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**Official Report  
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(Hansard)**

**Journal  
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**Tuesday 17 May 2011**

**Mardi 17 mai 2011**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 17 May 2011

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 17 mai 2011

*The House recessed from 1806 to 1845.*

### ORDERS OF THE DAY

#### TIME ALLOCATION

Resuming the adjourned debate on allocation of time on government order 56.

**The Acting Speaker (Mrs. Julia Munro):** Further debate?

**Mr. Toby Barrett:** With respect to debating this legislation, initially I'd like to work through this government motion line by line. There's much fodder contained therein and lots of room for commentary. As we know, the motion begins by noting "that the Legislative Assembly ... recognizes that to make life easier for Ontario families"—and the Legislative Assembly may obviously recognize the need to make life easier for families. I will put forward that only with Tim Hudak do we see a plan to try and bring that to fruition, to provide real relief for Ontario families—relief from electricity bills, for example, and relief from eight years of new taxes and ever-increasing taxes. I don't know how anybody could argue against the fact that for the last eight years the Liberal government has increased taxes for the regular guy and gal out there, and brought in brand new taxes like the HST.

The government motion goes on to read "help our economy remain strong." I question when the McGuinty Liberal government came to the "strong economy" party. When did they decide to put that as a priority? Recent history does seem to indicate the opposite. Just look through the last years of Ontario stumbling through the past recession when government taxes and spends like drunken sailors. I, of course, mean no offence to drunken sailors, being native-born from Port Dover.

Over the past eight years—another fact—we've gone from first to worst when it comes to economic strength across the Dominion of Canada. Once again, this has become a bit of a cliché during the past eight years. Once we were the economic engine; we're now spinning our wheels. We're nothing more than the caboose.

Continuing to read this motion from Mr. Duncan, the government's reference to "Ontario's tax plan"—would that be the same tax plan that's given us the largest income tax increase in the history of Ontario as well as the largest sales tax increase in the history of Ontario?

Again, I am not sure if anybody across the way thinks they could argue against facts like that: the same tax plan that always begins with McGuinty promises of no tax increases and always ends with taxpayers digging in deeper to pay for big government.

I follow Twitter. There's a local fellow, Monte Sonnenberg, who writes for the Simcoe Reformer. I'll retweet one of his tweets, where Mr. Sonnenberg describes digging his hand in his pocket and he ended up shaking hands with Dalton McGuinty. That's how he describes that.

Now, this motion suggests the "tax plan for jobs and growth." Again, I find that passing strange, given that I was down in Niagara a few days ago. I spoke at a breakfast with Bart Maves, former MPP and PC candidate for Niagara Falls. He brought out information that there have been 40,000 jobs lost in Niagara alone. That flies in the face of the statement that I read in this motion about jobs and growth. We do know that in recent years we've seen the demise of 300,000 manufacturing jobs—again, jobs that no longer exist in this province, in part because of McGuinty policy.

#### 1850

This government goes on to boast about the 90,000 Ontarians removed from the income tax rolls. Again, I remind the members opposite that they've just removed 300,000 manufacturing workers from the employment rolls; removed them from the income tax rolls. If you lose your job in a factory, you're not paying income taxes.

The motion tells us that apparently the budget provides "93% of Ontarians with a permanent personal income tax cut." Again, you get a personal income tax cut when you lose your job or you go back to a part-time job or someone in your family is no longer working. This is a statement that follows hard on the heels of a government that has been jacking up income taxes, introducing new sales taxes and, of course, implementing sky-high electricity rates.

The statement goes on to suggest that \$12 billion will be provided in tax relief for families—there's a Tim Hudak expression. Put that in the context of the billions and billions of government dollars that have been added through revenue, through tax increases. Again, it strikes me as somewhat disingenuous.

This government is given credit for corporate tax cuts. As I recall, there have been corporate tax cuts in at least three different, broad areas.

I'll move on to the second sentence in the government motion. The government is asking us to—and I'm quot-

ing the words of the statement—recognize that “the economy is turning the corner.” Given our experience with the recession and this province’s unenviable position as a have-not province, I question whether the corner—

**Interjection:** What does that mean?

**Mr. Toby Barrett:** What does this mean, “turning the corner”? Are we going into—and let’s hope not—a further gaping chasm—

**Mr. Randy Hillier:** We’re underperforming.

**Mr. Toby Barrett:** —of underperformance and a less-than-prosperous future?

**Mr. Randy Hillier:** Like the Liberals: “underperforming.”

**Mr. Toby Barrett:** As the member indicates, “underperforming.” It’s an interesting note in this motion—

**Mr. Randy Hillier:** Reduced expectations.

**Mr. Toby Barrett:** Reduced expectations. And I do apologize for quoting the Liberal members’ own words back to them. They’re going to have to sit here and bear it. They said this stuff.

The motion “rejects the introduction of a carbon tax,” noting that it “would hurt Ontario’s economic” progress. So much for the green movement; so much for the cap-and-trade experiment.

Interesting: Several government ministers, actually, in spite of this statement, embrace rather than reject carbon taxes. For instance, the Toronto Star, a paper read by left-wingers in many cases, reports cabinet minister Glenn Murray’s commentary, and I quote: “It is time for all of us to start to get comfortable with two words: carbon tax.” Similarly, in response to the Environmental Commissioner of Ontario’s report last year, then-environment minister John Gerretsen said, “Certainly a carbon tax is something to look at.” I read the complete opposite in this statement.

In the motion’s final stanza, we see another rejection. This time, we’re supposed to believe that the government rejects “an increase to the HST rate.” Wasn’t it just in the last election that the government promised no HST whatsoever? Quite frankly, I’m predicting that this one can probably be put in that “whopper” category.

It goes on to say that they won’t decrease the rate either.

*Interjections.*

**Mr. Toby Barrett:** I really can’t make out the babble across the way, but I’ve been here in this Legislature for, gosh, 16 years. I have opposed the HST from day one. So did Mike Harris. So did Ernie Eves. So did Jim Flaherty, as a finance minister sitting in this Legislature.

Now, everyone across the way will recall Dalton McGuinty signing the taxpayer protection pledge and telling us, “I won’t cut your taxes, but I won’t raise them either.” We all know how that story ended; we’ve seen that film before. Again, fool me once, shame on you; fool me twice, shame on me. And from what I hear in small-town Ontario, what I hear out on the back roads when it comes to government promises, when it comes to what people in Ontario are telling me, they won’t be fooled again.

We have in the motion some final shots. The cutting of the HST would, they say, “take \$3 billion out of health care and education....” Why would this government even think of taking \$3 billion out of health care and education? I challenge that one. I challenge that statement. We all know that health and education funding in the future will continue to climb every year. You will see that under a Mike Harris government.

**Interjection:** Mike Harris?

**Mr. Toby Barrett:** I’m sorry; Tim Hudak.

They conclude by noting that an HST cut would “harm Ontario’s economic recovery.” To harm an economic recovery, you have to have an economic recovery in the first place. I do remind members opposite that you have given us the status of the poor man of Confederation. Once a very proud province, you’ve put us on the dole.

**The Acting Speaker (Mrs. Julia Munro):** Further debate?

**Mr. Paul Miller:** New Democrats have opposed the HST publicly and focus on practical solutions to make life affordable for Ontario families and to ensure public service works for people. Mr. McGuinty and his government are out of touch with Ontario families, who are having a hard time making ends meet. Harper’s Conservatives brought in the HST and Hudak’s Tories have supported private power schemes, which are also to blame for the sky-high costs. New Democrats are offering change that puts people first.

Corporate profits increased 7.9% last quarter, to \$66 billion. That’s good news for CEOs and shareholders, but it raises serious questions about the economic usefulness of the McGuinty multi-million-dollar corporate tax giveaway. Ontario’s record on post-recession job creation isn’t as strong as the other provinces, like Manitoba, that have put a pause on further corporate tax cuts while their provincial budgets are in deficit. Ontario remains nearly 16,000 jobs below its pre-recession peak while Manitoba has gained 15,000 jobs since the date the recession took hold.

To get a real sense of where this corporate tax cut money is going, it helps to look at one sector of Ontario’s economy and see what they’ve done with the additional revenue. The Ontario government says that the corporate income tax cut will hand \$535 million to banks and \$135 million to insurance companies. That’s on top of \$520 million provided to banks through elimination of capital tax. In total, of the \$4 billion in corporate and capital tax cuts the government has announced, \$1.2 billion will be pocketed by banks and insurance companies, with the vast majority going to just eight companies which dominate Ontario’s financial sector. Over the last year, employment in this same sector has decreased—I repeat, decreased—by 25,000 jobs.

If the money didn’t go to create jobs, where did it go? The attached table tells that story. Profits have increased significantly, CEOs have been awarded significant compensation increases, dividends for shareholders have been boosted, but the hiring spree hasn’t materialized.

**1900**

Economic adviser Toby Sanger has analyzed how corporate tax reductions are distributed in the population and has found that the effect is profoundly regressive. In his presentation to the committee, he also noted that it is households, not the corporate sector, that are suffering from a financial crunch:

“Despite record corporate profits, rates of business investment and productivity have been largely stagnant in Ontario and in Canada during the past decade.

“There’s a lot of focus on public deficits, but it’s also important to look at the deficits of the household sector and the balances of the corporate sector. So there’s a complete reversal in this about 10 years ago. Low wage growth and rising house prices led to massive and unprecedented deficits for households, starting about a decade ago. Meanwhile, high corporate profits, cuts in business and corporate taxes and low business investment led to unprecedented corporate surpluses.... A lot of the excess profits went into financial speculative investments, mergers and acquisitions, share buybacks and major excess cash reserves....

“As we all know now, the debt of Canadian households has steadily increased and is now at a record rate of personal disposable income. By some measures, these are higher than rates in the United States....

“Meanwhile, corporate debt ratios have kept on falling, even right through the recession. So once again, the corporate sector has great balance sheets and often lots of excess cash, but they aren’t investing in” our “economy.”

Corporate tax rates are just one of the many factors that a business considers when making investments, but evidence shows that corporate tax cuts have very little positive impact on job creation since they have almost no impact on business capital investment spending.

Since 2000, the combined federal-Ontario corporate tax rate will have been reduced from 44% to 25%, yet business investment has deteriorated since then. In fact, rather than investing in productivity—for example, machinery and equipment—and creating jobs, corporations have been accumulating cash and similar liquid assets at an increasing and alarming rate.

According to Stats Canada, corporate holdings of cash and similar assets reached nearly half a trillion dollars by the third quarter of 2010. Since the beginning of the recession, businesses added \$83 billion to cash holdings. No-strings-attached corporate tax cuts will only boost already astronomical cash holdings levels.

When compared to the industrial regions of the US—our real competitors when it comes to jobs—we’re already more than competitive.

Productivity growth is lagging in Ontario. The Premier recently expressed confusion about Ontario’s dismal progress. But it’s no mystery that there’s simply not enough business investment in plant, machinery and information technology in this province.

Refundable investment tax credits are much more promising as a way to stimulate critical new investments because they provide increased cash flow that is directly

targeted to investment. Quebec’s investment tax credit is one good example of this approach.

Manitoba’s manufacturing investment tax credit is another success story. In Manitoba, the 10% tax credit against payable income tax for investment in buildings, machinery and equipment makes a difference. It’s partially refundable, meaning that manufacturers benefit even when they are in a bad year and not making a profit.

I do believe we brought that forward, that exact bill, and it was shot down, Speaker.

“Keeping control over our own capital markets” is the next category. As witness the ongoing debate over the future of the TMX Group, New Democrats have a fundamentally different view of the capital market strategy than the two old-line parties have.

In the words of Mr. Ermanno Pascutto, founder and executive director of the Canadian Foundation for Advancement of Investor Rights, “In terms of whether this is a merger or a takeover, I think it seems to be fairly established that it’s a takeover of the TMX by the LSE Group. We do not see any clear benefits to the Canadian capital markets or to Toronto, as a financial centre, from this merger.”

More specifically, we in the NDP believe that the centre of gravity for decision-making in this merged entity is going to move from Toronto to London. With this shift in the centre of gravity, Canada is going to be just one jurisdiction of the three: Canada, UK and Italy. As more mergers take place, it will further diminish the influence of Canada.

With the shift in the centre of gravity in decision-making from Canada, a number of issues present themselves.

Number one: loss of control over our capital markets strategy—overall structure. While the OSC and other provincial regulators will still play an important role in regulating the Canadian exchanges, these exchanges will ultimately report to the overall holding company which will be regulated by the UK’s Financial Services Authority. This is very significant. Canadians will not be in control of the overall holding company, and this ultimate governing body, the holdco, will be regulated by the UK’s FSA.

Number two: where strategic decisions will really be made. According to Mr. Bob Dorrance, chair and CEO of TD Securities: “It is very important—and I think this is the differentiator—to understand that the TMX is a self-regulatory body. What that has allowed is that it makes the rules and decisions that dictate how stocks get graded in Canada, who gets to list in Canada, who lists on the TSX Vancouver, when they migrate to Toronto, how much they can finance, how many shares they can issue, whether the board of directors is appropriate—all those rules that are a part of the fabric of how Canada has developed its financial system. That’s the responsibility of the TSX, not of the supervisory commissions. The TSX will now report to the” holdco in London, England. “That’s where management will be.

“The key thing is that the functioning, therefore, of the Canadian capital markets and how they evolve will now

be set—not regulated; policies will be set—in the office of the CEO, and that office, initially, will be in London. That’s the regulatory nub.”

We in the NDP agree with Mr. Dorrance and we want to be completely clear: We think that if the TMX-LSE merger goes ahead, basic capital market strategy for Canada will be set in London, not Toronto, and that once the merger goes through, there’s little that the Ontario or Canadian governments will be able to do to change this.

At its core, the debate over this takeover is all about how you have a capital strategy that makes sense, that fits who we are in Canada and that reflects what we do in our own country.

We cannot afford to get this wrong. I can’t emphasize it enough. Years ago, I was in Ottawa lobbying. Years ago, my group warned Canada of the erosion of our base industries; the takeover of our base industries. If I’m not mistaken, 90% of our forestry, 95% of our mining and 100% of our major steel producers are foreign-owned. If you don’t have control over your base industries, you don’t have control of your economy, and the same thing is happening to the TSX. It’s a scary proposition. We will not be in control; Canadian people, the people of Ontario, will not be in control of their destiny. It will be in boardrooms in Europe and the United Kingdom.

Number three: access to capital. Proponents of the deal have argued that by listing on the LSE, Canadian companies will benefit from access to a deeper pool of capital. But as a number of presenters to the committee indicated, Canadian companies already have the ability to list on the LSE, and so far, only 17 of them do. Of the trading that takes place in those 17 companies, 85% of that happens on the TSX. According to these presenters—and we in the NDP support this position: “Global investors come to Canada to finance Canadian companies, and they do it through the TMX exchanges. They do not go through the LSE to finance Canadian companies.”

Why do we need them? Why is this? It is worth quoting Mr. Dorrance again: “The TMX Group is a very successful part of a financial system that facilitates investing and access to capital for Canadian and international companies. They are particularly and historically strong at catering to the needs of Canadian companies. They service the dynamics of the Canadian marketplace and cater to the needs of small and medium-sized businesses.” So as the saying goes, why fix it if it ain’t broke?

Number four: resource financing. In addition, the TMX has become the leading resource exchange in the world. Currently, global resource companies come to the TMX exchanges to raise capital. Global investors provide that financing, both to Canadian companies and international companies. Being part of London really adds nothing at all, and this perhaps reduces our role in resource financing in the future.

#### 1910

According to Mr. George Teichman, a member of the Prospectors and Developers Association of Canada—this might be interesting to the members from the north; this

gentleman has been in this business a long time—“We should not lose sight that the TSM is the largest marketplace in Canada and is our business beacon to the world. This is a strategic industry. Canada’s capital markets cannot work efficiently without a stock exchange, and to have Canada’s exchange controlled abroad, frankly, is not strategic.

“Exchanges should not and cannot be globalized the same way as, say, company operations moving all over the world or the pricing of oil or gold—you know, ‘The world price of gold and oil is so and so.’ Exchanges are different. So for those who say that the LSE won’t control our markets and that Canada’s end of this merger—really, it’s a takeover—will remain robust, I say, why does the LSE need 55%? Don’t you think that they will, in time, try to muscle companies to list and finance over there, across the pond?” Of course they will. “Won’t some executives, lawyers and bankers gradually make the move” from Toronto to wherever they’re needed? “And then, perhaps, the world’s largest mining convention could even move across” the sea. Hold it in London, England, maybe. “Why, then, isn’t a 50-50 marriage good enough? Suppose they hold the 45% end,” and we hold 55%? It might be better.

Not only is this province and country going into a position of eroding our base industries, allowing foreign control of our entire economy, but this is the final blow, to foreign takeover. You say, “Well, we’ve got to operate in a global market.” I hear all the time from the other side, “We’ve got to operate in a global market.” Well, let’s take a look at that global market in Hamilton, where I’m from. US Steel bought Stelco. US steel bought the Lake Erie works.

**Mr. Ted McMeekin:** Too big to fail.

**Mr. Paul Miller:** Too big to fail, yeah.

They bought Lake Erie, and the first thing they did was sign a deal with the federal government saying they would maintain 3.5 million tonnes a year and 3,100 employees. They did none of the above. The government in Ottawa did nothing to help the steelworkers. So what did this company do, bullies that they are? They locked the guys out at Lake Erie—they were out for a year—to force concessions from the workers while giving their CEO a \$6-million raise.

Then what do they do after that little game? They move to Hamilton, and now they’ve got my guys locked out in our local in Hamilton. The same thing: concessions, break the union’s back, more money for their profits, more money for the shareholders at the expense of the working people of this province.

People over there think, “Well, this is just business.” I’ve got to tell you: If it keeps going the way it’s going, nobody’s going to be making good wages in this country. Everybody’s going to work for \$12 an hour, and they’re going to say, “Hmm, who’s going to buy those Hondas, and who’s going to buy the Toyotas? Who’s going to buy all the cars, fridges, stoves—all the other big-ticket items?” Nobody. Because everybody is making 11 bucks an hour. They can’t afford to buy them.

I see more and more people on the breadlines. There are more and more people at food banks. There are more and more people out of work. Yet they say they've created, I don't know, 600,000 jobs. Well, that went back to 500,000, and now it's down to 450,000. They're dropping from the 600,000 I've been hearing for three years. The 50,000 green venture jobs? Not happening. We don't see those either. Just come to Hamilton. Since this government took office in 2003, we've lost 20,000 manufacturing jobs in the Hamilton area—20,000 in a population of half a million. Absolutely outrageous. That is the critique of the proposed LSE-TSX merger.

We have not yet had a chance to review the details of the proposed Maple Group bid for the TMX Group. However, we can say that we welcome a bid by a made-in-Canada consortium, and as we sort through the details of the Maple Group proposal, we will be looking for provisions that satisfy the concerns outlined above.

In summary, the NDP believes that as things now stand, "Toronto is a leading global financial services centre, the headquarters to strong institutions that weathered the financial crisis, and home to the world's leading resource exchange. As such, it is well positioned to compete globally on its own without this takeover"—takeover. Gee, I wonder what happened in Sudbury. I wonder what happened. A Brazilian company went into Sudbury and locked the unions out. They were out for months and months and months, and this government did nothing to help the steelworkers in Sudbury—nothing.

The TMX group of exchanges has done tremendously well—

*Interjection.*

**Mr. Paul Miller:** Speaker, I can't hear myself think. The member from Sudbury is being rude again.

The TMX group of exchanges has done tremendously well, not only in facilitating the capital formation required to grow businesses in Canada but also in developing a global niche that is unique: 55% of global mining companies are listed in Toronto, and 35% of oil and gas companies are listed in Toronto. We think this is a result of a very strong resource capital markets strategy. Why jeopardize it? Why join England? We don't have to go over there.

The NDP also believes that the success of the TMX in the future will have everything to do with the evolution of the Canadian financial markets' business strategy. In the NDP's perspective, the TMX's current business strategy works for Canada and works for Ontario. Our feeling is that we should continue with this situation. There are lots of opportunities for growth. We are not necessarily against the benefits of globalization, but the question is, how do you achieve these benefits in the interests of Canada and Ontario? Not by giving control over the capital markets strategy to a holding company based in London—not a smart move.

Moreover, no matter what changes you make to the deal, you don't believe there is a way to absolutely ensure that the basic formulation and implementation of the TMX capital strategy can stay in Canada for the

benefit of Canadians and Ontarians. We fundamentally see this as a takeover, and we do not believe it offers the right solution to creating a globally sustainable Canadian-based exchange.

The NDP believes that we should continue on our own pattern, our own growth plan, a path that has led to considerable successes—in the past, not recently. We simply don't think this deal should go ahead, period—no deal, no sellout to the European market, no sellout. Keep it in Canada.

New Democrats' general approach to fiscal policy: Before I address the substance of the motion, I want to talk generally about New Democrats' approach to fiscal matters—

*Interjections.*

**The Acting Speaker (Mrs. Julia Munro):** I ask all members to come to order.

The member from Hamilton East—Stoney Creek.

**Mr. Paul Miller:** New Democrats in office have the best track record when it comes to managing books and balancing budgets. Over the years, New Democrats in power have realized better than most that if we're going to confront the challenges ahead, we can't do so under a massive debt burden—that this government has put us in.

I remember—let me think; it was just a couple years ago that the government used to yell at the Conservatives. "You left us with a \$5-billion deficit." Hello? Twenty billion and climbing.

It was over 50 years ago when Saskatchewan Premier Tommy Douglas—

*Interjections.*

**Mr. Paul Miller:** It was over 50 years ago when Saskatchewan—

*Interjections.*

**Mr. Paul Miller:** Speaker, you'll have to—it's pretty hard.

*Interjections.*

**The Acting Speaker (Mrs. Julia Munro):** Order.

Continue.

**Mr. Paul Miller:** Thank you very much.

It was over 50 years ago when Saskatchewan Premier Tommy Douglas's treasurer, Clarence Fines, famously told his caucus colleagues that the government would make it a priority to balance the books. His reasoning was simple at the time: Should the government's money be spent on people's priorities or on interest payments to the banks? He won that argument, and New Democrats have been guided by that ever since. The reason he won that—and if you notice, NDP governments are just jumping up all over the country. People are starting to see the light. They're getting rid of the same old, same old.

Economists have studied the federal Department of Finance's fiscal tables and have findings that may surprise our opponents. Since 1980, the Conservative governments, provincially and in Ottawa, have tabled deficit budgets 63% of the time. Liberal governments have run deficits in 73% of the budgets they've tabled—73%. Well done, fellas. New Democrat governments do better than both: We're at 50%, better than both of you.

That's a better track record than any other party, a great track record.

But the NDP governments haven't just spent less time in deficit. If we look at the size of the deficits as a share of the GDP, New Democrat governments also have the best record on the GDP. What happened to you guys?

*Interjection.*

**The Acting Speaker (Mrs. Julia Munro):** I ask the minister to come to order.

**Mr. Paul Miller:** The minister isn't in his seat, Speaker.

1920

Long-serving NDP governments like those in Saskatchewan and Manitoba have a proven track record on economic policy. For New Democrats, there has never been a contradiction between effective social investment, strong economic growth and fiscal responsibility, in spite of what they say.

New Democrats have made it obvious: We strongly oppose the HST. We're the only ones who said, "Take it off heating oil. Take it off gas." They didn't. The argument that the government puts forward for the HST is that it improves productivity and creates jobs by lowering taxes on business investment, thus making it cheaper for companies to invest in machinery and equipment.

And I do believe we had a 10% manufacturing credit bill that they shot down. I think we had a 50% Canadian content bill that they shot down. I believe we had a 50% buy Ontario bill that they shot down. They're for Ontario. They're for Canada.

In contrast, recently released data from Stats Canada, along with a number of other reports, suggest that there's little connection between lower corporate taxes and new job-creating investments. Since 1999—that sounds familiar—Ontario has provided more than \$20 billion in corporate tax cuts without the job growth and economic growth predicted by business groups and right-wing economists, and them.

In contrast to the HST and the broad-based corporate tax giveaways of the McGuinty government, many economists prefer highly targeted employer incentives that encourage direct investment in new plant machinery, expanded skills training and new hires. Moreover, these economists prefer direct public investment in education and research, and the renewal of infrastructure as more effective than the HST and broad-based corporate tax cuts in boosting productivity, stimulating economic growth and creating jobs. This is also the view of the Ontario New Democrats. So we view the HST, like the broad-based corporate tax cuts the McGuinty government touts, as a very ineffective way of creating jobs—simply bad economics.

Of course, the case against the HST is the strongest on the consumer side. The HST is a very regressive tax that penalizes low- and modest-income folks for simply paying for the basic necessities of life: things like home heating, hydro and gas at the pumps. The truth of the matter is that Ontarians are feeling squeezed and stomped. At a time when Ontarians are paying more for hydro, more for

insurance and way more for gas at the pumps, they simply can't afford to pay 8% more for things like hydro, home heating oil and gas.

A note on the real record of, unfortunately, the Harris-Hudak government: I would be remiss if I didn't address the real Tory record on fiscal prudence when in office. Let's take energy as an example.

In April 1998, Ontario passed the Energy Competition Act, with a commitment to opening wholesale and retail energy markets together in 2000. Under the terms of the act, Ontario Hydro was split into several companies. By 2000, it became clear there were several problems with the government's plan for deregulation. The government reversed a previous decision and announced that after deregulation, Ontario Hydro would continue supplying electricity to certain industrial customers at a cheaper rate. Ordinary customers would pay for the discount.

Ontario Hydro's controversial decision to restart the Pickering A nuclear plant station discouraged new investment, especially since the costs were passed on to the public. Continued uncertainty over how the retail market would operate, lasting almost to the moment the market opened for business, also discouraged new generation investment.

Faced with these problems, the government pushed back the date for deregulation until May 2002. In the meantime, concern over the possibility of lost jobs and rising electricity rates for consumers led to the mounting opposition from a broad range of consumers.

Finally, two unions launched a successful court challenge over the government's plan to privatize Ontario Hydro. In the aftermath, the government was forced to abandon, or at least postpone, this part of its plan. Nonetheless, the markets were open to wholesale and retail access in May 2002. Almost immediately, electricity prices went through the roof due to a terrible market design and a shortage of supply caused by the lack of new generation.

In December 2002, Premier Eves was forced to back-track even further on deregulation and effectively threw the whole hydro deregulation exercise on the scrapheap by implementing an artificial price cap on electricity rates on top of the market rates. In just a few short months, \$1 billion was added to the long-term debt of the Ontario hydro system.

This is the real record of the Conservative government in action. With all due respect to the members to my right, this is not the record of prudent fiscal managers.

*Interjections.*

**The Acting Speaker (Mrs. Julia Munro):** Order. The member for Simcoe-Grey, come to order.

**Mr. Paul Miller:** In summary, New Democrats will not be supporting this motion. Effective fiscal policy requires the often-difficult economic choices that need to be made to reflect a delicate balance between fiscal prudence and crucial economic and social investments. In the opinion of the New Democrats, the McGuinty government has completely failed to achieve this balance,



and the real record of the Conservatives when in power suggests that the Hudak government would do no better.

We certainly feel that some of the programs we brought forward in committee were ignored, once again, by the ruling party, and some of the things we brought forward on committee were also shot down. It's typical of the same old, same old.

If you watch the House, they're constantly yelling at each other and blaming each other for past experiences. Why don't we move ahead? Why don't we look into the future? Why don't we get bright and creative ideas instead of blaming each other for what happened 20 years ago? When they start doing that, this House might work a lot better, because there's a lot of baggage in this House.

**The Acting Speaker (Mrs. Julia Munro):** Further debate?

Mr. Phillips has moved government order 57. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, say "aye."

All those opposed to the motion, say "nay."

In my opinion, the ayes have it.

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

**Hon. Rick Bartolucci:** Surprise, surprise.

**The Acting Speaker (Mrs. Julia Munro):** Pursuant to standing order 28(h), government order 57 will be deferred until deferred votes tomorrow.

*Vote deferred.*

OCCUPATIONAL HEALTH AND SAFETY  
STATUTE LAW  
AMENDMENT ACT, 2011

LOI DE 2011 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LA SANTÉ  
ET LA SÉCURITÉ AU TRAVAIL

Resuming the adjourned debate on third reading of Bill 160, An Act to amend the Occupational Health and Safety Act and the Workplace Safety and Insurance Act, 1997 with respect to occupational health and safety and other matters / Projet de loi 160, Loi modifiant la Loi sur la santé et la sécurité au travail et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail en ce qui concerne la santé et la sécurité au travail et d'autres questions.

**The Acting Speaker (Mrs. Julia Munro):** Further debate? The member for Hamilton East–Stoney Creek.

**Mr. Paul Miller:** I'm busy.

**Mr. Randy Hillier:** No time to get a breath.

**Mr. Paul Miller:** Thank you.

The NDP is pleased to participate in the third reading debate on the government's response to the expert advisory panel on the occupational health and safety report.

The NDP understands that Bill 160 represents a set of compromises more or less worked out in the Dean report process. Implicit in these compromises is the fact that neither labour nor the employer community gets everything they want in the way of changes to Ontario's health and safety regime. We understand that sometimes politics

is about compromise, but even taking this into account, the bill the government originally introduced fell short of what we had hoped for in terms of implementing the Dean report recommendations.

Our concerns were fivefold:

(1) The politicization of the health and safety system: The original version of Bill 160 placed extensive powers in the hands of politicians, including the power to appoint the CPO and the prevention council. We were deeply concerned about the potential for these powers to be abused in arbitrary ways or for partisan purposes. We wanted changes that dramatically empowered the council and CPO, ensured trade unions were represented on the council in at least equal numbers as employers, and protected the political independence of the CPO and guaranteed his or her acceptability to the council.

(2) The threat to the autonomy of the Workers Health and Safety Centre, or WHSC, and the Occupational Health Clinics for Ontario Workers, OHCOW: It was absolutely critical that these key organizations be respected and that the mechanisms be put in place to protect their independent governance and ability to set their priorities, approaches and philosophy, and develop content, services and information that meet these needs and the needs of workers. We could not support this legislation until such mechanisms were in place.

**1930**

(3) The accumulation of power by senior MOL bureaucrats to write the law: We were deeply concerned about the section of the bill that gave directors of the ministry the authority, without any oversight, without any warning, to publish policies that have the force of law. We could not accept any legislation that gave the government of the day these secret powers.

(4) Failure to protect workers from reprisal: Vulnerable workers who are victims of reprisal for their attempts to protect their health and safety were not effectively protected by the bill. Ontario workers have the right to participate and know and refuse dangerous work, and these rights must be powerfully and swiftly enforced. We were particularly concerned that Bill 160 would have placed limitations on the ability of inspectors to appear before the OLRB and provide testimony and evidence to protect workers.

(5) Placing obstacles to joint health and safety co-chairs' recommendations: As originally written, Bill 160 provided no relief to worker members on the JHSC facing stonewalling tactics from the employer side of the joint committee. The power of a co-chair to send a recommendation to the employer must not be subject to restrictions.

The NDP voted against the flawed bill at second reading. We are pleased that there was considerable movement in the committee on most of these items, enough movement that the New Democratic Party will be supporting Bill 160 in third reading. The government voted for many—I repeat, many—NDP amendments. I wish they had voted for more, but I've got to take what I can get. It should also be said that the government introduced

a number of amendments that should have been in the original bill, and we're glad to support them now.

Perhaps most importantly, I want to commend the labour movement for all their hard work and their unwavering commitment in fighting for this much-improved bill. I have no doubt that without their hard work and determination, the government would have been content to push through their original flawed bill and a once-in-a-generation opportunity to improve the health and safety of millions of workers would have been lost.

What still needs to be done? Beyond this bill, there's much to be done.

**Enhancement of enforcement capacity:** Long-term, the ministry's capacity to enforce the act, its regulations and the Criminal Code in relation to serious health and safety violations must be enhanced. We believe that, long-term, we must strengthen our current enforcement system. Over the years, the NDP has consistently argued that the most effective incentive for employers to improve health and safety is a strong enforcement system based on the principle that the cost of violating the law is greater than the cost of compliance. There are numerous studies from many jurisdictions demonstrating that increased external inspections and external enforcement results in measurable—

*Interjections.*

**The Acting Speaker (Mrs. Julia Munro):** Just a moment, please. I'd ask those who have conversations going on in the House to either take them elsewhere or listen to the speaker.

The member for Hamilton East–Stoney Creek, please continue.

**Mr. Paul Miller:** It probably won't work, but—strong enforcement is vital to address the imbalance of power in the workplace. The internal responsibility system is predicated on the assumption that when dealing with workplace health and safety issues, all the workplace parties are equal.

The Ministry of Labour needs to have more inspectors, and inspectors need more resources, such as access to industrial hygienists, ergonomists, toxicologists, nurses, physicians and engineers. They also need easy access to databases and research to assist in addressing new and emerging workplace issues.

**Administrative penalties:** The NDP also supports the use of administrative penalties which allow an inspector to impose an immediate financial penalty on the employer. Ideally, we would like to see the following: Certain violations must result in mandatory penalties, relying on a schedule of violations and penalties, with repeat violations resulting in higher penalties. Penalties must reflect the seriousness of the violation, how long the violation has been occurring, the number of workers affected and the impact on workers—injuries and illnesses. Such a system would be speedy and not easily circumvented. Employers and other workplace parties would be aware of the cost of non-compliance with certain sections of the act. Fines gathered through administrative penalties would return to the ministry and could be applied to improving the ministry's health and safety programs.

The Dean report endorsed administrative penalties. There was no mention of such penalties in Bill 160, and this is something we would like to see implemented as soon as possible.

In summary, the NDP is pleased with the changes the government made in its own legislation and, as I said, we will be voting in favour of the bill on third reading. But there's still much, much more that needs to be done to protect the health and safety of Ontario workers, and both the party across the way and the party to my right should be forewarned that New Democrats will be on our feet in the weeks and months ahead—and years to come—fighting for a safer and healthier environment for Ontario's seven million workers.

**The Acting Speaker (Mrs. Julia Munro):** Comments and questions?

**Mr. Lorenzo Berardinetti:** I just want to spend my two minutes briefly addressing the points raised by the member from Hamilton East–Stoney Creek.

We did co-operate at the committee level. I think it was good and to the benefit of all concerned, including the stakeholders. Several of them appeared before committee. I think we had two days of public hearings—correct me if I'm wrong—and then a full day doing amendments to the bill. We made quite substantial changes: We gave more power to the chief prevention officer and made sure that he or she was able to function properly under this new system.

Of course, we know there's a prevention council presently in place and that that council will be put through and have a membership of several members from both labour, the employer and the academic community, who will be able to give information forward to the chief prevention officer, or CPO.

I think, overall, that the bill has gone through substantial change, all for the better; especially for the betterment of those who have to go out there every day and work, and especially those who have to work in dangerous positions. I always think of construction workers first, but then there are those who work in laboratories, who work with chemicals. The list goes on and on: those who can suffer injuries and, unfortunately, do suffer injuries. The bill, of course, is meant to help prevent that from happening and reduce the number of injuries at the workplace.

I'm thankful to both opposition critics for their input into this bill. We did a lot of changing. We heard from a lot of deputations and in the end, we came out with a pretty good bill which, I think—of course, there's more change to come. It's not final, but it's a good start. So I want to thank the member from Hamilton East for his help.

**The Acting Speaker (Mrs. Julia Munro):** Further comments and questions?

**Mr. John O'Toole:** The member from Hamilton East–Stoney Creek has a long and distinguished history working with the labour movement, and I respect him and commend him for that. But this is an admission by the government that they failed to take action on the

event on Christmas Day, 2009, where four workers were killed. There were already provisions in the existing legislation where they could have acted.

There is a very difficult kind of choice here—it's kind of the fool's choice, technically—in terms of defanging the WSIB and providing this new position, another public service appointment type of job, which is the chief prevention officer. Now, I don't know what the chief prevention officer might bring to the discussion other than a bit more discipline that's missing today. If they can assure me that there will be lives saved—but it leaves me still asking the question: Is it saying that they don't trust the WSIB and their workplace regulatory framework today? That they need this new layer to sort of overview the minister? Mr. Sousa's a nice minister as well.

#### 1940

But I remain concerned, although we will support it because worker safety is paramount. Tim Hudak, our leader, always says to us that worker safety and a strong economy go hand in hand. So we're a bit suspicious, as we always are, of the government's move here to sort of shift the focus from their lack of action on the report. Then they had to appoint Tony Dean, a former deputy, to do a report for them, and now they have the report, and they're going to appoint this chief prevention officer. We'll support it in the interest of doing—

**The Acting Speaker (Mrs. Julia Munro):** Thank you. Further comments and questions?

**Mr. Ted McMeekin:** I'm pleased to offer some comment following the interesting and helpful address from the member from Hamilton East–Stoney Creek. I've often thought, in my almost 11 years in this place, not only what a privilege it is to be here, but how infrequently at times there are actually opportunities to be collaborative and to work together.

I think in this particular bill there was clearly a shared sense of purpose that emerged. The stakeholders who came out and spoke to the committee were, by and large, quite generally affirming of the government and its direction. All of the committee members who had the privilege of sitting on the Standing Committee on Social Policy, I think, intuited very early that there wasn't a lot of time for partisan nonsense. We're talking about worker safety here and, in fact, the largest overhaul of the province's worker safety bill in some 30 years.

The absolute first priority was enhanced accountability and transparency. I think we've achieved, to a very large extent, some very good adjustments to the bill that will augur well in the context of worker safety.

I was particularly pleased that the committee was able—as the honourable member from Hamilton East–Stoney Creek alluded to—to find some ways to work together. There are times when we can be like this, and we can work together. That was one of those occasions. I was really quite proud of the standing committee and the way we came together. I'm pleased to say that apparently all parties in this House agreed to that and will affirm passage of this bill. That's good—

**The Acting Speaker (Mrs. Julia Munro):** Thank you. Further comments and questions?

**Mr. Lou Rinaldi:** I, too, want to add my comments to the member from Hamilton East–Stoney Creek. I take his comments in this case—and I want to say this case—quite seriously, because he has told us a number of times that he has been part of a labour movement in his area, and he understands some of the challenges that, frankly, workers face. He's relating this more to the factory type of work, but there's the construction side and all other employees—in many cases in offices or administration—that sometimes we tend to take for granted.

He made some good points. I guess what I want to say, as the minister and the parliamentary assistant alluded to today, they've worked very hard to put this piece of legislation together, and it was a fairly open process. We—and when I say we, I mean all 107 members of this place—had an opportunity to participate, and we're making some historical changes, things that have been lingering for over 30 years. Frankly, we've got to get up to the 21st century when it comes to workplace safety. So I think this gets us there.

The comment that we keep on hearing is that more needs to be done. I'm going to repeat what I said earlier on today. I'm not sure that whatever party of the day has the pleasure of forming government—do they do anything perfect? I think we all strive—

**The Acting Speaker (Mrs. Julia Munro):** Thank you. The member for Hamilton East–Stoney Creek has two minutes to respond.

**Mr. Paul Miller:** I'd like to thank the member from Scarborough Southwest, the member from Durham, the member from Ancaster–Dundas–Flamborough–Westdale and also the member from Northumberland–Quinte West.

You know, this bill was a very difficult bill. This legislation required a lot of thought and a lot of co-operation from the three parties to get this as right as we possibly could. There were things missing, naturally, that all parties would have liked to have seen in it, but I think overall it's not a bad bill. We need more work. We certainly can improve it as the years go on.

I'll take this opportunity: I don't normally give compliments very often to the other side, but I'll say that the Minister of Labour, Minister Sousa, really wanted to get it right. He approached me two or three times, which is unusual, to get some input and actually listened to some of the recommendations from our presenters, some of the labour movement and some of the safety and health people who came to the committee. I really think he genuinely wanted to get it right.

I think all of us care about people and their safety in their workplace. I think everybody in this House wants everyone to go home at night with their limbs intact and without any serious injuries, because it's important to the family, it's important to the breadwinner of the family and certainly, the kids would be in rough shape if mom and dad got hurt at work and couldn't provide them with a good lifestyle.

So I commend all three parties for supporting this. I would have liked to have seen other things in it, but I

guess three quarters of a loaf is better than none. So, kudos to the three groups.

**The Acting Speaker (Mrs. Julia Munro):** Further debate?

**Hon. Monique M. Smith:** I'm delighted to have an opportunity to speak to the Occupational Health and Safety Statute Law Amendment Act, 2011; or, as we know it around here, Bill 160.

**Mr. Jeff Leal:** Labour lawyer, right there.

**Hon. Monique M. Smith:** In fact, the member for Peterborough is correct: I am a former labour lawyer, so it's certainly an opportunity for me to speak a little bit about something that I spent a few years of my life doing and working on. I had the opportunity to visit some workplaces where we had experienced accidents, and certainly there's nothing more tragic than a workplace accident. It's important that we have the appropriate safety measures in place and that we certainly look at prevention of accidents in the first place.

While the member for Stoney Creek and I don't agree on many things—probably most things—I would say that tonight we do agree that we don't want anyone going home injured from the workplace or not making it home at all, and I think it's incredibly important that we look at these new amendments as improvements to the existing law and improving the state of the workplace for all workers. We also see benefits in this new legislation for our employers across the province.

The new amendments to the Occupational Health and Safety Act and the Workplace Safety and Insurance Act represent the largest overhaul of the province's safety system in 30 years. The bill is the product of a spirit of co-operation and a shared vision of a safer workplace. We are proposing a road map for the future, so that this province's working people have a future free of injury and occupational disease. We're moving forward with changes to our health and safety system that make workplaces safer and help all Ontario workers come home safe at the end of the day, and isn't that the goal that we all want for all of our workers in this province?

If this bill passes, they will benefit. It will benefit all Ontarians, employers and employees alike. As I said, employees would have enhanced safety training and a more effective reprisal complaint process, which is when a worker is fired for reporting unsafe work conditions and reprisals are taken by the employer. There is now going to be a better complaint process for that, to protect those workers; to allow them to make those reports that are so essential in ensuring a safe workplace.

Employers would benefit from a more efficient, streamlined prevention system and compliance assistance. These changes will help save lives, prevent injury among Ontarians and help to make workplaces safer and more productive.

That is an important note to make: that a safer workplace is, more often than not, a more productive workplace. People aren't fearing for their safety, they're not taking extra precautions, they know what the rules are, they know what systems are in place to create a safe

workplace and they are allowed to work more productively.

During the committee process, a number of representatives from labour and employer groups highlighted concerns. We listened and addressed those concerns, as we often do, through the amendments to the bill. The number one concern we heard consistently was surrounding the powers of the minister and the chief prevention officer. We listened and we responded by making changes to expand the responsibilities and powers of the chief prevention officer.

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If passed, our amendments would transfer prevention responsibilities from the WSIB to the Ministry of Labour. I just want to note at this point that the member for Durham, I believe—yes, Durham—highlighted in his two-minute address that he thought we had shown a lack of support for the WSIB by aligning prevention within the ministry. This is nothing to do with a lack of support for the WSIB or with our support for that agency. This is about better aligning the system. It's about having prevention all under one roof, and having a prevention system that is coherent—a word you might not be totally familiar with, but a coherent and united system that was recommended by the Dean report and that makes eminent sense in the workplace.

Appointing a new chief prevention officer to better coordinate the prevention system—the chief prevention officer will now have an expanded role in duties with respect to training, certification powers and monitoring of designated entities. We are also going to create a new prevention council with representatives from labour, employers and safety experts, to advise the chief prevention officer and the minister.

Our approach would be fiscally neutral to the government and would not add to the employer WSIB premiums. In addition, the proposed amendments to Bill 160 are for the minister to publish the chief prevention officer's annual report.

With the proposed amendments, our government is acting on its commitment to implement the recommendations of the expert panel on occupational health and safety, chaired by Tony Dean and composed of representatives of labour, employers and academia.

*Interjections.*

**The Acting Speaker (Mrs. Julia Munro):** Order.

**Hon. Monique M. Smith:** Thank you, Madam Speaker. Perhaps the member for Durham will have an opportunity to speak after this. We'd love to hear what he has to say about the bill on third reading.

**Mr. Randy Hillier:** Let's not get him started.

**Hon. Monique M. Smith:** Oh, well, we barely have a day without a speech from the member for Durham, and I'm sure we're due for one this evening.

I'd just like to take a moment to commend the expert panel on occupational health and safety, as the member who spoke previously had talked a little bit about the history of why this panel was appointed.

It was chaired by Tony Dean, who is a former secretary of cabinet, a very well-respected civil servant here

in the province, well respected by all sides of the House, someone who I have great esteem for and had the opportunity to work with briefly, and just a very bright, capable man who was able to bring together representatives of labour, employers and academia through this expert panel. They did extensive consultations across the province. They received over 400 responses from employers and worker groups and held 50 meetings across the province, and their report was based on the consensus of all of the members of that panel.

The consultations will continue with our stakeholders, to implement recommendations such as the mandatory awareness training for workers and supervisors, entry-level training for construction workers and training for high-hazard activities.

An interim prevention council has already been established to get started on implementation and advice on the recruitment of the chief prevention officer.

The ministry, the Workplace Safety and Insurance Board, and the health and safety associations will work together to ensure a smooth transition to our new system.

Under this legislation, structural changes will provide, as I said, for a new prevention organization within the Ministry of Labour. The Workplace Safety and Insurance Board's prevention mandate would be transferred to the Ministry of Labour, and a new chief prevention officer will be appointed, reporting to the Minister of Labour on strategic priorities, and will provide leadership on an overall strategy to address occupational health and safety.

The Ministry of Labour would expand its involvement in workplace health and safety education and promotion, and as you know, Madam Speaker, this is incredibly important.

Many of you will remember the ads that used to run on TV about workplace safety, showing some really quite outrageous shots of accidents that were gut-wrenching at times but really made the point that prevention and safety are key in the workplace. It allowed people to see it visually, and had such an impact, especially on our young workers, of what one cutting of the corner could do in a workplace, and how incredibly important it is to follow the safety procedures that are in place in any given workplace.

The minister would also have oversight of the province's health and safety associations, under the leadership of the chief prevention officer.

A new prevention council, with representatives from workers and employer communities and the health and safety experts, would provide valuable input in the direction the health and safety system takes with respect to occupational injury and disease.

The chief prevention officer would have the authority to establish standards for health and safety training in order to enhance this training and ensure workers are properly trained.

Workers, especially the most vulnerable workers, would have improved protections against reprisals for exercising their rights under the Occupational Health and Safety Act.

The new chief prevention officer would be responsible for establishing a provincial occupational health and safety strategy. This is why we're bringing it all together under one roof—bringing all the prevention initiatives that we have in the workplace together under the chief prevention officer, who will have responsibility to establish the provincial occupational health and safety strategy.

The strategy will ensure that the activities would be aligned across all our system partners. As you know, Madam Speaker, the government is a large place. There are lots of different agencies and initiatives going on, and the chief prevention officer will pull together those that have to do with the workplace and workplace safety.

The chief prevention officer will directly report to and provide an annual report to the Minister of Labour on the statutory mandate, and to the Deputy Minister of Labour on administrative public service matters. The chief prevention officer's powers and responsibilities include training and certification powers, and monitoring of designated entities.

I also mentioned that we would be creating a new prevention council through this legislation. The new prevention council, consisting of both employer and worker representatives, would be an important partner in setting the direction for the ministry's prevention activity and will work closely with the chief prevention officer. The prevention council will also advise the minister on the appointment of the new prevention officer and advise the chief prevention officer on the occupational health and safety strategy. Amendments to the bill would ensure that the prevention council is consulted on all significant changes, be they changes that the minister is proposing or that the chief prevention officer is proposing.

The bill would provide that all health and safety representatives in workplaces with six to 19 employees be trained to carry out their health and safety duties. This provision would come into force on a date yet to be determined to allow for sufficient time to develop the training standards and consult with small business and labour on its cost-effective implementation. As you know, Madam Speaker, training is incredibly important in the workplace; how can our young employees know if they're breaking the rules if they don't know what the rules are? So we need to make sure that the training is in place so that we can ensure a safe workplace for all.

With respect to our anti-reprisal portion of the legislation, the proposed amendments would allow the Ontario Labour Relations Board to deal with workplace reprisal claims in a more timely manner. In addition, inspectors would be given the power to refer matters of workplace reprisal to the Ontario Labour Relations Board in certain circumstances, if the worker agrees.

I had the opportunity to work with the Ontario Labour Relations Board and appear on a number of occasions before the board. I know the great work that they do, but I also know that they have a very intense workload, so I think that it's very important that we provide for these. While we are providing that anti-reprisal claims can go

through the board, we are giving inspectors the power to refer matters to the board in certain circumstances. That will allow the inspectors to take care of some of those reprisal claims during the process of investigation.

Madam Speaker, I just would note for you—because I forgot to say it at the beginning—that I'll be splitting my time with the member for Scarborough Centre.

I wanted to speak a little bit about the regulation-making authority. The proposed amendments include a regulation-making authority to allow the offices of the worker and employer adviser in the future to provide support to both workers and employers in reprisal cases. As you know, Madam Speaker, many workers, when they find themselves in a reprisal situation, do not know where to turn for advice and assistance. The offices of the worker and employer adviser will be able to provide them with that assistance.

I know in my constituency office, we often get inquiries from workers and employers—in many cases, small employers—who are not familiar with all of the regulations and legislation that may apply to their workplace. They sometimes come to us seeking advice, and we often direct them to the offices of the worker and employer adviser, who are there to do just that: to provide them with advice and assistance in finding their way through the regulations and legislation that apply to their workplace.

To ensure sufficient implementation time, these provisions would come into effect at a later date, again to allow for all of the work to be done and be in place before they become effective.

We also note that either co-chair of a joint health and safety committee would be able to provide a recommendation to the employer on a health and safety concern, as opposed to both employer and labour co-chairs needing to agree, as is currently the case. This will leave a little bit of flexibility in the workplace and allow either of the co-chairs to be able to approach the employer with suggestions for improvement of safety in the workplace.

As I said at the beginning of my remarks this evening, I have spent a bit of time in the workplace labour field, and I believe that these changes to the Occupational Health and Safety Act are incredibly important for the safety of our workers. They find a fine balance between the employers' interests and the workers' interests, and ensure that we provide processes in our workplaces to ensure the safety of all workers and to make sure that everybody gets home at the end of the day safe and sound.

I appreciate the opportunity to speak to this bill this evening.

**2000**

**The Acting Speaker (Mrs. Julia Munro):** The member for Scarborough Centre.

**Hon. Brad Duguid:** I'm delighted to rise today to speak to an issue that I think is very, very important to, I think it's safe to say, all sides of this House. It's an issue that involves the safety of our workers. I don't think this is an issue that, frankly, divides this Legislature in any way: I think all parties care about workers. Some may

have done more for workers than others, but all parties care about the safety of workers.

I think when we get recommendations that come from someone like Tony Dean, who I know has the respect of all parties in this Legislature—indeed, somebody who has, I think, worked under all parties in this Legislature and done wonderful public service here. When we get recommendations from someone of Tony Dean's stature and the great committee that he served, they're recommendations that the government is very delighted to take very seriously and to implement, and that's what we're here to do today: to move forward with legislation that implements recommendations from one of the province's premier public servants—one of the public servants who's probably greater respected than most. He's had a tremendous, long-time career here at Queen's Park.

I want to talk a little bit about some of the details in this legislation, because there are some very significant changes. We're talking about making structural changes that would provide for a new prevention organization within the Ministry of Labour and transfer the Workplace Safety and Insurance Board's prevention mandate into the Ministry of Labour. I think that's just a better way to provide prevention programs. Frankly, I think if we pass this legislation and bring those programs back into the ministry, it brings it closer to us here in this Legislature. Frankly, when it comes to workplace safety and prevention programs, that's something each and every one of us here and each and every Ontarian needs to take an interest in. I think this may be a way to make our efforts when it comes to prevention even more accountable to the people that we're here to serve.

There is nothing more important, when it comes to our efforts, when it comes to our labour relations, when it comes to workplace safety, than prevention. This government takes a great deal of pride in the fact that we set some very steep targets early on. I was a Minister of Labour at one time. The predecessor to myself, Minister Bentley, set a 20% target of reductions in injuries; I believe it was 20%. We've met that target, and we are very pleased that we did—not so much for the politics of it, but for the fact that when you reduce workplace injuries, you really help Ontario families, because injuries are devastating to families. You also help improve production and the productivity of the workplace, because there's nothing like a workplace injury to really impact productivity and morale in a workplace.

I take a great deal of pride as well—and I think we all should—in some of the projects taking place across the province. Just last Friday, I joined the Premier, the member for Niagara and the Minister of Community Safety out at the Niagara tunnel, where they were engaging in the biggest diameter tunnel built, as far as we know, in the world to this point in time. It's four storeys wide, 10.2 kilometres long, digging through very loose shale rock at times—a project, I think, that is very challenging from an engineering perspective. When a project is challenging from an engineering perspective, obviously there is a certain element of risk to it. Well, I'm really

pleased to be able to say today that Ontario Power Generation advised us last Friday that there was not a serious injury. Four years of digging, and not a serious injury on that site.

We've come a long way, because when you think about it, when you look at the original Niagara tunnel, there were more than serious injuries. My understanding is, there were a number of fatalities when that was built 40 or 50 years ago. So we have come a very, very long way in improving occupational health and safety, and the legislation before us here today takes us, I believe, one step further to making further inroads in reducing workplace injuries.

Prevention is the key. Awareness is the key. I think what we're looking at here is freeing up our ability to do a better job at preventing injuries, and that is going to help many of us—I look at young people. Young people, when they go off to get jobs, sometimes part-time jobs, summer jobs—for some reason, we don't really think of them as being at risk. They're more at risk than anybody else. The less time you've spent in the workplace, the more likely you are to have a workplace injury or a fatality—even worse. I've had to deal, when I was Minister of Labour, with families that have gone through that horrible experience.

We're doing our best here in this province to try to reduce workplace injuries. We're a leading jurisdiction in North America when it comes to that. Many North American jurisdictions are looking to Ontario to see how we did that. We set hard targets and we've achieved them. "How did you get workplace injuries down?" So it's something that I think we, together in this Legislature, and Ontarians, can take a great deal of pride in. It's something that I think impacts all of us.

There are a number of other measures that are being taken in this bill that I think are going to be helpful. We're looking at putting in place a new chief prevention officer, and they'll be reporting to the Minister of Labour on strategic priorities which provide leadership on an overall strategy to address occupational health and safety. I think it's always important that we have leadership, that we have strategy and that, indeed, we continue to strive to reduce—

**The Acting Speaker (Mrs. Julia Munro):** Thank you. Comments and questions?

**Mr. John O'Toole:** I'm pleased to respond to the Minister of Energy and the House leader. I want to be clear that we definitely support anything that would improve worker safety.

I think it's important to put things in perspective. Yes, probably the incidence of accidents has declined, but so has the number of workers declined—some 300,000 people who are jobless.

The new green energy jobs, that are often more imaginary than real, are part of the discussion we're having here. I have heard from mostly people in the construction group, whom I don't want to—they don't want to be named because what they're afraid of is this: They're not afraid of safety in the workplace at all; they're afraid of more government intervention.

This is pointed out to me in section 22.4(1): "The minister may designate an entity as a safe workplace association or as a medical clinic or training centre specializing in occupational health and safety matters if the entity meets the standards established by the minister."

It goes on to say, "(2) The minister may establish standards that an entity shall meet...."

It goes on to say, "(3) The standards established under subsection (2) may address any matter the minister considers appropriate, including governance, objectives, functions and operations."

This is quite intrusive. This is what they're saying: what to expect. Put this in the climate of how the WSIB itself is doing. We know now that their deficit is nearing \$12.2 billion. This is debt over and above the \$17 billion. So they know that it's collapsing, and when you have high unemployment, the risk of the deficit increases, because there are fewer payrolls paying into it, so your revenue to WSIB decreases. So there's a serious economic imbalance.

We're for worker safety, but this is adding more cost to the creation of jobs. You might say that it's a tax on jobs.

**The Acting Speaker (Mrs. Julia Munro):** Further comments and questions?

**Mr. Lorenzo Berardinetti:** I'm pleased to have a little bit of time to comment on the excellent presentations from both the House leader and the Minister of Energy.

The House leader, having experience as a labour lawyer, made an excellent presentation. She was able to condense and bring together all the different aspects of this bill. It is quite complex. It's the biggest change to the Occupational Health and Safety Act in 30 years, as she quite rightly pointed out.

I just want to point out a couple of things that are important, too, that she said. The Ministry of Labour has worked hard to prevent injuries from happening, and we have more than 400 highly trained ministry health and safety professionals supporting enforcement every day.

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There are a couple of other key points. She mentioned as well how effective this new bill will be in preventing some of the accidents. The lost-time injury rate has decreased by more than 30% since 2003, when this government took office. That's a reduction of more than 25,000 injuries. Just last year alone, our inspectors conducted over 62,000 field visits. Of these field visits, more than 41,000 were proactive. In the same time period, over 30,000 workplaces were visited across the province, and during these visits health and safety inspectors issued over 98,000 orders.

The expert panel came forward with some recommendations. I think the legislation tries to match or at least respond to those requests that were made by the expert panel and by Tony Dean. I think this government has done that as thoroughly as possible. Both the roles of the chief prevention officer and the roles of the other members who will be forming the prevention panel have been

clearly laid out in this bill, and again, that's in response to what Tony Dean wanted. Both the House leader and the Minister of Energy pointed that out, and I'm glad to—

**The Acting Speaker (Mrs. Julia Munro):** Thank you. Further comments and questions?

**Mr. Steve Clark:** I'm pleased to provide a few comments in response to the Minister of Intergovernmental Affairs, the government House leader, the member for Nipissing, the Minister of Energy and the member for Scarborough Centre.

One of the things that the government House leader said that tweaked my hearing was when she talked about it being "fiscally neutral," and I'm not sure that I know any bill that this government has done that was totally fiscally neutral. We just debated a motion that, again, said that they really, really, really mean it this time in terms of not raising your taxes, so when I heard the words "fiscally neutral," I have to admit that it shocked me a bit.

This bill, Bill 160—we've talked about it and we've debated it on and off over the last couple of days, and I think we all know that all parties support it. The expert panel that Tony Dean headed, that started the interim prevention council and the chief prevention officer, is something that I think we all want—safer workplaces. There is concern in the industry. One of the things that was discussed at the expert panel was the underground economy, and I know that there is concern that some of the issues that will be dealt with in regulation may cause some of those issues not to happen, and the fact that it may drive more business into the underground economy. I know that many businesses are hurting with increased WSIB rates and the HST; there are a number of issues that businesses are concerned about.

I think the word that I used this afternoon was that this bill is a bit light on training. If there's one gap that we all need to deal with, and perhaps they want to deal with it in regulations, it is the issue of training in the workplace.

**The Acting Speaker (Mrs. Julia Munro):** Response? Yes, government House leader?

**Hon. Monique M. Smith:** Another two minutes.

**The Acting Speaker (Mrs. Julia Munro):** That's right. Comments and questions?

**Mr. Jeff Leal:** I heard two terrific speeches tonight: from the member from Nipissing and the member from Scarborough Centre. The opposition should listen very carefully, because the member from Nipissing was one of the leading labour lawyers in northern Ontario prior to her election in 2003, and her reputation in this area was outstanding. I know that there were a lot of opponents who would be in fear when they heard that Ms. Smith was going to be representing someone in any kind of legal battle. I'm surprised that recruiters from Tory Tory DesLauriers or Ogilvy Renault were not in our galleries this evening looking at this fine legal talent, the member from Nipissing.

She did spend a lot of time during her remarks—and the member from Scarborough Centre, certainly—touch-

ing on the main tenets of this bill, which we know has support on all sides of the House and even by the member from Hamilton East–Stoney Creek, who, I would acknowledge, has a depth and breadth of experience in this particular area, probably matched by the experience of the member from Nipissing when it comes to labour law and labour activities.

This bill this evening, Bill 160, is certainly reflective of the Dean report, by the gentleman who was a former Deputy Minister of Labour in the province of Ontario, a gentleman who is widely acknowledged as being an expert in this area.

This is the first time in 30 years that we've really overhauled the Occupational Health and Safety Act in the province of Ontario. This bill will certainly ensure that there's greater safety in our workplaces.

**The Acting Speaker (Mrs. Julia Munro):** Now, response.

**Hon. Monique M. Smith:** Perhaps I should have allowed the mistake to stand. I wouldn't have had to put up with the somewhat embarrassing comments about my career. But I did, in fact.

I'd like to thank the members for Durham, Leeds–Grenville, Scarborough Centre and Peterborough, and my colleague the Minister of Energy, who shared my time. I did—

**Mr. Jeff Leal:** The member for Durham.

**Hon. Monique M. Smith:** I mentioned him. Don't worry; can't miss him.

I did, in fact, enjoy a career in labour law, actually at a couple of Toronto firms, and did do work across the province in my career as a labour lawyer.

One of the things I found during my time as a labour lawyer here in the province of Ontario is—I actually practised under two different governments. I was a labour lawyer during the NDP regime and I was still practising labour law when the Conservatives came to power.

I have to say that during that time, the pendulum swung, and when one particular government was in power, the labour legislation in particular tended to shift a certain way, and the other way when the other party was in power, which is incredibly difficult for labour lawyers, who have to continually work with new legislation that keeps changing and shifting.

What I think is incredibly important about this particular piece of legislation, the first overhaul in 30 years of our Occupational Health and Safety Act, is that it really does come down the middle, under the leadership and guidance of Tony Dean, who is a very well-respected civil servant, respected by all sides of House. He brought together a group of labour activists, employers and academics who have brought together great recommendations that we are moving forward with in this legislation.

Gone are the days of shifting to the right and shifting to the left. Actually, with consultation, we've come up with a happy medium that—I would disagree with the member for Leeds–Grenville—is not going to cost employers more, but is in fact going to create a safer workplace for employers and employees. We all know the high cost of employee injury. This will see reductions in



costs to employers because there will be fewer injuries, because we'll have safer workplaces, which means that our folks will be coming home safely.

**The Acting Speaker (Mrs. Julia Munro):** Further debate?

Mr. Sousa has moved third reading of Bill 160. Is it the pleasure of the House that the motion carry?

All in favour, say "aye."

All opposed, say "nay."

In my opinion, the ayes have it.

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

**Mr. Jeff Leal:** Madam Speaker, I can help you out here.

**The Acting Speaker (Mrs. Julia Munro):** Pursuant to standing order 28(h), the vote on G160 will be deferred until tomorrow.

*Third reading vote deferred.*

**The Acting Speaker (Mrs. Julia Munro):** Orders of the day.

**Hon. Monique M. Smith:** I move adjournment of the House.

**The Acting Speaker (Mrs. Julia Munro):** Is it the pleasure of the House that the motion carry? Carried.

We are adjourned until tomorrow at 9 a.m.

*The House adjourned at 2019.*

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