

Mr. Rosario Marchese: Minister, a couple of years back, part-time college professors were trying to organize themselves into a union—and support employees, of course. It was the only place in Canada I'm aware of where they couldn't organize to have a union. There was a charter challenge that you would have faced eventually on that matter. International labour organizations have written, saying that it was discriminatory that Ontario was doing that. We asked you a couple of questions on the matter.

It took them, in essence, about two long years to try to persuade the government to pass legislation that would allow them to organize, and finally, you did. In October 2008, your government amended the Colleges Collective Bargaining Act to enable part-time college academic and support employees to organize. You were proud of that legislation, I'm assuming, correct?

Hon. John Milloy: Very proud of it, and I appreciated your support.

Mr. Rosario Marchese: I was happy to give the support.

My sense is that you probably would know the cost that colleges would incur, should they be able to organize into a union. Do you have estimates of the cost that they might incur, should they be able to organize?

Hon. John Milloy: Our relationship with colleges—they are mature organizations. I think it wasn't actually with you, Mr. Marchese, it was with Mr. Wilson yesterday—we spoke about the fact that they received operating funding, and through that operating funding, they managed the payments that they needed to make for expenses that came forward, including the expense of staff and then the expense of any increases, obviously, notwithstanding the fact that we're in a two-year freeze situation, but in general. They do it, so we do not have a pay envelope or a pay item that goes to colleges that says, "This is for money."

Mr. Rosario Marchese: So you didn't actually budget any kind of money for that prospective increase?

Hon. John Milloy: Well, we included, as you know, the \$310 million in the budget for the growth.

Mr. Rosario Marchese: I understand that, but that's not for the potential unionization of the support staff and college teachers. You didn't budget a certain amount of money that would have to be paid, should they unionize, is that correct? Do you have any estimates at all?

Hon. John Milloy: As I said, we work with the sector. Overall, I can tell you that operating grants to the college sector have increased substantially. We talked about that. They increase every year. They increase on a per-student basis. We obviously looked at both sides, to unions and—in this case, if you're talking about a hypothetical of a union

that came in for the part-time workers as a result of the legislation, we looked for a reasonable agreement between the two. As I say, we're now in a new climate.

Mr. Rosario Marchese: Sure. You're quite right, but I wasn't asking that. I was just saying that once they unionize, the colleges would incur a cost, and I wondered whether you or your staff here—I welcome them here today as well—budgeted a certain amount of money. Do you have a sense of what that number would be?

Hon. John Milloy: As I say, the last budget speaks for itself in terms of the increases to the sector.

Mr. Rosario Marchese: I understand. That's not the question I was asking. This is the kind of problem we have in question period, where the opposition has a question, the government gives you the answer they want, and you never get an answer. But I understand; I do.

It would be, by the way, a sizable increase. I haven't worked it out in my own mind, because there's only me—we have a very limited staff. I wish I had the level of support you have; I'm sure we would be able to work it out in a day. But it would be sizable, I suspect, because we're talking about a whole lot of part-time college professors and support staff.

I personally know that colleges are worried, because I met with a couple of them. They smiled when I said, "Look, I know you don't want them to organize." They smile, because they can't say, "Of course we do," when of course they can't. They are worried because of the funding issues over the years where they've had a tremendous increase of student enrolment but a disproportionate amount of money going to the colleges, in spite of all the blah, blah, blah about how much money you've given them—

Hon. John Milloy: Well, hold on. Blah, blah, blah—

Mr. Rosario Marchese: But I'm making a statement; I didn't ask a question in that regard.

Hon. John Milloy: I know. Okay.

Mr. Rosario Marchese: I'm sure you're aware that although part-time academic and support employees in Ontario colleges have voted on unionization, those votes have not been counted. They are sealed in ballot boxes. We're talking about October 2008 when this legislation passed. It's been a while. That's because the College Employer Council invoked section 30(1) of the Colleges Collective Bargaining Act. They argued that the union had not received enough signed membership cards to go ahead with the vote. The act states that 35% of individuals in the bargaining unit—in other words, employees who would be represented by the union, were it successfully organized—must sign cards.

The employee organization, OPSEU, had garnered over 10,000 memberships, putting it well above the 35% threshold, but the College Employer Council argued that any person who had worked part-time at a college for a single day in the year before the application was filed would have to be considered a member in the bargaining unit. Does that seem reasonable to you?

Hon. John Milloy: Well, Mr. Marchese, you are an individual of great experience, and you know that this issue is in front of the Ontario Labour Relations Board. Ministers who comment on issues before the Ontario Labour Relations Board do so, I think, with—it would be very imprudent; it would be inappropriate. I was going to make a joke, but I won't. Well, I was going to say, they are possibly not ministers any longer.

I'm not going to comment on something that's before the Ontario Labour Relations Board. There's a process in place, and we'll let them do it. Technically, and I'm not trying to be difficult here, the Ontario Labour Relations Board process etc. falls, of course, under my colleague the Minister of Labour. But I cannot, as you know, as a minister comment on what's before the board.

Mr. Rosario Marchese: Well, let me comment for you: This is blatant obstructionism. They are undermining your bill. In my view, they're undermining you fine Liberals that passed that fine law, which all of you were proud of and that I supported. Is that fair to some of you guys on the other side? Because the minister can't speak. Is it fair?

Mr. Ted McMeekin: It was appreciated that you supported it, for sure.

Mr. Rosario Marchese: Right, and that's why I'm arguing, on behalf of those who can't speak, that it's blatant obstructionism. It deliberately, wilfully is undermining your bill. The council is trying to take advantage of a loophole by submitting impossibly long lists of names. These names that they're submitting aren't people with regular part-time work at the colleges who would actually participate in the union. It's just a beautiful strategy. I just love it. If I was on the other side, I'd say, "This is great." Of course, the colleges are like a pig in—hmm, you know what I mean. And the lawyers are having a great deal of fun with this because there's a lot of pecunia to be made, as you can imagine.

The people that they're submitting by way of names, which these poor union folk have to verify, are students who worked for a few hours, in some cases—bartenders hired for a single event. We're talking about hundreds of thousands of people that are now dispersed, God bless, all over the country and that cannot be tracked down and contacted. It's impossible to argue that this is a fair interpretation of the act, but that's what they're doing, and it's legal. It's beautiful; it's legal. They're just using a loophole in the bill that you may not have been aware of. It's quite possible you weren't aware of it, or you weren't aware of the unintended consequences of such a section that would allow the colleges to undermine your bill. But it's happening. These unions have to verify thousands and thousands of names. How could you do it? October, 2008—they're still at it, two years later.

I couldn't be proud of a bill that I passed that colleges are undermining. I couldn't. The College Employer Council is, in essence, working against the Premier's stated objective of allowing these part-time workers their constitutional rights to freedom of association. In my mind, it's very clear. In order to make their case, the council has retained the services of Hicks Morley—well known. Huge amounts of time and energy are going into arguing whether certain names should be included, which is exactly what the council wants to forestall, the counting of the votes.

I was going to ask you, do you think it's appropriate that public money is being used to hire high-priced lawyers to fight against the organization of these workers? You can't comment on that, right?

Hon. John Milloy: Well, as I said—I mean, Mr. Marchese, you were a minister. You know there are things ministers don't comment about. The Ontario Labour Relations Board is like a court. It's a matter before the court and I will let them deal with it. The arguments and points that are being made are part of what I imagine is a dialogue before the board, and the board will make a decision.

Mr. Rosario Marchese: I just think it's a huge misuse of public dollars. It's almost worse than hiring lobbyists. You've introduced a bill to which there are loopholes once again that will allow, at least in the case that you and I represent, colleges and universities to hire lobbyists by using tuition fees, which is their money, not yours. So there's a loophole in that bill that will allow lobbyists to continue to lobby you and your staff and the countless staff that are here, whenever they want. So the bill you introduced will have no effect, except in part, in terms of what you were trying to get and in terms of what the Auditor General was getting at.

It is a flagrant misuse of our money, yours and mine, that the colleges should hire these high-paid lawyers—Hicks Morley—to prevent the unionization of those college teachers and support staff, money that could be used to retrain unemployed workers and improve access, as we were talking about yesterday, that OCUFA speaks very clearly about in terms of the decline in the quality of our post-secondary education system.

The Ontario Labour Relations Board has sided with the definition put forward by Hicks Morley and the College Employer Council. We believe, as does OPSEU, that this decision creates overwhelming and prejudicial barriers to the democratic right of employees to choose whether or not they wish to be unionized.

As I said, these voters have already voted. Their votes are sealed in ballot boxes, and all the union wants is for these votes to be counted. That's all they want. They collected 10,000 signatures—sealed, ready to be opened up—and they can't be counted two years later.

I'm not sure that you are aware of this, but I suspect you are. I think there's a way out, and my sense is that you can comment on this. You have the power to end this ugly and anti-democratic legal battle. You could follow through on the stated intention of your Premier and your own intentions and end the waste of taxpayers' money. All you need to do is make the following order: Pursuant to the minister's authority under section 4(1) and section 5(1) of the Ontario Colleges of Applied Arts and Technology Act, 2002, "the minister orders the College Employer Council to withdraw their objections under section 31 of the Colleges Collective Bargaining Act, 2008, to the two applications for certification filed by the Ontario Public Service Employees Union."

This order would simply allow the ballots to be counted. The union is quite willing to rely on the results of those votes to determine whether or not certification is successful. We wonder whether or not you have considered this section that would allow those votes to be counted, those envelopes to be opened; wonder whether or not you're willing to consider such a section that would end this dispute that has lasted for two long years; and wonder whether or not you think you want to comment on this particular use of the section.

Hon. John Milloy: Again, Mr. Marchese, you may not like the answer, but my sense of this entire line of questioning and the thoughts you've shared is that it's about a matter before the Ontario Labour Relations Board. It would be inappropriate for me as a minister, particularly the Minister of Training, Colleges and Universities, to comment on it.

Mr. Rosario Marchese: I really do find it distressing, sad and so much more. I supported your bill. You were proud of your bill, so I asked you. Your Premier was proud to have allowed these college professors and support staff the ability to unionize. We all felt this bill would allow them to do that. OPSEU went out and collected 10,000 signatures, and they really believed that that was all they needed to do. In my view, that is more than enough to get the 35% that they need to be able to unionize—more than enough. To allow the colleges, by hiring well-paid lawyers, to find a loophole that says, "No, you've got to consult; you've got to get every possible worker who worked in that previous year, any possible person who worked for one day—you've got to reach them. You've got to ask them whether they want to be able to join the union," is crazy.

Let me get my other glasses so I can see you guys. It's crazy. Isn't it crazy? I just want a few heads to do this. Isn't it crazy?

Mr. Randy Hillier: It is crazy, but expected.

The Chair (Mr. Garfield Dunlop): You've got three minutes in this round, by the way.

Mr. Rosario Marchese: I just think it's just a flagrant abuse—it's an attack on your bill. They're using a loophole to permit colleges not to unionize, and I know why they're doing it. They're doing it—and they tell me privately, because none of them dare say it publicly; they're just not getting enough financial support. Should they unionize, it will

cost them millions of dollars they do not have, and they would then have to take money from underfunded programs to be able to allow these people to have the right to unionize and have the right to benefits that they're entitled to.

At the moment, these people, many of them who work plenty of hours and do, in many cases, more work than full-time professors, I dare say, in some cases—they're just being used and abused. I just think it's unfair. Unionization would allow them to have the benefits that they're entitled to for the work that they do. For two long years, they've been trying to get it, and they can't. I just think it's a flagrant abuse of the law; it's a flagrant abuse of a loophole that allows them to do this. For the government to sit by, for two long years, and say, "It's got nothing to do with me; it's between them," is not responsible. It's an easy way out. It allows you not to have to worry about how the colleges are going to fund for your desire for the college teachers to be able to unionize. You allowed them to unionize and colleges prevent them from unionizing, and you and they are quite comfortable with that. You hide behind the cover of saying, "It's not my problem. They're fighting this out. It's their problem. The bill is quite clear."

The bill is not as clear as you had intended. They're using the loophole to be able to prevent unionization. I decry it. I'm sad, and a bit disappointed by your response and your inability as a government to deal with this and deal with this quickly.