

ONTARIO SUPERIOR COURT RULES BILL 115 VIOLATED CHARTER OF RIGHTS AND FREEDOMS

In a major victory for Canada's labour movement, Justice Thomas R. Lederer of the Ontario Superior Court ruled that [Bill 115, Putting Students First Act](#), violated collective bargaining rights under the Charter of Rights and Freedoms. The controversial bill was enacted in 2012 and portrayed by the Ontario Liberals as necessary to help right the province's economic situation. Former Premier Dalton McGuinty and his Education Minister, Laurel Broten, insisted at the time that Bill 115 was within the province's constitutional prerogative. But, Justice Lederer disagreed saying, "The problem with what took place is with the process, not the end result. It is possible that had the process been one that properly respected the associational rights of the unions, the fiscal and economic impacts of the result would have been the same or similar to those that occurred. In response to Justice Lederer's decision OSSTF/FEESO President [Paul Elliott said](#), "We are pleased that the Court has reconfirmed the importance of free, fair and meaningful collective bargaining." In his judgement, Justice Lederer directed the government and unions to find a remedy. If they are unable to, they may ask him for his opinion.

The day after the ruling, NDP Leader [Andrea Horwath \(Hamilton-Centre\)](#) asked Premier Kathleen Wynne, "My next question is also for the Premier. Courts have ruled that the Liberal government violated the Charter of Rights and Freedoms with Bill 115. Will this Premier take this opportunity to apologize to parents, students and education workers for trampling on collective bargaining rights and throwing our schools into chaos?"

[Wynne replied](#), "The decision is being reviewed, obviously. It has just come down. When I ran for leadership in 2012–13, I was very clear that I had problems with Bill 115. Bill 115 has been repealed. We have established a new bargaining process. We are working with the education sector. I believe that the move away from Bill 115 was exactly the right thing to do."

The judgement now presents a huge political and economic dilemma for the Kathleen Wynne government. The Liberals have heavily relied on the more than billion dollars they cut from education workers' contracts to help balance the provincial budgets. As well, the political ramifications are yet unclear, as an election has already passed since Bill 115 was implemented. Nonetheless, the court decision is a clear setback and embarrassment to the Liberals. The Liberals have not yet decided if they will appeal this decision to the Supreme Court of Canada or attempt to seek a remedy with the affected unions. How they now proceed will definitely contribute to the tone and substance of future negotiations.

NEW BILLS INTRODUCED

BILL 187, COMMISSION OF INQUIRY INTO ACCESSIBLE PARKING IN MUNICIPALITIES ACT

PC MPP Gila Martow (Thornhill) introduced [Bill 187, Commission of Inquiry into Accessible Parking in Municipalities Act](#). Martow's bill calls for a commission be appointed to report on accessible parking in municipalities for persons with disabilities. The commission must begin its inquiry within 60 days after being appointed and must make an interim report in six months and a final report in 12 months.

BILL 188, TIME TO CARE ACT (LONG-TERM CARE HOMES AMENDMENT, MINIMUM STANDARD OF DAILY CARE)

NDP MPP France Gelinias (Nickel Belt) introduced [Bill 188, Time to Care Act \(Long-Term Care Homes Amendment, Minimum Standard of Daily Care\)](#). The bill would require nursing homes to provide residents with at least four hours of care per day.

BILL 189, EATING DISORDERS AWARENESS WEEK ACT

Liberal MPP Glenn Thibeault (Sudbury) introduced [Bill 189, Eating Disorders Awareness Week Act](#). Thibeault's bill would proclaim the week beginning February 1 in each year as Eating Disorders Awareness Week.

BILL 190, SAFE TEXTING ZONES ACT

PC MPP Vic Fedeli (North Bay) introduced [Bill 190, Safe Texting Zones Act](#). Fedeli's bill would authorize the Minister of Transportation to designate any part of the King's Highway as a texting zone.

BILL 191, HIGHWAY TRAFFIC AMENDMENT ACT (NUMBER PLATES AND CARRYING RACKS)

PC MPP Norm Miller (Muskoka) and Liberal MPP Eleanor McMahon (Burlington) have jointly sponsored [Bill 191, Highway Traffic Amendment Act \(Number Plates and Carrying Racks\)](#).

The bill would allow a person to drive a vehicle, with a rear-mounted bike rack, on a highway even if the rack obscures the number plate for the vehicle that is required to be attached to the rear of the vehicle.

BILL 192, HIGHWAY TRAFFIC AMENDMENT ACT (KEEP OUR ROADS SAFER THROUGH THE USE OF INTELLIGENT DRIVE TECHNOLOGIES)

Liberal MPP Harinder Takhar (Mississauga—Erindale) introduced [Bill 192, Highway Traffic Amendment Act \(Keep our Roads Safer through the use of Intelligent Drive Technologies\)](#).

The proposed bill would require motor vehicles of a prescribed type or in a prescribed class and registered in Ontario on or after January 1, 2020 to be equipped with collision avoidance systems/intelligent drive technologies, post-collision/accident rescue safety technologies or both or any other such lifesaving technologies as may be prescribed by the Lieutenant Governor in Council.

BILLS PASSED

None passed this week.

MOTIONS DEBATED

ELECTORAL REFORM

NDP Leader Andrea Horwath's [motion calling](#) for an Ontario Advisory Panel on Political Finance Reform and Electoral Participation to develop recommendations on the financing of political parties, electoral participation, and third party advertising was defeated by the Liberals by a vote of 50–39. The PCs supported Horwath's motion.

WORKPLACE HARASSMENT

Liberal MPP Kathryn McGarry (Cambridge) put forward a [motion stating](#), “the term “employment” within the Ontario Human Rights Code of workplace harassment also includes activities or events that happen outside of normal business hours or off business premises, but are linked to the workplace and employment, and recommends that all Ontario workplace harassment and sexual harassment policies recognize this definition.” McGarry's motion passed on a voice vote without opposition.

KOMAGATU MARU APOLOGY

Liberal MPP Vic Dhillon (Brampton West) put forward a [motion stating](#), “The Legislative Assembly of Ontario supports the federal government's decision to offer a full apology in the House of Commons for the Komagata Maru incident of 1914, and calls upon future federal governments to never again enact immigration laws based on one's religion, ethnicity, gender, race or any other discriminatory grounds.” Dhillon's motion passed on a voice vote without opposition.

WIND TURBINES

PC MPP Jim Wilson (Simcoe—Grey) put forward a [motion calling on](#), “The government should put an immediate and permanent stop to the wind turbine project next to the Collingwood Regional Airport; in the name of pilot safety and public safety, as well as protecting economic development and jobs.” Wilson's motion was defeated 43–15. NDP Energy Critic Peter Tabuns (Toronto Danforth) voted with the Liberals while the rest of the NDP caucus either abstained or was absent for the vote.

HPV IMMUNIZATION TO BE EXPANDED TO BOYS

Health and Long-Term Care Minister Eric Hoskins (St. Paul's) [announced](#) that beginning September, 2016, the HPV immunization program will be expanded to include boys as well as girls starting in Grade 7.

FORMER FEDERAL NDP MP TO SEEK ONTARIO LIBERAL NOMINATION IN BY-ELECTION

In a surprising development, former NDP MP for Scarborough Rouge-River, Rathika Sitsabaiesan has declared her intention to seek the Provincial Liberal nomination in the same recently vacated riding of Scarborough—Rouge River. Sitsabaiesan represented the riding from 2011 until her defeat in last year's federal election. In explaining her defection to the Liberals, Sitsabaiesan cited Premier Wynne's progressive policies particularly the recent announcement of free post-secondary education for lower-income youth. Sitsabaiesan [said](#), “Earlier this year, Premier Kathleen Wynne passed one of the most progressive policies

we have ever seen in Canada: free post-secondary tuition for students from lower income families. Here in Scarborough—Rouge River, our community will benefit greatly from this ground-breaking commitment.”

Sitsabaiesan’s move was unexpected as many had seen her as the natural NDP candidate for the provincial by-election. Despite Sitsabaiesan’s high profile, a contest is expected for the Liberal nomination, especially in light of the appointment of Sitsabaiesan’s former NDP colleague, Glenn Thibeault as the Liberal candidate for the 2015 Sudbury by-election. Thibeault’s appointment led to criminal charges being filed by the Ontario Provincial Police on a local Liberal organizer. Those allegations have not been proven in court yet. As for the Scarborough—Rouge River by-election, it was necessitated by the resignation of long-time Liberal MPP Bas Balkissoon. A by-election must be called mid-September.

ECONOMIC MINISTER BRAD DUGUID TO TAKE HEALTH LEAVE

MPP Brad Duguid, Minister of Economic Development, Employment and Infrastructure suffered a health scare with the discovery of a partial artery blockage in his heart. As Duguid’s prognosis is good and he is expected to return to his full duties within a few weeks, Premier Wynne has not named a replacement to assume Duguid’s duties during his absence.

MPP JACK MACLAREN TO ENROLL IN SENSITIVITY TRAINING

The fall-out from the MPP Jack MacLaren’s “jokes” directed at a female Liberal MP have now cost the Carleton - Mississippi Mills politician his critic and committee roles. And, in a further attempt to ameliorate the damage to his party’s image as being a nest for misogynists, PC Leader Patrick Brown has directed MacLaren to sign up for sensitivity training. Brown has also said that MacLaren will not be attending Queen’s Park for the next few weeks.

**The Legislature will be adjourned during the week of April 25, 2016.
It will resume on Monday, May 2, 2016.**