



Legislative Assembly  
of Ontario

First Session, 38<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Première session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 8 December 2004**

**Mercredi 8 décembre 2004**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

**LEGISLATIVE ASSEMBLY  
OF ONTARIO**

Wednesday 8 December 2004

**ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO**

Mercredi 8 décembre 2004

*The House met at 1330.  
Prayers.*

**MEMBERS' STATEMENTS**

**STEVEN TRUSCOTT**

**Mr Frank Klees (Oak Ridges):** Today we will have joining us in the gallery the grade 12 class from Humberview secondary school in Bolton, from the riding of Dufferin-Peel-Wellington-Grey, represented in this House by my colleague, the former Premier of Ontario, Ernie Eves. Their teacher, George Allain, brought them here today to present to the Attorney General an Internet petition his class created and worked on. Believing that justice delayed is justice denied, their petition calls on the Attorney General to expedite the Steven Truscott matter in the Ontario Court of Appeal.

Their Web site, which hosts the petition, <http://truscott.peelschools.org>, has drawn visitors from around the world. Unfortunately, the Attorney General did not have the time to meet with them. Therefore, I am pleased, on behalf of the Ontario Legislature and my colleagues in the PC caucus, to commend the efforts and initiatives of these students and to assure them that we will deliver their petition to the Attorney General. I commend their teacher, George Allain, for supporting their interest and enthusiasm in the cause of justice.

**HYDRO ONE POWER LINES**

**Mr Tony C. Wong (Markham):** Over the past year, there has been a growing concern among residents in my riding of Markham and throughout York region about Hydro One's proposal to run high-voltage transmission power lines through high-density residential areas and schoolyards.

Hydro One recently issued an environmental study report that is currently out for public review and comment until December 20. Municipal and regional councils, school boards and residents have expressed concern that a proper examination of more feasible, long-term alternatives is required. In addition to considering economic implications, we need to consider all and any environmental and health implications.

My constituents are requesting that Hydro One study carefully all options that have been placed before them, including those proposed by the Markham Hydro One Task Force, with respect to supplying York region with its demand for energy.

**GREENBELT LEGISLATION**

**Ms Laurie Scott (Haliburton-Victoria-Brock):** I rise today to draw the attention of this House to a concern I have with the government's current greenbelt legislation.

The concern that I'm raising has to do with the lands located outside of the greenbelt, rather than those located within its boundaries. Many people are concerned that restrictions placed on lands within the greenbelt will place additional pressures on those lands adjacent to it. The boundaries of the greenbelt are in many cases more political than scientific. Part of my riding of Haliburton-Victoria-Brock is in the greenbelt and part is outside of it. The greenbelt boundary is along the township line.

There is a very real possibility that development may leapfrog over the greenbelt on to lands that have not yet been a focal point for development. I wonder about how this will impact local features and what protections will be in place for environmentally sensitive areas like wetlands, endangered species habitats and old-growth forests.

Although in many cases some of the development will be welcomed by local communities, the arbitrary nature of the boundaries has ended up including lands in the greenbelt that should, based on science, be excluded, while excluding lands that many environmentalists believe should be included.

I don't think anybody wants to protect land on one side of the street while opening up land that is just as in need of protection to unfettered development. But that is exactly what is being done, because you have not addressed the possibility of new development on environmentally sensitive lands located outside the greenbelt boundaries.

**CITY OF NIAGARA FALLS**

**Mr Kim Craiton (Niagara Falls):** This Saturday, December 11, the residents of Niagara Falls will celebrate its 100th anniversary as an incorporated city. It promises to be a magnificent event. It is the citizens' hard work and effort which has made the city of Niagara Falls the most recognized address in the world.

Over the years, the city has become one of the most romantic places to visit on this continent and has earned the title of the honeymoon capital of North America. Kings, queens, presidents and heads of state worldwide have visited, and today it remains the number one tourist destination of international travellers. Movie stars and

celebrities have helped foster this global image. People will remember Marilyn Monroe and Christopher Reeve, as well as our own Barbara Frum and James Cameron.

The province has over the years been a major partner to our success, making significant investments in the development of power from the mighty Niagara and establishing the Niagara Parks Commission to preserve and protect the beauty of this wonder of the world. This province has also invested heavily in the tourist industry in our own town to ensure our economic prosperity, and it's choosing once again to invest in the power of this dynamic community we call home through the building of the Niagara tunnel.

This city is much more than fame; it's the home of nearly 80,000 great people who contribute daily to the positive growth in the economy of this province.

Mr Speaker, I would ask you, the members of the House and the people of Ontario to join with my people from Niagara Falls, my city, to wish them a very happy 100th anniversary.

#### WASTE MANAGEMENT

**Mr Norm Miller (Parry Sound-Muskoka):** It saddens me to see hundreds of trucks ship garbage to Michigan every day, while our landfill sites are full of waste that should have been recycled.

I believe this government must introduce a long-term plan for waste management within our own borders. Most municipalities in my own riding of Parry Sound-Muskoka have developed responsible waste management programs; however, this is not true across the province. It's shocking that we are the only province that does not require producers to take full responsibility for beverage container waste. Eight out of 10 provinces have laws that require a deposit return system for most or all beverage containers.

The benefits are clear: With a deposit return system, litter can be reduced by as much as 47%. The Beer Store is a great example of how deposit return can work. Through its voluntary program, the Brewers of Ontario have a return rate of almost 98%.

This government must develop a province-wide plan for waste management that is creative, responsible and requires producers to take greater responsibility for the waste they generate. As a matter of fact, today I will be delivering a petition that calls for a province-wide deposit return system. I've also introduced a private member's bill that would require the LCBO to implement a deposit return system, and I intend to introduce a more comprehensive bill in the spring which I hope this government will support.

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#### ANDREW STEWART

**Mr Michael Prue (Beaches-East York):** This past Friday, my community was shattered by the news that a teenaged student at East York Collegiate was stabbed to

death—murdered, it seems, for defending the honour of his friend. Countless East York young people have expressed to the media that Andrew Stewart was a soft-hearted and wonderful young man who often stood up for those who could not stand up for themselves. He was popular, he was active, and he was a true friend to those who knew him.

His funeral took place this morning, attended by large numbers of friends, family and community members. If you read the Globe and Mail today, you would have been moved, as I was, by the words of Leda Westbrook, a long-time East York Collegiate Institute teacher. She expressed her sorrow for what she views as a lost generation, a generation of youth that has been impacted by an agenda that has not put the needs of kids and youth first. She and many others in the close-knit community need to know why this child died. She feels that in recent years our youth have been neglected and that our communities must re-examine their priorities before another child is killed.

We all agree with Ms Westbrook. It is our job as legislators to give communities, schools and families the resources they need to ensure that this does not happen to another child of ours. I understand that a trust fund has been established in his name and that donations may be made at any TD Bank.

I know that all members of the community and all members of the assembly will join me in offering heartfelt condolences to all those who have been touched by Andrew's life, especially to his parents, to his schoolmates, to his friends and to the community of East York. May the circumstances that led to his death never happen again.

#### DAIRY FARMERS OF ONTARIO

**Mr Jim Brownell (Stormont-Dundas-Charlottenburgh):** I rise today in the House to welcome representatives of the Dairy Farmers of Ontario, many of whom join us in the gallery today. Welcome.

The Dairy Farmers of Ontario is a farmer-run organization—not-for-profit, actually—operated and completely financed by the more than 5,800 dairy farmers and their families in the province. Collectively, they produce almost 11 million litres of milk annually, with a farm gate value of over 20% of total agricultural output in the province, making Ontario the largest producer, processor and consumer of milk in Canada.

In fact, the community of Winchester in my beautiful riding of Stormont-Dundas-Charlottenburgh is renowned for its dairy production. Winchester is known as the dairy capital of Canada. This friendly town holds its annual Dairyfest each August in celebration of this achievement.

Ontario's dairy industry is a vibrant and vital part of the provincial economy, and thousands of jobs can be attributed directly to this industry, as well as the thousands of spinoff jobs in both rural and urban communities. I know that the minister had an opportunity to come down to my riding and to see those spinoff jobs, to see agriculture in action this summer.

We want to acknowledge the contribution that Ontario dairy farmers make to the province, and we look forward to working with them to ensure that the industry continues to meet the challenges ahead. I welcome all members to a reception this afternoon at 6 pm, where we will have an opportunity to dialogue with the Dairy Farmers of Ontario.

#### COUNTIES OF PERTH AND MIDDLESEX

**Mr John Wilkinson (Perth-Middlesex):** I rise to update all members concerning good news in my riding, not the least of which would be Sharon Weitzel being here today to visit.

Last week, Ed Hollinger, former warden and current mayor of North Perth, was acclaimed to succeed Ian Forrest as the new warden of Perth county. With North Perth hosting the 2005 International Plowing Match, I can think of no better leader for Perth county this year.

Also last week, the mayor of Lucan Biddulph, Tom McLaughlin, was elected by council to succeed Ian Brebner as the warden of Middlesex county. I want to thank both Ian Forrest and Ian Brebner for their effective leadership of their respective counties in 2004. I look forward to working closely with wardens Hollinger and McLaughlin in 2005 and benefiting from their experience.

Recently, the Minister of Municipal Affairs and Housing announced the town of St Marys would receive funding for well water upgrades, thanks to the Canada-Ontario infrastructure program. This money will improve the quality of drinking water for 2,378 households in St Marys, and will bring the municipal water system into compliance with the Ontario drinking water systems regulation. By strengthening the communities we live in, like St Marys, our government is delivering real, positive changes in the priority areas our government supports.

Finally, I want to send a public note of congratulations to a former constituent, Richard Nesbitt, on his newly defined role as both the president and CEO of the TSX.

I'd like to take this opportunity to wish not only my colleagues in the Legislature and the dairy farmers, but all of my constituents in Perth-Middlesex, a safe and merry Christmas and a happy new year.

#### HEALTH CARE

**Ms Kathleen O. Wynne (Don Valley West):** For those of you who haven't read the newspapers today, I'd like to summarize an article I read in the National Post this morning. It went something like this: John Tory wants more private health care. His euphemism is "private sector involvement," but translated, he says he wants more private health care. Since becoming Conservative leader, John Tory hasn't taken a substantive stand on many political issues. In this article today, however, he took a definite stand on health care: He wants more privatization.

I can't say it's a shock. There have been recent examples of the Conservative leader trying to scare Ontarians into believing in private health care. He went so far as to misrepresent hospital budget numbers in Ottawa, something the Ottawa Citizen called a "major gaffe."

I'd like to remind him and those who call for greater privatization that Ontario is best served by universal health care. It's a system that benefits us all, not just those who can afford to pay their way to the front of the line. Public health care shouldn't be about ideology; it should be about good public policy.

In the short time we've been in government, we've already begun reversing the negative record of the previous Conservative government, a record which involved more privatization, fewer hospitals, firing nurses and allowing care to deteriorate.

Yes, we are bringing MRIs back into public hands because it is the right thing to do, and we are expanding their hours of operation to serve even more Ontarians. Everyone deserves equal access to MRI machines and other health care services. There should be no delineation between those who can afford to pay for services and those who can't.

Shame on the Conservative leader for abandoning public health care.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Alvin Curling):** I beg to inform the House that today the Clerk received the report of intended appointments dated December 8, 2004, from the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

#### INTRODUCTION OF BILLS

##### GREENBELT PROTECTION AMENDMENT ACT, 2004

##### LOI DE 2004 MODIFIANT LA LOI SUR LA PROTECTION DE LA CEINTURE DE VERDURE

Mr Gerretsen moved first reading of the following bill:  
Bill 157, An Act to amend the Greenbelt Protection Act, 2004 / Projet de loi 157, Loi modifiant la Loi de 2004 sur la protection de la ceinture de verdure.

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

**Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** The

purpose of the bill is to change the date of repeal of the act from December 16, 2004, to March 9, 2005.

Mr Speaker, I seek unanimous consent to proceed with the orders for second and third reading of Bill 157, An Act to amend the Greenbelt Protection Act, 2004, and with the questions being put immediately, without debate or amendment.

**The Speaker:** Is there consent? Agreed.

GREENBELT PROTECTION  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI  
SUR LA PROTECTION DE LA CEINTURE  
DE VERDURE

Mr Gerretsen moved second reading of the following bill:

Bill 157, An Act to amend the Greenbelt Protection Act, 2004 / Projet de loi 157, Loi modifiant la Loi de 2004 sur la protection de la ceinture de verdure.

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

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GREENBELT PROTECTION  
AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI  
SUR LA PROTECTION DE LA CEINTURE  
DE VERDURE

Mr Gerretsen moved third reading of the following bill:

Bill 157, An Act to amend the Greenbelt Protection Act, 2004 / Projet de loi 157, Loi modifiant la Loi de 2004 sur la protection de la ceinture de verdure.

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

Be it resolved that the bill do now pass and be entitled as in the motion.

MOTIONS

HOUSE SITTINGS

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I seek unanimous consent to move a motion respecting the House calendar.

**The Speaker (Hon Alvin Curling):** Do we have unanimous consent? Agreed.

**Hon Mr Duncan:** I move that when the House adjourns on December 16, 2004, it shall, notwithstanding standing order 6(a), stand adjourned until Tuesday, February 15, 2005; and

That the House shall meet from Tuesday, February 15, 2005 to Wednesday, March 9, 2005; and

That when the House adjourns on Wednesday, March 9, 2005, it shall stand adjourned until Tuesday, March 29, 2005, which date commences the spring sitting period.

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

ORDER OF BUSINESS

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** I seek unanimous consent to move a motion without notice respecting the order for time allocation on Bill 135.

**The Speaker (Hon Alvin Curling):** Do we have consent? Agreed.

**Hon Mr Duncan:** I move that the December 6, 2004 order of the House allocating time to proceedings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994, be rescinded.

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

**Mr John R. Baird (Nepean-Carleton):** On a point of order, Mr Speaker: I would like to thank the government House leader for working with what has been, really, the most constructive official opposition that we've seen in 50 years. And I would like to thank the government for consideration of public hearings on this issue.

**The Speaker:** That's a rather peculiar point of order.

**Hon Mr Duncan:** On a point of order, Mr Speaker: I would like to acknowledge that and express my hope that they stay the official opposition for another 50 years.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

NURSES

**Hon George Smitherman (Minister of Health and Long-Term Care):** I'm proud to speak in the House today about an initiative that is crucial to the future of health care in Ontario, an initiative to give our nursing graduates a better start with their careers in Ontario.

I met many of these nursing graduates today at our announcement at St Joseph's Health Centre here in Toronto. St Joseph's was an ideal setting to talk about this important initiative. It is leading the way in excellent patient care in this province. It's an organization that understands that strong hospitals are lifted up by the hands of a strong nursing workforce.

One of their recent achievements, but certainly not their only achievement, is creating 13 new full-time nursing positions with the targeted funding received from our government. They have a number of programs to improve the job satisfaction of both experienced and new nurses, including supporting experienced nurses to coach

and support new nurses. They are doing this while maintaining a balanced budget. That's something to aspire to.

Our government believes that nurses are the very heart and soul of health care. They are central to our plan to improve patients' access to high-quality health care in people's communities. We are doing this by investing in 150 comprehensive primary care teams, a model we call family health teams. We are doing this by driving care down to the community level by making unprecedented investments in home care, long-term care and community mental health. We are doing this by reducing wait times, starting with cancer care, cardiac care, hip and knee replacements, cataracts, and MRI and CT scan access. We are doing this by bringing prevention and health promotion to the centre of health care.

All of these things have two things in common: They are vital to the future of medicare, and they all depend on the talent, hard work and dedication of our nursing professionals. Our government is rebuilding the foundations of nursing, and that must begin by providing new grads with the opportunities to blossom and to grow. We desperately need new graduates to step into the shoes of nurses who are fast approaching retirement. New graduates need sufficient time to acquire the knowledge, skill and experience they need to practise independently.

For our health care system to grow and thrive, we need the energy and enthusiasm of new nursing graduates. Today we are giving more of these talented new nurses the opportunity to build a rewarding career here in the province of Ontario.

We are investing an additional \$29.1 million to support new nursing graduates in Ontario. This is the first year of a long-term initiative to support new nurses in this province. Our new nursing program will assist nursing grads to make the critical transition between nursing school and the workplace.

It does this in three important ways:

First, it provides them with greater exposure to the real-world clinical environment while they are still in school so that they can prepare for the challenges of delivering front-line care once they graduate. We are investing \$10 million in our nursing schools for clinical simulators. These are anatomically correct mannequins that display all the signs and symptoms of injury and response to treatments as a human does. I understand from those who know that this miraculous technology is as close as you can get to the human experience.

Second, once they graduate, our investments will provide them with the benefits and security of a full-time position in either a hospital or long-term-care homes. We are investing \$17.7 million so that hospitals and long-term-care homes can create 1,000 full-time positions for a period of three months this year so they can gain valuable work experience and build on their skills. This will allow employers to recruit new graduates immediately into full-time positions while these graduates are waiting for permanent opportunities. It's crucial that we get these nurses working as soon as they graduate so

we don't lose them to another province or to another profession.

Finally, our new-graduate strategy allows experienced nurses to pass along their knowledge and skills to new nurses. We are investing \$1.4 million to support experienced nurses to mentor newly hired nurses, as well as student nurses who are completing a clinical placement.

Starting this week, the ministry is reviewing all applications from hospitals, long-term-care homes and nursing schools for these programs, and I can tell you that, based on the number of proposals we've received, there's a great deal of interest. We will inform applicants for all of these programs of their funding allocation before the holidays.

Our new nursing graduate program builds on our comprehensive strategy begun already to create 8,000 new positions and healthy work environments for all our nurses. We have made great progress toward this goal already.

In February, we invested \$25 million in 33 large hospitals to create full-time positions for nurses, followed in April by a further \$25 million in small- and medium-sized hospitals for full-time nursing positions. We also invested \$39 million for hospitals to purchase safer and better equipment, mechanical bed lifts to reduce on-the-job injury for our nurses while they care for patients.

In October, we invested \$191 million in long-term-care homes to hire 2,000 additional staff, including 600 nurses, and achieve new care standards, including having a registered nurse on site 24 hours a day, seven days a week, and to give residents at least two baths a week. Our investments in hospitals and long-term-care homes alone support 2,400 more full-time nursing positions in Ontario. That does not take into account the nurses hired through the additional \$103 million we have invested in home care this year.

All investments in nursing from here on in will be tied to results. Hospitals and long-term-care homes will be required to account for how they spend the targeted money they receive for nursing positions to ensure funding goes to the front lines, not to their bottom line. Hospitals and long-term-care homes are required to submit nursing plans approved by the chief nursing officer, confirming that they have used targeted money for nurses to hire those nurses full-time.

But we need to ensure that front-line nurses are involved in decisions affecting bedside care. From now on, the local union representatives will be required to confirm in writing that monies were used exclusively for the purposes for which they were sent, and that is to create full-time nursing positions.

#### 1400

The ministry has different mechanisms to confirm the number of full-time positions created by these organizations. For example, hospitals provide us with the actual financial and HR data through the management information system that tracks nursing positions at the end of the fiscal year. We are asking long-term-care homes and CCACs to provide us with similar data

through surveys this year. We can confirm that our \$25-million investment in large hospitals created 638 new full-time nursing positions, according to nursing plans submitted. As more hospitals and long-term-care facilities report back through their agreement with the ministry in the coming weeks, we will be able to report on how many more of the 2,400 funded positions have been filled.

Every moment of every day, nurses make a difference in the lives of individual patients, families and communities. Nursing is a career of passion and compassion, of knowledge and precision. It's obvious it can also be very tough work. We want our nursing graduates to make nursing a lifelong vocation and journey. They are a precious resource that our government will not squander, as evidenced by this element of our strategy announced today.

**The Speaker (Hon Alvin Curling):** Responses?

**Mr John R. Baird (Nepean-Carleton):** I listened with great interest to the comments presented by the Minister of Health. I enjoyed his speech. I applaud many of the initiatives he talked about. I applauded them four or five years ago, when many of the initiatives were talked about by the previous government, the previous Minister of Health.

But I want to talk to the minister directly. The minister was at St Joe's here in the city of Toronto. Maybe the minister should have gone to St Joe's in the city of London. Let's look at what's going on in St Joe's in the city of London. In St Joe's in London, we have recently been told that a 24-bed mental health ward at London's St Joseph's regional health centre will be closed at the end of this week, as the local hospital workers there have learned. They will see as many as 25 hospital workers thrown on the street on Christmas Eve, thrown to the wolves on behalf of this government.

There's a pattern here. There are 65 hospitals around the province that have submitted plans to this minister on cost-cutting strategies because this minister has underfunded them. They're hospitals like the Ottawa Hospital, where they're going to have to lay off literally hundreds of people because they only got a 1.8% increase. They're going to have to lay off nurses, I say to the Minister of Health.

We gave this Minister of Health a clear opportunity for him and his government to tell us where they stood with respect to Ontario's nurses. Our leader, John Tory, and our caucus put forward a resolution for debate in this place asking for a moratorium on the layoff of nurses, and what happened when that happened? Every single Liberal member stood up and voted against it, to give the green light to this minister, his ministry, his bureaucrats and the hospitals around the province of Ontario that it was somehow acceptable to lay off nurses.

So it's with some fanfare that the minister makes a small announcement today. It's with a great deal of fanfare that hospital administrators and volunteer boards right across this province are going to have to do his dirty work and lay off nurses and lay off those dedicated

health care professionals and workers who assist them in delivering their job to the province of Ontario.

I say to the member opposite, we can talk about the Ottawa Hospital and the tiny increase that he gave them this year. They can look back at the record of the former government when we gave them a \$50-million base budget increase, the biggest base budget increase in the history of the province, and indeed the entire country. Look at hospitals right around the province. Look at London, where they got a less than 1% increase. They're desperately looking for hope before the holiday season.

But this minister is not going to get back to hospitals in the province of Ontario about their forced cuts of nurses while the House is sitting. No, that'll come under the cover of darkness, when the assembly has adjourned for the month of January. I wish he would respond to what those hospitals are saying.

I look at his announcement that he talked about today. The previous government established the nursing task force and accepted each and every one of the recommendations: Created an additional 12,000 nursing positions and invested some \$400 million to respond to the results of the nursing task force. It was the Harris government that actually passed the legislation with respect to nurse practitioners. We were the first province to do that. We created the chief nursing officer—the first government to do that.

The minister talked about long-term care. It was the previous conservative government that invested \$1.2 billion into our long-term-care sector, creating 20,000 new long-term-care beds in the province—some 1,300 in the city of Ottawa alone—which have been a godsend to families in our province. Every one of those 1,300 new long-term-care beds was open, with a resident sleeping in it, on election night, I say to the member from Niagara. We also redeveloped 16,000 long-term-care beds to bring them up to code. This minister is simply building on the very solid foundation that was given.

I want to ask the minister to give consideration—would he not now admit the error of his ways and join John Tory and the official opposition in our call for a moratorium on nursing layoffs? When the vote came to this House on whether this minister would vote for a moratorium on nursing layoffs, he was absent at the switch.

**The Speaker:** Before we get to the next response, I'm just going to ask members to keep their conversations a bit lower. A lot of movement is happening and I am having difficulty listening to the responses.

**Ms Marilyn Churley (Toronto-Danforth):** I was just actually handed a press release that says St Joseph's, the hospital the minister just referred to—

**Mr Baird:** No, in London.

**Ms Churley:** Oh, this is the St Joseph's in London—is to close the mental health ward to balance its books. That's the backdrop which we're talking about today.

I am happy to respond today for the New Democratic Party. It appears that today's announcement is a re-announcement of an announcement made at the Toronto



East General Hospital in my riding over six months ago, in June 2004. During estimates committee in October 2004, the NDP health critic, Shelley Martel, asked the minister if this money had been allocated to hospitals and long-term-care facilities. The minister said it had not and that it would happen in the fall. Therefore, today's announcement is essentially the announcement of the implementation of the June 3 commitment. It's taken that long to get here. Why has it taken six months to finally get the money out the door?

The broader issue that your ministry urgently needs to address is to recruit and retain more nurses in the system.

During the election campaign, you pledged to hire 8,000 nurses during your four-year mandate. This year, only 638 new registered nursing jobs have been created. Clearly, this doesn't come anywhere close to the promised 8,000 new nurses.

In January, my colleague Shelley Martel urged you to give nurses 2,000 reasons to stay in Ontario by funding 2,000 full-time nursing positions as a first step toward adding 8,000 to Ontario's health care system over the next four years. The NDP is calling on the McGuinty government to hire 2,000 full-time nurses this year and 2,000 in each of the next three years. Keep your promise.

More than 5,400 Ontario RNs have left, most of them to work in the US. Meanwhile, Ontario has the second-worst RN per capita ratio in Canada: 67.6 RNs per 100,000 people, compared to a national average of 74.3. We should be doing better.

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On Thursday, November 25, 2004, the Ontario Nurses' Association launched its "Still Not Enough Nurses: Act Now! Patients Can't Wait" public awareness campaign at its 2004 biennial convention in Toronto. We're still waiting.

The objective of the public awareness campaign is to alert the public that urgent changes are needed to add more nurses to deliver the care that patients in Ontario need, and indeed expect and deserve. This government has an obligation to remedy the excessive workloads of nurses, which are leading to stress, absenteeism and increased workplace injury and illness, as all those factors ultimately prevent them from providing quality patient care. I have heard first-hand how much nurses suffer when they know they are unable to provide the care that they know their patients need for these reasons, because of short staffing. Some of them go home at the end of their shift and cry at night because they know they cannot provide that kind of care under these circumstances.

This government also needs to attract more students into nursing schools by reinstating the free tuition plan for nurses that was cancelled by the Liberal government in March 2004. This program would have compensated nursing students for their tuition costs to complete nursing programs in exchange for working in underserved areas after graduation. The program had barely got underway before the Liberal government cancelled it and cancelled an important opportunity to attract students to this profession.

Although the minister announced a tiny step in the right direction today, New Democrats are urging the Liberal government to keep its promise and start hiring the number of nurses they promised to hire during the election campaign. This is too important an area to see this government break this essential promise to the people of Ontario.

**The Speaker:** There is an enormous amount of chatter in the chamber. Before I proceed to the next matter on the agenda, I would like members to settle down a bit.

## ORAL QUESTIONS

### AGRICULTURE INDUSTRY

**Mr Robert W. Runciman (Leader of the Opposition):** I have a question for the Minister of Agriculture. I want to remind you of some of the promises Dalton McGuinty made during the last election campaign. Promise 200: We will work with farmers to get our nutrient management rules right. Promise 205: We will help farmers manage nutrients and protect our drinking water. Promise 210: We will guarantee a strong Ministry of Agriculture and Food. Minister—

**The Speaker (Hon Alvin Curling):** The member for Erie-Lincoln is distracting from your question by a prop that he placed on there. Could I ask the Sergeant-at-Arms to take that prop away.

*Interjections.*

**The Speaker:** Order. Member for Durham. Could I get some order in the chamber, please.

Leader of the official opposition?

**Mr Runciman:** I hope the minister can remember the first part of the question. Promise 210: We will guarantee a strong Ministry of Agriculture and Food.

Farmers in Ontario now know these promises were made to be broken. Mr McGuinty slashed your budget by 20%. You transferred enforcement under the Nutrient Management Act from the Ministry of Agriculture to the Ministry of the Environment, over the strong objection of farmers. You've cut research funding for genetics, as well as the municipal outlet drainage program. You've clearly allowed the Toronto voices around the cabinet table to diminish your ministry. Why aren't you doing your job? Why aren't you standing up for farmers?

**Hon Steve Peters (Minister of Agriculture and Food):** There's a word that I'd love to use for a government that cut—it was quoted in the Toronto Star today. When you were in government, you cut \$100 million from the budget of agriculture, so don't stand up and lecture me.

We made it very clear. Tomorrow, we're having the first Premier's summit in agriculture. We have provided \$20 million for nutrient management assistance. We followed through on our commitment to implement Justice O'Connor's recommendation 11, that the Ministry of the Environment should be responsible for compliance

with the Nutrient Management Act. We've delivered on \$64 million in transition assistance. We've provided \$30 million in BSE assistance and \$7 million to provide increased slaughter capacity in this province. We stood up and defended supply management in Geneva this past summer. We are moving on the repeal of the edible oils act, an issue that has dragged on for three years, and it's as a result of your inaction when you were in government. We're moving ahead.

**Mr Ernie Hardeman (Oxford):** Mr Minister, you and the Minister of the Environment have been quoted often in Hansard stating that the implementation of the Nutrient Management Act must be accompanied by an appropriate amount of funding for the farmers. Justice O'Connor made it one of the recommendations to your government. Your government has stated plainly that all the recommendations will be put into effect, yet the only funding announcement we've seen from you has been a pittance.

We've heard from two major commodity groups, two of the commodities that will be most affected by the first phase of nutrient management, that the cost of implementation of the Nutrient Management Act to their operation will far surpass the money you have proposed. These organizations have gone so far as to imply that if the funding from you does not better reflect the real cost of implementation, they are willing to suggest to their members that they not abide by the act at all.

Minister, are you going to stand up for the farmers and provide more funding to help them abide by the law, or are you going to let them down and see water quality suffer?

**Hon Mr Peters:** If \$20 million is a pittance, then the Tories didn't put a single cent on the table.

Justice O'Connor made it very clear in his report: We need to deal with the largest agricultural operations first. We're following through on that commitment with the support for the 1,200 largest farms. We commissioned a study from the George Morris Centre, and we didn't print our study on purple paper like you did. We made it available to the farmers of Ontario. You denied the farmers of Ontario access to the true cost of the implementation of the nutrient management legislation. We were straight up, because we know that the implementation of nutrient management is a very expensive measure, between \$250 million and \$600 million. We're going to get it right.

The Minister of the Environment and I met with the nutrient management advisory committee last week to ask them to consider, as we move forward with the implementation of all farms, that we bring the source water protection to ensure the alliance of the nutrient management legislation and source water legislation, because it doesn't matter how big a farm it is, we're going to deal with it.

**Mr Hardeman:** The commodities most affected by the implementation of phase I of the Nutrient Management Act have already stated that they will instruct their members to circumvent the law if you don't come up

with more money to help them out. They know that \$20 million is a far cry from what's needed. But that isn't the only problem farmers have in making their operations more environmentally friendly.

The Ontario Drinking Water Source Protection Act will also affect farms by creating more red tape, more inspections and more costs of doing business. Again, you are asking the farmers of this province to foot the bill, as you have not indicated the level that they will receive.

Minister, if farmers are already willing to break the law because of insufficient funding for the implementation of the Nutrient Management Act, are you going to stand up for the farmers and provide them with adequate funding for the water source protection act, or are you willing to see our environment suffer once again?

**Hon Mr Peters:** The only time the environment suffered in this province was when the Conservatives ruled this province for the past nine years. We saw what happened: the cuts to meat inspection, the cuts to environmental inspection. That was a government that didn't respect the environment. We respect the environment. We're moving forward on the nutrient management legislation and we're moving forward on source water protection.

As I said, if the former minister had been listening, we met with the nutrient management advisory committee as to how we move forward with source water protection and its alliance with nutrient management. I'm extremely disappointed in this member, who is advocating to farmers in this province that they go out and break the law. It's very—

*Interjections.*

**The Speaker:** I'm going to ask the members to please come to order and stop shouting across to each other.

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#### ENVIRONMENTAL LEGISLATION

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** To the Minister of the Environment: You have introduced Bill 133, the spills bill, which would levy fines without due process and create a reverse onus, a guilty-until-proven-innocent process for companies. On introduction, you said, "Company officials would be held more liable.... It would put the onus on corporate directors and officers to prove that they took all reasonable steps to comply with environmental requirements. If convicted, they could face jail time of up to five years." Do you still stand by your statement, Minister?

**Hon Leona Dombrowsky (Minister of the Environment):** I think it's important that I take the opportunity to correct the honourable member. The act that was introduced, Bill 133, is about environmental penalties. Fines are levied by the courts of Ontario. The penalties, if this act is passed, would be directed to a fund that would provide support to communities that have been affected by a spill event.

I would just like to say for the record, as well, with regard to the bill that was introduced, that we have

comments from people, and I think it is important for the people of Ontario to understand that Robert F. Kennedy Jr, who is the president of the Waterkeeper Alliance, has said, "This announcement signals a renewed commitment to enforcing Canada's environmental laws and an end to the race to the bottom for lower standards in North America."

We're very proud of this initiative. We believe it demonstrates our commitment to protecting the environment, and ensuring and dealing with a spill event in an effective and fair manner.

**Mr Barrett:** Minister, we know your track record on the spills bill: penalties without due process; guilty until proven innocent. Your bill would "put the onus on corporate directors and officers to prove that they took all reasonable steps."

In 2003, Royal Polymers, a subsidiary of a company of which the Minister of Finance was a director, spilled into the St Clair river. A former director sits at your cabinet table. Do you feel that the Minister of Finance, Greg Sorbara, should be held to the same standard you are setting for other directors: guilty until proven innocent? Will your government hold him, Minister Sorbara, to the same standard and ask Greg Sorbara to resign?

**Hon Mrs Dombrowsky:** Bill 133 is about ensuring that when spill events happen in Ontario, for communities that have been affected—communities that would have to turn off their water intake, that would be required to supply bottled water to schools, to hospitals and to long-term-care facilities—there will now be a fund established that they will be able to access.

Our government believes that when these events happen, it shouldn't be the municipalities or the people in the communities that pay for this; it should be the polluter that pays. If you spill in Ontario, you have to pay the consequences. That's what the penalties are about. If an investigation results in fines, ultimately they are resolved in the courts, but penalties are to ensure that people in the communities of Ontario who have been affected by spills are compensated.

**Mr Barrett:** Minister, your penchant for ignoring due process in favour of a reactive penalty-based approach to environmental issues is now well established. I'm not sure that even Justice O'Connor called for such a guilty-until-proven-innocent law. Your spills advisory task force certainly didn't. Even the Koebel brothers are considered innocent until proven guilty.

You said you will introduce source water protection legislation before the year's end. Will you commit to this House today that your source water protection bill will not levy fines, penalties or premiums on farmers and landowners? Minister, will you tell the House today, "No penalties; no fines"?

**Hon Mrs Dombrowsky:** It was really quite extraordinary that the Ministry of the Environment posted the draft source water protection legislation on the Environmental Bill of Rights registry. We are committed to being open and transparent. It is not usual that a government would post draft legislation so that the public of On-

tario—yourself and members of your community—have had an opportunity to review what we propose to introduce. We've received comments. We will look to address some of those, if possible. But at no place in that draft legislation have we talked about environmental penalties. They are totally separate.

The honourable member may want to defend polluters in the province, but our government is about protecting the environment and protecting the health and well-being of our communities. In Ontario, under this government, if you spill, you pay.

#### AIR AND WATER QUALITY

**Mr Howard Hampton (Kenora-Rainy River):** I have a question for the Premier. This is the report from the Canadian Environmental Law Association and Environmental Defence. It shows that environmental pollution is getting worse across Canada, and Ontario spews out the most toxic pollution of all. In fact, what it shows is that by any measure, whether monitoring, enforcement or incentives to cut pollution at the source, Ontario isn't doing enough.

Last week the Provincial Auditor said you need to take more drastic action if Ontario is to meet its national and international commitments for cleaner air. Premier, 15 months ago you said, "We will ensure cleaner air and safer water for Ontario." Fifteen months later, why is pollution getting worse under your government?

**Hon Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** I'm delighted to receive the question and delighted to report to the people of Ontario that we are making great inroads when it comes to protecting their water and their air quality. Let me tell you about just a few of the things we have done, and I'm sure that in a supplementary the minister will want to add to this.

First of all, with respect to our internal matters, we have increased the operating budget for the ministry by 12.5%. That's back to the level it was a decade ago. We've already fulfilled 24 individual recommendations arising from the Walkerton inquiry. We have hired 33 more water inspection staff, increasing the number by 25%. We have the toughest new standards for trucks and buses that use diesel fuel in North America. We have invested over \$200 million in public transit, and of course we have our new gas tax. We made a joint announcement of \$1 billion to the city of Toronto for public transit. I've personally taken our clean air message to both Washington and New York City. We are moving forward with a very aggressive plan to eliminate coal-fired generation, and we've done that in just 14 months.

**Mr Hampton:** Premier, this is your budget, and what it details is a 12% cut to the Ministry of the Environment.

A key finding of yesterday's report is "the dramatic rise in anti-pollution rhetoric from governments," and we've heard some of your government's rhetoric.

Here is the Provincial Auditor's report from last week. This is what he found. He said that the air quality index

that you measure air pollution with doesn't work, that your Drive Clean strategy is broken, that less than one quarter of the pollution standards have been adequately updated, that government-sanctioned air pollution is rampant because certificates of approval haven't been updated.

During the election, you said you would be "cracking down" on pollution, but the numbers show that quite the opposite is happening. Premier, where's the crackdown?  
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**Hon Mr McGuinty:** I know the minister wants to speak to this.

**Hon Leona Dombrowsky (Minister of the Environment):** I just want to clarify for the people of Ontario that the budget at the Ministry of the Environment has increased by 12.5% under our government. I'd like to remind the leader of the third party that in 1991, when the NDP came to power, the budget of the Ministry of the Environment was \$824 million, and in 1994 it was \$352 million, a cut of \$500 million. That's what happened under the NDP.

I do want to talk about our government's initiative to improve air quality. Last spring I announced a five-point air plan. We have placed caps on NO<sub>x</sub> and SO<sub>x</sub>. We've expanded those caps to include six new industrial sectors. We are committed to improving the modeling, the measurement standard, that we use in the province of Ontario. Right now, the modeling that is used is 30 years old. We are committed to updating that and getting us into the 21st century.

**Mr Hampton:** Minister, obviously you haven't read the report. What this report says is that Ontario is the biggest polluter. What the Provincial Auditor said is that many of the programs that you talk about now aren't effective.

You need to read page 12 of your own budget, because page 12 of your own budget says that your government is going to cut the Ministry of Environment by 12% more. After all the cuts that happened under the Conservatives to the Ministry of the Environment, the McGuinty government is going to cut it more.

A very simple question, Minister: What happened to your government's promise to crack down on pollution? Or is that just another McGuinty broken promise?

**Hon Mrs Dombrowsky:** The biggest cut to the Ministry of the Environment occurred under the NDP government, and we do not intend to duplicate that. Our priority is very clear.

We have implemented a five-point plan for cleaner air. We have committed to replacing coal-fired generation in the province, which is going to improve our air quality. We have committed two cents of our gas tax for public transit, which is going to reduce the number of cars that are on our highways. We are committed to an ethanol strategy. This is cleaner gas for the people of Ontario, and this is keeping a campaign commitment. It's going to be the equivalent of removing 200,000 cars from our roadways in 2007 when we have the 5% ethanol content in our gasoline.

These are some of the actions that this government has taken. In my opinion, and I know in the opinion of many across Ontario, they are delighted to see that this government has placed the environment as a priority area and is taking actions to demonstrate that.

## AEROSPACE INDUSTRY

**Mr Howard Hampton (Kenora-Rainy River):** To the Premier: Premier, due to your government's inaction, Ontario is in danger of losing a project that would literally put new life into the province's aerospace industry. Some time over the next two weeks, Bombardier will decide where to do the final assembly of their new C series commercial jet. Securing this project would create about 2,500 jobs—good jobs, technology jobs. The problem is that the Toronto area is in competition for the contract with Northern Ireland, with Montreal, and with two US states that all enjoy the backing of their senior levels of government. Meanwhile, your government is missing in action.

Premier, time is running out. Will you act now to ensure that this vital economic project is going to come to Ontario, or are you going to be missing in action on this one too?

**Hon Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** In addition to the tremendous successes that we are having with respect to our auto sector strategy, we have been working very diligently on this file as well. I can tell you that the Minister of Finance has spoken directly with Mr Tellier. I can tell you that the Minister of Economic Development and Trade has been pursuing the matter very actively. I can tell you that less than two hours ago I spoke with Mayor Miller, and one of the subjects that we covered was this matter specifically. I can tell you that we're paying very close attention to this matter and working diligently to ensure that we get our fair share of that business.

**Mr Hampton:** Premier, that was the answer that your Minister of Economic Development and Trade gave a couple of weeks ago, and all we've seen is Mayor Miller and other people who want this project to succeed running up the warning lights. We've seen no action from your government, yet you promised, "The Harris-Eves government did little to encourage the innovative industries and companies that fuel growth and create good, well-paying jobs. We will support our key business clusters with smart investments in strong, sustainable growth."

Premier, this is a project that is expected to generate over \$250 billion of economic activity over the next 20 years. We know that Quebec has a plan; we know that the American states are out there advocating; we know that Great Britain is advocating on behalf of northern Ireland, and they actually have a plan. What's your plan?

**Hon Mr McGuinty:** To the minister.

**Hon Joseph Cordiano (Minister of Economic Development and Trade):** I'm happy to report to the leader of the third party that, in fact, I had a discussion

with the Minister of Industry for Canada. We had a very interesting discussion about the aerospace industry in this country and what we were talking about is developing a Canadian strategy for this aerospace industry.

The aerospace industry went through a difficult period of time. It is bouncing back. We are seeing renewed investment, renewed proposals for additional facilities by Bombardier and other aerospace companies. Let's not forget that Ontario has a big stake in this. Tier-one suppliers are important players in aerospace in this country, and we're going to make sure that Ontario has a role to play when it comes to the aerospace industry in this country. We're going to make sure that tier-one suppliers are not forgotten, whatever happens in the future.

**Mr Hampton:** I heard a lot of rhetoric, but I didn't hear a plan. Look, the workers and de Havilland have come up with a plan. It's a plan for a \$2-billion investment. All they're asking is that the McGuinty government be part of that investment. They're not asking for a subsidy. This would be the kind of investment that the government of Quebec has put forward year over year in order to build a very successful aerospace industry in that province. It's an investment strategy that will build the kind of jobs that your government has talked about, but so far you're missing in action on this file.

So I ask you one more time: Workers have put forward a plan; the de Havilland plant has put forward a plan; when are you going to be part of that plan?

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. I'm going to ask the member from Windsor-St Clair and the member from St Catharines to come to some order so I can hear the leader of the third party.

**Ms Marilyn Churley (Toronto-Danforth):** It's his only opportunity these days to say anything.

**Mr Hampton:** I appreciate that the Minister of Tourism doesn't get much opportunity to speak in the House any more.

The workers have put forward a plan. The de Havilland plant has put forward a plan. They're asking Ontario to be a co-investor. They're not asking for a subsidy; they're asking you to invest to build the future of the aerospace industry here in Ontario. Are you prepared to be part of that plan, or are you just going to talk around the edges?

**Hon Mr Cordiano:** I can tell the leader of the third party, we're going to be a much bigger part of this plan than he ever was. I talked to the CAW workers about this several months ago and I recall when, in recent days gone by, the leader of the third party, referring to the CAW said, "I'm not even going to talk to those guys. They could blow your mind speaking to them." He ignored them completely.

**Hon George Smitherman (Minister of Health and Long-Term Care):** Apparently he didn't heed his own advice.

**Hon Mr Cordiano:** He didn't even heed his own advice; that's true. Now he says, "Where's your plan?" Let me reassure the leader of the third party, we have a

plan, just as we've had a plan for the auto investment strategy that's going forward. We have a plan for the aerospace industry, and I'll tell you right now, whatever comes forward, we will be a part of it, especially tier-one suppliers in Ontario that are an important part of the aerospace industry in this province.

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## WATER QUALITY

**Mr Robert W. Runciman (Leader of the Opposition):**

A question to the Minister of the Environment: Your threat to implement regulation 170, which would require overly strict and costly testing of private wells, is leaving many in rural Ontario worried. Churches, community halls, trailer parks and campgrounds, to name a few, are extremely concerned about the cost of complying with this regulation. Yet—

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. I've been warning the members about coming to order since we started question period. I will now start naming members if I can't get order in question period. I'd also remind the members that there's only one Speaker. I don't want individuals to be jumping up and telling me who is out of order and who is not out of order. I will detect that. As far as I'm concerned, quite a few of you are out of order. I'd like some order as we proceed with question period.

The leader of the official opposition.

**Mr Runciman:** My colleagues suggest that the Liberals are laughing at what they're doing to rural Ontario, and that's probably true.

Minister, you've remained clear about this regulation: You're going to enforce it. Private well owners will have to pay this heavy price; it's just a matter of when. Your likely opponent for a nomination in the election, Ernie Parsons, has been clear that he opposes this regulation and the \$1,000-per-week cost to private well owners that comes with it.

Ernie Parsons is doing his job. He's standing up for his constituents, many of whom could never afford this kind of expense. You're clearly taking a page out of Steve Peters's book and are more interested in telling your community, "The McGuinty government knows best." How can you justify that position?

**Hon Leona Dombrowsky (Minister of the Environment):** I will agree with the honourable member that Ernie Parsons is doing a splendid job. But I can't believe the honourable member is asking me this question, because he would have been the chair of cabinet who signed this regulation.

What I'm trying my very best to do is clean up the mess this regulation has wreaked across the province of Ontario. His government didn't consult, didn't consider, didn't research the impact this regulation would have in rural and northern Ontario. My ministry has taken on that task. We have had consultations, and we are committed to getting it right this time. We're going to take the time to do it right for the people.

*Interjections.*

**The Speaker:** Order.

Supplementary, the member for Nepean-Carleton.

**Mr John R. Baird (Nepean-Carleton):** I say to the minister, it would have been the member for Leeds-Grenville who was the first one challenging our government to come up with the money to pay for it.

Here's the problem: The Minister of Agriculture isn't standing up for rural Ontario; you're not standing up for rural Ontario. Reg 170 will have huge and consequential effects for church halls, for legions, for trailer parks. Why won't you listen to rural Ontario? Why won't you listen to Conservative MPPs? Why won't you listen to Ernie Parsons? Rumours are rampant throughout eastern Ontario that because Ernie Parsons is speaking up for rural Ontario, you and Dalton McGuinty will seek retribution, retaliation and revenge when it comes to his nomination at the next election. Prove me wrong. Stand in your place, join all of us and say that you'll put your money where your mouth is and financially support rural Ontario on reg 170. Will you do that?

**Hon Mrs Dombrowsky:** I am delighted to have this opportunity to say to the people of Ontario that this Ministry of the Environment and this government are going to get reg 170 right this time. We have consulted rural Ontario. I have asked the Advisory Council on Drinking Water Quality and Testing Standards to provide me with recommendations on how we can best implement this regulation, because for this government the bottom line is that we want to assure the people in rural and northern Ontario that the water that comes out of their taps is safe. We want to make sure that the regimen that's put in place is reliable and affordable.

Those are the recommendations I look forward to receiving from the advisory council. They have been in 11 locations across Ontario, consulting with Ontarians on this very important matter, and I'm delighted that we have this opportunity—

**The Speaker:** New question.

*Interjection.*

**The Speaker:** Let's get the member for St Catharines settled a bit first before I ask the member for Niagara Centre to put his question forward.

#### INSURANCE RATES

**Mr Peter Kormos (Niagara Centre):** To the Minister of Finance: Not a week goes by that we aren't confronted with another private insurance horror story in this province, whether it's hundreds of millions a year in secret commissions, kickbacks to brokers or unheard of new exorbitant profits, in a climate where homeowners' policies are sky-high in terms of the premiums. Now we discover that homeowners, families who own and live in homes across this province that are designated heritage properties, are confronted with increases of 100% to 200% to 300% in the premium they were paying before that designation. It's the same house, same foundation, same bricks, same mortar, same roof, same wiring, but heritage designation jacks up the insurance premiums and

punishes these homeowners to the tune of two or three times what they were paying before. How can you justify that, minister responsible?

**Hon Greg Sorbara (Minister of Finance):** The very issue my friend raises is something we have already looked into. Thus far, I can tell him, the members of this House and the people of Ontario that we've found no evidence of premiums going up because of a heritage designation.

What I can tell my friend is that in many sectors, and in particular the auto sector, we are seeing a dramatic reduction in premiums, consistent with the policies and programs of this government, and we are seeing increased competition in all sectors of the industry.

The third point is that where we see abuse, we are able to act urgently. In the case of commissions, we were able to achieve a voluntary compliance with absolutely the highest standards in Canada, if not North America, in public disclosure of all commissions paid to brokers.

**Mr Kormos:** Minister, you are seriously misinformed. Only this morning, one of the NDP research staff was speaking with a broker, and the broker spent a considerable amount of time on the telephone trying to rationalize the increased premiums that homeowners are required to pay once their properties are designated as heritage properties. What a disincentive to Ontarians out there, to families who work hard, who invest a great deal of their sweat equity and their money as stewards of important pieces of Ontario's history. What an incredible mess.

And it's not just the premium increases. Bill and Heather Foote in Welland had their policy with ING cancelled once their home was designated a heritage property and were then forced back into the market again, shopping and being confronted with premiums that were two and three times what they were when ING had insured them, before ING's cancellation—

**The Speaker (Hon Alvin Curling):** Question?

*Interjections.*

**Mr John O'Toole (Durham):** Unanimous consent to—

**The Speaker:** Unanimous consent that you go back to your seat and stop disrupting the proceedings.

Could the member just put his question in 10 seconds?

**Mr Kormos:** Don't suggest it's not happening. It's happening across Ontario. What are you going to do about it?

**Hon Mr Sorbara:** The first thing I would say to my friend from Niagara Centre, with the greatest of respect, is that the quality of NDP research during the first 14 months of this Parliament has been very suspect. I want to tell him, secondly, that there are over 200 companies offering property and automobile and casualty insurance in this province and that the steps our government has taken have significantly increased levels of competition.

My advice to everyone looking for insurance is to make sure that they shop around and that they press very hard to make sure they're getting the lowest rate, because we know for sure that in Ontario today rates are coming down.

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## NURSES

**Mrs Carol Mitchell (Huron-Bruce):** My question is for the Minister of Health. Nurses are the backbone of the health care system. They provide essential services for the people in my riding of Huron-Bruce. The nurses of this province work very hard to ensure we get better when we are sick or hurt, and they do very good work. But they are faced with staff shortages, and nurses are increasingly starting to age out. The people of Huron-Bruce, along with all Ontarians, need to know how we are working to solve these problems. During the campaign, health care was among the top issues in my riding, and that included concerns about nursing shortages. We told the people of Ontario that we would hire more nurses to deal with this issue. Minister, how will the nursing strategy you have announced today help to alleviate the problem of nurse shortages in Ontario?

**Hon George Smitherman (Minister of Health and Long-Term Care):** I am very pleased that today we were able to make a significant commitment, on top of the 2,400 full-time opportunities we've already created for nurses in Ontario, with a \$29.1-million strategy to support our new nursing grads. Some \$17.7 million of this will go to support new graduate nursing positions in hospitals and long-term-care homes to provide three months of full-time clinical setting employment for our nurses as a bridge to employment; in addition, paying \$1.4 million to our senior nurses to help mentor those newcomers, and a \$10-million investment in our colleges and universities for clinical simulation equipment that will provide much more enhancement for nurses in the schooling portion of their service.

Today I had the opportunity to be at St Joseph's Health Centre in Toronto with Joan Lesmond, president of the Registered Nurses Association of Ontario, who said the following: "We applaud the government for hearing—and heeding—RNAO's call for more full-time work for registered nurses, better support for new graduates, and improved clinical education for students."

**Mrs Mitchell:** Minister, nurses are so vital to our health care system, and it is very good to hear that we are taking steps to ensure that they have the resources they need to succeed and that their hard work is being acknowledged. I can tell you it is a welcome change from being referred to as Hula Hoops.

You mentioned that you will track to make sure the money being allocated today will be reflected in new nurses. The constituents in my riding are also very concerned with transparency and accountability. Minister, how will you do this, and why are these accountability measures so important to the people of Ontario?

**Hon Mr Smitherman:** The honourable member asks an excellent question, one that has challenged previous Ministers of Health, who saw funding announcements and the flow of funds sometimes affect an institution's

bottom line but not necessarily go to the area for which they were intended.

We certainly changed that pattern with respect to accountability agreements and signoffs. In any instance where the government of Ontario is flowing resources to a hospital or long-term-care home for a particular intent, they have very specific requirements to report back. In the instance where there is unionized employment, we've added an even more significant accountability requirement, which is that the leadership of that union is also asked to sign back on the information to verify indeed that any dollar that is sent to an Ontario health care institution for a particular purpose is spent on that. That really is designed to address the reality that the previous government, while well-intentioned in this area, often sent money that did not achieve the desired result.

## WATER QUALITY

**Mr John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of the Environment. You have stated that regulation 170/03 is flawed. Your response was to appoint this advisory council to travel through the province and get feedback from the people. Well, the feedback you received in rural Ontario was very, very clear: You cannot proceed with the implementation of this regulation as written. Your response has been to delay it. Madam Minister, will you commit not to a delay, not to fancy catchphrases like "getting it right?" Will you commit to making substantive changes that reflect the reality of rural Ontario and its people?

**Hon Leona Dombrowsky (Minister of the Environment):** I'm very happy to have an opportunity to clarify again for the people of Ontario that we are committed to clean water, that we are committed to improving regulation 170.

My question is, when his government signed regulation 170, why did they not consult with the people of Ontario? Why did they not consider the negative impact this regulation was going to have in rural Ontario and in northern Ontario? Why did they not consider and have public meetings, as our ministry has?

We have committed to doing that. We are going to get it right. It's going to take us time to do it, but we believe in taking the time that is required to ensure that at the end of the process we have a regulation that works for rural Ontario, that works for northern Ontario.

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. I'm trying to get the member from Don Valley East to quiet down a bit.

Supplementary?

**Mr Yakabuski:** I remind the minister that while in opposition, she wholeheartedly supported the legislation that encompasses this regulation. I remind the House of that.

This government has two ways of dealing with issues: (a) they blame it on the previous government, or (b) they

simply hide and delay and delay and delay until the temperature drops around the issue.

The people in rural Ontario can't accept a delay. All that the minister is saying to those people in rural Ontario is, "Do you know what? We're not cancelling the execution, but I'm sending the hangman on vacation." That's not good enough. We in rural Ontario need to know that changes are going to be made. If not, it will exact an unbearable toll on people in rural Ontario. Will you make those changes?

**Hon Mrs Dombrowsky:** Reg 170, as it is written now, will exact an unbearable toll on the people of rural Ontario. That's the regulation you wrote. My question to you is, why did you write it that way? Our government is committed to fixing it.

*Interjections.*

**The Speaker:** Order. The member from Oxford, the member from Nepean-Carleton and the member from Renfrew-Nipissing-Pembroke, I'm going to warn you one more time.

We were at the response from the minister.

**Hon Mrs Dombrowsky:** I share the frustration of the people of Ontario. It takes a great deal of time when regulations are poorly written, badly written. It takes a lot of time to get it right, to fix it. It takes time to consult; it takes time to consider impacts. I'm proud to say that our government is prepared to make that commitment and take the time to do it right, because we want a regulation that will work in rural Ontario.

We are committed to ensuring that communities have access to safe drinking water.

1500

#### WOMEN'S HEALTH SERVICES

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of Health. Women's health services are at risk because of the directions you are making Ontario hospitals follow. Under your budget formula, clinical services primarily intended for women can be reduced or eliminated, services like abortion, obstetrics, birth control, fertility clinics and postpartum services. Women's College Hospital has to reduce programs by 25%. The Peterborough Regional Health Centre is eliminating the breast-feeding clinic and post-natal mood disorder clinic housed at its Women's Health Care Centre.

Postpartum services are already limited, but in the shadow of recent tragic events, the loss of any program that helps mothers experience postpartum symptoms is extremely troubling. You still have a window of opportunity to preserve these programs that impact half of adult Ontarians. Will you today designate these women's health services as protected?

**Hon George Smitherman (Minister of Health and Long-Term Care):** I think it's important to remind the honourable member of a couple of things, and I appreciate the question. The first is that each hospital in Ontario will receive more resources this year than last. I think the second thing that's important to note is that we

are still at the earliest stages of a process that the House probably got a bit tired of me talking about a few weeks back, but I acknowledge that it is a lengthy process.

There is a review going on of balanced budget plans that have been submitted. While the honourable member does cast information in a circumstance to make it seem as if those decisions have been taken, that has not yet occurred. More to the point, we are seeing, frankly, some good opportunities for programs that have been operated in hospitals to find a more appropriate setting in the community and we're examining all of those on a case-by-case basis. There's a lot to examine, for sure. I just want to give the assurance to the honourable member that not everything she has heard heretofore is likely to transpire.

**Ms Churley:** Minister, you know as well as I do that these programs are in scarce supply in the community, if at all, and people can't turn to programs that don't exist. They can't be built overnight in the community. Women turn to the expert care at women's health centres, centres that will be decimated with these pending cuts. The problem is, these programs are not on the mandated list, so when hospitals are being told they have to cut, where do they turn but to programs that aren't mandated?

I'm asking you to assure us today that those postpartum clinics and other vital services for women will be put on the mandated list so that they will not be on the chopping block, clear and simple. Women need those assurances today, more than ever. Will you do that?

**Hon Mr Smitherman:** What I will do is continue to work through a process which has been well-established to date, and that is that we are required, as a government, to sign off on any plans that come forward. The honourable member raises issues about a variety of programs which may have been offered up by hospitals. But the point I'm making, and that I seek the honourable member to hear, is that we have a considerable amount of work to do within the ministry before any of those decisions are taken.

When I spoke about community in my earlier answer, it wasn't to suggest, necessarily, that there's a capacity at the community level now, but rather that one of the things we are seeing as we review the balanced budget plans of hospitals is that some programs, which are better suited at the community level, have been absorbed in hospitals. We're also seeking the opportunity to see where it might be appropriate to better situate those programs at the community level.

On a case-by-case basis, we're working through these. I appreciate the honourable member for bringing these important matters to my attention today.

#### ELECTORAL REFORM

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My question is for the Attorney General, minister responsible for democratic renewal. Minister, you recently announced that the government will review the first-past-the-post electoral system by empowering a citizens' assembly to research and examine alternative



electoral models in use around the world. What guarantee do we have that the work of the citizens' assembly will be given serious consideration, and that Ontarians will have an opportunity to truly have their voices heard?

**Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** I thank the member for the question. I'm very proud that just over two weeks ago the Premier announced that we will be having a citizens' assembly on electoral reform, the first of its kind, the first opportunity, really, to consult citizens on our electoral system since Confederation.

The idea is to let a citizens' assembly, which will be randomly selected and will in fact at some point have an opportunity to hear from citizens as well, look at our electoral system. If they recommend alternatives, then we've committed to having a referendum on that within this mandate. If they recommend that in fact we should keep the system we have, then we will do so. But it will be up to the citizens to decide. It will be in their hands.

**Mr McMeekin:** Minister, that's exciting to hear. I'm certainly pleased that our government is taking steps to address this democratic deficit in Ontario, in addition to the measures we're taking to address our fiscal deficit, neither of which the previous government had the courage to tackle.

Let me just say on a personal note that I have initiated local citizens' assemblies in my communities to help me become better informed about the concerns and challenges experienced in my riding, and I truly believe that listening to citizens in a structured way has made me a better MPP. Minister, can you tell us just a bit more about how the people will be selected to sit on the citizens' assembly and what model, if any, the Ontario citizens' assembly will reflect?

**Hon Mr Bryant:** I thank the member. In many ways, the assembly is following the lead of people like you, MPPs who have turned to the citizenry for some assistance, direction, input and feedback. I know you've had that in place for many years before, in opposition, and I think when you were mayor as well. It has always, I know, given you that ability to know that every day you're here you are getting input from your community. So too the idea here is that we're going to be hearing from citizens. Far be it from politicians just to be the ones to determine the future electoral system. Rather, we are turning to the citizenry.

The way in which we put together this assembly—to some extent, we'll learn the lessons from the BC citizens' assembly—will be a random selection of people. We'll need assistance from the chief electoral officer and we'll certainly have gender balance on the assembly. We look forward to more on this in the future.

#### WASTE DIVERSION

**Mr Norm Miller (Parry Sound-Muskoka):** My question is for the Minister of the Environment. Minister, according to US Senators Carl Levin and Debbie Stabenow from Michigan, there are now over 400

garbage trucks crossing the border daily. The number of trucks has more than doubled since you took office. On November 15, Senators Levin and Stabenow asked the homeland security office to take immediate action to stop garbage from crossing the border, as they believe it is a homeland security risk. I'm sure this is of serious concern to the government.

Minister, can you tell us how many truckloads of garbage are travelling to Michigan every day and why that number has more than doubled since you became the government?

**Hon Leona Dombrowsky (Minister of the Environment):** I believe the honourable member has already talked about the number of trucks, but I'm very happy to respond to the member today that our goal for municipalities in Ontario is to divert 60% of their waste from landfill. We believe we must do a much better job of not sending as much waste to landfill. We have posted on the Environmental Bill of Rights registry a discussion paper, a white paper. We have sought input on how we can better implement diversion measures and some recommendations for municipalities on what they need in order to achieve those goals.

I want to cite particularly the city of Toronto and the implementation of their green bin program. It's been very well received and very successful and will take them well along the way to their 60% diversion goal, which will have an impact on the number of trucks that are crossing the border with Toronto garbage.

1510

**The Speaker (Hon Alvin Curling):** Supplementary?

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** To the Minister of the Environment: Minister, there's a plan for Toronto garbage to be diverted to Haldimand county. Edwards dump wants to expand their daily fill rate by 5,000% to receive GTA waste. Haldimand county council unanimously endorsed a motion requesting that you conduct a full environmental assessment on the Edwards dump. The site is located on a wetland, a slough forest near Pike and Oswego creeks. They feed into Lake Erie and Lake Ontario. It's two miles from the Grand River, and it's near abandoned gypsum mines. I'm told the proposed expansion—it's a 15-acre, 29-foot-deep hole—will affect surface and groundwater, in contravention of your draft source water protection legislation.

**The Speaker:** Question.

**Mr Barrett:** Minister, the question is, will you grant Haldimand county's request for a full environmental assessment?

**Hon Mrs Dombrowsky:** There has already been a decision made with regard to designating the Edwards site for a full environmental assessment. The honourable member should know that this is not an expansion of the site particularly, but it is going to amend the rate at which the site is filled. I'm not prepared to speculate on where that waste is going to come from. That is not part of the consideration that we make.

I think it is important as well, and I'm very happy to share with the House, that on December 7, the director who has the responsibility for approving the modified fill

rate has posted on the Environmental Bill of Rights registry that particular proposal and is inviting comments.

I say to the honourable member that I believe the Ministry of the Environment is exercising its responsibility in an appropriate way, and the community does have an opportunity to make their concerns known through the EBR process.

#### ONTARIO NORTHLAND TRANSPORTATION COMMISSION

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the minister of Scandinavian studs.

*Interjections.*

**The Speaker (Hon Alvin Curling):** Order. Member from Timmins-James Bay, would you tell me to whom you're addressing this question?

**Mr Bisson:** My question is to the Minister of Northern Development and Mines, on a more serious note.

Minister, you will know that the Ontario Northland Transportation Commission has a mandate in northern Ontario to make sure there is transportation available to the people of the northeast. You'll also know that the town of Hearst has lost bus service from seven days a week between Thunder Bay and Hearst down to three days a week. That means, if you've got to travel for a hospital appointment, if you have to travel for business, if you have to travel for anything, you're stuck with only three days of service out of Hearst.

My question to you is simply this: Are you prepared to have the ONTC step in, as they are the agency responsible, and make up for the services that have been lost between Thunder Bay and Hearst?

**Hon Rick Bartolucci (Minister of Northern Development and Mines):** This is a very, very serious issue that the member brings up. It's about our ability in northern Ontario to have proper transportation.

But there's an issue he brought up before the question that I think we must address: The issue of the safety of northern highways shouldn't be made light of. We will use the best technology possible to ensure the safety of motorists in northern Ontario. I would suggest to the member, for whom I have a lot of respect, that he take the issue of safety on northern highways a lot more seriously when it comes to people using northern highways during the winter months.

Certainly, I want to tell him that we take the issue of reduced transportation services very seriously as well. The ONTC staff is working aggressively on that.

#### PETITIONS

##### HEALTH CARE

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition to the Legislative Assembly of Ontario.

They keep coming because the government doesn't seem to want to listen, so we'll have to just keep reading them in.

"Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services,

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

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services."

I've signed that.

##### EMPLOYMENT STANDARDS

**Mr Peter Kormos (Niagara Centre):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Liberal Party plans to amend the Employment Standards Act, 2000; and

"Whereas the Ontario Liberal government has introduced Bill 63 amending the maximum allowable hours of work per week and other consequential amendments; and

"Whereas section 18 of the Employment Standards Act effectively denies members of trade unions greater benefits than what the act allows in their collective agreements:

"Therefore, let it be resolved that the Ontario Legislature further consult with trade unions before passing this legislation; and

"Let it be further resolved that the Ontario provincial Legislature amend the Employment Standards Act, 2000, specifically section 18 of the act that pertains to hours free from work where there is a binding collective agreement in place; and

"Finally, let it be resolved that trade unions with collective agreements in place that provide 'a greater benefit' than what the act provides be able to continue to enforce their collective agreement subject to the approval of the Ontario Ministry of Labour."

It's signed by hundreds; I've affixed my signature as well. Page Evan is delivering it to the Clerk.

##### WORKERS' COMPENSATION

**Mr Dave Levac (Brant):** This is to the Legislative Assembly of Ontario.

"Whereas, since Bill 99 was passed in 1997 by the Harris government, the situation for injured workers with respect to income, recognition of their injuries by the compensation system, treatment by the employer and opportunities for re-employment has dramatically deteriorated; and

"Whereas employers have more power today to frustrate and intimidate injured workers and are less accountable for their actions; and

"Whereas employers are increasingly putting greater effort into avoiding reporting of claims and associated costs than into preventing injuries; and

“Whereas the compensation system is increasingly more concerned about minimizing costs for employers than ensuring full compensation for workers; and

“Whereas it is the responsibility of the provincial government to ensure fair and adequate compensation for workers and to ensure healthy and safe workplaces;

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

“To direct the provincial government to immediately:

“Change the name of the Workplace Safety and Insurance Board back to the Workers’ Compensation Board;

“Implement full cost-of-living protection for injured workers;

“Establish full coverage for all workers and all work-related disabilities and diseases under the compensation system;

“Abolish experience rating which encourages employers to, and rewards them for, hiding occupational injury and illness by giving them money back from their premiums;

“Enforce health and safety in the workplace by hiring more inspectors and sending them to workplaces without giving advance notice to the employer;

“Enforce employer re-employment obligations and abolish provisions which deem workers to be receiving wages from jobs they don’t have;

“Conduct a complete review of the workers’ compensation system in order to write new legislation which ensures fundamental benefits and rights for workers, including survivors of workers killed on the job, as called for in the CAW Jobs for Full Compensation platform.”

I sign this petition and give this over to Nicholas.

#### PIT BULL LEGISLATION

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

“Whereas the Attorney General under Bill 132 is proposing to ban pit bulls;

“Whereas the council of the corporation of the township of South Glengarry has expressed to the Attorney General two areas of legislation of significant concern:

“(1) The current proposal as worded would be an enforcement nightmare for, in our opinion, and that of many residents, no ticket charges could be upheld in the judicial process; and

“(2) The enactment of such legislation as we currently understand would place great strain on local municipalities both in monetary and physical terms;

“Therefore, we the undersigned respectfully petition the Legislative Assembly of Ontario as follows:

“That the Attorney General undertake consultation with the Association of Municipalities of Ontario and have regard to the ratepayers of Ontario.”

I support the petition and affix my signature.

#### CHIROPRACTIC SERVICES

**Ms Andrea Horwath (Hamilton East):** I’m pleased to present this petition to the Legislative Assembly of Ontario.

“Whereas the elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

“Whereas those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Whereas the elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“Whereas there was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I have affixed my signature, as I agree with this petition, and present it through Eric.

1520

#### WATER QUALITY

**Mr Michael A. Brown (Algoma-Manitoulin):** I have a number of petitions signed by people from the Bruce Mines and Plummer Additional township area.

“To the Legislative Assembly of Ontario:

“We, the undersigned, petition the Legislature of Ontario as follows:

“Whereas the Ontario government has passed regulations regarding water quality; and

“Whereas that legislation has created financial crises in small communities; and

“Whereas those communities and their residents do not have the ability to cover the operating costs of the new legislation; and

“Whereas there are currently no provincial dollars for operating costs;

“Therefore, be it resolved that we request the provincial government immediately review water regulations and funding with regard to small communities before many are forced from their homes.”

I agree with this petition and I’m signing it. I’m giving it to my page, Savannah, who has been representing us well here from Algoma-Manitoulin.

#### EYE EXAMINATIONS

**Mr Jerry J. Ouellette (Oshawa):** “A petition to the Legislative Assembly of Ontario:

“Whereas the 2004 provincial budget was not clear on whether adult optometry patients who have or who are at

risk for medical conditions such as diabetes, glaucoma, macular degeneration and clinically significant cataracts would continue to be covered through the Ontario health insurance plan; and

“Whereas Ontario’s optometrists strongly feel that Ontario seniors, those under 20 and those with chronic sight-threatening diseases must continue to receive primary eye care services directly from Ontario’s optometrists; and

“Whereas forcing patients to be referred to optometrists through their family physicians ignores the years of specialized training optometrists undertake to detect, diagnose and treat eye conditions; and

“Whereas almost 140 communities across the province have already been designated as underserved for family practitioners and the government’s approach will only exacerbate the problem unnecessarily;

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

“That the Ministry of Health and Long-Term Care immediately clarify that the eye examination services they provide to patients at risk for medical conditions will continue to be covered by OHIP and the coverage for these services is not dependent on a patient being referred to an optometrist by a family physician.”

I affix my name in full support.

#### HOSPITAL FUNDING

**Mrs Maria Van Bommel (Lambton-Kent-Middlesex):**

I have a petition to the Legislative Assembly of Ontario.

“Whereas the funding formula used by the Ministry of Health provided only a 1% increase for Four Counties Health Services in Newbury; and

“Whereas Four Counties Health Services has a projected deficit of \$1.7 million; and

“Whereas the plan to balance the budget of Four Counties Health Services by 2006 recommends the closing of all beds at the hospital; and....

“Whereas the continuing viability and operation is of critical importance to the quality of life of all citizens in the catchment area of the hospital;

“Therefore we, the undersigned, request a review of the budget/funding and consultation with the hospital board/administration/community to reflect the needs of our rural hospital and community.”

I’m going to give this petition to page Dever.

**Mr Gerry Martiniuk (Cambridge):** “To the Legislative Assembly of Ontario:

“Cutting Services at Cambridge Memorial Hospital

“Whereas the Liberal McGuinty government has broken its election promise to increase health care funding and improve its quality; and

“Whereas the McGuinty government has imposed a health tax, contrary to its election promise; and

“Whereas the McGuinty government has delisted key, essential health services; and

“Whereas the McGuinty government has cut funding to Cambridge Memorial Hospital, resulting in the elimination of necessary and essential health services;

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

“That the Liberal McGuinty government keep its election promises, reverse its health funding cuts and restore full funding at Cambridge Memorial Hospital to the following services that have been cut:

The ambulatory care chronic pain clinic, 10 alternate-level care beds, cardiac rehabilitation, fitness appraisals, fitness function, health and wellness consultations, menopause clinic, nutritional counselling services, occupational therapy services, osteoporosis program, physiotherapy clinic, smoking cessation, speech language practice groups, stress management, weight management, wellness works and day hospital, the microbiology department, nutrition and food services department cutbacks.”

#### CASINO OPERATING AGREEMENT

**Mr Kim Craiton (Niagara Falls):** I’m pleased to present this petition on behalf of the Niagara Falls Citizens for Democracy:

“Whereas the two commercial casinos in Niagara Falls are publicly owned; and

“Whereas Falls Management Co, a private company, has been contracted by the Ontario Lottery and Gaming Corp to operate both Casino Niagara and the Niagara Falls casino resort; and

“Whereas the operating agreement between Falls Management Co and the Ontario Lottery and Gaming Corp is not subject to public scrutiny; and

“Whereas no elected official in Niagara Falls has seen the operating agreement; and

“Whereas this lack of transparency is unacceptable in a free and democratic society;

“We, the undersigned, petition the Legislative Assembly of Ontario to take the steps necessary to make public the operating agreement between Falls Management Co and the Ontario Lottery and Gaming Corp.”

#### VOLUNTEER FIREFIGHTERS

**Mr Ted Arnott (Waterloo-Wellington):** My petition is to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

“Whereas the Ontario Professional Fire Fighters Association has declared their intent to ‘phase out’ these double-hatter firefighters; and

“Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs,

and this is weakening volunteer fire departments in Ontario; and

“Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

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

“That the provincial government express public support for MPP Ted Arnott’s Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time.”

This is signed by a number of my constituents in Mapleton township.

### CHIROPRACTIC SERVICES

**Mr Jeff Leal (Peterborough):** We have a petition today to the Legislative Assembly of Ontario.

“Re: support for chiropractic services in Ontario health insurance plan:

“Whereas the elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

“Whereas those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

“Whereas the elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

“Whereas there was no consultation with the public on the decision to delist chiropractic services;

“We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I’m going to give it to my good friend the page from Peterborough.

### DEPOSIT RETURN

**Mr Norm Miller (Parry Sound-Muskoka):** I have a petition supporting deposit return in Ontario. It reads:

“Whereas Ontarians add a billion aluminum cans and other recyclables to landfill sites each year; and

“Whereas cans and bottles litter our parks, playgrounds and roadsides and can cause harm to the public, wildlife and the environment; and

“Whereas the provinces of British Columbia, Alberta and Saskatchewan already have deposit return programs in place; and

“Whereas total litter has been reduced by as much as 47% where deposit return programs have been implemented; and

“Whereas plastic products contribute 7% by weight and 30% by volume to municipal solid waste and plastics also make up a large proportion of litter on land, on shorelines and in waterways;

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

“That the government of Ontario pass legislation to establish a province-wide return collection system for beverage containers under a deposit-refund system requiring redeemed containers to be either refilled or recycled.”

I support this petition and affix my signature to it.

### BENEFIT AND PENSION INDEXATION

**Mr Bill Mauro (Thunder Bay-Atikokan):** I have a petition addressed to the Legislative Assembly of Ontario:

“Whereas in 1985, all three political parties in the Legislative Assembly of Ontario agreed to enact full indexation (cost-of-living protection) in the Workers’ Compensation Act; and

“Whereas the Canada pension plan is fully indexed annually; and

“Whereas in 1995, Bill 165 restricted indexation (cost-of-living protection) drastically of most benefits and pensions;

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

“We, the residents and taxpayers of Ontario, in support of all injured and disabled workers, spouses and their children, demand restoration of full indexation (cost-of-living protection) for all benefits and pensions retroactive.”

### ORDERS OF THE DAY

#### BUDGET MEASURES ACT, 2004 (NO. 2)

#### LOI DE 2004

#### SUR LES MESURES BUDGÉTAIRES (N<sup>o</sup> 2)

Resuming the debate adjourned on October 18, 2004, on the motion for second reading of Bill 106, An Act to implement Budget measures and amend the Crown Forest Sustainability Act, 1994 / Projet de loi 106, Loi mettant en oeuvre certaines mesures budgétaires et modifiant la Loi de 1994 sur la durabilité des forêts de la Couronne.

**The Deputy Speaker (Mr Bruce Crozier):** Further debate?

The snail mail was slow.

**Mr John R. Baird (Nepean-Carleton):** Don’t blame them.

**The Deputy Speaker:** Pursuant to the order of the House dated December 7, 2004, I am now required to put the question.

Mr Sorbara has moved second reading of Bill 106, An Act to implement Budget measures and amend the Crown Forest Sustainability Act, 1994. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1532 to 1537.*

**The Deputy Speaker:** All those in favour will please stand one at a time and be recognized by the table.

#### Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Oraziotti, David
Bartolucci, Rick	Fonseca, Peter	Peters, Steve
Bentley, Christopher	Gerretsen, John	Phillips, Gerry
Berardinetti, Lorenzo	Hoy, Pat	Pupatello, Sandra
Bountrogianni, Marie	Kennedy, Gerard	Qaadri, Shafiq
Bradley, James J.	Kular, Kuldip	Racco, Mario G.
Broten, Laurel C.	Kwinter, Monte	Ramal, Khalil
Brown, Michael A.	Lalonde, Jean-Marc	Ramsay, David
Brownell, Jim	Leal, Jeff	Rinaldi, Lou
Bryant, Michael	Levac, Dave	Ruprecht, Tony
Caplan, David	Marsales, Judy	Sandals, Liz
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Cordiano, Joseph	Mauro, Bill	Smitherman, George
Craiton, Kim	McGuinty, Dalton	Sorbara, Gregory S.
Delaney, Bob	McMeekin, Ted	Van Bommel, Maria
Dhillon, Vic	McNeely, Phil	Watson, Jim
Di Cocco, Caroline	Meilleur, Madeleine	Wilkinson, John
Dombrowsky, Leona	Milloy, John	Wynne, Kathleen O.
Duguid, Brad	Mitchell, Carol	Zimmer, David
Duncan, Dwight	Mossop, Jennifer F.	

**The Deputy Speaker:** All those opposed, please stand one at a time and be recognized by the Clerk.

#### Nays

Baird, John R.	Hampton, Howard	Ouellette, Jerry J.
Barrett, Toby	Hudak, Tim	Prue, Michael
Bisson, Gilles	Kormos, Peter	Runciman, Robert W.
Chudleigh, Ted	Marchese, Rosario	Tascona, Joseph N.
Churley, Marilyn	Martiniuk, Gerry	Witmer, Elizabeth
Eves, Ernie	Miller, Norm	
Flaherty, Jim	Murdoch, Bill	

**The Clerk of the Assembly (Mr Claude L. DesRosiers):** The ayes are 59; the nays are 19.

**The Deputy Speaker:** I declare the motion carried.

Pursuant to the order of the House dated December 7, 2004, this bill is referred to the standing committee on finance and economic affairs.

### BUDGET MEASURES ACT (FALL), 2004

#### LOI DE 2004 SUR LES MESURES BUDGÉTAIRES (AUTOMNE)

Resuming the debate adjourned on December 6, 2004 on the motion for second reading of Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts / Projet de loi 149, Loi mettant en oeuvre

certaines mesures énoncées dans le Budget de 2004, édictant la Loi de 2004 sur la Société d'émission d'obligations de développement du Nord de l'Ontario et modifiant diverses lois.

**The Deputy Speaker (Mr Bruce Crozier):** Pursuant to the order of the House dated December 7, 2004, I am now required to put the question.

No, excuse me. I'd better tell you what you're voting on.

Mr Sorbara has moved second reading of Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

**Interjection:** Same vote.

**The Deputy Speaker:** Same vote? I heard a no. Call in the members. This will be a five-minute bell.

*The division bells rang from 1540 to 1545.*

**The Deputy Speaker:** All those in favour, please stand one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Patten, Richard
Bartolucci, Rick	Fonseca, Peter	Peters, Steve
Bentley, Christopher	Gerretsen, John	Phillips, Gerry
Berardinetti, Lorenzo	Hoy, Pat	Pupatello, Sandra
Bountrogianni, Marie	Kennedy, Gerard	Qaadri, Shafiq
Bradley, James J.	Kular, Kuldip	Racco, Mario G.
Broten, Laurel C.	Kwinter, Monte	Ramal, Khalil
Brown, Michael A.	Lalonde, Jean-Marc	Ramsay, David
Brownell, Jim	Leal, Jeff	Rinaldi, Lou
Bryant, Michael	Levac, Dave	Ruprecht, Tony
Caplan, David	Marsales, Judy	Sandals, Liz
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Colle, Mike	Mauro, Bill	Smitherman, George
Cordiano, Joseph	McGuinty, Dalton	Sorbara, Gregory S.
Craiton, Kim	McMeekin, Ted	Van Bommel, Maria
Delaney, Bob	McNeely, Phil	Watson, Jim
Dhillon, Vic	Meilleur, Madeleine	Wilkinson, John
Di Cocco, Caroline	Milloy, John	Wong, Tony C.
Dombrowsky, Leona	Mitchell, Carol	Wynne, Kathleen O.
Duguid, Brad	Mossop, Jennifer F.	Zimmer, David
Duncan, Dwight	Oraziotti, David	

**The Deputy Speaker:** All those opposed please stand one at a time and be recognized by the Clerk.

#### Nays

Baird, John R.	Hardeman, Ernie	Munro, Julia
Barrett, Toby	Hudak, Tim	Ouellette, Jerry J.
Bisson, Gilles	Klees, Frank	Prue, Michael
Chudleigh, Ted	Kormos, Peter	Runciman, Robert W.
Churley, Marilyn	Marchese, Rosario	Tascona, Joseph N.
Eves, Ernie	Martiniuk, Gerry	Witmer, Elizabeth
Flaherty, Jim	Miller, Norm	

**The Clerk of the Assembly (Mr Claude L. DesRosiers):** The ayes are 62; the nays are 20.

**The Deputy Speaker:** I declare the motion carried.

Pursuant to the order of the House dated December 7, 2004, this bill is ordered for third reading.

PUBLIC SAFETY RELATED TO DOGS  
STATUTE LAW AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LA SÉCURITÉ  
PUBLIQUE RELATIVE AUX CHIENS

Resuming the debate adjourned on November 15, 2004, on the motion for second reading of Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act / Projet de loi 132, Loi modifiant la Loi sur la responsabilité des propriétaires de chiens pour accroître la sécurité publique relativement aux chiens, y compris les pit-bulls, et apportant des modifications connexes à la Loi sur les animaux destinés à la recherche.

**The Deputy Speaker (Mr Bruce Crozier):** Further debate?

Seeing none, is it the pleasure of the House that the motion carry?

All those in favour, please say "aye".

All those opposed, please say "nay."

In my opinion, the ayes have it.

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

"Pursuant to standing order 28(h), I request the vote on the motion by Mr Bryant for second reading of Bill 132 be deferred until Thursday, December 9."

Signed by the chief government whip.

1550

GREENBELT ACT, 2004

LOI DE 2004 SUR  
LA CEINTURE DE VERDURE

Resuming the debate adjourned November 17, 2004, on the motion for second reading of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Deputy Speaker (Mr Bruce Crozier):** Further debate?

Seeing none, is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. Carried.

Shall the bill be ordered for third reading?

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** On a point of order, Mr Speaker: I move that the bill go to general government.

**The Deputy Speaker:** So ordered.

EMPLOYMENT STANDARDS  
AMENDMENT ACT (HOURS OF WORK  
AND OTHER MATTERS), 2004

LOI DE 2004 MODIFIANT LA LOI  
SUR LES NORMES D'EMPLOI  
(HEURES DE TRAVAIL  
ET AUTRES QUESTIONS)

Mr Bentley moved third reading of the following bill:

Bill 63, An Act to amend the Employment Standards Act, 2000 with respect to hours of work and certain other matters / Projet de loi 63, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne les heures de travail et d'autres questions.

**Hon Dwight Duncan (Minister of Energy, Government House Leader):** On a point of order, Speaker: I seek unanimous consent to conduct this afternoon's debate on Bill 63 as follows: The time from the start of the debate to 5:55 pm shall be divided equally among the recognized parties, and at 5:55 pm or when the debate collapses, whichever is earlier, the Speaker shall put every question necessary to dispose of the third reading stage of the bill.

**The Deputy Speaker (Mr Bruce Crozier):** Do we have unanimous consent? Agreed.

**Mr John R. Baird (Nepean-Carleton):** On a point of order, Speaker: I want to congratulate the government House leader. After many months on the job, he's clipping at a good pace and finally getting some legislation passed. We're quite excited, and we want to congratulate him.

**Hon Christopher Bentley (Minister of Labour):** I'm pleased to rise and address third reading on this matter, because it was a campaign commitment to end the 60-hour work week and that's exactly what this legislation does. It's part of our strategy to ensure that this government protects the most vulnerable workers in Ontario and doesn't simply speak about their protection. This legislation is part of a strategy that includes an awareness strategy for both business and workers and an enforcement strategy to ensure that the Employment Standards Act protections are actually enforced.

As we saw recently, the Provincial Auditor's report suggested that since at least 1991 the Employment Standards Act was not being effectively enforced. It's time to get on with the job of protecting the most vulnerable workers in Ontario. That's exactly what we're doing.

What does this legislation do? We committed to end the 60-hour workweek. We committed to ensure that workers would have an effective right to choose whether they were going to work more than 48 hours a week or not.

What's the history of this matter? The protection in the Employment Standards Act existed for decades before it was eliminated by the previous government. What was that protection? That before any worker covered by the act would work more than 48 hours in a week, that worker would agree, and their agreement

would be supported by government oversight. Those two steps were crucial before any worker could be required to work more than 48 hours in a week.

The Tories, the previous government, in the Employment Standards Act, 2000, eliminated the requirement for government oversight. And what did that do? That effectively left the most vulnerable workers in society—those without any bargaining power, without any effective right to choose—without any support for their decision whether or not to work more than 48 hours in a week. We know that when you don't have an effective right to choose, you really don't have a right to choose at all.

We pledged to end the previous government's practice. We pledged to restore the historical protections, and that is exactly what this legislation does. It ensures that before any worker works more than 48 hours in a week, that worker must agree, and, secondly, the government must approve—essential protection, and that's what this legislation does.

Now, how does it do that? Let me speak to both the process and the substance, because the process is important.

Our government has made a commitment to reach out and listen to workers and employers, to find out what will work most effectively for all of the people of Ontario. Consistent with our commitment to end the 60-hour workweek, we said, "This is what we're going to do. Now give us advice on the best way to do it." And we received advice. We received advice in the form of 31 key labour-employer community stakeholder consultations. We received more than 30 submissions from various members of the public. We listened, and we heard two things: (1) that you need to provide government support, and (2) that you need to do so in a way that does not prevent business from effectively competing, not only provincially but nationally and internationally. We listened to the chamber of commerce. We listened to the CFIB.

What we've done in this legislation is ensure that when an employer applies for the right to work more than 48 hours in a week and that employer has the worker's agreement, what will happen is that the employer can apply not simply in writing, but by e-mail, by fax. It's not an application that will be sitting on a desk somewhere or on a computer, because the government makes a decision within 30 days or the employer and the worker can start the work. That is an effective and efficient way of extending the protection and at the same time ensuring that the application process will not unduly delay the business that we all need to go on in the province of Ontario. That is an effective compromise.

What else have we done in this legislation? We have provided for the regulatory ability to ensure that special circumstances such as, for example, remote mining situations can be dealt with effectively by regulation—very important because, as we know, the business and labour communities in the province of Ontario don't all have the same characteristics, so there are going to be special circumstances we're going to have to allow for.

This legislation provides us with that necessary scoped flexibility that didn't otherwise exist in the Employment Standards Act, 2000.

This legislation exists not in a vacuum, but as part of a three-pronged plan to protect the most vulnerable workers in Ontario. Part of the plan is legislative. Part of the plan is to increase awareness of the rights and responsibilities under the Employment Standards Act.

#### 1600

What are we doing to increase awareness? First of all, to the businesses out there that have long complained they are faced with many different regulations, what are we ensuring? We are ensuring that we're going to enhance our ability to deliver easy-to-understand information about labour legislation and regulation to businesses in a form they can use. How are we doing that? Just a few weeks ago, we launched what's called the workplace gateway. It is now part of the Service Ontario system that my colleague the Minister of Consumer and Business Services formally launched several weeks ago.

For years, businesses have said, "Why don't you put easy-to-understand information on the computer so that from our desks we can get information about the Labour Relations Act or the Employment Standards Act, and if we have a question, we have a way of getting that answered without delving into the blue pages of the phone book?" If anyone has ever tried to find a number in the blue pages, they will know the frustration; if anyone has tried to find an answer, they will know it is not likely to be found in those blue pages. You would be lucky if you get an answer from a person, as opposed to a machine.

What this does is that the workplace gateway provides easy-to-use information, easy-to-understand answers to questions, on the computer, and if the answer isn't there, we have an e-mail capability and we have a 1-800 number. E-mail, call in, we'll give you the answer to the question, because the key is, if business understands, business is more likely to comply. That protects the workers, and that improves productivity for the business and for all the people of Ontario. That is an excellent way of ensuring that the system works more effectively.

I say to all those out there, use the workplace gateway and tell us what you think, because it's not designed for government; it's not designed for the ministry. It's designed for the use of businesses and the people of Ontario. If it could work more effectively, we'll change it, because we are committed to service. That's exactly what we're committed to, and that, frankly, is what we're going to achieve with this system.

What about the workers? One of the things we've heard for years is that workers come from all over the globe. They say the magic of the Olympic games is that it brings people from all over the world together in one place at one time. Well, in Ontario, we have people from all over the world in this province, not simply once every four years, but every day of the year. People have come from all over the world. They have brought their energy, their drive, their determination. They have helped build this province into the best you'll find anywhere.



Now when people come, they don't simply come with English or French as their first language, so one of the challenges for government is to ensure that those who arrive have a means of understanding what their rights are under legislation such as the Employment Standards Act. How can they be protected by the law if they don't know what it is? If their first language isn't English or French, how do we ensure they understand what the protections are under legislation such as the Employment Standards Act? It's such an important piece of legislation because it sets the bar below which no employer can go. The Employment Standards Act protects the most vulnerable in the province.

What have we done to ensure increased understanding and awareness of the Employment Standards Act protection? Just a few weeks ago, we announced that we have translated information under the Employment Standards Act into 19 additional languages, apart from English and French. That goes along with our outreach opportunity, our outreach process. We have gone to more than 100 community organizations, in all different communities—and I know the member opposite is desperate to hear this—to tell them how we can help, to find out from them how we can more effectively help. Now we can assist community organizations in serving their constituents. We can serve the people of Ontario directly, because we have information in 19 languages, either in hard copy or on computer.

*Interjection.*

**Hon Mr Bentley:** I know the member opposite is wondering why the NDP didn't do that years ago, but finally it's been done. This is a government that takes action, that doesn't just talk the talk but actually walks the walk, and that is absolutely crucial. But that is not all; there is absolutely more.

What about the question of enforcement? I know that questions have been asked. In fact, they were asked most recently in the auditor's report that studied a period of time from the NDP days in 1990-91. The auditor found that the Employment Standards Act had not been effectively enforced. So the question arises, what did the NDP do about it? Apparently nothing. What did the Tories do about it? Apparently nothing. We have changed that. We have said that where the facts warrant, enforcement is back in style, and that's exactly what we're going to do. Where the facts and circumstances warrant, there will be enforcement.

How are we doing this? First of all, our inspection process, rather than simply being reactive, is being proactive. We're going out, and we're going to do 2,000 proactive inspections, which the auditor's report said is the most effective way of extending the protection of the law. That's what we've been doing since April. In fact, a full six months before the auditor's report came out, we were doing that.

We're supporting our new enforcement initiatives with a ticketing regime. We have now made it possible for tickets to be issued under part I of the Employment Standards Act, which is the simplified procedural ticket-

ing regime. This will ensure the more direct and effective enforcement of the law under the Employment Standards Act.

As my time grows short, let me just conclude with a couple of comments.

*Interjection.*

**Hon Mr Bentley:** I know the member is anxious to hear, but I must conclude with a few comments.

We're going to be taking a look at other parts of the employment standards procedure to make it more effective, because it is crucial that the protections afforded, to those whose obligations they are and whose rights they are, by the Employment Standards Act are known and are effectively communicated, supported by legislation and effectively enforced.

Coming back to where I started, this legislation is an important enhancement of the legislative framework, an important means of ensuring that the hours-of-work provision in the Employment Standards Act that protects the most vulnerable in society is going to be effectively supported by government oversight—strong, effective and efficient ways of supporting the most vulnerable workers in society, and supporting business efficiency. That's good for workers, good for business and good for the people of Ontario.

I am pleased to conclude these remarks by saying that I hope the House will support this piece of legislation.

1610

**The Deputy Speaker:** Further debate?

**Mrs Elizabeth Witmer (Kitchener-Waterloo):** I will join this debate, the third reading of Bill 63, on behalf of our caucus today. This bill, regrettably, is going to form the foundation for a slide, as far as the provincial economy is concerned, because it starts to put back the red tape and the burdens on the businesses in Ontario.

Certainly, people are going to start to reconsider, as I have already heard, as to whether or not they want to expand their business here or whether they want to move their business south of the border, to Mexico or the United States. If you put this with Bill 144, we see a trend developing—a very dangerous trend, by the way—which we saw under the NDP between 1990 and 1995, when that regime created an environment that was very, very unfriendly to the creation of new jobs. In fact, we saw the loss of 10,000 jobs under the NDP government.

Bill 63 and Bill 144 are certainly heading us in that same direction. I've already heard from business owners who are exploring opportunities, in one instance to go to Mexico with 350 employees, another person looking at China because of the incentives that are offered there, meeting with another four businesspeople, again, who talk about the red tape, the bureaucracy and the fact that when you're a good employer in Ontario, you're not rewarded and you are put into the same barrel with bad apples and are forced to go through the red tape and take the measures that certainly don't make for an efficient operation of your business.

It's interesting as well, when we had the public hearings on this bill, that not one person came forward from

any side who supported Bill 63; not one delegation that spoke supported this particular bill. I hope this minister, as he moves forward, carefully considers the impact of future legislation. Our goal must always be to protect employees, but we also have to make sure there are jobs for these employees. Certainly the direction they're taking doesn't make that happen.

I also think it's interesting that in this legislation there is a piece that I certainly would support and that our caucus supports, and that is the requirement for employers to provide information to their employees about their rights under the Employment Standards Act. It's a great idea, and if it's in 14 different languages, it's certainly a great idea. However, this initiative, Bill 63, is completely contradictory when you take a look at Bill 144, which is going to take away information from employees with respect to posting in the workplace their rights and the process involved in decertification.

So we've got a government here that is sending out a very conflicting message with respect to, on the one hand, in this case, ensuring that employees are advised of their hours of work provisions, but on the other hand, in Bill 144, they're saying, "You're not entitled to information with respect to certification or decertification." So I'm afraid they're not only contradictory, but they're less than sincere in their desire to increase the amount of information that is provided to employees. I would urge this government to look more globally at this particular initiative regarding information and ensure that all employees, at all times, are provided with information about their rights under all the various statutes.

I also want to make the point that Bill 63 doesn't really make any significant changes. It does not end the 60-hour workweek. It only places a very unnecessary bureaucratic burden on law-abiding business owners. For example, if you take a look at section 4, it amends section 17 of the act and provides for the situation that where approval to go beyond 48 hours has been sought and not received, workers are allowed to work the increased hours for 30 days.

Subsection 17(4) sets out the criteria that will allow for a 60-hour workweek even if approval from the ministry is not received within the 30-day period after application.

Section 17.1 provides a mechanism for the employer to apply to the director for approval, allowing some or all of the employees to work a 60-hour workweek.

So for anyone who thinks that something different is happening here, it's not. It does not end the 60-hour workweek. What it does is simply add one more bureaucratic step to the process. It creates more work for compliant business employers in the province, while not taking steps that would be much more appropriate to respond to those employers who obviously are not abiding by the law. So it's a very conflicting message that they're sending out. It's window dressing, this whole piece of legislation to eliminate the 60-hour workweek, because it doesn't do anything of the sort.

The other thing this government is not recognizing is the need for flexibility in the modern workplace of today.

This government should have taken a look at the present policy that was in place, instead of hindering the economic potential of Ontario's businesses. The evidence that's been presented to the minister by the Canadian Federation of Independent Business showed that, since 2000 when we passed the Employment Standards Act, the hours of work, under our changes, remained steady. In fact, the good thing is it gives employers and employees the flexibility to be successful in an economic climate that demands it. Certainly, if you take a look at business throughout the province, there is a need for the sectors, which are much different than the traditional manufacturing sectors of the past, to be as flexible as possible in order to continue to be competitive in a global world. This bill simply adds the onerous task of filling out pages of paperwork, resulting in a less efficient business. There are obviously going to be some additional costs involved in implementation that are going to far outweigh anything else within this bill.

It's also interesting to note that the minister has claimed he has consulted with many stakeholders on this piece of legislation, as this government is so fond of doing, but, again, if there actually had been true consultation and the viewpoints of those consulted had been incorporated into the legislation, I believe we would have heard at least one stakeholder come forward during the committee hearings to tell us that they did agree with the bill. As I said a few minutes ago, we did not hear a single stakeholder, representing employers or employees or individuals, speak favourably about this bill. That demonstrates to me that this government did not do a very good job of consultation.

If you take a look at all of the legislation this government has been introducing, it has been overwhelmingly rejected by the relevant stakeholders. Take a look at the deal the government tried to impose on the doctors and the 60% rejection. I can remember the last time we negotiated a deal with the doctors, we had 66% supporting the agreement. That was when we were able to put into place the primary health care networks and move forward. We provided \$250 million in the budget of 2000 to get those started.

Take a look at their short-sighted decision to delist physiotherapy, chiropractic and optometry services. Well, basically what they've done is privatize those services. Again, there was no public support for that initiative; in fact, there was no consultation whatsoever with the professionals and the patients who are going to be impacted. I don't know when I've received so many thousands of names on petitions as I did at the point in time they made the decision to privatize physiotherapy, chiropractic and optometry services.

Regrettably, time and time again, although this government professes to embark and participate in consultation, the public response is that that's not happening. So I would recommend to the government that, as you move forward, if you're going to have consultation, you at least take the advice and the recommendations and incorporate them into the legislation that comes forward

to this House in the final readings, rather than just going through sham exercises where you don't incorporate.

I remember that happened with Bill 8 as well. There was lots of dialogue and lots of people wasted a lot of trees putting writing on paper, but there was very little change, if any, to the legislation.

If we take a look at this legislation, it's not achieving the goal. If anybody in this province thinks they will no longer be working 60 hours, or more than 60 hours, the government has fooled them. What we have here is a bill that is not supported by people in Ontario and that we as a party cannot support, because it doesn't do the job it is intended to do.

If we want to help vulnerable people, let's put in place the appropriate mechanism to do so. Let's not, with one fell swoop, bring out the baseball bat and make the working environment much more onerous for the good employers who are trying their best to create opportunities for young women and men and others in Ontario.

1620

**Mr Rosario Marchese (Trinity-Spadina):** I welcome the citizens of Ontario to this political forum. It's 4:20 on Wednesday afternoon.

*Interjection.*

**Mr Marchese:** The Minister of Tourism has been waiting for my speech for the whole afternoon. I'm happy he's here, and I've got a couple of things to say.

The minister stands up so proudly talking about this bill, and I'm not quite sure what he's proud of. I was speaking to the member for Niagara Centre, Peter Kormos—because he was sitting throughout all of those hearings—and I said to him, “Peter, was there anybody in those hearings who supported the government?” He said no. Labour organizations didn't support this bill. Employers didn't support this bill. I am left wondering, who is supporting Mr Bentley, the Minister of Labour, and his bill, Bill 63? I am left to conclude that it's him, his colleagues, maybe some members of his family, maybe a couple of other Liberals to whom he is connected, but the people directly connected to this issue do not support him or his bill.

Employers don't support it, for different reasons. Labour unions don't support it. Who does? Presumably some mythical worker who exists out there, who is not represented by labour unions, who is independent and quite aware of Bill 63. They must be pushing Bentley, the Minister of Labour, on with this great, historic bill.

If you look through this bill, you wonder what's in it for the worker. I don't see anything. It's a new and improved Tory bill that will permit the employer to have the workers work beyond 60 hours. New and improved. Bentley, the Minister of Labour, gets up and says he got rid of the 60-hour workweek. That's what he said. It does nothing of the kind. He stood up to speak to this issue, didn't clarify it for the unions, and didn't clarify it for the workers or you citizens who might be retired and/or interested in this issue. He did nothing of the sort.

The member for Kitchener-Waterloo pointed out correctly, as we pointed out in the last debate we had on

this, that the 60-hour week the Tories had put in place remains. Not only that, but Bentley, the Minister of Labour, improves on it. How does he do that? First of all, I want to explain to those watching that if Bentley, the Minister of Labour, was interested in workers, he would have brought in a 40-hour workweek, which exists in many other jurisdictions. It exists because people were asking in British Columbia, Saskatchewan, Manitoba, Quebec, Newfoundland, Nunavut, Yukon, Northwest Territories. That, you'd think, would be an example that the Minister of Labour would use as a way of modernizing our work legislation in a way that would protect workers.

You didn't see the Minister of Labour do that. We don't have a 40-hour workweek, and he certainly did not eliminate the 60-hour workweek. In fact, employers now can, with the agreement of employees and with the agreement of the Minister of Labour, work beyond 60 hours. He says the employer can go and ask the employee, and if the employee doesn't want to work, he can say no. He's a lawyer, and he would know that there is no even relationship between an employer and an employee and that the employee has very little power to say to the employer, “I don't want to work.” He knows because he is a lawyer who has been active in this field of labour relations and ought to know—“ought to know” is the language lawyers use—of that power imbalance between powerful employers and an employee who doesn't have much of a say in terms of being able to say no to the employer.

I'm puzzled by the fact that he has the strength to present this bill as if somehow he and his government are getting rid of the 60-hour workweek. How does he defend it? How can he pretend to do so when the reality and the facts speak against it? But he can stand there and say he got rid of the 60-hour workweek.

How do you do it? I know as a Liberal how you do it. You do it all the time. You make all sorts of claims all the time and you hope that people out there will believe you. The facts speak for themselves. The employee almost certainly in all cases will say yes if an employer asks him or her to work beyond the 60 hours, beyond the 44-hour workweek, beyond 48, beyond 50, beyond 60. But Bentley, the Minister of Labour, says, “Well, that's OK. Look, all the employee has to do is send in a letter.” Now he requires them to send a written letter two weeks in advance if he or she says no. The previous bill didn't require two weeks' notice. But Mr Bentley, the Minister of Labour, says, “Now you need to give two weeks' advance notice in writing if you declare that you don't want to work more than 48 hours, 50, 60 or 65.”

**Mr Mario G. Racco (Thornhill):** It's for their protection.

**Mr Marchese:** Oh, yes. The rump that now sits on the left says it's for the worker's protection. In the past, a worker could have said no and he didn't require two weeks' notice. Now you do.

I want the next Liberal member, when he or she stands up, to defend how you got rid of the 60-hour work-

week—please, any single person, man or woman, who’s going to stand up next to defend Bentley, the Minister of Labour, and his desire and interest in getting rid of the 60-hour workweek when all you need is the employer to say, “Got to work more,” and the employee to sign on the dotted line. Then you go to the Ministry of Labour, and what are they going to say? If the employer and the employee have a little agreement, what’s the Ministry of Labour going to say, Monsieur Bentley, Minister of Labour? They’re going to say, “No, because we are the watchdog of labour and workers”? Oh, yes, you nod. Why would they do that? If the employee signs on the dotted line and says, “Yeah, I’m willing, ready and able to work beyond 60 hours,” and they’ve got an agreement between the two, the Ministry of Labour’s going to say, “Now, we think that’s inappropriate”? If your law permits it, what are they going to say?

I’d like you to get up again and respond to that, or send a little note to your next speaker saying, “Here’s how Marchese is wrong.” Just a little note would do.

1630

**Mr John Wilkinson (Perth-Middlesex):** We already know you’re wrong.

**Mr Marchese:** Please, stand up. We want the member from Perth to stand up to say how Marchese is wrong and how the member for Perth and Bentley, the Minister of Labour, are right.

**Mr Wilkinson:** You don’t want me to stand up.

**Mr Marchese:** Yes, I do. I’d want any Liberal to stand up. I wait patiently to hear the arguments that they will be able to present.

Mr Bentley, the Minister of Labour, proudly talks about the great communication scheme he has to inform workers now of Employment Standards Act regulations. Oh, boy, does he have a scheme. He’s got a 1-800 number and, yes, people can e-mail and, man, oh, man, you can do that in 19 languages. Isn’t that great? It’s beautiful. It’s just so great. It’s just so novel. Workers now will just have all of the tools in the toolbox to be able to go to the computer and just e-mail to find out. Isn’t that novel? Isn’t he creative? This is the best thing that could have ever happened to the workers—better than anything the Tories could have devised, I’m telling you.

Oh, yes, what if some of those workers don’t have a computer? That’s OK; maybe they can get their children to do it from school, presumably, because they might have computers in school. If they don’t have a computer, or even if they do and they don’t have the literacy skills, don’t worry: You can dial the 1-800 number. Boy, don’t we have experience with 1-800 numbers under the Tories? They had so many 1-800 numbers on so many issues. Speaker, you know—you probably even tried it yourself—you couldn’t get through most of the time. You expect some worker with few skills, who can’t use the computer or doesn’t have a computer to e-mail—you want him or her to wait on that 1-800 number, assuming, possibly, maybe, they can get through. Yes, don’t you worry: If you wait and get an answer from the other side,

you can get it in 19 languages. You’re going to be really lucky, man, oh, man. This is one of the most innovative things I have yet to see from a minister and this Liberal government. They are so proud of the bill—so historical.

In fact, Bill 63 keeps much of the Tory government’s erosion of Ontario’s hours-of-work rules. For example, it fails to revoke the employer’s ability to establish regular maximum work days, up to 13 hours a day. It does not revoke the ability, David, of an employer to force you to work beyond 13 hours. Your Minister Bentley, the Minister of Labour, didn’t revoke that law, David. Check it out. Read the bill.

**Mr Dave Levac (Brant):** Why not?

**Mr Marchese:** Why wouldn’t he do that, David Levac, I ask myself? You are the party that cares about workers, right? You guys have a big, big heart. You guys are so close to the working man and woman. You understand their plight. You understand it so well that you want them to be able to work beyond 13 hours a day, which is what the previous government had in its bills, because you think it’s so good for workers to work as much as they can till they drop. So much do you care for the worker that you didn’t want to revoke an employer’s ability to force you to work beyond 13 hours. Boy, oh, boy, how close you are to the working man and woman.

I just want ordinary citizens out there to know that Minister Bentley, the Minister of Labour, loves you so much. He loves you to death, because he’s going to work you till you drop. That’s why he didn’t want to revoke the section of the law introduced by the previous government that would allow employers to obligate workers to work beyond 13 hours. God bless you, Bentley, Minister of Labour, for looking out for the little guy. You are my kind of man; yes, siree. I am so proud to be able to say that out loud. I am so proud to tell the citizens of Ontario how good you are to the working man and woman.

Then, interestingly enough, he was talking about enforcement and he dug back into the past about the NDP. He’s a lawyer. He knows how to do that. He talked about how we didn’t do much about enforcement in 1991. But don’t you worry, Minister Bentley will provide enforcement, if needed and when necessary—I think those are his words—and so you can depend on him not to have regular enforcement of the Employment Standards Act; you can rely on him to have enforcement, when and if needed. Isn’t that beautiful? You can rely on Minister Bentley to have the enforcement there to do the work that needs to be done.

**Hon Mr Bentley:** Why didn’t you do that, Rosario?

**Mr Marchese:** Yes, let me talk some more, Monsieur Bentley, about your bill and your protection of the non-union man and woman, because non-unionized workers are vulnerable in the workplace without adequate enforcement. The employer has the power to unilaterally deprive an employee of his or her livelihood. Mr Bentley said that he would dedicate resources to investigate alleged violations and that he will prosecute employers where allegations are found. Indeed, he promised to con-

duct 2,000 proactive inspections of workplaces, focusing on high-risk employers.

**Mr Levac:** Is that bad?

**Mr Marchese:** No. Yet as good as it sounds—because everything that Liberals sometimes do sounds good on the outside until you peel the onion and you realize how smelly it can be underneath that first peel, right?

All we can expect of this government and the Ministry of Labour are cuts. You would know, Speaker—let me explain it to you, Monsieur Bentley—you would know that other than health and education, which are your oh-so-protected ministries, every other ministry, including Jim's ministry, the Ministry of Tourism, is going to have to sustain cuts. It's going to be anywhere from 0% to 12%. We know that because the Minister of Finance told us as much.

You don't have enough money, so you have to modernize, and modernize in Liberal lingo means you have to cut. Who is going to have to sustain those cuts? The Minister of Tourism, my buddy for a long time now, at least 15 years, and Minister Bentley is going to have to suffer some of those cuts, because he's got to or that would make labour more important than tourism, let us say, or Comsoc or consumer relations—because he's here—or anything else for that matter, right?

So, Minister Bentley, don't look at me in such consternation. You've got to make those modernization cuts. They're called Liberal cuts, and that means we're not going to have any more money for enforcement; we're going to have less money for enforcement. That's why he couched it so liberally when he said—

**Ms Marilyn Churley (Toronto-Danforth):** Liberally?

**Mr Marchese:** —so liberally when he said, “We, unlike the NDP, will have enforcement, when needed,” meaning he's not going to send out the 2,000 or however many inspectors we need to do the 2,000 inspections where there are serious violations. Expect that, good citizens, and if you happen to be watching and you're a worker, Mr Bentley is no friend of yours, and this Liberal government is no friend of yours. I ask you to ask for the Hansard of the hearings that were conducted on this bill. We will get as many of those Hansards as you want of all the deputants who came in front of that committee because we have found that Mr Bentley, the Minister of Labour, has no friends when it comes to—

**Mr Levac:** Oh, no friends?

**Mr Marchese:** No friends. I tell you straight, he has no friends from those who came to depute against Bill 63. If there were friends, we didn't see them and they wouldn't identify themselves as such. They were hostile. They are inimical to Mr Bentley, the Minister of Labour, and his Bill 63. He has got no buddies. So I look forward again to the other Liberal speakers, who I know are anxious to stand up and defend this oh, yes, so modern, so historic bill that helps the working man and woman.

1640

Unlike the previous permit system, which set a limit of 100 hours per year per employee of excessive overtime,

there is no maximum on excessive hours of work per week or per year in Bill 63, no maximum whatsoever.

**Ms Churley:** Save me some time.

**Mr Marchese:** Of course, I will.

How does Minister Bentley justify the fact that there is no maximum on excessive hours of work per week or per year in Bill 63?

Now, some of the members to my left or across from me probably think, “What's he talking about?” because they don't know. They haven't read the bill. I don't blame them. How could you read all these bills that come in front of your attention? All you can do is trust Bentley, the Minister of Labour, to do the right thing. That's all you can do. So when I say these things, some of them possibly could be puzzled by my remarks, and I suspect many of them are probably saying in their own minds, “My God, if he's right, it could be a problem.” Please, members to my left, Liberal ones, check it out. Read the bill.

**Mr Khalil Ramal (London-Fanshawe):** We did.

**Mr Marchese:** My friend over there on the left always has these smart remarks: “We did, we did.”

**Mr Racco:** Now, that's not nice.

**Mr Marchese:** Yes, I know. It is true. Mr Ramal from London-Fanshawe: “We did, we did.” OK. So if he read the bill, I expect him to stand up soon to correct me.

**Mr John O'Toole (Durham):** He's been silenced.

**Mr Marchese:** No no, he's not shy. I hope some of you just don't read your prepared speech, because let me explain: Prepared speeches are designed not to allow you to get out of the box, not to allow you to get out to freely say what you want, to allow you only to say what Minister Bentley and his staff have written for you. That's what it's about. I know that. We have been there. We've seen it. Unlike some of you, there are times when members have to stand up and say what they feel, rather than getting a proscribed or prescribed little letter that says, “Here's what it says, and you read it passionately,” if you can read passionately. You know what I'm saying? Stand up, member from London-Fanshawe. Correct me. I want to be corrected.

Unlike the previous permit system, which set a limit of 100 hours—even Tories set a limit of 100 hours per year per employee on excessive overtime—this bill does not. How could you, Monsieur Bentley, Minister of Labour, allow that? You who are so friendly to the working man and woman, you who understand them so well, who got elected by the support of so many working men and women, how could you do that to them? How could you stand up there so cozy in your remarks as if somehow the workers would just receive you with such pleasure and joy the next time they see you?

**Mr Lou Rinaldi (Northumberland):** They have.

**Mr Marchese:** Yes they have. The Liberal rump is still rumping on this side.

Anyway, I'm leaving time for my colleague from Toronto-Danforth, because she has some things to say. I am convinced she will be as vigorous in her remarks in opposition to Bill 63 as I have been. I am convinced the

workers out there will know what this government is all about, what Liberals are all about and what they stand for.

I've got to tell you, citizens of this province watching this program, Liberals are not friends of yours if you are a working man or woman. Bill 63 doesn't help you. In fact, it makes your life much more difficult. And for that reason, we oppose it.

**Mr Kevin Daniel Flynn (Oakville):** It certainly is a pleasure to follow the member from Trinity-Spadina. As usual, he's entertaining and, as usual, a little short on facts. I'd like to bring forward some of the facts.

I'd like you to think back to 1990. The Bob Rae government gets elected. Remember? The socialist ship was coming in. Remember, the working man was going to go off into that bright sunlight? Remember the sunset?

*Interjections.*

**The Deputy Speaker:** Order. I remind the member that the debate goes through the Chair.

**Mr Flynn:** I'm sorry. It's so tempting, Mr Speaker.

Let me tell you about the system that was in place during those years and the system that remained in place during the years that the New Democrats, that party that always supports the working people, had a chance to do something. What did they do? They had a blue permit; they had a green permit; they had a gold permit. Of course, you know what all of those permits did.

Let me tell you what else they did. Prior—

**Mr Marchese:** Aren't you going to explain the system to the folks? Explain it to the folks.

**Mr Flynn:** I can explain it very easily, but I think I'd like to go on to this: During the NDP period, was there a requirement that a worker had to have a daily rest? Was the NDP so onside with the working class that they said, "We think you should have a daily rest"? No, you weren't. And who brought in the daily rest? The Conservative Party brought in at least 11 consecutive hours free from work each day. Apparently, under the NDP, you could work 24 hours a day: the party of the working class. Way to go.

Was there a requirement that between shifts, maybe you have to have a break? Would a worker have to have a break between shifts under the NDP? No. It was the Conservatives who changed that, not that party of the working class, the NDP. It was that socialist party the Progressive Conservatives of Ontario.

Now, even something as basic as food: There's a 30-minute eating period free from work in every five consecutive hours of work. The Conservatives said, "You can change that if you like." Under the New Democratic Party that we've just heard from so passionately, which supports workers' rights in this province, was there a weekly rest requirement? I'm afraid not. It was the Tories, those Conservatives, friends of the working class, who decided, "Do you know what? The New Democrats are treating you badly. We're going to treat you better. We're going to give you at least 24 hours of rest every workweek or 48 consecutive hours in every period of two consecutive weeks."

Very simply put, under the present legislation in Ontario, an employer can compel you as an employee to work up to 60 hours a week, with your tacit agreement. During the NDP years, what sort of agreement did you have to have? Did you have to have something in writing? An oral agreement: "I have an oral agreement with my employees, and they said that they wanted to do it." Airtight stuff. I don't think we can beat that.

**Hon Mr Bentley:** Oh, that's strong.

**Mr Flynn:** Strong stuff.

I think we need to look at the economy, at the environment we're trying to create in this province. This month, we had the lowest unemployment rate in Ontario in three years. We've created over 80,000 jobs since we took office. We've got funds: \$300 million for R&D; \$500 million for the auto investment strategy fund. In my home community of Oakville, the Ford plant—the one with which the Tories would not partake in a tri-party agreement—landed over \$1 billion of investment in this province, over 4,000 jobs from a tri-party agreement that the Conservatives simply ignored. This government took office and, with the insistence and the help of organized labour in the offices of the Canadian Auto Workers, landed that plant for the people of Ontario, for the people of my community of Oakville. That's one of only six plants in the world today that operates on a flex manufacturing system. It took teamwork, it took the right environment, it took an environment that allowed all parties to work together to allow that plant to be built.

1650

**Mr Levac:** A little bit of Kevin Flynn.

**Mr Flynn:** A little bit of Kevin Flynn perhaps, but not a lot. I think it was the environment we created with this government.

I'd like to talk about some of the information that's being brought forward on what was said at the committee hearings. I was present at the meetings. I heard groups come forward. Some told us we were going too far with this legislation, that it was too onerous, that it was going to be hard to comply with. Primarily, I'd say those views came from the business community. Others came forward from organized labour and said, "This bill doesn't go far enough. We'd like it to go further."

**Mr Marchese:** Where does it go?

**Mr Flynn:** I'll tell you where this bill goes right now: It goes back to approximately the type of legislation that existed under the New Democratic Party. It's a bill that brings back the ability of an employee to balance work and family life, and employers have the flexibility they need to compete in a world economy. What you had under the NDP was not bad labour legislation, in an economy that was crumbling and a province that was almost bankrupt. I think you have to have an environment that accounts for both of those. The proposed legislation provides real protection for vulnerable workers, while being administratively simple for those who are employers in our province.

New legislation is going to be supported by an enhanced enforcement initiative. Simply put, you can have

the strongest legislation, but if you're not enforcing it, it doesn't matter. This is the type of legislation that allows people in this province to balance their work lives. It gives them a choice in how long they would like to work. It gives them rights to work with their employers. I think what we have is legislation that is balanced, that goes right down the middle. It's the sort of legislation that's going to add to the environment we've already begun to create in this province, where business, labour and government are working together.

**Mrs Julia Munro (York North):** I'm pleased to be able to add a few comments today to the debate on Bill 63. I think it's really rather interesting to look at the context in which we find ourselves debating this particular bill. In the election, there were two promises made by this government. One was that they would take away the 60-hour workweek and the second was the question of reducing bureaucratic red tape on small business. It's in that context that we have to look at the bill in the few minutes we have remaining.

The first thing that becomes very obvious is the fact that this becomes an exercise of two more broken promises. For one thing, if you look at the bill, you see that while they may have campaigned on the notion of eliminating the 60-hour workweek, that it would be gone, in fact it's not gone. Instead, the other promise that was broken by this bill is the addition of a further bureaucratic burden. I think it's really important to understand that's the context of the bill we're looking at here today. So the effect of this bill means that it is still possible for agreements between workers and employers to have a 60-hour workweek.

There are a couple of things about the bill that I think are worth noting. One of them is section 1, which amends section 2 of the act and requires a poster containing information about this bill to be placed in a prominent place in the workplace. I think all of us would agree that, in this day and age, that kind of thing should be there for every piece of legislation. I know that in many cases you see information posted for people in the workplace, whether it's health and safety issues or various other kinds of things.

The other part of the bill that I think is most important is section 17.4, which sets out the criteria that will allow for a 60-hour workweek, even if approval from the ministry is not received within a 30-day period after application. What we're seeing here is that it's still there. Anyone who thinks it has gone is certainly misunderstanding the actual bill. It means that workers and employers are still looking at averaging over a four-week period.

I think this speaks to the initiative of the previous government in the bill that was passed in 2000, which recognized the need for the ability to average and the flexibility that's required in the workplace. Over the past few years, we have seen people agreeing to 12-hour days and various other combinations, and the intent of the original piece of legislation was simply to allow that in a timely way. What we're seeing here today is that it is still

possible to have a 60-hour workweek, but it is now incumbent on the employer to deal with red tape and bureaucracy.

I think the rationale this government gives for that is really quite superficial, because what we're talking about when we talk about labour relations, and obviously their link to the economy, is the question of job creation. As soon as you begin to create barriers to job creation, you begin to have an impact on quality of life. Clearly, the ability to have a job, the opportunity to have a job, is the key to your own personal quality of life, the quality of life of your family and also to quality of life within the province as a whole, because it is only through job creation and people having jobs that you can have any kind of government spending.

We are constantly reminded of the kinds of limitations on government spending. Anything that takes away from Ontario's ability to create jobs and have the kind of environment that allows for the increase of jobs, as opposed to the damage that's done by reducing job creation, cuts at the very heart of the keys to the kind of quality of life we think is essential.

For instance, health care spending: I know in my riding the question of expansion to include cancer care at Southlake, the hospital in Newmarket, is a critical piece of the provision of health care in a growing area of York region and south Simcoe county. I know there are questions with regard to money available for infrastructure—and here we look at members of my riding who face a commute of significance—growing problems in terms of the need for infrastructure money. These are all critical issues that go back directly to the link to job creation. So it's very important for any government to consider what it is they are doing that interferes with that process.

I think that if you look at Bill 63, it becomes clear that partnered with increases in taxes, we're looking at increases in red tape. Those eat at the ability to be competitive and to have jobs in this province, and eat at the very core of the ability to provide quality of life. So in looking at this bill, we're looking at two broken promises.

**1700**

**Ms Churley:** This bill, as has been pointed out by my colleagues earlier, is wholly inadequate. It breaks a Liberal promise—I heard some of the Conservatives say it breaks two—and it cannot be supported by this caucus. I know the Liberals have a majority and everybody will vote for it, and I guess we can assume it's going to pass.

It's funny, it reminds me that recently I was doing the Michael Coren show with a colleague from the Conservative Party and a colleague from the Liberal Party, and we were discussing democratic renewal. One of my colleagues from the Liberal Party quite sincerely said—we were talking about, in his view, some of the games that were being played in the Legislature and stuff. He said, "Well, why do we need all this debate anyway? We have a majority, and at the end of the day it's going to pass," which demonstrated to me the lack of—

*Interjection.*

**Ms Churley:** I like this particular person, actually. I can't say that for all the Liberals in the place.

**Mr Baird:** Who?

**Ms Churley:** David Zimmer. He's a nice guy. He said this publicly on TV, so I'm not telling tales out of school here. It wasn't a private conversation. I think he genuinely had that sense of, why do we bother having these long debates when, at the end of the day, the Liberal majority is going to vote in a block and it's going to pass?

I've got to say that this is one of those examples where some people might think, "Well, we're at third reading. The Tories and New Democrats oppose it"—for different reasons, I might add—"and we have talked about this debate over the first two readings. It has gone to committee," where I understand nobody came to support the government on this. Nobody liked what was before them, but at the end of the day the changes weren't made, and we're here. Yes, we're in third reading and we've divided the time. Some may say, "Why bother?" Of course, this is what democracy is all about. There's always the slim chance, the slim hope, that minds can be changed, but on top of that, it is an opportunity to get on the record what various individual members from whatever party feel about a bill.

That's what this is all about, and that's why I'm glad I have this opportunity, because I haven't had an opportunity to speak to it. I don't have a lot of time, nor do I need a whole lot of time, but I do want to get on the record why I think this bill is really flawed. It's because the government has failed to provide the changes that would do what they said they were going to do, and that was to enable workers to enforce their rights while at work. It fails to take a comprehensive approach to responsibly addressing hours of work, overtime and enforcement.

Furthermore, which is even more shocking, but less shocking these days as we see more and more of this, Bill 63 actually keeps much of the Tory government's erosion of Ontario's hours-of-work rules. For example, incredibly, after the promises made, it fails to revoke an employer's ability to establish regular maximum workdays up to 13 hours a day. Our position, and we say it again today, is that this bill before us does not achieve that. Ontario needs a 40-hour week now. We are out of step with many other jurisdictions across the country. The workweek is 40 hours in British Columbia, Saskatchewan, Manitoba, Quebec, Newfoundland—Newfoundland and Labrador, I should say, which is the official name—where I hail from, Nunavut, Yukon and Northwest Territories, and under federal jurisdiction. This was an opportunity for the government to get it right. I don't know why—whether it was listening too much to the employers—but they did not go far enough, and we're still not in step with the rest of those provinces.

There was no attempt whatsoever to eliminate overtime averaging in this bill. In our view, and in the view of many of the workers, overtime averaging is a big gift to

the employers. Averaging, as you know, Mr Speaker—you were sitting on this side of the House with us then—was brought in by the Tories under the ESA, 2000. It allows overtime to be averaged over up to four weeks, rather than being paid after 44 hours in one week. We're very concerned because non-unionized workers are vulnerable in the workplace without adequate enforcement. The employer does have the power—we've all seen it happen; we're not making this stuff up—to unilaterally deprive an employee of his or her livelihood.

I know the labour minister said he was going to dedicate resources to investigate alleged violations and prosecute employers. Indeed, he promised to conduct 2,000 proactive inspections of workplaces, focusing on high-risk employers, yet there is still no new money for the Ministry of Labour investigations. This really puts into question the McGuinty government's real commitment to this initiative.

Those are, in just a few minutes, my major concerns with this bill. There are others. Should I choose to go on now, I could only go on for 10 more minutes, but if I had the time, I could go on for another hour about some of my concerns and the New Democratic Party's concerns about this bill. However, I'm going to stop now because I've had the opportunity to put my major concerns about this bill on the record.

I'm saddened that we're going to go ahead. I know we're going to delay the vote, that's not going to happen today, but the debate is now ending without amendments made to fix the very serious concerns and very serious problems with this bill—this, another broken-promise bill before us today—for the workers of Ontario. With that, Mr Speaker, I thank you for this opportunity.

**Mr O'Toole:** It's no surprise that most of the members on this side would use the opportunity to speak on Bill 63. It is because, as the member from York North just said, it's two for the price of one; two broken promises for the price of one. I want to refer specifically to my prepared notes that I have spent some time preparing on Bill 63. I can only say that most of what you'll hear specifically in comments on the bill are that this bill purports to do something it doesn't do.

I'm waiting for Jim Flaherty, the member from Whitby-Ajax, because when he was Minister of Labour he did serious consultations with labour leaders as well as business leaders, trying to get the system to be more functioning and more responsive. One of the things I am quite familiar with, having worked in the industry sector for some 30-plus years—

*Interjections.*

**Mr O'Toole:** I'm concerned that Mr Baird, our health critic, has a health problem.

We knew in our industry that the permit system simply did not work. It was a formality, technically, for routine overtime and those kinds of things. We need to make sure this minister knows that this bill does not do what he says it does. It's one more time that the people of Ontario are going to be somewhat disappointed.

I have to reserve some time, although very limited, for the member from Whitby-Ajax. As a former Minister of



Labour and a former Minister of Finance, he of all people knows. I'm looking for an indication that the former Deputy Premier and former Minister of Labour is prepared to pick up the debate. I don't want this not to be responded to.

Thank you very much for the limited opportunity to speak to this very, very defining time in labour history.

**Mr Jim Flaherty (Whitby-Ajax):** I will be short, as is my wont. The whip on the other side is concerned.

**Mr Levac:** I don't want any comments.

**Mr Flaherty:** This is remarkably insignificant legislation. It ranks with sushi and concerns about wine and dogs and other things. It is on that level.

The Minister of Labour should be embarrassed to bring a bill like this in front of the Legislature, as if they had nothing better to do at the Ministry of Labour than create paperwork for employers—small business employers, medium-sized businesses and larger businesses—in the province of Ontario. The whole purpose of getting rid of this paperwork was to make it easier for businesses to do business and employ people.

The rule is now that an employer and an employee agree if the employee is going to work over 48 hours in a given week. It works fine. I asked the members of this House how many have had complaints about the current system. I've heard none. There are none. This is a make-believe, make-work project for the Ministry of Labour to force employers to generate a whole bunch of permit-type paper for no beneficial purpose, not for the public good in Ontario. In fact, it's contrary to the public good because it will cost money. It will be wasteful for employers and wasteful for the public servants who are going to waste their time administering this paper-driven system in the province.

The other thing that's come out of the Ministry of Labour—again, the Minister of Labour and in fact anyone who believes in democracy should be embarrassed by the bill that's before the House to take away the right to a secret vote in certifications. Anybody who respects democracy knows that that is an affront to democratic principles brought before this Legislature.

So far, we see from the Ministry of Labour and the Minister of Labour one insignificant piece of legislation—this bill. The other one is a bill taking away democratic rights from workers in Ontario. It's shameful.

**The Deputy Speaker:** Further debate?

Mr Bentley has moved third reading of Bill 63.

Is it the pleasure of the House that the motion carry?

All in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

"Pursuant to standing order 28(h), I request that the motion on third reading of Bill 63 be deferred until Thursday, December 9, 2004."

**Hon Mr Bentley:** Can I move adjournment of the House?

**The Deputy Speaker:** You can if you like.

**Hon Mr Bentley:** That's what I would like to do, move adjournment of the House.

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

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Carried.

This House stands adjourned until 10 of the clock Thursday, December 9.

*The House adjourned at 1714.*

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Règlements et projets de loi d'intérêt privé**

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Khalil Ramal, Maria Van Bommel, Tony C. Wong  
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Ted McMeekin, Khalil Ramal, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes

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