



No. 123

N° 123

ISSN 1180-2987

Legislative Assembly  
of Ontario

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

Assemblée législative  
de l'Ontario

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

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 5 April 2005**

**Mardi 5 avril 2005**

Speaker  
Honourable Alvin Curling

Clerk  
Claude L. DesRosiers

Président  
L'honorable Alvin Curling

Greffier  
Claude L. DesRosiers

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



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

LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 5 April 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 5 avril 2005

*The House met at 1330.  
Prayers.*

MEMBERS' STATEMENTS

ARCHIVES OF ONTARIO

**Mrs. Julia Munro (York North):** Six months ago, I stood in this House to condemn the government's decision to cancel our government's plan to move the archives to a new facility. I pointed out to the government that a report several years ago said that the current space is unsafe and unhealthy, and that the preservation of documents is at risk. The collections are starting to develop mould and the second floor is sagging. Historical documents and photos are at risk of theft or damage, and thefts have already been reported.

The Friends of the Archives of Ontario say, "This short-sighted move endangers irreplaceable records of Ontario's history. The current building was long ago deemed inadequate and is at risk of fire, flood and theft." The Archives Association of Ontario is very concerned and said they "fear that this decision will put at greater risk the documentary heritage that is to be found within the archives."

What is the plan of the McGuinty Liberals to preserve our archives? There is no plan. There is barely a plan to develop a plan. The Chair of Management Board admitted to the House a month ago that it probably would take a couple of years before he finds a permanent long-term solution. Ontario's history and heritage cannot wait that long. The archives need help now.

AFFORDABLE HOUSING

**Ms. Laurel C. Broten (Etobicoke-Lakeshore):** Recently in my riding I had the pleasure of facilitating a round table discussion with community stakeholders regarding the need for affordable housing in Ontario, something my community of Etobicoke-Lakeshore is in need of. The purpose was to bring together the diverse ideas and expertise of stakeholders, advocates and government alike to discuss the need for and provision of affordable housing and affordable housing supports.

Prior to and since my election, many constituents, agencies and organizations have communicated to me the need for affordable housing in Etobicoke-Lakeshore. I understand the complex needs of various groups within

my community and will continue to work to make their concerns known, because housing is a right. We must work to ensure that families who are in need of affordable housing have access to it.

Increasing the number of affordable housing units in Ontario is vital, and I am encouraged that there will be a particular focus on appropriate housing for persons suffering from mental illness, victims of domestic violence and the working poor. We have already committed to fund more than 3,300 units of affordable housing, almost eight times more than announced by the previous government over two years, and are working on delivering more.

My community understands that helping to provide affordable housing to those in need is fundamental, and I want to say thank you to those leaders in our community who attended the housing meeting for their input. I look forward to continuing my discussions with them and ultimately developing solutions as we work together for our community.

MARY McBRIDE

**Mr. Jim Wilson (Simcoe-Grey):** I rise to pay tribute to my constituent Mrs. Mary McBride of Alliston on her receipt of the Prime Minister's Award for Teaching Excellence. This esteemed award honours outstanding secondary school teachers who best equip their students for the challenges of a changing society and an increasingly knowledge-based economy.

Mrs. McBride has made our community proud for her dedication to teaching Latin to the students at Banting Memorial High School, where she began teaching some 33 years ago. I attended BMHS in Alliston and I've seen first-hand the respect that staff and students have for Mrs. McBride.

A mere 15 Canadians are presented with this award each year. It is accompanied by a \$5,000 donation to the local high school to be used under the direction of Mrs. McBride to improve teaching and learning in our community. On March 28, I was pleased to join in a standing ovation from some 300 local residents, who recognized Mrs. McBride for this outstanding achievement at the Alliston Rotary Club's annual rural-urban night at the Nottawasaga Inn.

This award is a tribute to the hard work and dedication Mrs. McBride has demonstrated, and it recognizes her valuable contribution to making our community and our country a better place to live, work and raise a family.

Mary McBride, thank you for giving so much of yourself to our community and to the teaching profession.

#### SCHOOL SAFETY

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** Last November my community was stunned by the sudden death of a young high school student, and to many in my community bullying contributed to his suicide.

Safe schools should be a fundamental part of our education system. The Liberal government of Ontario is constantly striving to ensure these principles, so today I would like to recognize the success of a group of students at Sir George Ross Secondary School in London. Last week this group of students from Sir George Ross presented an anti-bullying video at the National Conference on Bullying. I would like to thank their vice-principal, Paula Greenberg, for endorsing such an important initiative.

I would also like to thank all the students who worked on the project, such as Justin Blackwell and Trevor Haugh. You are on the front lines, making schools a safer place for students to be. I applaud them very much for that.

The Liberal government in Ontario has a strategy for safe schools. We have a plan that will make our schools safer. We are creating a bullying prevention program in all schools. We are conducting safety audits for all Ontario schools and we are installing entranceway security cameras in at least 400 elementary schools by this fall. This will help keep our students safe and foster a learning experience based on excellence. We are also investing at least \$9 million this year and next to make Ontario schools safer.

I applaud the Minister of Education and I am proud to be part of a team that is taking concrete steps to secure the future of our students and the future of Ontario. A safe school is a successful school.

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#### BOBCAYGEON-VERULAM COMMUNITY CENTRE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** This past weekend I joined with people from throughout my riding to celebrate the 50th anniversary of the Bobcaygeon-Verulam Community Centre. On April 2, we were treated to figure skating presentations, hockey games, public skating, music performed by the Bobcaygeon Olde Tymers and a colour party from the local Legion branch.

In the past 50 years, the community centre has served as an anchor point for many local activities, drawing people together to share in hockey, skating, curling, dances and carnivals. It has instilled pride in the community by hosting hockey, figure skating and curling championships and, of course, the famous Bobcaygeon fiddle and step dance contests.

I grew up in the area and attended the community centre all my life. My father, Bill Scott, refereed many a hockey game there.

The community centre helped to put Bobcaygeon on the map as it hosted thousands of visitors to the Bobcaygeon fall fair. The fall fair board originally owned the building and deeded it to the community centre's use. The Honourable Leslie Frost, Premier of Ontario, opened it 50 years ago.

Community centres play an important role in smaller communities, and this is no exception. It is a place where people met new friends, and a place where people could give back to their community by participating in one of the many charitable events.

The Bobcaygeon-Verulam Community Centre was a place to see big-time entertainers such as Don Messer, Whipper Billy Watson, Tommy Hunter, Stompin' Tom Connors or the Tragically Hip. It was a place to cheer on the local hockey teams.

On Saturday night, we saw the next generation at the centre lacing up their skates. Here's to the next 50 years at the Bobcaygeon-Verulam Community Centre.

#### AUTISM TREATMENT

**Ms. Shelley Martel (Nickel Belt):** It's immoral for the McGuinty government to appeal the recent court decision on autism. Justice Kiteley found that the McGuinty government has violated the charter rights of autistic children by discriminating against them on the basis of age and disability, and further, that the minister has violated the Education Act by failing to ensure that appropriate special education programs are in place for autistic children without the payment of fees.

She said, "To deny the plaintiff children the opportunity to have treatment after the age of five is to stereotype them, to prejudice them, and to create a disadvantage for them." Further, "The absence of ABA/IBI [in the schools] means that children with autism are excluded from the opportunity to access learning with the consequential deprivation of skills, the likelihood of isolation from society and the loss of the ability to exercise the rights and freedoms to which all Canadians are entitled."

The government's reason to appeal is pathetic. The Attorney General said the Supreme Court ruled that governments are in the best position to design programs in the interests of autistic children. The Supreme Court never said provincial programs should violate the charter rights of autistic children, which is exactly what the Ontario autism program does.

Justice Kiteley agreed with Premier McGuinty that the age six cut-off for IBI is unfair and discriminatory. She ordered the government to do exactly what the Premier had already promised in the last election: to end the discrimination against children over six. The Liberals have never ended this discrimination. It's clear they never had any intention when they made the promise in the first place.

This government should be ashamed of its betrayal of autistic children. Stop fighting parents in court, end your violation of the charter rights of autistic children, stop violating the Education Act and start funding IBI for autistic children who need it, when and where they need it.

#### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. Tony C. Wong (Markham):** Every year, people in my riding of Markham, along with other Ontarians, contribute their hard-earned tax dollars toward the federal government in order to make this country strong and prosperous in all regions. But they are not getting a fair return for their dollar, and that is not the Canadian way. The \$23-billion difference between what is collected from us and what we receive results in real setbacks when it comes to Ontario being able to reinvest in our health care, our immigrants and our infrastructure.

For instance, in my riding of Markham, we are in desperate need of investment support for our Markham Stouffville Hospital redevelopment costs and our Viva rapid transit project to reduce gridlock in the ever-growing York region.

Investment is also needed to ensure that our immigrants are welcomed and integrated into our community in the best possible way. Ontario attracts the majority of the country's immigrants—57%, to be exact—with many of them choosing Markham as their destination, yet we receive just 34% of federal funding for their settlement.

Ontario cannot continue to afford this \$23-billion gap. The Gap is not just some store at the mall; it is the \$23-billion difference between what we as Ontarians are paying and what we are receiving from the federal government. This must change. We need to invest in our health care, our post-secondary education and our people if Ontario is to remain the economic engine that we are for this great country.

#### MUNICIPAL FINANCES

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise today to speak about the McGuinty government's commitment to a mature relationship with municipalities. For example, just last week, the government announced that the Ontario municipal partnership fund would replace the community reinvestment fund. The new program is equitable and transparent and will target funds toward social assistance and policing costs for small, northern and rural municipalities. This represents a \$656-million investment overall, and at a minimum, municipalities will receive at least as much funding in 2005 as they did in 2004.

Roger Anderson, president of AMO, the Association of Municipalities of Ontario, had this to say about last week's announcement: "Today's reconciliation announcement shows that the Premier is listening to municipalities. The province's decision to pay money owed to

municipalities for 2003 and 2004 is good news for property taxpayers all over Ontario." But that's not all. Kirkland Lake Mayor Bill Enouy said, "I think it is the right thing to do and I am very happy." Timmins Mayor Vic Power said, "I'm really pleased things worked out the way they did."

What all this represents is that there's a new way of doing things in Ontario. As a government, we're committed to doing everything we can to make sure that municipalities are at the table and that their voices are being heard.

**Mr. David Oraziotti (Sault Ste. Marie):** I'm very pleased to have the opportunity to recognize the extraordinary work our government is doing to build stronger municipalities. Last week, we announced the new Ontario municipal partnership fund and retired the previous government's flawed CRF formula. The new partnership fund is much more fiscally responsible, more equitable and a more transparent way to meet the needs of Ontario's municipalities. Municipalities received \$656 million for 2005, an increase of \$38 million over 2004. It represents the largest-ever transfer payment to municipalities.

This announcement was very well received in our city, with our mayor, John Rowswell, calling it "amazingly wonderful news," and that "this will make a substantive difference for our budget." He also made reference to our municipality's request for reconciliation for 2003-04 costs and noted that this announcement surpasses that request. Our city's chief administrative officer said that the new OMPF "will be very much appreciated and it is good news going into our budget this year." Sault Ste. Marie has been facing a significant tax increase, and now that may be reduced by as much as 5%. As well, our finance ministry estimates that this could offset taxes by as much as \$80 per household.

The point here is that we're responding to the needs of municipalities that were severely burdened by the past government. The downloading of provincial services by the Conservatives was not revenue-neutral, as they told us, and as a former city councillor, I know first-hand what this irresponsible leadership did to our city of Sault Ste. Marie. Instead, our government has chosen a formula that is based on the needs of municipalities across the province of Ontario, and I'm proud of this particular fund.

#### MOTIONS

##### CONSIDERATION OF BILL 133

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I move that the order for second reading of Bill 133, An Act to amend the Environmental Protection Act and the Ontario Water Resources Act in respect of enforcement and other

matters, be discharged and the bill be referred to the standing committee on the Legislative Assembly.

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

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## ORAL QUESTIONS

### PUBLIC SAFETY

**Mr. John Tory (Leader of the Opposition):** My question is for the Attorney General. Last week, I asked you to initiate a review of the ruling that granted bail to a man charged with the first-degree murder of his wife. You said at that time that you wanted to have an opportunity to look at the court transcripts. Seeing how quickly you could decide to appeal the autism decision, might we ask that some of that zeal now be applied in favour of community safety in Bolton, Ontario?

**Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** I continue to refuse to permit a member of this House to try and politicize a decision about what the crown does with respect to bail. I can update the member in saying that the individual in question is currently incarcerated.

**Mr. Tory:** To hear this minister talking about politicization as if there's something that is foreign to him about that is a bit rich. Minister, you wasted no time yesterday in announcing your government's appeal of the case involving treatment for children with autism past age six. You didn't need to see any transcripts in a case that had a 217-page judgment.

The neighbours in Bolton and the families who send their kids to nearby schools, who go to play in those parks, are waiting for you to stand up and act. Will you do so immediately for the sake of their community safety?

**Hon. Mr. Bryant:** I say again, the individual in question is incarcerated, and I understand that the court is receiving submissions from crown and defence counsel with respect to his conditions of release. As soon as we have the materials in place that would permit us to file them with the Chief Justice of Ontario, if that determination was to be made, then I'll be in a position to do that. But in the interim, I say to the member, the individual in question that you're speaking of is incarcerated.

**Mr. Tory:** The minister keeps repeating that, as if it's going to address the concerns of people. Their concern is, of course, what's going to happen if the individual in question is to be out on bail, as the court has ordered.

If the minister won't listen to my plea, then perhaps I could share an e-mail with him that I've had from a neighbourhood resident in Bolton, addressed to the Premier. In it she says:

"Mr. McGuinty, please do something about this while you still can. We are not questioning his right to a fair

trial.... In the future, no person should ever have to live through such a nightmare again. Bail should not be an option to anyone charged with violent crimes."

Surely you don't think it's right, Minister, as I don't, that someone accused of first-degree murder in these kinds of circumstances should be allowed back into the community under what can only be described as minimal supervision. Will you do the right thing right away: finish your review of the transcripts and get on with requesting this review?

**Hon. Mr. Bryant:** What I think is right is that an independent court makes these decisions and that these decisions are not made by the leader of the official opposition or, in fact, by any politician. What I am responsible for is ensuring that we are doing everything we can to protect the public, and we are doing that.

Of course we opposed bail in this matter. Of course we are going to do everything in our power to ensure that the community is safe. This member, who is a lawyer, knows he's violating the rules of professional conduct, knows he's violating the sub judice rules, knows he's violating constitutional convention, knows he's trying to politicize the courts, and I will have nothing to do with it. We will work on protecting the public. He can work on trying to politicize the judicial system, but I will have nothing to do with it.

**Mr. Tory:** What the minister will have nothing to do with is answering the questions of people in Ontario about issues of community safety.

### CASINO WINDSOR

**Mr. John Tory (Leader of the Opposition):** In the absence of the Premier, my question is to the Deputy Premier. Minister, the government House leader, the Minister of Energy, undoubtedly one of the most senior ministers in your government, is positively gushing with excitement over the prospect of spending \$400 million in government funds on an expanded casino in his city. Today we learn that he is lobbying the Ontario Lottery and Gaming Corp. to accommodate a \$100-million gondola at the Windsor casino.

Mr. Deputy Premier, can you guarantee that not one cent of government money, not one cent of monies raised by the lottery and gaming commission that would otherwise be turned over to the government, will be spent on this gondola?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I appreciate the question from the honourable member, particularly as it reinforces our government's commitment to the people of Windsor to recognize that over a period of time, through investments by previous governments, the Windsor casino has been not only an important source of revenue for our province and for the important goals that we support here, but obviously also an important source of local employment for the people of Windsor. It should come as no surprise to anyone in this House that any honourable member

from Windsor is standing up and doing their part, which is working hard on behalf of the people of Windsor.

**Mr. Tory:** It's tough to get answers, Mr. Speaker.

Mr. Deputy Premier, at a time when hospitals in Ontario, as you well know, have received \$91 million of our health tax money to fire more than 750 nurses, when those very same hospitals finished the year with \$330 million in accumulated deficits, your government has decided to spend \$400 million on casino renovations and expansions in Windsor, and now we hear about a gondola. How can you justify spending hundreds of millions of dollars on casinos and hotels and gondolas while hospitals are left wondering what they will do to deal with their \$330 million in accumulated deficits?

**Hon. Mr. Smitherman:** The honourable member constituent of mine, such a recent arrival, is obviously no student of history. If you were a student of history, you would have taken note of the fact that when your party was in government, you certainly found resources to invest in casinos, but at the very same time your government cut 557 million real dollars from Ontario hospitals. While we're on the matter of funding for Ontario hospitals, I'll remind you, Mr. Tory, that your party while in government brought in a budget at Magna. In that budget, they predicted funding for Ontario hospitals in fiscal year 2004-05, and to the tune, I might add, of hundreds of millions of dollars fewer than the actual expenses that we float in support of the important mission of Ontario's hospitals.

**Mr. Tory:** We've gone from curious to furious and now to injurious. I find it amazing that you have the time and the money for gondolas and for casinos and for sushi bans and for logo changes, and yet the hospitals have absolutely no idea what funding they will receive for the fiscal year that is now five days old. All the hospitals know is that they ended last year—still no word from you—with \$330 million in accumulated deficits. Without knowing that, they can't plan, they can't make staffing decisions, and inevitably that is going to mean, down the road, more layoffs of nurses and others. Minister, when can the hospitals expect to receive word from you as to what funding they will receive for this year so they can do some proper planning?

**Hon. Mr. Smitherman:** On the issue of proper planning as it relates to hospitals, it's interesting that that honourable member—sitting beside, as he does, the longest-serving Minister of Health from the previous government—instead of speaking with her and asking about the failed record of your government, would instead be asking questions about our commitment to Ontario's hospitals. Let me refresh: We are the government that's bringing hospitals to a situation where they will be rewarded for being in balance; more than 80 hospitals in the province of Ontario submitted plans to be in balance in fiscal 2005-06, and that is the goal toward which we work toward the end of this year.

Contrary to the suggestions by the honourable member, I met as recently as last week with representatives of the leadership of the Ontario Hospital Association. We're

working very closely with them, through the work we do together, to be able to offer earlier commitment to hospitals about their funding allocations. This is something we seek to achieve because other governments have failed to in the past, but it will be part of our legacy.

#### AUTISM TREATMENT

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of Children and Youth Services. During the election, the Premier had no problem looking the parents of autistic children in the eye and promising to provide IBI treatment for children over age five. But yesterday we saw that the Premier wouldn't take responsibility for his broken promise and that he wouldn't take responsibility for your government's violation of the constitutional rights of those autistic children. In fact, the Premier would not look those children and their parents in the eye.

Minister, I believe that the Premier has to take responsibility. It was his promise and now it's his government. My question is, as Ontario's advocate for children in the cabinet, do you think it's acceptable for the Premier to duck the questions about his promise and about his violation of those autistic children's constitutional rights?

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** I'm incredibly proud of the support the Premier has given not only to children with autism but to children with special needs across this province. Under an extremely difficult fiscal situation, we found \$200 million more in last year's budget for children in this province—the first-ever expenditure for children with mental health in almost a decade; the first-ever new expenditure for child care—and we doubled the spending for children with autism from \$40 million to \$80 million. I'm proud of our record and proud of our Premier and I'm standing by him and my government.

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**Mr. Hampton:** I take it the minister must be proud of the court decision of Madam Justice Kiteley, which says that you are not living up to the promise and that you are failing the constitutional rights of these children.

I want to refer to another document I have. This is a letter from your political assistant, Lisa Clements. In her letter she tells government MPPs and their staff to avoid meeting with autistic children and their families. All phone calls should be forwarded to a bureaucrat. Why? Let me quote: "To minimize (well eliminate actually) the chances of your MPP finding themselves in a difficult situation."

The Premier called denying IBI treatment to autistic children unfair and discriminatory. He promised to end this discrimination. Can you tell autistic children and their parents why the Premier is ducking their questions? Why are McGuinty MPPs avoiding talking to or even meeting autistic children and their parents in this province?

**Hon. Mrs. Bountrogianni:** Actually, nothing could be further from the truth. I know my colleagues have met with families of children with autism.

*Interjections.*

**Hon. Mrs. Bountrogianni:** Absolutely. My colleagues have met with families. They have brought their needs to my attention. My bureaucrats, as well as my political staff, have met with families, and you know that very well.

We are very proud of our record. We have doubled our spending on this file. We have increased the number of children receiving IBI treatment by 25% and we have reduced the waiting list for assessment by 72%. No longer will kids be languishing, just waiting for an assessment, for a diagnosis. We're very proud of our strategy and very proud about the openness and the consultations with experts to develop our strategy. We will soon meet our goal of helping these children across the province, not only in the cities and boards where there were resources, but in the cities and boards where there weren't resources.

**Mr. Hampton:** I simply want to quote from your special assistant's letter again: "To minimize (well eliminate actually) the chances of your MPP finding themselves in a difficult situation" with autistic children and their parents. That was the letter you sent to government MPPs.

I think the people of Ontario deserve better than a Premier who won't answer for his own broken promises. I think they deserve better than a government that says, "We don't like this issue. This issue is troubling for us. Avoid these children. Avoid these parents. Pretend they really aren't on the radar screen right now." I think people deserve better.

I'm going to ask you this: The Minister of Finance has a budget coming up. Will you guarantee those autistic children and their parents that the money will be in the budget to meet the promise the Premier made to those parents before the election?

**Hon. Mrs. Bountrogianni:** In order to enlighten the member opposite about what we are doing, beyond what my ministry is doing, I will refer this supplementary question to the Minister of Education.

**Hon. Gerard Kennedy (Minister of Education):** It is, I think, interesting to the families involved that you would try and characterize this in the way you have. There's one party in this House that made a commitment to people with autism and to their families, and that's the Liberal Party. There was no commitment in your platform. There was no advance consideration of these children and their needs.

I would say to you that last year our government faced and contemplated the needs of a very significant number of children in this province.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. I don't think you are interested in the answer, as a matter of fact, so I would ask for a new question.

**Mr. Hampton:** I would just say to the Minister of Education, you're right. I didn't promise autistic children something knowing I wasn't going to keep the promise.

#### ENVIRONMENTAL PROTECTION

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of the Environment. We know the McGuinty government is not listening to autistic children and their parents, but you are listening to someone quite powerful. In October you brought forward Bill 133, your spill bill, and you were very rhetorical, saying this was going to be leading edge, but in the meantime we've learned that a powerful coalition formed to lobby behind the scenes wants you to water down the bill. Today you have said that the bill is not going forward for debate; you're going to shuffle it off to committee. Who is leading this lobby? Why, it's the Premier's personal fixer, Warren Kinsella, senior adviser to the Liberal election campaign. Minister, who are you listening to: ordinary Ontarians, who want you to protect the environment, or Warren Kinsella, who is lobbying for the chemical industry?

**Hon. Leona Dombrowsky (Minister of the Environment):** I'm very proud to say that this government is listening to the people of Ontario, particularly those people who have been impacted by industrial spills, who have had their water intakes shut down. That is why we introduced the penalties bill. If passed, it will provide resources directly to communities so people in those communities will be compensated when these horrible incidents take place.

**Mr. Hampton:** I think people are already putting their money on Warren Kinsella.

Here is the situation: You bring forward Bill 133, about six months ago, with lots of rhetoric, a virtual crescendo of rhetoric, and then for six months it languishes on the order paper. Nothing happens. On March 14, Warren Kinsella signs up as the lobbyist for the chemical industry, which wants this bill watered down. Now, just days later, the bill doesn't come forward for debate; it goes out the side door to committee. Groups like the Canadian Chemical Producers' Association, the Canadian Foundry Association and the Canadian Petroleum Products Institute are very happy.

Minister, is it just a coincidence that mere days after the Premier's personal election guru, Warren Kinsella, signs up for these groups, your Bill 133 goes sideways instead of coming forward for debate?

**Hon. Mrs. Dombrowsky:** I would just like the honourable member to explain how it is that using a very legitimate process of this Legislature—a committee hearing that will invite input from the public of Ontario—is somehow a perversion or is slipping something out the side door.

I'm proud of the record of this government and how we have brought legislation forward. I am proud of the record that every bill that has been passed by this Legislature has been amended. Obviously, we are a



government that wants to build good and strong legislation and we are prepared to engage the people of Ontario in that process.

**Mr. Hampton:** Here is the big picture: You won't listen to autistic children and their parents, but when Warren Kinsella signs up as lobbyist on behalf of some of the biggest polluters in the province, boy, things start to happen. You won't listen to the judge who says you're violating the constitutional rights of autistic children, you won't listen to her when she says you're violating their human dignity, but when Warren Kinsella, the Premier's election guru, comes calling on behalf of the chemical industry, it happens right away.

I want to know where you stand on Bill 133. Do you stand with all those Ontarians who want the environment protected or do you stand with Warren Kinsella, lobbying for some of the biggest polluters?

**Hon. Mrs. Dombrowsky:** I'm very proud of the penalties legislation that is before the House and that will go to committee. We're very interested to hear the kind of support we will receive from the people. We believe there is strong support out there. I have a long list of endorsements for this legislation: Robert F. Kennedy Jr., Dr. Isobel Heathcote from the University of Guelph, who co-chaired the IPAT, and just yesterday I spoke with David Suzuki, who encourages us to continue with this very worthy piece of legislation.

That is a commitment from this minister. This government will do the right thing and will protect the environment. In Ontario, if you spill, you pay.

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#### HOSPITAL FUNDING

**Mr. John O'Toole (Durham):** My question is to the Minister of Health. Your government is intent on gleefully spending some \$400 million on a swanky new casino expansion in Windsor, despite ongoing serious decisions being made by hospitals across Ontario.

Last Thursday, constituents in Durham riding, including the regions of Oshawa, Whitby, Port Perry and Bowmanville—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. I'll ask the government members to come to order. I cannot hear the member from Durham.

The member for Durham.

**Mr. O'Toole:** Last Thursday, constituents in Durham region—from Oshawa hospital, Whitby hospital, Port Perry hospital and Bowmanville hospitals—learned that their hospitals issued layoff notices to some 308 staff to deal with a multi-million dollar deficit. Hospital officials say in their release that it's going to have a dramatic impact on patient care.

Minister, how can you possibly justify a \$400-million expansion of casinos, and, worse yet, not rule out the \$100-million gondola to the casino? Are casinos a higher priority to you than are hospitals in Ontario?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It's striking that a question like that would come from an honourable member who's part of a political party that was investing in casinos at the very time that they cut hospital funding. That is the legacy, sir, of your time in government. Now you're sitting in a caucus with a leader who's proposing an astonishing \$2.4-billion cut to health care, and you ask me a question like that. I'm proud to stand here as part of a government that has invested more than \$13 million in the operation at Lakeridge. If the honourable member wants to go and read the release further or the news coverage of it, he will know that the hospital predicted that many of the same number of job layoffs are unlikely to come to fruition.

**The Speaker:** Supplementary.

**Mr. Cameron Jackson (Burlington):** I think it would be erroneous to suggest that a legitimate tax cut is in any way a cut to health care, and the member should know that.

This story gets absolutely worse. Minister, your \$100-million gondola story is catching fire across the province, and I'll tell you why: Hospitals are asking you legitimate questions about what you're doing. Last Friday, the Joseph Brant Memorial Hospital in Burlington closed three of its important clinics: their chronic obstructive pulmonary disease clinic, their lipid heart program and their outpatient physiotherapy clinic. Last April, Joseph Brant closed 24 medical beds because of your hospital budget shortfall and in the last three months there have been more surgical cancellations than in this hospital's 10-year history.

Minister, how can you sit at a cabinet table and listen to the member from Windsor tell you how important it is to spend \$400 million to \$500 million on a gondola and a casino when you know your number one priority is to improve the quality of health care in this province, especially for those who present themselves in hospitals every single day? Where is your priority?

**Hon. Mr. Smitherman:** Our priorities are made rather obvious and stand in sharp contrast to that party's priorities. This is the party that this year has made a \$2.9-billion new investment in health care in the province of Ontario. Here is the point of rather stark contrast: That member is part of the caucus of a party that proposes to reduce health care spending by \$2.4 billion.

#### ENVIRONMENTAL PROTECTION

**Ms. Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of the Environment. Today, after months of letting it languish on the order paper, we learn that you've referred Bill 133—your “you spill, you pay” bill—to committee prior to second reading and prior to any opportunity for debate in this House.

Two weeks ago Warren Kinsella, the Premier's senior adviser and war room strategist during the 2003 election, registered to lobby you, the Premier, as well as other ministers on Bill 133. And on whose behalf is senior Liberal strategist Mr. Kinsella lobbying the Premier?

Why, on behalf of something called the Coalition for a Sustainable Environment. Talk about Orwellian; it's an industry front group composed of some of the largest polluters in this country.

Minister, I'm going to follow up on my leader and ask you again, will you come clean about why you're suddenly detouring this bill into committee prior to debate in this House? What is going on?

**Hon. Leona Dombrowsky (Minister of the Environment):** I think it's very clear that this government is committed to ensuring that the people of Ontario have an opportunity, particularly on matters of important legislation, to provide their input to this government so that we can craft the very best, most solid legislation, particularly when we're dealing with our environment. I believe that the penalties bill is a very, very important piece of legislation.

This is no trick. This is a legitimate manoeuvre that provides the people of Ontario, the members of the public, with an opportunity to comment on this proposed legislation. I don't understand why the member is having such difficulty with this. Our government is committed to ensuring that the people of Ontario have a very strong voice in the shaping of legislation, and that's exactly what we're doing.

**Ms. Churley:** Let me tell the minister why I'm having trouble with this. We know Mr. Kinsella is a prominent Liberal strategist and ally of the Premier's. We know that just a little while ago he registered to lobby the Premier, yourself and other ministers on behalf of some of the largest polluters in this province. Now, today, we learn that the bill has suddenly quietly been deferred to committee without any opportunity for debate in this House or any discussion with the opposition parties.

What part of Bill 133 do Mr. Kinsella and the coalition of polluters he represents want you to change in committee? Is it the environmental penalty provisions, the reverse onus provisions? Is it holding corporate directors and officers liable for spills? Is it the definition of "containment" proposed for the Environmental Protection Act and the Ontario Water Resources Act? Minister, will you tell us what parts of Bill 133 Mr. Kinsella and his pollution coalition want you to change in committee?

**Hon. Mrs. Dombrowsky:** I think I have some sense of why the member from Toronto-Danforth is having trouble with the fact that this bill has been referred to committee. It might have something to do with the fact that she has been recorded publicly, Colin Perkel indicated that she said just a couple of weeks ago, that if the bill goes anywhere, she would eat her hat. Well, it's going to committee, so I challenge the honourable member to eat her hat.

#### ELECTRONIC SERVICE DELIVERY

**Ms. Monique M. Smith (Nipissing):** My question is for the Minister of Consumer and Business Services. Last Thursday, we announced in North Bay the opening of northern Ontario's first Service Ontario kiosk. As you

know, in northern Ontario we often have to drive great distances to obtain essential services. Having driven a long way, these people must then drive from office to office seeking different government services, such as OHIP cards, hunting and fishing licences and information about northern health travel grants. In my riding, my residents in Mattawa must drive 45 minutes to North Bay for many services. Can you explain how the integrated service delivery concept will make government service delivery more efficient for all the residents of Nipissing?

**Hon. Jim Watson (Minister of Consumer and Business Services):** What a great question. It comes as a bit of a surprise to me; I wasn't expecting this. But I do thank the honourable member for Nipissing.

This concept called Service Ontario is something our ministry and our government are very proud of. I want to also thank the Minister of Northern Development, Mr. Bartolucci, because the Ministry of Northern Development runs the government information centres in the north on behalf of our ministry.

The concept, really, is quite straightforward and simple. It's one-stop shopping, bringing together services so that consumers, the citizens of North Bay and Nipissing, don't have to travel from pillar to post to get Ontario government services. These are services such as replacing a health card, obtaining a fish or wildlife licence, accessing business information—all done with professional staff in a one-stop-shopping concept. It's something we're very proud of at our ministry. We're working hard to spread the concept to other jurisdictions and work with other levels of government as well.

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**Ms. Smith:** That's great news for the north. As you're aware, Mr. Minister, in some areas of the very remote north it's very difficult to get into even these centres. I understand that the Service Ontario Web site has increased access to essential services for all Ontarians. What services are now available on the Web site for the residents of northern Ontario as well as for those across the province?

**Hon. Mr. Watson:** On November 2 of last year I had the pleasure, along with my colleagues the Minister of Labour and the Minister of Culture, of launching service-ontario.ca, which, again, is a one-stop-shopping concept on the Internet. Individuals can register their business name, renew their health card or driver's licence, and gather other useful information, such as, when retiring or when an individual is having a baby, with respect to birth registration, birth certificates and so on.

We're also working with the other levels of government, federal and municipal, so we can truly create a one-stop-shopping concept so that individuals don't have to have a civics lesson to figure out which level of government is responsible for what. In Brockville, with the member from Kitchener, Mr. Milloy, we signed a memorandum of understanding with the federal government to work with them so that we can eventually have more federal government services. We're also working with municipalities across the province, including my

city, the city of Ottawa, to locate the government information centre, the Service Ontario kiosk, within Ottawa city hall, saving money and aggravation for people trying to find out who does what within the three structures of government.

### SCHOOL CLOSURES

**Mr. Frank Klees (Oak Ridges):** My question is to the Minister of Education. Under your watch, scores of rural schools are on the chopping block. There is a great deal of uncertainty in school boards right across this province about whether rural schools will remain open. Your Premier, the self-proclaimed education Premier, said this: "It's time for a government that will keep rural schools open." Can you, as education minister, tell us today how many rural schools will be closed this coming year? Can you tell us that, in light of your leader's comments and commitment to keep rural schools open? How many will be closed this coming year?

**Hon. Gerard Kennedy (Minister of Education):** As the member opposite may be aware, we have made a commitment to the people and the communities of rural Ontario that is being lived out this year with \$30 million more dedicated simply to making those schools more viable. For some reason, the last government caused over 200 small, rural schools to shut down—a record number. The only thing remarkable about their management of education was how many private schools they managed to open.

We called for and had co-operation on a moratorium on school closures over approximately the last year and a half. Approximately six or seven schools were closed in that period, very few of them in rural areas. We have now started a discussion with the areas that have heavy declining enrolment because that is where the particular challenges are. We will know some time between now and the time of the budget exactly what else we'll be doing. But I will say that we're already far above the assistance given to rural schools under the last government and far above even what Dr. Rozanski asked for in terms of health for rural schools.

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

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Minister, you promised to keep rural schools open and you've broken that promise. As a result of your broken promise, the Renfrew county school board in my riding has been forced to decide to close six schools, with one to be decided later this year.

You've received many letters on this subject from distraught parents and also community leaders asking for your intervention on this matter. Minister, will you address the funding shortfall and advance the necessary funds so that these vital schools, so important to those communities, can remain open?

**Hon. Mr. Kennedy:** I think the people of Renfrew, Deep River and so on would be disappointed to hear that their representative is here supporting a school board that is closing schools. We instead have asked that board and

every board in this province to take into account and to follow a complete new set of school guidelines for closure. The board in question is coming to terms with how they want to do that, but we have said to them and to other boards around the province that they need to take a look at the extra spaces required, for example, for lower class size, the initial supports for rural areas and the fact that we are providing additional support for capital all across the province.

At the end of the day, schools will be valued for the first time in this province on the benefit to the community, on the benefit to local economies and, ultimately, on the benefit to our rural areas. No other government was willing to take a stand. We are, on behalf of rural Ontario, and we ask the board and we ask the members opposite to join us in the help we're providing.

### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** In the absence of the Minister of Finance, I will direct my question to the Acting Premier. For the last couple of months I have been criss-crossing the province listening to average Ontarians talk about their pensions. They are telling me, frankly, that they are scared.

In Guelph, I met with a number of members of the Cooperatives of Ontario trustee pension plan, and they are scared because the collapse of their pension plan means their benefits were cut in half and they're having trouble paying the rent and putting food on the table.

In Windsor, I talked to workers who paid into their company plans all of their lives and have seen inflation reduce their benefits by half because their plans, like the vast majority of plans in this province, have no inflation protection.

Now, a new study by the Conference Board of Canada confirms these stories of average Ontarians: An astonishing two thirds of corporate CFOs believe there is a crisis with pension plans not having enough assets to meet their obligations.

We have a pension plan crisis in this province, and your government has been completely missing in action. Where is your plan right now to deal with this growing crisis in Ontario's pensions?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It would be helpful, when asking a question like that, if the honourable member would stand up and confess to the record of her party while in government on the issue of pensions, and particularly on the impact on significant employers in her very own community of Hamilton from the pension holiday that party brought in under the premise that there were pension funds in our province that were too big to fail.

I say to the honourable member that the Minister of Finance is taking this issue very, very seriously. But interestingly, the honourable member is unwilling, it would seem, to recognize the contribution her own party has made to the very serious circumstances in her question.

**Ms. Horwath:** The Acting Premier needs to recognize that revisiting history does not get their government off the hook for solving this problem. That's not good enough. There are many facts you need to recognize regarding this pension crisis. Millions of Ontarians—an astonishing 60%—have no workplace-based pensions. Eighty-three per cent of those in the private sector who have pensions have absolutely no inflation protection and are having a harder and harder time paying the rent and putting food on the table. We have a pension backup fund, called the pension benefits guarantee fund, which is in financial trouble and hasn't been updated since 1980, and it's increasingly unable, in this day and age—not in ancient history—to protect the pensions of millions of Ontarians.

The conference board study shows 44% of CFOs have abandoned or are considering abandoning their guaranteed benefit plans for pension plans that are far riskier. Minister, my question is, what is your government—your government—doing about the pension crisis? We're talking about retirement savings of millions of Ontarians. What is your plan?

**Hon. Mr. Smitherman:** I'm sure that many Ontarians would wish to agree with the honourable member that the 1990s were ancient history, because it would be to the benefit of many Ontarians to be able to forget about the legacy of that party while in office. Regrettably, on the issue of pensions, it's impossible to do so because many of the same challenges that the honourable member speaks about in her question were created in large measure by actions that party took while in government. We are continuing to deal with the challenges left by the continued legacy of these parties.

The honourable Minister of Finance is taking this issue to heart and is working hard on it. We're working to protect the interests of these employees, many of whom were left behind by that party while in government.

#### PUBLIC TRANSPORTATION

**Mr. Mario G. Racco (Thornhill):** My question is for the Minister of Transportation. The region of York is launching a \$2-million promotional campaign aimed at attracting commuters, such as working people and students, to use public transportation. The objective of this project is to remove people from their cars and for them to make the choice of using public transportation instead. Our roads will be less congested, our air will be cleaner and our economy will be stronger. In the end, a greater demand for public transportation will have been created.

Minister, are you prepared to co-operate and assist Viva, which is the name of the region of York transportation system, in achieving that objective?

**Hon. Harinder S. Takhar (Minister of Transportation):** First of all, I want to thank the member from Thornhill for asking this question. He is a very strong advocate for York region.

The short answer to his question is, we are absolutely going to help and work with York region to achieve that, but let me tell you what we have already done. We have given them \$5 million in gas tax funding. In addition to that, we have given them another \$2 million in other transit funding, and we have also given them \$50 million actually for the first phase of Viva. We feel that York region has done a really good job in promoting public transit in York region. We will continue to work with them to further their initiatives in attracting more people to use public transit.

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**Mr. Racco:** I remember particularly that the PCs provided a plastic cheque for \$50 million and we provided the actual \$50 million some time ago. I remember that part.

Our government has done a great deal in terms of funding transit in the GTA, not only for Viva. For instance, the two cents that we promised in the campaign is a reality today since we already approved the first one cent.

We need to know that the students of York University and York region, as well as the workers at the university, which is where the subway should be built—that the subway will be built in the near future. What is your ministry doing today to make sure that the extension of the Spadina subway to York University will become a reality, not only for the people of Toronto but for the region of York and for every Ontarian? As we build public transportation, our economy will do better and it will be good for the entire province.

**Hon. Mr. Takhar:** Let me tell the member that the investments we are making in public transit are already paying off, and especially our initiative of giving the gas tax money to municipalities has been a great success. In particular, on that issue alone, we have already given \$1.5 million to the city of Toronto for the environmental assessment aspect of the Spadina line. That environmental assessment is currently being worked on, and hopefully we will see the results soon. In addition to that, as I've already indicated, we have given \$50 million to York region to promote public transit in that region, but we also have buses that run on the 407 connecting York University to Oshawa and it also connects to McMaster. We will continue to keep working with them to further that.

#### MUNICIPAL RESTRUCTURING

**Mr. Tim Hudak (Erie-Lincoln):** A question to the Minister of Municipal Affairs and Housing: At a recent reception at the home of Dufferin-Peel-Wellington-Grey Liberal candidate Bob Duncanson, Premier McGuinty told the town of Caledon regional councillor Richard Paterak that when it comes to Peel region restructuring, "The province would adhere to the mediator Justice Adams's report." I'll say this with a straight face, Minister. We know one thing in this House: When it comes to his word, Premier McGuinty's word is his bond. Are you

really going to follow through with Justice Adams's recommendations when it comes to municipal restructuring in the region of Peel?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** As the member well knows, this has been a matter that has been on the public agenda for some time and there has been much discussion about it. We received Judge Adams's report some time just after Christmas and we're looking at it. As a matter of fact, we have tentatively arranged a meeting with the three heads of council, as well as the chair for Peel region, some time later on this week, to discuss the report with them. At that point in time, we will deal with them further on the issue. As we know, Peel has been an extremely fast-growing region over the last number of years, and the report from Justice Adams has certainly helped to deal with the entire situation.

**Mr. Hudak:** The problem with the minister's answer is that I would have expected, if the Premier had said something, you would follow through on what he had promised. In fact, the minister himself had a similar word on August 30, 2004. He wrote to all Peel municipalities and stated, "... the government continues to be interested in comprehensive, locally developed solutions, supported by a consensus of all those affected..." But lately, we're learning that in fact the Premier and his minister may be backing away from Justice Adams's report and imposing their own.

The Brampton Guardian said the problem "all comes down to ... the indecisiveness and the pandering of the Premier." They have had a series of issues and positions on this. It's like watching a ball bounce around inside a pinball machine. Minister, just tell us, do you have a plan, and what exactly is that plan for Peel region?

**Hon. Mr. Gerretsen:** We all know the record of that government when it comes to local government. They downloaded services on them. They disregarded any opinion that local leaders may have had. Basically, municipal government was under attack for many years during the eight years they were in power.

We have decided to take a different approach. We believe first of all in locally driven solutions if at all possible. We also believe that municipal leaders are just as legitimately elected as people at the other two levels of government. So we want to work with our municipal partners, whether in Peel or elsewhere throughout the province, because we really believe that it's for the benefit of the people of Ontario if all orders of government work well together so we can continue to enhance all the great benefits that we have in the province.

#### SCHOOL HEALTH AND SAFETY

**Mr. Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. The Toronto Parent Network has just released a report on school health and safety, and what they found is truly disturbing: exposed

asbestos, mould, vermin and poor air quality in Ontario schools. The report reminds you and us that children and adolescents are more susceptible to asbestos and poor air quality than adults. Parents want to know why your government has failed to set health and safety standards for our schools. When will you set health and safety standards and end the neglect of Ontario schools?

**Hon. Gerard Kennedy (Minister of Education):** As the member opposite may be well aware, we have already ended the neglect of Toronto and provincial schools. There will be more repairs and more improvement done to the environment for students, for teachers and for everyone associated with the school community over the next 18 months than there has been in the last eight to 10 years. There will be more repairs done with a special \$3-billion fund, and we've asked every school—we've asked them, their occupational health and safety and also their safety committees that will be doing safety audits shortly—to make sure they take first priority and to make sure that our environments are safe but also functional. Finally, we are able to provide that, and the city of Toronto is going to have all of its urgent and immediate needs taken care of under this plan, the first instalment of which will take place this summer, with \$175 million, beginning the renewal that has been neglected sadly by both of the other parties in this House.

**Mr. Marchese:** Making some money available so school boards can borrow money to repair schools is not the same as keeping up with maintenance. You know it, the Toronto Parent Network knows it, People for Education knows it and I know it. If you don't know it, something is wrong with your knowledge of the educational system. You can install a new window, but if no one is paid to do the caulking once in a while, that window will be less effective. You have not increased maintenance dollars to hire caretakers or eradicate mice or maintain ceilings or ensure air quality. They are not there. Boards have \$2 per square foot less than it costs to keep up school buildings. There are no standards.

Stop being negligent and stop putting students at risk. Minister, will you set health and safety standards and will you fund boards so that they can meet those standards?

**Hon. Mr. Kennedy:** There was a government, once upon a time in this House, that was famous for passing standards and doing nothing. Instead, what we have done is provide the aforementioned fund, over \$175 million in Toronto alone; \$1 billion already across the province. Every community in this province will benefit from improved health, safety and function in their schools beginning this summer.

In addition, we have provided a 6% increase in the amount of money for school operations: for maintenance, for cleaning, for the basic things, \$76 million. We have exceeded what Dr. Rozanski said should be provided in terms of capital funds, we've already increased above inflation operations funds, and despite the rhetoric opposite, that is exactly what we intend to continue to do:

provide the quality of schools that the children of this province have long waited for but really do deserve.

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#### COMMUNITY USE OF SCHOOLS

**Mr. Lou Rinaldi (Northumberland):** My question is to the Minister of Tourism and Recreation. On February 9, at a school in my riding of Northumberland, we had the privilege of announcing a community use of schools agreement between your ministry and the Peterborough Victoria Northumberland and Clarington Catholic District School Board. Minister, can you tell the members of this Legislature here today a little bit about this important agreement?

**Hon. James J. Bradley (Minister of Tourism and Recreation):** I'm glad the member asked that question, because it's a very important one. He would remember that last year Gerard Kennedy, the Minister of Education, and I made an announcement that \$20 million would be going to school boards across Ontario so that they could lower the user fees and increase the hours of access for non-profit organizations throughout the province.

The community use of schools agreement mentioned by the member from Northumberland involves a grant of some \$145,000 for increased and affordable access to 38 schools and is a result of a commitment by the Ministry of Tourism and Recreation, the Ministry of Education and the PVNC Catholic school board to reopen their neighbourhood schools, which were shut as a result of a funding formula implemented by the last government that amounted to cuts in this field.

This has been very good for people who want to have access to schools for which they've already paid their taxes. It allows for them to exercise and to have many community activities take place outside of the regular school hours.

**Mr. Rinaldi:** Thank you, Minister, for that response. I know that giving our school gymnasiums and playing fields back to our local groups will go a long way toward making our public schools the hubs of communities that they were before the Conservative government took over in the mid-1990s. Minister, can you tell the Legislature what this agreement is going to mean to groups in my community?

**Hon. Mr. Bradley:** Yes, I have the details on the agreement that you're speaking of, for the Peterborough Victoria Northumberland and Clarington Catholic board. The agreement between my ministry and the board will significantly decrease the user fees that non-profit groups like the Girl Guides, Boy Scouts, senior social clubs and recreation groups will have to pay.

Here are some of the details. In this particular agreement, classrooms will go from \$10 an hour to zero, single gyms from \$15 an hour to zero, double gyms from \$20 an hour to zero, the annual custodial supply fee of \$75 is now zero and the rates for weekend use on the annual application fee have been reduced by some 65%. I'm also pleased to point out that a similar agreement

with the Kawartha Pine Ridge school board has also been signed, making all schools in the member from Northumberland's riding more affordable and accessible for non-profit groups.

#### NORTHERN AIR SERVICE

**Mr. Jerry J. Ouellette (Oshawa):** My question is for the Minister of Natural Resources. Minister, you've recently shut down the Frost Centre, and options are currently being reviewed as to the use of it. Is your ministry currently considering selling off Ministry of Natural Resources assets?

**Hon. David Ramsay (Minister of Natural Resources):** The answer to the question is no.

**Mr. Ouellette:** Minister, as you know, the ministry's air service has a long and dedicated service to the province of Ontario. From firefighting to evacuation to research, the air service has been serving the province of Ontario for a long time with distinction. Recently, it's been brought to my attention that potential changes may be forthcoming within the air service. Can you or will you confirm or deny that your ministry is currently reviewing proposals for privatizing or selling off the air service?

**Hon. Mr. Ramsay:** I'm very happy to address this question to the member and the former minister of this department. As the member will know, you have ongoing reviews of operations within any ministry; that's good business practice. We are doing that review throughout our particular ministry.

Aviation services has a proud history in MNR. We're the world's leaders in firefighting and in the wildlife management that we do, and we share that expertise with countries around the world. We are reviewing the full operation of that. As you know, it's quite an integrated service between the executive aircraft, the technical aircraft and the firefighting aircraft—some of the best in the world. We're looking at that. We're always looking at that to make sure we can do a better job.

#### CORONER'S INQUESTS

**Ms. Shelley Martel (Nickel Belt):** I have a question for the Acting Premier. On November 29, Paul and Maryann Murray came to Queen's Park to ask the Minister of Community Safety and Correctional Services to order an inquest into the death of their daughter. Their daughter Martha died in September 2002 after she was prescribed and took lithium to deal with her bipolar disorder. She also suffered from a potassium deficiency known as hypokalemia. Unbeknownst to her and her family, she should never have taken the lithium because of the potassium disorder, because it could cause cardiac arrest.

The minister at that time refused to order an inquest into the death. Just after that, they were speaking with a former aide to the Premier, Bob Lopinski, about what the next step was for the family. Mr. Lopinski suggested that

the government might establish a legislative committee to look at the findings of deaths related to natural causes as described by the coroner when in fact these deaths might not be natural at all.

We have been following up with Aaron Lazarus in the Premier's office to find out whether or not the government is interested in establishing such a committee. Can we get some kind of indication from the government today: Is the government going to move forward on this important issue on behalf of the Murray family?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I would like to take the excellent question from the honourable member under advisement. I have not had any involvement with that issue to date, but we'll endeavour to work on the government's behalf to get back to you as quickly as possible. Beyond that, I'm not in a position to shed much light on the question.

**Ms. Martel:** I appreciate that offer. I should say to the minister that the Murrays have been very concerned about the statement that has come back from the coroner saying that this death was from natural causes, especially in light of all the medical evidence that clearly shows she should not have been prescribed or taken the lithium. They have at every attempt tried to talk to the coroner's office and to everyone else who should be involved in this matter about how to get some changes either to the Coroners Act or federal legislation to make sure that when this type of thing happens, the federal government is advised of these incidents. They have gotten nowhere.

We very much appreciate the suggestion that was made by the former aide. We hope the government is serious about establishing a legislative committee. This is not the only death where the coroner has alleged natural causes and where the circumstances appear to be otherwise.

I would ask the minister, will he undertake to get back to this Legislature as soon as possible with the government's recommendation in this regard, so that the Murray family can know that someone is finally taking this issue seriously, and so that an investigation can take place, not only with respect to the death of their daughter but other people who have died under similar, very difficult and suspicious circumstances?

**Hon. Mr. Smitherman:** I think I have significantly given the member the undertaking that I'll do that. I would say that the presentation of the information or facts as she knows them are not known to me. I can't confirm them in any sense at all. But we'll endeavour to get information and report back to the honourable member with our government's view.

#### LAKE ERIE FISHERY

**Mr. Bruce Crozier (Essex):** My question is to the Minister of Natural Resources. As many of us know, Lake Erie is the smallest of the five Great Lakes and ranks 18th in the world by volume of fresh water. It supports at least 140 species of fish, of which at least 18 are caught by anglers and 11 by commercial fishermen.

To help make the walleye, or pickerel as we know them, and the yellow perch management decisions, a Lake Erie committee has been made up of representatives of the Ontario Ministry of Natural Resources, the New York Department of Environmental Conservation, the Pennsylvania Fish and Boat Commission, the Ohio Department of Natural Resources and the Michigan Department of Natural Resources. I know that every March a committee made up of the province and these states meets and reviews the status of the fisheries in the Great Lakes. What I would like to know, Minister, is, of those allowable—

**The Speaker (Hon. Alvin Curling):** Thank you.

**Hon. David Ramsay (Minister of Natural Resources):** I want to assure the member that while it's a small lake, it's a mighty small lake, and it's a very healthy lake and it's teeming with fish. Because of that, we've been able to increase the American walleye—the proper name of that fish—by 143% this year. That's good news for the villages along Lake Erie and the commercial fishery there. It's also good news for the sports angling industry, which is a huge, multi-million dollar industry in this province, very important to the economy of Ontario and especially to all our Great Lakes.

I would say to the member, because it looks like I probably won't have time to give him a supplementary, that we've also had an increase of 7% in the yellow perch catch for this year in Lake Erie. That's also very important to this industry.

#### PETITIONS

##### VOLUNTEER FIREFIGHTERS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “Support Volunteer Firefighters.

“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 Arnett’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 was signed by hundreds of people from my riding, and I support this.

**The Speaker (Hon. Alvin Curling):** Could I ask the members who are leaving the chamber to do so quietly so I can hear the members who are presenting their petitions.

1450

#### PENSION PLANS

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

“Whereas it has been more than 15 years since the last significant reform of Ontario’s pension laws;

“Whereas the New Democratic Party believes that all Ontarians who have worked hard all their lives should be able to live out their retirement years with dignity and security;

“Whereas the fact that 60% of Ontarians are not covered by a workplace-based pension plan of any kind is simply unacceptable;

“Whereas the fact that 83% of workers in the private sector who do have pensions have absolutely no inflation protection and will inevitably see their pension benefits seriously eroded over their retirement period; and

“Whereas Ontario’s pension backup, the pension benefits guarantee fund, only guarantees benefits up to \$1,000 a month and excludes multi-employer plans; and

“Whereas pension plan members now have to wait two full years before they are able to take the employer’s contributions to their plans with them if they leave;

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

“To immediately establish a special legislative committee to examine pension issues and recommend real reforms to protect pensions and ensure all Ontarians dignity and security upon retirement.

“To support a plan of meaningful pension reform as proposed by Howard Hampton and the NDP whereby:

“All plan members receiving benefits under a defined benefit pension plan in Ontario would receive some inflation protection;

“The pension benefits guarantee fund would be increased to \$2,500 a month and multi-employer plans would be covered as well;

“Members would have immediate ownership over all contributions to their plan; and

“Measures would be taken to increase the proportion of workers covered by workplace-based pension plans.”

I agree with this petition and affix my signature thereon.

#### WORKERS’ COMPENSATION

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

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

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

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

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

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

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

“To direct the provincial government to immediately:

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

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

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

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

“Enforce health and safety in the workplace by hiring more inspectors and sending them to workplaces;

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

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

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Garfield Dunlop (Simcoe North):** I’m going to really reinforce this petition today.

“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.”

More than ever, I am pleased to signed this.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation that reads as follows:

“Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West ... making it easier for GO trains to pass a major rail crossing;

“Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair-Old Weston Road bridge;

“Whereas this bridge ... will be (1) too narrow for the planned TTC right-of-way since it will leave only one lane for traffic; (2) it is not safe for pedestrians ... and (3) it creates a divide, a no man’s land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

“Therefore, we the undersigned demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead, it will create a dynamic, revitalized community enhanced by a beautiful, continuous cityscape with easy traffic flow.”

I’m delighted to sign my name to it.

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** I have a petition to save the Banting homestead.

“To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead located in the town of New Tecumseth”—Alliston—“is

deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I agree and I’ve signed this petition, and I want to thank the people at the Nottawasaga Inn in Alliston for circulating this.

#### TEACHER QUALIFICATION

**Ms. Monique M. Smith (Nipissing):** My petition is to the Legislative Assembly of Ontario.

“Whereas the 2005 graduates of the publicly funded faculties of education in the province of Ontario will have met all the requirements of the individual faculties; and

“Whereas these same publicly funded faculties of education in the province of Ontario have all met the stringent standards as outlined and controlled by the Ontario College of Teachers; and

“Whereas the 2005 graduates of the publicly funded faculties of education in the province of Ontario will be placed at a severe disadvantage if they are given a provisional certificate of qualification by the Ontario College of Teachers;

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

“To make the changes necessary to the Education Act and/or its regulations in order to grant the 2005 graduates of the publicly funded faculties of education in the province of Ontario a permanent certificate of qualification, or

“To deem that the bachelor of education degree granted to the 2005 graduates of the publicly funded faculties of education in the province of Ontario deems them to have completed the equivalent of the Ontario teacher qualification test, thus allowing the Ontario College of Teachers to grant these same graduates a permanent certificate of qualification.”

I affix my signature thereto.

#### CASINO WINDSOR

**Mr. John O’Toole (Durham):** “To the Legislative Assembly of Ontario:

“Whereas the province of Ontario has announced plans to spend \$400 million on renovating the Windsor casino”—can you imagine it?—and

“Whereas we believe health care, education and agriculture are among the many areas that have a higher priority than gambling; and

“Whereas the \$400-million casino expenditure announced by the provincial government on February 15, 2005, is enough money to hire 3,600 full-time nurses or 1,480 full-time doctors for two years or eliminate the projected deficit Ontario hospitals” like Lakeridge “are facing this year;

“Therefore we, the undersigned, urge the McGuinty government not to gamble with the health of Ontario citizens. And we further urge the McGuinty government to postpone the” reckless “spending of \$400 million on the Windsor casino and to invest this amount in the real priorities of Ontario’s citizens, such as a healthy, vibrant and prosperous Ontario.”

I’m pleased to sign this on behalf of the employees and the patients of Lakeridge Health, Oshawa, and beyond.

1500

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Pat Hoy (Chatham–Kent–Essex):** “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 the Southwestern Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in their community;

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

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

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Southwestern Regional Centre open as a home for people with developmental disabilities, and to maintain it as a ‘centre of excellence’ to provide specialized services and support to Ontarians with ... needs, no matter where they live.”

This is signed by a number of residents from Blenheim, West Lorne and Ridgeway. I have hundreds of signatures, and of course I have signed this petition.

#### WATER EXTRACTION

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I have received many signatures over this winter concerning the fee for a permit to take water.

“Whereas farmers across Ontario are facing an income crisis;

“Whereas farm businesses are not able to absorb this expense, at \$750 to \$3,000;

“Whereas the fee for permits to take water will discourage farmers from participating in this water management activity;

“Whereas agriculture water usage is only applied under extreme conditions for crops, which farmers apply best management practices on a regular basis;

“Therefore be it resolved that we, the undersigned, petition the Ontario government to exempt agricultural water users for irrigation purposes from any fees pertaining to the permit to take water regulations.”

I understand this is in progress, and I affix my signature to that.

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Ms. Andrea Horwath (Hamilton East):** This petition is 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.”

#### TENANT PROTECTION

**Mr. Tony Ruprecht (Davenport):** I received another petition from the Doversquare Tenants’ Association. It reads as follows:

“Whereas the so-called Tenant Protection Act ... has allowed landlords to increase rents well above the rate of inflation...;

“Whereas the Ontario Rental Housing Tribunal ... created by this act ... awards major and permanent additional rent increases to landlords...; and

"Whereas our landlord, Sterling Karamar Property Management, has applied to the Ontario Municipal Board ... to add a fourth high-rise unit to our compound in order to circumvent city of Toronto restrictions on density and the city's opposition to its project;

"Whereas this project would lead to overcrowding in our densely populated community, reduce our precious green space, further drive up rents and do nothing to solve the crisis in affordable rental housing;

"Whereas this project will drive away longer-term tenants...; and

"Whereas before ... October 2003" it was promised that real protection would be instituted;

"Whereas our own MPP ... called for a rent rollback...;

"We, the undersigned residents of Doversquare Apartments in Toronto, petition the Parliament of Ontario as follows:

"To institute a rent freeze until the exorbitant Tory guideline and above-guideline rent increases are wiped out by inflation;

"To abrogate the Harris-Eves 'Tenant Protection Act' and draw up new landlord-tenant legislation which shuts down the notoriously pro-landlord ORHT...;

"To keep the McGuinty government to its promise of real changes at the" Ontario Municipal Board, "eliminating its bias toward wealthy developers and enhancing the power of groups promoting affordable housing, sustainable neighbourhoods and tenant rights."

Since I agree, I have signed my name to it.

## ORDERS OF THE DAY

### PLACES TO GROW ACT, 2005

#### LOI DE 2005 SUR LES ZONES DE CROISSANCE

Resuming the debate adjourned on March 8, 2005, on the motion for second reading of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Speaker (Hon. Alvin Curling):** Further debate? Does the minister wish to—

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** No.

**The Speaker:** Mr Caplan has moved second reading of Bill 136. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

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

Pursuant to standing order 28(h), a request has been made that the vote on the motion by Mr. Caplan for second reading of Bill 136, An Act respecting the estab-

lishment of growth plan areas and growth plans, be deferred until Wednesday, April 6, 2005.

### FILM CLASSIFICATION ACT, 2005

#### LOI DE 2005 SUR LE CLASSEMENT DES FILMS

Resuming the debate adjourned on March 9, 2005, on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

**The Speaker (Hon. Alvin Curling):** Further debate?

Does the minister wish to reply? No?

Mr Watson has moved second reading of Bill 158. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

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

Pursuant to standing order 28(h), a request has been made that the vote on the motion by Mr. Watson for second reading of Bill 158, An Act to replace the Theatres Act and to amend other acts in respect of film, be deferred until Wednesday, April 6, 2005.

### LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT DES LOIS CONCERNANT LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on March 30, 2005, on the motion for second reading of 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.

**The Speaker (Hon. Alvin Curling):** Questions and comments?

**Mr. Peter Fonseca (Mississauga East):** It's a pleasure to speak to the Labour Relations Statute Law Amendment Act, 2005, Bill 144, under the tutelage of our great Minister of Labour, Chris Bentley. He has brought forward a piece of legislation under the McGuinty government that will restore fairness and balance to the labour relations system, to improve workplace relations and maintain the stability necessary for a productive economy, something we all want and cherish here in the great province of Ontario.

**1510**

Businesses make their decisions to invest in a province, in a country, based in large part on many different factors, including, yes, taxation regimes, interest rates, the valuation of currency, a well-educated workforce and a stable economy. Businesses, however, are known to invest in Ontario for a variety of reasons that we are investing in, namely, a highly educated workforce, our

technological capability, our proximity to major North American markets and the high quality of life found here in Ontario. We're continuing to create an economic environment in Ontario that will ensure that businesses continue to invest and grow.

Ontario's combined federal and provincial income tax rate was 36% in 2004, which is lower than the Great Lakes states, with an average of 40% when looking at the United States.

Often, you may hear some fearmongering from the previous government about this piece of legislation, but it's important to note that all the companies that are talking about this legislation had always invested in Ontario prior to the law being changed by the previous government that really shifted the balance away from labour and over to big business.

**Mr. John O'Toole (Durham):** It's a pleasure to respond to the member from Nickel Belt. That's actually the process we're in, in the procedure here.

I just want to put on the record that in my riding I hear from people on Bill 144 who are happy and those who are displeased with the status of this particular legislation. It is an important bill—I would say that—but our position clearly is that we're moving backwards in the labour relations field. I think we need to strengthen the Employment Standards Act.

I'm looking at a letter here from Ron Boivin, chair of the TDS Automotive Unit, CAW Local 222. It's a letter dated February 8 to Dalton McGuinty, the Premier: "After hearing your government's position of late regarding a two-tier certification process for workers, we felt we had to speak up. Most non-unionized workers face discrimination in their workplaces on a daily basis and now they face the same from your government." I believe that says a lot for the position that I believe the NDP will be voicing.

I want to put on the record that certainly in my position as an elected person serving all the public in Durham, I'm pleased to listen to all input from all sides. That's the balance. But it seems the government is relentlessly pushing for their agenda, and their agenda only. I believe in this case they're not listening to the CAW's position, which according to today's paper is looking at certification processes at Toyota.

I want to say on this bill that it's the need to disclose salaries that needs to be addressed. The Ontario Labour Relations Board will now be able to arbitrarily, as a last resort, grant union certification. There's a lot of movement here. I believe the minister should make sure that the Employment Standards Act addresses and protects the needs of workers in Ontario, while at the same time making sure you have democracy in the workplace.

McGuinty is making Ontario an unattractive place for employers and indeed investment, which results in jobs for the people of Ontario and a resulting increased quality of life for all of us to share because of the strong economy. Send a signal to Ontario. In many cases, this government is sending a signal that we are not open for business in Ontario. That's the wrong message, Minister.

**Ms. Andrea Horwath (Hamilton East):** It's certainly my pleasure to provide some questions and comments, particularly around the debate on Bill 144 provided by the member from Nickel Belt. I have to say that I had a chance not necessarily to hear her comments in her debate but certainly to take the time to review them, and I have to agree with her on a number of issues that she raised very appropriately in this debate. I look forward to doing so as well later on this afternoon.

The issue is one of this government's refusal to basically reinstate what was law in this province in regard to card certification for decades, under Premiers of every stripe since the 1950s. It's very difficult for us to understand how the government on the one hand talks the talk about doing the fair thing and then, when anybody takes a good look at the legislation they bring forward—and not just this legislation but unfortunately many other pieces of legislation—they're doing the exact opposite. Some of us would call that different things, but what I would call that in this particular case is a big, huge disappointment, as would many, many people across the province.

Unfortunately, as the member from Nickel Belt mentioned in her speech, the very people who are going to be affected negatively by this government's refusal to reinstate a long tradition of card certification in this province are the people who are most vulnerable in the workplace. Those people include women workers, immigrant workers and visible minority workers. In fact, this minister is doing no good service to workers in this province, because he's refusing to reinstate a very key aspect of, quite frankly, democracy in the province of Ontario through the provision of card certification. Unfortunately, he has decided that one group of workers is able to certify their trade union in their workplace with a card-based process but not all workers. This is simply unacceptable.

There are other issues that this minister refuses to deal with, like scab labour, for example—another issue raised by the member from Nickel Belt.

**Mr. Dave Levac (Brant):** I was fortunate enough to hear the member from Nickel Belt, and she has laid out some challenges for us to take a look at. I want to remind the member that the maiden speech the Minister of Labour made indicated that there's more to come. They're going to be looking at this as a balanced approach, with the understanding that there might be more things to be investigated in the future in terms of what labour relations are all about and how we perform in the province. It does give us an opportunity to take a breath and say, "Where is this balance? Where do we need to find it?"

I hope the member will excuse me if I move to the remarks of the member from Kitchener-Waterloo, who professed profoundly that the sky is falling and we are going to go to hell in a handbasket because we are going to do card certification. As the member from Nickel Belt so nicely pointed out, we existed long before that—I think it went back to Frost—whether or not we intro-

duced card certification. Because of this pendulum swing that went so far to the other side, the minister was charged with trying to find a balance. I think he's struck a chord with us to find where we're headed, and I think the direction is reasonable.

The other point I want to make is about investment. For Pete's sake, we've got some investments that even the unions are lining up and saying, "Good work for you," because people are coming to our province. Perfect examples would be Ford, GM and Toyota.

In my riding, we're taking a look at Ferrero Rocher, for the first time in North America, supplying NAFTA communities with chocolates and their product: 1,300 jobs. Let's look at the reason why they're coming. They're looking at availability of the job market. They're looking at the health care that we have in this province, which is an advantage of about \$2,500 per worker compared to the United States. They did their due diligence and they're picking Ontario.

Chicken Little is proclaiming that the sky is falling and no one's going to invest in Ontario. In fact, the climate has never been better, and we're moving forward with it. I thank the minister for his thoughtful process.

**The Speaker:** The member from Nickel Belt has two minutes in which to wrap up.

**Ms. Shelley Martel (Nickel Belt):** Thank you to all the members who participated.

I'm opposed to this bill for two reasons. First, I'm not going to support a bill that discriminates against a class of workers, and this is exactly what Bill 144 does. Secondly, I'm not going to support a bill that brings forward amendments to the Ontario Labour Relations Act and fails to bring forward provisions that would ban scabs from the province of Ontario during strikes or lockouts.

Let me deal with the first issue. Members have said that the minister has found a balance. Isn't it strange that previous governments, beginning in 1949 and right up to 1995, found a balance by ensuring that all workers—all workers—had access to card-based certification in a union drive? Now this government says they have found a balance because they are going to discriminate against the majority of workers by allowing only workers in the construction trade to have access to card-based certification. That's wrong. That's discrimination. That doesn't represent the balance that had been achieved between 1949 and 1995 by successive Conservative, Liberal and NDP governments.

**1520**

It is wrong to discriminate against immigrant women, women of colour and disabled women, who are particularly vulnerable to employer intimidation during a union drive. That's why previous governments, with the exception of the Ernie Eves and Harris Conservatives, made sure that card-based certification was applicable to and accessible by all workers across all sectors. These are the people who are most likely to be intimidated. These are the workers who most need—who most need—card-based certification. I'm not going to support any legis-

lation like this one that specifically discriminates against other classes of workers. That's just absolutely wrong.

I'm not going to support this bill, because previously in opposition there were a number of Liberal members who said, "We need to ban scabs again." Here's the time, here's the place, here's the opportunity, with amendments to the Ontario Labour Relations Act before us. Where is the prohibition against scab labour?

**The Speaker:** Further debate?

**Mr. Brad Duguid (Scarborough Centre):** Mr. Speaker, I'll be sharing my time with the member for Mississauga West. It's going to be a very interesting 10 minutes.

We're here to speak on Bill 144, the Labour Relations Statute Law Amendment Act. This bill brings back fairness and balance to Ontario's labour relations after 14 years of a time when fairness and balance were not really part of the vocabulary from both sides. It might have been from one side at one time, from the other side at another time, but never for the entire labour relations environment here in this province.

The previous two governments, first the NDP, then the Tories, each took extreme, philosophical approaches to labour relations. The result was, first, a hit on Ontario businesses and our competitiveness as a province by the NDP, and second, a hit on the working people of Ontario by the Tories.

In labour relations, governments should be neutral, favouring not labour but balance, favouring not business but fairness. For the last decade, fairness and balance have been replaced by philosophical extremism, pro-labour versus pro-business. The result: Over a dozen years of Tory and NDP extremism in labour relations has polarized workplaces, led to business and labour instability, confrontation and unrest, and an economy that has not performed up to its potential. The McGuinty government approach contrasts with the past dozen years: a fair and balanced approach, which will result in stability in the workplace, improved economic growth, increased productivity, the encouragement of investment and enhanced prosperity.

This bill would remove some of those unnecessary and provocative measures that created disharmony and instability in the workplace. It will remove the requirement, for instance, to post decertification information. This was purposely provocative, a stick in the eye to union members that did absolutely nothing to promote a healthy business climate or a stable labour relations environment. It will remove the requirement for unions to disclose the remuneration paid to union officials. Again, this was just another stick in the eye to union members and union officials, another policy brought in by the anti-union Tory government just to annoy and provoke, just to destabilize, something that this bill will ensure we can get away from.

Giving more teeth to the Ontario Labour Relations Board is an important part of this bill. It restores the traditional power to certify a union when an employer breaches labour relations laws. This is balanced by

restoring the Ontario Labour Relations Board's power to dismiss an application for certification where a union violates labour relations laws.

This legislation recognizes the distinct nature of the construction industry, making the special bargaining and dispute regime for the residential construction sector in Toronto, Halton, Peel, York, Durham and Simcoe counties permanent. It also adds a card-based union certification system as an alternative to a vote-based system in the construction industry, recognizing the vagaries of the construction industry, recognizing that the construction industry is often very difficult because people are moving around all over the place. It's very difficult to pull workers together in one particular site.

What we have here is a creative way of making sure that we'll have a fair labour relations environment, a regime that discourages employer interference in union organizing. When a business threatens to close down a workplace if a union is certified, when an employer dismisses, suspends, lays off or disciplines workers because they're union supporters, when the labour relations environment is poisoned to this degree, measures have to be taken to protect those workers to ensure that they have the ability to organize.

There are a lot of remedies available. The Ontario Labour Relations Board has before it the ability to cease and desist certain actions, remove discipline from an employee's record, post in the workplace or mail to employees the board's decisions, reimburse organizing costs, and provide the union with names and contact information of employees in the proposed bargaining units.

All of these remedies can be effective, but they don't always work, and that's why we need more. That's why we need to have more teeth in this legislation. That's why, when these measures and remedies fail, stronger measures are necessary.

To address the worst labour relations violations, this bill will restore the Ontario Labour Relations Board's historical, long-standing powers to certify a union automatically where an employer has breached the labour relations laws during a union organizing campaign.

It's all about balance, it's all about fairness, and that's what this legislation will bring to our labour relations environment in Ontario.

**Mr. Bob Delaney (Mississauga West):** When you study science or mathematics, one learns that in nature, its competing forces seek a sustainable equilibrium. A sustainable equilibrium—something that in business we call a level playing field—is an environment that my colleague the Minister of Labour is rebuilding step by step within Ontario.

Bill 144 amends three pieces of legislation enacted between 1995 and 2001. Its purpose is to strike a fair and reasonable balance in the organization and certification of a collective bargaining unit.

The relationship that a company has with its users, clients or customers drives its ability to sell its products and services, but the relationship that a company has with

its employees drives its ability to function. Is a union appropriate in all circumstances? No. As an old friend who taught me labour relations in my postgraduate studies once told me, "Generally, if a company gets a union, it gets the union it deserves." If a company treats its employees well and is open and caring with them, those employees often won't form a collective bargaining unit. But if the structure and circumstances of a company or an industry place the people in an industry or a company at the risk of unfair treatment, the structure within which they may choose to form a collective bargaining unit should be fair, timely, transparent and hard to abuse. This is the balance that the Minister of Labour has achieved with Bill 144.

Bill 144 restores to the construction sector the option of applying for certification on the basis of union membership by signing a union card. In a card-based system, at least 55% of employees in the proposed bargaining unit would need to sign a card. Why would a card-based certification be appropriate in the construction field? Because the field itself is unique in several ways: It's project-related, job sites come and go in days or weeks or months, and its workforce tends to be transient. Requiring a process whose duration may exceed the lifetime of the project isn't much of a solution. So the construction industry retains the option of using card-based certification for a bargaining unit. Of course, a construction union retains the option of seeking certification under a mandatory vote. For the prospective members of the bargaining unit, having as few as 40% of the workers sign cards requires the Ontario Labour Relations Board to order a vote, and a majority of the ballots cast will then decide whether a bargaining unit will be certified. As a check and balance in the process, the OLRB has the power to order a secret ballot vote if the board feels it would be appropriate in the circumstances.

Bill 144 also abolishes some of the more provocative—ly abusive measures enacted by the former government. For example, it's no longer necessary for individual unions to disclose the names of those in the union earning \$100,000 or more, although such umbrella organizations as the Ontario Federation of Labour are still subject to this disclosure. It is no longer mandatory for employers in unionized workplaces to publicly post and distribute information about the decertification process to employees. In fact, employers will receive a 30-day transition period to remove such posters. One wonders why such a provision might be enacted in the first place, and I join with my friends in the union movement in saying, "Good riddance to a bad law."

#### 1530

Bill 144 makes permanent a temporary bargaining and dispute-resolution mechanism for the residential sector of the construction industry in the GTA. The temporary regime provides for a common three-year bargaining cycle, a 46-day window for strikes and lockouts, an arbitration process, and a structure of meetings between stakeholders and the Ministry of Labour. These provisions have worked; however, they are due to self-repeal

at the end of this month. Imagine: The previous government actually designed something workable for both management and labour.

Bill 144 repeals the mandatory repeal of these workable provisions and makes them permanent. These temporary—and, upon passage of the bill, permanent—visions came about after a major disruption in the construction industry in 1998. They proved to be successful. Contractors supported them; so did home builders, buyers and suppliers.

Bill 144 isn't rocket science—and it's a great relief because, while the minister is a superb manager and a great trial lawyer, he'll never be a rocket scientist. But the bill is good sense, and it reflects the plain-spoken, no-frills good judgment that my colleague the Minister of Labour displays daily in this House and in his daily work. The balance, the fairness and the clarity in Bill 144 reflect well on the balanced playing field that it promulgates in our workplaces. It also reflects well on the talent of the minister and his hard-working staff. I look forward to the speedy passage of Bill 144.

**The Speaker:** Questions and comments?

**Mr. Jim Wilson (Simcoe–Grey):** I find the comments from members opposite quite intriguing—both the member for Mississauga West and Scarborough Centre, I believe. First of all, something the public would understand: We had brought in disclosure legislation for those union leaders making over \$100,000. Both honourable members who just spoke think it's a triumph that suddenly they're getting rid of that transparency in most cases and going back to the good old bad days, as I say, of secret union organizations and secret salaries and we didn't know what their pay was. We have to disclose our salaries. Public servants have to do that, people in the greater public service have to, and it's only logical that elected members of unions do that too.

Scrapping secret ballots—we're going to go back to the old days of intimidation. This government probably won't be in government by the time all of this bill takes effect and we see it in full bloom on the front lines of unions and shops across the province. But the fact of the matter is, throughout this bill you're taking away the rights of workers.

We finally had a government—our government—that stood up to the unions and said, "You're not in this for your own self-interest; you're in it to provide good leadership and representation to your members. To do that, you need to have secret ballots. You need to have a democratic process that everybody can understand and have faith in without intimidation." You're just going to go back to the old brutal days of head-beating and beating everybody up and intimidating people.

I see it all the time as they try and unionize Honda in my riding. Unionize Honda and, I tell you, Honda will close down. They will leave those two plants and the 5,000 jobs, some of the best-paying jobs and the best benefits in the province. Their benefit packages are better than the so-called Big Three auto companies. And by the way, they're making more cars now than some of the Big

Three auto companies, so we should be calling Honda a Canadian firm and not a Japanese firm, as the government often refers to it.

Finally, I just want to say, this is just giving in to the unions—your buddies. You did the same thing with the teachers' unions; you did the same thing with the LCBO unions when you cancelled agency stores in our small towns. Shame on you.

**Ms. Horwath:** It's my pleasure to rise to make comments on the debate provided by the members from Scarborough Centre and Mississauga West. I have to tell you that it's quite interesting to listen to the flowery rhetoric that these members were speaking just moments ago and the fancy words they were using—things like "balance," "equilibrium," "level playing field." I find it quite galling because, really, the big word that's not being uttered by this government, and should be, is "discrimination." It's a big, ugly word, and unfortunately it really does reflect what this bill is all about.

They had the gall to go on and on, particularly the member from Mississauga West, about the details of the process for card certification, without even mentioning once that this bill is saying that only some workers in Ontario, only a very few workers in Ontario, are going to be able to use that system that he took pains to describe in order to make sure that their workplace is represented by a trade union. You know what? I find that very disturbing. Although it's disturbing, it is quite typical of this government to ignore the fatal flaw, the glaring problem with the legislation that they're bringing forward and to pretend that it's something that it's not. That's not something we're unaccustomed to when we see the legislation coming forward from the Liberals, as well as the way they describe their legislation.

Quite frankly—we've said it before, we'll say it again and we'll continue to say it throughout the entire debate—this bill just does not cut the mustard. It doesn't cut the mustard in regard to representation or in regard to covering all workers in Ontario with the card certification process. Also, it does not cut the mustard in that it forgets or ignores many other distasteful pieces of labour legislation the previous government brought in that simply do not belong in an open, democratic society that respects workers in every workplace in the province.

**The Speaker:** Questions and comments? The member for Perth–Middlesex.

**Mr. John Wilkinson (Perth–Middlesex):** Thank you, Mr. Speaker. It's good to see you here today.

I wanted to enter into the debate on Bill 144 yet again on my premise that there are those people in this province who seem to have ideological blinkers on when it comes to labour relations, who seem to have a knee-jerk reaction.

I listened to the member from Simcoe–Grey. His dislike for unions is almost palpable, forgetting, of course, that we live in a free and democratic country, in a free and democratic society, where if people want to get together, have a common interest of working in the same workplace and want to form a union, that is their right.

There are some people who just seem to be opposed to that, even though I think it's a cornerstone of our democracy. There are other people who are opposed to it because they feel that somehow there should be an ideological balance, or an imbalance, to the people who are working.

I want to relate that I come from a long and illustrious line of capitalists. My grandfather was a trust officer, my father was a chartered accountant and I'm a certified financial planner. I consider myself to be a small business person, and I've been quite successful. Now, my wife, for many years, was a cashier at Zehrs—Loblaws and then it became Zehrs—and as a result, she was a member of the union. She's the first person in her family ever to belong to a union. She comes from rural Ontario, from Marmora, and there weren't, I think, any union jobs up there. I want you to know that my wife and I were able to conceive three children together. So I don't believe people who come to me and say that somehow, business and labour can't seem to work it out. I believe that in this province, and I've said it on the campaign trail, it is true that business and labour, if there's a common interest, can come together and create the most wonderful of things.

I am proud to support the Minister of Labour. I believe in that balance. I believe in the yin and yang of labour relations. I commend the minister. I look forward to supporting the bill.

**The Speaker:** The member from Mississauga West has two minutes to reply.

**Mr. Delaney:** I thank my colleagues for their contribution. To the member for Simcoe—Grey, who infers that somehow or other workers' rights have been infringed on, he's quite incorrect. In fact, the free vote is still the norm and not the exception. Indeed, in anything but a construction setting, there's a very specific protocol that requires a written vote, a written certification. It takes many of the provisions passed by the former government that mitigate against it and renders them fair.

We feel this is the equitable way of allowing a collective bargaining unit to either certify or choose not to certify. In just about every field in which you've got a stable workforce, such as a retail or an industrial setting, a workforce that works in the same place and on an ongoing basis rather than a project basis has to meet the criteria to have a secret ballot and a written vote. So let's be very clear about that.

The other thing that Bill 144 does, of course, is that referring to a situation where an employee may have been dismissed or disciplined, it provides for the reinstatement of the employee, a point that some of my colleagues didn't quite make.

Bill 144 is a step forward. Bill 144 establishes a regime in which it's fair, balanced, equitable, clear and transparent with regard to the certification of a union. It allows employees to make an informed decision, it allows them to pass a secret ballot where appropriate, and it allows the special circumstances within the construc-

tion industry to be addressed. That's why I'm hoping it receives support.

**The Speaker:** Further debate?

1540

**Mr. Norm Miller (Parry Sound—Muskoka):** It's my pleasure to join in the debate today on Bill 144, which is An Act to amend certain statutes relating to labour relations. I was motivated to speak to this bill after I received a letter from a construction company in my riding of Parry Sound—Muskoka.

I would characterize this bill as democratic renewal—we've heard the Liberal government talking about that. It's democratic renewal, Liberal style, because it's completely undemocratic, where they're removing the rights of certain workers and, in particular, the rights of construction workers, to have a secret ballot. How can that be seen to be improving conditions? Back in 1995, the PC government brought in the Labour Relations Amendment Act, Bill 69, which ensured there was a secret ballot for both certification or decertification of a union. This bill removes the secret ballot for construction workers.

I think a fair question to ask is, why is the government introducing this bill? Well, it could very well be Liberal payback to the unions and, in particular, the construction union, for supporting them in the last election with a donation of \$63,000. What other possible logic is there for removing workers' right to a secret ballot? Instead, they are going to replace it with an archaic card-based system, which is prone to all kinds of problems, where you can have intimidation, where you can have a union that's intimidating workers and where you can have cards signed but not dated until enough of them are collected, and then backdated. There are all kinds of problems. How can you argue against giving workers the right to a secret ballot?

I received an excellent letter from a constituent of mine, which I would like to read because it does illustrate a lot of the problems, particularly with the construction industry. It was just written to me on April 4, and it says:

“Dear Norm:

“Fowler Construction Company Limited is a member of the Coalition of Concerned Construction Employers..., an organization of companies that performs road building, bridge building and sewer and water main construction extensively throughout the province. These companies have no union affiliation.

“The coalition was formed as a result of the member companies' concern about one particular element in Bill 144, an Act to amend the Labour Relations Act..., where the government is seeking to impose special rules for certification to reflect what it says is the uniqueness of the construction industry. This proposed amendment would take away the rights of our employees to have a secret ballot vote conducted by the Ontario Labour Relations Board when a trade union makes an application for certification to represent them. The amendment discriminates against and marginalizes our employees. Employees in all other sectors of the economy retain the



right to a secret ballot vote. Only construction workers are marginalized in this way.”

I ask the government to justify why only construction workers. I know we have the NDP saying it should be all workers for other reasons, but how can you justify just these construction workers going back to this archaic system?

The letter continues:

“The government has sought to justify this amendment by stating that employment patterns in the construction industry are transient. We wish to point out to you that this is not the case in our industry. Our company recalls its employees at the start of each construction season and they remain employed until the end of the season.

“If the amendment becomes law, you would have an anomalous and unfair situation, where for instance a 20-year employee of our company working on a construction project all summer would not have a secret ballot vote in an application for certification but an employee who had been employed in a grocery store 30 metres away for two days would have a secret ballot vote.” How, I ask the government, is that fair?

The letter continues:

“In a card-based system, cards are valid for six months for the purpose of automatic certification, and even that process is open to manipulation because cards can be collected, undated and dated at the time an application is filed, thereby making them effective in perpetuity. It is very important that there is no evidence or information provided as to the circumstances under which membership documents were obtained. There are no witness statements attesting to the fact that the witness knew the signee and witnessed the signing (the cards can be completed in the absence of any witnesses). As well, there is no scrutiny by the labour board into the circumstances of signing.”

So certainly we can see all sorts of problems with this archaic card-based system. That’s my editorial comment. Continuing with the letter:

“There may be trickery, misrepresentation, coercion or worse because it is done in secret and there will be no secret ballot vote which will allow construction employees to express their true feeling in a democratic way. Often the pressures that employees are under to sign a card do not offer them the opportunity of time to examine facts on both sides of the issue so that they can make their own private and secret decision.

“Imagine if your political opponent in a provincial election was permitted to come to a polling station on election day and drop a thousand membership forms for his party on the table of the returning officer and say, ‘I want these membership documents recorded as votes for me because they indicate that these people support my party.’ You would undoubtedly recoil in wonder and anger and shout, ‘This is not fair, it is totally against the democratic process,’ and you would be completely correct. If the election were to be determined in this way you would feel that the process and result were totally unfair.”

This is what the government is proposing with Bill 144, where they separate out the construction industry and go back to this archaic card-based system, which takes the rights of the employees in the construction area away from them.

The letter continues:

“Our employees who did not want the union and our company would, like you, feel that the process was unfair and did not represent the true wishes of the employees.

“Certification under such circumstances would more likely lead to subsequent difficulties between the parties.”

That is not something we want to see in the province of Ontario. We want to see harmony. We heard all kinds of talk about balance. We need business to be in harmony, for employees and employers to get along and for business to be successful.

“A significant percentage of the workforce in the construction industry is made up of new Canadians and landed immigrants. Such a system would marginalize these people.

“This unfairness would be added to the existing unfairness currently experienced by construction employees. The labour relations board has for many years interpreted the act in a way that requires construction employees to be actively at work on the day an application for certification is filed by a trade union.

“If implemented, Bill 144 will add to the unfairness of a system that fails to recognize the employment of a long-term employee who may be absent on the day the union applies to certify a company. Obviously this system gives the unions an advantage as they determine when an application will be filed and therefore which employees will count.

“It is the position of the CCCE that in the interests of democracy, Bill 144 must be sent to committee for public hearings and must be amended to prevent the further marginalization of construction employees. To do otherwise with a bill so fundamental to the working lives of so many would be a travesty of democracy.”

It’s signed by Tom O’Callaghan, the vice-president of the company.

That certainly sums up many of the concerns of the construction industry, concerns not just for the company itself, but for the employees. I don’t know how you can argue against a free secret ballot. I think what they’re asking for, which is for public hearings, for committee hearings, is something that this government owes to business. It owes it to the employees of the construction industry and all employees to have fair rules that work for our economy, for the companies and for the employees.

Other adverse effects of this bill:

It would increase the power of the Ontario Labour Relations Board remedial certification. The bill will restore the almost arbitrary ability of the Ontario Labour Relations Board to automatically certify unions in cases where an employer aggressively tries to stop an organizing drive.

Ramifications for small companies, many of them not well read in unionization law, as a result of small mistakes: The board could force a union on company workers. That's an excellent point, because a small company is busy with the business of making money, of running their business in a very competitive world. So to distract them with having to become experts on unionization law makes them less efficient.

Elimination of decertification notices: The bill also eliminates the requirement that decertification notices be posted in workplaces that challenge union representation. This would make it easier to unionize a firm in Ontario and more difficult to remove a union once established, and workers would be unaware of their right.

The elimination of the disclosure of other union information: Provisions requiring unions to disclose the name, salary and benefits of senior officials earning more than \$100,000 a year would disappear. I ask how that benefits the process, when it used to be that it was required of union employees that if they made more than \$100,000, that information was public. I would say that if I belonged to a union, I would have an interest in knowing that information, and I can't see what public good is served by making a change so that they will now no longer have to disclose how much the union brass are being paid.

#### 1550

Interim reinstatement of workers during an organizing campaign: This restores the board's power to temporarily reinstate workers who were fired or disciplined while exercising their rights during a union organizing campaign. This may result in unions filing unsubstantiated claims of dismissal in order to have members reinstated, regardless of the reasons for their being dismissed or the merits of the case. There is, alas, no remedy in place if the union were to make frivolous claims.

We've talked about the secret ballot. Ultimately, this will result in a reduction in investments in Ontario. The bill strains labour relations in Ontario. It will create uncertainty among business owners and will likely delay key hiring and investment decisions—not good things for the province of Ontario.

I would like to point out that there are a number of organizations that are opposed to this bill, organizations that the government should be listening to, like the Canadian Federation of Independent Business. I note the quote from Judith Andrew, Ontario vice-president of the Canadian Federation of Independent Business, from the Thursday, November 4, 2004, Sault Star. It says, "Judith Andrew, Ontario vice-president of the Canadian Federation of Independent Business, condemned the labour board's new powers, arguing that they deny workers the right to vote for a union.

"To pretend this attack on the rights of individual workers will promote labour fairness and stability is crass misrepresentation," said Andrew, who predicted the 'retrograde' step will hinder growth among the federation's 42,000 small business members."

I would say that it is in all our interests for the government to be listening to those 42,000 small business members of the Canadian Federation of Independent Business, because they are the engine of economic growth in this province. That's why I asked the government to take this to committee and to invite the Canadian Federation of Independent Business to come and speak to this bill.

Other organizations against it: The Ontario Federation of Labour is opposed to the bill; the Coalition for Democratic Labour Relations, which represents over 100,000 individual businesses and roughly two million jobs, is opposed to the bill.

The Greater Kitchener Waterloo Chamber of Commerce: I have their media release where they state, "Chamber Calls Pending Labour Legislation Bill 144 Dangerous." This was from January 20, 2005.

"The Greater Kitchener Waterloo Chamber of Commerce believes that if Bill 144 proposed amendments to the Labour Relations Act are passed, it will have a chilling effect on our provincial economy"—not something we need. "Business is already faced with unparalleled global competition, an ever-increasing tax burden and a rising Canadian dollar. 'Such regressive legislation would further impact investment and job creation and have a detrimental impact on future tax revenues,' warned chamber president and CEO Todd Letts."

I would say to this government—a government that, when our Leader of the Opposition asks the day before the end of the budget year what the deficit is, won't give him a straight answer, even though he probably asked the question at least six times or more two days before the end of the financial year, which was March 31: "What is the deficit?" Well, they said that it was supposed to be \$2.2 billion; we think it's at least \$6 billion. This, in a year when revenues for the province of Ontario increased \$7 billion. So obviously, doing things to hurt the economy will not benefit any of us.

The release goes on: "The chamber continues to be very disappointed in the manner in which this government characterizes its legislative directives in the area of labour relations," said Letts. Just as it is a misnomer to refer to Bill 63 as the 'elimination of the 60-hour work week,' the chamber believes that it is incorrect and unfortunate that this government uses such strong and inflammatory terms as: 'confusion,' 'mistrust,' 'instability,' 'unhealthy' and 'unfair' to describe our present labour relations regime.

"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," said Letts. "We have urged the government and specifically the labour ministry to reconsider these dangerous legislative changes."

"The Greater K-W chamber joins with and supports the efforts of the Ontario Chamber of Commerce and the Coalition for Democratic Labour Relations in opposing Bill 144...."

This media release made mention of Bill 63, which is the bill that the government said changed the ability of workers to work 60 hours within a week. I'd like to point out—I'm the northern critic—that I've had calls from forestry companies that are very concerned about the changes the government has made. All they've done with Bill 63, to further hurt the economy, is to make it more difficult, specifically for small forestry companies, to get the logs out of the bush in the short time period they have available to them. The company I was talking to, a small company, said that their employees are quite keen to work as much as they're able to, and the company's interest is to get the logs out of the bush in the short season. The 60-hour workweek is not being done away with. They're just creating all kinds of red tape and extra work for the company and a permanent system that will just make life more difficult. I say that if the employees want to work and are keen to work, and the company needs them to work and they make a contract between the employer and the employee, the government should stay out of it and let those willing employees and employers make those arrangements. That's particularly true of the small forestry companies in northern Ontario.

As well, the Ontario Chamber of Commerce has made submissions on this bill and raised very good points. I only have a few minutes left, so I'll just go directly to their recommendations because I do believe they've got some excellent recommendations:

"Fairness and balance:

"Require unions to disclose remuneration (over \$100,000) because it is a fair and necessary provision." I don't know how you could argue with that.

"Amend the 30-day rule in order to protect the option of employees to decertify a union.

"Develop and facilitate a program through the OLRB to provide employees with information about certification and decertification in a workplace. This will give employers and labour unions equal opportunities to disseminate information in a fair manner." That's very logical and makes a lot of sense.

"Democracy and rights:

"Maintain, in all instances, the secret ballot system as the OCC and its members believe that it should be the only mechanism for determining whether a union is certified." I completely agree with that. "This will accurately reflect employee wishes and preserve each worker's right to vote.

"The OLRB should not be able to reinstate employees unless a framework is developed detailing strict conditions under which the OLRB may get involved.

"The OLRB should be limited to protecting workers' rights and prohibited from changing the terms of employment of any employee who has been dismissed....

"The government must employ a business outlook to ensure the amended legislation does not hinder investment in Ontario." I would argue that this will hinder investment in Ontario. It will create unemployment in this province.

I think this government needs to listen to the Ontario Chamber of Commerce. They say in conclusion, "There are strong indications that Bill 144 will not be effective in restoring fairness and balance to labour relations as the minister so desires. The OCC strongly urges the government not to enact the bill as drafted and urges the government to send the bill to committee following second reading."

I would completely concur with that, especially the removal of the secret ballot provision. I don't know how the government can say this is democratic, but, as I say, this is democratic renewal, Liberal style. I agree that extensive consultations are needed. I hope this government will do the right thing and listen to the Canadian Federation of Independent Business, to the chambers of commerce and to the many thousands of small businesses that don't make it their life to be experts on unionization rules but instead are very effective engines of economic growth and the main creators of jobs in this province.

1600

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

**Ms. Horwath:** It's my pleasure to make some comments on the debate thus far on Bill 144. I have to say that it's quite interesting to hear the debate, particularly when the perspective of some is that the bill is somehow a balanced bill, and that's certainly what the Liberals would have us believe. The Liberal government would purport to indicate that this is a balanced bill. It's interesting to see the Conservatives talk about this bill and say that the sky is going to fall. It's quite interesting because, really, the biggest piece of this bill that we, as New Democrats, have a problem with is its lack of balance. It doesn't cover off all the workers in Ontario and it completely ignores the history of card certification in this province.

From the day the Ontario Labour Relations Act existed, there was card-based certification for every worker in Ontario. It wasn't until the Conservatives under Mike Harris and Ernie Eves were in power in this House that card certification was removed from the organizing process in workplaces. Unfortunately, this government would prefer to follow in the footsteps of Mike Harris and Ernie Eves when they introduce changes to the Labour Relations Act. How do we know that? We know that because Bill 144 quite frankly does not redress the problems that the Tories brought forward. It just reinforces the fact that this government is not interested in fair labour relations. It's not interested in making sure that all workers have the protection of labour law, that all workers are afforded the opportunity to organize in their workplaces based on a card certification process. That really is why New Democrats are not going to be supporting this bill and why we are going to ask that the government take it under advisement, and that they not only deal with that issue but also deal with the fact that scabs are still something sanctioned by this government.

**Mr. Lou Rinaldi (Northumberland):** It's a pleasure to rise to speak for a couple of minutes on Bill 144. I'm

going to take one portion of it, or one of the suggestions, that if this bill is passed we're going to erode industry, we're going to chase business out of town, we're going to stop investment from coming to the province.

Let me just relate some personal experiences. During my municipal life, I happened to be a board member of the Quinte Economic Development Commission, which services the beautiful area of Quinte, the city of Belleville, Quinte West and the municipality of Brighton. I served on that board for about 10 years, and the last four or five as chair. One of our responsibilities was to try to lure new industry, like most of us do in our communities, for employment.

I can tell you the questions those companies ask when they're trying to relocate to Ontario, mostly from another country. They want to know what level of education or quality of education we have in our community. I specifically remember once, and I want to share that with you in the House, the principal of a company had some teenagers. Obviously, if they were going to move their business to the community, the kids had to go to high school. They wanted to know what average the graduation class had for that particular high school because education was very important to them. They wanted to know what type of workforce we had, what level of education they had, and the availability, of course. Of the questions they asked, one of the most important things was the type of health care we had, and the benefits, especially when we're trying to lure those companies from across the border. An equivalent company from one side of the border to the other, say in the US, in Michigan, has in excess of 30% in health care premiums to match what we have here in Ontario. Those are the types of questions. That's what made us very, very competitive.

I urge everybody to support this bill.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I am pleased to add my comments on Bill 144 here today.

What the government has proposed here basically would seem to me to be a payoff to the construction union for their support: "We're going to ensure that your union has this power to certify with card certification only." Then I hear the NDP talking about how it should be extended to everybody, while the previous government felt it should be extended to no one. They believed in the sanctity of the secret ballot. The secret ballot is the cornerstone of our democracy, the fact that every person registers their vote without the knowledge of anyone else as to how they voted. I think the member for Parry Sound–Muskoka alluded to a provincial election being decided on memberships. Forget about memberships; let's just count the lawn signs. As far as some people would think, any indication of support at all, such as the signing of a card, indicates your commitment to that particular candidate or party. So let's count the lawn signs and dispense with the election. Can you imagine the money we'd save? That's what they're talking about here. The cornerstone of our democracy is the secret ballot. Nothing should be done to lessen the importance

of that. Joining a union simply by signing a card is not enough.

You want to talk about intimidation. The members of the third party feel that it works on the side of business. I remember a fellow by the name of Jimmy Hoffa, a Teamsters' boss in the States. There was no intimidation of workers at that time, was there? I wouldn't think so, eh?

Let's keep the secret ballot. That's how you decide whether you want to join a union or not, or any other vote in this country. It's a secret ballot; it's sacred.

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

**Mr. Gilles Bisson (Timmins–James Bay):** Oh, I'm at the wrong spot. That's pretty good. I was thinking two terms ago.

I just want to say that clearly the issue here is that if you take a look at the record of how and when the various laws worked when it came to certification, the law that was passed by the NDP government back in the early 1990s actually worked fairly well because people take very seriously the issue of signing a card.

I've been a union organizer. I worked for the Steelworkers as an organizer on a number of different drives. I'll tell you, you don't intimidate somebody into signing a card. It's a difficult thing to do. It's a decision that's normally done by both the husband and the wife. I can tell you that as I went out and organized on the Kidd Creek drive, the Detour Lake drive or a few others up in the northwest, you would sit down with the husband and wife and have a chat about it. There would be a discussion and they would decide. You never had any chance as an organizer to intimidate somebody into signing a card. That's just not the way it works.

For the Tories to say people are being intimidated by unions to sign cards is a little bit rich. What happens in the case of the vote, I think there's far more intimidation the other way. We see at Wal-Mart, for example, the whole fiasco that's happening across Canada in regard to what's happened on the secret ballot votes. There's all kinds of pressure put on employees, both directly and indirectly, for people not to vote to accept the union.

I have always supported the idea, as both a parliamentarian and as a previous union organizer, that people are very responsible about their decisions. If a person, at the end of the day, doesn't want to sign a union card, they will not do so. I know that from experience. If you sit down with somebody and the person says, "I don't want to sign a union card. I don't want to be a member of the union," they just ain't going to do it. The reality is that people take that responsibility pretty seriously.

So I discount the argument from my good friends in the Conservative Party and say bring back good certification that allows people—

**The Acting Speaker:** Thank you. The member for Parry Sound–Muskoka has two minutes to respond.

**Mr. Miller:** It's my pleasure to respond to the members for Hamilton East, Northumberland, Renfrew–

Nipissing–Pembroke and Timmins–James Bay, who added their comments.

It's my belief that healthy labour relations are critical to fostering a strong economic climate. As we've heard from the government members, we do need balance and fairness in our labour laws, but Bill 144 threatens fundamental principles of democracy and fails to protect workers' rights.

Bill 144 will hurt Ontario's long-term competitiveness. It will destabilize labour relations. We need to see the government listening to business and labour, working together with them to come up with a bill that will work for the province of Ontario.

I say to the government members and to the third party that I don't know how they, as elected politicians, can argue against the fairness of a secret ballot, both for the workers who may be intimidated into signing a card when you go back to the card-based system and also for the company. A secret ballot is certainly a very fair way to go. It protects the rights of the worker. It helps protect our economy. It protects the company's rights as well. I don't know how you can argue against that and say that it's fair in this specific construction centre, as so clearly illustrated by the letter I received which I had the opportunity to read into the record in my time this afternoon.

1610

**The Acting Speaker:** Further debate?

**Mr. Howard Hampton (Kenora–Rainy River):** I'm pleased to be able to join in this debate. I want to say at the outset that I'm going to confine my remarks to talking about two issues: (1) card-based certification, and (2) the failure of the McGuinty government to ban scabs in the province of Ontario.

First, I want to deal with a bit of the history of card-based certification, because members of the McGuinty government would want you to believe that this is somehow something they just discovered in the last six months or so. In fact, card-based certification, in terms of workers joining a union, has a very long and honourable history in Ontario. Card-based certification, whereby a worker would indicate they want to join a union by signing a card, didn't just happen six months ago. It began in 1949, under a Conservative government, in fact under one of the most esteemed Conservative Premiers ever in the history of Ontario: Leslie Frost. I wonder what he'd do if he heard some of the Conservative members talking today. I'm sure he'd roll over in his grave. He was followed by someone named John Robarts, an equally esteemed Conservative Premier. I'm sure he'd roll over in his grave twice. He was followed by someone named William Davis, who supported card-based certification for workers. And he was followed by someone named Frank Miller. I'm sure he would do a couple of flips in his grave if he heard one of the speeches that was given here today.

Then there was David Peterson, a Liberal Premier. He supported card-based certification for all workers—not

just for some, for all. And Bob Rae supported card-based certification for all workers, not just some.

Then, yes, we had someone named Mike Harris who decided that workers should not have that right, so he took away the right to join a union by signing a card and indicating your willingness. Now we have Dalton McGuinty. Does he believe along with Leslie Frost, John Robarts, Bill Davis, Frank Miller, David Peterson, Bob Rae? Does he follow that wonderful tradition in Ontario? No. The two Premiers who seem to have some opposition to card-based certification of workers are Mike Harris and Dalton McGuinty.

What a tradition—Mike Harris and Dalton McGuinty. Mike Harris doesn't believe any worker should have card-based certification; Dalton McGuinty believes the majority of workers shouldn't have card-based certification. My, my, what an interesting combination we have here.

Some have said that card-based certification shouldn't happen, that you shouldn't be able to indicate your willingness to join a union by signing a card. In my wallet I happen to have several cards that have my signature on them. This is a MasterCard. It has my signature on it. No one comes around and says, "We want to conduct a secret vote to see if you agree with your name, your signature on the card." My signature on the card is accepted around the world by some of the largest corporations.

My Safeway card: Safeway is a very large food corporation in the United States and western Canada. I have my signature on that card. When I go to Safeway, they don't say to me, "We have to have a secret vote here to see if your signature on the card means anything."

Then, gee, there's my Ontario driver's licence. That's a card, and it has my signature on the back. I can tell you, when the OPP pull me over for exceeding the speed limit—oh, Speaker, I'm sorry.

**The Acting Speaker:** The member for Kenora–Rainy River is well aware that he's not supposed to be using props in his speech, and I would ask him to consider that.

**Mr. Hampton:** We're talking about card certification. These are cards.

**The Acting Speaker:** I think you're using them as props, and I would ask to you refrain from using them.

**Mr. Hampton:** When the OPP pull me over and they see my signature on this card, they don't—

**The Acting Speaker:** I would say again to the member for Kenora–Rainy River that I ask him not to use those props while he's making his points.

**Mr. Hampton:** The OPP don't say to me, "We demand a secret vote as to the validity of your signature on this licence card."

I have another card: It's a cheque. When I sign this cheque, nobody comes to me and says, "Oh, we demand a secret vote to see if your signature on this card has validity."

Do you know what I happen to have? This is a petition that's presented in the Legislature. Do you know how you present it? People sign the petition. They sign this

card. No one demands a vote to see if these people agree with this petition, this card.

I just want to say that this tradition in Ontario of workers signing a card to indicate their willingness to join a union is not an unusual tradition. We follow this tradition in our commercial life, in our institutional life, even in our cheque books. We accept this. We don't demand follow-up votes to see if my signature is somehow an indication of my willingness. If we accept this tradition that when I sign a card, if that card is called a cheque or if that card is called a licence card or if that card is called a credit card or if that card is called a petition—if we accept people's signatures as a valid indication of their wishes, then why shouldn't we do it with a union card? Why should trade unions and workers be singled out? Why should they somehow have to go through another process when they have taken the democratic action of signing their name on something? If it's good enough for MasterCard and it's good enough for Visa and it's good enough for Air Canada and it's good enough for Safeway and it's good enough for the Bank of Montreal and it's good enough for the Ontario Legislature on a petition, then it should be good enough for the workers of Ontario.

Now I want to move to the next issue: that, according to Dalton McGuinty, only some workers, a few workers, overwhelmingly male workers, will have their signatures accepted on a card; that if you're a female worker who doesn't work in the construction trade, no, your signature is no good on a card; that if you're a new Canadian, your signature is no good on a card; that if you're a visible minority worker who works in retail or who works in the garment industry, your signature is no good on a card. Your signature is no good on a card in that case. This is the Dalton McGuinty definition of freedom of association, of human rights, of fairness in Ontario. You had better be a male worker in one selected part of the workforce for your signature on a card to mean anything. I say it again: If you're a woman—because there are not many women working in the construction industry—your signature isn't worth anything on a card. If you're a new Canadian who is working in the retail sector or the garment sector, your signature isn't worth anything.

**1620**

What a deplorable situation. I don't know how any member of the McGuinty government can go home at night and look in the mirror; I really don't. This is the kind of disgusting discrimination that has wrought all kinds of trouble when we look at our past and we look at our history. You don't have to strip away the veil very far to see that this is systemic discrimination overwhelmingly against women, overwhelmingly against visible minorities and overwhelmingly against new Canadian workers.

The government says that because the construction sites move around, that's why you have one kind of certification for them; signing a card is acceptable. It's itinerant work.

I've talked to a lot of security guards. They might be working at Terminal 1 at the airport one day, Terminal 2 another day; they might be working at this site one day, the next day, that site. They're itinerant workers.

I've talked to a lot of garment workers. Sometimes they're working at home, sometimes they're working in a factory, sometimes they're at multiple sites, sometimes they're told to report here, sometimes they're told to report there. They're itinerant workers.

I think of my own riding's forest industry. There are a lot of loggers. One week they're harvesting trees over here; next week they're harvesting trees over there. They're itinerant workers. In the forest industry there are a lot of truck drivers. That's how, in most cases, you move logs to mills. I tell you, that's a really itinerant job. Many of them are up at 2 in the morning and on their way to the bush. They're 100, 150, 200 kilometres away in the bush when they pick up their load; five hours later, they're at a mill. Then they're told to go pick up another load and take it to another mill. Those are itinerant workers.

I don't think the distinction the government is trying to make is worth beans. It is completely artificial. It's an artificial attempt to disguise what is, at its root, systemic discrimination against women workers, against new Canadian workers, against visible minorities, against anyone who doesn't happen to belong to this little group over here. I can tell you, it's disgusting.

I want to look at some information about some realities in terms of what workers need, what workers are really behind, what workers are underpaid. This is the Pay Equity Commission's 2001-02 annual report. There are a couple of interesting things to quote from, but one of the things they point out in this report and all the other reports is that in many cases where you have women and men doing a job, in all too many cases, women are paid less. The government here, the McGuinty government, would have you believe that their select group of male workers need to have their rights protected. But these women who are paid less—and even the Pay Equity Commission established this year after year—don't matter. They can be dismissed. But the objective evidence says that it's actually women above all who need access to card certification. If we care about fairness and equity and equality at all, then it's those women workers who are the most disadvantaged, in the worst-off position. Obviously, the McGuinty government doesn't care about issues of pay equity. It doesn't care about that general unfairness between male workers and female workers. That's not of interest to them.

There have been a number of people who have done really interesting studies. I'm talking about Professor Jeffrey Reitz at the University of Toronto. He has written study after study, and what he looks at is the situation of new Canadian workers. His most recent study, from February 2005, is Tapping Immigrants' Skills. It's a very interesting study, but what I find most interesting is, he points out that if you go to the workplaces around Ontario, once again, who are the people who are the most

underpaid and who probably need access to card certification the most if we're concerned about fairness and equality? What he points out—and he points this out in study after study—is that it's new Canadian workers, new immigrants.

Just to give you an idea of the magnitude of the difference here, he says, "I calculated, based on Canadian census labour-force data, that foreign-educated immigrants earned \$2.4 billion less than native-born Canadians with formally comparable skills"—\$2.4 billion. That's on an annual basis. That's the gap there for those new Canadian workers.

He goes on, and I find this interesting. He says, "Earnings of newly arrived immigrant men, which in 1980 had amounted to about 80% of those of native-born Canadian men, had dropped to 60% by 1996," and had dropped further by 2005. So he's saying that for new Canadian workers, new immigrants to Ontario, the situation isn't getting better; it's getting worse. And what's the McGuinty government response? The McGuinty government response is to say, "You don't matter." This rising inequality is not of interest to the McGuinty government.

He talks about men and then he says, "The relative trends for newly arrived immigrant women were similarly negative." In other words, immigrant women who are just now coming to Canada and joining the economy—and Ontario is where most of these workers come—are actually falling further behind too.

What is the McGuinty government response? The McGuinty government response is not one of promoting fairness and equality; it's not one of saying, "There's an obvious imbalance here and it has to be addressed." No, the McGuinty government response is to say, "We only care about this select group of male workers over here. That's it." Those people who, from the perspective of fairness, equity and equality, most need access to card-based certification, the McGuinty government isn't hearing them, isn't listening to them and isn't interested in them.

I just want to say, in the few minutes I have remaining, what I believe needs to happen. I think the McGuinty government should take this bill and amend it. You should amend it so that all workers, regardless of their gender, regardless of their ethnic origin, regardless of colour, regardless of what sector of the economy they work in, have access to card-based certification. If my signature on a cheque is good enough for the Bank of Montreal, if my signature on a licence card is good enough for the government of Ontario, if my signature on a petition card is good enough for this Legislature, if my signature on a credit card is good enough, then a worker's signature on a union card indicating that they want to join the union should be good enough as well. And it should apply to all workers, not just a select few.

Finally—

**Mr. Wilkinson:** You don't like carpenters?

**Mr. Hampton:** One of the members back here says, "You don't like carpenters?" Yeah, I like carpenters, but

I also acknowledge that women who work in a garment factory, or a visible minority person who works in a hotel—I like them just as much, and they should be treated just as fairly and just as equitably.

I want to talk for a minute about the failure of this government to ban scabs. I'm not talking about airy-fairy legislation here. Quebec has banned scabs since 1976 and, as far as I can tell, labour relations work pretty well in Quebec. People bargain collectively and they arrive at contracts. Manitoba has effectively taken away the scab element. Workers and managers there bargain together and they arrive at collective agreements. Between 1991 and 1995, when we banned scabs here in Ontario, we had fewer incidents on picket lines and we had more collective agreements being bargained at the collective bargaining table—not otherwise but at the bargaining table, where they should be bargained.

I say to the McGuinty government, I think Mike Harris had a deplorable position in taking this away from workers. Don't do the same thing. Don't be in a position where you're denying card-based certification to most of the workers in Ontario, indeed the workers in Ontario who need access to this the most.

1630

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

**Mr. Delaney:** The member for Kenora–Rainy River has found the Holy Grail. He calls it card-based certification. The member for Kenora–Rainy River was kind enough to empty the cards from his wallet. I ask members who find any loose change on the carpet to please return it to the member for Kenora–Rainy River. The member showed us three identification cards and a cheque. If the card issuers treated the member the way that he feels union certification applicants should be treated, then we must infer that each card issuer sent him their plastic without the member ever having filled in a confidential form and submitted it for validation before the card was issued.

I will make a point of asking the Minister of Transportation and highways to verify that a card used for a driver's licence is not issued in this fashion without reasonable due diligence. The member for Kenora–Rainy River needs to fill in the form and validate his wishes and his qualified status before being issued his MasterCard or his cheque book. So let it be with the formation of a collective bargaining unit. Where there are workers whose workplace is not construction-related, let them make their desires known and let them have both a fair and a secret ballot, as Bill 144 ensures. Let the workers applying for a new collective bargaining unit have the opportunity to discuss the issues and to cast a vote under the criteria laid out by the Ontario Labour Relations Board. If need be, let them have the time between signing their card and casting their vote to think about it.

Bill 144 gives the OLRB the ability to certify a union if management acts to prejudice the fairness of a vote. Bill 144 gives the OLRB the ability to require a vote even in the construction field if it seems like the organizers are acting improperly. I agree with the member

from Timmins–James Bay that people take the decision to sign a card seriously, and they will take the certification vote seriously too.

**Mr. Robert W. Runciman (Leeds–Grenville):** I just want to put on the record that I disagree with virtually everything presented by the leader of the third party. That's not a surprise. But I do think the issue he has raised is valid in the sense of the government discriminating with respect to this legislation in only applying this to one sector. I think it does raise valid questions about the approach and the justification for this approach. Someone indicated a payoff, an election payoff, and I think that is a legitimate issue to be raised in this House given the Liberal government's approach.

I want to say, with respect to card-based certification, the leader of the third party I think does himself a disservice and damages his own credibility in using a credit card and a driver's licence and so on as an indication of something akin to card-based certification. There are no similarities. That's an unfair comparability, if you will, and I think it's an insult to the intelligence of Ontarians who may be viewing these proceedings. To be honest, I'm someone who has served as a union president. I served as a union steward. I've been in some very tough situations, to say the least, and I know how high emotions can run, whether it's an organizational effort, a contract dispute, a strike or a walkout. Pressures, the strength of feelings, are very evident in those kinds of situations. To me, to suggest that someone who could be under enormous—and I will stress the word “enormous”—pressure from co-workers to sign a card or go into a situation to join a union, there's no fairness in terms of comparing that with a driver's licence.

**Mr. Bisson:** On the heels of the comments made by our leader, Mr. Hampton, I just want to say that I think you framed this right. The issue is this: What the government is attempting to do is reinstate card-based certification for a certain group of workers and not for all workers. That's really what we're upset about.

We agree with the Leslie Frost legislation, as Howard pointed out, and other Premiers, that if a worker decides to sign a union card, the law since 1948 has said that if a majority of workers in that plant decided to sign a card, and the cards were verified as being signed by those individuals through the process that was established under the Ontario Labour Relations Act, a union would be formed. The Conservatives got elected and did away with that. What they said instead was that the only way you can form a union is that if a majority of people sign a card, then you have a certification vote.

What this government is doing I agree with to an extent. They're saying, “We're going to give construction workers the ability to have card-based certification,” as we've had since 1948 in this province, up to the time that Michael Harris took it away. But they're not prepared to go to the next step: all workers in the province of Ontario.

How can you argue that in one industry like construction, only they are somewhat special or in a special

circumstance to warrant having card-based certification? If you look at the industries that I represent in my riding, forestry, there are a lot of transient workers through that particular industry who work in the bush. If the argument is that most of the people in the construction trades move from contractor to contractor and therefore you have to have card-based certification for them, the same could be said for all kinds of industries across Ontario.

I'm just saying what's good for the goose is good for the gander. If we agree on card-based certification, it should be applied to all workers in Ontario, not just to construction workers, which is the point that the member makes. I agree with him on that point. I say to the government that it is wrong to give it to just one group of workers and not establish that practice for all.

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

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I'm pleased to participate in this debate. I hadn't planned to, but as I listened to the leader of the third party, I was incredulous about the comparison he used. He was trying to portray the fact that MasterCard accepts his signature, the bank accepts his signature, all these people accept a signature, when that is absolutely not the case. You can offer a licence to police officers when they stop you, and if you think they're going to make a determination on your signature, you are mistaken. They will run this through their computer to find out if you have a record, if you are wanted, if you are a criminal or whatever. If you write a cheque, do you think someone is going to just accept it? They will call; they will check at the bank to make sure you've got funds. If you put your credit card in, they will check to see whether or not you're over your limit or whether you stole the card. We're talking about a totally different situation.

A better analogy would have been elections, where, when you go to vote, you have to show that you in fact are entitled to vote, and then you've got identification to do that. What you're doing is making a determination that's affecting a lot of other people, whereas when you're talking about cheques and credit cards and licences, it only impacts on you.

What is happening is that in the labour movement, a collective agreement by its definition is collective. It means that you are in fact committing all of your cohorts to a particular action, either for or against. That is why it is incredibly naive to think that you can compare one to the other.

**Hon. James J. Bradley (Minister of Tourism and Recreation):** What happened to that social contract?

**Hon. Mr. Kwinter:** As my colleague has said, it's very interesting that you saw nothing wrong with trashing a social contract, but now you're talking about—

**Hon. Mr. Bradley:** Rip them all up, every contract.

**Hon. Mr. Kwinter:** Yes. Anyway, my time's up.

**The Acting Speaker:** Further debate?



1640

**Mr. David Zimmer (Willowdale):** We've heard a lot about card-based certification. We've talked about that issue at length. I think it's important at this time to take a look at what else is actually in Bill 144 and what is not in Bill 144. Let me go through a couple of the ins to remind members of the House of what's in the legislation.

What's in the legislation is the proposed removal of the requirement to post decertification posters. That's a significant piece. Another thing that's in the legislation, and we ought not to forget this, is the proposed removal of the requirement for union salary disclosure. Also in the bill is a proposed restoration of the remedial power of the Ontario Labour Relations Board to order remedial certification and interim reinstatement. It's also proposed to restore the remedial power of the Ontario Labour Relations Board to order remedial dismissal against the union. We've been focusing on this card-based certification issue, but we should also remember what else is in the legislation.

What's not in the legislation? The legislation does not propose to extend the option of card-based certification to all sectors, it does not propose to amend the statutory bars applied to unions reapplying for certification and, finally, it does not prohibit replacement workers.

A lot of questions or suggestions have been raised to the effect that there are concerns that if an employer in the construction industry knows a workplace can be unionized without a vote, that's somehow going to be a disincentive for the construction company to invest here in Ontario. I can tell you that businesses make their decisions to invest in a province or a country based on a large number of factors. There are a lot of other reasons why they invest—taxation regimes, interest rates, valuation of the currency. There are no data to suggest that the specifics of our labour relations legislation are a primary consideration by corporations and, in particular, construction corporations when investing in Ontario.

The construction sector is unique and has long been treated as distinct within our labour legislation and indeed within other labour legislation. The emphasis on project work and the mobile nature of the workforce in the construction sector creates special challenges regarding certification. The option "card-based certification" proposed in Bill 144 would respond to the distinct features of this industry, while promoting individual choice, fairness and balance.

Until 1995, card-based certification was the main mechanism for certification of construction unions, as it was for all sectors covered by the Labour Relations Act, 1995. There is no indication that the legislative regime prior to 1995 had any impact on investment by construction companies in Ontario.

Further, Bill 144 proposes to make permanent the current and temporary collective bargaining systems for residential construction in the GTA and surrounding areas. This proposal will create stability in this volatile sector. I can tell you that this is fully supported by the construction employers' association. In particular, the

Greater Toronto Home Builders' Association has publicly written on this topic and has supported the government's proposal.

The unique legislation characteristics of the construction industry have been recognized since the 1960s. For the last 40 years, specific sections of the Labour Relations Act have been dedicated to the construction sector. Providing construction unions with the option of seeking certification under a card-based regime is appropriate. It's very appropriate in light of the mobile nature of construction industry workers and the time-sensitive nature of construction projects. All parties in the construction trades accept this, as does the construction industry.

Construction unions will retain the option of seeking certification under a mandatory-vote regime if they so wish. This is sound legislation; this is constructive legislation. This legislation is going to make for a better labour relations environment. I'm happy to share my time now with my colleague.

**The Acting Speaker:** Which colleague would that be?

**Mr. Zimmer:** The member for Markham.

**Mr. Tony C. Wong (Markham):** It really is a delight for me to participate in this debate. In speaking to Bill 144, as the parliamentary assistant to the Minister of Economic Development and Trade, I am going to speak to its fairness and balance to the labour relations system in improving the workplace relationship and maintaining stability for a productive economy. Stability is the key word.

The member for Parry Sound—Muskoka spoke about the card-based certification system, and he talked about intimidation. The leader of the third party then spoke to the same subject matter and said this was totally unacceptable and discriminatory. I'm sure that we must have struck the right balance.

In order to create a very healthy and viable economic environment so that we can have jobs for new immigrants—I do appreciate the leader of the third party speaking about how unsatisfactorily new immigrant workers have been able to fare in our country, but I want to say this: He's actually gone one step beyond what I want to see, and that is that they must have jobs first. In order to have jobs, we must be able to create a viable and strong economy.

I refer to what we have done as a government. We have certainly put in place legislation, or at least proposed legislation, to help folks who are trained overseas, so that they can go through additional training to become qualified professionals in our province. We've also increased the number of places for apprenticeships as well as for co-op placements. But I also want to point out that in doing what we've done, we have been extremely competitive.

Of course, we've all heard about the investments in a big way by Ford last year in the magnitude of \$1 billion, and of course of GM in the range of \$2.5 billion. Why are we able to do that? Because we have a very highly educated workforce, we have a technological edge and we also have an extremely competitive tax rate system.

I want to talk about the tax rate for a minute. Our tax rate, the joint federal-provincial income tax rate, is 36.12%. That compares extremely well with our competitors. If you look at Michigan, they have 39.3%, three percentage points higher than what we have; New York, 39.9%; Ohio, 40.5%; Minnesota, 41.4%. I could go on and on. We have the lowest tax rate.

If we want to look at how we intend to help small businesses, I'd love to talk about that, because I've just finished a round of consultation with respect to how businesses—especially SMEs, small and medium-sized enterprises—can do business with our government. I refer to the procurement process. Under the leadership of my colleague the member for Pickering–Ajax–Uxbridge, we will be embarking on an extremely exciting initiative—exciting to us as well as exciting to the businesses—on how to improve that aspect so that the SMEs can do a lot more business with us in terms of procurement.

For myself, I led an initiative about a year ago, going around the province to speak to more than 23 organizations and more than 100 individuals as to how we can help small and medium-sized businesses in taking them to the next level in terms of growth. Let me tell you that in all of those consultation sessions they've talked about access to networking, access to financing, skilled labour and certification and qualification of overseas trained personnel. They've also talked about regulatory control. They've talked about our tax rates. But none of those groups have highlighted that card-based certification is going to impact them in a negative manner or that these proposed amendments are going to hurt them in any way.

So this is not something that will impact either labour or business in a negative manner. I maintain that we have struck the right balance in creating a strong economic environment for the growth of this province.

1650

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

**Mr. Garfield Dunlop (Simcoe North):** I'm happy to make a few comments on the two previous speakers. I want to let you know, Mr. Speaker, that I'm waiting—Mr. John O'Toole, the MPP for Durham, will be speaking next on behalf of our caucus. It's always interesting to listen to the member from Durham, because he's an expert in this particular area. We look forward to his comments.

I appreciate the government members' comments on this particular legislation. It looks like we have three different opinions on this bill. It'll be interesting to see, as we work through the legislation and any future committee hearings, how the public will react. Certainly there is strong concern among the construction industry. We're hearing very strongly from the home builders' associations and chambers of commerce as to their concerns about the bill and how in fact it could actually drive away potential jobs in a lot of our communities. We see that as a problem.

As you know, in the last government, although we hear some negative things today, we created over a mil-

lion jobs in Ontario. Those million jobs are the stimulus this government has carried forward with for the strong economy they inherited. This government didn't inherit an economy like the previous government did, when we inherited a deficit of close to \$11 billion from the New Democratic Party. They inherited a very strong economy and a very minimal deficit.

*Interjections.*

**Mr. Dunlop:** Those are the facts. The bottom line is, you've inherited a strong economy and you should be able to build upon that, not create further deficits, not raise taxes, not create opportunities that will discourage investment here in Ontario.

I appreciate this opportunity to speak.

**Ms. Horwath:** It's certainly my pleasure to make a few comments on the debate this evening of the member from Markham and the member from Willowdale. I have to say that the member from Markham really didn't speak much about Bill 144. Instead, he talked about a lot of other things that he has been doing on behalf of the government, on behalf of the McGuinty Liberals. It's quite interesting, because one of the things he mentioned was that, in all of his deliberations and in all of the different things he's been doing, not once did anybody even peep about Bill 144. But, had he informed people that they would be discriminated against by this government, by the McGuinty Liberals, in regard to Bill 144, that as workers, unless they're construction workers, they won't be able to take advantage of the card certification process that's being brought forward in Bill 144, they might actually have an opinion as to whether or not Bill 144 would be affecting them. Quite frankly, if you tell people what you are doing, sometimes they actually do have something to say about it.

When it comes to discrimination, I don't ever recall, in my experience anyway, telling people they're deliberately being discriminated against and then they turn around and say, "That's a wonderful thing. We support any government that would discriminate against a group of workers." Nonetheless, it was interesting to hear from the member from Willowdale, who at the beginning said, "There's so much more in this bill," and then went on to speak almost exclusively to try to justify the discrimination in Bill 144 in regard to card certification.

I think it's quite interesting that they go on and on about balance and the economy and all these kinds of things. Geez, you'd have thought that for the last 50 years in Ontario prior to the Harris-Eves regime, there was no balance in Ontario and there were huge problems with the card certification process. In fact, we know that's not true. We know that there was investment and that this province grew by leaps and bounds during that time frame.

I look forward to saying more about this bill in a very few short minutes.

**Mr. Levac:** I really can't let the member from Simcoe North get away with saying it was a tiny little deficit that they gave us and the economy was in great shape. I don't think we have to say any more, other than to recognize

the fact that we are wrestling with it. We're going to deal with it, but the fact is that it wasn't a tiny little deficit. It was about a \$5.6-billion deficit that we had, but we're dealing with it.

Having said that, let's move on to what the real discussion is about. I've been meeting with my union leaders and we've been discussing the bill. We've been discussing the concerns and I'm sharing those with the minister. The minister is aware that there are some concerns out there about card certification. He has been getting some feedback from the union leadership that is basically saying, "Do you know what? The Queen Mary can't turn around on a dime." Where we were before was absolutely not acceptable and we have acknowledged that. That's not an acceptable way our labour movement should be treated and we're starting to move that around. So when the Queen Mary turns around, we're going to find those nuances.

Some people talk as if this is the only bill that will ever be passed on labour relations and labour. That's not going to be the case. There is going to be more legislation coming. There will be more discussions. There will be more opportunities to take a step back and take a look at where we want to be with card certification. Let's remember that.

I want to reinforce what is happening in my riding. The Tories want us to believe that, because of this legislation, all investment is leaving the province. I'm very proud of the investment that's going to happen in my riding: 1,300 jobs are coming to my riding. That's great investment for all of NAFTA.

We're talking about all of this controversy about stuff. I've just been handed a letter here. I forgot to make sure that the members opposite are invited to the fundraiser by Paul Bailey of Bazil Developments and Joyce Frustaglio, the regional councillor of the city of Vaughan. But you have to have a thousand bucks to meet with John Tory. Best of luck with your fundraiser.

Sincerely, this bill is in the right direction. We're moving in the right direction for the workers of Ontario.

**Mr. O'Toole:** It's always a pleasure to respond to the Liberal position on Bill 144 and I hope to do that in a few minutes. I'm still preparing my speech, actually.

*Interjection.*

**Mr. O'Toole:** Quite seriously, the member from St. Catharines brings up a timeless issue. On this side of the House, when they were consulting on the greenbelt legislation, Mr. Hudak from Erie-Lincoln made it very clear that we were really looking for the \$10,000 list at the estate of the Sorbara family where all the stakeholders had more to lose than gain. Those who came away from that \$10,000 meeting gained, in some cases, millions of dollars because of that fruitful meeting.

For those viewing, you've got to remember that they are the government, and when they meet with the opposition, they're certainly doing it out of frustration. I do believe that it's important to meet with all leaders. That would include Howard Hampton; it would also include John Tory. I know they are still listening. It's

clear to me today, even if you want to look at this whole autism debate, that you can meet with Dalton, you can talk to Dalton, but Dalton is not listening. That's the message today. They are even defying the decisions of the courts: the Superior Court of Ontario.

It's clear that the Premier was personally embarrassed, because he wrote a letter to a parent, on the one hand, saying that he promised their autistic child the service, and he was virtually cringing in his chair. He flipped it over to the Attorney General, Michael Bryant. He should be careful of that, because Michael Bryant has aspirations for his job. When he was over here, he sat about here. He is quite a showman. I wouldn't give him much more face time than he's already getting. I would give it to Marie Bountrogianni. I think she really cares about it, but Dalton and Greg Sorbara won't give them the money to do the job.

It's like this very bill that we're talking about. It's a strong economy—

**The Acting Speaker:** The member for Durham—

**Mr. O'Toole:** There are still 12 seconds left.

**The Acting Speaker:** I would just ask you to refer to members by their riding name or by their ministry. It's important that we do that. I'll give you a few extra seconds because of interruptions.

**Mr. O'Toole:** I was certainly getting excited. I would say that because it's frustrating when you're a member of the opposition and you hear every day—especially the member from St. Catharines. He is always very sparky. In fact, he often tells the Speaker what to do.

1700

**The Acting Speaker:** The member for Willowdale has two minutes to reply.

**Mr. Zimmer:** I'm happy to respond, because in the last analysis, I suppose we have to ask ourselves the question. There's some suggestion that these labour reforms favour labour over business. That's just not the case. These proposed reforms are designed to restore balance and fairness to labour relations. They're going to restore confidence in the labour relations systems.

The proposed amendments in Bill 144 are well within the mainstream of Canadian labour relations. If you look across the other provinces and indeed at the federal scene, we are within the mainstream. Most Canadian jurisdictions contain similar provisions. For example, most provinces provide their labour relations boards with the power of remedial certification.

For the last decade here in Ontario—and I think this is the crux of the debate—all labour legislation reforms have been dominated by political ideology. They favoured either labour or business. These amendments seek balance and return Ontario's state of labour legislation to what existed before both the Tory so-called common sense reforms and the NDP reforms. Those two eras of reform, the so-called NDP reforms and the so-called Tory common sense reforms, led to great labour discord. The provisions in Bill 144 are going to restore it.

As evidence of that—and I come back to the construction sector now and card-based certification. It has

the support of both the Greater Toronto Home Builders' Association and, of course, the construction trades. This is an example of how we can move forward to healthy labour relations.

**The Acting Speaker:** Further debate?

**Mr. O'Toole:** I want to start by explaining the perspective I come from. In all things, there needs to be balance. I think that's a fair and reasonable thing to say today. It's a fair and reasonable thing to say at any time. We will make disparaging accusations of the NDP when they were the government with respect to the expenditure constraint programs they introduced or tried to implement, one of which was called the social contract. We know that all governments realize the balanced relationship between a strong and educated workforce and democracy in the workplace, reinforced by adequate and enforceable employment standards provisions.

I think democracy is a very important process, and I'm going to make a couple of references here before I get into the substance of Bill 144, which, by the way, is a fairly lengthy bill. It was introduced in November 2003 and it has taken some time to get this far. It attempts to amend a number of statutes that I'll discuss in a few minutes.

When you talk about democracy, it would be wrong for me not to mention that the press gallery has just had a democratic process occur. They elected Alan Findlay as the president of the press gallery. The vice-president of print is Richard Brennan, the badger. The vice-president of broadcasting is Randy Rath. The treasurer is Murray Campbell. I read most of his articles and usually file them. The secretary is John McGrath from the CBC.

I recognize that in every kind of organization, there is democracy. In fact, some would say democracy here is exemplified by our current referee, Mr. Arnott. I can't help but think of the Speaker, of democracy in the workplace, and the issue that he has been the single-handed champion of, which is Bill 52, the double-hatter issue, despite the fact that Monte Kwinter, as the minister responsible for community safety, refuses to listen. That was the point I was making in my two minutes.

The minister is here and he's listening. I know it's a difficult issue. You tried to float out the \$30 million to satisfy the unions or to satisfy the brethren. The \$30 million, by the way, was \$10 million less than we had committed, so you've got to understand that.

*Interjections.*

**Mr. O'Toole:** You'll get your two minutes, and I'll be waiting here to hear it.

The fact is, Mr. Arnott from Waterloo-Wellington is the Speaker now in the chair and is doing an admirable job, except that he did introduce a bit of an interjection in my two minutes, but he was quite in order to do that. That is democracy. There are two different voices. His role is to enforce the rules. In fact, it's the government's role. In a certain—

**The Acting Speaker:** Order. The member for Mississauga West.

**Mr. Delaney:** I share the member's esteem for the member from Waterloo-Wellington and his bill, but we're debating Bill 144.

**The Acting Speaker:** Thank you very much for that interjection. I would return to the member for Durham.

**Mr. O'Toole:** I wonder if the member from Mississauga West chose the proper word. I pose that as a real question, actually. I think he should hold you in honour and respect. That certainly would be my position going into this discussion.

On Bill 52, I think the member from Waterloo-Wellington was trying to represent the variety of types of communities in Ontario that really need safety—safety should be first and foremost—and the democracy of the issue is part of the double-hatter or volunteer firefighters working in communities where they live. Their full-time job as a firefighter might be in York or some other region that has the luxury—and this is an important part of the full debate—of having a tax base sufficient to sustain it, like Mississauga.

Hazel McCallion has done a wonderful job because she's got the greatest amount of revenue per capita of any mayor in the province. She's got a new infrastructure. She's got the airport that pays all the taxes and doesn't provide any of the services. So it's fine for Mississauga. In fact, it's reasonable and legitimate to demand that rich municipalities across the province and regions—and municipalities, as I say, because it's really a lower-tier responsibility, in the case of fire protection, to provide the standard of service delivery that's mandated by the government. In democracy, a local council being elected to make that decision about whether or not they use volunteers to supplement is an argument that goes a long way toward Bill 144, which is workplace democracy.

I honestly feel that there is reasonableness on all sides, not just on that of the member from Waterloo-Wellington. I support him 100%. I'm surprised that the Minister of Community Safety isn't—he may stand this afternoon and shed some light on discussions that are ongoing with the fire marshal to look at the standards of response times: the 10 and 10 or the 20 and 20, whatever those rules are.

**Mr. Levac:** Like you did.

**Mr. O'Toole:** We certainly did move a long way, Mr. Levac, but that was just to get your interjection on the record.

I'm going to go back to the clippings today. This again is by Greg Keenan, the auto study reporter in the Globe and Mail. Today it talks about "Toyota Pinpoints Canada for New Plant," a very important investment in Ontario. I'm sure Joe Cordiano, Minister of Economic Development and Trade, is quite interested. I'd like to know his position on it.

In fact, I would present that as another outstanding question, because in this article they point out that the key investment of \$600 million and the number of jobs is critical to the area of Cambridge. Indeed, it would accrue as a great benefit to the province of Ontario and indeed to the people of Ontario because, once again, having a

strong economy is the fundamental argument that I'll be attempting to make today, that Bill 144 actually works in reverse to the objectives. That was established by our critic, Elizabeth Witmer, in her opening response to Minister Bentley's statement at the beginning, which I have a copy of. With your indulgence, I will read most of her speech because it was so good; it was excellent. In fact, she covered almost every point with clarity, respect, enthusiasm and knowledge.

On that basis, and I'm quoting here from this article, "Hemi Mitic, an assistant to CAW president Buzz Hargrove, said yesterday that the union has not yet requested a vote because it's not sure what the true numbers in the plant are after the company made about 140 contract workers full-time employees last week.

"A previous attempt to organize workers in Cambridge failed"—democracy? We lost the last time. Many people in Ontario are now disappointed because they had 231 promises and they didn't keep any of them, and they were—I can't use the word "misled" in the House, but some people think that maybe they didn't tell the truth.

So they failed to sign up the required 40% of workers. This article goes on to say, "The only unionized Toyota assembly plant in North America is a joint venture facility with General Motors Corp. in California." I wonder why. I think the employees themselves have the right to make decisions about whether or not they're being adequately represented. In a true case of workplace democracy, it should be the strength of the Employment Standards Act. If you really want to make meaningful change in right-to-work kinds of legislation, you want to look at the Employment Standards Act with respect to hours of work, overtime requirements, notice of layoff, all these kinds of provision that are in the Employment Standards Act today.

**1710**

I worked for General Motors for over 31 years. Part of that time I spent in the personnel area, so I was associated with labour relations—very modestly, I might add. I had the privilege of reading some of the grievances and solutions. Many companies, whether it's in Cambridge or others that are non-unionized workplaces, have a dispute resolution process in-house. They have team leaders, different names in different organizations, but it's a shared responsibility for their common economic prosperity. That's fundamental.

I don't believe in sweatshops. I don't believe in persons not having a voice. I know that within my riding there are large complex workplaces, including General Motors and hydro, where employees get disenfranchised by both the employer and the employees. Quite often the case revolves around a dispute—with the WSIB, it's often the case—but often it can be such things as human rights complaints, where the union wants no part of it, the company wants no part of it and they have to go to the ombudsman or some other dispute resolution mechanism.

So I'm not opposed to having workplace democracy in forms other than a union. There is no one-size-fits-all for workplaces. I think the current Liberal government is

ultimately paying back some of the provincial unions—I'm not holding it against them; they will have to make a decision in 2007—because they carried signs for them. They put signs up for them, and they promised them things. In the election, they promised the people of Ontario many things. We'll see in 2007 what they actually delivered. The real proof, for those listening, will be the strength of our health care system and the strength of our public services in this province. Ultimately underlying that will be the strength of the economy.

This is intertwined with Bill 144, when you look at its objectives. Its objective is to create democratization in the workplace, but when you look at some of the processes where the ministers can deem certain things, or the Ontario Labour Relations Board can grant certification under certain conditions that are new in this legislation, that in fact is overruling democracy.

Minister Bentley, I know, is more or less a junior minister. He's a good guy. He practised law. He should probably go back to it. But when I look at the Premier running the show over there in his office, and at the minions in his office basically running it, Mr. Bentley, with all due respect to the minister, reads the speeches very well.

I don't know whether he practised labour law, but I know that in the case where unions would no longer need to disclose the annual salaries or benefits of directors, officers or employees earning \$100,000 or more per year, and employers would no longer be required to post de-certification information in unionized workplaces, these are anti-democratic actions. We've heard from previous speakers on the card-certification issue, which I'll talk about briefly, because it's been well covered by the NDP. I respect them for it.

Another point is that the Ontario Labour Relations Board will now be able arbitrarily—as a last resort, of course—to grant union certification when an employer is deemed to be in violation of labour law. It would also have the power to dismiss a certification vote. This is a centralization of power. This is a typical bureaucratic response to democracy: "We're going to just force it on you."

I look at the laudable objectives in the bill, and I would prefer that you strengthen the Employment Standards Act. I look at some of the risks I'm bringing to your attention. Re-establishing the card-based certification system for the construction sector: This would be in addition to the vote system. So there's more bureaucracy and more duplication. However, the card-based system would permit automatic certification if more than 55% of the employees—automatic certification. No vote. Who signed for the cards? Whose card belongs to whom? I think the process should be a secret ballot process. That's the democracy we live in.

I think the workers, at the end of the day, know their workplace, and I put it to you that the Minister of Labour is usurping that power.

We see that playing out every day at Wal-Mart. I see Wal-Mart making record profits. I'm not sure of their

employment relationship issues, but the employees seem to be almost hyper. They are really enthusiastic. I know the hourly rate may be less than possibly it should be—I don't know—but I think they also have a profit-sharing plan. I think that's an extremely important advance in industrial workplaces or in workplaces that are organized.

A really recent example would be the new Bruce nuclear plant, which is operated by a consortium. The interesting thing in that consortium is that one of the principal shareholders is the union. How novel is that? Isn't it what I've been saying, that we all benefit from true democracy? Don't try to ram it down people's throats. This is what I read in this bill. It puts real democracy at great risk. We've just heard that the minister can force certification under certain undemocratic processes and institutional organizations—the Ontario Labour Relations Board.

I think that make-permanent special bargaining and dispute regime for residential construction in the Ontario area has been in place since 2001. We recognize there are complex workplaces that need to have a process. Our position is that we do not endorse this bill. It is turning back over 15 years of labour relations, particularly on the Ontario Labour Relations Board powers and the automatic certification vote for the construction industry.

The construction industry is in a time of boom, where we have low interest and a monstrous building of homes, condominiums, commercial construction—we started a lot of it; I don't know whether to take the credit or to blame us—all the hospitals in Ontario, 20,000 new long-term-care beds, a commitment of—how much was it?—\$10 billion or some enormous amount for capital construction in long-term care for seniors, as well as schools. In my riding of Durham, I think we had 16 new schools built during the time we were in government. I could hardly schedule the new school openings, there were so many of them. Maybe that's overstated a bit, but it was certainly refreshing, because when my five children were in high school, they spent almost all of their time in portables.

Sean Conway sat over there when he was here; when he was Minister of Labour, I think he sat there. When he was Minister of Labour, I happened to be a school trustee at the time and we begged him to just give us—and it used to be all politics. To get a new school, you had to lobby the minister: wine and cheese and all the rest of it. That was democracy when the Liberals were in power, and it's coming back. It really worries me. If we get to the fundamentals of it all, we set in place—I'll come to the construction of new schools.

How this relates to Bill 144 is this: Today there is a per pupil amount allocated for space. As your population grows, you get an allocation for capital. That capital allocation per student allows you to accrue the money to actually build the facility. What is more democratic than that? Some of these things aren't too popular politically, because they can no longer lobby the minister. Mr. Kennedy, the Minister of Labour—the Minister of Edu-

cation. Maybe that's a Freudian slip. Labour wouldn't be bad. Bentley might be OK in education. But I digress. The real issue I'm trying to make here is, let the people's voice be heard. Deal with them straightforwardly. Tell them your proposals and commit to them.

It's like listening to the agricultural debate. I listened to Mr. Hardeman, our critic, and to the Minister of Agriculture, and they are reading different books. Honestly, I am quite disarmed and disillusioned.

I just want to follow up on the previous clippings I was talking about. The Toronto Star had a piece as well on the delay of the vote at the Toyota plant: "Labour leaders seeking to unionize one of Toyota Motor Corp.'s two Canadian plants have pushed back the timing of a possible organization vote after the company took at least 150 temporary workers on as permanent employees."

Clearly, this is an important workplace democracy issue. If the employer is going to set up a dispute resolution process and treat the employees democratically, fairly and reasonably, as they do in Cambridge, the only thing that's going to lose here is the CAW's membership dues of a thousand a year. That's who is losing. They're afraid that as you increase the strength of the Employment Standards Act, there will be no need for conflict, for labour relations in the form of the union dispute mechanism.

**1720**

If I saw interference—I have seen it twice. I saw it in the budget. Obsequiously placed in the budget was an indication that you were allocating 2% to 3% for public sector employees. You were telling them. Then the Minister of Education sent a letter, which our critic Frank Klees was quick to catch because it was completely out of order, directing the directors and trustees to impose settlements of four years and two years under these conditions: He set in place in print the 2% and 4% and 6% increases. That's what I call intrusion in the workplace. That's not democratic, and I don't know whether this bill is going to be able to achieve these things that are very worthy.

I wanted to put on record a couple of things in the little time I get to speak; I sometimes have to sort through it. It isn't a matter of time, but often a matter of being organized.

I would only say to you that I have had correspondence with the CAW in my riding with respect to the card certification issue. I have sent it to the Premier, and the Premier's response was, "It's not my job." He sent it to Minister Bentley, who has not responded to my letter, and I'm quite disappointed. I'm referring to a letter dated February 8, 2005, from Ron Boivin, talking about the issue of the card-check certification process that keeps undemocratic intimidation in voting.

This does nothing for the workers of Ontario. We're spending time debating a bill that I'd see better formatted in changes to the Employment Standards Act.

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

**Ms. Horwath:** It is my pleasure to comment on the debate by the member from Durham. I pretty much dis-

agree with many things he was saying, except when he was taking the McGuinty Liberals to task on some of their lack of follow-up with promises; let's put it that way.

What is clear, though, is that the concerns the Conservatives raise in their debate are really red herrings, because we all know very well that when the labour relations regime was such that it allowed card-based certification in the province for no less than 50 years, the sky didn't fall, there wasn't a problem, there wasn't a lack of balance. It's unfortunate that this government, the McGuinty Liberals, are simply kowtowing to a certain segment of workers and are not looking at this bill as an opportunity to provide the card-based certification process to all workers in the province.

Quite frankly, that process is necessary not only for construction trade workers but also for workers in many other sectors, particularly workers whom we're concerned about: workers who are visible minority, who are women, and who tend to be more intimidated in the process, tend to be more likely to be taken advantage of by employers and tend to be people who would benefit very much from a card certification process because that would address the imbalance that exists in workplaces where employers have a great deal of power and employees do not.

Although I understand where the member from Durham is coming from, I disagree with his analysis of the situation, as well as with that of the McGuinty Liberals, who are not prepared to do the right thing but are prepared to bring a discriminatory bill into this Legislature and expect support for it.

**Hon. Mr. Kwinter:** I've been waiting for weeks to get a chance to talk to the member from Durham. He seems to have this litany of things that are promises that haven't been kept. Let me share just a few of them in the two minutes I've got.

The member for Waterloo-Wellington, when he was a member of your caucus, brought forward a two-hatter bill. Four members of your existing caucus today didn't support him. Most of your members never even showed up for the vote.

Number two, they talk about this million dollars for the police helicopter, and they say, "Why don't you honour our commitment?" You didn't honour the commitment. You made the commitment in the budget in May. In September, the government went under—you still hadn't produced it. You talked about St. Lawrence Valley. You say, "Why don't you honour our commitments?" The St. Lawrence Valley commitment was made in 1998. Five years later, it never went ahead, and it wasn't ever going to go ahead, and that is something else.

The final thing that really galls is when you talk about a broken promise. You made a promise to the electorate, both in the third quarter report and the Magna budget, that the books were balanced, that there was no deficit. What do we find? Some \$5.6 billion. To say, as my friend and my critic says, "Well, that's just a small, little error"—

**Mr. Dunlop:** Small compared to what we inherited.

**Hon. Mr. Kwinter:** Well, yes. In the meantime, I don't have the time to go through the whole list, but I can tell you this: Every single day in my ministry, I hear about things that were promised, that rubber cheques were given, great on presentations of cheques with no money behind them, and I can tell you that if you're going to play that game, then you're going to find yourself in a lot of trouble.

**Mr. Dunlop:** I'm pleased—there are so many things I can speak about in a two-minute hit. I can only cover a couple, but I wanted to talk about a promise that wasn't made in the Liberal platform. I didn't read it anywhere in the platform. I've looked over and over in the platform to see when they were planning on closing the Huronia Regional Centre, the Southwestern Regional Centre and the Rideau Regional Centre. There's over a thousand jobs. For a government that cares about employees, for a government that actually cares about the workers, to put a thousand people out of work in those areas—I'm sorry, it's more than a thousand, it's 2,000 people.

In my community, 680 members of OPSEU will be put out of work over a four-year period. Now, I never read that in their platform, if we're talking about broken promises, so I guess that's a promise they didn't keep, but it's a promise they didn't break either. But the fact of the matter is, it's having a dramatic effect on the economy of my community, and I imagine on the other communities as well. I notice today that Mr. Hoy, the member from Chatham, started reading in the petitions that he's receiving up there. Not only that, this government is proceeding down this road without a plan—without a plan for the 1,000 residents of those three centres.

We're having a rally this weekend in my community with the Huronia Helpers. I'm the only person speaking to the Huronia Helpers—that's the parents' association. The minister doesn't respond to them. She's had a meeting here with two or three people and is pretending that is actually meeting with the people, meeting with the parents. But there will be 200 people at that meeting this weekend, and they're wanting answers. They're wanting the government to rescind this decision, particularly a decision that does not have any kind of a plan for those folks, for those residents of these facilities. So that's a platform promise they didn't make, and that's a promise they've come forward with, a decision that I think was a very inhumane decision at this point.

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

**Mr. Rinaldi:** It's again a pleasure to rise and put in a couple of minutes of my thoughts to Bill 144. But I guess it seems that we've got off track a little bit. We talk about broken promises and responsibilities not kept. I think Bill 144—I mean, one has to be realistic; we have to be balanced. I think we've made some great strides to reach that balance. I give credit to the minister for taking the initiative of staging it. As I meet with union folks in my riding—I too meet with them on a regular basis—they

bring their concerns forward. My message to them—and it's very well received—is the fact that we are listening, we are making some steps, we are improving things.

I guess I wanted to point out the difference between this government and the past government. Well, they didn't consult; they just destroyed. It was the biggest destruction machine—

*Interjection.*

**Mr. Rinaldi:** Well, I can go that route because I was at the municipal level.

I tell you, we've been talking to people, and it's refreshing when people in my riding and indeed across the province, through my being a parliamentary assistant to the Minister of Infrastructure, or folks out there at all different levels, cannot believe that we're actually out there talking to them. They understand that we can't do everything overnight, that we can't just flop things over. They understand that with proper planning and proper direction we're going to get there. Bill 144 is in the right direction. It doesn't address all the concerns, but we're going to get there.

1730

**The Acting Speaker:** The member for Durham has two minutes to reply.

**Mr. O'Toole:** I wish had more time. I first want to recognize Wayne Samuelson, and Jim Moffatt who's now in the members' gallery. I wish they'd stay for my remarks because I look forward to working with them. I also thank the member from Hamilton East, the member from Simcoe North and the member for Northumberland.

Most importantly, I thank the Minister of Community Safety and Correctional Services. I do respect you and I'm pleased to have worked with you on the finance and economic affairs committee with your good friend and my good friend Mr. Phillips. You know as well as I do—I could pull the Hansard out and show you the discussions with respect to the state of the finances in the province of Ontario. So your gestures—you have a difficult job, and I'm sure you're doing it the best you can.

It's too bad you can't solve the Bill 52 thing. Quite honestly, I also support your observations with respect to when the private member's bill for Mr. Arnott was held, and I do find some difficulty with their not recognizing the diversity of Ontario when it comes to that issue of providing public safety services. It is a difficult thing for you, and I sympathize. I hope you can get your caucus to agree as well, because it's probably going to be the same issue for you. Even the fire marshal is somewhat hooked into this thing.

We inherited different things. I think it's pretty close to the two-year mark, halfway through your mandate in 2007. You've got to start looking forward. There is an argument that we had an \$11-billion deficit and a \$45-billion budget. You had, let's say, a structural deficit of \$3 billion—let's cut the mark here—with SARS, the blackout etc. Quite honestly, you've got a \$70-billion—yes, there are going to be transitional issues with all governments, I'd say to you here and now.

I'd also like to work to make Ontario a better place. This bill doesn't do that. It's a laudable bill but it's not going in the right direction. We need more jobs, not fewer. We need the Toyota plant to be here, and if their decision is based on a unionized workplace versus not getting the plant, I go for non-unionized.

**The Acting Speaker:** Further debate?

**Ms. Horwath:** I thank Michael for bringing me some water to help me get through this speech.

I want to start my comments. As I was listening to the debate tonight, and I have read some of what was said in the past, I started looking at the bill in detail a little while back, and I thought, "You know, this bill is misnamed. That's the problem with this bill." This bill says, "An Act to amend certain statutes relating to labour relations," and what it should say is, "An Act to amend statutes relating to labour relations for certain workers." Then we would have solved it, because then the bill would have been named for what it's actually doing, which is amending statutes for certain workers but not all workers. I'll be speaking about that quite a bit this evening because that's the crux of the issue. There are other things as well which I'll be raising, but that's the crux of the issue for New Democrats.

It's really interesting, because if you're just tuning in tonight and listening for the first time to this debate about Bill 144, what you'll have heard is a very interesting thing. You'll have heard that the McGuinty Liberals claim that this bill brings back balance even though it doesn't do what has been done in the province for many, many decades, and you'll have the Conservatives saying that this bill is going to cause huge problems with our economy and is going to be an economic nightmare for the province. In fact, what they're not saying is that if that were the case, it would have been happening for 50 years in Ontario. So it's quite interesting that both of these parties, the governing party and the official opposition, are having a discussion about this bill that has nothing to do with reality.

If the Liberals were interested in bringing balance back, they'd bring balance back to the way it was for 50 years in this province. They'd be bringing a bill forward that deals with all of the workers and their rights to card-based certification in the province of Ontario. If anybody is really being up front about their review of what happened during those 50 years, they will recognize that this province grew by leaps and bounds, and it did so under a card-based certification system. So a lot of what the Conservatives are bringing forward is nothing but a scare tactic and has no basis in reality.

The reality is that from the early 1950s—in fact 1949, when it was introduced—up until the neo-con times of the Mike Harris-Ernie Eves regime, the province of Ontario very clearly had a card-based certification process that provided a good opportunity for workers to be able to decide collectively that they wanted to be represented by a union, that they wanted to bargain collectively in a democratic process with their employer. Quite frankly, it didn't cause the economy to fall apart. It didn't



cause a huge imbalance. In fact, it was the way of the world for 50 years in Ontario.

Having said that, you would think, “Well, for 50 years in Ontario we had this kind of system. So what’s the big deal here? Why is the Liberal government, why are the McGuinty Liberals not doing the right thing by our workers?” Of course, I can’t answer that question. They’re going to have to answer that question. I would urge anybody who’s watching to call your Liberal MPP and find out why they refuse to give card certification to all workers in Ontario, because I can’t fathom it.

Why can’t I fathom it? Because if you look at the 1950s, the 1960s, the 1970s, the 1980s—OK, not the 1990s, but that was the anomaly in Ontario—if you look at all of those decades and at all of the Premiers who served during those decades, you wouldn’t find that it was only one political party in government during that time. No, in fact every single political party, Premiers of every political stripe, maintained the same regime of labour relations in regard to card certification that this government refuses to put in place. This government appears to be very proud of the fact that it’s breaking with that historical way of doing things that was quite helpful and productive and useful in terms of a framework for the ability of workers to decide collectively that they wanted to bargain with their employer under the auspices of a local union. But no, they have decided to grab on to the coattails of the government they unseated, the Harris-Eves government. I don’t understand it.

Don’t get me wrong. Do I understand the fact that the building trades want this legislation, that the building trades have been lobbying heavily for this change, that the building trades have an argument that needs to be made in regard to their desire to have a card-based certification system because of what they see as something particular to their industry? Of course I recognize that. Of course anybody would recognize that.

I have some personal experience when it comes to card-based certification, but before I get into that, I want to talk to you a little bit about my first experience in working in the trade union movement. I did that as a student when I was in university. I was placed in a union here in Toronto, as a matter of fact. The International Ladies Garment Workers Union is what it was called at the time; it’s currently a union called UNITE. I was maybe 20 or 21 years old. I had the opportunity to learn from people who were active in the trade union movement.

The reason I started thinking about this in the context of the debate on Bill 144 was that if there’s a union that reflects why it’s so important that card-based certification be open to all workers in Ontario, it’s that union. Why? Because it’s largely women workers who worked in that union, and it’s largely immigrant workers who worked in the workplaces, in the garment factories of Toronto, and still do, as a matter of fact. There are a lot of women garment workers who are immigrants who are still working not unionized, particularly doing home-based piecework. They’re not able to get the representation of a union.

It became very clear to me very quickly, when I had the opportunity to go to some of these sweatshops, to some of these workplaces, to see the conditions under which these women were working. I’m telling you, you would not wish this kind of workplace on anybody. The first thing that struck me in the first place I went to was the fact that you could barely even see when you walked in to the shop floor. The air was thick with fibre, with dust that was literally fibres from the bolts of fabric that were being sewn by the women in this garment factory. It was a shock to me and I raised it right away. I said, “It seems almost foggy in here.” It seemed like it was foggy, but the fog was not fog; it was in fact fibre dust from the raw materials that were being used in that manufacturing process, in the sewing.

**1740**

The person I was with assured me that this was a big issue that the health and safety committee had been working with, trying to get better ventilation systems in this factory, because people were complaining of asthma and respiratory problems as a result of the air they were breathing. But you know what? A very interesting thing happened as we continued into the plant. We went down a bunch of steps and continued on to the plant floor, where I could be closer to the women who were hunched over these sewing machines busily sewing, because of course it’s piecework, and the more pieces you can sew, the more you get in your pay packet at the end of the week.

I looked at these workstations and I thought, there’s something odd about these workstations. I couldn’t quite figure it out at first. What exactly was happening here? You had the workstation, you had the worker—the woman—and she was busily sewing on this small-sized sewing machine, and next to her was this glass. Enclosed in this Plexiglas was what looked like a computer. I said to the woman who was giving me the tour of this plant, “I don’t get it. What is this computer? What’s happening here?”

What was happening was that the computers, which were counting the pieces the women were working on, were in Plexiglas. Why were they in Plexiglas? They were being protected from the environment, because guess what? The computers couldn’t work, wouldn’t be able to function, if they were exposed to the air these women were breathing day in and day out in this factory.

That settled it for me. From that day on, I worked very hard for that union, and for every other union that I’ve had the pleasure and opportunity to work for and with in the last 20 years or so. Did I just give away my age? I think I might have.

I wanted to share that story, because I think a lot of people are perhaps not quite aware, if they’re tuning in to listen to this debate, are not quite understanding of why it is that people like myself work so hard to make sure that workers have an opportunity to choose to be represented by a trade union. I’ll tell you, those women workers had been organized for quite some time. They had made

many improvements in their workplace, and still there were some challenges that had to be met.

That's why it's so important that we give all workers in Ontario—not just building trades, not just the Ladies Garment Workers, but everybody—the opportunity to have a card-based certification. In workplaces where there are many immigrant workers, where there are many women workers, where there are language barriers, where there are concerns about even being able to keep a job because times are so tough out there and jobs are so scarce, those are environments where the balance of power—you want to hear about balance? You've been hearing about balance all night long from the McGuinty Liberals, but when you want to talk about balance, you want to talk about balancing off the power the employer has to simply fire workers and get rid of them because they want to join a union.

I raise that because something very interesting has happened in my own city, Hamilton, recently. I've been getting e-mails from workers who have had that very experience, who very recently, in the middle of March—these are vulnerable workers, workers who would very much be positively affected by the reinstatement of the card-certification process. Why is that? Because they signed union cards about the middle of March—I think it was March 11, to be exact—and shortly after a freeze period, on March 18, their employer turned around and fired them all because they had signed cards.

The following week, on March 21, guess what? They had their vote, and of course 100% of them voted in favour of the union. Had they not had to have that vote, had they not had to go through that process, the anguish and anxiety they had been going through in my community for about a week would not have been necessary, because their cards would have been signed and they would have been certified based on that. They would not have had to go to a vote and be vulnerable to the firing that took place. In fact, that's what happened.

So when you talk about the balance, what this system does—currently, when it doesn't allow card certification—is that it gives the employer the opportunity to intimidate and fire workers for signing cards before they can get to the vote process. This is a big problem and a big concern. Certainly we want to see the building trades have the opportunity for this process, but guess what? So should every other worker in this province. The women workers and immigrant workers and people who are working in low-wage jobs, and, in the case that I was highlighting in my own community, part-time jobs: These people should not be discriminated against by their government. How can a government discriminate against a whole group of workers? It just does not make any sense. It's completely inappropriate and completely wrong-headed, and I'm hoping very much that this government, when this bill goes to committee, will reconsider their wrong-headedness and will recognize that eureka is not just a matter of giving one class of workers the opportunity for card certification, but in fact all workers should be getting that opportunity.

I have many more examples. In my early working career I worked for the labour council in Hamilton, and not because of any particular workplace issue but simply because of the fact that we worked for a labour organization, we went through a card-certification process. That was the first time I became a member of a union as an actual card-carrying member, and we certified through a card-based system. We didn't need to vote; everybody knew we wanted to be a member of the union. We signed our cards and, lo and behold, we started negotiating our first collective agreement with the labour council in Hamilton. It was an excellent system; no problem at all. It was done without any trouble.

I had another workplace experience several years after that—a little bit different circumstances, a little bit different employer. I had some trouble there, I had some concerns that weren't being addressed, so a number of my co-workers and I decided that it was time we discussed our problems in the workplace under the auspices of a collective agreement. Why? Because year after year, we were unable to do that in a way that brought us any satisfaction, so we decided that the best thing to do would be to put a framework in place that forced the employer to address our issues and our concerns in the workplace. Lo and behold, again, we signed cards, we were certified—a very small workplace, but very soon after that we were in the process of negotiating our collective agreement. To this day there is still a union in that workplace, a very small workplace but a very much happier workplace on all sides, because the employer is working well with the union and making sure that the workplace is a very positive environment, not only in the regular working conditions, not only in the things that we always hear about, like wages and benefits and all of those extremely important things, but also things like health and safety. This particular workplace moved locations because the workers were very concerned that the old office building they were in was a sick building, that there were things within that workplace that were causing them to be ill. It was a white-collar workplace, yet they needed to get that addressed. They did that through the process of a health and safety committee that was required in the language of their collective agreement.

That's just another example of where card certification in my own personal situation was undertaken, and was undertaken successfully. In none of these cases did we have an employer that was prepared to intimidate or in some way try to work against the wishes of the people who were wanting to sign cards. In no case was that the situation. Unfortunately, I have to say that that's not the case in many, many workplaces in the province of Ontario. It's unfortunate that the one workplace I was mentioning earlier that was trying to certify and everyone got fired is an upstanding, large employer in the city of Hamilton, and people are quite shocked by the behaviour there. I'll be calling them fairly soon to discuss the situation, because it just looks bad when you fire people because they have signed a union card. That's not acceptable behaviour, and this government should make

sure that it's not a legal action that employers can undertake against their workers.

I think I talked about a lot of the issues that I wanted to cover off just through my description of some of my own experiences. But I have to say that if there's one thing I need to repeat that bears repeating, it is that, whether or not this government is prepared to admit it, this bill is discriminatory. It discriminates particularly against vulnerable workers; it discriminates against immigrant workers; it discriminates against women workers, and it does so because it does not allot those vulnerable people, those people who are—and when I say “vulnerable,” I mean vulnerable to employer attacks on their rights to organize; vulnerable in terms of their awareness of the laws of Ontario, of their rights to organize, of their ability to advocate on their own behalf. A lot of these women workers really do a lot of good work in our communities. These people care for our children; they care for our seniors. These people deserve the respect not only of this government but of every single person in the province, and they can gain that respect if they're given the same rights as every building trade worker who has been given the right to card certification.

**1750**

I have to say really quickly that there are a number of things that we thought should have been in this bill. This was a good opportunity for the government to do some positive things around scabs, particularly. We don't believe that scabs are the right way to go in this province. We believe that in order to have a table at which a collective agreement can be appropriately negotiated with the right amounts of pressure on all sides—because, let's think about it: The pressure the workers are under is that they're not getting paid. They're losing their homes; they're remortgaging their houses; they're doing things that none of us would even imagine in terms of how

difficult it is and how much pressure it brings to bear on family life. So workers are under a great deal of pressure when it comes to the decision to strike.

But do you know what? Employers don't have that pressure. Why? Because they just have to go out and hire other workers while their employees are out on the picket line trying to have their voices heard, trying to have their issues in the workplace being seriously considered by their employer. The employer simply has to turn the other way, ignore what they're doing, ignore their concerns, ignore their wishes, ignore their requests and hire other workers and let them come in and do the job of the workers who are trying to get a collective agreement with the employer. That's simply disgusting. There's no pressure on the employer, is there? There's no requirement for the employer to take those issues or those concerns seriously if there's no pressure on them. How can there be pressure on them to seriously bargain with the workers if they can hire scabs and have them come in, replacement workers, and do the work of the people who are on strike?

We believe the government had a real opportunity here to deal with strikebreakers, to deal with scab labour, to get rid of that nasty scenario, to bring real balance to the bargaining table so that there's equal pressure being brought on both parties to come up with a collective agreement that meets the needs of workers and employers and makes a peaceful regime where there isn't strike-breaking, where there isn't violence on the picket line. That's the opportunity this McGuinty government missed. It's a very sad day in Ontario that we have Bill 144, An Act to amend statutes relating to labour relations for certain workers.

**The Acting Speaker:** It being fairly close to 6 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 1755.*

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