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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 29 March 2005

Mardi 29 mars 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Tuesday 29 March 2005

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Mardi 29 mars 2005

*The House met at 1330.
Prayers.*

INTRODUCTION OF MEMBER FOR
DUFFERIN–PEEL–WELLINGTON–GREY

The Speaker (Hon. Alvin Curling): I beg to inform the House that the Clerk has received from the Chief Election Officer and laid upon the table a certificate of the by-election in the electoral district of Dufferin–Peel–Wellington–Grey.

The Clerk of the Assembly (Mr. Claude L. DesRosiers):

“Mr. Claude L. DesRosiers

“Clerk of the Legislative Assembly

“Room 104

“Legislative Building

“Queen’s Park

“Toronto, Ontario

“M7A 1A2

“Dear Mr. DesRosiers:

“A writ of election dated the sixteenth day of February, 2005, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to Terry W. Sutton, returning officer for the electoral district of Dufferin–Peel–Wellington–Grey, for the election of a member to represent the said electoral district of Dufferin–Peel–Wellington–Grey in the Legislative Assembly of this province in the room of Ernie Eves who since his election as representative of the said electoral district of Dufferin–Peel–Wellington–Grey hath tendered his resignation. This is to certify that, a poll having been granted and held in Dufferin–Peel–Wellington–Grey on the seventeenth day of March, 2005, John Tory has been returned as duly elected as appears by the return of the said writ of election, dated the twenty-fifth day of March, 2005, which is now lodged of record in my office.

“John L. Hollins

“Chief Election Officer

“Toronto, March 29, 2005.”

Mr. Robert W. Runciman (Leeds–Grenville): Speaker, I have the honour to present to you and the House John Tory, member-elect for the electoral district of Dufferin–Peel–Wellington–Grey, who has taken the oath and signed the roll and now claims the right to take his seat.

The Speaker: Let the honourable member take his seat.

Mr. Tory, member for the electoral district of Dufferin–Peel–Wellington–Grey, is recognized as leader of Her Majesty’s loyal opposition.

MEMBERS’ STATEMENTS

HOCKEY

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): What a pleasure for me to rise on the day that we welcome our new leader, John Tory, into the House. But that is not the purpose of my statement today. The purpose of my statement today is to talk about what a great weekend it was in my riding of Renfrew–Nipissing–Pembroke for hockey.

On Friday night, the Pembroke Lumber Kings of the CJHL, Yzerman division, fought back from a 3–1 deficit in games to the Brockville Braves from my colleague Bob Runciman’s riding, defeating the Braves in overtime and moving on to take on the Nepean Raiders. I’m hoping to disappoint John Baird and Jim Watson in the same way as they defeat that team.

On Saturday, the tournament of champions from the Bantam division for the Ottawa District Minor Hockey Association began in Barry’s Bay—a two-day event, and the only way to get there was to earn the way there. On Sunday, the final was fought between Renfrew and the Valley Storm, two teams from my riding. The Valley Storm also was victorious, like the Lumber Kings, in overtime.

Also on Sunday, Dominik Hašek, “the Dominator,” was the star attraction at the Pembroke Memorial Centre for the Relay for Life cancer fundraiser. Some \$30,000 were raised. John Leslie, a young boy who has lost his leg to cancer, was the first one to go after the Dominator on a shootout. The total raised was \$30,000. I want to congratulate Jimmy Lapointe and Lapointe Auto for spearheading this drive.

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CHILDREN AND YOUTH SERVICES

Ms. Jennifer F. Mossop (Stoney Creek): I too would like to welcome the newest member to the House, but that’s not what my statement is about either.

One of the things our government did that speaks volumes about its long-term visionary thinking is the creation of a Ministry of Children and Youth Services, an

entire ministry devoted to nurturing, protecting and serving our future. Premier Dalton McGuinty made a brilliant appointment to lead this new signature ministry. Dr. Marie Bountrogianni grew up above a day care, she was a psychologist in the public school system and for years she dreamed about creating the kind of supportive and nurturing environment that would benefit all children from all walks of life.

Her new post was the opportunity of a lifetime to have an impact on so many, many lifetimes. A couple of weeks ago the minister, who can best be described as a glamorous earth mother, strode into Sir Wilfrid Laurier Elementary School in Hamilton and greeted the people she refers to as “boss,” a group of tiny tots. She was announcing the launch of Ontario’s Best Start program.

This fall, throughout the province, junior and senior kindergarten children will have access to an affordable, quality early learning program that wraps around their school day, mostly in the school setting or very near by. Over the next 10 years, the program will be expanded to include a half-day of learning for children as young as two and a half years, largely in the school setting, where it will be easier for parents to pick up and drop off all the various-age children they have. There will also be supports for new parents and their younger children and screening for newborns. I’m delighted to say that the east end of Hamilton, which includes part of my riding, will be one of three areas in the province that will have the full Best Start program.

FIREFIGHTERS

Mr. Garfield Dunlop (Simcoe North): When the Liberals came to power in 2003, they promised a new era of democratic renewal. The Minister of Community Safety also promised to resolve the double-hatter issues with our fire services. Over one year ago, Minister Kwinter promised to bring forward a new mediation process, and if that process failed, he promised he would bring in new legislation.

So far, there’s been no mediation and no legislation—and of course we know there are no new police officers—just broken promises. The minister now says that the office of the fire marshal advises him on double-hatter issues. The double-hatter issue continues. Talk about dithering.

But imagine our surprise on March 22, when, after cancelling the \$40-million promise of the former Conservative government, when questioned, ministry staff—

Interjections.

Mr. Dunlop: So far, they could not prepare any press releases. What we’re saying is that none of the official opposition or the third party were advised of a \$30-million announcement for fire training equipment. I think this is completely irresponsible and disrespectful of this House. It shows partisan politics at its very, very worst being played by the government. All the government members were allowed to see the press releases on the announcement last week, on March 22. It’s very unfair,

and it’s irresponsible of this minister to come forward with an announcement like that and not include all members of this House.

Interjections.

The Speaker (Hon. Alvin Curling): Order. I’m having a lot of disruption in the House. Those who wish to speak may do so outside, so I can listen to the members’ statements as they go forward.

GOVERNMENT’S RECORD

Ms. Marilyn Churley (Toronto–Danforth): New Democrats are glad to be back at work at Queen’s Park today. We look forward to fighting to make things better for ordinary Ontario families on the issues that matter most to them, like health care, education and the environment. We’re going to do our best to make this a positive, productive, progressive session of the Legislature, aren’t we, Peter?

Interjections.

Ms. Churley: We hoped Dalton McGuinty would share these simple goals. We hoped he would use his time off to reflect on his broken promises and to make a new commitment to keeping his commitments. Unfortunately, though, it looks like we will see more of the same from the Liberals: more broken promises and still no plan to keep promises.

Over the last few weeks, while members of the McGuinty government were busy writing offensive notes to journalists and defending helicopter trips to the cottage by Hydro CEOs, we learned disturbing new details about the McGuinty government’s not being straight with ordinary Ontario families. The Auditor General caught the Liberals fudging the books. They said they had a \$2-billion deficit; now they have a \$6-billion deficit. Now people are calling Dalton McGuinty the Six Billion Dollar Man. They are calling him the big red machine. More importantly, they’re wondering, “Where’s the plan to keep those election promises now?”

The New Democrats are putting the Premier on notice. In the last election, people voted to wipe out massive social deficits created by eight years of Conservative cuts. They voted to rebuild our public services. Dalton, the time for excuses is over. It’s time to deliver, for a change.

HEALTH CARE

Mrs. Linda Jeffrey (Brampton Centre): I too would like to welcome Mr. Tory, my neighbour to the north, in Dufferin–Peel–Wellington–Grey, but that’s not the subject of my speech. I would like to speak today, like I have on many occasions in the House, about the health care needs in my riding of Brampton Centre.

In September 2003, Dr. Bajinder Reen, a nephrologist with the William Osler Health Centre, had a dream. He wanted to find a way to engage the South Asian community in helping with the redevelopment plans of the William Osler Health Centre. The announcement by our

government to construct a new community health care facility has provided the William Osler Health Centre Foundation with an opportunity to recognize the South Asian community's contributions to the hospital foundation and the city of Brampton in a meaningful way.

In recognition of the size, scope and contribution to our society by the Canadian Sikh and the South Asian community, the board of directors announced that the emergency department for the new hospital will be named the Guru Nanak Emergency Services Department. At the naming ceremony on Sunday 6 March 2005, there was a personal financial commitment of \$914,000 made by members of the Sikh subcommittee. I would like to highlight that \$500,000 of this commitment was donated by Mr. Harpreet Sethi, a member of this committee.

I would like to thank this volunteer committee for its generosity and strong sense of citizenship. The subcommittee, the board and the hospital foundation serve as ambassadors who are willing to work on behalf of others to ensure quality health care. As well, I would like to thank Minister Smitherman for showing up that day. It's deeply appreciated.

Mr. John R. Baird (Nepean–Carleton): I want to say to our new leader, John Tory, that he's got very big shoes to fill of the former Leader of the Opposition, Bob Runciman, who I know we'd all like to congratulate for an exceptional job.

I'm pleased to rise today and speak on behalf of the millions of people in Ontario who are tremendously concerned about the health care system in Ontario. Our party, under the leadership of John Tory, has begun accepting questions through our Web site from the people of Ontario in order that we may bring their concerns to this minister and to this government. I just hope that the McGuinty government will listen and will hear those concerns.

I want to start the process today. People calling in to CFRA in Ottawa, to the Lowell Green Show, are saying that this minister doesn't have a plan and that this government is incompetent.

Interjections.

The Speaker (Hon. Alvin Curling): Order. I would like to hear the member from Nepean–Carleton. I'm hearing a lot of noise and disruption from the government side. Don't make me start calling names already.

Member for Nepean–Carleton.

Mr. Baird: Thank you very much, Mr. Speaker. People calling in to CFRA say that this government is incompetent and has no plan. People called in to Bill Carroll's show on CFRB. Ian, who called in from the 404, said the McGuinty Liberals don't have their priorities straight, that they're too focused on banning pit bulls. Bill, from downtown Toronto, talked about the need for the government to properly fund the operation of health care equipment. David, who was calling from the 401, said that the health care system is a mess, that the waiting times are too long and that this government isn't making health care the priority that it should be.

I hope and pray that this government will listen to the hard-working taxpayers of the province of Ontario and fix the mess they've created in our health care system.

FIREFIGHTERS

Mr. Tony C. Wong (Markham): I also want to welcome Mr. Tory to this House.

For the very first time in 22 years, the Ontario government is investing \$30 million for training and equipment for municipal fire departments. In my riding of Markham, the Markham fire department will receive \$300,000.

Every day, our firefighters risk their lives to protect our communities. While most people run out of burning buildings, these brave men and women run in to save lives and property. We must ensure that Ontario's firefighters have the best training and tools possible.

In response to last week's very welcome announcement, John Brassard, the president of the Markham Professional Firefighters Association, said that his association is extremely pleased to see the McGuinty government follow through on its commitment by providing Ontario firefighters with \$30 million toward training and equipment.

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Don McClean, Markham's fire chief, praised the McGuinty government for the \$300,000 the Markham fire department received. He identified that the money will help accelerate and enhance current programs to provide Markham residents with the best possible services and expertise to reduce public safety hazards.

Once again, the McGuinty government has shown its commitment to protecting Ontario's communities and its residents. Our firefighters are true heroes in every sense of the word, and I am pleased that this funding will help reduce work-related risks while protecting these brave men and women and the communities they serve.

DOCTORS' SERVICES

Ms. Judy Marsales (Hamilton West): I rise today to commend the McGuinty government for increasing Ontario's supply of family physicians by creating 70% more family medicine residency positions in Ontario's five medical schools. This will result in increased care for hundreds of thousands more Ontarians.

As a result of the mess left by the previous government, Ontario needs more family doctors, and we are making that happen. As a result of this McGuinty government initiative, there will be 141 new family residency positions in Ontario by 2006, meaning 337 more family doctors ready to practise by 2008.

In my own riding of Hamilton West, this new investment will enable McMaster University to train 50% more family doctors and encourage fresh graduates to set up practices in the community.

The funding will create 22 more first-year family medicine positions at McMaster University by 2006, resulting in 63 spots, compared to the current 41. Next year, McMaster will receive an additional \$3 million for the construction of more spaces to accommodate a higher number of residents.

Dr. Cheryl Levitt, chair of McMaster's department of family medicine, told the Hamilton Spectator that this is the first major increase she has seen in 10 years. According to Dr. Levitt, this new funding means "a change on the horizon," as it "will have a dramatic impact on family practice in the community."

I'm proud of this new initiative. I'm also proud of the hard work and dedication of the Minister of Health for reinvesting in public health care across Ontario and in my own riding of Hamilton West.

GREENBELT

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I want to add my voice of welcome to Mr. Tory and then talk a bit about the greenbelt.

This government is proud to say that we are permanently protecting over 1.8 million acres of green space for generations to come.

Establishing the greenbelt will significantly improve Ontarians' quality of life in a variety of ways.

Food sovereignty is important, and prohibiting urban expansion on to farmland in the greenbelt will play a significant role in assuring adequate food supplies for future generations.

Last week we heard from the municipal leaders within the greenbelt, and they've given the McGuinty government's greenbelt an "A." Glenn De Baeremaeker, a Toronto city councillor and co-chair of the group, said, "The greenbelt is spectacular. It's bigger than the Oak Ridges moraine and the Niagara Escarpment combined. It took environmentalists decades to protect those areas and the Liberals protected an even bigger area with the stroke of a pen."

The greenbelt is already doing its job. Ajax mayor Steve Parish, one of the three other co-chairs, said this: "Suddenly there's a realization that this underutilized land is now very valuable and must be looked at seriously."

VISITORS

The Speaker (Hon. Alvin Curling): We have with us this afternoon in the Speaker's gallery William G. Davis, the former Premier for our provincial Parliament from 1971 to 1985. He represented the riding of Peel in the 26th and the 27th Parliaments. Welcome.

We also have the great honour and pleasure this afternoon to have in the gallery Barb Fisher, Helen Johns and David Tsubouchi, all former members of our provincial Parliament. We want to join together to welcome them as well.

INTRODUCTION OF BILLS

ADOPTION INFORMATION DISCLOSURE ACT, 2005

LOI DE 2005 SUR LA DIVULGATION DE RENSEIGNEMENTS SUR LES ADOPTIONS

Ms. Papatello moved first reading of the following bill:

Bill 183, An Act respecting the disclosure of information and records to adopted persons and birth parents / Projet de loi 183, Loi traitant de la divulgation de renseignements et de dossiers aux personnes adoptées et à leurs pères ou mères de sang.

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

MOTIONS

COMMITTEE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I believe we have unanimous consent to move without notice a motion regarding the standing committee on public accounts.

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

Hon. Mr. Duncan: I move that notwithstanding the order of the House dated June 17, 2004, during the months of March, April and May 2005, the standing committee on public accounts may meet on Thursday mornings until 1 p.m. and on Thursday afternoons following routine proceedings.

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

STATEMENTS BY THE MINISTRY AND RESPONSES

ADOPTION DISCLOSURE

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): The bill I am presenting today regarding adoption disclosure has been a very long time coming. It was 78 years ago today, March 29, 1927, that the Legislature amended the Adoption Act and began sealing adoption records in Ontario.

Today I'm informing the House that our government has a plan to move Ontario's adoption information laws into the 21st century. It's a plan that draws upon the experiences of other provinces, the United States, Europe and Australia, and reflects the best adoption disclosure practices in Canada and abroad.

Over the last 17 months, I have met with stakeholders from the adoption community, including the Coalition for Open Adoption Records, the Ontario Association of Children's Aid Societies, Parent Finders and legislators. As well, most of us as legislators have met with individuals in our own ridings. These people have pleaded with us over the years to do right by them.

Some of these tireless advocates are with us today in the Legislature, and I'd like to thank them personally for their dedication and hard work on this issue. Maybe I could ask them to stand: Dr. Michael Grand, Wendy Rowney, Monica Byrne, and Karen Lynn, along with her two sons. Thank you for your tireless efforts.

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One of our legislators, Marilyn Churley, has relentlessly pursued this issue. We thank her for bringing this issue before the floor of this very House numerous times, along with her colleague Tony Martin at the time. Although it passed unanimously as a private member's bill, it never became law for a whole host of reasons. Marilyn Churley was able, over the years, to make this issue very personal for all of us as well.

I would particularly like to thank Premier McGuinty. May I say that he led all ministers on this initiative: children and youth, consumer and business services, the Attorney General, and community and social services. He helped by giving his commitment personally to see this bill come forward today. It did involve several ministers' leadership, consultation and compromise, and I thank them for that.

My sincere gratitude must go to the staff at my own ministry, some of whom are here today, and from my own office. In one word, they are just great, and I thank them personally.

I have heard from adult adoptees as well, many who are in this House, who have asked for the same rights as non-adopted individuals. They've asked for the ability to know their own history and their own identity. The United Nations Convention on the Rights of the Child states that every individual has the right to know his or her identity, his or her ethnicity. We agree.

When Ontario began sealing adoption records in 1927, it was because that was what societal norms and attitudes dictated at the time. That was over 80 years ago. It was a time when we had orphanages and insane asylums. It was a time when unwed mothers were often sent away or given ultimatums by their parents. Ontario has changed, and it's time that we change our laws as well.

Currently, there are 57,000 adopted individuals and birth relatives on the adoption disclosure register waiting to be reunited. Right now, searches to reunite families can take up to three years. Last year, only 887 of the adopted individuals and birth relatives on the register were reunited. We believe that individuals who are trying to learn about their identity and personal history should be able to do so without unnecessary hardship and delay.

Our plan will give individuals whose adoptions were finalized in Ontario the right to know about their identity and history by:

- allowing adoptees over the age of 18 to have access to copies of their original birth records that will provide them with the original birth name and may identify birth parents;

- allowing birth parents to have access to birth records and adoption orders once the adoptee has reached 19, providing the name that the child was given after the adoption;

- making all disclosure provisions for adoptions finalized in Ontario retroactive to cover all records; and

- in exceptional safety-related circumstances, allowing an adoptee the right to apply a non-disclosure order to prevent identifying information from being released.

It must be clear that the right to information is simply not the same as a right to a relationship. This is extremely important: The right to information is not the same as the right to a relationship.

That is why our plan would also respect the right of an individual not to be contacted, giving all parties the right to put a no-contact notice on their file. This means that the individual receiving identifying information would commit in writing not to contact the birth relative who requested a no-contact notice. This also means that individuals who violate a no-contact notice may be fined up to \$50,000. I would like to point out to this House that we are not aware of any individual breaching a no-contact notice anywhere in Canada or abroad. When a person files a no-contact notice, they would be asked to fill out a form that voluntarily requests family history, medical information and any other information that the person would wish to disclose.

We would also like to emphasize that while an individual would not be required to provide their medical history, it's the right thing to do, and they will be asked. This assigns the same rights and responsibilities to adoptees and birth parents as the rest of the citizenry. Every individual should know about his or her medical history, and in all jurisdictions, we cannot find a single episode where those who did not want to be contacted did not then forward medical information and any other information surrounding the circumstances of the adoption when asked. I think this sends a tremendous signal for us.

Our plan is to move forward in a way that is both thoughtful and responsible. It is a carefully considered balance that will allow adoptees and birth parents to get the information they want and will protect their rights should they not want to be contacted.

One woman, an officer of this Legislature—our privacy commissioner, Ann Cavoukian—was extraordinarily helpful in the development of this bill. The back and forth between our offices has led to a much better proposed bill. I thank her for her interventions, and I thank her for her thoughtfulness. While Ann could not be here in the House today, her assistant commissioner, Ken Anderson, is here. Ken, please take our sincerest thanks back to her when she returns.

We will have the opportunity to discuss, and to enhance if required, the components of this proposed

legislation. I hope all of us in this House will step forward and do our part on behalf of so many people who have waited so long.

I ask this House to support this bill. Thank you.

AGRICULTURE INDUSTRY

Hon. Steve Peters (Minister of Agriculture and Food):

It was my pleasure to speak to a group of Ontario's elected farm leaders and municipal and rural representatives this morning. They came to Queen's Park today at my invitation to hear some excellent news, which I would now like to share with this House: Our government is boosting its support for Ontario's agricultural industry through two separate initiatives that will inject \$129 million into this industry.

Today, I announced the creation of a \$50-million tobacco community transition fund, an initiative that will assist Ontario's tobacco growers who wish to exit the industry and encourage much-needed economic diversification in tobacco-growing communities. We are working in partnership with the Ontario Flue-Cured Tobacco Growers' Marketing Board—I'm pleased that Fred Neukamm, the chair of the board is here today—and the Community Futures Development Corp. to deliver this assistance. Their knowledge of issues ensures that the funds will be used effectively to develop new businesses and new markets and to promote innovation. This approach recognizes the value of local solutions to local situations and will build upon the many strengths of Ontario's tobacco farmers and our communities in those tobacco-growing regions.

The McGuinty government is also taking steps to address the precarious financial situation that our grain and oilseed producers find themselves in through no fault of their own. We will provide the province's full 40% share of the market revenue program benefits to eligible producers for the 2004 crop year. In addition to the \$88 million that we delivered earlier this month, the McGuinty government will provide \$79 million to boost payments in support of Ontario's grain and oilseed sector, bringing the provincial share to \$167 million. These additional funds will be in farmers' hands prior to planting this spring.

We're doing this because we recognize that Ontario's grain and oilseed producers face a particularly difficult marketing year for 2004 crops. But we recognize too that this is a short-term solution and are committed to working with the industry to develop a longer-term approach.

We've witnessed commodity prices fall to some of the lowest levels in years, and we know that farm incomes are depressed right across the country. But we've listened, and we've heard the voice of Ontario's agricultural community telling us that without some immediate assistance, there will be farmers who simply can't afford to plant a crop this spring. This government knows that we can't allow that to come to pass, and in light of the difficult financial situation producers find themselves in through no fault of their own, this gov-

ernment decided to make additional, much-needed funding available to eligible producers.

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This government recognizes the tremendous contribution that the agri-food sector makes to all of our social well-being: more than \$30 billion a year in economic activity, 650,000 jobs and some of the world's safest, finest, high-quality and nutritious foods.

Agriculture, though, does more than just feed us. Ontario farmers are great stewards of our environment. Ontario's farmlands have the potential to provide us with renewable energy, building materials, functional foods and pharmaceuticals.

We are committed to supporting the industry and to working with its elected representatives to ensure that we build a stronger, more sustainable future, not just for our farmers, food processors and rural communities but for every person who wants to make this province the best that it can be.

I've said this before and I'll say it again: There's one thing that each and every one of us can do—and I send this message to the viewing audience and to those who are in the gallery. We need to do what we can to support farmers, and you can do that with a consumer choice when you go into a restaurant, when you go into a grocery store. Buy local. Buy Ontario. Buy Canadian. Ask if it's a Canadian product. That is one way that each and every one of us can, day to day, help our farmers.

The McGuinty government is committed to rural Ontario. It's committed to our farmers. We've demonstrated that today and we'll continue to demonstrate that into the future. We are there to support Ontario farmers.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Ernie Hardeman (Oxford): Minister, I want to thank you for the announcement, on behalf of 25,000 grain and oilseed producers, on behalf of 800 tobacco farmers and on behalf of the agricultural communities.

As you are aware, it has been four full weeks since the March 2 rally here at Queen's Park—four full weeks of no reply for our farmers; four full weeks that they've had to struggle with the thought of not being able to plant their seeds. Our farmers want to plant their seeds, they want to pay their taxes and they want to be part of our economy. When 7,000 distressed farmers drive to Toronto to meet and ask for assistance, it's nice to see our government, finally, returning with some results and some needed money. But it's not what's needed.

Our tobacco farmers were going to receive \$35 million—70% of what they asked for and were promised by you. You and I both know this amount is not enough and does not solve the problems being faced today by our tobacco farmers.

You announced \$79 million for our grain and oilseed producers. This is not the \$300 million you and I both know they need to fund the market revenue program that our farmers have paid for and have a right to expect full payment from. That's not what they're getting. It's very concerning to see, after this long time for money to flow, that they are not going to get paid what is owed to them.

You tell us that you're looking for money from the federal government to help pay it, yet in this House on February 28, you said that market revenue was one of the casualties of your signing the agricultural policy framework, that farmers would not be getting any federal money for the market revenue program.

Obviously, this money will simply help our farmers get the crops in the ground this season. But our farmers are still waiting on programs to help safeguard prices and replace various provincial programs that have been eliminated. Our three biggest crop growers—soybean, corn and wheat—have been practically wiped out by consistently low prices. It's obvious, with all the decisions that you've changed your mind on lately, all the announcements, reannouncements and the like, that you have no understanding of what is happening to our farmers. It's obvious that you have no plan for our farmers. This is a serious concern.

It's nice to see some money trickling down from your ministry, but how about a plan? How about some firm ideas on how to handle the industry? Where is your plan? Where is your plan for our provincial farmers?

ADOPTION DISCLOSURE

Mr. Cameron Jackson (Burlington): I'm very pleased to stand in the House today and commend the minister for the tabling of this long-awaited legislation that will open Ontario's adoption disclosure system, giving access to adoptees and to their parents. I also am very pleased to see that we have protection put in the legislation for those who, unfortunately, for whatever reason, determine that they do not wish to have a relationship with their biological parent or their biological children.

As one who has had occasion to speak in this House on at least five occasions, because that's the number of times these private members' bills and others have been before the House, and I've worked closely with the member from Toronto-Danforth in the past—one thing I did say that I want to put back on the record is that the search for our roots and background is recognized as a crucial component to help us discover and affirm our personal identities. An inseparable part of this is the knowledge of one's biological, genetic roots by adoptees who choose to try to discover the hidden side of their earlier lives.

I'm pleased to see this legislation before the House today, but I do wish to indicate that there are some concerns still lingering with this legislation. Obviously, the reference to the Information and Privacy Commissioner and her concerns has been put on the record. There are concerns about access to medical histories; perhaps the government may wish to consider amendments that are tied to the no-contact rule as a condition of providing that.

I note that we'd better look at the impact this legislation will have on children's aid societies in Ontario, who today are struggling with about a \$70-million budget

deficit because your government has capped revenue going to that. Today, the children's aid societies are laying off child protection workers all over the province.

Finally, nothing in today's announcement makes any reference to the resources that will be required in order to put this legislation in effect. Those resources are substantive, and history has shown that when our party had to inject almost \$3 million in 2000 in order to reduce the waiting time for those bills.

Minister, I just want to say that the PC caucus and our new leader, John Tory, will be pleased to work with you in making this the most effective legislation anywhere in the world.

AGRICULTURE INDUSTRY

Mr. Howard Hampton (Kenora-Rainy River): In response to the Minister of Agriculture, Food and Rural Affairs, I think even the minister will be forced to accept the fact that there is a real crisis for farming in general across the province. Was there anything in today's announcement that would address the needs of beef farmers, the BSE crisis or the closure of the border? Nothing. Was there anything in this announcement to address the problems of the horticulture sector? Nothing.

Then let's address the situation of oilseed and grain farmers, because what there was in this announcement today is too little and too late. There's no plan here; this is simply another band-aid that will last for six months. It's enough money to provide oilseed and grain farmers with a little bit of liquidity—they can go in and pay off their loans from the last couple of years and maybe get a loan for this year—but there is no plan for them. There is no assurance that even six months or nine months from now they will be able to pay their bills. It is a band-aid solution by a government that still doesn't have a plan for Ontario's agricultural sector.

I noted with interest the comments the minister made in his press conference and the comments he made here with respect to tobacco farmers. Here, the minister wants us to believe that the \$50 million for tobacco farmers is to be about the transition out of growing tobacco. But in his press conference earlier, he said that this will enable tobacco farmers in Ontario to compete with cheaper imports. I have to ask the minister, which is it? Is this to help tobacco farmers transition out of growing tobacco and into other crops, or is it to help them continue to grow tobacco and compete against cheaper imports? You can't have it both ways, Minister, and farmers and farm communities need to know which it is. Most of all, they need to see a plan from the McGuinty government for the agricultural sector, not a repetition of five- and six-month band-aid solutions.

ADOPTION DISCLOSURE

Ms. Marilyn Churley (Toronto-Danforth): I'm responding to the minister on the adoption disclosure legislation brought forward today. I just have a couple of

minutes today, so I won't go into a lot of detail about the bill before us, and I haven't had a chance to read the whole thing yet, but I have had an opportunity to talk to the minister on several occasions. I want to say to her today that I thank her very much for moving forward. I remember when we met, shortly after the Liberal government took office. There was a steep learning curve in that meeting, as is often the case on this issue. She and her staff listened, and listened to the community—

Interjection.

Ms. Churley: Will you be quiet and listen to me, please—and came forward with a piece of legislation today that closely resembles my bill and the bills that came before this Legislature before, and I'm very happy to see that.

1420

I'm very happy to see some of my comrades-in-arms here today in the gallery, whom I've worked with for many, many years on this bill, and thank them and congratulate them for their relentless pursuit of every government in this House for a number of years in bringing this legislation forward. I had a brief opportunity to talk with them a little about the bill before us today, and I'm pleased that we will have an opportunity to take this to committee briefly to address some of the concerns that I see so far in the bill.

Some of those involve things like access to non-identifying information. What's going to happen to that, now that I understand the management of searching is going to be removed from the Ministry of Community and Social Services? How will those active searches happen? Are you prepared to license searchers? How is that going to unfold? I understand that the optional counselling, which was part of my bill—it didn't have to be mandatory, but it was there for those who needed it—is not going to be there any more.

There are a few missing pieces of the bill that I'm very pleased I will have the opportunity to address in committee. I do again thank the minister for bringing this forward today and look forward to fixing some of the pieces that need some tweaking to, indeed, make it one of the most progressive, if not the most progressive, pieces of adoption legislation in the world.

LEADER OF THE OPPOSITION

CHEF DE L'OPPOSITION

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Mr. Speaker, I seek unanimous consent for one member from each of our three parties to say a few words to welcome the new leader of the official opposition.

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

Premier?

Interjection.

Hon. Mr. McGuinty: I'm just trying to soften him up a bit, Speaker.

I want, on behalf of our government, and indeed our party, to take this opportunity to officially welcome the new member for Dufferin–Peel–Wellington–Grey to this august chamber.

I think it was Thomas Jefferson who once said, "I have no ambition to govern men. It is a painful and thankless office." But subsequently, even Thomas Jefferson sang a different tune.

I want to take the opportunity to welcome Mr. Tory. I want to congratulate him on his election. I want to thank him for assuming these responsibilities. I'm not sure it has ever been out of fashion to criticize all things political, whether our political institutions or our systems of government, for those who would hold themselves out to be politicians, people who are dedicated to public service. But it is quite a challenge today to convince people to come forward, to put it all on the line, to knock on doors, to look people in the eye and ask them for their support. I want to thank Mr. Tory for taking on his responsibilities.

I also understand that there may be members of his family present today, and I want to thank them as well, because—and I speak from some considerable experience in this matter—if you are in this, then they are in this too, and you could not do this, sir, without the full support of your family. I thank them for lending their support to you.

I know how challenging, how frustrating, but how important the role of leader of the official opposition is and how much it matters to the tone of our debates and the quality of our decisions. It is a vitally important responsibility. It won't surprise the member that I wish him a fulfilling and very long and distinguished career on that side of the House.

I know as well that the member will discover, as all of us have, how deeply rewarding it is to represent one's constituents and to work on behalf of all Ontarians here in the Legislature.

Il y a bien des carrières qui offrent bien plus d'appréciation et une meilleure rémunération, mais il y a peu d'endroits où vous pouvez faire autant de bien pour autant de personnes que dans cette Assemblée.

I was saying that there are many careers that offer more opportunity for praise or remuneration, but there are very few places where you can do more good for more people than in this House.

So again I say to the member opposite, welcome, thank you, and congratulations. When you put your name on a ballot, you declare your willingness to serve in a very special way. When your fellow Ontarians mark an X beside your name on that ballot, they put their faith in you in a very profound way. I'm sure that you will agree with me, Mr. Tory, and I hope not for the last time, when I say that few things could be more rewarding than the work we will do together in this Legislature on behalf of the good people of Ontario.

Mr. Howard Hampton (Kenora–Rainy River): I want to welcome the new member for Dufferin–Peel–Wellington–Grey. On behalf of New Democrats, I want

to congratulate John Tory on his by-election win. Some might say that at long last, finally, after much delay, you are able to take your seat in the Legislature. Some of us wondered how long this process was going to take.

I want to wish you good fortune as you take on some important responsibilities as a constituency MPP, as leader of the official opposition, and as guardian of the caucus that Mike Harris left you.

I understand that you want to bring a new sense of decorum to the Legislature, and I welcome that. In fact, I believe that would be a very positive development. So I wish you well in that endeavour. I especially wish you well with some of the members of your caucus in that endeavour.

Finally, in the days ahead I look forward to the contributions you will make to democracy and to debate in this Legislature. I especially look forward to finding out where you stand on the issues that matter most to ordinary Ontario families across this province. Welcome, good luck, and I look forward to the debate.

Mr. John Tory (Leader of the Opposition): It is my honour to rise in this House for the first time as the member for Dufferin–Peel–Wellington–Grey. I want to most sincerely thank the people of my riding for the warmth with which they received me and for the confidence they have placed in me.

I want to begin by thanking the Premier and the leader of the New Democratic Party for the kind words they have spoken today. I noticed that Mr. Hampton was very careful not to get carried away. These are likely the last words of their kind that will be spoken any time in the foreseeable future.

I think these two gentlemen will understand what I'm about to say; namely, that while being chosen to lead one's party is a singular honour, nothing can surpass—and the Premier alluded to this—the honour and the privilege of being elected by the public to serve them.

I want to give a sincere word of thanks as well to Bob Runciman for the effective job he did in holding the government to account as Leader of the Opposition.

1430

I have not made a lot of promises to the people who elected me, other than to say that my voice will be heard on the issues that matter to them, that I will work hard and be accessible to them, and that I will try my very best to make them proud of me as their representative and to try to restore some degree of faith in the political process. I have some big shoes to fill, following in the likes of Ernie Eves, David Tilson, Jack Johnson and William Davis, all of whom have served all or part of this great, diverse riding with such distinction.

I'm particularly honoured that Premier Davis is here today. He taught me so much about balance and integrity and the real meaning of public service. But beyond all that, I'm honoured that he would be here in this place again today so that we can once again recognize, as was done earlier, the great contributions that he made to the province of Ontario over 25 remarkable years in public life.

I should also say how delighted I am that my friend and fellow Progressive Conservative Ted Rogers is here today. It was an incredible experience, to say the least—I'll perhaps have a chance to elaborate on that some other time; I'm not sure when—to work with him over the years.

The Premier was right when he said that there is nothing more important than the support you have from your family. I'm not sure, even as a veteran campaign adviser, that I fully understood the sacrifices that people make to be in public life, and I'm not referring so much to the people who serve but to the families who support them. My family, especially my mother and father, my siblings and our children have been hugely supportive of my entering public life, and I'm grateful to them beyond what words can express. But my absolute mainstay, my partner in everything that I do, has been Barbara Hackett, my wife of almost 27 years. I'm quite certain that she won more votes in the riding than I did, but a win is a win.

You know, Mr. Speaker, the family dinner table is an amazing place, but when I tried to turn to my family for advice on the first question I should ask the Premier, they quite seriously suggested to me it should be, "Boxers or briefs—which is it?" I accordingly decided to seek alternate advice.

I have travelled, since I became leader, to some 90 ridings in the province. Having knocked on thousands of doors this past winter, one theme came up over and over again, and the Premier made reference to it: People are rapidly losing faith in the system of which we are a part and in the people who make it up, and I include myself in that. Some of them have given up altogether and think that a better way is impossible, but many still hold out hope, fortunately, that there is a better way. I believe there is a better way. It is a way that doesn't rely on everyone holding hands and feeling better about each other—there is room within the better way for honest disagreements on policy, clear disagreements on policy, for firm questions seeking accountability—but it is a way which need not always appear as if it is some kind of contest to produce the last woman or the last man standing. By having our focus on that totally adversarial kind of approach, I think we make this place too much about us, when in fact it should be about them, the people who sent us here to work together, to have honest debate, to get the best out of each other, to share ideas, and, most of all, to get things done for them.

I've watched this place for years. I think the opportunity for individual members of provincial Parliament to make a real difference, regardless of where they sit, is at a low ebb today, and I would like to work with the other parties and with all members to see if we can reverse that. When you think of the challenges we have in the province, whichever ones they are—all the ones that have been discussed today and all the ones that will be discussed going forward—and when you think about the talent that exists in this chamber on all sides of the House to help address those challenges, I think it really is time for us to get all hands on deck.

So I think there is a better way. I think there has to be a better way, and I look forward to working with everyone in this assembly to try to find that better way and to carry out my first and most important duty, of course, which is to represent the people of Dufferin–Peel–Wellington–Grey.

Thank you very much.

ORAL QUESTIONS

PROVINCIAL DEFICIT

Mr. John Tory (Leader of the Opposition): My first question is to the Premier. While I assume we'll have a budget in a few weeks' time, given all the speculation, I wonder if the Premier could tell us his best estimate of the deficit for the current fiscal year as of today.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm delighted to have the opportunity to bring home to the leader of the official opposition the nature of the challenge we have been burdened with as a result of his government's failing to properly address financial issues in the province of Ontario. The member will know that we have been saddled with a \$5.6-billion deficit. Of concern to me—and the member may desire to make reference to this in a supplementary—is the fact that that party voted against the new Fiscal Transparency and Accountability Act, which will require that we have full transparency with respect to the nature of our financial circumstances before the next election. My concern is that, having voted against that particular piece of legislation, given the opportunity, his party would do the same thing again.

Mr. Tory: I think the people at home must think they're watching the Comedy Channel, if you're giving me a lecture on accountability and transparency. I cannot imagine a situation in which you are the Premier and the president of the executive council of this province, you are the head of the government, you are the boss, and yet you cannot tell us what the deficit of this province is going to be, two days before the end of the fiscal year.

I don't think it is unreasonable for us to ask you for this information. I think people have the right to expect this information from the person at the top, especially when the Toronto Star, for example, referred to some of your government's accounting as "fishy." I think they're understating it at that. Uncertainty and a lack of clarity about this kind of thing are bad for confidence in the province of Ontario.

Let me try again. As the head of the government in this province, can you share with us today your best information as to the current size of the deficit for this year and what your plans are to reduce it going forward? Can you share that information with us?

Hon. Mr. McGuinty: I know the member is anxious for us to get our budget out, and we will be putting that out in due course. But I want to remind him that his

party, on the day of the election itself, said that the deficit was zero, that the books were balanced. I can say once again that we have been left one heck of a mess to clean up. We are doing our very best in that particular regard.

We look forward to putting out a budget that will address our financial circumstances in a prudent and responsible way, but that will in addition ensure that we are able to invest, in keeping with Bob Rae's recommendations, in a very important area that will enhance our future prosperity, and that is in our colleges and universities.

So yes, we look forward to putting out our budget; no, we have not entirely cleaned up the deficit left to us by the Tories; and yes, we will continue to manage in a prudent and responsible way.

Mr. Tory: Whatever the situation was—and at least I have been honest enough to talk about what we perhaps should have done—the fact of the matter is that you have hundreds of millions of dollars of new revenues from the—

Interjections.

The Speaker (Hon. Alvin Curling): Minister of Community and Social Services, could you come to order, please, and also the other members. I'd like to hear the leader of the official opposition.

Interjection.

The Speaker: Government House Leader, I just asked for order.

Mr. Tory: To the Premier: You have hundreds of millions of dollars of extra revenue from the LCBO, you have billions of dollars from the new health tax that you brought in and other monies, and yet the deficit is higher today than when you stood here and presented the budget your Minister of Finance did last year.

The people are frustrated by a Premier who says one thing and does another. But almost as much as that cause of frustration is the fact that you have no apparent plan to deal with the deficit. All you can do is complain about what you were left or what somebody else did.

You have said that the balanced budget commitment for 2007 is out the window. Your Minister of Finance says that it is just being revisited. Can you tell us right now: What is your best estimate of the deficit for this year, and have you instructed the Minister of Finance to break your promise of balancing the budget by 2007? Do you have any plans? Are you going to carry forward with them? Tell us about them now.

1440

Hon. Mr. McGuinty: I think Ontarians obviously have a real interest in the performance of the economy and our ability to manage their finances through their government.

I can tell you that we have created three times as many jobs in our first year as the Conservatives did in theirs. I can tell you as well that under the good leadership and the solid initiative of my Minister of Economic Development and Trade, we have landed a \$1-billion investment from Ford Motor Co. of Canada in Ontario and a \$2.5-billion investment from GM. Those speak to the con-

fidence held by the international investment community in our ability to manage finances and in the future growth and prosperity of this province.

Once again, perhaps the single most important comparator here is that in our first year, we have created three time as many jobs as the Tories did in their first year.

Mr. Tory: With a \$6-billion deficit, higher taxes and more regulations, you'll have those job creation figures looked after in no time.

HEALTH CARE

Mr. John Tory (Leader of the Opposition): My second question is to the Premier. Premier, the one constant in every survey of public opinion is that health care is the top priority of people in Ontario. I heard as much every day on the doorsteps across my riding from patients trying to find a doctor and from those who are waiting for surgery.

Premier, we are only two days away from the start of the new fiscal year. Your government—

Interjections.

The Speaker (Hon. Alvin Curling): Order. It's very early in the question period. The member for Ancaster–Dundas–Flamborough–Aldershot, can you come to order. I'm also asking the member for St. Catharines and the House leader to come to order. I'm having difficulty hearing the question coming from the leader of the official opposition.

Mr. Tory: We are only two days away from the start of a new fiscal year, and your government has not yet told the hospitals what operating funds they will have to work with for next year. Incredibly, most hospitals learned just last month how much money they were going to get for the fiscal year that is now ending two days from now. This is not really a businesslike approach. It is not any kind of an approach that encourages a sensible plan. Premier, when will you be informing hospitals what their funding will be for the fiscal year that begins this Friday?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I must say I've been looking forward to this opportunity to have this conversation with my friend opposite.

We put close to \$1.7 billion more into hospital operating budgets since we assumed the responsibility and the privilege of government.

The member opposite is saying he will take \$2.4 billion out of Ontario's health care expenditures. I think he owes it to the people of Ontario to tell them exactly where that money is going to come from. If he were to close 10 large hospitals, all that would do is cut the cost by \$1 billion. He still has \$1.4 billion more in cuts he intends to make. I think he owes it to the people of Ontario to tell them exactly where he's going to get the \$2.4 billion he intends to cut from health care.

Mr. Tory: On your door it says you're the Premier of Ontario. You're here to answer the questions, and I want

to ask you this—the hospitals will end this fiscal year on Friday, only two days from now, \$330 million in deficit.

I want to quote from a speech given to the Kitchener–Waterloo chamber of commerce by the president of the Ontario Hospital Association last Wednesday. She said, “First, hospitals guess what funding they will receive for the year from the ministry. Then, somewhere near the end of the fiscal year, they find out—after they've been spending for months—exactly what their funding actually is. Caught in this absurd situation, most hospitals turn to banks to cover the difference—paying their interest using taxpayer dollars—and increasing the cost of health care even more.”

Premier, this mismanagement isn't acceptable—not to taxpayers or to patients. Specifically, how will your government address these carry-over deficits, and what is your plan to resolve this situation? Specifically, what is your plan?

Hon. Mr. McGuinty: I can say that we are working well with representatives of Ontario hospitals—

Hon. George Smitherman (Minister of Health and Long-Term Care): Meeting with them today.

Hon. Mr. McGuinty: —and we will be meeting with them once again today.

I think it would be interesting to compare and contrast what the then head of the Ontario Hospital Association said about the Tory government's approach to hospitals and what the now president of the Ontario Hospital Association says about our approach.

David McKinnon said, “Everyone can see that there is no game plan....

“Hospital people are ... concerned, because government is making decisions that are not evidence-based and not consumer-focused.”

That's what David McKinnon, then president of the OHA, said about the Tory hospital policies.

Here is what Hilary Short, now the president of the Ontario Hospital Association, said about our hospital policies: “So, what does this ambitious and far-reaching agenda mean for hospitals? Lest anyone think differently, I want to be perfectly clear. Ontario hospitals support this transformation agenda. Full stop.”

Mr. Tory: That very same president of the Ontario Hospital Association referred to the situation you've now placed the hospitals in as “absurd” just last week. Your answer is just not good enough.

Hospitals cannot make plans for the forthcoming year that begins on Friday if they don't know what they're getting from you. They can't possibly plan in a businesslike way. You seem to think that the more you spend, the better it is, as opposed to looking for ways that you, the hospitals and everybody else in the health care system can do things better. You found the money to fire the nurses. You found the money for a casino expansion. You even found money last week to partially reverse your privatization of physiotherapy. When are the hospitals of Ontario going to get a clear message from you with respect to their funding for the fiscal year that begins in two days and the deficit mess that you've

allowed to go on all year? When are they going to get some answers?

Hon. Mr. McGuinty: Again, we've just heard from representatives of the Ontario Hospital Association. Like I say, I think this is the fundamental difference when it comes to funding: We've put in \$1.7 billion more so far; my friend opposite wants to take \$2.4 billion out of health care. We are investing more in health care, working with our hospitals. More than half of Ontario hospitals now have their budgets in balance. We will continue to work with those outstanding through to 2006 to ensure that they can all balance their budgets. I think the important point of contrast here for the people of Ontario is, we have put \$1.7 billion more into hospital budgets thus far; Mr. Tory wants to take \$2.4 billion out of Ontario health care.

HEALTH CARE AND EDUCATION FUNDING

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. Over the break, Ontario's Auditor General caught you trying to fudge the books using Enron-style accounting tricks in your budget. Ordinary Ontario families want to see real improvements in the funding of education, real improvements in the funding of health care, not accounting tricks. Premier, now that your Enron-style accounting has been exposed, what is your plan to properly fund health care and education in the province?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): It seems that virtually every third or fourth word out of the NDP leader's mouth has to do with Enron, or he keeps picking on Louisiana. I'm not sure what he's got against the good people of the state of Louisiana.

We're pleased to work with the Provincial Auditor and present the accounts in a way that he tells us is most transparent. But it's no secret that we have some real and pressing financial challenges. We continue to maintain that our most important priorities are health care, education and prosperity for Ontarians.

We have invested significantly more—and the member opposite knows—in education. I can speak for a moment with respect to that. We have hired an additional 1,100 teachers, we have smaller classes in over 1,300 schools and for the first time in a long time—and I think this is most important when it comes to education—test results are beginning to go up. So we are investing more and we're getting results for those investments.

Mr. Hampton: The Enron accounting trick cannot be denied; the Auditor General was very clear about that.

But I ask the Premier, what is the plan for funding health care? What is the plan for funding education? I want to point out a few examples: those parents who happen to have some of the most vulnerable children in the province, parents who are worried about health care for their children. All five children's hospitals in the province are facing severe shortages because of your

short-sighted approach to health care funding. Last month, because the intensive care beds at the Hospital for Sick Children weren't all available, they were forced to cancel surgeries for 11 youngsters. In the past two months, McMaster hospital in Hamilton has been forced to turn away 30 seriously ill children.

Premier, sick children are becoming sicker under your watch. Avoid the accounting tricks. What's your plan to properly fund health care in this province so that more sick children don't face this situation?

1450

Hon. Mr. McGuinty: Again, I say to the member opposite that we have invested significantly more money in hospitals, enhancing their operating budgets. We have, for example, enabled hospitals to hire significantly more nurses. In fact, we've provided funding for close to 3,000 more nurses in the province.

The Minister of Health tells me that we have experienced some unusual, extreme pressures when it comes to the ICUs in pediatric departments in our hospitals. We're working with our hospitals to help resolve and deal with those issues. But not all stories connected with health care in Ontario are bad, and I know that my friend would not want to misrepresent that.

Just one small example: Today at McMaster University, at the Hamilton Health Sciences centre, triplets were born. My understanding is that all the extremely rare triplets are doing well at the Mac neonatal unit. I take the opportunity to offer my congratulations to the parents and family and to all those involved in ensuring that that delivery was successful. There are many positive stories affecting many of our families, day in and day out, when it comes to their experience in Ontario health care.

Mr. Hampton: Once again, the Premier talks about a plan to hire 3,000 additional new nurses. Premier, your government was issuing layoffs to nearly a thousand nurses just a month and a half ago. A repetition of promises made but not kept is not a plan.

Here's the reality: Almost a quarter of the 65 pediatric intensive-care beds in Toronto, London, Ottawa, Kingston and Hamilton are not able to provide service. Why? Because there aren't enough nurses to cover those pediatric intensive-care beds. You've known about this problem since you became the government, but the problem is becoming worse.

I ask you again, Premier: Don't repeat old promises that you've already failed to deliver on. What is your plan to improve the funding of health care so that children like this, very sick children, aren't turned away from hospitals?

Hon. Mr. McGuinty: As a point of relevant information, we're spending \$3 billion more on health care.

Hon. James J. Bradley (Minister of Tourism and Recreation): This year.

Hon. Mr. McGuinty: That's this year. That's a very significant new investment in health care across the province. I know the member opposite is not suggesting, nor would the new leader of the official opposition, that the

only thing we can and should do to improve the quality of the health care we deliver to Ontarians is spend more money.

We are working with our hospitals. We have enabled them to hire more nurses. We have, as well, invested significantly in new MRIs and new CTs. We are now working with those who run our pediatric ICU departments to ensure that they are able to provide the quality of care to which all our children are entitled.

We're proud of the fact that we've invested \$1.7 billion in our new hospital budget. We're proud that we're spending over three billion new dollars on health care. But there's some work to be done, together with all of those involved in the delivery of health care, and we'll continue to do that work on the ground.

NATIONAL CHILD BENEFIT SUPPLEMENT

Mr. Howard Hampton (Kenora–Rainy River): Premier, you continue to repeat old announcements. The reality out there for sick children is that they are being turned away. The reality for nurses is that they're not being hired; they're being laid off.

Let me give you another example. The parents of the poorest children expect you to honour commitments you made to them. These are the parents who have to rely upon the national child benefit supplement in order to put food on the table for their children and clothes on their backs. Before the election you said, "We will end the clawback of the national child benefit supplement." You said, "The clawback is wrong, and we will end it." But the clawback hasn't ended. As a result, 91,000 families, some of the poorest families in Ontario, are having trouble paying the rent, having trouble putting food on the table, having trouble putting clothing on their children's backs.

Premier, that was the promise you made. Don't tell us about more accounting tricks. Don't tell us about a repetition of those promises. What's your plan to end the clawback?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know that the Minister of Community and Social Services will have more to say in a moment, but let me tell you a little bit about our record and what we've done with respect to helping those in lower income groups in Ontario. We've spent \$70 million for 3,400 new housing units. We've increased the minimum wage twice, on the way to \$8 per hour in 2007. We've established a new rent bank and put \$10 million in that. We have established a new 3% increase in disability and social assistance payments; that's the first time in 11 years. We've invested \$2 million to enhance homelessness prevention programs, and there are many other items as well.

The fact of the matter is that the member opposite does not have a monopoly on social consciousness. We are working hard and well to ensure that those who find

themselves in positions of disadvantage get a helping hand from this government.

Mr. Hampton: Once again, the Premier repeats promises previously made and promises that haven't been kept. I asked him, what's the plan to stop the clawback, the clawback of money from the poorest families in this province?

This is what it means: It means \$1,500 a year for a child in a poor family; it means \$1,300 a year for the second child in a poor family. That is money to pay the rent; that is money to buy clothes; that is money to put food on the table. And it's your promise. You were the one who said, "The clawback is wrong. We will end it."

Don't give the people of Ontario more accounting tricks. My question, again, is, what's the McGuinty government plan to end the clawback of money from the poorest children, the poorest families in Ontario?

Hon. Mr. McGuinty: The Minister of Community and Social Services.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I think it's important for us to note that the moment this government formed a government, we stopped the policy of continuing the clawback for the national child benefit. That is very important, because the federal government increases that amount every year, with the largest increases yet to come. This year alone that meant an additional \$7 million that was not clawed back to families who are on social assistance.

This is a very important point. We have been very upfront about our significant fiscal situation. The NDP wouldn't appreciate the fact that it is very tough to find the money, considering what the last government left us. It is very hard to implement all of our promises all at once, because we simply don't have the money. So yes, we are working on it—

Interjection.

The Speaker (Hon. Alvin Curling): Member from Nickel Belt—

Hon. Ms. Pupatello: —but we've taken the first steps in the right direction; absolutely, we have. I am proud of the record of the Liberal government, because it has been a year and a half, and we can make a difference.

Interjection.

The Speaker: I'm just waiting for the member from Nickel Belt to come to order, so you can put your question.

Interjections.

The Speaker: Order.

Mr. Hampton: Mr. Speaker, I often get a lot of advice on asking my questions.

I simply want to say to the Premier, remember this? This was your election document: Affordable, Responsible Change. In it, you promised that you were going to end the clawback. When you made this promise, we knew there was a deficit; your now Chair of Management Board knew there was a sizable deficit; your now Minister of Community Safety knew there was a sizable

deficit. They all knew there was a deficit, yet you said you had a plan to end the clawback.

Your government is taking a quarter of a billion dollars out of the pockets of the poorest families, the poorest children in this province. They've seen your accounting tricks; they've seen how quickly the McGuinty government comes up with a \$3.9-billion accounting trick. What they want to know is, where is the McGuinty government's plan to stop taking a quarter of a billion dollars away from these, the poorest children, the poorest families in this province?

1500

Hon. Ms. Pupatello: I can't explain why, but the former government decided, upon first receiving the national child benefit, to claw it back. They were one of eight provinces to do so across the country. Most of Canada did it; I realize that. We think it shouldn't have been done. We believe we have to begin to reverse that. So we as a government did start reversing that.

What that money is currently doing: \$170 million is going out to everyday families for child care tax credits, and \$41 million is currently being invested in children's programs for children at risk. We are talking about the same kids in Ontario.

So let me be clear: We know the child care tax credit is important to many families, and they long to keep that. We know that \$41 million—we get letters from municipalities saying, "Don't stop that money, because our programs are survival for children."

We do have tough decisions ahead. We have already reversed the decision and stopped future clawbacks. We have a strong record of helping children, and we will continue on that record as long as we're the government.

GREENBELT

Mr. Robert W. Runciman (Leeds–Grenville): I have a question for the Premier. Premier, there have been many questions raised about the boundaries of your greenbelt and the basis on which they were drawn. Legitimate, serious questions remain unanswered about the judgment you showed in meeting with developers who had an interest in the greenbelt while the final boundaries were being drawn. We know that you met with at least one such developer as recently as November 9. Coincidentally, that same developer had a valuable block of land removed from the greenbelt.

Premier, your Minister of Municipal Affairs has publicly stated that he felt it was inappropriate to meet with developers during this period. Why was it OK for you to do so?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): It's no secret that there are some developers who are very, very unhappy with the fact that we've created, in perpetuity, protected space of some 1.8 million acres. Some people have lost significant amounts of money. I guess, in a sense, we put the uncertainty back into speculation. Some people will not be in a position to profit from development. But we just think it's more

important, and in the greater public interest, that we preserve that land in perpetuity. We're very proud of the decision we have made. We think it's in keeping with our responsibility to families throughout the province, but particularly those in this community, who stand to benefit from it.

The Speaker (Hon. Alvin Curling): Supplementary, the member from Erie–Lincoln.

Mr. Tim Hudak (Erie–Lincoln): After four weeks, still no answer from the Premier on some very basic questions surrounding the special exemption to the well-connected developer in the area of Vaughan.

Premier, let's review the facts. On October 28, your draft greenbelt map excluded Mr. DeGasperis's property in Vaughan. On November 9, you met with Mr. DeGasperis, whom you will recall from your close encounter at the \$10,000-per-person fundraiser earlier that year. When your final greenbelt map was released, Mr. DeGasperis's land mysteriously received an exemption, resulting in about a \$15-million windfall.

Premier, please answer these questions directly. It has been four weeks. Will you reveal the science behind this particular decision? Will you send it to a legislative committee so that we can do so if you will not?

Hon. Mr. McGuinty: I think we should be very direct about this. The member opposite is not in the least bit interested in the science; what he's interested in doing is smearing the greenbelt. This is a wonderful initiative that serves to the benefit of the people of Ontario. It is good for our society; it is good for our economy; it is good for our health; it is good for our ability to generate wealth. All of that is connected with the greenbelt that we have established, the greater Toronto area greenbelt that we have put in place.

With respect to the science, he himself knows—and I've already listed these documents but perhaps I should do so again: The Natural Heritage Reference Manual was one of our sources of information; the LEAR report, the land evaluation and area review; A Current Assessment of Gross Land Supply in the Greater Golden Horseshoe; the Growth Outlook for the Greater Golden Horseshoe; The Application of a Land Use Intensification Target for the Greater Golden Horseshoe; and Toward a Golden Horseshoe Greenbelt, the Greenbelt Task Force report.

There are several documents which were used by us as the basis for our decision on this matter, but the truth of the matter is the member does not, as a matter of principle, support the preservation of land in perpetuity for Ontario families. That's the difference.

LABOUR UNIONS

Mr. Peter Kormos (Niagara Centre): My question is to the Minister of Labour. Card-based certification is hardly a radical proposal. It existed for decades in Ontario under NDP, Liberal and Conservative governments. It even predates Bill Davis and his government, going back to the days of Leslie Frost. You're prepared to restore it in Bill 144 to building trades workers, but

you deny it to all other workers in this province. Many of these workers, mostly women, mostly new Canadians, who are working in places like Wal-Mart, are paid some of the lowest wages in Ontario. Why won't you extend card-based certification to all workers in Ontario, Minister?

Hon. Christopher Bentley (Minister of Labour): I'll be pleased later this afternoon to kick off second reading debate with respect to Bill 144. It's a very important and progressive initiative that will assist all workers in Ontario because it will provide the ability for all workers to exercise their choice as to whether they wish or do not wish to be members of a union.

Applicable to all workers, we are restoring the remedial certification power that had existed in Ontario for decades, even for a couple of years under the previous Tory regime until it was eliminated by that regime. This certification power will ensure that when there is employer misconduct or union misconduct and workers are effectively deprived of the right to choose, the employer can be subject to certification of the bargaining unit. In other words, if there is a right, it must have an effective remedy.

We are also restoring, for the benefit of all workers, the interim reinstatement power, which again will ensure—

Interruption.

The Speaker (Hon. Alvin Curling): I will have those spectators removed from the gallery, please.

Member for Niagara Centre, supplementary?

Mr. Kormos: Thank you kindly, Speaker.

Minister, people across Ontario are denouncing your legislation as not only inadequate but discriminatory, sexist and—you heard it—racist. Workers who are mostly women, mostly new Canadians, mostly people of colour, mostly people of visible minorities, desperately underpaid workers, deserve the same rights of card-based certification that you're prepared to give building trades workers.

Minister, will you please commit today to ensuring that upon completion of second reading, Bill 144 is reviewed by the appropriate committee and is reviewed across the province so that workers can provide input in places like Windsor, Hamilton, Niagara, Oshawa, Thunder Bay, Kenora, Rainy River and Sudbury? Will you commit to public hearings on Bill 144?

1510

Hon. Mr. Bentley: Actually, this government's record with respect to labour legislation is a very strong one for protecting the rights of all workers, including women, minorities and those in vulnerable positions—already two increases to the minimum wage, which had not been increased for the previous nine years. We brought in legislation ending the 60-hour workweek and ensuring that employment standards legislation was actually enforced—more prosecutions initiated in the last 10 months than in the previous 10 years.

We brought in the legislation for family medical leave, which will assist all caregivers. One would have thought

that that legislation, which assists caregivers—and we know women tend to be greater caregivers than men—would have been supported unanimously by all parties in the House, but when the time came, the NDP opposed passage of that legislation. Why? What great principle was at stake here? It was postage.

AGRICULTURE INDUSTRY

Mr. Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Agriculture and Food. Over the past couple of months, many of our rural constituents have been telling us about the crisis in agriculture. I have received many calls from the farmers in my riding, and I've met with countless others. They were expressing their concerns about their financial hardships and a future of uncertainty.

The grains and oilseeds sector is experiencing 25-year lows, and planting season is just around the corner. I was very pleased to hear that our government will be providing 2004 market revenue benefits. This will come as a relief to those struggling grains and oilseeds farmers in my riding. Minister, would you let the constituents know what this means for them?

Hon. Steve Peters (Minister of Agriculture and Food): The McGuinty government is committed to ensuring that we have a healthy and prosperous agricultural sector. We recognize as well the significant challenges that our grains and oilseeds farmers are facing because of a rising dollar, increased subsidies by the European Union and the United States and increased production in Brazil and Argentina. Those subsidies are actually distorting markets and supporting overproduction.

That's why we announced today, in addition to the \$88 million that we flowed previously, an additional \$79 million in support of Ontario's grains and oilseeds sector, an announcement that has just been hailed by the grains and oilseeds sector as a critical first step in moving forward.

We are encouraging the federal government to come to the table with its 60% share of support for the market revenue program.

But, as well, we recognize that this is just dealing with the short term. We need a long-term solution. That's why we've undertaken and made the commitment to have a comprehensive review of our business management programming, to ensure that our programs meet the needs of Ontario farmers. We're committed to that. We're working with agricultural leaders to make sure we move forward to position agriculture.

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. Dave Levac (Brant): Today, our announcement proves that our government is listening and actually acting on those concerns that many of our local constituents have been bringing forward, including to me. My constituents in the tobacco-growing community have brought me their concerns and have expressed their need for assistance as they are preparing to either exit the industry or downsize. Not only is there an impact on

farmers themselves, but there's a concern in many communities where the tobacco industry is driving the community. Minister, how will the announcement today help deal with the various issues of the tobacco industry, as well as the tobacco communities within my riding?

Hon. Mr. Peters: By this year, 2005, Ontario will be producing 100% of all the tobacco grown in Canada. We recognize, though, as we move forward with our smoke-free Ontario initiative, that there is a need to provide assistance. We have approximately 750 growers in this province, and as the use of tobacco declines, there is an obligation on us to assist in helping to ensure there is an orderly and smooth transition. We've recognized that on two fronts: first, by committing \$35 million to be administered through the Ontario Flue-Cured Tobacco Growers' Marketing Board to assist tobacco growers in making that transition from tobacco to alternate crops. As well, we do recognize the economic impact that tobacco has on five counties in southwestern Ontario. Hence, we've come forward with \$15 million that will be administered through the Community Futures Development Corp. to ensure that we provide assistance for economic diversification in those communities, so that we continue to ensure a healthy and prosperous rural Ontario.

ONTARIO BUDGET

Mr. Jim Flaherty (Whitby–Ajax): My question is to the Minister of Finance. You're fond of talking about your fiscal plan. In the budget a year ago, you talked about your comprehensive four-year plan for a balanced budget in the province of Ontario. In your economic statement in this place just one year ago, in a six-page statement, on every page, 1 through 6, you talked about your comprehensive plan for a balanced budget in the province of Ontario.

Now we have the Premier a week or 10 days ago saying, "Oh no, no more balanced-budget plan in the province of Ontario." In your economic statement in this place just six months ago, you said, "Six months later, we remain on track." When did your comprehensive fiscal plan for the province of Ontario leave the tracks?

Hon. Greg Sorbara (Minister of Finance): I'm delighted to hear, finally, from my friend from Whitby–Ajax. I can tell him simply that we're still on track. In fact, the province has had, and continues to have, a relatively good year.

If my friend would reread the budget we presented almost a year ago in this Legislature, he will see that we laid out a period of very disciplined spending over the course of the next three years. And if my friend from Whitby–Ajax does us the courtesy of attending when we present the budget in a few weeks' time, he will see that we are making determined, resolute progress to eliminate the horrible financial mess that he helped create while he was a Minister of Finance in the previous government.

Mr. Flaherty: I was wondering whether the Minister of Finance was going to blame the federal government or the previous government. Why don't you look at your-

self? You've been the government in the province of Ontario for almost 18 months. You've come before this House twice now to talk about your comprehensive fiscal plan, taking into account the federal government situation, taking into account what went on before you became the government.

You're the government now. You're the Minister of Finance. You said you'd balance the budget. You said just six months ago that you had—what was it, in your economic statement on page 6, Minister? I'm sure you'll remember saying it. You say you're successful. You say, "Our success thus far only serves to reinforce our resolve to stick to our plan." If you're going stick to your plan, stand up in this House now and say that you'll balance the budget within your term in government.

Hon. Mr. Sorbara: I know there's a wide gulf between the economic policies of the Leader of the Opposition, who has just taken his seat here, and the former Minister of Finance. I think that before these questions get put, the two of them ought to have a discussion. In fact, it was only a few days ago that the Leader of the Opposition said on Focus Ontario, "It's okay if we take three or four years to eliminate the deficit." I want to tell my friend from Whitby–Ajax that we set out a plan in our budget, we're committed to that plan and we are going to eliminate the horrible financial mess that you and others left us as a result of eight and a half years of very bad financial administration.

TUITION

Mr. Rosario Marchese (Trinity–Spadina): My question is to the Minister of Training, Colleges and Universities. You keep saying that you'll be there for students, but you are leaving them twisting in the wind. They've heard your Premier say that tuition fees were just too high, but they also recently heard him say, "The price of tuition will go up. The only issue is the pace at which it goes up."

The Ontario Undergraduate Student Alliance reminds us that students carry 44% of the burden of the cost of post-secondary education. It has doubled in the last decade.

Minister, don't you think you should be talking about lowering tuition fees, as opposed to increasing them?

1520

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I'm pleased to have the opportunity to answer this question. I'm really glad that you met with the students today, because I'm sure you learned a lot that you obviously didn't know before. Let me tell you that your government of the day and the Tory government of the day featured very strongly in Bob Rae's report. He kept talking about the damage you did to post-secondary education in Ontario.

Our students know that our government is interested in their well-being and interested in investing in prosperity through investments in post-secondary education. Our students know that we, not you, are their friends.

Mr. Marchese: Minister, I hope you read the report, because it said a lot more than what you're saying.

I want to read a quote from an MPP who implored the government of the time not to raise tuition fees: "I'm asking government members ... to understand the real consequences of jacking up those fees and putting them through the roof; to understand what it means to the hopes and dreams of our young people.... The more we can keep post-secondary education affordable and accessible, the brighter the future we are going to have in Ontario." I didn't say that. It was Dalton McGuinty who said that.

Applause.

Mr. Marchese: I'm so happy you're all clapping for him, because I've got to tell you that his remarks reflect accurately what students feel, what parents feel and what I feel.

Minister, are you going to make the investment to bring tuition fees down and fulfill McGuinty's dream, so that our young people can have an affordable and accessible post-secondary education? Will you do that?

Hon. Mrs. Chambers: I'm very proud to be the Minister of Training, Colleges and Universities in the first government in Ontario to freeze tuition fees for two years. The member across the floor is right: It is our Premier's promise, Premier McGuinty's promise.

Let me also remind the member across the floor that his government promised to freeze tuition, but instead they raised tuition 50%. Thank you for the question.

EQUESTRIAN FACILITIES

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): My question is to the Minister of Finance. A number of my constituents are owners of equestrian facilities, and they've expressed to me their very serious concern about rising tax bills as a result of recent changes to the property assessment system and tax classification of a number of these facilities from either farm or residential to commercial. Many of these facilities are small operations that may very well be put out of business if they're required to pay the much higher commercial rate. What is our government doing to address the concerns of equestrian property owners?

Hon. Greg Sorbara (Minister of Finance): I very much appreciate the question from my friend from Pickering–Ajax–Uxbridge, because there are so many equestrian facilities in that part of the province.

This is one of the times when things really, really worked out well. When I heard of this problem, I got in touch with MPAC, the Municipal Property Assessment Corp., and asked them to revisit their assessment criteria for these sorts of riding schools and equestrian facilities. They did their work very quickly. They've reported back to me, and I've approved their report. They will indeed be putting these new assessment criteria in place, and the result of that will be a much fairer and much more equitable property assessment for these businesses, some of which operate on very thin margins.

Mr. Arthurs: Thank you, Minister. I'm sure that many of my constituents will be very pleased to hear the actions of our government to address this particular concern.

My riding is made up of many agricultural properties as well, and they conduct a variety of agriculture-related activities. Minister, what is our government doing to address the agricultural property owners in Ontario?

Hon. Mr. Sorbara: Again, the steps that we took for the equestrian facilities solved a significant and emerging problem right across the province. More generally, what we've done for the farm base is to make sure that MPAC is using appropriate criteria in assessing farms. Of course, one of the things that we announced in the last budget is we postponed the assessment cycle so that not only farm owners but property owners right across the province would have as much as six more months to evaluate the criteria for the assessment and, if necessary, to appeal to MPAC or to appeal directly to the Assessment Review Board.

So, thus far, I think we've made some really significant progress, and I think it's felt most significantly in the farming communities.

EDUCATION

Mr. Frank Klees (Oak Ridges): My question was to the Minister of Education, but I see that he's not here. I'll ask the Premier in the minister's absence. Premier, just a few weeks ago, when asked about the strike votes that were taking place across the province, the Minister of Education was asked whether he was concerned about the implication to the classrooms. At that time, the minister made this statement, and I think you'll recall it: "That's little more than a negotiating tactic," and parents and students shouldn't be worried. Your Minister of Education continues to talk about peace and stability in the classroom.

Premier, I would ask you or the minister, if he comes to the House, could you inform the House of the following: How many school boards are now in an official strike position; how many teachers are under work-to-rule orders; and what services are being withheld from classrooms and schools across the province?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Speaker, I'm in your hands. I'm prepared to answer this question, but I've just been informed that the minister is on his way back. If the member wants to stand it down, I leave it to you.

Mr. Klees: I would ask the Premier to respond.

Hon. Mr. McGuinty: I would be pleased to do so. I think one of the things we've got to look at in this regard is our record thus far. We've had, I would argue, a very good record when it comes to bringing an atmosphere of peace and stability to our system of publicly funded education. It is true that we're going to have some significant differences from time to time, in particular between school boards and teachers with respect to salaries and other benefits. But we are confident that

given the atmosphere that we have worked so hard to introduce into our public system of education, we will be able to resolve those differences.

Mr. Klees: Either the Premier doesn't know the answer or he's too embarrassed to admit it. The fact is that today more than 46,000 teachers in 30 school boards across the province are engaged in a legal strike.

Minister, here's the elementary teachers' federation's Provincial Takeover Bulletin number 12. It reads as follows: "We are engaged in a legal strike. This is not business as usual."

It goes on to instruct teachers that they:

"Will not attend staff meetings...."

"Will not perform any custodial, secretarial or administrative functions...."

"Will not schedule any new field trips...."

"Will not perform the duties of computer site administrator...."

"Will not perform the duties of a division chairperson...."

"Will not distribute board print material...."

If this is business as usual—to the Minister of Education, who has returned to his desk—and if in fact you continue to pronounce peace and stability in classrooms across this province, I want to know from the minister if this bulletin reflects the kind of peace and stability that this minister endorses in classrooms across the province.

1530

Hon. Gerard Kennedy (Minister of Education): I think that parents and, frankly, students across the province can be grateful it's not business as usual, at least as typified by his government, which had 25 million days lost to strikes and lockouts—education denied to students around this province. There is an unfortunate hangover from the previous era, but what I really want to report is, it only takes the form of language of some of the things that are being talked about; there is no direct impact on students.

What I would say to you is that what people need to be aware of is that teachers, school boards and the ministry are working together to try and create a resolution that will last for some time. So, 25 million days lost under that approach, attacking people, not creating the environment for learning, not taking responsibility: That era is over, and very shortly we'll have positive developments to have that reflected in every single classroom across this province. Even as we speak right now, students are getting their education and they leave with a better future, knowing that an era has changed and we've left those 25 million lost days far, far behind.

SOCIAL SERVICES

Ms. Andrea Horwath (Hamilton East): My question is for the Premier. Today, Hamilton city council once again resumes its budget deliberations. One of the big problems that I'm sure you're aware of is that my city faces the fact that we are not getting social services funding adequate enough to meet the needs of the social

services budget in Hamilton, to the tune of about \$19.5 million. The mayor and council put Hamilton's budget on hold for one full month to give you the opportunity to come forward with the strategies that you had promised for helping Hamilton afford the social services it provides on your behalf. You said you'd fix the Conservative funding formula that put cities like Hamilton behind the eight ball.

Premier, when Toronto asked, you helped. Hamilton's poverty rate is equal to that of Toronto, but instead of helping Hamilton, you've turned your back, and your Liberal backbenchers are, in fact, silent on this matter. Are you prepared to saddle Hamilton residents with higher property taxes and make them pay for your broken promise, or what steps will you take to help Hamilton pay your \$19.5-million-in-social-service-delivery bill?

Hon. Greg Sorbara (Minister of Finance): I would simply say to my friend from Hamilton East that I had an opportunity to meet with the mayor recently. He made a very solid case for the people of the city of Hamilton. He's doing a great job in dealing with some difficult circumstances. In fact, last year, we provided some special one-time funding for the city of Hamilton.

I don't want to speculate on what might or may not be coming up in my own budget, but I'll simply tell my friend that we are in ongoing discussions with the mayor. We're very optimistic about the way in which he is managing his own budget. We will soon be announcing a successor to the community reinvestment fund. I think perhaps, with a more equitable fund, the kinds of problems that my friend from Hamilton East has been talking about will be resolved, at least in part. I just want to tell her that she need not be as concerned as her question seemed to imply.

Ms. Horwath: I'm a little bit concerned because so far you don't seem to be much better than your federal cousins when it comes to negotiating a fair deal for Hamilton. It's outrageous that at this point you're still backing off from your commitment to Hamilton and other cities.

Hamilton plays by the rules. It delivers social services programs in good faith. It believes in the promises that were made, that the downloading would be neutral. Of course, as we know, downloading in Hamilton was not revenue-neutral. Our city has great needs. More than 95,000 people there, 25% of the population, are living below the poverty line. You refuse to pay, and you reject the social services pooling that we've suggested as a city that we need. By tying council's hands at this point, you're going to force them into a situation of double-digit property tax increases, and that's just not acceptable. It's a far cry from your election promise of giving cities the tools that they need, and if you don't have a plan for Hamilton yet, when exactly are you going to have it?

Hon. Mr. Sorbara: I simply say to my friend from Hamilton East that she obviously did not listen to my first answer, and that is, we are working on a plan. I'll provide her with the details in due course.

PETITIONS

PHYSIOTHERAPY SERVICES

Mr. John R. Baird (Nepean–Carleton): I have a petition submitted to me by the Reverend Canon Derwyn Shea of St. Hilda's to the Legislative Assembly of Ontario.

"Whereas the current Liberal government of Ontario has indicated its intention to delist physiotherapy services for most seniors; and

"Whereas most residents living in our assisted residential care facility rely upon physiotherapy services for quality of life; and

"Whereas most residents of our assisted residential care facility survive on very modest monthly income and many require subsidized accommodation and cannot afford to privately pay for physiotherapy services; and

"Whereas the delisting of physiotherapy services for seniors will result in increased strain on Ontario's health care system and budget and will contribute to deteriorating health conditions and quality of life for seniors and will be viewed as breaking a promise not to reduce universal access to health care; and

"Whereas the care and support of the most vulnerable in our society is surely a social contract of the highest priority for any government with vision and integrity; and

"Whereas it appears to be the intention of the current government of Ontario to turn its back on the needs of our aging citizens in the delisting of physiotherapy services;

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

"That the Parliament of Ontario not delist physiotherapy services for the Ontario health insurance plan and that funding for such services not be reduced."

Congratulations to these outstanding seniors, who have got this bully minister to back down.

Interjections.

The Speaker (Hon. Alvin Curling): Just get it a little bit quieter so we can hear the petitions.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Andrea Horwath (Hamilton East): This petition to the Legislative Assembly of Ontario reads:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental

disabilities, their families, the developmental services sector and the economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I agree with this, and I'm putting my name on it.

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): This is a petition to the Ontario Legislative Assembly to protect anaphylactic students.

"Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Be it therefore resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

I put my name on this petition with pleasure and hand it over to Alex, our page.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend

specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I am pleased to sign my name to that.

1540

HIGHWAY 17

Mr. Phil McNeely (Ottawa–Orléans): “To the Legislative Assembly of Ontario:

“Whereas the past government of Ontario, under the Minister of Transportation, Al Palladini, transferred the responsibility of Highway 17 to the municipalities;

“Whereas the municipalities do not have sufficient funds for the maintaining and rehabilitating of this highway or the bridges, without mentioning its widening;

“Whereas in 2001, the administration of the united counties of Prescott and Russell estimated the circulation of 21,000 vehicles per day during the week as you enter the city limits of Clarence-Rockland ... and has since reached 25,000;

“Whereas this main road transferred to the municipalities is no less than the Trans-Canada Highway, in a despicable state, and continues to deteriorate while traffic is steadily increasing;

“Whereas the eastern Ontario population demands the same road security services;

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

“That the Ontario Ministry of Transportation hereby take back the responsibility of Highway 17/174 and proceed immediately to its widening from the city of Clarence-Rockland to the city of Ottawa.”

It’s signed by 2,932 petitioners in the municipality of Clarence-Rockland.

HEALTH CARE FUNDING

Mr. Tim Hudak (Erie–Lincoln): I’m pleased to present a petition signed by people from Dunnville, Grimsby, Stoney Creek and Jordan, to name a few of the communities. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Dalton McGuinty Liberals promised a health care system that gives us all the care we need when we need it; and

“Whereas chiropractors, optometrists and physiotherapists provide the necessary health care to the people of Ontario to maintain healthy and active lifestyles;

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

“The Dalton McGuinty Liberals should keep their promise to invest in health care and restore funding to cover optometry, physiotherapy and chiropractic care under OHIP.”

And in support, my signature.

ÉLEVAGE INTENSIF

M. Jean-Marc Lalonde (Glengarry–Prescott–Russell): I have a petition provenant de Citoyens pour l’environnement et l’avenir de l’Est ontarien, et contenant plus de 2 000 signatures.

« Pétition à l’Assemblée législative de l’Ontario :

« Étant donné que les exploitations d’élevage intensif de porcs sont incompatibles avec la préservation de l’agriculture familiale conventionnelle et avec la protection de nos communautés rurales et d’une qualité de vie durable pour tous les résidents ruraux;

« Étant donné que la Loi sur la gestion des éléments nutritifs adoptée en Ontario n’aborde pas les conséquences environnementales, sanitaires et sociales liées aux exploitations d’élevage intensif;

« Étant donné que le gouvernement du Québec a prolongé son moratoire contre toute nouvelle porcherie et toute expansion de porcherie existante...;

« Étant donné que l’Association médicale canadienne a exhorté le gouvernement fédéral et les gouvernements provinciaux/territoriaux à décréter des moratoires contre l’expansion de l’industrie porcine, et ce jusqu’à ce que des études scientifiques fiables puissent démontrer si cette industrie n’a pas d’impacts néfastes pour la santé humaine;

« Nous, soussigné(e)s, demandons au gouvernement de M. Dalton McGuinty de décréter immédiatement un moratoire contre la construction ou l’expansion de toute exploitation d’élevage de porcs. Nous demandons qu’un examen général d’ordre scientifique et médical soit effectué pour déterminer si les exploitations d’élevage intensif de porcs sont susceptibles d’affecter la santé et la sécurité des communautés qui vivent à proximité, ou de détériorer l’eau potable et l’environnement. L’examen scientifique et médical devrait être suivi d’une ronde de consultations publiques sur les résultats obtenus, pour déterminer les meilleurs moyens de soutenir des communautés rurales viables et saines. »

J’y ajoute ma signature avec plaisir.

VOLUNTEER FIREFIGHTERS

Ms. Laurie Scott (Haliburton–Victoria–Brock): “To the Legislative Assembly of Ontario:

“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.”

It is signed by hundreds of people from my riding, and I support this as well.

WASTE MANAGEMENT

Mr. John R. Baird (Nepean–Carleton): This is a petition addressed to the Legislative Assembly of Ontario. This petition has been submitted to me by the Richmond Village Association. It reads as follows:

“Whereas it has been clearly pointed out to you that in choosing a force main through Richmond’s water supply rather than on-site treatment of Munster sewage you have violated a fundamental principle of risk management as well as the precautionary principle applied in matters of public health. You have been made aware that there is a legal opinion that the class environmental assessment addendum for addressing Munster’s waste water treatment was illegal in that it was not conducted in accordance with Ontario’s Environmental Assessment Act;

“We, the undersigned, ask that the environmental assessment be reopened and see that it be conducted in a legal and principled manner.”

I’ve added my own signature to this petition.

LONG-TERM CARE

Mr. Lorenzo Berardinetti (Scarborough Southwest): I have a petition, and it reads:

“To the Legislative Assembly of Ontario:

“Whereas funding has only been increased to provide better long-term care for people in long-term-care facilities ... but not to any self-directed programs that help seniors live in their own homes (because they either choose to live at home or because they are not suited to live in LTCFs); and

“Whereas the current policy continues to use the community care access centre ... model to look after all long-term care in this province; and

“Whereas”—it continues on quite a bit here and I know you’re going to cut me off, Mr. Speaker. The final “whereas” is:

“Whereas our seniors need stability in home care-givers and not a different one each day, as is the practice found in the current CCAC private agency model;

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

“That the government consider amalgamating the five separate CCACs in Toronto and create one CCAC that will indeed follow its own motto of ‘Helping People Live at Home’ and, if necessary, create a new self-directed LTC model, perhaps like the one instituted in Germany in 1994 and adopted by other European countries, to allow seniors, our parents and grandparents, to live at home if they choose. This model has proven to be more caring because it is family-based, while eliminating the frustration of bureaucracy and the wasteful and inefficient management of health care funds. Our seniors and the disabled would get what they always wanted: the choice to stay at home.”

That was presented to me by one of my constituents, and I present it to the Legislature today.

ONTARIO FARMERS

Mr. John O’Toole (Durham): I’m pleased to present a petition on behalf of my constituents in the riding of Durham; for instance, August Giesberger and Ross McMaster, just to name two.

“To the Legislative Assembly of Ontario:

“Whereas thousands of Ontario farmers and rural Ontarians have been forced to take their concerns directly to Queen’s Park due to a lack of response from the Dalton McGuinty government; and

“Whereas the Rural Revolution believes that rural Ontario is in crisis due to lost property rights and a crushing regulatory burden, and they will be demonstrating their resolve and determination at Queen’s Park”—as they have—“on March 9;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to consider the issue of municipal jurisdiction brought forward by the Rural Revolution’s resolutions to respect property rights and prosperity as follows:

“Resolution number 5: Municipal governments shall be constituted to take control and jurisdiction over matters that pertain to their constituents.

“Resolution number 9: All municipalities forced or coerced into amalgamations shall hold a binding referendum on de-amalgamation at the next general election.”

I’m pleased to sign this on behalf of my constituents.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I am so pleased to sign my name to that.

The Speaker (Hon. Alvin Curling): Petitions? The member for Simcoe North.

Mr. Dunlop: “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario; and

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m so pleased to sign my name to that.

1550

The Speaker: That brings us to the end of petitions.

Mr. Tim Hudak (Erie–Lincoln): On a point of order, Mr. Speaker: I just wanted to point out that Bill 92, An Act to amend the Municipal Act, 2001, has been on the books now for almost a year and has not been called for any second reading debate. I would seek the assembly’s

unanimous consent that we immediately move into debate on Bill 92.

The Speaker: The member from Erie–Lincoln has asked for unanimous consent to call the bill. I heard a no.

ORDERS OF THE DAY

LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS CONCERNANT LES RELATIONS DE TRAVAIL

Mr. Bentley moved second reading of the following bill:

Bill 144, An Act to amend certain statutes relating to labour relations / Projet de loi 144, Loi modifiant des lois concernant les relations de travail.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: I would seek unanimous consent for second and third reading of Bill 92.

The Speaker (Hon. Alvin Curling): I will take your point of order today later on. We seem to have two things on the—

Hon. Mr. Duncan: Point of order. I would seek unanimous consent for second and third reading of Bill 92.

The Speaker: Do we have unanimous consent?

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: I have to ask you a question. We could certainly agree to give unanimous consent for it to be called. Let’s debate the issue. Let’s hear what members have to say on this important piece of legislation. I just don’t know why the government House leader is blocking the administration of this bill.

The Speaker: Do we have unanimous consent to have second and third reading? Do we have that unanimous consent? I heard a no.

I’m going to call it again. Government House leader, could you call—

Hon. Mr. Duncan: Government order G144.

Hon. Christopher Bentley (Minister of Labour): Again, I move second reading of Bill 144, An Act to amend certain statutes relating to labour relations.

I’m pleased to be able to initiate second reading debate of the Labour Relations Statute Law Amendment Act, 2005. It is an act that will restore fairness and balance to labour relations in the province of Ontario. After 15 years of one government and then another trying to erode or destroy the historical stability and balance that has characterized labour relations, this legislation will help restore the fairness and balance that has long characterized labour relations in the province of Ontario. It has long characterized labour relations; it has long provided the historical foundation necessary for prosperity in the province of Ontario as well as a legal labour

relations fabric that is fair to employers, fair to workers, and good for all of the people of Ontario.

Before the changes made to the labour relations system over the 15 years before we became the government, it was a system that for decades had been characterized as one generally supported by all political parties, as one that promoted confidence in the law and as one that led to as great a workplace stability as one could hope to achieve. It increased productivity, it increased investor confidence and it promoted the prosperity which characterized Ontario's society between 1950 and 1990.

One of the most important functions of a government when it comes to labour relations is to remember the important characteristic that neutrality provides in promoting confidence in the labour relations framework. When the government tries to intervene and tilt the balance in favour of either business or labour and does so actively and deliberately, it erodes confidence in the system; it erodes respect for the law; it erodes the historical balance; it erodes the foundation on which prosperity is based; it erodes fairness in our labour relations system. That's what happened over the 15 years before we became the government. We campaigned on, and are now delivering, legislation which restores the balance and fairness in labour relations.

Over the previous 15 years, labour relations tended to be characterized by legislation that was polarized, and deliberately polarized; by legislation that actively promoted disharmony, directly or indirectly. It reduced people's confidence in the law; it resulted in instability. Those are not characteristics which will guarantee the long-term prosperity of the province of Ontario.

Il faut rejeter l'approche unilatérale et provocatrice des relations de travail. Un manque d'équité, ou la perception d'un manque d'équité, nuit à la confiance dans le système. Cette approche nuit aussi à la productivité et a un impact négatif sur l'économie de l'Ontario.

This bill brings back the balance and stability that characterized the labour relations environment for the decades between 1950 and 1990. It undoes the partisan reforms of the two previous governments and restores laws that long had the confidence of governments of different political stripes and the confidence of the people of Ontario. It was a time for fairness; it was a time for balance. Today is a time to return to that fairness and that balance because, again, a fair and balanced approach promotes stability and prosperity. A fair and balanced approach enables an economy to adapt to changing circumstances and to promote the type of long-term prosperity that Ontario deserves and Ontario needs again.

Our legislation will remove some of the unnecessary and provocative measures which fostered disharmony and instability. For example, it will remove the requirement to post decertification information. It will remove the requirement for only unions to disclose the remuneration paid to all directors, officers and employees earning \$100,000 or more in salary and taxable benefits per year.

It will restore the Ontario Labour Relations Board's historic, long-standing power to address the worst labour

relations behaviour through effective remedies, and I'll return to this in a moment.

It will restore the OLRB's traditional power to certify a union where an employer has breached the province's labour relations laws during a union organizing campaign and where, as a result, the employees' true wishes—their democratic wishes—are not likely to be reflected in a vote. This would be balanced by restoring the OLRB's power to dismiss an application for certification where a union violates the labour relations laws during an organizing campaign.

It would also restore the OLRB's power to reinstate workers on an interim basis who were fired or disciplined during a union organizing campaign because they were involved in exercising their rights under the act.

1600

This legislation would also recognize the distinct nature of construction in the province of Ontario in two ways. First, it would make permanent the special bargaining and dispute resolution regime for the residential construction sector in the city of Toronto and the regions of Halton, Peel, York, Durham and Simcoe county. Finally, it would add the option of a card-based certification system as an alternative to the vote-based system in construction, and only in construction, recognizing the unique factors which affect construction in Ontario.

We have decided upon these changes after listening, after watching for the previous 15 years, and after recognizing the departure from the historic principles that have characterized labour relations in Ontario. We are bringing about a restoration of stability, fairness and balance in this province.

I would like to point out that a number of our proposals have been discussed for some period of time. Labour relations is always a subject of a great deal of discussion. I have met with many representatives of both business and labour since my appointment as the Minister of Labour. I have heard from many people. These changes will indeed promote the type of fairness and balance that has characterized labour relations in Ontario.

Some will say that we don't go far enough and others will say that it's too much. It's the historical balance which characterized labour relations, it's governing not for one extreme or the other, but in the best interests of all of the people of the province, that is important in labour relations.

Now what I'd like to do is speak to some of the issues and the highlights of the legislation.

I spoke in my introductory remarks about fairness, about how government has an obligation to ensure that it doesn't intervene directly in an unfair way to simply favour one side or the other. One of the things this legislation will do is eliminate the requirement that unionized businesses post a decertification poster in their workplace. What, one can ask rhetorically, was the purpose of that? Promoting harmony and promoting stability should be goals of government legislation, but the previous Tory government required unionized workplaces to post a decertification poster in their workplace. It didn't give

them the option; it required them. It didn't provide the posters; they had to buy them. That type of initiative characterized the approach the previous government took to labour relations. It wasn't interested in harmony, but confrontation. It wasn't interested in stability, but instability. It wasn't interested in fairness, because that did not promote it. They were only interested in favouring one side to the exclusion of the other. And those posters had to be placed whether the employer wanted them or not.

There has always been a lot of information about decertification and certification available through the Ontario Labour Relations Board. It's balanced labour relations information. It's available to all who inquire. The previous government was obviously afraid that workers would access the information in a balanced way, and they tried to change the rules in an unfair way. They did change the rules in an unfair way, requiring the posting of decertification posters.

Interestingly, they didn't require the posting of certification posters in all of the uncertified workplaces in the province of Ontario. That at least would have been balanced. It at least would have been fair and would have achieved the goal that they sometimes suggest of attempting to get information out to workers in the province. But of course they didn't do that. They wouldn't do that.

The decertification posters have to go, and the decertifications, in fact, are going to go if this legislation is passed by the Legislature.

We're trying to return to a fair and balanced approach in our labour relations fabric in the province of Ontario, and this is one of those symbols that will assist not only in achieving fairness but in providing the appearance of fairness. That law has to go, and it will.

What about union salary disclosure? It's interesting: Once again this is a one-sided approach to labour relations that appears to have characterized the previous government's initiatives. If they wanted workers to have information about salary, why didn't they provide an equivalent provision so that the salaries of all executives earning more than \$100,000 a year, plus benefits, would be disclosed? They wouldn't do that. They didn't do that because they weren't interested in balance; they were only interested in a one-sided approach to labour relations.

There have long been provisions in the Labour Relations Act which provide for disclosure of information. For example, under section 92, a union member can apply to the board for disclosure of an audited financial statement, and the board has certain powers if that's not complied with. Secondly, under section 93, where a union administers health, vacation pay or pension benefits, the board has the power and a member can apply for a statement disclosing even more financial information. Again, if the union doesn't comply, the board can order.

Under most union constitutions, there is already the power of disclosure for union salary information. This provision, like the previous provision, increased administration, increased unnecessary work by the government,

and was unfair, unbalanced and unnecessary. Again, it has to go, and with the passage of this legislation it will go.

What about the amendments to the Ambulance Services Collective Bargaining Act? We're changing the act to comply with a Supreme Court of Canada decision about the appointment of arbitrators. It's interesting, while we're on this theme of fairness, while we're on this theme of balance, to remember what that decision said. Historically, when arbitrators were appointed by the Minister of Labour to deal with interest disputes between workers, whether it was in the ambulance sector, whether it was in the hospital sector, those arbitrators were chosen from lists of qualified persons who had been jointly agreed to by labour and management. The reason for that was so that there was the appearance of fairness, the appearance of impartiality, which is crucial to ensuring stable and harmonious labour relations.

One of the previous Ministers of Labour in the Tory government departed from that long-standing practice and started appointing individuals who were not vetted or from the lists. This was challenged and went to the Supreme Court of Canada. The Supreme Court of Canada said that the minister can't just appoint whom he or she likes; they have to be persons qualified to act. The changes to the Ambulance Services Collective Bargaining Act ensure that the minister will appoint persons to act as interest arbitrators who fulfill the requirements of the Supreme Court of Canada decision and are indeed qualified to act.

The importance is not the change in the legislation. The importance is an acknowledgment by this government of something that had been acknowledged by all the governments before the last one, which is that you have to have impartiality in your interest arbitration system. You have to have fairness. The previous government gave the appearance of departing from those principles; we're restoring those principles.

1610

What are the other changes in the legislation? Historically, there was a remedial certification power in labour relations. It's been in the Labour Relations Act, in one form or another, since 1950. It was amended and strengthened in 1975. In fact, it existed between 1995 and 1998 under the previous Tory government. It existed because it's necessary. What the remedial certification power said was that if an employer engaged in conduct that violated the act, which made it impossible or unlikely to determine the true wishes of the workers in a bargaining unit, the board had power to try to remedy the effect of the employer misconduct. But if those remedies were not sufficient, the board could take the extraordinary step and certify the bargaining unit. In other words, if there's a right, there must be a remedy.

Violations of the act which remove the democratic right of workers to decide whether they wish or don't wish to be part of a bargaining unit cannot be condoned. Breaches of the law cannot be sanctioned. There has to be a remedy for them when they're serious, when they

effectively remove the workers' right to decide for themselves whether they wish to be a part of a bargaining unit or not. When no other remedy will undo the effect of the employer's misconduct, remedial certification was the answer.

It wasn't exercised often. Between 1980 and 1998 there were approximately 11,200 certifications in the province of Ontario. The remedial certification power was exercised less than 100 times—about 0.73%—but it acted as an effective deterrent. It said to one and all in the labour relations community that breaches of the law are not tolerated. The board will effect a remedy, and if no other remedy is sufficient, the board can step in and do what the employer was trying to avoid, which is certify the bargaining unit.

This provision was eliminated in 1998, in favour only—only—of a remedy consisting of a second vote. Well, the second-vote remedy in such circumstances is a bit like drawing the second bucket of water from a poisoned well: The product is no different, and it's no more fit to drink than the first bucket. Without the remedial certification power, there was no effective remedy for these serious breaches of the law. With this series of amendments, we are restoring the remedial certification power to the labour relations landscape in Ontario. It will ensure fairness, it will promote stability, and it will promote the effective choice of workers in Ontario. It will promote workplace democracy in Ontario.

What about the interim reinstatement power? Before I get to that, let me speak to another amendment, which is the flip side of remedial certification for employer misconduct. What happens if a bargaining agent engages in serious breaches of the law for which there is no effective remedy? The previous government correctly identified the necessary balance between remedial certification and the penalty stop for union misconduct. We are restoring the power in the board to say to a bargaining agent that engages in violations of the act for which there is no other remedy, which effectively take away the worker's right to choose whether they wish to be part of a bargaining unit or not, "Stop. You can't certify those workers, and you're barred from doing so for a period of a year."

Through these two provisions, which are balanced, we are ensuring that violations of the law have a remedy, that they will not be condoned and that the workers' right to choose is going to be supported and promoted in the province of Ontario.

The interim reinstatement powers: During an organizing drive, if an employer engages in disciplinary action against a worker, whether by firing, by significantly changing their working conditions or by transferring them—not for legitimate labour relations reasons but because they are involved in an organizing drive, are part of an organizing campaign or are exercising their rights under the act—if an employer did that, it would send a chill throughout the workplace.

If there is no remedy for that type of conduct, again, it will effectively make it impossible to determine whether

the workers in the workplace, whether through cards or a vote, wish to be part of a union or not. There needs to be a remedy on the part of the board to ensure that employer misconduct in those circumstances will not be countenanced and that the workers will not experience the chill of misconduct. There needs to be a remedy, and what we are doing is restoring the interim reinstatement power to the Ontario Labour Relations Board. We are going to ensure that employers do not fire or discipline workers simply because they are exercising their rights under the act in the context of an organizing drive. Again, the purpose of this is to restore balance and fairness.

All of these provisions that I've outlined apply to every worker in the province of Ontario. They will promote balance and fairness for all. With respect to interim reinstatement and remedial certification, the purpose of government is to ensure that the wishes of the workers are respected, that the workers' right to decide for themselves whether to be part of a bargaining unit or not will be respected and that workplace democracy will be promoted.

What about the construction sector? This act contains two special and specific provisions for the construction sector; one applies to the residential sector. Of course, construction has always been recognized as being special in the labour relations landscape. It has a special part of the act. It has special bargaining regimes. It has special bargaining-unit-recognition regimes. It has historically had, for many years, special bargaining regimes in the ICI sector. It requires workers in the ICI sector to bargain province-wide. So a provision which applies only to construction, as opposed to some other sector, is not a surprise in the labour relations landscape in Ontario.

There are two provisions in this legislation which affect construction. First, residential construction: The previous government brought in some legislation which provided for a special bargaining regime in residential construction in Toronto and the surrounding area. It arose out of some very difficult labour relations situations in the 1990s, particularly the late 1990s. In fact, there was one summer, the summer of 1999, when construction almost stopped in many places in the greater Toronto area because of difficulties involved in labour relations. So the previous government brought in legislation which required a special bargaining regime in residential construction. It required three-year agreements. It required that there could only be a strike or a lockout for a 46-day window, and that at the end of that, if the parties had not agreed, the matter would proceed to arbitration. Well, we listened. We listened to the home builders' associations in the greater Toronto area, we listened to many consumers, and the fact of the matter is that that worked.

1620

The purpose of labour relations is to encourage harmony and promote stability that will result in prosperity. Through this legislation, we are continuing that special bargaining regime for labour relations in the residential construction area in the greater Toronto and surrounding area. It will promote stability and harmony.

It will still ensure that there can be a lockout or strike during the 46-day window, but the overriding principle is to respect rights and promote balance and stability. That is what that provision will do.

There is one other provision which affects construction. Of course, construction is a huge contributor to the Ontario economy. Its contribution to the GDP of the province in 2003 was over \$20 billion. In fact, as of 2003, the Ontario Construction Secretariat estimates that there were more than 411,000 workers in the province who work in construction. It is a critical, crucial part of our economy.

The residential construction bargaining regime, which is being continued through this legislation, will ensure that those involved in residential construction in the greater Toronto and surrounding area will be able to continue to work for the betterment of all the people of the province.

There is one other provision in the act which affects construction, and that is a provision relating to the certification of workers in construction. There is at present a vote-based regime. We're bringing in provisions which will support the worker's right to choose through remedial certification and interim reinstatement. But in construction, because of its special nature, we need to do something else. We need to include an option of card-based certification, and with this piece of legislation, we are including that as an option in construction only.

Why are we doing it? Again, construction has long been recognized as being special and distinct. Within construction, you have workplaces that change location—they start up, they're completed, they move on—and workforces that expand and contract with great rapidity. In these special circumstances, in order to properly ensure that workers have the right to decide whether to be certified or not, and to have that right respected, we need to include the option of card-based certification. The bargaining agent proposing certification will have the option of deciding whether to proceed with the card-based system or with the vote. Of course, this will be overseen by the impartial observer, the Ontario Labour Relations Board.

Through these provisions, we are ensuring that balance is restored to labour relations, that harmony is promoted, that the historical stability that has characterized labour relations and has contributed to prosperity in Ontario, is continued. These changes do not exist in a vacuum, of course. They are part of a number of changes this government has made to assist working families, to protect the most vulnerable workers and to assist working people, particularly those in the most vulnerable situations.

In my last few minutes, I might just address one or two of those, because for the first time in nine years, this government increased the minimum wage. It did so again this past February and will continue to do so until February 1, 2007, when it reaches \$8 an hour. It's the first time in nine years that the minimum wage, which is

for the most vulnerable workers in the province, had been increased, and it will assist the most vulnerable workers in the province.

We campaigned on and have now delivered on our promise to end the 60-hour workweek, so that now, before workers work more than 48 hours in a week, not only must they agree, not only must the employer agree, but the province has to agree. This type of protection from the province, which existed for decades in the labour relations landscape in the province of Ontario and was eliminated by the previous government, is being restored. That will assist the most vulnerable workers in the province, the workers who have no effective bargaining power.

We brought in the family medical leave legislation so that those in a very difficult situation, those who had to make the choice between their job and being with a dying relative, would have up to eight weeks of job-protected leave. We brought in and passed that legislation. Again, this assists workers in the most vulnerable of circumstances. It has long been said that women are, by far, the primary caregivers.

We have taken significant steps to ensure that our employment standards legislation, which provides a foundation for the rights of all workers and protects particularly those workers who have no effective bargaining power themselves, is enforced. We've taken more enforcement activity in the last 10 months than in the previous 10 years, a significant signal to any who would believe that they could avoid their obligations under the Employment Standards Act or violate the act with impunity.

We've taken steps to ensure that employers, through the workplace gateway, a Web-based information service, know about their rights and obligations and that workers, particularly those whose first language is not English or French, particularly those recently arrived in the province who are not otherwise fully aware of their rights and responsibilities, know their rights and responsibilities. We have published a series of information documents, pamphlets, in 19 languages besides English and French to ensure that particularly recent arrivals to the province of Ontario know their rights and know how to get a remedy for their rights. With our enhanced enforcement, they now have a government which will protect their rights.

So this government has taken substantial steps to protect the rights of the vulnerable, to protect the rights of minorities, to protect the rights of women and men. Through this labour relations series of amendments, we are restoring fairness, restoring balance; we are ensuring that the principles which characterized labour relations in the province of Ontario and which guaranteed its prosperity and stability for so many years, from 1950 to 1990—we are guaranteeing that the historical foundation for prosperity in the province of Ontario will continue.

That's what I commend to this House and I commend to the people of Ontario. I thank you for your attention.

The Acting Speaker (Mr. Ted Arnott): Questions and comments?

Mr. Garfield Dunlop (Simcoe North): It's very interesting to stand here today and listen to the comments from the minister on Bill 144, but I think what we have to be concerned about in this House in a lot of cases is the economic development and job creation that we have in our individual communities. I can tell you that this government has made an announcement in my community, the closing of the Huronia Regional Centre in Orillia, which will have a devastating effect on the economy of the city of Orillia. Twenty-nine million dollars is the payroll at the Huronia Regional Centre; 680 people.

Minister Papatello has decided that she'd like to see this facility closed by 2009. She's doing this without a plan. We're seeing 680 jobs removed from the city of Orillia and area.

Mr. Peter Kormos (Niagara Centre): Unionized jobs.

1630

Mr. Dunlop: Yes, they are; a lot of these jobs are OPSEU. I'll be the first to say that. But I can tell you that when a government is on the one hand telling you how wonderful they're doing with this new legislation and how it's going to be the be-all and end-all, in my community—and it's also going to affect Smiths Falls and Blenheim, two other facilities—it will have a devastating effect. No matter what the minister says when it comes to his labour legislation, it will replace 680 jobs in the city of Orillia, in that community. No matter what this government tries to do, they won't recover from that, with the political aftermath and also the very bad feelings that a community has toward a government that would close a facility like this without a plan. They are saying they have a plan, but they're not talking to the parents; they're not talking to the employees, the people who are going to be out of work in four years' time. That's having a devastating effect on the community of Orillia.

Mr. Kormos: I hopefully am going to have a chance to participate in this debate by way of my leadoff in about one hour and five minutes' time.

I want to make it quite clear that I believe in the union. I believe in the union as an important social and economic institution. I believe that unionized workers are more productive workers. I believe that unionized workplaces are safer workplaces, more profitable workplaces for their owners, and inevitably workplaces wherein workers enjoy a fairer share of the wealth they create. And I believe that every worker—every worker, every single worker, including agricultural workers in this province—has the right to form themselves into a trade union and to freely collectively bargain. I believe that the trade union movement, its membership and its struggles, is responsible for the creation of the working middle class, and that without that working middle class in this province there wouldn't have been the level of prosperity that was not only acquired but passed on from generation to generation, including to my generation, by immigrant working-class parents in my own right.

I recall oh so well the notorious—now notorious—and obscene Bill 7 brought forward as amongst the first

pieces of legislation by the Harris Tories, and the savaging of rights of workers by that Bill 7. Let's not forget that what Bill 7 did, amongst so many other things, but certainly first and foremost, was deny workers in this province the right to card-based certification. I say to you that if we're going to restore even a modest amount of justice to workers in this province, it's imperative that every worker in the province of Ontario have the right to card certification.

Mr. Kevin Daniel Flynn (Oakville): It's a pleasure to join the debate on second reading of Bill 144. Having listened to three previous speakers, those being the Minister of Labour, the member for Simcoe North and the member for Niagara Centre, I would think anybody who was watching this debate on TV or who may catch it from the audience would see that the proposal that's being put forward is a reasonable step forward to provide labour stability in this province. It's something that I believe is sorely needed. Is it everything everybody wants? Obviously it's not, from the comments that have come forward. Is it too much for some people? Obviously, from the comments that we've heard today from the opposition, they feel it's going too far.

If you look back, though, at the turmoil that has taken place through the last 15 years—if you look back at the NDP years, jobs simply fled this province. If you look back at the Tory years, it was a decade of labour unrest. We've created more jobs in our first year than you guys did, and you know it. It was a decade of silly, mean-spirited decertification posters, \$100,000 disclosures on union officials. It was mean-spirited, it was silly, and it did nothing to further the economy.

You've got a government here that is very serious about labour stability in this province. It's very serious about growing the economy. The previous government couldn't do anything with the automobile strategy. In my own community of Oakville, the previous government was prepared to let 4,000 jobs go by the wayside. This is a government that believes in balance, that believes in investing in the economy and that believes in providing labour stability, because we know that the future of this economy is strong labour and strong business working together.

Thank you; it was a pleasure.

The Acting Speaker: We have time for one last question or comment.

Mr. Baird: Speaker, because you're not going to, it's my pleasure to introduce my good friend Brother Wayne Samuelson from the Ontario Federation of Labour, who joins us here today. He's someone who stands up for working men and women in this province.

Mrs. Elizabeth Witmer (Kitchener–Waterloo): Don't forget Mr. Cartwright.

Mr. Baird: And Mr. Cartwright as well, and other friends.

I just want to ask in this question and comment section, what does the minister fear from a secret ballot vote? Where would the intimidation possibly be in a secret ballot vote? They have secret ballot votes in

Russia. They have secret ballot votes in Iraq. They have secret ballot votes all over the world. In Iraq, they have secret ballot votes.

Mrs. Witmer: What do you fear?

Mr. Baird: What do you fear about a secret ballot vote? Why, in 2005, are we debating the inherent value of a secret ballot vote? It works in liberal democracies everywhere. If you're pushed by the employer or by the union to go one way, when you get in that ballot booth you are free to vote for whoever you want, yes or no.

So I say to the minister, stand in your place and tell the people of Ontario why you are engaging in this war against the secret ballot vote. It is outrageous; it is wrong. We will fight this mean-spirited, undemocratic legislation and see that this minister gets demoted to Minister of Health.

The Acting Speaker: The Minister of Labour has two minutes to reply.

Hon. Mr. Bentley: In fact, this legislation promotes workplace democracy.

One of the ironies in what the member has said—and I'd like to thank the member, along with the members from Simcoe North, Niagara Centre and Oakville for their contributions to the debate—is that under the previous government's approach to labour relations, if an employer engaged in misconduct that made it unlikely to determine through a secret ballot what the true wishes of workers were, the previous government made sure that there would be no remedy for that misconduct. In other words, they undermined the democratic principle, and they gave licence to the few who would undermine democracy to do what they wanted because they knew there would be no consequence.

It's interesting that between 1995 and 1998 they thought the remedial certification power was important—because historically, it had characterized labour relations. Premier Bill Davis wasn't afraid of remedial certification. Premier Robarts wasn't afraid of remedial certification. Premier Frost wasn't afraid of remedial certification. What happened in 1998 to change their minds so completely? They accomplished the goal—it must have been a goal—of ensuring that employer misconduct would have no remedy. Well, it must. The rule of law must be respected, and those who would engage in violations of the law must know that if they undermine the democratic right of individuals to choose, there will be a consequence. The ultimate consequence is that they get something they don't like, which is certification.

We are restoring and enhancing democracy and restoring and enhancing the right of people to choose. We are returning Ontario to its historical balance.

The Acting Speaker: Further debate?

Mrs. Witmer: As the labour critic for our party, I am pleased to be able to speak to the Labour Relations Statute Law Amendment Act, Bill 144, which received first reading in November 2004 and which has now been called for second reading. I would have to say at the outset, however, speaking on behalf of our caucus, that I

wish to express concern and opposition to this bill as it is presently drafted.

1640

If the minister takes a look at his goals, despite the purported goals of this bill, as he says them to be and as published by the Ministry of Labour, goals such as the promotion of economic prosperity and ensuring fairness and choice in Ontario workplaces—I wish to convey to the minister that the changes contained in this bill will have the exact opposite effect. They will not promote economic prosperity, they will not ensure fairness and they will not allow for choice in Ontario's workplaces. What this bill will do, however, is erode the fundamental principles of democracy in the workplace. It will strip the workers of their democratic rights. It will lead to more litigation, more uncertainty and to employees having less access to information about their workplace rights. But most importantly for employees, it is going to threaten their jobs, because this bill has the potential to gravely injure economic growth and future job creation in this province.

The changes in Bill 144 appear to be motivated more by politics than productivity. They are more about payback for union support, especially payback to the construction unions. If you take a look at the donations that were made to the Liberal Party, you will probably understand.

The changes in Bill 144 are draconian. They actually turn back the clock 15 years in labour relations, back to the Bob Rae days. If we remember the Bob Rae days, we saw the loss of 10,000 jobs in this province. Bill 144 will have very severe, negative implications for businesses in this province, on jobs for people and on investment, because what it does is signal a very serious shift in labour relations. This Liberal government of Dalton McGuinty is loudly proclaiming that Ontario is no longer open for business. It is shifting the balance in labour relations and making it easier to unionize. This bill, I would emphasize again, has the potential of driving new job creation and investment away from Ontario. In fact, I've already heard from employers, the creators of jobs in Ontario, that they are waiting to see what's going to happen with this bill.

You see, at the present time, you can go to other jurisdictions. You can move, if you want, to the Far East, to China. You can move to Mexico, you can move to the United States and you can move to other provinces. They don't need to create the jobs in this province; in fact, they can close their factories today and move elsewhere. I can tell you, there are people who are delaying investment decisions and future expansions and even considering closing down their operations here if this bill moves forward without any major amendments.

As proof of this, we only have to take a look at what happened between 1990 and 1995, when the Rae government introduced legislation that tilted the balance and ensured that unionization was given more and more opportunity. Experience has shown that investors did not invest in Ontario between 1990 and 1995 and, regret-

tably, as I said before, we actually lost 10,000 jobs in this province. I hope this Liberal government keeps this in mind. We have many young people in this province who will be looking for jobs, and we certainly have middle-aged and older people looking for jobs. I can tell you, Bill 144 is not going to have a positive impact on future job creation and investment in this province.

When our government restored balance in labour relations in 1995 with Bill 7, there was a message that went out to investors around the world, to investors in the province of Ontario, that Ontario was again open for business. As a result of this, we saw the private sector create more than one million jobs in the next eight years. In fact, this growing economy enabled us to increase funding for services such as health and education. For example, we were able to increase health care funding by \$10 billion. We expanded access to hospital emergency departments by \$750 million. Cancer care treatment was increased by more than \$575 million, including the doubling of Cancer Care Ontario's funding. The Ontario breast screening program was able to triple the number of screens per year. Cardiac care improved. Over \$154 million in new funding was provided and we saw the number of procedures in the cardiac area increase by 61,000. In fact, we were able to cut waiting times by 53%. We added 16 regional and district stroke centres between 2000 and 2003. In long-term care, we invested \$1.2 billion for 20,000 new long-term-care beds, a 35% increase. We were able to increase MRIs from 12 in 1995 to 52 in 2003. We were able to add new drugs—about 1,436 new drug products—to the Ontario drug benefit program. As well, in order to combat the doctor shortage, we announced the creation of a new medical school in Sudbury and Thunder Bay, and we were able to give incentives to students with free tuition for those who were willing to go to underserved areas. We also established TeleHealth. We were the ones who added nurse practitioners and expanded the opportunities for foreign-trained doctors. You can see that as a result of job creation in this province, we were able to invest and add \$10 billion to improve access to health care in the province.

We were also able to make substantial investments in education, and we increased educational funding, after Dr. Rozanski made his report, by an additional \$2 billion. That was the highest level in the history of this province.

So it's very important to remember that if you don't have jobs and if you don't have investment and we see a downturn in the economy, we're not going to have the money to support increased access to health care and a better education for the children and people in this province.

Again I emphasize that none of these investments in health, none of these investments in education could have been made without a successful economy. That success was driven because there were changes to legislation that made Ontario an attractive place for business to locate and expand. We saw a tremendous number of businesses come into this province because of a well-balanced

approach to labour relations. Now we have a situation where, unless this government is prepared to make major amendments or, preferably, totally withdraw this bill, the uncertainty created by this bill in the business community is going to delay or postpone forever decisions about investment and new hiring. The potential loss of investment and job creation will erode the government's ability to invest in priorities such as health and education. I ask this government, if investment goes to other parts of the world, other states or other provinces, where will you get the money to implement the recommendations of the Rae report? Where will you get the money to decrease waiting times for health services and increased access to care?

1650

In fact, this government has already indicated that they are decreasing access to care with the delisting of eye exams, chiropractic services and physiotherapy. We also have a government that is not addressing the doctor shortage and is forcing hospitals to cut services. This government also recently provided severance in order that 800 nurses could be fired. They have broken their promise to hire 8,000 more nurses in order to improve access to care.

But now let's take a look specifically at what's contained in Bill 144. Let's examine the threat posed by this bill to the fundamental principles of democracy, as it removes the employees' democratic right to vote on whether or not they choose a union by impeding the employees' rights to free speech. The elimination of secret ballot voting for certification is an outright attack on the democratic rights of employees. Currently, a secret ballot vote, the cornerstone of any democratic process anywhere in the world, must be held before a union can be certified. In fact, it was employees who asked for secret ballot votes, and it was employees who were given secret ballot votes under Bill 7. This enabled employees to make their decision to support or oppose a union free from any coercion, whether it be from an employer, the press, their peers or union organizers. It was to protect employees against the pressure or the intimidation that we heard was sometimes associated with getting union membership cards signed. Regrettably, we did hear many examples of peer pressure and intimidation in getting people to sign the cards.

This government, with Bill 144, now proposes to go back to card-based certification in the construction sector. They are saying that if more than 55% of employees sign cards, the union will be certified without a vote. They don't seem to be concerned with possible intimidation or harassment, which I can tell you took place not only in the workplace but also at the homes where these people resided. It's unbelievable that they are not concerned with workers.

This government also proposes to impede the employer's right to free speech by allowing automatic certification. Some people call what they're going to be doing automatic penalty certification. This means that the labour relations board may allow automatic union certifi-

cation if an employer is found to be in breach of the Labour Relations Act during a certification drive. In other words, if he or she, the employer, does something that is interpreted as an unfair labour practice during a union organizing drive, the OLRB will have the ability to unilaterally certify the union. This could happen regardless of any employee vote or the number of signed membership cards. Unions, regrettably, have in the past—and probably will in the future—alleged “unfair labour practices.” In order to resolve this, we’re going to see much legal wrangling and we’re going to see costs being incurred by employers. Again, this government doesn’t seem to care.

So not only will this bill make it easier for union organizers to certify employees, it will also make it more difficult to decertify a union once it is installed, because again, this bill proposes to remove decertification information posters from the workplace. These posters were intended to supply unbiased, government-approved information to employees on how to remove an unwanted union. Sometimes that happens. Sometimes employees who are unionized at some point decide they don’t want a union. This was an opportunity for them to have the right of receiving unbiased, government-improved information there, telling them what they could do to remove that union.

What we’re seeing here is legislation that once again demonstrates the incompetence and short-sightedness of the McGuinty government and their fiscal mismanagement of the economy of this province. This government has proceeded and moved forward with this legislation despite the advice and recommendations they have been given by people in the labour relations community in this province, and I want to take a look at some of the advice they got.

Even prior to the introduction of this bill, and following an October meeting with the Human Resources Professionals Association of Ontario, Minister Bentley was given advice not to do what he’s doing. He was advised not to reinstate automatic certification in instances where an employer is found to be in breach of the Labour Relations Act during a certification drive. Some of the reasons that the association gave him were the following:

“(1) The unions will be motivated to file unfair labour practice complaints in any certification drives which they believe do not have sufficient support to win a vote, and will use such application as leverage against employers.

“(2) Employers’ freedom of speech will be impugned, preventing employers from expressing their view with respect to the intervention of a third party in their employment relationship with their employees.

“(3) The integrity of secret ballot votes within five days will be diminished and we will return to instances where employees and their employers will become unionized despite a contrary result in the ballot box, as was the case in the Wal-Mart decision.

“(4) There will be an overall destabilizing of the balance of labour relations in an environment where employers risk significant consequences for breaching the

Labour Relations Act and unions have no corresponding risk.”

Finally, this association, the Human Resources Professionals Association of Ontario, said to the minister, “Experience has shown in the period from 1990 to 1995 that investors did not invest in Ontario as a result of labour relations legislation, including automatic certification.” However, the minister did not listen.

The Canadian Federation of Independent Business has also been warning the minister since February 2004 about the negative economic implications this bill would have on Ontario business if introduced. In a letter to the minister, the CFIB expressed their support of labour relations that holds that the “law must require a supervised secret ballot vote prior to the certification of a union in every case.” They went on to say that the reason the CFIB feels so strongly about this is because, “Secret ballot votes in the labour relations setting allow employees to make their decision to support or oppose the union free from any arm-twisting by the employer, the union or peers.” I would agree with that statement.

They also went on to express their concern regarding penalty certification, urging the government to forgo any plans to reinstate this policy. They indicated that they felt there were other remedies for employer misconduct that would not see, in exchange, the employees’ fundamental democratic right to a secret ballot vote eliminated.

Despite this type of informative and well-reasoned advice from stakeholders, the government decided to ignore it and they proceeded to move forward and introduce this very draconian piece of legislation.

1700

I want to quote from people who have responded since the legislation was introduced in November, and who are very concerned about the impact of these changes on the labour environment and also on the economy in Ontario. Again, I’m going to begin with some quotes from the CFIB. The CFIB, when the announcement was made, indicated and said:

“Today’s announcement shows that this government is prepared to strip Ontario workers of their democratic rights in order to pander to its union friends.

“It’s insulting to employers and penalizes workers who might not want to join a union. Pretending the goal of this legislation is ensuring fairness and choice in Ontario’s workplaces would be laughable if the consequences weren’t so serious.” They go on to say, “The minister’s statement shows deliberate deception and hypocrisy. To pretend this attack on the rights of individual workers will promote labour fairness and stability is crass misrepresentation.”

They went on to say as well that the move to restore penalty certification and take away the secret ballot vote in the construction sector is seriously disturbing because, they say, “Secret ballot votes are a cornerstone of our democratic tradition in Ontario and in Canada. Secret ballots in the labour relations setting allow employees to make their decision to support or oppose the union free from any coercion from employers, union organizers or”—their own—“peers.”

As you can see, obviously there is concern about the impact of this legislation on employees' right to a democratic vote. Basically, this legislation takes away the choice of employees, despite the comments that have been made by the minister today.

I also want to quote from the Greater Toronto Home Builders' Association, which wrote a letter to the minister on January 6, 2005. They talk about Bill 144, An Act to amend certain statutes relating to labour relations, which made permanent the features contained in the previous government's Bill 69 and Bill 179 that covered the 2001 and 2004 rounds of collective bargaining for the residential construction industry within the GTA. They say:

"You will be aware that as a result of labour disruptions that paralyzed the GTA new home building industry in the summer of 1998, the then government"—referring to our government—"introduced legislation to provide greater certainty for all those involved including new home buyers."

They go on to say that the legislation we introduced to cover the 2001 and 2004 rounds of collective bargaining for the residential construction industry within the GTA "worked exceedingly well." The minister talked about the fact that there was all this labour unrest and labour instability. Well, that is definitely not true. They point out here that, "In 2001 there was only one brief strike and in 2004 there was none." In fact, they say that the system our government put in place "succeeded in what it aimed to do, namely to provide greater certainty for builders, subcontractors, unions, workers and most importantly new home buyers."

They go on to say, however, that they're not happy that the amendments are going to be included in this bill. They also go on to say that the Greater Toronto Home Builders' Association "is a strong supporter of the current certification system, which mandates a secret ballot vote. Transparency must be maintained during union organizing efforts. We believe the proposed changes"—that is, the changes in Bill 144—"will not be helpful to the overall residential construction labour climate, will lead to increased uncertainty and will undermine the rights of employees."

They go on to say that the residential construction industry in the GTA is a strong contributor to the Ontario economy in that every new home or condominium supports three jobs. They say, "Last year, our industry supported nearly 130,000 full-time jobs." They conclude by saying to the minister, "It is important that the industry remains strong," and they advise him not to jeopardize that industry based on a return to a confrontational approach between labour and management in labour relations.

Again, the interpretation is that Bill 144 sets the stage for a return to a confrontational approach and puts in jeopardy the stability we have seen in the residential construction industry in the GTA as a result of the legislation that we introduced, and the changes you are now prepared to make are going to destabilize that industry. I

would again say to the minister, I hope you will take some of the advice that's being offered to you.

I have a letter here from the Open Shop Contractors Association. They begin by saying, "Bill 144 was introduced without meaningful consultation." They say that it "seriously undermines the trust that has been developing with the government over joint labour/management consultations on construction issues" and that the bill should be withdrawn until full consultations have occurred. "At the very least, the bill must be put before the appropriate committee of the Legislature for public hearings."

Well, that's the very least this minister and this government can do. In fact, I would hope that's what they are going to do. Surely, if they're so confident in this legislation, they are not opposed to having it scrutinized and considering amendments that are not going to put in jeopardy the economy of this province.

The Open Shop Contractors Association goes on to say—and they want to talk first about certification based on membership information—"We believe that certifying a trade union without the benefit of a representation vote is a significant backward step and contributes to the 'democratic deficit' in the province. It is widely recognized that an expedited certification vote is the best test for employees' choice, and removing it will result in a return to a more fractious certification process. Contractors will be concerned about whether an employee has been coerced, intimidated or simply signed a membership card to avoid having to say no. A secret vote is the ultimate test of employees' wishes and should be maintained in the absence of serious violations of the act by either party.

"Not having a vote is especially problematic in the construction sector because a certification at one site impacts employees on all sites of the contractor. Furthermore, due to the fact that those eligible to vote or to have signed cards is determined as of the date of application, a small contingent of a contractor's workforce at one site could determine the unionized fate of all its employees province-wide. Currently, two employees of a contractor, even with a representation vote, could dictate work rules for hundreds of employees without these employees having a say, and this problem is greatly exacerbated by certification based on membership card evidence alone."

Then they go on to talk about remedial certification: "We appreciate the government is recognizing the need to certify a bargaining agent where the employer has wilfully broken the law to such a degree that it would be difficult for the employees' true wishes to be ascertained." However, they go on to say: "We are concerned that the labour board will find any minor violation of the act as grounds for remedial certification. If the government's intention is to use remedial powers only in exceptional circumstances, then the board should be provided with a listing of what constitutes a serious breach."

They go on to talk about restrictions on free speech: "Removing the requirement that employers post information in a unionized workplace on how to decertify

the union” may be “understandable. However, Bill 144 goes too far in making it an unfair labour practice for an employer to post such information or even to advise employees of their rights under the act. We believe that this is a violation of an employer’s right to free speech and may well be unconstitutional. An employer should not be in violation of the act simply for providing factual, government-approved information.”

Then, of course, they do indicate that what’s missing from your bill are the “non-construction employer” definition changes and the timing of applications.

1710

So again, the Open Shop Contractors Association has a great deal of difficulty and is concerned about the impact of the removal of the democratic vote for employees and the lack of ability of employees to freely express whether or not they want to join a union. They’re also concerned about the remedial certification, because they believe that the labour board could find anything a minor violation and use that as an excuse.

I want to turn now to the Greater Kitchener Waterloo Chamber of Commerce. They have written the minister, the Honourable Chris Bentley, a letter as of January 20, 2005. They are the second-largest chamber in the province of Ontario; they serve more than 1,700 members. They represent all sectors of the business community—small, medium and large employers—and they provide over 60,000 jobs in one of Ontario’s progressive and economically productive regions. However, they are writing the minister to convey their concern and their opposition to Bill 144. They say that the chamber believes that the changes contained in this bill would have the exact opposite effects to the purported goals published by the Ministry of Labour. They believe that the changes in Bill 144 will not only erode the fundamental principles of democracy in the workplace, but they are extremely concerned that, as a result of these changes, we’re going to see much more uncertainty in the workplace. There’s going to be much more litigation and, of course, employees are going to have considerably less access to information about their workplace rights. They say that you are doing some unnecessary tinkering with the existing labour relations regime and again, they do point out the fact that your proposals are motivated more by politics than productivity. Again, our concern is that this may simply be payback for union support rather than real progress for our province.

In fact, the chamber expresses their disappointment in the manner in which the McGuinty government characterizes its legislative directives in the area of labour relations. They say, “Just as it is a misnomer to refer to Bill 63 as the elimination of the 60-hour workweek, it is incorrect and unfortunate that this government uses such strong terms as ‘confusion,’ ‘mistrust,’ ‘instability,’ ‘unhealthy’ and ‘unfair’ to describe our present labour relations regime.” They say it does not serve our province well, either within Canada or internationally, to be seen to be labelling our workplace and business environment in this manner. I hope that the Minister of Labour and the

members of this Liberal government will particularly keep that in mind. It doesn’t help to have employers who are looking at this province as an opportunity for future investment and job creation hear the minister and this government talk about confusion, mistrust, instability, unhealthiness and unfairness in relationship to labour relations in this province. Any employer hearing those words obviously isn’t going to come to this jurisdiction, when today in the global economy he or she can go wherever they want.

The chamber goes on to say, “Our chamber joins with and supports the efforts of the Ontario Chamber of Commerce and the Coalition for Democratic Labour Relations in opposing Bill 144 in its entirety. If passed, the chamber believes that Bill 144 will have a chilling effect on a provincial economy already faced with unparalleled global competition, an ever-increasing tax burden, and a rising Canadian dollar. Further, the potential loss of investment and job creation from such regressive proposals must be recognized, along with the detrimental impact on future tax revenues.”

Again, they go on, of course, to ask you to reconsider the points that they’ve made. They’ve also indicated to the minister that they would be happy to discuss the bill with him at his convenience.

So again we have the chambers of commerce, and particularly the letter I’ve read from my own greater Kitchener-Waterloo chamber, expressing their grave concern and their opposition to Bill 144. I put that into the record as well.

We’ve received many letters from business people in the province of Ontario. I will tell you that obviously some whose investment plans have been put on hold would prefer that they not be identified. But one of the letters that I did receive and I will share with this House is from an individual in New Hamburg. This is from Ontario Drive and Gear Ltd. It is a company that is a world leader in amphibious vehicles. They wrote a letter to the Honourable Chris Bentley on January 25. It is written by the president and CEO, Mr. Stieber. He writes, as so many other people did, as the owner and operator of a manufacturing company in Ontario. He indicates his deep concern about the proposed changes to the Ontario Labour Relations Act, as tabled in Bill 144. What is he concerned about? Well, he is concerned that you are imposing certification as a penalty. He says, “Imposed certification is an inappropriate penalty for unfair labour practices during a certification drive. It takes away the democratic right of workers to choose whether or not they want to be represented by a labour union.” He goes on to say, “There are other effective means to ensure that no intimidation from either side occurs. Fines and revotes accomplish the same while respecting the democratic rights of employees as well as the right to free speech of employers.”

He talks about certification on the basis of membership cards, and he says, “The essence of any democratic process is voting by secret ballot. Any political election violating this principle would be declared invalid by the

international community. Why should the certification process be any different? A signature on a union card is not a valid vote!" I would agree. We don't know if that individual was harassed or coerced. We don't know. We do know, however, that the reason the secret ballot vote was introduced is because we heard from many employees who were harassed, who were intimidated, who finally just didn't have the willpower to say no. So a signature, as we know, has in the past been obtained by pressure or threats or misrepresentation. Why would we go there again? Unbelievable.

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He then goes on to talk about the effect on investment in Ontario's economy: "As a volunteer and ambassador with Canada's Technology Triangle, I am involved in efforts to attract business investment to the Waterloo region. As recently as three years ago, Ontario used to be an excellent location for manufacturing. However, in the meantime, other jurisdictions have moved forward in providing an attractive investment climate... Within the last two years, Ontario's competitive position has been further eroded by a 30% rise of the Canadian dollar, and Ontario's manufacturing base is being threatened by ever more aggressive competition from China.

"In this situation, Bill 144, as tabled, sends the wrong message to current and potential investors in Ontario's economy. It will increase the perception—you know, that's important, because perception is reality—that Ontario has an unbalanced, anti-business political climate and, as such, will support the efforts of other Canadian and American jurisdictions to attract business away from Ontario."

Again, this bill has the potential to reduce the number of jobs in the province of Ontario, and it certainly will discourage people who are considering expanding their business or considering coming into this province.

I now want to make some comments and read into the record a letter from the Coalition for Democratic Labour Relations. Twelve industry associations in this province who represent over 100,000 small, medium and large businesses and who employ roughly two million people in key sectors of Ontario's economy have come together. This is an unusual move, and it only happened one other time. That was when the NDP government introduced their labour law. But they have come together in order to communicate their shared concerns about Bill 144. Who are these industry groups? They are the Canadian Federation of Independent Business, the Canadian Manufacturers and Exporters, the Canadian Restaurant and Food Services Association, the Ontario Chamber of Commerce, the Ontario Electrical League, the Ontario Restaurant Hotel and Motel Association, the Open Shop Contractors Association and the Retail Council of Canada.

They have let the minister know that they have concerns. In fact, they say they are urgently bringing "to your attention the serious impact that Bill 144 ... will have on the provincial economy, and to request your support for our amendments to the legislation."

"When Bill 144 was introduced, it was presented as the tool to achieve 'fairness and balance' in the workplace." Then they highlight and say, "Coalition members couldn't disagree more." It seems nobody believes the minister when he says it's going to be achieve fairness and balance and improve the economy. In fact, they say, "We take issue with the way this bill threatens the fundamental principles of democracy by removing the democratic right of employees to vote on whether or not they choose a union and by impeding an employer's right to free speech."

They go on to express their concern about the fact that they have heard from several of their members that they are reviewing their investment decisions based on the negative effect of Bill 144 if this government goes ahead and implements the bill. They say the labour relations environment is one of the key elements that business people in Ontario and business leaders looking at potential investments in Ontario use to determine when and where to invest in the new plants and stores that create jobs. Without major amendments, the coalition believes the bill will create uncertainty in the business community and will likely delay key decisions about investment and hiring. Again, they express their concern that if we lose investment and if we lose job creation, obviously this government isn't going to be able to invest in the priorities that are important to people in this province, particularly health and education. They also say that the introduction of this bill could not have come at a worse time, especially given the recently revised forecast predicting slower economic growth for Ontario in 2005.

This group of people have come together because of their strong concern and opposition to Bill 144, and their concern that some of the two million people they employ may see their jobs lost if this government moves ahead with Bill 144. Certainly we're not going to see new job creation. So out of concern for workers, for employees in this province, they are developing and have developed, in collaboration, amendments that they believe will achieve fairness and balance. They are encouraging everyone to support the principles of democracy and their amendments.

Let's take a look at their amendments.

They say, "The bill, as drafted," in the case of remedial certification, "will permit the OLRB to order union certification, regardless of the wishes of employees, if it judges that an employer has broken a rule. Public messaging by the government regarding the legislation has stated that remedial certification would be used only as a last resort, but"—and this is a big "but"—"the legislation does not clarify last resort.

"If the government is determined to allow the Ontario Labour Relations Board to make the decision on certification in place of employees, we recommend that this section of the bill be amended to:

"set out the types of conduct that can trigger remedial certification, specifically:

"repetitive acts or threats of physical violence against employees,

“termination of two or more employees known by the employer to be authorized and acting as inside organizers on behalf of the trade union where the terminations are determined by the board to be contrary to the act; and

“repeated breaches of an order of the board.”

They also say it should be amended to place the onus of proof on the applicant to prove that no other remedy exists; to provide that a full three-person panel of the board must agree to remedial certification before it can be ordered; and to ensure that in every case, employees are given at least one opportunity to cast a ballot and exercise the democratic right to express their views.

They also have amendments on the issue of the decertification posters. The bill, as drafted, requires that posters explaining the union decertification process, which the act currently requires be posted in workplaces, be taken down. They are concerned not so much that the poster be removed, but—and again, a big “but”—that an employer can be found to have committed an illegal act by simply informing his or her employees about their rights under the act. The coalition proposes that this section of the legislation be amended by removing the provision of the bill creating an offence for failing to remove how-to-decertify posters, and that language be added to clarify that the employer retains the same rights to communicate with his or her employees as the employer has always had. Pretty simple, pretty fair, pretty balanced.

Let’s now look at interim reinstatement.

“The bill, as drafted, would grant the Ontario Labour Relations Board the power to reinstate workers dismissed during an organizing campaign. The coalition is concerned this may result in unions filing unsubstantiated claims of dismissals in order to have members reinstated, regardless of the reasons for their being dismissed or the merits of the case. Moreover, this provision does not provide balance as there is absolutely no remedy should the union make frivolous claims.” Therefore, the coalition of 12 industries recommends that this section on interim reinstatement be totally withdrawn.

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Let’s take a look now at card-based certification.

“The bill, as drafted, permits a trade union in the construction industry that has filed an application for certification and has membership cards from more than 55% of employees to be certified without a vote.

“Under the current act, employees who sign cards, and those who do not, still have the right to vote for or against the union by secret ballot vote. Under the proposed legislation, employees would lose this very important fundamental right” of a secret ballot vote. They go on to say that they totally oppose card-based certification in any sector, and they are asking the government to remove this provision from the legislation.

Let’s take a look now at the definition of “non-construction employer.” They are recommending amendments to the definition of “non-construction employer.” They go on to say, “There are currently a number of employers in the province who are bound to collective

agreements with construction trade unions when it is clear that they are not truly ‘construction employers.’

“The act currently contemplates these employers being able to make an application and be released from these costly obligations. Unfortunately, the act’s current wording is cumbersome and ineffective.”

The coalition of 12 industries “recommends that the definition of non-construction employer be amended to provide significant clarity to the issue, and to allow employers who clearly do not operate a construction company to no longer be bound to construction collective agreements.”

They have submitted all this information, all these amendments to the minister and to his staff. They have urged him to adopt these amendments in order that he and this government can protect the democratic rights of employees and employers, and in order to ensure that economic investment, job creation and growth will continue to be enjoyed by people in Ontario.

I think you can see that this government’s actions on Bill 144 are not supported by people in Ontario. Employees are concerned that they are losing their democratic right to a secret ballot vote. Certainly, employers’ rights are also being eliminated.

I want to quote some of the comments we have seen in the newspaper about this bill. Terence Corcoran from the Financial Post writes: “The amendments were portrayed by Mr. Bentley, in masterful Orwellian bafflegab, as an effort by the McGuinty Liberals to promote ‘stable labour relations and economic prosperity by introducing legislation that would ensure fairness and choice in Ontario’s workplaces.’ The province intends, he said, ‘to restore balance’ and replace laws that had ‘swung unfairly in favour of one side or the other.’

“Needless to say, the actual objective is exactly the opposite. Bill 144 ... will in fact tilt the balance of Ontario labour law to favour organized labour at the expense of employers. It will not restore balance, it will remove it.

“That the bill favours unions is beyond question. The biggest sop to labour is the Liberal plan to reverse parts of the previous Conservative government’s ... 1998 restrictions on union ability to manipulate the system.”

Again, he says that giving the OLRB renewed power to order union certification is “out of all common sense.” He is certainly extremely concerned. In fact, he goes on to express his concern with the card-only certification for unions in certain sectors instead of requiring secret ballots. He says he can’t understand the minister favouring the restoration of “the almost arbitrary ability of the Ontario Labour Relations Board ... to remedially certify unions.”

Certainly, again, he talks about the need to have flexibility in labour relations laws today. He says that, “In a recent Fraser Institute study examining flexibility in labour relations laws, Ontario ranked 52nd out of the 60 US states and Canadian provinces.”

He quotes a new study in the Quarterly Journal of Economics which “found that labour relations laws that favour one group over another lead to lower output, employment, investment and productivity.”

He says, "The minister's notion that the announced changes would 'ensure fairness and choice in Ontario's workplaces' is almost Orwellian and simply out of step with the reality of labour relations laws across North America."

Again, there is a tremendous amount of opposition to Bill 144.

I would just like to summarize what I believe are the changes that will have the most detrimental impact on people in the province of Ontario.

I think first and foremost is the elimination of a worker's fundamental right to a secret ballot vote. Again, the OLRB is going to have the arbitrary power to grant union certification. Of course, the government has also reintroduced the card-based certification system, and I think that probably is the one area where workers are the big, big losers.

The other area of concern is the ability of the OLRB, under this legislation, to arbitrarily grant union certification when an employer is deemed to be in violation of labour laws. Again, we just don't know what this means.

Of course, third is the re-establishment of a card-based certificate system for the construction sector.

Again, under this bill, if you have 55% of employees sign cards, automatically you would see a union.

Our party does not support this bill. It turns back the clock about 15 years in labour relations, particularly with the power it's giving to the OLRB, the automatic certification and the elimination of the secret ballot vote. We would encourage the government to seriously consider the advice that they have been given by people who create jobs in Ontario; people who make investments, whether it's in new stores or new businesses, whether it's in traditional manufacturing or in the high-tech sector.

I would ask this government to seriously consider the impact of this bill, because I think it simply further contributes to this province being an unfriendly climate for further job creation. This government has already raised taxes. They have created an unstable energy system. They have lifted the cap on the energy prices. We have a crumbling transportation infrastructure. In light of the mismanagement of the economy that we have seen in the past 18 months, the introduction of this bill will certainly not contribute to stabilization of the economy. It's not going to lead to further investment in this province and it's not going to create new jobs.

I hope and trust that there will be hearings, and I hope that the government will be amenable to making changes and withdrawing parts of the legislation.

1740

The Acting Speaker: Questions and comments?

Mr. Kormos: I admire Ms. Witmer's capacity to address this for an hour. I've listened to all of it. I, with no apologies, disagree with every bit of it. She and I come from two very different perspectives when it comes to working women and men and their trade unions and workplaces.

I want to tell you, I look forward to being able to participate in this debate in around 10 minutes' time. Unfortunately, I'll only have around 10 minutes and I'll do

the balance of that hour tomorrow. Of course, my colleague the member from Hamilton East, Ms. Horwath, is here today listening carefully and is a strong trade union supporter.

Look, it's not just a matter of supporting trade unions; it's a matter of supporting working women and men. You can't say you support working women and men unless you support their trade unions too, and, more importantly, not just their trade unions but their right to belong to a trade union, their right to join a trade union, and their right to do so without being victimized by the bad-boss Wal-Marts of North America that will spare no expense to undermine a successful organizing drive.

We see it over and over again. We see it in Quebec, where Wal-Mart will shut down a store before they'll let it be unionized. Wal-Mart will use every tactic that money can buy—and they've got money—to undermine an organizing drive. So by the time it gets to this so-called vote, you're lucky to find a handful of, more often than not, immigrant new Canadian women who aren't and haven't been intimidated, for fear of a loss of their jobs, a loss of their livelihood, a shutdown of the store, into voting contrary to what they believe.

If you believe in trade unions and the right of workers to belong to them, you believe in card certification. That's what New Democrats stand for.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): I'd just like to congratulate our Minister of Labour for having introduced this very important bill. Bill 144 protects the democratic rights of our people. Our government wants to restore fairness and balance to the labour relations system, improve workplace relations and maintain the stability necessary for a productive economy.

We have consulted. We have consulted with labour groups; we have consulted with the construction industry. But it seems that at the present time, on the official opposition side, they have a different philosophy, because one member says we are not going far enough and the next one is saying that we are going too far. I was listening to the member for Simcoe North, who says that we are not going far enough, and the member for Kitchener–Waterloo, who says we are going too far. So I think within the caucus they should discuss this a little further.

Let me tell you, it's true: When I look at Wal-Mart and what has happened in the Saguenay area, really, when those big stores come into a small community, it kills all the small operators, and they come in and pay the minimum salary. What good is it for the economy of the community? They don't have enough money to buy new furniture; just enough money to pay their rent and their groceries, and there's a very limited number of groceries they can buy.

With this bill, I think we would reinstate the fairness and balance of the economy.

Mr. Norman W. Sterling (Lanark–Carleton): During an attempt to unionize a particular business, plant, store or whatever it is, there are a number of things

that go on that can be termed fair or unfair in terms of labour practices. Humans are humans, unions are unions, businesses are businesses, and I don't trust one side or the other in terms of what might happen during a unionization drive; nor do I trust what goes on in a decertification drive. Therefore, as in the Wal-Mart case in Saguenay, Quebec, where the union was approved by a card process and a decision by the Quebec labour board, I don't trust any of it. That's why I support, in the final analysis, a secret ballot which takes place so that intimidation from one side or the other side can be put aside, and the employee, sitting down for his or her own sake, can make a decision whether they want a union to represent their interests or not.

The arguments about who's right, who's the bad guy, whether it's the union side or the business side, we can't determine in this Legislature. We know that people get over-enthusiastic about their causes, whether they're the union or they're the business side. We know that's human nature. We know it will happen. So there's only one way to determine, in the final analysis, and that's a secret ballot. That's why I am against this bill: This bill takes away the democratic rights of workers to decide whether they want a union or they don't want a union.

The Acting Speaker: We have time for one last question and comment.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to rise and comment on the debate provided by the member from Kitchener–Waterloo. I have to say that, from my perspective, I don't agree with a lot of the things she raised in this debate, but I do think it's important that we get these things on the table.

What I find really interesting is that yet again the McGuinty Liberals have come forward with a bill that is fatally flawed. It's fatally flawed because, in their rhetoric, it purports to be a bill that brings back fairness and balance. What they never tell you is that maybe it brings back fairness and balance for the few but certainly not for the majority or all the workers in Ontario. That is the fatal flaw in Bill 144. What they consider to be fairness in this bill is exactly the opposite. It basically discriminates against the vast majority of workers in the province and does not allow them to have card certification as a way of having their unions represent them in the workplace.

Unfortunately, the very people who are being discriminated against in the context of Bill 144 are the ones, quite frankly, who most need the kind of protection, support and negotiation in collective bargaining that the trade union movement brings to them and that their union would bring to them. Those, for example, are workers in low-wage jobs, immigrant workers, women workers, the very workers that the member for Glengarry–Prescott–Russell was talking about when he talked about the Wal-Mart store. Unfortunately, he would be surprised to find out that Bill 144 does not provide the fairness and necessity those workers need to be represented by a trade union because it wouldn't provide card certification if those particular Wal-Marts were in Ontario.

It's extremely disappointing. We look forward to at least significant committee debate on this bill.

The Acting Speaker: That concludes the time available for questions and comments. I will return to the member for Kitchener–Waterloo. You have two minutes to reply.

Mrs. Witmer: I thank the Niagara Centre MPP and the members from Glengarry–Prescott–Russell, Lanark–Carleton and Hamilton East for their comments.

It's evident that we certainly support the right of unions to exist. People need to be given the opportunity to make a decision as to whether or not they join a union. However, I think the point has been well made today that in the past, when there has not been a secret ballot vote, there has always been the potential for harassment and intimidation. Regrettably, that can be by an employer, it can be by a colleague, it can be by a union organizer. The reality is that people sometimes are weak and simply do not have the power or the ability to say no. They are put in a position where they sign a union card because they simply don't have the strength and fear repercussions, whether from an employer or, as I say, a peer or a union organizer.

What I believe we are most opposed to is the stripping away of a worker's democratic right to a secret ballot vote to determine whether or not they wish to join a union. Also, the minister needs to recognize that, despite what he says in the introduction of his bill, that this is going to encourage economic prosperity, I think the business community has pointed out that it will have a negative consequence on the environment in this province.

1750

Mr. Dunlop: On a point of privilege, Mr. Speaker: About an hour and a half ago I gave you a written statement on a point of privilege that I thought should be addressed by the Speaker of the House. I'll just take a moment of your time, because I don't want to cut too much into Mr. Kormos's time.

Under standing order 21(a), "Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred by the Legislative Assembly Act and other statutes, or by practice, precedent, usage and custom."

What I want to outline to you today very briefly is the fact that last week, on March 22, the Minister of Community Safety and Correctional Services made an announcement in the amount of \$30 million.

Hon. Mr. Bentley: This has nothing to do with my bill.

Mr. Dunlop: It's a point of privilege, Mr. Speaker.

It affected fire departments throughout the province of Ontario. I certainly have no problem with the announcement. I believe some of the fire departments need some of the money for training and equipment. However, I have a lot of concerns with the way the announcement was done. The information regarding the amounts given to individual fire departments was only given to government members. None of the NDP members or Progressive Conservative members received any of the

information. In fact, we had to finally go to individual Liberal members to find out what the amounts were. The minister's office refused calls from our office, and e-mails were not returned as well. We know as a fact that the ministry staff were told that the Progressive Conservative and New Democratic members were not to receive that information.

I believe that's a custom and a tradition in this House. It's taxpayers' dollars, money that's distributed to regions across the province. It's not the Liberal Party's money; it's not the government's money. The money belongs to the taxpayers of the province, and everyone has a right to have that information if it's available to their riding. Certainly, it has not been the case with other ministries. I know the Ministry of Health and some of the other ones have been quite good about getting information out to us.

I'm asking you, Mr. Speaker, to rule on this particular action by the Minister of Community Safety and Correctional Services. I believe it was wrong, and I believe, as a result of that, there should be a ruling from

the Speaker's office. Actually, I would hope that he would have to apologize to the House for his actions in that particular incident.

The Acting Speaker: By way of response to the member for Simcoe North, I'm not in a position to make a ruling on that issue at this time, but I'm sure the issue will be considered and you will receive a response in due course.

Mr. Baird: On a point of order, Mr. Speaker: I accept your ruling, not just because I have to but because I agree with you. Could we get an assurance that that ruling would come from you, since you were the one who heard the point of privilege and received the advance notice?

The Acting Speaker: No, I won't be making that ruling at this time, I say to the member for Nepean-Carleton.

It being very close to 6 of the clock, this House stands adjourned until tomorrow afternoon at 1:30.

The House adjourned at 1755.

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