that need answers, and they need answers now."

The answers both members seek are these: Our government, the McGuinty government, through many of our ministers, and specifically our Premier, Dalton McGuinty, has committed this government to a complete reversal of previous governments' attitude to the people of this province, and this bill is such an example.

This specific piece of legislation works with the federal legislation, the Employment Insurance Act, and will exist to protect what I believe is a sincere and beautiful right of people to care for a loved one who is near death. No employer will be exempt from this legislation. No employee will be fired during the period they are away from work.

This legislation is balanced and, along with our government's commitment to further fund home care and long-term care in this province, will allow people to die with the dignity they deserve in a setting where their loved ones and caregivers can make the best remaining use of their time given.

If we look at the NDP government's record, in 1990 the NDP government campaigned on a promise to re-balance labour relations. Instead, the NDP introduced the social contract, which was the largest single violation of workers' rights in Ontario history. Now they talk about broken promises. They broke those promises the last time they were in government. In 1993, the NDP tore up the contracts of 900,000 unionized workers, including doctors, civil servants, teachers and nurses in Ontario.

The previous government legislated 60 hours of work in Ontario. The previous government made overtime payable after 44 hours only. This is averaged over a period of four weeks.

Going back to the NDP record, the NDP in 1990 promised to raise the minimum wage to \$7.20 an hour, and they for sure broke that promise.

Only the Liberals raised the minimum wage within a few months of taking over as a government, and we will continue to raise it over the next four years.

The previous government, the Tory government, refused to raise the minimum wage 1% throughout their entire mandate of eight years.

Interjection: They didn't give a nickel to anybody.

Mr Kular: They never gave anything to any worker. We kept our promise. As a Liberal government, we have raised the minimum wage by 30 cents already, and we will continue to do so each year until 2008.

If that bill is passed—

Interjection.

Mr Kular: The honourable member says we have introduced a bill to have the next election on October 4, 2007. That's the bill we have introduced; that's the promise we are going to keep.

In summary, this government is bringing real, positive change by providing family medical leave for families who need to care for their loved ones who are in the terminal stages of their lives, without the fear of job loss. This bill will help protect their jobs. This is the kind of change the people of Ontario are looking for in this province.

As I have a look at this bill during third reading, I fully support this bill. As our minister has recommended, this is the bill which will have six weeks of leave for family members to look after members of their family who are in the last stages of their life. They want to spend the few days of their life with their family members. I fully support this bill.

1930

Mr Michael Gravelle (Thunder Bay-Superior North): I'm very pleased and honoured to be able to join third reading debate on Bill 56. I'm very proud to say that I—like, I hope, everyone in this Legislature—will be supporting it. I think this is a piece of legislation that falls

in line with some very positive measures that our Minister of Labour has brought forward in the past few months.

We are very pleased about the minimum wage being increased this year, and continuing to be increased, something that I think has been long in coming. We are delighted about that. The fact that the minister is moving to eliminate the 60-hour workweek—another measure that we believe needs to happen. I know that the minister is also going to be engaging in a consultation process related to the elimination of mandatory retirement, an issue that perhaps has more sensitivity related to it, but one that I certainly endorse. I look forward to being part of that consultation process as well.

I must say that I think this particular piece of legislation is one that all of us in the Legislature should be very pleased to support. When one is dealing with the end of life of a loved one, it is something that clearly becomes very difficult in every possible way. What unquestionably adds to that stress is if you are in a position where you are working and you are not able to have any protection in terms of retaining your job, no protection in terms of being able to leave your workplace. I think many of us in this Legislature would probably have some stories to tell of a situation they were in where they needed to find the time and found the time—because one will always find the time for their family—but at some risk to themselves and at some level of anxiety.

I'm very proud to be part of a government that is moving forward on this, and I'm very proud to be part of third reading debate. The fact is, the government is introducing this bill because we are making real, positive change by providing job-protected family medical leave for families who need to care for a gravely ill family member, without fear of that job loss. The people of Ontario, their drive, their intelligence and their resourcefulness—that's what we offer the world. We will only ensure the prosperity and well-being of our province if we are also able to see to the well-being of our people.

One of the dreadful choices facing many of our citizens is choosing between their jobs and caring for a dying family member. This is not a choice a compassionate society asks people to make. The choice people have been facing has caused a great deal of stress and anxiety, affecting their health at a time when they need their strength to care for a dying loved one.

As a society, we believe that it is important to support our citizens at critical times in their lives. We certainly believe in supporting people at the beginning of life, and we show this support through pregnancy and parental leave. This is a responsibility that we, as a society, have accepted as a shared responsibility.

Similarly, we believe that it is also important to be there for families at the end of a life. People should simply not be forced to make the impossible choice between keeping their job or caring for a dying loved one. We owe it to families to support them in their time of need. That's what this piece of legislation, Bill 56, is all about.

The bill specifically allows employees to take up to eight weeks of unpaid leave, time off from work, to care for a dying family member. It also allows them to be eligible for another eight weeks of job-protected leave if the family member is still gravely ill at the end of the 26-week period. That's part of the legislation. Their jobs would be protected while they're on this leave, allowing them to take time off without worrying about being able to keep their job. I don't think there's any question that this is a huge issue for those people who are left in that position. As I say, I think there are people in this Legislature who have been in that position. I still have my mother alive and quite well, I'm pleased to say, but I find that as I age I want to be able to spend more time with her. Obviously, if the situation demanded it, I would want to be able to look after her.

There are real benefits to employees. This legislation would, if passed, provide a time for working people to stop so that they may deal with the immediate consuming priority: seeing that their spouse, their mother or their father, their son or daughter, sadly enough, if that was the case, gets the best possible care in their final days.

The question we have to ask is, how much attention will someone who is worrying about a dying relative be able to give to their job? In a more specific way, if they're dealing with machinery, might they indeed pose a safety hazard?

Employees who take job-protected family medical leave will tend to return to their workplaces better able to focus on their jobs. Knowing they do not have that stress of worrying about whether they'll be able to retain their job will have a huge impact, I believe, on whether they can happily return. Employees who have been given the opportunity to take time off and then return to their job will return, I believe it's fair to say, with a renewed sense of commitment, with the energy and focus required to perform the work.

The truth is that many people, up to now, have had to quit their jobs to have the time and energy to care for a loved one. This burdens them and their family with financial worries at a time, obviously, of very heightened anxiety. Many of them are forced to spend much or all of their savings because they have lost their main source of income. This is simply not right and it is simply not fair. Again, this is why we're bringing this legislation forward.

There are benefits to employers as well; there's no question about that. Providing family medical leave is a shared responsibility, not one we ask one segment of society to shoulder. Thus, we don't ask employers to pay for the cost of providing family medical leave unless of course it is an item negotiated between the employer and the employee. The fact is that job-protected family medical leave benefits the employer and it benefits society at large.

For employers it clearly provides a benefit by creating a more positive, loyal and productive workforce. Studies that have been out there have shown that about one in four working Canadians experiences high levels of care-

giver strain, much of this coming from the difficulties of balancing their work life with the demands of caring for a seriously ill loved one.

Again, that is probably increasing for those of us who are baby boomers now moving on into another stage of our lives with elderly parents. But there are other circumstances as well where this is a very important issue.

This is a strain that's certainly not beneficial to employees—I don't think anybody would argue that—nor is it beneficial to employers. A recent study of cancer patients showed that more than 40% of family members of patients surveyed had to quit work to care for them. That's not right. Obviously in a situation such as that, when people are so ill with a disease like cancer that, sadly, now continues to affect so many families, to be in a position where you need to make that choice simply is wrong. Again, that's why I'm proud of our government for bringing this legislation forward, and I'm proud to stand here in my place and support it.

The statistics are interesting, and one almost hates to talk about statistics, although I think they're useful in terms of making the case that indeed this is legislation that is necessary that we bring forward, and bring forward now.

Employees with high caregiver strain are 13 times more likely to miss three or more days of work in a six-month period—

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): That's important.

Mr Gravelle: It is important—and almost twice as likely to miss work because they were emotionally, physically or mentally fatigued. That certainly is significant, and it's one that we need to understand needs to change. So this is not beneficial to employees, nor is it beneficial to employers.

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The fact is, death is an event we will all face. When that time comes, the question comes out to, where would you want to be? Most people, given a choice, would choose to remain in their home as long as possible rather than in an institutional environment of a hospital or a long-term-care facility, but they can only do that, most often, with the support of the people they love. Again, I think this legislation will mean that that is far more likely to be able to happen if you're able to have a family member know that they can have, in this case, eight weeks of job-protected unpaid leave, and if they know they can get another eight weeks of leave if indeed it's needed. I think that just absolutely increases the likelihood that you will be in a position to care for and protect a loved one in their last days.

The fact is, though, this choice is not always available. Another recent study showed that 36% of dying patients had to be admitted to hospital, not because of medical necessity but because their family could not provide the care they needed at home. I don't think it's very difficult for any of us to understand that. There are so many pressures in life, and certainly we accept as commonplace the fact that there are double earners in families. It's very

difficult with the situation we face in terms of our jobs, the stresses that are involved in trying to maintain your home and everything else. That does not allow many people the flexibility to be able to do that. This leave, which will protect your job for a significant period of time, will make a significant difference. It doesn't go all the way. It probably doesn't go as far as we want it to go, but it will make a significant difference, and it's a reason why, obviously, we're pleased to be here.

But the question really comes down to, do we really want to say to Ontarians facing death, "We will not ensure that someone will be there for you?" Do we really want to say to a dying child that their mother or father can't be with them, that they have more important things to do? I will acknowledge, as I think probably people that are watching us and those of us in the room would say, that a parent would be there under any circumstances, that a parent is going to be there, and in many cases, a child will be there for a parent who is passing away, especially in that situation. But what we're saying is that we should not leave people in a position where they're forced to make that choice and say, "I may lose my job out of this. I have no security out of this, because obviously I'm going to be with my dying loved one. I'm going to be there." And we would be there. So I think that's an extraordinarily important point to make. The fact is, people have been there; people have lost their jobs. We're now bringing forward legislation that will mean that that will not have to happen again—at least, not in those circumstances.

What possibly could be more important than taking care of your son or daughter when they are dying? I don't think there's anything by which that can be measured. There's nothing else you can measure that by.

Looking at the benefits to society—and I suppose these are things that we need to do—estimates put the direct costs of absenteeism in Canadian workplaces due to high work-life conflict at between \$3 billion and \$5 billion per year. One hates to put it in dollar figures; it always seems somewhat crass when we're discussing issues of seriousness. But I think it's important to at least note that. The reason is, again, because people are not in a position to make that easy choice, so what they do is choose to be with their loved ones and have their absenteeism from work, and that causes other related stress problems.

There are other costs as well. Our health care system is facing stresses. We talk about that every single day in this Legislature. Regardless of which side of the House we're on or whether we agree or disagree on a number of issues, we recognize that our health care system continues to face crisis and will continue to do so, and financial costs that result in, quite frankly—ultimately, we want to provide increasing care for our aging population.

Other studies have shown that 90% of the health care that an individual uses comes in the last nine days of life. These are the costs when dying takes place in a health care facility. So obviously, if we're able to help, even in some way, allow for a situation where a family member

can be with a loved one, whether it's a son, a daughter or a parent, and possibly they can be in an environment that is not going to be an institution, this is obviously going to be a tremendous benefit. And may I say with some apology, it will also save the system some money. I suppose those are things that just can't be ignored.

But it also has to be said that it is not only the cost in dollar terms that should concern us and indeed does concern us. Ontario is a society that is caring and compassionate. I don't think many of us would argue about that. People do prefer to be at their home, I think, for their last days. I don't think there's any question about it. I can recall my own father, who passed away five years ago. All he wanted was to come home. He just wanted to come home, and we wanted so much to bring him home. He wasn't able to do that but I know what it would have meant to him. I know of other circumstances, which, out of sensitivity, I probably shouldn't be talking about, situations where people were able to come home. The fact is, it makes an enormous difference in people's lives.

Again, no piece of legislation is ever the perfect piece of legislation in terms of giving everything you want and everything you need, but this is a piece of legislation that does allow that to now happen, far more often and far more easily.

People do prefer to be at home, they want to be at home, and their family members want them to be at home and they want to be with them. Certainly this legislation would allow that. Perhaps more specifically, this legislation would define the kind of society we have in Ontario. It will define the kind of people we choose to be.

It is with some pride that I ask all members of the House to support this legislation, Bill 56, something that I think we all should be supporting.

The Acting Speaker: Questions and comments?

Mr Garfield Dunlop (Simcoe North): I'm pleased to be able to rise tonight on the leadoff speeches on third reading of Bill 56, An Act to amend the Employment Standards Act, 2000, in respect of family medical leave and other matters.

As time goes on, we think of questions to ask that maybe should be put on the record. There are a couple of things I'd like to ask tonight. I'm not sure what the answers will be or if someone can answer them in some of the responses tonight or in some of the other speeches from the government.

Mr Peter Kormos (Niagara Centre): Are you going to ask it of the minister?

Mr Dunlop: Yes, I would like to have had the minister available to talk.

There are a couple of things. If and when this bill is passed, when will it be proclaimed and when will residents of the province actually be able to take advantage of this legislation? So the question is on a proclamation date and an implementation date. That's my first question.

The second question I'd like the government members to answer, if they possibly could, is in section 49.1 under "Family medical leave." It says, "An employee is entitled

to a leave of absence without pay of up to eight weeks to provide care or support to an individual described in subsection (3) if a qualified health practitioner issues a certificate,” and it goes up to a period of 26 weeks. My understanding is, you’d have to have the certificate issued three times in a period of 26 weeks. If the practitioner says someone’s going to pass on, and it’s a 26-week period, and if they continue to live—and I hope they would be able to live—for a period of 26 weeks, they would have to reissue that certificate four times in that period. My question is, who’s going to pay for the cost of that and who’s going to absorb the administration of this?

Mr Kormos: I want folks to know that this isn’t the rerun, because many times folks watch it. They come home from work and they click on the legislative channel to watch the rerun from the afternoon. This is not the rerun. It’s 10 to 8 right now. As a matter of fact, I’m going to be speaking to this bill in around an hour and 10 minutes’ time. So if Law and Order or CSI, whatever it is, isn’t too compelling, I invite people to tune in. Just keep the clicker by your side and click back to where you are now. You can do that: Pick another channel and just do the “return” button. That automatically takes you to the last channel. If people want to do that, that’s fine too.

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One of the sad things, one of the regrettable things, is that this brand new Minister of Labour—and I think this is the first bill of his that has made it to third reading. I was really looking forward to him doing the leadoff on third reading. I really was. He could be ill. He could perhaps not be feeling well; I’ve got a little bit of a cold myself. He could be down at the casino in Niagara for the ribbon cutting. He could be in the members’ lounge back behind there. I just wanted him to know I was disappointed that he wasn’t here to do the leadoff.

Go ahead, Speaker. You’re going to admonish me for something.

The Acting Speaker: I ask the member not to refer to the absence of any other member of the House.

Mr Kormos: Thank you, Speaker. I told you you were going to admonish me. It’s like I could read minds, almost, isn’t it? It’s remarkable.

I really was disappointed. I’m worried about the minister. Perhaps something happened to him on the way here. We should all be concerned. God forbid that he’s fallen subject to anything—a flat tire or something like that. I really don’t want that to happen.

The bill’s fluff. The bill’s going to pass. But be very careful, you Liberal backbenchers, about what you attribute to this bill. Be careful with the spin, the little Coles Notes, the cheat sheets that the Ministry of Labour is giving—one hour’s time, please, Speaker.

Mr Dave Levac (Brant): I appreciate the opportunity to address the House on Bill 56. I want to thank the parliamentary assistant from Oakville and the members for Huron-Bruce, Bramalea-Gore-Malton-Springdale and Thunder Bay-Superior North for their wonderful comments.

I do not liken it to fluff. I do not liken this to any kind of namby-pamby comments about how people die in their homes, I would suggest to you very respectfully. And I am looking forward to the former minister from Kitchener-Waterloo’s comments as well, because I do believe that each and every one of us does come to this place with our stories and our concerns that we want to make sure people are aware of.

In my riding, we have just launched a fundraiser for our hospice and our life care centre, which will be engaged in end-of-life care. I want to remind us here in this place that long ago in the history of our country and our province people used to be born in their homes and die in their homes, being cared for by and around loved ones. I think this is a model of history that we are trying to duplicate to make it easier for us. In these hurly-burly days and this age when we find little time to be with our families, this is a perfect example of non-fluff items that allow us to be with our family members during very critical times in our lives, and in particular at the end of life.

In terms of death, this particular bill is going to attempt to allow our family members to care for loved ones at a very serious time of life, to ensure that they are surrounded by love, by people who care, by those they have lived with all their lives, and have an opportunity to end their life with dignity and with the ones they love and the ones they want to be with. There’s nothing fluffy about this, and I would recommend very strongly that we keep that in our hearts and our minds when we make our decisions to vote on this bill. I support it.

The Acting Speaker: We have time for one last question and comment. No? OK. One of the government members who spoke to the bill has two minutes to reply.

Mr Kular: I want to thank my colleagues the members from Oakville, Huron-Bruce and Thunder Bay-Superior North.

Mr Kormos: What about thanking the person who wrote your speech?

Mr Kular: I also want to thank the member from Niagara Centre for speaking on third reading of Bill 56.

All the members of this House who have spoken during the last hour have made sure that family members looking after terminally ill patients at home are getting medical leave for eight weeks with job protection and unpaid leave. I think everybody should appreciate this. From our government’s point of view, it’s a commitment our government has made to make a real, positive change for people who are terminally ill and their family members, so that the terminally ill patients can be looked after at home, and even in hospitals, by family members, because terminally ill patients would like to have some of their family members by their side during the last stages of their illness. It’s a good gesture that our minister has shown by introducing this bill. If passed, this would be a good bill for the people of Ontario.

The Acting Speaker: Further debate?

Mrs Elizabeth Witmer (Kitchener-Waterloo): I will be sharing my time with the member from the Brockville area, the member for Leeds-Grenville.

Interjection: Senator Runciman.

Mrs Witmer: Yes, the to-be Senator Runciman; that's right, for sure.

I am pleased to participate in this debate on An Act to amend the Employment Standards Act, 2000, in respect of family medical leave and other matters, commonly known as Bill 56. This bill, as has been talked about, is an amendment to the Employment Standards Act which will provide up to eight weeks of leave of absence without pay in order that individuals can provide care or support to specified family members.

The family member in question must be suffering from a very serious medical condition, and there is an expectation that the individual who is being cared for would be at "significant risk of death occurring within a period of 26 weeks or such shorter period as may be prescribed." I guess that brings me to what I see as the first shortfall of this legislation, in that it does not apply to other caregivers who may also wish to spend time with family members during times of crisis; times of crisis which necessarily would not result in death, but obviously times when people are very, very seriously ill. I do believe that, in that respect, although this bill does provide a first step, it certainly does not fulfill the promise this government made to people in the province of Ontario to provide a family medical leave plan for families and individuals who are going through that very difficult period of time of providing for loved ones who are ill. I do see that as a very significant shortfall.

If you take a look at the legislation, there are certainly some amendments that should be made. There are probably some questions that should be answered, some flaws that should be addressed. There is a bit of a contradiction in this bill. We're saying that eight weeks is going to be allowed for this compassionate leave and yet the bill states that the death has to occur within 26 weeks. So there is going to be a need, obviously, for the individual who is the caregiver to continue to receive permission and get permission to continue to care for the patient. That is rather challenging in itself, because when someone is ill, you don't know whether they're going to pass away within a month or whether it's going to be longer. So the person who is looking for that leave still needs to try to find a way to make sure they can be with their loved one throughout the entire period of time. I think that is one of the shortcomings of this bill. I think that's something that needs to be addressed. How many times can they take this eight-week leave of absence? Or, at the end of the day, if the loved one who was thought to be near death lingers for more than 26 weeks, perhaps 30 or 40, does this mean that the individual in question who has taken the leave will eventually have to quit their job, or will they be able to get another extension on compassionate grounds? So there's a bit of a murky area here in the legislation, and there certainly are some things here that need some clarification.

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I think the other significant shortcoming is the fact that this bill does not appear to address the issue of family who may live out of the country or out of the province. I know people have asked me whether or not this would apply if they had a relative, family, a parent who might have been living in Europe or perhaps in the Far East, or whether this would apply to someone living in the United States or in another part of Canada.

So again, I think there needs to be some clarification, because I think it raises another challenge. It's one thing to require a doctor in the province of Ontario to provide a prognosis that allows family members to qualify for compassionate leave, but it's certainly quite another to ask a doctor in another province, perhaps in the United States, perhaps in an African country, a European country, a South American country or someone in Asia to provide that prognosis. Would that prognosis also qualify for compassionate leave?

Obviously, doctors outside of the province of Ontario may not be familiar with this program which the government is intending to put in place, and they may not have the requisite forms that may be required. I'm not sure if those forms are going to be provided by the Ministry of Health or by the Ministry of Labour. Certainly, this could also lead to some delays in caregivers being able to access this family leave program. So I hope the government has given serious consideration to making sure the appropriate paperwork and program information is available not just to physicians in the province of Ontario—because, as I say, we really do live in a global community and we have so many people living in the province who have come from elsewhere and have family members elsewhere. We just need to make sure they can provide and get this leave in order to be there at the side of their loved one who is dying. I think that's something that is going to raise some questions and maybe create some problems. You might ask, will it be enough to get the written word of a doctor in another country, in another part of the world?

Also, what about language or cultural barriers that might make it difficult for a doctor in another part of the world to provide the required prognosis that we would require here in the province of Ontario?

Also, in some countries, I understand, doctors do require payment for services, including letters or reports such as we're asking for here. Would the family member have to foot the bill for getting the appropriate forms filled out, or would our provincial OHIP provide the funding?

What happens in cases where there may be doubts about the accuracy of a prognosis from a physician outside the province of Ontario or even within the province? Will employers have the legal right to challenge the assessment, and will the Ministry of Health or the Ministry of Labour have any ability to investigate in order to ensure that the report that is submitted on behalf of the individual who is ill is accurate?

Those are just a few of the questions that should be addressed in taking a look. I would certainly urge this government, and the minister in particular, to take a look at our system, a system which supposedly provides universal accessibility to health care services in the province of Ontario. However, we've certainly learned, as a result of the provincial budget, that this government doesn't believe in universal accessibility to health care services. Regrettably, in this most recent budget we have seen a delisting of eye care exams. We have seen a delisting of chiropractic services. We've seen a delisting of physiotherapy as well. For a province that once prided itself on being a leader in providing universally accessible services to all people in this province based on need and not the ability to pay, in the few weeks now since the budget we have actually moved to a health system where the size of your wallet or your pocketbook is going to determine the level of access to care that you have. This government is actually moving us toward two-tier health care. If you can pay for eye exams or pay for chiropractic services or physiotherapy, then you can move to the front of the line. So what we have is two-tier health and privatization.

I can tell you that this is certainly receiving a poor reception from people in Ontario. MPPs are being inundated with communication in the form of e-mails, faxes, phone calls and letters saying that we do not agree with the delisting of the health care services. We have always prided ourselves on living in a province that provided universal accessibility of health care services. You have now broken that promise. You're moving to two-tier and you're moving to privatization of our system.

I want to come back to some other concerns around the bill that we are debating this evening, Bill 56. I guess it concerns essential workers. We saw the strain that was put on our health system when so many of our nurses and our front-line health care workers were forced to stay home during the SARS crisis. We know that despite the efforts, we still could find ourselves in that type of situation at another time. We also know that we don't have enough doctors and nurses in this province, so again that could create a problem.

Our government did attempt to increase the number of doctors in the province of Ontario. We actually initiated funding to build the first medical school in a century in this province. We increased health care funding from \$17.4 billion to \$28 billion. We brought in legislation to provide for the creation of 12,000 more nursing positions and an increase in foreign-trained professionals. We brought in many incentives to encourage health professionals to relocate to underserved areas. We introduced nurse practitioners—the first province in Canada to do so. I will tell you that the family networks were the first in Canada as well.

I'm pleased that the Liberals now are building on some of the initiatives that we have put in place, but the reality remains: We are still short of nurses and doctors and certainly other essential workers for our health care system. If you have a doctor's office and the one em-

ployee, perhaps a nurse, goes on compassionate leave, how is the government prepared to provide support to any small employer when someone makes that decision to go on compassionate leave?

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In essence, this legislation has not taken into consideration the impact on a small workplace where you have few employees. Again, we need to take a look at that. Is the government, for example, going to provide extra funding to staff health care facilities, hospitals, fire stations, police stations, jails, nuclear power facilities or other areas where you have essential workers?

I think the government needs to take a look at how this legislation could possibly impact those types of workplaces. Perhaps there's an obligation on the part of the government to help the employer deal with the consequences of an individual going on leave.

One of the other issues that I hope this government will take a look at: We know that many employers in Ontario already provide compassionate leave. Is the leave in this bill going to be in addition to the existing benefits? Will it replace the benefits? What if someone's existing benefits are better than the government's plan? Which of the programs will have priority? These are some questions that employers and employees obviously need answered. Unfortunately, that is the kind of clarity that is missing from Bill 56.

That brings me to the fifth point on my list: some of the technical questions that employers have about this proposed law. For example, what grounds would an employer have for refusing an application for compassionate leave? Obviously, if that were to happen, that would not ever be a decision that any employer would take lightly, but there may be a reason. There may be a legal issue that would need to be looked at.

When can an application be refused and when can it be appealed? Whom would it be appealed to? What grounds of appeal would be allowed? None of those technical questions are answered in this bill.

Another area left untouched by Bill 56 is the employment qualifications for this program. For example, how long must you be employed before you are eligible for compassionate leave? Can I start a job, work there for one week, and be eligible for compassionate leave? What about contract employees? What about people who are still on a probationary period at a new job? Again it goes back to the question, who is eligible?

How many times can you take this leave? How frequently can you take this leave? You may have a father and a mother and perhaps someone else who would qualify in short order and you may be the one who has been designated as the caregiver. I think these are some very fundamental questions that are left unanswered in the legislation. Obviously, the answers to these questions are required if we're going to be able to accurately calculate the costs of this program and if employers are going to put in place the appropriate human resource policies.

If this government is genuinely committed to the implementation of this bill, and if they want to ensure that

people are going to be in compliance with the law, they are going to have to be much more clear, provide much more clarification, and they're going to have to provide much more in the way of detailed explanations as to how Bill 56 will actually work.

It's one thing to say, "This is what we're going to do." As I say, it's a good first step. It doesn't go far enough, but I think we have to take a look at the actual implementation of the bill and how it will deal with both the employee and the employer in the workplace, as well as the doctor who's going to be required to provide the prognosis as to the state of health of the person in question and also be able to verify that the person is going to pass away within the time period allowed for in the bill.

My sixth and final point about this bill has to do with the provision of what I would call the support for families that this government promised in their preparation for the election. Really, this falls so far short of what was promised. It really does not provide the solution to the families who thought they would be given the opportunity to look after an individual who was seriously ill but not necessarily on the verge of death.

Bill 56 should have been the total commitment, part of the broader package the government had promised, because this bill does not take into consideration the human challenges that families face when they have children or other family members—parents—who are in need of care. I would have liked to have seen more support or funding to allow these people to be at home with their families.

I think there should have been some recognition that not all crises are immediate or short-term. There are families who live in this province who have seriously ill children, and they will have been coping with these children for years or perhaps a lifetime—children who are autistic, children who are severely disabled, children who are developmentally disabled. Bill 56 does not allow for those parents to take a leave of absence, and that's what's missing in this bill.

The government had the opportunity to reach out to all these families who are coping with the consequences of a serious illness or perhaps a very serious accident. Regrettably, the bill does not address this. This bill will not help all parents and others through the difficult times of serious illness. It is very limited as to who it applies to and whom it can support. So there are some very serious shortcomings.

I would just like to say that we actually did promise, in our 2003 budget, support for people with disabilities and support for family caregivers. We were prepared to provide them with improved tax support because we know there are many individuals in this province with disabilities and their caregivers who must cope with more costs than the general population. I'm sure we all have friends in that category. I certainly know parents who have had children with disabilities, and I know how much they have been required to personally pay in order to support that child.

Ontario's tax system already recognizes their reduced ability to pay taxes through several non-refundable tax credits for people with disabilities and individuals caring for disabled or infirm family members. However, we did propose, in our 2003 budget, three enhancements to the credits already in place, which would have taken effect January 1, 2003.

First, our budget proposed to increase the underlying amounts for the disability credit, the caregiver credit, the infirm dependant credit and disability credit supplement for children with severe disabilities to \$6,637.

Second, our budget proposed to expand the caregiver credit and the infirm dependant credit to include spouses or common-law partners who are dependent by reason of a mental or physical infirmity and to provide support to more caregivers living apart from dependent relatives. Third, our budget, which was 2003, proposed that both the caregiver credit and the infirm dependant credit be reduced when the dependant's net income reaches \$13,050 and eliminated at an income level of \$19,687.

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Currently, this caregiver credit is eliminated when a dependant's income reaches \$16,290, and the infirm dependant credit is reduced to zero for dependants with incomes of \$8,922 or more. These budget initiatives, these improvements, put together, would have provided an estimated \$50 million in benefits to about 165,000 Ontario taxpayers.

This legislation that we have in front of us, despite the fact that it allows individuals to take a leave of absence in the case of a family member who is approaching death, really does not allow for those with very little income to take a leave of absence, because there is no additional financial support to provide to any of these individuals.

So we have here a piece of legislation that has some very serious shortcomings. I don't think the bill is going to meet the objectives, even as it's written at the present time. As I said, these objectives fall far short of the original promise made by the McGuinty Liberal government. I would urge the government to take a very serious look at the flaws of the bill and I would encourage them to demonstrate compassion and work to do everything they possibly can to correct them. I know the public had very high expectations. These expectations have unfortunately not been met. So I would just encourage the government to move forward, to make some amendments and to live up to the promise they made to families and people in Ontario.

Mr Robert W. Runciman (Leeds-Grenville): I appreciate the opportunity to participate in the debate surrounding Bill 56, An Act to amend the Employment Standards Act in respect of medical leave and other matters. I want to compliment my colleague Mrs Witmer, who as you know served as a Minister of Labour, in challenging the situation. In my view, in any event, she was one of the best Ministers of Labour this province has had, certainly in recent memory. It's good to have her participating here today and lending her expertise to this debate.

Some members of the public who view these proceedings—I'm not sure why they do, but apparently there is an audience. I hear from a variety of constituents on occasion who have been watching the proceedings and who comment on them. They may be wondering about this bill. There seems to be a level of support around the assembly for it, and I think it's fair to say that all parties are prepared to support this bill. But that's not without some concerns and some suggestions in terms of how it might be improved. I'm not sure how we're going to do that at this stage. We had an agreement, it was my understanding, for the bill to go to committee for two days of hearings. But at one point the debate collapsed, and for whatever reasons, there was an agreement reached that it would go to third reading. So we haven't had that opportunity to have witnesses come forward, anyone who may have concerns among the public to bring those concerns to the attention of the members of the assembly, and I think that's regrettable. I think there are some very legitimate issues around this legislation on which the minister, his parliamentary assistant and other members of the government, as well as opposition members, would be assisted by that kind of input. Obviously, we are not going to get it now.

I should indicate as well that we're prepared to debate this for some period of time. That may again seem strange to the viewers, given the general consensus surrounding the bill, but—and it's a big “but”—there was an understanding related to a whole range of issues coming before the Legislature, an understanding with the House leaders, the government House leader and the two opposition House leaders, related to the budget. Prior to the tabling of the May 18 budget, there was an indication from the government House leader that there was not an intent to give the budget third reading prior to the break for the summer, that we would have an opportunity to discuss the budget and at some point in the fall the budget bill would come forward for final passage.

Surprise, surprise. After the tabling of the budget, the government's perspective on this has dramatically changed. One can only assume that's based on the public reaction to the budget. The fact is, one political historian has described it as probably the worst-received provincial budget in Canadian history. I think that's probably fair. I think that's probably a fair assessment. It's not a political assessment; it's an assessment by an observer.

Mr Richard Patten (Ottawa Centre): It was a pollster who said that.

Mr Runciman: The pollster has reaffirmed that, has confirmed that fact in terms of the public reaction and the fact that the—

Mr Shafiq Qadri (Etobicoke North): Speak to the bill.

Mr Runciman: I am speaking to the reason we're debating the bill tonight, and I think it's important for the public who are viewing this and for others who read Hansard and follow these proceedings to understand why we're debating this and why we will be continuing to debate this because of an understanding we had with

respect to the ability to debate the budget bill. We had an understanding with respect to a whole range of issues that are before us and how we could deal with them in a timely manner. Now the government is telling us, “No, we're not going to allow you to have a fulsome budget debate,” on a very controversial budget. “We're not going to allow you to have that time. We're not going to allow you to have public hearings on this budget debate.” So much for the consultation that the Liberal Party talks about: “Consultation, consultation, consultation.” Here we are with the most controversial budget in memory: huge tax hikes, going back on core promises, and you're refusing to allow the public to have any input. That is the history behind why we're standing here this evening discussing Bill 56, a bill that, in general, all three parties are prepared to support.

There are a couple of things I want to put on the record related to this bill, though. My concerns about it centre primarily on the impact on employers, especially small employers. I'm someone who has operated a couple of small businesses in my life, one with about three to four employees, and another a small newspaper and commercial printing business with about nine employees. When you read this legislation and look at what the impact could be—for example, harking back to my experience in having a gentleman who ran the print shop, the press; we had orders to fill. If you look at this bill, there's nothing in here with respect to a requirement to advise the employer that you're going to do this, that you're going to leave for the reasons outlined in the bill. What does that small employer do if he loses that very highly trained individual whom a goodly portion of his business is dependent upon? In my case, in a commercial printing operation, a small commercial printing operation, he was the only individual who could do what he did. We tried to line up the contracts so that he could fulfill them. If he had to take time off, vacation time or what have you, he could handle that, and we could handle that in terms of our scheduling of the various contracts we signed.

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That's just an example of how difficult—

Mr Levac: You'd be compassionate.

Mr Runciman: Certainly we were compassionate. I think most employers in this province are compassionate. The reality here is that the potential is there to create extremely difficult situations.

I also operated a small fishing lodge, campground operation, a seasonal business, and we were very dependent on some people to be around in those situations. If you can lose somebody just like that, without any advice or request in terms of the circumstances, I think that it's truly unfortunate. It was pointed out to me that this is the sort of the thing that the CFIB, Canadian Federation of Independent Business, and any other organization that represents small business in this province is failing their members by not raising this issue. Perhaps they planned with best intentions that this bill was going to go to a standing committee for public hearings. Perhaps that was

their intent. I certainly haven't heard from any of the business organizations. I don't think they are aware of the implications of this legislation. If they are, they're negligent, and I don't mind saying that, but I suspect they're not aware, and that says something in terms of their scrutiny of legislation.

It may say something, too, of their reluctance. I've been through this. This is the second time where I've been in government and moved into opposition. You will find in that situation that organizations and individuals have a real reluctance—they call it a honeymoon period, or however you may wish to describe it—they're quite reluctant to be publicly critical of a new government or a new minister. They don't want to rub them the wrong way. That may be a case in point here, where the CFIB or other business organizations have not spoken out with respect to this. Hopefully, before this bill is proclaimed, if not before it receives third reading, they will draw this to the attention of their members and have their input with respect to this and what the business implications might be for them as small business operators and then get that feedback to us as legislators, especially to the Minister of Labour, who has carriage of this bill.

If you take a look—and I know my colleague the House leader for the NDP is going to speak to this as well—at the emergency leave provisions of the Employment Standards Act, that is a much more reasonable way to approach this sort of thing with respect to the yardstick of 50 employees that those responsibilities apply to. If you review the Employment Standards Act, in that particular section dealing with emergency leave there's a whole list, a whole description of the kinds of people who qualify and what the level is for companies that have to comply with the requirements of emergency leave. And there was, I think, a pretty sound rationale for that when it was passed. When you're looking at 50 employees, that's a relatively sized company that can deal with the extended leave of an employee. They have additional people, trained people, who can fill in on overtime or in other ways to meet that challenge. That's not the same, as I said, with the kinds of operations that have one, two, three or nine employees, which have been totally ignored by this legislation.

That raises the question about compensation. There's no reference in here that I can find in my review of the legislation to talk about compensating these people; for example, the guy who loses, for a six- or eight-week period, significant contracts in a printing business, or whatever the business may be, where he has a trained employee, and has to farm out that business to another company so that he doesn't lose that, perhaps, long-time contract. What happens to assist that person to keep his or her business operating? There is no reference whatsoever to that kind of assistance, and I think that is a real weakness here, which I don't believe one Liberal member sitting in the House today has any interest in. But that's not surprising. None of the Liberal members has a great deal of interest in small employers in this province, and I think that's going to continue to be reflected in this

province. You wouldn't bring in legislation like this if you really cared, you wouldn't bypass committee hearings if you really cared, and you wouldn't be bringing in a budget that's going to severely punish low-income, medium-income and middle-income Ontarians in this province, going back on a core promise that got you elected to government in the first place.

Interjections.

Mr Runciman: I'm glad I woke you up, anyway—some of you.

To sit here tonight and suggest that you care about these people—the facts defy that. Just look at your budget, and look at this kind of legislation, which should not be passing. I believe that at some point common sense will prevail and this will not be proclaimed, if indeed it gets third reading. Maybe it should just die on the order paper—that may be the best thing to happen—and you will come back with a cleaned-up version at some point in the fall. That may be the best advice, but you're not one to take good advice. The Liberal Party doesn't take good advice. This is another indication of ill-thought-out legislation that was hurried through without sufficient scrutiny.

We know they've established this extensive committee structure involving backbenchers to give them the impression that they're having some kind of meaningful role in policy development. After that budget, they must know they have absolutely no role at all in policy development—at least, not the important development of policy. That's the reality.

Interjection.

Mrs Witmer: Sandra, maybe even ministers don't.

Mr Runciman: No, even ministers don't.

I have strong suspicions that even the Premier doesn't get involved, that even the Premier doesn't know about it. If you were a conspiracy theorist, if you believed in conspiracies—I don't believe this for a minute, but I'm hearing it talked about in the halls of Queen's Park that there was a conspiracy here, and the front bench—I won't mention any names, but five weeks before the budget came down, we had the Premier publicly saying, "No tax increases." You heard that?

Mr Kormos: Yes.

Mr Runciman: We all heard that, "No tax increases," just five weeks before the budget was tabled. How could the Premier go out publicly and say that? I believe he's an honest man and I believe he did not know. I have to believe he's an honest man.

Here's a case where the Premier clearly didn't know what was going on. Why is that? Why was he not advised by his alter ego here, the Minister of Finance? We know the Minister of Finance's track record in terms of keeping the Premier informed, and it's a pretty sad one. What could be the motivation here? Does this mean that Dalton McGuinty will be disappearing into the ether in the next year or so and we'll have a leadership convention in the leadership ranks? Will Sandra Pupatello be running for the leadership? Will Greg Sorbara be running for the leadership? Does Jim Watson have ambitions? We could

name all sorts of folks over there. If there is really a conspiracy here, that may be part of this whole process and what's going on, and why we see legislation like—Mr Speaker, I know you want me to get back to Bill 56.

This may be part and parcel of all of what's going on. This is indicative of a party that simply rushed in here and got into government without being prepared. It took them months and months before they decided they wanted to do anything, and then, when they do something, they bring in legislation like Bill 56, which is full of weaknesses, full of loopholes and full of problems.

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We supposedly have these cabinet committees with backbenchers scrutinizing this kind of thing, and they are failing. They are failing in so many ways, and they're paying the price. We see that in the polls every day, where they are at record lows. The SES poll said he's never seen the leader of a governing party, in his polling experience, at such low levels. Is it 9% of people who support Dalton McGuinty? That's pretty sad.

Part of reason is the fact that they're doing some of these things that are easy. This is one that they looked upon as easy, even though it does not fulfill a promise they made in the campaign.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): Did they break a promise?

Mr Runciman: That's not surprising, I know.

Mr Murdoch: It sure isn't.

Mr Runciman: The member for Bruce-Grey-Owen Sound says he's not surprised that the Liberals broke another promise. If you look at the commitments they made surrounding this during the election, clearly they failed to meet that test as well.

Mr McGuinty told Ontarians that his government would bring in legislation designed to help parents and others to care for relatives who were seriously ill. The promise was to help a family cope when a serious illness struck one of its members, period. They failed to bring in that kind of legislation. They have taken a modest step, a hurried step, a flawed step, to deal with one particular element. In so doing, I think they have at least created the potential for serious problems for small business people in Ontario.

I will speak a little bit more about this bill with respect to some of the things I know the member for Waterloo talked about: our position on this and what our budget of last spring proposed. I think we should put that on the record again, just as a comparator with respect to what's happening with Bill 56. In that budget, we proposed to increase the underlying amounts for the disability credit, the caregiver credit, the infirm dependant credit and the disability credit supplement for children with severe disabilities. We proposed to expand the caregiver credit and the infirm dependant credit to include spouses or common-law partners who are dependent by reason of a mental or physical infirmity, and we proposed to increase to credit-reduction income levels. If you take all of those together, those improvements which were embodied in last year's Conservative budget would have provided an

estimated \$50 million in benefits to about 165,000 Ontario taxpayers.

Sadly, that's not happening, because of the election of a government that made 231 promises and, to date, has broken somewhere in the neighbourhood of 30 of those 231 promises. What they have done is superficial, the easy—as I would describe it—initiatives, so that they can hopefully divert public attention in terms of their failures and their breaking of promises in so many other areas.

I wanted to also talk briefly about some of the technical questions that aren't addressed in the bill. I know that the chief whip from our party, the member from Simcoe North, raised a couple of questions. I don't know if they were addressed; I didn't think they were. Is the parliamentary assistant for the minister here? He should be responding to some of these questions, hopefully. It would be unusual if the parliamentary assistant weren't here, if the minister's not. I would hope he or she is in the House this evening. It would be shameful if both of them were absent. I don't know if they are. I am not referencing anyone's absence; I'm just asking a question and pointing out that it would be highly unusual, when debating legislation, if the minister and/or the parliamentary assistant were not in the House during the debate.

Mr Kormos: Cause for concern.

Mr Runciman: It would be. It is; there is no question about it.

Interjection.

Mr Runciman: No, it isn't. It's a legitimate question.

Mr Levac: Standard practice.

Mr Kormos: Since when?

Mr Runciman: It's standard practice with Liberals perhaps; not standard practice in this Legislature.

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): Bob, you're putting me to sleep here.

Mr Runciman: I'd hate to see that.

There are a few technical questions which should be put on the record as well, that aren't addressed in this bill. You and I know that many employers already provide compassionate leave for their employees. The question is, is the leave provided under this bill going to be in addition to existing benefits? Will it replace them? Which program has priority?

What grounds would an employer have for refusing an application for compassionate leave? I think that's an important element of this, which again is left for one to ponder. There's really no reference to that. If your business is going to collapse, is that grounds to try and work out another kind of arrangement, an agreement with an employee, if an employee is going to be rigid and say, "No, I have law on my side, Mr Employer. I don't care if your business goes bankrupt. I'm leaving, so goodbye," or if you lose thousands and thousands of dollars, lose important contracts, "I'm gone and you can't do anything about it"?

There has got to be some kind of mechanism built in to recognize those kinds of situations and know what recourse is available. That's left missing in action, if you

will. There's nothing, no reference here. Is there any kind of eligibility term? What if you're a new employee? You've been there for one or two weeks and go to your employer, or not go to your employer—you're not even required to go to your employer—and away you go and you take the use of the provisions of this legislation, and you've only been in that person's employ for two or three weeks. Is that appropriate?

I'm raising this as a legitimate question. Is that what the government feels is appropriate? Again, it's silent. It's silent on so many of these issues and concerns. Again, as I said, I think this was rushed through without thorough consideration of all the implications. It's kind of a feel-good piece of legislation: "Let's throw something out there to make the public think we're doing something positive and productive here." That's what has happened in this situation and in so many cases where they're bringing forward legislation or initiatives of which they really have not thought through the implications. I think delisting is a good example: the delisting of health care services which are critical for so many people and using the justification that we're going to save money.

Mr Kormos: Did caucus vote on that?

Mr Runciman: Yes. Did caucus know about that?

Mr Kormos: No.

Mr Runciman: No, of course they didn't. They campaigned on doing just the opposite. This is again a situation where I don't think they really took a close look at it. I think Bill 56 is an indication of that.

Delisting is a much more significant indication of that. What studies were done to really measure the implications? I don't think there were any studies done. This is an ill-thought-out, short-term so-called savings which I think over the next year or two is going to come and bite you in a big way. I'm not just talking about the public reaction—that's already biting you in a big way; I'm talking about the cost implications, which are going to be significant. They're certainly going to override any short-term savings that the government may realize. All of us, as taxpayers, are going to realize that bite. It's not just going to be a political bite; it's going to be a very significant cost bite. Again, I raise that in the context of ill-conceived legislation, ill-thought-out legislation, feel-good legislation, which really creates more problems than it solves.

When we talk about employers, another thing that I don't see referenced in here is what happens in situations where, for example, a small business with eight or nine employees has an employee who has to do this, or feels he or she has to do this, and the employer refuses. What are the enforcement mechanisms? We don't hear any reference to enforcement mechanisms.

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Those of us who have been in this place for some time have heard about overbearing officials—on occasion in the Ministry of Labour, the Ministry of the Environment and a number of ministries—who run roughshod over small business people, over farmers, over a whole range of people in the province, and there's very little recourse

for those employers who feel hard done by as a result of harassment, in their view, by a government inspector.

There's no reference in this legislation—did you find any with respect to enforcement?

Mr Kormos: No.

Mr Runciman: I don't see any. It's silent again. There are so many areas here where not just the small business community but anybody who cares about this sort of thing should be concerned about the omissions, the failure to even reference in any way, shape or form all of these various implications. When you look at something like this and how it got through without someone at a cabinet policy committee taking a look at this and saying, "Why the hell isn't this here? Who have you talked to? Have we consulted with anyone in the business community about this? Who have we talked to before we move ahead with this?"—some bureaucrat in the Ministry of Labour whose light bulb goes on, click, "Here's something we can do, quick and dirty, and get you a little credit for it with somebody. Let's shove this in," and have the minister stand up in the House, shove it in front of him, "Looks good to me." It breezes through some kind of a policy committee who obviously didn't do their job, didn't raise the appropriate questions, didn't give this scrutiny, didn't do any kind of research. They let this thing come to our House, come to this assembly, and then the House leader, in one of these sleights of hand, avoids committee hearings.

We had an agreement, an understanding, that this bill was going to go to public hearings for two days in the standing committee. At that point, hopefully, with some advertising by the committee we would have had organizations, perhaps small business people themselves, aware of what's happening and making presentations. We could have made those changes to a bill, in general terms anyway, that we agree with the intent and what you're trying to accomplish here—

Mr Murdoch: No committee hearings.

Mr Runciman: No committee hearings. But that's like the budget: the most controversial budget in our history in this place and they don't want the public to have any input, express any concerns or talk about implications down the road as a result of the some of the dramatic changes they've brought forward in this budget.

I've been referencing some of the problems, and there are many. There's also a contradiction. I'm not sure if my colleague raised this about the eight-week time limit for being granted compassionate leave and the 26-week time estimate which is related to the potential death of a family member. Doctors have to estimate that your mother, your father or your wife, whoever, is going to live for the next 20 weeks or something like that. That's the process, and the legislation doesn't address other scenarios for special or extended cases.

There's also a problem we want to reiterate, and that deals with doctors and family members in other provinces or other countries. Again, this is something it's silent on. It doesn't talk about the challenges that the legislation poses in those kinds of situations. Doctors

who are outside of Ontario could be unfamiliar with the program, and that again could lead to delays, which indeed could be unfortunate.

The medical systems in other countries operate differently, and that again raises many questions and problems in other nations. If you're an immigrant to this country and you want to go back to your home country, your mother or father is gravely ill and is expected to pass away, how do you work out a situation like that? Again, the legislation doesn't speak to those kinds of extenuating circumstances.

I know my colleague from Waterloo talked about essential workers in a health care emergency. I think you talked about the SARS situation, that kind of thing, where again we don't know what happens in those kinds of situations. When a doctor or a nurse needs to take that kind of compassionate leave, what are the implications of that?

We could also talk about those other essential services, like firefighters, police officers and our correctional officers. Again, what are the implications dealing with those kinds of essential services and providing leave for individuals under this legislation without helping that organization cope with the consequences of that individual being gone for an extended period of time? There are public safety consequences related to that as well, and public health consequences in terms of health care workers, nurses and doctors.

There are serious flaws and serious omissions in this legislation, and it's truly indicative of this Liberal government's failure to adequately review and consider before they move ahead.

The Acting Speaker: Questions and comments?

Mr Kormos: It's 9 o'clock at night already and, heck, I have to wait 10 more minutes before I can start speaking. Wouldn't you know it? The first one-hour leadoff I get to do since the election of October 2, and I have to split it in half. What can I say? I feel abused, but I will do my best.

What that means is that we're going to be talking about this bill in third reading—I am as shocked as the member from Leeds-Grenville about the failure of the government to put this to committee. I am not about to tell this government how to conduct its business, but I find it astounding, amazing, that this rough-around-the-edges legislation—people are going to support the bill. Quite frankly, there's almost a bizarre sense on the part of the opposition that we want to support the bill to see it explode in your faces, because it's rough around the edges. You may not recall, and I'm indifferent as to whether you do or not, that during second reading debate I said that this is the sort of bill that should go to committee; it can be finessed, it can be fine-tuned, it can be adjusted. I'm going to speak more to that in around 10 minutes' time. But you didn't want to go to committee. God bless; then you live with the consequences.

My fear is that this bill may never see proclamation, as Mr Runciman has already spoken to. My fear is that this bill, which is fundamentally a positive thing, is going to

end up in that legislative orbit and then find its way into a black hole and disappear there and never be proclaimed. Your failure to put it to committee is as strong an indicator of that likelihood as anything.

Mr Qadri: To the people of Ontario, I would like to first of all commend the MPP from Leeds-Grenville for his recently found concern for some of the disadvantaged people, although I must say to him that we actually miss your signature statement, which is of course to shout at the end of each of your statements with your mock indignation.

I'd like to begin by quoting for a moment from the Bible, in which it is written, "To whom hath the root of wisdom been revealed? For the Lord is full of compassion and mercy, long-suffering, and very pitiful, and forgiveth sins, and saveth in time of affliction."

The MPP from Leeds-Grenville actually used the phrase "caring for people" in a continued mock indignation. But I'd like to submit, it's precisely with that vision that we in the government are bringing forward Bill 56, a family medical leave act.

I can speak to you for a moment as a physician. I recall a patient who was diagnosed with what we call hepatocellular carcinoma, meaning liver cancer, which unfortunately had left home, meaning left the confines of the liver and disseminated or had, as doctors would say, metastasized. This is a catastrophic illness, which of course invokes the provisions of this particular bill. The individual concerned was in their mid-50s. Their son was in his early 30s. The amount of stress and strain and suffering—physical, mental, emotional—is something that we in the government are very conscious of. That is why we are bringing forward this bill to deal with catastrophic terminal illness, in order to help the people of Ontario at one of the most challenging times.

2100

Mr Jerry J. Ouellette (Oshawa): I look forward to the opportunity to respond to the comments of the members for Kitchener-Waterloo and Leeds-Grenville. I would hope the government would bring forward some answers regarding refusing leave without grounds. What is the appeal process and how would the appeal process be put in place? How long would you be in the employ of a person before you were allowed this leave, and what takes place in contract situations?

One of the areas that I wanted to comment on was with regard to the member for Leeds-Grenville. I know it took place in other businesses, and it's small businesses that will be impacted. Businesses are in place to make money, and they make decisions based on that. For example, in small communities, what happens in a small police force, for example, when you have two individuals who are married, who now have an individual—and heaven forbid that somebody passes on. Nobody wants to see people in these situations, but you have to look at the practicality from a business aspect on this and their situation. What do you do in a small police force where you not only lose one, but both individuals will now be subject to that leave? That police force or that business

would then have to replace those individuals with somebody in the interim while they're not there.

The reality is that business will try to compensate for that. We realize that business will move on and will look at that, but then you'll find out that the quality of life will change for those individuals, because what they'll subsequently do is put them on two different shifts. That way you don't have both individuals on the same shift being impacted in their business practicalities. Some of the problems of the quality of life for those individuals will be impacted substantially. I know that when the paternity leave came forward, this was the exact conversation that police chiefs were having when they were making these decisions: "Do we hire these individuals now married to each other on the force?" If this situation comes up, the impact on the work-related opportunities that come forward would be substantially hit. I hope the government has looked at it. Quite possibly, as the member for Leeds-Grenville mentioned, the impact on those communities will be looked at through the committee process.

Mr Ernie Parsons (Prince Edward-Hastings): I will confess that I'm not the world's most eloquent speaker, and I tend to think in terms of bills on a personal level. I think back to a period in time when my mother was passing away. My mum contracted cancer, ironically a cancer that, were she to be alive today, would be relatively easily cured. But at that time it was a gradual, downhill road for her. I watched my father working and trying to look after her.

I think every one of us would agree that anyone who has a choice would prefer to die at home with the family supports. This is no disrespect to hospitals, but I think everyone would prefer to die at home. I watched my father struggle, and there were days that I missed school to stay home to be with my mother because of the care she needed, because if that care wasn't provided, she was going to have to go to the hospital. Certainly, there was a fear. My father simply didn't have the option of taking time off work, and money wasn't the issue; the issue was, he would lose his job and have to start again after dealing with all of this other crisis.

I wholeheartedly support this bill. This is a bill that humanity—and there may be warts and there may need to be things worked out in the regulations and so forth. I hope, when we're looking at it, we also recognize that for many individuals in this province, when they lose a loved one, they get one or two or three days off of work to grieve and then they're expected to be back and to move on with their lives. Sometimes, it's not that easy, folks. Sometimes there is no normal to go back to. There is a new normal, and the normal may be that you never forget the old normal. There needs to be consideration that a person isn't fully restored in two or three days to be back, and that there be flexibility to allow for the need to grieve and be able to return to a productive life. This is a tremendous bill, and I wholeheartedly support it.

The Acting Speaker: That concludes the questions and comments. One of the opposition members has two minutes to reply. The member from Leeds-Grenville.

Mr Runciman: We appreciate the input of the various members. Stephen Harper made an interesting and much-quoted comment at the outset of the federal campaign: that you don't have to be a Liberal to be a Canadian and you don't have to be a Liberal to be compassionate, although you wouldn't know that by listening to members of this assembly who are members of the Liberal Party. I have to tell you that those of us on this side of the House tend to resent that kind of arrogance, and I think most Ontarians do as well.

In terms of compassion, I've worked all my life for people in this province. I'm a union president. I suffered a severe industrial accident, and for somebody who just arrived in this House to suggest that any of my indignation or strength of feeling is mock, is phony, is false, is offensive to me. I lost a son to cancer. So anyone who suggests I don't understand that, I resent as well. I think when people want to have holier-than-thou approaches to this place, they should sit back and think about it a little bit more than they do today.

The Acting Speaker: Further debate?

Mr Kormos: As I commence a one-hour leadoff on behalf of the New Democratic Party, I feel compelled to comment on the final words of Mr Runciman: a pointed commentary and said in far less than the two minutes allowed him, but more than adequately stated.

Look, I'm going to talk about the bill, and I want you to know, I take some comfort in the nature of the debate throughout the course of the evening. I take some comfort in various government members having talked about minimum wage, having talked about broken promises. I take that as a guideline for my own comments around this bill, that of course the government members who were talking about this wide range of things were clearly relating them to the bill. They were putting the bill in context, I'm sure, when they were doing that.

So I appreciate the guidance that government members have given me throughout the evening in terms of the breadth that will be allowed me as I comment on Bill 56. Do you understand what I'm saying, Speaker? I look forward to the standard that was established by the government members speaking to the bill being applied to me, and I will aspire to that standard, which takes me to an e-mail that I got today.

Hold on, because we're going to talk about Bill 56 in the context of real people, and this e-mail happens to be from a real person, because you know I've suggested that the government put this bill together in a rather haphazard fashion. Look, nobody disputes the goal that's being pursued here. Nobody disputes that; nobody. But I have serious concerns about the lack of thought that was put into the bill and about this government's failure to put the bill out to committee. What were you afraid of in terms of not wanting to consult with any number of people who would have had some sage advice around some fine-tuning that the bill could have withstood?

But back to the e-mail that I got today. Again, I'm going to suggest that the bill was not well thought out and that the bill was an effort on the part of this govern-

ment to generate some good news in the context of some very bad news.

Look, we all know about these outlaw biker gangs. You might have seen them on the 401, the biker guys with the handlebars, but did you notice they have tattoos that say “1%er”? Do you know what I’m talking about, Mr Murdoch, the little “1%er”? I expect the Liberals to be showing up with tattoos saying “9%er.” It could become sort of a mark of the fraternity and sorority of Liberal membership that they’re 9%ers. I just thought it would be novel: the outlaw bikers with their “1%er”—and they wear the little badges saying “1%er” too—and the Liberals could wear badges saying “9%er,” because they’re part of this unique club.

2110

But I wanted to get back to, of course, the bill, and I want to talk about the context in which we have to look at what the bill will achieve for real Ontarians. I got an e-mail today, and the e-mail is from Marie Belliveau. I’m going to give the hard copy to Hansard so they spell Ms Belliveau’s name correctly. She’s from St Catharines. The e-mail is a copy of the letter that she sent to Mr McGuinty. Ms Belliveau is on ODSP. She’s disabled and has been on ODSP for some time. She wrote:

“Premier McGuinty”—very politely—

“I just received your letter assuring me that this budget”—referring to the budget of a couple of weeks ago—“includes changes that will benefit disabled persons and persons waiting for supplemental housing in Ontario.

“To begin with, being a person on ODSP, I earn the maximum of \$930 a month. When you add 3% to that it comes to \$957.90 (or a \$27.90 increase). Even if I am mistaken and it is doubled, this means it is a bit better but not that much at \$55.80 per month. This is all well and good, but if you were living in abject poverty for the past 11 years and someone told you they were going to give you a \$28 or \$56 increase, how would you feel? This will bring our total year’s income to \$11,494.80 (or is it \$11,829.60?). Still too far below the poverty line, no matter which figure you use! When you consider the increases in hydro, gasoline, oil heating, rents and not to mention food and clothing over the past 11 years, that does not even make a dent. Since I am not one to refuse any help now, due to learning how to beg and borrow these past few years, I will of course use it, but you must not be serious when you try to convince me that this is your idea of helping the disabled persons of this province.

“Most cheap apartments now (one-bedroom) are \$600-plus, and even rooming houses are \$425 a month and usually filthy and upstairs, which is not good for most disabled or senior persons. Why is it that our governments (not just yours) feel that it is OK to make our seniors and disabled persons live in poverty, filth and in rundown buildings and institutions? Is there somewhere an unwritten law for governments not to pay any attention to people in these circumstances? You don’t have to answer that. I am, of course, venting and doing a little ranting, but it does seem rather suspect that no govern-

ment really does anything meaningful to change these facts (even though they swear that they really care).

“I have not seen anything in your budget that deals with supplemental housing for our most needy persons. I personally have been on the list for housing for eight years, and I know I am not the only one in Niagara. I have begged to be allowed to stay in my own apartment and let them supplement my rent here, and that would also take me off the list and free up space for someone else. I am told this is not how they work, even though it would be a sensible solution. I pay \$586 per month rent, inclusive, but the rent is to be raised to \$600 in November of this year, which will leave me \$330 to live on and pay any other bills I might have and buy food and clothing.

“Yes, I could work a few hours a week (that is all I am allowed), but if I earn more than \$160 a month, money gets deducted for any earnings. By the way, at \$7 per hour, that means I would work 5.7 hours a week before anything was deducted. After that, they allow you 25% of you what earn, and if you work, they try to push you off of ODSP, even though you may never be able to work enough hours to pay your own way (and most would prefer to pay their own way, contrary to what many in government think, rather than to be ill, disabled or aged and begging for everything they need to meagrely live).

“Again, I am very aware that there are many worse off than I, but for goodness’ sake, tell me why. In a country as rich as this, and the richest province in this country, why are people subjected to this kind of poverty, total disgust, disdain and pain?

“Well, Premier, can you answer that question? I would like a personal answer from you, not a form letter from an assistant. Please be sure to think about it because this will be sent to others and all will be awaiting your answer. If perhaps I do not get an answer, people will also be made aware of that fact.

“Yes, I am frustrated and extremely tired of waiting and hoping in vain for our governments to somehow gain a real conscience, not just pay lip service to disabled and senior persons.

“Yours in poverty,
“Marie L. Belliveau
“St Catharines.”

I just got that and I felt compelled to address the Legislature with the content of it.

As you recall—was it last night or the night before?—earlier this week I had occasion to read a similar e-mail. Remember, that was from Tracey Cruise, talking about her son Jay and his visit up here to Queen’s Park.

These messages aren’t from politicians, they’re not from spin doctors, they’re not from consultants and they’re not from political hacks; they’re from real folks. They are honest messages. They are straightforward.

It was yesterday that a Liberal backbencher—who believes he should have been a cabinet minister; Lord knows he had seniority over the other Ottawa members and he has been bitter about it ever since—accused me of fabricating Tracey Cruise. He did. He was heckling me

while I was reading her message. I recall the heckling. It was: "Oh, you're making this up. There is no such person saying those sorts of things," about the privatization of health care that this government did in the course of their budget."

Ms Cruise was not amused to be accused of being a non-person. She already feels hard enough done by by this government, to then suffer the insult of being told she doesn't exist, that she's a fabrication of some creative, or perhaps not so creative, imagination. It's not nice to accuse people of not existing. I want you to understand that. They sort of resent it. They take it to heart. So I'm impressed that this evening nobody accuses Marie Belliveau of not existing. She exists, all right; she just barely exists. The 3% increase in her ODSP benefits after years of nothing doesn't change her reality very much.

If you or I, if any of us here, gets a 3% raise, a 2% raise, a 1% raise, heck, if we get no raise, we're still doing quite fine, thank you very much. Put this in perspective. I'm going to get to Bill 56. We have the luxury, when we walk to Queen's Park, if a homeless person has got his or her hand outstretched, we don't have to think about pulling a loonie or a toonie or a fiver out of our pocket. We don't have to worry about how that's going to impact on our budget, because our salary here, the minimum wage, is \$85,000. We've gone through this over and over again, and most people, other than a handful of people here, make in excess of that \$85,000 a year. But the vast majority of Ontarians out there literally have to consider what it means to put a toonie in a panhandler's cup. That's how tight their budgets are.

You heard from Ms Cruise, who talks about a two-income family, and she says that things are so tight right now—and of course her focus was on this incredible new tax burden you've imposed on her, your so-called health premium tax levy. Ms Cruise is trying to explain to you folks that she has to budget, even with two incomes in that family, every single expenditure.

You see, there's a huge gulf between people at our income level—politicians are well-paid in this province and in this country—and the vast majority of hard-working Ontarians and Canadians. Here you've got a woman who is living on \$11,494.80 a year in one of the larger urban centres in Ontario, St Catharines. That is below any poverty level.

2120

So here we've got Bill 56, and again it sounds so good, sounds so warm and supportive, and oh, so nice and caring that you're allowed to take time off from your job for up to—what is it?—eight weeks to care for a limited class of people who are dying.

The bottom line is that most Ontarians can't afford to do it. It's not to say the bill is bad, but let's understand that most Ontarians can't afford to take unpaid time off of work. The bill is an effort to harmonize the right to leave with EI, unemployment insurance eligibility. Most Ontarians can't afford to take eight weeks off even with EI being paid them, because the EI, as you all know, is but a modest fraction of what their actual earnings are.

If you're making \$10 an hour, it is impossible because you don't have savings when you're making \$10 an hour. You spend every penny you make—plus. When you're making \$10 an hour, you get excited when you get one of those credit card applications in the mail. You fill it out hoping that you will get a couple of—well, you do. You figure, "It must be some mistake, but heck, I'm going to fill this out. I just may get myself a credit card." The prospect of having a couple of thousand dollars' worth of credit on a credit card from one of those vicious banks, at 18% and 19% interest—think about that. There are things that you need in your household.

That's my first comment, as it was during second reading, about this bill: Let's not be too cocky about this. The vast majority of workers will never be able to avail themselves of this leave. It is just financially impossible for them.

What does that really say, then? What's the real issue? What's the real problem? What you've got to do is have a physician or a surgeon or a doctor, a medical doctor, certify that a spouse or a parent is dying.

Let's be careful, I say to one of the Liberal commentators during the two minutes of questions and comments, after the member from Leeds-Grenville, who made his comments, about how mean-spirited—again, I'm convinced this wasn't the intent of the people who drafted the bill, but one of the Liberal backbenchers talked about the fact that when a person dies there is a grieving process. I acknowledge that, and it is so variable from person to person.

But look what the bill does. Take a look at section 3, which is the new subsection 49.1(5) of the Employment Standards Act:

"The employee may not remain on a leave under this section"—that's the leave for up to eight weeks, and catch this—"after the earlier of the following days:

"1. The last day of the week in which the individual described in subsection (3) dies."

Do you see what happens? I'm not suggesting anybody maliciously put this into the bill, but that means that if your mom or your dad or your grandma or your granddad or your spouse dies on Friday, your leave ends—what would that make it? I guess you would have to be back at work on Monday.

So you've got a Liberal member who makes an astute observation, an astute comment, that the whole process of tending to a dying loved one and the involvement doesn't end upon their death. It carries on until one resolves it, and some people may never resolve it, and I understand that.

But the bill is so very short-sighted that it says your leave ends, effectively, at the earliest possible opportunity after that person's death. Surely that's not the compassion that was being talked about, is it? Wasn't that the sort of thing that could have been and should have been addressed during committee hearings, and maybe tinkered with a little bit with the advice of any number of people? Everybody is prepared to give advice. But isn't that the sort of thing that could have been addressed and

should have been addressed during committee? Here we are in third reading with, dare I say it, barely a snowball's chance in Hades of this bill ever going to committee of the whole. That's one illustration.

During second reading debate, I talked about it, and again, sadly, people have been exposed to the reality of Alzheimer's because of the death of a former American president. I talked about the fact that this requires that a person be dying. I said, "What about the spouse?" Hold on, Speaker, please. What about the spouse or loved one who is in the final days of lucidity as Alzheimer's attacks their mind and nervous system? Surely, a bill of this type would be as interested in providing the same sort of leave if you're losing a spouse or a parent or even a child to Alzheimer's as it would when you're losing them to outright death.

Isn't that the sort of thing that could have been addressed in committee? Is that such an unreasonable proposition that it didn't warrant any consideration or debate? Is it so remote from the reality of families in this province that maybe the bill should be expanded to include the loss of a loved one to Alzheimer's and not necessarily death?

I don't think there is one of us who hasn't had participation in the life of a person with Alzheimer's, whether it be immediate or somewhat more distant. As we all know, you lose your spouse or your parent to Alzheimer's long before they die, and what they become is something far different than what they were, of course, before they had Alzheimer's. But when they die, after having had Alz-

heimer's for 10 years, when they are deep in the bowels of that, it is really a far different kind of death. It is a death that you experience probably many times over.

I have more time. As a matter of fact, I have 38 more minutes. There are more elements of this bill that warrant consideration. I would ask government members to please consider asking their Minister of Labour and their Premier's office to let this bill to go into committee of the whole so that amendments can be proposed and there can be debate around those amendments. The urgency with which the minister wants to see this bill pass has created a bill that I say may not even see proclamation because of the rough edges. And then what kind of bragging rights have you got? Zip. You've got no bragging rights. None whatsoever. Because that will mean that you failed miserably, that you failed those people whose family members suffer from Alzheimer's and are at the cusp of being lost to the darkness of Alzheimer's. That means that you have failed the person who thought he or she was entitled to eight weeks of leave, but then the loved one dies after the second week of leave, and the person isn't even entitled to an additional week of that eight weeks to grieve. That's not compassion; that's opportunism on the part of this government.

I look forward to the next opportunity to debate this.

The Acting Speaker: Thank you very much. It being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 pm.

The House adjourned at 2129.

CONTENTS

Tuesday 8 June 2004

THIRD READINGS

Employment Standards Amendment Act (Family Medical Leave), 2004, Bill 56, <i>Mr Bentley</i>	
Mr Flynn	2701
Mrs Mitchell.....	2703
Mr Kular.....	2705, 2709
Mr Gravelle.....	2706
Mr Dunlop.....	2708
Mr Kormos.....	2709, 2717, 2718
Mr Levac.....	2709
Mrs Witmer	2710
Mr Runciman	2712, 2718
Mr Qaadri.....	2717
Mr Ouellette	2717
Mr Parsons	2718
Debate deemed adjourned	2721

TABLE DES MATIÈRES

Mardi 8 juin 2004

TROISIÈME LECTURE

Loi de 2004 modifiant la Loi sur les normes d'emploi (congé familial pour raison médicale), projet de loi 56, <i>M. Bentley</i>	
Débat présumé ajourné.....	2721