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Wednesday 22 November 2006

Mercredi 22 novembre 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 22 November 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 22 novembre 2006

The House met at 1845.

ORDERS OF THE DAY

Hon. Mike Colle (Minister of Citizenship and Immigration): On a point of order, Mr. Speaker: We have with us today the 338th Scout Troop from Agincourt in Toronto, and I'd like to welcome them to the proceedings of the Legislature.

Mr. John Milloy (Kitchener Centre): On a point of order, Mr. Speaker: During the vote that took place just before the dinner break, I got up a little too quickly and my vote was inadvertently not counted. I just wanted it noted that it was my intention to vote with the government against the opposition day motion.

The Deputy Speaker (Mr. Bruce Crozier): That's not a point of order, but it is on the record.

PUBLIC SERVICE OF ONTARIO
STATUTE LAW AMENDMENT ACT, 2006
LOI DE 2006 MODIFIANT DES LOIS
AYANT TRAIT À LA
FONCTION PUBLIQUE DE L'ONTARIO

Resuming the debate adjourned on November 15, 2006, on the motion for second reading of Bill 158, An Act to revise legislation relating to the public service of Ontario by repealing the Public Service Act, enacting the Public Service of Ontario Act, 2006 and the Ontario Provincial Police Collective Bargaining Act, 2006 and making complementary amendments to various Acts and by amending various Acts in respect of the successor rights of certain public servants / Projet de loi 158, Loi visant à réviser des lois ayant trait à la fonction publique de l'Ontario en abrogeant la Loi sur la fonction publique, en édictant la Loi de 2006 sur la fonction publique de l'Ontario et la Loi de 2006 sur la négociation collective relative à la Police provinciale de l'Ontario, en apportant des modifications complémentaires à diverses lois et en modifiant diverses lois en ce qui concerne la succession aux qualités pour certains fonctionnaires.

The Deputy Speaker (Mr. Bruce Crozier): The member for Scarborough Southwest had the floor.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I am pleased to have an opportunity to continue my comments with regard to Bill 158. It has a very long name, as the clerk just read out, but basically it deals with the Public Service Act and making amendment to the Ontario Public Service Act.

As I said in my last remarks when we last debated this issue, the key here is that we are trying to strengthen and give stronger protection to our civil servants, our public service, especially when it comes to certain areas such as whistle-blowing. Again, the example to be used is that if someone is a public servant working in a particular division or department in the provincial government and feels that something is going wrong and wants to report it to their superior but is afraid of being punished for doing so, we are providing true protection here for the public servants in Ontario so they can come forward and not feel that their job will be on the line for doing that.

We've already had some consultation on this bill, and the response has been good. The Leader of the Opposition, John Tory, was quoted in the Toronto Star on Friday, November 3, as saying, "One government after another didn't do it. I think it is high time that it is being done and I'm glad that they're doing to it." He's glad and so am I. I think it's something that many public servants are glad to see.

We've consulted with bargaining agents, current and former ministry executives, government agencies and members of all parties. The feedback, from what I understand, was constructive and positive. Of course, after this goes through second reading, it will be sent to committee and there will be further consultation. As usual, our government likes to consult and send things to committee, unlike the former Tory government which seemed to like to ram things through, left, right and centre.

Mr. Garfield Dunlop (Simcoe North): Like Bill 107 that you rammed through.

Mr. Berardinetti: If the member from Simcoe North wants to talk about ramming things through, we can spend the night talking about the megacity and how Toronto was destroyed by the Tory government in one fell swoop.

Interjection.

The Deputy Speaker: Member from Simcoe North, come to order.

Mr. Berardinetti: But we won't get into the city of Toronto and how the destruction took place by the Tory government. I think the public realized that Toronto was sent a very bad message by the Tory government. I can stay right on message here, because Bill 158, An Act to revise legislation relating to the public service of Ontario by repealing the Public—

Interjection.

The Deputy Speaker: I would like to start off, at least, on a good note tonight, so the member for Simcoe

North, who has kind of had his back to me, I have heard some heckling that is out of order.

1850

Mr. Berardinetti: I just want to say that I have nothing against the member for Simcoe North. I think he's a fine member and he represents his constituents very well. He even sends me a Christmas card every year, which I like, because it has a farm scene in it, which is very nice. I hope that he sends me one, because I have him on my Christmas list this year.

But anyway, in conclusion, I wanted to say that I support this bill. I think it's a good bill. There are a lot of very good provisions in here. Previous governments tried to bring this bill to fruition, but it never received royal assent. The minister indicated in his remarks earlier—I was here when he spoke on the bill—that he is determined to see this go through and receive royal assent, which means it becomes the law of the land, or at least the law of the province. It provides for very strong protection for civil servants and treats our civil servants with the respect and dignity they deserve.

The Premier and this government have been committed to treating our bureaucrats and our public servants in the highest possible regard. This bill only continues to do that, and I'm proud to stand here today and support it.

The Deputy Speaker: Questions and comments?

Mr. Dunlop: I'm always pleased to respond to the comments, especially when the debate sort of got off message there for a couple of moments and we started talking about ramming bills through. What a day to actually mention in this provincial Legislature about ramming something through. Maybe I'm in another world here. Was there something called Bill 107? Did we talk about Bill 107 today? Maybe the debate's going to continue on here, but I think it was rammed through. Is that not the Human Rights Code, a bill that hasn't been amended in 40 years? And now we're going to push it through before Christmas because this government wants to get all the controversial issues out of the way before the election? That's what this is all about.

I'm sorry the member got off message on that, because when I spoke out—and very quietly spoke out—the member immediately got off message and started attacking the Tory party.

Let's face it: Bill 107 doesn't look good on you folks. I can tell you right now, it does not. Of all the bills you would not want to ram through and time-allocate, it's the Human Rights Commission bill. It's just unthinkable that that would happen, and here we are—it's actually occurred. You think no one is concerned about that, but you wait. You're going to pay for this, and I can tell you that you're going to pay for it very severely, because it will take away some of the good feelings people have had about the Liberal Party. They will be concerned about the way you have actually chopped off debate on this very special bill.

I'll be able to talk later to the bill we're actually concerned about tonight.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to make a few comments on Bill 158 and the remarks of the member for Scarborough Southwest. I'll have to be very clear that, from a personal perspective, the idea of one of the pieces of this legislation, which is called whistle-blower protection, is extremely important. I believe firmly that the problems that sometimes occur—and certainly not all the time, but sometimes—in various governments, agencies and organizations that have large amounts of power, and large amounts of ability to perhaps obfuscate whether or not there is an actual problem, require legislation that enables those people in the public service who identify and are concerned about the integrity of the positions they have and the organizations and people they serve to respond to that in a professional way while ensuring that they are able to maintain their employment. This is extremely important, because we all know that the whistle-blower or the person who identifies the problem or raises an issue of concern often can become the victim of a negative response, everything from transfers that are unwanted to concerted efforts to have those people removed from their jobs and all kinds of other activities in the workplace that make their ability to maintain their jobs untenable. So from that kind of personal perspective, I say that whistle-blowing protection is something that's absolutely important and that I support.

What I would say to the government—of course, I'm not the critic on this bill; I hope to hear from Michael Prue, our critic, later this evening—is that we have to make sure we have the resources in place to make it effective, and that's extremely important.

Hon. Mike Colle (Minister of Citizenship and Immigration): What Bill 158 really does is reaffirm the respect we have for our public servants, who have served this province for over 100 years. Whether they be in the OPP or the Ministry of the Environment, whether they be people at the highest level or the lowest level, they have done an excellent job, sometimes with not the highest of pay, sometimes with never-ending challenges, but they're there and they're part of the reason why we've had such a great province.

This bill tries to reinforce their role, to make sure they are protected, they feel protected and they get the proper respect they deserve. As the member from Hamilton East said, the whistle-blower protection is part of that. We cannot forget that, because they are sometimes in very difficult situations, and I think we want them to bring things forward to the public that should be brought forward.

The member from Simcoe North talked about attacking the Tory party. I also wanted to say that in this House we do attack each other verbally and attack our parties, and I guess that's all part of the game. But sometimes we forget there are good men and women in all the parties. The other day, even I wanted to say that I also regret something I said, where I said that the Tories have been bashing immigrants for 50 years. That is really not an appropriate thing to say, because whether it's the Tory

party, the Liberal Party or the NDP, we've all done good and bad. I think what it's all about is that every member here really wants to serve his constituency and that every party tries to do that, but it's never easy pleasing everyone. It's never easy doing the right thing, but hopefully we can strive to do the right thing, especially with the civil service behind us.

Mr. Ted Arnott (Waterloo–Wellington): I'm pleased to be here tonight to have a chance to speak in response to the member for Scarborough Southwest and his presentation on Bill 158. I believe that most, if not all, members of this House would concur that there is need for whistle-blower protection legislation, and we would hope that this bill will accomplish the objectives that the government has set out.

I would also concur with what was said by my colleague the member for Simcoe North respecting his concerns about Bill 107, the proposed amendments to the human rights legislation, which the government has shut down in term of discussion. I'm very concerned about that. Obviously, the government made a commitment to the people who were interested in this bill that everyone who wanted to make a presentation to the standing committee that's dealing with this bill would be given an opportunity to be heard. There was a commitment made the hearings would go into the winter, and our caucus is supportive of that. We're quite obviously very, very concerned that the government has broken its promise to the people who are concerned about this bill, in many cases people with severe disabilities who want to have an opportunity to express their opinions and their views on Bill 107, and this government is shutting down their opportunity to do so.

I think that it's most important. Unfortunately, the opposition parties have few opportunities to continue to debate this bill because of the fact that the House passed a time allocation motion last night shutting down debate even in this Legislature, notwithstanding the fact that the debate has been shut down in standing committee. So our party, as a concerned opposition party, has few alternatives but to continue to raise this issue in every way we can to pressure the government and attempt to convince them that additional public hearings need to be allowed. So we are going to continue to pursue that issue.

1900

The Deputy Speaker: Member for Scarborough Southwest, you have two minutes to respond.

Mr. Berardinetti: I thank the members from Simcoe North and Hamilton East, the Minister of Citizenship and Immigration and the member from Waterloo–Wellington for their comments. One of the central focuses of this bill, and from their comments as well, is the issue of the whistle-blowing provisions and the protection provided on that by Bill 158. Sections 111 to 121 quite clearly provide procedures for disclosing wrongdoing. It also brings in the Integrity Commissioner and allowing people to go to the Integrity Commissioner if they feel they want that route instead of going to a supervisor.

The member from Hamilton East spoke about resources being needed to provide for whistle-blowing. I think the incorporation of the Integrity Commissioner into this process is part of the resource that is needed to allow the whistle-blowing provision to properly work. I also agree, though, that if we need to bring in other resources to make this work, then we need to do that. It's crucial—previous governments have tried do this as well—if we're going to have a whistle-blowing provision so that public servants can bring forward wrongdoing to their superiors, that they're protected in doing so. We have sections laid out in the bill.

I think that for the most part, from what I've heard so far in the debate here, all three parties seem to agree. They brought similar forms of legislation, or at least amendments to the Public Service Act to try to strengthen the whistle-blowing provisions, and I think we're in agreement here. So let's send this to committee—let's have further debate here, of course, by all means, but send it to committee.

I'm happy to listen to what others have to say this evening.

The Deputy Speaker: Further debate?

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I welcome the opportunity to address Bill 158—

The Deputy Speaker: Just to confirm, are you doing the leadoff?

Mr. Barrett: No, I'm not.

The Deputy Speaker: Okay. Then perhaps you could—

Mr. Barrett: I would seek unanimous consent to stand down our lead.

The Deputy Speaker: Apparently it already has been stood down. We just wanted to make sure. Go ahead.

Mr. Barrett: Thank you, Speaker.

Again, we're debating Bill 158 this evening, commonly known, I guess, as amendments to the Public Service Act—the full title is the Public Service of Ontario Statute Law Amendment Act. There may be warrant to refer to it as the whistle-blower act, but for that to occur would require a bit of work. It would require, I assume, some amendments to toughen this up a bit, because there is a perception out there already that this particular piece of legislation would not be that effective in enshrining whistle-blowing within the public service.

I know there's been information forwarded from Mr. Allan Cutler, well known for his exposé of the federal Liberal sponsorship scandal. One of his concerns, as I understand it, is that he sees this legislation as a management bill that has essentially been designed, believe it or not, to prevent problems from coming forward, to prevent problems from being exposed through what's known as the whistle-blower process, rather than encouraging employees to come forward with information. So the concern is, why would this government be afraid of whistle-blowers within their own public service?

We know that the function of whistle-blowing is so important, as we saw in the exposé of corruption in Ottawa. I think of heavy industry; I know it's very important

for employees, whether they're union, non-union or management, to be able to pick up that phone or write that letter to make authorities aware of issues, whether they be government inspectors, people within the community or the media, to ensure that some rights are rectified. On that point alone, I feel that this piece of legislation is a bit of a letdown.

Going back to the election, I remember many of the members opposite, and the McGuinty Liberals in general, promising taxpayers that government business would be public business. We see no public consultation to date on this one—obviously, no public consultation on a public service act. There is a challenge out there to ensure that, unlike Bill 107, there is a full agenda of public consultation across the province with respect to this public service act. We will find out whether this is yet another commitment from this government that has the potential to be unfulfilled.

This Legislative Assembly debated a motion a few weeks ago that delineated 50 McGuinty Liberal broken commitments, and the number continues to grow. Today, we may well be adding a broken promise to make government business public if we don't get full hearings on this particular piece of legislation.

Yesterday—and this was mentioned quite recently—we learned the Attorney General was speaking with a forked tongue, if I can use that expression, when he promised additional hearings on Bill 107 and then reversed himself. I can't understand why Liberals refused to come forward in a forthright way. Over the three years of this government, what I have detected is what I consider a chronic situation as far as telling the truth. Endless policy reversals on the Caledonia crisis come to mind, demonstrating again that members opposite are prepared to say absolutely anything if it will get them re-elected.

If you tried to take one of these commitments to the bank, you could well be charged with trafficking in counterfeit currency. Again, when you see members who grow so accustomed to saying anything to get elected, oftentimes it is difficult for people in general to be able to distinguish between truth and fiction.

Today, we're debating reform of the public service. When we talk about the public service, it's important to break it down to those men and women, those good individuals who make up our public service, the public servants. Public servants are there to serve the public interest.

I consider myself a public servant. Before being elected, given the ups and down of the farm economy, in particular of our farm down on Lake Erie, I found it very important to secure employment with an Ontario crown agency—non-union. I never really could figure out the difference between a civil servant and a public servant, but I very clearly considered myself a public servant. I had my job at the pleasure of the public and, having been elected 11 years ago, I continue to feel, actually much more, that I have my job at the pleasure of the public. I am accountable to the public. Very clearly, if the public

no longer wishes my services, they will have their say. In this case, they will have their say in October next year.

If there's one positive component of this legislation, it can be found in the sections on whistle-blower protection. It's a concept that has been kicked around in Ontario, certainly in the private sector and within large corporations, I would think, for the last 20 or 25 years anyway. This is a positive. It is true that successive governments have failed to bring in whistle-blower protection to our public service. I am certainly happy to see this contained within this particular piece of legislation.

I received some information from a fellow named Randy Robinson, with OPSEU, a communication to me which made it clear that he did not want to see any kind of structure or system where public employees have their comments vetoed by somebody else in the managerial chain of command. Obviously, there can be no legislated or regulated structure that would allow that to occur. We know informally within the workplace, obviously, that those who report to others, who have supervisors—so many people—could be gun-shy on an issue like this. When I talk about whistle-blowing, I think of people like Mr. Allan Cutler, who exposed the Liberal sponsorship scandal.

This could well be a major deficiency of this particular legislation. Another major deficiency with this McGuinty regime is its inability to directly tackle issues. Another major deficiency is this Liberal government's lack of interest in real debate, as we have seen in recent weeks, obviously, with Bill 107—that number has come up a number of times, not only this evening but today—shutting out stakeholders who deserve input on human rights. That is an outrage, obviously. If they're not interested in real debate, quite honestly I see no reason for us to be here this evening. I see no reason to be here either.

For that reason, Speaker, I call for adjournment of the debate.

The Deputy Speaker: The member for Haldimand-Norfolk-Brant has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

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

The division bells rang from 1912 to 1942.

The Deputy Speaker: All those in favour, please stand and be counted by the Clerk.

All those opposed, please stand and be counted by the Clerk.

The Deputy Clerk (Ms. Deborah Deller): The ayes are 2; the nays are 21.

The Deputy Speaker: I declare the motion defeated.

Further debate?

Mr. Barrett: People may well be asking why I would cause the bells to ring in this Legislative Assembly specifically, and I can give you what I consider the most important reason. Again, the members opposite are aware of this Liberal government's lack of interest in real

debate, in my opinion, as reflected in what we have heard recently about the deliberations around Bill 107, shutting out stakeholders who deserve input on human rights.

There always is a compromise in this business. Earlier, during the first part of my presentation, I mentioned that I had spent a number of years as what I considered to be a public servant, working for a crown agency. Much of my work was pulling management and unions together in the workplace in heavy industry and corporations. By getting people around the table with a common cause—and it is difficult, but compromise can be worked out. I don't know whether anything was worked out in the last half hour. I doubt it, but to that end we call on this Ontario government to accept a compromise from the Ontario PCs to listen to people in Ontario with respect to Bill 107, to listen to many of those people who did not have an opportunity to testify before the standing committee. Many of those people we all would know are some of the most vulnerable and marginalized people in our society. We ask this government to reconsider breaking this government's promise and arbitrarily holding input from Ontarians on human rights legislation amid growing criticism from around Ontario.

Just today in the Legislature, Mr. Tory pointed to a growing number of prominent people in this great province of Ontario. David Lepofsky, for one, called Dalton McGuinty's actions a "blistering betrayal." Mohamed Boudjenane, of the Canadian Arab Federation, calls it, and I quote, "anti-democratic." Barbara Hall, a McGuinty government appointee to the Ontario Human Rights Commission, said, "What should have been a broad consensus-building exercise ... was undertaken in a way which ... caused division within the communities concerned."

The Deputy Speaker: Member for Haldimand–Norfolk–Brant, I remind you that we are debating Bill 158.

Mr. Barrett: Well, Speaker, I would be glad to go back to Bill 158. I apologize, because I am very concerned with respect to what happened with Bill 107, and so is June Callwood, for example.

Interjection: Don't worry about her.

Mr. Barrett: Maybe I won't give you the quote from June Callwood.

But further to Bill 158, and further to Bill 107, if the Premier was truly interested in debate and improving debate in this Legislature, I feel he could do the right thing and allow stakeholders to have that input requested. Shutting out stakeholders, in my view, is despicable. If this government, this Premier and the members opposite aren't interested in true debate and input, I again question why we are here, and in questioning why we're here, for that reason, I call for adjournment of the House.

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

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

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

The division bells rang from 1948 to 2018.

The Deputy Speaker: All those in favour, please stand and be counted by the Clerk.

All those opposed, please stand and be counted by the Clerk.

The Deputy Clerk: The ayes are 4; the nays are 22.

The Deputy Speaker: I declare the motion lost.

The member for Haldimand–Norfolk–Brant.

Mr. Barrett: I appreciate the opportunity to continue our debate this evening on Bill 158, the public service act. I regret that no one came forward in the last half hour to even chat about trying to reach a compromise on that other piece of legislation, Bill 107. However—

Mr. Dunlop: They didn't dare. Slamming the door shut on the debate on human rights: Give me a break.

Mr. Barrett: And thank you for that interjection.

Mr. Dunlop: Sorry.

Mr. Barrett: To be positive with respect to Bill 158, the public service act, I would hope that some changes could be made. If all present do the right thing, it could be known truly as a whistle-blower act, but there would be some amendments required to ensure that the protection of whistle-blowers, which is very important, would be enshrined in this legislation.

As I have indicated earlier, the Ontario PC Party is in favour of whistle-blower protection. Really, what confuses us is why Premier McGuinty and the McGuinty Liberals would create an entirely new piece of legislation, especially when it's felt that appropriate legislation is already awaiting proclamation.

Many in this House are familiar with the name Allan Cutler, who's considered by many now a legend in the public service for uncovering the true extent of Liberal corruption. I should qualify my comments: I am not referring to McGuinty Liberal corruption; I'm referring to the corruption we saw in Ottawa over a number of years. Through people like Allan Cutler, a true whistle-blower, that information that was needed was brought forward.

Mr. Cutler has some views on Bill 158. He sees this particular piece of legislation essentially as a management bill, one designed to prevent these kinds of problems from coming forward and being exposed rather than encouraging employees, encouraging people in the public service, encouraging whistle blowers, if you will, to come forward with information that would be of value to society and to the government of the day.

Mr. John O'Toole (Durham): This ties into 107.

Mr. Barrett: It does tie in, and I may leave that for other speakers. But I am very concerned. What would the Liberals be hiding? What are they afraid of? I certainly support whistle-blower protection, but it has to be an effective protection.

I feel it's important to understand the things we are protecting whistle-blowers from, the reason we would need to protect these people. People within the workplace, within the public service, often can feel intimidated, they can feel isolated, they can feel threatened and they can be labelled as being disloyal. This, obviously,

can be considered a career-limiting move for someone—two steps forward—within an employee culture like that. Whistle-blowers might believe that by exposing corruption, if you will, they'll be transferred, for example, blacklisted, or perhaps humiliated by those in more senior positions. Sometimes the office culture will be such that only loyal employees would have the chance to make decisions, which can act as a muzzle against any public servant who wants to do the right thing.

I know there have been some interjections with respect to Bill 107 and the muzzling of those people who do wish to come forward. I made mention earlier of June Callwood. I have a quote from June Callwood with respect to the problem with people not being able to testify for Bill 107: "This bill is much too valuable to be hurried through these critical final stages." Again, she's speaking to the McGuinty government: "I beg you, I urge you, to reschedule the hearings."

We do have a compromise on the table. I regret we've had two half-hour periods where people could have left the precinct, left the Legislative Assembly, chatted and perhaps come up with a compromise, a reconsideration of this commitment that has been made, this promise. We're essentially asking you to take a big step. I suppose it could be argued that we are asking you to break a commitment; that's maybe number 51 or perhaps number 52. But we would ask you to go back to the drawing board and open up the hearings. We would be glad to entertain further hearings on into the new year.

The Deputy Speaker: Questions and comments?

Mr. Khalil Ramal (London–Fanshawe): Thank you, Mr. Speaker, for giving me the chance to comment on the speech from the member for Haldimand–Norfolk–Brant—

Interjection.

The Deputy Speaker: Excuse me. I will take them in rotation. The member for Beaches–East York.

Mr. Michael Prue (Beaches–East York): I will cede the floor if you'll come back to me.

The Deputy Speaker: The member for London–Fanshawe.

Mr. Ramal: I'm pleased to comment on the speech by the member from Haldimand–Norfolk–Brant. He started talking about Bill 158, but with lots of interruptions. I guess the House went off for a couple of times, for almost an hour and a half. I remember that he is against the bill. He was talking about many different things except the bill.

I want to tell you that it's an important piece of legislation before us here, to make sure civil servants are protected, and also that the people who seek the service by the civil service are protected. Of course we'll protect them.

Interjections.

The Deputy Speaker: I'm going to ask the member for Simcoe North to come to order and the member for Huron–Bruce to come to order.

The Member for London–Fanshawe.

Mr. Ramal: I heard the member speaking a few minutes ago. He said many different times that we didn't consult on this bill. As a matter of fact, this bill went for extensive consultation around the province before being formed as a bill to debate before us tonight. Also, when we're finished second reading, it's going to go to committee. When it goes to committee, we can listen to a lot of people from different parts of the province, listen to the people who are in charge of this issue, and construct a beautiful, strong bill to serve the communities of Ontario and also to protect the people of Ontario and to protect the civil service, who work very hard to make sure the service is fair, accountable and balanced to all the people.

I think this bill will create a balance, which we are looking for in the province of Ontario. I know the member from Simcoe–Grey doesn't like that, but that's the reality. We listen to the people of Ontario when we go outside this place. We listen to the real people when they tell us about the conduct of this government.

The Deputy Speaker: Questions and comments?

Interjection.

The Deputy Speaker: Member for Simcoe North, come to order.

The member for Durham.

Mr. O'Toole: I want to put on the record the time and the purpose that the member from Haldimand–Norfolk–Brant has brought to the debate on Bill 158 tonight. There is no person who has provided more substantive input and comment with respect to this bill, but, more importantly, on the whole issue of Caledonia. He has worked harder than any person on that issue, and he believes in what he says.

I think what has to be remarked on here is that in the context of this bill, more importantly, some of his references—the odd one; not all of them—were on Bill 107, which is in some ways in direct relationship to the purpose of the debate tonight. Because if you look at Bill 158, there are 142 pages of absolute—there are 143 different statutes, subsections. The point he's making is that you've shut down debate on the fundamental rights of the people of Ontario on Bill 107. In fact, it's called the guillotine motion. Does that not ring a bell?

I can say to you that I have had letters written to the Premier. This one here—I'm just going to give it a little citation on Bill 107, with your indulgence—is actually from Bromley Armstrong, the former human rights commissioner and member of the Order of Canada and the Order of Ontario, pleading with Dalton to just listen. Once in a lifetime, you get this opportunity to amend such fundamental legislation for access to the system, to human rights.

2030

Mr. Prue: As is my custom every morning when I wake up, I try to decide what tie to wear. Today I had to take out my tie, the self-portrait of Vincent Van Gogh, and I could not understand why I chose this tie, but when I came here—

Interjections.

The Deputy Speaker: Order. The Chair wants to hear this.

Mr. Prue: —all I could hear in my ears for the last hour was the ringing, the same thing he suffered from, the tinnitus he suffered from. He heard the ringing in his ears that actually drove the poor man mad. I have to tell you, in the last hour it's probably driven me a little mad too. I'd like to talk about the member from Haldimand–Norfolk–Brant and what he had to say, but quite honestly, what I will remember tonight is that we heard the ringing of the bells, and I think that Vincent Van Gogh and all the stuff that's associated with it is what I will remember.

Anyway, I'm not sure what his arguments were, and I'm not sure what he had to say, quite honestly, in terms of Bill 156. I do have some considerable sympathy, though, I must state. He's made a lot of statements about Bill 107 and a lot of statements about which I share considerable sympathy. But in terms of what he had to say tonight, in terms of what his contribution was to the debate on this particular bill, I'm going to have to give it a pass. But I thank the member for Haldimand–Norfolk–Brant for his contribution and for allowing me to experience a little bit of what afflicted Vincent Van Gogh all those years ago.

Mr. Jeff Leal (Peterborough): I was listening carefully to the speech by my colleague the member for Haldimand–Norfolk–Brant. I don't need the notes. It's interesting—his speech reminded me of the narrow-gauge railroad that used to be in Newfoundland. It used to go up the hill, down the valley and around the curve, meandering but never getting to its final destination. So that's what the speech from Haldimand–Norfolk–Brant reminded me of tonight on Bill 158, because he missed the important points.

For example, we're finally going to enshrine whistle-blowing to provide real protection for public servants in Ontario, which I think is very important. Here's what my good friend John Tory said on November 3, 2006: "One government after another didn't do it. I think it is high time that it is being done and I'm glad they're doing it," very supportive of our action on Bill 158. So we look forward to seeing all the 30-plus members in the Progressive Conservative caucus marching in and standing up one by one to vote for this very fine piece of legislation.

We happen to think it has a lot of good points: the Integrity Commissioner is going to be involved, because his office already has authority to oversee the compliance of MPPs under the Members' Integrity Act. AMAPCEO said, "We believe the Ontario whistle-blower legislation, if enacted, will be the strongest in Canada and will serve as an effective accountability mechanism for citizens of this province." That's the gold standard for this kind of legislation.

We also went out and consulted with a number of people: bargaining agents support it, current and former ministry executives support it, other government agencies support it, and I think there's a consensus being built here

in the House that all parties support Bill 158, and we need to move it on as quickly as possible.

The Deputy Speaker: Member for Haldimand–Norfolk–Brant, you have two minutes to respond.

Mr. Barrett: Thank you to the members for their comments on my presentation, not only on Bill 158, but also on Bill 107. I will correct one member: I won't name names, I think he made reference to Bill 156, but it was 158. We all make mistakes.

I think it was suggested I was meandering like a railroad in Newfoundland. I'm not sure what that means, but I would ask people to check Hansard tomorrow morning. I stand by every word that I've put into Hansard over the last 11 years.

With respect to Bill 158, it is so important for all of us to continue to streamline and to improve our public service to inculcate the best principles of management and planning and organization and leadership, if you will. And the control function is also important, something that I'm afraid is a little over the head of our present finance minister; but then again, we are dealing with a tax-and-spend Liberal. I'm not explaining anything that anybody doesn't know here. But, you know, there's an expression that was kicked around, I think it was about 11 years ago, "if we could only run government like the corner store." I think that is a goal, and I think there are things we can look to in the private sector. One of those is the concept of whistle-blowing, something that is very useful and very effective in so many companies and corporations. I think we all agree its time has come to be enhanced within the public sector, the concept of whistle-blowing.

The Deputy Speaker: Further debate?

Mr. Prue: I do apologize to everyone for calling it Bill 156; it is, of course, Bill 158.

Interjection.

Mr. Prue: Yes. Again, I woke up this morning and I had no idea why I wore this tie except that I hadn't worn it for a while. But it's all readily apparent to me now.

Having said that, this is a bill which has some merit. I always start most of my speeches by talking about the good things. I talk about improvements throughout, but it has some merits. And I start with the rights of public employees.

As many of you know, for 20 years before I became a full-time politician, I worked for the federal civil service. I worked in the immigration department and I was a public employee. In those days, we did not have rights. We did not have the rights that are enshrined in this bill, nor did the public employees of Ontario at that time have the rights, because we were forbidden by law to participate in any way in any kind of public demonstration or to participate in anything that had to do with politics. It was the Liberals, it was the Conservatives; it was all of them federally that forbade us to do things that today are considered quite ordinary.

When I was first employed by that department, back in 1973, little memoranda would circulate within my workplace telling me that I could not participate in elections. I

could not put an election sign on my lawn. I could not attend a meeting. I could not ask questions of people who were running for political office. I could not donate money. I could not support a candidate. I could not knock on the doors. All of those things happened as recently as 1973. That was the law as it was interpreted.

Mr. O'Toole: The Liberals will do that.

Mr. Prue: It wasn't just the Liberals; it was the Conservatives too. My friend here—

Mr. O'Toole: Very briefly.

Mr. Prue: No, not very briefly. In the Mulroney years, all of those things were there too, throughout that whole process. Public employees on the federal and the provincial levels were denied basic human rights, basic political rights to do what any citizen takes for granted. I think about this bill and who is still denied. I understand the rationale; I do understand the rationale of the government to continue the denial to certain people.

You deny this right to this day, and in this bill, to the Ontario Provincial Police. Now, there are some who would opine that that ought not to be done. An ordinary constable on the beat, although he or she does enforce the law, has, in my view, the right to express a political opinion. That is not enshrined in this bill, and I want the government to think very carefully about—I know there's two arguments to this—whether or not police officers, those who are not in command, those who are not in charge of stations, those who are not in charge, should have the right. I can understand why Mr. Fantino or his successor would not be entitled to do that, but I really have to question why ordinary police officers would still be denied this right.

I understand how deputy ministers would be denied the right, because of course they are the ones who make the laws, who put the laws before the politicians, who are the movers and the shakers behind what is decided. So I'm not giving any difficulty to that.

There is also the whole issue of the directors. When I read this bill, and I try on all occasions to read the bill as best I can, what jumped out at me is that directors—bizarrely, directors—have the right to decline to participate in politics unless it's related to their ministry. So if they in a particular ministry, and if the minister or the political master says, "You must come out and support me in terms of a particular bill, particularly at times of election," under this law they have the right to decline unless it's related to their ministry. So if it is related to their ministry, they have to go out and say good things. These individuals may not in all cases be in accordance with the government of the day and what they're trying to do. I can think of past governments, this government; I know that there were public employees who were not in agreement. I know that when the Conservatives were in power, many, many public employees and many people at the deputy ministerial level were not in agreement with what was being done. But under the terms and conditions of this bill, they will not have the right to decline to support that. They will have only the right to decline when it is outside of their particular ministry.

2040

I ask the government to look very carefully at this, because you are asking people to do something which is contrary to their beliefs, contrary to the rights that every other citizen would have, and that is the right to say that they disagree. If the only right they have is to decline and say, "I'm not going out to knock on doors. I'm not going out to support you. I'm not going to go out and say good things about you, your government and this particular bill, of which I am part of the ministry," then I believe they should have an unqualified right. If they do not have the right to take a proactive role, then I do not believe that they should be denied the right to simply say, "I'm not participating because I am not in accord." I ask the members opposite to look at this particular section.

I look at the history of all of this. I ran twice for federal office. Back in 1979-80, it was a winter election. You'll remember the Joe Clark government fell. The whole thing was about the gas tax. I got a phone call one day, as a federal civil servant, asking if I would be the NDP candidate in Scarborough Centre. I was flattered and honoured, and probably did a very foolish thing and agreed to be that candidate. What I learned about being in the civil service at that time was that this involved a great deal of difficulty, a great deal of sacrifice to anyone who was perhaps, like Van Gogh, just a little bit bizarre, a little bit eccentric, who wanted to give up a safe, cushy civil service job and go off to politics, because a whole bunch of things happen to public employees who do that.

The first thing that happened to me—I remember to this day my acceptance speech—was that I was a marked man, because literally from that day in the federal civil service, after having had four promotions in the previous couple of years, working my way up the ladder, up the ranks—that was the second-last promotion I ever had in all of my 20 years, because from that point on, I was somebody who was different. I was somebody who had played his or her colour. I was the person who had said, "I want to run for the New Democratic Party." I wasn't with the party in power or even the party in opposition; I was somebody else. That really made a huge and profound effect.

What else happened, though, what many members may not realize, and what even happens under the terms and conditions of your bill, is that a public employee who announces that they want to run in the election must resign or must take a leave of absence that is approved by the government. I know when I did it they allowed me to take a leave of absence because I was at an intermediate level of what was called the program administrators, but it was contingent upon my not embarrassing the government at all within the period of time of the election. So I took a leave of absence.

I took a leave of absence from the day of the nomination, not from the day of the election but from the day of the nomination, and for the next 12 weeks got absolutely no pay. I want you all to think about what this involves for most ordinary mortals, to go about a quarter of a year with absolutely no pay. I want, even to this day, to thank

my wife for putting up with that, because she had to carry both of us for 12 weeks while I ran off on an election in which there was very little chance of my actually being successful.

Mr. Dave Levac (Brant): Did you pay her back?

Mr. Prue: Of course. I've paid her back in spades, I hope.

Not only did I do that once—and I lost that election in 1979-80; the Joe Clark government fell; there was a Liberal tide; the Liberals won that election—but in 1984 they phoned me up again and said, "We want you to be our candidate. We thought you did a really good job the last time. Will you run again?" Like a trout rising to the bait, I was there and ran again. And literally the same thing happened again: 12 weeks with no pay, 12 weeks running in an election—again guaranteed at that time that I would probably never get another promotion, because I did get one between those two periods. I never did get another promotion. It's what civil servants, public employees, expect will happen when they exercise a basic right that every single person in this room has exercised; every single person who is here has chosen to do this. But I will tell you that no one pays the cost more than a public employee.

I do remember something remarkable happening in 1984, again in the riding of Scarborough Centre. We tried to make an issue of the fact that public employees could not participate in the electoral process, and we did make an issue of it. We organized a day called "Civil Service Bag Day." I organized 20 or 30 or 40 public employees who worked for the government of Canada, and they came out on one particular day wearing paper bags. They looked like Igor Gouzenko—if some of you are old enough, you'll remember him. They all had paper bags with holes cut out for eyes and a mouth, and they came out to meet the press. They were going to knock on doors with me. It was against the law, and had they been caught, they would have been fired from their jobs; they would have been doing something that was contrary to law. But 20 or 30 or 40 of them came out that day. We had buttons made up. I still have a couple at home in my button collection: Civil Service Bag Day 1984. They went out knocking on doors. Of course, it was the number one item on the news that night, that civil servants were revolting. You can take that however you want, because they were revolting that day.

One of those public employees had the guts—and I have to say the guts—to actually take the paper bag off her head that day and challenge the government of Canada to fire her for coming out to knock on doors with me, her colleague. Her name was Susan Giampietri. I haven't seen her in a number of years, but I know she's still here in Toronto somewhere and, I believe, is still working for the immigration department. She had the guts to take the bag off her head and challenge the federal government to fire her, to take her to court for exercising a political right that any other Canadian citizen had. Of course the Canadian government would not do that, because they understood that the law upon which public employees had to

rely was a bad law. It was a law that was probably not enforceable. It was a law that would not stand up under the Constitution. In fact, they did nothing to that very brave woman. I thank her to this day for having that kind of guts.

We think this bill is a step forward in terms of this provision. It's a step forward. What we need to do in the long term, though, is allow every citizen political rights. I understand that some of that will have to be defined for deputy ministers. I understand that some of it may have to be defined as we go down the ranks. I even understand that some people would have considerable reluctance at police officers being able to exercise a modicum of political rights. But in the end, we need to exercise our discretion on a balance of what those people can bring to political office, what they can bring to the political debate, what rights they have to participate in something that we, as Canadians, consider normal and natural.

I'm asking that the framers of this bill look at that, because although it is better, it could be best, it could be far beyond what it is, to allow people to exercise something that was denied to me a scant 22 years ago. It was denied to me and to the people I worked with 20 or 22 years ago. Please end those days and give political freedom to all public employees. They deserve that political freedom, the same as anyone who is a farmer, the same as anyone who works in a factory, the same as anyone who works in an office, the same as anyone who works for private enterprise. They deserve that same freedom. I would like to see, when this bill is finished, that they are there and that they have those same rights.

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I'd like to deal with the whistle-blowing aspect. Public employees have rights and have had rights for a few years in terms of whistle-blowing privileges, where they can talk about governments doing bad things. But it is ambiguously defined in the terms and conditions of the bill. It is ambiguous. I'd like the members to look at the whole spectacle of Adscam. If you look at everything that happened in Adscam, if you look at everything in Gomery and what flowed from all of that, it shows that a public employee who truly believes in his or her job, a public employee who believes they are there for the people and not necessarily for the politicians, believes they are there to help the institution of Parliament or the Legislature, are really true heroes.

I go back to the 1993 law that Bob Rae and the NDP government passed. Unfortunately, I have no idea what happened between 1993 and 1995, after this law was passed. I am still perplexed about why it was never proclaimed into law. It set up what I think was actually superior to what is before us today. It set up an independent counsel who reported directly to the Legislature, somebody who was not the Integrity Commissioner. It was somebody who was an independent counsel to whom a public employee could go, and that independent counsel reported directly to the Legislature. They reported to the Legislature, they investigated on behalf of the Legislature and they—I can't read my last word here

with glasses, and it's a word I don't want to miss; "protected," that's it—they protected the public employee for the Legislature.

What is suggested now is the Integrity Commissioner. I have great respect for the Integrity Commissioner, great respect for that office and for what he does. I have great respect that, under this bill, if a public employee goes before the Integrity Commissioner, his or her comments will be listened to. But we on this side of the House have some difficulty understanding how a tiny office like the Integrity Commissioner is going to be able to deal with whistle-blowing if there are more than one or two per year. I have no way of knowing how many public employees, once freed of the burden and once safe in keeping their jobs, will come forward. But we do know that the integrity office has the Integrity Commissioner and one staff person. We've all met both of them. We know where the office is. We know who they are. We know because once a year we have to go and submit our details to the Integrity Commissioner and his staff. That's who they are. That's all there is there. This is an additional burden upon that office, and I am not sure, under the terms and conditions of this bill or the regulations that will flow from it, whether the Integrity Commissioner will have additional staff or resources to deal with these very important issues.

I go back again to my public employee days. I go back to whistle-blowers I knew whom I worked with and what happened to them. I go back and look at all the whistle-blowers in the history of this country and of this province and what has happened to those public employees who had the guts to come forward.

I remember a gentleman I worked with; he worked at the Immigration Appeal Board, which was the precursor of the Immigration and Refugee Board. His name was Keith Forgie. I hope that one day Keith Forgie will see this transcript. I doubt very much that he'll be watching tonight, but if he is, I hope he'll enjoy this too.

This was a man who worked as a deputy registrar at the Immigration Appeal Board, and he uncovered what he believed—I'm not sure; I'm not going to say whether it was true or not, but what he believed—was wrongdoing by that body. He came forward and bravely told a lawyer, and the lawyer in turn told the press, the press got involved, and in the end all that happened to Keith Forgie for uncovering what he thought was wrongdoing by that board, which after all determined the lives of refugee claimants and of permanent residents who found themselves under a deportation order, and he believed that some of the decisions were not made in the best judicial tradition—all that happened to him in the end was that he got fired.

It was one of the most summary of firings I ever had the experience to witness. He was fired without so much as an opportunity to defend himself, without their even—he asked what evidence they had that he had done things contrary to law, and they refused to do it. They told him, "You've had your opportunity and all you've done is question what evidence we have against you," and he

was fired. He was fired and he lost all the appeals, and the federal civil service and the Public Service Commission and everything shut around him.

All he did was point out where he thought, where he believed, that refugee claimants and permanent residents who had run afoul of the law were not getting a hearing that he felt was in their best interest, that was free of, and not tainted by, any kind of bias. I'm not saying he was right. I'm only saying that this was his opinion, and this is what happened to him. I wish him well. To this day I don't know where he is. I haven't seen him since. But that's what happened to one public employee with whom I worked. There were others, but I'm not going to go into them.

I look to my other experience at the city of Toronto. A public employee came forward, and a couple of pretty brave politicians, one of whom is not here tonight—I shouldn't say that, but it's Mr. Balkissoon. I want to talk about what he had to do around the whole leasing scandal at the city of Toronto, because what he did was pretty brave too. As a member of the audit committee—there were only three of us; I was the second member. He brought forward some of the original details and talked about what was happening in the leasing scandal at the city of Toronto. Then, after he brought that forward, a whole bunch of public employees started to talk about some of the things they thought were just a little irregular.

The city of Toronto went through a whole cathartic exercise; they went through a whole looking at—Madam Justice Bellamy came out and interviewed and cross-examined hundreds and hundreds of witnesses in thousands of hours of testimony to try to determine how the city of Toronto was literally, in my view, cheated out of hundreds of thousands or millions of dollars—they went way over budget in terms of ordinary computer leasing—and whether or not some of the individuals associated, who were members of council or who were lobbyists, had profited immensely from the whole exercise.

But in the end, it was the public employees who bore the brunt of the backlash; it was the public employees, even at senior levels, who were let go, who were fired, who were forced to resign. In terms of the politicians, one of them didn't get elected when he ran for mayor, probably deservedly so, but it was the public employees who paid the price, and I still remember that.

I look at the sorry spectacle of Adscam, the sorry spectacle of everything that happened. A brave public employee, Allan Cutler, came forward and said that the procurement policy of the federal government was not right. People don't realize or remember today what happened to him when he first came forward. He came forward with this, and the first thing that happened after he lodged his complaint was that he was transferred to technical and special services, a demotion within his own place of work. That's what happened to him at first. He was later exonerated, but the first thing that happened to him was that he no longer could work where he had worked for years. That same public employee who was

looking out for the best interests of the people of Canada, for the Parliament and for all the things we hold dear—the first thing that happened to him is that his superiors demoted him, transferred him, put him into a job that was not his job and sent him to technical and special services, whatever that meant. God bless him. He kept absolutely meticulous notes. He had the smarts to keep meticulous notes. I understand they were more than an inch thick, outlining and detailing everything that had been done improperly around the whole Adscam. So when Justice Gomery held his inquiry, the basis of that inquiry and everything he had to look for was not something that came out of his head—and he is a brilliant man; I take nothing away from him—but came from the meticulous notes of the civil servant who, in the end, had the best interests of the people of Canada.

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We all know how that resulted. We all know that in the end, he was exonerated. He is considered today by many to be a true hero of the public service. And we know that those who transgressed, those who did wrong, those who cheated, some of them went to jail, and for those political people, they found themselves on the receiving end of a very large and deserved backlash.

So I'm asking the members opposite in this bill to think about the public employees who come forward. I thank you for the bill. I thank you for the provisions that allow for whistle-blowing. But I also want you to understand that when you put this law into effect, when the law is finished, when the Lieutenant Governor in Council comes forward with regulations, you need to protect these individuals. You need to protect the Allan Cutlers. You even need to protect the people like Keith Forgie all those years ago. When they come forward in good faith, when they provide information of wrongdoing, they need to be protected. They don't need to be demoted, they don't need to be sent to Coventry, they don't need to be fired; they need to be praised. We need to see that in the regulations, and potentially we need to see an increase in what is afforded to them in the body of this bill, when and if this bill goes to committee.

I'd like to talk briefly about successor rights. This is something, of course, that as a former union person, as a New Democrat, you would expect me to talk about. Successor rights are an important and integral part of this bill. I appreciate what is contained within the body of the bill in terms of ordinary union members having rights that were stripped from them by the previous government. These are simple, they are basic, and sadly—better late than never—it's taken three years for this to be remedied. The former government took away the successor rights of public employees who, after all, were doing the very best service they could possibly do for the people of this province.

It happened when as workers they found their jobs contracted out. As workers, they found that they were transferred from one department to another, or to a crown agency or to a place that did not acknowledge successor rights. These workers found that after 10, 15, 20 or 25

years of faithful service to the government and to the people of Ontario, they were stripped of what they had considered basic and what every other worker who remained in their job had kept. To them and to me they were important principles. Some of them lost wages in that they were demoted; they were sent to places where the money was not as good. Some of them lost seniority. Almost all of them lost seniority, because when you go from one department to another or to a crown agency, literally you start all over again. So even though you worked for 20 or 30 years, you were subject to layoff as if you were a brand new person. You were subject to not having your holidays approved, as if you were somebody who had just arrived on the scene. You were subject to all of the vagaries of not having seniority. Some of them lost benefits, because benefits accrue with the amount of time you have worked for a government or an agency. They have lost those benefits and, quite clearly, many of them lost an opportunity for union involvement, to belong to a movement that protected those rights and the rights of people who worked with them. Some people hold that union involvement very dearly.

Crown employees under this act still lack that right. I'm asking for the members opposite to look at giving crown employees the same rights as people who work for the general civil service. Take a look at that. Take a look and ask yourself why crown employees in some of the crown agencies do not have the same rights as public employees. I think they should have that same right. In this bill, the members opposite and the government have seen fit—people who work for you in your offices, should you one day not be in power or seek not to renew public office, have rights under this act to look for other employment within the public service. I wish you would share with the crown employees the same rights that the people who work for you in your offices have today. Please look to share that, because these are people who are dedicated to this province every bit as much as others.

I look back to what the members opposite like to call the eight dark years or the eight lost years of the Harris government. I am no fan of Mr. Harris; I have told my Conservative colleagues that many times. I cast no aspersions on him for being a Conservative, because to this day I admire many Conservatives: Bill Davis and John Robarts, who as a teenager and a young man I had the opportunity to meet and even cheer on on occasion. But he was a bitter man when it came to people who worked for the public service. He was a bitter man when it came to people who were unionized. He stripped the workers of their rights, and it is essential that those rights be given back.

There were thousands of individuals, literally thousands of them, who lost their jobs in those eight years. There were thousands of them who took wage cuts, who suffered benefit cuts, who lost their pension plans. And, quite literally, throughout all of this, there was an enormous cost to OPSEU. Thousands of dollars, maybe millions of dollars were lost to that union and to the members in fighting through the courts, through the tribunals and

everything else to get those same rights back, the jobs back, the wage cuts back, the benefits back, the pension plans back. It is only in these last few months that some or all of that is starting to come together.

I am asking the members opposite to take a look at what dedicated men and women have lost in this province, people who have dedicated their lives to the service of the people of Ontario, to the government, no matter what it be—NDP, Conservative or Liberal—and to this Legislature. I am asking you to recognize them, not as people who should be fired, not as people who should have their wages or benefits cut, but as true heroes, men and women who have sacrificed much for the people of this province. I am asking you within the confines of this bill to give that back to them.

Most assuredly, members in this House will be aware that OPSEU has been fighting over the last three years and has recently been successful in getting back union membership wages, pension plans and benefits for people who worked at the North Bay and Whitby psychiatric institutions when the government determined to divest those, when it determined to privatize them, when they were determined to change them into agencies, when they were determined to change the working conditions. That union has fought for three years and has been successful in forcing the new employers to recognize the long-standing public employees who work there. They have got some of those, and perhaps all of those, rights back.

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I am asking all the members to recognize and appreciate what has gone on. I am asking you, in the totality of this bill, to look at what can and what should be done. It is not sufficient, in my view, to simply say that it's going to be better. I acknowledge that what is in this bill is better. It is up to each of us to recognize the contributions of these exceptional people who have chosen public employment and service. The public service often does not pay as much as you could make in private enterprise. It often has long hours. It often has working conditions that others would not want. It has a bureaucracy which can be mind-numbing on occasion. But every single public employee deserves our respect and gratitude, whether that be for political rights—in my view, they have and should have no fewer political rights than any other individual in this province—or whether it comes to their rights to blow the whistle on what is wrong—and they are in the best position to see if people are doing something wrong and contrary to the wishes of this Legislature, of the government in general. If they blow the whistle, they should be protected. And if they need the successor rights that this bill goes partway to restoring, then so be it; it needs to be done.

I haven't heard yet, because I wasn't here the last day, whether this is going to committee, but I trust it will. I'm looking for a nod from anyone that this is going to committee. I trust it will go to committee and we can hear from these public employees, from the unions that represent them, from learned people about political rights

and whether any damage whatsoever will be done to this government if ordinary police officers are given rights that you and I take for granted, or that any public employee in senior management positions would have the right not to support a ministerial directive or a directive of the government without fear of losing his or her position. I want to hear what the justification is for parts of this bill that still hold on to those old beliefs that were wrong 25 years ago when they were perpetrated against me and the colleagues who worked for me in the federal civil service. I want to hear that those days are gone and that this government is looking to a future when public employees have the same rights as we would expect for anyone else.

In conclusion—and I don't think I'm going to take my whole time, because I've said everything I need to say—I just want to ask that this government commit itself to putting this before committee. I want them to look at what they can do to improve the bill for the tens of thousands of people who call the province of Ontario their employer. I want them to look at the crown agencies in the same way they do ordinary public employees. I want them to look at the restrictions that they continue to put on and see how they can be changed and be brought even better into the 21st century than they have under the terms and conditions of this bill. Last but not least, I want them to make sure that any public employee, at whatever level, who comes forward to blow the whistle, to say that something is wrong, is not subject to retribution, is not subject to demotion, is not afraid for his or her job but in fact is rewarded for their commitment to the people of this province. That goes for anyone, from a person working in a seniors' care home who talks about our frail and elderly, who reports cases of abuse, to the most senior mandarin in Queen's Park who can talk about government wrongdoing.

We have an opportunity to do something really great here, and I am asking the members of the government especially, when and if this goes to committee—I still haven't seen anyone indicate that it is, but I'm hoping it does—that we look very carefully at how to do that. If that is done, this will be a very proud day for Ontario.

The Deputy Speaker: Questions and comments?

Mr. Ramal: I was listening carefully to the member from Beaches–East York's speech in detail. I enjoyed listening to him. He always brings to this House a unique perspective and intelligent, thoughtful analysis.

As I mentioned, I listened to him describing his experience. It was a wonderful experience, and I want to thank him for sharing this experience with me, with all the people in this House and the many people who are listening to us tonight. It's important to engage the public employee in making decisions in the province of Ontario, because I believe they have a fundamental right to participate, to be a part of the political process, to have an opinion about who's going to be the government or participate to be part of the government; I think it's a fundamental right, and I agree with him strongly. His analysis and his descriptions of the bill were incredibly

good, and I believe he also has some kind of concern. I hope the bill goes to committee; I think it will go to committee and we'll get more debate and more opinions from different parties in order to enrich the bill and make it a very successful one.

I believe strongly that only by the democratic process, only by debating the issues, by understanding all the elements of any bill, can we reach a successful bill. Of course, all of us, from the Conservatives to the Liberals to the NDP, want to work and serve the people of Ontario. We want to bring our rules and laws to benefit them, to make their lives easier and more successful, and also to protect them. This is our job and our duty.

Certainly I and many of my colleagues here, and many people who are listening to us, enjoyed, I think and I hope, his analysis, his debate. I think he enriched the debate and gave it far more depth. I want to thank him. I wish all the people will support him too.

Mr. O'Toole: I'm pleased always to respond to the member from Beaches–East York and his comments on Bill 158. But I would have to say that his comments failed to meet the salient point of this evening's debate, which was really all about Bill 107. I know the discussion here is on—

The Deputy Speaker: No, no. The debate tonight was not on Bill 107. Your response should be directed to the remarks of the member from Beaches–East York.

Mr. O'Toole: Yes. Could I have the clock restored for the time, because I was responding. I was only trying to relate to the earlier part of the debate from the member from Haldimand–Norfolk–Brant, which—

The Deputy Speaker: No, no, the member for Durham, and I'd remind all members, questions and comments are to be directed to the comments made by the previous speaker, that being in this case the member for Beaches–East York.

Mr. O'Toole: I would seek unanimous consent to restore some of the time I'm limited to, because under Bill 158—I seek unanimous consent to extend the time remaining, because this is an act that revises aspects with respect to the Public Service Act. I would say that the member from Beaches–East York related, at the beginning of his comments, to his time in the public service. The right for the whistle-blower legislation is paramount. We would be clear on the record of our full and unequivocal support of that particular portion of the bill. But if you look in the bill itself and the number of acts it amends, you'd have to realize that if you relate it to the earlier part of the debate on Bill 107, it is related.

The Deputy Speaker: No.

Mr. O'Toole: No, I'm trying—

The Deputy Speaker: Thank you. Questions and comments?

Mrs. Liz Sandals (Guelph–Wellington): I'm very pleased to respond to the remarks by the member from Beaches–East York. I found his dissertation on his tie choice fascinating. We often have private conversations about which tie he has chosen, so it's interesting that tonight, we actually have this on the record.

But on a more serious note, I would actually like to thank the member from Beaches–East York, who in fact is taking Bill 158 very seriously. This is actually quite a serious topic. We are updating the Public Service Act, to the benefit of those thousands, hundreds of thousands, tens of thousands, anyway, of people who work for the Ontario public service in the province of Ontario. We are updating the Public Service Act for the first time in very many years and bringing in things that have been significant holes. We are adjusting the act to allow for protection in the case where there is whistle-blowing. We are allowing the public service, for the first time in many years, to take part in political activity. We're dealing with clarifying conflict-of-interest rules. As the member has mentioned, we are dealing with the issue of bringing in successor rights. I would like to thank him very much for his positive comments in all of those areas and his very thoughtful discussion, as a former public servant, about how that can impact on people. In particular, I think this is a much more appropriate way, when we are discussing the working conditions of our own employees, to treat this discussion with respect, rather than ringing the bell for an hour, which I consider to be total disrespect for—

The Deputy Speaker: Thank you. Questions and comments?

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Mr. Tim Hudak (Erie–Lincoln): I'm pleased to respond to my colleague from Beaches–East York. I always enjoy his remarks. He, in fact, did something that is a bit of a rarity. He had the opportunity to use the entire hour for his comments but felt like he had—and had—made some excellent points in the 50 minutes or so that he used and left the 10 minutes on the clock. In those 50 minutes, the member brought forward some excellent suggestions with respect to the bill and some suggestions on how it could be improved at committee. I heard some members opposite say it may very well go to committee, which I'd encourage them to follow through with in their discussions with the House leader. The member also shared some of his retrospectives of his time in municipal office, working with civil servants both at the provincial and municipal levels and the importance of this legislation. Particularly the whistle-blower provisions took up a significant part of his comment.

I certainly hope that if this does go through committee, it won't get the same guillotine treatment we've seen of Bill 107, where the government cheerleaders were up first and then Mr. Lepofsky and some others who had some criticism to bring forward were unceremoniously cut off when it came to debate. So hopefully with Bill 158 we're not going to see that kind of guillotine brought forward. If this bill had been passed, we may have seen a different reaction at the Ontario Lottery and Gaming Corp., for example, where some \$6 million, minimum, was used to—

The Deputy Speaker: Member for Erie–Lincoln, I didn't hear the member for Beaches–East York approach that subject. We must keep this to the comments made by the member for Beaches–East York.

Mr. Hudak: Well, Mr. Speaker, with respect, the member spoke about the importance of whistle-blowers and making sure there are protections in place. So examples like those I referenced seem very appropriate because maybe that could have been stopped before \$6 million was wasted at the OLG.

The Deputy Speaker: Member for Beaches–East York, you have two minutes to respond.

Mr. Prue: I'd like to thank the members for London–Fanshawe, Durham, Guelph–Wellington and Erie–Lincoln for their comments. To the member for London–Fanshawe, I thank you very much. You obviously took the time to listen to what I had to say tonight. That is not always what happens in here, but I thank you for your comments.

To the member for Durham, I don't want to digress; I wasn't talking about Bill 107. I know it's very dear to your heart, but that was not the subject at issue here tonight. That will be the subject, I'm sure, over the coming weeks and months as what has happened here I'm sure will be debated in the public.

To the member for Guelph–Wellington, thank you for your comments and thank you for your ongoing interest in my various ties and cravats.

To the member—

Mr. Hudak: What's the difference between a tie and a cravat?

Mr. Prue: I'll explain it to you. Okay. To the member for Erie–Lincoln, I thank you for your comments. Mr. Speaker, with all respect, when he digressed and talked about the lottery corporation, in fact, he was correct. I just want to state that for the record. Had there been public employees available to blow the whistle, this may not have gone into what has happened in the Legislature and in the press over the last couple of weeks. Had public employees known what was happening and been able to come forward without fear of reprisal, this might have been nipped in the bud a long time ago.

In the whole totality of this, I thank people for their comments. I am still asking and I have still yet to hear whether or not this will go to committee, because quite frankly, the people who are public employees in this province need to be heard and the unions that represent them need to be heard.

Mr. O'Toole: How about 107?

Mr. Prue: We will deal with 107 at some other appropriate time.

The Deputy Speaker: Thank you to the member for Beaches–East York and all members. The member from Erie–Lincoln may have been right, but the comments weren't relevant to your comments.

With that, I will look at my pocket watch and say it is close to 9:30 of the clock. This House is adjourned until 10 of the clock, November 23.

The House adjourned at 2126.

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