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(Hansard)**

**Wednesday 18 May 2005**

**Mercredi 18 mai 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

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Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 18 May 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 18 mai 2005

*The House met at 1330.  
Prayers.*

### LEGISLATIVE PAGE

**Mr. Ted Arnott (Waterloo–Wellington):** On a point of order, Mr. Speaker: I need to bring this to the attention of the House.

Inderraj, will you stand up? Inderraj Singh Grewal is one of our pages here, and yesterday was his 13th birthday. I know that all members of the House will want to wish him a belated happy birthday.

### MEMBERS' STATEMENTS

#### COMMUNITY SAFETY VILLAGE OF YORK REGION

**Mrs. Julia Munro (York North):** On Saturday, I was pleased to represent my constituents and this House at the grand opening of the Community Safety Village of York Region.

The community safety village is owned and operated by the York Regional Police and is designed to teach interactive safety lessons. Teaching topics include traffic and road sign safety, fire safety, bicycle safety, and youth and the law. The centre will teach safety to students in grades 1 to 5, expanding in later years to both higher and lower grades.

Safety villages are a proven educational tool throughout North America because they involve children in the learning process. Teaching is hands-on and interactive. Educating children about safety is vital. Injury is the leading cause of death among children, yet up to 95% of all injuries can be prevented through education and increased awareness. This is what the safety village will help to do.

I would like to thank all the staff and the sponsors of the safety village. Chief Armand LaBarge and the police and emergency personnel of York region also deserve our thanks.

Children will be safer because of what they have learned at the safety village. I encourage all members to support their construction throughout Ontario.

#### CRIME STOPPERS

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** On Thursday, June 2, Crime Stoppers of Grey-Bruce will

play their 13th annual golf tournament at the Chippewa Golf and Country Club in Southampton.

The previous 12 tournaments raised and donated just over \$223,000 to Crime Stoppers. Some 144 golfers register for this popular tournament, which has attracted hockey greats like Bobby Hull, Pat Hickey, Paul MacDermid, Curtis Sanford and Chris Neil.

Crime Stoppers, as you know, is a community-based program that combines the police, media and members of the public in a co-operative effort to solve crime. Cash rewards are given for information leading to the arrest of criminals or the seizure of stolen property or illegal narcotics.

Crime Stoppers of Grey-Bruce started in May 1987 and since that time has paid over \$91,000 in rewards and recovered over \$3 million worth of property and \$17 million worth of narcotics. Concerned citizens operate under a volunteer board of directors and since 1987 have taken nearly 8,000 tip reports leading to 1,117 arrests.

I am proud to make my contribution to this worthwhile organization by playing in this golf tournament. I would encourage all of you to recognize and support your local Crime Stoppers organizations and thank them for the assistance they give to our police services.

I want to say that I'm sure Bobby Hull will be there again.

#### CANADIAN TULIP FESTIVAL

**Mr. Richard Patten (Ottawa Centre):** I rise today to inform members about an important tradition that is taking place in the Ottawa community. On May 5, the Canadian Tulip Festival began its 19-day celebration, with the closing concerts and ceremonies scheduled for Victoria Day. The theme of this year's festival is "A Celebration of Peace and Friendship," and it will honour the 60th anniversary of the end of the Second World War as well as the gift of tulips to Canadians by the people of the Netherlands. The Canadian Tulip Festival is the largest event of its kind in the world, and it has helped to distinguish Ottawa as the tulip capital of North America.

It is interesting to note that the idea for the festival originated from a gift of thanks given six decades ago. In 1945, Dutch Princess Juliana presented Ottawa with 100,000 tulip bulbs in recognition and appreciation of the significant role that Canadian troops played in liberating the Netherlands. The first Canadian Tulip Festival was held in 1953, and since that time it has become an annual tradition.

This year's festival will include some of the following: the opening of the new Canadian War Museum, which presents Canada's military past and shows how it has shaped our country; 12 evenings of musical concerts of Canadian and international talent; a flotilla on the Rideau Canal, the event's ever-popular parade on water; and a visit by Princess Margriet of the Netherlands, who was born at the Ottawa Hospital during the Second World War. Interestingly, the princess's hospital room was declared Dutch territory in order to maintain the tradition of Dutch royalty being born on Dutch soil.

The Canadian Tulip Festival attracts over half a million visitors, many of whom are tourists, resulting in a positive economic impact. As past president of the festival and the MPP for Ottawa Centre, I am well aware of the importance of this event. I invite all members of this House and all those who hear this call to come and enjoy a wonderful time on this particular final weekend.

### TOURISM

**Mr. Ted Arnott (Waterloo–Wellington):** Last week, in their 2005 Ontario budget, the Liberal government drastically cut funding to the Ministry of Tourism and Recreation. Tourism advocates are appalled that the budget was slashed by 11.4%—some \$21 million.

The government's indifference overlooks the fact that tourism is the economic lifeblood of scores of communities across the province. In fact, the Ministry of Tourism and Recreation estimated that in the year 2003, tourism generated almost \$20 billion in economic activity, about \$8.5 billion in total taxes and supported almost 303,000 direct and indirect jobs. With these cuts to the tourism budget, the government is putting these jobs at risk.

Tourism advocates are telling me that the McGuinty government doesn't recognize the importance of tourism to the economy. Perhaps they've forgotten that Ontario tourism is still recovering from the perception created by SARS, mad cow and the West Nile virus. Just as the tourism industry is preparing to turn the page on these catastrophes, recover and hopefully grow again, the government responds by cutting the budget. What impeccable timing.

Whether it's because the government didn't listen to the minister and the other advocates for tourism or they don't understand the industry, the people in Ontario's tourism businesses are facing yet another extraordinary challenge with these severe budget cuts, and it appears that the government does not care.

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### ST. STEPHEN-IN-THE-FIELDS ANGLICAN CHURCH

**Mr. Rosario Marchese (Trinity–Spadina):** There is a national treasure in my riding: St. Stephen-in-the-Fields Anglican Church. It is a fine example of Gothic Revival architecture. Its architect, Thomas Fuller, designed the

Parliament Buildings in Ottawa, and St. Stephen's is the only building designed by Fuller left in Toronto.

The people of St. Stephen's are also a treasure. Their weekend breakfast program feeds up to 200 people a week who would otherwise go hungry. They provide ESL classes to the immigrants who flock here, training for student volunteers, and a home for a youth theatre company. In this multicultural neighbourhood, they house three separate congregations: English, French and Spanish. They serve the homeless and those most in need.

For the past eight years, the Anglican diocese of Toronto has paid a total of \$375,000 for a priest. All other costs have been paid by the parish. Now the parish has been told that they must repay the diocese by June of next year or move. The church would be rented to a commercial tenant. If it cannot be rented, the building's fate is in doubt.

The congregation is prepared to pay off the debt. All they want is a reasonable schedule of repayment. They have suggested 15 years. I urge the Anglican diocese of Toronto to listen to them. And if you people watching agree with me, please call the diocese at 416-363-6021 and urge them not to close St. Stephen's. We need them in our community.

### POST-SECONDARY EDUCATION

**Mr. Khalil Ramal (London–Fanshawe):** I would like to spend some time today speaking about the budget and the opposition's hypocrisy. On budget day last week, John Tory went on the CBC and told Ontarians that he welcomed our investments and thought that the principle of what was being done in the budget was right. Then there's the NDP, who always talk about how important it is that we invest in post-secondary education in this province.

Last night, they both had a chance to show Ontarians that they really do support the largest investment in post-secondary education in 40 years. And what did they do? John Tory, along with his party and the NDP, rose and voted against the budget. They voted against more financial assistance for students; increased enrolment in colleges, undergraduate programs and medical schools; more apprenticeship positions; more faculty; more innovative research; more accountability; and against setting Ontario's economy on a firm footing for generations to come.

The opposition is all talk. When it comes time to stand up and be counted and to support the priorities of the people of Ontario, they are on the wrong side.

I was proud to stand in this House with my colleagues and vote in favour of post-secondary education funding. The McGuinty Liberals are moving forward and investing in post-secondary education after years of neglect. These investments will ensure that Ontario has a highly skilled and the best-educated workforce that will help keep Ontario's economy strong.

### SKILLS TRAINING

**Mr. David Zimmer (Willowdale):** I'd like to tell the House about an important announcement made yesterday in my riding of Willowdale. Minister Kennedy and I were at Newtonbrook Secondary School touring their state-of-the-art woodworking shop. At Newtonbrook, they're training some very talented teenagers to become the city's next generation of skilled carpenters.

Our government has committed to ensuring that every student remains in the educational system until they are 18 years of age. That means that every student will have the education they need to ensure success in today's economy.

That success doesn't necessarily mean going on to college or university, although it can mean that. It also means being trained in a skilled trade. That's why I'm proud that our recent budget contains an additional \$25 million for technological education. That brings our total investment to \$45 million. This money will be used in schools like Newtonbrook in Willowdale to assist students in areas like machine shops, culinary studies and horticultural work—in other words, concrete, hands-on projects. These are the kinds of subjects that can only be taught with a hands-on approach. They require equipment and training.

We're prepared to make that investment for the success of our students. We need to reduce the dropout rate, because future prosperity for us in Ontario depends upon it.

I'd like to congratulate the minister on this initiative.

### AGRICULTURAL FUNDING

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I rise today to assure the farmers of Lambton–Kent–Middlesex that funding for the Ontario Ministry of Agriculture and Food has not been reduced.

Despite severe financial constraints that continue to face our government, I can reassure all Ontario farmers that the core budget for the ministry will increase by \$15 million. In other words, there will be a core budget increase from \$549 million this last fiscal year to \$564 million in 2005-06. The fact that OMAF gets an increase is proof of this government's support for agriculture and our rural communities.

By the end of the last fiscal year, we had spent over \$1.1 billion, which included one-time funding for grain and oilseed producers, tobacco producers, and BSE. We've provided over \$375 million of financial aid to our farmers, and we continue to be there for our agricultural industry. The \$15-million increase in budget is proof of our commitment.

I know that farmers across Ontario understand that we are taking their concerns very seriously. We know that the crisis is not over. Farmers are a top priority for our government, and we're making sure that they have the necessary programs and services available to them so that they will continue to drive the entire province.

As chair of the rural caucus, I want our farmers to know that we will continue to support them this year and into the future, together with the Honourable Steve Peters, Minister of Agriculture and Food.

### ONTARIO BUDGET

**Mr. David Oraziotti (Sault Ste. Marie):** Residents and community leaders in Sault Ste. Marie have very positively received our provincial budget, which was introduced last week.

Our government is playing a crucial role in addressing long-standing issues in Sault Ste. Marie after years of ineffective representation by the NDP and a Conservative government that ignored our city.

Only 19 months ago, we inherited a \$5.5-billion deficit when Ontarians were told that the books were balanced. We have now reduced the provincial deficit by \$2.5 billion to \$3 billion through a responsible, balanced plan to both reinvest in core provincial services like health care and education while effectively managing our finances. Our budget contains no new taxes or tax increases.

Here's what community leaders in Sault Ste. Marie are saying.

Algoma University president Celia Ross called the budget "very good news for post-secondary education" and said, "I'm particularly pleased that the government picked up on the recommendations that will be good for northern Ontario as a whole."

The president of Sault College, Tim Meyer, said he was pleased the provincial government is reinvesting in colleges, and he called the Rae report commissioned by our government "a catalyst for" our "government to have a profound understanding of the post-secondary education system."

Cecile Somme, director of the Huron-Superior Catholic District School Board, said, "This is good news for students. It's money that's directed at students ... and that's great."

Here's what our mayor said: "This is generally a good-news budget, and this certainly sounds like good news for ... northern Ontario."

In less than two years, we've made the investments Ontarians said they wanted and put our province on a solid financial footing.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Alvin Curling):** I beg to inform the House that today the Clerk received the report on intended appointments dated May 18, 2005, of the standing committee on government agencies. Pursuant to

standing order 106(e)(9), the report is deemed to be adopted by the House.

## INTRODUCTION OF BILLS

### VICTIMS' BILL OF RIGHTS AMENDMENT ACT (CRIME REDEPICTION), 2005

#### LOI DE 2005 MODIFIANT LA CHARTE DES DROITS DES VICTIMES D'ACTES CRIMINELS (RECONSTITUTION D'ACTES CRIMINELS)

Mr. Jackson moved first reading of the following bill:

Bill 202, An Act to amend the Victims' Bill of Rights, 1995 to provide remedies against redepicting circumstances involving a crime / Projet de loi 202, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels pour prévoir des recours contre la reconstitution des circonstances entourant les actes criminels.

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

Mr. Jackson?

**Mr. Cameron Jackson (Burlington):** I believe, from the clerks' table, that this will become Bill 202, which will amend the Victims' Bill of Rights, 1995, to allow victims of a prescribed crime to recover damages for emotional distress from a person or body that produces, distributes or otherwise makes available to the public, whether or not for profit, any visual or audible product that re-depicts in any way the circumstances of the crime or the circumstances leading up to it, except in two cases. The two exceptions are the cases where the product is made available to the public for the purpose of the administration of justice or the product depicts a crime that took place more than 50 years before the product was made available to the public. The regulations made under the act can provide for a longer time period in the second case.

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### ONTARIO WINE WEEK ACT, 2005 LOI DE 2005 SUR LA SEMAINE DES VINS DE L'ONTARIO

Mr. Crozier moved first reading of the following bill:

Bill 203, An Act to proclaim Ontario Wine Week / Projet de loi 203, Loi proclamant la Semaine des vins de l'Ontario.

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

Mr. Crozier?

**Mr. Bruce Crozier (Essex):** That's spelled w-i-n-e. The act recognizes the efforts of Ontario grape growers and wine makers by designating the third week in June as

Ontario Wine Week, a week to celebrate the wines of Ontario's four wine regions: the Niagara Peninsula, Pelee Island, Lake Erie North Shore and Prince Edward county. This year is significant because June 16, 2005, will mark the 10th anniversary of the Ontario wine competition and is the day that consumers can taste and celebrate the best VQA wines Ontario has to offer.

## VISITORS

**Mr. Peter Kormos (Niagara Centre):** On a point of order, Mr. Speaker: I want to recognize in the visitors' gallery today Reverend Father Nicholas Deak, pastor of St. John the Baptist Hungarian Greek Catholic Church in Welland; his wife, Ethel Deak; Reverend Father Leslie Miskei of Slovakia, pastor of Our Lady of Hungary Roman Catholic Church in Welland; and two of their friends, Veronika Lakatos and Martha Szekes of Toronto.

**The Speaker (Hon. Alvin Curling):** That is not a point of order, but I hope the reverend brings some decorum to the House too.

## WEARING OF BRACELETS

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** On a point of order, Mr. Speaker: May I ask for unanimous consent for all the members of the House to wear today this wrist bracelet, which is denoted with "Community Living"? It's available in both of the ante-rooms on both sides of the House.

**The Speaker (Hon. Alvin Curling):** The member has asked for unanimous consent. Do I have unanimous consent? Agreed.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I'm very pleased to be able to share with the House today news about some very exciting steps in our plan to transform and strengthen community-based services for adults with a developmental disability.

Earlier today, I was very pleased to have with me on the podium representatives from those who work in this field. Glen Walker, president of the Ontario Association on Developmental Disabilities, is here in the House today. We welcome Glen to the House. Maybe you could stand, Glen. Nice to have you here today. We also have John Flannery from Surrey Place Centre right here in Toronto, a very specialized agency. We were very pleased to have him join us for the announcement. Garry Cooke, president of Community Living Ontario, is also

joining us in the members' gallery today. Maybe Garry could stand and be recognized.

I was very pleased to have people who know this business be certain that the government is on the right track. Many of you will remember that last September our government announced a \$110-million plan to strengthen community supports for Ontarians with developmental disabilities. At the same time, we launched a major review of the province's developmental services system to make sure of three things: that it's fair, accessible and sustainable. And we announced the phasing out of three remaining residential institutions for adults with a developmental disability by March 31, 2009.

Since then we've been very busy, talking to the people who make up our developmental services sector in this province, to get their input and ideas so that our plan truly reflects the priorities of people with developmental disabilities and their families. While we've been getting their ideas on a whole host of subjects, there are a couple of messages that were very loud and clear. We need to move now to strengthen specialized services for people who have the highest needs. We need to move now to create more homes for people who live in the community, not just the people who will be leaving our institutions but those who live in the community right now and are waiting for a home where they can get the supports they need, a home they can call their own.

I'm very pleased to announce today that the McGuinty government is investing \$41 million in a comprehensive plan to strengthen specialized care for people with a developmental disability who have the highest needs, and to create 390 new homes in the community through our Home of Your Own Initiative.

Our three-part specialized services plan focuses specifically on adults who have a developmental disability, as well as mental health issues and challenging behaviours. These are individuals who often need extra support to cope with serious behavioural disorders, psychiatric illness or behaviour that leads them to hurt themselves or others.

We know there's a tremendous demand for services right now in communities across the province, and in the coming years we're going to have hundreds more people returning to our communities from our facilities. We intend to be ready for them. That's why I'm happy to announce that we're talking about a bold, new approach today to strengthen services for adults with a developmental disability and very high care needs.

Part one of our plan is creating the first-ever community networks of specialized care for these individuals. We have lots of experience in Ontario when it comes to specialized services, but even the experts say that they can and must work together. That's what these networks will do.

There will be four regional networks across the province, each staffed by a team of professionals from a range of disciplines, including behaviour therapy, social work, psychology and nursing, to name but a few. These

professionals will pool their clinical expertise to provide the best care available for some of our most challenging clients. They will work closely with community agencies, hospitals, police and mental health units to provide a full range of community-based services across the province, services such as clinical assessment, consultations and behaviour therapy. For the first time ever in this province, they will give us a base of leadership for cutting-edge research and clinical care in the field of developmental disabilities and services.

We know there is great expertise and best practices across Ontario, here and there. What our announcement does today is link that greatness and that expertise so it is available across the board. No more patchwork: We need it available across the board. They will put us, as a province, on the leading edge of developmental research and services.

But we need to make sure we stay there. Having had the opportunity as the minister to travel with my colleagues across the country and see what happens in other jurisdictions, let us keep in mind that Ontario is a leader in this area of delivering developmental services in our communities, thanks in large part to our agencies that have allowed us to do that. These networks will modernize the way we provide services to reach more people and take advantage of the newest and best research in the field.

#### 1400

Secondly, our plan makes a three-year, \$300,000 investment in recruiting and retaining the young talent who will help us build a better developmental services system in the future. This initiative will begin with a \$100,000 commitment this year, which will support up to 20 students in a variety of health fields during the placement component of their degree or diploma. They will get on-the-job experience in disciplines such as behaviour therapy, social work, speech pathology and occupational therapy, through placements in designated specialized services agencies across the province. This investment will enhance opportunities for students to develop the clinical and research skills they need to provide the best in professional care for the next generation of adults with developmental disabilities.

As a final part of our specialized services plan, we are creating 90 new homes in the community specifically for individuals who have the highest care needs. Some of these homes will provide permanent, 24-hour care to individuals who are at risk of hurting themselves or hurting others. Others will be transitional spaces for adults who require a safe temporary placement because they are at risk of hurting themselves or their caregivers, or because their current caregiver needs additional training or support. These new homes are in addition to the 300 we are committed to creating for people currently living in the community who have been waiting for a home with the right services and supports to help them live and participate in their communities; a home they can truly call their own. Just to be clear, these are on top of the hundreds of places we are going to build for residents of

our facilities as they move to community life over the coming years.

We know that providing a strong network of community services is the key to making Ontario more inclusive. That is why we are taking a bold, new approach to strengthen services that will keep Ontario at the cutting edge of leadership and expertise in the developmental services: leading-edge networks to provide the best in clinical services, an investment in young people who will make our sector the best it can be, and 390 new homes in Ontario that give adults with a developmental disability a home of their own.

For people with a developmental disability, for their families and for the professionals who support them, this is an exciting time in Ontario, a time on which we'll be able to look back and say, "Today, we took a big step forward in building stronger, more inclusive communities for all of Ontario."

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

**Mr. Cameron Jackson (Burlington):** Let me say at the outset that any time we receive an announcement that expands services to the developmental services sector it's good news. But I do wish to put on the record some of the concerns the association has expressed, as the government has made a fundamental decision to shift slightly the priorities for this sector in its announcement today.

I would be remiss if I didn't acknowledge my colleague John Baird and the work we did together with our multi-year plan: \$264 million, a quarter of a billion dollars, to this sector in a five-year plan. Why I raise this in the House today is very simply because there was a change in the government and we are waiting for the current Liberal government to honour some of the fourth-year commitments and virtually all the fifth-year commitments that were made and budgeted for this sector.

Today's \$41-million announcement over the next five years, although good news—I think it's worthy of note that we analyze exactly where this money is going and how it's going to be spent.

At the outset, in the first full year the only real guarantee for expenditure is the \$2 million that is going to the community networks for specialized care, and I see this as a positive initiative. However, when we listen to our community living associations across the province, we clearly get a deeper understanding of just how severe their challenges are.

One of the things this government has refused to acknowledge and include in its funding is the revitalization dollars. They still owe somewhere between \$27 million and \$35 million to those agencies, which are clearly about 25% behind the MUSH sector. Now that there is an agreement with Ontario elementary and secondary teachers, this real gap in wages may grow to as high as 50%. This is creating all sorts of problems in this sector.

I spoke earlier today with the St. Catharines and Niagara associations. They have a considerable concern. They have a 30% staff turnover as a result of the failure to flow the full amount of these revitalization dollars.

These agencies, over 100 of them across Ontario, have signed contracts in good faith, based on the promises made by the McGuinty Liberals when they campaigned and by the previous Conservative government, that the balance of the revitalization dollars would flow. They have not flowed and, as a result, there are huge staff turnovers. You can't blame these workers. To go to work for a school board and make \$5,000 or \$10,000 more money, not even to do quite comparable work that they are called upon to do every day in the settings that they do for persons with developmental disabilities—this is an issue that has been unaddressed in today's announcement.

There is the issue of the aging out of CAS wards in this province. This is a serious challenge. We have a growing number of wards of the CAS with developmental disabilities who age out between 18 and 21. The school boards are kicking these people out of school with a higher degree of regularity, because they have zero tolerance for any kind of behavioural challenges and lack the direct sensitivity to deal with these challenging students. As a result, foster parents, many of whom are in their 50, 60s and 70s, are saying, "We can no longer cope. We're not prepared to be a foster parent," once the CAS has their funding cut off. What happens is, these people become warehoused or they go to the front of the line of waiting lists all across Ontario, and that's unfair.

Finally, the growing waiting lists in this province are getting out of hand. It was this government that decided to accelerate the deinstitutionalization plan. It is this government's responsibility to now come forward with a plan that shows that they can build enough capacity in our province that every one of these residents will have a home. That is not included in today's announcement, and the proof of that is that most of the homes, 390 of them, are for the SIL program. This is supported independent living: less than 15 hours of supports in a given day. These are not the individuals in crisis. It's the 75-year-old husband and wife who have been caring for a loved one for years upon years, and they are getting pushed further back on the waiting list. I challenge the minister and her government to listen to these concerns and address them in the manner in which people were promised years ago.

**Mr. Michael Prue (Beaches–East York):** Any money to the developmental sector is good money. We cannot and will not stand here and say that any program that enhances the lives of people who need it is not a good thing.

However, I don't know where to begin. The plan today is for 390 people. I welcome that 390 people are going to have a good place to live. But we know that in Toronto alone there are 2,200 people on the waiting list for these very homes.

When the minister was asked today in the press conference how many people there were in Ontario on the waiting list, the minister couldn't answer it, nor could the people from Community Living Ontario. But it's our understanding that there are more than 6,000 people on



the waiting list. What the minister has announced today is but barely 6% of the actual need that is out there.

Would I say that to give 6% is wrong? No, I'm not going to say that, but I'm going to say it's not enough. It is not enough for the people out there who desperately need these services. It's not enough for their families, many of whom are getting older and want to have a place for their loved ones when they pass on.

It's not enough for the 1,000 people whom the minister also talked about today who are going to be deinstitutionalized in the next three years. There are going to be 1,000 more people added to that waiting list and there is not sufficient planning that has gone ahead to date.

**1410**

We look at the agencies themselves, these agencies that do such a wonderful job for the community. We look at the problems that they have. Each one of the agencies has a backlog of how they are going to deal with the people who actually want to make use of their services. Each one of them is under some form of financial duress. They do not get enough money today to accomplish the lofty goals that we in this Legislature set for them. Many of them are being forced into closures. I know from my colleague from Timmins—James Bay that a community living centre in Timmins has been forced to close and that the people who used to be housed in that community are no longer able to do so. Sure, we can set up some new ones, but don't you think we should be trying to save some of the old ones that are in the community now?

The minister has not talked at all about or put forward any money for the real problem here, which is the turnover of staff who work for Community Living Ontario. There is a 25% turnover each and every year. The people who go into those jobs go in because they love those jobs, they want to contribute to the community, and they have a soft spot in their heart for those who need them. But they do not stay there, because the pay is so abysmal and bad and the working conditions are so bad, and the minister has said virtually nothing about that today.

We are afraid as well that these networks of specialized care that are being set up—and I use her words—will be the future victims of competitive bidding that has, so far this year alone, devastated the local community service agencies. Members on the government side will know that these were set up and they will know that what were once community agencies providing care for the poor, providing care for the aged and providing care for the infirm have now been taken over by private, for-profit agencies, because they are better able to meet the government's specifications.

The networks: Good idea for rural areas and northern communities, I'm sure, but what exists already in most of the urban core of Ontario is there, and I note that the networks are not going to include them.

The \$100,000 a year: That is going to train 20 individuals to get into the field, but how are you going to keep them there with the lousy wages that you pay?

Last but not least, the families are distressed again today in listening to the minister's announcement on the closure of the three centres: Huronia, Rideau and Southwestern Ontario. They are distressed, they are in trepidation, they are in fear, because they fear that their families are going to lose the homes some of them have lived in for 50 years. They know that the workers who work there are professional and will be hard to replace, and they know that the facilities are first-rate and there is no guarantee that the ones being built will come even close.

#### VISITORS

**The Speaker (Hon. Alvin Curling):** We have with us this afternoon in the Speaker's gallery the following former Speakers: John Turner, who represented the riding of Peterborough in the 29th, 31st, 32nd and 33rd Parliaments and was also the Speaker in the 32nd Parliament; Mr. Hugh Edighoffer, who represented the riding of Perth in the 28th through 34th Parliaments and was Speaker in the 33rd and 34th Parliaments; and also David Warner, who represented the riding of Scarborough—Ellesmere in the 30th, 31st, 33rd and 35th Parliaments and was Speaker in the 35th Parliament. Please join me in welcoming them here.

#### COMMUNITY LIVING DAY

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I believe that we have unanimous consent for each party to speak for up to five minutes in recognition of Community Living Day.

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

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I rise today in honour of Community Living Day in Ontario. For many of us as local MPPs, we know that the meaning of community living in our communities isn't just the name of a provincial association that includes over 100 local associations and represents more than 12,000 Ontarians.

Today in the House, we have the president of the Ontario Community Living association, Garry Cooke, who we met a moment ago. We'd like him to stand, as well as his executive director, Keith Powell, who is also in the House today.

These two individuals represent hundreds and hundreds of volunteer board members and staff people across Ontario who work in this field. In my view, those who work in this field of developmental services truly work in a vocation. They have a vision at Community Living that started over 50 years ago and continues to grow in our communities today, making them reach out and be more inclusive, more welcoming. That vision of Community Living is about opportunities and about participation.

Thanks go to Community Living Ontario. Because of them, thousands of people with a developmental dis-

ability are leading remarkably full lives today. They go shopping, to the theatre, to restaurants. They go out with their friends, take courses at community college, complete job placements and get jobs. Thanks to Community Living and that vision, people with developmental disabilities are part of our everyday community life. It is much different from where we were 50 years ago, and it is because they have pushed for this inclusion and integration in our communities that this has happened. Our galleries today are full of people from community living organizations right across Ontario. We say thank you to them, and thank you for coming here today.

Yesterday, Graham McKenzie came to visit me. Graham McKenzie is here today; he's standing and waving in one of our galleries. I had a distinct pleasure yesterday, because Graham was busy working. He was busy bringing us lunch. He brought the Premier lunch and he brought me lunch, and we had a chance to chat. Then he moved over and sat right in my minister's chair and decided he really liked the feel of that chair in the minister's office. We are glad to see Graham here today: another example of integration. People should be in this chamber. People should be in the Legislature. This Legislature represents Ontario, and when you're here and in every community, you are a part of everyday life, and we applaud you for that.

These community living agencies everywhere are doing a terrific job of supporting people with a developmental disability in the community, including individuals with very high needs. I recently read a letter in the Chatham Daily News from a family whose son has lived in a group home run by Community Living Chatham-Kent for many years. His mother describes him as needing total care: "in a wheelchair and completely dependent on staff for his physical needs." The parents can't say enough about this group, the home and the dedicated staff there who care for their son. The staff at the home always treat him with kindness and dignity. They take care of him when his family is not able. They don't know what they would have done for all these years without the help of such a caring organization as Community Living Chatham-Kent.

Community Living Welland-Pelham is another example of what it means to support people with a developmental disability in the community. They approached Burger King about an opportunity for employment for one of their members. After completing a job placement at Burger King and receiving on-the-job support provided by Community Living, he was hired by Burger King. Today this young man works four one-hour shifts at Burger King. He loves his job and the people he works with, and his boss wouldn't want to do it without him. This is a great example of community living in action.

Today, to the people of Community Living who are here and to those who couldn't make it here, we want to say thank you on behalf of the government and on behalf of all of the MPPs who represent Ontario. Thank you for setting a high standard when it comes to including and supporting people with developmental disabilities. We

know that the work of Community Living is very important, keeping families and communities together. Our government recognizes the importance of that and wants to continue the high standards they have set for us.

We also know we have to be ready to provide for future generations of Ontarians who have developmental disabilities. That's why we're working with stakeholders throughout the developmental services system to create a system that's fair and sustainable and that addresses the needs of them and their families across the province. We are hearing more and more about our plans, and more and more about the action we are taking. We've made a \$110-million announcement and another \$41-million announcement today: several parts of the plan we are bringing forward.

Earlier, I launched four networks of specialized care, about the interactive video conferencing that we have already launched and exists in many, many places in Ontario today. It's comforting to know that we can rely on Community Living to help us enact those plans.

On behalf of all of us—Garry, on behalf of all of the organizations—we say a grand thank you.

1420

**Mr. Cameron Jackson (Burlington):** On behalf of our leader, John Tory, and the PC caucus, many of whom are actively involved with their local associations for community living, we want to acknowledge this very important and significant event in the life of our province, and most of all to acknowledge those heroes who are with us in the chamber, and who will leave here today and continue to be heroes on a daily basis across Ontario as they help to teach us the importance of community living and full acceptance of persons who are not disabled but differently able, and that they have every right to live in our communities with dignity and respect, with access to all manner of support services, and to enjoy the quality of life we are so proud of in our province.

Members have heard me tell the story of my introduction to this. It was from my mother, who, 75 years ago, lived next door to Terry Sawchuk, the famous goalie. Terry had a much younger brother who had Down's syndrome, and it was the custom in those days just to leave this boy chained to a tree. That was accepted—almost the norm—in those days. For us to be here today, 75 years later, to acknowledge the 51st anniversary of the Community Living movement in this province is a great testament to the compassion of a great number of Ontario citizens who determined, through love and through care, that their children would enjoy as full a life as this province could provide.

As a young university student, I recall attending a lecture by Wolf Wolfensberger at York University, where the normalization theories were thought to be very radical in North America. Yet today they have become the standard and the norm in terms of acceptance and embracing individuals in all manner of life, but in particular to employers.

On a personal note, I want to commend my own association, Burlington Community Living, which I have

been a member of for 32 years. Just last weekend we had our Walk'n Roll fundraiser, which I started 30 years ago as its publicity chairman. It was an extraordinarily uplifting day of involvement and integration of people in our community. I salute not only the staff and the great team at Burlington Community Living, in fact all of them across Ontario, but also the parents and volunteers and the organizations that have made it a priority to support these agencies in their extraordinary work.

There are many challenges. Since we celebrated this day a year ago, we had a tragic death at Oaklands. All of us share the concern and grief associated with that. But there are a further eight or nine coroners' inquests currently engaged, and we have to ask ourselves fundamental questions if we're going to be closing three institutions: How are we dealing with organizations like Oaklands, which was an intake and assessment model that was to provide a degree of respite? Why has that now become a permanent home for so many adults with developmental disabilities in our province? What does that say about our commitment to deinstitutionalization? We still have much to learn about the challenges that befall us.

Earlier, I made comments about the aging out of CAS wards in the province, and I know the minister must be aware of this issue. It is a challenge every single day for our associations, and we call upon the government to acknowledge the substantive size of these waiting lists.

I want to acknowledge, as I did last year, two great pioneers for the People First movement: Patrick Worth and Peter Park. In my 20 years in this House, I've had occasion to meet with them on many occasions. They were pioneers as individual advocates from within the disability community, and they are just as worthy of our commendation as is Keith Powell, the executive director, and Garry Cooke, their current president. On behalf of our caucus, we wish to salute these modern-day heroes in our community. Thank you for being differently able and enlightening us on a daily basis.

**Mr. Michael Prue (Beaches—East York):** Ten years ago this very month, as the mayor of East York, I went to an event called The Three Guys. It was at the Mennonite Centre, St. Clair O'Connor Community, and it was an enlightening and wonderful experience. What happened was, these three young men and their families were there, and the three young men moved in together in an apartment of their own. One parent would stay per night and there was a worker there to help them. But the three young men, for the first time in their lives, had an opportunity to live independently, apart from their parents. And the three young men proved that they could do it, much to the surprise of their parents and to the general community, but probably not to themselves. This year marks the 10th anniversary, and they're planning a little celebration for the end of this month or the beginning of June. I hope to be at that, to commend them for the remarkable way that they proved themselves that they could integrate into the community.

I have to say that I'm proud that Community Living Ontario was there and showed us the way, and helped to

give a plan and helped the parents to develop that plan, and that they continue to do that for all of those intellectually disabled Ontarians so that they can prove that they belong and are part of our community.

I want to take a moment as well to thank the many staff, both those who are paid and those who are not paid, who work for Community Living Ontario. Those staff, many of whom are here today—and I can see some nodding to me in the gallery—work in very challenging circumstances. They work hard every day. We cannot possibly pay you enough for what you do, but I'm still going to try to make sure you get more. Because if anyone deserves more, they certainly do. They are underfunded; they go there because they love the work. We need to make sure that loving the work is not simply enough but that we give them satisfactory remuneration for doing exactly that.

I would like to thank the volunteers, and I have one in my community by the name of Marie Perotta, who heads up and works for Pegasus, the group that fundraises for intellectually disabled adults in the community, where they go for day programs. She has dances for them and visits and places to go—down to the beach. She fundraises every single Saturday at a place on Kingston Road where people bring in those goods that you might ordinarily find in a garage sale. Instead of holding a garage sale, you give the goods to them, they sell them and they fund all the programs, because there simply isn't money elsewhere. She was named this year's Beaches citizen of the year. We recognize her for her tremendous efforts.

This morning, I was hugely touched when I went to the press conference to listen to Donald Parent, who has made a successful transition from institutionalization to living and working in the community. He talked about his life. He talked about his wife and his cat—I think it was a cat, not a dog—about how he lived in his own apartment and how he is so happy with his accomplishments.

I was reminded of other groups, like the Dream Team, who have come and talked to people in this community about their life experiences and how they have made the transition and how they have asked this government to build more supportive housing so that people can get out of the institutions and find lives for themselves.

But I have to say, we need to talk about more. We need to talk about all of those who are waiting for the services of community living. We need to talk about where those monies are going to come from.

#### 1430

The NDP caucus, to a person, supports community integration, but with this transition comes many challenges. We need to be certain that the funding and the supports are in place before we force people to make moves that they themselves are afraid of and that their families are afraid of. This is not the case at the moment. It is all very well and good to give lip service on this very special day, but lip service does not guarantee smooth sailing for those individuals who require special care and support. This government has not kept all its promises, and we're worried that this one may not be kept as well.

Part of the work done daily by Community Living Ontario is to keep ongoing pressure on government to immediately provide those supports to parents who have been forced to give up their children to the CAS in order to receive adequate treatment. As well, they continue the ongoing campaign to help families whose adult children live at home and are badly in need of additional Special Services at Home funding.

I listened today to Kathy Badeau, president of Community Living Toronto. She expressed her deep concern for those employees who provide community-based supports. She wants to know why the wages are 25% below employees in similar sectors. She stated, I think strongly, that we cannot afford to contribute to already high staff turnover by continually ignoring the staff who give so very much to those who need them.

The government can help by infusing badly needed dollars. The government can do very much, and I'm going to give five suggestions:

(1) Help the people who are making a difference in the lives of Ontarians with developmental disabilities.

(2) Don't force parents to give up their own children to get them the help they need.

(3) Assist the families with adult children living at home in providing an appropriate level of support to keep them there.

(4) Stop squandering our money to appeal court-ordered autism treatment for all those who need it.

(5) Continue to celebrate this wonderful day.

I commend each and every member of Community Living Ontario for the strength and dedication they show, for the direction they are sending us in, and for the support they give to those who need it in our community.

## ORAL QUESTIONS

### POLICE SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** A question for the Minister of Municipal Affairs and Housing: Today's announcement on police funding is yet another broken promise by the Dalton McGuinty government. In fact, when you look at the details, it works out to about 30 cents on the dollar, with municipalities required to fund the other 70 cents for each new police officer they hire. Minister, you've already cut municipal funding by some \$47 million annually under the new funding formula. How can you expect municipalities to pay 70 cents on the dollar when you're breaking promises and cutting funding to Ontario's municipalities like Grimsby?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** Since it deals with police matters, I'll refer it to the Minister of Community Safety and Correctional Services.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I'm delighted to have the member of the opposition raise this question,

because it gives me an opportunity to share with the people of Ontario this great announcement we just made. For those of you who weren't there, I announced that this government is providing \$35 million a year in perpetuity to provide funding for police service officers. Just so you get the mathematics straight, the previous commitment of that government, which was the community policing program, provided \$30 million. This is a 12% increase and will provide at least about 50% of the cost of putting a police officer on the street. So rather than saying it's 35-cent dollars, it's a \$35,000-per-year cap on a program that, when we're finished, and we've picked up the obligation that you had—

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

**Mr. Hudak:** Back to the Minister of Municipal Affairs and Housing: I think municipalities and police forces will respond. They don't believe you. They know that this works out to about 30 cents on the dollar—far from your campaign promise during the last election. In fact, my colleague the member for Niagara Falls—

*Interjections.*

**The Speaker:** Order. This is the second question. Yesterday, I cautioned many of the members on the government side not to shout when there's a question being put, and I'd like some co-operation.

**Mr. Hudak:** As I was saying, my colleague the member for Niagara Falls, in Niagara This Week, April 1, criticized the 50-50 funding formula as not being good enough and said the Liberals would do even better than 50-50, yet we find out today that Dalton McGuinty's Liberal government is caught in yet another campaign promise.

Back to the region of Niagara: Some \$1.7 million was cut out of that region, just like many regions and counties throughout Ontario. Minister, I say to you, how is it possible for municipalities to hire these officers when you're cutting the funding, or are these officers simply to patrol the twilight zone of Dalton McGuinty's broken promises?

**Hon. Mr. Kwinter:** I couldn't have presented a better question myself, because I want to quote Roger Anderson, president of the Association of Municipalities of Ontario: "Crime prevention and community safety are front of mind for many citizens. This partnership"—referring to my announcement today—"will help growing municipalities that require additional police officers in their communities or help municipalities where they have identified a need to bolster their community policing needs."

I'm delighted that we are able to provide this funding; not only that, we're continuing your program, which was on a 50-50 shared basis. When this program is fully implemented, we will be providing the police services in Ontario with \$65 million per year.

**Mr. Hudak:** I know the minister probably doesn't know this, because I suspect the Ministry of Municipal Affairs has not been fighting for Ontario municipalities, but let me read off some of the municipalities that have

had a 100% cut in funding by the McGuinty government: Dufferin county, the city of Vaughan, the region of York gets zero dollars, Halton Hills, the region of Waterloo, Northumberland county, Oakville, the region of Durham, Middlesex county. I can go on and on.

Minister, 95 municipalities across Ontario will be getting zero dollars in ongoing funding from the Dalton McGuinty government despite your campaign promise to the contrary. Please tell me and those municipal leaders how they're going to pay for these new police officers when you've cut 95 municipalities' funding right to the bone.

**Hon. Mr. Kwinter:** I'd like to quote someone else. His name is Curly Everitt, president of the Ontario Association of Police Services Boards. He says, "Police services boards will adjust their budget planning next year, putting more officers on the street for community policing and drug enforcement.... Our members endorsed these proposals during earlier consultations, and we continue to support them today."

You never miss an opportunity to dump on a fabulous announcement. This is something where the police community is delighted, the municipalities are delighted, the police services boards are delighted, and I can tell you that we, on this side, are delighted.

**The Speaker:** New question?

**Mr. Garfield Dunlop (Simcoe North):** My question is also for the Minister of Community Safety and Correctional Services.

*Interjections.*

**The Speaker:** Order.

**Mr. Dunlop:** Jeez, it's unbelievable. Maybe he can't even hear me.

Minister, in today's announcement you claim that 500 of the new officers will be assigned duties related to youth crime, guns and gangs, organized crime, dangerous offenders, domestic violence and protecting children from Internet luring and child pornography. I'm not trying to make this mean-spirited in any way, but how many of the 500 officers will be allocated to the Ontario Provincial Police for specialized duties such as drug enforcement, and is the 100% cost per OPP officer included in your announcement of the \$35 million? I'm wondering, will there be any of that allocated to the OPP?

1440

**Hon. Mr. Kwinter:** I thank the member for the question and I thank him for being at the press conference. It was very nice of him to be there.

*Interjections.*

**Hon. Mr. Kwinter:** The program, as we have outlined it, is going to provide 500 police officers for community policing and 500 police officers for six areas of crime prevention.

We didn't just dream this up; this was done in consultation with police services boards, police chiefs and the associations. This was a requirement and a need that they saw that had to be addressed.

Section 10 municipalities, over 50% of the municipalities in Ontario, have OPP policing, and if they choose to participate in this program for their OPP officers, they're free to do that.

**Mr. Dunlop:** I appreciate your acknowledging that I was out at the press conference, Minister.

You announced, at the end of the fiscal year last year, \$30 million in training for fire departments. In this announcement, you allowed fire departments a great deal of flexibility in how they spend those allocations. It appears that the promise of 1,000 new police officers is dragging on and on. It started last September, and now we're having another announcement today asking for more detail. I'm just wondering why you're not showing more trust in the police by giving them the same kind of flexibility in the police services and in the OPP that you gave to the fire departments.

**Hon. Mr. Kwinter:** The answer is very simple: For the first time since 1982, a government has provided funding for firefighters. We provided one-time funding—and I stress "one-time funding"—totalling \$30 million. Every single fire service got money based on their population, one-time, and that's how it was done.

This is a totally different type of program. We will be funding this in perpetuity. We have to make sure that we understand what police services are going to participate. They have told us where they want their officers, and that's why we've designed that program that way. But once we make that commitment, we will continue it in perpetuity in the same way that we have continued the community policing program that you initiated. Your program was supposed to last five years. We've extended it in perpetuity. Just last week, I sent out \$30 million to police services in Ontario.

**Mr. Dunlop:** In a media scrum this morning, you said, "Municipalities have to tell us, once they see the parameters, what the uptake is going to be." The problem I have, Minister, is that in your platform announcement you just announced 1,000 new police officers. I know you've turned it into a municipal type of partnership where they will be funding a certain percentage—up to \$30,000 per officer.

My question is, with all these specific areas that you outlined, like child pornography, gang violence and grow-op operations etc., do you plan on expanding the number of officers in the Ontario Provincial Police to accommodate those divisions of the OPP so they can do their job as well?

**Hon. Mr. Kwinter:** First of all, I want to correct the member. The amount is not \$30,000 per officer; it's close to \$35,000 an officer. We actually provided a 12% increase over the previous program that was put in place by your government.

The OPP is currently doing an outstanding job. I can tell you that under section 10, as I said, they provide policing in over 50% of the communities in Ontario. They will be able to access that through the municipalities that they have contractual arrangements with. The main thing about this program is, we are putting

1,000 new police officers on the streets, and we are putting them in areas where the police, the police services boards and the municipalities themselves have identified that they need help.

#### SOCIAL ASSISTANCE

**Mr. Michael Prue (Beaches–East York):** My question is to the Acting Premier. Acting Premier, your Bay Street budget leaves disabled people behind. Before the election, you said, and I quote from your own pamphlet, “We will implement a cost-of-living adjustment to both OW and ODSP, and this will occur on an annual basis.” You and your cabinet colleagues have decided you are going to break that promise. Minister, tell the people gathered here today on Community Living Day why you have betrayed them and put nothing in this year’s budget for disabled people on ODSP.

**Hon. Leona Dombrowsky (Minister of the Environment):** I know the Minister of Community and Social Services is very anxious to answer this.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women’s issues):** If I may say, in last year’s budget, for the first time in 12 years, people on social assistance saw a 3% increase, which was double the level of cost of living in that year. That went beyond the Premier’s commitment to make a cost-of-living adjustment to the welfare rates. We understand the level of supports that people who are on the Ontario disability support program need, and we continue to work on ways to improve their lives.

Everything that we do across our government means that every minister has to collaborate to find solutions for people in need. Just last week or two weeks ago, we had a tremendous announcement on housing allowances, on a housing program, because we know that a significant cost to people is how much they pay to live and rent. We know we are coming together with solutions on a regular basis. I appreciate that that’s not enough for the NDP. We will continue to move forward.

**Mr. Prue:** Every member of this House, including the honourable minister, got a 1.9% increase, and yet those on OW and ODSP get nothing.

Here is what the Toronto Star said about your discrimination against disabled people. I’d like to quote them: “On Tuesday, citizenship minister Marie Bountrogianni was trumpeting a new era of accessibility for people with disabilities. Barely 24 hours later, finance minister Sorbara’s budget brought us back to reality with a thud. He has absolutely ignored the needs of people struggling to get by on the Ontario disability support program.”

Minister at the cabinet table, did you fight for the rates for people with disabilities or did you just roll over and agree with your colleagues that you should break the most important election promise you made?

**Hon. Ms. Pupatello:** I think what’s very telling today is that this is the same member from a party who did not vote for this act, who took years away from people who

have been waiting to see a real act for people with disabilities. We applaud and hail our Minister of Citizenship and Immigration, who was hailed by the people in these galleries today, by Community Living Ontario. They stood up and said that this is the best act they have seen to improve the lives of people with disabilities. Let me say to this member opposite that we in this government, across ministries, are working every day to improve the lives of people with disabilities. We will continue to do that. We will continue to move forward on accessibility, on fairness issues, on making people and all of government responsible for these individuals.

**Mr. Prue:** I hope the minister will read the note she just got, because it was unanimous. I voted for it and so did every other member.

Minister, today’s Toronto Star says that last week’s budget “leaves the province’s most disadvantaged citizens behind.” They detected “a compelling kind of arithmetic at work,” and said “Health and education expenditures are vote-getters. Welfare spending isn’t.” Minister, tell the people of Ontario, when the time came for you to break your promise to disabled people on ODSP, did you do it because you were too weak to fight for them or because it was politically easy to ignore them?

**Hon. Ms. Pupatello:** I have been called a lot of things, but that one is going to be new to the list; let me say that first. Let me just say that this member clearly does not remember the hallmark of the budget last week which will, in turn, help 32,000 low-income people with post-secondary education, and we thank Mary Anne Chambers for that fabulous part of the budget. Let me say to Minister Caplan how proud we were of him with—finally—a housing agreement that will help folks who come to my ministry for help. Let me tell you, if you had paid attention even for a nanosecond to the number of things we announced yesterday in this House to help move people from welfare to work—finally there’s a government that will have people working for a living instead of working for welfare. You should pay attention to this House.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Let’s see if the government side can settle down a bit.

1450

#### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** My question is to the Minister of Finance. There is another group of people who didn’t get anything from your budget, and that’s Ontario’s pensioners. I have been touring around the province recently and people have been telling me that the rules governing Ontario’s workplace pensions need a major overhaul, not just minor tinkering, which is what happened in your budget. About 60% of Ontario workers have no pension plan at all. Of the minority of those in the private sector that have pension plans, 83% are not indexed to inflation, so month after month their

income erodes because it's being eaten away by rising inflation.

Minister, it's been almost 20 years since we've had any significant pension reform in the province. Where is your plan to deal with Ontario's growing pension crisis?

**Hon. Greg Sorbara (Minister of Finance):** I'm delighted that my friend from Hamilton has raised this question. It gives me an opportunity to remind her and this House and the people watching us of the steps we've taken over the course of the past 19 months to direct attention once again, finally from the government of Ontario, to Ontario's most vulnerable.

For example, she talks about pensioners. In last year's budget, we were able to provide a 25% increase to seniors in this province who are on low and fixed incomes. This year in the budget, as my friend the Minister of Community and Social Services noted, we will be providing some 15,000 additional affordable housing units across the province. In this budget we are matching what is being proposed in the federal budget to provide more assistance for low-income people, seniors and others as well.

She mentions that there has been no major review of the pension system in Ontario. What I'm telling her is that, within this government, we finally have—

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

**Ms. Horwath:** Minister, the truth of the matter is that very few people who are vulnerable in this province saw very much in that budget at all, whether it's autistic children, families depending on ODSP, and even pensioners.

I want to focus on a pension issue, specifically one that illustrates the crisis in the pension system right now. We have the pension benefits guarantee fund, which you know about. It's a backup fund for pensions. That backup fund hasn't been updated since 1980 and right now it's unable to protect the pensions of millions of Ontarians. The pensions of millions of Ontarians are at risk, and also we are in a situation where the \$1,000 maximum monthly guaranteed amount that the fund backs up has been frozen for 25 years. That \$1,000 is completely inadequate to protect existing pensions. What are you going to do about that?

**Hon. Mr. Sorbara:** My friend from Hamilton East was not a member of this Legislature many years ago when the New Democratic Party changed the Pension Benefits Act and created a lack of stability in the pension benefits guarantee fund that we have taken some 13 years to work our way beyond. I just want to tell her that the good news is that in our budget last year we were able to make a \$330-million, one-time payment to the pension benefits guarantee fund to ensure that under that act the pensions of people in Ontario were safeguarded. I am able to say at this point that finally, once again, there is stability in that fund under that act.

**Ms. Horwath:** Minister, I really think that your callousness on this issue is a bit frightening. There are 2,300 members right now participating in the Co-operatives of Ontario pension plan whose very modest

pensions have been cut in half because of your unwillingness to reform the pension system.

But it's not just the guarantee fund that needs fundamental reform. You'll know that that this province should also implement mandatory indexing so that modest pensions are not eroded by inflation. We need to have expanded employee involvement in the governance of plans, and that's not just plans like OMERS. From that huge plan to the smallest pension plan, employees need to have more of a say over what's happening in their plans. Minister, will your government move on, and will we start getting some fundamental changes to our pension system in Ontario?

**Hon. Mr. Sorbara:** My friend mentioned one group in particular, the co-operative pensions. I remember meeting with those pensioners even before our government was elected. Without getting into the details of their particular case, I should advise you and the members of this Legislature that I think they have now initiated an action against certain trustees of the plan, and that court action will be proceeding. Under those circumstances, it would be entirely inappropriate for me to comment on the particular case.

But I would like to say to my friend, who raises the issue of pensions, that for the first time in many, many years, we have some stability in the pension benefit guarantee fund. We are completely conversant with the issues that are facing pensioners in this province, and I think it's safe to say that the issue is in good hands.

#### ENVIRONMENTAL LEGISLATION

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** To the Minister of the Environment: This morning I received over 70 government amendments to the spills bill, Bill 133—70 amendments that will leave Bill 133 unrecognizable. That's 70 amendments that suggest this bill is flawed. They say, "Go back to the drawing board." Minister, why continue this charade? Why will you not scrap the bill and, as we read in the media, leave it to your successor to work with stakeholders and get this bill right?

**Hon. Leona Dombrowsky (Minister of the Environment):** I'm surprised that the honourable member, if he has read the proposed amendments that have come forward, would suggest that he was surprised by those amendments. I think the amendments demonstrate that this government has used the committee process appropriately and that we have listened to what the people in the committee have recommended we pay attention to. If you were paying attention during the committee meetings, you would now know that the proposed amendments in fact reflect exactly what the deputants recommended that this government consider by way of amendments.

**Mr. Barrett:** Minister, I'm surprised that you provide no amendments for tax breaks or other incentives for investments in plant and equipment to prevent spills. This was recommended in your own industrial pollution action

team report, the supposed basis for Bill 133. The IPAT report recommends “a legislative framework that incorporates economic or other incentives to go beyond compliance.”

Minister, why are you stuck in the command-and-control-and-penalize old school? Why have you ignored your own IPAT report, a report that recommends carrots, something beyond sticks?

**Hon. Mrs. Dombrowsky:** It is unfortunate that the honourable member doesn't do more homework, because if he did, he would know that our government has implemented the environmental leaders program. There are many fine industries across the province that are participating in the environmental leaders program. This program is offered to those industries that demonstrate environmental leadership and go above and beyond their regulatory requirements, and when they do so, they enter into an agreement with the Ministry of the Environment. It means that they are subject to fewer inspections, based on their good performance. So we do, in fact, have very solid carrots for good environmental performers.

We know that the member and the party opposite are in favour of allowing polluters to get away and communities to be left not compensated when spill events happen. Our government is committed to the idea that if you spill, you pay.

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#### POLICE OFFICERS

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Acting Premier. Your government keeps claiming that you are funding 1,000 new police officers on the streets of Ontario. Well, today's announcement is the same announcement that was made seven months ago, in October 2004, and my question to you is this: How many of the 1,000 new police officers that you promised seven months ago were hired pursuant to your funding proposal?

**Hon. Leona Dombrowsky (Minister of the Environment):** The Minister of Community Safety will answer this.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** Just so you'll understand what our commitment was, we said that we would provide 1,000 new officers during the term of our mandate. OK?

*Interjections.*

**Hon. Mr. Kwinter:** You may think that's funny, but that is what the commitment was.

Today we made an announcement that was universally acclaimed, and I would like to share another quote with you. This is a quote from Chief Armand LaBarge, who is the first vice-president of the Ontario Association of Chiefs of Police and in one month's time he is going to become the president of the Ontario Association of Chiefs of Police. He says, “Putting new police officers on Ontario streets is an investment in our communities.... It's important that the Ontario government, police leaders

and police service boards continue to work together to ensure that all police services can benefit from this and future programs.”

That is what we're doing. We are honouring our commitment, and I'm delighted, as I've said before, to have been able to share this.

**Mr. Kormos:** We know exactly how many new police officers were hired as a result of your announcement in October 2004, because we talked to those police service boards and police associations: None. Not one cop was hired as a result of your promise in October 2004 to put 1,000 new cops on the streets of Ontario. And that promise isn't going to be kept now either, because municipalities across Ontario can't afford to pay for your promises. When are you going to fully fund 1,000 new cops, rather than giving municipalities 35-cent cops that they simply can't afford, and you know it?

**Hon. Mr. Kwinter:** The member thinks that bluster overcomes rationality. Just so you'll understand how the program works, the municipalities have to decide, once they get the criteria—and that's what we announced today—how many officers they're prepared to take up. They will be sharing in 50% of the amount of money we are providing. That is the program we are contemplating. That is the program that is already in place under the community policing program. And when we are finished, we will be providing funding for 2,000 new police officers, because we're continuing to fund the first 1,000 and we'll be funding the second 1,000.

#### SOCIAL ASSISTANCE

**Mrs. Donna H. Cansfield (Etobicoke Centre):** My question is for the Minister of Community and Social Services. Yesterday in the House you announced that the McGuinty government is helping Ontario Works clients to move from welfare to employment by overhauling the existing social assistance programs. This government is removing barriers that were embedded—built, actually—and maintained by the previous government. We are now empowering people through Ontario Works, as clients, so they can get themselves back into the community with some dignity and respect.

Your parliamentary assistant, Deb Matthews, came to my community, as she came to many communities throughout her consultations, and spoke not only with folks who were on Ontario Works but also with the community agencies themselves.

I'd like to know if you could tell us exactly what types of programs are being put in place, with what kind of assistance.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I very much appreciate the question, especially because it highlights the tremendous work done by my parliamentary assistant, Deb Matthews.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** She rocks.

**Hon. Ms. Pupatello:** She rocks, as the Minister of Health says. She went far and wide across Ontario and



she did speak with front-line people working in agencies. She spoke with clients, people who are in receipt of social assistance, and spoke to them directly. What's really important is that we really did hear what the barriers are that are stopping people from going into work. Much of those barriers are our own rules, rules that were created when workfare was launched back in 1998. Unfortunately, those have been very prohibitive. We've started to take those down. Of the 800 rules that make it so difficult for people to manoeuvre through that system, we've started looking at which ones we can eliminate.

Firstly, we have simplified the rules on those earnings exemptions. Right now, we have changed it so that it is 50% across the board. No more funny rules, no more two years and then it's over. It is extended. Any time people want to work, even on a part-time basis—we believe they need to be in the workforce and we're making those changes.

**Mrs. Cansfield:** Minister, it's good to hear that we're helping to remove these barriers to work and giving social assistance clients more support. I also understand that these new and innovative measures are in addition to the improvements we've made in the past. I remember the first time I heard that if someone on social assistance actually was saving money for their child's education—the registered education savings plan—they were penalized for helping to save for their children's education. I thought that was unconscionable. We've removed that barrier. Most recently, we launched JobsNow. It's a pilot project that will provide ongoing individual job placement.

Minister, for clarification, what I'd like to ask you is to please explain the difference between the full-time employment benefit and the current employment start-up benefit, and what additional health and child care deductions and benefits will be included.

**Hon. Ms. Pupatello:** What we have done is created this employment benefit, which is a \$500 fund that individuals can now access in order for them to move into a full-time job. What we know is that once you start working full-time, there are costs associated with that. Individuals who have been on welfare, especially for some time, simply don't have the money to buy the uniform required for the job, to buy the work boots or the steel-toed boots or whatever it's going to take.

*Interjections.*

**Hon. Ms. Pupatello:** I appreciate that the members opposite are yelling and don't like what we're doing, but—

**The Speaker (Hon. Alvin Curling):** Order. The member from Nepean–Carleton, I'd like you to come to order.

You have 10 seconds.

**Hon. Ms. Pupatello:** In addition to that, we've also increased, for the first time in 16 years, the exemption for informal child care from \$390 to \$600, very much in keeping with what moms who are on welfare today need. We're very pleased with this next but very large step, the

most significant of which is being able to keep that drug card a little bit—

**The Speaker:** Thank you. New question.

## MEAT INSPECTION

**Mr. Ernie Hardeman (Oxford):** My question is to the Minister of Agriculture and Food. Meat inspectors in Ontario are in a position to strike and will in effect bring the processing of meat and provincial abattoirs to a halt. By allowing meat inspectors to become part of a union, you have actually put food safety in grave danger. This certainly is not what beef farmers who are already reeling from the effects of BSE need.

Minister, the Ontario Federation of Agriculture and the Ontario Independent Meat Packers and Processors both expressed concern when you made a purely political move and brought meat inspectors back into the Ontario public service. Now that we are faced with the real possibility of a strike, we ask the Minister of Agriculture to take responsibility for the results of his actions. Minister, what are you going to do to help the farmers, the provincial abattoirs and their employees when the meat inspectors go on strike?

**Hon. Steve Peters (Minister of Agriculture and Food):** I'm very disappointed in the question, because there are ongoing negotiations taking place, and I think the member is being a little presumptuous.

I would say that, when it comes to food safety, food safety has been the number-one priority of this government. Unlike the previous government, the previous minister, who raced around the back roads of Huron county, running away from reporters in dealing with food safety issues, we're not afraid to run away from food safety issues, unlike a government that in 2001 passed the Food Safety and Quality Act and sat on it and sat on it. It did not do anything for food safety in this province. They turned their backs on food safety. We weren't prepared to do that.

As well, we saw unprecedented turnover in meat inspectors in this province. In excess of 30% of our meat inspectors were turning over because the previous government had privatized that service. We recognize the importance of that service, and we brought those individuals back into the public sector.

1510

**Mr. Hardeman:** I just want to point out that the meat packers in this province are not interested in your opinion of previous governments; what they would like is an answer as to what they're supposed to do if, through no fault of their own, they cannot open their processing plant.

Minister, the Ontario Independent Meat Packers have asked you to deem meat inspection an essential service. What I hear from the independent meat processors is that you don't consider meat inspection an essential service. Your essential service agreement only includes 16 meat inspectors, and I understand that these 16 meat inspectors won't be ensuring the safety of meat slaughtered; instead,

they will travel the province and make sure that not one of the 192 plants is conducting slaughter.

Minister, again, what are you going to do to help our farmers and meat processors avoid financial devastation if there is a work stoppage in the civil service? Could you please answer to the meat processors in the province what you intend to do if the strike puts them out of business? Would you please help them and inform them? Don't tell us what you think; tell us what you're going to do.

**Hon. Mr. Peters:** I would like to refer this question to the Chair of Management Board, please.

**Hon. Gerry Phillips (Chair of the Management Board of Cabinet):** Let me inform the member opposite what we are doing. We very much value our public service. We thought it was a big mistake to privatize the meat inspectors, and we brought them back in.

Where we are putting our time and attention is in reaching a fair and equitable agreement with our employees. That is where I'm devoting my energy. As I say, we value our public servants. We are dedicated to reaching a fair collective agreement with them and, at the same time, we're dedicated to preserving the safety of our meat in the province, the safety of our institutions.

I would just say to the member, it was a big mistake to privatize those inspectors. We have brought them back into the public service. We are dedicating our time and energy to reaching a fair and equitable agreement with our employees, and that is what we intend to do.

#### POLICE USE OF TASERS

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Community Safety and Correctional Services. Minister, what are the provincial standards and protocols specifically governing the use of Tasers by police in Ontario?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** The member will know, or should know, that Tasers have been authorized for specific use in Ontario for some time. The only thing that has changed recently is that there was a particular Taser, an M26, and now there is a new and better Taser, an X26, and we've approved that for use. That is something that is available to police services across Ontario. They have protocols. They themselves have those protocols as to how they are to be used, and it's effective. We are convinced that they're less than lethal, and as a result they're a good alternative to a lethal weapon.

**Ms. Horwath:** In Hamilton last week, police chased down a 15-year-old boy and shot him twice with a Taser. He didn't commit any crime. In fact, he wasn't even charged by police with any crime at all. When the police use Tasers on unarmed teenagers, frightened kids, don't you think there should be some Ontario standards for the police and their use of Tasers? Why haven't you developed any province-wide?

**Hon. Mr. Kwinter:** I can tell you that before we authorized the use of Tasers, we made sure that they were

properly tested and that the proper procedures were in place.

I cannot comment on a particular incident in a particular police service. That is something you have to deal with in that particular police service. I do not monitor the police services and their operation; that is the responsibility of the chiefs and their police services boards. All I can tell you is that in our ministry we evaluated the use of the Taser and we stand by our decision that it's a far better alternative than using a lethal weapon.

#### WATER QUALITY

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the Minister of the Environment. Ontario's drinking water system regulation 170 has certainly been a cause for concern in my riding. Many people have written me or come into my office to share their concerns about very poorly crafted legislation in the past.

Regulation 170 was introduced by the previous government following the Walkerton tragedy. While perhaps well-intentioned, the previous government failed to anticipate the excessive costs that the water testing and treatment requirements would impose on community halls and small businesses in rural Ontario.

I know that you ordered a review of reg 170 last year and, as I recall, this review included the appointment of an independent advisory council that held public consultations. Could you please explain to the members of this assembly and to the people of Ontario what these consultations determined and what the advisory council recommended?

**Hon. Leona Dombrowsky (Minister of the Environment):** I appreciate the question from the honourable member, and I know that members on all sides of this House, particularly those representing rural and northern communities, appreciate the challenge that regulation 170 presented within our communities. There were community halls, Legions and bed-and-breakfasts that were on the verge of closing.

And I know that all members of this Legislature would want to join me in congratulating the good work of the advisory council. We also received a great deal of support and assistance from AMO and from ROMA. We consulted with these groups extensively. As a result of the good work they have done, they've provided excellent recommendations, and I'm very pleased to say that we are now able to bring forward what I believe to be a risk-based approach to managing safe water, particularly in rural and northern communities across Ontario.

**Mrs. Mitchell:** Thank you very much for explaining to members of the assembly and to the people of Ontario what the public consultations determined and what the advisory council recommended. Could you please describe some of the key changes that the government is making to reg 170, and provide the people of Ontario a reassurance that the protection of public health will not be compromised?

**Hon. Mrs. Dombrowsky:** I'm very happy to say that the Ministry of the Environment put out a release yesterday explaining when and how the new and improved regulation will take effect across the province of Ontario. I've already indicated that we are taking a risk-based approach. We heard very clearly through the recommendations, and certainly from the many people who presented in communities across Ontario, that they value the role that health units could potentially play. That is definitely a part of the regulatory framework we are bringing forward. It will reduce costs for most community halls, small rural businesses and bed-and-breakfasts in Ontario. But what is most important to keep in mind is that our number-one priority is to ensure that water is protected and that people will be accessing safe and clean drinking water.

It's also important to share with you today that facilities that still have to comply are those that provide services for vulnerable children and the elderly, and municipally owned residential drinking systems as well as private systems that serve year-round trailer parks and subdivisions.

#### HYDRO RATES

**Mr. John O'Toole (Durham):** My question is for the Minister of Energy. My colleague and our critic for northern development, MPP Norm Miller, has recently completed a working fact-finding tour across northern Ontario. He heard how hard your excessive health tax and soaring electricity costs are hurting northern Ontario. Furthermore, your plan to close the coal plants at Thunder Bay as well as Atikokan will also cost jobs and put at risk not just the reliability but also the affordability of electricity. Minister, do you understand any of your energy policies and how they're threatening jobs and the economy of northern Ontario, and can you, for once, please tell the people of Ontario what your true-cost-of-electricity plan is?

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** We've closed Lakeview, and we have outlined a number of options that we're looking at with respect to the other coal-fired plants. Let me be clear: We will close all of Ontario's coal-fired plants, as per our commitment. We believe that is in the interest of the economy and in the interest of the environment. We believe the people of Ontario will extract enormous benefits. I can tell the member opposite, for instance, that there are already close to \$7 billion worth of new energy projects under development in Ontario, in the ground, with the creation of literally hundreds of jobs. We believe it is important to improve our environment, to bring down the rate of asthma, to bring down all the downsides associated with coal-fired plants. We're moving to close those plants in a responsible fashion that protects the interests of all the communities affected.

1520

**Mr. O'Toole:** Again, Minister, there's a headline today in the *Globe and Mail* on the forestry sector, and

they're quoting here: "Warns of ... 'consequential damage' in Ontario without government relief." Frank Dottori, president and CEO of Tembec, in the forest industry, said that governments "must shoulder some of the blame for the financial straits the forestry sector finds itself in." He went on to blame your high "taxes and the layers of costs" of putting the forest industry out of business. Mr. Dottori singled out—here's what he said—the "soaring electricity rates in Ontario and an absence of a government policy" for the sector.

Minister, the question is very simple: What is your energy policy, not just for this sector but indeed for all of Ontario? Think of industries like the petrochemical industry, the steel industry, the auto sector. Minister, this is about the jobs and the economy of Ontario, and you have no plan.

**Hon. Mr. Duncan:** Energy costs are an ongoing problem for the resource-based industries, and I can assure you that this government is dealing with that. I remind the member opposite that Tembec closed four plants today. Three of them were in Quebec, where you have the lowest-priced electricity in the world. There are a number of factors affecting that industry and a number of other resource-based industries. This government takes those challenges very, very seriously.

I'll also remind you that John Tory never even mentioned the forestry industry in his 2004 leadership platform. Given a choice between Dalton McGuinty and this government and our approaches to the resource development industry in the north, I believe that this party and our Premier have the answers that are needed to assist this economy, particularly the north, as we move forward into the future.

#### RESEARCH AND DEVELOPMENT

**Ms. Andrea Horwath (Hamilton East):** My question is to the Minister of Economic Development and Trade. Because of the disarray in your ministry, Ontario is likely going to lose a world-class molecular research project. The project Blueprint Initiative is creating a large and growing biomolecular database for scientists around the world. Already the project has been forced to lay off half its staff, and the entire project is very much at risk of being lost to Singapore because your ministry hasn't had the opportunity to come up with the funding. How many world-class research facilities does Ontario have to lose before your ministry gets its act together?

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** Let me thank the member for the question, first of all. The McGuinty government is funding research in this province to the tune of \$1.8 billion over four years. Recently, we matched the latest CFI round of funding to the tune of \$53.2 million, and I want to go through some examples of the funding: new therapies for Alzheimer's disease at the University of Toronto; a centre for the study of chronic gastrointestinal disease at McMaster. There's a long list. We've funded research at a very high level.

What happened with previous rounds is that we matched CFI funding. That is done on a regular basis. There are subsequent rounds. What I say to this group is, bring forward a proposal. This group, in fact, has not even made an application to our ministry in a formal way. The door is always open. We want to make sure that we don't lose any fine researchers anywhere.

**Ms. Horwath:** Minister, you just don't get it. I know you have a nice list, but that's not the only organization that's having trouble with your ministry. In fact, Marcel Chartrand, a Genome Canada spokesperson, said, "Provinces have been very good supporting (such) initiatives coming from their regions. Ontario has not, unfortunately. And that, you know, becomes a problem eventually." This is from Marcel Chartrand, Genome Canada, another person who's saying that your ministry doesn't have its act together. I repeat: How many world-class research projects does Ontario have to lose before you do get your act together?

**Hon. Mr. Cordiano:** I don't know what this member is talking about. As usual, she has her facts all wrong. The CEO of the Ontario Genomics Institute said that the delay had nothing to do with Ontario's plan. I quote its Christian Burks, who said, "The delay as Ontario rejigged its funding plans was not to blame." Clearly, that is not the case.

I say to the member: These proposals are peer-reviewed, and they're also looked at for their business case capability. The proposal should be brought forward, and I say, the door is open. If there is an additional proposal, we will look at it, it will be peer-reviewed and a business case assessment will be made. No one is being turned away in Ontario. As I say, we've funded all the CFI rounds previously, and we will continue to fund those CFI rounds: \$1.8 billion, I repeat, over the next four years. That's what this government is committing to research.

#### HIGHWAY CONSTRUCTION

**Mr. David Zimmer (Willowdale):** My question is for the Minister of Transportation. Minister, yesterday you were at the Ministry of Transportation's state-of-the-art Compass facility and made an announcement about highway construction in the GTA. How much has our government committed to provincial highway construction in the greater Toronto area, and specifically what benefits can the people of the GTA expect?

**Hon. Harinder S. Takhar (Minister of Transportation):** I am very proud of the announcement that we made yesterday. It is about the record investment we are making in our highways: about \$1 billion in total. Out of that, \$620 million will be spent in the GTA alone. What that really means to the GTA is that we will have, in total, about 33 projects. It will mean 100 kilometres of new lanes and 76 bridges repaired. We will be repaving 600 kilometres of highway, and 47 kilometres of Highways 404 and 403 will have HOV lanes. In addition to that, on the 401, we will have 36 kilometres of new con-

crete barriers. We are committed to easing the congestion and making traffic smoother on our highways.

**Mr. Zimmer:** That, indeed, was a very large investment in the greater Toronto area. But what about the rest of the province? How will the rest of Ontario benefit from this record investment?

*Interjections.*

**The Speaker (Hon. Alvin Curling):** I think the minister is prepared now to answer the question. Order.

**Hon. Mr. Takhar:** We are investing \$1.1 billion in our highways. Let me just say what we are doing outside the GTA. We are investing \$140 million in the southwest region, and that means 22 new projects. We will be widening Highway 401 from Windsor to Tilbury and from Cambridge to Woodstock, and we will be repaving about 15 kilometres of Highway 3. In the eastern region, we will be spending about \$100 million on 20 new projects. In addition to that, in northern Ontario we will be spending almost \$290 million. That will mean we will have 24,000 people employed to keep this work going in the province.

*Interjections.*

**The Speaker:** Order. Maybe your colleagues don't want to hear the answer. It doesn't seem so. Member from Nickel Belt, come to order.

1530

#### TRANSIT FUNDING

**Mr. Frank Klees (Oak Ridges):** My question is as well to the Minister of Transportation. Phase one of York region's Viva rapid transit will be operational in September. You will know that when I was Minister of Transportation, I committed \$50 million on behalf of the province to that project, and I was pleased to see that you honoured that commitment. The region of York not only committed their \$50 million but since then has contributed an additional \$30 million.

You will know that phase two will require an additional commitment of \$7.3 million from each of the levels of government. Will you today commit, on behalf of the province, to a \$7.3-million investment in phase two of this important transit project?

**Hon. Harinder S. Takhar (Minister of Transportation):** Our government is absolutely committed to improving transit in this province. It's interesting to note that the member from the opposite side is asking me this question, because it took them 10 years to destroy the transit system in this province. We are rebuilding it.

It's true that he made the announcement, but we actually delivered the cheque. In this budget, we are spending a considerable amount of money to move our transit forward because we feel it is important for our province to keep doing that.

*Interjection.*

**The Speaker (Hon. Alvin Curling):** Minister of Public Infrastructure Renewal, come to order.

Supplementary.

**Mr. Klees:** Minister, I complimented you on delivering that cheque, and I'm pleased that this project has gone forward. What I'm asking you now is whether or not your government will come to the table for this very important second phase of this project. It is \$7.3 million. The region is prepared to commit that, they're asking you to commit that, and I'm sure the new member from Newmarket in the Liberal government will ensure that the federal government does its part. Will you today commit on the part of the province of Ontario to deliver that funding to York region?

**Hon. Mr. Takhar:** We are absolutely committed to moving forward with the EA on the next project, and we are giving York region \$1.5 million to do that. As I already said, we have given \$50 million for the first phase of the project. Once the EA is done, we will be sitting with York region and we will see where we need to go with this project. We will support them the way we can to move forward with this project.

#### VISITOR

**The Speaker (Hon. Alvin Curling):** I just want to draw your attention to the fact that joining us in the Speaker's gallery is a former parliamentarian for the federal Parliament, Mr. Jesse Flis.

**Mr. Tim Hudak (Erie-Lincoln):** On a point of order, Mr. Speaker: Given the timing, I would like to seek unanimous consent for the member from Nepean-Carleton to ask a question, just in case.

**The Speaker:** Do we have unanimous consent? There is an enthusiastic no here.

#### PETITIONS

##### GRAVENHURST HYDRO ELECTRIC INC.

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition from constituents in the Gravenhurst area.

"To the Legislative Assembly of Ontario:

"Whereas the town council of Gravenhurst has accepted the offer from Veridian Connections Inc. to purchase Gravenhurst Hydro Electric Inc.;

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

"That the Ontario Energy Board deny this purchase on the basis that it is not in the best interests of the present and future ratepayers in the town of Gravenhurst."

I know there are thousands of signatures on this petition.

##### ANTI-SMOKING LEGISLATION

**Mr. Bob Delaney (Mississauga West):** I have a petition here from Cindy Ferrier-Hastie of Hollypoint Avenue, Patricia Miller of Banwell Road and some of their neighbours in western Mississauga. It's regarding

the banning of smoking in public places in Ontario. It reads as follows:

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

"Whereas some 16,000 Ontarians each year die of tobacco-related causes; and

"Whereas the inhalation of direct and second-hand tobacco smoke both lead to health hazards that can and do cause preventable death; and

"Whereas more than four out of every five Ontarians do not smoke, and this large majority desires that enclosed public places in Ontario be smoke-free at all times; and

"Whereas preventing the sale of tobacco products, especially to young people, and banning the use of tobacco products in public and gathering places of all types will lower the incidence of smoking among Ontarians, and decrease preventable deaths;

"Be it therefore resolved that the Ontario Legislative Assembly enact Bill 164, and that the Ontario Ministry of Health and Long-Term Care aggressively implement measures to restrict the sale and supply of tobacco to those under 25; that the display of tobacco products in retail settings be banned; that smoking be banned in enclosed public places or in workplaces, and banned on or near the grounds of public and private schools, hospitals and day nurseries; that designated smoking areas or rooms in public places be banned, and that penalties for violations of smoking laws be substantially increased."

I wholeheartedly support this petition. I have affixed my signature to it and ask Owen to carry it for me.

**Mr. Frank Klees (Oak Ridges):** I have a petition here that proposes to balance off Bill 164 and consider the freedom of choice for Ontario residents. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Bill 164 takes away civil liberties and freedom of choice;

"Whereas Bill 164 is an attempt to remove freedom for smokers to exercise their choice in a way that does not bother others;

"Whereas Ontario smokers are paying close to \$1.5 billion to the Ontario Liberal government and more than \$1 billion more to the federal government in tobacco taxes alone;

"Whereas Bill 164 is aimed at punishing smokers and forcing them to make the choices that the government feels they should make;

"We, the undersigned, petition the Legislative Assembly of Ontario to amend Bill 164, respect smokers and provide fair and balanced legislation."

I am pleased to affix my signature to this petition.

##### DISABLED PERSONS

##### PARKING PERMIT PROGRAM

**Mr. Michael A. Brown (Algoma-Manitoulin):** I have a petition signed by a number of my constituents, mostly along the north shore of Lake Huron.

“To the Legislative Assembly of Ontario:

“Whereas there currently exist problems of exposure to theft and the weather when displaying a disabled person parking permit on a motorcycle while parked in a disabled parking space;

“We, the undersigned, petition our members of Parliament to promote the development of a special, fixed permit as proposed by the Bikers Rights Organization, for use by disabled persons who ride or are passengers on motorcycles, even if that requires an amendment to the Highway Traffic Act.”

I agree with this petition and will be signing it.

#### COMMUNITY HEALTH CENTRES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**

“To the Legislative Assembly of Ontario:

“Whereas Brock township has been declared an underserved area by the Ministry of Health with respect to physician services since 1996; and

“Whereas the Ontario government announced the creation of 150 family health teams, just like the community health centre in the spring budget; and

“Whereas a community health centre in Brock township could provide a range of community-based health and social services provided by a multidisciplinary team including physicians, nurse practitioners, nutritionists, health promotion coordinators, social workers, counselors and other health professionals needed in our local community;

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

“That the Brock community health centre proposal submitted on February 27, 2003, be funded as recommended by the district health council.”

It’s signed by many of my constituents and I’m going to give to Paula Sanderson.

1540

#### WILDLIFE PROTECTION

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I have a petition here to the Legislative Assembly of Ontario:

“Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

“Whereas the unreasonable release restrictions imposed on wildlife rehabilitators for animals in their care by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and thereby jeopardizing safety;

“Whereas this will incur significant new cost for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

“We, the undersigned, are deeply concerned that the care and release restrictions imposed by the Ontario Ministry of Natural Resources which are in violation of the international standards will eliminate the provision of responsible wildlife services in our community.

“We petition the Legislative Assembly of Ontario to work with wildlife rehabilitators to ensure progressive, humane and responsible regulations that reflect the international care and release standard that states:

“Orphaned wildlife should be raised with others of their own species, to learn proper conspecific behaviours, and the group should then be released together in appropriate natural areas, with the transitional care for those species that require it, generally within the city or county of origin.”

#### HALTON RECYCLING PLANT

**Mrs. Julia Munro (York North):** “To the Legislative Assembly of Ontario:

“Whereas noxious odours from the Halton Recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in Newmarket; and

“Whereas local families have lost the enjoyment of their properties for themselves and their children, face threats to their health and well-being, and risk a decline in the value of their homes; and

“Whereas for the 300 members of the nearby main RCMP detachment, as well as other workers in the area, the odours are making their working conditions intolerable;

“Therefore, we, the undersigned, demand that the Minister of the Environment take immediate action to halt all noxious emissions and odours from the Halton Recycling plant, and take all steps necessary to force Halton Recycling to comply with environmental rules, including closing the plant if the odour problems continue.”

As I am in complete agreement, I will be signing this petition and giving it to Trishaala.

#### CREDIT VALLEY HOSPITAL

**Mr. Kevin Daniel Flynn (Oakville):** I have a petition signed by people from the Oakville and Mississauga area, among them, Lorraine Gonsalves of River Oaks Boulevard. It reads as follows:

“Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

“Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

“Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fund-raising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

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

“That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department, and to better serve patients and the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite.”

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Jim Wilson (Simcoe–Grey):** A petition to the Legislative Assembly of Ontario:

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

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

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

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

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

I agree with this petition and I’ve signed it.

#### ONTARIO BUDGET

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition, and it’s addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the McGuinty government inherited a hidden structural deficit of \$5.5 billion upon taking office in October 2003;

“Whereas the McGuinty government is committed to a balanced fiscal approach that eliminates the deficit and restores essential public services;

“Whereas Ontarians demand the best public health care, public education, and economic prosperity; and

“Whereas passing the 2005 budget will ensure new funding for post-secondary students, reduced waiting times for medical procedures, more child care spaces, and new investments in public infrastructure;

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

“To pass Bill 197, Budget Measures Act, 2005, as soon as possible.”

As I agree with the petition, I affix my signature to it and hand it to page Madison.

#### MOTORCYCLE INSURANCE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I’ve got a petition titled “Fix Motorcycle Insurance.” These were gathered on Friday the 13th in Port Dover.

“Whereas responsible motorcyclists have been hit with huge increases in insurance or are being denied coverage; and

“Whereas motorcycle insurance has increased over 40% in the past two years; and

“Whereas sales of motorcycles in Ontario have dropped over 7%; and

“Whereas many businesses and individuals in the motorcycle industry are suffering because of the loss of sales and decreased employment that high insurance rates are causing;

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

“That the Dalton McGuinty government take steps to make motorcycle insurance more affordable and ensure that motorcyclists are treated fairly and equitably by the insurance industry.”

This is signed by Chris Simons and Greg Yerex, who helped initiate it on Friday the 13th in Port Dover a number of years ago.

#### CREDIT VALLEY HOSPITAL

**Mr. Bob Delaney (Mississauga West):** I have a petition here from Peter and Patricia Leupen and their family in Erin Mills, Susan Molrine of Arvida Circle in Meadowvale, and Karen Newman of Atherly Crescent in Meadowvale and some of their neighbours. It reads as follows:

“Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

“Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are

delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

“Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fundraising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

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

“That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department, and to better serve patients and the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite.”

This is my home hospital. I'm pleased to support it. I affix my signature and ask Jonathan to carry it for me.

1550

## ORDERS OF THE DAY

### LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

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

Mr. Bentley moved third reading of the following bill:

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

**The Acting Speaker (Mr. Michael Prue):** Mr. Bentley.

**Hon. Christopher Bentley (Minister of Labour):** At the outset I'd like to note that I'll be sharing my time with the member for Oakville, should he return, and I expect he will.

It gives me great pleasure to rise on third reading of this matter. What we need to do in labour relations is move away from the polarized approach taken over the last 15 years. We need to take a fair and balanced approach to labour relations. In fact, that is the approach that has been the historical guarantee of prosperity in Ontario, and it's time we got back to that approach.

The essence of that approach is that workers should be able to decide for themselves whether they wish to join the union or not. They should have that right to decide free of interference, free of coercion and free of intimidation. This bill and these amendments support the workers' right to choose, they support democracy and they

reflect the realities of the workplace. We're very pleased to be introducing them.

It is rather surprising that they would be opposed by anyone in this House. The historical approach to labour relations, that which has worked, has simply been to support the workers' right to choose.

I just want to make mention of two particular points. One is the remedial certification power. The remedial certification power is simply this: In a workplace where workers have the right to vote, which is all workplaces, on whether they wish to be part of a union or not, that vote, the process, should be free of intimidation or coercion by anybody. Where workers have the right to choose by other means, it should be free of intimidation or coercion by anybody: by employer or by union. The remedial certification power simply means that if an employer steps in and engages in such serious conduct that that employer effectively removes the workers' right to choose, the employer will not be able to benefit from their conduct.

It likewise means that there will be a similar power to ensure that if a union steps in and tries to remove the workers' right to choose whether to be part of a union or not, the union will not be able to benefit from the exercise of conduct that is simply serious and egregious.

What we're doing in this legislation is to ensure that we support the workers' right to choose, so that in those serious cases, the employer would be prevented from benefiting from their conduct and the union would be certified, or, on the other hand, the union would be prevented from certifying the union.

This type of power in relation to employers was in the act for decades. In fact, it was enhanced and supported during the days of former Premier Bill Davis. When the Tories came to power in 1995, they put the other part of the power in by introducing remedies against a union that goes too far. Those powers survived under the previous government, the Tory government, for two years, and when they removed them in 1997, they effectively removed powers that are directed at the worst kind of conduct, and what they created was a landscape in which either an employer or a union could actually benefit from serious, egregious conduct that removed the workers' right to choose. That is not democracy; that is the antithesis of democracy.

We need to support the workers' right to choose and support workers in the province of Ontario. That's exactly what this legislation does. It supports the workers' right to choose in the construction sector by recognizing that construction has special features. It's been recognized in the act for decades. In fact, previous governments and all governments have recognized the special nature of construction. Whether it's in relation to the specialized bargaining regimes, ICI sector or residential construction sector, or whether it's in relation to special arbitration provisions, it is simply a different approach in construction. Once again, we support democracy there by introducing, as well as the vote, the option of card-based certification, something that had been around for decades.



This legislation supports the right to choose of all workers, whether they be new Canadians or Canadians who have been here for a long time. Whether they be young or old, working in any sector, it reflects the essence of democracy, approached in ways that reflect the realities of a particular workplace. It is fair, it is balanced, it advances the rights of working families in this province, and it is legislation that should be supported by all members of the House. I hope it will be.

I'm going to turn my remaining time over to my parliamentary assistant, the member for Oakville, who, I might indicate, has done an absolutely fabulous job in supporting working families in this province.

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to follow the Minister of Labour on this issue. I don't think any family or anybody who is following labour relations in Ontario or on the national scene would argue that this is a reasonable step forward in labour stability in Ontario. It's fair and it's balanced. After the wild swings we've seen in this area of legislation during the past 14 years, I think it restores some balance and some stability to a system that is sadly in need of that balance and stability.

We had a decade of labour unrest under previous governments, and some of that unrest came from legislation that was simply mean-spirited. I'm talking about things such as the mandatory posting of decertification posters; I'm talking about salary disclosure of union officials. It did nothing to improve the rights, the lifestyles, the earning ability or the human rights, for that matter, of working families in Ontario.

This bill has many components, but if I could highlight three of them: the introduction of remedial certification, the introduction of interim reinstatement and the reintroduction of card-based certification in the construction industry in Ontario. This is a government that has proven that it's very serious about fairness and about growing our economy. It's trying to do that in a balanced and fair way that allows workers to make the real choice without fear of intimidation in making that choice.

Recently, for example, to illustrate that seriousness, in my own town of Oakville we were able to save 4,000 jobs in the auto industry, working with the CAW in that endeavour; working with the union that represents those workers. We've also seen another half-billion dollars in auto investment, and it's driving many billions more of private sector investment into the province of Ontario in the auto sector, which in turn is creating thousands of spin-off jobs, of course.

After the tumultuous years we've seen in the past, this to me is a breath of fresh air. I think it's legislation that restores long-standing and historical powers to the Ontario Labour Relations Board to deal with both employer and union misconduct during organizing campaigns.

During the public hearings on this bill, people came forward and talked about intimidation. They talked about not being allowed to make their own choice and being put in an environment, which was allowed by law during that time, that did not allow them to express their feelings

clearly. I think this proposed legislation, as it's presented, is a major step forward in ensuring that the workers in Ontario actually do have those rights and that employers will see the province as a very healthy economy, as a place that they would want to invest in in the future, which of course creates the jobs and the prosperity that we all want for this province.

**Ms. Shelley Martel (Nickel Belt):** I'm always interested, when I hear the government members talk about this bill, to note that while they talk about balance, history and tradition, the fact of the matter is that the card-based certification provision in this bill does not reflect past practice, tradition or historical context with respect to which workers traditionally have had card-based certification. I remind the Liberal members that, going back almost 50 years in this province, card-based certification as a method of forming a trade union has been available to all workers, not just to some. It's been available to all workers. That has been a fine tradition, and a tradition we should be reinstating through Bill 144.

**1600**

I think it's wrong that we would discriminate against all workers by only allowing some the ability to form a trade union through card-based certification. I think that's wrong. I don't want to be party to that. I oppose that. Women workers, immigrant workers, new workers, all workers should have a right to use card-based certification as a method whereby they join a trade union. That's what we had in place in labour relations from 50 years ago up to 1995, when the former Conservative government regrettably and wrongly got rid of card-based certification for all workers.

What the Liberals propose is a half measure that will only help some workers. I don't think that's right. There's no reason for us not to go the full way, which is what was in place before the Conservatives, and ensure that all workers can use card-based certification. The government has yet to answer why it wants to discriminate against most workers in this province by not allowing them access to card-based certification when they join a union. I'd like the government to answer that question.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I want to make a few comments on the comments by the minister and by previous speakers. What we need to look at when we're looking at this act is what this government has done since it took office in October 2003. There have been a number of achievements in the area of protecting workers in Ontario.

First, we look at the area of minimum wage. For the first time in nine years, the government increased the minimum wage on February 1, 2004, and will raise it each year until it reaches \$8 on February 1, 2007. Some could argue, why not raise it all at once? Well, the government has decided to do it in an incremental way, and it has its own reasons for doing that.

The family medical leave: passing a law allowing up to eight weeks of job-protected leave from work for employees wishing to stay home and take care of gravely

ill family members. This sort of leave allows employees an opportunity to stay with loved ones and take care of them.

The 60-hour workweek: The government limited the workweek and now requires a business to seek government approval and their employees' consent to work more than 48 hours a week. This gives vulnerable employees the ability to choose how many hours to work in a week.

Also, many other pieces of legislation have either been brought forward or will be brought forward. You can't solve the entire problem in one fell swoop. I think the government has taken a number of strong initiatives.

This act is moving in the right direction. I know there are complaints that it's only a half measure in not going all the way with card-based certification. But again, we're only a year and a half into our mandate, and I think time will tell, come election time, where this government is when it comes to helping out workers in Ontario.

**Mrs. Julia Munro (York North):** I want to go back to a comment made by the minister in leading off today's debate. He talked about the importance of balance and, therefore, fairness. I think we have a different definition of balance. To me, it's a question of fairness for all workers—for employers and employees. Obviously, the whole issue around the anonymity of a secret ballot is the way you guarantee that kind of fairness. I think it's important to look beyond just the matter of the bill itself, to the way in which the community has responded. Certainly I have received many, many letters that have asked my position on this and expressed the same kinds of concerns about the removal of a secret ballot.

I find particularly valuable the information and the position taken by VP Judith Andrew of the Canadian Federation of Independent Business, who said that "giving the labour board powers to order certifications in some situations is seriously disturbing and said secret ballots should be maintained for all certification votes. Secret ballots allow employees to make their decision to support or oppose the union free from any coercion from employers, union organizers or peers." I think this government is overlooking that very important voice.

**Mr. Brad Duguid (Scarborough Centre):** I'm delighted to join in this debate and make some comments on this very important legislation. I agree entirely with the minister and the parliamentary assistant when they say it is balanced and fair, an approach we're trying to take in many different sectors in government, an approach that, unfortunately, the province hasn't seen in this particular sector for a very long time.

This legislation is really in keeping with the approach we've taken overall in dealing with many of the issues that affect men and women working throughout Ontario. I look at the minimum wage and the fact that for the first time in nine years, I believe it is, we've raised the minimum wage, which went up effective February 1, 2004, and will continue to increase until it reaches \$8 on February 1, 2007.

I look at family medical leave, an area that was in dire need of change and reform. We've moved quickly on that to ensure that in fact working men and women across the province can get access and take the time off they need to deal with illness in their families.

I look at the 60-hour workweek. The government has limited the workweek and now requires a business to seek government approval and their employees' consent to work more than 48 hours in a week. This gives vulnerable employees the ability to choose how many hours to work in a week, something that I think is fair and certainly balanced.

I look at enforcement and prosecution. The ministry stepped up enforcement of the Employment Standards Act, and we've conducted more than 2,000 inspections as of March 4, 2005. There have been 931 orders. We have commenced 229 prosecutions compared to just 18 prosecutions in the previous five years. That shows results, it shows balance and it shows fairness.

**The Acting Speaker:** The member for Oakville has two minutes in which to respond.

**Mr. Flynn:** It's interesting to hear the comments coming from the other parties on this issue. They really mirror the sort of opinions that were proffered to the standing committee that heard from people in both Kitchener and the city of Toronto on this issue, and that is, some people say this bill goes way too far. That would be typically the response of the Conservative Party. Others say it doesn't go far enough. It's a little bit like Goldilocks: It's either too warm or it's too cold.

I'd say this legislation is just right. You either support card-based certification in the construction sector, the introduction of interim reinstatement, remedial certification, the removal of the decertification posters in the workplace and the ending of salary disclosures of union officials, or you don't. You can't say—you can say it, but it's hard for someone to imagine it's got any credibility—that because we aren't introducing card-based certification in all sectors of the province, the rest of the legislation is not supportable. That, to me, seems to be selling a lot of people short in this province.

Bill 144 provides an option for card-based certification in the construction industry. All other industries would continue to operate as they do under the vote-based system. We all know that the construction industry in Ontario has long been recognized as a very distinct industry, with many differences from traditional industry. It's generally project-based and mobile. An individual's employ with the employer may be very short. Employees themselves are generally organized by trade and may work on a variety of projects. So there's very good reason to introduce card-based certification in the construction industry. This bill is fair, it's balanced and it's extremely supportable.

1610

**The Acting Speaker:** Further debate?

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I am certainly pleased to join the third reading debate on Bill 144. I find it very interesting to hear the government

mention the words “fair” and “balanced” and “supportable.” I guess they figure if they say it often enough, somebody is going to believe them.

I would hasten to say I agree with my colleague from the NDP that this bill is anything but fair and balanced and supportable, because at the end of the day there is going to be 4% of the unionized workers who are going to be given the opportunity for card-based certification. Obviously, we don't support that, but I wonder why the government is denying the majority of people the same right. They talk about the uniqueness. I hope to put on the record the fact that there isn't the uniqueness. They like to mention that over and over again. I guess they figure that if they say it often enough, people are going to believe them on that point as well.

Let's just review the history of what has happened here. The government introduced this bill on November 3. They decided they were going to amend the Labour Relations Act. I would say that as a result of that decision, basically what the government was doing was not taking into consideration the new workplace today. There's also the fact that we now are part of the larger global economy. Like everything else, the workplace and the conditions of the workplace have moved forward, and what they were doing was really turning back the clock 15 years for both workers and businesses. Certainly, what they're doing has the opportunity to create a climate that is actually going to take away the right of individual workers to a secret ballot vote; a right, by the way, that workers fought for and we gave them in 1995 under Bill 7.

It also has the possibility to create an environment in Ontario that is less attractive for business, which can move anywhere else in the world—it can go to the United States, to Mexico, to China, wherever—and we've already heard about companies that have postponed their business investment decisions based on what this government does with Bill 144. There's also concern about the changes they made to the 60-hour workweek legislation, which at the end of the day, despite the claims of the government, did not eliminate the 60-hour workweek; it simply introduced more red tape.

What I think most people find most reprehensible about this new bill is the fact that it does strip individual workers of their rights and, at the end of the day, it does threaten economic growth, which, again, can translate into fewer jobs for people in Ontario.

I would just remind you of the type of changes that were created in this province for workers and the economy of this province as a result of Bill 7. Bill 7 actually, when it was passed, sent a signal around the world that Ontario was once again open for business after the changes that had been introduced by Premier Bob Rae. As a result, the environment was created in Ontario whereby the private sector was able to create more than one million new jobs. These were jobs for our friends, our colleagues, our families, our children, our grandchildren. These were jobs that allowed the government to reap the taxes, and they were able to fund education; they

were able to fund health. We added about \$10 billion to the health system. We expanded and built new hospitals, emergency rooms, dialysis, more MRIs, more CT scans. We expanded the number of cardiac and cancer centres in Ontario. We embarked on a program of primary care reform to make sure that people in this province would have access to family doctors, which this government continues to build upon. We introduced nurse practitioners, again to increase access to primary care.

Those one million net new jobs created more wealth in the province that allowed us to fund programs and services for people. Then, of course, we see this government moving ahead with this bill. Well, then this government didn't want to acknowledge that maybe there was a need for public hearings. So, at the end of the day, finally, as a result of calls for public hearings, they did make a commitment to move forward, and fortunately, we had public hearings.

However, having said that, the public hearings on this bill were a sham, as they are on almost every other piece of legislation in this House that goes to committee. I think if you were to take a look at all of the amendments that are provided by the opposition parties, which are really based on the input that we get from people who make presentations to the committee, you would see that this government has a track record of introducing almost zero.

It seems that, despite the fact that we have public hearings—and people actually come in here thinking that they can make a difference to legislation—the only time that a difference is made is in the case of Bill 133, which was so badly flawed that the Ministry of the Environment and the minister had to introduce amendments in order to get any support for the bill whatsoever. Regrettably, there were all sorts of very important amendments put forward by both the NDP and our government, based on the input of the deputants, and there just were no changes made.

It's interesting, because workers and business are united in their opposition to Bill 144. If you take a look at the bill and the fact that this government seems to talk about the uniqueness of the construction industry, that's their justification for only allowing card-based certification there. I just want to read to you what the Coalition of Concerned Construction Employers said.

By the way, who are the Coalition of Concerned Construction Employers? Well, I can tell you, they were a group that didn't exist prior to the introduction of Bill 144. They were a group of companies that performed road-building, bridge-building, and sewer and water main construction throughout Ontario. Obviously, they provide a lot of jobs, because they employ over 8,000 workers. They are 60 companies-plus, and they are responsible for over \$1 billion of infrastructure annually in the province: a lot of people here, 8,000-plus, working in the construction industry.

These people came together, these more than 60 companies, because of Bill 144. They were concerned that this government was seeking to impose special rules for certification to reflect “what it says is the uniqueness

of the construction industry.” They go on to say: “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 applies 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.”

This is very, very concerning, that Bill 144 discriminates against these construction employees and that they will be stripped of their right to a secret ballot vote. Unfortunately, it leaves these employees very vulnerable to intimidation tactics, which were employed prior to the introduction of the secret ballot vote.

I’ll go on to read from their presentation. This is the presentation of the Coalition of Concerned Construction Employers, more than 60 employers who employ more than 8,000 workers.

#### 1620

They go on to say: “The government has sought to justify this amendment by stating that employment patterns in the construction industry are of short duration and are transient. We wish to point out to you that this is not the case in our industries: Our jobs are typically six to 12 months in duration; our companies recall their employees at the start of each construction season, and they remain employed until the end of the season; further, we rehire over 90% of our workers from one season to the next.”

They go on to say that road-building, sewer and water main, and heavy civil contractors do not fit the mould—of course, “the mould” that this government talks about.

Then they say: “If the amendment becomes law, you would have an ... unfair situation where a 20-year employee of one of our companies working on a construction project all summer would not have a secret ballot vote in an application for certification but an employee who had,” for example, “been employed in a grocery store 30 metres away”—meaning 30 metres away from the construction project—“for two days would have a secret ballot vote.”

I think you can see the absurdity. Why would this 20-year employee not be entitled to the same secret ballot vote, while some new employee in a grocery store, having worked there only two days, would have that opportunity? Talk about taking away people’s rights.

“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. There is no evidence or information provided as to the circumstances under which membership documents were obtained or witness statements attesting to the fact that a witness knew the signee. There is no opportunity for the company or their representative to examine the cards. As well, there is no scrutiny by the labour board into the circumstances of signing....” There may be “trickery,

misrepresentation, forgery or coercion because it is all done in secret and there will be no secret ballot vote which will allow construction employees to express their true feelings in a democratic way.”

Can you believe this?

Then they go on to say: “Imagine”—of course, they’re talking to us, MPPs—“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 manifestly unfair.”

I would agree with this paragraph. For this minister to stand up and say that this legislation is fair and balanced—we now can see it is not. I’m sure the members opposite would not want themselves to be involved in a personal election whereby somebody could just suddenly come in and take the election away from them and all people not be given the opportunity for a secret ballot vote.

The coalition goes on to say: “Our employees who did not want the union and our companies would, like you, feel that the process was unfair and did not represent the true wishes of the employees.” In our case, of course, it would be the true wishes of our constituents.

They go on to say: “Certification under such circumstances would more likely lead to subsequent difficulties between the parties.

“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.”

I would agree. These people, despite the rhetoric I hear from the other side, are some of the most vulnerable people we have in Ontario. Because of language difficulties, they can be easily intimidated and forced to sign union cards. Most of them who are here just want to earn a living for their families.

“If implemented, ... Bill 144 will add to the unfairness of a system that already fails to recognize the employment ... of a long-term employee who may be absent on the day the union applies to certify the company. 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.

“Therefore, if our employee who has 20 years of service with the company and who has worked every day during a current construction season is sick on a Friday or takes his child to a doctor on a Friday and an application for certification is filed on that Friday, this 20-year employee is not allowed to vote on this fundamental issue that will totally affect his employment. On the other

hand, a person who is hired on Thursday and who works for the first time on Friday will be allowed to vote.”

They say, “Obviously this system gives 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 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 failure of democracy.” Who can disagree with that?

This, coming from a government that talks about democratic renewal and then proposes to take away the opportunity for these individuals to make an important decision about whether or not they want to join a union—this takes away their secret ballot vote. This is what people throughout this world are wanting. Soldiers are fighting for people to have the opportunity to have a secret ballot vote to make choices about governments, and yet we are going to strip people in the province of Ontario—talk about a step backward, talk about unfairness, talk about imbalance. It’s all here in Bill 144.

What does the coalition want? They have given us three suggested amendments, in order of priority. Number one, Bill 144 should be amended and any reference to card-based certification in the construction industry—that is what they probably are most concerned about. Also, if the amendment were to pass, they don’t want it to apply to employees or employers in the roads, sewers and water mains, and heavy engineering sectors of the construction industry. Obviously—we’re here at third reading—the government has chosen to totally disregard the input of the Coalition of Concerned Construction Employers.

We’ve heard there’s the real possibility of a return to intimidation of employees into signing a union card, now that we’re going to do away with the secret ballot vote. We hear the other side saying that doesn’t happen. Do you know what? I sat in the hearings in Kitchener-Waterloo for an entire day. I have to tell you that the first part of that day, I was embarrassed, because we as a government holding those public hearings could not guarantee those making presentations who disagreed with the government freedom from belittlement, jeering and outbursts from the audience. So you tell me there is not intimidation. There was intimidation in that room. I was surprised that some of the people were able to complete their presentations, and I want to applaud them for having the courage to come in and be heckled and jeered at and belittled. I can also tell you that as a result of that activity, there were people who did not show their face, because they didn’t want to be subjected.

**1630**

I suggest that in future the government ensure that any person in Ontario who chooses to make a presentation before a committee at least be guaranteed the opportunity to do so free from audience heckling and jeering and belittlement. I was personally embarrassed that we had to go half a day with that type of behaviour. We as a government have to make sure that people—they should not be subjected to that type of behaviour.

I want to read from the chamber of commerce. They made a submission on the Labour Relations Statute Law Amendment Act, 2004. They begin by saying that they “believe a healthy labour relations environment is critical in fostering a strong economic climate in Ontario.” They go on to say that this act “falls short of achieving its goal to provide choice, fairness and balance in labour relations.” They say that the “system has undergone a number of reforms in the past 10 years, and this new proposal, while well-intentioned, is a step backwards.”

They say three things about Bill 144. It “will fail to restore balance and fairness to the current system; threatens the fundamental principles of democracy and fails to protect worker’s rights;” and, number three, “will hurt Ontario’s long-term competitiveness and investment climate.”

They go on to say that “implementing the proposed changes may destabilize labour relations in the province and convince future or pending investors to rethink investing in Ontario-based businesses.” For these reasons, the chamber is opposed to Bill 144 and is looking to ensure that “Ontario has a fair and balanced” act “that creates harmonious workplaces without stifling the economy.”

I would say to the government that throughout this province and in your own communities, this bill, despite what you say about fairness and balance, is not supported by the small businesspeople and others who comprise your local chambers of commerce. They are not with you. They want this bill amended, and they say so. They “recommend that the Ontario government amend Bill 144 to truly create balance and fairness in the workplace, reflect strong democratic values and promote investment in Ontario. The government must adopt a multi-stakeholder approach to ensure that the interests of business and labour are incorporated. Without a clear framework to guide labour relations, it will be more difficult for labour and business to coexist in a healthy, balanced workplace.”

They say that the chamber “conducted a survey of its members” between “November 30 to December 7, 2004, to garner opinions on the proposed amendments to the Labour Relations Act. Key findings from the ... survey indicate that the” amendment act, “as currently written, will not restore fairness and balance to labour relations in Ontario.”

I would say to the members opposite that it doesn’t matter how many times you tell us that the bill is fair or balanced, the chamber survey responses indicate that small businesses in all communities throughout Ontario disagree with you. They do not see it as being fair; they do not see it as being balanced.

I want you to know that two thirds of the people who responded are people who employ fewer than 50 employees, and 16% are people who employ 251 or more employees. So I think you would agree that, as they say, “Bill 144, as introduced, further deteriorates ... fairness ... and tips the balance in favour of unions at the expense of workers.... Indeed, they believe that the bill’s provisions

are excessive ... and are in serious danger of causing unnecessary harm to labour relations in Ontario. If enacted, these changes will make Ontario less attractive as a province to invest and do business in.”

This is interesting, because these are the people who represent the men and women in our communities who have created businesses, who provide jobs—well-respected community leaders. Let’s take a look at some of the issues that they take exception to and their recommendations. Let’s take a look first at card-based certification: “The OCC advocates for a secret ballot system as it is the most democratic approach to certification.” Who could disagree with that? “All workers, regardless of the sector in which they are employed, should be entitled to vote via a secret ballot system. Under Bill 144, card-based certification will be reintroduced for the construction industry, with representation votes as an option. Under this provision the Ontario Labour Relations Board ... can permit automatic union certification if the number of employees in the bargaining unit who have signed membership cards exceeds 55%, therefore eliminating the requirement of a secret ballot vote. In past years, the card-based system has been misused as a mechanism to coerce and intimidate employees into certifying a union.”

So what do they recommend? “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. This will accurately”—and I emphasize the word “accurately”—“reflect employee wishes, and preserves each worker’s right to vote.”

What about the whole issue of union salary disclosure? They recommend, first of all: “Unions to disclose remuneration (over \$100,000) because it is a fair and necessary provision.” They believe that this “proposal to repeal the requirement of union salary disclosure is unwarranted, and will reduce transparency and accountability of unions to the employees they represent.”

Let’s take a look at remedial certification. They say, “Reinstating the OLRB’s power to impose remedial certification is a step backwards as it is an arbitrary process.”

“The OCC and its members believe it is undemocratic”—we get back to that word “democratic” again—“to give political appointees the authority to certify a union, absent of a democratic employee vote. By allowing the OLRB to impose union certification, workers are clearly disadvantaged, as their right to choose is rejected. Moreover, without clear guidelines for remedial certification decisions made by the OLRB, small businesses will be unfairly disadvantaged when confronted by large, well-resourced international unions who are far better versed in every nuance of the legislation.” That is an important statement, because small businesses will be at a very, very unfair disadvantage.

#### 1640

They see the role of the OLRB as one that should continue to be focused upon protecting workers’ rights, including their right to choose representation in a secret ballot vote in all instances. Of course, the chamber

supports the amendments for remedial certification as follows: “The Ontario Labour Relations Board should not be able to reinstate employees unless a comprehensive 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.”

Now, I just want to remind the viewers and others who are interested in the legislation that despite the fact that we had many excellent recommendations, you need to know that they were not supported by the government and we just went through the charade of having public hearings and people doing a lot of work in order to make the legislation fair and balanced and then seeing it totally rejected.

Let’s take a look at what they say about interim reinstatement:

“The proposed legislation will give the OLRB the power to issue interim orders during an organizing campaign. Therefore, it would allow the OLRB to change workplace practices, terms and conditions of employment or reinstate a terminated employee before any complaint about alleged employer wrongdoing has been heard and decided. In addition, this amendment is so broad, it may result in unions filing unsubstantiated claims of dismissals. When such an unsubstantiated claim is filed, no recourse can be provided for either party. According to the Ontario Chamber of Commerce and its members, such broad powers given to the Ontario Labour Relations Board unfairly punish employers and businesses.”

They recommend “withdrawing interim reinstatement language from Bill 144, as it will allow unions to make unverified claims.”

Let’s now take a look at what they have to say on decertification posters:

“The additional regulations concerning decertification posters included in Bill 144 present confusion and over-regulation for employers. Although it is reasonable that employers remove posters, it is destructive to charge employers with an offence for failing to remove ‘How to Decertify’ posters. In addition, because there is much ambiguity surrounding communication rights between employees and employers during a certification/decertification process, the OCC advocates for additional language in Bill 144 that will clarify the communication rights of employers.”

This is what the Ontario Chamber of Commerce recommends: “Amend the 30-day rule in order to protect employers from unnecessary allegations.” Also, “Develop and facilitate a program through the Ontario Labour Relations Board 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.” What an ultimately reasonable amendment. I can’t believe that the government was not prepared to develop this type of program that would give employees information about not just decertification but also

certification. Let's make sure that people have access to that information in a fair manner and that it is fairly disseminated—rejection.

Now let's take a look at what the chamber has to say about the reduction in investment:

“Without major amendments”—to Bill 144, of course—“the OCC believes the proposed amendments will create uncertainty among business owners, and will likely delay key decisions from being made on investments and hiring. It is unclear how the proposed amendments will improve labour relations in Ontario.” Agreed. “Fifty-two per cent of the survey respondents are uncertain if the new legislation will prevent the occurrence of consecutive strikes in their workplaces and 36% are uncertain whether the proposed legislation would affect the negotiation or operation of collective agreements in unionized workplaces. This uncertainty threatens business flexibility and in the case of the manufacturing sector may cause high-value jobs to leave Ontario. Uncertainty also signals a loss of confidence in the system which will yield negative effects for investment.” So, the chamber says, “These amendments” to Bill 144 “will not improve the labour climate in Ontario or make Ontario an attractive province to invest in.

“Ultimately, this legislation is undesirable because it will hurt Ontario's competitiveness. The potential loss of investment and job creation will erode the government's ability to invest in health care, education, and other important social programs. Overall, these changes do not support the government's goal of making Ontario the most desirable place to work and do business. Instead, the OCC and its members deem Bill 144 as a step backwards.”

The chamber recommends that the government employ a business outlook to ensure that the amended legislation does not hinder investment in Ontario.

It was interesting, because this is how Len Crispino, the president and chief executive officer of the Ontario Chamber of Commerce, ended his letter. This letter was, of course, directed to the standing committee on social policy. He says, “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 consider the OCC's recommendations included in this submission.”

Regrettably, despite the efforts of the chamber, despite the efforts of hundreds and thousands of people in the province of Ontario urging the government to make changes to the bill, telling the government that this does not restore fairness and balance, everything was rejected by the government.

I want to read from another one that was submitted to us. As I say, we had a lot of submissions, and I'm just going to see which other one we will read into the record, because we did have so many.

I've got one here from the Coalition for Democratic Labour Relations. This was the group that came together because of Bill 144. They were concerned about the

impact of this bill on the provincial economy and made requests for amendments to the legislation. Now, you might ask, who is the Coalition for Democratic Labour Relations? Well, they comprise 12 industry associations. They represent over 100,000 small, medium and large businesses, and they employ roughly two million people in key sectors of Ontario's economy. They were established for the sole reason of opposing Bill 144, and they say, “When Bill 144 was introduced, it was presented as the tool to achieve fairness and balance in the workplace.” Then they highlight in very bold, black letters, “Coalition members couldn't disagree more. We take issue with the way this bill threatens the fundamental principles of democracy by removing the democratic right of employees to vote on whether or not they choose a union and by impeding an employer's right to free speech.”

#### 1650

They go on to say, “We have begun to hear anecdotal evidence from several of our members that they are reviewing investment decisions based on the negative effect of Bill 144. The labour relations environment is one of the key elements that business people in Ontario and business leaders looking at potential investments in Ontario use to determine when and where to invest in the new plants and stores. That creates jobs.

“Without major amendments, the coalition believes the bill will create uncertainty in the business community,” and will likely “delay key decisions about investments and hiring.” They say, “This couldn't come at a worse time, especially given the recently revised forecasts predicting slower economic growth” in the province.

So they've come together. Here is a group that represents over 100,000 employers that employ about two million people. This group of people and their recommendations and concerns were totally ignored by this government. They simply did not listen. Despite the outstanding recommendations that were put forward on remedial certification, decertification posters, interim reinstatement, card-based certification and the definition of “non-construction employer,” it was all for naught.

Some of the people who made up this group, because I've talked about the 12 industry associations, were the Canadian Federation of Independent Business, the Canadian Manufacturers and Exporters, and the Canadian Restaurant and Foodservices Association. These are people who represent the mom-and-pop restaurants and food service groups throughout Ontario: the chamber of commerce; the Ontario Electrical League; the Ontario Restaurant, Hotel and Motel Association; the Open Shop Contractors Association and the Retail Council of Canada.

Everybody says much the same thing. The Open Shop Contractors Association begins by telling us that “Bill 144 was introduced without meaningful consultation.” We know that. There wasn't any. Maybe there was consultation with the construction and building trades, which were the only beneficiaries of this legislation.

They go on to say that this “seriously undermines the trust that has been developing with the government over joint labour/management consultations on construction issues” and that the bill should be withdrawn until full consultations have occurred.

They go on to say, regarding certification, “We believe that certifying a trade union without the benefit of a representation vote is a significant backward step and contributes to the ‘democratic deficit’ in the province. It is widely recognized that an expeditious certification vote is the best test for employees’ choice, and removing it will result in a return to a more fractious certification process. Contractors will be concerned about whether an employee has been coerced, intimidated or simply signed a membership card to avoid having to say no. A secret vote is the ultimate test of employees’ wishes and should be maintained in the absence of serious violations of the act by either party.

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

“Some have argued that card-based certification is needed in construction because employees work for multiple employers in the construction industry. Although this is true in the unionized sector, where employees are drawn from a hiring call, it does not apply to the open shop sector, where contractors tend to have a more stable and long-term workforce. This makes it all the more important that the democratic rights of these long-term employees be respected with a vote to determine their true wishes.”

Again there is the emphasis on the need for employees to have democratic rights in the same way that we as elected members of provincial Parliament would hope that we would always be elected to this office because our constituents have been able to freely exercise their democratic rights through a secret ballot vote. How is this different? Why would we deny these construction employees the same rights that we want for our constituents? Unbelievable.

They obviously are also concerned about remedial certification. They say, “We appreciate that the government is recognizing the need to certify a bargaining agent where the employer has wilfully broken the law to such a degree that it would be difficult for the employees’ true wishes to be ascertained. We are concerned that the labour board will find any minor violation of the act as grounds for remedial certification. If the government’s

intention is to use remedial powers only in exceptional circumstances, then the board should be provided with a listing of what constitutes a serious breach.”

I don’t know why that would not be done. If this government wants to be fair, let’s make sure that everybody understands what the ground rules are, what the rules would be.

“Restrictions of free speech: Removing the requirement that employers post information in a unionized workplace on how to decertify the union is understandable. However, Bill 144 goes too far in making it an unfair labour practice for an employer to post such information or even to advise employees of their rights under the act. We believe that this is a violation of an employer’s right to free speech and may well be unconstitutional. An employer should not be in violation of the act simply for providing lawful information.”

These are some of the concerns that have been expressed by these individuals.

We also heard from the Greater Toronto Home Builders’ Association. Again, they talk about some of the strengths of what has happened in the past. They talk about the introduction by our government of Bill 69 and Bill 179, which covered the 2001 and 2004 rounds of collective bargaining for the residential construction industry within the GTA. They say, “You will be aware that as a result of labour disruptions that paralyzed the GTA new home building industry in the summer of 1998,” the bills I talked about were introduced “to provide greater certainty for those involved, including new homebuyers.” They go on to say that Bills 69 and 179, which we introduced to cover the 2001 and 2004 rounds of collective bargaining for the residential construction industry within the GTA, “worked exceedingly well. In 2001 there was only one brief strike and in 2004 there was none.”

#### 1700

Again, they are a strong supporter of the current certification system, which mandates a secret ballot, and they maintain that transparency in organizing drives should be maintained. There was a lot of certainty in labour relations, but they are now concerned about the Liberal government’s changes to the Labour Relations Act in Bill 144. They say, “We believe the proposed changes will not”—and I stress “will not”—“be helpful to the overall residential construction labour climate, will lead to increased uncertainty and will undermine the rights of employees.”

They go on to say, “You will know that the residential construction industry in the GTA is a strong contributor to the regional and Ontario economies, with every new home or condominium supporting three jobs. Last year our industry supported nearly 130,000 full-time jobs. It is important that the industry remains strong and not be jeopardized based on a return to a confrontational approach between labour and management in labour relations.”

This government says that this bill is fair and balanced. I tell you that people in the real world outside this



Legislature express concerns that it is not fair and balanced. They fear there will be a return to a confrontational approach between labour and management in labour relations. That's one of the other submissions we received.

Here is a submission from the Sarnia-Lambton Chamber of Commerce. I note that the member who represents that community is here. I hope she has seriously considered the concerns that the businesspeople in her community—in fact, these are 850 businesses that employ close to 18,000 persons—have about Bill 144. I would hope that in private, in caucus, she would have shared these concerns with the Minister of Labour, to recognize that not everybody agrees with this bill.

Let's take a look at the representation made by the Canadian Manufacturers and Exporters. We've got people here who represent 75% of Canada's industrial output and 90% of our exports. Let's keep in mind that most of our exports are to the United States. Over the past eight years, CME members have been responsible for over 45% of the new jobs created in the Canadian economy. However, they also say they are facing intense pressure from emerging markets such as China, the rapid appreciation of the Canadian dollar, regulatory impediments and increasing business costs. They say that manufacturers are facing the very real and difficult decision of whether they will be forced to move their operations out of Canada. That means Ontario, where the bulk of the people are employed.

They indicate that, as they make representation to the government, this is not a threat, but this is simply to recognize what might be happening. They want to make sure that there's a strong manufacturing sector in this province and in Canada.

But then they go on to say, "CME is concerned that Bill 144, the Labour Relations Statute Law Amendment Act, will not achieve the stated objective of promoting stable labour relations and economic prosperity by introducing legislation that would ensure fairness and choice in Ontario's workplaces." They believe, and they say, "This bill will have an unintended regressive impact on labour relations and promote egregious misrepresentations of employee conduct and intimidation from unions. We have had many years of stable labour relations and we see no need for these amendments."

I would remind the government of this fact. We have seen many years of stable labour relations, we've seen growth in the economy of this province and we've seen the creation of more than one million new jobs by the private sector. We've seen the opportunity to take the taxes that had been raised by these new jobs and reinvest them in health, education and in other priorities such as community safety, more police officers etc.

But they are concerned about section 11, which would allow for remedial certification powers to return to the Ontario Labour Relations Board. They feel it would "undermine the underpinnings of democratic society and the employees' right to vote on union representation could be contravened by a government body"—the

OLRB—"that is not democratically elected and is accountable to no one."

They expressed grave, grave concerns. They believe that "union formation should continue to exist if, and only if, it is voted upon by secret ballot." They are concerned that "remedial certification would induce unions to raise challenges to companies in the hopes of achieving remedial certification regardless of the true wishes of the employee population." They believe this would "create labour relation strife and violate an individual's right to choose whether they wish to be represented by a union.... The existing powers of the OLRB provide an ideal balance of employer and employee interests by retaining the right to order a second secret vote in the event of a contravention or a suspicion thereof."

Furthermore, they expressed their concern for the proposed reintroduction of card-based certification for the construction industry. They say, "We have no desire to see the construction industry return to the dark ages of labour relations that were characterized by card-based certification and intimidation tactics from unions. The government must consider the importance of manufacturing in Ontario and the potential damage to the economy that may be caused by the passage of this bill. More than one million Ontarians are employed in manufacturing and every \$1 invested in manufacturing generates \$3.19 in economic activity."

Again, they refer to the positive labour relations that we've experienced in this province. They talk about the fact that a single disruption can have a ripple effect throughout the North American economy. They talk about a disruption at a strike at a brake plant in Saginaw, Michigan, in 1998 that resulted in a loss of \$20 billion to the Canadian economy.

Here are people who create jobs who are saying that the "government must recognize that destabilizing initiatives such as Bill 144 will jeopardize future investment in the province and circumvent years of progress in labour relations."

**1710**

I would submit to you that the input, the wishes of this group, the Canadian Manufacturers and Exporters, was totally disregarded by the government. There were no amendments introduced into this legislation. The government had made up its mind when it introduced the bill. There had been no substantive consultations with any of the partners. They were prepared to move forward in a way that didn't recognize the many stable years of labour relations in this province.

Here's a submission from the Ontario and Toronto Automobile Dealers Association against the amendments. Of course, we have the CFIB, who made a presentation. The Ontario Restaurant, Hotel and Motel Association, the Canadian Restaurant and Foodservices Association, the Human Resources Professionals Association of Ontario, the Retail Council of Canada—the list goes on and on. We've already talked about the Open Shop Contractors Association.

I would say to the government that it is regrettable that you have not introduced labour relations legislation that

continues to promote fairness and balance and the creation of new jobs for all people in Ontario.

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

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

It appears that the government is so high on this bill, they don't even want to speak to it. But I do want to speak to it, because what is happening here goes against my fundamental belief and the fundamental belief of so many people, including my father and many like him who served overseas in World War II to defend democracy and fight for democracy. It goes against what they believe is a sacred right, and that is the sanctity of the secret ballot.

What we've got here in this legislation is the total dissolving of the secret ballot with regard to union certification. The member for Kitchener–Waterloo spoke about the intimidation that was going on at committee hearings, and believe me, that's exactly what goes on. "If you don't sign this card, you got yourself a problem here, buddy." We don't want to see that kind of thing happening.

We do believe absolutely that it would be one heck of a way—and I'm saying this negatively—to decide who's going to win an election, based on who sells the most memberships or who puts up the most lawn signs. If you put up a lawn sign, that's an indication that you may or may not be supporting someone. But at the end of the day, I think you should have the right to go into that balloting area, that voting area, and put your X on a ballot that is sacred and secret.

What is happening here is a complete loss of the right to a secret ballot. I can't support that, and I believe that if the people of Ontario are listening and asking those questions, they cannot support it either.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):**

Former Labour Minister Witmer has yet again given us a great summary of Bill 144. Much of what we're seeing from the government seems to be motivated more by politics than productivity. I put this in the box of payback with respect to union support and, as we see, payback to the construction unions. If you take a look at the donations that were made to the Liberal Party, you will probably understand.

These changes to Bill 144 are draconian and are obviously going to have an impact on employers and those companies that rely on the construction trades.

There is another problem with respect to construction. This comes, actually, through the Ministry of Municipal Affairs and Housing—regulation 403/97. All design people have to take an appropriate course as well as a legal course. This covers those areas: plumbing, heating and cooling, structural engineering and trades involved in plans or architecture. At this point, less than 5% of the workforce in the construction industry has this kind of training, and the deadline is coming up this July 1. The construction industry is very busy right now. You just have to take a look at the weather outside; it's an ideal time. Foundations are poured, footings are there and the studs are going up. These people cannot meet this

deadline of July 1, especially during construction season. We need another winter to try and get people up to the requirements for this training, and I ask this government to take action on that.

**Mrs. Munro:** I want to add a further comment to the concern that has been expressed across the province by taking a couple of sentences from a letter I received that I think expresses well the kind of concerns that people across the province have on this piece of legislation. It begins:

"As a citizen living in your riding (York North) I am concerned about the changes to Ontario labour laws proposed by Bill 144. I can assure you that the proposed labour legislation will discourage investment in Ontario. The past year has been tough on many Ontario businesses because of a rising Canadian dollar and a general slow-down of the economy. The uncertainty created by this untimely labour legislation will lead to lost jobs and a lack of government revenues that should be funding our health care, education and other priorities.

"Bill 144 also threatens the fundamental principles of democracy by removing employees' democratic right to vote on whether or not they choose a union and by impeding employers' right to free speech. Above all, employers require clarity and certainty."

The letter goes on to outline specific parts of the bill, but I think many of these have been raised already in debate.

I think the conclusion of this letter is important: "Now is not the time to be creating uncertainty and sending negative signals to people making investment decisions within the province. The finance minister himself has openly discussed the fiscal problems being faced by our provincial government."

It is that balance that we are seeking to address in this bill.

**The Acting Speaker:** Further questions and comments? The member from Bruce–Grey–Owen Sound.

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** Thank you, Mr. Speaker. That's very good.

I would just like to speak on this for a couple of minutes.

**Mr. Yakabuski:** That's all you get.

**Mr. Murdoch:** That's all I can, they tell me.

A lot of companies are upset with this bylaw. Two really good companies in our area that do a lot for people are Harold Sutherland Construction and E.C. King Contracting. King is owned by Miller Paving. They do a lot of work in our area for people, for different charities and things like that—they're always being called upon—and they are really concerned with this. They, along with other people, are members of the Coalition of Concerned Construction Employers, an organization of companies that perform road building, bridge building, sewers and water mains throughout the province. They have no union affiliation. These companies have been operating for years and years, long before I came along, other than that I went to school with Mr. Sutherland. He has a great company now, and also Mr. McArthur, who owns Miller

Paving, which used to be E.C. King Contracting. They're really concerned.

They've sent me letters, and I will be forwarding these letters on to the minister. Hopefully, then, he can bring in some amendments to this. In their letters, they say:

"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 the company. 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." There's something that's in there that's really bothering these companies.

Another paragraph in there says, "The government has sought to justify this amendment by stating that employment patterns in the construction industries are of short duration and are transient." This is not true. A lot of our employees have been with these companies for a long time and do not want to see this happen.

1720

**The Acting Speaker:** The member from Kitchener-Waterloo has two minutes in which to respond.

**Mrs. Witmer:** I will make my two-minute response. I'd like to thank the member from Haldimand-Norfolk-Brant for his contribution; also the member from Renfrew-Nipissing-Pembroke, the member for York North and, of course, the final speaker, the member for Bruce-Grey-Owen Sound, who had the opportunity to read into the record some of the concerns he had received from local people in his community about this legislation.

I just want to stress what it is that our caucus, under the leadership of our leader, John Tory, finds the most offensive about this bill, and that is the stripping away of an individual's right to a secret ballot vote. We believe this is a very important principle which is being sacrificed by this government. There are now going to be a few employees in this province who will not have the opportunity for a secret ballot vote. In fact, you could say that this bill discriminates against those people. That is our primary concern about this bill. We've certainly talked about other parts of the bill, but it is the stripping away of the secret ballot vote that we find very offensive and we find to be an important principle. In fact, I would say again we have a government here that talks about democratic renewal, that talks about the need for people to get involved in the process, and yet we are not allowing all employees in a workplace to make a critical decision about whether or not they want to unionize.

I would say to the government, if there is any opportunity for you to reconsider, please reinstate the secret ballot vote.

**The Acting Speaker:** Further debate?

**Mr. Peter Kormos (Niagara Centre):** I'm pleased to join this debate on behalf of New Democrats here at Queen's Park. I don't think New Democrats have any real explaining to do about where they stand when it comes to workers and their rights to join and belong to trade unions and to freely collectively bargain. If there

was any doubt, maybe some of the Liberal backbenchers should ask some agricultural workers, working in some of the most dangerous workplaces in this province. Yet the Liberals join heartily, gleefully, joyously, oh so enthusiastically, with their Conservative sisters and brothers at Queen's Park when it comes to denying the right of agriculture workers—it doesn't matter how you join it, secret ballot or card certification; irrelevant. Liberals say "No way" to agricultural workers in this province.

Liberals sure have a twisted, demented sense of justice for workers in the province of Ontario. The most dangerous workplaces in the province: agriculture. And we're not talking about the family farm, for Pete's sake. The family farm is but a memory for the vast majority of agricultural Ontario, rural Ontario. If you want to talk about this government's commitment or, rather, lack of it to agriculture Ontario, let's talk about this 23% slashing of the budget of the Ministry of Agriculture.

I've got folks down where I come from, fruit farmers, cattle producers, poultry producers, egg producers, small market croppers, and I tell you, there are a whole lot of teachers, nurses and factory workers subsidizing the farming industry in Ontario. Do you understand what I'm saying?

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** And MPPs' spouses.

**Mr. Kormos:** As Ms. Van Bommel says, MPPs' spouses.

Think about what's happening. You're hard pressed to find a full-time farmer any more, aren't you, Ms. Van Bommel, because on the vast majority of them on this dwindling number of so-called family farms—and they are dwindling, many of them second-, third-, and fourth-generation, like down where I come from—have to go out and find work in any number of jobs, trades, avocations and professions to maintain that farm.

We're talking about agricultural workers, not about the kids helping to harvest even an acre of cucumbers. We're talking about industrialized agricultural scenarios, huge agri-industry, megafarms, corporate farming, the corporate farms that kill farm workers on an annual basis in this province. If they don't kill them, they poison them, they maim them. Those agricultural workers who want to have the right to freely collectively bargain know full well that it's not about wages, because they know they are in a low-wage industry; make no mistake about it.

But what fair-minded person would deny these same workers the right to negotiate around health and safety? There isn't a fair-minded Ontarian who would deny agricultural workers the right to collectively bargain around workplace health and safety. That class of fair-minded Ontarians, regrettably, does not include the Liberals at Queen's Park, who, with their Conservative cousins, persist in denying agricultural workers the right to join unions in any way, shape or form, to join them in any manner.

What more repugnant thing is there than a scab who crosses a legal picket line to steal a job from a hard-

working woman or man who is negotiating a little fairer wages, a little better pension, a modest improvement in benefits or maybe some job security? Is it wrong to fight to keep good jobs in your community? Is it wrong to fight for better wages? Is it wrong to fight for an improvement in your benefits, maybe a little bit of a dental plan or an eyeglasses plan? Is that wrong? Is it wrong to fight for a better pension or, if you have no pension, to fight for even the most modest of pensions? I say no. And you know as well as I do that no single worker can do that alone. For workers to be able to pursue fairer wages, better benefits, improved pensions and safer workplaces, they've got to work together, and working together means belonging to a trade union and negotiating these things at the bargaining table.

I was chair of the committee that travelled the province in the early 1990s with Bill 40, a collection of the most progressive labour legislation reform this province had ever seen. It included a ban on scabs, the most despicable form of life possibly conceivable, who would cross a picket line to steal a job from a worker fighting for a little bit of improvement, and not for that worker; if you have ever been involved in a work stoppage or lockout, you know that you rarely reap whatever gains you win during the course of that exercise. The struggle isn't for yourself; it's for your kids or your grandkids. Is there anything wrong with that? Is there anything wrong with wanting your kids or your grandkids to have a little better life than you did? I say no.

**1730**

I come from an immigrant family, like more than a few people in this Legislature. Some of the members of this Legislature are immigrants in their own right. I had grandparents who were peasants, not even literate in their own language, and a father who, as a child immigrant, was fortunate to have had grade 8.

I watched that generation as a kid. You want to talk about veterans? I watched that generation as veterans, my father among them. Let me tell you, among those veterans who fought for democracy were one hell of a lot of working women and men who came back here and became some of the most courageous, aggressive and successful trade union organizers you ever knew. These same veterans, after fighting a war in Europe and the Far East, fought like the devil in their own country for the right of workers to join a union by virtue of card-based certification. They did.

That postwar era—the late 1940s, the early 1950s—my goodness, as a kid I remember some of those struggles. They were some of the meanest, nastiest and, yes, from time to time bloodiest of struggles, as bosses' goons would beat up organizers in workplaces. And workers who dared to talk union in that plant or in that mine would find themselves sent home without a job and listed so they could never be employed again in that town, in that county, in that district, ever—those were veterans. They were veterans of World War II who came home to be veterans of some of the most difficult struggles by workers that this continent has ever seen.

Once again, they didn't do it for themselves. There was no benefit to be gained by them. They did it for their kids and their grandkids.

I reflect on my own family. I told you: illiterate grandparents, peasants, a small village in eastern Europe—I've been there. My own father: very limited education, but he was fortunate enough—no, he wasn't; I was—to be a unionized steelworker. So notwithstanding six kids, that immigrant union steelworker's kids all got to go to college and university. Nobody was ever rich, but nobody in that union household ever went without food on the table.

The development of benefits—and I remember as a kid, like a whole lot of other people here, that dental plans were late in coming in benefits packages. So to our regret and chagrin now, as adults, visits to the dentist were rare occasions. There was no such thing as a six-month checkup. See, when you don't have a dental plan and you're in a non-union workplace, there is no such thing as, like the health ads say, "Every six months, visit your dentist for a checkup." It just doesn't happen. The sad thing is that in families that are non-union, where there are no dental plans, extractions are more common than fillings. What happens is, in families that are low-income, that have to struggle, that don't have dental plans, you put off going to the dentist until the situation is so bad the dentist has to pull it.

I am dismayed that there are people in this province left who don't believe in a strong union movement. I just shake my head in wonderment at Liberals, with their Conservative colleagues, who in the year 2005, in the 21st century, would persist in the position that agricultural workers shouldn't be allowed to belong to a union so they can negotiate things like health and safety in their workplaces. And I'm disgusted that in the 21st century, in the year 2005, we have governments that participated in the repeal of the NDP anti-scab legislation when they were members of the opposition and who persist in protecting workers from scabs when they're in government.

I remember, as do so many public sector workers, the promise of Dalton McGuinty and the Liberals to those workers when it came to successor rights. Ms. Martel, do you remember?

**Ms. Martel:** Yes, I do.

**Mr. Kormos:** You bet your boots you do, Ms. Martel. You bet your boots Ms. Martel remembers, because Dalton McGuinty and the Liberals promised the restoration of successor rights in this province. Dalton McGuinty and the Liberals not only promised the restoration of successor rights; they put it in writing. Not only does this government persist in its dismantling—

**Mr. Richard Patten (Ottawa Centre):** We're not finished.

**Ms. Martel:** You sure are.

**Mr. Kormos:** Richard Patten interjects, "We're not finished." Ms. Martel replies, "You sure are."

Not only does this government persist in the dismantling of the public service and in the process of privatization with a clear commitment to P3s, privatization,

contracting out, but then it continues to deny, notwithstanding its promise, successor rights to those workers continuing, and in growing numbers, to be displaced by that same privatization and contracting out.

I'm proud of that NDP government's history in the early 1990s, with its introduction of agricultural workers to the family of trade unions. I'm proud of the NDP government's banning of scabs. I'm proud of the NDP government's support for things like proxy pay equity.

I find this debate to be a particularly disappointing one. I understand where the Conservatives are coming from. They've been clear. They've been consistent. They've been very much onside with corporate interests, as if those interests needed a voice in Parliament. But I understand. And while I disagree, oh, so fundamentally with Ms. Witmer, their labour critic, the member for Kitchener–Waterloo, and I reject her position entirely, I nonetheless understand that it reflects a particular point of view. It's not a pro-worker point of view. It's far more consistent with the global agenda than it is with the development, never mind maintenance, of a high-wage economy. But it is a point of view, and it's a point of view that Ms. Witmer, the member for Kitchener–Waterloo, and most of her colleagues and her party have maintained for a considerable period of time. Mind you, it's very much at odds with the point of view taken by Premier Leslie Frost darn near 50 years ago. The Conservative point of view of today is in real conflict with the point of view of the Conservatives of John Robarts or the Conservatives of—

*Interjections.*

1740

**The Acting Speaker:** Order, please. There's only supposed to be one conversation going on, gentlemen. It's going back and forth, and I cannot hear the debater. The member from Niagara Centre has the floor, and I would request the others to please listen.

**Mr. Kormos:** Speaker, I invite you to simply throw them out.

**Ms. Martel:** That's one solution.

**Mr. Kormos:** Ms. Martel replies, "There's one solution."

The Conservative perspective and positioning of today is far different from that of Leslie Frost, John Robarts, Bill Davis or Frank Miller, or Liberal David Peterson. Make no mistake about it, Bill 7, one of the first pieces of legislation passed after the Harris election in 1995, the one that dismantled Bill 40 of the New Democrats, the one that put scabs back into workplaces, the one that stripped away the rights of agricultural workers to freely collectively bargain, notwithstanding the Charter of Rights and Freedoms—I want you to understand. Take a look at the record and you will read that the Liberals endorsed wholeheartedly the Conservatives' repeal of anti-scab legislation. The Liberals endorsed wholeheartedly the Conservatives' repeal of the right of agricultural workers to belong to unions. Just between you and me, the Liberals were Tories then, and they're Tories now.

What we've learned as a result of Bill 144 is that the Liberals continue to have far more in common with the Conservatives than they do with anybody else. The Conservatives insisted that card-based certification wasn't a legitimate way for workers to join and belong to and certify a trade union, and the Liberals agree. The Tories insist that agricultural workers are somehow not entitled to the same right to belong to trade unions, and the Liberals agree.

The Conservatives insist that scabs and scab operations, with their black-booted, SWAT-team-suited, guard-dog-escorted, blacked-out-window buses, should be allowed to mow their way through picket lines of working women and men and their families, knocking them down left and right and putting them in the hospital. I was down at Navistar where one of the brothers found himself in hospital, not just for a couple of hours or a couple of days, but for weeks and weeks, with very serious, darn near fatal injuries, when a bus full of scabs escorted by these black-suited, SWAT-team-suited, uniformed, guard-dog-escorted, German-shepherd-and-pit-bull-guided professional scab breakers drove their scab bus through a lawful, peaceful picket line, knocking down workers the way a bowling ball knocks down tenpins.

Did you know that during that period of time when we had anti-scab legislation in this province, there were fewer work stoppages? When there were work stoppages, strikes or lockouts, they were far shorter, and there was not a single incident of scabs forcing their way across picket lines. I consider that pretty productive stuff. I consider that pretty legitimate and progressive labour reform. The Tories don't, never did, and the Liberals agree with them. Let me make something real clear: New Democrats believe in remedial certification. We always have. We have no qualms about remedial certification. We urge its immediate restoration. You remember the decertification notices that unionized workplaces were required to put up in those workplaces? Do you remember that?

**Ms. Martel:** Stockwell.

**Mr. Kormos:** That's right; Ms. Martel says "Stockwell."

**Ms. Martel:** Where is he now?

**Mr. Kormos:** Where is he now? He could be on a European cruise, but not likely; he doesn't have the government credit card any more.

**Ms. Martel:** Not paid by OPG any more.

**Mr. Kormos:** Not paid by OPG, you're saying, Ms. Martel.

I remember Mr. Stockwell, the Conservative Minister of Labour, with his decertification notices. They were a joke to begin with. Give me a break. What a silly, silly, stupid, petty thing. But you want to know something? The Liberals' repeal of the law requiring decert notices has nothing to do with the fact that they're stupid, petty, irrelevant and meaningless. The Liberals had two options: repeal the decert notices, or put up certification notices in non-union workplaces. And do you know

what? Right here and now, I'll say it to you right now—and some of my union sisters and brothers, I suspect a whole lot of them, are inclined to agree—that if you had to put up certification, “How do you form, how do you belong to a union?” notices in non-union places, why, you could put up all the decertification posters you wanted to in unionized workplaces. Do you understand what I'm saying? If the workers in non-union workplaces were given fair, real access in those workplaces to how to belong to a union, why, put up all the decertification posters you want. Because do you want to know something? I saw some of those decertification posters. They became the repositories of some of the most blunt, straightforward, sometimes graphic commentary on bad bosses, bad supervisors and bad foremen, so that the bosses were tearing them down: “Foreman A is an a, b, c; check which box you prefer.” It was the bosses who were taking these darned decertification notices down.

This government wasn't opposed to decertification notices. This government was adamant, adamant, and so deep in the back pockets of Wal-Mart that it's spitting out lint. This government was adamant that it wouldn't put up “How to join a union” notices in those non-union workplaces. And look, just like we support remedial certification—of course we do; of course New Democrats support remedial certification—just like we support repeal of the requirement that there be decert notices—although I'll tell you right now, I'd be more than pleased to stand up and say, “Let's put up decert notices in every unionized workplace,” but put up “How to form a union” notices in every Wal-Mart. The government's not ready to do that, is it?

We also support the repeal of the provision that makes it unnecessary for trade union leaders to disclose their wages. Because do you know what? You can go to any convention of any union in any convention year, and the salaries of the union leaders are going to be publicly disclosed in the minutes and in the financial sheets of that union. It's never been a secret. Again, silly stuff, silly stuff.

But what about card-based certification? Because New Democrats fundamentally agree with the Conservatives about card-based certification. See, we believe that the pressures that are applied on workers between the card-signing campaign and then the vote that it drives—the pressures are so profound that no fair vote could ever conceivably or reasonably take place.

**1750**

We heard about it over and over again. Anybody who has any experience whatsoever in the labour relations field understands it. Read any number of cases. Pick a case. Close your eyes and pick a case under the Ontario Labour Relations Act and see a ruling.

We understand that the Conservatives fundamentally disagree. They don't believe that card-based certification should be available to workers and, once again, the Liberals are very much onside with the Conservatives, not of Leslie Frost, John Robarts, Bill Davis or Frank

Miller, but with the Conservatives of Mike Harris and that, oh, Johnny-come-lately Ernie Eves.

I find it fundamentally dishonest to somehow say that card signing as a basis for card-based certification isn't a legitimate indicator of wanting to belong to a union by a Wal-Mart worker, yet it is by a building trades worker. Understand this, my sisters and brothers in the building trades, including the occasional Liberal Party member who wants to advance the interests of the Liberal Party: Whether those interests are consistent with their members or not, please, the building trades didn't win a victory here, and let me explain why.

It was Wal-Mart that won the victory because not one of the single presentations by any of the lobby groups for the construction industry campaigned against card-based certification for building trades workers. That spoke volumes. The construction industry isn't afraid of card-based certification. That's not to say I want to deny building trades workers the right to card-based certification. Of course not. But understand that what happened here—look, unions are entitled to give their money to whomever they want. I'm the last person in the world who's going to tell unions who to give their money to. That's for unions to decide. I reject, with all due respect, the proposition that some of the building trades bought this legislation with fundraisers. I reject that. I do, Ms. Martel, because they weren't the winners. Wal-Mart and its ilk were the winners, and the Wal-Mart workers were the losers. Bill 144 is the Wal-Mart bill.

I agree with the labour movement and the trade union movement that the restoration of card-based certification is, oh, so imperative, but I condemn a government that has put itself in a position where it's so beholden to Wal-Mart, surely the most anti-worker, anti-union employer on this continent. I condemn a government so beholden to Wal-Mart, based down there somewhere in the United States of America, that it would effectively deny those workers, those men and women working in Wal-Mart for the lowest of wages, for the poorest of benefits, for the poorest of pensions, and in the case of benefits and pensions, if any, I condemn a government so beholden to Wal-Mart that it would turn its back on those working women and men and deny them the right to join a trade union.

When you're working with Wal-Mart, denying those folks the right to card-based certification is effectively denying them the right to membership in a trade union because Wal-Mart, quite frankly, at the end of the day—you've seen it. You saw it, you heard it, you read it, you loved it. They will use the big threat of shutting her down. We saw it in Quebec just recently, didn't we, Speaker? You read it just like I did. We saw the incredible interference. We learned about slush funds in Wal-Mart, about payoffs, about goons, about the heavy-handed, lean-on tactics. You've got to understand, the lowest-income workers are the ones who most need their jobs. They haven't been able to accumulate savings to tide them over in difficult times. The lowest-income workers, the poorest folks in this province, the ones who

most need a union are the ones who find it hardest to join that union, especially once the corporate bosses start meddling and interfering and threatening to shut down that Wal-Mart or fire them or their colleagues.

We know full well—pick any page of the judgments under the Ontario Labour Relations Act and read some of the decisions pursuant to the act. Firing, not a union organizer but a co-worker who has been talking union, has a remarkably chilling effect on the rest of the workers and on the vote three days later at a so-called secret ballot held in the company on the shop floor, with the foreman and the boss and his agents looking over your shoulder and checking you off the list of employees. Secret ballot, my foot. What a misinterpretation of secret ballot.

*Interjections.*

**The Acting Speaker:** Order, please. Members on the government side, there must be 15 conversations. I can't hear a thing.

**Mr. Kormos:** This bill is far more about denying Wal-Mart workers the right to join a union than it is about letting building trades workers join a union by virtue of card certification. New Democrats don't begrudge building trades workers card-based certification by any stretch of the imagination. New Democrats gave the government members on the committee an opportunity to support an amendment that would extend card-based certification to every worker in this province. The final person, government members parroting, little marionettes with their arms just a-flapping as the strings were being pulled, while the blazes were being whipped out of them—government members, Liberal backbenchers, parroted the instructions of their whip on that committee and voted against card-based certification for every worker in this province. What a shame, what an abandonment, what an abdication of your responsibilities to your constituents.

I understand why some of your party leadership is so intimate with the wealthy corporate elements in this province and with the Wal-Marts. But good grief, understand that Wal-Mart doesn't vote; its workers do. You don't represent Wal-Mart; you represent its workers. The Liberal members on the committee who rejected the NDP

amendment extending card-based certification to every worker in this province—it was a direct attack on those workers. You had the chance to show some courage. You had the chance, Liberal backbenchers, to show some independence. You had the chance, Liberal backbenchers, to put your words—words are cheap—into action. You had the chance to make a difference as mere backbenchers. You've learned by now, haven't you, backbenchers in the Liberal caucus, that those chances don't come by very often. You had the chance when you could have supported an amendment that would extend card-based certification to every worker in this province, and you blew it.

You, like so many before you, can reflect on lost opportunities. But as you moan and groan about your lost opportunities, think about the betrayal of the workers: the Wal-Mart workers, the lowest-paid workers, the most abused workers, the most set-upon workers, the workers who are most readily and easily intimidated in that period of time between a card sign-up campaign and the actual so-called vote.

Think about hotel workers: the cleaning staff, the new Canadians, so many of them women, cleaning other people's crappy toilets in high-priced hotels—think about it; I'm not going to mince words—on their hands and knees, scrubbing out bathtubs and cleaning other people's crappy toilets in \$350-a-night hotel rooms for \$8.50 and \$9 an hour. You talk to them; you know who they are. In short order their backs go or their knees go, and then they're put on quotas. They've got time management people monitoring with the old stopwatch, trying to up the number of rooms they do in a day. I've talked to them. A crummy \$2 tip is a big deal when you're making \$9 or \$9.50 an hour. These are the people who are going to be denied the right to join a trade union and collectively bargain around wages, work conditions, health and safety, pensions and benefits. These are the people you turned your back on.

**The Acting Speaker:** It now being 6 of the clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

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Ancaster–Dundas– Flamborough–Aldershot	McMeekin, Ted (L)	Hamilton–Est	
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Brampton West–Mississauga / Brampton–Ouest–Mississauga	Dhillon, Vic (L)	Kenora–Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
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Davenport	Ruprecht, Tony (L)	Leeds–Grenville	Runciman, Robert W. (PC)
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Don Valley West / Don Valley–Ouest	Wynne, Kathleen O. (L)	London West / London–Ouest	<b>Bentley, Hon. / L'hon. Christopher</b> (L) Minister of Labour / ministre du Travail
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Essex	<b>Crozier, Bruce</b> (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga West / Mississauga–Ouest	Delaney, Bob (L)
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Etobicoke North / Etobicoke–Nord	Qaadri, Shafiq (L)	Niagara Centre / Niagara–Centre	Kormos, Peter (ND)
Etobicoke–Lakeshore	Broten, Laurel C. (L)	Niagara Falls	Craiton, Kim (L)
Glengarry–Prescott–Russell	Lalonde, Jean-Marc (L)	Nickel Belt	Martel, Shelley (ND)
Guelph–Wellington	Sandals, Liz (L)	Nipissing	Smith, Monique M. (L)
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Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine</b> (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	<b>Smitherman, Hon. / L'hon. George</b> (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	<b>Kennedy, Hon. / L'hon. Gerard</b> (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
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Renfrew–Nipissing–Pembroke	Yakubuski, John (PC)	Windsor West / Windsor-Ouest	<b>Pupatello, Hon. / L'hon. Sandra</b> (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	<b>Duncan, Hon. / L'hon. Dwight</b> (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
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Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
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Stoney Creek	Mossop, Jennifer F. (L)		

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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