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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 19 October 2005**

**Mercredi 19 octobre 2005**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 19 October 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 19 octobre 2005

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### LIBRARY SERVICES

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** As the member from Kitchener–Waterloo mentioned on Monday, in June 2005 this government cut \$1.2 million from their funding of library services; \$700,000 of that came from the Ontario Library Service budget. The OLS provides valuable services and resources to public libraries across Ontario. One of these services is the interlibrary loan and delivery service that connects public libraries across the province. This helps link library collections of all sizes in all communities, making it possible for libraries to share their resources. As you can imagine, this funding cut will have serious effects on small rural and northern libraries, reducing, among other things, their ability to provide interlibrary loan services, something their patrons rely on.

I was recently presented with letters from the Friends of the Hanover Public Library. In their letter they said, “We, your constituents, need your help! The budget cuts will impact on the quality of service given to the library patrons of Grey-Bruce. This will be felt intensely, especially as applied to the interlibrary loan service that our small rural libraries depend on because of owning fewer books than the large city libraries. Last year our Hanover library alone was involved in transfers of over 3,000 items.” They went on to say that “when decisions are made in big cities, there is little concern or knowledge regarding rural needs.”

While I acknowledge that this is Ontario Public Library Week, the libraries in my riding are feeling short-changed. Again, this government is not respecting the residents of rural and northern Ontario.

I will deliver these letters to the minister.

#### POLICE SERVICES

**Mr. Peter Kormos (Niagara Centre):** Ontario’s chiefs of police made some startling revelations about the critical state of policing in the province of Ontario. The underresourcing and understaffing of police services across this province is alarming and puts communities, their residents and police officers at considerable risk.

I met with, amongst others, deputy chiefs from Niagara Regional Police, where we learned that because

of the incredibly and inappropriately low level of staffing, frauds under \$5,000 simply aren’t investigated, and that should there be a break and enter at your home, don’t expect don’t expect a cop to show up. We earlier had been told that car thefts are not a matter to involve the police but simply a matter between the victim and his or her insurance adjuster.

We learned that in any given community on any given day there are probably more police officers sitting in courtrooms waiting to give evidence than there are out on the street patrolling and protecting citizens and conducting investigations.

We learned that police services across this province, Niagara Regional included, can’t even perform core services, never mind undertake those sorely needed and incredibly labour-intensive special investigations dealing with things like, for instance, very dangerous crystal meth labs and drug trafficking, among other things.

We learned that the stress and dangers of policing are putting police officers at risk; the understaffing is putting communities at risk.

#### ROAD SAFETY

**Mr. Vic Dhillon (Brampton West–Mississauga):** I’m pleased to rise today in support of an initiative by the McGuinty government that is of great importance to the constituents of Brampton West–Mississauga: Bill 169, the transit and road safety bill. Bill 169 will improve safety for pedestrians, construction workers and all drivers. If passed, this bill would also improve transit and help ease congestion on roads and highways across the province.

Illegal taxi operators are a major concern in my riding and throughout the GTA. Bill 169 would crack down on illegal taxis by creating a specific Highway Traffic Act offence for transporting passengers for compensation without the proper permits. We take this issue of transporting illegal passengers very seriously, and that is why the fines will be increased. The fines for this offence would range from \$300 to \$20,000. Driver’s licence suspension and plate denial upon renewal would be applied if the fine is not paid.

This is not an issue of changing municipal licensing regimes but of public safety. Over the past five years, 15,000 pedestrians have been hurt or killed while crossing the road in Ontario. In 2004, 26 people were killed in collisions in the region of Peel. It is estimated that almost half of all collisions involve speeding.

If passed, this bill would target some of the worst driving offences, giving officers throughout the province the tools they need to enforce traffic laws and help protect the most vulnerable people in our society—our children and seniors.

#### DONALD WARDEN

**Mr. Jim Wilson (Simcoe–Grey):** I rise to pay tribute to Chief Donald Warden of the Wasaga Beach Fire Department on being named as Fire Chief of the Year in the full-time fire chief category by the Canadian Association of Fire Chiefs at the CAFC's Fire Rescue Canada 2005 training and educational symposium in Richmond, BC. Chief Warden was recognized for being instrumental in the success of CAFC programs, including work on the government relations committee that undertook to promote safety-related programs at the national level through government legislation. Chief Warden has also served as president, vice-president and treasurer of the national association.

Don first began his career in Wasaga Beach in 1974, starting out as a probationary firefighter and town building inspector. He quickly rose through the ranks and become fire chief in 1980, and he continues in this position today while also taking on the responsibilities of director of emergency services for the town. Don serves as the Georgian sector representative at Emergency Management Ontario and as a member of EMO's provincial advisory committee. But I'm sure he gets most of his enjoyment from his role as coach of the Wasaga Beach bantam rep hockey team and as the convenor of the annual Hi-Vol charity golf tournament that's been raising money for local charities for almost 20 years.

Don has also been very supportive of my efforts and those of my colleague the member for Waterloo–Wellington to protect the rights of professional full-time firefighters to volunteer and provide their expertise to their local fire brigades on their own free time. I sincerely appreciate Don's support.

On behalf of my fellow residents in Wasaga Beach, I once again extend my congratulations to Don for many more years of success as our fire chief.

#### HOSPICE CARE

**Ms. Jennifer F. Mossop (Stoney Creek):** Decades ago there was a doctor named Bob Kemp, who was a family doctor in my riding of Stoney Creek. He used to make many house calls, and he saw first-hand the emotional and physical toll that terminal illness could take on a family, trying to cope with somebody dying and still running the household. So after he had delivered medical treatment, he would then, before he left, help to wash the dishes or maybe make some beds, because he realized that physical help was so badly needed.

At that time, the seed of his dream of a residential hospice was planted firmly in his mind, and he spent decades trying to raise the money to create a residential

hospice. He donated his own home when he retired for a day hospice program, and then Iris Berryman, a retired teacher, donated her land for a future residential hospice. But there was still a piece missing. Two weeks ago, that piece came in a \$115-million funding announcement by our government to create a network of 30 residential hospices in this province and to provide home care and home visits. This will allow people to die with dignity in their own homes or in a home-like setting and represents a societal shift: money coming out of expensive hospitals and into affordable settings where people want to be.

As Dr. Bob said that day—he's now 92 years old—he knows he will live to see his dream become a reality.

1340

#### QUEENSWAY CARLETON HOSPITAL

**Mr. John R. Baird (Nepean–Carleton):** Today I rise with yet another example of where the federal government is failing Ontario taxpayers. Taxpayers know it was Paul Martin, as finance minister, who reduced federal spending on health care in Ontario from 18% of our health care budget down to just 11% before he was fired by Jean Chrétien. Then he expects a pat on the back when he increases it to 14%. I'm sorry, Mr. Martin, people just aren't buying it.

Now he has targeted one Ottawa area hospital for special treatment. The Queensway Carleton Hospital in Nepean was built 30 years ago on land owned by the federal government. Over the years they've paid about a million dollars in rent to the feds. Now, as the renewal of the lease comes forward, Paul Martin wants to jack it up to full market rent. For this hospital, that could be millions of dollars.

MP Pierre Poilievre and I have launched a campaign to convince Mr. Martin and the federal Liberals to do the right thing and rent the land to the hospital for \$1. If they don't, the hospital could have to fire up to 40 nurses according to the former chair of the board. Thus far, Martin and the federal Liberals aren't budging.

It would be wrong for the province to have to fatten the coffers of a government with an anticipated \$10-billion surplus rather than hiring more nurses and reducing wait times.

Conservatives are onside with the hospital's request. New Democrats federally and some even provincially are onside with the plan. Even Ottawa West–Nepean Liberal MPP Jim Watson supports the plan for \$1 a year.

Angry taxpayers can visit [www.freeourhospital.ca](http://www.freeourhospital.ca) and sign the petition to force the Martin Liberals off this mean-spirited scheme. It's never too late to do the right thing.

#### RUN FOR THE CURE

**Mr. Phil McNeely (Ottawa–Orléans):** Earlier this month, I joined over 150 people in running the third annual Blackburn Hamlet Run for the Cure. The five-kilometre run was a huge success, raising over \$11,000

for the fight against breast cancer. Organized by Lynn Sewell, the event started three years ago with only about 80 runners, but has grown every year since. This year's festivities included a raffle, as well as volunteers who were selling pink bracelets in support of the cause.

It was great to see so many people running for this great cause, including two 13-year-old girls who ran the entire course in only 24 minutes, just under the best time for the day. There were many other memorable moments throughout the day. I saw several women who wore pink shirts as they ran. These women are breast cancer survivors who have overcome this disease and are now leading the charge to raise money and awareness.

I was also touched to see Jane Sewell running the race, coming out to support the cause and helping to organize it. I even saw Cindy Dalcourt-Taylor and her entire family running in memory of their beloved grandmother who passed away from the disease.

The day was a huge success, and I'm already looking forward to next year's run.

I would like to say a special thank you to all the organizers, volunteers, business donors and participants for making this year's run bigger and better than ever.

#### HEALTH CARE

**Mr. David Zimmer (Willowdale):** Over the past two years, our government has been working hard to reform our health care system. I'm proud to inform this House that in my riding of Willowdale these reforms are working.

Just last month, the Ministry of Health and Long-Term Care approved the North York General Hospital to perform an additional 257 cataract procedures and 166 hip and knee surgeries and joint replacements. As well, North York General Hospital was approved for a further 416 hours of MRI procedures.

Our government's wait time strategy is working. We are proud of producing real, tangible results. Our government is demonstrating our commitment to quality by giving the people of Ontario the power to review wait times across the province and by making this information available on the Internet. Citizens can now make informed choices about health care procedures.

#### STROKE CARE SYSTEM

#### SYSTÈME DE PRÉVENTION DES ATTAQUES D'APOPLEXIE

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I rise today to congratulate the Minister of Health and Long-Term Care for his announcement yesterday concerning the Ontario stroke strategy. The news that our province will now have 24 stroke prevention clinics is good news for all Ontarians, and the fact that the Hawkesbury and District General Hospital has now been recognized as a stroke prevention clinic is tremendously good news for the people of Glengarry-Prescott-Russell.

Je suis ravi d'annoncer que l'Hôpital Général de Hawkesbury a été désigné comme clinique de prévention des accidents cardiovasculaires. C'est une excellente nouvelle pour les gens de Glengarry-Prescott-Russell.

As the minister pointed out, stroke is the third leading cause of death in Ontario and the leading cause of disability in this country. Here in Ontario, 16,000 people per year suffer strokes and 90,000 people are living with the effects of strokes. I'm proud that this government is taking steps to reduce these numbers and to provide better care and support for those who have suffered strokes.

I am pleased that the residents of my riding will now have access to stroke prevention services through the Hawkesbury clinic. On behalf of the citizens of my riding, permit me to thank the minister for this welcome news.

#### VISITORS

**Hon. Mike Colle (Minister of Citizenship and Immigration):** On a point of order, Mr. Speaker: It is my great honour to introduce a delegation from Calabria, one of the most beautiful parts of Italy. It's the birthplace of my colleague from Trinity-Spadina, Rosario Marchese; of the Sorbara family; and of Mario Sergio Benvenuto.

I would like to say we have with us today the mayor—the sindaco—of Serra San Bruno, Signor Pietro Loiacono, and the provincial member, Signor Bruno Censore. Benvenuto a Canada e Ontario.

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. That, of course, is not a point of order, but we want to warmly welcome our guests.

#### LEGISLATIVE INTERNS

**The Speaker (Hon. Michael A. Brown):** With us today in the Speaker's gallery are the 2005-06 Ontario legislative interns. We have Ana Curic, Jon Fears, Nicole Goodman, Jacqueline Locke, Daniel O'Brien, Marc Peverini, Meghan Warby and Brian Wettlaufer. Welcome.

**Mr. Gilles Bisson (Timmins-James Bay):** On a point of order, Mr. Speaker: I wonder if you would indulge me that we have unanimous consent to double their wages.

**The Speaker:** Do we have unanimous consent? I heard a no.

#### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that today the Clerk received the report on intended appointments dated October 19, 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

### 1376037 ONTARIO INC. ACT, 2005

Mr. Murdoch moved first reading of the following bill:

Bill Pr20, An Act to revive 1376037 Ontario Inc.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

### GENDER-BASED PRICE DISCRIMINATION PROHIBITION ACT, 2005

#### LOI DE 2005

### INTERDISANT LA DISCRIMINATION DES PRIX FONDÉE SUR LE SEXE

Mr. Berardinetti moved first reading of the following bill:

Bill 9, An Act to prohibit price discrimination on the basis of gender / Projet de loi 9, Loi interdisant la discrimination des prix fondée sur le sexe.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the member have a brief statement?

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** Briefly, this is the reintroduction of a bill that was introduced in the spring. The bill prohibits price discrimination on the basis of gender. Individuals who face price discrimination on the basis of gender may file a complaint to which part IV of the Human Rights Code applies, or the person may commence an action in the Superior Court of Justice. Persons who practise price discrimination on the basis of gender may be prosecuted.

## MOTIONS

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** At the request of my good friend from Niagara Centre, I'm introducing this motion. I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, October 19, 2005, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1353 to 1358.*

**The Speaker:** All those in favour will rise one at a time and be recognized by the Clerk.

#### Ayes

Baird, John R.	Jackson, Cameron	Qaadri, Shafiq
Barrett, Toby	Jeffrey, Linda	Racco, Mario G.
Bartolucci, Rick	Kennedy, Gerard	Runciman, Robert W.
Bentley, Christopher	Klees, Frank	Ruprecht, Tony
Berardinetti, Lorenzo	Kular, Kuldip	Sandals, Liz
Bradley, James J.	Kwinter, Monte	Smith, Monique
Cansfield, Donna H.	Lalonde, Jean-Marc	Smitherman, George
Caplan, David	Leal, Jeff	Sorbara, Gregory S.
Colle, Mike	Levac, Dave	Takhar, Harinder S.
Crozier, Bruce	Marsales, Judy	Tory, John
Delaney, Bob	Martiniuk, Gerry	Van Bommel, Maria
Dhillon, Vic	Matthews, Deborah	Watson, Jim
Duguid, Brad	McNeely, Phil	Wilkinson, John
Duncan, Dwight	Meilleur, Madeleine	Wilson, Jim
Dunlop, Garfield	Mossop, Jennifer F.	Witmer, Elizabeth
Flynn, Kevin Daniel	Munro, Julia	Wong, Tony C.
Fonseca, Peter	Parsons, Ernie	Wynne, Kathleen O.
Gerretsen, John	Peters, Steve	Yakabuski, John
Hardeman, Ernie	Peterson, Tim	Zimmer, David
Hoy, Pat	Phillips, Gerry	

**The Speaker:** All those opposed will please rise one at a time.

#### Nays

Arnott, Ted	Kormos, Peter	Murdoch, Bill
Bisson, Gilles	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 59; the nays are 8.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ACADEMIC TESTING

#### ÉPREUVES ACADÉMIQUES

**Hon. Gerard Kennedy (Minister of Education):** I rise in the House today to recognize the ongoing hard work of Ontario's students, teachers, parents, education workers and everyone involved in the province's publicly funded education system. Thanks to their dedication and commitment, student achievement is up among our elementary schools in province-wide reading, writing and mathematics for the second year in a row. This follows several years when student achievement was effectively stalled. We are now on a trend of improvement for our youngest students in the province of Ontario.

The new results of the grade 3 and grade 6 EQAO tests—which is the testing authority in Ontario—for the 2004-05 year show that an average of 62% of Ontario's students are meeting or exceeding the provincial stan-

dards in reading, writing and mathematics. That's a significant 8.15% increase from the average of 54% who were meeting the standard in 2002-03 under the previous government.

For the first time, the province has set a clear target of 75% of 12-year-olds able to meet the provincial standard in province-wide reading, writing and math tests by 2007-08. Age 12 is a critical juncture, a tipping point in a child's life. If students by that age become convinced they cannot succeed at school, dropping out becomes a much more attractive option, and a life can be thwarted by that lack of early accomplishment. Reducing class sizes in the primary grades, providing training for teachers and an atmosphere of peace and stability are critical to improving literacy and numeracy skills for Ontario's youngest students.

We have worked with Ontario school boards to create, for the first time, a coordinated effort right across the province to help students reach their potential. In grade 3 reading, the number of our English-language students reaching the provincial standard is up five percentage points to 59%, compared to last year; up 3 points to 61% in writing; up two points to 66% in math.

Results for grade 6 English-language students are also very encouraging. In reading, student achievement has risen by five percentage points to 63%; in writing, up five points to 59%; and in mathematics, up three points to 60%.

Aux tests de troisième année, le nombre d'élèves des écoles de langue française ayant respecté la norme provinciale est resté le même en lecture. En écriture, il a augmenté de cinq points, pour se situer à 68% par rapport à l'année dernière, et il a augmenté de deux points en mathématiques, pour se situer à 57%.

Les résultats des élèves des écoles de langue française aux tests de sixième année ont aussi été très encourageants. En lecture, le rendement des élèves a augmenté de quatre points de pourcentage, pour atteindre 67%; en écriture, il a augmenté de deux points, pour se situer à 70%; et en mathématiques, il a augmenté de quatre points, pour atteindre 74%. C'est un bon résultat pour les élèves francophones.

We gave Ontario's 1.1 million primary and junior students more individualized attention, and to help improve student achievement, the McGuinty government introduced the Every Child strategy. This strategy includes:

- smaller class sizes for JK to grade 3 students, working to a real cap of 20 students in 2007-08;

- better training for literacy and numeracy for at least four teachers and each principal in all elementary schools—over 20,000 teachers in total;

- 2,000 new specialist teachers in key areas such as literacy and numeracy, music, the arts and physical education, approximately 600 of which are in place in this school year; and

- new textbooks, library books and learning resources for elementary students.

In addition we have a unique Literacy and Numeracy Secretariat, led by Avis Glaze, bringing together many of

our best and brightest educators in the province to enhance teacher skills, develop school leadership, target resources and coordinate efforts of all levels of learning.

As this year's results demonstrate, elementary students are beginning to reap the benefits of our education strategies and to improve in important subject areas. There is an important deeper trend as well: English-as-a-second-language students are improving at a faster rate than students in general. In fact, almost all the increase is coming from the weakest readers becoming better, not simply from those who were on the margin.

But we very strongly realize that there is much more to be done to help those who continue to struggle, especially at the high school level. This year's results for English-language grade 9 in academic math remain steady at 68%. Students in applied courses show improvements for a second year in a row, but the percentage they reached is disturbingly low. The results are up only one percentage point, to 27%. This is a course that is now being replaced with a course that is more suited to the talents of the students affected.

Les résultats des élèves des écoles de langue française ont diminué de trois points de pourcentage, pour se situer à 24%.

Just last week, the final report in a series of reports from a study led by Queen's University professor Alan King was released. It tracked the progress of high school students between 1999 and 2003-04 and warned of high dropout rates and repeatedly called for government intervention. The King report confirms that as many as 48,000 students in that final year, about 30% of all students, could not acquire enough credits for graduation.

Every single year between 1999 and 2003, Dr. King was pointing to the problem while the Tory Conservatives sat back and let the dropout rate climb year after year without taking action. This government refuses to let students wait. Our student success program at the high school level is starting to turn around that unacceptable dropout rate. We are helping to turn more struggling students into successful graduates. The number of students who graduate after five years in high school has gone up from 68% in 2003-04 to an estimated 72% in 2004-05. The number of students who graduate after four years has risen from 56% in 2003-04 to 60% in 2004-05.

Our government firmly believes that excellence in public education is critical not only to students but to our province's future. We're starting to see a turnaround, and that is encouraging news. These improvements demonstrate that with the right support, Ontario's students and publicly funded education system are capable of achieving our ambitious goals for student achievement. But we need everyone's help, support and commitment. I encourage everyone in this House to get involved and stay in touch with your local school communities. We need the lines of both communication and support to be open.

Our strategies in education are delivering results for students. We will continue to invest wisely in Ontario's publicly funded education system.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mr. Frank Klees (Oak Ridges):** Before I respond to the minister's statement, I want to say that I and my colleagues in the official opposition celebrate the improved results of the standardized tests. We want to give credit to the teachers, the principals and the students who applied themselves to the business of learning.

I want to read into the record the following quote: "Eight years after standardized tests hit Ontario, there is mounting proof the scores—including the latest batch due today—are providing schools with a power tool to pinpoint how to help children learn, says Premier Dalton McGuinty's special adviser on education."

I want to remind the minister that it was in fact the previous government that implemented the tests that we're celebrating today. I want to remind the minister that he and his colleagues, including the Premier, voted against having standardized tests. If it wasn't for these standardized tests, he would not be able to benchmark the progress that our students are making in this province today.

**1410**

While this report is encouraging—because we do recognize the trend that, by the way, began before this year. The trend of improvements, contrary to what this minister would have us believe, didn't start yesterday. It started already under the previous government, and we celebrate that as well. What is sobering about this report as well is that there are still some 53,000 students in grade 6 who have not reached the provincial standard in reading skills and some 58,800 students who have not reached the provincial standard in writing skills and mathematics. That was the reason we implemented these tests, to ensure that we could pinpoint where the improvements need to take place.

I want to take this opportunity to commend the work of the EQAO. Charged with the responsibility of administering these tests province-wide as an independent agency, their work is vital to ensure that the goal of these provincial tests is achieved. I commend them on their work today.

It is because of these standardized tests that the government, schools, principals and parents can focus in on where we have to make improvements in our education system, that we can put the appropriate resources behind the teaching of these classes and into the classrooms. That was the purpose of these tests that this minister, the Premier and that government opposed while they were in opposition. Today he welcomes them, and we celebrate this about-face on behalf of this government. Thank you for recognizing that the previous government, in its wisdom, implemented standardized province-wide tests to improve education in this province.

It's also because of these tests that we can now debunk some of the urban legends that have in the past caused us to write off certain schools or groups within schools for economic or cultural demographics. There are examples in this report published today of schools where there is a very high multicultural population, where the general

income levels are lower than in many areas of the province, where there is a very high percentage of immigrants and where they have results that are above the provincial average. That is to the leadership credit of principals and teachers and teaching teams in these schools that have made it their business to ensure that students are motivated and that we put the necessary resources in place to motivate these students.

So I would call on this government to take the results of this test and deal with it in a positive way, not for partisan purposes, but to recognize the work of the teachers, recognize the value of these standardized tests, and continue to work based on the foundation that the previous government has put in place in the education system in this province.

**Mr. Rosario Marchese (Trinity-Spadina):** New Democrats are not against a rigorous curriculum. We are in favour of a curriculum that speaks to the ability of each student and is appropriate to their age level. In this regard, we are in favour of holding the Liberal government accountable to the promise they made of establishing a curriculum committee to introduce curriculum changes, pedagogical changes, that would make for better education of our students. We have yet to see that promise.

But I want to say, mes amis libéraux, this is all about politics and not pedagogy. This is a government that is so desperate to show improvements that they are going to bring forth cooked statistics to convince us they are keeping a promise that they are in fact breaking.

This is a continuation of a Conservative testing regime. The difference is that the Liberals are doing it, oh, so much more efficiently. The Tories wanted to show improvements in test scores. They started the manipulation of the numbers. You Liberals promised that 75% of Ontario students will reach the provincial standard, and behold, the numbers are up.

Let me explain how you Liberals have done that. Students had a limited time to answer questions under the old regime. This year's instructions to test administrators state that "students may take the time they need to complete the section, as long as it is in one continuous sitting," i.e., they have as much time as they need to write the test.

Second, the test is half as long. The length of the test went from over 10 hours last year to six hours this year. The minister himself directly intervened to make this change happen. He announced this change, not the EQAO, speaking to the political interference of this minister and this government.

Third, students are allowed to use calculators. Grades 3 and 6 students this year were allowed to use calculators for the entire marked test, including multiple choice questions. In the past, students were not permitted to use calculators for the multiple-choice questions.

Fourth, the teachers who mark the test have told us that the new test is not only easier, but that they have been encouraged to give higher marks where there is doubt between two possible grades. Unfortunately,



teachers who mark the tests are forced to sign confidentiality agreements, raising questions of transparency.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** You're wrong, Rosario.

**Mr. Marchese:** The Tories, Madame la ministre, say that the Liberals have dumbed down the curriculum. If this were so, then students would do worse on the standardized tests, not better. The Tories are wrong. They haven't dumbed down the curriculum. They, the Liberals, have played with the test. They have played politics with the test.

McGuinty should stop announcing fake improvements and actually improve classroom learning.

**Hon. Mrs. Bountrogianni:** You just can't stand it.

**Mr. Marchese:** Students need, Madame Bountrogianni, educational assistance, uno; dos, special education teachers; three, they need special education support that we haven't had in two years. They need ESL teachers and they need librarians. This minister, when he was in opposition, said we need more of them; in fact, we have fewer under a Liberal regime than we did under these fine people here to my right.

What they need are physical education teachers, not an extra 20 minutes on top of what they're doing. Seventy per cent of classrooms don't have physical education teachers. Fix that, Mr. Kennedy. And what we need are music teachers and art teachers. If we did that, Monsieur le ministre et mes amis libéraux, that would be an improvement.

#### VISITOR

**Mr. Tim Peterson (Mississauga South):** On a point of privilege, Mr. Speaker: In our audience today we have a gentleman from northern Ontario, the founder of Canoe Canada Outfitters, the largest canoe outfitter in Atikokan and a shining example of self-industry and self-promotion. He is also a 12-year president of NOTO, the Northern Ontario Tourist Outfitters Association. Ladies and gentlemen, I'd like to acknowledge Bud Dickson.

**The Speaker (Hon. Michael A. Brown):** That was not a point of privilege nor a point of order, but welcome, Mr. Dickson.

1420

#### ELDER ABUSE AWARENESS DAY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I believe we have unanimous consent for all parties in the Legislature to speak for up to five minutes to recognize Elder Abuse Awareness Day.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has asked for unanimous consent for all parties to have five minutes to speak to Elder Abuse Awareness Day. Agreed? Agreed.

**Hon. Mr. Bradley:** I rise to speak on an important and sobering topic. Today marks the second annual Elder

Abuse Awareness Day in Ontario. Although I am pleased that our province recognizes such a day, I am saddened that the need still exists. Elder abuse is often described as a hidden crime. Today, across Ontario, light is being shed on this problem.

The vast majority of Ontario seniors are treated with the dignity and respect they deserve, but for some Ontario seniors, elder abuse is a fact of life. Elder abuse can come in many forms: financial, physical or emotional abuse, or neglect. Elder abuse is often perpetrated by someone in a position of trust, such as a family member or a close friend. That is why this government will continue to work with seniors' organizations and leaders and many sectors of Ontario society to address this serious issue.

Ontario's strategy to combat elder abuse is being implemented in partnership with the Ministry of the Attorney General and the Ontario Network for the Prevention of Elder Abuse. Seven regional elder abuse consultants are working in support of the strategy's three priorities: staff training, public education and coordination of local services to help seniors who are being abused. Our consultants are helping support the good work of more than 50 local elder abuse coordinating committees that are working to ensure local agencies pull together to address this problem. Staff and front-line agencies serving seniors are also receiving training on how to recognize the signs of abuse and what to do when they think abuse may be occurring.

Today in many communities across Ontario, communities represented by members of this Legislature, people will mark this important day with candlelight vigils and other awareness-raising activities. The candlelight vigils are being held to symbolize shedding light on this hidden crime. I know all members in this Legislature believe that elder abuse has no place in Ontario. By informing people about elder abuse, Ontarians can help stop it.

I would like to recognize the work of the member for Willowdale, Mr. Zimmer, who in April of last year sought and received all-party support in the Legislature for his private member's resolution creating an annual Elder Abuse Awareness Day. That of course is one of the occasions on which all members of this Legislature came together, regardless of party affiliation, to agree with a good idea, because we all have that idea in our minds and in our hearts.

Public education is one of the best tools to focus the attention of all Ontarians on the issue of elder abuse. I ask members of this House to join with us as we recognize this important day.

**Mr. Cameron Jackson (Burlington):** I'm very pleased to stand in the House on behalf of my leader, John Tory, and the PC caucus to acknowledge the importance of awareness in combating elder abuse in all of its ugly and sordid forms. But I also stand here, as I have on many occasions, as members are aware, to indicate that every day should be Elder Abuse Awareness Day and that we should be vigilant.

I'm sure by now that even the newest members of this legislative chamber have had occasions with constituents coming to their office with absolutely horrific stories. These should serve to educate us, to sensitize us and to cause us to seek out the kinds of reforms, initiatives and programs that will make Ontario a very safe place.

I'm very proud of the record of our government when we recognized the importance of this issue with a myriad of programs. In fact, it was at the very first International Congress on Elder Abuse, held in Spain in 2001, that Ontario was featured pre-eminently as the feature presentation to demonstrate the first government in North America to bring forward an elder abuse strategy.

I want to pay public tribute to Dr. Elizabeth Podnieks, who has received the Order of Canada for her leading research work and her deep compassion for seniors who are victims of elder abuse not only in this province but also in Canada. I was pleased, as the minister of the day, to work with her to develop the program and to commit \$4.3 million over five years.

I invite the new minister to make a commitment, because in several of the programs I'm going to enunciate we cannot see the ongoing commitment. This is a challenge for the new minister. I hope he will honour the amount of work that has gone on by seniors across this province to develop the kind of protective infrastructure they richly deserve, that they fought hard for years to get and that they now have in place.

There are some questions. We do want this elder abuse program that was begun by our government, which is in its last year of funding, to get the signal that it will be funded next year.

I want to say that a simple day in Ontario isn't as significant as the fact that the United Nations and the World Health Organization have dedicated June 15, 2006, as the beginning of World Elder Abuse Day. I invite the minister, and I will work with him, to elevate this and for Ontario to take its time-honoured leadership position in communicating to the world that we can show many provinces and states in the US the work that's been done here.

I also want to indicate to the minister that one of the various forums for the most vulnerable seniors is in our Alzheimer strategy. Again, we were very pleased, as a government, to deliver \$68.4 million over five years. Minister, that program has in effect been suspended since late last year. Of the 10-point plan that I developed, only three areas involved ongoing commitments. I knew that future governments would see this as a cost-saving area, so we're not making the kinds of financial commitments in this year, the sixth year after the start of the Alzheimer strategy, the first of its kind in Canada and the first of its kind anywhere in North America. Again, I invite the minister to become more engaged.

**Hang Up On Fraud and Phonebusters:** My colleague David Tsubouchi and I worked on that, again working with the United States and with the OPP, because seniors' phone fraud in Ontario is among some of the worst statistics anywhere in North America.

We know that the Ontario Residential Care Association has had an outstanding program for which, again, the government hasn't seen fit to provide funding to extend from the previous government and deal with their complaint registry line.

**The seniors' safe medication program:** I want to thank the Minister of Health. I went to the former minister for seniors, who said, "Cam, there's no money. We're going to have to collapse the program." I went to the Minister of Health and he found the money. This is a health promotion initiative. Ontario seniors are the most over-medicated group in the province, but only this year's funding has been extended.

Minister, I'm very pleased that we're highlighting this, but I encourage you: It's difficult, given that your budget has been slashed by \$800,000, but I invite you to become more directly involved in protecting seniors in Ontario.

**Ms. Shelley Martel (Nickel Belt):** In the press release today from the Ontario Seniors' Secretariat, the minister is quoted as saying, "In order to shed light on this 'hidden crime'—elder abuse—"we are asking communities to conduct candlelight vigils and other awareness-raising activities to remember victims of elder abuse, and to encourage those who may know a victim of elder abuse to report the crime," Bradley said."

That is just not good enough. On this, day of all days, this government should have moved past the vigils and told the House what it's doing to reduce, indeed to eliminate, elder abuse in Ontario.

Let me give you two examples of what the government could have done. This is the recommendation from the coroner's jury from the Casa Verde inquest. It was released in April 2005, after 10 weeks of deliberations by a coroner's jury into the deaths of two residents, aged 71 and 78, at the hands of another resident, aged 74, at the Casa Verde nursing home in 2001. The jury heard extensive testimony around the circumstances of these individuals, and they heard about the other 11 residents of long-term-care facilities between 1994 and 2004 who died at the hands of other residents. Indeed, after this was released, there was another 85-year-old resident who died at the hands of her roommate in a long-term-care home in Kitchener in July of this year.

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This jury made 85 recommendations, many of them calling on the Ministry of Health to respond. For example, "The Ministry of Health and Long-Term Care ... should give increased priority to the health care needs of the elderly and, in particular, the serious challenges faced in treating elderly cognitively impaired residents, by immediately developing and implementing a plan ... to ensure appropriate standards, funding, tracking and accountability in long-term-care ... and other facilities treating such individuals."

They went on to say as well: "The Ministry of Health and Long-Term Care should fund specialized facilities to care for demented or cognitively impaired residents exhibiting aggressive behaviour as an alternative to long-term-care facilities. Funding for these facilities should be

based on a formula that accounts for the complex, high-care needs of these residents in order that the facility be staffed by regulated health care professionals ... who are trained ... and in sufficient numbers to care for these complex and behaviourally difficult residents.”

They went on. It's recommended that the Ministry of Health and Long-Term Care, if it makes a decision to continue to place individuals in long-term-care facilities, “must set standards for these facilities and units to ensure that they are sufficiently staffed with appropriately skilled regulated health care professionals who have expertise in managing” these difficulties—and the list goes on and on.

This government hasn't made a formal response to the Casa Verde recommendations. I asked the Minister of Health about that in the estimates two weeks ago, and the minister said the recommendations will be reflected in long-term-care legislation—legislation that we thought we were going to see last fall and that I hope we see this fall. But the government could have used this opportunity today, of all days, to even stand up and say whether or not they agree with the recommendations and when we might expect some form of concrete response.

If the government wanted to do a second thing, they could have passed Bill 47, An Act to protect persons in care from abuse. We all know, because it's been very public, that there has been story after story in the media about residents in long-term-care facilities who are suffering from neglect or abuse. As a result of reading those stories, my leader, Howard Hampton, introduced this bill in April 2004. The bill would have placed an obligation on owners of long-term-care homes to report incidents of abuse. It would have placed an onus on staff in long-term-care facilities to report such abuse, just like teachers, just like child care workers have an onus and obligation to report child abuse to the CAS.

Time after time, in response to statements made by the Minister of Health with respect to long-term care, I urged him and this government to pass this bill so that we would have some protection in place for residents in long-term-care homes, and the government refused to do that. The government refused to capitalize on an opportunity that was presented to them in April 2004.

I say today that of course elder abuse cannot be tolerated in the province of Ontario, but my goodness, this government should have used today as an opportunity to say very clearly, very publicly what they are doing or what they intend to do to deal with this very serious issue in Ontario, and they did not.

#### VISITOR

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: All members will know and agree with me on the importance of their staff to the work they do. I would like to especially welcome this afternoon to the Legislature my constituency assistant Neave Greig and her husband, Ted Greig.

## ORAL QUESTIONS

### HEALTH PREMIUMS

**Mr. John Tory (Leader of the Opposition):** My question is for the Minister of Finance. It seems the chickens are coming home to roost, potentially to the tune of hundreds of millions of taxpayer dollars, in terms of who has to pay the McGuinty health tax. Following yesterday's divisional court decision, isn't it time as you took action, as the Premier said you would, to determine and clarify exactly who is supposed to pay the McGuinty health tax?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** You are no doubt aware that yesterday the Divisional Court released a ruling on the Lapointe-Fisher Nursing Home case. The ruling found that the employer was required to pay the Ontario health premium on behalf of its employees covered by the collective agreement, and the employer is currently deciding whether to appeal the ruling. We will continue to observe that, as we've looked at a number of arbitrators' decisions in the situation.

I do want to say to the Leader of the Opposition that our position has always been crystal clear that the Ontario health premium is a tax and not the OHIP premium that had previously been imposed under the Health Insurance Act. Unlike those old premiums, paying the new premium is not linked to the health coverage Ontario residents are entitled to receive.

I again remind the Leader of the Opposition that all revenue raised through the premium goes to transform Ontario's health care system and is being dedicated to our health care system in a way that will benefit all the people of Ontario.

**Mr. Tory:** It's only unfortunate that the court doesn't see the perfectly clear position you've been taking consistently on this and doesn't, obviously, recognize it.

We are asking you, Minister, to stand by what the Premier said in the House a year ago; namely, that steps would be taken to ensure that it is clear that taxpayers in Ontario have to pay your health tax.

At the root of this issue is fairness. Of all the cases brought before the arbitrator since you introduced the up to \$900 a year health tax on the hard-working people of Ontario, it is the public service employers, paid for through our taxes, that are having to pay the McGuinty health tax for their employees. So you have the irony, for example, of elderly, infirm people in various places where they are having to pay the health tax, and the staff people who care for them are not.

So my question is this: Do you think it is fair for taxpayers to have to pay your health tax twice, both for themselves and for the employees in these various parts of the public sector that these rulings affect?

**Hon. Mr. Duncan:** I would say to the Leader of the Opposition that no one is paying the health tax twice. In terms of this notion about clarity, in fact, the arbitrators' rulings out there are now 16 to 6. This is the first

Divisional Court ruling. The employer under consideration is considering an appeal, as I understand it, but at this point it seems clear.

What shouldn't be lost, and I hope the opposition leader will agree, is that the investments we're making in health care were absolutely essential. They were essential in the context of his government, which closed hospitals, laid off nurses, which did not do anything to enhance health care in this province and still fails to come to terms, in our view, with the fact that we have these investments and they're important to health care in Ontario.

The rulings to date are 16 to 6—

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

**Mr. Tory:** It always depends, I guess, on what score you look at. I think, when it comes to Divisional Court rulings, the score is 1 to 0 against the government. That's why there is a need for clarity here.

Minister, London Hydro, Ontario Power Generation, the Toronto Transit Commission and the city of Hamilton on behalf of their firefighters now have to pay your McGuinty health tax for their employees or, more correctly, the taxpayers of Ontario are not only paying their own health tax but they're paying for these employees as well. Now a nursing home in Guelph has lost its appeal and is required to pay your McGuinty health tax for its employees.

These arbitrations will have a ripple effect across the public service, and future labour negotiations will undoubtedly have more of the same. It's bad enough that taxpayers have to pay your McGuinty health tax at all, given your promise not to raise taxes. You've raised them \$2,000 apiece. Will we have to pay again? Will you move to clarify this situation, or will you stand by making taxpayers pay twice?

**Hon. Mr. Duncan:** No taxpayers pay twice, first of all. I'd remind the Leader of the Opposition—and I've reviewed the other decisions as well—that much of it has to do with the wording in collective agreements. We have no intention of stripping collective agreements, if that's what you're suggesting.

I think the Leader of the Opposition ought to come clean, when he talks about this tax, about what he is going to do to replace the \$2.9 billion that he proposes to take out of health care.

I would remind the Leader of the Opposition about some of the new investments that have been made in health care: over \$1 billion for our hospitals, \$620 million for support services for OHIP, \$388 million for 4,514 new long-term-care beds, \$230 million for Ontario drug programs, \$668 million for home care. To the Leader of the Opposition, we invested in those services. We did so because it was prudent, responsible public policy. What are you—

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

**Mr. Tory:** I'll tell you what I'll start by doing: I'll start by growing the economy. We'll have to start doing that after we get rid of you out of that job, because you certainly won't, that's for sure.

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#### GREENBELT FOUNDATION

**Mr. John Tory (Leader of the Opposition):** Mr. Speaker, my question is for the Minister of Tourism. Liberal MPPs on the government agencies committee indicated earlier today that they will vote to shut down our efforts to bring transparency and accountability to your secretive Greenbelt Foundation. What exactly are you hiding?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I guess I could ask the leader of the official opposition what he's hiding. I can remember, many years ago when he was an adviser to Premier Davis, when they were setting up, for instance, the Niagara Escarpment Commission, that he would have been a strong supporter of initiatives of that kind. What appears to have happened to the Leader of the Opposition at this time is that the right wing of the Conservative Party appears to have taken over: just swipe everything else aside. It's very clear at this time that if you got your hands on the levers of power, what you would be doing is paving all of this environmentally sensitive land. A man who used to go to the Pollution Probe dinners—I admired him in those days when he took that strong environmental stance—is now taken over by the right wing of the party and wants to be on the side of land speculators. I can't believe this. I thought you'd be very supportive.

**Mr. Tory:** This is pretty sad stuff.

Again to the minister: Earlier today, your Liberal MPPs on the government agencies committee indicated that they'll be voting against any proposal to shed some light on your Liberal appointees to the \$25-million Greenbelt Foundation. Serious questions remain about just how independent your Greenbelt Foundation is, now that they've begun airing promotional ads for your government's policies. We revealed yesterday that your deputy minister has been appointed by the Premier himself to that board and sits on the supposedly independent board. We know that an adviser to a former Premier and one of Mr. McGuinty's transition team members also sits on the board. It's looking more independent by the minute.

Minister, why are you so intent on shutting down our attempts to shine some light on this foundation that has been given \$25 million of taxpayers' money, which it is apparently spending on advertising that promotes government policy? Why won't you yourself shed some light on that?

**Hon. Mr. Bradley:** First of all, as your House leader sitting beside you would tell you and as former Speakers and the present Speaker would tell you, committees determine their own business. We in this House do not second-guess the business of committees. Every Speaker, when there has ever been a ruling asked of the Speaker, says that the committees determine their own business.

What I'm hearing when I hear you ask that question—I look over and see, if I can use the familiar term, my friend John Tory asking the question, but I'm really

hearing the voice of Mike Harris. What you want to do is paint the greenbelt land-speculator blue. I remind the leader of the official opposition that this government followed exactly what your government did in terms of establishing the Oak Ridges Moraine Foundation. We used exactly your model, and now you're complaining about that. I don't know why you're complaining, except that you're opposed to the greenbelt.

**Mr. Tory:** It's very clear: The minister has no interest in accountability for \$25 million of hard-earned taxpayers' money. We tried calling the Greenbelt Foundation: no answer on the phone and no voicemail. We went to their expensive offices up in swanky Yorkville, a really appropriate address for a foundation like this, and there was nobody there, just boxes in an empty office. Yet somehow, with no office, no phone, no voicemail, they have found the means to launch a multi-million dollar advertising campaign promoting the policies of your government. Twenty-five million taxpayer dollars have been funnelled into your foundation but we don't know why.

I ask the minister, where is the business plan for this foundation? Will you bring it here today, and if not, tomorrow? Where are the directives as to how the \$25 million is to be spent? Is it all for backdoor advertising? How are they spending the taxpayers' money? What assurance do you have that they're doing it properly? Do you have answers—and will you give them—to these legitimate questions about \$25 million of the taxpayers' money or—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister.

**Hon. Mr. Bradley:** My friend from Oak Ridges asked what voices I'm hearing now. It's the voice of Mike Harris I keep hearing. I look at John Tory as the leader of the official opposition and I hear the same old rhetoric I heard from the Mike Harris government. Unfortunately, the right wing has taken over there. They don't want the Greenbelt Foundation to be able to provide anything to the people of Ontario.

I want to tell him that there's nothing innovative about this. In fact, I guess I have to pay some credit to your government. We simply followed exactly what you did with the Oak Ridges Moraine Foundation in establishing it. You provided, I think, some \$15 million as seed money in that particular case for a smaller area of land than the greenbelt is involved with. I remember applauding that at the time. I was never critical; I applauded it. I didn't think there was any sinister plot. But do you know something? That was because we in this party agreed with the Oak Ridges Moraine Foundation. The secret agenda the Leader of the Opposition—

**The Speaker:** Thank you.

#### ACADEMIC TESTING

**Mr. Howard Hampton (Kenora–Rainy River):** To the Minister of Education: You say that higher student test scores prove that the McGuinty government plan is working. Tell me, do you believe that Ontario students

are smarter now than they were two years ago, or did you make the EQAO tests a lot easier?

**Hon. Gerard Kennedy (Minister of Education):** We are a little saddened to see the leader of the third party grasping at proverbial straws here. There is a turnaround taking place in education, and we expect the support of the third party for it. We expect the third party to want to see students read, write and do mathematics better. They established the EQAO, and Mr. Hampton and his group have spent all their time running away from the fact that we need to have advancement in our publicly funded education system.

We believe that the teachers of this province are discredited by the questions the gentleman opposite is asking, because they have worked hard, and so have students, their parents and so on. They have become better at doing mathematics, they've become better at reading, they've become better at writing, and they will continue to improve because they are now getting significant support. The hard work of teachers, principals and schools is responsible for the results. We are working with them for the first time in a coordinated fashion, and I would expect support from the third party for that effort and for those—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**Mr. Hampton:** I asked the minister if he'd made the EQAO tests easier; I didn't get an answer. Maybe the minister needs unlimited time and a calculator to answer the question.

Minister, you promised to improve student results dramatically. Instead, you have made the student tests dramatically easier. You made the tests shorter, you gave students twice as long to complete the tests and you even let grade 3 students use calculators. Tell me, Minister, how can you compare this year's results to previous years' results when you manipulated the test and put politics ahead of pedagogy?

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**Hon. Mr. Kennedy:** The only politics on display here are the desperate actions of the leader of the third party, because he wouldn't be mildly interested that an international panel reviewed the operations of the EQAO. They were supervised by a board appointed by the previous government, every single one of them, including a former Conservative Minister of Education. Further, they decided that it would be perfectly comparable to have the test administered in a shorter fashion with less taxing of resources in schools, and be comparable, be every bit as difficult. Therefore, that international panel, the EQAO, which still has Bette Stephenson, the former Conservative Minister of Education, on the board, believes that this is a completely independent test compared to the years before.

The third party opposite, if they have information, if they've actually done their homework and talked to the EQAO, talked to the independent experts, talked to OISE, talked to the people from other provinces who supervised this process, then they can speak in this House. Otherwise—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Well, I spoke to some of the teachers who mark the tests, and this is what they tell us. They tell us that the test is now a lot easier. They say that the new tests are designed to pass more students to suit your political purposes. And those teachers would join us here today, but they can't, because you made them sign a gag order. If they speak out, you can fire them or fine them.

Minister, if the EQAO tests are a fair and transparent tool for assessing student achievement, why won't the McGuinty government let front-line teachers tell the truth about your tests?

**Hon. Mr. Kennedy:** It's tempting to admit that there is a conspiracy to improve student achievement in this province and that there's a vastly orchestrated effort to try and see if we can't get those darn kids to learn better. In fact, the results we have this year are comparable to the results we were able to achieve last year—about a four point improvement. It's slightly more this year.

Last year, there was no change in the test; there was just a change in the attitude in our schools. There was peace and stability in the offing for the first time. There was a government that respected education for the first time. And if the leader of the third party is still having trouble with the operation of the EQAO, which is just one small part of our improvement agenda, then he should talk to Dave Cooke, because it was his government that brought in the EQAO and all the procedures that he's complaining about.

We say to him and to the opposition: We expect your support. This is an effort that is too important to the future of this province. We expect you to get behind it and we expect you to give constructive criticism in this House, not imaginary—

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

#### HEALTH PREMIUMS

**Mr. Howard Hampton (Kenora–Rainy River):** To the Minister of Finance—but I would just tell the minister that I've talked to the teachers, and they're prepared to talk to the press.

Minister of Finance, at the urging—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** We'll stop the clock. We can wait.

Leader of the third party.

**Mr. Hampton:** Minister of Finance, at the urging of the United Food and Commercial Workers, the Divisional Court has just ruled that under a collective agreement at a Guelph nursing home, the employer, not the employees, must bear the cost of your despised health tax. Thousands of Ontario employees have similar wording in their collective agreements and deserve equal treatment.

Your government says that you've been monitoring this case and you've been anticipating some of these rulings. My question is, how much does the McGuinty government anticipate will have to be paid to employees in accordance with this ruling and other collective agreements?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** We've also looked at the rulings involving Jazz Air, Goodyear, Walker Exhaust, Smurfit-MBI, H.J. Heinz, Woodbine Entertainment, Uniboard New Liskeard, Placer Dome, Selkirk Canada, Waterloo municipality, Conair, colleges' support, participating hospitals, the Ontario Nurses' Association, Thermal Ceramics and Toronto Hydro. These are examples where the arbitrator has found a different ruling. There are now 16 arbitrator rulings on the other side, and one that you've referenced. There's one Divisional Court ruling, a ruling that we understand will be appealed.

The bottom line is that, as this government has said from the beginning, this is a tax. It is a tax that is designed to allow us to make the improvements in health care that we believe are necessary to ensure that the people of Ontario have access to the kinds of services that they have been deprived of for too long. This ruling is yet another ruling on a complex issue, and we will continue to monitor it. I've read the decision myself and we believe—

**The Speaker:** Thank you.

**Mr. Hampton:** I was in this Legislature when the McGuinty government presented its budget, and it said over and over again, "This is a health care premium. This is a health care premium. This is a health care premium."

The reality is that there are a number of public service collective agreements—power worker collective agreements, hospital collective agreements, education worker collective agreements and municipal worker collective agreements—that are very similar to the UFCW collective agreement that was considered in this case. This means that there are literally tens of thousands of hard-working, dedicated public servants who have made a reasonable argument, based upon their collective agreement, that you, the employer, the government, are responsible for paying your health premium.

Your bungling is putting a lot of public sector partners—hospitals, schools, colleges—in a very difficult position. Can you guarantee us today that you won't leave these hospitals, schools and colleges out on a limb with no money to pay for your bungling?

**Hon. Mr. Duncan:** I did read off a list of collective agreements where opposite findings have been made by arbitrators, and I would say this to the member: Unlike him, the one thing we won't do is go back and open collective agreements and strip them. That's something they did. The wording of collective agreements is a question here that has had different interpretations by different arbitrators, depending on the wording in the collective agreement. The impact of these decisions at this point in time is overwhelmingly in favour of the employer. We will not, as I said earlier, go in and strip collective agreements. We continue to monitor this situation and we will continue to invest in the important health care services that were neglected for far too long in Ontario.

**Mr. Hampton:** I don't think hospitals, school boards and community colleges will feel any satisfaction from that non-answer. The truth is you could have avoided this

mess. You could have been open and transparent in the beginning in your budget. Instead of trying to call this a health premium over and over again, you could have said up front that it's an unfair, regressive tax. But you didn't, and the reason you didn't was for partisan, political purposes—something about Dalton McGuinty staring into the camera and saying, "I will not raise your taxes," and then doing just that: raising taxes by \$2.5 billion.

Minister, I'm going to ask you the question again today: Can you guarantee that school boards, hospitals and municipalities will be able to meet this looming health tax obligation without cutting staff or cutting services?

**Hon. Mr. Duncan:** I again remind the member that the majority of arbitrations, including those arbitrations that involve the public sector or the broader public sector, were found in favour of the employer at this point in time. But I can tell you what this government won't do: This government won't cut \$268 million from hospitals the way the member opposite's government did. This government will not cut OHIP funding by \$315 million. This government would not do what they did to the Ontario drug benefit, which they cut by \$29.3 million. We will not do to mental health what that member's government did, and that was to cut it by \$23.3 million in 1992-93. And they hadn't had enough: Then they cut it by \$42 million in 1994-95.

This government is committed to improving the health care system in the province and ensuring that the people of Ontario have access to a full range of health—

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

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#### PAROLE SYSTEM

**Mr. Garfield Dunlop (Simcoe North):** My question today is to the Minister of Community Safety and Correctional Services. Yesterday the Ontario Association of Chiefs of Police sent a strong message to those of us here at Queen's Park. As a community safety issue, they do not want the government of Ontario to upload our parole board to the people who send convicts to Wonderland. Minister, will you now agree that it's time to listen to our community safety leaders? Will you stand in the House today and assure Ontarians that our parole system will not be turned over to the soft-on-crime Martin Liberals?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I thank the member for the question. Just to put it in context—I keep delivering this message to the people in the opposition, but they don't seem to understand it; the former minister doesn't understand it—at the present time there are 56,000 male offenders who are in the community under supervision. We have, in that group, 130 people who are on parole. That represents a quarter of 1% of the total number of people who are under community supervision. We have 130 people, and we are looking at seeing whether or not this is the most effective way of doing it: Do you have a whole establishment, the Ontario Parole and Earned Release Board, looking at it, or should we

transfer it to the federal parole system? We haven't made that decision, but certainly, if you take a look at the numbers, and we're only dealing with a quarter of 1%, it is our responsibility—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary.

**Mr. Dunlop:** I have looked at the numbers. I have learned that the allocated funds to operate the Ontario Parole and Earned Release Board is \$2.2 million for this year. In a document dated April of this year, Correctional Services Canada indicated the projected cost of the added responsibilities of case preparation and offender supervision has been estimated to be \$10 million annually and another \$1.6 million for the National Parole Board. The cost will be a staggering \$11.6 million, or \$9 million-plus more than the cost to operate our provincial parole system now.

Minister, there is only one taxpayer. Even if you don't consider community safety to be a priority, will you at least consider the taxpayer and let this foolish idea die once and for all?

**Hon. Mr. Kwinter:** I actually welcome that inclusion into the equation, because it's something we're aware of. I'm glad you've gone off the tack of saying that we're releasing murderers into the community and doing all of these things if we do this.

We are looking at doing exactly what we hope we can do, which is to determine whether or not it's more cost-effective to do it the other way, whether it's more effective. In all of our deliberations, the overriding factor is community safety. So when we examine all the issues, which is something we are doing, we will make a determination and we will do it in the best interests of the people of Ontario.

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches—East York):** My question is to the Minister of Finance. Each day more and more Ontarians seem to be getting angry at you because of the property tax system. It's not uncommon in my own riding of Beaches—East York and in some of the downtown ridings to see 20%, 30% or 40% increases in the alleged value of the homes. Given that there's a 12% average increase in Toronto, that means up to a whopping 28% tax increase that these people in downtown areas are facing.

In opposition, you repeatedly said this was a bad law by the previous government. In opposition, you said it would be unfair to taxpayers. Now you are choosing to accept the Mike Harris law and do nothing. My question is simple: Do you have any plan at all to help these taxpayers?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I would suggest to the member opposite that in the MPAC situation, the way he characterized the evaluations that have come out is wrong. If he's advocating that people in Scarborough and Etobicoke should get tax increases and someone else shouldn't, that's for him to do.

Are there problems in the system? There may well be. We welcome the inquiry by the Ombudsman, as the Premier said yesterday, and look forward to his recommendations. I would suggest to the member opposite that if he doesn't like this system, if the NDP is against a current market value, they ought to say so, and if they're going to replace it, they ought to say how they're going to replace it. No system in this instance is perfect.

Assessments have been going out over the last few days in various municipalities. We are going to watch what happens. I would remind the member opposite that increases in assessments don't necessarily lead to increases in taxes and—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**Mr. Prue:** The ratepayers in this province don't want to wait six or eight months for Mr. Marin; they want you to do something now.

I have a few suggestions for you—real easy things you can do. You can fix the process that assesses like houses on the same street with the same conditions, to make them pay the same amount. You can change the process and the appeal process to be open and transparent, to ensure disclosure, something which is not done now. You can upload the provincially mandated services that you condemned Mike Harris for doing, and you can do that now. You can take action to start reducing the education portion that you take, and you can do that now. If you have no ideas, here are some for you. Take some of these.

Do you have a plan? Is there anything you can say today?

**Hon. Mr. Duncan:** It's interesting that less than a week ago the same member said their party had no plan. What he said was, "Our party's plan is in gestation. We'll definitely have a position on property taxes by the 2007 election." Do you know what else he said? He said the NDP doesn't want to share its ideas too early. Well, God bless you.

Let me give you an idea. Before you start making suggestions that are going to raise some people's taxes, you ought to think it through carefully. The previous government went through seven reincarnations of property tax changes—seven bills in short order. We are going to be responsible and prudent. We look forward to M. Marin's review of MPAC. We will take advice into account, and we certainly look forward to—

**The Speaker:** Thank you.

*Interjections.*

**The Speaker:** Order. New question.

#### FOREST INDUSTRY

**Ms. Monique M. Smith (Nipissing):** My question today is for the Minister of Natural Resources. As you know, Tembec is an important—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** If the member would just give us a minute, we really do have to get ourselves under control. A little bit of quiet so I can hear the member from Nipissing would be most helpful.

**Ms. Smith:** My question is for the Minister of Natural Resources. As you know, Tembec is an important employer in my region and an important player in the Ontario forestry industry. The rising value of the Canadian dollar, the Canada-US softwood lumber dispute, increasing electricity costs and fuel costs and offshore competition have, as you have stated, created a perfect storm for Ontario's forestry industry.

Minister, you and I are both from northern Ontario and we know you've worked very hard to ensure that the forestry sector is a strong and viable industry. Can you tell us today what our government is doing to ensure that Ontario's forest industry remains competitive?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I'm very proud of the McGuinty government's response to the problems and challenges that are happening in the forest sector. We announced actually the largest sectoral package ever of this government, \$680 million, the other day. As you know, this is a combination of \$500 million of grant and loan guarantees to the companies to incent them to make the investments to make them more productive. We've also started to contribute to some of the downloading that the previous governments had done on the industry, contributing \$28 million now, year over year, to the cost of road construction, and also uploading back the cost of the forest inventory work.

1510

**Ms. Smith:** I've heard from many people in my riding, including many representatives from Tembec and various forest industry representatives, that the industry needs more help. Specifically, they need help from the federal government. Minister, how can we assist our forestry industry here in Ontario in their quest for federal support?

**Hon. Mr. Ramsay:** I appreciate the question, because quite frankly we're looking to the federal government now to make a contribution nationally to this industry. It's a very important industry to northern Canada, and northern Ontario is an important player in that. We got wind the other day of a \$50-million program from the federal government to the Quebec industry. Certainly we're going to keep Mr. Martin's feet to the fire. He said in Kenora in June that he would contribute to the industry in Ontario, so we're looking to the feds to do that. The other thing I'd ask the feds to do is to make sure they come forward with a loan guarantee for the sawmills in this country, which have duty deposits in the United States of over \$5 billion. That's really hurting our industry. If they want to, obviously, prolong the softwood lumber dispute, then they should be not borrowing but they should be renting it and putting the money up front.

#### HYDRO GENERATION

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Energy. Your policy to shut down all coal power plants by 2009 made no sense two years ago and it makes no sense today. The former minister had tunnel vision on this subject, to the point



where it clouded his judgment such that he referred to opponents of his policy as neanderthals. Are you going to continue to take your marching orders from him and board that runaway train, or will you show some enlightened forward thinking, open-mindedness, with regard to clean coal technology here in the province of Ontario? Will you shut down this irresponsible policy?

**Hon. Donna H. Cansfield (Minister of Energy):** Thanks to the honourable member for the question. Our commitment is firm: We are shutting down coal-fired plants. I'd also like to refer to the issue of clean coal technology. It is true that you can put scrubbers in for reducing SO<sub>x</sub> and NO<sub>x</sub>, but you cannot reduce the CO<sub>2</sub> and mercury emissions. There is no such thing as clean coal technology. Let me repeat: There is no such thing as clean coal technology. You can make it cleaner, but you cannot have clean coal technology.

**Mr. Yakabuski:** I would suggest that some scrubbers need to be installed, but perhaps on the energy minister, because what she's spewing out is not good for us here in this House. Business leaders, manufacturers, industries and energy providers in this province have said—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Stop the clock. We can wait. Member?

**Mr. Yakabuski:** Industry leaders, energy providers etc. have told me that this government's coal policy will plunge this province into darkness and our economy into a severe downward spiral, perhaps a recession. It is not too late, Minister, to start thinking for yourself, thinking on behalf of Ontarians and not this ridiculous Liberal Party policy. Rethink your decision to shut down 25% of our generation capacity before 2009. Think about it, and rethink it today, Minister.

**Hon. Mrs. Cansfield:** Actually I'm pleased to be able to stand up and tell you that with the 394 megawatts of new renewable supply, we have brought \$700 million into this province, and for the first time in Fort Erie we have a wind turbine manufacturer that will bring over 100 new jobs to that district.

#### ELECTRICITY SUPPLY

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of Energy. This week you failed to disclose key information about your \$6.5-billion sweetheart deal for private nuclear power. Now we've learned another secret. Under your deal, hydro consumers will have to pay for skyrocketing uranium price increases. That's a very expensive subsidy. In the last three years alone, the spot price of uranium has increased by over 300%. Minister, you're already forcing hydro consumers to subsidize cost overruns. You're forcing them to subsidize reduced lease payments in your private nuclear power deal. Why are you forcing hydro consumers to also subsidize any increases in the price of uranium?

**Hon. Donna H. Cansfield (Minister of Energy):** I thank the member for the question. So he must be ab-

solutely delighted that we got 6.34 cents on the long-term contract guarantee for Bruce Power.

**Mr. Hampton:** I think the minister needs to be briefed some more. I think that part is obvious. While you're getting briefed, maybe you could also ask about another aspect of your \$6.5-billion deal with Bruce nuclear, because if there's a serious nuclear accident at Bruce Power, the company's liability is limited to only \$75 million. So let's see: a \$6.5-billion giveaway to Bruce nuclear, but if there's a serious nuclear accident, they're limited to \$75 million of liability and hydro ratepayers in Ontario have to pick up the rest. Can you tell us, Minister, the more you look at it, does this deal make any sense for hydro ratepayers, or are you only concerned with how good it is for Bruce Power?

**Hon. Mrs. Cansfield:** We have repeatedly stated that we have to replace 25,000 megawatts by 2020 and we are going to do it in three ways: We are going to build new generation, we are going to maximize our existing assets and we are going to build a culture of conservation in this province. It's going to take every one of us—maybe some are not engaged in that process—to make it happen. There is no question that we are going to move forward. As I said yesterday, we have put 2,200 on-line when we came in, 9,000 underway, another 1,500—I was pleased to suggest last night that maybe there's even more potential for the wind industry, having heard from over 1,000 delegates at a conference that they want to do business in Ontario.

#### CRIME PREVENTION

**Mr. Shafiq Qadri (Etobicoke North):** My question is for the Attorney General, the Honourable Michael Bryant. One of the unfortunate and regrettable duties I had this past summer as the representative of Etobicoke North was attending the funerals of young men whose lives were cut short, who were gunned down in their prime. This issue is now coming too close to home.

With respect, Minister, I ask that this House recognize Mr. Mohammed Gilao, who joins us in the visitors' gallery. Mr. Gilao is the father of a precious son, Loyan, age 23, who was one of the victims and in whose name and loving memory he has created the Loyan Charitable Foundation.

Minister, would you please inform this House, and particularly my own district of Etobicoke North, what steps are we as a government taking, what measures are we bringing to bear on this emerging problem on the streets of Toronto?

**Hon. Michael Bryant (Attorney General):** Thank you, Mr. Gilao, for your courage in coming here today and for your inspiration. For you and your family, friends and neighbours, and for those who are here today in support of the foundation, your hope and prayer, I know from my colleague and your MPP, is that something good somehow will come of this tragic event. There is no one panacea for prevent gun crime. We do know that the provincial government has a critical role to play. We

must address the supply of guns, the demand for guns. We must do all we can to prevent violence by having appropriate police resources and prosecution in place, and we must do all we can to prevent those who are at risk from entering into a life of crime.

I look forward to continuing in the supplementary.

1520

**Mr. Qaadri:** One of the areas of wide concern for my constituents is: that people who have been convicted of gun-related crimes be appropriately sentenced, that they receive just punishment. Minister, would you be able to inform this House what you are doing specifically to address this issue of appropriate sentencing and what directives you have issued to crown prosecutors when they pursue justice in gun-related crimes?

**Hon. Mr. Bryant:** The clear direction to crown prosecutors is that we must vigorously enforce and in no cases give way when it comes to gun crimes. That's on the prosecution side. We have established in Ontario for the first time 12 new gun crowns who are specialized in gun violence. We have a guns and gangs task force that works together with the police. But we also need changes at the federal level. I have spoken to every provincial attorney general over the past few weeks and over the past two years, but in particular leading up to a federal-provincial-territorial justice ministers conference in November. We must send a message to Parliament that the time has come for mandatory minimum sentences for gun crimes, so that there be meaningful punishment for these acts.

#### HOSPITAL FUNDING

**Mr. Gerry Martiniuk (Cambridge):** My question is to the Minister of Health and Long-Term Care. Your decision and Premier McGuinty's decision not to fund the expansion of the Cambridge Memorial Hospital will adversely affect health care for the families in Waterloo region. That expansion is an integral part of our regional health care system, most important to this fast-growing community that already suffers from a lack of physicians. The hospital expansion was mandated by the Health Services Restructuring Commission and approved by the Ontario government. The councils of Waterloo region and the cities of Kitchener and Waterloo have joined Cambridge council and regional citizens in requesting that this project proceed forthwith. Furthermore, the council and the citizens of Waterloo region have contributed the \$23-million local share of this \$80-million project. Would you please tell the people of Waterloo region on what criteria or plan your decision was made?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** To the Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I want to thank the member for the question. I know the member and the community are disappointed that we have had to make some choices. He specifically asked what criteria were used, and I'd like to answer very specifically and directly.

On health care policy questions, it was transformation and growth renewal. Of course, we did apply another criterion, which was that we wanted to achieve a reasonable amount of equity around the province to meet the various health care needs of communities from one end of this province to the other. The other two criteria that were used specifically were the cash flow and the monies we had available within a \$5-billion health care envelope, the largest of its kind in five years—in the province's history, I would add. The last criterion was a gauge of the relative construction capacity of the province. The member and all members of this assembly should know that at any one time, there are only five major construction firms to do this type of health care capital construction. We had to gauge their ability to take on over 105 health care—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Martiniuk:** Again to the Minister of Health and Long-Term Care: For months I have requested from you an appointment so that I could be briefed on the hospital expansion progress, and you've refused to see me. Yet you recently met with Cambridge Liberal Janko Peric, and you promised him \$3 million for renovations to the hospital's leaky roof and boiler repairs. You won't meet with the elected official, yet you meet and discuss confidential business of the hospital with private individuals. I question the propriety in that regard. I understand that the same Mr. Peric may be meeting with your colleague Dwight Duncan. Tell me, are you playing politics with the health and lives of Waterloo region? For once, let's have the truth.

**The Speaker:** The last statement needs to be withdrawn, member from Cambridge.

**Mr. Martiniuk:** With all respect to yourself personally and your position, I refuse to withdraw that statement.

**The Speaker:** I'll give you one more opportunity.

**Mr. Martiniuk:** Thank you, Mr. Speaker. I refuse to withdraw that statement.

**The Speaker:** I name the member from Cambridge, Mr. Martiniuk.

*Mr. Martiniuk was escorted from the chamber.*

#### WATER QUALITY

**Ms. Marilyn Churley (Toronto-Danforth):** I have a question for the parliamentary assistant to the Minister of the Environment. Sound principles for protecting source waters are being breached every day, thanks to the MOE approval of the big pipe in York region. Enough water to fill a large swimming pool is being removed every minute between now and 2007. Streams and wells are drying up—120 wells to date. Even a small leak in a pipe carrying several hundred million litres of sewage and E. coli every day could be catastrophic to York region and Toronto. Will you keep your government's promise to protect source water and stop the big pipe today?

**Mr. John Wilkinson (Perth–Middlesex):** I want to thank the member opposite for the question. York region's approved growth is straining its sewage system and perhaps putting lives at risk. As a result, in this process the ministry is constantly scrutinizing the region's construction activities. Last fall, the minister imposed 40 conditions on the construction. These conditions are legally binding. If the ministry notes a concern, it orders the region to address it. The ministry has already issued the region one order requiring it to address concerns related to Robinson Creek. More orders will be issued if other concerns are noted.

1530

**Ms. Churley:** I don't think you're listening to people who are telling you what a dangerous thing this is. The government's record on source water protection is down the drain before they even start. You're permitting a 1,500-acre development in north Leslie, despite the area being critical to source water protection. The big pipe and the north Leslie development slices right through your precious greenbelt and will enable massive sprawl to continue. At this rate, the stuffed bunny in your ads on the greenbelt will be the only animal able to survive your greenbelt. The citizens of Toronto and York region are quite rightly very concerned. You have not done a thorough assessment. Will you at least agree to stop all construction now underway and call a full environmental assessment?

**Mr. Wilkinson:** I appreciate the supplementary. I can share with the House that, moving forward, we expect the region's growth-related activities to be consistent, obviously, with Ontario's planning legislation and all environmental laws. To this end, the region must complete environmental assessments of both the southeast collector through the Rouge Valley and the upper Leslie Street trunk on the Oak Ridges moraine. The ministry is presently reviewing the region's terms of reference for the EA of the southeast collector.

We are pleased that the region has created a multi-stakeholder group to inform the development of a sustainable growth plan. The region should take the group's esteemed advice seriously.

I want you to know that the McGuinty government and the Ministry of the Environment are committed to the environment for the safety of our children and our grandchildren, and our commitment to source water protection is sacrosanct in this government.

#### ACADEMIC TESTING

**Mrs. Liz Sandals (Guelph–Wellington):** My question is to the Minister of Education. This morning, the Education Quality and Accountability Office, the EQAO, released the annual results of standardized testing that evaluates students in grades 3 and 6 in reading, writing and math, and grade 9 students in math. These test results have been ongoing for the past eight years, and they have been disputed. Indeed, the leader of the third party was disputing them today—inappropriately, I might add.

Some state that they don't really evaluate students' actual success and in fact are used by real estate agents to rank neighbourhoods based on schools. Certainly, all of us have had experience of inappropriate attempts at ranking schools based on these results and inappropriate bashing of teachers and the education system. You state, however, that we can use these test results for more than just bashing. Minister, why should we believe that the results submitted today will be used in a different manner—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Gerard Kennedy (Minister of Education):** It is a very germane question because, unfortunately, even though the NDP government did bring in the EQAO testing, it was the Conservative government that turned it into something different and made EQAO somewhat of a four-letter word within education circles, because they did the test and didn't follow up with the results of the test. They left students who needed assistance, who needed recognition, who needed support, hanging.

We are completing what needs to be done to make those tests relevant and justifiable. We have reduced the cost of the tests. We've saved about \$15 million. That's going directly into helping students to do better. We have used last year's results—and this year's and previous years', in fact—for the first time to target where the needs are, to know which boards, which schools and which types of students need to have actual responsiveness from the provincial government.

We've done that in a number of important ways. We've done it through turnaround schools, through additional funding for 120 different projects, and we've done it directly in terms of teacher training. It is a—

**The Speaker:** Thank you. Supplementary.

**Mrs. Sandals:** The results show that our programs have in fact helped an average of 62% of students achieve the provincial standard this year. That's up from 58% last year and 54% in the last year of the previous government.

We have a strategy in education. We are currently investing a record number of dollars in education and we have developed the Literacy and Numeracy Secretariat to aid us in improving students' success. However, I do have a concern based on these numbers. We have committed to achieving a standard of 75% of students reaching the provincial standard by 2008. Minister, are we going to be able to do that?

**Hon. Gerard Kennedy:** It's a question that I hope grips all members of this House, because our ability to make up for the years we lost when the system was not going forward under previous governments is now here and in front of us to deal with as a consequence. We need to drive forward student achievement in a lot of dimensions, but I think we can all agree that reading, writing and mathematics are included in the foundational ones.

The results we have this year—and I want to say for the record that information from the third party earlier was inaccurate. Calculators have always been in use in

EQAO scores. We're going to get there by having actual achievement. There was a four point achievement this year; there was a four point achievement in the year before, after zero, zero and zero—in fact, negative in some of the preceding three years. We're going to get there only if we can improve achievement. The only way we're going to improve that, frankly, is that we're going to have to get better and better at a coordinated effort, which I think deserves not just the support, as it has now, of teachers, school boards and other educational professionals, but of everyone in this assembly.

## PETITIONS

### HEALTH CARE

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I have a petition to the Legislative Assembly of Ontario:

“Whereas, we the residents of Sarnia–Lambton and surrounding area:

“As patients, doctors and staff and residents, we are voicing concerns to the board and upper administration and our concerns are not being heard or dealt with.

“Our equipment is outdated and in turn inaccurate diagnoses are the result.

“We want continuity of care in our community.

“We want an investigation regarding the spending of dollars at Bluewater Health.

“We want all our doctors in the community to have a voice at the hospital, not just a few.

“We, the undersigned, humbly pray that the Legislative Assembly of Ontario conduct an operational review of the health care system in the county of Lambton.”

### GASOLINE PRICES

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present a petition from the good folks in the Wainfleet and Wellandport area that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas gasoline prices are at the highest level ever; and

“Whereas with higher prices, higher hydro rates, user fees and now skyrocketing gas prices, working families, seniors and youth cannot make ends meet; and

“Whereas before being elected Premier, Dalton McGuinty promised he had three ‘solid ideas’ to reduce gas prices, but as Premier has done nothing; and

“Whereas provincial tax on gas is 14 cents per litre and federal tax is 10 cents per litre plus 7% GST (a tax on a tax);

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

“The Ontario government and the federal government should act to give consumers a break to compensate for skyrocketing gas prices.”

I add my signature as well in support.

### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** This petition is addressed to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation. It reads as follows:

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

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

“Whereas this bridge (underpass) will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

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

I'll sign my name to it, since I agree with this petition 100%

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### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Jim Wilson (Simcoe–Grey):** “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 the petition, and I've signed it.

#### PHYSIOTHERAPY SERVICES

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):**

"We, the undersigned, being long-term-care staff, family and friends of long-term-care residents, request that the Ontario government Ministry of Health and Long-Term Care immediately cease the current restriction of 100 physiotherapy visits per resident per year for residents living in long-term-care facilities.

"We support the opinion that to place an extremely limiting provision will be of severe detriment to the health and well-being of residents living in long-term care. We ask that the Ontario government Ministry of Health and Long-Term Care keep the original provision of 150 physiotherapy visits per resident per year for residents living in long-term care.

"We request the Ontario government to invest in the health of long-term-care residents, enhance their strength and quality of life by ceasing the current restrictions."

I hereby have signed my signature.

#### CHIROPRACTIC SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** I have even more petitions for support of the chiropractic services in the Ontario health insurance plan that read as follows:

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

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

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

"There was no consultation with the public on the decision to delist chiropractic services;

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

In support of these constituents, I affix my signature.

#### VOLUNTEER FIREFIGHTERS

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas the fire departments in Simcoe–Grey are strengthened by the service of double-hatter firefighters

who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

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

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs and this is weakening volunteer fire departments in Ontario; and

"Whereas Simcoe–Grey MPP Jim Wilson has supported Bill 52, the Volunteer Firefighters Employment Protection Act as introduced by Waterloo–Wellington MPP Ted Arnott, which would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

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

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

Of course I agree, and I've signed this petition.

#### AUTISM TREATMENT

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by residents of Ottawa and Orléans that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas children with autism who have reached the age of six years are no longer being discharged from their preschool autism program; and

"Whereas these children should be getting the best special education possible in the form of applied behaviour analysis (ABA) within the school system; and

"Whereas there are approximately 700 preschool children with autism across Ontario who are required to wait indefinitely for placement in the program, and there are also countless school-age children that are not receiving the support they require in the school system; and

"Whereas this situation has an impact on the families, extended families and friends of all of these children; and

"Whereas, as stated on the Web site for the Ministry of Children and Youth Services, 'IBI can make a significant difference in the life of a child with autism. Its objective is to decrease the frequency of challenging behaviours, build social skills and promote language development';

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of IBI for all preschool children awaiting services. We also petition the Legislature of Ontario to fund an educational program in the form of ABA in the school system."

I agree with the petitioners. I've affixed my signature to this.

## PROPERTY TAXATION

**Mr. Tony Ruprecht (Davenport):** I have with me a petition from the Garrison Creek residents in my riding. They have sent this petition to me to present to you. It's to the Premier of Ontario and the Minister of Finance. It reads as follows:

"We, the undersigned property owners and tenants, strongly recommend changes in the current value assessment. The present assessment system is too high. There may be a tax revolt.

"We believe the municipal tax system should reflect the following principles: (1) Ability to pay should be a consideration; (2) property taxes should be related to services 100%; (3) homeowners should not be penalized for improving their properties; (4) dependence on the residential property tax to raise provincial and municipal revenues should be reduced; (5) the assessment system should be stable over a long period of time; (6) assessments should be objective, accurate, consistent, correct, equitable and easily understood—house S.F./class/price; lot S.F./class/price, garage S.F./class/price; and (7) the owner should be authorized to approve the assessment.

"Most of our funding has come from ratepayers' groups and citizens from across the city of Toronto."

Mr. Speaker, I will present this petition to you.

## HIGHWAY 26

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe–Grey;

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

"That the Liberal government stop the delay of Highway 26 ... and act immediately to ensure that the project is finished on schedule to improve safety for area residents and provide economic development opportunities and job creation in Simcoe–Grey."

Obviously, I agree with the petition and I've signed it.

## FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient" in the area of medicine; "and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth," near Alliston, "is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

"That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come."

I agree with the petitioners, and I have signed it.

**The Speaker (Hon. Michael A. Brown):** Petitions? The member for Simcoe–Grey.

## SCHOOL TRANSPORTATION

**Mr. Jim Wilson (Simcoe–Grey):** It seems to be a slow day here.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty has promised to make the needs of students a priority for his government and that students deserve to have a bright future with a good education; and

"Whereas Dalton McGuinty has promised not to give up on students or Ontario's public school system;

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

"That the provincial government work with the Simcoe Muskoka Catholic District School Board to establish an evening bus route from St. Joan of Arc High School in Barrie to the outlying communities. This would allow students to participate in extracurricular activities and help them to fulfill their potential, secure a bright future and receive the best educational experience possible, as promised to them by the Premier."

I agree with the petition and have signed it.

1550

## CARDIAC CARE

**Mrs. Julia Munro (York North):** I'm presenting this on behalf of the member for Erie–Lincoln.

"To the Legislative Assembly of Ontario:

"Whereas Niagara region has a population of over 430,000 people and has the highest 30-day death rate in Ontario for heart failure, has the second-highest one-year death rate in Ontario for heart failure, has the second-highest heart failure readmission rates in Ontario, has the third-highest post-heart-attack one-year death rate, and is 25% higher than the Ontario average for ischemic heart disease deaths; and

"Whereas in fiscal year 2002-03, Niagara region residents had 1,230 admissions to hospital for heart failure, 1,150 patients admitted to hospital for acute heart attack, 862 admissions to hospital for ischemic heart disease, 93 admissions to hospital for cardiomyopathy, a repatriation population of 458 post-angioplasty patients, 341 admissions to out-of-region hospitals for coronary

artery disease, 328 post-coronary artery bypass patients, 92 heart valve replacement patients and three heart transplant patients; and

“Whereas all of the above-mentioned 4,503 heart patients are eligible for cardiac rehab in Niagara, which translates to 1,500 new patients who would access Niagara cardiac rehab services every year; and

“Whereas the Ministry of Health and Long-Term Care funds cardiac rehabilitation in 24 communities but does not fund cardiac rehabilitation services anywhere in Niagara. Heart Niagara, a registered non-profit corporation, provides services in one of the largest cardiac rehab programs in Ontario at no charge to the patient but relies on funding through donations and special events;

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

“That cardiac rehabilitation services in Niagara be funded by the Ministry of Health and Long-Term Care, as they are in 24 other Ontario communities, and made comprehensive and accessible.”

## ORDERS OF THE DAY

### ENDING MANDATORY RETIREMENT STATUTE LAW AMENDMENT ACT, 2005 LOI DE 2005 MODIFIANT DES LOIS POUR ÉLIMINER LA RETRAITE OBLIGATOIRE

Mr. Peters moved second reading of the following bill:

Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement /  
Projet de loi 211, Loi modifiant le Code des droits de la personne et d'autres lois pour éliminer la retraite obligatoire.

**The Speaker (Hon. Michael A. Brown):** Mr. Peters.

**Hon. Steve Peters (Minister of Labour):** Thank you very much, Speaker. I will be sharing my time with my parliamentary assistant, the MPP for Oakville.

I'm honoured to be here today to speak to the second reading of Bill 211, this government's mandatory retirement legislation. This bill, if passed, would end mandatory retirement for most employees in Ontario. This is about choice for Ontarians. Employees would be able to choose when they retire from their jobs.

Bill 211 would not undermine present entitlements to pensions, benefits and standards of health care that we enjoy in this province. Employees would still be entitled to receive their Canada pension plan benefits when they turn 65. In fact, perhaps I should call this un-mandatory retirement, because this bill would give Ontarians the right to choose when and if they will retire from the workplace. That is the basis of our bill—choice.

I would personally urge all members of this House to support a bill that would create more freedom and more

options for the citizens of this great province. In fact, how could you not support this legislation that provides more choices for our citizens? The intent of our bill is to end mandatory retirement in a way that is fair and balanced, and protect existing entitlements to pension, early retirement and benefits.

At the present time in Ontario, many employees face mandatory retirement when they reach the age of 65. The employee must leave the workplace and part company with not only his or her employer but with many friends and colleagues as well. Sometimes the employer is put at a disadvantage, because the organization may be losing someone with unique skills and knowledge. There are those who do not wish to leave their jobs. They enjoy their work and they feel they have much to contribute. People have goals that do not end when they reach the age of 65.

The intent of this bill is to simply give all citizens the right to choose when they want to leave the workplace. This legislation is a simple acknowledgement of what we already know: Skills, ability, commitment and drive do not suddenly evaporate when somebody turns 65. In fact, in many cases employees are forced to leave a long-time job they love, only to take their years of experience and skills to a new and unfamiliar employer or organization. There have been many cases in Ontario where organizations and educational facilities have lost valued employees through this long-standing and, let's face it, rather archaic policy.

The present punitive rules force these men and women, some with international standing, to drop projects while their research is left unfinished. They must walk away from their accomplishments, although they still had much to contribute to their chosen fields. This troubling policy was highlighted in June 2001, when the Ontario Human Rights Commission released a paper entitled *Time for Action: Advancing Human Rights for Older Ontarians*. In it, the commission stated that our mandatory retirement policies undermine the dignity and sense of self-worth of older workers. Now, let's just think about that for a minute. We have a policy on the books that undermines the dignity and self-worth of a large segment of our population, yet many of us, unfortunately, have accepted this as the norm. We continue to accept this as the norm because we have not taken the time to look at the possible repercussions to our citizens. It's just not right.

This legislation, if passed, would help address present inequities while helping to bolster the dignity and self-worth of the older segment of our society. We have many examples of older men and women whose contributions to our society were only possible through their many years of experience. A living example is an 84-year-old local legend, well known to all of us in Ontario: Hazel McCallion, the mayor of Mississauga and the longest-serving mayor here in Canada. “Hurricane” Hazel was a mere 57 years old in 1978 when she was first elected mayor. She didn't turn 65 until her fourth term in office. But she was not even close at that time to reaching her political stride as she continued to shape the future of the

ever-expanding city of Mississauga. Mayor McCallion is now 84 years old and serving her 10th consecutive term. No one told her she had to retire because she was too old to contribute to our society. Actually, I don't think there is anyone foolish enough to even suggest retirement to Mayor McCallion.

I look at a friend from my riding, an individual who I got to know, John Kenneth Galbraith, a respected scholar, author and adviser to presidents and leaders, who just last week celebrated his 97th birthday. Mr. Galbraith has given much and continues to do so. He wasn't forced to retire at the age of 65.

People can affect the world around them at any age, even when they reach the so-called golden age of retirement. Examples such as these were evident when our research team studied mandatory retirement policies around the globe. We looked at other jurisdictions in Canada and around the world. In Ontario, we held meetings, focus groups and consultations with stakeholders and the general public. Representatives from the Ministry of Labour travelled across this province gathering information, accepting submissions and speaking with organizations and individuals about this issue.

At this time, I want to personally thank my parliamentary assistant, Kevin Flynn, and the Ministry of Labour staff. Thank you, Kevin and staff, for your hard work and dedication as you travelled around this great province.

I also think it's important that we acknowledge other individuals who have strived to end mandatory retirement. Mike Colle introduced twice in this Legislature private member's bills to end mandatory retirement, and my predecessor Chris Bentley, who ensured that the idea of the bill moved forward. But also, members of the NDP: David Winninger in 1992, bucking against his own party, introduced a private member's bill, and many members of the NDP spoke in favour of the end of mandatory retirement in 1992, only to see that bill quashed by the Premier of the day.

As well, I think it is important that we acknowledge the contributions of Carl DeFaria, the former minister of seniors, who introduced Bill 68 in 2003. We've had this agenda in front of us too many times. The time for action is now.

#### **1600**

Mr. Flynn, the MPP for Oakville, and the ministry staff, consulted key stakeholder groups in every corner of this province. They included a total of 103 written submissions from organizations, and 125 submissions and personal presentations from 100 individuals during public consultations. The various groups and organizations included employer groups, human resource organizations, labour and union interests, the educational field, professional associations, seniors and organizations for retired persons. This team also held 17 focus groups with labour experts and representatives from various industries.

Premier McGuinty and our government have fine-tuned this legislation by incorporating many of the ideas

and suggestions that came from these discussions. We crafted this bill based on extensive and exhaustive research, compiled by Mr. Flynn and his committee from the Ministry of Labour. Broad government involvement included such diverse interests as the Ministry of Health and Long-Term Care, the Ministry of Finance, the Ministry of Education, the Ministry of the Attorney General and others.

We also set up a dedicated mandatory retirement hotline, which has received many queries from the general public about our proposed legislation and how it will affect their lives and our lives. You will be hearing some of these questions and comments when parliamentary assistant Kevin Flynn addresses the House.

We have proceeded with this bill because it is the right thing to do. It is important that our debate here be rooted in facts: facts about what the bill actually proposes and facts that would dispel any rumours about what it does not intend.

One of the reasons I am here today is to provide some of these facts to this House so there are no misunderstandings about the intent of this bill. Let me state again to this House as well as the general public: The basis of this legislation is simply about choice. We know there is opposition to this legislation that says this will be a work-until-you-drop bill. There are those who say this bill is making people work longer. This is just not the case. Again, this bill is about choice.

Now, there are critics who say this bill is not what the province of Ontario needs. They say this bill means nothing without forcing employers to extend benefits, and that without looking at pension reforms, the quality of life of workers is not going to be adequately addressed.

This bill is about choice. This bill is about ending discrimination in Ontario. This bill is about mature people keeping their dignity and keeping the respect they have earned and deserve.

Some will say this is an elitist bill, meant only for professionals. I say that the mature workers of this province should not be underestimated. Age should not mean that you no longer have value in our society, that you no longer have anything to contribute. That is just not true. We believe you have the right to choose. You have the right to be treated with fairness. You have the right to work past the age of 65.

Our government went out and conducted extensive consultations. We have taken the time to get this right. We have taken the time to ensure that Bill 211 is fair and balanced. Bill 211 gives an employee the right to choose if he or she wishes to work beyond the age of 65. On the other hand, just as now, if people want to retire before their 65th birthday, they're going to be free to do so, and we wish them well.

Some may ask questions about their pensions. In ending mandatory retirement, it is our goal not to undermine the existing entitlements to employer-sponsored pensions. The new bill, if passed, does not amend the Ontario Pension Benefits Act. As well, this legislation



has no impact on entitlement to Canada pension plan benefits. That is a federal program, of course, and could not be affected by provincial changes. All eligible citizens will continue to receive Canada pension benefits when they've turned 65. These benefits will be collected whether they continue to work in the workplace or work at home in their gardens.

Of course, of concern to many is the possible change to seniors' discounts through various venues in our society. Not to worry—the bill would not change those. It would not remove from seniors their well-deserved senior's discount at movies or for bus fares. Let me assure you, there's nothing being proposed that would impact or prohibit such policies. In fact, the code specifically allows for programs to provide benefits to seniors. The McGuinty government firmly believes that seniors in this province have paid their dues. They truly deserve any discounts they may presently receive. Bill 211 would not change that.

As for insured benefits that some employers offer, the status quo would be maintained with respect to disability plans, life insurance plans and health benefits. Whether to offer these kinds of benefits has always been up to employers. Let me be clear about this: The provision of insured benefits to workers aged 65 and older would continue to be at the employer's discretion.

Workers 65 and over would still maintain their rights to access provincial benefit plans such as the Ontario drug benefit plan. This would not change under our proposed legislation.

We're also fully aware that the passage of this bill would result in various policy and societal changes in the workplace. This is one of the reasons that it would not become law for one year. We want to give employers the time to update their workplace policies and practices regarding older workers and give employees the time to consider their choices.

One of the important aspects of this bill is that abolishing mandatory retirement would have no effect on the Workplace Safety and Insurance Act. The WSIA is designed as a fully integrated insurance system to assist injured workers with some replacement income until they are able to return to paid employment. The Workplace Safety and Insurance Board has a statutory responsibility to preserve the integrity of this insurance plan. For that reason, under this legislation, age-based provisions under WSIA would remain. The status quo would remain.

Some may ask about collective agreements. If this legislation becomes law, most collective agreements in the province would not be allowed to discriminate on the basis of age. Let me be very clear on this point: Collective agreements under provincial jurisdiction, as opposed to those involving federal workers, could not contain mandatory retirement provisions. In other words, most unionized workers could not be forced to retire at a certain age.

There may be cases in which an individual is unable to meet the requirements of a physically demanding job because of his or her age. However, whether age would

be a bona fide occupational requirement would have to be determined on a case-by-case basis. Outside of the very few jobs where age may be a bona fide occupational requirement, employers would not be able to terminate an employee once they've reached a designated age.

However, the ability of employers to offer voluntary early retirement packages would remain unchanged by this legislation. Therefore, employers both in unionized and non-unionized workplaces would still be allowed to negotiate voluntary early retirement incentive packages for their employees. The law does not prohibit this now and would not change with the passage of Bill 211.

As for our young people, our research has shown that ending mandatory retirement will not impact negatively on younger workers. Other jurisdictions have ended mandatory retirement and they have not seen a resulting loss of employment opportunities for young people. In fact, there has been a trend where workers choose to retire early. We need to make sure that all workers are given the option to stay if they choose. Young workers will be able to gain invaluable knowledge from their more experienced colleagues who decide to continue working.

As you can plainly see if you take the time to read through the bill, there is no downside to proceeding with this legislation. It's a win-win situation for both the employer and the employee. That's why the McGuinty government has moved forward with this legislation. That's why I urge everyone in this House to support our efforts that will benefit all of our citizens. Again, I reiterate: This legislation is about choice.

As we previously explained, this would not take effect until one year after the bill receives royal assent. This would provide a transition period for employers to adjust their relevant human resources practices and changes in policy.

And, no, the bill will not be retroactive. We realize that, unfortunately, there will be many people caught in this gap. We strongly suggest that if you do wish to continue working, you discuss the matter with your employer well in advance of your retirement date. Both parties can negotiate with the knowledge that this government intends to abolish mandatory retirement.

#### 1610

Ending mandatory retirement is not a new concept. It was first recommended in this province in 1987. Private members' bills were introduced in 1992, 2002 and 2003, and the government bill in 2003. But other countries, including the United States, Australia and New Zealand, have prohibited mandatory retirement. In Canada, mandatory retirement has been abolished in various forms in Alberta, Manitoba, Prince Edward Island, Quebec, Yukon and the Northwest Territories. Both Quebec and Manitoba abolished this practice more than 20 years ago, in 1982 and 1983 respectively. There has been minimal impact on the labour market in those provinces and absolutely no change to existing pensions and benefits.

As we all know, the trend in our society is to retire as soon as possible. This trend has been encouraged by

flexible provisions in some pension plans. In this day and age, people are living longer, healthier, and hopefully happier lives. Many start second careers, others dive into their hobbies and lifestyle interests, and some take that dream trip they've been planning for years. We have about 1.5 million seniors in Ontario. Projections show that within a quarter of a century, this figure will double to about 3.2 million. No one likes to be told that they are too old to work, too old to play, too old to contribute to society. In opposing this bill, you are denying those individuals that opportunity.

This government is fully aware that there are segments of our population who have entered the workforce late in their life and cannot afford to retire at 65. New citizens from foreign countries may have been in mid-worklife when they entered the Ontario workforce to start again. The reality is that some people need to continue to work. Why would you want to deny them the opportunity to do that? This government does not want to condemn them to facing an uncertain financial future. That is why we have acted to restore their ability to choose. To underscore this point with another quote, "Cessation of work is not accompanied by cessation of expenses." This was the reality for Cato the Elder in Rome during the second century BC, and it remains the reality today, not only in Ontario but also throughout the world.

In closing, let me emphasize again the basic and simple theory behind Bill 211: It's about choice. That's the only intent of Bill 211. This legislation would provide more freedom and more options for Ontarians. Employees would have the choice as to whether they wish to retire at age 65, to retire before 65 or to continue their productive working lives.

As the Minister of Labour, I'm very proud of this bill. Again, I urge all-party support for Bill 211. Support for this legislation, which benefits all citizens of Ontario, should be made freely, without thought of party lines or colours. It's a non-partisan issue.

We have a great historic opportunity in front of us today. We have the opportunity to end discrimination in Ontario. We can end that discrimination because we need to give our citizens that right to choose. Bill 211 is about choice. I urge all my colleagues to support Bill 211.

**The Acting Speaker (Mr. Michael Prue):** I was not in the House. Is the time being shared? Yes?

The member for Oakville.

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure today to stand in my place to support this important legislation. In doing so, I'd like to acknowledge the efforts of former Minister of Labour Chris Bentley, the current Minister of Labour, Steve Peters, and the terrific staff in the minister's office and in the Ministry of Labour who worked on this piece of proposed legislation.

As parliamentary assistant to the Minister of Labour, I had the privilege and the opportunity of leading a series of public meetings gathering input on just how we should go about implementing an end to mandatory retirement in Ontario. The personal stories I heard were moving, as have been the many stories that have come to light either

in written submissions to us or in reports on the television and radio and in newspapers. I travelled the province and I heard stories from hundreds of individuals: people who loved their jobs, people who needed their jobs, people who didn't know what they would do with themselves without work, people who define themselves by their work, people who are concerned about what would become of them without the income derived from that work, people who wanted a choice, people who needed a choice and people who deserved the dignity of being able to lead their lives down the paths they decide.

We as a government have no business making that choice for them. They made that abundantly clear to us. We as a government believe in ensuring that people have the freedom to choose when to finish their working lives of their own accord. As far as is possible, we would like to see people have that choice where it is not a matter of health and not a matter of competence.

We believe that mandatory retirement has simply no place in a society that truly values its members. We believe it has no place in our society today. So in our province, we are moving in step with other jurisdictions, both in Canada and abroad, to eliminate it. We are moving to enshrine freedom of choice in retirement in Ontario.

Exactly why is this personal choice so important to the people of Ontario? Well, let's just imagine a few cases—fictitious but based in rock-hard reality and the kind of stories that I heard all over Ontario as I spoke to people, stories about what it means to be refused this freedom of choice.

Imagine a woman at 65, many years of service as a qualified nurse in an Ontario hospital, children grown, perhaps she's been divorced for a number of years. She depends on her career income to sustain her. "But," says her employer, "the answer is no. You can't stay." She goes to her supervisor. She pledges to take any test that's deemed appropriate to prove she is still competent and can still carry on with her duties, that her capacity to work did not diminish mysteriously on the day that she turned 65. She knows she can still do the job. She is willing to meet any kind of ongoing performance evaluations. Her supervisor is sympathetic and hates to lose this valuable nurse, to see this person go, but the policy is in place. She simply has to go under the current regime in Ontario.

How is this fair? She doesn't want to go; her supervisor doesn't want to lose her. There's no logical reason why she must go; just an old, outdated rule on the books that allows mandatory retirement at the age of 65. That policy deserves to be consigned to the dustbin of history, and that is exactly what we as a government intend to do with the passage of this proposed bill: We intend to consign mandatory retirement to the dustbin.

Let's imagine another case. Here's a man with 40 years of experience in industry, not unlike my own father. He's been lauded for his expertise, his education and, on a very human level, as an all-round good fellow to work with. He's one of those people who over the years has perhaps mentored many up-and-comers, giving

a boost to the careers of a lot of young people who were working under him at the time. He walks into work on his 65th birthday, and it's going to be the last time. When he walks out that day, it's for good, whether he likes it or not. His career has been his life's work. He has spent practically his whole adult life with this employer in this field of expertise or skilled trade, but it's company policy. He has to go. What a waste. That is what we as a government are saying: What a waste of human potential.

Here's a lab researcher. She's fit as a fiddle. The doctors she works with don't have to retire, but she does. Tell me why that is fair. Even though she is just as capable of carrying on as they are, but no, it's the rule for her position. She simply has no choice under the current regime. No choice—that's what this is all about, isn't it? So many valuable people in our society today simply do not have that choice.

**1620**

Let me end with a true tale about a real man. It's a story that received some significant publicity last spring in the media. The story is as related in the *Ottawa Citizen* of June 16, 2005. I paraphrase from the story that was written by Pauline Tam.

Weixuan Li began his life in Shanghai. After high school, he laboured in the salt mines and chemical factories of China for about 20 years. On a very, very meagre income, this gentleman spent his evenings with library textbooks on his own time to teach himself mathematics and literature. By 1978, he had published academic papers on his own—this is a man who was working in salt mines—and caught the attention of some of China's top mathematicians. They quickly found him a position at the Changsha Railway University in China. He quickly proved himself and was soon instructing students who had twice his credentials. So great became his reputation that by the 1980s he was actually permitted to begin to lecture abroad, and one of the countries he chose to lecture in was right here, Canada.

But his last trip to Canada was going to be a one-way voyage. In Canada as a visiting lecturer, Mr. Li applied for and was granted permanent residency. Eventually, his family was permitted by the Chinese government to leave China and joined him here in Canada four years later.

In Canada, he worked part-time for years at Carleton University. Eventually he achieved status as a full-time mathematics professor. Let me quote directly from the newspaper story: "He has won teaching awards and become a respected scholar in math and computer science, with three books and more than two dozen academic papers to his name. But at the end of the month, Mr. Li will be forced to leave his job as a full-time instructor at Carleton University, having turned 65 last November. At Carleton, as at many workplaces across this province, that's the age of mandatory retirement today."

Having worked for so many years in a part-time capacity, Mr. Li went without full benefits or a pension. For him, working past 65 was a desire and a need.

Imagine: A man has a dream like that. He begins as a labourer in a Third World economy, in China, works all

on his own to become an internationally respected expert in the field of mathematics, and suddenly—bang—at the age of 65, we take away his job and his livelihood, after all that man has been through. How can we in good conscience do that?

Don't get me wrong; I'm not condemning the university. Mandatory retirement policies are quite prevalent in our society. Right now, they're the norm. It's accepted, it's expected, and some people would like to see it continue. It's so pervasive that people think it's actually written into the law of the land, but it's not the law. It's not the law, and I think we need to make that clear.

What will be the law, if this legislation passes, is a ban on removing from jobs the people like the nurse, like the industry expert, like the researcher. It will be a ban on removing the reason to get up in the morning from those who love their jobs and careers, and a ban on removing the incomes from those who need them. It's a ban on removing from productive service to our society the likes of Mr. Li. It's a ban on removing choice. To my mind, everyone of good conscience in this House surely supports choice. Every one of us should support this bill.

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

**Mrs. Julia Munro (York North):** I just want to add a couple of comments, in the brief time I have available, on looking at the merit of this bill. I think there is probably general agreement. The minister, in his earlier remarks, went back over the legislative history of this initiative and demonstrated the fact that there has been support for moving in this direction over a period of years by individuals and parties on all sides.

When we look at some of the demographics in our province and in our country, it would seem that this is going to become, frankly, an imperative. When you look at the changes in the demographics and the kinds of shortages in particular areas of our economy, then it seems to make a very compelling argument that the expertise, the experience and, I would say, the wisdom of a few grey hairs in our community and in our workplace are appropriate.

I also think that as people look at the pressures of modern life, particularly those fiscal pressures, there are people who have lived a lifestyle where they haven't planned for their retirement, so there are those kinds of pressures as well. I look around us and I see areas like tax increases and increasing hydro rates, energy costs. These are all things that obviously will have an enormous and devastating impact on people with fixed incomes.

So I'm quite sure that there will be more and more people who will begin to recognize how important it is not to have mandatory retirement.

**Mr. Peter Kormos (Niagara Centre):** Mr. Speaker, doesn't it just rot your socks when you hear the government talking about ending so-called mandatory retirement? We know there are thousands, tens of thousands, multiples of tens of thousands of people over 65 working all over Ontario because they have to, because they don't have any choice. They're Wal-Mart greeters; they're working in fast-food joints; they're working in minimum-wage retail operations.

The government says this is about choice. New Democrats say it's about values. The government says it's going to change the culture. We agree. It's going to change the culture in a most regrettable way.

I'm a child of immigrant parents who worked hard—incredibly hard—and their parents even harder before them, and who struggled and fought as trade unionists, among other things, so that their grandchildren wouldn't have to work until they dropped dead in the workplace, but rather could enjoy things like pensions and a retirement at a reasonable enough age so that you can spend those senior years doing the things you didn't have the time to do while you were working: perhaps volunteering, perhaps teaching English as a second language, perhaps helping raise your grandkids—and if you don't have grandkids, somebody else's—perhaps doing educational work, because seniors get special access, as they should, to most colleges and universities.

You've got a government here that is trying to create a culture where people work until they drop. That's not moving forward. That's moving into not just the last century but the century before that. That's not the kind of world your parents worked hard to build.

**Mr. Jeff Leal (Peterborough):** I listened very carefully to the Minister of Labour and the comments from the parliamentary assistant, my good friend the member for Oakville. Indeed it is, in my view, about choice. In my community I have a university and a community college. A number of the professors at Trent University and even the instructors and professors at the community college in Peterborough will take the option to retire at 65, and there are those who want to continue to work on some of their personal academic pursuits in terms of research and others who want to share that vast knowledge they have with the student community, be it at the university or community college.

There are a number of people who, because of the better lifestyles that I believe we're all leading now, healthier lifestyles, are in much better shape at age 65 today than they were 30 or 40 years ago, and some of them have high levels of energy and just want to continue to work. I think they should be given that opportunity if they want to do so, and that essentially is what this bill is about.

If you look through history, a couple of Prime Ministers come to mind. The late Lester Pearson, in his early 60s, late 60s, went on to have a very distinguished career. I would say he was probably one of the most underrated Prime Ministers in Canadian history with the contribution he made in a minority Parliament working for others.

There are examples all through the academic and business world of those individuals who I believe can make a significant contribution. Let them have that opportunity. This bill will bring Ontario into sync with other provinces in Canada to get rid of this discrimination. I believe we should move it ahead on that basis.

1630

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to get up today to add some comments to the

speech from the Minister of Labour and the member from Oakville on Bill 211, An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement. Certainly, the Minister of Labour gave some excellent examples of those who are being very productive beyond our current retirement age: Hazel McCallion, the mayor of Mississauga, and you could add other people to that list. Our current Prime Minister, I believe, is past the age of 65.

**Mr. Kormos:** But he should retire.

**Mr. Miller:** I'm hearing from the wings that maybe he should retire.

Winston Churchill, I think, was at his prime through the World War II years beyond the age of 65.

But here in Ontario, what we're facing is the average citizen who can't afford to retire. They can't afford to retire because of all the Liberal broken promises since they were elected over two years ago now. Of course, the largest broken promise was not to raise your taxes. In fact, they've brought on the health tax, which was in the paper recently. It's doubling this year. When you add on all the extra fees and taxes that the average family is paying now, it's over \$2,000. So unfortunately, the choice as to whether you can retire or not is disappearing for many families when they're faced with increased electricity prices and increased gas prices.

We will be supporting this bill, although I know there are questions that will need to be addressed in committee. This bill, of course, was brought forward by the past government, by the Honourable Carl DeFaria when he was Minister of Citizenship, over two and a half years ago. So I might ask, what took so darn long? But I look forward to hearing the member from Simcoe–Grey, who, as labour critic, will be speaking for the next hour on this bill. I'm sure he's got a lot of insight on this bill.

**The Acting Speaker:** Either the minister or the member from Oakville has two minutes in which to respond.

**Hon. Mr. Peters:** I'd like to thank the members from York North, Niagara Centre, Peterborough and Parry Sound–Muskoka for their comments. I appreciate hearing the support that's going to be coming forward.

But I think what really perplexes me is that we have the third party here, the NDP, which says that they stand up for human rights and for ending discrimination, and they're prepared to stand up and block this bill—a bill that will end discrimination in the province of Ontario, a bill that would give citizens in this province choice. Yet the NDP wants to continue to talk about the 19th and 18th century way of doing business. Well, the Liberal Party believes in choice. The Liberal Party believes in listening to what the Human Rights Commission has said. We need to bring the human rights laws of this province into the 21st century, because this is about choice. It's about doing the right thing for people who are over the age of 65. This is the right thing to do, and the NDP is not prepared to support that. We'll let them account for their comments in that regard.

I appreciate some of the comments that were made. I think the member from York North hit it very clearly,

that the demographics of this province have changed, that we're home to 100,000 new immigrants a year coming into this province who want new opportunities. This is about new opportunities, this is about choice, and it's about ending discrimination. Premier McGuinty believes that it's not right to discriminate in this province. We're going to end discrimination in this province with the passage of this legislation.

**The Acting Speaker:** Further debate?

**Mr. Jim Wilson (Simcoe–Grey):** I want to thank the minister and his parliamentary assistant, the member from Oakville, for their comments. I listened carefully.

As my colleague from Parry Sound–Muskoka said, we're generally in favour of this legislation in the Progressive Conservative caucus. In fact, when the bill was introduced back on June 7—I'll just read Hansard from June 7 of this year—my colleague the then labour critic, Elizabeth Witmer, the member for Kitchener–Waterloo, said:

"I'm very pleased to respond to the announcement made today by the Minister of Labour regarding mandatory retirement and the end thereof. I guess the question I would have for the minister is, what has taken you so long? Our government two years ago introduced Bill 68, an act to do exactly that. It was introduced by the Minister of Citizenship, the Honourable C. DeFaria. Two years later, we have the introduction of a bill" by the Liberal government.

Mrs. Witmer goes on to say:

"If this bill had actually been approved,"—referring to Mr. DeFaria's bill—"it would have come into law in January of this year and we already would be in a situation where we would have eliminated mandatory retirement. Having said that, we do support this initiative, obviously. We believe it's extremely important that everybody in this province have the opportunity to make the choice about when they would retire from work. It's particularly important for many women, immigrants and others who have maybe come into the workforce later in life and simply don't have the financial resources or pensions that would enable them to retire earlier. We also know that many people today live much healthier, longer lives. This provides them with an opportunity."

Mrs. Witmer said that on June 7, and I generally agree with those comments.

I'd also point out that most other jurisdictions in Canada have eliminated mandatory retirement at age 64. I'll note that all provinces forbid age-based discrimination in employment in their human rights statutes. However, in all provinces there are circumstances under which retirement at a certain age can be required. Ontario, British Columbia, Saskatchewan and Newfoundland and Labrador limit their human rights age protection to those under 65. This is the current situation. Newfoundland permits mandatory retirement at even lower ages, if provided for in a retirement or pension plan. Quebec, New Brunswick, Nova Scotia, PEI, Manitoba and Alberta have no limits on their age protection. In other words, there's no mandatory retirement. New

Brunswick and Nova Scotia presently allow mandatory retirement if it's pursuant to a bona fide retirement or pension plan.

As the minister has said, this bill would give choice to people approaching age 65 who might otherwise have had to retire.

I think of the example in my own life when I was Minister of Energy, Science and Technology and I had a very capable deputy minister named Ken Knox. I know Ken didn't want to leave the public service. He had been in the public service for many years. I think he pretty well had his full pension, but he really enjoyed his work. He had been an excellent Deputy Minister of Agriculture and then came over to be deputy minister with me at the Ministry of Energy, Science and Technology. It was a sad day when I had to go to Ken's retirement. As happens in so many cases when we had mandatory retirement, you kind of had to skirt the law and you would come back as a consultant. He ended up working for one of the government agencies that's at arm's length, that allows him to do that. I don't know if Ken would mind that I mentioned his name, but he was someone who I know didn't want to leave, who really enjoyed public service.

You mentioned Hazel McCallion. Of course we're all big fans of Hazel. She actually sat on my advisory committee representing AMO for about two years or more. It was called the minister's electricity advisory committee and we would meet once a month. She only missed one meeting in two years. Unfortunately, that was during the week that her husband passed away, but she was right back the next month for the meeting. You're right: Hazel, who is the mayor of Mississauga, is full of energy. We wish her well and hope that she continues to serve the people of Mississauga in the capacity in which she chooses, which is to be mayor. I think she's in the Guinness Book of Records already as one of, if not the longest-serving mayor in the world, and more power to her.

I'll take the minister's word for it—and the lawyers who have briefed us from the Ministry of Labour—that this bill really won't upset the status quo in terms of your pension benefits, your retirement benefits, the government drug plans, things that you are entitled to or have earned already. You will still be able to receive those at 65 and older even if you continue to work after age 65. So on the face of it, it seems that this bill is somewhat harmless and won't upset people's livelihood if they've already earned a pension.

I want to say with a bit of self-interest here that one of the first bills we passed in 1995, to my regret now, was to get rid of the MPPs' gold-plated pension plan. I'm going to have to work for many more years, if my constituents will put up with me. On September 6 under the old plan—that was my 15th anniversary—I would have had \$78,000 a year for the rest of my life. If I lived to 73, I gave up \$2.73 million because I was 42 when I would have been pensioned out. That's ridiculous but that was the gold-plated pension plan, and that's what federal MPs are getting now: 75% of their best three years.

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We make roughly \$86,500 as normal MPPs. I know that for the rookie MP in my riding—she's doing a very good job—her starting salary is \$147,000 plus a full pension that is worth unlimited amounts of money when you think of it. We did our part to reduce the deficit and we saved a few million dollars by doing that, but I certainly regret that particular vote. It was 15 years ago. When you're a young person, you don't think that much about your pension.

I regret that we didn't tell the people of Ontario that we did that. Most people still say, "How are things in Ottawa, Jim?" on the weekends. I have been there 15 years, and my family has lived in the riding over 200 years, and they still say that to me. Most people absolutely don't believe that you gave up the gold-plated pension plan. They still think you're going to get a cheque in the mail every month after a few years serving here. My predecessor, George McCague, who served here 15 years, gets \$65,000 a year. That's his pension, and more power to him. That was the rule at the time.

I would call upon the government, before we all starve to death—I certainly don't look like I'm starving to death now, but there is a possibility in the future that there is going to be some hardship without a pension. We had a couple of suicides in the past where people couldn't make ends meet after leaving public office. We shouldn't forget that.

It has been the track record for MPPs to get good jobs after leaving this place. Isn't that great? We wish everyone well, but sometimes luck isn't with you, and a lot of people don't want to hire people whom they perceive were partisan in their lives or people whom they perceive worked for government, and don't realize how hard we work, seven days a week, and on some days, you think 24 hours a day. Most people say to me when I'm leaving this building, "Have a good weekend," and I think, "Have a good weekend? I've had one Sunday off in 12." Most members here would never get a weekend off, particularly if you're in a small town, a rural riding.

This Friday I will do about nine events. That's a particularly busy one, but you would average four or five if you can get to them all, with birthdays and anniversaries and ribbon cuttings, a cenotaph opening last week, school graduations, fall fairs. I love them all; it's great. But I pity those members who have families, especially young children. You mustn't see them very often. Of course, traditionally the divorce rate among politicians is higher than in any other profession. We tie dentists. My dad is probably a little old, but it's pretty high.

It's an interesting life and a good life, but I think we did cut ourselves short with respect to pensions. Therefore, mandatory retirement is something I would like to see ended. I know many of my family members don't even have the good fortune of complaining about having given up a pension because they don't have one, either.

**Mr. Mario Sergio (York West):** You'll have to work until 95, Jim.

**Mr. Wilson:** Yes, work until 95. There are lots of people out there that don't even have the privilege of

getting rid of their pension because they don't have one to begin with, and many of those people would like to work, plus we need the talent.

If I don't blab on too long, I will get to get to the Conference Board of Canada's report that was released yesterday, recommending that Canada end mandatory retirement, indicating that in the year 2050—there are different stages, but we really hit a problem 40 years from now, when there will be as many retired people as there are people working at the rate things are going. It becomes a horrible conundrum in terms of taxation, in terms of the burden on younger people at that time.

If you look at the charts in their report yesterday, the burden ratchets up, beginning at about the year 2011, six years from now, through to the next 45 or 50 years, where gradually we'll have more older people who might retire—if there was mandatory retirement, they'd have to retire—and not enough people working. It's not that older people are taking young people's jobs. The report points out that we need the skills of older people. We need to change our society and have more respect for our elders, and we need to change our workplaces and our attitudes and our laws to accommodate them past age 65.

The member for Niagara Centre, Mr. Kormos, indicated they're all going to work at Wal-Mart. If you look at the Conference Board of Canada's report, they indicate we need older people in every sector: we need them in the high-tech sector, we need them in the nursing profession, in the medical professions, we need them throughout—good-paying jobs in the economy—and we need to do what the government is doing today, although it's too bad we didn't pass this thing a couple of years ago, with second reading of Bill 211. I'd better actually put the name of the bill on the record at some point: An Act to amend the Human Rights Code and certain other Acts to end mandatory retirement.

Not everyone agrees with this, and in my remarks here I'll point out that some of the unions and that don't like us voting to end mandatory retirement or introducing legislation to end mandatory retirement, but I'm not totally sure of their motives. I'll read, in fairness, some of their press releases and let them speak for themselves.

I will note, to the government's credit, that they did hear, as the minister said, from over 50 groups and more than 100 individuals who participated in the public meetings surrounding this bill. Questions that the government asked participants to consider were: Would ending mandatory retirement reduce skills shortages in areas like nursing, teaching or skilled trades? Would ending mandatory retirement affect pensions and other benefits? What impact would ending mandatory retirement have on recent entrants to the workforce or those who take time away from it?

If this legislation is passed, as the minister has said—I'll just give you the context of the legislation and the background and what it does. I want to credit the Ontario legislative library for their notes in this regard. This legislation would:

“—amend the [Human Rights] Code to ensure that people 65 and older could not be forced to retire;

“—provide a one-year transition period to allow workplaces to prepare for this change. The legislation would be effective one year after receiving royal assent;

“—prohibit collective agreements from including mandatory retirement. Mandatory retirement provisions in existing agreements would no longer be enforceable once the legislation took effect;

“—the ‘bona fide occupational requirement’ provisions permitted under the code will continue. By that, we mean employment requirements or qualifications that are necessary for the performance of essential job duties. This would not undermine, as ... indicated, the age at which individuals could collect, for example, the Canada pension plan.”

That paragraph also refers to the fact that certain professions, like police officers and firefighters, will continue to be able to retire before 65. This particular piece of legislation doesn't affect the status quo in that regard. Those are professions where it is generally agreed that people enter those professions rather young, and while they're physically able and physically fit, and need to have the choice and the right to exit those professions before they wear out and are no longer perhaps able to do the job—although we do have a lot of police officers who eventually do detective work or desk jobs or whatever, but generally they're allowed to go and their pensions are adjusted so they can get out at age 55 or so and start a second career.

Ontarians might think—and I know Mr. Kormos, the member for Niagara Centre, will probably dwell on this in his remarks, and more power to him. There is no real law that actually says you have to retire. There are bits and pieces of law, like the Public Service Act, which this bill will amend and end that practice. But there is no mandatory retirement act.

The fact is, as the library points out in its notes on the legal framework in Ontario, “No law in Ontario forces people to retire at any age. The Ontario Human Rights Code explicitly forbids age discrimination in employment. Section 5(1) states that:

“Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.”

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Therefore, an employer cannot refuse to hire a worker because the individual is 45, for example. However, the ban on age discrimination is limited by two important clauses.

Section 10.1 of the Human Rights Code says, “‘age’ means an age that is 18 years or more ... and less than 65.” Section 24.1 of the Human Rights Code says, “The right under section 5 to equal treatment with respect to employment is not infringed where ... (b) the discrimination in employment is for reasons of age, sex, record of offences, marital status or same-sex partnership status if the age, sex, record of offences, marital status or same-

sex partnership status of the applicant is a reasonable and bona fide qualification.”

In other words, if there is a reason why you have to retire earlier, because it's a qualification for the job and it's agreed upon and generally understood, you are able to retire before age 65. In other words, the Ontario Human Rights Code permits older and younger workers to be treated differently. A labour contract can stipulate that workers must retire at 65. Furthermore, if a job requires that workers be a certain age in order to perform duties adequately, age discrimination can be justified.

The second restriction is often called a BFOQ or a bona fide occupation qualification. In Canada, the current situation is that the Canadian Human Rights Act, which applies only to employment under federal jurisdiction, forbids discrimination based on age and does not include any exceptions. However, like Ontario, the statute permits bona fide occupation qualifications, BFOQs, pertaining to age. Section 9.2 also allows employers to dismiss employees who have reached the normal age of retirement for individuals working in positions similar to the position of that individual.

The Canadian Charter of Rights and Freedoms gives every individual “equal protection and equal benefit of the law ... without discrimination based on ... age.” However, the charter allows modification of the rights and freedoms by reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Section 32 of the charter requires federal and provincial governments to comply with the charter in the areas of their authority.

The Supreme Court of Canada in *McKinney v. the University of Guelph* in 1990 ruled that employment practices requiring retirement at age 65 are a reasonable limit on equality rights. The court also ruled that the age exemptions in the Ontario Human Rights Code were similarly saved by section 1 of the charter, which is the “demonstrably justified in a free and democratic society” clause.

*McKinney* therefore suggests that private employers may legitimately impose mandatory retirement schemes and the provincial human rights codes may exempt certain age groups from their coverage as a compromise between the rights of individuals and the interests of competing groups.

Now, there are arguments for and against mandatory retirement, and I'll touch briefly on some of those. Advocates for the abolition of mandatory retirement raise the issue of individual rights, economic hardship and demographic changes that could lead to fiscal difficulties for benefit and pension plans in the future. Advocates for its continuation, in other words, continuing mandatory retirement, are concerned about job creation and inter-generational justice, as well as the maintenance and enrichment of present social security entitlements.

Some would argue that mandatory retirement is discriminatory, and that's what the minister argued, and I would agree. Many view mandatory retirement as a simple case of discrimination. Since we no longer ex-

clude people of colour, women etc. from the workplace, human rights advocates argue that mandatory retirement is a similar relic from our past. Forbidding mandatory retirement would extend individual rights to a previously marginalized group and permits workers to choose whether or not they wish to continue working.

Since 1977, the Ontario Human Rights Commission has been recommending that Ontario amend its Human Rights Code to remove the upper limit on age protection. In 2001, the commission issued a report specifically addressing the rights of older workers. The commission concludes, "Making a decision solely on the basis of age, and not on the basis of a person's ability to perform the essential duties of the job, is a form of unequal treatment."

Some would say mandatory retirement imposes economic hardship. Critics of mandatory retirement argue that individuals forced to retire may be left in a perilous economic situation. As I said, that could happen to some of us here. In particular, recent immigrants and women who took time out of the workforce for child-rearing purposes may have been unable to build an adequate pension or they may have no pension at all.

The federal Department of Justice review of the Canadian Human Rights Act observed, "One solution might be to improve the public pension system," and suggests that this is a desirable option. However, the review acknowledges that the abolition of mandatory retirement would be a less costly alternative for governments.

Many argue that demographic changes in the industrialized world necessitate the abolition of mandatory retirement. A report from Canadian Policy Research Networks summarizes the predicted transitions in Canada and Ontario: Average life expectancy is increasing, and many people are living well past the age of 65. At the same time, fertility has declined. While 17% of Canada's population is presently aged 60 or older, 30% will be in that bracket by the year 2050. Again, I'll hopefully get around to mentioning a bit about what the conference board had to say about that.

A report for Canada's Department of Defence highlights the potential cost of this demographic shift. The report states that population aging will put strong upward pressure on public expenditure in the areas of health care and old age security. These pressures will be compounded because the life expectancy of Canadians is continually increasing. Population aging will also slow labour force growth, reduce GDP growth and ultimately limit revenue growth to rates below those experienced historically.

The report is careful to note that other costs, such as education, will go down as the population ages. Therefore, the fiscal costs of the population aging are somewhat self-limiting. However, because older citizens still absorb more public spending, if Canada wants to reduce its indebtedness, demographic changes will lower the rate at which existing social programs can be supplemented. Of course, analysts have examined this coming demographic shift in Canada and abroad and concluded that

permitting individuals to work past 65 is a reasonable policy option.

Mandatory retirement promotes intergenerational justice. In its McKinney decision, the Supreme Court of Canada argued that eliminating mandatory retirement could increase unemployment, particularly among the young. Other advocates of mandatory retirement argue that it allows orderly employee turnover and provides the opportunity to allow younger workers to replace older workers. Mr. Kormos made that point a few moments ago.

Workers are given security until 65 and then transfer their jobs to the next generation. Mandatory retirement also allows mid-career employees to rise through the ranks as older individuals retire. Again, I think you'll see that, from the demographic shifts and the trends that are occurring in society, these arguments are old-relic arguments. They're really not up to date with what's actually happening as our population is aging, and the need to keep older people in the workforce in order to keep Canada's GDP strong and its productivity strong, because unless you're going to have—they say that 87% of future workers % will come from immigration, beginning next year, beginning as we speak. Unless you're going to have complete immigration—I think the birth rate in Canada now is about minus one. People aren't having too many children, obviously.

I think I read the other day that Quebec and France are paying people to have babies, but that's not the greatest incentive. It's apparently not working very well in Quebec, because the little bit of money you get eventually from the government doesn't match the cost of raising children at all. In fact, it doesn't even come close, obviously. It's tokenism. It's not working in France, according to the Conference Board of Canada's report yesterday. So we have to rely on immigration to keep our productivity up, and we are going to have to rely on older people remaining in the workforce or choosing to come back into the workforce, even. They may take a period of retirement—say, between 55 and 60—and come back into the workforce.

We need to adjust our training. Right now, if you're over 65, I think you can still get free university tuition, but we may need to lower that to 55 so people can retrain and keep up to date, because they may have to re-enter the workforce, especially if they don't have a good pension plan. Canada's going to need them.

#### 1700

Critics of mandatory retirement often reply that there is little statistical support for the intergenerational argument and that it reflects faulty economic logic. If an economy is functioning well, it should be able to create as many jobs as there are workers willing to fill them, is the argument. However, many insist that the economy does not function perfectly and that some sectors may be relatively closed systems where new positions are not created until old ones are vacated. Jobs that are well-paid and intrinsically satisfying may also lure employees to remain at work past 65. For this reason, universities have



typically argued that they would be particularly affected by the abolition of mandatory retirement. There is some evidence that this is occurring in the United States.

I just want to read at this point what the Canadian Association of University Teachers said in June 2005, at the time of the introduction of this bill.

“Ontario to End Mandatory Retirement

“The Ontario government has introduced legislation that will end mandatory retirement for workers aged 65 and older.

“People are healthier and living longer, so it is unfair to insist that they stop working simply because they turn 65”—that’s what the labour minister said at the time. “Ending mandatory retirement would allow workers to retire based on lifestyle, circumstance and priorities.” That was Chris Bentley, who was the minister at the time.

The press release from the teachers goes on: “The Ontario Human Rights Code currently does not protect people beyond age 65 from age discrimination for employment purposes.” Remember, the Ontario Human Rights Code, as I read just a few moments ago, only deals with persons between age 18 and 65. It goes on to say, “As a result, employees can be forced to retire at 65.

“Academic groups in the province welcomed the legislation and called for its speedy passage.

“For more than 20 years, academics have pressured the provincial government to eliminate legalized age discrimination in the workplace, so this legislation represents a significant victory,” said Michael Doucet, president of the Ontario Confederation of University Faculty Associations—OCUFA.

“Academics in Ontario have long argued against mandatory retirement on the grounds that an academic career differs considerably from that of other employees. The process required to become a university professor is longer than other professions—10 to 12 years to get a degree, followed by several years of post-doctoral experience or contract teaching. As a result, professors have a career that often lasts less than 35 years.”

The press release goes on to say: “The Ontario legislation will allow mandatory retirement to continue if it can be justified on ‘bona fide occupational requirement’ grounds determined under the Human Rights Code. That means employees can still be forced to retire when they turn 65, or even younger, if it can be shown they no longer meet the requirements of the job or if they cannot be accommodated without causing undue hardship to the employer.

“That has some labour groups worried. ‘Younger workers in their 50s and early 60s should be asking what the effect will be on them of the [exemption] provision in this government’s legislation,’ warned Sid Ryan, president of CUPE Ontario.

“It raises the spectre of all employees having to prove that they are physically and intellectually able to continue performing their jobs, Ryan said.

“Others argued that the end of mandatory retirement could force many lower-income workers to stay on the job longer than they want.”

Just going on with some of the notes provided by the Ontario Legislative Library, and I thank them for those. Under the heading of “Abolishing Mandatory Retirement Endangers Benefit and Pension Plans”—the minister touched on that. He assured us that this legislation would not endanger those earned benefits and pension plans that people will expect at the end of their careers, even if they choose to work beyond age 65.

I suppose the “slippery slope” argument could be there. Today the norm has been 65. The actuaries gear everything toward 65. If more people worked beyond 65, as in some jurisdictions of the world, you’d start to see the retirement rate creeping up to 67, 68, 69. It’s 67 in the United States now, by law. That would worry some people, I suppose, and quite rightly, in that they’ll have to work longer to receive the same benefits they would have received under the law today at age 65.

However, this particular act doesn’t actually do any of that. That will have to be addressed later if we do, I’m sure, in a few years see that slippery slope. But in the jurisdictions I’ve been reading up on that have already ended mandatory retirement, we haven’t seen—at least, it has not been brought to my attention, and I haven’t seen or been able to find anything in the last few days to indicate that people’s pension benefits or drug benefits or anything have been affected because of the ending of mandatory retirement.

“Advocates of mandatory retirement express concern that the focus on the right of individuals to retire when they please frames the issue in a misleading fashion. They argue that the option of working longer could become an obligation. Wayne Samuelson of the Ontario Federation of Labour argues, ‘Rather than funding social services and funding pension plans so workers can afford (to retire), they’ll just make it so that everyone just ends up working longer.’”

“Allan Hutchison, associate dean of Osgoode Hall Law School, acknowledges that mandatory retirement obstructs the desire of individuals to continue working. However, the rules ‘offer a measure of security to many others.’ He worries that privileged white-collar workers will be the major beneficiaries of the end of mandatory retirement. He concludes,

“In the absence of mandatory retirement, the various tax and other concessions made to the elderly will be open to challenge as discriminating against those under 65... Over time, those who cease work at 65 may be regarded as a drain on the community.”

Again, I would just say there that certainly the Conference Board of Canada’s report yesterday indicates that older people are not going to be a drain and we’ll be begging them to stay in the workforce if our productivity, our GDP and our way of life is to be preserved in Canada and in fact enhanced. If there is to be a good economic engine, we are going to need seniors and older workers to help drive that engine.

The library notes go on to indicate:

“There is some evidence that the end of mandatory retirement could create a climate penalizing workers for

leaving their jobs at 65. In the US, the Age Discrimination in Employment Act of 1967 ... prohibits age discrimination for anyone over 40. Originally, this protection was withdrawn when a worker reached 65, but in 1986 the upper limit was completely removed.

“Interestingly, in 1998, the US Court of Appeals ruled in *Sprague v. General Motors* ... that employers could alter or even terminate medical benefits for retired employees. Effective in 2003, the age of full eligibility for pension benefits was increased from 65 to 67 for all those born after 1960”—that’s in the United States. It goes on, “The Social Security Advisory Board has recommended increasing this age to 70.

“A recent Canadian Journal of Economics article indicates that the share of 65- to 69-year-olds working in the United States is now roughly double that in Canada.” So, obviously, when you give people the freedom to work beyond 65 it seems to show, at least in the United States, that they are working.

“A recent survey of 174 large Canadian employers by Hewitt Associates indicates that 54% plan to reduce or eliminate retiree benefits in the next three years. A spokesperson for Hewitt states, ‘Companies are starting to rethink the whole idea of post-retirement benefits’”—apparently, that was in the *Globe and Mail* on 19 May 2004. “The Ontario Superior Court of Justice has agreed to hear a class-action suit ... composed of former civil service employees who claim that their retirement benefits have been unilaterally decreased by the province.

“Thus, as both the private and public sectors experience a financial squeeze due to the burgeoning costs of supporting the retired, pensions and benefits are potentially challenged. Advocates of mandatory retirement do not claim that its abolition will directly cause these retrenchments. However, they fear that individuals will eventually be left with no choice other than to work past 65.”

As I said, so far, in jurisdictions in Canada that have abolished this, it seems that choice is prevailing, as the minister said, and that common sense is also prevailing and those who want to work past 65 continue to receive the benefits they would have received at age 65 that they earned and also have the added benefit, I would say, of working a few more years.

Under the last note here, “Other Potential Issues” that may be raised in this debate and which I know were raised in the consultations, “Will employers be able to release unproductive older workers without fear of discrimination lawsuits?” That’s something that the government, in response today, should probably clear up. It’s a terrible phrase, but in many companies, particularly the old manufacturing companies, they would keep the deadwood around until they got to retirement age. There was less fuss; it was kind and probably somewhat fair. The younger workers would carry some of the older workers for a couple of years until they actually hit retirement and received their pension benefits. We would hope, of course, that because there is no mandatory retirement any more, at least an age for mandatory

retirement, the companies wouldn’t do that, that fairness would prevail and they wouldn’t fire people prematurely because they know they’re not going to naturally get rid of them at 65—or under the old law get rid of them at 65. That should be addressed, because I know that worries people.

**1710**

I come from a small-town area, where, certainly in small towns, even if people couldn’t fully do the job because they weren’t physically able any more, you kept them on, because they were your friends and neighbours, until they retired at age 65 and got their pensions. We hope we won’t see firings of people earlier than that.

A good example would be in Mr. Arnott’s Fergus area, where the Honourable Perrin Beatty’s company, a family company—

**Mr. Ted Arnott (Waterloo–Wellington):** GSW.

**Mr. Wilson:** Yes, GSW, white goods manufacturers.

**Interjection:** Beatty appliances.

**Mr. Wilson:** Beatty appliances and Beatty pumps. I worked for Perrin Beatty when he was Minister of National Defence, and continued to work for him when he was Minister of Health and Welfare, 1987-90. He often gave speeches on how—he was very proud that his grandfather kept the older—

**Mr. Leal:** He made a great stove.

**Mr. Wilson:** They made a great stove. You still see some of their products around, running decades later. The point is, they took great pride in carrying older workers until they would retire at 65. We want to make sure that people continue to be treated with dignity, even though we remove mandatory retirement.

Another potential issue being raised: Will employees face job loss at a younger age as employers attempt to avoid the charge of discrimination by releasing them before they reach 65? Would abolishing mandatory retirement address any potential skills shortages stemming from Canada’s changing demographics? Those are some other issues that have been raised.

As soon as I find them, I just want to read some of the local newspaper clips, excerpts of what was said in my area when this bill was introduced—and actually, just before this bill was introduced. There was an editorial in the *Collingwood Enterprise-Bulletin* on April 5, 2005, and it says:

“Our Future Brings Forth Challenges and Promise

“As the province mulls legislation aimed at repealing mandatory retirement practices, sighs of relief and groans of disappointment will be heard in equal measure. The sighs will be coming from employees closing in on age 65, particularly those without adequate pension plans who figure they need to continue working to stay afloat, especially since average salaries nationwide have hardly risen in two decades but costs of living have inflated considerably.”

The editorial goes on to say, “Gasps will be largely coming from 20- and 30-somethings, who have had the carrot of retirees leaving behind stable, more lucrative

positions dangled in front of them ever since they left high school.

"A considerable number have toiled away in other fields or in less lucrative positions for years while clinging to the prospect of this impending 'job boom.'

"No one can fault Ontario residents who want to keep on working beyond 65—British Columbia, Saskatchewan and Nova Scotia are the only other provinces that impose a uniform mandatory age, with different employers making exceptions.

"Newfoundland and Quebec residents are also supposed to set retirement ages based on retirement or pension plans.

"The notion of working beyond 65 in places like Alberta and Manitoba is hardly a foreign concept.

"But as the legislation looms, there will likely be some bellyaching from the younger set over having the rug pulled out from under them once again.

"That grumbling will come with various economic predictions and statistics to prove their point.

"And, truly, the legislation, if passed, will have a ripple effect on areas ranging from spending on RRSPs to an increase on the brain drain as young workers get fed up with waiting for decent positions at home and look to ply their wares elsewhere.

"These problems are legitimate concerns in our society.

"But, of course, the impact of the new rules could be minimal, as the average age of retirement, and voluntary at that, is at about 62 nationwide anyway.

"The world is evolving at such a pace that we all have to keep up or be left behind. Medicine is making it possible for people who would have been infirm or even dead from disease a few decades ago, to be healthy and mobile and alert.

"Many seniors are seizing the opportunity offered by technology to work part-time from home or offer their years of experience to younger generations.

"And the same technology is allowing younger people to also work part-time from home and make a good living—if they have the education and skill set that is in demand.

"We could be on the brink of an exciting new age of work.

"It could mean a far more flexible future with the ability to work from our boats on Georgian Bay in the summer or from a chalet or ice hut in winter.

"Or not.

"It could be that the fallout from all of this will be negligible, as having the option of working beyond 65 doesn't necessarily mean everyone is going to be jumping at the chance."

That's from one of my local papers, the Collingwood Enterprise-Bulletin editorial.

The Alliston Herald, just around the time this bill was introduced, June 8, 2005, wrote the following, "Another Day." That's the title of this article.

"You load 16 tons and what do you get?

"Another day at it.

"Should Ontario become the fifth province to outlaw mandatory retirement at age 65? The proposed legislation is already being fiercely debated mere hours after it made headlines.

"Not surprisingly, labour unions and the New Democratic Party have come out strongly against the proposal.

"If the Liberal government gets the proposal through the Legislature, it could force people to work longer in order to qualify for retirement funds, according to critics.

"Both Ontario Federation of Labour president Wayne Samuelson and NDP critic Andrea Horwath said they fear allowing older people to work will encourage pension plans to increase the age at which people can receive funds—also set at age 65."

The Herald article goes on to say:

"Premier Dalton McGuinty said the legislation introduced yesterday would allow people to work as long as they wish.

"We just think it's wrong to discriminate against people on the basis of age,' McGuinty said. 'And we think it's right that people should have the option. Some people want to work past 65.'

"Mandatory retirement has already been lifted in Manitoba, Quebec, Alberta, Prince Edward Island, the Yukon and the Northwest Territories.

"The Liberals predict about 4,000 people a year in Ontario will choose to keep working past 65—0.06% of the 6.6 million people in Ontario's workforce.

"The truth of the matter is most of those who will take advantage of this legislation will be those working outside of demanding physical work—those in education, executives and the like.

"It's hard to imagine a coal miner still heading underground at the age of 70.

"What the province must do is ensure pension plans are not degraded by corporations looking to get a few more years out of employees.

"After all, it's one thing to choose to work beyond the age of 65, and it's quite another to have to."

The Barrie Examiner on April 21, 2004, a year before the legislation was introduced, made a point. They literally were ahead of themselves because the Conference Board of Canada made the same point in their report yesterday. The Barrie Examiner's headline is, "Economy Needs Seniors to Keep Working." It's a story surrounding comments that had been made by Bank of Canada Governor Dodge, who came out at that time and said he opposed mandatory retirement for economic reasons, for the good of the Canadian economy. So the CP story in the Examiner said:

"Canadians have outgrown mandatory retirement, a concept that should be laid to rest in many industries, Bank of Canada Governor David Dodge said Tuesday.

"As baby boomers age, swelling the ranks of senior citizens, many will be much more healthy than previous generations and want to continue working past age 65, said Dodge, who turns 61 this June." That was last year.

"That will have positive benefits for the economy, he added.

“I’ve felt very strongly that it’s a silly policy (mandatory retirement). We don’t have it in the federal government,” he said.

“I think any organization is not terribly well served by it.”

“He spoke after addressing the Senate banking committee on issues facing the economy, including a looming demographic bubble that will eventually see the ranks of senior citizens outnumber those of the working-age population.”

As I said, the Conference Board pointed out that’s only 40 years away. There are countries in the world—I believe Spain is one they mentioned; I may have the country wrong—where today the ratio of workers to retirees is one to one. We’re heading there rather rapidly. As I said before, you’re going to need people to keep working.

The article goes on to say:

“The federal government still leaves it up to companies to decide when their workers will retire but federal pension benefits kick in at 65”—regardless of whether you continue to work or not. You can have your pension and continue to work.

1720

“Late last year, Prime Minister Paul Martin—himself 65”—I think Mr. Miller mentioned he’s 66 this year; makes sense—“kicked off a national debate on the issue by saying that Canadians should not be compelled to retire at that age.”

I quote the Prime Minister. “I think that people should really be allowed to work as long as they want to work, and as long as they can make a contribution.”

“Senators, Supreme Court of Canada judges and some civil servants have mandatory retirement rules.

“But some public opinion polls suggest a growing number of Canadians—although less than half of those surveyed—think such rules may be outdated. That’s Dodge’s view.

“I just don’t think it makes a lot of sense,” he said, particularly in white-color jobs that tend to be more sedentary.

“Physical jobs, however, must be treated differently, Dodge added.

“Occupations that are physically dangerous, that’s a different, other story. But some place like the Bank of Canada....”

“Dodge told the committee that moving away from mandatory retirement could present big opportunities for the country’s economy.”

A more contrary view comes from labour groups, and this particular article is from August 19 in the *Barrie Examiner*. It’s another CP story, and it says, “Labour Groups Attack Retirement Plan.” I thought I’d read out something from them.

“The Ontario government took its first steps Wednesday towards eliminating mandatory retirement at age 65, but labour leaders expressed doubts about whether the move would benefit the province’s workers.

“The province will hold public consultations to determine the best way to eliminate the mandatory retirement age without jeopardizing the rights of older employees.” That’s what Chris Bentley said at the time.

“Ending mandatory retirement would protect workers by allowing them to decide when to retire based on their own lifestyles, circumstances and priorities.”

“We want to achieve this goal without undermining existing retirement rights—including entitlements to benefit and pension plans—and also address any issues raised by business, labour or others.”

“Wayne Samuelson, president of the Ontario Federation of Labour, said scrapping mandatory retirement would make it too easy for the province to push back the age at which workers can collect pension benefits.

“This does not give the employees the right to choose; it gives employers the right to choose who they are going to keep and who they are going to fire,” Samuelson said.

“Rather than funding social services and funding pension plans so workers can afford (to retire), they’ll just make it so that everyone just ends up working longer.”

Of course, Sid Ryan—I think I already quoted from him, but to be fair, in the article:

“Sid Ryan, Ontario president of the Canadian Union of Public Employees, said the aim of his union is not to encourage its members to work longer, but quite the opposite.

“Our whole objective is to get people out of the workforce as early as possible in life so they can enjoy their retirement, but do it with a decent pension plan and benefits,” Ryan said.”

If all the reports I’m hearing about this bill from the legal side are right, then Mr. Ryan shouldn’t have too much to worry about. If they’re not right, that’s why we’re sending this bill to committee to make sure we double-check all this, and the government has agreed that this bill will go to committee. So I hope those who are opposed will—

*Interjection.*

**Mr. Wilson:** I’m sorry? Monday?

**Ms. Shelley Martel (Nickel Belt):** They’re talking about something else.

**Mr. Wilson:** Oh, I though the Liberal rump was trying to help me out in my rather boring remarks here. I’m glad you’re awake over there anyway.

**Mr. Leal:** Simcoe Centre?

**Mr. Wilson:** Simcoe–Grey.

OK, last article for everyone who’s still awake: June 18, 2005, *Barrie Examiner*. This one’s not a CP story. It says, “Older Workers Have Lots to Give.”

“Employers in Ontario are going to have to take a close look at their management policies as the government moves to alter mandatory government regulations. It will mean serious new challenges when it comes to handling an aging workforce.

“Experts in this field are advising employers to immediately establish a ‘good performance management

style' and deal carefully with all stages of employer-employee relationships. This legislation means should an employer want to terminate an employee, he or she must be able to prove the job loss is not due to age discrimination. Under the mandatory retirement process, an employee who was let go at 65 could not raise a claim under the Ontario Human Rights Code by saying that he or she was being discriminated against because of age."

Remember, the Human Rights Code currently only covers people aged 18 to 65. You're protected then. You're not protected after then.

"Experts in employer-employee relations are advising that the new policy is a strong reason to introduce a solid, high-quality 'performance management' policy. The new legislation could mean it will be more expensive to retire or let go older workers than younger ones, and the new policy is going to require owners and managers to rethink how older employees are handled when it comes to retirement.

"Some employers have accepted for years the theory that older workers are not as productive as younger ones, but recent studies have shown that is just not true.

"A Research Management News study revealed that workers aged 65 to 75 perform as well, or better, than younger employees.

"The 2004 report also found that older workers can be retrained as easily as younger ones, and in fact want to keep building their skills.

"Many older workers are anxious to remain involved and have expertise in mentoring colleagues and can easily transfer knowledge.

"Over the years a great many opinions and myths have developed, says Research Management News, but they have been dispelled by recent studies. For example, work capacity and ability to perform do not decline with age. It is false that older workers lack retraining capability and the motivation to learn, and it is simply not true that everyone wants to, or should, retire at age 65 so they can enjoy their golden years. It is also false that older workers lose more time due to illness or injury.

"It is obvious this new legislation means employers must develop a clear, overall strategy to address transferring skills before retirement, make better use of senior employers"—I think it's supposed to say, "make better use of senior employees"—"and have a well-thought-out retirement policy.

"One survey showed that too many businesses let experienced staff retire with no transfer-of-knowledge plan in place.

"The simple truth is many companies can benefit greatly from workers 65 and older, and it makes no sense to force them to retire when they have much they can add to the business or industry."

That's the end of that article.

**Mr. Leal:** Will this help Honda?

**Mr. Wilson:** Will this help Honda? I'm going to have address that some other time and think about that one.

In the few minutes I have left, because we are talking about labour and jobs and the elimination of mandatory

retirement, I want to end on not too sour a note. We're having a terrible time in northern Ontario, as you know. There are 12 mills that are threatened with closing and various issues, everything from availability of raw materials to the allocation of wood and the high cost of energy, which I think is the main driver right now in northern Ontario.

As a former Minister of Northern Development and Mines and a former energy minister, I wanted to take a moment. I met today, as many of our colleagues did, with the United Steelworkers. I want to thank Joe Krmptoch and Sarah Konig for coming in to see me and Mr. Klees at the time.

*Interjections.*

**Mr. Wilson:** Well, you've only got a week here to respond, or maybe less. As you know, the government has been well warned, and the Steelworkers are doing a good job, as has the city of Kenora, of coming around and warning the government that Abitibi wants to close one of its two paper machines in that town. It will throw a lot of people, up to I believe 160 people, out of work. It could be the slippery slope that the rest of the Abitibi plant in Kenora closes. As I said, there are 11 other mills that I'm aware of where people might be losing their jobs.

We've lost over 500 jobs in Collingwood in the last few months, as about five businesses have left there. Alcoa, which makes aluminum wheels for companies like Honda, is located in Collingwood. It has written to the Premier recently. I had them in to see the energy ministry people, and hopefully Mr. Cordiano, the Minister of Economic Development, will meet with them soon, as he has promised. There are 420 jobs on the block in Collingwood right now, in addition to the over 500 we've lost.

A lot of this has to do with high energy prices, and I think the government's going to have to address it. You need a transition program for places with companies like Abitibi; you need a transition program for companies like Alcoa. I don't have the exact figures in front of me, but when I met with Alcoa about three weeks ago, their energy bill earlier this year used to be just over \$300,000 per month for electricity, and it's well over \$600,000. It jumped in one month. They can't absorb that. They're already very efficient; they've been doing everything they can to be more efficient. The union has been terrific in working with management, and the same with Abitibi in Kenora.

So while we're talking about jobs and mandatory retirement, I guess my point that ties this into this bill is that there are a lot of people who are going to lose their jobs pretty soon if the government doesn't get its electricity policy straightened out, and those people are going to have to work past 65. So the fear of unions that they won't get their benefits and pensions is not because of this bill here today; it's because of the economic policy of the government of Ontario, and particularly their energy policy. When the price of electricity got over eight cents per kilowatt hour, you should have started to

worry. We certainly started to worry, and we reacted by capping residential prices as prices started to peak at about 5.5 cents. I looked at the IMO Web site—I look at it every morning—and it has been 13.9 cents per kilowatt hour on a fairly steady basis. Your average for the year is still about 6.3. But with the peak in the summer it should be down now, and I don't know why prices are as high as they are on the spot market, the spot price. No company is going to survive in this province at 13.9-cent kilowatt hours. It's just not going to happen. So all of you who are listening, you're going to have to gang up on your new energy minister and your Premier and start responding.

**1730**

You gave \$500 million—this is the point I made to Alcoa during the meeting, and they agreed—to the auto sector. That helps the big companies, but then they continue to squeeze, in a Wal-Mart-like way, their suppliers like Alcoa. If Alcoa closes, they have lots of options in China to get their aluminum wheels. The fact of the matter is that you should have taken that \$500 million—your shortfall in electricity last year on the residential side was about \$247 million. You could have subsidized every residential customer and every industrial consumer and every business in the province with that \$500 million. You chose to put it in one sector and pick one winner over all the rest. That \$500 million would have given you a good transition program from capped prices to, eventually, spot market prices when supply comes on-line. You can't leave everybody to the dogs while you're building supply, which is going to take years. So I beg you, on behalf of the workers of this province, as labour critic and former energy minister, to get a transition program in place as part of your economic development strategy in this province. You can't just pick some sectors and leave everybody else to the whim of the spot market. You had the money; you've proven that. You've got a surplus—well, not a surplus. You ended up cutting your deficit; it's much lower than you thought it would be. You've obviously got a great deal of money. You've got the new health tax. You've got to start not picking just one sector over another, but having a proper program. If the goal is eventually market prices and “pay as you go” for electricity, you can't do that overnight. We learned that lesson the hard way. We took steps to correct it. You've done nothing since your time in office. Companies like Alcoa and Abitibi and many, many other mills in the north are pretty frustrated.

In fact, Alcoa has told the Premier in a letter that they're leaving—that's 420 jobs in Collingwood—if something isn't done very soon. It's frustrating for Abitibi up in the north, because they're only 25 kilometres or so from the Manitoba border, where they could get really cheap power, yet for some reason we're not allowing them to do that. I introduced and this Legislature passed the Energy Competition Act, 1998, which legally allows them to do it. They need the government to now sit down with them and work with them to run a line into Manitoba so they can get cheap power and work out those power agreements with our neighbours. The same

with mills on the other side of the province, the eastern side of the province. They're only a few kilometres away from Quebec. Quebec, of course, just this week announced a subsidy for all of its industries, and cheap power. I'd like you to look at that. I might be a free marketer, but after over 100 years of having people in a closed monopoly hydro system, you can't throw them into the free market overnight. You have to listen to the Alcoa and the Abitibis and the mills and have a sensible plan in place.

With that, I too would encourage members, as the minister did, to vote for Bill 211. I'm not sure if all of my colleagues are going to, and if there are any bugs in it—and I'm sure there are—that I haven't mentioned, hopefully we'll get those ironed out during the committee process.

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

**Mr. Kormos:** The member for Simcoe–Grey has been pretty fair in his comments around the bill. He quoted Wayne Samuelson as often as he quoted some capitalist über-boss, and I commend him for that. Mr. Wilson's comments illustrate how cocky it is for the Minister of Labour to stand up and say somehow, “Anybody who doesn't support this bill is blocking the right of people around choice.” That may be his perspective, and he may not have had the opportunity as I did growing up in the 1950s to witness working people fight for a five-day work week and hear the attacks and criticisms made of them: “This will generate sloth, and we'll all go to hell in a handbasket if workers only have to work five days a week.” I witnessed those same people in the 1950s fight for earlier and earlier retirement ages, and again with the argument, “This cradle-to-grave mentality of support is going to turn us into a nation of losers.”

I grew up in the 1950s. You read things like *Popular Science* and *Popular Mechanics* magazines. They talked about—

**Ms. Kathleen O. Wynne (Don Valley West):** You were nine when the 1950s were over.

**Mr. Kormos:** Yes. *Life Magazine*. As a kid, I read about how people were going to have to work less and not work as hard, and people were going to share—maybe it was the type of speakers that the Ukrainian Labour Temple was inclined to have. They were talking about building a world where people weren't identified by the work they do but rather by the people that they are.

**Ms. Wynne:** I want to comment on the comments of the member for Simcoe–Grey. I want to say I also grew up in the 1950s. I was eight when the 1950s were over.

I want to talk about this bill from a woman's perspective. I think that we have to be practical in terms of what the reality is for many women in the workplace. Many women took time out from formal work—I always object to “work,” that women who are at home looking after their children aren't working somehow. Like myself, they took time out of the workplace to look after our children, those of us who were privileged enough to be able to do that or who chose to do that.

When we come back into the workforce, we are at a serious disadvantage in terms of having accumulated equity, accumulated wealth, so we need that time to make up for those years when we were doing what I think is essential work—looking after the next generation. So I'm supporting this legislation wholeheartedly, because many of the people who have contacted me are from that group who took time out and need that time in the workplace.

I think the other thing we have to recognize is that people regulate themselves. I'm not going to be able to quote the source, and if anybody knows the source I'm happy to hear it, but I heard this quote at one point: "Nobody says on their deathbed, 'I wish I'd spent more time at the office.'" That's not what people say. People want to find time and ways to be with their families, to have a balanced life. People who need this legislation are people who need to work or people who choose to work. That's why we are doing the right thing in putting this legislation in place and ending mandatory retirement, so people will have a choice to do what they need or want to do.

**Mr. Arnott:** I'm pleased to have a chance to respond to the member for Simcoe–Grey and the comments he made this afternoon, speaking for one full hour with an incredible speech this evening—an incredible speech in duration, and certainly it was received with interest, I know, by all members of the House.

The member for Simcoe–Grey and I share the mutual distinction of having been born the very same week in early April 1963. Some of the members are talking about the era in which they grew up. Certainly, I would like to humbly predict to the House tonight that the member for Simcoe–Grey will still be the member for Simcoe–Grey when he turns 65. I'm certain I won't be here, but I'm equally certain that he may very well be, given the outstanding contribution that he makes to this House and his constituents.

About three and a half years ago, I was expected to do a private member's bill, as we all are who are on the ballot, and I was looking for an idea. I read in the Toronto Sun that the Human Rights Commissioner for the province of Ontario, Keith Norton, a former Conservative MPP for Kingston and The Islands, was recommending that we should end mandatory retirement. I actually talked to him at that time to get his advice and I considered bringing forward a private member's bill of that type at that time.

1740

Also, at the same time, I was informed that the international firefighters union was ramping up the pressure on double-hatter firefighters, and I elected to bring forward a private member's bill to support double-hatter firefighters instead of this issue.

But certainly I do support the principle of ending mandatory retirement. When our government was in office before the election of 2003, the Honourable Carl DeFaria, the Minister of Citizenship, brought forward a government bill which would have had the effect of ending mandatory retirement. I think most members of

the House support that principle, but obviously we would probably also agree that people should not be compelled to work after the age of 65 if they wish to retire, and that's an important principle.

I know that our caucus has a number of concerns that will be brought forward during the course of this debate and hopefully will be addressed at committee. Thank you very much, Mr. Speaker, for listening to me.

**Ms. Martel:** I've always tended to view this debate from the point of view of pensions. Two points in this regard: When the government talks about choice and workers having a choice to continue to work, I say to the government, what about those workers who would like to have a choice to retire and can't because they don't have a pension in their workplace or because the pension that is in their workplace isn't adequate for them to retire on and have a decent standard of life in their senior years? We should be addressing that issue with many of the proposals that my colleague Andrea Horwath has put forward with respect to the need for every worker to have a pension, to be vested for a pension on the day they start to work, as they do in Quebec, to deal with a full range of issues around pensions so that people who work truly do have a choice about retiring because they know that their income is sustainable in their senior years.

This falls into place with respect to what Ms. Wynne has said in this regard: Why is it that we don't give value to work women do in the home raising children? Why is it that we do not afford women who do that a pension credit? Why are we not ensuring that there is pension eligibility for women who do that important work in the home? I don't think we should be looking at working longer as the way to resolve a situation for women who, like my mom, gave up a lot of pensionable time to raise four children. We should be valuing that work of raising children by ensuring we're doing something about having pensions for women, and for those men who stay at home looking after kids, to make sure that we are not playing catch-up because there was nothing in place for them for the time they did that important work. That should be the kind of debate we're having today.

**The Acting Speaker:** The member for Simcoe–Grey has two minutes in which to respond.

**Mr. Wilson:** I thank my colleagues from Niagara Centre, Don Valley West, Waterloo–Wellington and Nickel Belt; good points all around. Again, this bill will go to committee and we'll continue to make the points.

My mother, too, took 13 years out to have seven children. I should have sent her a public health brochure, because that must be pretty well a record.

**Ms. Martel:** Is she Catholic?

**Mr. Wilson:** Yes, she's Catholic, and very proud of it.

But then when I went to kindergarten, she went back the same year to continue teaching and I think ended up having to teach for 33 years. Frankly, Ms. Martel is quite right. My mother didn't have her bachelor of arts degree, because in those days you went to normal school, teachers' college, right out of high school. So she ended

up retiring, and her pension is \$23,000 a year. It's pathetic.

When I was going into the workforce and actually working here for a member years ago, people my age were then starting to teach and after three years they would make more than my mother made after 30 years, because the PhDs took over the teachers' unions and forgot about those teachers who only had normal school. But we're not bitter. She's a very nice person and she's never expressed any bitterness about it, but it was unfair and it goes to what Ms. Wynne and Ms. Martel said in terms of the unfairness to women who make sacrifices in the workforce. The laws and the rules didn't help them much back then and some areas have not improved since.

Having said that, I don't think mandatory retirement is going to be the end of the world for a lot of these pension plans and benefit plans. As long as you've earned them, according to this law and according to everyone I've talked to, you'll continue to receive those earned benefits and pensions at age 65 and now have the option to work beyond that, where you might not have otherwise had the option.

I thank all members for their participation and look forward to this bill going to committee.

**The Acting Speaker:** Further debate?

**Mr. Kormos:** New Democrats find this debate one of great concern. The language that's being used by the advocates for this bill, which talks about ending mandatory retirement and the suggestion that somehow there's law in this province that prohibits people from working after a certain age, is in and of itself a cause for concern because it has the effect of creating an illusion about what the real world is. The problem is that so many people beyond the age of 65 know full well that people 65 and older are working, and working hard. They're working at minimum wage jobs, they're working at demeaning jobs, and they're not doing it because it gives them meaning. They're doing it because they can't afford to live otherwise.

Ms. Martel, in her comments that were provoked by Ms. Wynne, and not inappropriately—look, I appreciate Ms. Wynne's comments, because she's bang on. But our response to that is just that, as Ms. Martel said, the debate, then, should be about how we attribute value, because surely there is incredible value in what a parent does, to be gender-neutral, but at the end of the day it's mostly women—has been—what women do raising kids, keeping families operating and functioning in the home.

It has always been troublesome when you talk to a couple and you talk to the husband and you say, "Well, you're retired now. What kind of work did you do?" Then you have to be careful, in my view, in saying to his wife, who's there with her kids and maybe her grandkids, "What kind of work did you do?" "What do you mean 'what kind of work' did I do? I worked damned hard, raising kids and taking care of a spouse's needs, maintaining a household and all those sorts of things."

So Ms. Martel is bang on, that the issue shouldn't be to make women work even longer so that they can

acquire pension credits but to understand that there is value which can be quantified monetarily in what a parent does working in the home doing parenting.

New Democrats wish that the debate—because, you see, I understand where Mr. Wilson and the Conservatives are coming from. It's no surprise. I'm not offended. I disagree very fundamentally, but it's no surprise.

But surely there are enlightened people in the Liberal caucus who are frustrated that the government has pursued this in such a narrow, indeed myopic way, because the whole issue about working and retiring and living out your senior years and functioning in your family and your community has surely got to be about more than just work. Let's face it, there's work and then there's work.

I put to all of you that here in this chamber we, as elected representatives, are about this small a chunk of the total population—and I've been blessed all of my adult working life, whether it was as a lawyer or here—that we're about this small a piece of the total working population where we actually enjoy our work—we do; I hope we do; I do—that our work is gratifying to us personally, that we are excited about the chance to do what we do on a daily basis. But come down to the steel mill, where you're walking along the catwalk around the arc furnace, the molten steel is flying and splashing, you've got the scars from 20 and 30 years of being burned by it and it's hot as Hades. And you're getting on because you're 50, 51, 52 and 53, and the joints aren't as supple as they were. You're not there because you love the smell of molten steel; you're there so you can take a paycheque home at the end of the week and try to pay off the second mortgage—not the second mortgage, but the second time you got a mortgage on your house to finance your kids to go to college and university. You are desperate for an exit point.

**1750**

One of the illustrations offered up by the parliamentary assistant in his comments was of a nurse. Good gosh, the Ontario Nurses' Association is ringing alarm bells because they've got a huge shortage of nurses. Nurses are getting the hell out of there as quickly as they can. They're leaving at the first opportunity. They're working in hard conditions, with the back injuries, the stress, the pressures and the ungrateful government that continues to knock you around.

I told you the other night about being out at the picket line with Mitech workers down on Major Street in Welland. There were 10 of them on a picket line, the Steelworkers' local. They've been out there for four weeks now. Finally a mediator has been appointed and there's hope of some progress, but the company, Mitech, and Brian Mitchell, are really digging in their heels, because they don't want to bring their unionized workers with them when they move the plant to a new location. They want to bust the union. People are making \$12 an hour, with 10 and 15 years' seniority, women and men, and as I said the other night as well, when you talk to



more than a few of them, you can hear the colourful lilt of their first language from the places where they came from to Canada.

They work at a plastic factory forming car parts, distributor caps and things like that, inhaling the fumes and being exposed to the toxicity and the inevitable joint and muscle injuries, called RSI, the repetitive strain injuries. They don't expect to live on a \$23,000-a-year pension, with all due respect to Mr. Wilson and his mother; their dream is to live on whatever it is, just enough to get by, because their bodies can't do it any more, never mind their souls.

Most of the world, most of the working people in this province, aren't like us. We're the smallest part of working women and men who have jobs that are clean and safe, other than the occasional paper cut, I suppose. I watch the cabinet ministers, and they all have the entourage with the bag carriers. They're not about to suffer any lower back strain. We're very fortunate. University professors are very fortunate with their tenure, when they acquire it. Dare I say it? Some of the other white-collar professions like lawyers are very fortunate. But the vast majority of working people aren't that fortunate. Working for them is not a vocation, as in a calling; it's a necessity. Where I come from, just like where you come from, Speaker, people don't have the oh-so-dilettantish choice of saying, "I think I'll work in this factory because the noise levels are a little lower than they are in that factory." No, you take whatever job you can get when you're 20 or 21 or 22, and then you fight to keep it, when you've got manufacturers shutting down because of globalization. First, with Brian Mulroney, it took their jobs down to the southern United States, and then with Jean Chrétien and the Liberals it took them to Mexico, and now it's taking them to China.

What a luxury, to talk about, "Oh, I'll work in this workplace rather than that one." Most workers don't have that option. You want to talk about choice, friends? Most workers don't have a choice about where they work or whether or not to work. Most workers don't have a choice about saying, "Oh, well, I think I'll call the legislative assistant this morning and explain that I won't be in until 9:30, because I was up late last night and maybe they can cancel that 9 a.m. appointment." It's true. You've got to be at that steel mill at 7 a.m. or 6:30 a.m., or at that construction site at 6 a.m., no matter how late you were up the night before, no matter how bad the cold is or the discomfort from the one beer too many you

drank the night before, no matter if you were up all night with a sick kid. You've got to be there. You don't say, "Oh, I think I'll call and have them cancel my 9 o'clock, because I'm tired this morning," or, "I've got to drop some dry cleaning off and, heck, they'll reschedule it for 9:30 and they won't miss me at caucus." It's true.

It's remarkable that we here, who are among—although we're not the wealthiest or the highest wage-earners, we're surely among the top 5% of income earners in the province. Most of us certainly make more than the average income in our constituencies, in our ridings, and a heck of a lot more than people working at Mitech have made for 10 and 15 and 20 years, making \$12 an hour. Twelve bucks an hour, and they're raising kids and they're buying homes, and they're doing darned good jobs, but man, they're sacrificing and they're doing it the hard way. They don't have credit cards. When you make 12 bucks an hour, you don't get credit. And they've got the most modest of pensions.

So it's with regret that this debate, disguised in the oh-so-misleading language of choice—when it really should be about values and how we value people and how we value them for who they are and the potential they have, not for the kind of work they do. I'm sorry, but I've seen the inscription, "Work shall make you free," and it doesn't conjure up attractive imagery or memories. I tell you that there is something wrong about a debate that suggests people should work longer and harder, that that will be a positive choice for them, when in fact too many people are already working too hard and too long for too little pay and for certainly no gratification.

You talk about a fundamental alienation of people by the exploitation of their labour. As I indicated, I'm of a generation growing up in the 1950s where we listened to leaders who talked about building a different kind of world, who talked about building a world where workers weren't exploited for their labour, who talked about a world where workers had a fair share of the wealth they create, who talked about how important it was that we build a world where people could retire sooner, rather than later, so they could do those things in their retirement years with sufficient health so that they could be productive in ways that a workplace could never let them.

**The Acting Speaker:** The time being 6 o'clock, this House stands recessed until 6:45.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

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