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**Journal  
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(Hansard)**

**Wednesday 29 October 2008**

**Mercredi 29 octobre 2008**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 29 October 2008

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 29 octobre 2008

*The House met at 0900.*

**The Speaker (Hon. Steve Peters):** Please remain standing for the Lord's Prayer, followed by a Sikh prayer.

*Prayers.*

### ORDERS OF THE DAY

#### BUDGET MEASURES AND INTERIM APPROPRIATION ACT, 2008 (NO. 2)

#### LOI DE 2008 SUR LES MESURES BUDGÉTAIRES ET L'AFFECTATION ANTICIPÉE DE CRÉDITS (NO 2)

Resuming the debate adjourned on October 28, 2008, on the motion for second reading of Bill 114, An Act respecting Budget measures, interim appropriations and other matters, to amend the Ottawa Congress Centre Act and to enact the Ontario Capital Growth Corporation Act, 2008 / Projet de loi 114, Loi concernant les mesures budgétaires, l'affectation anticipée de crédits et d'autres questions, modifiant la Loi sur le Centre des congrès d'Ottawa et édictant la Loi de 2008 sur la Société ontarienne de financement de la croissance.

**The Speaker (Hon. Steve Peters):** Further debate? The member for London–Fanshawe.

*Applause.*

**Mr. Khalil Ramal:** When the opposition claps for you, it's a good day.

I was listening to many speakers, during the last two or three weeks, speaking about the economy, which I think is the most important topic these days. You cannot turn the TV on without listening to people from across the globe talking about the economy, talking about the crisis we are in. When you turn the radio on, you listen to many people talk about the economy and concerned about the economy: economists, presidents, governments, people, investors, seniors. Across the globe these days, the most important topic people are concerned about is the economy.

I've been listening to many speakers from both sides of the House, and I know the opposition is trying to blame the government and the government blames past governments and sometimes blames the federal government. But the most important thing—

**Mr. Peter Kormos:** Bill 114, Khalil.

**Mr. Khalil Ramal:** I'm talking about Bill 114. I'm talking about our initiatives as a government in order to—

**Mr. Peter Kormos:** Where is that in the bill? Which schedule? Tell me.

**The Deputy Speaker (Mr. Bruce Crozier):** Order.

**Mr. Khalil Ramal:** Mr. Speaker, it's important to stand up in this place and remind people. Bill 114 is an important bill. It's brought by the Minister of Finance in order to protect our investors and investment in this community. It's important to talk about many different issues: what our government was doing in the past to make sure we have strong economic foundations in order to support our economy, to support our seniors, and to help, through many different initiatives, the elements of our community, our society and our economy to keep performing well.

Since we got elected in 2003, and recently in 2007, we have taken different initiatives in order to support our economy. I can speak about our plan to maintain our infrastructure and maintain our ability to perform well. Cutting business taxes for big corporations and big companies that want to come and invest in the province of Ontario—we have heard the Conservatives say many different times that we don't cut enough taxes to persuade many companies to remain in this province, but we are doing so.

We cannot forget about our infrastructure. We have to maintain the infrastructure across Ontario, and we have to continue to support our municipalities in this province. As you know, our infrastructure is getting old and needs a lot of renovation and rebuilding. That's why we had a great announcement not too long ago. The Premier made this announcement at the AMO conference in Ottawa: \$1.1 billion to support municipalities across Ontario to enable them to maintain their infrastructure—roads, highways, bridges and many different elements of their infrastructure.

Also, to support innovation and research—as you know, we cannot prosper in this province in this day and age without supporting innovative ideas, especially when you want to attract companies and manufacturers, and companies want to partner with universities and colleges to bring good and important ideas to maintain business and to maintain our prosperity for our next generations. It cannot be done without going back to the fundamental basis on which our future, our economy, and our research and innovation relies.

I was talking the other day to a couple of people who are concerned about the economy in this province. They

told me that every once in a while, every 25 years, we invent something and we benefit from that invention for almost 25 years. Different communities and different nations across the globe try to imitate our invention and do the same thing and compete with us on the same level, maybe even better sometimes due to their population numbers or their geographical distances, or due to many different elements. What we have to do is again create different ideas and try to benefit from those new ideas in the future for ourselves and also for our future generations.

It's also important to continue partnering with small business and business across the province, to convince those businesses to maintain their business in Ontario, and also to try to partner with them and invest if we can. I will give you an example. I come from London, Ontario, London-Fanshawe. We have great companies there. We have Diamond Aircraft. We, as a government, went to this company many different times. We partnered with this company. We give them the tools they needed in order to grow and hire more people. We invested more than \$10 million at low interest rates. This company hired more than 300 people to work there. We went further. We invested money in the college to prepare skilled people to work at this company. These were all steps toward maintaining business in Ontario, to help manufacturers stay in this province and give them the tools and the support they need to maintain their ability to compete nationally and internationally.

Also, we cannot forget about skills, about investing in our people. It's important these days to continue our ability to invest in our people, whom we badly need in order to face the future and the technological era, and to compete in national and international markets. That's why we have our training centres, colleges and universities across the province opening their doors to students to come and get the training they need and to retrain if they have lost their jobs.

Bill 114 talks about many different elements too. It talks about support for seniors: tax credits for the people who want to accommodate their grandmother or senior living with them. This bill would allow tax exemptions if they want to add a room or whatever to their home in order to accommodate seniors who are living with them. Speaking of helping seniors, we increased the threshold from \$23,090 to \$24,300. I think that is a good threshold to allow seniors living on modest incomes to be able to save some money.

It's important also to reach out to mineral companies with a tax exemption for a company that wants to expand and open in Ontario. This bill gives us the ability to allow more of them to open, and we expand this tax exemption to gravel pits and also limestone companies if they want to open and explore their inventions and their companies here in Ontario.

#### 0910

This bill also talks about the cigarette tax. As you know, these days many people go to many different spots in Ontario and try to buy illegal cigarettes. So our gov-

ernment is coming forward with a plan to monitor the machinery and the manufacturing of the machinery which produces the cigarettes, and is also talking about the seizure of contraband tobacco, because it's very important to protect our small businesses across the province. As you know, many small businesses, especially convenience stores, came to us as a government and complained about contraband tobacco.

Therefore, I think Bill 114 is an initiative, a step, towards strengthening our economy. That's why I'm supporting it. I hope all the people on both sides of the House will support it.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Peter Shurman:** It's always interesting listening to my friend from London-Fanshawe, particularly because he is so passionate in almost everything he says and, in this particular case, because he has highlighted a list of things which he terms important—and indeed they are. But he begins by discussing what's happening elsewhere in the world economically and not focusing on what's happening in Ontario when in fact what we have here under discussion is a deficit that was made in Ontario and not made anywhere else in the world.

Our party, and indeed, beyond the partisan party politics area, professionals in the field of economics have been forecasting that this would happen for the past year, year and a half, you could even say two years. While there is certainly an effect on Ontario, as there is everywhere, of economic events in the rest of the world, there is a reason why most economic indicators in Canada show that we are dead last. There are nine other provinces in this country that operate in the same environment. So why is it particular to Ontario that we have a government that has acted like chemists and taken a \$6-billion surplus and turned it into a deficit, a deficit of \$500 million that is being forecast, when the Toronto-Dominion Bank says no, this is not going to be \$500 million; it might be closer to \$5 billion in deficit by the time all is said and done? I think you have to focus on that before you talk about all of the good things that you believe the government has done. I think there is an awful lot more to do. I think it could have started a year or a year and a half ago, even earlier than that, in order to face this economic storm we are in. It's going to take us a long time to get out of it.

The deficit is forecast. That one number will wind up being another number, and time will prove me right.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Peter Tabuns:** We face a substantial crisis globally in credit markets, and the expectation is that we will face very rough times in what all of us refer to as the real economy, a place where people really do work. This government has not had a plan in the time since it was elected in 2003, and it does not have a plan now as we face extraordinarily tough times. It has not had a plan to develop the economy of this province. It does not have an approach that will in fact put people in a place where

they can deal with this crisis, put people in a place where they can survive this crisis with dignity, with employment and with futures for their children—the kinds of futures that they want.

We went through a debate here in this chamber over the last few weeks about the economy of the province as a whole. I've heard speakers from the government side talk about their five-point plan. What was extraordinary to me was that they were talking about a five-point plan that they had in place, that they were executing, and essentially saying that things were fine in the province, things were wonderful, they had things under control. Yet the simple reality is that hundreds of thousands of people have lost their jobs in manufacturing, many face huge uncertainty right now and, essentially, we have a government that comes forward, a failed five-point plan on the back burner and a budget bill that does nothing, says nothing, about how we will advance, how we will deal with the economic downturn that is coming before us.

One thing I will note, though, is that the hiring of nurses has been pushed back. I will speak more about that when I get a chance to debate, but frankly, in tough times you don't make sure that people who are sick pay the highest price.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Ted Chudleigh:** I find myself agreeing with the member from the NDP—

**Hon. James J. Bradley:** That's dangerous.

**Mr. Ted Chudleigh:** Yes, it's a little scary, says the man who is banning cellphones in Ontario and taking credit for all of John O'Toole's work.

*Interjections.*

**Mr. Ted Chudleigh:** Well, I noticed you gave him credit on a very quiet basis—on a one-to-one basis—but during the press release—

*Interjections.*

**Mr. Ted Chudleigh:** Oh, in public? My apologies to the member from St. Catharines if he did that in public. Apparently, the fourth estate did not report that in their—but they're like that. They wouldn't give credit to a Conservative when it was due. But what were we talking about? Oh, we're talking about Bill 114, making deficits okay.

We live in very scary times. This government hasn't had a financial plan for the province of Ontario, to carry the province over a very difficult time. Of course, during good times, which we've had for the past three, four, five, six years—during those good times you prepare yourself for the bad times. This government hasn't done that. Now we're entering the bad times, and those bad times will be very, very bad. I believe personally that they'll be as bad as the 1930s.

This is a number that people are not paying attention to: There's \$681 trillion in jeopardy in the United States—\$681 trillion. I don't know how big that number is. I know it's bigger than any number that I can imagine. But that's the economic problem that the United States

finds itself in. Economists in the United States say it's really only \$56 trillion. That's another number I don't know the meaning of. Ontario is not prepared for this coming recession—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

**Mr. Peter Kormos:** I tell you, I like the member for London–Fanshawe. I always find it a delight to be here in the chamber when he speaks, or if I'm not here in the chamber but in my office, I'll turn up the volume on my television.

*Interjection.*

**Mr. Peter Kormos:** No, because he's very effective and I find that he comes to this chamber with some real-life experience and narrates it in a very useful style. Which is why, for the life of me, I don't understand why the government whip restricts him to 10 or 11 minutes of a 20-minute speaking spot. I know that the member for London–Fanshawe is more than capable of filling a 20-minute speaking slot and, like his constituents, I have concern about why he would be censored in this very oblique manner that the government offices appear to censor him—by restricting in an artificial way the amount of time that he is able to speak. Having been re-elected handily in London–Fanshawe, clearly having the support of the community, I as well find it somewhat amazing that he's not been chosen to be part of the cabinet table. The member from London–Fanshawe is humble, but he has every skill that would be required for a cabinet minister. And for the life of me, I can't understand why the Premier would have such disdain for him that (1) the Premier's office not only cuts short his speaking opportunities but (2) slams the cabinet door in his face. I tell you, I don't agree many times from an ideological perspective with what the member from London–Fanshawe says, but I find him a valuable player. I only wish the Premier's office shared my view of him.

**The Deputy Speaker (Mr. Bruce Crozier):** Member for London–Fanshawe, you have two minutes to respond.

**Mr. Khalil Ramal:** I thank everyone who spoke and gave comments on my speech. I want to tell the member opposite that we are not here to ignore the economic situation in the province of Ontario. That's why the Premier stood up in his place and spoke about the economic situation, and spoke out how we are facing some challenges. Also, the Prime Minister, I guess yesterday or today, has called all the Premiers to meet and discuss the economic situation.

**0920**

The member from Danforth spoke about our members speaking about everything except the economy, and talking about many different things but not our crisis. No doubt about it, in the situation we're facing in Ontario we're not alone. All the provinces have the same problem. Every nation around the globe is facing some kind of economic circumstances and crisis. I think it takes both sides—the opposition and government sides—working together in order to get out of this crisis. I believe

strongly that only when we work together are we able to solve our problems.

I'm not here to defend any circumstances. I know we are facing an economic crisis. We're facing some challenges, especially in the auto industry. We heard them yesterday. They came to the provincial and federal governments for almost a billion dollars' support in order to maintain the most important element of our economy in this province, which is the auto industry. Hopefully, the Prime Minister and the Premiers from all the provinces will come together with some kind of financial package to support our economy and our business in this province.

Also, I thank the member from Niagara Centre, I believe, for his confidence in me. He knows we get equal time among—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Further debate?

**Mr. Toby Barrett:** As we debate this budget bill, we do that with the knowledge that the government that brought forward this legislation, this budget, is also the same government that put us in this mess in the first place, and I'm referring to the last five years of over-the-top spending that has brought the once-powerful Ontario fiscal engine—it has pretty well ground to a stop.

In this morning's debate, as we consider the sad state of affairs of this McGuinty government's tax-and-spend spree, I ask members of this Legislature to consider a well-known parable. When I think of the last five years of McGuinty government economic mismanagement, I think of the parable of the ants and the grasshoppers. And it commences:

In a field one summer's day in Ontario, the grasshoppers were hopping about and chirping and singing to their hearts' content. In contrast, the ants marched by, bearing, with great toil, the kernels of corn that they were taking back to their nest for the winter. And the grasshoppers asked, "Why are you ants toiling and moiling in that way?"

"We are working. We are helping to lay up food for the winter," said the ants, "and recommend that you do the same."

"Why bother about winter?" said the grasshoppers. "We have plenty of food at present. Times have been good."

But the ants went on their way and continued their toil. When winter came, the grasshoppers had no food and found themselves dying of hunger while they saw the ants distributing every day corn and grain from the stores that they had collected in the summer. For you see, the grasshoppers had spent, they had consumed all and they had nothing in reserve—nothing in reserve. And I just heard some chirping across the way.

Well, folks, this is what I see that we have today with respect to the present Ontario economy in a McGuinty world. No worries, however.

There is more to the parable, though. The grasshoppers decided that they were entitled to some of that corn, being hungry and all, and to deny them food was a

moral failing on the part of the ants, whose greed was so loathsome that it should be punished by those who respected social justice. So the grasshoppers complained loudly to government leaders about their terrible inequity with respect to food redistribution.

If these ants were in Ohio, they would probably complain to Obama.

And that is when the state, ever compassionate and wise, stepped in, confiscated all the food and divided it out fairly and evenly among all of God's creatures, with a few exceptions: save for the bits they kept for themselves, of course, and save for those who had especially helped them to power, all of whom received extra rations for being kind of more equal than others. Granted, not a soul died that winter, neither an ant nor a grasshopper, although they all became very, very weak and very vulnerable. That's the price that you pay.

What the grasshoppers didn't realize, you understand, is that it is best to prepare for the days of necessity. Perhaps grasshoppers and ants don't understand this, but those in this House, we all understand that economies go in cycles. The good times do not last forever. And people in my riding find it unconscionable that at the end of five years of prosperity this government went right into a deficit.

Obviously, taxing and spending and consuming in the good times leaves nothing for the tough times, and that's exactly where this government stands today. If I may, all the grasshoppers opposite have been complacently sitting back, resting on their political laurels with no prudence, no thought for the days to come. While the grasshoppers in this parable eventually learn, out of necessity, the importance of preparation, I am not confident that the Ontario McGuinty government grasshoppers will ever admit this. It's not as if they weren't warned about the coming tough times, the looming economic crisis—and these warnings arose, certainly, from the banks over the past year, the last several years. Do we need warnings anyway? We all know that economies go in cycles. Warnings from the official opposition; warnings from the third party; economists, banks told you; even your own advisers told you what was about to happen and what may come in the future. I'm uncertain whether your disregard for these warnings—was it sheer arrogance? Was it negligence? Was it incompetence, perhaps? All of the above.

I do ask people to take a look at that spending over five years—spending that skyrocketed from \$68 billion a year to \$96 billion a year. Where did that money go? Did it disappear? We have some indication of what the money was spent on. For example, my colleague Jim Wilson outlined recently \$6 million to remove the C from the Ontario Lottery and Gaming Corp. logo. So there's \$6 million out of what is now a budget of \$96 billion. And \$2.3 million was spent on a reception at Caesars Windsor casino. This was the opening reception.

**Mr. Ted Chudleigh:** I didn't get an invitation.

**Mr. Toby Barrett:** I didn't get an invitation. As I recall, at the beginning of the McGuinty term there was

another reception at a casino down the Niagara way. Did that cost \$2.3 million? I don't know. With respect to that Caesars Windsor casino, \$400 million was spent on renovations—for a casino. Gambling money obviously wasn't enough to support this place. Another \$2 million was spent on an incomplete report on youth violence and \$600,000 was spent in the courts to fight parents who have autistic children. Now, those are just a few examples, a very small total of the spending that occurred over five years, where we saw the provincial budget go from \$68 billion a year to \$96 billion a year, even though we were getting those warning signs—warning signs from the banks, warning signs from the opposition for some time now that tough times were coming.

### 0930

However, these happy-go-lucky grasshoppers, these devil-make-care grasshoppers, these “What, me worry?” grasshoppers, were too busy spending the ants' hard-earned money, the ants' tax dollars, to listen. Even the ants started to question, “Why should we be mowing and toiling and dragging corn back to be redistributed? Why should we work overtime? Why should we strive to expand our anthill? Why should we strive to get ahead?” knowing that at least half their corn was going to the grasshoppers, who were sitting back over the summer living the life of Riley.

Last week—this is now well known—the McGuinty government announced a half-billion-dollar deficit. That's a \$500-million deficit. But the warnings were there. We all knew that only seven months ago this provincial ledger showed \$5.6 billion in excess revenue, and \$800 million at that time was indicated to be in reserve. What happened? All that money has disappeared.

Remember the grasshoppers: Grasshoppers cannot run deficits; grasshoppers starve.

Despite five years of prosperity, we now have this made-in-Ontario deficit. The shortfall is resulting from what works out to a 50% increase in program spending. It results from the largest tax increase in the history of Ontario; even then, not enough money at the end of five years to balance the books. We're in trouble as well, in part, because of the creation of more government jobs than all the other provinces combined. Dalton McGuinty has increased the size of the civil service by more than all the other provinces put together, and the number of Ontario civil servants making more than \$100,000 is now up by 27%.

This deficit is a clear indication that McGuinty is a poor steward of the public purse—no prudence in evidence here. We're considering a budget bill introduced by the same government that put us in the hole in the first place. Truly, Dalton McGuinty—Dalton the grasshopper, if you will—has eliminated Ontario's economic advantage, has left all of us now weak and vulnerable to the global economic challenges that I heard one of the Liberal members talking about earlier.

I predict that this budget bill will only lead us further into Mr. McGuinty's economic abyss. In fact, the TD Bank has indicated that this government will continue to

run deficits; it won't be just in the coming months. They predict deficits as large as \$4 billion, as large as \$5 billion. That's going right back to the born-again-Liberal Bob Rae days.

I don't think a lot of people in my riding and throughout our area in southern Ontario made an awful lot of money in the last five years when the stock market was being artificially revved up by that easy money, that summer money. I do worry that if this government does not get its act together, people in my riding—and again I think of farmers, truckers, industrial workers and small business people—are going to get kicked in the teeth. I think of the people in my riding who have already been kicked in the teeth: the cattlemen, the horticultural producers, the tobacco growers, of course, and the young farmers in my riding getting into cattle, hort and particularly hog production. I think of people living in Caledonia and throughout Haldimand county and Brantford. They're pretty well at the end of their rope, and for the last several years, certainly two and a half years in Caledonia and Haldimand, have already been kicked in their teeth. Oral surgery is required, and I'm sad to say that you are not going to see it in this particular budget. Who will be there to do it? There's really little hope for the next three years at any rate.

We know that while the deficit is a number, that number goes beyond just a \$500-million figure that puts us in the hole. That number represents fewer nurses, less money for cities, less money for farmers, less money for education—fewer school repairs, for example—less money for health care, let alone health promotion, and fewer dollars to help young people at risk. In the long run it means we'll all be paying higher taxes to pay off that debt; that's something that our children and grandchildren can look forward to.

We know that we have a finance minister who recently suggested to the media, two weeks ago, that the upcoming economic statement would be printed in red ink. For me that generates a lot of concern about our finance minister's ability, let alone his willingness, to roll up his sleeves and try and address these economic times after five years of neglect. Deficits should always be the last resort, not the first choice. With signs of clouds on the horizon—actually beyond the horizon—and now clouds over top of the province of Ontario, what is the immediate answer? Run a deficit.

Seven months ago this government stressed that to achieve a balanced budget, they'd be looking for a billion dollars in savings and efficiencies. This raises questions. We to date see no evidence of those savings, we see no evidence of those efficiencies. Another question: Are the wheels truly falling off this Ontario economy? And what evidence do we have that this government, now that they've got us into this pickle, is attempting to do something about it? Both the Bank of Montreal and the Bank of Nova Scotia are predicting a recession—not only in Ontario, but right across Canada. Ontario's real gross domestic product declined 0.3% in the first quarter of this year, 2008. That followed a mere 0.1% increase in the fourth quarter of last year, 2007.

People in Ontario are angry. They're angry about this government's economic mess. In the last fiscal year, revenues, as I indicated, were \$5.6 billion higher than expected, but instead of saving for a rainy day, as the ants do, this government spent every single penny. "Why bother about winter?" said the grasshoppers. "We've got plenty of food and present times have been good. Let's just get more tax revenue from the ants, and spend it as we see fit." And so it was.

In 2004, Premier McGuinty introduced the largest tax increase in the history of Ontario—and he ran up a deficit. This government commenced their regime with a deficit and we're now back into a deficit. We know that revenues went from \$69 billion to that whopping figure of \$97 billion, and this government spent it as quickly as it came in. Spending increased by close to 50% over those five years, and this crew thought the good times would last forever. Now here comes the bill; here's the tab. This most recent deficit announcement means that Dalton McGuinty has increased our total debt now by a total of \$31 billion since he came into office. That works out to something like \$6,500 in extra debt for every household in Ontario. Five years of overspending, five years of overtaxing and year-end spending sprees—combine these and you have a province of Ontario that has been weakened. We have become very vulnerable. The money's been spent. Those who received the money will not be returning any of that money to this government. Even though we had five relatively good years, nothing was salted away—no thought at all for the rainy days.

Oh, you grasshoppers on the other side of the Legislature, it's sad, really. But as they say, the horse has bolted. This government, the people opposite—they do need advice, they do need help. We put out an offer for hearings by a dedicated select committee to meet as soon as possible to draw in expertise from ordinary people out there as well as the experts—of course we would ask economists and representatives of the banks to come forward. That was voted down by the devil-may-care grasshoppers who do not really fully appreciate the fact that winter is upon us.

**0940**

Sadly, the budget bill we're debating today is only one more proof that, as badly as this government needs it, they turn deaf ears to prudent thought and carry on like happy grasshoppers, taxing and spending. Has this government played politics with the looming economic crisis? That's the question. I feel that they have. If they haven't, I wish they would at least admit that they weren't playing politics, and that they were essentially careless and, at best, inept.

You know, in June, John Tory, the PC leader—

**Hon. David Caplan:** Who?

**Mr. Toby Barrett:**—John Tory demanded an emergency debate on the economy. He also asked—

**Hon. David Caplan:** Where is he?

**Mr. Toby Barrett:** Where is that economic debate? What happened to the select committee? What happened?

What else did he ask for? He asked for an immediate economic update. Where is it? He asked for a financial update. Where is the financial update? We got something that may pass for a financial update. We got an announcement about a deficit—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

**Mr. Peter Tabuns:** The strategy of dealing with cost containment by deferring the hiring of nurses is a fundamental error on the part of this government. You can talk to people in the nursing sector—Linda Haslam-Stroud, head of the Ontario Nurses' Association; Lesley Bell, the CEO there; Doris Grinspun at the RNAO—and the simple reality is that in our hospitals today we do not have enough nurses to cover the workload.

When I was out canvassing in the last election, I met a nurse at the door who was desperate for some relief in her unit. She was in a situation where she felt compelled to provide support, but couldn't do things like take lunches and breaks and get the rest she needed. My sister is a nurse. She works in the GTA, north of Toronto. Recently she sent me an e-mail saying, "Sorry I wasn't able to call you. I had to work through lunch, work through my breaks and then do my charts at the end of my shift because I didn't have time to do that during the day."

When you look at what is happening in our hospitals; when you talk to our constituents who wait for hour after hour in emergency rooms, or who find, when they're in a ward, that they have to wait extended periods for someone to come and attend to them; when you talk to family members who spend lots of time in hospitals because they know that nurses are overextended and can't come to the aid of patients, then you recognize those realities, both from personal stories but also from the fact that this government has said, "We need to hire more nurses." They recognize the need. They recognize that hospitals need them, that the sick people—any of us here who could be in hospital today or tomorrow—need more nursing care. To defer that puts people at risk. It is false economy. Because if people are not attended to early, the chance of developing deeper, more complicated problems grows dramatically. So this government has made a fundamental error in this area, among all the others it has made.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Ms. Helena Jaczek:** It's a pleasure to enter this debate, and specifically to respond to some of the comments by our colleague from Haldimand-Norfolk.

If we weren't facing such an important global financial crisis, it might almost be amusing to hear a member who was here during the years of the Mike Harris and Ernie Eves Conservative governments lecture us on prudence. This was a government that accumulated a \$5.6-billion deficit, which our government tackled exceptionally well in the first few years of its mandate.

*Interjections.*

**Ms. Helena Jaczek:** I am no grasshopper; I am the elected representative of the good people of Oak Ridges—



Markham, and in the last week I have been busy consulting with the residents of my riding. In particular, I had the opportunity to meet with the Richmond Hill Chamber of Commerce at breakfast last Friday morning, and of course the topic of discussion was the Minister of Finance's economic statement and our government's five-point plan. I can tell you that the first thing those members of that chamber of commerce said to me was, "Please maintain your infrastructure commitments. We need that, particularly in York region. This is an excellent investment in our infrastructure. It'll provide short-term jobs and it will obviously give us ongoing investments in infrastructure." The subway to Richmond Hill is another priority for them. In fact, what I heard was real commitment from them to support us in our prudent management of the economy. I can simply say to the members of the two opposing parties that I'm convinced that we have embarked on an excellent course.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Ted Chudleigh:** The lesson of the parable of the grasshoppers and the ants was very good and very appropriate for this debate. The member mentioned that there was a party for the opening of the new Windsor casino, and that \$2.3 million was spent on that party. I don't know how you spend \$2.3 million on a party. I didn't receive an invitation; none of my colleagues here on this side of the House received an invitation. I wonder if anybody watching on the legislative channel received invitations to this \$2.3-million party. All of southern Ontario must have been invited, to spend that much money at one simple party. I dare say that the people watching probably didn't get invitations to this party, but I'll bet you that a lot of Liberals in southwestern Ontario got invitations to the party. There was no stone left unturned when it came to making this an opulent party.

It reminds me of a time when the Liberals had an event down in Niagara-on-the-Lake. They trucked the ice in from Toronto, and the bill for the ice was over \$1,000; it might have been \$1,800. There was ice supply locally that they could have had, but they didn't care about that. They cared about an ice supplier who was a friend of a friend, or someone else. They didn't care that they were spending taxpayers' dollars. When you don't care about spending taxpayers' dollars, things become very, very extravagant. That's why the grasshoppers and the ants are so appropriate: The grasshoppers don't care if they spend someone else's money. That's what has happened to this government over here.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Peter Shurman:** The parable about grasshoppers and ants is interesting. Last winter, a number of people I know, myself included, who invest some of their savings in the stock market, realized that something was amiss. It was predictable, as was the situation that has now gripped the world. Given the fact that there's planning involved, some of us were smart enough to ensure that part of our savings were liquidated, so that when the tough

times hit and losses were racked up on paper, we could look at them and say, "You know, over the course of a year, two years or three years, these will turn around and our savings will be our savings again. We don't have to liquidate." Not so the government of Ontario, and hence the parable of the grasshopper and the ant having resonance with me and people like myself who have planned for that rainy day.

**0950**

The main thing here is that a budget has to be seen as what it is, which is a plan. In this particular case what we've got is a plan, as my friend has pointed out, that is something we can look back at having been tabled in March, and by June we knew it would not be achieved. So what have we got? We've got the plan followed by a statement that was issued last week that said, "Correct, the plan is not going to be achieved. So here's what's going to happen. We're going to miss it by \$500 million"—in fact, by over \$1 billion, if you take a look at the use of reserve funds—"and at the end of the year we'll rack up a deficit of \$500 million," which remains to be seen. We won't know that for six or eight months.

So when it comes to planning, this government's record is not particularly good. I found it interesting that at the same time as we were hearing from the finance minister here, our colleagues in the Liberal government in the province of British Columbia were doing the appropriate thing for their people and providing the appropriate tax measures to address their problems.

**The Deputy Speaker (Mr. Bruce Crozier):** Member for Haldimand-Norfolk, you have two minutes to respond.

**Mr. Toby Barrett:** I appreciate the feedback from the members for Toronto-Danforth, Halton, Thornhill and Oak Ridges-Markham. I wasn't referring to the member for Oak Ridges-Markham personally as being a grasshopper or an elected grasshopper, but I do wish to make the point that we can learn from these parables and we can learn from the past. Look at the people in Ontario. People in my area this time of year are putting away firewood. In fact, given the economic storm clouds, I notice my firewood pile is larger than it's ever been and I see that with my neighbours. People out there know. Not all the wisdom resides within the hallowed halls of this monumental edifice.

We can learn from the recent past, and those indications were put forward to this government by the third party, by the opposition, by the banks, by the everyday Joe who is out there. We've been warning, certainly for the past two years—not only Joe the plumber, but Joe the farmer and Joe the carpenter and Joe the hairdresser—that the high-taxing, high-spending policies will leave this province ill-prepared. We now have the economic crisis upon us, a crisis that was being dismissed by the members opposite. We saw the procrastination. I'm concerned that we still see procrastination. The member for Thornhill made very clear in his recent remarks the importance of planning. Our question remains, where is the plan, let alone, where is the action?

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Peter Tabuns:** Governments and, more importantly, their leaders get their real tests when bad times come in. Over the last five years, this McGuinty government has stood on the sidelines while over 200,000 jobs were lost in manufacturing and over 40,000 direct and indirect jobs were lost in the forest sector. Those were seen as the good times.

This government, which has been pushed on this issue for years now by the leader of this party, Howard Hampton, constantly, regularly, did nothing, stood aside while hundreds of thousands lost their livelihood, hundreds of thousands were forced to take a substantial drop in their standard of living. When you go out and talk to auto workers in Windsor or in Oshawa, talk to people who have gone from making \$25 or \$30 an hour to making \$8, \$9 and \$10 an hour, about the kinds of wrenching adjustments that are made in their lives, they say to you, "What's happening at Queen's Park? What is it that makes us invisible? What is it that makes our crisis invisible? Why is there no action, no cohesive plan, no cohesive direction on the part of this government to take on those big issues?"

That is the situation that has prevailed in what we have referred to in this province as the good times. Now the economic storm clouds are rolling in. The Minister of Finance has been talking about how fundamentally strong the economy is in this province, and it does have many strengths. It has historically had strengths because governments have taken steps to intervene and make sure that people in this province had the opportunity to benefit from its tremendous riches and talents. If, at the beginning of the 20th century, you had not had a government that was willing to take action, set up Ontario Hydro and provide large-volume, reliable, affordable power, we would not have developed to be the industrial jurisdiction that we are. That made a huge difference and has provided power at extraordinarily low cost for decades.

The reality is that in the 1960s, when the auto pact was negotiated and trade was regulated so that there was fairness, this province benefited dramatically. We grew industrially. Government intervened; it did not let the free market simply act as it wished to determine our economic future. It's that need for activism, it's that need for a sense of where you want to take the province that's missing from this government. They're essentially a government of technocrats.

When we look at the statistics, every new statistic or report brings more bad news about job prospects for Ontario. The simple reality for us is that it's not just manufacturing and resource. In fact, to say something like, "We're getting job losses in manufacturing and resource; don't worry, the rest of the economy is fine," is to misunderstand the way Ontario works, because it's those sectors that provide the economic foundation for all that is built upon it. Now we're looking at difficulties in retail, financial services and construction.

A few weeks ago, the Premier presented a resolution in this House arguing that his so-called five-point plan was sufficient to guide Ontario through an economic downturn. He was telling us about his five-point plan—the one that the minister of economic trade was talking about so wonderfully, all the opportunities that she had to go to talk to people in the business sector around the world—talking essentially about the wonderful job that was being done. That five-point plan and this government's—I will call it "so-called"—strategy did not protect people in Ontario's manufacturing heartland or its resource heartland. Those people were left to their own devices. Unfortunately, that meant they were left in trouble, in difficulty.

What people are looking for in this province from this government is a real plan to sustain and create good jobs and, for workers who are facing layoffs, to provide better protection and fairer benefits.

Ontarians wanted to see a real poverty reduction plan. Poverty has been deepening in this province. We know that there's a real price to poverty. There's a price to the individuals who are caught in it, there's a price to the families who are sucked into it, and there's a price to the society that has to deal with the social damage that comes from it. Ontarians have wanted to see and were excited before the last election about seeing a real poverty reduction plan, so that people who were facing difficult lives already would have the support, the backing of the provincial government as we went into an economic downturn.

Ontarians want to see continued investment in the public services that matter to them: hospitals, so that if they get sick or members of their family get sick, they know with some assurance that they'll be taken care of expeditiously, they'll be taken care of with the care that they need and deserve; education, so that our children have the training to take on the jobs that they're going to be working at tomorrow, so that they have the education to make full use of their talent and skills, because when I talk to people, so many people in this community, in this province, they know that a good education is the key to their children having a future that's going to matter; and municipal infrastructure. When I talk to people who have had their suspension done in by huge potholes on roads, who look at the state of municipal infrastructure across this province, they are worried. They are worried about the scope of the need that is there and the lack of action on it.

**1000**

So this fall economic statement was an opportunity for this government to come forward with a real plan, accomplish the goals that need to be accomplished to make sure this province functions well and put Ontario on a better path. But in fact, the statement took an entirely different course. It didn't deliver a plan to create or sustain jobs; it took a hands-off approach, a technocratic approach. Fundamentally, this government, if it understands what's going on, doesn't feel that it can do anything or does not want to do anything.

In the course of the economic statement, in the course of the speech made by the Minister of Finance, the word “poverty” was not mentioned once, and the economic statement made it clear that there are many public services that will be on the chopping block soon. Rather than implementing a real plan, rather than looking strategically at the resources, opportunities and talents that Ontario has, looking at what we can build on to actually put people to work and hold our own in this economic storm, the government stuck with a do-nothing, hands-off approach; again, said to the people of this province, “You’re on your own. It’s all yours. Good luck.” These are the times, when the storm hits, when workers and their families need their government the most to be there for them, to sustain jobs, and ensure the services that they need.

By failing to bring forward a real plan, by failing to step in when people expected the government to step in, this government has abandoned the people of this province. The McGuinty Liberals failed in the good times, and it’s clear that they’re on track to fail in the difficult times.

Our party, New Democrats, have been putting forward a real plan and substantial recommendations for years. Our plan would assist the manufacturing and resource sectors and would have prevented massive job losses that have devastated many communities across this province. Manufacturing and resource sector workers in this province have been witnessing a recession for years now; a worldwide financial crisis coupled with a provincial government on the wrong track will only make things worse. They know the economies in their communities have not been, as the finance minister has said, fundamentally strong. Since July 2004, almost 230,000 Ontarians in the manufacturing sector have lost their jobs.

Here are some examples: 430 jobs, 80% of its workforce, at DDM Plastics in Tillsonburg; in Niagara, in the last month, 800 jobs are lost in John Deere in Welland and a temporary layoff of another 480 at AbitibiBowater; since June 2004, 100,000 manufacturing jobs lost in Toronto, 25,000 in Hamilton and almost half of Thunder Bay’s manufacturing jobs.

I was in Thunder Bay in September and had an opportunity to talk to a man who runs a company making hydraulics. That company has found a niche market in Canada, in North America, and frankly, in the Asia-Pacific basin. They’re in a position to expand because what they make is highly specialized. The market isn’t a big market, but it’s a strong market. And when they’ve approached this government in the past for assistance to expand, they’ve been told, “You don’t fit into any program we have.” So if, in fact, a pro-market government can’t help businesses that have a product that is in demand, that satisfies a niche market, that in fact in some ways is protected from mass marketing or mass production in China because they make custom hydraulic products, then what are the chances that this government will actually assist other manufacturing to take on their challenges and actually fulfill their opportunities? It’s

extraordinarily frustrating to see that productive economic enterprise, productive businesses with good markets, can’t get assistance from this government.

Some 230,000 jobs have been lost in manufacturing, and more than 9,000 direct jobs in forest products and about 35,000 indirect jobs tied to them have been lost. I shouldn’t have to tell people opposite the value of these jobs. They’re not just important because, on average, they pay \$2.50 an hour more than the average hourly wage in this province; they’re important because they also come with good pensions and good benefits. For many people, the loss of dental protection, prescription protection, protection for other things like eyeglasses and hearing aids, is of great consequence to their families. So, in the protection of manufacturing jobs, we have to think not only about the whole question of wages, we have to think about the overall level of social support that people get.

Loss of those jobs is a huge problem for us and one that needs to be addressed vigorously by this government and one that this government seems to have decided is a side issue—collateral damage, an unfortunate series of events that no one could actually have done anything about. When you pretend, when you say, that these job losses are limited to manufacturing and forestry and think that there’s another Ontario economy that somehow floats independently in the air aside from these jobs, you misunderstand this province.

Second-quarter economic accounts released by the Minister of Finance last month show that output from the manufacturing sector continues to decline. Exports declined 2.5%, particularly in the automotive, industrial goods, and materials sectors. The simple reality is that the American economy is in free fall and things are expected to get worse. When you combine the reports from the first two quarters of this year, it becomes clear that the rest of the economy is no longer picking up the slack. There aren’t extra jobs floating around out there that people can simply move to. So we’re declining or seeing declining output in a variety of sectors of the economy.

Retail, finance and construction are all facing trouble. Stats Canada released a report on retail trade last week that showed a decline in retail sales in Canada by 0.3%, and that could mean real job losses.

The US credit crunch is creating higher mortgage costs in Canada, and when combined with higher unemployment and lower incomes, declines in residential construction are on the horizon. The Emerging Trends in Real Estate 2009 report states: “Less volatile Canadian real estate markets cannot avoid shock waves emanating from the big elephant in the room next door.” That’s bad news for our construction sector, which employs 400,000 workers. Stock market declines and the collapse of international banking institutions are likely to lead to layoffs and the hiring of fewer people in the financial sector.

I want to speak for a moment about that crisis and the deregulated approach to finance that has caused trouble around the world, caused the crash in the United States, caused huge problems in Iceland. Iceland deregulated its

banks a few years ago, and those banks are now in a situation where Britain has seized their assets because they aren't paying out to their customers—looking at IMF support. You're looking at nations all over Europe that are having to pump in hundreds of billions or trillions because they tied in to a deregulated American financial structure that allowed people to play wildly with money, to create financial instruments that more and more were vapourware, rather than reflecting real value. An agenda of deregulation that allows that kind of economic playground to be set up at the expense of the real economy and the real people in this country and on this planet has shown itself to fail before—less dramatically with the savings and loan crunch in the 1980s in the United States, and very dramatically in the 1920s and 1930s, a time that we are all praying we will not be repeating. But a lot was learned in those crunches: that deregulation was a huge error, because for a while it allows illusory growth and illusory gains in financial markets, but in the end all it's doing is building a huge castle of cards. We need to have in this province an approach to regulation that protects people because in the end it protects the economy as well.

I raised a question a few months ago about deregulation in the natural gas industry in this province—looser rules by the Ontario Energy Board that essentially allowed a company in southwestern Ontario, owned by a company in Texas, to increase the money they took out of this economy through payments for gas storage. Now, I know it sounds kind of esoteric, but \$100 million is going to flow out of Ontario's economy and go to a company in Texas that under previous, stricter energy board rules would have stayed here and stayed in the pockets of customers.

We in this province need to understand that regulation in the public interest is a good thing, and that arguments that are always made by sharp-dressed financiers, who say that these regulations are hemming them in and are cramping their style—the people making those arguments and advocating for those changes set things up for us that most commonly end in tears. We learned a lot in the 1930s; a whole system of regulation was brought in in the United States and the rest of the industrialized world. A lot of that was cleared out in the last decade and we're paying a price for it. We here in Ontario are paying a price for deregulating energy and for increasing privatization of our energy system because that will lead to substantially higher prices and undermine the rebuilding of our industry.

This government has to seriously rethink and go back to basics. What does Ontario need to prosper? It needs regulation, it needs the energy price advantage that brought industry here in the first place and it needs activist government that will create markets for goods so that people can be put back to work.

*Second reading debate deemed adjourned.*

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 8(a), this House is in recess until 10:30 of the clock.

*The House recessed from 1013 to 1030.*

## INTRODUCTION OF VISITORS

**Hon. Deborah Matthews:** I am delighted to welcome Dr. James Wilkes and Diana Collins to the Legislature, as Dr. Wilkes is winning the Stand Up for Kids award this afternoon for his work on child protection. Welcome.

**Hon. John Wilkinson:** I'm delighted to have two constituents visiting today: Mrs. Judy Nafziger from Milverton, who's with the real estate agents visiting today, as well as Ed Verkley, a chicken farmer from the Atwood area, who is here with the Chicken Farmers of Ontario. Welcome to the Legislature.

**Hon. Monique M. Smith:** I'd like to welcome Chantal Adams and Brian Graham, who are here from the North Bay Real Estate Board, and we're excited to have them here with us today.

**Ms. Cheri DiNovo:** I'm delighted to welcome Natalia Adams from the wonderful riding of Parkdale-High Park.

**The Speaker (Hon. Steve Peters):** On behalf of the member from Bruce-Grey-Owen Sound and page Laura Sawka, I'd like to take this opportunity to welcome her mother, Mary, her dad, Barry and her brother, David. They'll be sitting in the west members' gallery. Welcome to Queen's Park.

I would also like to take this opportunity—we have with us today in the Speaker's gallery a delegation of visiting public officials from Pärnu county, Estonia, led by Mr. Toomas Kivimägi, the governor of Pärnu county, and accompanied today by the Honorary Consul General of Estonia, Mr. Laas Leivat, and guests.

Please join me in welcoming our guests to Queen's Park today.

## ORAL QUESTIONS

### VIOLENT CRIME

**Mr. Robert W. Runciman:** My question is for the Attorney General. He knows, like I indicated to him yesterday, that we on this side of the House have reviewed the transcript of the bail hearing for Mr. Nathaniel O'Brien, who is the individual charged with the senseless murder of two women in their Scarborough home.

We've expressed concern about the crown's failure to appeal the judge's decision to release Mr. O'Brien into that quiet residential neighbourhood. That bail hearing occurred April 30, 2008. Minister, have you reviewed the transcripts and are you satisfied with the performance of the crown at the hearing?

**Hon. Christopher Bentley:** I thank the member for the question. As the member knows, I can't comment on the specifics because there is an ongoing matter before the courts and to comment may actually endanger the very prosecution that is undergoing and may actually undermine public safety. I understand that is frustrating

for people in the community. It is sometimes frustrating for those who would ask questions. Let's be clear about the principles: The crown acts and the police act to protect the public safety and act in the public interest on the basis of the facts and the law that applies in every single case. We will continue and always do so.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** I hope that people who observe these proceedings were listening to the question. I asked the Attorney General if he's satisfied with the performance of the crown in a bail hearing. I didn't ask him for specifics of the case. I asked him if he had reviewed the transcript and was satisfied with the performance of the crown. The bail hearing occurred April 30, 2008, almost half a year ago. The murders occurred over two weeks ago. The minister knows, as we all do in this place, that there's significant public outrage over the justice system that you are responsible for, a system that released a man linked by DNA evidence to two violent sexual assaults into an unsuspecting residential neighbourhood.

Minister, you're telling us, the victims' families and the public at large that you haven't even reviewed the performance of your own employees in their role in that release. Is that what you're telling the public today?

**Hon. Christopher Bentley:** Clearly, what I've said is that I can't comment and won't comment on the specifics. The public rightly ask questions whenever there are tragedies. As well as expressing our sympathy, we ask what further can be done, what changes should be made, and how we make sure that tragedies don't happen in the future.

We've done a number of things with respect to bail. We've moved to make sure, over the past five years, that in serious crimes, the crown takes the position that public safety is paramount, and we start from the position of opposing bail. We've worked with the police to make sure the best information gets before justices of the peace and judges, and drawing on our front-line experience, the police and the crown, we've moved for changes in federal bail laws. We will continue to take positions to protect the public interest.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Robert W. Runciman:** Regrettably, the Attorney General continues to use cop-out language. Specifics? I'm not asking for specifics. Minister, we know there's a publication ban on the bail hearing proceedings, and we strongly agree with the need to protect the identity of the victims. What we don't agree with is protecting the other players in this drama, specifically the judge, the crown and the defence lawyer. I can't speak to specifics—I'm not going to—but we are very concerned, even alarmed, at what went on at that hearing.

Minister, would you consent to asking the court to lift the publication ban, save and except for keeping the victims' names private? Will you do that?

**Hon. Christopher Bentley:** I must always act in the protection of the public and in the protection of the ad-

ministration of justice. There is an ongoing prosecution, and undermining and endangering rights in the prosecution is not something that I will do.

But let us be clear: We have done, and will continue to do, everything appropriate in the circumstances to protect the public interest. That's why we've been working with the police; that's why we place public safety as a paramount consideration; that's why, drawing on police and crown front-line experience, we've toughened laws for those charged with serious gun crimes, both bail and sentencing; and that's why we'll continue to make whatever improvements and changes are necessary to protect the public interest.

## VIOLENT CRIME

**Mr. Robert W. Runciman:** I guess a lot of words could be used to describe that response. "Depressing" would be one that comes quickly to mind.

My second question to the Attorney General is talking about bail. The Attorney General frequently gets on his feet and talks about, "We always oppose bail in certain crimes—violent crimes, gun crime."

I want to know what "oppose" means. What's the definition of "oppose"? Is this just a perfunctory—a kind of indifferent public relations exercise? What specific direction has he given crowns when it comes to opposing bail?

**Hon. Christopher Bentley:** The crown policy manual speaks to this at some length. It says that we always begin from the public interest perspective and always begin from the perspective that public safety is paramount. We make sure that wherever we can, we oppose bail to make sure that the public safety is protected. We are bound by the facts of cases and we are bound by the law, but we take the position and the protection of the public seriously. It is reflected in the crown policy manual, and it's reflected in comments made by my predecessor and by myself on numerous occasions in many different fora.

1040

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** In a lot of ways, this is a useless exercise. We're certainly not getting any meaningful responses.

In Murray Campbell's column today in the *Globe and Mail*, he reminds us of Mr. Bryant's pledge—your predecessor, Mr. Bryant—to work "with the laws that we have" to fight case by case for stiffer sentences." That clearly didn't happen in the O'Brien bail hearing or in the 2006 trial of Kyle Weese, the accused killer of Bailey Zaveda this past weekend.

Why, Minister, haven't you required the crown to request electronic monitoring, to prosecute bail breaches, to appeal bad bail decisions, to bring 810 applications? The tools are there, but under your so-called leadership, they're not being used. Why not?

**Hon. Christopher Bentley:** Minister Bryant was absolutely right; that's what we've done for the past five

years. We prosecute case by case. Our job is to make sure the public safety is protected, and it's protected when the guilty are convicted and sentenced for the harm that they have done.

Drawing on front-line police experience and crown experience, my predecessor Michael Bryant pushed for changes in the laws that govern cases: tougher laws for those charged, bail and sentencing with serious gun crimes. So we continue to prosecute cases to the fullest extent that the facts and the law allow, and they bind us all, and we will continue to use whatever tools are available where we can use them to protect the public interest.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Robert W. Runciman:** Two women were brutally attacked, murdered by a stranger. Their alleged attacker was allowed back on to the streets by the justice system in this province. What message does that send to victims, who deserve nothing more than the full protection of the law that you're responsible for administering, Minister? What message does it send in terms of the sexual assault allegations to individuals who have been sexually assaulted in this province?

Your failure, your crown's failure, to appeal that bail decision tells women, "Don't bother coming forward, because the justice system won't be there to protect you and every other innocent woman in this province." You have a duty to change that message. A public inquiry would address that. You turned that down yesterday. Why did you and your colleagues reject a public inquiry into this very, very harmful situation?

**Hon. Christopher Bentley:** I say to every community member who is justifiably determined, angry and outraged at tragedy that we will continue to do whatever it takes to protect the public safety.

For those things within our control, we have moved over the past five years, in terms of working with the police for more police, guns-and-gangs initiatives, tough positions on the bail hearings when they are within our control, tough positions with our federal counterparts—whatever the party—to change the laws. But we are absolutely determined to protect the public interest. That is why I don't comment on the specifics of cases, because we protect the public interest through prosecutions that convict the guilty—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### VIOLENT CRIME

**Mr. Howard Hampton:** My question is for the Attorney General. I want to follow on the questions that the Leader of the Opposition has just presented.

I'm sure the Attorney General knows that people across Ontario are particularly upset when they see an innocent young woman who's a bystander shot and murdered on the streets by someone who has already been convicted of gun crimes.

My question is this: It was only a couple of years ago that the former Attorney General of the McGuinty gov-

ernment said, "Working with the laws that we have, we're arming our prosecutors with the legal ammunition that we think will make a real difference in getting stiffer sentences for gun crime. We want to send a message to the streets that gun violence won't be tolerated."

Can you tell us what happened with that message from the former Attorney General, given the occurrences of the last few days?

**Hon. Christopher Bentley:** To the families and all members of the community, our sympathies are there. We are justifiably all outraged at tragedies when they occur and we're determined to make sure we do whatever needs to be done to make sure they don't happen in the future. My predecessor was absolutely right. We take every case and send a very strong message that violence, gun violence, serious violence is not tolerable. We prosecute in the public interest. We take tough positions where the facts and the law permit us, and we move to change the laws where our front-line experience tells us they're not tough enough. Nobody should have to suffer the tragedies that have been suffered. We'll do whatever it takes to deal with it.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Howard Hampton:** Well, these are fine words from the McGuinty government Attorney General, but people have heard these fine words from the McGuinty government before. I want to again quote the former Attorney General: "What we're going to put before the courts is evidence on the extent of gun crime and the number of guns that are on the streets of Toronto. This will be used as a tool to help us have the court consider how serious this problem is. We believe that it's going to help us get tougher sentences for gun crimes." He said the information would be used to assess all gun crime matters, including bail hearings, in an effort to stop what police say is a revolving door at the courthouse. It would seem from the events of the past week or so that these words were not acted upon. We heard them, but they don't seem to be acted upon. Can you explain how that could happen?

**Hon. Christopher Bentley:** Innocent people are dead—people my daughter's age. We're all outraged and we all want to know what can be done. We have taken a tough position on the serious crime and the gun crime; we prosecute them to the full extent of the law. The police who investigate and the crowns who prosecute have families as well. We're all working in the public interest, and where our front-line experience tells us more needs to be done, we do it: more police, Anti-Guns and Gangs Task Force, TAVIS intervention, information coming before judges, tougher laws federally. We'll continue to act with the police and our justice partners to protect the community interest.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Howard Hampton:** Once again, more fine words from the McGuinty Attorney General. But again, I want to quote the former Attorney General, who said just a couple of years ago in this House, "I can assure the

member opposite that we”—the government—“will continue to have in place principles and policies that are exactly consistent with ensuring that we have safety on our streets and that people who ought to be detained are detained.” Attorneys General for the McGuinty government have said these words over and over again over the last five years, but nothing seems to have changed. How can that be? How can you continue to say the words but people continue to see innocent people being gunned down on the streets by people who should have been detained? How can that be, Attorney General, given that you and previous McGuinty government Attorneys General—

**The Speaker (Hon. Steve Peters):** Thank you, Minister.

**Hon. Christopher Bentley:** So the crown policy manual and the direction to crowns has been supported by, among other things, 72 more crowns to target gun crimes, six new anti-gun-smuggling crowns, eight new high-risk-offender crowns, 15 additional officers for the OPP provincial weapons enforcement unit, 12 new victim services staff to support victims and work with witnesses, 12 new probation and parole officers to work with the Anti-Guns and Gangs Task Force, a dedicated major crime court, a thousand police officers. Do we need more? Yes. We need an end to the automatic two-for-one credit that lets too many people out too early when they get federal sentences. And we do need a national ban on handguns, not as the only answer but to reduce the risk. The common denominator in all gun crimes is a gun.

1050

#### MANUFACTURING JOBS

**Mr. Howard Hampton:** My question is to the finance minister. The finance minister will know that the Automotive Parts Manufacturers' Association of Canada is calling on the Ontario and the federal governments to provide \$1 billion in short-term loans to help them through the global liquidity crisis. It's been clear for over a month now that the auto manufacturers are suffering as a result of the lack of loan liquidity, but your economic statement last week said nothing about this. Why has the McGuinty government failed to respond to what is a dire, dire situation that could result in the loss of tens of thousands of more jobs in Ontario?

**Hon. Dwight Duncan:** We implemented a number of plans beginning in 2004, and you voted against every one of them. Do you know what? In my most recent budget, not only did we eliminate the capital tax for manufacturers, we refunded it retroactively and got the cash into their hands. Unlike the member opposite, this government has been in constant communication with the automotive parts people: with the CAW, led by Ken Lewenza, the president of the CAW; with the Detroit Three; with Toyota; with Honda. He voted against every opportunity and he's also spoken against assisting the automotive industry.

This government will press the federal government to take its proper role. We will continue to work against people like you who have fought against help for the auto sector and the auto parts sector, and we'll continue to protect the interests of Ontario families and Ontario businesses through this extremely—

**The Speaker (Hon. Steve Peters):** Thank you, Minister. Supplementary?

**Mr. Howard Hampton:** Much bluster and bombast and no answer. Seventy-two thousand auto parts sector jobs are at stake here—and they're very clear: Everything your government has said over the last week about the Next Generation investment fund doesn't suit their needs. Everything you've just said about the capital tax doesn't suit their needs. The fact of the matter is, if these manufacturers are going to stay in business, they need short-term loans in order to finance their operations so they can then sell their product and receive the revenue. They're very clear in what they need. Everything the McGuinty government has talked about, everything you've continued to re-announce, doesn't suit their needs.

Are you going to provide them with short-term loans in exchange for job guarantees, yes or no?

**Hon. Dwight Duncan:** To the Minister of Economic Development.

**Hon. Michael Bryant:** Obviously, we are working very closely with the association—you're referring to the letter making the request to the federal government and the provincial government—talking, obviously, with the auto parts manufacturers. I was doing that yesterday and I'm doing that today, and I'm doing that tomorrow and the next day. I'm talking with the industry leaders as well.

We have in place in the province certain fiscal capacity which has been set aside through the advanced manufacturing loan program, through the Next Generation of Jobs Fund and through other programs. Each of those programs the member was opposed to. There is obviously also a much larger and real fiscal capacity of the federal government, and we need them to be playing a role as well. I know that the member would agree with that.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Howard Hampton:** I have to quote Mr. Jason Myers, president of the Canadian Manufacturers and Exporters Association: “Right now ... we've got a short-term priority and that's just the survival of companies. Frankly, if we do not see government helping to provide credit to companies ... we are going to see an awful lot of very, very good and very important companies go out of business.”

None of these things that you've mentioned—the advanced manufacturing strategy, the Next Generation of Jobs strategy, your auto sector strategy—provide the short-term loans that these companies need right now to stay in business and sustain jobs; everything that you've mentioned doesn't fit the bill. I ask the question again: Is the McGuinty government going to go around blaming

someone else or are you going to come up with the short-term—

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. Michael Bryant:** The member is just wrong. Those tools, in fact, are in place. I met with the very person you speak of. I'm meeting with leaders in the industry and the specific presidents and CEOs of these parts companies themselves. There has been recognition by management and labour that these funds that the McGuinty government established, and that you opposed, are in fact necessary for the industry to continue. Yes, there is a role for the federal government to play and we are calling for them to play it.

But let's be clear. The establishment of a grant and loan system to assist the auto industry was one that was brought forward and pioneered by Dalton McGuinty and opposed by Howard Hampton.

#### VIOLENT CRIME

**Mr. Robert W. Runciman:** Again to the Attorney General: It's about yesterday's debate into our call for a public inquiry, a call that was precipitated by the senseless murders of two innocent women. Minister, during the debate, the Liberal member for Oakville said the last thing we need "is to have a gabfest and sit around and have a public inquiry."

Is that what this government considers public inquiries are all about? Is that why the victims of Dr. Charles Smith's errors wanted a public inquiry, which you called? Is that what Dudley George's family got out of the inquiry that you called? A gabfest? Your member called a public inquiry a gabfest, dealing with the murders of two innocent women.

*Interjections.*

**Mr. Robert W. Runciman:** They're yelling at us; they're ridiculing us for that? Give me a break. Have some shame. My God.

**Hon. Christopher Bentley:** What we all want, with all the passion we can muster, is to do what we need to do to make sure that tragedies don't happen again. Chief Blair was asked, "Is an inquiry necessary?" Chief Blair said, "No."

Is an inquiry necessary? No. We get on with protecting public safety and security. My colleague from Oakville has been a determined and passionate advocate for public safety in his community. All members of this House are advocates for public safety. We are getting on with the protection of public safety.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** The man accused of the double murders of two innocent women in the sanctity of their home was released on bail when he stood accused of two violent sexual assaults. According to the charges laid, these women were beaten and brutally raped. It's public knowledge there's DNA evidence linking him to the crime. The nature and brutality of these attacks raise the possibility that Mr. O'Brien is a serial rapist, making

him a serious risk to public safety, but a judge released him, and your crown failed to appeal.

These are the types of decisions that a public inquiry can look into. Why won't you stand up for victims in this province? Why won't you fulfill your duties to make sure the system keeps them safe in their homes and on the streets?

**Hon. Christopher Bentley:** We stand up for those affected by tragedy every day, and that's why we are getting on with the protection of public safety. That's why we're already working with Chief Blair and the other chiefs to determine what else we need to do. Yes, we've got more police officers and different strategies such as guns and gangs. Yes, we've got some changes in federal law.

What's next? Is it the end of two-for-one credits where they automatically seem to be imposed? We believe a legislative change is necessary; we'll push for that. Is it further changes in the bail law to make sure that the dangerous, the serious, the violent and the out-of-control are in custody and not out? We believe it is.

It's not commenting, much as I might like to, on cases that are before the courts, because that would undermine the very public safety that we are all here to protect.

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#### CHILD CARE

**Mr. Paul Miller:** My question is to the Minister of Community and Social Services. The minister knows very well that not all grandchildren are eligible for TCA under her new rules. Yesterday, Hamilton rally demonstrators, in an impromptu meeting with the mayor and city director of community services, all agreed there was a change to the ministry's directives. Call it interpretation, call it definition; there was a change, and the minister finally admitted in scums yesterday there was a change in July.

When will this minister accept responsibility for these mean-spirited changes and turn her energy to the plight of these families, ensuring that duration of assistance and settled intent do not disqualify grandchildren being raised by their grandparents under temporary care assistance?

**Hon. Madeleine Meilleur:** Again, I'm going to remind the member from Hamilton East-Stoney Creek that this is temporary care assistance, and all the grandmothers or adults who are taking care of these children and who are entitled will receive temporary care assistance.

We have increased that budget on a daily basis. These grandparents under TCA—we have over 5,000 children every year, every day, who are entitled and who benefit from this program. Within this program, they are also entitled to a dental program, to health care and to medication. We will continue to support grandmothers, but for those where it's not temporary care, there is another program that is offered—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?



**Mr. Paul Miller:** I guess what the minister is saying is that she has made them ineligible with her changes.

Yesterday, the minister again made an erroneous accusation. She said, referring to my party and me, that “they want the program to be income-tested.” The minister needs to stop hiding behind her false accusations. She knows very well that she’s the only one to suggest income testing.

Will this minister admit that her false accusations are an attempt to divert attention from her appalling attack against grandchildren being raised by their grandparents in this province?

**Hon. Madeleine Meilleur:** Indeed, that’s what I said, and that’s what I’m going to say again today.

This member comes to see me and is complaining that some grandparents don’t have substantial income to look after grandchildren. We have this program for these grandparents, but he continues to argue that it should be income-tested. He doesn’t use the word, but all the examples that he’s giving me—and I’m saying to him that 75% of the grandparents will not be entitled to this program if the program is income-tested. This minister and this government are not ready to move in that direction.

#### HOME CARE

**Mrs. Laura Albanese:** My question is to the Minister of Health and Long-Term Care. Many seniors in my riding are proud homeowners and proud of the investments they have made in building a life for their families. Support for light domestic chores requiring a degree of physical stamina can sometimes make the difference for these seniors, between being able to stay in their homes and having to move into a facility. The winter season, which is fast approaching as we can see today, can present particular difficulties for the senior residents of York South–Weston.

What support is the ministry providing to seniors to help them maintain their dignity and independence and remain in their homes?

**Hon. David Caplan:** I want to thank the member for the question and thank her for her advocacy for seniors in York South–Weston, because our government is committed to improving the lives of Ontario seniors and their caregivers.

Our approach is about providing our most vulnerable the support they need in order to lead safe and comfortable lives. That’s why we’re investing \$1.1 billion over the next four years in an aging-at-home strategy that will provide seniors and caregivers with an integrated continuum of community-based services to allow them to stay healthy and live more independently in their homes.

As part of the aging-at-home strategy, we’ve made significant investments in community support services, the most significant, I would say, in 10 years: key services such as transportation, homemaking, meal services, supportive housing, security, home maintenance repair, foot care and many, many others that will be of great

assistance and that will provide services to your constituents in York South–Weston that they can benefit from and count on. These key services represent \$57.2 million invested—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mrs. Laura Albanese:** One of the main problems is that many seniors are not aware of the important services and supports that are available to them. Easy access to information about available health services is critical to maintaining good health, and it is important that we continue to identify ways to make it easier for seniors and their families to access this information, no matter what organization provides the support or service.

Can the minister please tell this House what the government is doing to make sure that seniors have access to this kind of information?

**Hon. David Caplan:** The member asks the key question. She very astutely points out that access is key. I’m proud to tell the Legislature that aging-at-home initiatives are being implemented in communities right across Ontario that will help seniors live healthy, independent lives in the comfort and dignity of their own homes and in their own communities.

There are two ways that seniors can learn about local aging-at-home initiatives in their communities. The first is by talking with some of the agencies that they deal with every day; those would be their local health care service providers and their local community care access centres. Many of the aging-at-home initiatives enhance the capacity of existing community services that help meet the needs of seniors in their own communities. Some of these agencies may also be offering new programs. If they’re a client at the local community care access centre, seniors may be referred to specific aging-at-home initiatives in their communities that will enhance the quality of life in their own homes, consistent with their care needs.

Last June, local health integration networks and MPPs—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### ACCESS TO HEALTH CARE

**Mr. Jim Wilson:** My question is also to the Minister of Health. Minister, four weeks ago, I called my dermatologist and I was told by his receptionist that because I hadn’t seen the doctor within the last 12 months, I would be required to either get a referral letter from my family doctor or pay \$125 to make an appointment to see the specialist. I informed the receptionist that I didn’t have a family doctor, so I couldn’t get a referral letter, and secondly, that I was pretty sure that the \$125 fee he was asking was illegal.

I can probably afford the \$125, but I am concerned about the almost one million Ontarians who don’t have a family doctor, who can’t legitimately get a referral letter and who are being asked to produce their credit card

number in order to make an appointment with a specialist in this province.

Minister, do you think this is right? Do you think this is fair? Is this what your government calls open access to OHIP services?

**Hon. David Caplan:** The facts are these: Under my friend, as a previous health minister in this province, we saw a significant reduction in health services in Ontario. In fact, through the work of Premier McGuinty and through our colleagues here in the Legislature, we've been able to enhance health care services.

I find it remarkable that this member and his party, who advocated a \$3-billion cut to health care, would even deem to ask this question. As far as doctors, there are over 1,200 more doctors practising in Ontario today than in 2003. In fact, with the advent of family health teams, 150 of which have been implemented in the province, we are seeing over 600,000 additional Ontarians have access to front-line medical care, to have access to a primary care physician.

There's more: We're enhancing and expanding the number of—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Jim Wilson:** That is a horrible, horrible answer. I'm asking this question on behalf of the million Ontarians who don't have a family doctor and who are being asked to produce their credit cards and produce \$125. What about the lady on the fixed income in Beeton in my riding, who can't afford the \$125? No one under the Mike Harris or Eves government was ever asked to produce their credit card to see a doctor in this province. That is absolutely shameful. You did not answer my question. I want you to report back to this House how often this is happening.

I talked to the CPSO this morning and they said that they're getting complaints all the time and that your government's doing nothing about it. I gave your ministry a chance four weeks ago to give me an explanation; they never gave me an explanation. You should be ashamed that you're blocking OHIP services to people on fixed incomes, to a million Ontarians without a doctor. Shame on you.

*Interjections.*

**The Speaker (Hon. Steve Peters):** Order on both sides. Order. Minister?

**Hon. David Caplan:** I'm happy, of course, to look into specific examples, but I would remind the member that he brought a similar kind of passion when he closed 28 hospitals right across the province of Ontario, when they fired thousands of nurses, that saw the roots of many of the challenges that we have today, that saw, in fact, this member vote against two-tier medicine and ending those practices when we introduced the Commitment to the Future of Medicare Act.

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Here is the reality of the situation that we face today: We have introduced family health teams, which have expanded the number of practitioners and expanded the

number of Ontarians who have access to front-line medical services. We are introducing nurse-practitioner-led clinics, another innovation which is going to provide Ontarians with that kind of access. In our new agreement with the Ontario Medical Association, collaboratively working with Ontario's physicians, we are finding ways—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### TRANSFER PAYMENTS

**Ms. Andrea Horwath:** This is to the Minister of Municipal Affairs. The provincial-municipal fiscal review is two years old now, and after several broken commitments, the minister has suggested the report will be coming out by Friday. My question is this: Will the minister today assure this House that the report in fact is being released this Friday?

**Hon. Jim Watson:** I made a commitment several weeks ago that the report would be out by the end of the month, and I'm pleased to report that we will be releasing the report on Friday. This is good news for the municipal sector, when people see the report.

We're proud of the fact that my colleague the Minister of Finance and I have worked closely and in partnership with the municipal sector. We're building on the relationship that the McGuinty government established in 2003 when we started the process of uploading public health costs, land ambulance, ODP, ODSP. We're proud of the fact that to date we've gone from approximately \$1.1 billion in uploads and taken that pressure off the municipal sector to \$2.2 billion this year alone. We've doubled the amount of support in the municipal sector. We're proud to work in partnership with the city of Toronto and AMO, and I know they look forward to the—

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** As the minister knows very well, the economic downturn is forcing municipalities to pay more for provincially mandated social programs like Ontario Works, diverting their limited resources away from crumbling infrastructure and other priorities. The fall economic statement failed municipalities by signalling very clearly less financial support for the municipal sector next fiscal year, the very time that they're likely going to be needing more resources with skyrocketing social program costs.

The question is this: Will the provincial-municipal fiscal review recommend an immediate down payment on provincially mandated services and commit the province to assuming full responsibility for Ontario Works by, at the very least, the fall of 2011?

**Hon. Jim Watson:** As you know, we have an agreement with AMO and the city of Toronto that the contents of the report are to remain confidential until we release the report. But I can tell you, on the subject of infrastructure, in the member's own riding, \$48 million from the Investing in Ontario Act is going to Hamilton.

In fact, the NDP voted against providing more money to the municipal sector. When we announced the upload of ODP and ODSP, what did the NDP do? They voted against supporting the municipal sector. Time and time again, when we've gone to bat for the municipalities, whether it's Hamilton or Toronto or North Bay or Thunder Bay, the NDP have said no to the municipal sector.

We've turned the page on downloading and disrespect for the municipal sector. We look forward to working with them in partnership in the years ahead.

#### ROAD SAFETY

**Mr. Jerry J. Ouellette:** I have a question for the Minister of Natural Resources. Minister, in light of the transportation question regarding roadkills that was asked last week, what is the percentage of increase of roadkills in the Thunder Bay area? I'm sure the members would like to know how many roadkills are taking place in the Thunder Bay area, as the Minister of Transportation had that question come to him last week. We would certainly like to know that on behalf of the hunting and fishing community in northern Ontario.

**Hon. Donna H. Cansfield:** I thank the member for the question. I'm presuming the member is asking a question about collisions with wild animals on roads. Is that the correct question? As you know, in the Thunder Bay area there aren't as many. The collisions that we're most concerned about are those occurring in eastern Ontario, where out of every two collisions, one is with a wild animal. What we did was that we put in place, with the Minister of Transportation and the OPP as well, a program to raise awareness around speeding and the issue of the deer. As you know as a hunter, this is rutting season, so the challenge is that the deer are virtually everywhere.

That said, this is something we need to continue to work on very diligently because it is an education issue, along with the drivers and the animals themselves. We have two programs in place: one with the—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Jerry J. Ouellette:** The intention of the question, Minister, is that there is a large concern with the tag allocation in the province of Ontario. If there's an increase in the number of incidents whereby animals are being hit by vehicles—and certainly the public is concerned, as are the OPP, insurance companies etc.—the public at large would like to see an increase in the tag allocations in those areas that are seeing a significant increase in the roadkills of animals. I'm wondering if you can enlighten us as to what the tag allocation increase or decrease is in those areas.

**Hon. Donna H. Cansfield:** Depending on which particular unit, they have actually increased some of the tags for deer. As you know, the moose tag review is under way, but again, those moose tag allocations are based on the counts done the previous year. That said, your point

is well taken. If in fact there's significant roadkill that might impact those numbers, I'm more than prepared to undertake a review that would look at whether there is a correlation between roadkill and the number of allocations.

The issue around the deer and moose tags, as you know, is a contentious one and has been for some time. I have met people who say they have been looking for an allocation for 30 years and have yet to receive one. That's why we are undertaking the allocation. But I will do both: I will look at whether or not there is a correlation between the two.

#### ACCES AUX SOINS DE SANTE

**M<sup>me</sup> France Gélinas:** Ma question est pour la ministre déléguée aux Affaires francophones. Le gouvernement propose la création d'un comité de services en français pour les réseaux locaux d'intégration des services de santé, les RLISS. Comme la ministre le sait, ce projet de règlement est inacceptable aux yeux de la communauté francophone.

À titre de ministre déléguée aux Affaires francophones, comment est-ce que la ministre entend défendre et appuyer la communauté francophone?

**L'hon. Madeleine Meilleur:** C'est une excellente question. Oui, il y a beaucoup de préoccupations dans la communauté francophone concernant les règlements qui découlent des réseaux de santé. C'est pour cela que nous avons des consultations présentement. J'ai rencontré les groupes qui m'ont parlé de leurs préoccupations. Alors, les consultations se terminent le 12 novembre prochain et nous avons l'intention, le ministre de la Santé et moi, de revoir les commentaires des gens et faire suite à leurs commentaires.

**The Speaker (Hon. Steve Peters):** Supplementary?

**M<sup>me</sup> France Gélinas:** La ministre déléguée aux Affaires francophones a reçu plusieurs communications de l'Assemblée de la francophonie de l'Ontario et de l'Alliance des réseaux ontariens de santé en français. Ces groupes ont dit clairement que le gouvernement a ignoré les recommandations de la communauté francophone quand ils ont proposé des comités aviseurs de services de santé en français pour les RLISS.

Est-ce que la ministre est d'accord que la formule d'un comité consultatif de services de santé en français ne permet pas à la communauté francophone de s'engager adéquatement avec les RLISS?

**L'hon. Madeleine Meilleur:** Je voudrais réitérer mon engagement envers la communauté francophone. Ça fait partie de mes fonctions d'être leur porte-parole et de défendre leurs droits. Alors, on a déjà eu des discussions. Il y a un comité aviseur sur la santé, un comité aviseur au ministère. J'ai mon propre comité aviseur et on nous envoie des commentaires. J'apprécie beaucoup et j'accueille avec beaucoup d'intérêt les commentaires de la communauté francophone, et nous allons les prendre en considération sérieusement lors de la fin des consultations.

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## HOSPITAL SERVICES

**Mr. Bill Murdoch:** My question is to the Minister of Health. As the Minister of Health will know, the previous Minister of Health was very dedicated to a project in our area, the Markdale hospital. What I would like this minister to tell the House and the people in Markdale today is: Is he as dedicated to building this hospital as the previous minister?

**Hon. David Caplan:** First of all, I want to thank the member for the question. I also do want to indicate that the member, as well as the member from Simcoe–Grey, did come forward with the administration and supporters of Markdale hospital and did have a conversation with both my colleague Minister Smitherman and myself.

The ministry is well aware of the needs identified by the Grey Bruce Health Services for the construction of a proposed new hospital facility in Markdale. That's why, on July 20, my predecessor, Minister Smitherman, confirmed the ministry's support to proceed with the planning and design of the redevelopment of the Markdale site. I believe he provided some \$3 million in planning and design funds and provided those grants toward the costs associated with developing the proposed project.

On October 16 of last year, Grey Bruce Health submitted its functional plan and related materials to the Ministry of Health, which was followed by supplementary information that was received toward the end of November, and the submission is currently under review. I have more to add in the supplementary regarding the specifics of the project.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Bill Murdoch:** Yes, I hope we get some more in your supplementary, because I still need you to tell us that you are dedicated to doing this, the same as the previous minister—as you mentioned, on July 20, and that was two years ago. So we are sort of waiting at Markdale. It is a year ago now that the previous money you mentioned was given to them, so we're waiting for the next step.

We just want to know how long this is going to take, because as you know, the study did say that this hospital should be built. We're waiting in Markdale for some more answers, and maybe you can supply those in your supplementary.

**Hon. David Caplan:** I do want to thank the member and I do want to recognize his advocacy on behalf of the community that he serves.

I know that he understands there are many requests and many needs right across the province of Ontario. That's why in our first five-year capital plan, called ReNew Ontario, we were able to devote over \$5 billion in resources to support over 100 capital projects. There are another about 57 or 58 which have been identified, of which Markdale is one, that we are in a conversation on with my colleague the Minister of Energy and Infrastructure as he puts together the 10-year, \$60-billion capital plan. I want to assure the member that Markdale is a

part of that mix, of those requests that are outstanding, and will be part of that consideration as that plan is put together.

It has been nothing short of an infrastructure renaissance which has seen these projects begin. My colleague beside me reminds me that the—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

## ARTS AND CULTURAL FUNDING

**Ms. Sophia Aggelonitis:** My question is for the Minister of Culture. Arts and culture not only enrich our lives, they also contribute to our economic prosperity. In my community of Hamilton, we have a thriving arts community. According to census data, almost 5% of all Ontario artists live in the Hamilton area. Government support for arts and culture is important to our community's quality of life and to stimulate local economic activity.

Can the Minister of Culture tell this House what the government is doing to invest in Hamilton artists and arts organizations?

**Hon. M. Aileen Carroll:** I am very pleased that this summer I had the opportunity to visit Hamilton, and, actually, many times since, and experienced a very vibrant community that local artists have helped to create. Without question, arts and culture are the pillars upon which Hamiltonians are building their community.

The Ontario Arts Council, an agency of my ministry, just recently provided more than \$740,000 to 18 Hamilton arts organizations and seven individual artists. I'm very pleased that since 2003, our government has invested more than \$4 million in Hamilton's arts community so that it continues to grow and thrive.

By investing in local artists and arts organizations, the McGuinty government is helping Hamilton attract more tourists and generate more economic activity and continue to flourish and grow to be the creative centre it is.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Sophia Aggelonitis:** I'm pleased to hear that artists and arts organizations in my community of Hamilton will benefit from the government's investment through the Ontario Arts Council. Hamilton arts organizations such as Theatre Aquarius, which I was proud to serve as a board member, will certainly be pleased with the government's support.

Many people in Ontario and in my riding know the importance of the arts, both in their lives and to our economy. In Ontario, the cultural sector contributes billions of dollars to the provincial economy and employs thousands of Ontarians. Could the Minister of Culture tell this House what investments the government is making to support artists and arts organizations across Ontario?

**Hon. M. Aileen Carroll:** Thank you again to my colleague. Last year the government, through the Ontario Arts Council, provided \$40 million to support 1,300 individuals and 874 organizations. These grants benefited artists in more than 250 communities right across this fair province.

Earlier this year, the McGuinty government announced a \$20-million increase to the Ontario Arts Council budget, which brings it up to \$60 million when that is fully implemented. Just to give you some context, that represents an increase of 140% to the arts council compared to the previous Tory government and that's more than double what the Tories invested. These government investments are helping to bring \$20 billion to our economy, and that continues to create more than 250,000 jobs.

#### LOCAL HEALTH INTEGRATION NETWORKS

**Mr. Tim Hudak:** A question to the Minister of Health: In the McGuinty government's new LHIN scheme, emergency services and surgery will be eliminated from Douglas Memorial Hospital in Fort Erie and Port Colborne General hospital. Other hospital services like maternity will be taken out of Niagara Falls general. Just a year ago, neither your predecessor, the Premier nor your local Liberal candidates breathed a single word about these dramatic hospital service reductions. In fact, your candidates promised just the opposite.

Minister, the health care buck stops with you. You make the call. Will you stay true to your campaign promises, set aside this tainted process and preserve these vital hospital services in these communities?

**Hon. David Caplan:** I think it's important to understand, that hospital improvement plan has come forward by Niagara health services itself. It's gone through quite an extensive community consultation and conversation and, in fact, we've had the president and CEO of the Ottawa Hospital, Dr. Jack Kitts, bring his team to be able to provide advice and provide that engagement with—

**Hon. Jim Watson:** Excellent leader.

**Hon. Madeleine Meilleur:** Excellent leader.

**Hon. David Caplan:** I hear my colleagues from Ottawa talk about Dr. Kitts being an excellent health care and system leader.

In fact, Dr. Kitts engaged the local community and has made some recommendations to the LHIN. The LHIN has received his report on the feasibility and the impact of the Niagara Health System improvement plan at its board meeting, in fact, yesterday. The board is not expected to make any immediate decisions on the hospital improvement plan or on Dr. Kitts's study. The board will take the time to consider the information and will announce its decision and implementation plan to the community by the end of the year. I'm pleased about the—

**The Speaker (Hon. Steve Peters):** Thank you, Minister. Supplementary?

**Mr. Tim Hudak:** Minister, you know the fix was in. Your government gave the NHS marching orders to cut \$15 million from the budget and gave them six weeks to do it. You then gave extraordinary powers to unelected, unaccountable and largely anonymous government appointees on the LHIN. Minister—that's what it says on your desk—you're accountable for how every health care

dollar is spent. Five thousand people came out in Fort Erie; 2,500 people came out in Port Colborne to protest the elimination of emergency services. There can be no more clear signal of the vital nature of these hospitals to health care and economic development in Fort Erie and Port Colborne. Minister, will you come out from behind the skirts of your LHIN and stand up for health care in these two communities?

**Hon. David Caplan:** Well, in fact, since 2003-04, base funding in the Niagara Health System has increased 43%. And that's a marked contrast to this member, when he sat on this side of the House, when he and his colleagues cut funding, cut and threw a number of personnel out on the street and, in fact, to this day continue to advocate for a \$3-billion cut to health care services. I shudder to think what the impact of that kind of an action would be on Niagara Health System and on the services that the good people of Niagara rely upon.

In fact, we've seen 368 new long-term-care beds in the Niagara area. We've seen 96 more permanent beds that will be coming online by 2010 in our aging-at-home strategy, investing another \$60 million. We brought in the expertise of Dr. Kitts, and I would quote him. He says, "In terms of improving quality"—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### HOSPITAL GOVERNANCE

**M<sup>me</sup> France Gélinas:** Ma question est pour le ministre de la Santé et des Soins de longue durée. Today a report from the Ontario Health Coalition revealed that ministry-appointed hospital supervisors are attempting to wipe out elected, community-based boards in Midland-Penetanguishene, Alliston and Scarborough. This move will end a 100-year history of community involvement in local hospital boards and wipe out voting rights for thousands of citizens. My question is simple: Has this ministry approved a policy that ends community-elected hospital boards?

**Hon. David Caplan:** That's a very interesting question coming from this particular member. This member in fact was appointed by a former Minister of Health to a district health council in 1999. I know that because the health minister at the time was my mother. This member also was appointed by Ruth Grier in 1994, also to a district health council. It's a very interesting message.

Let me outline the facts. Dr. Kevin Smith, the supervisor, has been working with the hospital board, the corporation and the community toward establishing a permanent governance structure. I support the supervisor's proposed governance structure for the Huronia District Hospital, which includes the use of a community advisory nominated committee to help select original board members, and his decision to provide spaces on the board for citizen advisory members—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**M<sup>me</sup> France Gélinas:** It's interesting to know that the minister actually has read my resumé. He might have

missed the part, though, that said that I also wrote chapters of books on community governance in hospitals. They're a good read.

The minister promised to keep our local hospitals democratic. They promised hospitals would be accountable to the communities they serve. Yet, while the government speaks of its support for community governance of hospitals, the ministry is appointing supervisors who are taking over these hospitals and making recommendations to shut down elected hospital boards. Is this government in support of community governance for hospitals?

**Hon. David Caplan:** In fact, there are several elements of accountability to the local community, including hospital reports. If the member is as expert as she claims, she would know that Ontario is the only province in Canada which publishes hospital reports, an independent report card on hospitals' performances and acknowledged by experts as the North American gold standard; that we also have accreditation and professional regulations; that we have hospital service accountability agreements; that we have public reporting; that we have value-for-money audits which are performed; and that we have the Public Hospitals Act.

Dr. Smith amended the governance proposal. I believe it is fair. It's a fair compromise for community concerns of transparency and for citizen input that ensures the balance against the proven best practices and skills of board membership.

#### MEMBER'S BIRTHDAY

**The Speaker (Hon. Steve Peters):** I just want to take this opportunity to congratulate the member for Nepean-Carleton on her birthday today. Happy birthday, Lisa.

#### VISITORS

**The Speaker (Hon. Steve Peters):** Just a reminder to the members that there's a flag raising, the Turkish flag raising. We want to welcome Nedim Duzenli, the president of the Federation of Canadian Turkish Associations, and Mehmet Bor, the vice-president. That flag raising is taking place at noon today.

This House stands recessed until 3 p.m.

*The House recessed from 1134 to 1500.*

#### INTRODUCTION OF VISITORS

**Mr. Bob Delaney:** It's my personal pleasure this afternoon to introduce to the House Tariq Asmi, executive director of the Growing Communities Healthcare Alliance, who is seated in the east members' gallery. I urge members to give him a warm welcome.

**Hon. Deborah Matthews:** It's my pleasure to introduce Betty Doré, Bruce Sworik, Mike Carson and Katherine Low from the London and St. Thomas Association of Realtors.

**Mr. Peter Kormos:** I'm pleased to introduce lawyer Jim Stengel from Welland, who's being hosted here by Denise Turner, who of course is the mother of page Kevin Turner, who has impressed us all in the time that he has been here.

**Mr. Mike Colle:** It gives me great honour to introduce Chief William Montour of Six Nations. Welcome. It's a great honour to have you here, Chief.

### MEMBERS' STATEMENTS

#### CHICKEN FARMERS

**Mr. Ernie Hardeman:** I'm pleased to rise today in the House to welcome the Chicken Farmers of Ontario to Queen's Park. With us today we have Bill Woods, chair of the Chicken Farmers; Rob Dougans, the CEO; Murray Booy; Lee Woods; and Ed Verkley.

The Chicken Farmers of Ontario is a non-profit organization that has been operating since 1965. Since then, it has been successful in leading the industry within the province.

The chicken industry has over half a billion dollars in sales and creates over 5,000 full-time jobs both on the farm and in the industry. Nearly 40% of all the chicken farms in Canada are located in Ontario.

The guidance and support that Chicken Farmers of Ontario provides is helping hard-working chicken farmers, protecting the environment, and ensuring that all Ontarians benefit from a safe, nutritious and affordable product.

We know how hard all our farmers work in Ontario and the challenges they are facing with high input costs and new government legislation. During this time of economic uncertainty, it is important that we help farmers succeed and that the government doesn't burden them with unnecessary regulations, taxation and red tape. The government needs a long-term vision that considers the real and practical needs of the farmers who work as hard as they do to feed all of us.

I want to commend the Chicken Farmers of Ontario for their hard work. They make a great contribution to our farmers, the agriculture industry and the economy.

Earlier today, John Tory and I met with these representatives to hear the concerns of chicken farmers, and I hope all the members of the Legislature will take the opportunity today to meet with them and hear their concerns and show their support for the Chicken Farmers of Ontario. Thank you very much for allowing me this time to recognize them here at Queen's Park.

#### TERMINATION AND SEVERANCE PAYMENTS

**Mr. Peter Tabuns:** This past weekend, I was in Ajax, supporting a demonstration of steelworkers at Sklar Fur-

niture. Most of the people in this Legislature will know the name Sklar Peppler. It was a profitable company for decades. It supplied secure, well-paid employment to working people. A new owner purchased the company a few years ago and decided to take advantage of bankruptcy laws and trade policies to satisfy what one can only call outright greed. The company continues to sell its product, continues to supply other Canadian retailers with its product and continues to make a profit, yet the company has had CCAA protection that resulted in employees who had worked for the company for over 25 years losing their right to severance and termination pay. For some, the amount exceeded \$30,000. This company has ignored arbitration orders, court orders, and even forced the union to attempt to seize assets to satisfy judgments. The government should not condone this company's practices through silence.

I ask myself: How can this company operate? How can it make a profit in Ontario and Canada and behave in this manner and treat its workers in this fashion?

I ask the Premier and this government to investigate the situation at Sklar Peppler and take action to protect these working people.

#### EMPLOYMENT INSURANCE

**Mr. Phil McNeely:** Toronto Star columnist Carol Goar pointed out some very important facts on the employment insurance system in her column today titled "Advice for Ontario: Play Hardball." Let's take a look at the facts surrounding EI in Ontario. Workers who do qualify for employment insurance in Ontario receive considerably less in EI than other Canadians: \$4,630 less per year per person. That's a shortfall in EI benefits of \$2.1 billion every year for Ontarians. What's more, although Ontario had 42% of Canada's unemployed population in 2007, Ontarians received only 27% of EI funding for labour market support and training. Furthermore, Ontario's unemployment rate is 6.4%, higher than the national average of 6.2%. Ontario has been a stalwart partner in this federation and continues to be. It's high time that the federal government give Ontarians the same deal they'd get had they lived elsewhere in Canada.

It's time for the federal government to supplement EI support for unemployed workers in the manufacturing sector by providing targeted resources for training and other supports. This proposal is the right thing to do for Ontario workers and their families and it's also the smart thing to do. It's time for the federal government to act on the fairness for Ontario campaign and give Ontarians their fair share. I call on Prime Minister Harper to immediately right this wrong against Ontarians caught in this economic downturn.

#### CHARLES DUBIN

**Mrs. Christine Elliott:** I rise today to pay tribute to Justice Charles Dubin, who passed away on October 27.

Born in Hamilton in 1921, Justice Dubin died at the age of 87 as a result of pneumonia. Justice Dubin was held in high regard by many as one of the top lawyers and judges in Canada. He was called to the bar in 1944 and appointed Queen's Counsel at the age of 29. This made him the youngest person in the British Commonwealth to receive this honour. He had a brilliant legal mind, able to work in both civil and criminal cases. He was strongly opposed to capital punishment and successfully defended 14 men on capital murder charges.

In 1991, Justice Dubin was appointed Chief Justice of Ontario and held that role until 1996. Justice Dubin headed a number of royal commissions, most notably the Dubin inquiry, which examined the highly publicized issue of drug use in amateur sport after the 1988 Olympics, when the Olympic gold medal was taken away from Ben Johnson after positive test results for a banned drug.

Justice Dubin left a tremendous legal legacy and will be remembered as one of Canada's top lawyers, alongside Arthur Maloney and John Robinette. His notable legacy will be followed by many young lawyers for generations to come.

#### GREEK COMMUNITY

**Ms. Sophia Aggelonitis:** Sixty-eight years ago, the Greeks said "Oxi," or "No," to the demand that Greece submit to foreign occupation. Instead, the Greeks were guided by a strong sense of hope and optimism for their future and they chose the path of resistance. Four years later, the Greeks regained control of their country.

Every year on October 28, Oxi Day is celebrated by Greek communities the world over, from Hamilton to Welland to Athens, as a reminder of the sacrifices made by Greek men and women during the Second World War. Oxi is also a time to reflect on the values of the Greek people: the importance of community, sacrifice and justice. It symbolizes working together with courage, optimism and resolve to protect a way of life for future generations and to prosper collectively.

Hamilton, Ontario and Canada are fortunate to have strong and vibrant Greek communities which hold these values at their core. They share and promote these values among their fellow citizens and have played a major part in the success of this province. Together with Ontarians from a variety of different backgrounds, the Greek community has been instrumental in making Ontario an inclusive, optimistic and prosperous society which is a model to the world. As a daughter of Greek immigrants and a proud representative of Hamilton Mountain, I have the privilege of sharing and celebrating Oxi Day with everyone here today and with Greek communities across this province.

#### LONG-TERM CARE

**Mrs. Elizabeth Witmer:** I want to speak today about our long-term-care residents. Premier McGuinty broke his 2003 promise to them by promising to invest in better nursing home care and to provide them with an additional

\$6,000 in care for every resident. However, he did not do so and, as a result, today Ontario funds significantly less personal care than Alberta, British Columbia, Manitoba and New Brunswick. Not only has this government failed to provide this funding for personal care, but they have left more than 24,000 Ontarians waiting for a long-term-care bed. Consequently, many of these people are occupying beds in hospitals, and this, of course, contributes to emergency room overcrowding and the cancellation of surgery.

**1510**

Furthermore, about 35,000 nursing home residents continue to live in older homes that do not meet our 1998 design standards. This government must make senior care a priority. Our government did. In 1998, we invested \$1.2 billion, and we built 20,000 new long-term-care beds and upgraded 16,000.

I urge the Premier today: Support my petition calling for a six-point plan to improve personal—

**The Speaker (Hon. Steve Peters):** Thank you.

#### MAISON INTERLUDE HOUSE

**M. Jean-Marc Lalonde:** Vendredi dernier, j'ai eu l'honneur et le plaisir d'accompagner la ministre des Services sociaux et communautaires, l'honorable Madeleine Meilleur, au gala du 25<sup>e</sup> anniversaire de la Maison Interlude à Hawkesbury.

Maison Interlude House was founded in 1983 and offers services to women victims of partner abuse and their children in Glengarry–Prescott–Russell, Stormont and Dundas. The agency has 25 employees, is managed by a volunteer board of directors and is funded by the Ministry of Community and Social Services.

La Maison Interlude offre de l'hébergement sécuritaire aux femmes victimes de violence, qui peuvent venir habiter temporairement à la maison avec leurs enfants. Ils offrent également un programme pour les enfants témoins ou victimes de violence conjugale. Tous les services sont offerts gratuitement, en français et en anglais.

Maison Interlude provides shelter and a 24-hour crisis line, seven days a week.

Je félicite la directrice générale de la Maison Interlude, M<sup>me</sup> Céline Pelletier, sa présidente, M<sup>me</sup> Marie-Josée Gauthier, ainsi que tous les employés de cette maison pour leur travail exemplaire avec des gens qui en sont à des moments extrêmement difficiles dans leur vie.

#### REPUBLIC OF TURKEY

**Mr. Tony Ruprecht:** Eighty-five years ago, on October 29, 1923, an important event took place in the history of mankind: the establishment of the Republic of Turkey. Turkey is known officially as the Republic of Turkey. It's a Eurasian country that stretches across the Anatolian peninsula in western Asia and Thrace in the Balkan region in southeastern Europe.

Turkey is a democratic, secular, unitary country, a constitutional republic whose political system was esta-

blished in 1923 under the leadership of Mustafa Kemal Atatürk following the fall of the Ottoman Empire in the aftermath of World War I. Since then, Turkey has increasingly integrated with the west while continuing to foster relations with eastern Europe and the eastern world.

It is a founding member of the United Nations, the Organisation of the Islamic Conference, the Organisation for Economic Co-operation and Development and the Organization for Security and Co-operation in Europe, and a member state of the Council of Europe since 1949 and of NATO since 1952.

While we today congratulate the community on this special event, we also wish to recognize the significant contributions that Turkish people have made to Canada in the growth and development of our country. I had the pleasure today to meet with a number of these organizations, and today, on this very special day for the Republic of Turkey, we wish them the very best in many more days to come.

#### CHICKEN FARMERS OF ONTARIO

**Mrs. Maria Van Bommel:** Today is Chicken Day at Queen's Park, and I rise once again to invite everybody to the annual wings-and-beers reception starting at 4:30 this afternoon in committee room number 2. This annual event has developed quite a reputation here at Queen's Park for extending good old country hospitality to all who attend.

As a fellow chicken producer, I am very proud and happy to welcome Chicken Farmers of Ontario, their board members and their district representatives to Queen's Park. CFO's chair is Bill Woods, and my own district 3 representative, Murray Booy, is the first vice-president. They are joined here by Rob Dougans, who is our new CEO, and Ed Verkley and Lee Woods, who are also in the gallery with them.

The CFO has been in existence since 1965, when chicken producers became part of the Canadian supply management system. Our own government continues to be a strong supporter of the Chicken Farmers of Ontario and all supply-managed commodities, nationally and at the international level.

The 1,100 farmers of the CFO produce 200 million chickens every year, making chicken the meat of choice among consumers in Ontario, with a per capita consumption of 67.7 pounds per year.

Canada is the 10th-largest chicken-producing nation in the world, and this industry provides about 5,000 full-time jobs and numerous spinoff jobs in the transportation, food services and retail sectors.

Again, please join us for wings and beer in committee room—

**The Speaker (Hon. Steve Peters):** Thank you. I'd also remind the members that there is a reception, as well, for the taste of the greenbelt taking place and there are a number of chefs. So you don't need to go out and order dinner tonight; you can enjoy—and staff watching



back in their offices are welcome to join these receptions as well today.

## INTRODUCTION OF BILLS

### TOM LONGBOAT DAY ACT, 2008 LOI DE 2008 SUR LE JOUR TOM LONGBOAT

Mr. Colle moved first reading of the following bill:  
Bill 120, An Act to proclaim Tom Longboat Day /  
Projet de loi 120, Loi proclamant le Jour Tom Longboat.

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

*First reading agreed to.*

**The Speaker (Hon. Steve Peters):** The member for a short statement?

**Mr. Mike Colle:** Tom Longboat, Cogwagee, an honoured son of the Onondaga First Nation, was a remarkable Canadian athlete whose accomplishments as a marathon runner made him an international superstar. He was also wounded twice in the service of his country during World War I. By making June 4 Tom Longboat Day, we would ensure that his legacy is passed on to Ontarians for generations to come.

### USE OF STATEMENTS BY THE MINISTRY AND RESPONSES

**Mr. Peter Kormos:** Point of order, Mr. Speaker: Of course, I received, as is the protocol, copies of the statements to be made by Minister Best and Minister Wynne, as well as a statement to be made by Minister Matthews. The issue is this: I put the statements of Minister Best and Minister Wynne side by side, and they're announcing the same thing. They share common paragraphs, not in their entirety, but they share common facts.

I looked at the standing orders. Standing order 35 speaks about "a minister," and I presume that means one minister; we don't have duets here or trios or quartets. We don't have—

*Interjections.*

**Mr. Peter Kormos:** I'm serious. We don't have barbershop harmony. This begs the punchline, "How many ministers does it take to announce a project?"

Speaker, the reason I make this point of order is because, of course, the government has 20 minutes, and that's to accommodate more than one minister—we understand that—or a particularly lengthy ministerial statement, even though the standing order requires that they be brief; the opposition caucuses only have five minutes each. I submit to you that it's an abuse by the government of the 20 minutes allowed them when you have two ministers, one after the other, effectively making the same statement and we're not allowed the opportunity to respond, one after the other, to the consecutive statements.

1520

**The Speaker (Hon. Steve Peters):** I appreciate the consultation with the table. That was not a point of order. The standing orders do not allow me to grant the member any additional time. That would have to be done through unanimous consent of the House. There are often initiatives that come forward from government that do cross over ministries. We'll allow the Minister of Education to proceed.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### HEALTHY SCHOOLS ÉCOLES SAINES

**Hon. Kathleen O. Wynne:** This morning, Health Promotion Minister Margaret Best and I, in a cross-ministerial initiative, challenged schools across Ontario to become even healthier.

We visited Holy Family Catholic school in Toronto to launch the third year of the healthy schools recognition program. This school has participated in the program for the last two years and has introduced some great programs to help students and staff become healthier. The recognition program celebrates schools like this one that pledge to develop at least one more activity to become healthier.

Les avantages sont clairs : lorsque les élèves sont en bonne santé, ils apprennent mieux.

They are less stressed, they are less likely to get sick and they can focus better in the classroom.

Students all across Ontario want to be healthier, and they're using their own ingenuity and creativity to come up with great ideas to do so. That's what is wonderful about this program. They can participate in the program by introducing a new healthy activity or by building on existing ones.

Earlier this year, we launched the Eating Well Looks Good on You pilot project. This new pilot project provides schools with healthy recipes that use fresh, locally grown food. Using the Eating Well Looks Good on You recipes, for example, is a great way to promote healthy eating in schools. Schools that use those recipes are eligible for the recognition program.

But there are other options, and I know the members opposite understand how important it is for kids in our schools to be healthy and for us to take part in encouraging that. Schools can encourage physical activity or healthy eating through a basic nutrition program or having a workshop with a dietitian. Healthy activities could focus on promoting mental health, healthy growth or personal safety and injury prevention. They could also focus on helping to prevent bullying or substance abuse and use.

L'important, c'est de poser un geste sain, et de travailler ensemble.

We encourage schools to work with their school councils, student representatives and community groups to find and implement a healthy activity in their school.

The program is easy to participate in, very straightforward and, most importantly, the benefits are long-lasting for the whole school community.

### HEALTHY SCHOOLS

**Hon. Margaret R. Best:** It was my pleasure to attend this morning with Education Minister Kathleen Wynne to challenge schools across the province to help make Ontario students healthier. It certainly was a collaboration between ministries. That is how we work together, as government, to look out for the best interests of the children of the province of Ontario.

Since its launch by the McGuinty government in 2006, the healthy schools recognition program has been working to encourage Ontario schools to carry out at least one new healthy activity for each school year.

I am very pleased to say that in the first two years of the healthy school recognition program, more than 1,700 schools have pledged to undertake more than 4,600 healthy activities and our government has recognized those schools for their healthy initiatives. Some examples of these activities include full-time breakfast clubs, presentations from police on bullying prevention, and fitness days. Schools can either implement something new that they create or participate in an existing program such as Active and Safe Routes to School, Raise the Bar, or the northern fruit and vegetable program.

The healthy schools recognition program is founded on the knowledge that a healthy learning environment is essential for students to reach their full potential. Learning healthy habits at an early age can last a lifetime.

We not only encourage, but also engage, Ontarians in initiatives to make good choices when it comes to healthy eating, active living and overall wellness.

We know that we can always do more to make schools healthier places to learn and grow. That is why we educate our young people about healthy eating and healthy living, and provide them with the right tools to become champions of good health so that we can develop a culture built on good, healthy habits for generations to come.

### WOMAN ABUSE PREVENTION MONTH

**Hon. Deborah Matthews:** I rise in the House today to acknowledge November as Woman Abuse Prevention Month.

On average, two women in Ontario are killed each month by their partners. In 2006, on average almost 1,000 incidents of spousal violence were reported to the Ontario police each month.

We know that the vast majority of abused women do not report these crimes to the police. These women live in fear and in silence. But their stories are real. They are

about women desperately seeking a better life for themselves and for their children.

The recent Domestic Violence Death Review Committee report called for more public education and training about domestic violence. We could not agree more. Each year, we invest over \$208 million in services that support women and protect them from violence, including our domestic violence action plan, which is investing \$87 million in new funding over four years.

The encouraging stories are also real, and I hear them directly from our stakeholders and our partners. We know that women are expressing courage and finding dignity through supports and programs that offer choices—a choice to make a change.

Kate Wiggins is the executive director of the Women's Community House in London. She and her team of impassioned and inspiring women witness the cycle of abuse every day. The struggle to leave is real. In Kate's words, "It's what you know and it's who you love." She speaks of mothers who choose to return to an abusive household simply because of the devastating pressure of their children wanting their family to be intact. But she also speaks of the incredible change and hope she sees—and that we see—throughout the province.

Research shows that positive attitudes adopted at an early age are a critical way to tackle violence before it happens. Our Equality Rules campaign focuses on getting our kids thinking and talking about respectful, healthy and equitable relationships. We have developed tools for teachers to use in the classroom.

Our Neighbours, Friends and Families public education campaign focuses on recognizing the warning signs of abuse so we all know what to do to help. The materials are simple and effective. They suggest signs to look for. For example,

"She may be apologetic," and make excuses for her partner's behaviour....

"She seems to be sick more often and misses work  
"She tries to cover her bruises."

We have implemented this campaign in over 140 communities, and it continues to grow, reaching more and more communities across the province. It has been culturally adapted to serve aboriginal Ontarians through the Kanawayhitowin program, and Voisin-es, ami-es et familles for French-speaking Ontarians.

We're also training our front-line service providers and our professionals to see the early signs of abuse and offer appropriate response, information and supports. So far, over 9,000 professionals have been trained through this program.

Women abuse prevention is everyone's business. There is still work that needs to be done for women to be safe. But I am encouraged when I hear Kate Wiggins say that this is the first government that has had a domestic violence action plan. And we have made some strides. We will continue to work toward ending women abuse in Ontario.

**The Speaker (Hon. Steve Peters):** Responses?

### HEALTHY SCHOOLS

**Ms. Laurie Scott:** I'm pleased to respond, on behalf of the official opposition, to the statement by the Minister of Health Promotion and the Minister of Education.

As the opposition critic for the Ministry of Health Promotion, and a registered nurse, I do agree that health promotion initiatives should take into account the importance of teaching Ontarians, especially younger Ontarians, about the importance of making healthy choices in terms of eating and staying active and learning.

In my riding of Haliburton–Kawartha Lakes–Brock, I'm pleased to recognize the Trillium Lakelands District School Board for some of the healthy choice initiatives implemented, including the healthy breakfast and snack nutrition programs, as well as the healthy fundraising program.

The Kawartha Pine Ridge District School Board has also worked to implement a nutrition policy that includes more active and healthier school days for students.

The Durham region, which is part of my riding, has also shown some real leadership in focusing on healthier students. But children and young people have a right to access healthy products and activities in their schools.

**1530**

What both the Minister of Education and the Minister of Health Promotion have failed to address is a matter of equal and even further importance. It's the fact that children and young people also have a right to feel safe in the schools that they attend. I point to the newspaper article from today that lists no less than 13 incidents of severe kinds of school attacks this year, and this is only in the greater Toronto area. The disturbing list includes numerous beatings, nine cases of stabbings and three cases of shootings, culminating in yet another stabbing of a 15-year-old student in Don Mills yesterday. My colleagues from Newmarket–Aurora as well as Burlington, along with our entire caucus, have repeatedly called on the minister to implement mandatory reporting on school violence. The minister has refused to act. We owe it to all people in the province of Ontario, young people and their parents, to ensure that those in positions of responsibility are ensuring a safe and secure learning environment.

Back in June, the Minister of Education promised she would be considering a report from the safe schools action team to deal with the instances of school attacks. She said this report would be due in the fall. It's a pretty chilly day out here. I think fall has happened—no report and no response. The chair of that team who is also responsible for the missing report is none other than the member from Guelph. I ask this House, will we be hearing from the member from Guelph any time soon? Or has she decided that political science is more important than ensuring proper protocols exist for the safety of young students in schools cross this province?

I doubt that the parents and guardians of children in schools that are listed on page 3 of the Toronto Sun have faith in Minister Wynne and the member from Guelph when they say, "Wait and see," which is their attitude to

tackling school safety. I am amazed that they can sit idly by and be silent and compromise the safety of our young children, all in the name of political correctness.

Lessons in fat-free foods and healthy lifestyles are always important, but Progressive Conservatives also believe that the safety of the environment where our children go to learn is as vital to their future as the content of their lunch pails.

### WOMAN ABUSE PREVENTION MONTH

**Mrs. Christine Elliott:** I'm pleased to rise today to acknowledge Woman Abuse Prevention Month. This month provides us an opportunity to bring about awareness and further understanding concerning the issue of violence against women.

I'm pleased to announce that in my community, Durham College will be running a series of events in recognition of Woman Abuse Prevention Month. First, the college will be holding a Jeans for Justice campaign. In remembrance of an overturned 1998 rape conviction, Durham College students will write messages on jeans to reconfirm their commitment to the reduction in violence against women and sexual assault. On November 20, Durham College is inviting community members to listen to public speaker Jackson Katz, one of America's leading advocates for the prevention of violence against women.

This year, Durham Region Transit will be showing their support of Woman Abuse Prevention Month by posting ads on their buses for The Denise House, a women's shelter in my riding, at no charge.

I would also like to acknowledge the work of The Denise House, Bethesda House, Muslim Women's Welfare Home and the YWCA. These are all women's shelters in my community that work tirelessly to assist abused women in fleeing domestic violence.

Finally, I would like to acknowledge and commend my colleague the member from Durham for bringing forward the Lori Dupont Act as a private member's bill. This would facilitate the obtaining of a court order for restraint by using a justice or a JP from a family court on a 24/7 basis. I would certainly urge all members of this House to support it. It was previously brought forward by the previous member for Whitby–Oshawa but was never proclaimed. I hope that upon reflection, the members of this House will realize the importance this act brings forward and the important safety it brings forward to women trying to flee difficult domestic situations and that it could save lives. I hope all members will consider this when this bill is brought forward.

### WOMAN ABUSE PREVENTION MONTH

**Ms. Cheri DiNovo:** I rise to acknowledge Woman Abuse Prevention Month. I wish I didn't have to. We live in a culture of violence against women, such that StatsCan says that one in every two women is going to be the victim of assault or abuse in her lifetime. To bring it home, that means that of all the women MPPs here, 50%

of them have experienced, statistically speaking, abuse or assault. It means that every member's mother here, independent of that member's gender, has probably experienced sexual abuse or assault. It means that our daughters—there are members here whose daughters have experienced sexual abuse or assault. It certainly doesn't bode well for our granddaughters.

It's not enough to simply acknowledge a month. It's absolutely imperative that we act. To that end, I've tabled a motion calling upon all women here to form an all-party non-partisan committee to look at ways of ending abuse and assault against women. This cannot be a partisan affair. Here is what we need to do, among other actions.

Number one, we need women's studies in our schools. The Miss G Project has asked for this time and time again. We still don't have it.

We need safe transition housing, as well as more shelter beds for those who are escaping abuse. We still don't have adequate numbers of shelter beds; we still don't have transition housing.

We need, primarily, economic equity. Someone who is economically dependent upon their abuser will never be free from that abuser.

We need, certainly, funding to go to the equity commission. We now have a situation in Ontario where women make 71 cents on the dollar that men make. We need action there.

We need a living wage because the face of poverty is a female face; it's mainly women who make minimum wage. We need \$10.25 an hour now, and indexed to inflation.

As I say again, we need to put our resources behind finding solutions. That means an all-party committee of women who are going to work together to end abuse. We have failed our mothers, we have failed ourselves, we have failed our daughters, and we will fail our granddaughters unless we act now.

### HEALTHY SCHOOLS

**Mr. Rosario Marchese:** I'm happy to respond to the Minister of Education's statement on the Healthy Schools initiative. I want to say, it's hard to be negative about these announcements, but it is equally hard to be positive, I have to tell you. You have these little mini-approaches to the better health of our students, these little initiatives, but they do not replace and cannot replace a comprehensive approach to health and healthy students. That's what we're dealing with here.

Of course we know that schools have an amazing potential to help young people develop healthy habits and teach them to make healthy and wise choices well into their lives. When you state in your statement that when students are healthy they learn better, wouldn't it be better to eliminate poverty? Because that, in my view, and yours, I suspect, would go a long way to improving the learning of our kids. That would be a comprehensive

approach to dealing with learning and why it is that some kids do not learn.

Then you say that using the Eating Well Looks Good on You recipes, for example, is a great way to promote healthy eating in schools. I propose, and I think it would be better and you might agree, that if we had family studies programs in our elementary schools, if they were reinstated in our schools, that would teach children about food and healthy living in a systematic, comprehensive way. Wouldn't that be a better way to go? And by the way, rather than getting children to jump up and down for 20 minutes in their classrooms, wouldn't it be better to have physical education teachers in our schools, rather than having only 35% of our schools have gym teachers?

We look at better ways to dealing with problems. Wouldn't it be better to keep schools open, particularly in rural and northern communities, rather than having students be on a bus for hours to get to their schools? Wouldn't it be better, in a much more comprehensive way, to support my bill, which says, let's ban advertising to kids under the age of 13—a banning of ads for calorie-rich and nutrient-poor foods? Wouldn't that go a long way to keeping our kids healthy?

I say to you, Minister, these little, mini-approaches are nice, but can't you think of a better way to do it, a more comprehensive approach that deals with the health of our kids? That's what I propose to you.

### PETITIONS

#### LOGGING ROUTE

**Mr. Norm Miller:** I have received more petitions to do with logging through the village of Restoule. This petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the Nipissing forest management plan proposes to use Hawthorne Drive in Restoule, which features a single-lane bridge and narrow and steep sections; and

“Whereas area residents have grave concerns about community safety, traffic speed, truck noise and general wear and tear of Hawthorne Drive and the bridge in the village of Restoule; and

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“Whereas the proposed route travels past the Restoule Canadian Legion and two churches; and

“Whereas alternative routes are possible via Odorizzi Road and Block 09-056;

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

“That the government of Ontario put the safety and concerns of the people of Restoule ahead of logging interests and ensure an alternate route is selected for the Nipissing forest management plan.”

I support this petition.

### FIREARMS CONTROL

**Mr. Tony Ruprecht:** This petition is about the Unlawful Firearms in Vehicles Act, Bill 56. It's a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas innocent people are being victimized by the growing number of unlawful firearms in our communities; and

"Whereas only police officers, military personnel and lawfully licensed persons are the only people allowed to possess firearms; and

"Whereas a growing number of unlawful firearms are transported, smuggled and found in motor vehicles; and

"Whereas impounding motor vehicles and suspending driver's licences of persons possessing unlawful firearms in motor vehicles would aid the police in their efforts to make our streets safer;

"We, the undersigned, therefore petition the Legislative Assembly of Ontario to pass Bill 56, the Unlawful Firearms in Vehicles Act, 2008, into law, so that we can reduce the number of crimes involving firearms in our communities."

Since I agree with this petition 100%, I'm delighted to sign it.

### LONG-TERM CARE

**Mr. Ted Arnott:** I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas Ontarians who now live in long-term-care homes are increasingly older, frailer and have greater complex care needs;

"Whereas our elder parents, family and friends deserve to live with dignity and respect;

"Whereas the McGuinty Liberal government failed to revolutionize long-term care and broke its promise to seniors to provide \$6,000 in personal care, per resident;

"Whereas five years of Liberal inaction has restricted Ontario's ability to meet the demands of our aging population;

"Whereas more than 24,000 Ontarians are currently waiting for an LTC bed;

"Whereas Ontario funds significantly less resident care than Alberta, British Columbia, Manitoba and New Brunswick;

"Whereas dedicated LTC homes are short-staffed and have not been given resources to hire enough front-line workers to provide the level of care residents require;

"Whereas devoted LTC staff are burdened by cumbersome government regulations;

"Whereas some 35,000 seniors are living in LTC beds which do not meet more home-like design standards introduced in 1998 by the former PC government;

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

"That the McGuinty government must enhance long-term care by: initiating a sector-wide staffing increase of 4,500 full-time positions within a year; expediting the

redevelopment of Ontario's 35,000 oldest long-term-care beds by providing adequate support and funding; achieving an average of three worked hours of personal care, per day, within a year; simplifying the regulations which govern nursing homes; producing a comprehensive plan with benchmarks to reduce LTC wait lists of more than 24,000 people; addressing inflationary pressures by adequately funding the increased operating costs of LTC homes."

I totally support this petition and have affixed my signature to it.

### FERTILITY TREATMENT

**Mr. Pat Hoy:** "To the Legislative Assembly of Ontario:

"Whereas the prevalence and growing incidence of infertility in our population is a medical issue that demands the attention of our public health care system and should be placed on the agenda for funding;

"Whereas fertility treatment, including in vitro fertilization, is a proven medical solution that is unfairly limited to those with the financial means to pursue it, and it should receive significant coverage through the Ontario health care system as soon as possible;

"Whereas in vitro fertilization should be fully funded when deemed medically necessary, without discrimination based on cause or gender; and

"Whereas it is long overdue that financial assistance for fertility treatment be offered to Ontarians. We are residents of the province of Ontario and request that the Ontario provincial government address this important issue.

"We, the undersigned, strongly support the inclusion of financial assistance by the Ontario Ministry of Health under the Ontario health care program for all fertility treatment for Ontarians, male and female."

I have over 2,000 signatures with this petition and I have signed it.

### PENSION PLANS

**Mr. John O'Toole:** I have a petition on behalf of my constituents in the riding of Durham, and the first signature, by the way, is Claudia Sytsma. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas consumers rely on timely and accurate information from insurance companies and other financial institutions when they apply for access to locked-in pension funds;

"Whereas the disclosure of wrong or incomplete information about pension fund access can have devastating consequences for the consumers;

"Whereas the Financial Services Commission of Ontario (FSCO) is currently limited in its power to enforce standards for the disclosure of information about access to pension funds;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario to enact the necessary laws or regulations that will enable the Financial Services Commission of Ontario (FSCO) to hold financial institutions fully accountable for information they give clients about access to pension funds,” and other financial instruments in the province of Ontario.

I am pleased to sign this and support it for all those pensioners who are concerned about locked-in retirement funds.

### HOSPITAL FUNDING

**Mr. Bob Delaney:** I have a petition to the Ontario Legislative Assembly that was provided to me by Mr. Ken Elsey, president and CEO, Canadian Energy Efficiency Alliance, and a resident of Lisgar in the great riding of Mississauga–Streetsville. It reads as follows:

“Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the vigorous capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could be performed in an off-site facility, thus greatly increasing the ability of surgeons to perform more procedures, alleviating wait times for patients, and freeing up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2008-09 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

I am pleased to sign and to support this petition, and to ask page Willem to carry it for me.

### GASOLINE PRICES

**Mr. John Yakabuski:** I have copies of petitions assembled throughout the province during the intersession, including a resolution from the township of Stirling-Rawdon.

“To the Legislative Assembly of Ontario:

“Whereas the skyrocketing price of gasoline is causing hardship to families across Ontario; and

“Whereas the McGuinty Liberal government charges a gasoline tax of 14.7 cents per litre to drivers in all parts of Ontario; and

“Whereas gasoline tax revenues now go exclusively to big cities with transit systems, while roads and bridges crumble in other communities across Ontario; and

“Whereas residents of Ontario have been shut out of provincial gasoline tax revenues to which they have contributed; and

“Whereas whatever one-time money has flowed to municipalities from the McGuinty Liberal government has been neither stable nor predictable and has been insufficient to meet our infrastructure needs;

“We, the undersigned, petition the Legislative Assembly of Ontario to redistribute provincial gasoline tax revenues fairly to all communities across the province.”

I support this petition and sign it, and send it to the table with Ethan.

### FERTILITY TREATMENT

**Mr. Tony Ruprecht:** Mr. Speaker, thank you very much for recognizing me again on this important issue of funding for in vitro fertilization. The following is sent to you by about 25 people:

“Whereas the prevalence and growing incidence of infertility in our population is a medical issue that demands the attention of our public health care system and should be placed on the agenda for funding;

“Whereas fertility treatment, including in vitro fertilization, is a proven medical solution that is unfairly limited to those with the financial means to pursue it, and it should receive significant coverage through the Ontario health care system as soon as possible;

“Whereas in vitro fertilization should be fully funded when deemed medically necessary, without discrimination based on cause or gender;

“Whereas it is long overdue that financial assistance for fertility treatment be offered to Ontarians. We are residents of the province of Ontario and request that the Ontario provincial government address this important issue.

“We, the undersigned, strongly support the inclusion of financial assistance by the Ontario Ministry of Health under the Ontario health care program for all fertility treatment for Ontarians, male and female.”

Since I agree, I appreciate this opportunity.

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### EMERGENCY DISPATCH SERVICES

**Mr. Norm Miller:** I have a petition to do with 911 communication services in Muskoka and it reads:

“To the Legislative Assembly of Ontario:

“Whereas the Ministry of Health and Long-Term Care is considering relocating emergency ambulance and fire dispatch services currently provided by Muskoka Ambulance Communications Service to the city of Barrie; and

“Whereas up to 40% of all calls received are from cellphones from people unfamiliar with the area; and

“Whereas Parry Sound–Muskoka residents have grave concerns about the effect on emergency response times if dispatch services are provided by dispatchers who are not familiar with the area; and

“Whereas 16 Ministry of Health and Long-Term Care-funded jobs, held by qualified communication officers from local communities, may be lost as a result of the relocation of dispatch services to the city of Barrie,

“Now therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario put the safety, health and economic concerns of the people of Parry Sound–Muskoka ahead of government efficiency interests and ensure that emergency dispatch services continue to be provided locally by Muskoka Ambulance Communications Service.”

I support this petition.

### HOSPITAL FUNDING

**Mr. Peter Kormos:** I have a petition that was sent to Bob Delaney, MPP from Mississauga–Streetsville, that reads:

“Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the vigorous capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could be performed in an off-site facility, thus greatly increasing the ability of surgeons to perform more procedures, alleviating wait times for patients, and freeing up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2008-09 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

I send this with page Kevin Turner to the Clerks’ table.

### POPE JOHN PAUL II

**Mr. Bob Delaney:** I certainly thank my colleague from Welland for his effort, and I have a petition to address to the Parliament of Ontario that I’d like to read in support of my colleague from Newmarket–Aurora. It reads as follows:

“Whereas the legacy of Pope John Paul II reflects his lifelong commitment to international understanding, peace and the defence of equality and human rights;

“Whereas his legacy has an all-embracing meaning that is particularly relevant to Canada’s multi-faith and multicultural traditions;

“Whereas, as one of the great spiritual leaders of contemporary times, Pope John Paul II visited Ontario during his pontificate of more than 25 years and, on his

visits, was enthusiastically greeted by Ontario’s diverse religious and cultural communities;

“Therefore we, the undersigned, petition the Parliament of Ontario to grant speedy passage into law of the private member’s bill An Act to proclaim Pope John Paul II Day.”

This is signed by a great many people, including many in my own riding of Mississauga–Streetsville. I’m pleased to add my signature to it and to ask page Andrew to carry it for me.

### SPECIAL INVESTIGATIONS UNIT

**Mr. John O’Toole:** I’m pleased to present a petition to the Legislative Assembly of Ontario which reads as follows:

“Whereas on September 18, 2005, James Maltar died from a gunshot wound at a police station;

“Whereas the SIU concluded he overpowered two police officers and shot himself;

“Whereas the Maltar family are not satisfied that there has been sufficient proof concerning the cause of James Maltar’s death;

“Whereas the Ontario Ombudsman, in his report on the province’s special investigations unit, was critical of the SIU for a number of practices and described the SIU as becoming ‘complacent’ about ensuring that police officials follow the rules;

“Whereas the James Maltar investigation was among seven cases highlighted in the recent Ombudsman’s report, with the Ombudsman noting that witness officers and civilians in the Maltar case were not interviewed for more than one week following the incident;

“We, the undersigned, petition the Legislative Assembly of Ontario to request that the Attorney General instruct the SIU to reopen its investigation into the death of James Maltar.”

I’m pleased to sign this in support of my constituent and his family.

### ORDERS OF THE DAY

#### WORKPLACE SAFETY

#### AND INSURANCE

#### AMENDMENT ACT, 2008

#### LOI DE 2008 MODIFIANT LA LOI SUR LA SÉCURITÉ PROFESSIONNELLE ET L’ASSURANCE CONTRE LES ACCIDENTS DU TRAVAIL

Mr. Fonseca moved second reading of the following bill:

Bill 119, An Act to amend the Workplace Safety and Insurance Act, 1997 / Projet de loi 119, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l’assurance contre les accidents du travail.

**The Speaker (Hon. Steve Peters):** Debate?

**Hon. Peter Fonseca:** Mr. Speaker, I will be sharing my time with my parliamentary assistant, the member for Brampton West.

In leading off this debate on this bill, I'd like to underscore that, at the very heart of our proposed legislation, it's about safety, fairness and protection for those who work in Ontario's construction industry. The construction industry is a key economic driver in Ontario; over 400,000 people work in this industry.

I'm very proud to say also that our government has made significant investments in infrastructure—actually, through ReNew Ontario, \$30-billion-plus. That's investments in public transit, in our highways and our bridges, in our schools, in our hospitals, in affordable housing. All of these investments are helping to build a strong Ontario. They are vital to our competitiveness. In turn, we feel that it's of the utmost importance to protect those that are building that infrastructure, to make sure that we are investing in those that build.

Our proposed amendments to the Workplace Safety and Insurance Act, 1997, will be good for the province's construction industry as they will help fight the underground economic activity in construction. The underground economic activity in construction is a significant problem. It's a problem that is estimated at about 84,500 people working in the underground economic activity in construction. What does that mean? Well, recent estimates by the Ontario Construction Secretariat have indicated that \$2 billion is lost to all levels of government. We want to continue to make investments in education, in health care, in our universities and our colleges, in our communities, with municipalities, and I know that that \$2 billion would go a long way to helping with those investments.

The proposed bill, if passed, would extend mandatory workers' compensation coverage to independent operators, sole proprietors, partners in a partnership and executive officers of corporations in the construction industry. These individuals are not currently required to purchase Workplace Safety and Insurance Board coverage. So why are we mandating that they do take WSIB insurance coverage? Today, I can tell you that there are individuals within the construction industry who declare themselves as independent operators or some other declaration, like executive officers, but the fact is that they are working on these construction sites and they're not insured. We want to make sure that their health and safety is taken care of, that they are insured.

It also affects all those good players, all those other construction workers—we have a lot of construction work going on here, around Queen's Park, right now, and many of those workers are insured; we would hope all of them. But we're not sure if all of them are insured and are paying their premiums to WSIB—making sure that we strengthen a system that has helped workers for close to 100 years in this province.

Our proposed legislation would mean a safer work environment for those whom it would cover. In addition to the financial protections provided by WSIB coverage,

individuals covered by workers' compensation have access to health and safety education and training resources, and they become part of a system, a system that tracks injuries and assists in injury prevention, as well as health and safety enforcement efforts.

**1600**

Through education, training, enforcement and insurance of these workers, we have built one of the healthiest, safest and fairest places to work in the entire world. We are the envy of many other jurisdictions. Many look to us to see what we have in place.

Within the system, we do a number of things: One, we look at making sure that when it comes to health and safety, we bring best practices to the construction sector and all other sectors. Within the construction sector, we have our health and safety associations that help businesses, be they small, medium or large enterprises, to be able to bring forward those best practices to help those businesses address health and safety in the workplace, and also to be able to deliver the message about how it affects their bottom line.

The businesses that have invested in health and safety and fairness with their workers are those enterprises, those organizations, be they small or big, where workers want to continue to be. Their retention levels are very high; their absenteeism is very low. The morale is very high. Those are the companies that are here for the long run. Those are the companies that have helped build the great province that we have here in Ontario. We want to make sure that we are there as a partner with them: labour, employers, employees, government working together for the health and safety of our workers.

The WSIB coverage provided under our bill would bring a sophisticated and necessary prevention component, return-to-work training and other services that those not currently part of the WSIB system don't have. Our bill would provide fairness at a time when it's more important than ever to provide a level playing field for construction employers who pay WSIB premiums and are part of this system. There are some groups, some members in this House, who would rather turn a blind eye to those in the underground economy within construction or other sectors. There are those here who would condone the practice of not having a level playing field, making sure that everybody who is bidding on a contract is bidding by the same rules. Well, we don't feel that way on this side of the House. Fairness is a principle that we should all live by. Fairness is something that I know has always been a part of my life.

As an athlete, I had the opportunity to represent Canada in the Olympic games—I ran the marathon. I love sport. I'm passionate about sport. It doesn't matter if you're on the ice, the baseball field, or in a race on the track, you want to make sure that there's an even playing field—that everybody is playing by the rules. I didn't like when the rules were broken in sport, and I don't like when the rules are being broken in construction.

This will go a long way to addressing that. Our legislation would help construction employers be com-



petitive in the marketplace when bidding on those jobs. I think everybody would agree that we should play by the rules, that somebody on one side of the street who has a company, as compared to somebody on the other side of the street—they all should have a fair shake at being able to get a contract. But especially in these challenging economic times, there are some who will cut corners. There are some who will look at ways to be able to undermine a system that is in place, a system that has worked, as I said, for construction workers for close to 100 years. We want to make sure that we strengthen that system, that we protect those workers, that we address their safety in the workplace and that we make sure those companies, those good players, are playing on a level playing field.

Importantly, our bill provides WSIB insurance coverage to those who are not covered by the system and who may have no insurance in the event of a workplace injury. This is very important, because at the heart of this, we want to make sure that all workers are protected. In the past, there have been workers who have gone into a work site and maybe have thought that their employer was paying their premiums, or at times, with some of these employers or companies that are using these nefarious practices, have been told—even though this worker has been with that company for one, two, five, 10 years—“You’ve got to come into the company as an independent operator. We don’t want to pay those premiums.” Well, that worker gets injured and finds themselves in a tough situation—a tragic story for many workers.

The WSIB at this time will still make sure that that worker gets benefits, because this is about the worker. At the centre of all of this is making sure that we protect them. We will go after that unscrupulous employer who has done this, but we will make sure that that worker will receive benefits. This is something that we want to address. But while that worker is receiving benefits, there has been no payment into the WSIB system for all that time. This is creating difficulties for the system, for the WSIB. There is revenue leakage. Others have been paying for that individual and for those companies that are not playing by the rules. We want to make sure that those monies are paid up and that everybody who is working on a construction site is paying their premiums. Our proposed legislation will act as a needed financial safety net for individuals and their families who might otherwise be unprotected.

Today, an independent operator does not have to be covered by the WSIB or insurance. I know many of us here have heard the stories in this chamber or in our constituency offices. We’ve had some of these workers come into our offices and say: “What do I do now? I’m injured. I’ve hurt my hand. I can’t use a hammer any longer. I can’t use the tools. I don’t have another skill.” They find themselves in a very precarious situation. We don’t want those stories; we don’t want those tragedies. We want to make sure that we continue to have that safety net, that we take care of these workers who are building that needed infrastructure in all our communi-

ties. It could be hospitals, shopping malls, homes, bridges, pipes, sewers. It doesn’t matter; they are all out there.

I have to say that within the construction sector there are many risks. There are risks when you are 20 storeys up on a condo site. There are risks when you are on top of a very peaked roof and you are a roofer. Accidents do happen. We want to make sure, if that accident does happen, that worker and their family know that they are protected.

For those in construction who are faced with a workplace injury, WSIB coverage will mean compensation for loss of earnings at 85% of pre-injury net earnings; payment of health care costs, including services not covered by OHIP; non-economic loss awards for permanent injuries; and compensation for loss of retirement income at age 65. These are a lot of benefits that go a long way and give those workers peace of mind.

#### 1610

I say “workers,” but it helps the employers, it helps the employees, it helps all Ontarians know that we have a system in place here that is world-class, that deals with health and safety, that deals with fairness, and makes sure that we are compassionate.

We understand that there are some on the other side of the aisle here who would rather get rid of all regulations, get rid of all rules—a laissez-faire attitude: “Let it go. Let it be.” We don’t feel that’s right. It would not help those workers on the worksite. It would not protect them. We want to make sure that they are protected. It is something, I believe, that is fundamental to Ontario.

We have, as I said, over 400,000 workers working in this sector. That is a substantial number of Ontarians that we want to make sure, at the end of the day, at the end of their shift, can go home to their families. We’ve heard all too often of injuries that take place on construction sites, and sometimes fatalities.

Now, that may seem like just a number to some people, but for us, it’s a father, it’s a mother, it’s an uncle, it’s an aunt, it’s a son, it’s a daughter who may not be coming home, who may have gone to hospital. We want to limit the number of those calls that come from the police or fire service or an employer saying, “Your son has been injured. He’s in the hospital. It’s critical.” Those are the calls that affect all of us.

To make sure that we can limit those calls and not see those tragic stories, we want to make sure that we address it through a system that we should all be proud of, a system that we’ve built up to defend, to help build an economy here on our infrastructure, and make sure that those workers—many of them, I know, are in my family; my family has many construction workers. I know that I feel peace of mind, even though it costs some dollars. It costs dollars; insurance is not free. It costs dollars; it costs premiums. Yes, but they are dollars well spent for peace of mind, for peace of mind to know that my uncle who works in construction—if, God forbid, he gets injured—is covered. If the injury is so severe that he will not be able to work again, he is covered. This is a measure that will go a long way to being able to do that.

Our government has listened to stakeholders and received valuable input in response to the Ministry of Labour's consultation on mandatory WSIB coverage. Actually, there has been consultation for over 15 years. The last consultation on WSIB coverage in the construction sector was in June 2006. I want to thank my predecessors for the work they've done on this file. In that particular consultation, under Minister Bentley, the ministry received 371 submissions on the proposal, from all different types of business—small, medium and large; from labour groups; from employers; from employees. We listened to all of those stakeholders, and our proposed legislation reflects what they had to say.

There are some cases where you may have a casual worker. I've heard of individuals who help seniors out and do jobs like fixing the kitchen sink or coming in and doing an electrical outlet, where they have to do a little bit of work or fix something on the back porch. Our bill would provide an exemption from mandatory coverage for those individuals who exclusively perform home renovation work on an existing residence and are retained directly by the occupant, such as the homeowner or a family member. As I said, individuals who do home reno and may come in to fix a hole or do a little bit of work around the house would be exempt from this legislation—and they would have to be retained by the homeowner or the owner of the property.

It is our intent that if the proposed amendments are passed, they would be fully implemented by 2012. The 2012 time frame, which is about three years out, is based on the WSIB making the technical and administrative changes that would be necessary to address this proposed legislation, and to speak with construction stakeholders about how the proposed changes would be implemented. They have to update and modernize their IT systems, because what they're going to bring forward is what is called a clearance certificate. When this is fully implemented, when somebody retains a subcontractor or someone coming onto a site, the person who is hiring those people would have to make sure they are WSIB-covered, that their premiums are all paid and that they are in good standing with the WSIB.

We have also looked at how other provinces deal with this issue. Four provinces—Alberta, a Conservative province, Manitoba, New Brunswick, Saskatchewan—require some form of mandatory coverage for independent operators. We have also listened to construction stakeholders who are concerned, as we are, about combating the underground economy. Often we talk about timing. Well, this is the right time, because in these challenging times we want to make sure we protect and help the good players who are out there, those who are playing by the rules.

Some may want to protect the bad actors, those who are not playing by the rules, those who are not paying the premiums, those who are not looking after the welfare of their employees—their health and safety. They may not feel as strongly as I do about the principle of fairness. We have listened to these people. We want to make sure we

combat that underground economic activity—as I said, \$2 billion in revenue we shouldn't be losing that could go a long way invested in long-term-care homes, schools and hospitals.

Our system of mandatory coverage will help us assure that, subject to this bill, independent operators are registered within the WSIB system. This connection to the workers' compensation system, in conjunction with other programs, such as the Canada Revenue Agency, will help to identify those who may be working in the underground economy—one of the ways to stem the underground economy.

Our proposed bill will help us realize the McGuinty government's goal of promoting healthier, safer and fairer workplaces. We want to make sure we help those leaders, those champions out there; that when a worker comes on to the work site, they are wearing their hard hats, their safety goggles and their boots; that they are looking at the environment in terms of how they can address any potential hazards that are out there. These are the types of employers that we feel are helping build a strong Ontario. These are the types of employers that we should help and we should protect, and their employees know it. So we want to help more of these employers grow. We want to help their businesses. We want to make sure that they are the ones that are building our infrastructure, our homes, our condominiums, roads, and universities, because these are the good players. This is the right time for government to take these steps which will benefit all who work in Ontario's construction industry.

#### 1620

I would hope that members in this House can see the light, understand the importance of this legislation and stem something that's been going on for too long. Level the playing field, address health and safety in the construction industry, which has its very unique characteristics, and make sure that we stem that underground economic activity.

At this time, I'd like to thank the members for listening to this proposal, to this legislation that I hope will pass here in this House and that all will support. I would like to allow my parliamentary assistant, Vic Dhillon, from the great riding of Brampton West, to share some words now with the members.

**Mr. Vic Dhillon:** I'm very happy and proud to rise and speak in support of the Workforce Safety and Insurance Amendment Act, 2008.

Everyone who works in our province's construction sector deserves the insurance protection that the Workplace Safety and Insurance Board coverage provides. Under this proposal, independent operators would be able to access extensive prevention services and products tailored to the construction industry through the Workplace Safety and Insurance Board and its system partners. For example, the Construction Safety Association of Ontario provides health and safety training and service support to all construction organizations, as well as to new registrants.

Those who work in our province's construction industry also deserve the safer work practices that our bill will help foster. Under this proposal, individuals who would be required to register with the Workplace Safety and Insurance Board would also now be eligible for WSIB prevention, education and communications materials. As well, these individuals will be entitled to materials and training provided by the Construction Safety Association of Ontario, which is funded through WSIB premiums. Also, once in the WSIB system, injuries are more likely to be reported, which will help both WSIB and the Ministry of Labour to track unsafe worksites and work practices in the construction industry.

I support this bill because it will help us monitor our province's workplaces so we can better direct safety efforts and enforce our laws where these efforts will be best put to use. It is time for this bill, because it will help us to combat the underground economy that makes construction employers who play by the rules less competitive. It is time to help those who play by the rules. The underground economy in the construction industry also presents a challenge in enforcing compliance with health and safety standards. As well, it undermines labour standards and erodes construction quality, putting workers and the public at risk.

I am in favour of this proposed legislation because it has been drafted with stakeholder input. This input led to exemptions in the home renovations field for individuals who exclusively perform home renovation work on an existing residence and are retained directly by the occupant, such as the homeowner or a family member. Both the Provincial Building and Construction Trades Council of Ontario and the Council of Ontario Construction Associations have given the Ministry of Labour important input on this initiative, through consultations and discussions.

This bill is about protection: protection in health and safety, protection for those injured on the job and protection for the construction employers who pay their fair share. We want our province to be the place that sets the example for the rest of the world in workplace health and safety. This bill is simply the right thing for government to do.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Ted Arnott:** I listened with interest to the presentation this afternoon by the Minister of Labour and his parliamentary assistant with respect to Bill 119, but I didn't hear either one of them make reference to the concerns that have been expressed by the Canadian Federation of Independent Business.

Today, I think all MPPs received a letter from Judith Andrew, who is the vice-president, Ontario, of the CFIB. I've known Ms. Andrew for all the years that I have been here in this Legislature, going back about 18 years, and have always found her to be a very fair-minded and constructive advocate for the small businesses in Ontario, willing to work with the government of the day if she feels she's making some measure of progress in terms of the government responding appropriately.

In reading the letter that she sent to the Minister of Labour, which I understand has been copied to all members of this House, I think the strongly worded expression of concern that she has given us bears repeating in this House in the context of this debate.

She says to the Minister of Labour that: "In our long experience, we have dealt with legislators who put forward seriously misguided policies. The WSIB mandatory coverage legislation you tabled today falls squarely in that category. It will not level the playing field; on the contrary, it will tilt it in favour of large, unionized constructors. It will fail to get at the underground economy; present lawbreakers will no doubt evade the new law and dive deeper underground."

She continues: "Most politicians we know are genuinely interested in doing their best for Ontarians. There may be disagreement on what the best is, but at least their motives are pure. We believe that your motivation, on behalf of your government, has far more to do with political opportunism than it does with the policy at hand. This is a shame for Ontario. Shame on you."

I would ask the Minister of Labour to respond to these comments when he has a chance to—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

**Mr. Peter Kormos:** I should indicate to folks that in around an hour's time—that will be around 5:30—that the NDP WSIB critic, Paul Miller, from Hamilton East–Stoney Creek, will be beginning his one-hour lead comments on this bill.

New Democrats believe, of course, that every worker in this province should have access to WSIB coverage. Really, the issues of concern around this are going to be best addressed in committee, and I'm confident that the bill is going to go to committee and that there will be an opportunity for folks who have concerns to raise them in committee. But I've got to say that this one was a relatively easy one for the Minister of Labour. If he's arguing, and I believe he is, that workers should have access to WSIB coverage, why doesn't he take on the financial institutions? Why doesn't he take on the banks, the call centres, where RSI—repetitive strain injury—is rife, especially among older workers, those workers around my age, perhaps a little younger, people who work, yes indeed, at screens and keyboards and have RSI, carpal tunnel syndrome.

If you, like I, talk to a worker from, let's say, Canadian Tire Acceptance down in Welland, a woman who is 50, 55 years old who has developed painful, debilitating carpal tunnel syndrome, you have the unenviable role of explaining to her that this government won't give her access to WSIB coverage and she's on her own. So I say to the minister, this one was an easy one. Show us you've got the right stuff. Show us you've got the royal jelly. Take on the banks, the financial institutions. Bring them into WSIB too.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. David Zimmer:** This is a very good piece of legislation for a couple of reasons. Let me just walk you through about three of them.

First of all, there are many workers out there in the construction business, typically on this home renovation stuff, who are working long hours, typically at low wages, and the employer is not paying their premium. When they are injured, they're on their own. They are not able to access all the insurance provided by the WSIB; they're not able to access all the rehabilitation programs and all that, because they've never been a part of that WSIB world.

**1630**

The fact of the matter is, with the huge number of immigrants in the GTA, an unusually large proportion of new immigrant workers find themselves, through their own circumstances, caught up in this weekend construction/home renovation trade. They've just arrived, they've got some skills and they are anxious to make some money to provide for their families, and they get caught up in this home renovation piece and are not treated as fairly as other workers engaged by responsible employers, who see that they have appropriate coverage under the WSIB. So we have a situation where we have two classes of workers: a class who can access everything the WSIB provides and a class who are excluded. What this legislation is going to do is level the playing field. It's going to bring those hard-working people into the system. This is good legislation.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. John O'Toole:** I just want to put the viewing audience on notice that I'm here today not just as the whip but primarily to listen to the speech by our critic the member from Sarnia-Lambton, Mr. Bailey. He's very knowledgeable, has worked in industry all his life and knows the rules.

What I hear being talked about today, in short-term phraseology, is a tax on small business, a typical Liberal strategy to whack them. But what is really more troubling to me is that there have been no details released recently on the review of the WSIB. I'd like to know the details. What is their unfunded liability? It's astronomical. What are they doing? They're reaching into more peoples' pockets to get themselves out of debt. That's the solution. It's a tax on jobs. That's what it is, and it's frightening. In this time of the economy going south, taxes are going up.

Some I have heard in the back corridors are saying—I'm not sure exactly what they're referring to; it's sort of like the grassy knoll theory—that actually this should be called payback for the working families of Ontario. I'm—

**The Deputy Speaker (Mr. Bruce Crozier):** Will the member for Durham take his seat. We're going to think about how we say these things in a parliamentary way. For you for the rest of the day, I'd appreciate that.

**Mr. John O'Toole:** You're right. I do become emotional every time I see taxes going up and there's no accountability. The WSIB, at one time, had about six

review boards that refused to pay injured workers, and now we're talking about injured workers who may not be covered in the future—these NEL and FEL programs. Injured workers deserve to be covered, and I don't hear that in this bill. I hear it as a tax on small business.

**The Deputy Speaker (Mr. Bruce Crozier):** Minister, you have two minutes to respond.

**Hon. Peter Fonseca:** I want to thank the member for Durham, the member for Willowdale, the member for Welland and the member for Wellington-Halton Hills.

I'll start with the member for Durham, just to address his comments. It seems that he wants to focus on Sarnia. I'll tell you what somebody from Sarnia, Doug Chalmers, the director of Aluma Systems, said about this legislation: "Congratulations. Absolutely brilliant. This will make Ontario a safer workplace and improve the quality of life for all of us." That's from Sarnia.

Thank you very much to the member from Willowdale for advocating, as always, for vulnerable workers and making sure that Ontario's workers are taken care of—their health, their safety—and that there is fairness in the workplace.

I would like to address the comments by the member for Welland about underground industries. This proposed legislation, I say to the member, is due to the unique characteristics within construction. It can be very transient and there's a lot of mobility within the industry, and because of that, underground economic activity has been very difficult to address. This proposal will be able to do that. It will go a long way to addressing that underground economic activity in construction that does have many unique characteristics, as well as levelling that playing field and making sure that everybody is playing by the rules.

To the member for Wellington-Halton Hills, whom I highly respect, I have to say that at the heart of all this is the health and safety of Ontario workers; it's our number one priority. By not doing this, we are allowing those underground economic practices to fester, to threaten health and safety, to undermine labour standards and erode construction quality—

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Robert Bailey:** It's a pleasure to rise to speak to Bill 119, the Workplace Safety and Insurance Amendment Act, 2008.

*Interjections.*

**Mr. Robert Bailey:** Yes, I'd like to speak to the letter from Doug Chalmers. Doug Chalmers happens to be a friend of mine. I spoke to Doug Chalmers last night. He called me from holiday in the west, and I had the opportunity to send the minister's briefing to him. He said, "This isn't what I thought was going to be in the bill when I sent that letter." So you're going to hear from Mr. Chalmers again.

*Interjection.*

**Mr. Robert Bailey:** I was talking to him last night, so you're going to hear from him again.

*Interjections.*

**The Deputy Speaker (Mr. Bruce Crozier):** Order.

**Mr. Robert Bailey:** When this bill was introduced just yesterday, I said that our party had a number of objections to proceeding with this. First, this is a new tax on small business; second, this does nothing to get the WSIB cheats; and third, this tilts the playing field in favour of big business and big labour against small business.

The minister said yesterday that this bill is all about safety, levelling the playing field and combating the underground economy. What a bunch of nonsense. I'd say something else, but that wouldn't be parliamentary. Since the minister announced his intention on Friday the 17th, I have been inundated with calls and meetings from small business and large provincial organizations who think this bill is the wrong way to go.

I'd like to start with dissecting the minister's arguments in favour of this bill. Contrary to what the minister said, this bill does nothing to improve workers' safety in Ontario. If this bill were a serious attempt to make Ontario workplaces safer, the minister wouldn't be forcing it on tens of thousands of businesses who are already registered with the WSIB and who already get their services from the Construction Safety Association of Ontario and inspections by the Ministry of Labour.

The minister could, if he really wanted to, make Ontario workplaces safer by extending the construction safety association's services to those independent operators for a nominal charge, instead of charging them thousands of dollars. If the minister were serious about making our workplaces safer, he would completely remove the exemption for home renovations. Is the minister saying, with this bill, that people working in the home renovation sector don't deserve a safe workplace? I don't think so. He should care as much about the safety of a person rewiring someone's old house as he does about someone rewiring a new house or a new building. But at least he recognizes the impracticalities of getting at the cheaters in the reno business with this legislation.

How does this level the playing field? I don't believe it does, actually. I think this bill tilts the playing field in favour of big labour and big firms. Right now, both large and small construction companies have an exemption for their owners, directors and executive officers. They all play by those rules. No owner or executive officer pays premiums on their own earnings and haven't since workers' compensation originated. Now, if this goes through, all firms will have to pay for their owners, directors and executive officers. Removing this exemption places small firms at a tremendous disadvantage to large firms. Proportionally speaking, this is a much larger hit for a small firm than the larger businesses in Ontario.

It's very funny that the minister's own supporters don't believe that this is about levelling the playing field. Here's what the Council of Ontario Construction Associations said in 2006: "If this change is not made, eventually most construction work will be done with independent operators.... This will also reduce the contracts awarded to union companies who cannot use independent

operators. Non-action very much threatens the growth, and possibly the future, of union construction in Ontario."

To me, that doesn't sound like they want to level the playing field; it means they want to tilt the playing field in favour of big labour.

**1640**

If the minister is seriously concerned about fraudulent claims, he needs to scrap his idea and put his time, energy and resources into developing a named insurance system for the WSIB. I understand that it is complex, but governments do these things all the time. They can do it with CPP, they can do it with EI etc. I don't believe that wasting four years implementing this particular piece of legislation will be helpful to anyone.

Now let's talk about the underground economy. I don't think anyone in this Legislature would object to WSIB cracking down on people who are cheating the system. The WSIB and the Ministry of Labour already have the powers to crack down on cheats. They need to do more on it, and they need to get out of the office and into the field. They actually have to look for them. Everyone would support that. Cheaters cost legitimate companies money, and all legitimate companies would be supportive of the government cracking down on them.

For the House leader's information, I did speak to Doug Chalmers. The member from—

**Interjection:** He's the whip.

**Mr. Robert Bailey:** The whip?

**Interjection:** Yes.

**Mr. Robert Bailey:** The Liberal whip, the government whip. He's not listening. Anyway, he was talking about Doug—he's otherwise engaged.

Just yesterday, David McDonald from the Open Shop Contractors Association said in a press release: "This will force legitimate guys to go illegitimate. To solve the problem, all the WSIB has to do is more audits of small contractors."

Right now, independent operators have to register with the WSIB as independent operators. The first people who are going to be impacted by this piece of legislation are those in the above-ground economy, not the underground economy. The WSIB and their people already know who the legitimate employers are because they're registered with them already, which actually raises an interesting question. The Minister of Labour has said that this bill will take four years to implement. I was told in my briefing from his staff that this is because it would take the bureaucracy at the WSIB two years to update their IT system. Maybe they should get some new people in to do that.

I found this odd since the WSIB already has the capacity and regularly registers independent operators and actually offers voluntary coverage. So if they already can register and track independent operators, why do they need to take so long updating their IT system? I have a feeling that this delay in implementing may have more to do with getting past the next election, before the new tax

on small business kicks in, than it does with giving the WSIB time—

**Interjection:** The Minister of Labour is leaving.

**Mr. Robert Bailey:** We'll talk to him tomorrow. This won't be the last he'll hear from me.

The people who are impacted immediately by this bill—the House leader wasn't here when I commented on—

**Interjection:** He's the whip.

**Mr. Robert Bailey:** The whip. Sorry.

I had that read back to me yesterday by the minister, about Mr. Chalmers. Well, as I said earlier—when you weren't here—Mr. Chalmers and I spoke as late as last night. He said, "That's not what I understood the bill was going to be when I sent that letter." I sent him a copy of the briefing, so you're probably going to be hearing from Mr. Chalmers and a lot of other employers who had another understanding of what the bill would be. I won't use another word.

**Interjection:** They were misguided.

**Mr. Robert Bailey:** They were misguided.

The people who are impacted immediately by this bill are those who are already registered with the WSIB and paying premiums for their employees and those independent operators already certified to pay premiums. Both of those groups are the above-ground economy.

Who is underground? The ministry and the WSIB already have the tools that they need to crack down on the underground economy, and they don't want to use them. They want to go after the low-hanging fruit for the quick hit of the premiums.

This reminds me of another way of taxing. I think that's where the banks got that idea for "hands in your pockets." I'm sure they must have been overhearing some caucus meetings, and they must have figured that out when they ran that commercial.

The other issue we hear a lot about is how this bill, the Workplace Safety and Insurance Amendment Act, makes sure everyone plays by the rules. Again, I would point out that the people who are impacted by this are already playing by the rules, and the rules are the same for everybody. What the minister is doing with this bill is changing the rules from a system that has been in place for these employers and workers for almost a hundred years. This will force business owners to pay those premiums.

The Canadian Federation of Independent Business has been remarkably consistent on this issue for years. I think the government and the government members would be wise to listen to them, because every one of the government members and the members on this side of the House have small businesses in their riding. They are, in fact, the only sector that's probably going to see us through this recession that we're into. So I think we should do everything we can to encourage their operation, work with them and not bring in more taxes. That's what this is, essentially.

For years now, the CFIB has been telling you to get your inspectors out of their offices and to go out and find

the cheats and enforce the rules we have now. These cheats are hurting all law-abiding businesses and need to be caught.

Minister, if you or your staff can't enforce the current laws, why should we assume that by giving you this new bill, you can enforce any new ones? I don't believe this is about stamping out the underground economy at all.

I will let others comment on what they believe this is really about. I have here a letter I'd like to read into the record. It's addressed to the Honourable Peter Fonesca, Minister of Labour.

"Dear Mr. Fonseca,

"In our long experience, we have dealt with legislators who put forward seriously misguided policies. The WSIB mandatory coverage legislation you tabled today falls squarely in that category. It will not level the playing field; on the contrary, it will tilt in favour of large, unionized constructors. It will fail to get at the underground economy; present lawbreakers will no doubt evade the new law, and dive deeper underground. It will not make one iota of difference on health and safety; companies with employees already have access to services from the safety association. What it will do is penalize the above-ground operators, who are already subsidizing the cheats, by requiring them to increase premiums"—and they've estimated this to be as much as \$11,000 per year per operator—"in respect of their owners, officers and directors."

**Interjection:** It's a new tax.

**Mr. Robert Bailey:** Yes, it is a new tax. We were promised by the Premier and the finance minister that there would be no new taxes in this budget. This is just another way of doing that.

"And, it will expose the WSIB to the nightmare of more unfounded claims from individuals who, in fact, are their own employer, and who will decide for themselves whether and for how long to claim benefits, perhaps even retire on that system.

"What is unprecedented about your actions today is the level of betrayal of small and medium-sized business. Your government's commitment ... to a 'named-insured' approach to catching cheaters was not fulfilled; even though it was engineered to falter, it wasn't concluded. Your failure to consult with CFIB, to even await your first meeting with us, before announcing your intentions can only be described as incredibly poor form. Your pleasant phone message indicating that as a brand new minister you wanted to work with CFIB, belied your involvement in making a secret deal on mandatory coverage with" these people. "Springing this terrible announcement on hard-working small business people during Small Business Month, at a time when the economic outlook is shaky, is incredibly insensitive. Your seemingly cocky, uncaring attitude to the 25,000 action alerts that we delivered from our members was distressing. And, we see it as, frankly, dishonest, that you equivocated, as recently as last Thursday, concerning your schedule for introduction and passage of the legislation.

"Most politicians we know are genuinely interested in doing their best for Ontarians. There may be a disagree-

ment on what the best is, but at least their motives are pure. We believe that your motivation, on behalf of your government, has far more to do with political opportunism than it does with the policy at hand. This is a shame for Ontario. Shame on you.

"Yours truly,

"Judith Andrew

"Vice-president, Ontario."

This legislation allows cheaters to prosper, while cracking down on the good guys. The day after this bill is enacted, WSIB will ask the above-ground operators to pay more on their owners, officers and directors. The bad guys in the underground economy aren't going to surface any time soon. In the meantime, this new category of covered individuals opens the WSIB to abuse of claims. This is the reason that, for EI purposes federally, leaders of companies—owners, officers etc—aren't allowed to participate. No sane government would allow someone to lay himself off. Likewise, they shouldn't allow someone to decide whether they are injured or not.

#### 1650

If someone in the owner, officer, director or independent operator category has decided to break the law by posing as an employee when he is injured, how will changing the law affect that lawbreaker? Chances are, the lawbreaker will have no qualms about continuing to break the law. The only check on that would be to insure the employees by name, so that only a named employee could later lodge a claim for benefits. Tighter administration will get at the cheating. A change to the law will see lawbreakers scoffing at the change and continuing their bad ways.

This is why we believe on this side of the House that the government shouldn't waste their time on this type of program when their energy and resources should be spent on creating a named insurance system so that we know exactly who is covered and who is not. The minister has stated that he believes that this bill will provide WSIB coverage to non-protected workers. We don't believe that to be the case.

I'd also like to read a number of e-mails that were provided to me from the Canadian Federation of Independent Business. These are people's own stories.

"I have a hard enough time keeping my company running without increasing my costs. My guess is that, should my husband or I get injured and attempt to make a WSIB claim (should we be forced to pay premiums on ourselves), the likelihood of the claim being paid out would be slim.... I cannot afford any more expenses with regards to my business. I hardly pay myself as it is."

Another one: "This is a very serious issue that could undermine many legitimate businesses. Please put forth every effort that is possible to fight this potential threat from destroying the lifeblood of our construction industry. Why is the construction category being targeted so badly?"

"I already pay for my own coverage through insurance policies which work out to be cheaper in the long run with better coverage."

"Allow independent operators to provide a private insurance plan in lieu of an inefficient WSIB plan. This would be less costly and provide better disability coverage."

"We are strongly opposed to the mandatory WSIB coverage in construction. This will do nothing to help the underground economy—only weaken honest companies."

"They are an insurance product. If there is a problem it should be addressed. Employees are abusing the system. If we crush the so-called underground economy there will be no incentive for companies" to do a good job.

There's another one: "This is nothing more than a cash grab from WSIB, and I have a bad feeling it will get through. Our particular industry, the HVAC-R, is getting legislated to death, with very expensive certification being rammed down our throats from TSSA. With the loss of so much industry in Ontario, the still-healthy construction sector is attracting the attention of cash-hungry government divisions. This group can and is largely covered by private disability insurance, and that's enough."

So you see, Mr. Speaker, and to the people listening tonight in the TV audience out there, this is an issue that we're going to have to keep pushing. I say that when our members go back to our ridings on the weekend and subsequent weekends, and the government members—all the opposition as well—we're going to be hearing, I'm sure, from our small business people, who are struggling every day to provide jobs in their community. You'll have to answer to your people; I know I'll have no problem answering to mine.

Here's another e-mail: "Ontario is one of the most expensive places to do business. The government is driving people out of business or forcing them to move with excessive regulation. We do not have secure electricity at a reasonable price. We are already considering moving; this would make our exit almost assured."

"Inefficient and slow moving. WSIB places too much responsibility on the employers following an injury ... (letters offering light duty etc.) It does not respond promptly to the needs of injured workers."

"How including more people in this would help this, we're not sure."

Another one: "Just another nail in the coffin for small companies already working 12 to 14 hours per day trying to keep bills paid. (Reminds me of the latest advertisement showing someone with their hand in your pocket.)" I think the member from Welland spoke about that, but anyway.

"This is a principle argument—owners cannot (nor would they want to) collect WSIB benefits—why should we pay the premiums? We can't collect EI either, but we're not required to pay those premiums."

"Only the businesses that are already complying with the law will be harmed by this," because they are the first businesses that the minister and his labour department will go after.

Another one simply says three words: "I am outraged." I'm sure he speaks for a number of people in the small business sector throughout Ontario.

"We do not need more government taxes from one of the public bodies with some of the highest-paid civil servants already."

Another one: "We will cease business...."

"There are a lot of people collecting WSIB who should not be. The agencies should spend some of their staff time going after these" people instead of going after the people who make the jobs.

Another one: "Please do not allow this to happen.... It will just penalize legitimate companies ... those that are under the radar will continue to be there."

"Our firm is a medium-sized company and all employees contribute to WSIB with the exception of one. My concern will be for the 'mom and pop' company that will in no way be able to include this increase in their pricing."

"WSIB cannot be used as a 'tool' to manage the construction industry. It is a 'benefit' to those who choose to follow its guidelines."

"Good luck. The current system is punitive, expensive and unfair to legitimate contractors. It is also incredibly unfair."

Another new one: "This is possibly the worst news I have heard in quite a while. If this indeed happens, it will very negatively affect the building industry and the economy as a whole. Fight like crazy to do away with this proposal."

"Requiring mandatory coverage for executive officers, directors and for that matter office staff (most of whom rarely if ever set foot on a construction site) is just plain dumb. Whose 'brilliant' idea was that?"

"Implementing mandatory WSIB is another direct hit on small businesses and will do nothing"—nothing—"to prevent the underground economy. How is beating up on registered employers going to help the situation? My advice? Make it really easy to get coverage. Make the price reasonable and everyone will want coverage."

"If I can deduct all construction cost from my personal income tax these cheaters will be out of business because they would have to issue a receipt."

**Mr. John Yakabuski:** What's with the clock?

**Mr. Robert Bailey:** I'm done already, am I?

**Mr. John O'Toole:** No, you've got time.

**Mr. Robert Bailey:** "WSIB has been a typical government-run organization with more inefficiencies than efficiencies. Private insurance is a fraction of the cost. Perhaps it should be mandatory that you prove that you have private insurance in lieu of WSIB. That would save billions."

"I'd like to know where the thousands of dollars our company pays annually" go now. We are accident-free and pay a high premium. The reporting to WSIB is time-consuming and frustrating, as we have to enforce WSIB certificates for every trade we use."

I won't say this next one.

"We are classified as construction-related and yet we are never on a construction site. The policies of WSIB are not uniformly applied."

"Independent operators and owner-driven companies are the least likely folks to ever file a ... claim, largely because of the entrepreneurial spirit required to drive a company in the construction sector. If this legislation passes, there should be a total exemption for companies with fewer than 10 employees."

"If passed, it will cause more harm than good. Very bad idea."

"Many owners are now covered 24/7 with our own private coverage which covers us at work and also on our down time; this coverage is far better than" anything we can get from "workplace insurance."

"Please help us before we all get out of the construction industry. We are taxed to the limit, and I am having a hard time to carry on. Thinking of getting out of this and moving back to England after 34 years here in Canada. Our taxes are" way "too high ... it's hard to make a living here."

"I cannot believe that the government plans to make WSIB mandatory! It is like a farmer supplementing his farm income off-farm and having to pay EI" because "they are self-employed and will never be unemployed, so therefore will never collect" any "insurance."

"The whole thing is ridiculous; in order to stop the underground economy, the government continues to penalize legal contractors" and businessmen. "Increase fines and enforcement for cheaters, advertise to homeowners about the risks of underground contractors, to catch" these cheats.

**1700**

"We pay for superior private insurance with coverage 24/7.

"My brother and I own the business. If we were to get hurt, we cannot go on compensation or we would go out of business. The WSIB is just taking advantage of company officials. The private coverage is cheaper and covers us 24/7, not just at work" but when we're at home or on vacation. "How about investigating the people on WSIB that can go fishing, hunting, play baseball ... but cannot go to work?..."

"We believe that putting premiums on owners/directors of construction firms or any firms will cause more underground economy than before. Many companies, ours included, would go out of business if this happens. Prices would have to go up." We would have to try to pass it on to the consumers. "The general public has only so many dollars to go around. Trust CFIB can" work to "get this stopped.

We "pay too much as it is now. Never filed a claim in 15 years... another excuse for gov't money grab...."

"Mandatory WSIB premiums for our management staff will be a very big blow to our" small "business. We will have to make drastic changes," possibly "layoffs, etc." to our office staff. "Please stop this slamming those already above board and who are doing their best to comply with the current laws."



Those are the low-hanging fruit we spoke about that they're going to go after first and not do the heavy lifting it takes.

**Mr. Peter Shurman:** They've never been a small business.

**Mr. Robert Bailey:** That's right. There probably isn't anyone who's been in small business, who understands.

"As a family business, we carry separate coverage and are covered 24 hours a day."

"This change in legislation is the one regulatory threat that could put me out of business. As an above-ground operator that associates with truly independent contractors this change could/would make me uncompetitive with the underground operators that operate today and will operate in greater numbers if this goes through. WSIB coverage is unwanted and ineffective insurance."

It is. It's a very small business.

If the minister were sincere about that, he wouldn't be targeting owners in business; he wouldn't be targeting people who have to work even when they are hurt and can't get the full benefit of WSIB coverage even though they are paying for it. The minister also wouldn't be forcing these executives and directors to give up what they have now—24/7, 365-days-a-year coverage that they pay for separately, for a more expensive coverage that won't offer them nearly as much protection. This bill is all about tilting the playing field, and it's not going to be levelled.

I am also concerned that this bill places the owners of small construction companies in tremendous conflicts of interest. The WSIB now relies on the owners of these companies to basically do their paperwork when there's an injury of an employee. What will happen, if this bill is passed, when the owner is one of the injured? How does he or she do this paperwork? I think this inadvertently, and I'm sure that the ministry and the government haven't thought about this—

**Mr. John O'Toole:** They'll fine them for being late.

**Mr. Robert Bailey:** Yes, they'll fine them for not doing the paperwork right.

I think that this puts them in a very difficult spot.

Since the minister announced his intention to introduce this bill on October 17, I have had a few people raising some very interesting questions. The first was that the big construction companies are afraid of the tiniest of all the many firms competing for construction contracts. They had better re-examine their business strategy. It's not like these independent operators can compete to build a condo tower in downtown Toronto. I don't see them as much of a threat.

People, particularly small business owners, have a problem understanding how the playing field isn't already level. No one, large or small, pays WSIB premiums for their owners, directors and executive officers. Again, if the big firms can't compete with these smaller firms, who follow exactly the same rules, I would suggest that they probably have other problems.

Recently, the honourable member for Parry Sound–Muskoka and I met—

**Mr. John O'Toole:** An excellent member.

**Mr. Robert Bailey:** An excellent member, doing an excellent job in Parry Sound–Muskoka, as are all the members on this side of the House—

*Interjection.*

**Mr. Robert Bailey:**—and all the House too, I know.

Recently, the member for Parry Sound–Muskoka and I met with the Ontario Road Builders' Association to talk about this issue with them. They are a large construction association and they raised some very interesting concerns. The Ontario Road Builders' Association is not supporting the government on this bill, despite the fact that they are comfortable with the idea of mandatory coverage for the WSIB. What they told us is that if the bill mandates coverage for executive directors and officers of a construction company, they are against it, and that's what this bill, as it's presently written, does. If this bill exempts home renovators, they are against it, and that's what this bill does.

These same people, this organization that represents many hundreds of people and businesses, they told us that if this bill is implemented as written, it will cost these road builders alone—their owners and their members—upwards of \$30 million. This is money that will have to come straight out of municipal infrastructure projects because, as you know, businesses don't pay tax; they pass it on to their customers.

The government likes to brag about how much money they're investing in infrastructure. But if this bill, their own bill, passes as it is written, this will cost \$30 million out of money earmarked for roads and bridges in all of the members' ridings: government, opposition, third party. So we need to think about this. When we go back and meet our municipal leaders, we'll have to explain why we're going to, as a minimum, take at least \$30 million that would have built a road or a bridge or a sewer project in a town—we'll have to say, "Oh, that money has gone to the bureaucracy in some dark hole in Toronto."

**Mr. John Yakabuski:** Hy's Steakhouse.

**Mr. Robert Bailey:** Hy's Steakhouse, yes; the—what do you call that bar, the Martini Ranch?

**Mr. John Yakabuski:** Steve Mahoney will be having a big party.

**Mr. Robert Bailey:** But if this bill passes, it will take money out of this. Money earmarked for roads and bridges will go straight back to the government bureaucracy at the WSIB.

As the member for Parry Sound–Muskoka pointed out last week—a great member doing a great job there—when the government made their announcement of the intention to introduce this bill, it was Small Business Week. Imagine the irony of this. This is the week when we are all to celebrate the success of small businesses, and what does the government do, and this minister? He introduces this bill—another tax grab. How does the McGuinty government celebrate small business? They announce a tax hike for every small business in Ontario that's involved in construction. Hands in your pockets.

No one should be fooled about this bill—maybe the member from Renfrew can do a little tune on that for us. No one should be fooled about this bill; this bill will be one of the biggest tax increases ever levied on small businesses in Ontario. If implemented as written, it may put many of them out of business. But we intend to work on this side of the House to see that it's not implemented as written. We're going to press for committee hearings and we're going to take this across the province and encourage people to come and speak and they'll be meeting with the government members from all of these rural ridings and from these small towns, and the small business people—they'll have to explain, when they go back to their ridings, why they're supporting something like this.

No one should be fooled about this bill. This bill will be one of the biggest tax increases—we're going to work on the figures to find out how much—if it's implemented as written. It may put many of them out of business. I can't imagine that they're doing this honestly.

When we're talking about the CFIB—I know I heard some people scoffing at their numbers. But anyway, just some stats: The Canadian Federation of Independent Business—an organization that I know all of us in the House know, because they represent businesses in all of our ridings. They represent over 42,000 employers, and this represents over 50% of the actual employment in the province of Ontario. Think about that, members of this House: When you're dumping on small business and adding extra costs, you're actually dumping on someone who's employing—when we're in these economic times, the records show that we've lost 230,000, 250,000 manufacturing jobs. The rest of the jobs—why are we chasing these out of Ontario? Three other ministers prior to this, ministers of labour, looked at this and refused to do it. This minister has only been in office less than a month and he's trying to put this through. I think that we need—

**Mr. John Yakabuski:** He should have waited until he figured out what he's doing.

**Mr. Robert Bailey:** Maybe. I've had comments from the side.

I'd like to just read here—all of the different parties had to respond to the Canadian Federation of Independent Business during the last election. The reply from the Liberal Party to the CFIB: "We will continue to work with you and work for fairness as we look for the best ways to tackle the underground economy."

**Mr. John Yakabuski:** But they're going to drive more of these people underground.

**Mr. Robert Bailey:** Exactly, as the member says.

So that's why the WSIB—the CFIB; all these acronyms. That's why they're so disappointed. They thought there'd be consultation; there hasn't been. The week of small business, when we were honouring small business people and the hard work that those men and women do, lots of them mom-and-pop operations, some of them smaller—when we're trying to honour them, this is like a slap in the face. I know that all the members—I've got

that letter—are going to get that letter. Believe me, we've been in contact with them. They're going to hear a lot more, because in many of these cities—in Welland, Toronto, St. Catharines—all these places where they've lost manufacturing jobs—Windsor—the small business sector is the one sector of the economy that's still thriving, still trying to do a good job, and here we are, going to saddle them with more bureaucracy.

I spoke to a restaurant owner—

**Mr. John Yakabuski:** More taxes.

1710

**Mr. Robert Bailey:** More taxes.

I spoke to a restaurant owner here just recently, two weeks ago now. He told me that he had an auditor come to his place—a government auditor for the PST—and he spent five weeks; it was over tax on draft beer. At the end of the day, he was fined \$1,800, and he had no appeal. He tried to say, "Well, it should be on the retail, not the wholesale," and the auditor said, "Look, I've heard all these arguments before. That's what it is and that's the end of it." What did that cost them? The small business operator also had his audit fees because he had to pay his own auditor. When he should have been cooking meals in the restaurant and managing his business, he was spending time with this auditor. The government auditor's own wages—for five weeks, he spent time at these small businesses.

**Mr. John Yakabuski:** He didn't sleep in his car, either.

**Mr. Robert Bailey:** He didn't sleep in his car, either, and he probably wasn't paying mileage. These business people—they're just struggling.

Another has to do with the Ministry of Labour. I spoke with a Mr. Chris Cook, who owns a printing business. He prints over 100,000 flyers, and they go for export, over to the United States, for inserts in newspapers. He had a Ministry of Labour inspector come to his site one day. He deemed that one of his printing presses was hooked up illegally and tagged it out. Mr. Cook, at that time, scrambled around and finally found an electrician to come in and make those necessary repairs. It was after-hours, of course. He shut him down for nine hours. Mr. Cook attempted to get the inspector, or any inspector, to come back and allow him to un-tag it so that he could print his inserts.

**Mr. John Yakabuski:** Gone on holiday.

**Mr. Robert Bailey:** Well, he finally got one. He knew somebody's home number or a friend of a friend. Anyway, these are the kinds of things—these people make these kinds of rules and make these kinds of judgments, and they don't understand. This man has a payroll of about \$2 million a year. He employs pretty near 100 people—good-paying jobs, and they rely on these jobs. It's small-town Ontario. It's located in Wyoming. He's in importing and exporting, and everyone understands the criticality of just-in-time delivery. If you don't have the grocery insert for the paper the next day, you're SOL, right? You're not going to get that contract the next time when—

**Mr. Peter Kormos:** SOL: Is that with periods or is that—

**Mr. Peter Shurman:** What's SOL, Bob?

**Mr. Robert Bailey:** I'm dropping back on my days when I was on the shop floor.

I was listening to the minister. I'll just comment on it; it made me think of it. He was going on—

*Interjection.*

**Mr. Robert Bailey:** Yes, Mr. Speaker?

**The Deputy Speaker (Mr. Bruce Crozier):** You can't say indirectly what you can't say directly.

**Mr. Robert Bailey:** I've got to watch it here. I guess I'd better be careful.

**Mr. Peter Kormos:** On a point of order, Mr. Speaker: Down where I come from, SOL means "sweet out of luck."

**The Deputy Speaker (Mr. Bruce Crozier):** In that case, continue.

**Mr. Robert Bailey:** Yes, thank you very much. I owe you for that one. I wouldn't want to do anything to call into disrepute the integrity and the honesty of this august assembly.

I was listening to the minister—

*Interjection.*

**Mr. Robert Bailey:** Stop talking? Yes, maybe I should sit down and shut up.

Anyway, the minister alluded to his time in sports when he was running around the track, and fairness and all of that. It made me think about—my father was in small business—

**Mr. John Yakabuski:** On the track, he didn't know how to make a left or a right. He kept on going.

**Mr. Robert Bailey:** Yes, left or right. He kept going and going and going, like that Energizer bunny.

Anyway, I worked with my father; I was fortunate enough to work with him in small business. He worked every day. He wore overalls to work every day of his life. I worked with him after hours and on Saturdays when I was 14 and 15 years old. I wasn't good enough to be in sport either, but that's what I was doing when I was growing up. I went to school, I went right out and went to work. I worked in the construction industry, so I take a little bit of offence when some people try to imply that we don't care about worker safety. I worked in industry and worked in the construction sector; then I went to work for one of the major petrochemical firms.

Workplace health and safety—I know, Mr. Speaker, as you do as well, that they have great programs, because I helped administer them. I finally worked my way up into management, and I was responsible for a number of those workers. I had to have meetings; I brought people in when they were injured and worked with them and their families. So I understand that, and I know that a lot of the members on this side of the House do too.

I take a little bit of umbrage—I think that's the word—at people implying about our motives. We're speaking up for small business, but we're also speaking up for the workers. I have relatives in my family who work in the construction sector still. I came out of there; I

organized two labour unions over the years before I got into management, but I have many friends there still—at least up until today—and I worked with them on many projects. I think I was seen as a fair administrator and looked after them and always had their best interests—

**Mr. John Yakabuski:** I heard nothing but good about you.

**Mr. Robert Bailey:** Yes. The member from Renfrew–Pembroke says he heard nothing but good about me, so I'll have to make sure he doesn't meet any of the other people from down home.

That's what we were doing, and I take offence to implying that we have other motives. We're just speaking up for our stakeholders.

**Mr. John Yakabuski:** Somebody's got to speak up for small business.

**Mr. Robert Bailey:** Yeah, somebody's got to speak up for small business, because those small businesses also employ people, not just the directors and executives but people who work for them. Maybe they don't have the wherewithal or the ability to run their own business, so they're glad to go and work for these small business people and make a living.

Going on, the Canadian Federation of Independent Business indicates that, if implemented, this bill—

**Mr. John Yakabuski:** Great organization.

**Mr. Robert Bailey:** Oh, they're a great organization. I met with Ms. Andrew as early as this afternoon again.

**Mr. John Yakabuski:** I was a member for over 20 years.

**Mr. Robert Bailey:** There we are. Thank you for that piece of information. I was going to come back with a comeback, but I won't. I was going to say something about their screening process.

The Canadian Federation of Independent Business indicates that, if implemented, this bill will levy an \$11,000-a-year tax on small business. This from the Premier who said that he would not be raising new taxes. Then the finance minister said the same last week. Were they not paying attention to what the labour minister announced? He must have run this by the cabinet table, I'm sure. Maybe they haven't had a chance to review this. I'm sure that when their members go back to their ridings and these independent business people and small business people have a chance to get their ear or some other part of their anatomy, they'll come back and have a different opinion. The finance minister said this as recently as last week. Were they not paying attention?

The financial impact of this on our small businesses will be huge. The Canadian Federation of Independent Business believes it to be an average of up to \$11,000 per business.

A number of years ago, the shy and reserved member for Durham talked about this very issue in this Legislature and he painted a very shocking picture of what mandatory coverage would do to a small business in his riding. One employer in his riding said that it would cost approximately \$20,000 per year to insure the people who do accounting, purchasing or scheduling for his business.

These aren't people who are on the construction site at all. This just adds another \$20,000 to that job without any kind of benefit to the workers or the company.

This is a tax grab that the government will regret. Mark my words.

Judith Andrew, in a press release, stated, "If the WSIB has dollar signs flashing in their eyes, they may be sadly mistaken."

If passed, this act will put people out of business, it will reduce the amount of money flowing to the WSIB in the form of premiums and it will do nothing to take the unscrupulous people out of the equation. The WSIB should be very concerned about this.

A few more e-mails that I would like to communicate into the record: "Please do not implement mandatory WSIB. The capital is desperately needed, as I am a new small business owner, for my own operating expenses. I have the choice to cover myself or choose not to; that is more than adequate for my business."

I "don't understand how legislating mandatory WSIB coverage for all executive officers is going to help curb the 'underground' economy"—three exclamation points.

"The government is forcing the small construction firm out of business or to the underground economy."

"If this were implemented, it would be extremely costly to my business as well as many others. I think the government should stop interfering with small business. Ultimately this cost will have to be passed on to the end user, which, in turn, will stifle the" very delicate economy.

"It's very doubtful" that the "WSIB or the government will ever be able to contain the underground economy. Those of us who operate legally will always continue to do so."

"One way for the government to make it more difficult for the small business person to make a living" is by implementing this bill. "Please let me know what jack"—and then there's a blank behind it—"is trying to put this through so we can work harder at election time, making sure he or she has to go and find a real job."

*Interjection.*

1720

**Mr. Robert Bailey:** I'm just reading what they said, and I'll leave out some things.

"If this law is passed it will force the honest paying companies to bypass the system as they will be penalized to make up the shortfall in the system which might put them out of business and also cause people to lose jobs and maybe divert to the underground" economy.

"Please fight this on our behalf. Thank you."

"For our firm we all have private disability insurance policies. Perhaps WSIB should consider this as an option."

"I seem to be in the dark about this issue. None of the questions made sense to me so I left many of the answers blank."

"How much can we pay? When an accident happens, the employer is always at fault no matter what. The WSIB should have a three-day waiting period."

Another issue that I'd like to speak about is the unfunded liability. That, for the great unwashed who might not understand it, is the difference between the board's assets and the value of future commitments against those assets. It is the prime indicator of the financial health of the WSIB. It is very likely the case that as of this moment, the unfunded liability is at historically high levels. I know they're heavily invested in the stock market, and we all know what has happened to the market recently.

While the number of injuries has been in decline for over 20 years, in recent years, in very good economic times—with high employment levels, I might add—workers' compensation benefit costs have been on the upswing. If you cannot control workers' compensation benefit costs in good times, how in the world will the minister and the board that he directs control them in bad times?

In 2006, the unfunded liability was just under \$6 billion, which caused the WSIB chair at the time to announce that the board "had turned the financial corner"—but I think they might have hit the brick wall. Yet, even at the time those words were published in the summer of 2007, the board's finances were slipping, and the board ended 2007 with a negative investment return. I know that we on this side of the House keep an eye, as does everyone else, on those investment returns, because I see people with their BlackBerrys and I know they're checking the market all the time.

The unfunded liability jumped 35% from 2006 to 2007 to \$8.1 billion, and that was before the recent market meltdown. Just imagine what this could be. We should be asking for an audit of that, some up-to-date figures. The frightening reality is that the unfunded liability has likely more than doubled in two years. This will be unprecedented.

I'm going to ask directly, will the Minister of Labour or his deputy announce to the House right now what the state of WSIB funding is? Will they let Ontarians know, and the businesspeople and the workers who depend on that system, that the Good Ship WSIB is taking on water and sinking fast, because we need to do something to remedy that.

Increasing workers' compensation coverage at this time by extending these costs to small business is like the Titanic taking on additional passengers when they're already in mid-ocean.

The WSIB had a plan to reduce the unfunded liability at the board by 2014. That's the 100th anniversary of the Workmen's Compensation Board, for those in the listening audience. The board believed that they could do this by holding the line. Unfortunately, last year the unfunded liability increased by over \$2 billion and officially is now at the highest level that it has been since 1997. Unofficially, it is likely at the highest level ever. This unfunded liability jumped a whopping 35% from 2006 to 2007. I would warn every member here that the WSIB unfunded liability will spike again this year, and I would bet that it will probably be closer to \$12 billion by

the end of year, if not higher. I hope I'm wrong, but I have a feeling that's what it's going to be. Given that, I can't see how the unfunded liability will be able to be reduced by 2014 unless the board takes some dramatic action and the government demands that accountability from this unaccountable board.

The unfunded liability at the board has grown dramatically for a few reasons. Last year, the government began indexing benefits beyond statutory levels. This created an immediate cash drain of \$710 million and increased this liability by over \$2 billion. The number of accidents and injuries has been in decline, but other financial indicators such as benefit costs and medical costs have gone up. As we know, health care costs have increased in Ontario, so it just stands to reason that those costs associated with any rate will go up. In other words, even before the meltdown, the board was not performing very well at all. I'm sure that these last few weeks have done, I don't want to say irreparable damage—I don't want to exaggerate—but I'm sure that the damage they've done is going to cause many of these unfunded liabilities to increase.

I have a couple of other comments here:

"This is a principle argument—owners cannot (nor would they want to) collect WSIB benefits—why should we pay the premiums? We can't collect EI either."

"We do not need more government taxes from one of the public bodies with some of the highest-paid civil servants already."

It's simple: "We will cease business."

"Good luck. The current system is punitive, expensive and unfair to legitimate contractors. It is also incredibly" unfair.

"WSIB has been a typical government-run organization, with more inefficiencies than efficiencies. Private insurance is a fraction of the cost."

"If I can deduct all construction cost from my personal income tax, then the cheaters will be out of business because they would have to issue a receipt."

"We are classified as construction-related and yet we are never on a construction site."

"Most builders have private insurance that they are locked into, like my Pencorp policy. It is called a premium return policy. I am locked in to this for 20 years. With WSIB trying to push this through, it will cost me double. My Pencorp policy is in its 11th year. I will lose money by not keeping it until maturity."

So these are issues that we need to look at, and this committee—

**Mr. John O'Toole:** It's a Liberal tax, to be honest.

**Mr. Robert Bailey:** Oh, sure.

We'll need to look at this when we have committees. We need to bring these small business owners in, we need to bring people in from the insurance industry, because we need to understand the impact and the social impact that this is going to have on those small business owners. It seems like the height of hypocrisy and irony for the government to have brought this in during Small Business Week.

I would also point out that the key assumptions used by the WSIB in calculating when the unfunded liability can be wiped out was a return on investment of 7%, net of investment expenses. Wouldn't we all like to get that in this market?

**Mr. John O'Toole:** The pension funds would all be jumping in.

**Mr. Robert Bailey:** Yes.

As all members know, the WSIB is one of the largest institutional investors on this continent. I know that last year they weren't even close to 7%, net of expenses, and this year will be much worse, sadly. Actually, last year they were in a negative position with their investment portfolio, and I don't think it is unreasonable, given what the stock market has been doing, to expect a 30% or greater decline in the value of the board's investments.

I think this is an issue that all members will have to look at, whether we're in committee or other areas, the finances. We need to bring the chair back and whoever his financial advisers are, because this is something that needs to be addressed, because this is going to be a drain on all of the economy. It's going to be a drain on business. There are going to be premium increases, because they're still going to have to pay benefits out to the workers who are legitimately injured.

**Mr. John O'Toole:** It could bankrupt the province.

**Mr. Robert Bailey:** Yes, it very well could.

*Interjection.*

**Mr. Robert Bailey:** Oh, yes.

The government and the WSIB, if they are serious about wiping out this unfunded liability by 2014, are faced with some pretty tough choices. They will either have to reduce benefits, raise rates charged to businesses or both; they could have to do both of them.

We should be demanding in this House, every one of us—government, opposition—that the WSIB and the Minister of Labour come clean about the state of the finances at the board. They should tell us whether or not they can make this 2014 deadline for wiping out their unfunded liability, and if not, what their plans are moving forward.

I would like to see a commitment from the government that employers' premiums would be frozen for the next four years. This would go some way to helping small business and even larger business plan for the future.

The board needs to admit that the plan to wipe out unfunded liability is not going to work, and they need to develop a more realistic strategy on this unfunded liability.

**1730**

The government should also demand an undated financial statement from the board as of October 31, to be released publicly by November 15. Financial statements should be released every quarter after that. That is something that happened in the 1990s during hard times and it should happen again.

There are other issues that I have questions about. The biggest one in my mind is that, according to the Ministry

of Labour briefing that I had on this bill, this issue has been around for many years. It begs the question: What does this new minister, in office less than a month, know that three of his prestigious predecessors didn't know? What has Minister Fonseca learned in his month at the ministry that Ministers Bentley, Peters and Duguid didn't know? They all said no to this same proposal, and that was in good times. Yet, after one month at the ministry, this minister has decided to move forward with this, when the economy is on its knees, virtually. What kind of consultation did we do with small business and the construction unions and everyone else? They all should have been consulted at the same time.

Maybe the only thing that has changed is that the board is now desperate for cash. We could understand that.

This will impose a new tax on small business. Again, I point out that the Premier himself said that he won't raise taxes. We've heard that before, though. Small business owners know better. This move will put businesses under. It does beg the question, though: Where is the Minister of Small Business on all of this? I think we have a minister responsible for small business; I believe it may be Minister Takhar. Have Minister Takhar and his ministry taken a look at this and tried to stop it? Who exactly in this House is a friend of small business in this government? I think we'd be hard-pressed to find one.

We on this side of the House intend to work with small business, with labour, with government and with the ministry to try and implement fair policies. I can tell you that it's not the Minister of Labour who is looking out for small business and business in this province.

The minister said that this bill is supported by the Ontario Construction Secretariat. That, for members who aren't aware, is a group in the Ministry of Labour that is comprised of big labour, big construction employers and a couple of representatives from the province. There is not a single small business owner that is involved in this construction secretariat, yet here they are, writing rules that will put small construction businesses under.

In March 2007, the WSIB chair suggested to the Standing Committee on Government Agencies, which I happen to have the privilege of sitting on, that it was his goal to have employers voluntarily choose the WSIB as their insurance provider. How is that plan going? I will tell you: It's going nowhere. It's on that plan to nowhere, that five-point plan to nowhere.

No one in their right mind would voluntarily sign up for WSIB coverage, and the government knows it; it is clear. They can provide better coverage for themselves 24/7 by buying a premium and an insurance policy, and they'd be covered for 24 hours a day, seven days a week, whether they're working or on vacation. It is clear that you long ago gave up on that plan and know that the only way to get new insurance customers for the WSIB is to drag them in kicking and screaming.

The decent thing for the government to do would have been to at least consult some small business owners. This is what they offered to do during the recent election cam-

paign. Again, we have learned from this government that those commitments made in an election aren't necessarily binding once they've won. I can tell the minister now that small business won't forget this betrayal. I've spoken to a number of small business people. They're one of the backbones of this economy.

In closing, I want to be clear with people who may be watching this debate today that John Tory and the PC Party of Ontario will support our small businesses. We don't believe that imposing a new tax on small business will do anything other than drive them out of business.

*Interjections.*

**Mr. Robert Bailey:** I hear my honourable friends cheering me on. I appreciate that.

We support going after cheats in the underground economy, just as the government does, but we believe that the government already has the power to do that and won't use the authority that this Legislature has given them. They've had the privilege of government and they could do this and they won't.

We believe that the WSIB is in serious need of reform so that it better serves injured workers and helps contribute to the economic growth of this province. Unfortunately, what we have today will do the opposite. While they have dressed this up as supporting health and safety and levelling the playing field, it's like putting lipstick on—that joke; but anyway, I won't go there—lipstick on the you-know-what. Do you know that one, Peter? It won't sell. We know on this side of the House that this bill addresses neither one of these issues in any kind of sustainable way.

We believe that we should be making a named insurance system mandatory at the WSIB. That's the way they can address this fraud and genuinely help Ontario workers. A cash grab for the WSIB won't help anyone. Sadly, it won't even help the WSIB.

Mr. Speaker, thank you, and thank you to the members who took the time to listen to me and for their gracious comments that I am sure will follow.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Paul Miller:** I'd like to respond to the member from Sarnia's speech. There was a lot of content, a lot of statistics, well said by the member. However, philosophically and strategically we don't agree with some of his presentation, to say the least.

I'm sure that a lot of the concerns that the member brought forward can be addressed at the committee level. There obviously could be some important amendments or changes at that level. I don't know that the minister has this set in rock, but I'm sure there'll be some flexibility.

As a whole I must say that, having been in heavy industry and construction for over 30 years, I'm well aware of many employees who have not been covered and have gotten themselves in precarious situations as far as being injured on the job and not being covered. It's easy to say that some of these independent companies would have insurance on some of their employees, but some of them don't. I've seen a lot of non-union work

sites where people have been injured over the years, and they find out that they don't have coverage and the WSIB will not be cutting a cheque for them for 85% of their wages. It has happened many, many times in this province. A lot of these guys who are injured—or women—go home to their families and say, "I'm sorry, dear; I don't have any coverage. I don't qualify for WSIB." It's a scary situation.

I think that the construction industry—this is long overdue. Ninety thousand people in this industry will now be covered by WSIB. It will be mandatory, which I think is a big step in the right direction for this industry.

I've only got 10 seconds left. In my presentation I'll be dealing with a lot more of this. But I once again thank the member for his speech.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Khalil Ramal:** I want to congratulate the member from Sarnia–Lambton for his speech. I know he took a long time to detail his party's position. Sadly, I don't agree with his line because we believe, on this side of the House, in protecting the people, especially the vulnerable people who work on a daily basis on construction sites. Sometimes they're subject to many dangerous obstacles.

We heard him talking about, "This bill will drive some construction companies out of business." I don't agree with that, because we experience in our office in London—many people come to our office. They go to work, and they go on an assumption that they're covered under WSIB. They get hurt, they come back to us and they tell us, "We went and we worked with this company for a certain time. We thought we were covered. We are not covered. We have no ability to provide food and a mortgage to our family and our house. What will we do?" So they get in trouble.

I think, as a government, as the Ministry of Labour, it's our obligation and duty to protect the vulnerable people among us, especially, as my colleague the member from Willowdale said earlier, the newcomers who come to this land. They don't know the law and rules. They go to work; they don't care where. They want to make some money to provide support for their family. They got caught in this dilemma and they got into trouble. When they got injured, there was nobody else to provide support.

I think strongly that it's an important bill. It's long overdue, and it's our responsibility to protect the workers who go, with goodwill, to work on a construction site. They believe that there is a government and that there are rules and laws to protect them when they get hurt and aren't able to do their job.

So I don't agree with what the member said, although I listened to him speaking for almost an hour. He read carefully all the emails he received—

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**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

**Mr. Frank Klees:** I want to commend my colleague from Sarnia–Lambton for his leadoff speech on this

important issue. In response, I want to read an email that I have just received this afternoon.

**The Deputy Speaker (Mr. Bruce Crozier):** Not if you're reading it from a BlackBerry.

**Mr. Frank Klees:** In that case, I would like to simply tell you that I received an email from a client this afternoon that states very clearly that the business community has heard that the Liberal government is proposing this legislation, and has appealed to us to oppose this legislation vigorously. In the words of this business owner from Aurora, he states very clearly that at a time of economic turmoil, the last thing they need as a sector is more taxes, more financial burden, more financial cost and more regulatory burden. In fact, the email goes on to say that if this legislation is in fact enacted, it will drive many business owners in this province out of business.

So the point that the member from Sarnia–Lambton has made very articulately we trust the minister will take to heart, that this is about the survival of businesses. Members here on the Liberal side talk about protecting businesses by introducing this legislation—a strange definition of protection. What it really means is that they care nothing about small business; their head is in the sand. We're going to do what we can as the official opposition to bring to light the damage that this legislation will do to business in the province of Ontario.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Peter Kormos:** You know, there are some members in this chamber who wouldn't say spit even if their mouth was full of it. Bob Bailey is not one of those members. It quite frankly was refreshing and delightful to listen to his one-hour lead. He spoke and addressed this issue with candour and with a down-home sense of pragmatism.

There are opponents to this legislation. We understand that; the government understands that. Those opponents have every right to have their voice heard, and the member for Sarnia–Lambton has done that most effectively today. It was a pleasure to listen to his comments.

But there are some problems here. The minister or the parliamentary assistant had better be prepared to explain some of the problems that jump out from the page at you. I ask the parliamentary assistant to put his BlackBerry down and take a look at section 12.2.

*Interjection.*

**Mr. Peter Kormos:** Put the BlackBerry down, not keep playing with it. Lord knows what's on that screen. I'm not sure it's any of our business; I'm not sure we want to know. But the parliamentary assistant is entranced, focused on the image on his BlackBerry. I'm blushing in anticipation as to what it could be.

I say that the minister or the parliamentary assistant had better be prepared to explain the exemption definition, specifically 12.2(5)(a): "independent operators ... who perform no construction work other than exempt home renovation work...." Is that within the last year? The last two years? The last five years? Is that, "I promise never to do it again"?

This bill appears to have been rather speedily and improperly and carelessly drafted.

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. The member for Sarnia–Lambton, you have two minutes to respond.

**Mr. Robert Bailey:** I'd like to thank the members from Hamilton East–Stoney Creek, London–Fanshawe, Newmarket–Aurora and also Welland for their kind and—

**Mr. Peter Kormos:** Generous.

**Mr. Robert Bailey:**—erudite remarks. And generous to a fault.

I'd like to conclude by saying that we are going to push on this side of the House for amendments if this bill actually ends up passing. I know that the members from the government and the rest of the opposition as well are going to hear from the small business people in their ridings when they go home. They have to go home eventually; they can't stay here all week. We're going to push for parliamentary hearings.

*Interjection.*

**Mr. Robert Bailey:** Yes.

The minister came in here the other day waving that letter from that businessman from Sarnia–Lambton. It reminded me of 1939, when Neville Chamberlain got off the airplane—“Peace for our time”—and then it turned out that that wasn't the case. I spoke to that same business person last night, and when he found out what was in the bill, he said, “That's not what I agreed to when I sent that letter, at least that's not my understanding.” I said, “Well, there will be more explanations, and we'll be doing parliamentary hearings.” He is going to offer to come, and many other representatives from small business and the construction sector are going to take part.

I'm sure other businesses are going to be watching this, because they could be thinking they could be next, the thin edge of the wedge: You pick on the low-hanging fruit first and then you go after these other businesses later.

Mr. Speaker, I again thank you for your patience. I thank the members for having the courtesy and taking the time to listen to me. We sometimes disagree in this House, but we don't have to be disagreeable. That was what I have found since I've been here. I thank you again, to all the members who are here, and I'd like to say hello to my mom.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate.

**Mr. Paul Miller:** I'm going to reiterate a comment I made the other day because of the importance of this bill.

“It's a privilege for me to respond to this statement that finally addresses mandatory workers' compensation and benefit coverage for construction workers not covered now. This legislation would mean more security for about 90,000 workers and their families. On behalf of the NDP caucus, I want to thank the Provincial Building and Construction Trades Council of Ontario for their advocacy on this issue over the last 15 years.”

In the last 15 years, the Ontario construction industry has been substantially restructured by the practice of hiring and subcontracting to independent operators. The use of independent operators has resulted in thousands of workers in the construction industry potentially being deprived of coverage and has created a group of employees who are entitled to claim benefits, but for whom no contributions have been made.

In addition, the contractor who insists on subcontracting to firms who are portrayed as independent operators rather than employing workers has an unfair competitive advantage. He has shifted the whole cost of statutory and WSIB benefits funded through payroll to his workers, if indeed these costs are paid at all. When such a contractor bids against a legitimate employer who treats his employees as workers, he has a great competitive advantage.

In other words, the present coverage scheme, which excludes independent operators from compulsory workplace coverage, has created an economic disparity between firms in the same industry. By this I mean that if contractors are considered independent operators under the act, the firm they contract with is not required to pay workplace insurance assessments on their earnings.

It is the position of the NDP that the act should not be a source of economic advantage between otherwise similar firms in the same industry. That is why we support the general thrust of this bill. The issue under discussion requires some background.

Determining who is a worker or an independent operator is a critical responsibility of the WSIB. Workers are automatically entitled to benefits when injured at work, and their employers are responsible to pay WSIB premiums on their workers' behalf to fund the benefit payout. Independent operators, in contrast, are not automatically entitled to benefits unless they have specifically purchased optional insurance coverage.

Over the years, the board has devised and used different methods of determining independent operator status. From 1935 to December 31, 1991, the WSIB relied on an executive order titled Partnerships and Individuals Doing Work in the Building Trades, dated July 24, 1935. The relevant sections of the order are summarized below.

From July 1, 1935, consider that all contractors in the building trades who take contracts for labour only or substantially for labour and perform the work themselves, either alone or in partnership with others, be deemed to be “workmen” of the principal who lets the contract and covered as such under the Workmen's Compensation Act.

The board adopted the order to deal with situations where the party who took the job engaged assistance and agreed to split the proceeds of the job on a percentage basis. Similar situations exist today where residential framing, siding and roofing is performed in teams with crew leaders and crew members.



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These so-called partnerships, which were not compulsorily covered, did construction work formerly performed by workers. This situation was considered contrary to the intent of the act.

Since January 1, 1992, the WSIB has used industry-specific questionnaires to determine who is a worker or an independent operator in industries where contracting and subcontracting are common practices.

The board has adopted the organizational test for determining worker/independent operator status. The Workplace Safety and Insurance Appeals Tribunal has used the organizational test in determining the business relationship between independent operators and principals. The test examines whether the person supplying labour is part of the principal's organizational structure or actually a separate enterprise.

It's the NDP's position that the present questionnaire and overall board practice of determining independent operator status is not working. The major shortcomings of the construction questionnaire I will summarize below.

The subjective self-scoring nature of the questionnaire has made it subject to manipulation. The person completing the questionnaire can tailor their answers to arrive at either a worker or an independent operator, whichever suits his purpose. A person seeking benefits for a work-related injury answers the questions in a way to achieve worker status and, therefore, is entitled to benefits. A person seeking to opt out of the insurance plan answers the questions to achieve an independent operator result. In many cases, persons are instructed by a prospective employer to obtain an independent operator ruling from the WSIB as a condition of their employment. Financial incentives drive the push for independent operator status. For example, employers are relieved from paying WSIB premiums, experience-rating adjustments and other payroll taxes for persons portraying themselves as independent operators. Another factor is that the independent operators are able to make deductions for business expenses as self-employed persons and pay income tax at a lower rate than that of the employee.

The WSIB is experiencing a large revenue loss. The second major WSIB problem that's plaguing the construction industry is that some employers are not reporting or are under-reporting payroll and premiums for persons being portrayed as independent operators but whom the WSIB considers workers. The effect of this behaviour is that the WSIB is not collecting the full amount of employer premiums it should be from the industry since independent operators have the option of declining WSIB optional insurance. Very few independent operators purchase WSIB optional insurance or are required to validate proof of WSIB coverage to the principal. In fact, it is estimated that the WSIB is losing \$350 million of unpaid premiums. This has led to a decline in the payroll base in the construction class and has increased the premium rate.

Accident prevention and workplace health and safety are being compromised. Under the present flawed sys-

tem, the responsibility for workplace safety and prevention is being pushed down to the lowest level, the independent operator. This has the effect of constructors and contractors in many aspects absolving themselves of responsibility for workplace health and safety and experiencing rate adjustments for the person they hire primarily to perform labour.

In addition, some workers are being pressured by contractors to register themselves as employers. Like independent operators, these employers are not covered unless they purchase optional insurance from the WSIB. In short, independent operators leave registered legitimate contractors to foot the bill. Moreover, there is no countervailing reduction in injuries to offset the lost revenue. Premiums are not being paid and the industry still gets stuck with serious compensation claims that can't be ignored or left unreported. In the case of medical aid, the burden is shifted to the health care system without being handled by the WSIB, as it should be.

Executive officers: Many of the problems, financial impacts, and health and safety effects that apply to independent operators also apply to executive officers. To control abuse of this exemption, we are glad to see that coverage in this bill is the same as that for an independent operator. I strongly urge the government not to back down on this very crucial measure. This government is going to take a lot of pressure throughout this process. I urge them not to fold under pressure.

We look forward to hearing from the stakeholders at the committee level, but our initial look at the bill suggests the following concerns:

We're very concerned about exemptions related to private contractors dealing directly with homeowners. It is not exactly clear to me how you exempt contractors who, one day, are doing new home construction and, the next day, are doing renovation work. In my view, installing windows and doors in new construction is no more or less dangerous than installing windows and doors in a large-scale renovation. The point is that while there may be some scope for exempting true mom-and-pop operations, I'm not sure that the home renovation exemption is exactly the right way to deal with this.

Related to this is the potential for home renovators to request that the homeowner directly hire the contractor's employees, which would obviously directly undermine the purpose of this bill.

So the renovations exemption is our most serious concern. We simply don't want it to become the new independent operator exemption.

The opportunity is now before us to ensure that the full health and safety committees, procedures and practices are required and implemented in these dangerous work sites. Workers and contractors will now have both the desire and the legal imperative to ensure safety first. As the Provincial Building and Construction Trades Council stated in its brief for the Minister of Labour in 2006, "In the case of medical aid the burden is now shifted to the health care system without being handled by the WSIB"—and I reiterate—"as it should be."

Finally, the somewhat vague date of some time in 2012 strikes us as an unnecessary delay. We in the NDP will be looking for an implementation date by no later than the end of 2010, or at least some very good reasons why implementation should take any longer.

The changes that we will propose will be in the best interests of the industry and the many construction workers who face unprotected risk every day they go to work.

Finally, I'd like to say a few words to the members opposite. While we have our concerns, this appears to be a solid first step on the part of the government to bring

some fairness to WSIB coverage. However, we are more than aware that the same forces that have held up progress in the area for the last 15 years will be doing everything they can to force backtracking on some of the key provisions of this bill. Rest assured, my friends: If there is any backtracking on the very important legislation, you will hear from the NDP.

*Second reading debate deemed adjourned.*

**The Deputy Speaker (Mr. Bruce Crozier):** It being 6 of the clock, this House is adjourned until 9 of the clock, Thursday, October 30.

*The House adjourned at 1759.*

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Kevin Daniel Flynn, Sylvia Jones  
Norm Miller, Mario Sergio  
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Andrea Horwath, Phil McNeely  
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Norman W. Sterling, Maria Van Bommel  
David Zimmer  
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permanent des règlements et des projets de loi d'intérêt privé**

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Kim Craitor, Gerry Martiniuk  
Paul Miller, Bill Murdoch  
Michael Prue, Tony Ruprecht  
Mario Sergio  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de  
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Vice-Chair / Vice-président: Vic Dhillon  
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Cheri DiNovo, Helena Jaczek  
Dave Levac, Shafiq Qaadri  
Khalil Ramal, Laurie Scott  
Peter Shurman  
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**Select Committee on Elections / Comité spécial des élections**

Chair / Président: Greg Sorbara  
Howard Hampton, Greg Sorbara  
Norman W. Sterling, David Zimmer  
Committee Clerk / Greffier: Katch Koch









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