

‘Just try to keep them happy’:
Whips and party cohesion in the Ontario Legislature

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Introduction

Among the various leadership roles within a party caucus, few are less well understood than that of the whip. Party whips are often unknown in the public, rarely sit in their party's front bench, and are seldom quoted in the media. In addition, very little academic literature exists on the roles and functions of the office. When discussion of a whip does arise, it is usually about the imposition of sanctions on another member for disobeying a whipped vote. Because of this, whips are perceived as the secret enforcers of party discipline, threatening and bullying members into following the party line. While maintaining party cohesion is a prime objective for whips, the role is much more complex than has been presented.

This paper explores the dynamics of the whip within the broader context of party politics in the Ontario Legislature. Drawing on the existing literature, personal interviews, and experiential research, I identify the characteristics of the whip's office unique to Queen's Park and, more specifically, the current parliament wherein no party holds a majority of seats. This paper focuses on two questions: how a whip's role is affected by organizational structures and minority government, and to what extent whips are able to maintain party cohesion. I argue the staffing available to whips, their relationship with the house leader, and the overarching intra- and inter-party dynamics significantly impact the whip's approach to their responsibilities. I also examine party cohesion in regards to Private Members' Business, where a range of flexible approaches including whipped votes, free votes, and intra-party divisions illustrates the clear distinction between party division and party cohesion, and demonstrates why whips prefer managing caucus relations using the latter method.

Academic literature on the general nature of the whip's role is sparse. The books and articles that do exist largely focus on the British House of Commons, and date from more than 25 years ago. A handful of articles from the 1980s discuss the Canadian model, while one briefly discusses the whip structure in Ontario. It is safe to say the nature of party whips has been underexplored in the literature. While party cohesion and discipline have been studied somewhat more, there certainly remain additional questions in the field. In particular, this paper contributes an original understanding of the whip's job in balancing party discipline with party cohesion through their handling of house business. Lessons drawn from the Ontario Legislature may be applicable to other jurisdictions, although this paper will not overextend itself in such discussions.

This paper begins by discussing my research methodology. I then provide background on the development of the role of the whip, tracing its evolution from Westminster in the eighteenth century to Queen's Park today. Third, I provide my analysis of the office of the whip in the Ontario Legislature, drawing primarily on personal interviews with current and former whips, staff assistants, and third-party observers. The subsequent sections expand on the whip's relationship with the house leader, the structure of the whip's office, and the impact of minority government. Finally, I argue for the whip's important role in maintaining party cohesion,

highlighting the treatment of Private Member's Business as an key indicator of the approach of a party and its whip.

Research Methodology

This paper employs a variety of methods to explore the relationship between whips and party cohesion. In order to supplement the existing yet sparse literature, I conducted a qualitative study with current members of the Ontario Legislature and other astute observers. An analysis of qualitative interviews can provide timely, nuanced, and detailed observations about sensitive and complex issues. Through analyzing the interviewees' subjective perceptions of the role of whips, their relations to caucus, and the maintenance of party discipline, a fuller understanding can be built than would be the case with relying on secondary literature or a quantitative survey.

Interviews were conducted between March and May 2012 with three groups of participants: current and former party whips in the Ontario Legislature, staff assistants to the whips, and public agents. These interviews were conducted using a semi-structured methodology to ensure consistency, with follow-up questions based on participant responses. The first study sample, current and former party whips, consisted of seven respondents: two from the Liberal Party, three from the Progressive Conservative Party, and two from the New Democratic Party. These individuals, with a combined 26 years of experience as their party whip, are well-placed to provide insight on the responsibilities that fall behind closed doors. Participants were all current MPPs, recruited from public legislative records and recommendations by other interviewees. The staff of each member was contacted via email, requesting a 30-minute interview to discuss their personal experience. Each interview was conducted in person in the member's office. Interview notes were taken by hand and no recordings were made, with the understanding that no comments would be attributed. Participating MPPs were asked to describe what the job entails, and whether any aspects of the job differed between a minority or majority government. They were also asked to describe their working relationship with their staff assistant, as well as how they maintained party discipline, with particularly reference to votes on Private Members' Business. Finally, the participants were asked to comment on the Parliamentary Liaison Group, struck by Premier Dalton McGuinty in October 2011 after his re-election with a minority government.¹

The second sample group consisted of staff assistants to the party whips. Of the three recognized parties at Queen's Park, formal interviews were obtained with the main assistant for two of the parties. For the other party, insight was obtained through informal discussion and observation. The interviews ranged between 45 minutes and an hour, with questions covering the same topics

¹ Keith Leslie, "McGuinty wants all-party group to set priorities for minority government," *The Globe and Mail* (October 24, 2011), <http://www.theglobeandmail.com/news/politics/mcguinty-wants-all-party-group-to-set-priorities-for-minority-government/article2211920/>.

described above. Staff participants were also asked about contacting and working with MPPs versus their staff, and about liaisons with other parties.

The third sample, public agents, consisted of in-person or telephone interviews with two individuals: one legislative officer, and a third-party consultant and researcher. These participants were asked to provide an objective, outside perspective on how the role of the whip has changed over time, and to offer general commentary on the subject of the paper. This provided a supplementary lens to help confirm or challenge opinions on the role of the whip given by those from the first two sample groups, who may have a more narrow or biased perspective based on their personal experiences.

A participatory aspect of research also contributed to my understanding of the role of the whip. From March until June 2012, I worked in the office of the Chief Opposition Whip, Progressive Conservative MPP John Yakabuski. This experience allowed me to closely observe the daily functioning of a whip's office, including such responsibilities as committee substitutions, tracking attendance in the house, arranging speakers for debates, and facilitating caucus social activities.

My research was also informed by participating in group conversations with the Chief of Staff to the Liberal Whip in the Canadian House of Commons, the Parti Québécois Whip in Québec City, and the Chief Government Whip, Deputy Government Whip, and Principal Private Secretary to the Chief Government Whip in the British House of Commons. These not-for-attribution discussions took place during OLIP Comparative Study Trips, and assisted in providing contrasting perspectives on the role of the whip in other jurisdictions. These conversations helped to clarify which elements of a whip's role are common across parliaments, and which may be unique to the Ontario Legislature.

Overall, these various research methods help to build a more complete, holistic understanding of the role of the whip in maintaining party cohesion. A review of the secondary literature provides theoretical background on the social behaviour of parties, as well as a historical perspective on the whip's role in the British Parliament and Canadian House of Commons. This inter-jurisdictional understanding has been enhanced through conversations with current office-holders in a variety of other parliaments. Qualitative interviews with current and former whips, staff assistants, and public agents in the Ontario Legislature provide the primary substance for an analysis of current dynamics in this provincial parliament. Informational gaps in the interviews could be counteracted through the researcher's personal experience in the Chief Opposition Whip's office.

Background: Development of the Whip's Role

Cohesive political parties are a cornerstone of the Westminster parliamentary system. As will be developed more fully later, they provide efficient legislating, distinct alternatives, and an element of predictability. Parties allow like-minded individuals to campaign and govern on a common set of principles and policy proposals, and to be held collectively and individually accountable for their actions at the subsequent election.² The party whip plays a key part in maintaining this cohesion. Because the main body of literature on whips and party discipline examines the role in the context of the United Kingdom, care will be taken to highlight similarities and differences in the Canadian and Ontarian experience.

Whips have their origin in the British Parliament. According to Bowler, Farrell, and Katz, "The creation of the whips' office represents one of the great parliamentary innovations, predating the rise of modern or mass parties."³ The name comes from the traditional British sport of hunting, in which one member of the chase party would be assigned as a "whipper-in... to keep the hounds from straying."⁴ According to Martin Westmacott, the first evidence of the term as applied to politics occurred in 1769, but the job continued to evolve over the next century.⁵ The position gained the official title of Parliamentary Secretary to the Treasury in 1801, with the responsibility of sending letters to members requesting their presence in the house for important votes.⁶ The counterpart to this role was the Financial Secretary, whose title eventually became Chancellor of the Exchequer, or Finance Minister. In addition, the Whip held the unofficial title of Patronage Secretary, as they controlled recommendations for public appointments, including administrative roles in territories of the British Empire.⁷ Over time, the opposition organized itself partly through adopting its own whip and more formalized party structure. From the creation of the position, therefore, the whip has served as an integral member at the highest level of party organization.

As a result, the responsibilities of the whip came to be closely associated with the characteristics of a party. Bowler, Farrell and Katz define the whips' office as "an organization specifically devoted to the maintenance of unified action by a political bloc."⁸ There are several primary, traditional responsibilities of a whip. First, the whip must maintain support for the government

² Lucinda Flavelle and Philip Kaye (Summer 1986), "Party Discipline and Legislative Voting," *Canadian Parliamentary Review* Vol. 9, p. 7.

³ Shaun Bowler, David M. Farrell and Richard S. Katz (1999), "Party Cohesion, Party Discipline, and Parliaments," in Bowler, Farrell & Katz, eds., *Party Discipline and Parliamentary Government* (Columbus: Ohio State University Press), p. 10.

⁴ Thomas Powell (21 May 2004), "The Whip's Offices," *House of Commons Library (UK)*, SN/PC/2829, p. 2.

⁵ Martin W. Westmacott (Autumn 1983), "Whips and Party Cohesion," *Canadian Parliamentary Review* Vol. 6, p. 14.

⁶ Tim Renton (2004), *Chief Whip: People, Power and Patronage in Westminster* (London: Politico's), p. 137.

⁷ *Ibid.*; Powell (2004), p. 2.

⁸ Bowler, Farrell, and Katz (1999), p. 10.

among backbench members and ensure they attend important debates and votes.⁹ To fulfill this role, the whip also serves as a conduit of information between backbenchers and the party leadership, to keep both apprised of the other's sentiments and intentions.

The whips must develop techniques to ensure their party members remain unified. Among their tools to compel this unity, a whip may impose sanctions on wayward members, including preventing them from asking questions in the house or, in extreme circumstances, removal from caucus.¹⁰ On the other hand, a whip may attempt to induce good behaviour from a member by offering positions on desirable committees and travel delegations, or through appealing to their desire to advance within the party. However, their primary tool is one of persuasion. According to former British Chief Whip Tim Renton, "The ability of the whips to change the minds of their colleagues lies in the fact that they wheedle and cajole quietly and behind the scenes."¹¹ A whip in the Ontario Legislature remarked that to maintain party cohesion he relied on his "friendly demeanor and dynamic personality," not draconian punishment.¹² In another interview, a former whip suggested "a whip has no power," and member behaviour depends more on their chances of forming or maintaining government than any threats or inducements a whip can offer.¹³ In many ways, whips become amateur psychologists and counsellors for their colleagues, listening to their concerns while gently persuading them to follow the party line.

As with other parliamentary traditions and roles, the Canadian and Ontario models differ from the British in both their development and modern practice. Whips have served a role in Canada's parliaments since Confederation in 1867.¹⁴ However, the perceived status of Canadian whips is markedly lower than in the UK. Whips in Canada historically have not been members of cabinet, but in recent Conservative governments the whip has served in cabinet as a Secretary of State.¹⁵ In Ontario, Chief Government Whips have sat as a Minister without Portfolio in NDP and PC governments, but were not members of the Executive Council during Liberal governments between 1985-1990 or since 2003.¹⁶ In addition, Canadian whips do not seem to have any formal role for recommending Cabinet appointments to the Prime Minister, as the Chief Whip has historically done in the UK.¹⁷ The special relationship evident in Britain, where "the Chief Whip is usually the Prime Minister's closest advisor," is certainly of a much higher calibre than in Canada.¹⁸

⁹ Westmacott (1983), p. 14.

¹⁰ Flavelle and Kaye (1986), p. 7.

¹¹ Renton (2004), p. 336.

¹² Interview F, Toronto, ON (16 May 2012).

¹³ Interview G, Toronto, ON (31 May 2012)..

¹⁴ Westmacott (1983), p. 14.

¹⁵ Larry Johnston (2011), "The Role of the Whip in the Westminster Parliamentary System," *Legislative Assembly of Ontario, Legislative Research Service*, p. 5.

¹⁶ Interview E, Toronto, ON (16 May 2012); Interview J, Toronto, ON (15 May 2012).

¹⁷ See Renton (2004), p. 163. This trend appears to have reversed recently, however – see *Ibid.*, p. 336.

¹⁸ Robert J. Jackson (1968), *Rebels and Whips* (London: Macmillan), p. 36.

Another clear distinction between Canadian and British whips' offices relates to their role in inter-party negotiations. In the UK, the party whips serve as the "usual channels" for inter-party discussions and negotiation.¹⁹ This process has evolved over the past century in Canadian parliaments. Federally, negotiations were formerly conducted by the party whips and the party leaders before 1945; since then, however, house leaders have assumed the role at the expense of party whips.²⁰ This has been formalized in Ontario with weekly House Leaders' meetings to decide on house business for the upcoming week.²¹ Monetary recognition of the duties of the whip's role was also slow to arrive: the MPs serving as chief whips and assistant whips did not receive any additional pay until 1963.²² In large part because of the sharing of responsibilities between house leaders and whips in Canadian legislatures, the whip's role is less prestigious than that of their nominal British counterpart.

Although staffing levels change much more fluidly than party leadership roles, several clear contrasts can also be drawn between Westminster and Canadian federal and provincial parliaments. The British Chief Government Whip is assisted by a Principal Private Secretary, a long-serving non-partisan senior civil servant who advises the government on legislative business and assists with inter-party discussions and negotiations.²³ In demonstration of the long-serving nature of the role, only four individuals have held the post since 1919, demonstrating their ability to broker fairly no matter which party holds power.²⁴ In Ontario and Canada, all aides to the whips are political staffers. Typically, whip offices have between one and six full-time staff members, some of whom may be shared between the house leader and whip.²⁵ These staff handle the logistics of arranging house attendance and speakers for debate, but often participate in legislative strategy and inter-party negotiations as well. In sum, the role of the whip has evolved since its origins in the UK Parliament, leading to a distinctly Canadian model for the office.

Analysis

Building upon the historical development of the office outlined above, the following sections explore in depth the role of whips in the Ontario Legislature. First, I analyse the relationship between the whip and the house leader, followed by discussing the varying structural forms a whip's office may take, including the effect of different staffing configurations. I then explore the dynamics of a minority government and its impact on the role of the whip. Finally, this paper

¹⁹ *Ibid.*, pp. 14-15.

²⁰ Westmacott (1983), p. 15.

²¹ Interview F.

²² Westmacott (1983), p. 14.

²³ Renton (2004), pp. 19, 73.

²⁴ Powell (2004), p. 7. The tenures were 1919-1958, 1958-1978, 1978-2000, and 2000-present.

²⁵ Various interviews; Westmacott (1983), p. 17.

examines a whip's ability to maintain party cohesion, identifying clear distinctions between cohesion and strict party discipline and focusing on actions taken regarding Private Members' Business.

Relationship with the House Leader

As noted above, in the Canadian model the whip and the house leader share responsibility for managing their party's operations in the legislature. This division is not always clear cut, and can lead to duplication of efforts and occasional conflicts. Although the house leader has emerged as the more prominent of the pair, collaboration between the two is critical for the party to be seen as effective.

In the words of one whip, the division of responsibilities can be summarized as, "the house leader handles negotiating, strategy and plans, and the whip implements it."²⁶ Although staff handle most of the detailed logistics, the whip is ultimately responsible for ensuring their party has enough bodies in the right seats. In order to ensure this happens, however, a whip must be well informed on the status of legislation, the parliamentary calendar, caucus sentiment on house business, and requested absences for constituency events or personal reasons.

The whip's job is made easier and more useful if it is coordinated with the house leader's strategy mandate. However, the working relationship between each whip and house leader often depends on their personal compatibility, and to some extent the caucus structure and values. To varying extents, the whips consider themselves members of the party negotiating or "management" team, offering input and helping to shape party strategy in the house and committees.²⁷ The inclusion or exclusion of the whip seems to be a decision by either the party leader or house leader, reinforcing the higher prestige associated with the house leader position.

In the current Ontario parliament, the whips and house leaders of all three parties attend the weekly House Leaders' meeting to discuss the business for the upcoming week. As well, two of the whips sit on the Parliamentary Liaison Group, newly struck in October 2011 to discuss larger issues of cooperation in this minority parliament. This group was established as a goodwill gesture by the government on the advice of former premier Bill Davis, to indicate its ability to reach out to other parties. However, opposition whips have dismissed it as an unnecessary duplication of the House Leaders' meeting. They described the group as "a function of government messaging," "kind of silly," and "redundant," where "not very much was accomplished."²⁸ Another interviewee was more generous, suggesting that any extra dialogue is

²⁶ Interview D, Toronto, ON (15 May 2012).

²⁷ Interview B, Toronto, ON (14 May 2012).

²⁸ Interview A, Toronto, ON (8 May 2012); Interview B; Interview F.

positive and that it is too early to pass judgment on the process.²⁹ Despite formal meeting schedules, the real business appears to occur when the three house leaders get together to compromise and agree on a process for moving business forward, leaving the whips and staff out of the discussion.

The discrepancy in prestige between the house leader and whip positions is substantiated by differences in compensation. In Ontario, house leaders receive more additional pay tied to their responsibilities than the whips receive (see Table 1). Pay is also correlated with the relative position of the party in the legislature. In both tangible and intangible ways, whips come second to house leaders in terms of prestige. However, this should not diminish the importance of their contribution toward maintaining party cohesion.

| Table 1: Select Amounts of Additional Pay for House Leadership Positions in the Ontario Legislature | |
|---|-----------------------|
| Position | Additional Pay |
| Chief Government Whip | \$21,328.65 |
| Chief Whip, Official Opposition | \$16,317.00 |
| Chief Whip, Recognized Party | \$14,685.30 |
| Cabinet Minister with Portfolio <i>Gov't House Leader is usually a Cabinet Minister</i> | \$49,300.65 |
| House Leader, Official Opposition | \$21,328.65 |
| House Leader, Recognized Party | \$18,181.80 |
| Source: http://www.parl.gc.ca/parlinfo/Documents/ProvincialIndemnities/SAL-ONT.pdf | |

Structure of the Whip's Office

The effectiveness of a party whip depends on the personality of the whip, as well as the resources he or she can call upon. In the Ontario Legislature, each party has its own structure for the whip's office, which has not always remained static. This section touches on the importance of the relationship between whips and their staff, as well as discussing specific supports for each party whip.

Whips emphasize the importance of staff in assisting them to fulfill the whip's role. The staff assistants often handle the detailed logistics of lining up speakers for debate, tracking duty days and arranging committee substitutions. While this work may be "mundane" and routine, whips recognize it is also essential for the caucuses to function.³⁰ Certain qualities were seen as important in staff assistants. One whip outlined the need for "someone with a firm

²⁹ Interview I, Toronto, ON (9 May 2012).

³⁰ Interview C, Toronto, ON (14 May 2012).

understanding” who “garners immense respect,” which can be necessary when telling MPPs what to do.³¹ Another whip said a staff assistant should be a “strong, smooth person” with good interpersonal skills, who can remain calm in frantic or emotionally-charged situations.³² Staff assistants were also referred to as “the glue that holds everything together,” and noted for their ability to provide procedural advice and assist as needed.³³ One staff assistant describes their job as “to make the whip look good.”³⁴ Clearly, whips rely on their staff to do much of the heavy lifting on logistics to ensure the day-to-day business of the house goes smoothly. Therefore, it stands to reason that the organization of staffing for a whip’s office can affect their ability to do their job.

Typically, on Fridays, the whip’s assistants line up speakers for the next week’s debates following the announcement of upcoming house business at the Thursday House Leaders’ meeting. Whip staff attend the weekly meetings for House Leaders and the Parliamentary Liaison Group, providing support and another perspective to their whips on these discussions. If MPPs need to be absent from their assigned committee or duty day in the house, their office must usually find a substitute and inform the whip’s office of the change. The staff assistants acknowledged their role as the “bad cop”, making it easier for the whip to be the “good cop.”³⁵ Despite the common responsibilities in the role, each caucus at Queen’s Park has arranged its whip’s office differently.

The Liberals have maintained a dedicated staffing team for the whip since at least 2003. The Executive Assistant to the Chief Government Whip, Carol Price, has served a long tenure in the role. She is assisted by one other full-time staff member. These staff members provide direct support for the whip, interacting with caucus to advise on issues such as votes and attendance. Assistance for the Government House Leader is provided by a separate team for Legislative Affairs, funded by the Office of the Premier and consisting of four staff members.³⁶ Presumably, strategy is coordinated here and through other areas of the Premier’s Office.

The staff support for the Progressive Conservative Whip has altered over the past decade. During the PC Government, the whip served as a Minister Without Portfolio and had seven dedicated staff members, including two dedicated to legislative and caucus issues. At some point after losing power, the organization was rearranged and had one dedicated staff member for the whip, operating largely autonomously from the house leader’s office. This later transitioned to a shared staff team for the house leader and the whip. While working primarily with the house leader,

³¹ *Ibid.*

³² Interview A.

³³ Interview E; Interview B; Interview D.

³⁴ Interview H, Toronto, ON (9 March 2012).

³⁵ *Ibid.*

³⁶ “Government House Leader and Issues Management.” *Info-GO*. Accessed May 29, 2012, <http://www.infogo.gov.on.ca/infogo/office.do?actionType=telephonedirectory&infoType=telephone&unitId=UNT000287&locale=en>

they assist the Whip in finding speakers for bills and providing detailed information on house business. Currently, this Legislative Affairs department is located under the Office of the Leader of the Opposition and includes director Jeffrey Kroeker and two other staff members.

For the NDP, the house leader and the whip were previously assisted by separate staff. Currently, Kevin Modeste serves as the Joint Assistant to the House Leader and the Whip. This staff member primarily manages logistics, attendance, and procedural advice, while legislative strategy is developed by the Leader's Office and the House Leader. Opposition parties, with fewer resources at their disposal, obviously have more incentive to increase efficiency and prevent duplication of services. The trend toward an integrated Legislative Affairs team also recognizes the inherent connection between strategy and implementation, and the required ability to react and respond quickly – particularly during a minority government. Whatever the organizational structure, staff are clearly critical for achieving the objective of a party whip.

Whipping in a Minority

On October 7, 2012, Ontario residents woke up to a scenario that had not been experienced for more than 25 years: a minority government. Although the federal government returned consecutive minorities in the 2004, 2006, and 2008 elections, the last time one party did not win a majority of seats at Queen's Park was in 1985. In that Parliament, however, the Liberals governed with the support of the NDP through a formal Accord. To find a pure example of a minority government, one must go back to the 1977-81 mandate of PC Premier Bill Davis.

A minority government affects the balance of power in the legislative process, presenting unique challenges for the government and opportunities for opposition parties. In the current Ontario Legislature, the situation was made more unpredictable by the incredibly close seat count. Of 107 total seats, the Liberals won 53 – one short of a majority government. The PC Party elected 37 members, with the NDP holding the remaining 17 seats. After Liberal MPP Dave Levac was elected as Speaker, the combined opposition parties held a 54 to 52 voting advantage over the government. In this section, I explore how the role of the whip is affected during a shift from a majority to minority government – particularly one in which literally every vote counts.

One obvious result is that party cohesion matters enormously to every party. In the aftermath of the election, there was much media speculation that the Liberals would entice an opposition member to cross the floor, or run for Speaker and give the government a de facto majority.³⁷ No party could afford to alienate any of its elected members, for fear they might decide to leave the party and change the balance of power in the legislature. This fear was finally realized on April

³⁷ Maria Babbage and Romina Maurino, "McGuinty plays coy on whether opposition MPP may cross the floor," *The Canadian Press*, October 18, 2011, <http://www.ipolitics.ca/2011/10/18/mcguinty-plays-coy-on-whether-opposition-mpp-may-cross-the-floor/>.

27, 2012, when PC MPP Elizabeth Witmer announced she was resigning her seat to become the Chair of the Workplace Safety Insurance Board (WSIB).³⁸ As of the writing of this paper, the potentially game-changing by-election has not yet been called.

Most interviewees observed that the job of the whip becomes harder in a minority parliament because the outcome of votes is now “uncertain and fraught.”³⁹ Therefore, ensuring all party members are on hand becomes much more important. This can be seen not only with recorded votes on legislation, but also votes for adjournment of the debate that have occurred frequently as the PC Party pushed for a Select Committee on the Ornge scandal.⁴⁰ Although the votes are not recorded, they affect the ability of the Legislature to do its work because, if passed, debate would cease on that government bill for the day. Therefore, the government must keep a substantial number of backbenchers and ministers on hand – approximately 40 – to ensure they can defeat the PCs if they are all there to vote. As these motions for adjournment may occur four or five times a day, it affects the ability of ministers to focus on their job, making it a very effective pressure tactic.

In addition to managing attendance for votes in the chamber, the job of staffing committees and preparing for debates also becomes more difficult in a minority. This is particularly true for the government, which has fewer members to call on for various duties. Each party must ensure full voting representation on all nine Standing Committees and their associated subcommittees, as well as maintaining a quorum of five members in the House in order to force a division (recorded vote) at any time.⁴¹ Members must also be prepared for debates on both government and private members’ business in the house. The responsibilities of the governing party remain much the same, with fewer members to share the load. For opposition parties, meanwhile, an increase in seats similarly leads to increased representation on committees.

In this way, a minority status affects the opposition almost as much as the government. The opposition whips’ jobs become more important, as there is actually the chance they could win a vote.⁴² Whips interviewed for this paper emphasized that all members of the caucus understand this situation; according to an opposition whip, a minority is “harder on all members” as they have to be at Queen’s Park more than they would like.⁴³ Certainly, each member has an increased profile, and absences on votes may be noted more stringently than during a majority.

³⁸ Frances Barrick, “Witmer resigns as MPP,” *The Waterloo Region Record*, April 28, 2012, <http://www.therecord.com/news/local/article/713715--witmer-resigns-as-mpp>.

³⁹ Interview K, Toronto, ON (25 May 2012).

⁴⁰ Sarah Boesveld, “Ontario PCs intentionally blocking anti-bullying bill by stalling Queen’s Park debate: education minister,” *National Post*, April 19, 2012, <http://news.nationalpost.com/2012/04/19/ontario-pcs-intentionally-blocking-anti-bullying-bill-by-stalling-queens-park-debate-education-minister/>.

⁴¹ Interview A.

⁴² Interview J.

⁴³ Interview F.

In this way, a minority may make the whip's job easier, according to a former whip, because members understand the potential consequences of missing a vote.⁴⁴

A minority is most substantively different in the committee process. During subcommittees, where one member from each party negotiates the agenda and parameters for committee discussions, the opposition holds the upper hand even in a majority. Unlike in a majority, however, amendments to a bill can now pass without the government's consent. The government must therefore find allies in one of the opposition parties to support changes it likes, and vote down those it does not.⁴⁵ The opposition must also shift its paradigm: accustomed to putting forward amendments merely to please stakeholders, they must now be cautious as any amendments could actually pass and become law.⁴⁶ This has led to increased inter-party collaboration before clause-by-clause consideration begins, to get a sense of which amendments each party would be willing to support.

Notwithstanding their increased importance, committees are largely beyond the direct control of party whips, because of the number of committees and the prescribed membership – each of nine standing committee includes four Liberals, three PCs, and two New Democrats. It is imperative for party leads on committees, and especially the members on the subcommittee, to succeed in these important negotiations, as committee work is a critical part of opposition strategy in minority governments.⁴⁷ This success may ultimately hinge on a party representative's command of procedure and precedent.

Procedure takes on a new level of importance in a minority. According to one staff assistant, “in a majority, you learn the rules to get around them; in a minority, you look to engage process as a tool to achieve your ends.”⁴⁸ Opposition parties have an incentive to use the rules as part of an offensive strategy, rather than for defensive reasons. It is the responsibility of the whips and house leaders – and, to perhaps a greater extent, their staff – to be extremely well-versed in procedure. Standing Orders can be used to slow or shut down debates in committees or the house in order to win concessions from the government. A minority government also loses the ability to move time allocation motions without the consent of at least one opposing party, frustrating its ability to close debate and move legislation along at its desired pace.⁴⁹ In minority conditions, the presence, authority, and knowledge base of the whip is increasingly important for their caucus to achieve its objectives.

⁴⁴ Interview D.

⁴⁵ Interview H.

⁴⁶ *Ibid.*

⁴⁷ Interview A.

⁴⁸ Interview I.

⁴⁹ Interview H.

Maintaining Party Cohesion

Cohesive and coherent political parties are a core part of the Westminster parliamentary model. Indeed, individual representatives are accountable not only to the constituents who elected them, but – excepting independents – are also responsible to the political party under whose banner they ran. It is here that the possibility for tension arises, in the sense of divided loyalties between the desires of an elected member's riding and his or her party. This could be further complicated on a religious or moral question, when individual ethics may also affect a member's vote. A whip's duty is to negotiate this delicate balance, and attempt to ensure it is resolved in the best interests of the party. In the Ontario context, the whip is usually successful in convincing the member to vote with the rest of their party, the next best alternative being an abstention rather than an opposing vote.

A clear distinction should be made between party discipline and party cohesion. Ozbudun defines party cohesion as “the extent to which ... group members can be observed to work together for the group's goals.”⁵⁰ This is a contrast with party discipline, which he argues means that “followers regularly accept and act upon the commands of the leader or leaders” and the leader has methods for inducing or compelling his or her desired action.⁵¹ Thus, party discipline could be seen as the ability to compel a strict party voting line on a particular bill, whereas a unitary vote that results from a caucus consensus would be the result of party cohesion. The connotations of the terms also form a stark contrast: discipline is associated with hierarchal structures where orders are given and followed, but cohesion arises from a common understanding, more equitable conversation, and a sense of teamwork or fellowship.

The need for discipline to maintain party unity may be correlated with the size of a party's caucus. Currently in the Ontario Legislature, the government caucus stands at 52 members, including 22 cabinet ministers and 30 backbenchers; the PC caucus consists of 35 MPPs, while the NDP has 17 members. The size of these caucuses pales in comparison to those in Ottawa, where since the 1980s the third party has been larger than either the current opposition or government backbench at Queen's Park.⁵² These numbers are even further eclipsed by the main party standings in the British House of Commons, with 305 Conservatives, 253 Labour MPs, and 57 Liberal Democrats.⁵³ Ontario's parties are on a markedly different scale than these two parliaments, which are more noted for caucus fractiousness.

In both Ottawa and Westminster, the larger caucuses make it more difficult for the opinions of backbenchers to be heard and considered, as well as to keep track of all members for votes. This leads to a greater necessity for deputy whips. Whereas Ontario parties typically have between

⁵⁰ Ozbudun (1970), quoted in Bender, Farrell, and Katz (1999), p. 4.

⁵¹ *Ibid.*

⁵² The one exception is the current federal parliament, where the Liberals were reduced to 34 seats.

⁵³ UK Parliament, “Current State of the Parties,” <http://www.parliament.uk/mps-lords-and-offices/mps/state-of-the-parties/>, accessed May 25, 2012.

one and three deputy whips, whose responsibilities usually consist of doing duty in the chamber, the British House of Commons has a Government Whip's Office consisting of 17 MPs with whipping responsibilities.⁵⁴ The British office is an extensive organization devoted to gathering intelligence on members and pressing for united votes. Combined with the slim numerical odds of members earning a cabinet post and the typically large majority held by the government, MPs have both the incentive to gain attention from the party and in their riding for rebelling, without the added costs of stalled advancement in the party or causing the defeat of the government. This scenario contrasts sharply with Ontario, where smaller caucuses mean every member counts and the opportunity for promotion is never out of reach.

No matter the size of the caucus, however, certain characteristics typical of MPPs make the whip's job difficult. During interviews, whips at Queen's Park commented on the individualistic nature of politicians. One whip observed that "each elected member is usually the most respected, popular, knowledgeable and educated individual in their riding," but the job of the whip is to "remind them that's not true."⁵⁵ Several participants referred to the process of whipping as "herding cats," as every MPP "has an ego" and dislikes being told what to do. The whip must have the right disposition to handle their colleagues. Upon appointing one member as a whip, the party leader's instructions were, "just try to keep them happy."⁵⁶ Whips develop different techniques to achieve this. It may involve more flexibility with attendance when the outcome of a vote is pre-determined, or simply taking time to listen. One whip gives upset members a chance to "vent" their issues and doesn't react, after which they usually cooperate with the caucus.⁵⁷ As one of the few caucus members with a designated leadership position, whips often find themselves trying to resolve personal conflicts and sensitive issues, with the objective of maintaining a public display of party unity.

The most regular demonstration of party unity occurs during votes. A disciplined, cohesive party is one where all members attend, and vote the same way. As discussed earlier, and as noted by Martin Westmacott, "the whip in Canada structures his relations with the caucus on the assumption that all members will support the party position."⁵⁸ Political parties in federal and provincial legislatures in Canada are highly cohesive, and there is rarely a question of unitary voting blocs on government legislation. There are multiple possible explanations for this behaviour. Flavelle and Kaye argue members want to support their party because of common values, do not want to prompt an election and put their job in jeopardy, and aspire to advance

⁵⁴ Conservatives, "Ministerial Teams – Whips", http://www.conservatives.com/People/Ministerial_Teams/Whips_-_House_of_Commons.aspx, accessed May 25, 2012.

⁵⁵ Interview C.

⁵⁶ Interview G.

⁵⁷ Interview A.

⁵⁸ Westmacott (1983), p. 15.

within the party. Because of these desires, they conclude that “disciplined voting is, in large part, a self-imposed discipline.”⁵⁹

Effective party discipline extends beyond recorded votes, however, and includes public statements that may contradict party policy. Robert Jackson defines a party rebellion as “any Member’s public actions inside or outside parliament which are in direct opposition to party policy.”⁶⁰ This winter, the government-commissioned report on reforming public services led by economist Don Drummond was released with much fanfare. Of the 362 recommendations, one related to ending the Slots at Racetracks program, which involves a portion of the slot machine profits being given to the racetracks, horse owners, and local municipalities. This move was denounced in the media by PC MPPs Bob Bailey, Lisa Thompson, and Monte McNaughton – who said “I’m going to fight like hell” for the horse-racing industry – before their party caucus had reached a collective decision.⁶¹ These statements placed leader Tim Hudak in an awkward position, as he criticized the government for “cherry-picking” from Drummond’s recommendations while refusing to comment on the horse racing revenue-sharing agreement.⁶² This undermined public perception of the leader’s authority, and provided weeks of fodder for the government to use in public statements and answers during Question Period.

One further example involves Liberal MPP Kim Craitor, who has earned a reputation as a party maverick. On April 17, 2012, Craitor presented a petition regarding the slots-at-racetracks revenue-sharing program.⁶³ The MPP from Niagara Falls read the petition into the record, a provocative action as the petition calls on the government to reverse its decision on ending the program. Although the petition had been presented by many opposition members, Craitor was the first government MPP to do so; members also have the option of tabling petitions without reading them, which government members often do with such negative documents. Public criticism of government policy by backbench members is not taken lightly, but may have been tolerated in this case as the horse racing issue will significantly impact his re-election chances. While whips did not comment on such acts of rebellion during interviews, they did acknowledge that micromanaging members could be counterproductive. These examples demonstrate that the need for party cohesion and discipline extend beyond the voting records, and includes behaviour both within and outside of the chamber.

⁵⁹ Flavelle and Kaye (1986), p. 7 (emphasis in original).

⁶⁰ Jackson (1968), p. 19.

⁶¹ Chip Martin, “‘I’m going to fight like hell,’” *London Free Press*, February 15, 2012, <http://www.lfpress.com/news/london/2012/02/15/19384376.html>; Lisa Thompson, “Thompson: Protect Horse Racing,” *Standardbred Canada*, February 21, 2012, <http://www.standardbredcanada.ca/news/2-21-12/thompson-protect-horse-racing.html>. NDP MPP Teresa Armstrong was also quoted in the first article, opposing the change.

⁶² Maria Babbage, “Killing revenue-sharing deal with horse racing industry will kill jobs: critics,” *Canadian Press*, February 22, 2012, <http://www.680news.com/business/article/333480--killing-revenue-sharing-deal-with-horse-racing-industry-will-kill-jobs-critics>.

⁶³ Ontario Legislative Assembly, *Debates (Hansard)*, 40th Parl, 1st Sess. (April 17, 2012).

Private Members' Business

Private Members' Business presents interesting and important questions regarding party cohesion, and deserves closer scrutiny than it has received in the existing literature. Each Thursday of house sittings, three MPPs present a resolution or bill for second reading.⁶⁴ The ballot order is established through a random draw done by the Legislative staff. Although members may trade their ballot dates, to be approved by the whip and house leaders, the parties have no official control over setting the order of consideration.⁶⁵ Ostensibly, this provides a time for members to pursue their own policy priorities and put forward their own ideas, stepping outside the bounds of partisan politics. In practice, however, the line of party control for private members' bills (PMBs) can be quite blurry.

In a recent development, on May 31, 2012, all three parties gave unanimous consent to a programming motion for the end of the Spring 2012 sitting. The lengthy motion includes time allocation for the budget, additional committee hearings throughout the summer, and revisions to the structure of the Board of Internal Economy; notably, it also includes a provision for three private member's bills from each party to receive royal assent within the next year – provided they are uncontroversial, as all parties must approve the selections.⁶⁶ This motion demonstrates the central role parties and their leadership teams hold, even on business that is supposed to be for “private members.”

Although some whips insisted that votes on PMBs were never whipped, another insisted that they occasionally were, and added “if anyone tells you they aren't, they're lying.”⁶⁷ Parties obviously have interests at stake, which inevitably influence votes on more controversial motions and bills. In this 40th Parliament, as of June 1, 2012 there have been 25 recorded divisions in the House: four on government bills, twelve for private members' bills, four for private members' motions, and five for opposition day motions. Of these 25, only three votes show intra-party division, as indicated by some members of the same party voting for and against the motion. All three were for private members' bills.

The first, Bill 16, relates to eliminating “breed-specific legislation,” also known as the “pit bull ban.” The bill was co-sponsored by Randy Hillier (PC), Cheri DiNovo (NDP), and Kim Craitor (Liberal). All PC and NDP members present voted in favour of the bill, along with three Liberal MPPs (Craitor, Grant Crack and Mike Colle); 26 Liberals voted against.⁶⁸

⁶⁴ Clerk of the Legislative Assembly, *Standing Orders of the Legislative Assembly of Ontario* (January 2009).

⁶⁵ This contrasts with Oral Questions, where the rotation and order of questions is determined by parties.

⁶⁶ Ontario Legislative Assembly, *Debates (Hansard)*, 40th Parl, 1st Sess. (May 31, 2012).

⁶⁷ Interview E; Interview B.

⁶⁸ Ontario Legislative Assembly, *Debates (Hansard)*, 40th Parl, 1st Sess. (February 23, 2012).

The second bill in the 40th Parliament to demonstrate intra-party division is Bill 76, which would require a local referendum on new casino developments and was moved by PC MPP Monte McNaughton. Again, all PC and NDP MPPs on the record voted in favour of the bill, as did seven Liberal MPPs: Minister Jim Bradley, Donna Cansfield, Michael Coteau, Dipika Damerla, Monte Kwinter, Jeff Leal (the Chief Government Whip), and Shafiq Qaadri. The remaining 19 Liberals voted against it.⁶⁹

Finally, intra-party division occurred on PC MPP Laurie Scott's Bill 73, which would amend the Endangered Species Act to require consideration of economic factors. In this instance, PCs supported the motion while Liberals opposed it. The NDP was divided: nine members (Teresa Armstrong, Gilles Bisson, Sarah Campbell, France G  linas, Michael Mantha, Taras Natyshak, Jagmeet Singh, Monique Taylor, and John Vanthof) supported the bill, while Michael Prue and Jonah Schein voted against it (six members were absent). The bill passed second reading by one vote, 30 to 29.⁷⁰ According to discussions with party sources, all three votes demonstrating intra-party division were declared free votes. These divides seem to have arisen from the strong view of constituents – and on these contentious issues, it may have been important for the dissenting members to have their vote on the record to prove their stance in a future election. Other members may have intentionally chosen to be absent for the votes, in order not to offend any of their constituents and harm their re-election prospects.

Empirically, some studies define a party vote as one where “at least 90% of the members of each party vote together.”⁷¹ According to this test, only defections of greater than 10% of a caucus should qualify as a rebellion. If this threshold were applied to the above examples of intra-party division, the first example would be excluded (as the dissenters represented 6% of the caucus), while both the second example (13% dissenting) and the third case (12%) would still qualify.

Whips and staff assistants were in general agreement that their party's approach to whipping private members' business was more flexible than on government legislation. In this admittedly small sample, the only party to maintain perfect party cohesion on recorded divisions is the Progressive Conservatives. However, the PCs were criticized by another party's whip for the high number of absences during votes on PMBs, particularly those put forward by their own party members.⁷² Many whips did admit the difficulty of keeping all their MPPs around on a Thursday afternoon, when they would prefer to get back to their ridings as quickly as possible. These challenges are enhanced when caucus members are demoralized, either because of an electoral loss or being overlooked for cabinet.

⁶⁹ Ontario Legislative Assembly, *Debates (Hansard)*, 40th Parl, 1st Sess. (May 3, 2012).

⁷⁰ Ontario Legislative Assembly, *Debates (Hansard)*, 40th Parl, 1st Sess. (May 10, 2012).

⁷¹ Flavelle and Kaye (1986), p. 9.

⁷² Interview B.

Government interviewees were the most adamant that private members' business should not be whipped, as it was intended to be a space for individual action and decisions. Although an analysis on each motion or bill is prepared by the Premier's Office to provide information and advice, thus providing a recommended party direction, it does not seem that voting positions are mandated. As one whip put it, on controversial legislation that runs counter to government policy, "most people could figure it out themselves."⁷³ The exception in this parliament was the NDP Private Member's Bill on removing the HST from home heating (Bill 4), where, as one interviewee said, the government "had to stand and make a point against it, as a principle," even though they knew they would be outvoted.⁷⁴

From a rational perspective, a government's strong reluctance to whip private members' business is understandable. Government backbenchers are frequently told what to say, where to go, and how to vote, with the threat of a government collapse looming over their heads if they refuse to comply. Although they have no hand in shaping government policy, they are called on to defend it at every level. Private Members' Business gives them perhaps their only opportunity outside the caucus room to voice their own opinion on legislative issues. When these votes are not whipped, the members are able to assert their autonomy, represent their constituents and pursue their individual priorities. The risks for government are low, since PMBs are not confidence motions. As well, even if a private member's bill manages to pass second reading, get debated in committee, and returned to the House – a very steep challenge – the government alone decides whether to call it for third reading and a final vote.

In contrast with the government, opposition parties treat private members' business as more of a corporate affair. To some extent, a shared set of core values among members of a party promotes cohesion on any vote. Nonetheless, a party may still find itself divided along other lines, particularly geographic. Parties representing both rural and urban ridings face challenges in the potential conflicting interests of their constituents.

The NDP and the PC Party both discuss private members' business at their weekly caucus meeting. This is an opportunity for all members to discuss their views, hear input from the critic whose portfolio is affected, and hopefully emerge with a united position. In addition, caucus vets any proposed PMB before it is introduced in the house. One whip explained this is necessary because "it's really more than a private members' bill – it's an expression of the party and its platform."⁷⁵ Other whips emphasized that votes on PMB can define a "party brand," and the caucus must be unified behind the bills their colleagues put forward.⁷⁶ But if there is strong disagreement, and the issue does not affect a core policy or party position, the party may allow a free vote or abstentions.

⁷³ Interview C.

⁷⁴ Interview H.

⁷⁵ Interview B.

⁷⁶ Interview A.

The final decision on whether a vote is whipped rests with the party leader, and different leadership styles affect how often votes are mandatory, and to what extent intra-party divisions are permitted.⁷⁷ As with most aspects of politics, the party leadership does not want to be surprised. The leaders also want to uphold their authority by exercising it cautiously. Usually, the whip's job is to use persuasion to "bring members to the point where they're okay to do what caucus is doing" in supporting or opposing a bill.⁷⁸ But according to one whip, "I won't whip a vote if I know I can't get the people there," since it would make both the caucus and the leadership look ineffective.⁷⁹ Questions of whether they could actually win the vote also impact the decision to whip. For votes a party knows it will lose, party cohesion may be better served by relaxing party discipline and allowing members to vote their conscience or head back to their ridings early.

Private Members' Business provides the best opportunity to analyse the various approaches of party whips to maintaining party cohesion and discipline. So far in this parliament, 88 percent of recorded votes have been strictly along party lines. Only three of 25 votes demonstrated intra-party divisions, all of which were designated free votes. Unwhipped votes on PMBs are more common for the government, which has more incentive to be flexible on Private Members' Business in order to compel greater reliability on other business. For opposition parties, however, PMBs present the greatest quandary for the party whips. They must use their discretion to advise the leader and caucus of whether a bill is important enough to be whipped, or whether cohesion would be better served by allowing members to leave early or vote freely. The final decision belongs to the leader, however, as with many aspects in the increasingly centralized nature of party politics.

Conclusion

Whips in the Ontario Legislature perform an important service for their political parties, not only implementing house strategy, but also maintaining party cohesion. Keeping caucus camaraderie high may involve flexibility on party discipline, particularly on matters related to Private Members' Business. Although each party has a different approach, if a vote is not essential for the party's brand or reputation it may be preferable to let members vote their conscience or choose to be absent.

Although a whip's job will always be difficult, given the individualistic nature of elected politicians, several factors may influence how successful he or she will be. One is the whip's personality, and ability to gain the confidence and trust of caucus colleagues. Another is their

⁷⁷ Interview D.

⁷⁸ *Ibid.*

⁷⁹ Interview F.

relationship with the house leader, who holds a more prestigious position and directs the party's legislative strategy; a close, cooperative relationship should produce more cohesive and effective results. Third, the staffing structure of the whip's office – how many assistants, and whether they are stand-alone or integrated with the house leader's team – impacts the ability of the whip to manage his or her colleagues. Finally, the minority or majority status of the government plays a key role in shaping a legislature's dynamics. In a minority, whips and members both face increased expectations for attendance, and the fraught situation of a “major minority” raises the stakes for handling committee business and being able to use rules of procedure.

Trying to keep MPPs happy is more difficult than it may seem. That public displays of rebellion occur so rarely is a tribute to the work of the whips, whose role is hopefully now a little less shrouded in rumour and mystery.

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