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**Official Report
of Debates
(Hansard)**

Tuesday 5 December 2000

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des débats
(Hansard)**

Mardi 5 décembre 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 5 December 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 5 décembre 2000

The House met at 1845.

ORDERS OF THE DAY

EMPLOYMENT STANDARDS ACT, 2000

LOI DE 2000 SUR LES NORMES D'EMPLOI

Resuming the debate adjourned on December 4, 2000, on the motion for second reading of Bill 147, An Act to revise the law related to employment standards / Projet de loi 147, Loi portant révision du droit relatif aux normes d'emploi.

The Acting Speaker (Mr Tony Martin): The Minister of Labour.

Hon Chris Stockwell (Minister of Labour): Thank you very much, Mr Speaker.

Mr John Gerretsen (Kingston and the Islands): Speaker, on a point of order: What the Minister of Labour has to say is extremely important to all the members in the House so I think there ought to be at least a quorum to listen to the words of this very honourable minister.

The Acting Speaker: Is there a quorum present?

Clerk Assistant (Ms Deborah Deller): A quorum is present, Speaker.

The Acting Speaker: The Minister of Labour.

Hon Mr Stockwell: I understand it's tough. It goes all the way to 12. He'd have to take his shoes off to get there, I'm sure.

Mr Gerretsen: On a point of order: I would ask the minister to withdraw those comments as being totally unparliamentary.

The Acting Speaker: We'll leave that to the minister to decide.

Hon Mr Stockwell: I certainly withdraw. I didn't want to offend my good friend across the floor, nor his shoe selection.

I'm glad I get an opportunity for 57 minutes to talk about a much-maligned—

Mr Dominic Agostino (Hamilton East): Are you going the whole time?

Hon Mr Stockwell: Yes, I'm going the whole time, so settle back, get yourself a cup of java, maybe pop a little popcorn and maybe you'll learn something.

Anyway, it's a good opportunity to deal with a bill that has been much maligned, and there's a lot of misrepresentation taking place with respect this bill to the

people of the province outside of this place. I'm telling you, it's got to be a good opportunity to have a good debate on the bill. I'm not arguing that we need to debate the bill, but let's just debate the bill, rather than debating this interpretation that is clearly wrong that's perpetrated throughout Ontario.

The first thing we have to talk about, the first part that people have been peddling, is that somehow in this bill this government is legislating a 60-hour workweek. It's just not true.

Let's visit the old piece of legislation. The old Employment Standards Act said the maximum workweek in the province of Ontario will be 48 hours. If you want to work beyond 48 hours, you then must go to the Ministry of Labour and get a permit to allow any employee to work more than 48 hours. We produced 18,000 permits last year—18,000.

There are 24 sectors that aren't even covered under the Employment Standards Act: hospitality, trucking, hospitals, nuclear plants, manufacturing, mining. All kinds of things aren't even covered. So you know you've got hundreds of thousands of people who aren't even covered under the Employment Standards Act, and we're producing 18,000.

1850

We also have a study that says that only one third of the employers and employees out there who work more than 48 hours actually go and get a permit. So presume 18,000 are issued. That's one third of the total people who are actually out there contravening the law. They're not doing it knowingly or willingly, I'm certain. It's just that the law was archaic, arcane, antiquated and adopted in 1968. Everybody, to a person, be it a union or an employer or a non-union workplace, agreed that the Employment Standards Act was antiquated, outdated, contradictory and needed to be changed.

The starting point was we needed to deal with this issue with respect to the maximum workweek. We reviewed the permits that were issued, and what we saw was a clear indication that a number of these permit requests were being made to extend the hours in the workweek. That was it. It was it when the NDP were in party; they were approving permits just like that. It was it when the Liberals were in power; they were approving permits just like that. So it's passing strange to me how suddenly they've found this rationale to oppose this approach. It was that way under the NDP. The Ministry of Labour was producing permit after permit after permit

excluding sector after sector after sector from the 48-hour maximum workweek.

So what did we say? These are the specifics of the legislation we should all understand. We kept the 48-hour maximum workweek. We said, “No, that’s it, a 48-hour maximum workweek.” But when I took the white paper out in public hearings—which is another thing I find difficult to understand from the opposition members—to London, Windsor, Sudbury, Thunder Bay, Ottawa, Toronto, hours and hours and hours, dozens and dozens and dozens of deputations, even unions were saying to me, “The system doesn’t work. It’s crazy. We wait up to six months for a permit. It’s ineffective. It’s ineffectual. It isn’t timely.” We had unions come in and say that.

Interjection.

Hon Mr Stockwell: They said no, it wasn’t effective. So we said let’s maintain the 48-hour workweek and, rather than go through this archaic permit system to go beyond that, which everyone said was archaic, put in place a system where by written mutual consent the employer and the employee may agree to extend their workweek up to 60 hours. Once you get beyond 60 hours—it’s a very small percentage of the permits requested—then you go to the permit system, thereby cutting the work, the red tape, the arcane system significantly, and we estimate somewhere between 80% and 90%. That was the situation. That’s the thrust of this 60-hour debate. That’s what it consists of. We just removed the permit system and provided an obligation on both parties to sign for a commitment.

The arguments opposite are that employers will coerce, intimidate etc. Look, there are two points that need to be made about that. If they’re going to intimidate and coerce and break the law after this bill is passed, then why were they not intimidating and coercing and breaking the law before this bill was passed? You’re breaking the same law. You’re intimidating and coercing the same people. Your goal and end, your accomplishment, is exactly the same to each and every individual. There’s no difference. If they’re going to do that after this bill is adopted, what’s the difference from when they did it before? If they’re going to break the law, they’re going to break the law.

What we said to the members opposite is rather than simply writing in meaningless words, we need to put some money and inspectors behind our decision. We committed to increasing the inspection staff by 20%; we’re adding 20% more inspectors under this bill than we had. But more importantly, we’re doing something that is much better. We’re giving power to the inspectors, something these other administrations when they were in office refused to do. We’re giving power to the inspectors. The inspectors, under this piece of legislation, if adopted, will be allowed to subpoena information from the company. So they can subpoena information on the spot. They can do spot audits, like your taxes. Everybody files their taxes and everybody files them fairly and evenly and objectively, not because everyone’s going to

get audited but because a percentage of people are going to get audited.

Mr Agostino: Except the backbenchers.

Hon Mr Stockwell: Listen, I don’t think we should be talking to this government about members who are in trouble with the law, that caucus across the way.

Interjection.

Hon Mr Stockwell: I think so too, so I think you should hold your thoughts on that. So then we have—

Interjection.

Hon Mr Stockwell: You see, you don’t even learn; you still go on.

Then we have a situation where it’s like an audit of your taxes. Everyone files fairly, not because everyone gets audited but because some percentage get audited and you don’t want to get audited. So we’ll have an inspection process that allows for spot audits. Another good part of this bill is that we’ll allow inspectors to take anonymous tips. That was one of the concerns offered up by the unions during the white paper. You said we didn’t listen to the unions. Not true—we did. They said there’s this concern about reprisal in the workplace. Nobody wanted to complain because to complain meant you had to put your name down, and if you put your name down there was reprisal. We’re saying now you can complain anonymously. There’s that protection. Then the inspector will go and inspect, and the employer says, “Who was it?”—“I’m not telling you.” So those are the kinds of things we’ve put in place for the inspection process that other governments didn’t.

Furthermore, we also gave the power of reinstatement. I’ve heard from across the floor on a number of occasions your concern with respect to reinstatement. The fact is that somebody could get fired, and if the employer appealed, they’d be out of work for six, seven, eight months until it got to the Ontario Labour Relations Board and then some time in the future they would be adjudicated upon. But they’ve lost all their money, all their income and all their standing. We’re saying that upon inspection by the inspector, he can put that person right back into the job. If there’s an appeal it goes to the Labour Relations Board, but in the meantime that person is working and getting paid. Wasn’t that a big issue across the floor? Didn’t you tell me that that was an issue, any reprisal? It’s in the bill. You get reinstated. We listened to the unions. We listened to them and we heard what they said.

In fact, I’ve got to tell you directly that when I was in Sudbury I heard from a legal aid clinic worker who worked out of Muskoka—Huntsville—who said we needed the power to subpoena records. I said, “That’s a good idea. That’s going to form part of this bill.” So don’t tell me we didn’t listen to them; we did, on a number of fronts. But as I said, the opposition members and some out there in the general public seem to want to just produce information that doesn’t accurately reflect the bill. I’m willing to debate the bill, but let’s debate the facts of the bill. Let’s not debate this world that you’re living in that doesn’t reflect what’s in the legislation.

Then we talk about modernizing the workplace, and that's what we're doing. The workplace has changed dramatically since 1968. We've got people who work at home, we've got different kinds of offices, we've got the high-tech community. The high-tech community said there should be no maximum workweek. They're saying, "No, people should be able to work as long as they want." We said we're not in favour of that, but I'll tell you this: seven out of 10 provinces in this country—no maximum workweek; seven out of 10 provinces—no maximum workweek.

Mr James J. Bradley (St Catharines): And Alabama.

Hon Mr Stockwell: They can work as long as they like. I hear the member for St Catharines chirping about the southern states. I'm not talking southern states; I'm talking Manitoba, Saskatchewan, Nova Scotia, Alberta, PEI. These aren't in the south; these are part of Canada: seven of 10, no maximum workweek. So that's really a misnomer, that's a red herring. They're trying to tell you out there that we're moving back to the—we have a maximum workweek; seven of the 10 provinces don't. We're on the leading edge of that stuff.

Mr Bradley: Will we have the Taft-Hartley bill next?
1900

Hon Mr Stockwell: I see that. I see the member for St Catharines, who I'm certain has spent a tremendous amount of time reading this bill.

Mr Bradley: I have.

Hon Mr Stockwell: I am sure you have.

Anyway, that's what we're doing to modernize the workplace.

Now we're talking about overtime and averaging of overtime. In the bill it talked about a three-week averaging period. We changed it to four weeks. Why? Because both unions and employers said, "If you're going to average overtime"—which you can do now; just get a permit from the Ministry of Labour, I say to the members opposite from Hamilton East and West. You approved many permits that allowed people to average their overtime. If you are so concerned about this part of the legislation, why did you do it? Why did you let them average their overtime by permit? If this was such a fundamental principal belief, why did you let them average overtime by permits? But they don't respond to these questions. They allowed people to average overtime.

What we're saying is that in a four-week period, if you want to create your own workweek at work—let me give you an example. Say you have two people and one of them is a firefighter. A lot of firefighters work four days on and four days off—a lot. So they've got busy weeks and not-so-busy weeks. The spouse says, "Look, I want to be busy the week you're at home so you can be at home with the kids and I want to be off the week you're at work so I can be home with the kids," and this happens all the time. So what happens? You can work X number of hours over the 44-hour workweek one week, and if you and your employer agree and it works out for you,

you can work significantly less. Now the employer is going to say, "If you work a lot this week and you work a lot less next week, I don't get any more work out of you, but I'm going to have to pay significant overtime for the week you're there," and the employee has to agree, "OK, fine. Let's average the overtime. It works for me at home with the kids, when I need to be, and I'm at work when my spouse is at home with the kids." Those are examples of permits requested. Those are actual permits requested.

Here's another one. A guy worked at a local arena. He came up and told me this in Etobicoke. He said, "I work at a local arena. I want to work 16 hours on Saturday and Sunday so I can get 32 hours of work in, and then I only have to work four more hours on Monday and I can have the whole week off to be at home with my newborn while my wife goes to work." I said, "That's what we're trying to accomplish here." He said, "I know." I said, "What did the union say?" "I can't tell the union." "Why?" "Because they won't let me do it." I said, "Why?" "Because they don't think it's good for me."

Mr Gerretsen: Oh, come on.

Hon Mr Stockwell: That's exactly what he said. He said, "They don't think it's good for me."

Ms Caroline Di Cocco (Sarnia-Lambton): That's just one.

Hon Mr Stockwell: I'm not suggesting—this is one; there are many permits. But that's just one guy who came up to talk to me, "I want to work a lot on the weekend so I can have the week off to be with my kid." That's what he said, "Because my wife works during the week and we have to pay for daycare and I don't want to leave my kid with someone else, I want to be there with them." "But I'm the government. I should know what's better for you, so we cannot allow you to do that." What kind of logic is that? Talk about government knowing better what's good for you than you know what's good for yourself. There are dozens of permit examples, hundreds of permit examples, of situations similar to that. That's what this bill says. By writing an agreement between the two parties, you can work out your own workweek.

Mr Bradley: I'm calling Bob Runciman. He used to be a labour leader.

Hon Mr Stockwell: I'm sorry, I missed that.

Interjection.

Hon Mr Stockwell: Listen, I just talked about that before you got here. If there is a problem—what we needed to do was beef up the number of inspectors and give them more power. That's what we've done, which is what you didn't do. But that's what we've done. We've hired more inspectors, given them more power to reinstate, subpoena records etc, so they can provide answers immediately rather than having to wait six or eight months to have it appealed to the Ontario Labour Relations Board. That's the thrust of the change. By mutual consent between the employee and the employer they can make these changes.

Are there bad employers? Yes, there are. No doubt there are bad employers.

Mr Bradley: The government of Ontario.

Hon Mr Stockwell: And the Liberal Party of Ontario—and there are bad employees. There are always going to be bad employees and there are always going to be bad employers. Let me say this: I think the vast majority of employers are good employers. I don't think anyone would argue with me.

Interjection.

Hon Mr Stockwell: The majority of employers out there are good employers, and I don't believe it's like that. I believe fundamentally people are good; fundamentally, in the employment community, people are good.

The problem the unions have with this bill is this: they live in an adversarial society. Every collective agreement is a negotiation, bargaining, threats of strikes, of lockouts etc. That's how they do business. That's how the union and the employer work. But you know what? Outside of the union-employer relationship, most, the majority, aren't like that. There is a good situation.

Mr David Ramsay (Timiskaming-Cochrane): Why was it like that?

Hon Mr Stockwell: The member opposite says, "Why was it?" Well, potentially you're right. Some 30 or 40 or 50 or 60 years ago, it was probably necessary. But I think what we have here today is more enlightened employers and more enlightened employees. Look around the province at non-union places. Why is Dofasco not unionized? Because they're a good employer. Why is Magna not unionized? Because they're a good employer. They have a relationship that's different than the adversarial relationship between unions and employers.

I've worked for many people, as I'm certain a lot of people in this place have worked for many people, and it wasn't a union environment. I think those relationships that they had are good relationships. They are negotiated agreements. Most people go out and negotiate their own agreement with the employer. Most people go out there and say, "I'm prepared to negotiate an agreement." Lots of people vote not to have a union in their workplace. Why? They don't want a union in their workplace. Now, there are lots who do. Good for them; give them more power. I agree: take a union into the workplace. But there are lots of people who say, "No, I don't want a union. I think it's better without a union." That's the trouble we're having with the union/non-union situation.

The parental leave: a difficult decision. There's a concern out there in the small business community that it's going to cost them money, it's going to cost them time and it's going to cost them productivity. We agreed; we said all along the same thing. I said, "I'm going to consult with the private sector and ask the employer community what they think of the parental leave." They brought a lot of concerns to the table. At the end of the day we agreed that, "We understand your concerns, but we're going to move forward on a guaranteed job for 52 weeks." That was a difficult decision, but I think it was the right one, and it's a decision that we took through no intimidation or coercion. I talked in this House two or three times to Ms Martel; I'm not certain of her riding.

Mr Bradley: Nickel Belt.

Hon Mr Stockwell: Nickel Belt. I said to her very specifically, "We're consulting. We have not made a decision."

But to the employer community it's troubling. With four employees, if one of them goes on maternity leave and then parental leave for a year, that's 25% of your workforce gone. If you think that's something that is dealt with easily in a four-person workplace, it isn't. The employers were saying, "We're not against families, we're not against kids, but this is not an easy thing for us to do, to replace this employee, 25% of our workforce, for one year." But we adopted the reforms.

We put in family crisis leave. We're the first government in this country to institute a family crisis leave of 10 unpaid days off during a family crisis for employers with 50 employees or more: the first government in this country. Not the federal government nor any provincial government jurisdiction—we're the first that adopted this approach to family crisis leave.

Mr Agostino: Nowhere near enough.

Hon Mr Stockwell: The member for Hamilton East says, "Nowhere near enough." Look, I have a tough time keeping your position straight. I got a letter from four parents in your community who said to me that you promised that if the ERC declared jeopardy—

Mr Agostino: Name names.

Hon Mr Stockwell: I'll provide the letter to you—you would in fact vote in favour of the bill. They were profoundly disappointed in you when you stood in this House and voted against the bill. So I don't think you should be talking about what's consistent, what's fair, what's enough and what's not enough. You're the guy who told them, in a meeting and on the phone, that you would vote in favour of forcing the teachers back to work, and you in fact didn't.

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Mr Agostino: Mr Speaker, on a point of order: I would ask the minister to withdraw those allegations, which are false. I believe you're not allowed to impugn motives or falsehoods in this Legislature. Those comments made by the minister were false and I would ask him to withdraw those comments.

The Acting Speaker: That's not a point of order, but—

Hon Mr Stockwell: Listen, I'll show you the letter. I'm sure you got it. We got it, so I'm certain that they sent it to you.

Interjection.

Hon Mr Stockwell: No, no. There were four parents, I think four women who were in his riding, who met with him at his constituency office, and he said to them, "If the ERC declares jeopardy, I promise I'll vote the teachers back to work" and then they talked to him on the phone subsequent to that and he said to them on the phone exactly the same thing. They say in the letter, "Imagine our shock to see you standing in this House telling everybody you're voting against this legislation, putting them back to work."

Mr Agostino: You're wrong again.

Hon Mr Stockwell: Look, that's what they said in the letter. That's what four of them said in the letter. They said that Mr Agostino gave them an undertaking at a meeting and then on the phone and he broke his word.

Mr Agostino: You're lying again.

Hon Mr Stockwell: Oh, look at that.

The Acting Speaker: The member from Hamilton East will have to withdraw that comment.

Mr Agostino: I withdraw.

Hon Mr Stockwell: You know when he starts saying that that you've obviously touched a nerve, and I think I've touched a nerve. I think those four parents touched a nerve as well.

Interjection.

Hon Mr Stockwell: I don't know what the member for St Catharines is talking about; I'm sure he hasn't seen the letter either. But I'm sure he's going to comment on it.

Anyways, talk about, "Eliminate the permit system," so that's what we did, up to the 60-hour workweek.

Mr Bradley: Can you tell us why this has changed?

Hon Mr Stockwell: I have no idea. I imagine Mr—

The vacation scheduling—you know what else they said? This is another one: if you have two weeks' holidays and you want to take them in less than one-week chunks—say you want to take them, as an employee in my office does, every Friday in August. If you want to take your holidays every Friday in August and have a long weekend every weekend, that's against the law according to the law today. So an employee who wants to go out every Friday and take a long weekend every Friday can't do it. It's against the law. They can't do that. They have to take their holidays in one-week periods. Do you know the permits we got requesting that "my holidays be taken one or two days at a time rather than a full week"? And then most of them didn't even apply, because they think it's so archaic and arcane that they didn't bother; they said, "This is ridiculous." So they have their holiday periods in two-week chunks but they take them one day at a time.

Mr Bradley: Why don't you let somebody else speak?

Hon Mr Stockwell: So we said, "That's reasonable." If an employee and an employer want to take their days one day at a time rather than in two-week chunks, what are we to say no to? We said if they agree in writing, you can take your holidays one day at a time in August. I mean, what's that? That just seems like a reasonable request.

Interjection.

Hon Mr Stockwell: Now the members opposite are saying, "Oh, my God, look at the coercion and intimidation. They're going to be forced to take them—" But what's the difference today, with this legislation, of forcing them to take them after than before? It's against the law to force them to take them one day at a time before this bill is passed, it's against the law to force them to take it one day at a time after this bill is passed,

so if you're going to intimidate and coerce, you're going to do it before and after. There's no difference. None. Zero. Zip. Nada. Not one whit of a difference, but they claim all the intimidation and coercion are going to rise up and percolate and bubble from the earth's core, and all these ugly employers are going to force people to take one day at a time who don't want to, but they never did it before even though they could have done exactly the same thing and it was against the law as well. That was their problem with vacations.

Overtime averaging—

Interjection.

Hon Mr Stockwell: Mr Speaker, I have just heard the member for St Catharines suggesting that there's somebody in this House who's taking up too much time speaking and they should share their wealth. I know the shock is going happen when it's the member for St Catharines making this allegation. My goodness. Maybe Sudbury, maybe Sarnia, but St Catharines? My goodness. It's all Bradley, all the time for some in this place.

So we put in the new enforcement measures. Do you know what else we did, which is really good? We put in a provision that in all workplaces you must post the employees' rights and they must be posted in a clear place, and then on that is a phone number so if they feel they're being intimidated and coerced they may call and anonymously complain that they're being intimidated. We've done that; we've said they can do that. We said that was a reasonable request that an employee should have.

Why that makes it better is that before they couldn't anonymously complain, so I could believe the fear the unions brought forward. Yes, there's fear of intimidation. If you have to register your name when you complain, then the employer's going to know it was you who complained and they're going to be out to get you. But by being able to complain anonymously, you've taken away that stigma.

Mr Agostino: How are they going to follow up if they don't know who you are?

Hon Mr Stockwell: That's a tough one, isn't it, member for Hamilton East.

The Acting Speaker: If the member for Hamilton East is going to heckle, he should be in his own seat at least, OK?

Hon Mr Stockwell: For the enlightenment of the public, he said, "How are they going to follow up if they don't know who you are?" They'll ask what company you work at and your name, but they won't tell the employer what your name is.

The Acting Speaker: If you're going to heckle—and I don't mind it from time to time—be in your own seat.

Hon Mr Stockwell: It must say someplace in our standing orders that if you're going to heckle, you should at least be intelligent.

That's the complicated thing, and I appreciate that was a complicated question: how are they going to—anyway, you get the gist. They take your name and your actual—

Interjection.

The Acting Speaker: This is your last warning and then you're out of here.

Hon Mr Stockwell: You know what? It's difficult for me if he does get heaved, because he's worth most of my good material in this place.

Let's talk about some other areas that have not fallen into line since 1968 with the Employment Standards Act. You really have to get your mind around the fact that with 18,000 permits in 24 sectors relieved from any responsibility of falling under the Employment Standards Act, there are hundreds of thousands of workers out there who fall under a different portion of the bill. So understand that as well. These portions were excluded by previous governments. They said, "Yes, this person can be excluded; this sector can be excluded. This permit is for you to be excluded."

You know what it became? The exclusions, when you started adding up the numbers, were becoming greater than the people who were obligated to live within the bill. In those 24 sectors were agriculture, which I understand from the Minister of Agriculture is the second-largest industry in the province, and tourism, which is, as I understand it, the biggest industry in the province. Both were excluded by sectoral outs. They did not even fall under the ESA. Mining, my friend from Sudbury knows, is a good example. It was excluded. There are others: hospitals were excluded. How many people work in hospitals? You get the message. It's millions we were getting up to—nuclear plants, manufacturing, mining, just to name a few industries.

We were getting to the point, because this bill was so archaic, that we had more exclusions than people who actually worked under the bill. It was becoming impossible. We were giving regulations, other governments were giving regulations, other governments were giving outs to sectoral areas. There were more people working outside the Employment Standards Act than were actually working inside it.

But there's this hue and cry to maintain the Employment Standards Act that wasn't working, that wasn't including everybody. The number of regulations and sectoral outs was unbelievable. Every government—the NDP, the Liberals and the Conservatives—was getting more people out of the Employment Standards Act through sectoral outs or through permit outs. They were allowing people to average their overtime. They were telling people you could take one day's holiday rather than a week at a time. It's not like these laws were being enforced. They weren't being enforced. You just wrote a permit and you got out. There were so many permits it was impossible to make the inspections. All the inspections were legitimate, when we finally got around to doing it, the employee and employer agreed. We were wasting a lot of time, effort and money trying to implement a bill that was archaic. It was antiquated, it was out of date.

Mr Bradley: Any other words you can think of to say the same thing?

Hon Mr Stockwell: I could probably think of a few more but I don't know if they'd be parliamentary, member for St Catharines.

That's the situation, so that was now.

I heard my two friends opposite from the east and west of Hamilton on the radio, on CFRB, on the weekend. It was unbelievable what they were peddling there. It was incredible, frankly, that they were offering up again these takes on the bill. As I said, I have no difficulty debating the bill, but I have difficulty when we're not really debating the bill, we're debating some manufactured idea about what they think the bill does. Again, I offered briefings to both of them on the bill. I'm not complaining; they're very busy people. They couldn't make that particular briefing and that's no slight. I'm sure they were busy.

Mr David Christopherson (Hamilton West): Be fair; staff were there.

Hon Mr Stockwell: Oh, yes, your staff showed up. But they were too busy to come to the briefing on the bill. I understand that. But it would be helpful, in my opinion, if they could then put the questions about exactly what makes up this bill to the ministry people—they aren't political people; they're ministry people—just the fundamental nuts and bolts of the bill. They answered the questions. They could have found out that, yes, this was taken out. The charge was that there wasn't any public consultation on this bill. They both said it on a radio station on the weekend, that there was no public consultation.

Mr Bradley: Then it must be true.

Hon Mr Stockwell: There we are. See? The member for St Catharines says, "Well, it must be true." You see? If you say it, some naive people, who are not as well-read or learned or have not read the bill, will believe it, and he did. See? It's a perfect example. He believed it.

I'll tell you—London, Windsor, Sudbury, Thunder Bay, Ottawa and Toronto: I went out and talked to people. The white paper was produced. There were way more unions than there were chambers of commerce. There were way more unions than business associations. There were a lot more unions that appeared before us than the other ones. Furthermore, since the bill's been introduced, I went to Oshawa last week to talk about the bill and I went to Sarnia on Friday to talk about the bill. So now, London, Windsor, Thunder Bay, Sudbury, Ottawa, Toronto, Sarnia and Oshawa—what are you talking about there's no consultation? That was a lot of consultation. I have listened. I listened to their concerns and some of their concerns made the final draft of the bill. I can list a whole whack of them that made the final draft of the bill because they made those deputations.

Interruption.

The Acting Speaker: Clear the gallery. We're going to recess for 10 minutes.

The House recessed from 1924 to 1935.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: When the Minister of Labour was addressing the House and a protest commenced, in that process the

member for Hamilton East crossed the floor, approached my desk, and in fact was leaning on my desk in what I felt was a very intimidating fashion. Mr Speaker, I would request that you examine whether that was a threatening act provoking me, who was actually listening to the comments. For the record, the member for Hamilton East had been named by the Speaker—that's you—on about three different occasions during the progress of the minister's statement.

Personally, I'm fairly comfortable with someone being that aggressive, but I think it's completely out of order in this House for a member of the opposition to try to intimidate in a physical way. Today we're talking in a society that's supposed to be civil and understanding that there are different points of view on this legislation, and in fact all legislation. I personally feel quite affronted by it, very uncomfortable with it, and I think it sets a very poor example for all people in Ontario and specifically for youth who may be watching this tonight. So I'm wondering if you could make some sort of ruling on whether that's appropriate behaviour in the House.

The Acting Speaker: To the member for Durham, while all that happened, the House was in recess and I wasn't here. I have no reason to doubt the scenario you've painted. However, I would expect all members in this place, duly elected by their constituents, to assume to be honourable and that they would carry themselves in that manner in this place. I will expect for the rest of the evening that that's the way we will continue here or I will have to ask people to leave so that the rest of us can carry out the business of the province in an orderly and respectful fashion.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: Just because the House is recessed does not mean we should have inadequate conduct in this House. I abhor this thing. I think it's—

The Acting Speaker: I have ruled on that point of order. Minister of Labour.

Hon Mr Stockwell: I think I have about 18 minutes. I don't want to make your job any more difficult. Anyway, the thrust of the bill is as I explained it.

The concerns stem from a series of attacks that I've witnessed both personally and then obviously on the legislation. I don't mind people attacking the bill; that's what democracy is all about. You can attack the bill and argue the merits and condemn it if you see fit. But it seems to me that there's this idea out there that we are legislating a 60-hour workweek. The frustration I have is that, under the act, it's not that. We're not changing the workweek from 48 hours.

If the attacks were put that we're changing the law so that rather than getting a permit from the Ministry of Labour we're now expecting written consent between the employer and the employee to work a 60-hour workweek, I wouldn't have any problem with those charges, because they're actually true. But that's not what they're saying. They're saying that we're legislating a 60-hour workweek, and the fundamental fact of the matter is

simply that we are not. We are not changing the workweek at all.

There are also statements out there floating around, again from predominantly union executive members and others, that say we're going to allow employers not to pay overtime. We're not saying that. Under this legislation, after 44 hours everyone is entitled to overtime pay, and if you work more than 44 hours you're going to get overtime. Now, as I mentioned earlier, if you would like to make an agreement with your employer that averages your overtime so that you work less hours one week and more hours another and thereby can be at home or wherever you want to be on this second week or third week of a four-week period, then we're saying, "Yeah, sure, you can do that. We think you're capable of making these decisions on your own. We don't think you need the government meddling in a situation where you have agreement between the employer and the employee."

1940

If that's the way they were saying that if in future you agree to work different hours per week and you agree to average your overtime so then you won't be paid overtime, then I wouldn't have a problem with that statement. But that's not what they're saying either. They're simply saying the employer is now allowed to make you work more than 44 hours a week and doesn't have to pay you overtime. That just isn't true. That's against the law. That's against the law now, and if this bill is adopted, it will be against the law then. That's it, end of discussion: it's against the law.

The argument also put out there is that employers will intimidate and coerce. I'm sure there are employers that intimidate and coerce. As I said, I'm sure there are bad employers, but they can intimidate and coerce just as much before this bill is adopted as after this bill is adopted. The argument is that somehow we've never allowed people to work more than 48 hours a week, when, by permits, lots of people are allowed to work more than 48 hours a week. By opting out through a sector, millions of people are allowed to work more than 48 hours a week—millions. Millions of people are allowed to work more than 48 hours a week right now. That wasn't our law. That was a law that was accepted by the New Democrats; it was a law that was accepted by the Liberals; it was a law that was accepted by us. This idea that somehow we've determined that everyone out there is going to have to work more than 48 hours or there's now new people is absurd. It's patently absurd. But this is what's being offered up as debate.

So yes, I'm frustrated. I'm very frustrated. I'm frustrated because these people who offer up some knowledge of the bill, who I think are fairly bright people—if they read the bill, they'd know what the bill says—are not offering up that information honestly; they're just offering up what they think the public will oppose, even though that's not in the bill, and that's the frustration. It's a frustration for any government, I suppose, because the opposition and others can say what they like and determine whether or not the bill is reflective.

On my basic take, in this House I've found on legislation that's adopted a fairly responsible position on most bills, because there are fundamental differences between us and the NDP and the Liberals. We have a fundamentally different philosophy on how the government should manage. But in labour legislation, I find that the truth is surely the first casualty of any labour legislation. The truth is the first casualty. If you're opposed to the bill, then stand up and tell me why you're opposed to the bill. Tell me what part of the bill you don't like. I don't mind that. But at least understand what the bill says.

When I go out to these public hearings and I meet with people, like in Oshawa—Mr O'Toole and Mr Stewart were in Oshawa and Mr Jerry Ouellette from Oshawa was there. I talked to a whole bunch of union members out there, and do you know what they said? "I didn't know that. Gee, I don't have as much problem—I mean, I don't agree with some parts of the bill, there are thrusts of the bill I don't like, but I've got to tell you, I didn't know a lot of that. I don't feel nearly as uncomfortable with this bill now that you've actually explained it to me." That was the response from the people, and they were not Conservatives. Well, they probably voted Conservative, but they're union members. They voted Conservative. Mr Ouellette won by a landslide. He got a lot of union votes in Oshawa.

So there's the situation. When they finally heard about the bill, they said to me things like, "OK, I still have a problem with parts of this bill. I don't think I'm agreeing with other sections of this bill. But it is not nearly what has been explained to me by the union executives I met with. I thought you were legislating a 60-hour workweek. I thought you were saying we weren't going to be allowed to be paid overtime any more. I thought the bill said that you get to only take one day of holidays at a time; you can't put them together." They actually thought this. They believed that. They believed that that's what the bill said. So yes, that's a frustration.

I don't think it's a fair take on the bill. If you have fundamental differences with the bill, then so be it.

With the closing 10 minutes, I think what we should talk about is what I believe is a good part of this bill: how we modernize the workplace. If the members opposite are suggesting to me that there's some problem with the bill, I would like them to tell me how they propose to modernize the workplace in order to make it more effective for the year 2000.

In 1968, this bill was adopted by the Legislative Assembly of Ontario—1968. Even the most hard-hearted members across the floor would have to admit that the typical workplace in Ontario has dramatically changed from 1968 to the year 2000. This bill was adopted seven years before the member for Renfrew got elected for the first time to sit in this place.

Mr Bart Maves (Niagara Falls): I wasn't born then.

Hon Mr Stockwell: This bill was adopted nine years before the member for St Catharines got here. The

member for Niagara Falls wasn't even born when this bill was adopted in 1968.

Interjections.

Hon Mr Stockwell: That's what I'm talking about. If you're going to oppose the legislation to modernize the workplace, even the most hard-hearted would have to admit that the bill needs some revision, the bill needs some changes. This is change. No longer is the office 9 to 5, you just go to the office downtown, catch the subway and go home. Lots of people don't even work in an office setting any more. Lots of people work from their home with the advent of computers and fax machines and mobile phones. Lots of people just work out of their car. The workplace has changed, and to ask the Ministry of Labour to apply and to enforce a piece of legislation that is so outdated and antiquated, to force the people of this province to work under these terms and conditions—you're protecting nobody because the bill is so flawed, so contradictory, so difficult to work with. And this came from the unions as well. It's antiquated. It's out of date. It doesn't work.

In some sections of this bill and the public holiday act, you go from the bill to a regulation that takes you back to the bill that refers you to another regulation to find out if you get your day off or not. That's how distorted this bill has become.

Listen, I know full well that the previous administration, the NDP, were looking at changing the Employment Standards Act had they had the legislative calendar time to do so.

Mr Bradley: No, I don't believe that.

Hon Mr Stockwell: It was true, the Employment Standards Act, because they thought at the time as well that this was in fact the best thing to do.

In closing, I want to say this too: there's a level of inconsistency in the NDP's argument as well, that somehow this is an attack upon families and upon parents and upon children and all that kind of stuff. That was the lead argument they used, maybe a couple of weeks ago. They've changed somewhat, but that was their lead argument.

Interjection.

Hon Mr Stockwell: Maybe they haven't changed, then. Sorry, the member for Hamilton West, they haven't changed.

I've got to tell you, this is modernizing the workplace and allows people the flexibility of making their workweek fit the needs of their family.

I guess the inconsistent part of the NDP's argument is that the biggest attack on families, in my opinion, according to their doctrine and according to their previous campaign commitments, was Sunday shopping. There was a situation where I think it could be universally agreed that there was a consistent position from the NDP before being elected in 1990 that they were opposed to Sunday shopping. They told the whole world that Sunday shopping was an attack on families.

I find it passing strange that they would have the—there are other terms, but let's just say the courage to

suggest that we are attacking the family by amending the Employment Standards Act to make the workweek more flexible so it works for families, when they themselves introduced the Sunday shopping bill. It was supposed to be a sacrosanct position that would never be debated in the NDP caucus, that they would never allow Sunday shopping. It would destroy families and destroy children and destroy all those wonderful things that not working on Sunday provided. This is what happens when you end up with a track record: your words and your deeds and your legislation tend to come back to haunt you when you want to challenge and you want to cast aspersions and motivation on other governments.

1950

This bill is designed to help families create a workweek that provides more time for them to spend together. That time may be Saturdays and Sundays; I don't know. It may be Mondays and Tuesdays. It may be Thursdays and Fridays. I can't tell you how the typical family wants to structure their workweek to make it more acceptable for them. I can tell you that I dismiss their argument with respect to attacks on families when they were the administration that told us Sunday shopping was bad and then introduced legislation allowing Sunday shopping. I'm not certain how they square these circles. I'm not certain how you do that in your mind: square these circles of the consistency of public hearings argument and the social contract or attack on families and introducing legislation that allows Sunday shopping. I'm not sure how they square these circles, how they can find any sense of consistency, how they can offer any sense of reliability in the debate. When they had the levers of power all-holy policies came tumbling down among them.

I have a difficulty with that and I have a difficulty in being hectored, lectured and harangued by members of that caucus when it comes to family values, family time, when they made these kinds of decisions when they were in government. It appears to me that they have convenient policy sets, one for opposition and one for government. The reason we never knew that before is they simply never ever formed a government until 1990. I want to get that on the record very clearly before they go off half-cocked and complaining about this attack on families. They were the ones, people of Ontario, who introduced legislation to allow Sunday shopping.

Interjection.

Hon Mr Stockwell: And I'm not even going to talk about photo radar, because I don't have enough time.

Mr Bradley: It's not relevant to the debate.

Hon Mr Stockwell: I could probably find a relevance, I'm certain.

In summation, this bill is designed, built and written to help people design workweeks that best reflect their needs as individuals. This is the difference between the opposition and the government. We believe that individuals are capable of making decisions for themselves. We believe that individuals are capable of deciding what is the best approach for them to take that best serves their

needs and their family needs. What the opposition believes—as I said, it's fundamental—is that government is best to decide what is good for the electorate. I think over time we've proven, if anything, that by empowering the people, allowing them to keep their money—as Mr Eves outlined I think very clearly yesterday, this economy is bubbling along like never before—allowing them to make decisions that best reflect their needs, you end up with an employable society with low unemployment rates, low welfare rates and very good job opportunities that in the end, by reducing taxes, generate more taxes and allow at the end of the day for a society of individuals who make their own decisions that affect their lives, who make the decisions based on their needs, which make for a good community.

There's the difference. I think the people of Ontario are old enough and bright enough to determine how they would like their workweek scheduled; old enough and bright enough to know when they'd like to take their vacations; old enough and bright enough to determine how long they're going to work and how they're going to work. I don't think it's an unreasonable request that we give the power to the people and to individuals to take these decisions and get government out of their faces, but provide protection—and that's the most important part—provide protection, increase the inspectors by 20% and give them more power. Where there is an unfair employer, where there is coercion and intimidation, increase the fines—double them—provide the possibility of incarceration for the employers and come down very heavily, as I've said, on employers who try to take advantage of individuals. That's the approach to take, because that approach will do both things: give flexibility and freedom, and enforce the law to protect those who need protection.

The Acting Speaker: Comments and questions?

Ms Di Cocco: The honourable member, Minister Stockwell, certainly makes a very selective argument as to his government's position on this bill. As I was sitting here, I was thinking that sometimes we have so much hot air in this place that we could float.

With regard to this labour bill, I want to say there is an assumption that organized labour is to be vilified. The minister was in Sarnia-Lambton, and about 800 people came to hear him. I don't think there was a favourable atmosphere in that place. I don't know if you sensed that at all, Minister, but it was not a favourable environment.

When we talk about labour and about consultation, it just happens that 800 people showed up in Sarnia-Lambton and were very upset about this bill. They must all be wrong. They must all have the wrong slant on this. That's why they're upset.

When we talk about all the inroads that have been made, inroads have been made vis-à-vis organized labour. What we consistently hear—I fundamentally disagree with the minister on this. We should be taking all of the best that has been accomplished through organized labour, and we should be bringing all of Ontario society up to that level, not the other way around, and that's what

these bills do. Again, I fundamentally disagree with that position.

Mr Christopherson: I appreciate the opportunity to respond to the minister's comments. I would say to the minister that it is very much my intention to take up the challenge he offered this evening, which is to speak to this bill in its detail as produced in the bill and talk about where we may have different interpretations, different motivations and different outcomes. Unfortunately, I'll probably only get about five or 10 minutes tonight, but I understand it's on the floor tomorrow afternoon, and I'll be first up after question period and will continue then. It would be nice if you were in the House for that; I'd appreciate that very much. I say all this to say I very much intend to speak to this bill and obviously can be held to that.

What I want to do in the one minute that's left in these brief remarks is talk about something you didn't even mention that is an important part of the Employment Standards Act. You talked earlier about challenging us about what we would do to reflect the modern times, that we're in a new millennium, it's the year 2000. What about the minimum wage? One of the fundamental obligations of the Employment Standards Act is to set out the bare floor minimum you can pay someone to work in this province. You're not moving that forward at all. If you are, you've kept it a secret. It's at \$6.85. It was at \$6.85 when we last increased it in 1995. You haven't moved it up a bit.

What's interesting—and a lot of people should reflect on this—is that we are now behind the United States in the minimum wage. Most people never grew up with that. In fact, they've had two increases since 1995, and the President of the United States has called for a third increase. Maybe in your two-minute response, Minister, you can tell us why you deemed to leave the lowest-paid workers in our province behind during this great economic boom you're bragging about.

The Deputy Speaker (Mr Michael A. Brown): Questions and comments?

2000

Mr Maves: To the member opposite on the last point, at least there are over 800,000 people who are working today in this province who weren't working when his party was in office.

I want to comment on the minister's 60 minutes. One of the comments that has come from across the way is there hasn't been any consultation done.

Interjection.

Mr Maves: There's been a whack of consultation done on this bill, starting with and even before the consultation paper went out. There were public hearings and all kinds of consultation on the consultation paper on reforming the Employment Standards Act. As the minister indicated, there had been some discussions with labour and with business even before 1995 because the NDP government was looking at making changes. So there's been a whack of consultation.

He was just recently in Sarnia-Lambton, as the member opposite from Sarnia-Lambton talked about. My understanding of that situation, because I've talked to some folks who were there, is that there were 700 people who came into the room and they came in with all kinds of mythology floating around in their heads because, as the minister explained, there are all kinds of mythology floating around out there about the bill. The minister set about, as he did tonight, and very cogently, very clearly and logically talked about this bill, what it really was about and what was really involved in the bill, and just like a lot of the members opposite tonight, as he was explaining, they were nodding or at least putting their heads down and going ahead with some other business because they could understand his logic. By the end of the night, those people in Sarnia who had come in with all of the mythology walked out of that room talking to a lot of people saying, "H'm, it's not all that they told me it was."

I commend the minister. He's done a wonderful job getting the bill to this point. He's done a great job of consultation and he did a great job here tonight.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I know the minister says we're in changing times, and we are. I know in our part of Ontario many of the construction workers are working a four-day week at the present time, Monday to Thursday, with an agreement in place that in an emergency they would work on the weekend. It seems to be working extremely well. The other thing is, the minister and people across the floor have been saying how great things here are in Ontario, and I agree they are better than they were, but they're taking all the credit for a booming American economy for which we're manufacturing all kinds of material and shipping it out of the country. The other thing is low interest rates, which I don't think this government can take any credit for.

The other thing I want to say is, I don't think people exactly trust this government. They figure that things are being shoved down their throats with very little consultation. If the government would give more of an opportunity to have hearings and listen to the workers and the residents of Ontario, I think it would be much better. That way, when there's consultation and committee hearings, a little bit of give and take, everybody is happy and it pays off in the long run.

But anyway, I guess the government has decided this is the type of bill they want. I know there are mistakes, but hopefully someone will come to their senses and listen and try to work it out. It will be good for the government, it will be good for the residents of Ontario and it will be good for the workers, because without the workers there are lots of problems here and we don't need tension. There are enough problems in the workforce now.

The Deputy Speaker: Response, Minister of Labour.

Hon Mr Stockwell: I want to thank the members for Sarnia-Lambton, Stormont-Dundas-Charlottenburgh, Niagara Falls and Hamilton East.

Mr Christopherson: West.

Hon Mr Stockwell: I'm sorry, Hamilton West. My apologies. The four-day week you talked about in construction out in Cornwall, that's the kind of thing this bill would allow. Right now, it's illegal.

Mr Bradley: They can do it now.

Hon Mr Stockwell: Only by getting a permit, but other than that, it's illegal.

Mr Bradley: It works well.

Hon Mr Stockwell: That's the point we're trying to make. The permits are shipped in and we don't have time to inspect them all, there are so many requests. We can't possibly get around to inspect them all. The point that needs to be made is that's exactly what we're driving at here.

To the member for Sarnia-Lambton, look, I went to that meeting. I thought it was a healthy meeting. Sure, there was a divergence of opinion. It was mostly Bill 69. It didn't have a lot to do with employment standards. It mostly talked about Bill 69 and the 40% mobility rate that's provided in that bill. It didn't have a lot to do with ESA; a couple of questions on maternity leave, but that was pretty much it. So to say it was employment standards, well, there were some questions, but predominantly it was Bill 69.

To the member for Niagara Falls, I couldn't have said it better. He said it very clearly. I liked his comment, too, to the member for Hamilton West after, with respect to 800,000 people working.

To the member for Hamilton West on the minimum wage, you can't just take slices of time and pull them out and say, "OK, the minimum wage hasn't been raised in five years." If you're going to do that, you're right. But when you take the 1990s, which is a period of time that's a fair appropriation of how much money was increased in the minimum wage, the minimum wage went up in the 1990s by 37%. There weren't a lot of people out there—

Mr Christopherson: We did that.

Hon Mr Stockwell: I'm not denying that you did, but it went up 37% in the 1990s, 3.7% increases compounded on top of that for the 10 years in the 1990s. That's not chicken feed. That's a big, healthy increase—37%. Not a lot of people got that kind of increase.

The Deputy Speaker: Further debate?

Mr Agostino: I'm pleased to lead off on behalf of Dalton McGuinty and the Liberal caucus in this debate tonight with regard to the latest government bill that affects labour in this province, that affects working men and women in this province.

Clearly, when you look at this legislation, you have to look at it in the context of what has been the history of this government when it comes to dealing with labour. Right from the beginning, this government has made labour and working men and women a prime target. First, they started to do it at every opportunity by demonizing people who opposed them. Labour leaders, people who are elected democratically to represent working men and women, are labelled as special interests, they're labelled as union bosses, as they call them, as if somehow they

don't have the legitimate right to represent the working men and women they are elected to be there for.

Look at the history. Frankly, there were pretty good labour relations in this province until five or six years ago. There were a lot of problems prior to that. When you look at the last few weeks, and I'm not going to go back much further than two or three weeks with regard to the legislation, the first round of attack was Bill 69, which was just passed. That is a bill that threatens to destabilize what is a very active, very well-moving construction and building industry across this province. That was done, of course, without consultation; we know that. Clearly, building trades and construction trades in this province opposed that bill. The government decided it had to move, forgetting the history. This is the danger with this bill tonight, as it was with Bill 69.

They forget the historical perspective of what brought about changes, particularly as they affected the previous bill in the construction trade, for example, in the building industry. They have short memories. They forget what happened on picket lines in the 1960s and the early 1970s. They forget the shutdowns, they forget the demonstrations, they forget the firebombings, they forget the violence, and they forget the royal commission that was carried out as a result of that. That brought about many of those changes that this government is just about to dismantle and has gone about dismantling as it applies to the construction trade.

So they brought in Bill 69; again, rammed it down without one moment of public consultation. It wasn't important to talk to the people of Ontario, it wasn't important to talk to working men and women, and it wasn't important to talk to those in this province who were going to be affected by this legislation. As we remember, they withdrew the bill. The minister came back a week later, the bill was back in and a few days later it was the law of the land in this province.

2010

Today at committee we had clause-by-clause; the three parties were given a total of six minutes each to debate at committee today another significant piece of labour legislation, which was Bill 139. Six minutes per caucus was what was allocated today to debate that bill at committee, another significant piece of legislation that is really moving in a direction to destabilize unions in this province, a piece of legislation that the minister freely agreed, when he was asked in scrums, was asked for by business. He said that business wanted that. The legislation was written by business.

When you look at that piece of legislation as it ties into the rest of this, one of the interesting aspects of the bill is the fact that under the guise of trying to protect taxpayers, the government basically put a provision in that allowed greater ability for non-unionized companies to bid on so-called public sector contracts: school boards, hospitals, other types of municipal operations. That was under the guise of, "Look, if you allow that, that means the taxpayers will get a break and will get a better deal

because there's more competition." That was the argument they used.

First of all, it's a flawed argument as it is, because what you're doing is driving wages down, driving working conditions down and driving health and safety down. But that aside for a second, what was interesting there is the banks somehow got snuck in there. Explain to me how banks use taxpayers' dollars and somehow or other banks' getting a so-called better deal is going to help the taxpayers of Ontario. Maybe their profits will go from \$2 billion to \$2.5 billion over the next two or three years, which will help the banks and their shareholders, but certainly it does absolutely nothing for the taxpayers of Ontario. You look at those types of bills as we get to this bill we're at tonight and you look at what has motivated the government, again without one minute of public hearings on the legislation.

Now tonight we face the start of second debate on this piece of legislation in front of us, Bill 147. Let's understand who this applies to. Most of the people who are affected by this bill are not union members, are not protected by unions. The government and the minister like to speak about union bosses and special-interest groups and somehow they don't have this right to speak out on behalf of their members. Let's understand this: this piece of legislation that we're debating here tonight has the potential ability to impact on five million working men and women across the province of Ontario, five million working men and women who do not have the protection of a union, who do not have union representatives they can turn to to advocate on their behalf. They're often low-wage earners, they're often people who work in so-called sweatshops, they're often new immigrants, they're often people who are single mums trying to struggle, they're often people who are trying make ends meet from day to day to day; those are the people you're impacting by the legislation that you pass here.

What I find most disturbing and insulting about this piece of legislation is that they throw in one part of it, which is the maternity leave, and hold that hostage to the rest of the bill. This maternity leave was approved by the federal government in June. It kicks in in January 2001. This government has had since June—and we saw the great wiggle on this and the great flip-flop. It wasn't an issue, the Premier said, that no one had asked him about. The minister said it wasn't a priority. On and on it went. Finally, they brought this bill in after there were a number of requests from the opposition, a private member's bill from Ms Martel of the NDP, questions in this House. The government finally saw the light, and they got dragged kicking and screaming into this.

But what do they do? They tie in a piece of legislation that everyone agrees to, that pretty well all members in all three parties agree to and could probably pass in a day.

Mr Bradley: A hostage.

Mr Agostino: They put all this in, as my colleague from St Catharines says, as a hostage in this bill. With

that exception, that piece of legislation is flawed, is anti-worker, is anti-working men and women across this province. But they throw this in to try to somehow play politics with the opposition on this and say, "The opposition doesn't support this. The opposition voted against this maternity leave provision." Again, they're not really interested in the issue here, because if they were they would separate that particular item, they would take that particular item out; we could pass that in a day. Then we could get on with public hearings on the rest of the bill.

The minister talks about the consultation that went on with this. Let's make it clear. The consultation was over the summer on a draft white paper, as it's called, that had a whole slew of potential recommendations in it. There hasn't been one day, one hour, one moment or one second of public hearings on the bill as it stands in front of us today. That is unequivocal; it is unchallenged. Anybody who would suggest that there have been any public hearings on this particular bill we're debating tonight is wrong and inaccurate; clearly, not one moment of public hearings on such a significant piece of legislation.

The government members say, "We don't have time to do it because the provision on maternity leave kicks in in January. We can't go to public hearings and travel when the House is sitting." Those are the excuses. Again, a very simple suggestion: you take that portion out, we pass that in a day or two with regard to maternity leave, and then you take the bill out in January for public hearings. But they're not concerned about that.

Look at the difference: this bill impacts five million Ontarians—not one moment of public hearings. We had a bill a few months back that had something to do with snowmobile trails. As important as that is for some parts and some people in this province, and I don't diminish that—but remember, this government took it on the road and had public hearings on snowmobile trails, but doesn't believe it is important enough to have public hearings on a piece of legislation that fundamentally impacts the lives of five million Ontarians. Five million Ontarians who are affected by this legislation don't have a say. Let me tell you, if it is worthwhile and necessary to hold public hearings on snowmobile trails, and if it's the determination of the government that's important, I say to you that I believe it's just as important, if not more important, to have public hearings on a piece of legislation that impacts five million Ontarians in their ability to earn a living, in their ability to take care of their families, in their ability to go to work, in their ability to be treated with dignity and respect in the workplace in this province. Certainly, this bill does none of that.

The government talks about the balance that is in this bill. I'll get to the details of it, but they talk about the balance, "You can refuse the 60-hour workweek. You can refuse overtime. You can negotiate your vacation time." That is not living in the real world. It sounds wonderful. They keep talking about balance in all of this, that somehow someone making minimum wage, working

and getting by in a small place without protection from anyone has the balance to be able to say, "I'm sorry, I'm not going to work the extra hours. I'm protected by the Employment Standards Act, so you'd better make sure that you abide by what I say." That is not the real world. Realistically, there is no balance here. Any piece of decent legislation would have to be balanced and would mean that there's equal power here. For anyone to suggest that the employer and the employee are equal when it comes to the power they hold in the workplace, it is an absolutely outrageous and ridiculous suggestion.

I speak, and members across the floor can say I'm biased because I'm the opposition and I disagree with this government fundamentally, but let me read something to you—

Mr Gill: What I'm saying is you are bullying.

Mr Agostino: The parliamentary assistant keeps heckling. If he would just listen for a change, maybe he would learn something.

Let me read something to you from Friday, December 1, in the Toronto Sun by Christina Blizzard, who I believe has generally been supportive of the direction of this government and generally has been supportive of the actions of this government over the past few years. Let me see what Ms Blizzard has to say about the Employment Standards Act. She says:

"What is most disturbing about this overhaul of the Employment Standards Act is that it affects the working conditions of non-union workers—the people who have no protection. And the people who will be hit the most are the people at the low end of the labour pool—the cleaning ladies, the garment workers, the people whose only protection right now is the Employment Standards Act. They are the people least able to speak for themselves and most vulnerable to greedy employers."

That's not me as the opposition saying that; that's Christina Blizzard, who generally agrees with what this government does. Ms Blizzard goes on to say:

"What is most offensive about the way Stockwell is doing this is the fact that there have been no hearings. Apart from a few brief consultations last August, there has been no opportunity for people like Samuelson and Ryan to tell Stockwell about their objections.

"This is wrong. This law is the bedrock of labour relations in the province and the proposals change working conditions fundamentally. There should be full hearings. It is entirely cynical for the government to use the increased maternity leave as a Trojan horse for bringing in massive changes to the labour legislation. The Tories knew they would have to change maternity leave anyway, since the feds have already mandated it and there is a great deal of public pressure to make it law."

Again, that is not a member of the opposition saying it. That is Christina Blizzard in the Toronto Sun talking about this government's legislation. She goes on:

"Look, the Tories keep saying tax cuts create jobs because they put more money in the hands of workers. By the same logic, people who get paid overtime have more money to put into the economy, thereby creating

more jobs. Don't cut the pay of those at the bottom of the scale in order to pad the executive bonuses of the bosses.

"Overhaul labour legislation to restore the balance, sure, but don't tip the scales too far the other way."

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Certainly, I think that is put well and in perspective as an overview of the impact of the legislation and this government's proposals that we're talking about here today.

When you look at the changes, they talk about the 60-hour workweek instead of moving in a direction where we say we're going to reduce the workweek, we're going to make the basis for overtime lower than it is now so people can get overtime quicker, as most European countries move toward a 35-hour workweek, as most industrialized countries start moving toward a 35-hour workweek. In 1884, the provincial government passed legislation saying that women and youths could be scheduled to work only 10 hours a day and 60 hours in a week. That legislation was passed 116 years ago. This is how far back we're going: 116 years ago there was legislation that for certain groups limited a workweek to 60 hours. We're sitting here in the year 2000 and this government is bringing in legislation for a 60-hour workweek.

They talk about flexibility again. They talk about the ability to refuse this work, the ability to have some balance in what we see here today. That is not the case. What you're going to get is people working longer hours for less money, being coerced to work and basically feeling they have no choice but to work those hours and not turn it down. Clearly we know the impact. They talk about flexibility, how 60 hours gives flexibility and people can choose their hours more. I'm not sure how many daycare centres are open with that type of flexibility, if that's what you want to give, where you think there's a choice where they can pick and choose the hours they want to work and this is what this bill is all about. That is not the case.

Then they talk about overtime with this. They say it doesn't impact it because you can still get overtime after 44 hours, that it gives you the flexibility to average it out over a four-week period. I'll just give you one small example that's been used. Over a four-week period you work one week at 52 hours and you work the other three weeks at 40 hours per week. That gives you an average of 43 hours per week. You know what that means? You don't get one single cent in overtime pay. Under the old system you would have been paid overtime in that 52-hour workweek. When you average it out over the—the Minister of Agriculture is suggesting I'm wrong. I hope you use your two minutes to explain to me how that is wrong. When you work 52 hours, 40, 40 and 40, it averages it out over the four-week period that the legislation allows to 43 hours per week. That makes you, on average, fall one hour under the overtime of the 44 hours in the legislation. That means that this individual, who under the old legislation today would receive eight hours of overtime, gets ripped off for eight hours, stolen

out of their paycheque to the benefit of the employer—eight hours of overtime. That is indisputable. That is in the legislation. That is allowed.

You tell me how this flexibility helps a single mom struggling to get by, needing every cent she can get, who even under your terms chooses to work that 52 hours but now gets ripped off for those eight hours of overtime under this legislation. The government has made no move to address that. There was no amendment suggested to address that. Nothing that was said would suggest that. Very clearly that is wrong. Why is it fair today—even though 44 hours I think is higher than it should be—for someone who works over 44 hours to get paid overtime, and under your system with that scenario they would be ripped off for those eight hours of overtime? How does that help? How does that help that individual? It doesn't. It simply helps the employer, and this is what this is all about.

They talk about vacation time, and again the minister talks about flexibility. It's that famous word. They like to talk about balance, "You can be flexible when you take your vacations. You can be flexible in the hours you want to work." This basically means, with this legislation, that, frankly, an employer can dictate when you take your vacations and in what kind of blocks you take your vacations. Again, they can say to you, "Take one day a week. That is your 10 days. You take them over 10 weeks, whether you want to or not." Again, the minister says you have the right to refuse. Where again is the balance there? Do you really have the right to refuse? Does anybody in their heart and in their mind really believe that there isn't a question of pressure, there isn't a question of fearing to lose your job, there isn't a pressure of there being nobody there to protect you? There's the fact that you believe if you lose that job that may be the only income you have and you may lose any opportunity to be able to look after your family. Do you really believe that you're going to turn around and say, "No, I'm not going to do it," and not have the fear of losing that job under this legislation?

Let's face it, this is not a government that has been known to be friendly to working people. This is not a government that's been known to go to bat for working men and women in this province. They're not unionized. They're the most vulnerable. They're not people who can afford the protection of the auto workers or steelworkers or many other organizations that do such a great job of looking after and protecting the interests of their members. These folks don't have that luxury and that advantage, and you're making it easier for them to be exploited and taken advantage of under this legislation.

Another section of this bill is emergency crisis leave, 10 days of annual leave for family emergencies. Although it's a start, let me suggest to you that it's inadequate, insufficient and nowhere near the need that is out there. Let's understand that if you have a family member, if you have a relative—a mother, a son, a daughter or a brother—who's dying of cancer, who has a chronic illness, who is in the last few months of their

lives, do you really believe 10 days are going to be sufficient? Do you really believe that simply 10 days are going to give you the time you need to be there and spend it with them?

My father died of cancer six years ago. He was diagnosed and within four months he passed away. I was a member of city council at that time. It was a time of the year when council wasn't sitting. I was fortunate enough to have the flexibility to be able to spend almost every moment of those last two months that my father was at home with him. I was fortunate to be in that position. I could be there, I was there day and night and, frankly, it was probably the most valuable two months of my life that I spent with my father. I was fortunate to be in that position. It is two months I will never ever forget and it is two months I will never ever regret spending there.

But if I hadn't had that flexibility, if I hadn't been fortunate enough to be in a position where I could take that time, where I could do that, do you really believe that in my situation, or in the similar situation of many others in this Legislature or many others across the province, 10 days is going to be sufficient to do that? I don't think so.

During the last election campaign we proposed 12 weeks. Is that enough? In some cases it may not be enough. That's not necessarily the magic answer here, but certainly I know that 10 days is not enough to deal with those types of family situations. Any of us who have been through that I think in our heart of hearts understand that.

We're not suggesting with pay. We're suggesting those it should be greater than 10 days without pay. If you have a son or daughter who's injured in an accident and you want to be at home with them, you should not have to lose your job. You shouldn't have to choose between looking after a son or daughter who needs your help, or looking after a dying parent, and your job. You should not have to make that choice in the year 2000 in the province of Ontario; and 10 days doesn't give you that option.

As much as I believe it's a start, I urge this government that we have an opportunity through committee, through amendments, to change and increase that, to make it much more in tune with the real needs that are there today.

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In the few minutes I have left, because I want to turn some of my time over to my colleagues who want to speak on this, I'm really concerned over the instability that this legislation is going to cause to labour relations in Ontario. Tied in with the other three pieces of legislation that have been passed, the other three bills that we have passed in this House—Bill 139, Bill 147 and Bill 69—which all combined will be law in the Ontario by Christmas, I think we're threatening to erode the fundamental balance that has existed in the province when it comes to labour relations. I believe that is dangerous. I don't think that is healthy in a democracy.

I think when you have an economy that for various reasons—the government can take credit for it, as they always do. The federal government takes credit for it; Bill Clinton takes credit for it; everybody believes they're responsible, I guess, in their own way for this booming economy. But when you have such a booming economy, when you have people working, when you have good economic times, why would you threaten that stability, why would you threaten labour relations with this type of regressive labour legislation that smacks of American right-wing Republican agendas rather than the moderate balance the people of Ontario are looking for?

You're threatening, as I said earlier, the construction industry with Bill 69. In Bill 139 you make it more difficult for workplaces to unionize and make it easier for workplaces to decertify and be non-unionized. Again, let me go back to that. I want to quote one of your own members who talks about the impact of Bill 139. Let's understand that part of Bill 139 is where the government says, "We're making it law now that you must post in unionized workplaces information on how to decertify." So if you have a union in a workplace, the government says now the law of the province means that you must post the process for getting rid of that union.

We have suggested on this side of the House that if that's fair and you believe that's fundamentally the way you should go, then you would think that when you talk about balance, you would allow the same thing on the other side, which simply would mean that in non-unionized workplaces across Ontario you would make it law that there'd be the posting of information on how to organize a union. That's fair. That's balanced. On the one hand, you're saying, "If you unionize, here's how you can get out of the union." On the other hand, they're saying, "If you're not unionized, here's how you can become part of a union."

The government doesn't believe that, but I'm glad some government members do speak out under their conscience and on their own. Mr Bill Murdoch, the member for Bruce-Grey said—and I'll be fair, I'll read the whole quote:

"It's not enough to make me vote against the bill, but it would be easier to say, 'This is how you decertify' and 'This is how you certify.' Two packages.... You just postpone them both.

"Why didn't they put up how to certify as well? They're leaving that up to the unions—'If you want to certify, go ahead.' I guess that would be the argument. I don't care whether [workers] decertify or not, but it should be their choice."

It's not said by a member of the opposition but by a member of the government, Mr Murdoch, the member for Bruce-Grey. You should listen to him. He speaks well here. He speaks with wisdom. He talks about balance. This is what is lacking with all of this legislation. Again, I urge this government, you still have an opportunity to do the right thing. You still have an opportunity to go beyond the rhetoric and the anti-labour bent you have.

I understand what's driving this. Let's not kid ourselves. With every single piece of legislation I challenge the minister or any government member to tell us which worker representatives have come forward and said to the government, "Bring in Bill 69," "Bring in Bill 147," or, "Bring in Bill 139." I challenge you: name names. Give me one labour organization or one labour leader who represents working men and women in the workplaces who have said, "Bring in this bill." I challenge you to do that. I hope you take that opportunity tonight or tomorrow in the debate to tell us who these people are.

If you talk about balance, if you're talking about a need, you would think the need would be recognized on both sides. Let me tell you what's driving this. This is being driven by business, by big business, friends of this government. We know with Bill 69 it was the Big Eight contractors who donate in excess of \$100,000 to \$150,000 a year to this government. We know that. They asked for it. They were pretty upfront about it. It wasn't some hidden deal. They said, "That's what we asked for."

Chambers of commerce across this province have praised these other two pieces of legislation. That's their job; they represent businesses. That is the job of the chamber of commerce. Their job is to represent business and they've been pretty open about it. They've said, "This is great. This is what we've wanted." So what you have here are three pieces of labour legislation that have become a wish list for businesses.

The banks—I still can't get over that one. That has to be the most hilarious part of this whole thing, how the government feels it needs to protect banks. With profits of \$2 billion a year, they need the protection of the Mike Harris government, or is it that Mike Harris needs the bank to pay \$25,000 per table to be at their fundraiser. Is that maybe what's driving this? I don't think the banks need the protection of this government when it comes to union and non-unionized contractors.

If you look at all these pieces, if you look at what's in front of us today, the agenda is clear here. This is not an agenda of respect for workers, of balance for workers, of rights for workers; this is an agenda of business. Business has a right in this province to donate to any party they want, business has a right to flourish and make money and employ people and grow. That is exactly what makes our system work, that is what makes our province work. But they should not get special treatment and be privileged because they have access to this government or because they donate to this government. That does not give them access and privilege when it comes to legislation, and this is what this legislation is all about, this is what these bills are all about.

I urge this government to restore some balance, to restore some sanity when it comes to labour legislation, because, particularly in this last piece, you're not impacting unionized workers. As much as you may not like the union bosses and you may not like their style, their job is to represent their workers. But understand one

thing: this last piece of legislation we're debating here tonight affects five million vulnerable Ontarians who don't have that protection and so they need this government to protect them, not to go out and destroy them.

The Deputy Speaker: Member for Hamilton East, I need to know who the members are who will be participating.

Mr Agostino: The members for Sarnia-Lambton and St Catharines. Sorry, Mr Speaker.

Ms Di Cocco: I'm pleased to debate yet another labour bill, Bill 147. As the member from Hamilton East has already stated, and as has been stated this evening, it's An Act to revise the law related to employment standards. It has been the common theme in all of the labour bills from the Harris government that they're not intended to protect the interests of the workers and families in this province. There is a systematic approach to introduce and pass anti-labour legislation. I believe they're widely viewed as an attack on organized labour.

Bill 139 made it tougher for unions to organize, and Bill 69 undermines construction unions outside Toronto by allowing unionized contractors to hire non-union workers. Bill 147 raises the ceiling on the legal workweek to 60 hours from 48 hours. It is to Bill 147 that I'm going to speak.

This act applies to five million Ontario workers who are non-unionized and who do not work for federally regulated companies, and in many cases this is the low-wage worker.

I attended a meeting, and we alluded to this earlier in the debate, in Sarnia-Lambton with Minister Stockwell, and I listened to some significant arguments made by numerous individuals at that meeting. One of the people who attended was Ron Carlton of the carpenters' union, and he made a significant point at that meeting. His point was that if the government values skilled workers and these skilled workers have attained a great deal of progress when it comes to the interests of the worker and working families and skills and the type of workplace, why not try to raise those standards to the best that we have rather than trying to bring everybody else down to the lowest common denominator? That's basically, incrementally, what this government wants to do.

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This was a very grassroots meeting that Minister Stockwell attended, and I have to say, to his credit, that he did stay and answer questions at that meeting. Unionized workers—I'm going to say it again—have made a great deal of progress over the last century. They've made a great deal of progress because their representatives and their leaders have fought for better working conditions, better wages and benefits and the security of a good pension and ongoing skill development. That assists, of course, competitiveness, because that's what we require. We require a skilled workforce. I don't think the Harris Tories or Minister Stockwell would disagree with that statement. Instead, what are they trying to do with those standards? They're

trying to lower them. They're trying to lower those high standards that have been achieved for workers. Again—and I'll say it again—to build a better society, the labour minister should be working toward raising those non-union, low wages forward and higher.

What's interesting to note is that food banks are helping larger and larger numbers of working families whose incomes cannot meet the growing cost of living. That's the reality. It's not even people on welfare; it's the working poor. So, let's look at the direction of this legislation. It is not to shape a good society where people in the workforce are entitled to a fair wage—because that's what I believe: everyone is entitled to a fair wage—it's to attack, confront and break the unions and organized workers so that there is no collective strength to fight injustice in the workplace. I believe that's what the real intent here is.

Let's look at the broad picture. With the labour bill, along with bills that have affected health care and education, Harris and the Conservatives go out of their way to confront and fight with teachers, with nurses, skilled and unskilled labour. Their basic argument is that for business to be competitive and services to be more effective, people should earn less, work longer hours—for example, the 60-hour week—and not have organized labour, because associations and unions are bad. It's that simple.

My position is that unions and organized labour, again, have helped workers to develop high levels of skills to get fair wages, benefits, pensions and some security for themselves and their families. That is what sustainable economic development requires. Yes, there are a few instances where union leaders or executives abuse their position, but that's the case in the banking industry, the stock market, the legal profession, business executives across this province, including politicians. But you don't hear Mike Harris and the Conservative members call them "bank bosses" or "market bosses" or "business bosses." The point is that the economic train is not only made up of business people and that we must recognize that the workforce and organized labour is a large component of that economic engine.

I always listen really carefully to the positions taken by Mike Harris and the Conservatives. It seems to me that the real problem that I see, that I have evaluated, is that they have no plan to deal with the real issues of a looming shortage in the general workforce, such as teachers and nurses, the medical profession and skilled labour. So they have to find enemies to fight, and one of the Harris targets for confrontation is the workforce of this province, in every sector it seems to me, and, more pointedly, organized labour.

Unlike good corporate citizens, the current government is a terrible manager. The provincial neo-Conservative/Canadian Alliance mix knows how to ruthlessly cut dollars out of budgets. They know how to pick fights with groups, and they know how to marginalize people. They know how to give tax cuts and get optimum publicity, and they know how to spend

public dollars on partisan ads. But they do not have a plan to fix the numerous crises they have created by their simplistic policies.

It is my opinion, and it is Dalton McGuinty's and the provincial Liberals' opinion, that the Harris government is wrong in passing this type of legislation without public hearings, especially because I believe it is fundamentally flawed. It takes the extended parental leave provision of 52 weeks, which we asked for, and inserts it among nastier proposals such as the 60-hour workweek. I wonder if the minister understands the societal impact of his legislation or, better, if they really care.

The 60-hour workweek was proposed in the name of flexibility. Presently, the number of hours in a workweek is 44. Anything over 44 hours requires overtime pay, and any work over 48 hours requires overtime pay as well as a permit to allow the employer to exceed this maximum. That's what this means. This legislation would replace the current weekly limit—from 48 hours to 60 hours—although time in excess of 48 hours would require employee agreement.

I've explained that because I wanted to come to this point: good businesses, I presume, would not take advantage of their employees and would respect this cap on the workweek. But the reality is that the 48-hour cap is a measure to prevent employers from exploiting their employees. I can assure you that that does take place in the workplace. This optional criterion is of little value in the workplace, because I don't think we've got the same weight of negotiations between an employer and an employee. Employers have the weight of authority behind them, and there is no counterweight that the employees have. Let's remember that if employees refuse the offer to work 60 hours, they might find that their career prospects are not so good.

The other argument is, if a business wishes to extend hours, maybe it will have that person add the hours without hiring somebody else. Again, I believe there is a general negative societal impact on family time. It's apparent to me that the Harris government is disconnected from reality. Single-parent families, two-parent families, working families are already on a just-in-time treadmill. They are just in time to take children to various activities, just in time to get the groceries done, just in time to go to the dentist, the doctor, the orthodontist or music lessons, just in time to get meals. This is with the current workweek. Can you imagine the extra stress of a 60-hour workweek?

There are also health implications that should be looked at. A study produced by StatsCanada talks about the negative health factors. It is a given that fatigue-related industrial accidents and other accidents are caused by this excessive fatigue.

I just want to add, before the member for St Catharines finishes the debate, that the direction Ontario is taking is several steps backwards. The federal government and four provinces have a 40-hour workweek. France has a 35-hour workweek, and other European countries, 35- to 40-hour workweeks. Most

European countries offer four to six weeks of paid vacation, even to the most junior employee. In Ontario, we have a standard of just two weeks. So it is clear that a move to a 60-hour workweek is not the norm for the western world.

As I conclude, I believe this constant anti-labour legislation is really what Bill 147 is all about.

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Mr Bradley: I actually regret I have to speak on a bill of this kind, because it's the third bill in a row where the government has tilted the balance toward the employer and the business sector, as opposed to trying to maintain a balance between both sides. The most effective labour legislation, people on both the management side and the labour side will tell you, is legislation with which both sides are somewhat unhappy and somewhat pleased. In other words, it has that balance.

I remember in my early days in this Legislature, when Mr Davis was the Premier, that when he dealt with labour legislation, by and large he endeavoured to have legislation that was fair to both sides. Yes, there were arguments from time to time, but we had legislation that was fair to both sides. What we're seeing now, with three bills in a row from this government, is a movement toward one side; in other words, the right wing in this case.

Yes, I know there will be applause from the Canadian Federation of Independent Business, and I know there will be applause from the chamber of commerce and some other employer groups. One would be surprised if they didn't applaud many pieces of legislation that have come forward. But on balance, when you look at the province, we have the most successful labour relations when there's a feeling of fairness on both sides. How do we get to that? I'm going to deal with the procedure as to how you get to that, because the procedure is important as well.

One thing I have noted, and I'm sure the member for Renfrew-Nipissing-Pembroke, who has been here since 1975, two years before I entered this House—I think what we would note is that the legislative committee system simply does not function anywhere near as well as it did at one time. Quite frankly, it functioned best in a minority government situation, because minority government compels responsibility on two sides. Perhaps the better word for government is that it compels responsiveness; that is, responsiveness to the opposition viewpoint and to the general public, because the government rules only with the consent of at least one of the two parties in the Legislature. On the other hand, of the opposition, it requires responsibility, since the opposition has the opportunity to bring the government down and precipitate an election, or to significantly alter bills in a way which would be unfair to the governing party. So what you find in a minority situation, by and large, particularly in the early days of it, is a sense of responsibility and a sense of responsiveness on the corresponding sides.

One place where I think this Legislature could work in a far better fashion is in the committees of the Legislature. Unfortunately, the custom has become—and I attribute it not only to the present administration, although I see it to perhaps a much greater degree today with this administration. It is a very partisan setting. The chief government whip gives orders to the whips of the committees from the governing party that they shall adhere to the government line. When legislation comes before a committee, rather than members debating, for instance, the amendments, or asking questions that would elicit answers the government perhaps wouldn't be happy with, what we have instead is people speaking only along party lines. The opposition, in reaction to the fact that the government will not budge and shows no intention of budging, tends to be more rigid as a result.

There are a lot of things about the American system I don't find particularly attractive to follow, but one aspect of the American system that has some merit is the committee of the House, or the committee of the Senate in their case, and at the state level the state Senate or the state Legislature, because there seems to be more flexibility, less along party lines than perhaps the personal interest of individuals who represent a constituency.

That brings me to this piece of legislation. There are two or perhaps three reasons for having it go to a committee. The best reason is so we can hear all sides. The government, having heard one side or another, one presenter or another, perhaps may make an amendment, may make a change to the legislation, or in the most drastic case, may withdraw the legislation and start again.

Second, it gives an opportunity for people to at least believe they had their day in court. That's important to a lot of people who feel frustrated, that they really haven't been listened to. The kind of consultation the Minister of Labour undertook was a minimal consultation, in my view, one which would not elicit the kind of valuable information that might cause the government to amend or withdraw this legislation.

We can't look upon this bill alone as the government thrust in the field of labour relations. It's three bills in a row that have tilted the balance in favour of the employer as opposed to the employee. I don't think that's healthy in a province. Ultimately that will engender bitterness.

When you have an economy that is booming as the American economy is booming south of the border at the present time, and with Ontario being a major exporting province, very reliant on exports to the United States, we would expect that Ontario's, and indeed Canada's, economy would be booming as a result of that booming American economy.

Hon David Turnbull (Minister of Transportation): Jim, you were against free trade.

Mr Bradley: I could get into another debate on the issue of free trade. I've been reading about some people who were initially in favour of free trade who now see some problems there.

I simply point out how dependent we are on the American market at this time, as opposed to a multi-

plicity of markets or our own market, so that you don't take full credit for the economic condition of Ontario. I know that Premier Harris and his cabinet are as large as life taking credit for things that go well, and can be found nowhere when there is responsibility to be taken for difficult situations. At those times they point to the federal government, to the previous Liberal government, to the previous NDP government or to the media. The other day the Premier was saying that it was the world's fault, that it was a worldwide problem with nurses.

This was the Premier who said that the nurses, like Hula Hoop workers, would simply have to change their profession. This was back when he was ensuring that about 15,000 nurses in this province were fired out the door as he was closing hospitals, having said, as members of the Legislature will recall, in May 1995, "Certainly, Robert, I can guarantee you it is not my plan to close hospitals."

I might say to you, Mr Speaker, because you've been interested in this specific issue, that in the city of St Catharines despite all promises to the contrary we have the Hotel Dieu Hospital now looking somewhat like a glorified walk-in clinic, when this government's commissions get through with it, because it will not be a full hospital. But I do not want to digress at this point.

The Minister of Health is here today. She would hear that. I'm looking forward with anticipation to what she refers to as an external look or examination of the ambulance dispatch system in the Niagara region, and I look forward to her movement, I hope, in the field of ophthalmology for the Niagara region.

But I want to deal with this bill at this time and say that I find it a major step backward to have this 60-hour threshold. I happen to believe that people, particularly when economic times become more difficult or people are more desperate, are going to be coerced by some employers, not all, to work much longer, many more hours, than would have been the case without this legislation. At least with the permit system an application was made and the government had the opportunity, having heard the case of both sides, to either approve or deny the permit for additional overtime work. In this case, I think we will see it become much more the norm than the exception.

2100

We notice the term "voluntary" used in this legislation, but I think we must recognize that if people are looking for advancement in the workplace, if they're looking for promotion in the workplace, if they're sometimes looking for the number of hours or the opportunities to work at the best of times, they may find those denied unless they're prepared to co-operate with the employer in regard to overtime. So I'm concerned about that provision.

There are some parts of the bill that are certainly acceptable to those of us on this side of the House. The government has followed the lead, as it does on so many occasions, of the federal government, in this case in terms of legislation that I think most people consider to

be progressive. That is something we must compliment the government for. I don't want to be negative on all occasions, but I think we recognize there are too many provisions in this bill, hostages as I call them, to make it attractive for those of us in the opposition to vote for it.

We look at overtime. That's a problem with the government proposal. Overtime pay should not be averaged, quite obviously, over several weeks because employees are going to lose out on valuable pay for their work. Second, as the 60-hour maximum can be spread out unevenly over three weeks, a worker's schedule will be sporadic and detrimental to their day-to-day lives. I think people like to have some determination as to when and how they're going to be working, and this allows for that to be disrupted considerably.

In terms of vacation time, the daily vacation time does nothing to improve the health or productivity of a worker who needs downtime from the job. This proposal erodes the time that employees look forward to spend with children, for instance, in the summer when they're out of school, and complete breaks from the workforce are often needed to rejuvenate workers.

The minister mentioned that some people may choose this option. I think there's a fear that others might well be compelled in one way or another to take vacations one day at a time instead of over a period of two or three weeks, which may be more useful to them.

The maternity-paternity leave provision is one with which both opposition parties agree. It's unfortunate that aspect wasn't taken out of the bill and put in a separate bill. I would have thought that bill, that provision, would have gone through—I think the member for Hamilton West would agree with me—probably in a day, because there would not be a difference of opinion in this House. That's a part of the bill I want to speak in favour of. As I like to be from time to time, I want to be fair to the government and say that's a positive provision of this legislation.

The emergency crisis leave: well, it's a start. It isn't exactly what we thought should happen, but it is a start, 10 days of annual leave when warranted for family emergencies, because there are family emergencies. What we think would be good to build into legislation is an opportunity—the Minister of Health, who is here this evening, would know this as well as anyone because of her specific responsibilities. There are times when up to 12 weeks of medical leave might be useful, particularly when a person is in a terminal situation, and obviously a terminal situation of someone in the family.

If you look at the demographics we're moving into today, most families are smaller in number than they were in the past, so the number of children there are to look after parents as they get into advanced age and are perhaps suffering from serious illness is a smaller number. You're seeing one and a half or two or two and a half children in a family where you might have seen four and five children in a family before.

What I'm concerned about is that we have a bill which does contain some positive aspects to it, but held hostage

in it is the overtime provision. What is hostage here is the potential 60-hour workweek. It certainly fits with Bill 139, which again had some negative aspects for the trade union movement, and Bill 69. All of these were of particular concern. Again, when I look at fairness and balance in the previous legislation—and others have mentioned this, and they quoted Bill Murdoch, the member for Bruce-Grey, in this—there is a provision where you will post in the workplace how you decertify a union, but you don't post how a union may be accepted, how you certify a union. If you had balance, you'd have both in there. If you think it's important that one is there, I think it's important to have the other.

That's what governing is all about. It's about trying to develop a consensus. It's not always possible to do, but you try to develop that consensus, you try to keep labour peace in the province. My view is that this legislation, coupled with the two other pieces of legislation, will not do that; in fact, it will do exactly the opposite. It is going to be somewhat detrimental to those who are in the workforce today.

The Deputy Speaker: Questions or comments?

Mr Christopherson: I want to compliment all three of my Liberal colleagues for their analysis of this bill. I think they've pointed out a number of deficiencies. Certainly at least one of them made reference to the fact that this is not a bill that helps working people at all.

I'd like to expand on that point—and I made it earlier—about the minimum wage. I want to read from an editorial in a paper called the Daily News out of New York, New York. It was given to me by my colleague from Toronto-Danforth, Marilyn Churley. It's dated September 4, 2000. The headline, first of all, is: "Go to the Max for Minimum Wage." It says, "There is no valid argument against an increase. When the feds last increased the minimum wage by 90 cents in 1996,"—90 cents, I would point out parenthetically, in 1996; we haven't seen a raise in the minimum wage in Ontario since 1995, and that was under the NDP government, and this is one of two increases they've had, and it was 90 cents US in 1996—"the move was greeted with dire predictions, including that it would spur unemployment. Instead, unemployment has dropped.

"A higher minimum wage moves the economy toward higher overall pay and higher productivity. Everyone, workers and bosses, benefits from that."

Let me just say that the minister pointed out that under our time in government there had been a 37% increase in the minimum wage. First of all, I'm proud of that. I don't feel I have to defend it. I'm proud of it. Secondly, I would say that had nothing to do with dampening the benefit that companies and corporations made in terms of their profits in the boom times of 1995 to 2000. In fact, the business education tax has done a lot more damage to businesses in Hamilton than minimum wage every would.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to make a few comments tonight. I'd like to thank my Liberal colleagues from Sarnia-Lambton, St Catharines

and Hamilton East for their comments. I'd like to point out a couple of things. I had a few concerns, a few contacts and phone calls, e-mails, etc before the 50-week maternity package was put together. People were very concerned about that, and I was very happy that this was included in this particular piece of legislation.

I hear the comments coming from the members opposite, and I'm really concerned about their thoughts on how damaging the 60-hour workweek is. I have a number of constituents and friends who are both employees and employers, particularly in the construction trades, and the biggest problem they're having by far right now is finding help. Up in our region of Ontario at least, the Barrie and Simcoe county area of Ontario, we have a high number of construction building permits for all sectors of the economy, and even a lot of the agricultural areas are expanding, some farms and that sort of thing.

In a lot of cases, the employers are actually giving out additional incentives to try to keep their employees around. For example, they'll often supply them with a vehicle. A lot of people have trouble with two people working in the family, and if a second vehicle is a problem, they'll give them a truck, etc. I see a lot of incentives from employers to the employees, and I don't think you've looked at that sector or that part of the legislation at all or that part of what's happening in the economy.

2110

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):

I want to commend my colleagues, Mr Bradley, Mr Agostino and Ms Di Cocco for their comments with respect to Bill 147. I have listened to the debate for most of the evening, and I want to say that I think the members of my caucus have indicated that while the bill does contain some measures, particularly the maternity and paternity leave provisions, which are acceptable and supportable, it unfortunately contains some other matters that give us great pause and cause some very real concern to working men and women that we represent.

In my part of eastern Ontario, I have had submissions as recently as today from people who are very concerned about the overtime provisions and about the 60-hour week. Let's not kid ourselves. As my friend Mr Bradley observed, the Employment Standards Act is the piece of legislation that regulates the non-unionized workforce. These provisions, made to sound so reasonable by our friend Mr Stockwell, the Minister of Labour, definitely tilt the balance. There can be no member of this Legislature who would honestly believe that an employer is not going to want to take every advantage of the overtime provision to pay as little of it as possible. It's all about nuance. It's all about tilting the playing field. If we have a collective agreement, obviously I'm less concerned. But most of the people who are going to be affected by these provisions are unorganized, and they are going to be very much under the thumb of the employer.

I just think that any of us who have ever worked in a workplace—and believe it or not, I did myself once upon a time. I can easily understand how this opportunity for the 60-hour week and the opportunity to average overtime is certainly not, in most cases, going to work to the advantage of unorganized working men and women.

Mr Maves: It's a pleasure to rise and comment on the comments of the members from the Liberal Party, specifically the member from Sarnia-Lambton. I took in some of her comments backstage on the television. It strikes me that in the past four years, in the first four years of our mandate from 1995 to 1999, we passed several pieces of labour legislation. I remember quite clearly the last piece of construction labour legislation that we passed, and I remember at the time the NDP and the opposition party telling us that it was going to stop all construction from occurring in the province and there were going to be province-wide strikes and why did we want to do this to the economy. I remember protests up in the gallery from some of those construction unions, not unlike the small one we had tonight, again saying, "The sky will fall, and all the prosperity that we've built up over the past five years will end, and you'll never build another commercial project in the province of Ontario." None of that has happened over the past four years.

In fact, as we know, the opposite has happened. Over 800,000 more people are employed today in Ontario than were employed in 1995. After-tax incomes have gone up dramatically in the past four years. Under this government, private sector wage hikes have now started to exceed those in the public sector, which was totally opposite of the way things were when the Liberals and the NDP were in office. Dramatically more people are working. More people are better off.

I would say again to the member from Sarnia-Lambton and some of the other members that when this piece of legislation is passed—and even members of the labour movement whom I've talked to have conceded this in some of the construction legislation, like Bill 69, which we recently passed—it will actually probably enhance the workplace in Ontario.

The Deputy Speaker: Response?

Mr Bradley: I thank the members from Hamilton West, Simcoe North, Renfrew-Nipissing-Pembroke and Niagara Falls for their contributions, their comments and their questions. I wish to reiterate in my windup remarks, on behalf of my colleagues, a great concern that this legislation is moving far too quickly through the Legislature without the kind of hearings that I think are important.

I would want to hear both from employers and employees, and I'd perhaps want to hear from those who in the academic world have made a study of labour legislation and could give us some advice. It is important as well to have it from people who are in the unorganized workplace and the organized workplace. That's where you bring about the balance in legislation. When you have three pieces of legislation in a row which tilt the balance toward the employer, you can certainly

understand the concern of members of the trade union movement and indeed of workers who are not unionized that they are not going to be in a better position.

The member for Simcoe North mentioned that when there is an economy where workers are sought, there are incentives given; there are some additional benefits that are given. I remind him that the economy will not always be that way. The concern of many is that if there's a downturn in the economy at all, if it levels off at all, that is the time—and particularly in tough economic times—when they may be compelled to work overtime when they don't want to work overtime and to lose some of those overtime benefits because of the averaging which is built into this legislation.

So I think it's important that you have those hearings. I think it's important that you modify that legislation. I think it's important that members of the governing caucus strive to have that balance for which the Progressive Conservative Party in years gone by was noted. One of the reasons they were in power for 42 years was that they recognized that balance and the need to develop a consensus. I only hope the government would do that in further labour legislation.

The Deputy Speaker: Further debate?

Mr Christopherson: We have about 11 minutes on the clock. Obviously I will open my leadoff remarks this evening and continue tomorrow afternoon sometime shortly after question period.

Let me say at the outset that an important part of all this is the suggestion by the government that anyone who would dare vote against this obviously doesn't support the extended parental leave provisions in Bill 147. The official opposition has said that they thought this could be passed in a day. Let me say that as long as we've got unanimous consent, we can do it in half a day. I am making it very clear on behalf of our caucus that if you want to unbundle this, split the bill, call it what you will but put that particular bill on the floor tomorrow, by the end of the day it can be law. We have absolutely no desire to slow that down.

I think you insult the Ontario people by suggesting that this bill has to be rammed through without detailed scrutiny because this particular law needs to be in place by January 1, 2001, in order to benefit from the changes to the federal legislation. That doesn't hold. You've heard it from the official opposition; you're hearing it from me. I also happen to be the House leader for our caucus. I'm saying to you that if you pull that out of this bill and put it in the Legislature and it is as straightforward as it needs to be—I believe the bill of my colleague the member from Nickel Belt, Shelley Martel, was one or two lines; that's all that needs to be done—you have an absolute guarantee that it will be through here. Please don't use that as an excuse for not taking the time that a bill like this deserves.

2120

In response to the Minister of Labour's comments, I was somewhat disappointed where he talked about the briefing. I know he didn't hit it hard, but he clearly was

trying to leave the impression that because the two critics from the Liberal and NDP caucuses weren't present at these briefings, maybe we don't care quite as much about this as we would like people to believe. Look, the fact of the matter is—and people are probably surprised to know this—we are informed of those briefings sometimes as little as an hour before they're tabled on the floor of the Legislature. And guess what? We are all pretty busy. The notion that any one of us, on the government side or the opposition, could suddenly change their schedule in a snap, within an hour, is ludicrous. I had staff there; I'm sure the official opposition had staff there. Bearing in mind that we already had two other major pieces of labour legislation in front of this House simultaneously, I think that more than knocks down any implications the minister might want to leave about our personal attention at these briefings.

I want to spend my remaining eight minutes this evening to begin to talk about—I'll probably have to conclude that tomorrow—this business of public hearings versus the consultation that the minister held. To his credit, he did issue a white paper. To his credit, he did travel around the province and invite people to make comments on the white paper. But there is a world of difference between inviting someone to come into a meeting that is controlled by the minister and his or her staff to comment on a discussion paper about what you might do or might not do and what people think about it versus proper legislative hearings.

Let's remember that this is not just a few amendments. This is a brand new bill, from front to back. The Employment Standards Act in the province of Ontario has been rewritten from front to back. I've been scrambling trying to get copies of legal analysis of this bill. You should know the reason I'm having trouble is not because people don't want to share it with me; they're quite prepared to do that. They haven't had the time. These are law firms that specialize in employment legislation, employment law, and they haven't been able to conclude the analysis. Here we are already one third through probably all of the debate we are going to get on this, certainly on second reading, because we know time allocation is coming.

It doesn't just replace the Employment Standards Act; it replaces five pieces of legislation. Let me remind the government members who are here this evening that if this bill is rammed through without public hearings, that means the two pillars of labour law in the province of Ontario, the Ontario Labour Relations Act and the Employment Standards Act, will both have been rewritten front to back, completely new laws, and neither one of them will have had one minute of public hearings. So the two pillars of labour legislation in Ontario will have had absolutely no input from anybody watching this or reading the Hansard.

What's the difference between holding public hearings in a legislative committee versus the consultation? I've already pointed out that one is the method or the vehicle of conveying the message, which is a white paper, which

is just discussion, and that the minister controls the entire environment; it's his meeting. A legislative committee is a meeting of this Legislature. Yes, the government has the majority, they have control at the end of the day, but we do have some rights in there on the opposition benches. We have the right to ask questions of experts. Whether they're pro or con on the bill, we at least have the right to probe further and ask questions. We have a right to invite experts who may have a different point of view than the individuals or the groups that you might want to invite. Yes, sometimes they're repetitive. Sometimes the labour council message is similar in Chatham to what it is in Hamilton, Toronto and Sudbury, but guess what? So is the chamber of commerce. Those communities are entitled to have their say. They are entitled to have their own local media there. They are entitled to see members of the Legislature dealing with laws that affect their very quality of life. People in Ontario are entitled to that.

I'll give you another point. All of the consultations, to the best of my knowledge—and I would ask the minister or the parliamentary assistant to correct me if I'm wrong—were conducted in English. Parliamentary legislative committees are in both official languages. I realize that's not like the end of the world to a lot of people, but that's the law of this country and it's the law of this province. Those are rights that francophones are being denied, not to mention the fact that Hansard is available at committee. We don't know what was said. I know what was said at the one meeting I went to in Ottawa when I presented to the minister, and I did. But that's a lot different than the speech I'm going to give here tonight. Why? Because I have the law in front of me versus just what the minister was musing about doing. I have no way of knowing what was said before I went to that meeting. I have no way of knowing what was said in other communities. When it's in front of a legislative committee and it's in the Amethyst Room it's on TV, but at the very least there's Hansard. It's all there for people to look at, to study, to analyze and to make their own decision about how they feel about this legislation and how each of us votes on that legislation—worlds of difference, absolute worlds of difference.

Let me give an example. We probably, given the limited time of debate here, won't get to this other than

my own reference to it, but I think this clause alone deserves at least a little bit of scrutiny. Part VII, under "Hours of Work and Eating Periods," subsections 17(3) and (4): subsection (3) says, "An employee may revoke an agreement under subsection (2)"—that's the 60 hours, the agreement that you give to voluntarily enter into this agreement with your employer—"two weeks after giving written notice to the employer." You have to give written notice that you agree to work up to 60 hours. This clause, subsection (3), says that the employee, to get out of that written commitment, needs to give two weeks' notice. The very next clause, subsection (4), says, "An employer may revoke an agreement under subsection (2) after giving reasonable notice to the employee." One is two weeks; the other is reasonable notice.

It may be that there is a good reason for that. I know that some of the arguments will be the demands of business, the demands of productivity, and maybe there are some emergency clauses. I don't know. Again, without benefit of having an employer come in, an expert in the field, and explain why they like that in there, I have no way of knowing what the rationale is. I can't even ask the minister. This forum doesn't allow that. But I'm willing to bet that there's an equal argument—and I'd be one of the ones making it—that if it's good for the goose it's good for the gander. If it's reasonable notice one way, then ought it not be reasonable notice the other, or should there be a compromise somewhere in between, or should there be two weeks for both? Who knows? But my point is to argue that the consultation the minister had is equivalent to holding legislative public hearings on a bill that affects so many millions of people. To me, there is one example alone that justifies why the people of Ontario are entitled and deserve to have us roll up our sleeves and go through this massive document clause-by-clause and understand it, and give people a voice and give them a chance to have a say.

I see you shifting in your chair, Speaker, so I will end now and pick up my debate tomorrow.

The Deputy Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2129.

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