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**Official Report  
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(Hansard)**

**Tuesday 30 September 2008**

**Journal  
des débats  
(Hansard)**

**Mardi 30 septembre 2008**

**Standing Committee on  
Estimates**

Ministry of Labour

**Comité permanent des  
budgets des dépenses**

Ministère du Travail

Chair: Tim Hudak  
Clerk: Sylwia Przedziecki

Président : Tim Hudak  
Greffière : Sylwia Przedziecki

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Hansard Reporting and Interpretation Services  
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Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
ESTIMATESCOMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES

Tuesday 30 September 2008

Mardi 30 septembre 2008

*The committee met at 0900 in room 151.*

## MINISTRY OF LABOUR

**The Chair (Mr. Tim Hudak):** Good morning, folks. I'm pleased to call into session the Standing Committee on Estimates for our regular meeting of Tuesday, September 30, our morning session. Today will be the first day of the consideration of the estimates of the Ministry of Labour, for a total of eight hours. Minister, welcome and congratulations on your new portfolio.

**Hon. Peter Fonseca:** Thank you very much, Chair.

**The Chair (Mr. Tim Hudak):** I have some introductory comments to make to ensure we understand the process, and then, Minister, the floor will be yours. I do ask the ministry to monitor the proceedings for any questions or issues that the ministry undertakes to address. I trust that the deputy minister, Ms. West, will undertake to closely monitor through your staff any questions that members ask at committee and send back through the clerk the responses so that we can distribute them to the members. It's understandable that sometimes we don't have all the information at hand, so I do appreciate that. If you wish, you may, at the end of your appearance, verify the questions and issues that were raised through our research officer, Ms. Campbell, to my left. Are there any questions on process before we start? I'll now call vote 1601.

The process is, Minister, that you have the floor for 30 minutes. I'd ask you to introduce members of the ministry that you have at the front bench only. After your 30 minutes, we will go to the official opposition, Mr. Bailey, for 30 minutes, and then to the third party, Mr. Miller, for his 30 minutes. Then we will have a 30-minute reply from the minister to the issues that were raised or additional material that you wanted to discuss. After that, we divide up all of the remaining time equally between the three parties, beginning with the official opposition. Are we good, folks? Terrific.

Minister, the floor is yours.

**Hon. Peter Fonseca:** Thank you very much, Chair. Good morning to everybody. Chair, thank you for taking me through the process of how this next eight hours is going to work. I'm delighted to be here with committee members, and I'm looking forward to this opportunity to present to you all the great things that are happening in the Ministry of Labour.

A lot of good work is being done. As you can appreciate, I was appointed to this new role but 11 days ago, but I am very excited and buoyed by what I've seen thus far. The learning curve has been steep, but it has also been exciting and eye-opening.

The Ministry of Labour, from the short time that I've been within the ministry but also from what I know about the ministry over the last five years, is a ministry that has a culture of excellence, knowledge, hard work and continuous improvement, and is always making sure that they are setting goals, targets and achieving results. It serves the hard-working people of Ontario, I believe, very well.

The ministry also, just to put into perspective—over the last 11 days I have been drowning in binders, but I have tried to think about the ministry and its principles, what its main thrusts are and the things that it is focused on, be it through its vision to help promote healthy and safe workplaces in Ontario, but also where we've come from and where we're going. The emphasis has been on education, on enforcement and on building partnerships and incentives so that we build a stronger Ontario and make sure that this is one of the healthiest and safest places to work, not only in Canada but in the world.

A lot has been done. I'm going to go a little bit more into detail in those areas around education with some of the programs—Live Safe! Work Smart!—in our schools as well as looking at changing cultures within the workplace and taking much more of a proactive approach to building a healthier and safer Ontario. I think that's very important, with enforcement and compliance to some of our major pieces of legislation, which we will get into, the Employment Standards Act as well as the Occupational Health and Safety Act. Thirdly, the partnerships and incentives and work that we do with all of our partners—and that is our health and safety associations, our agencies that work with the ministry and all of our employers and employees.

In the past few days, I have had the opportunity and the privilege to meet with many of the hard-working people at the Ministry of Labour and to speak with numerous individuals and groups that interact with the ministry on a day-to-day basis. I must say that it is very encouraging for me to know that I am in good hands and that I have the privilege to work with such a dedicated team of individuals. I'm going to have the opportunity now to introduce some of those individuals.

The ministry is led by my deputy minister, Virginia West. For those who don't know Virginia, if you could just raise your hand, Virginia—that's great. She was appointed deputy minister to the Ministry of Labour in November 2005. Virginia served as deputy minister to the Ministry of the Environment since January 2003, and prior to that as deputy to the Solicitor General since July 1999.

I would also like to introduce a number of other people who are here with me today. I would ask that you just raise your hand when I speak to the particular individuals.

Len Marino is our chief administrative officer. He began his Ontario public service career back in 1980, and for the past 16 years has worked in the field of financial planning/expenditure control at both the ministry and central agency levels. Prior to joining the Ministry of Labour in 1999 as the director of business planning, finance and administration, Len held senior management positions in the program management and estimates division of Management Board Secretariat and the Ministry of Finance.

Sophie Dennis assumed the role of assistant deputy minister of operations division with the Ministry of Labour in November 2007. Sophie has been with the Ministry of Labour for over 27 years, and she began her career with the Ministry of Labour as an industrial inspector responsible for investigating workplaces and ensuring compliance with our Occupational Health and Safety Act. Sophie has since moved on to a variety of positions, including regional manager and industrial provincial coordinator.

Also with us is Susanna Zagar, our assistant deputy minister for policy and labour management services division. Susanna assumed the role of assistant deputy minister, policy and labour management division, with the Ministry of Labour back in June 2001.

John Stager is our assistant deputy minister responsible for the inspections, investigations and enforcement secretariat. John has been an assistant deputy minister lead for the inspections and investigations and enforcement modernization initiative, and has served as the head of secretariat since November 2004. Why it's so important to have all these key people here with us today is that they really have all the knowledge. We have a great knowledge base here and are going to be able to provide some of the details and more insight into, I'm sure, many of the questions you will have.

#### 0910

We want to make sure that we also have some historical perspective to some of our programs: where we've come from, where we are, where we're going and how our budget is impacting those programs and helping us to achieve the results we all want. The Ministry of Labour plays a key role, and I've come to learn how key a role, in the lives of all our workers across this magnificent province of Ontario. Our service to the hard-working people of Ontario is best described by our goal, which is to promote safe, fair and healthy workplaces that create productive relationships and benefits for all Ontarians.

The ministry budget is just over \$170 million, with about 1,500 staff. For its size, we do a lot of great work. Ontario taxpayers, I believe, and I'm sure you will, once you hear the rest of this opening statement and hear from some of our leaders in the Ministry of Labour, believe that the investment in the Ministry of Labour is an investment in all Ontarians.

Today our province's economy is facing a number of challenges that are beyond our control. They include things like—and we've all heard on the daily news, or it could be in the chamber here, or as we read our newspapers—the slumping US economy, the rising and sometimes unpredictable price of oil, and the impact of the strength of the Canadian dollar vis-à-vis our export-driven sectors of the Ontario economy.

In the face of these challenges, our government is implementing a five-point plan to steer us through these uncertain times. The plan involves a focus on making us more competitive and flexible. I believe at the heart of this plan is our people. What Ontario is rich in is our people. We may not have the oil of Alberta, but we do have the strength of our people. This five-point plan has key investments in our 13 million Ontarians who call this place home:

- Investments in skills and knowledge and helping individuals that are in a transitional period to find a second career;

- Investments in infrastructure that are so important to moving goods and people;

- The Investing in Ontario Act will be creating 11,000 jobs;

- Strategic tax cuts for businesses to encourage investment: When fully implemented and phased in, that would be almost \$3 billion annually.

- Investments in innovation and looking at how we can do things better and be more effective, efficient and competitive; and

- Investments in partnerships: We understand that we must all work together to be successful and to reach the heights that we all want.

This, I believe, is a robust plan to counteract the challenges we are facing today.

This plan that our government has put forward, this economic plan, also aligns, I believe, very well with our Ministry of Labour plan. Furthermore, the Ministry of Labour supports the government's agenda through its three key program areas: our occupational, health and safety program, which helps businesses achieve higher productivity and lowering costs resulting from fewer workplace injuries; our employment rights and responsibilities program, which is supporting fair workplaces which promote higher productivity; and our labour relations and internal administration program, which makes it possible for effective labour relations and dispute resolution, thereby supporting our fair and stable workplaces in increasing productivity.

Through the ministry's three key areas, our mandate is to set, communicate and enforce workplace standards while encouraging greater workplace self-reliance. I'd

like to take some time now to expand on some of the aspects of the Ministry of Labour's key program areas. The ministry's primary goal for occupational health and safety is to create an environment that makes Ontario's workplaces among the safest in the world. The ministry also participates and provides leadership in setting direction for occupational health and safety systems.

We've hired 200 new health and safety inspectors to assist in the work we're doing to reduce lost-time injuries in the workplace. These inspectors have been successfully recruited and trained and are now working the field to support our program strategies and commitments. That brings us to over 400 inspectors now working in the field.

Recently, there have been some comments made, I know, regarding our inspectors. Our inspectors have the power, as health and safety inspectors, to shut down some machines when there is imminent danger of injury. However, in many cases an inspector will issue an order to improve or enhance the machine and provide a timeline for the employer to fulfill that order. Inspectors are always open to interim solutions as long as they provide equivalent measures of safety while they work on what would be a permanent solution. In addition, the employer always has the right to appeal any decision by a health and safety inspector, including a stop order, to the Ontario Labour Relations Board.

Let's take a look at our targeted enforcement strategy to see where we're getting the results that we've been getting and see a few of the numbers at a glance. Over 6,000 high-risk workplaces are inspected up to four times per year; over 30,000 visits to priority workplaces with a high incidence of injury; over 25,000 visits to lower-risk workplaces have been conducted; and we have our last-chance initiative for more than 5,000 firms to voluntarily improve their health and safety record. I'm proud to say that we have reduced the annual lost-time injury rate by over 20% since March 2004. The Workplace Safety and Insurance Board has acknowledged the Ministry of Labour's targeted enforcement program in noting that significant gains in injury and illness prevention have been made.

Over the four years of the Ministry of Labour's strategy, it's estimated that more than 54,000 lost-time injuries have been prevented. This is outstanding progress, and I want to take a moment to recognize the impact of this achievement. There are a lot of statistics in this business, I've come to learn, and sometimes you can get a little overwhelmed and bogged down with those numbers, with the sheer volume of numbers that people provide you with. But I think it's very important to illuminate this number, and it's one that we should all here be very proud of.

I think it's important to ask, "What does this mean?" What does the reduction of 54,000 lost-time injuries mean to every Ontarian? Well, that's 54,000 people who will not hurt themselves in some way at work, whether it's a bump on the head that requires an afternoon off to recover or whether it's a serious injury resulting in a prolonged stay in the hospital. We have worked together

over the past four years to prevent a significant number of workplace injuries.

Think about the impact of that on a lot of people's day-to-day lives. That's 54,000 who won't hurt themselves and, in turn, won't hurt their loved ones. That's a significant number of Ontarians who do not get pulled out of a meeting, out of a classroom or off the assembly line to find out that their loved one has been rushed to hospital. That means that at the end of the day, a lot of people are going to walk, drive, carpool, take public transit or cycle as a way to get home and enjoy an evening with their families. In all, it means the pain and suffering caused by an injury in the workplace has been avoided for a lot of families.

#### 0920

In financial terms, hard-working Ontarians have avoided a bill of over \$5 billion in claims costs. Think about that, \$5 billion. What will that mean in terms of help to our infrastructure, agriculture, education, health care services, public transit, poverty initiatives, social services, our children and our seniors? To build on the success of our achievement in the reduction and prevention of workplace injury, the Ministry of Labour has launched our new Safe at Work Ontario initiative. This is an initiative that I will champion to help continue with the progress that has already been made and that we want to continue with. This initiative allows the ministry inspectors to be more flexible and strategic in determining which businesses require their attention based on a number of factors, including injury rates and associated costs, a company's compliance history and the presence of young or inexperienced workers. The goal of the plan is to enforce the Occupational Health and Safety Act, while educating workers about the importance of workplace safety and lessening the burden on our health care system.

We're reaching out to young workers to ensure that their work experience is not only educational, but safe. Young people are entering the workforce and taking some of their first jobs. We all hope that those jobs will lead to healthy and successful careers. Young Ontarians are building their skills and experience in the workplace, and it can be a very exciting and challenging time.

I can remember one of my first jobs. I was 16, and I was working in an industrial kitchen. This was over the summer. I would come in at about 3 o'clock in the afternoon and work the shift until about 11 p.m. It was really a "do everything" job, from mopping the floors to delivering food—it was actually in a hospital—up to the patients, going and re-collecting all of the trays, bringing them down, cleaning them, working on the assembly line as we would put the food onto the trays for those patients. It was very important; you had to make sure that the patients got their dietary needs, and they were very different for the over 400 patients that were in the hospital. Nearing the end of the day, after the supper hour, one of my jobs was to come back and clean a lot of the machinery.

I did wear a hairnet and safety gloves and took many of the safety precautions, but as I recall, there wasn't a lot

of time for education or for training from when I got into the job to when they put me right on to the front lines and doing it. It can be very stressful when you may not have some of the knowledge or that skill set to be able to get up to speed that quickly. As a young worker, and with little experience of many of the tasks that I was asked to take on, I did do some shadowing with some of the workers. Some took many preventive measures to make sure that they were healthy and safe, but others, I have to say, did not.

One of my jobs was to clean the meat-cutting machine. I don't know if you've ever seen these machines. They're pretty big. They have a huge blade on them. The way that I was taught, at first, to clean the machine by a supervisor was that the machine should be off, I should have the right equipment, gloves etc., and clean the blade piece by piece. I did that for a little while—it would take quite a while to clean that machine thoroughly—and then I did see one of the more experienced workers who had been there for a while and the way that he cleaned the machine one day when I came in early. What they did was they turned on the machine. They grabbed a rag, and as the blade was spinning—at I don't know how many revolutions per minute, but in the thousands—they would put the rag on the blade, and it would clean off all the meat and any of the carvings etc. on the blade. You could clean the machine that way in about a minute—not even, 30 seconds. The other way may take you a good 15 to 20 minutes to clean the machine. As I said, I would clean this machine after the supper hour. Many times, especially at the start, I was running somewhat behind with some of my other duties, so I took it upon myself, having seen how it could be done a much quicker way, to grab a rag and clean the machine that way. Luckily, I was not injured, but every time I go into a deli or a kitchen these days and look at one of those machines, I cringe to think of what could have happened. The cloth could have got jammed and my fingers and hand could have been brought into the machine and it would have been quite a tragic story.

Those are the types of experiences that I'm sure all of us have had in our early days and in some of the jobs we've taken on, the types of things that we want to stop from happening. We want to make sure we have the right training and, working with our joint health and safety committees in the workplace, that they provide the right education and resources etc. to keep our young workers, inexperienced workers—all our workers—safe from harm.

According to the Institute for Work and Health, workplace injuries in Ontario are four times more likely to occur to new and young workers during the first month of employment than at any other time. That's why our Ministry of Labour inspectors pay special attention to the orientation, training and supervision given to young and new workers. The ministry has also created an innovative, young-friendly website, [www.worksmartontario.com](http://www.worksmartontario.com), to provide our young workers with the information they need to stay safe at work.

We've revised our Employment Standards Act poster to direct individuals to a new young workers' Internet portal on the Ministry of Labour's website. Young worker health and safety information kits have been distributed to all your MPP offices across the province. In partnership with the Ministry of Education, we've provided Live Safe! Work Smart! program resources to classrooms across Ontario. They include innovative resources for students with special learning needs.

Young worker safety tip sheets have been distributed to over one million grade 7 to grade 12 students across the province, and our [www.worksmartontario.com](http://www.worksmartontario.com) website for young workers and the Live Safe! Work Smart! program that reaches out to students in our schools reveal our commitment to young worker health and safety.

We have an abundance of resources on our Ministry of Labour website that can assist employers and employees in a number of ways. We have our enforcement plan available. Companies can utilize our website to review major concerns in their particular industry or sector. Employees can use our checklist for workplace violence facts and then click on "Links" to help them develop workplace violence prevention plans.

When it comes to health and safety, the government of Ontario puts a premium on safe practice and fair policies to ensure that every hard-working Ontarian can make it home safe at the end of the day.

The Ministry of Labour launched an ambitious strategy in 2004 to transform the employment standards program. This included an outreach to vulnerable workers and an increased emphasis on proactively enforcing compliance and prosecuting chronic offenders. This strategy is the basis of our commitment to protecting employees' rights in the province of Ontario.

Under the ESA, our employment standards officers are authorized to issue a variety of orders covering unpaid wages or other violations of the Employment Standards Act by employers. The ministry has over 140 employment standards officers to investigate over 20,000 claims per year. The vast majority of these claims I'd like to say are resolved and, on average, over the past four years about \$10 million has been recovered for workers through our voluntary payments program before orders even have to be issued.

#### **0930**

Our government has also pledged an additional \$3.6 million annually to improve service delivery and shorten the time it takes to resolve employment standards claims. In light of this, the Ministry of Labour has developed a new business model for more efficient and effective processing of employment standards claims. There will be a new central intake provincial claims centre in Sault Ste. Marie together with a new IT system to support this model. In 2006–07, there were 2,713 targeted inspections and 458 prosecutions. Over \$7 million in unpaid wages was recovered on behalf of those vulnerable workers from April to December 2007. Our ministry is reaching out to interested groups and partners through partnerships with community colleges. The Ministry of Labour con-

tinues to provide Employment Standards Act information at seminars for small business and with community groups who reach out to newcomers across our province.

Between 1989 and 2003, over those 14 years, there were 97 ESA prosecutions initiated. Since 2004, there have been almost 1,700 prosecutions completed. That's good for employees, and that's good for businesses who complain about the unfair playing field for businesses who do not comply. We want to make sure that there is an even playing field. We've reached out to our diverse communities and provided much of the information through the Employment Standards Act in many different languages—actually over 20 different languages.

Members and others, I am being told that I've got a short order to conclude. What I would like to say in conclusion is that the Ministry of Labour plays the key role in the daily lives of all workers in the province. Our service is to the hard-working people of Ontario, and it's best described by our goal to promote safe, fair, and healthy workplaces that create productive relationships and benefits for all Ontarians. We will continue to work closely with our partners like the IAPA, the WSIB, joint health and safety committees, the health and safety associations and other health care partners to explore new ways to reduce all workplace injuries. We're going to continue to conduct proactive inspections in support of our goals, and we will further evaluate and develop our business models to address these increased claims that I just spoke to and reduce wait times for the initial review of claims. A lot of work has been done, a lot of progress and results have been achieved, and we will continue on that path and deliver more results and progress for the workers of Ontario.

**The Chair (Mr. Tim Hudak):** Terrific, Minister, 20 seconds to spare. This is nice to see.

We'll now proceed with the 30 minutes to the opposition followed by the 30 minutes to the third party—and then back to the minister for a 30-minute wrap.

Mr. Bailey, the floor is yours.

**Mr. Robert Bailey:** I'd like to welcome the new minister today. I look forward to working with him and his staff, the department and all members of the House for the safety of workers in Ontario—and also the well-being of the employers that create those jobs.

When you talked about your first job, it made me think about probably longer ago than I want to remember. My first job was probably longer ago than yours. I was thinking that today you said that you didn't have much training or anything when you started your new job—I think that's what it's probably like when you get your new minister's job. You come in and you're thrown into the lion's den, maybe without all the proper equipment and everything. But it looks like you've been well trained—things have changed over the years, and you've probably been well prepared for today, so that's good.

My first question that I would like to ask is under legal services. Legal services are provided by the Ministry of Labour, by the legal services division of the Attorney General. I understand that these programs provide a full

range of services: regulatory enforcement, litigation etc. One of my first questions would be—according to the results-based plan of legal services to provide labour-related strategic support—could the Minister please explain to the committee the details of this committee's transformation initiatives?

**Hon. Peter Fonseca:** I thank the member for the question. The member is quite right: We've got some terrific staff here with a lot of knowledge, and I look forward to meeting with the staff as we sit down so I can get briefed on many of the different departments and issues before this ministry. I also want to thank the member for bringing up some of his own experiences with his first times in the workplace.

When it comes to the legal services, that is an area that I have not yet been briefed on. But as I said, we have hundreds of years of knowledge here, and I am going to ask my deputy minister if she can share some insight with the member into this particular question.

**Ms. Virginia West:** Virginia West, deputy minister. I don't think the minister meant that I had a hundred years of knowledge.

**Mr. Robert Bailey:** I'm sure he didn't.

**Ms. Virginia West:** Because I don't think that's the case.

*Interjection.*

**Ms. Virginia West:** Absolutely.

Mr. Bailey, maybe you can be a little clearer as to the question itself, but our legal services branch, as all legal services branches within ministries, is really part of the Ministry of the Attorney General and on secondment to the individual ministries to support them in their delivery of services. The legal services branch budget is around \$10 million. It does provide what we refer to as litigation and solicitor services.

The litigation services for the Ministry of Labour, in particular, deal a great amount with our prosecutions, as the minister mentioned, both under the Occupational Health and Safety Act as well as under the Employment Standards Act. I can say that they are very excellent and competent in the services that they do deliver and it is a very important part of the ministry's compliance program. Obviously, our effort is towards compliance with health and safety or employment standards. There are components to those programs that include education, as the minister said, helping to support employers and others to meet their obligations, making sure they're aware of them, and obviously enforcement as well. But prosecution is an important part of that deterrent, both with respect to that specific employer as well as a deterrent to other employers on a general basis. We have lawyers who provide that support to the minister and the ministry, as well as solicitors that then assist us and work with our policy folks in considering policy options for the government and bringing forward and supporting regulations as well as legislation.

**Mr. Robert Bailey:** Have you found that, over the years, as the minister spoke about the increase in the inspections, you've had to utilize more of these resources?

**Ms. Virginia West:** Yes, we did. In fact, when we did get the approval for 200 new inspectors for the health and safety program, at the same time we also got approval for additional lawyers—

*Interjection.*

**Ms. Virginia West:** —two lawyers—to help with that expected increase in prosecutions.

**Mr. Robert Bailey:** What would the length of time for a prosecution be, from the time the inspector would lay a charge in the field or an order and the investigation? Are we talking a year, six months? Do you have any idea?

**Ms. Virginia West:** It always depends upon the particular incident. Obviously the incident itself requires time for the inspector/investigator to conduct his or her investigation. Again, it depends upon the complexity of that before consideration is given as to whether prosecution should be pursued in the circumstances, and then briefing with the lawyers involved. In some respects, the time it takes to actually bring it to court depends upon the availability of the court services. So it really does depend upon the incident itself.

**Mr. Robert Bailey:** The next area I'd like to move to is audit services. I'll give some background to my question before I ask the question. The internal audit services provided by the minister are under a memorandum of agreement with the resources and labour audit service team of the Minister of Finance. These internal audits obviously represent a critical element of the ministry's modern control framework by identifying risks etc. and determining how the overall controls and risk management of the framework can be strengthened. My first question would be: According to your results-based plan, audit services conducts value-for-money audits to assess economy and efficiency and to evaluate those processes in place to assess these programs. Could the minister or his staff please tell this committee how many value-for-money audits the ministry conducts annually and which programs they audit?

0940

**Hon. Peter Fonseca:** Again, having been on the job for 11 days, we wanted to make sure I was up to speed on some of the information before us that was important and urgent. This is some of the internal workings of the ministry—the audit services. Once again, I'm going to defer to my deputy minister or others who may have that knowledge.

**Mr. Robert Bailey:** Sure.

**The Chair (Mr. Tim Hudak):** Thank you, Minister. Mr. Bailey as well, you're free to call up anybody you want from the list we provide the minister, if you choose, or the deputy. It's your call.

**Ms. Virginia West:** Thank you, Mr. Bailey. The audit services, again, within government these days is delivered on a cluster basis, so that we do have audit resources that provide services to a number of ministries on a cluster basis. They report through to the Ministry of Government Services, as well as providing services directly to the ministry.

With respect to the value-for-money audit, we do have, again within the ministry, as do all ministries, an internal audit team that is composed of the senior management team of the ministry. I'm a member of it, as are all my senior staff. We meet on a quarterly basis, and what we do is assess the risks of various operations within the ministry, and then, with the audit advisers and their team, work with them to find the programs that have the greatest risk in that particular year for different reasons. It could be, for example, with the addition of the 200 health and safety inspectors, a realization that in integrating them into the organization, from an administrative standpoint, there's a bit of a risk: How well have we done that? For example, that would be a program that in a particular year would have been offered up for an internal audit. So we do look at all of our programs. The audit staff meet individually with each of the assistant deputy ministers to review their programs and talk about them on a risk basis. Then, on the basis of those, that priority of risk comes to the audit committee and, from that, we develop the audit plan for the year.

So I would say that, on average, we have about six to 10 value-for-money audits conducted in each year; sometimes not completed in that year. Sometimes they do need a couple of years to actually complete the review. Then those results are presented back, first of all, to an assistant deputy minister who is responsible for that program, so that the recommendations can be reviewed and responded to by that assistant deputy minister and operational plans put in place to carry out the recommendations, and then all that is reported back to the audit committee.

**Mr. Robert Bailey:** Okay. That leads to my next question: Are the value-for-money audits made public and, if so, where can they be found? If not, could the minister or his staff please provide copies of these program audits for the last five years, dating back to 2003? Not today, obviously.

**Ms. Virginia West:** And perhaps that's my first undertaking for the day. We will follow up on that and provide information to the committee.

**Mr. Robert Bailey:** So are they made public?

**Ms. Virginia West:** I don't know if they're made public and presented in any particular place. I think they would be available under freedom of information, so that would be a consideration. I'd have to follow up on that, Mr. Bailey.

**Mr. Robert Bailey:** Okay, that's good. The next item I'd like to move to is back to the meat of the subject; I'm thinking back to that meat grinder—

**Hon. Peter Fonseca:** I want to forget about that.

**Mr. Robert Bailey:** —back to the occupational health and safety; actually, that part about the operating expenses. The Occupational Health and Safety Act, OHSA, is intended to protect the health and safety of Ontario workers. It applies to all workplaces and all business sectors in Ontario except for work activities of owners/residents in their own homes, farming operations etc. operated by self-employed persons without any



workers and workplaces regulated by the federal government.

By regulation under OHSA, the ministry enforces certification requirements for specific trades identified under the Trades Qualification and Apprenticeship Act and the Apprenticeship and Certification Act.

The first question is, according to the 2008-09 results-based plan, the Ministry of Labour enforces certification requirements for certain trades, and I won't go into the whole question. It's to do with certification and apprenticeship. Could the minister please specify which specific trades the plan is referring to?

**Hon. Peter Fonseca:** In terms of certification, I'll get that information for the member.

What I can speak to is our Occupational Health and Safety Act and the work that our 430 inspectors do. We've made sure that they've been very well trained. This is a process where, as we hired the 200 more inspectors since 2004, we wanted to make sure that they were the right inspectors and that they can work in targeted fields. We knew that's where we would be most effective and efficient, if we were able to send somebody in who understands the health sector or understands construction to go in there and work with businesses. We really want to work with businesses to get to a higher level and make sure they have a culture of health and safety, and yes, make sure that they're compliant with the act.

But it's a partnership, and this is why I believe we've been able to achieve such goals as the 20% reduction of lost-time injuries in the workplace without having this type of model in place. The credit goes back to the ministry staff and predecessors working with our partners' associations, all understanding how we can make OHSA, the Occupational Health and Safety Act, the best it can be in the workplace. And that's what has happened.

So when I talk about the results that we've achieved and how we've done that through targeted enforcement, especially in high-risk workplaces, it's to make sure that we can achieve the results. We didn't want to just spread it thin. We wanted to make sure that we did get the results. They were lofty goals, and we're going to continue with that program.

**Mr. Robert Bailey:** My second question: Could you please confirm for me that it is actually the Minister of Labour's responsibility to enforce the apprenticeship ratios? Is that your understanding?

**Hon. Peter Fonseca:** Actually, when it comes to the apprenticeship ratios—just recently, I believe that you heard the Minister of Training, Colleges and Universities. That falls under Minister Milloy's purview. He has been working on that to continue what we have today in Ontario, and that's a very stable, fair, balanced workplace that is making us competitive in the world market. Minister Milloy would have more of that information for the member.

**Mr. Robert Bailey:** According to the results-based plan statistical data in 1604, item 1, total field visits by the Ministry of Labour health and safety inspectors has

increased nearly 70%, while the total orders issued have nearly doubled, "increasing 94%." Do you have any idea how much revenue these increased orders would generate for the Ministry of Labour?

**Ms. Virginia West:** You mean with respect to orders or tickets?

**Mr. Robert Bailey:** Yes.

**Ms. Virginia West:** The revenue, of course, is not collected by the Ministry of Labour or by the government. It's received by the municipalities in which the offence is prosecuted.

**Mr. Robert Bailey:** Do you have any idea what that would be? Could you get me that?

**Ms. Virginia West:** We could see if we could find that out for you.

**Mr. Robert Bailey:** Minister, do you think that the increase—and this is kind of an odd question—in the number of orders issued has led to a decrease in the number of infractions? Do you think the punishment, issuing the orders, has led to a decrease in labour infractions?

**Hon. Peter Fonseca:** I think what the ministry has done and the inspectors have done, who are very well trained, as I just mentioned previously, is really the carrot-and-stick approach, where they have worked with businesses to raise the level of health and safety around best practices, and that is with some of our educational programs. That's the approach that I feel the ministry has taken; that's the approach that we will continue on.

**0950**

Of course we want to see our partners, all businesses, raise their standard in terms of the level of health and safety. When I say this, it is something that everybody can buy into. I feel there may be proprietary information for many businesses that they would never want to share. But in the short time, as I said, that I've been here, I've gotten out a little bit in the field, had the opportunity to speak with some of our stakeholders, some of the businesses, and one thing that they are always open to sharing are their best practices, even with their competitors, when it comes to health and safety. That's the approach we've taken. It's one where we're all working together to build a stronger Ontario. We know the businesses; once they have seen the light and have embarked on a path to making their workplaces healthier and safer, it translates into—bottom line, it's good for business and it makes them more productive, it raises morale, it lessens absenteeism in the workplace, it raises the level of value service quality, be it a product or a service that that business delivers.

I believe our inspectors go in with that in mind, helping business, because we want to be competitive. We want to make sure that we secure those jobs and bring more business to Ontario, make our companies that much more competitive. But, yes, they also have a job to do where they must make sure that businesses are compliant. They work with employers and employees to make sure that there is compliance, not just in that light but also, as

I said, to put forward the message of what this can do to make that business that much more competitive.

That's the approach that my predecessors have taken to this ministry. That's how I want to continue. Our Safe at Work Ontario program, our next phase, as we work to achieve new targets, is about changing the culture in some workplaces. I think we should celebrate many of the fabulous workplaces that we have across this province and work with our health and safety associations, ones like—I know the IAPA, the Industrial Accident Prevention Association, actually out in Mississauga, does just fabulous work. I, as the Minister of Labour, will be delivering that message to staff—I don't think they even need me to deliver the message; they already know what it is—and also to all our stakeholders—employers, employees, unions, associations—that we are all moving together. Especially in these challenging economic times, we have to have everybody rowing in the same direction.

**Mr. Robert Bailey:** Okay. I have a couple of more questions here that I was going to ask you, but if you think you've covered it, I'll move on. The next question was, what is the ministry doing to help businesses comply with these regulations? But if you think you've covered that, I'll move on. Do you have anything more to add to add that—how you're actually helping employers comply with these regulations and new orders?

**Hon. Peter Fonseca:** Like I said, I'm new to the ministry. I know a little bit about what they are doing in terms of a proactive way and working with cultural change, providing best practices, helping with joint health and safety committees in the workplace. This is so important, though, that we all embark on this path to excellence, that I am going to ask the deputy minister, or someone else from the ministry, to maybe share some more of the educational components to our ministry, as well as the mindset with which we have our inspectors go into a workplace and how they're working with employers and employees to raise the level.

**Ms. Virginia West:** Thank you, Minister. Maybe I can just refer to two approaches. Certainly, as the minister mentioned, with respect to our inspectors, we do expect them to be our front-line people responsible for helping business on the compliance side. Compliance, of course, as we referred to earlier, isn't achieved only by orders or prosecutions, but often by helping businesses understand what their responsibilities are and providing some level of support in that way.

Another initiative that we have under way—which actually is a government-wide initiative, led by the Ministry of Labour to date, on the inspections, investigations and enforcement secretariat—is developing, for example, a compliance information centre. We've done this for two pilot businesses, the auto body sector and the plastics sector—again, focused on small business and them understanding what their full requirements are as a business operating within this jurisdiction. So we do have compliance information centres that are posted on the website that provide all of the regulatory requirements and present them in a way that is understandable to that

business, not ministry by ministry or regulation or statute by statute, but by how they understand their business, which then allows them to link in to information on what they're required to do, links them to forms—in some cases electronic forms—to file as required by that particular ministry. So we are aware of the need as well to help businesses understand what their requirements are and can support them towards compliance.

**Mr. Robert Bailey:** I'll stay in that same enforcement area. Could the minister or the minister's staff please provide for myself and the committee any historical data back to, say, 1995, regarding the number of offences/charges cited annually by the Ministry of Labour for infractions of apprenticeship ratios? I travelled to eastern Ontario a number of times and to some other centres in Ontario, as opposed to my riding, and something I hear there is about the apprenticeship ratios, how employers could staff jobs but for certain reasons they can't; because of the apprenticeship ratios they're unable to do that. They can put people to work, but because of the apprenticeship ratios that are being enforced, they can't do that. Does anyone have any idea what those stats would be, or could they get back to us with those?

**Ms. Virginia West:** The Ministry of Labour does do enforcement of the Trades Qualification and Apprenticeship Act; it determines whether the people who are on the site have their proper certification and requirements. But the ministry does not do enforcement on apprenticeship ratios, nor is it responsible for that. That's the Ministry of Training, Colleges and Universities.

**Mr. Robert Bailey:** But when the Ministry of Labour officers are there, they wouldn't check that to see if they're actually registered and then—

**Ms. Virginia West:** Okay, so in terms of their requirements as currently required by TCU—

**Mr. Robert Bailey:** Yes.

**Ms. Virginia West:** We'll follow up on that.

**Mr. Robert Bailey:** Okay, would you? Thank you.

The last question I have on that is, could you tell me—or could you get back to us on—how much the Ministry of Labour orders have increased between 1995 and 2003 respectively? You know, the labour orders? I know you won't have it at your fingertips.

**Hon. Peter Fonseca:** As the member can appreciate, I don't have that historical knowledge here. It's not in front of me, but I'm sure the ministry can help in getting that information for the member. So we'll get you that.

**Mr. Robert Bailey:** Okay. I've got two or three minutes left, but I think I'm just going to wrap up and then let my esteemed colleague, Mr. Miller, take over. I'd like to thank you and your staff for coming here today. I think we have another session tomorrow.

**The Chair (Mr. Tim Hudak):** Well, you know what? It will be this afternoon from 4 to 6 and tomorrow from 4 to 6.

**Mr. Robert Bailey:** This afternoon? Okay. I'll have to get some more questions. But anyway, I look forward to seeing you again. Thank you for being so forthright. I think the goal for all of us is worker safety. I've got

children and family who work in labour in different employment areas too, so I'm just as concerned as the minister and the department are with safety. So thank you again.

**The Chair (Mr. Tim Hudak):** Terrific. Thank you, Mr. Bailey. That will conclude your time.

To the third party: Mr. Miller, you have 30 minutes.

**Mr. Paul Miller:** I also would like to welcome you, Minister, to your new portfolio and to welcome your staff today. Bob is the nice guy; I'm the bad cop, okay? I'll be asking questions, and don't take it personally if I cut you off and want a yes or a no, because I don't want you to use up all my time.

1000

**The Chair (Mr. Tim Hudak):** The way we proceed is—

**Mr. Paul Miller:** Through the Chair—sorry.

**The Chair (Mr. Tim Hudak):** Yes, through the Chair, and if members ask an open-ended question, I'll give the minister and staff time to respond. If it's a direct yes or no question, I'd ask them to keep their responses short.

**Mr. Paul Miller:** Thank you, Mr. Chair, and thank you, Bob, for that lovely compliment. That's very nice of you.

Minister, you shared a little story with us about your experience working in a hospital and preparing food. Well, Minister, I would love to have had you as my apprentice for over 30 years at Stelco as the industrial mechanic welder-fitter, because I've had the misfortune of seeing fatalities myself, actual fatalities. We've seen a lot over the years, and we have a long way to go yet in safety and health.

Now to the good stuff. I'm starting with experience rating. You know that that's been an important issue with all of our user groups, plus the OFL. We don't like experience rating, the whole program. We think it should be eliminated. The OFL advises that they asked the previous Minister of Labour how many companies are not in compliance with the law by not having certified joint health and safety committee members, but received experience rating rebates from the WSIB, and the previous minister stated that he would be interested to know this and would look into it. Did the ministry follow up with this request for information from the WSIB, and what were the results? Yes or no?

**Hon. Peter Fonseca:** I thank the member for the question. I will have to check with the ministry and with my predecessor. I'm glad we're starting with such a harmonious climate in committee. One of the toughest parts of this job—and the member brought it up—is fatalities. Fatalities in the workplace are very sobering—

**Mr. Paul Miller:** Mr. Chairman, I think we're getting off topic. I asked about experience rating.

**Hon. Peter Fonseca:** When it comes to experience rating, the member is well aware that conducted through the WSIB, the Workplace Safety and Insurance Board, which is an arm's length agency of the Ministry of Labour—I understand that they are doing an internal

review of experience rating. I brought in some outside expert consultants to look at that program, but what we do here at the Ministry of Labour is, we make sure that we continue to make progress when it comes to—

**Mr. Paul Miller:** Sorry to interrupt you, Minister, but that wasn't the answer I was looking for, and really, you're not answering the question. So could we move on to the next question. I'll take that as a no, you haven't gotten back to us on it.

The next question, and I'm not trying to be rude, but I have a lot of material here that I have to get in, and I've only got half an hour.

**Hon. Peter Fonseca:** Mr. Chair, the experience rating program falls under an agency of the Ministry of Labour, which is arm's length—

**The Chair (Mr. Tim Hudak):** I think Mr. Miller has indicated that he's satisfied with the answer and doesn't want any further information on that topic, and he wants to proceed to his next question.

**Mr. Paul Miller:** Next question—and just a point of information: You do have a say over experience rating and how they run it; it's not arm's length. You can order an audit; you can do a lot of things.

The WSIB announced that it will not give rebates to any employer in the year of the fatality. Will you go further than that and order the WSIB, under subsection 167(1), not to give rebates to any employer who is in violation of occupational health and safety acts? What I'm saying here, Minister, is that you have rewarded companies that have been in violation of the safety and health act. You've given them rebates. None of them should get rebates if they're in violation, and this one, a one-year moratorium you've given them to come back after a fatality, and they're back into the rating system, is unacceptable. The fines are very small. When are you going to increase the fines on these companies and let them take notice?

**Hon. Peter Fonseca:** Once again, I thank the member for the question. The program does fall under the WSIB, and I do understand that they have put a moratorium on any businesses that have had a fatality in the workplace. They are doing this internal review of the experience rating program. The chair of the WSIB, Mr. Mahoney, was here, I believe, two weeks ago, to present in front of the Standing Committee on Government Agencies, and had the opportunity to speak to this. One thing I can say to the member is that we can, I'm sure, provide all the information to get in contact with Chair Mahoney or any of his WSIB staff who may have some of the intelligence that you're looking for.

**Mr. Paul Miller:** Thank you. My next question: Minister, you mentioned in your presentation how proud you were of the records of reduced accidents in the workplace and the ability to give rebates to companies that are—it's come to my information and understanding that a lot of these companies are actually offering incentives to their employees for safety, ranging from motorcycles to cars to boats.

The problem with that is it's putting peer pressure on fellow workers. In other words, I get injured, and a worker says, "Oh, well, Paul, you can't report that because you're going to ruin my chance to win a Harley at the end of the month, if any of these things are reported." I can name several companies that are doing this.

What it does is, the person does not report the accident because he doesn't want to ruin his buddy's chance of winning a boat or something at the end of the month. So what happens is, he goes on to his next job, and he still has the injury. When he goes to report, if he has a recurrence of that injury, then the WSIB says, "Well, I'm sorry, sir. You did not report this. We don't have any record of the injury that you had working for that company. In fact, they had a clean record that month."

This is unacceptable. It's going on in a lot of companies in Ontario. Is your ministry looking into these kinds of violations? They're offering rewards for not reporting accidents. What is going on? I'll get you the name of some of the companies. What is going on? A brand new fishing boat was outside one gate. This is what you could win at the end of the month, Minister. You would win this at the end of the month if you don't report Mr. Miller's accident, or if he doesn't report it: "The cleaner the safety record is, we'll give you...."—and you know why they're doing it, Minister? Because they get a big rebate from the WSIB at the end of the year for not reporting accidents. The fewer accidents, the bigger the rebate. It's disgusting, and it's got to stop.

**Mr. Phil McNeely:** Clarification, Mr. Chair?

**The Chair (Mr. Tim Hudak):** Clarification.

**Mr. Phil McNeely:** I think the direction of the questioning is to an issue that is not in these estimates. It's the WSIB and how the WSIB is run. I don't think that this is the proper place. The WSIB was in here a couple of months ago for those questions.

**Mr. Paul Miller:** On a point of order, Mr. Chairman—

**The Chair (Mr. Tim Hudak):** You know what?

**Mr. Paul Miller:** It does—

**The Chair (Mr. Tim Hudak):** Well, we're using up your time—

**Mr. Paul Miller:** Because it's part of the rewards system, it is part of this situation. You're paying people money in rebates who are doing these types of things, so it's definitely part of this—

**The Chair (Mr. Tim Hudak):** Mr. McNeely, thank you for the point. This is traditionally time for the critics to bring forward concerns that they have about the ministry and the estimates before them. I do tend to find that questions about agencies that report to the ministry are in order. Sometimes, if there are detailed questions, they can't be answered, obviously, but I think in terms of oversight responsibilities for the ministry, Mr. Miller's questions are very much in order. We'll proceed.

**Mr. Paul Miller:** Thank you, Mr. Chair. My next question: Will you use your powers under section 168 to order the WSIB to conduct a value-for-money audit on the experience rating system?

**Hon. Peter Fonseca:** Mr. Chair and the member, as I've stated—

**Mr. Vic Dhillon:** A point of order—

**The Chair (Mr. Tim Hudak):** Well, folks, I'll listen to you, but I don't want to take too much time.

**Mr. Vic Dhillon:** Thank you, Chair. Again, I don't think that's a fair question. The WSIB is an arm's length body, and to point-blank ask the minister to respond to such a question we think is not in order.

**Mr. Paul Miller:** Mr. Chair, the member is out of order. This ministry governs the WSIB. It's not out of order, and I don't know where he's coming from. He's using up my time, sir.

**The Chair (Mr. Tim Hudak):** Thank you, Mr. Dhillon and Mr. Miller.

**Mr. Vic Dhillon:** That's a valid question, then—

**The Chair (Mr. Tim Hudak):** As I mentioned earlier, I don't want any other—

**Mr. Vic Dhillon:** Chair, when we have WSIB questions to the ministry, we're asked—that the ministry cannot interfere, and so we have to be very careful—

**Mr. Paul Miller:** Getting back to my question—

**The Chair (Mr. Tim Hudak):** Let me—

**Mr. Vic Dhillon:** —when we are talking about instruction from the minister to the WSIB.

**Mr. Paul Miller:** It's my half-hour with the minister.

**1010**

**The Chair (Mr. Tim Hudak):** Folks, let's calm down here. I've ruled this question is in order. The minister can answer as he sees fit. If he wants to give an answer, Mr. Dhillon, he's welcome to do so.

**Mr. Paul Miller:** It's a very straightforward question. I'll repeat it.

**The Chair (Mr. Tim Hudak):** I am adding time back in for these interruptions at this point, because we're belabouring the point of order here. If the minister disagrees with Mr. Miller's interpretation of the legislation, please say so. But the question is very—

**Hon. Peter Fonseca:** Mr. Chair, what I could tell the member is that the WSIB is an agency of the Ministry of Labour. It is arm's length. They do have the statutory power to implement their programs, their policies, their procedures. They're doing that. I understand that they're conducting an internal review of the experience rating program. I think that we should allow them to do their work.

I understand when Chair Mahoney presented just a couple of weeks ago—and the question could have been posed to Chair Mahoney—they talked about their initiatives and what they have under way. They have a program called the Road to Zero.

**Mr. Paul Miller:** Mr. Chairman, this is getting off topic. This is not my question. My question was very simple and straightforward. Minister, will you use your powers—not the WSIB; your powers—under section 168 to order the WSIB to conduct a value-for-money audit on the experience rating system?

I don't want to hear about what they did three weeks ago. It's a direct question, and I need an answer.

**Hon. Peter Fonseca:** Mr. Chair—

**Mr. Bob Delaney:** Point of order, Mr. Chair.

**The Chair (Mr. Tim Hudak):** Yes?

**Mr. Bob Delaney:** The member is in fact out of order for asking the Minister to make policy while he is in estimates committee. If the minister chooses to make a ministerial statement or to introduce a bill before the House, that is his prerogative. The member is welcome to ask him questions on the estimates of his ministry, but not to ask him to make policy on the fly.

**The Chair (Mr. Tim Hudak):** As I've said—and I'm not going to tolerate another point of order on a decision I've already made—I find Mr. Miller's questions in order. I think, Mr. Miller, the minister should be given a chance to respond as to why he is not—I think he's answering no to your question.

**Mr. Paul Miller:** I'll take it as a no, then.

**The Chair (Mr. Tim Hudak):** I think he should be given an opportunity to explain his view of the WSIB, which—

**Mr. Paul Miller:** Well, it's not answering the question, Mr. Chair, with all due respect to you. I would like for him just to say yes or no. You won't use your powers.

**The Chair (Mr. Tim Hudak):** Again, you can ask that question, and the minister can respond as he sees fit. I think we have to agree it's a complex question to ask, so I'm going to give the minister a chance to respond.

**Hon. Peter Fonseca:** I say to the Chair and the member, there is this internal review taking place right now. Let's wait and see what comes from this review. That's what I can say to the member.

Now, the member has been bringing up hearsay and talking about scenarios, about fishing boats and all sorts of other—

**Mr. Paul Miller:** Here we go again, Mr. Chair.

**The Chair (Mr. Tim Hudak):** Let him finish his—

**Mr. Paul Miller:** We're off the topic.

**The Chair (Mr. Tim Hudak):** You know what? I'm going to let him finish his answer.

**Mr. Paul Miller:** I've already passed the fishing boat. Why are you going back to it? I have another question to move on to.

**The Chair (Mr. Tim Hudak):** Let the minister respond to this question.

**Mr. Paul Miller:** He's not answering my question. He's talking about something I've already gone over. That's wasting my time.

**Mr. Vic Dhillon:** He's not wasting your time.

**Mr. Paul Miller:** I have half an hour. No one was talking to you, sir.

**The Chair (Mr. Tim Hudak):** Okay, folks, the fewer interruptions we have, the quicker we can get through the estimates and stick to the issues before us. I'll allow the minister to respond on this WSIB question. He's talking about a review—

**Hon. Peter Fonseca:** I think it was important. If the member wants to bring up scenarios like this fishing boat, one thing that I can say about the dedicated staff

and inspectors of the Ministry of Labour is that the member should call the Ministry of Labour and ask for those inspectors to go in and investigate. That's what they're there for. But rather than just bringing up scenarios without having facts before the member, I think we're here to discuss the facts and—

**The Chair (Mr. Tim Hudak):** Okay, thank you. We'll now move on to the—

**Mr. Paul Miller:** Can we move on to the next one, Mr. Chair?

**The Chair (Mr. Tim Hudak):** Move on to the next question.

**Mr. Paul Miller:** Thank you, Mr. Chair. On Saturday, February 16, as part of the Working Wounded series, the Toronto Star did a story on temp agencies being allowed to keep spotless ratings even if poorly trained temp workers are injured or killed. The chair of the board is quoted in the article, stating that he would meet with the provincial ministry in two weeks and propose a change to legislation that would close the loophole.

Did that meeting take place? What actions are being taken to close that loophole?

**Hon. Peter Fonseca:** I can't speak to that particular piece that came out—I believe the Toronto Star is what the member said—in February of this past year and what was asked of the ministry.

What I can say is that we have been doing consultation on temporary employment. I want to thank my hard-working parliamentary assistant, Vic Dhillon, for bringing this very important issue to light in the chamber. As we all know, it's something that we want to address. We know that there are vulnerable workers out there. We want to make sure that those temp agencies are abiding by the Employment Standards Act, abiding by the Occupational Health and Safety Act. All temp workers, foreign workers, all workers in Ontario fall under those acts and are provided the same rights and responsibilities as any domestic, full-time or part-time employee.

The Ministry of Labour has 144 employment standards officers who are out there to make sure that workplaces, temp agencies and others are abiding by the ESA. I think this is good news. I look forward to doing more work with my parliamentary assistant on the temporary employment front. It is part of our workplace landscape now across Ontario, Canada and in many other jurisdictions of the world.

In regard to the member's specific—

**The Chair (Mr. Tim Hudak):** Are you satisfied?

**Mr. Paul Miller:** I'm satisfied.

**Hon. Peter Fonseca:** In regard to the member's specific ask, I'd have to—

**The Chair (Mr. Tim Hudak):** I think, Minister, he's satisfied with the answer.

**Mr. Paul Miller:** Thanks, Minister.

**Hon. Peter Fonseca:** You're welcome.

**Mr. Paul Miller:** Next question: On December 10, 2003, the board of directors at the WSIB approved a report on coverage that stated, "35% of workers in Ontario are not covered by WSIB." The report recom-

mended coverage for all workers in this province. The current chair, Honourable Steve Mahoney, when questioned on this issue in front of the Standing Committee on Government Agencies on Friday, September 12, 2008, stated, "I should say, at the risk of getting myself into a bit of trouble, that I frankly support mandatory coverage for everybody who works in the province of Ontario. We only cover 67% of the workforce, unlike BC, where I believe it's 98%" of the people that are covered.

Does this minister intend to take action to protect workers in all sectors, as well as independent operators under the Workplace Safety and Insurance Act, to ensure financial sustainability of this system?

**Hon. Peter Fonseca:** Learning a little bit more about the Workplace Safety and Insurance Board, it is one of the largest insurance companies in North America. It has over 4,000 employees. They deal with the benefits of those who are insured under the—

**Mr. Paul Miller:** With respect, Minister, I asked you, are you going to cover the rest of the people? I don't want to hear about the workforce numbers, how many people you employ. I want to know if you're going to cover 100% of Ontarians.

**Hon. Peter Fonseca:** I was just speaking to those who are insured under the WSIB and how the WSIB functions as an insurance company for those who fall under the WSIB.

Chair Mahoney may have made some comments here. I'm unaware as to what he was speaking to in terms of the coverage. What I can say is that we have been working diligently as a government to make sure that those who are covered under the WSIB receive their benefits. We've made improvements, I understand, to the Friedland formula, which was brought in under the NDP government and then under the Conservatives. For too long there was an erosion of benefits. We have reversed that trend and made some progress in helping the workers who are covered under WSIB with their benefits—

**Mr. Paul Miller:** Sorry, Chair, with respect to the minister, I don't believe you're answering my question. I asked you if you're going to cover the rest of the people in the province who aren't covered. Just a yes or no will do, and I can move on to the next question.

**The Chair (Mr. Tim Hudak):** Minister, if you have anything to add, please add. If you're satisfied with the answer given, we can proceed—

**Hon. Peter Fonseca:** I'm pretty satisfied with the answer I've given. What I will say to the member is, I'd ask the member to contact Chair Mahoney, ask him for his insight and maybe some of the comments that he had made, but the policy sits with the WSIB.

**Mr. Paul Miller:** I keep hearing this. I'm not quite sure what role your ministry plays because you keep saying the WSIB is an arm's length agency. So what impact do you have as a minister? I've studied some of the statutes. You do have the ability to intervene, but you keep telling me, and I've been hearing this from the former Chair, Brad Duguid, that you don't have any say. They do whatever they want but they fall under your

ministry. I'm confused about what your role and your ministry's role is. Are you just an overseer who doesn't do anything? Are you like the Queen: You sit there and let everyone else handle it? I'm not sure. I'm getting confusing messages from you. So I really feel that this is "Pass the buck." I've had this since I've dealt with the labour ministry: Pass the buck to the WSIB. The WSIB says it's the ministry that makes the decision and you say it's they who make the decision. I'd like to know who makes the decision and whom I have to talk to.

**1020**

That's just a statement. Thank you, Mr. Chair. I'll move on to the next question. In October—

**Hon. Peter Fonseca:** Mr. Chair, if the member feels—

**The Chair (Mr. Tim Hudak):** You'll have 30 minutes to respond.

**Mr. Paul Miller:** Thank you. In October of 2007, the OFL released a report entitled *The Perils of Experience Rating: Exposed!* This report exposed the outlandish rebates given to employers under the WSIB experience rating system who were fined by your ministry—even though you say you have an arm's length deal—for killing workers. The OFL advised me that they gave a copy of that report to senior ministry staff on December 11, 2007, at the annual injured workers' Christmas demonstration at 400 University Avenue. The OFL also advised me that the senior ministry staff and WSIB officials were present when the OFL spoke at the demonstration which outlined the content of the report. Why is it that the ministry and the WSIB did nothing with this information until the Toronto Star exposed this information in April of this year?

I was at that demonstration, Mr. Minister, and I saw the same thing transpire, and nothing happened. Nothing. They didn't get back to us. They did absolutely nothing. Disgraceful.

**Hon. Peter Fonseca:** Mr. Chair—

**The Chair (Mr. Tim Hudak):** Would you like a response?

**Mr. Paul Miller:** I'd like a response. Sure.

**Hon. Peter Fonseca:** The member keeps coming back to a government agency that is at arm's length from the Ministry of Labour, an agency that presented here, but two weeks ago, to the Standing Committee on Government Agencies, where he would have had all the opportunity to pose a question like this. If the member in his earlier question was talking about, what have we been doing?—if 54,000 less workplace injuries is not progress, then I don't know what progress is, member.

**Mr. Paul Miller:** Because they're getting rewards for not reporting it.

**Hon. Peter Fonseca:** And to know how that has impacted those families and communities across this province—our bottom line: the saving of \$5 billion to claims—I don't know where the member is coming from.

**Mr. Paul Miller:** Obviously, you're not listening to my question, Minister. I was coming from a direct quote from your WSIB chairman, with whom you say you have

an arm's length relationship. Well, I'm not quite sure you do, because there are statutes that say that you can overrule. You can intervene. You can order an audit. You don't do these things, and that's why this system is decrepit. It's archaic. It's old. It needs to be revamped, and your people aren't doing it.

Next question: Injured workers' benefits have eroded by 20% over the last 10 years due to inflation. Last year, your government gave injured workers a 2.5% increase at the time that MPPs gave themselves a 25% increase. Will your government give injured workers the justice they deserve and give them the full cost-of-living coverage now?

**Hon. Peter Fonseca:** I say to the member it's really rich that the member would say this, when it was under his party that they brought forward a—

**Mr. Paul Miller:** That's not answering the question, about my party that happened 10 years ago, Mr. Chair, with all due respect. Let's talk about the present.

**Hon. Peter Fonseca:** Mr. Chair.

**The Chair (Mr. Tim Hudak):** Folks, I—

**Mr. Vic Dhillon:** Why did you take the pay raise?

**The Chair (Mr. Tim Hudak):** Mr. Dhillon, I ask you—

**Mr. Paul Miller:** Why is Mr. Dhillon speaking?

**The Chair (Mr. Tim Hudak):** Folks, stand down. I remind members that this is an opportunity for members, both of the opposition and the government, to ask questions of the minister. As I've said, if there's a short question, I do expect a short response; if there's an open-ended question, a longer response. If we get into a lot of the partisan back and forth, while it may make good theatre, it's probably ultimately not conducive to getting through a lot of the questions.

Mr. Miller did ask, with respect to using the statutes, if the minister is going to use that with WSIB. He did talk about the MPP pay raise. Mr. Fonseca is responding in kind. So why don't we just get back to the facts at hand? I think the question on the floor is with respect to statutes. Mr. Miller has cited if the minister plans to use those or agrees with his—

**Mr. Paul Miller:** Thank you, Mr. Chair. I can repeat the question that I just asked.

**The Chair (Mr. Tim Hudak):** I think he's going to take it.

**Mr. Paul Miller:** The 20%.

**Hon. Peter Fonseca:** In all fairness, the member spoke to erosion here, and we have to look back at where the erosion started. The erosion started in 1994 under the member's government and party. It continued—

**Mr. Paul Miller:** Point of order, Mr. Chair: I thought you stated your position, and here we go again.

**Hon. Peter Fonseca:** That's what the member spoke to. The member spoke to erosion, Mr. Chair.

**Mr. Paul Miller:** The minister is going partisan. This is an estimates committee. It's not inside the Legislature.

**The Chair (Mr. Tim Hudak):** Folks—again, Mr. Miller, I'd call you to order. Mr. Dhillon, I'm going to call you to order. Let's proceed.

I can't tell you how to answer questions. They can answer questions or ask questions how they see fit. I just, as Chair, will recommend that maybe we take a deep breath, a step back and consider the seriousness of these questions. They are important questions to be responded to, and perhaps if all members of the committee could set aside a bit of the partisanship and get back to the facts at hand.

Minister, if you would kindly respond to Mr. Miller's question with respect to the statutes.

**Mr. Vic Dhillon:** I have a point of order, Chair.

**The Chair (Mr. Tim Hudak):** What's your point of order?

**Mr. Vic Dhillon:** I don't know where in our directions for committees it states that a member can direct a minister to answer a question the way he would like. Obviously, the minister has explained that he's been on the job for 11 days, and with his innuendo—

**Mr. Paul Miller:** Point of order, Mr. Chair: He's taking up my time—

**Mr. Vic Dhillon:** He keeps interrupting the minister. He's not giving the minister a fair opportunity to reply.

**Mr. Paul Miller:** I asked a question; I'm entitled to an answer.

**Mr. Vic Dhillon:** No one can direct the minister as to how he should answer the question. He keeps interrupting. Again, he's wasting—

**Mr. Paul Miller:** Because I'm not getting answers.

**The Chair (Mr. Tim Hudak):** Mr. Miller, I don't think interrupting back and forth helps. Mr. Dhillon, with all due respect, I am the Chair of the committee and I will continue to Chair the committee—

**Mr. Vic Dhillon:** According to the statutes.

**The Chair (Mr. Tim Hudak):** I hope you respect—

**Mr. Vic Dhillon:** Absolutely.

**The Chair (Mr. Tim Hudak):** —the one who has a hell of a lot more experience than the one raising the point of order. I'm chairing this committee.

That is my advice on how to proceed going forward. I'll ask Mr. Fonseca to respond to the question. Mr. Miller then proceeds with his next question.

**Hon. Peter Fonseca:** Thank you, Chair.

What the member is asking is to set policy here on the fly at this standing committee. I do believe that the questions the member is asking do not pertain to this standing committee. There was opportunity for him to ask those questions of the chair of the WSIB.

I do want to make a point here. In our budget of 2007, we helped address this situation of erosion. We enhanced the benefits to more than 155,000 injured workers across this province by 2.5% on July 1, 2007, another 2.5% increase happened on January 1, 2008, and we will be looking at a further 2.5% increase, I say to the member, that's going to take effect on January 1, 2009. This exceeds the current rate of inflation.

**Mr. Paul Miller:** Thank you, Chair. Next question, deeming: Last summer, Bill 187 was passed, which was supposed to eliminate deeming. The WSIB created a new policy that changes the word "deeming" to "deter-

mining,” and that actually creates more ways of deeming. Will you direct the WSIB to ensure that injured workers’ benefits are based on their actual wages, post-injury, and not on a phantom job that they don’t even have? Is the minister familiar with deeming?

**Hon. Peter Fonseca:** I am somewhat familiar with deeming. What I say to the member again is that the member is asking me, as the minister, to intervene with an agency that is arm’s length from the Ministry of Labour, that has the statutory powers and authority to be able to set their programs, their policies and their procedures. The member keeps continuing along this path. What I ask of the member is to look at the progress that we’ve made. If he has some recommendations that could help in providing for a healthier and safer Ontario workplace—

**Mr. Paul Miller:** I could write a book for you.

**Hon. Peter Fonseca:** I ask the member to write the book. I’m always interested in some good reading and I’ll be looking forward to it.

**Mr. Paul Miller:** I’m confused again. This is happening a lot today. The minister is saying that they’re at arm’s length, but he says “we”—he uses that a lot—“we’ve done this; we’ve created this; we’ve done that.” If they’re an arm’s length agency and you can’t touch it, and you can’t tell them what to do under statutes, then what is your ministry doing? Why are you even involved? But I don’t find that. When I look in the statutes, you are able to intervene, and you keep saying you’re not. You keep saying they’re arm’s length. I heard that from Mr. Duguid, the same story: It doesn’t cut it. You do have the ability to intervene, and you’re not using it.

Next question—

**The Chair (Mr. Tim Hudak):** A quick question.

1030

**Mr. Paul Miller:** How much time have I got?

**The Chair (Mr. Tim Hudak):** Just under a minute.

**Mr. Paul Miller:** Okay, I’ll end it at that. I’ve got lots more, and you’ll be hearing more from us, Minister. I understand it’s rough, but we have to ask these questions. Don’t take it personally. Some people do; that’s unfortunate, but we have to ask these questions. Thank you very much for your patience and time.

**Hon. Peter Fonseca:** Thank you.

**The Chair (Mr. Tim Hudak):** Minister, you have 30 minutes to wrap up. We do have question period at a quarter to, so what I might suggest is, do you want to take 10 minutes now and then your subsequent 20 minutes in the afternoon session? Would that be all right? That will give you time to prep for question period. If we put off the time, that means we run into an additional day.

**Hon. Peter Fonseca:** I think we’re just going to wrap up now. We’ll come back and—

**The Chair (Mr. Tim Hudak):** Okay, that means you have 15 minutes. I do have to recess the committee at 10:45 for question period. So you can take 15 if you like, and then the subsequent 15 this afternoon.

**Hon. Peter Fonseca:** Oh, you’re saying 10 right now to wrap up?

**The Chair (Mr. Tim Hudak):** Yes, just to give you five minutes to get ready for question period.

**Hon. Peter Fonseca:** I want to thank all the members of the committee for bringing forward some very important issues and help in terms of how we can better help all Ontario workers. My role in the ministry is to champion the programs that we have and the programs in the light of the stage that we’ve reached and how we are moving forward. I see that we’ve reached a new plateau when it comes to health and safety in the workplace, when it comes to reducing workplace injuries, when it comes to labour relations. We have a stability, a fairness, an open and working environment that I feel we haven’t had in a long time. When it comes to labour relations, it was amazing when I saw that for over 95%—actually, this past year, 97%—of all our labour relations, our collective agreements are done without any work stoppage or strikes. We continue to work with employees and employers to make Ontario the most competitive that it can be in the world.

As I said earlier in my remarks, the number one resource that we have in this province is our people. So if that’s our number one resource, where are investments going? What are we protecting? We’re protecting our people. That is what our sole focus is: to make sure that they have the education, the skills and the knowledge, that they get opportunities in school, that we have our health care system in place to be able to take care of this number one resource, our people, when they get hurt, injured, ill, sick.

We also have some challenges before us. We have some challenges with the economy. Many things are outside our control, but there are some things that are within our control, and what’s within our control is the way we approach health and safety in this province. To find that we have saved \$5 billion because of not having those 54,000 workers injured over the last four years—that is a huge number. I thought of all the good that it could do in my community, in your community and in all our communities when it comes to health care and our priority areas as a government: education, infrastructure, making sure that we continue to build our communities.

This is something that has buoyed me, and it’s a real opportunity for us. We’re always looking for opportunities where we can be more effective, efficient, productive, looking at being able to save dollars so that they can be used on other priority initiatives.

I’ve learned this by fire: When you’re sitting in question period in the Legislature, in the chamber, it seems like every question, in some way, shape or form, touches labour. It keeps me on my toes as I’m in there.

I relish the fact that we have such a great ministry that is fiscally responsible, is prudent, provides value to Ontario’s workers and, as I said, saves us dollars, saves us hardship and makes sure that this is the type of place where we all want to live.

It takes me to many of the stories. Since being appointed minister, I think back to—actually, this goes



back to another meat-cutting incident. My second uncle was a butcher; he worked in a meat plant. If anybody has ever been to a meat plant, you'll find that that is a really tough place to work. There is a lot of danger there. He lost two fingers at the meat plant. Every time I see him when he comes over or visits, now it touches me in a different light, as Minister of Labour. On my BlackBerry, I'm finding that we just had two fatalities over the last few days here in the province of Ontario. Two workers did not have the opportunity to go back home to their families. I can't even imagine the tragedy that that brings to a family. That drives me and I'm sure it drives the deputy minister, our senior team here, as well as all the members of our family at the Ministry of Labour. We work diligently to be able to provide those best practices, to get out there in the workplace to make sure that everyone understands how important that is.

I can even think about my days as an athlete. Some of you may not know I had the opportunity to proudly represent Canada in the Olympic Games in 1996. You think, well, that's also a competition. You're also trying to do the best you can, the same way a company tries to provide the best product or service. When I first got into running, I'd just get out there and run hard. There might not be any warm-up or any type of prevention to stop injury from happening, and often I would get injured earlier in my career, more so than later, when I understood the importance of taking those preventive steps so that you could become better and stronger, to be able to have a better performance, to be able to produce a better product, to be able to provide a better service, to be happy, morale—and it works with everybody.

If you think about a professional team like the Toronto Maple Leafs, you'll see that they spend a lot of time on the health and safety of their investment: those players. We want all businesses to understand when they make investments—and a lot of their investments are being made in their people.

Can you imagine putting up a hydro tower without having a plan, without taking a lot of the measured steps to make sure it goes up right so that none of those highly skilled, experienced workers get hurt, to make sure that there's integrity in the project with your people and that tower as it goes up? Because, if that tower comes down, there are costs to everybody. There are human costs, there are costs to the business, there are costs to the community—it may be out of power—there are costs to the reputation of that particular business. That's what we're working towards here at the Ministry of Labour. As I said, it's a wonderful role: I'm delighted; I'm excited. I have big shoes to fill. My predecessors have done just an outstanding job—Minister Duguid, Minister Peters, Minister Bentley and those before them—but I also see that a lot of progress has been made and we are going to continue along that path.

Mr. Chair, I just wanted to thank the members for this experience here, to be here, and I know we're going to come back later this afternoon. I'll try to provide as much detailed information as I can, and we do have our

ministry staff here to provide any more that is necessary and to get back to the members with any of their queries.

**The Chair (Mr. Tim Hudak):** Terrific. Let me just do a quick wrap. Thank you, Minister. You do have 20 minutes in the afternoon session if you so choose.

**Hon. Peter Fonseca:** Okay.

**The Chair (Mr. Tim Hudak):** You have 30 minutes to respond. If you don't want to use it, then we'll go to the official opposition for their first 20-minute segment.

For members, as we come back here this afternoon—a couple of thoughts. Questions on the WSIB, I find to be very much in order. I mean, there are \$170 million in operating funds allocated to this ministry, and the notion that none of those dollars is used to work with the WSIB is rather specious. I have been in this chair in the past and allowed, for example, questions on the OLG to the Minister of Public Infrastructure Renewal.

The minister is free to respond as the minister so chooses and some detailed questions, obviously, the minister can't answer because the WSIB is not before the committee today. Mr. Miller's questions on, will the minister invoke these statutes, I find to be in order, and the minister then—obviously, this is a complex issue. It's an arm's length agency, as he said. I do allow the minister time to respond with his views on Mr. Miller's request. So those things are in order.

Secondly, I'm just going to ask members—there's no doubt that workplace health and safety issues are important and they raise passions in the members here around the committee. So that's not surprising. I do accept that, and that does happen here at committee from time to time. Frankly, the personal needling back and forth—Mr. Dhillon and Mr. Miller particularly, and, Minister, a little bit yourself—I think is unhelpful and takes us away from our time. So passion is fine, and there are important topics to discuss, but I will ask that as members come back to this afternoon's session, let's keep that needling to a minimum—or gone—and we'll concentrate on the issues at hand.

Folks, thanks very much. We're adjourned, and we'll be back here at 4 p.m.

*The committee recessed from 1041 to 1600.*

**The Chair (Mr. Tim Hudak):** We'll call the Standing Committee on Estimates back into session. We have approximately five and a half hours left—

*Interjection.*

**The Chair (Mr. Tim Hudak):** Sorry. We have six and a half hours left in the consideration of labour. We don't want to rush it. Boy.

Minister, you had about 20 minutes remaining in your final comments. Did you want to use those 20 minutes at this point in time?

**Hon. Peter Fonseca:** Yes.

**The Chair (Mr. Tim Hudak):** The floor is yours, and after that we'll begin our regular rotation of 20 minutes, beginning with the official opposition.

**Hon. Peter Fonseca:** I just want to start off my comments by thanking the MPPs who posed most of the questions earlier this morning, and that is Mr. Bailey and

Mr. Miller, Mr. Bailey still being here, and Mr. Miller— if you could just let him know my comments towards his questioning this morning.

This morning, I didn't get a chance to fully discuss some of the responsibilities of my ministry, and I want to take a moment now to talk about my ministry's oversight of labour relations in the province of Ontario.

Our labour relations and internal administration program makes it possible for effective labour relations dispute resolution, thereby supporting fair and stable workplaces and increasing productivity. Our government understands the importance of stable labour relations. Fair and stable labour relations are the cornerstones of Ontario's economic success, and I couldn't agree more.

That's why our government has restored the principles of balance and fairness to Ontario's labour laws. Through Bill 144, there was a restoration of powers to the Ontario Labour Relations Board to let it effectively handle situations where an employer or union violates labour law during an organizing campaign. The restoration of these powers helps to ensure the certification process works fairly for both the employees and the employer.

The Ministry of Labour promotes a constructive labour relations climate and fosters productive workplace relationships in Ontario. The ministry's labour relations activities focus on settling workplace disputes, assisting in the settlement of collective agreements and producing collective bargaining information.

Our government has a great deal of respect for the collective bargaining process as a mechanism to resolve labour disputes. It's important that we encourage a stable labour relations environment in which parties are able to negotiate with each other in a spirit of mutual respect and trust. Over the past few years, more than 97% of negotiations have resulted in settlements, with no work stoppages. That's an outstanding result and one that we all should be very proud of.

During our time in office, we've seen the lowest number of work stoppages in the last 30 years. The Ministry of Labour continues to meet its performance commitment of over 95% of collective agreements in Ontario settled without a strike or lockout.

We've come a long way, and our success is due in part to our government's approach to labour relations and the good work that our 30 mediators are doing with bargaining units, their employers across this province.

In conjunction with our efforts to promote stable labour relations, my ministry is focused on working with our partners to reduce workplace injuries in the province of Ontario. That's why we've launched Safe at Work Ontario. Safe at Work Ontario is the plan for enforcing the Occupational Health and Safety Act in Ontario, now and into the future. It builds on the success of the Ministry of Labour's targeted compliance program, which I spoke to earlier this morning. That program ran from the beginning of April 2004 to the end of March 2008, and it had great success. The Safe at Work Ontario program takes a broader approach now to safety inspections and affords inspectors much more flexibility to work with

employers to develop a strong health and safety culture in the workplace.

Safe at Work Ontario enables inspectors to visit workplaces before injuries occur. I think that's something that all of us here—all of the committee members—can agree on, that it's worth investing in prevention and making sure that we do have safety before an accident occurs. This is the next stage in our Ontario program in the reduction of workplace injuries. We've had, as you know, a great deal of success: an over-20% reduction in workplace injuries. We talked about the amount of individuals that that would have affected—54,000 fewer workplace injuries—and what it would have meant, in a poor way, to those families, those individuals and their communities and businesses that they work for.

Safe at Work Ontario focuses its resources where they're needed most. We've learned a lot during the last four years while we were improving our techniques for selecting workplaces to be inspected and while we were hiring and training 200 additional inspectors. In my first few days at the ministry, I was given some insight as to—when we brought in the 200 new inspectors, I thought that you would just bring them in and they would start tomorrow. But no, there was a great deal of training and understanding of various sectors in the workplace, and making sure that these new inspectors who were being hired were able to hit the ground, get in and meet with our stakeholders, with our partners, employees, employers, health and safety associations etc. and really help us in terms of meeting the lofty targets we had put out there.

I'm happy to say that we were able to achieve that over-20% reduction in workplace injuries, and now what we're doing is giving them some more flexibility to be able to go in and work in a much more preventive manner, and take that approach to help build the types of cultures that we want in the workplace.

I'm proud to be able to tell you that since the beginning of 2004, the 20% reduction—that is still not good enough. We want to continue to work to reduce all workplace injuries. The government of Ontario and its partners are committed to eliminating all workplace injuries. Workers have a right to go home each day to their families, safe and sound.

One of those partners is the Workplace Safety and Insurance Board. The WSIB is an arm's length agency, as I mentioned earlier this morning to Mr. Miller, that is responsible for administering the Workplace Safety and Insurance Act. The WSIB is a trust agency that functions independently of the Ministry of Labour. Under its enabling legislation, the Workplace Safety and Insurance Act, the board has statutory authority to fund its programs and services through its own revenues generated from sources such as employer premiums and investment income.

The WSIB board of directors is the corporate body that has overall responsibility for conducting the agency's business in a financially responsible manner. It has an independent board with extremely qualified

members. The WSIB can, and has, recently been called to the standing committee. They were here on September 12; the standing committee was government agencies. As you may be aware, many of the issues that were brought up earlier this morning in regard to the WSIB came forward on September 12, when Chair Mahoney presented here to the committee. I do ask that any members who have questions about the WSIB—they may find a lot of those answers in the responses that were given by Chair Mahoney to the Standing Committee on Government Agencies. Personally, I look forward to meeting with Chair Mahoney, the president, the board of directors, in the coming weeks to learn about the programs and strategies that they have in place.

**1610**

Further to my comments earlier today, I'd like to elaborate on some of the progress that we've made in a few of our key program areas.

In 2007, our government pledged \$3.6 million in annual funding to help speed up the resolution of employment standards claims. The additional funding allows the ministry to continue targeted, proactive enforcement activities to help prevent employment standards contraventions before they happen. The ministry has also hired additional staff to reduce wait times. The added resources are complemented by a new, province-wide computer system that will automate and standardize claims processing based on best practices and freeing up administrative resources.

We've undertaken an employment standards transformation. This ambitious transformation was launched in 2004. It included an outreach to vulnerable workers and an increased emphasis on proactively enforcing compliance and prosecuting those chronic offenders.

We've adopted a new business model to better serve Ontarians, with more efficient and effective processing of employment standards complaints. A new central-intake provincial claims centre was set up in Sault Ste. Marie, together with a new IT system to support this model.

We've become more rigorous in enforcing employment standards legislation. During the past four years, our dedicated enforcement team has conducted over 8,700 inspections, issued 1,496 part 1 tickets, 5,315 compliance orders and 197 notices of contravention, while collecting approximately \$5.5 million in unpaid wages for those workers.

This morning, I took some time to talk about a few facts regarding compensation for injured workers. I want to look at those facts now. Prior to 2003, in fact 12 years or so before 2003, injured workers' benefits increased by only 2.9%. Members, that's a fact. Changes in the 2007 budget helped to address this situation. By enhancing the benefits for more than 155,000 injured workers, we increased benefits by 2.5% on July 1, 2007. We again increased benefits by 2.5% on January 1, 2008. We've committed and there will be a further 2.5% increase on January 1, 2009. This is good news for those injured workers. We have also created a regulation-making power so that injured workers don't have to wait for

legislated amendments to the WSIA for any potential future increases.

I just wanted to be able to set the record straight from this morning and talk about a lot of the great results, I'd have to say, that have been achieved by this ministry, and give the members an understanding as to how we're moving forward, building a culture of health and safety prevention promotion here in the province, working with all our partners, employees, employers, associations, making sure that we build the type of province that we want: a strong Ontario.

As I said earlier, Ontario is not rich in oil, but it is rich in people. If that is our number one resource, and it is, we have to invest in those people. We have to keep them safe. We have to keep them healthy. We want to make sure that we're working on all cylinders in this province, especially in these economically challenging times.

I look forward, as the new Minister of Labour, to getting out into the field; getting on to the shop floor; meeting with a lot of the workers; listening to leaders in business and health and safety; finding out about some of the best practices, and being able to share those and champion some of those across this great province of ours. It's something that I feel very passionate about. I know that my predecessor, Brad Duguid, and those before him felt the same way.

Coming into this ministry, you really feel the impact of all the people you touch, and you touch everybody.

I said earlier this morning, during question period, how it doesn't matter who stands up to ask whatever question; you always feel that it touches Labour, and they all do. And I think that it's a responsibility we all have as legislators. I know that with the great staff we have, and the dedication and commitment from the Ministry of Labour staff, and we have many of the senior staff here with us today—that's what I would like to impart to this committee, Mr. Chair. I think we can move on to some more questions.

**The Chair (Mr. Tim Hudak):** Terrific. Thank you very much for your summation, Minister. Now we'll begin our usual 20-minute rotations until approximately 6 p.m., beginning with the official opposition, then the third party and government, in that order.

Mr. Bailey, you have the floor.

**Mr. Robert Bailey:** Thank you, Mr. Chairman, and thank you again, Minister, for coming back this afternoon.

I'm going to split my time with my colleague Mr. Hillier. So right from the get-go, this is a letter from the Large Urban Mayors' Caucus of Ontario, LUMCO. It's chaired by Mayor Hazel McCallion, the mayor of Mississauga. I'm sure most of the people in this room and yourself would be aware of her. Many of you were on Mississauga council at one time. Anyway, they had a resolution and it had to do with the Ministry. In a nutshell—I won't read it all:

"Whereas the Ontario Labour Relations Board treats municipalities as a business for the purpose of the construction industry provision in the Labour Relations

Act, 1995”—they are asking for an amendment from the government to the Labour Relations Act, 1995, that would ensure municipalities are able to tender construction work in a free and open, competitive environment, to maximize value for construction expenditures.

“Be it resolved”—and this is from the Large Urban Mayors’ Caucus of Ontario to the Ontario government. It’s dated June 6, and it was in regard to a resolution from the city of Hamilton and that mayor. Anyway, that’s the letter.

A little background on what the issue was, just while you’re preparing: In a nutshell, the city of Hamilton has asked other municipalities to support this amendment to the 1995 Labour Relations Act.

Minister, I know some of the members here will be aware of what’s going on in Hamilton. The city of Hamilton is being considered a construction industry employer, and they are now bound by obligations of the construction industry trade. Any municipality that becomes bound to these construction industry trade unions is subject to those obligations and restrictions that would extend well beyond the interests of its own employees, the municipality’s employees.

It is interesting to note as well that this resolution came from the city council of Hamilton. I’m sure Hamilton would be a fairly pro-labour council.

If the Labour Relations Act were amended, it would allow these municipalities—

*Interjection.*

**Mr. Robert Bailey:** Oh, yeah.

If the Labour Relations Act were amended, it would allow municipalities to tender construction projects in a free and open, competitive environment, at least according to the Large Urban Mayors’ Caucus of Ontario and its chair, Mayor Hazel McCallion of Mississauga.

As I said, I have a copy of the resolution, signed by Mayor McCallion, and I expect that the minister is well aware of Mayor McCallion.

My question to you, Minister: Are you aware of this issue facing the city of Hamilton—and other cities, I’m sure—and the extra costs that are being charged to the ratepayers of the city of Hamilton as a result of the municipality being considered a construction employer? Second, do you have any idea whether any other municipalities are facing the same situation as Hamilton?

**The Chair (Mr. Tim Hudak):** Mr. Bailey, you got a lot of members’ attention with that. Would you care to share the letter?

**Mr. Robert Bailey:** Sure.

**The Chair (Mr. Tim Hudak):** The clerk can make copies—a good point of debate. Super. Thank you, Minister.

**Mr. Robert Bailey:** Sorry, I should have made copies myself.

**The Chair (Mr. Tim Hudak):** No, no. It’s what we’re here for.

**Mr. Robert Bailey:** Sorry, Minister.

1620

**Hon. Peter Fonseca:** I thank the member for the question, and we always love to work with Hazel. I have not

been briefed on the Labour Relations Act, but I do have an expert on it here, and that is our assistant deputy minister Susanna Zagar. Susanna will be able to fill you in, and in particular, on the city of Hamilton issue that you bring up.

**Ms. Susanna Zagar:** I’m Susanna Zagar. I’m the assistant deputy minister of policy and dispute resolution services at the ministry.

Municipalities have had concerns with the issue of non-construction employers, as you’ve mentioned to us. Our position at the ministry is that non-construction employer applications are available to any employer who believes that they should not be covered by the Labour Relations Act under the construction provisions of that act. The OLRB will make its decision based on the specific case at hand and the facts of that case.

I understand that the city of Hamilton has filed an application for judicial review of the OLRB powers, but they haven’t actually proceeded any further, so it would be inappropriate for me to comment further at this time.

**Mr. Robert Bailey:** So you are aware of it, then, and it’s in process.

The second part of that question, Madam Deputy Minister: Do you know of any other municipalities that are in the same situation or could have filed the same types of applications?

**Ms. Susanna Zagar:** I’m an assistant deputy minister, sir.

**Mr. Robert Bailey:** Sorry.

**The Chair (Mr. Tim Hudak):** It’s a matter of time.

**Mr. Robert Bailey:** Yes, just a matter of time.

**Ms. Susanna Zagar:** Thank you.

Certainly we’re aware of the resolution from LUMCO and from Mayor McCallion, her position on the issue.

**Mr. Robert Bailey:** The second part of my supplementary to that question and, I guess this is to the minister: Are you considering supporting Mayor McCallion in moving an amendment to the Ontario Labour Relations Act that would ensure municipalities can tender work in this free, open and competitive environment that they have asked for? Secondly, if not, will your government consider bringing forward a funding program for municipalities that will find themselves facing extra costs as a result of this issue? That’s probably more to the minister.

**Hon. Peter Fonseca:** What I say to the member of this committee on estimates is that I look forward to sitting down with ministry staff and learning about all the different issues and nuances of this ministry. As I said earlier this morning, this is not the place to make decisions or to make policy; this is the place to look at our estimates in the ministry and how we are allocating our resources. That’s what I’m here to do: to discuss those allocations and to have staff here to clarify any information that the member or members may want. We’ve got the knowledge base here, and that’s why they’ve been brought in, to be able to give you any further information that you may need.

**Mr. Robert Bailey:** Thank you. I'll relinquish to Mr. Hillier.

**The Chair (Mr. Tim Hudak):** Okay. Mr. Hillier, you've got about 13½ minutes.

**Mr. Randy Hillier:** Thank you, Minister, for being here. I have a couple questions. I realize that earlier today my colleague asked a question regarding the number of violations your jobs protection officers had found over the years, and you're going to provide that information to us a little bit later. But I would like to know: How many jobs protection officers does your ministry now employ as compared to last year, and are there any increases planned on the number of jobs protection officers?

**Hon. Peter Fonseca:** I was just asking the deputy minister if that was our health and safety officer or our ESO officers. Deputy, that is?

**Ms. Virginia West:** Actually, they are specific officers, currently located in the Ottawa region to deal with TQAA enforcement within the Ottawa region. In addition to that, our health and safety inspectors across the province also do TQAA inspections. Mr. Hillier used the reference to jobs protection, and that would be that particular group.

**Mr. Randy Hillier:** Let me just clarify: You're using your health and safety officers for doing the TQAA violations as well?

**Ms. Virginia West:** Yes.

**Mr. Randy Hillier:** But in the Ottawa area, you're only using the jobs protection officers, from what I understand?

**Ms. Virginia West:** They are dedicated in the Ottawa area in the jobs protection office to TQAA, particularly because of the border issue with Quebec, as you recall. But no, in addition that, across the province, including other inspectors that we have in the Ottawa area, officers supplement their work when they go on construction sites, for example, to request compliance with TQAA.

**Mr. Randy Hillier:** Okay. I understand from speaking with the regional director earlier this year that the Ministry of Labour had plans to increase the number of jobs protection officers throughout the province. Is that correct?

**Ms. Virginia West:** To clarify, what had happened generally, again in the Ottawa area, we had been almost exclusively, for a period of time, relying upon that relatively small core of TQAA jobs protection officers, of which I think we're up to about six or eight in number. But what we decided to do to deal with the issue broadly across the province is to include that responsibility among the 430 construction inspectors across the province. I think that may have been the reference to increasing it—by looking to the other inspectors to take on that role as well.

**Mr. Randy Hillier:** So the answer is that we're not increasing the numbers of jobs protection officers?

**Ms. Virginia West:** No, not dedicated.

**Mr. Randy Hillier:** But you have a total of 430 construction safety inspectors—

**Ms. Virginia West:** Health and safety inspectors across the province—a segment of which are construction health and safety inspectors. We do it by sector.

**Mr. Randy Hillier:** So how many construction safety inspectors do you have? You have the health and safety inspectors. How many are dedicated construction safety inspectors?

**Ms. Virginia West:** I'm looking for an answer back here. We have industrial health and safety inspectors, construction health and safety inspectors, and mining health and safety inspectors—

**Mr. Randy Hillier:** We'll just go with the construction safety—

**Ms. Virginia West:** I hear you. Just give us a minute and we'll get that.

**Mr. Randy Hillier:** Maybe while we're waiting for that to come through—I was listening to the minister's speech, and I have to give you credit for whoever voted, because I can't believe they've actually ever been in the field. I'm really looking forward to your statement—you said you were looking forward to getting into the field to see what's really happening. I can tell you that the contractors I speak with and the businesses I speak with do not view the relationship with the Ministry of Labour as fostering a good and balanced relationship.

One of the things that I would like to bring up is your mechanism for these jobs protection officers, or health and safety officers, if they're under that TQAA element, of how they determine where they're going to go and if there is any check and balance on anonymous calls to your officers and them going out. When these jobs protection officers go out, there are significant work stoppages that they get involved with—making sure that all the construction people stop work, check their paperwork. They're quite disruptive on the job. Is there any mechanism within the ministry to prevent the mischievous or malicious use of Ministry of Labour jobs protection officers in this regard?

**Hon. Peter Fonseca:** First, I'd like to address the member's query on the number of officers that we have in construction: 157.4 is the number that I've got in here. If you want some of the others: industrial, 242; health care, 7; mining, 23.6—

**Mr. Randy Hillier:** The point four must have some trouble.

**Hon. Peter Fonseca:** I guess so. Mining is 23.6, and construction is 157.4, and that makes up for that extra body. I don't know if they work between the two or how they broke it up.

What I want to impart to the member, and I did in my statement here as I opened up, is how well our ministry inspectors have done. From 2004 to 2008—

**Mr. Randy Hillier:** I want to find out if there's any check or balance. When an anonymous phone call goes into your ministry to have them go out and disrupt a job site, how do you check the veracity of that and how do you prevent it from being used maliciously?

**Hon. Peter Fonseca:** Let me say to the member that we work on facts in the Ministry of Labour, through

targeted enforcement strategy, which has had some significant results. I spoke to the over 20% workplace injury reduction. The first component to that targeted enforcement strategy is 6,000 high-risk workplaces are inspected up to four times a year. These would be high-risk workplaces that they would be looking at.

1630

**Mr. Randy Hillier:** No, I'm talking about the jobs protection officers, where people go out and check somebody's licensing, their paperwork. I'm not talking about safety right at the moment. How do you ensure that your system and your inspectors are not being manipulated and being used in a malicious fashion?

**Hon. Peter Fonseca:** Understanding that we do it in response to complaints, I want to ask the deputy minister to give more information on that in terms of how a complaint comes in, the process for that policy.

**Ms. Virginia West:** I know that the member referred to TQAA complaints. We do also receive complaints, as you can appreciate, about health and safety. We do try to get the specific information and not have anonymous phone calls made, but of course there are occasions when they are anonymous because the callers are concerned about reprisals for themselves.

With respect to TQAA, I would say that, again, through the jobs protection office they would receive phone calls. Because we know it is a competitive business, I would assume, from time to time, there are reasons behind the phone call other than particular concerns, and I would say that they use their best judgment to determine whether or not this is a legitimate call. Because of the Ottawa area being a particularly intensive area, they would get to know some of the people as well and have a sense of whether or not this is a legitimate call. But I would say, beyond pressing for someone to give their name, there's not an oversight—

**Mr. Randy Hillier:** So you have no way of establishing if somebody is using this in a malicious fashion. I'll give you one example here, where I have one contractor—this is just one specific one—who's been visited three times in the last 10 months by your jobs protection officers in the Ottawa area. They have taken all his men out of production for that period of time—and it's a significant period of time. Never once have they found any violation, and they never once have found anybody not working without proper licensing, but they continue to return. It's always an anonymous phone call. Surely there must be a better system than allowing competitors to disrupt—competitors using government to foist injustice upon another. I'd like to get a thought—or if you have any idea how much this is costing our economy, these contractors, with your jobs protection officers.

**Hon. Peter Fonseca:** First off, I want to say to the member that we have confidence that our inspectors do their work, do it well and do it by the book. In regard to this particular case that the member cites, I'd ask that the member come forward with the information to the Ministry of Labour. I don't know if you have or if they have as of yet. Have they made a complaint? Have they brought something forward?

**Mr. Randy Hillier:** Yes, they have.

**Hon. Peter Fonseca:** They have. So if the member can bring that information to our ministry staff, I'm sure they'd be happy to look into it.

**Mr. Randy Hillier:** Okay. I think we should be looking to put in some checks and balances on this as well.

Are we—

**The Chair (Mr. Tim Hudak):** Three minutes.

**Mr. Randy Hillier:** Three minutes? Can I save that three minutes for another—

**The Chair (Mr. Tim Hudak):** You need permission from all the members of the committee.

**Mr. Randy Hillier:** Okay.

I'll refer back to your opening speech, Minister, about fostering a good relationship, promoting good relationships and whatnot. I was at one meeting earlier this year with construction safety inspectors and was with a group of contractors. He referred to the contractors as "targets of opportunity." Those were his words. I don't believe that's a very correct phrase that recognizes good relationships. But what came out of that meeting was clearly the amount of vigorous enforcement going on in construction safety. It's significant. But there's also no appeals process for these people getting compliance orders—not anything that is effective or reasonable. It's cheaper to pay the \$120 fee than to combat it, and of course, that builds up on their record and makes them look like a terrible contractor. But I would like to ask you—you mentioned you had 1,495 part one violations last year. What was the amount that you received from those part one violations? One thing that I've had difficulty finding is where the money actually ends up.

**Hon. Peter Fonseca:** You would like to know what was received from part one—

**Mr. Randy Hillier:** What was received and where does it end up?

**Hon. Peter Fonseca:** I'm going to ask if Sophie would have that information.

**Ms. Virginia West:** Perhaps I can respond briefly, Mr. Hillier. There was a similar question asked this morning and we gave an undertaking to follow up with that information. The money actually goes to municipalities under the Provincial Offences Act. So the municipalities in which the prosecution occurs receive that money.

**Mr. Randy Hillier:** I understood that was on the—I forget the right term now. You have two different levels of violations. The part one violations are the larger, more significant amounts; they're not the Provincial Offences Act, where there's a straight fine assessed or dictated by the construction safety inspector.

**The Chair (Mr. Tim Hudak):** We're concluding the time. We'll have to revisit this in the next round.

**Hon. Peter Fonseca:** We will get you that information.

**Ms. Virginia West:** As part of the undertaking, we'll get you that information.

**Mr. Randy Hillier:** Okay.

**The Chair (Mr. Tim Hudak):** Terrific. Thank you very much, Mr. Hillier.

To the third party: Ms. DiNovo, 20 minutes.

**Ms. Cheri DiNovo:** Thank you, Mr. Chair, and welcome to your new role as labour minister, Mr. Fonseca. I'm sure we'll have a lot to say to each other over the ensuing months.

First and foremost, about a year ago a huge campaign was launched to bring into Ontario a living wage. That was \$10 at the time. Anti-poverty groups are now calling for \$10.25. The face of the poor in Ontario is now the working poor. You said in your opening statement that you want to invest in our people. We have about a million people in Ontario who work at \$10 an hour or less; we have about 250,000 people who make minimum wage. This is below the low-income cut-off, which is seen by most experts as the poverty line.

I introduced another bill this last term to increase the minimum wage to \$10.25 immediately. According to your own aims of combating poverty in your government, this would de facto take a significant portion of the working poor out of poverty simply by doing so. So I'm asking you—and I know you just said something about not discussing policy, but it is your portfolio—will you go to bat in your cabinet and with your caucus for a living wage for Ontario workers?

**Hon. Peter Fonseca:** I can say to the member, I remember back in 2002, in 2003, knocking on many doors in my constituency and part of our platform commitment was to raise the minimum wage. I don't know if the other parties had it in their commitment, but we did.

After seeing the minimum wage not receive one penny for nine years—nine long years—we waited to see that minimum wage start to increase and to make up ground. That commenced through Minister Bentley and then Minister Peters and Minister Duguid.

We've brought the minimum wage for the lowest-paid and most vulnerable workers in Ontario now to \$8.75. That's a 40% increase from when we came into government in 2003, after not seeing an increase for nine long years. I'm very proud of that record. It's a program we continue to be committed to. We will be raising the minimum wage again here on March 31, 2009, to \$9.50. Ontario will have the highest minimum wage in all of Canada and it will have gone up 50% over those last five years under the McGuinty government.

So it's something that we're committed to. We're going to raise it to \$10.25 by 2010. It's something that we are proud of. We are leading Canada with our minimum wage.

1640

*Interjection.*

**Hon. Peter Fonseca:** We are going to be leading Canada. Right now, Nunavut as a territory has a bit of a higher minimum wage, but I think 40% of our population in March 2009 have the highest minimum wage in the country—

**Ms. Cheri DiNovo:** Thank you, Minister. I want to move on. It doesn't negate the fact that your government

voted against the \$10 minimum wage and voted against the \$10.25 minimum wage bills that were presented to you and that in real dollars the minimum wage right now is less than it was in 1976, and I'm happy to back up those figures. So in fact the poorest working people have lost ground over the 30 years. The fact that you've done something is still not enough. I just wanted to put that on the record.

I assume by your answer that you're not going to fight for a living wage; is that correct?

**Hon. Peter Fonseca:** We are committed to implementing increases to the minimum wage. It will be going up to \$10.25 in 2010. I have to say that the member has often grandstanded and used a very reckless approach to the minimum wage. The member has not taken time to look at, with her approach, how that would impact our lowest-paid and most vulnerable workers where a lot of businesses, small businesses, mom-and-pop businesses, would not be able to afford and be able to absorb some of the increases that this member has put out there, with no accountability, knowing full well she will not have to follow up on these increases that she talks about.

**The Chair (Mr. Tim Hudak):** I think we can move on—

**Ms. Cheri DiNovo:** Yes. Just on that and for the record, the payers of minimum wage for the most part are not ma-and-pa and small business. In fact, small business has come out in favour of the increased minimum wage with me. It's mainly the Wal-Marts, and you know that, and the McDonalds and the others that are the major employers paying minimum wage. So just to correct the record. Also, we lag behind many other jurisdictions in the world, many of whom have raised their minimum wages dramatically and overnight. But I want to move on from minimum wage.

You talk about hiring and training 200 new inspectors of employment standards to inspect employment sites. My question to you, Mr. Minister, is, what percentage of employers does that represent? According to our research, only 1% of employers ever get a visit from an employment standards inspector. Is that correct or not?

**Hon. Peter Fonseca:** When I was referring to the 200 inspectors that were hired and trained and are now out in the field, we were talking to occupational health and safety inspectors, because you brought up the—

**Ms. Cheri DiNovo:** Oh, okay. Then let's get back to employment standards, which is my critic portfolio area.

**Hon. Peter Fonseca:** Okay.

**Ms. Cheri DiNovo:** My question is, your government—

**Hon. Peter Fonseca:** So that's not the 200.

**Ms. Cheri DiNovo:** Okay. Your government promised 100, so I was surprised by the 200 figure. Your government promised 100. I guess my first question then is, have you hired that 100?

**Hon. Peter Fonseca:** What I can tell the member is that we have over 140 employment standards officers out in the field. I would ask the deputy minister in regard to the hiring of those.

**Ms. Virginia West:** The minister is correct: We have 146 employment standards officers. There were 20 additional staff who were approved last year, so that is included in the 146, and those are the officers that are available to receive complaints, as well as to do proactive inspections.

**Ms. Cheri DiNovo:** Just for the record, I believe it was Minister Peters, when he was in that role, who promised 100. We're lagging behind by about 80. When will you be hiring that staff?

**Hon. Peter Fonseca:** What I can tell the member is that we are committed to hiring the 100.

**Ms. Cheri DiNovo:** Okay. To get back to my original question, what is the percentage of employers who ever see an employment standards officer?

**Hon. Peter Fonseca:** For that detailed information I would have to ask the ministry staff.

**Ms. Virginia West:** Again, I wouldn't have that specific information for the member, but we can follow up on that with respect to the impact of the proactive inspections, which I guess is what you mean in terms of the employer seeing an officer visit their worksite?

**Ms. Cheri DiNovo:** Yes, absolutely. Thank you very much for that.

Certainly, according to our figures again, just over \$100 million in workers' wages that the ministry ordered employers to pay went uncollected between 2001-02 and 2005-06, and bankruptcy only explained about 16% of that. I'd like to know if the ministry is any closer to collecting that \$100 million in unpaid wages.

**Hon. Peter Fonseca:** It's my understanding, in terms of claims collection, that approximately 89% of claims are done without an order, and then of the final 11% or so, 70% also gets resolved favourably for our workers, and then the final percentage goes to a collection agency. I hope these are the right numbers. I'm just going to ask the deputy minister for clarification. I hope the member is aware that I've only had 11 days on the job and I'm trying to get a lot of facts and figures into—

**Ms. Virginia West:** And the minister has numbers and percentages that I would have to check as well. I'm happy to ask our assistant deputy minister to come up to the table to assist in responding to that, if you like.

**Ms. Cheri DiNovo:** You can get back to me on that. That would be fine. I'd just like to know what are the outstanding uncollected wages right now in the province of Ontario.

**Ms. Virginia West:** Just to be sure, the claims that we've received notice of—

**Ms. Cheri DiNovo:** Yes, that have not been collected.

The fines for breaking employment standards are, I think by all accounts, pretty low. They're escalating fines of \$250, \$500 and \$1,000 per employee, one per violation. I can see how that wouldn't be much of a detriment to many employers. Would this minister and ministry consider raising those fines to \$1,000, \$2,000 and \$5,000 per employee per violation?

**Hon. Peter Fonseca:** I was just asking about the fines being set in the statutes and how those fines compare to

others. I'm not sure if we have that information before us.

What I can tell the member, as I said to your colleague earlier this morning, is that this committee is not here to create policy on the fly. That's not what we do as a government. We make sure that we consult, we have all the information before us, we take a very balanced approach, and then move forward. So I'll let the member know that there will be no policy on the fly.

**Ms. Cheri DiNovo:** No, of course. I'm just asking your intent. You have to admit that a fine of \$250 for an employment standards violation is pretty low. In other words, somebody could not pay their employee and pay a fine less than what they owe the employee. These are pretty low fines. Again, we can move on from there. There's a lot covered; I don't have a lot of time.

To get to the impact and the role of temporary agencies: Does this minister—and again, I know you're not making policy on the fly; I'm asking about intent. Do you have an intent to render the charging of fees for applicants illegal by temporary agencies?

**Hon. Peter Fonseca:** Can you repeat that question?

**Ms. Cheri DiNovo:** Right now, temporary agencies are out there in the field charging applicants to register. A long time ago that used to be illegal. It was rendered legal. Will you be making it illegal again?

**Hon. Peter Fonseca:** First, I want to say to the member that my parliamentary assistant—I don't know if he's here now; he was here earlier this morning—has met with many stakeholders and done consultation on temp workers. We're looking at all the recommendations. We are interested in seeing how we can better protect vulnerable workers and looking at what we can do with temp agencies. We'll be looking at all those recommendations.

**Ms. Cheri DiNovo:** Fair enough.

In terms of contract and precarious work, right now about 37% of workers in Ontario are really contract workers, temp workers, precarious workers. The question is around the definition. As we know, many companies are outsourcing the bulk of their labour. It's a cost saving to them. They can downsize when times get difficult and upsize when times are more flush. This is particularly hard on workers. Does this ministry have any intent to redefine "employees" and give a limit to how long someone can work on a temporary basis for a company—and this includes the Ontario government—before they are hired on permanently? So the question is around contract work.

1650

**Hon. Peter Fonseca:** As I said to the member, we have conducted consultations; we are looking at all recommendations. This is not the place to conduct policy. This is not what this committee has been set up for. If that is what the member's intentions are here, to talk and conduct policy, I don't think this is the right place.

**Ms. Cheri DiNovo:** I'm asking about intent here.

Just breezing on to mass layoffs, we know that we've had over 200,000 laid off in the province of Ontario. Are there any plans to increase the advance notice time for



those who are laid off and to enhance eligibility for severance? Any work happening in that area?

**Hon. Peter Fonseca:** One thing I can tell the member is that Ontario is the only province or territory that actually legislates severance pay in all of Canada, so we do more than the others. We always are saddened when there are job closures or when people are laid off.

I would hope that the member and the member's party would get on board when it comes to our fairness campaign for Ontario. We want to make sure that when it comes to employment insurance payments—as you know, Ontario's unemployed workers are shortchanged \$4,600 compared to other workers across this country. It's very unfair. I'd hope I'd hear a positive response, where the member's saying yes, she will stand up for fairness for Ontario—

**Ms. Cheri DiNovo:** That wasn't the question. Mr.—

**Hon. Peter Fonseca:** I'm looking for intent.

**Ms. Cheri DiNovo:** Mr. Minister, what we'd like to see in the New Democratic Party is those people not being laid off, and if they are laid off, to certainly go ahead of other creditors in terms of collecting their due from employers, and that's not happening.

Moving on to pay equity, based on your own figures, \$369 million is owing to about 100,000 working women for delivering public services in predominantly female workplaces in 2006 and 2007. A further \$77.6 million is owed in 2008, and about \$1.32 billion from 2008 to 2011. So I'd like to ask about the restoring of the full funding to the Pay Equity Commission, the hearings tribunal, and legal support services for those claiming pay equity violations. Are you willing to restore full funding?

**Hon. Peter Fonseca:** What I could tell the member is, as the member knows, the purpose of pay equity is to address systemic discrimination in the compensation of work traditionally done by female-dominated occupations. Ontario's Pay Equity Act continues to be recognized across Canada and internationally as one of the most progressive pay equity statutes—

**Ms. Cheri DiNovo:** It's not being enforced.

**Hon. Peter Fonseca:** —in the world. We're going to continue to work with business, with labour on all discussions that pertain to pay equity, in addition to investigating and looking at employee complaints. I can tell the member that under the Pay Equity Act, the Pay Equity Office is undertaking a proactive monitoring of a number of sectors with vulnerable workers to ensure that those workers are being paid in accordance to the act. I can ask the deputy minister to provide some more information on these undertakings.

**Ms. Virginia West:** Thank you, Mr. Minister. With respect to the Pay Equity Office, it did receive an increase of 11% of its budget in 2008-09. That was mainly to deal with business cost pressures. But as the minister stated, the office is using different techniques to make itself more efficient and to have a broader impact looking for compliance, so that they are using proactive inspections in Hamilton in the hotel, motel and retail

business trades—in 2007-08—they're doing it in Peel and Dufferin. They're using tools such as an e-learning tool, again, to help educate those who are required to comply with the Pay Equity Act. They have new intake procedures—

**Ms. Cheri DiNovo:** Might I—

**Ms. Virginia West:** —as a result of which they say that in 2007-08, 40% more cases were handled than the average of the previous three years and 85% more cases resolved than the average of the previous three years, so that they are being more effective with the resources that they have.

**Ms. Cheri DiNovo:** There's still a huge amount of money owing, and I point out to this committee that in 1985, the gap between what women earned and men earned was 38%; now it's 29%. So in many, many years, we've only marginally affected that gap. Women still earn 71 cents for every dollar that men earn. Clearly, whatever this ministry has been doing and however much they've been funding pay equity legislation, it's not enough, or it's not working well enough. I would like to hear from the minister some reassurance that more will be done.

**Hon. Peter Fonseca:** I've already explained to the member what is being done. We do lead Canada. The member does not want to acknowledge this, but a lot of progress has been made and we're going to continue to make more progress on this front.

**The Chair (Mr. Tim Hudak):** There's time for a quick question, Ms. DiNovo, if you choose—just under a minute.

**Ms. Cheri DiNovo:** Sure. Again, this goes to the definition of "worker." Right now, there's been, under the SEIU, the union, a whole move for justice for janitors, for example, where janitorial staff have been called contractors, hence they're liable for their own expenses. Many of them are immigrants and don't know their rights, and many of them are making under minimum wage. This is because they're called contractors and not employees. I'm wondering again, in the definition of an employee—is this minister going to commit to look at the definition of "contractor" and "employee," and bring in some legislation so that this abuse cannot continue? It isn't happening in Quebec; it is happening here.

**Hon. Peter Fonseca:** Again, this is estimates committee, Chair; it's not a committee to discuss policy. I know the member keeps bringing up policy. That's what the member wants to do, but this is not what the members are here for. We're here to discuss estimates and how our resources are being allocated within the ministry, looking at the consolidated revenue, and that's what we are going to stick with.

**Ms. Cheri DiNovo:** So I'd ask, then, how much, in terms of your dollar revenue, will look at amendments to the Employment Standards Act?

**The Chair (Mr. Tim Hudak):** We'll have to stand on that. We have expired the 20 minutes, Ms. DiNovo. Just to make sure that members are clear too: The minister can respond with respect to policy and is given particular—

**Hon. Peter Fonseca:** But Chair, I'd like your clarification on what this committee is here to do, if we're estimates.

**The Chair (Mr. Tim Hudak):** The ministry has been allocated substantial sums to do a number of things including, in your own business plan, to develop policy to advance the goals that you outline. So I've always found it in order to ask questions about the intent and how you're going to spend that money and use it. I think Ms. DiNovo's question is in order, as is your answer.

**Hon. Peter Fonseca:** Okay.

**Mr. Peter Kormos:** If you want to cite Marleau and Montpetit—

**The Chair (Mr. Tim Hudak):** No, I'm not going to belabour the point. Government members, you have 20 minutes. Mr. McNeely.

**Mr. Phil McNeely:** Thank you, Chair. I've had long experience with workplaces—construction workplaces—and I'd just like to go back over the years, how these have evolved into, I think, much safer workplaces. I can recall an inquest into the collapse of a building on Elgin Street in Ottawa, where two people were killed. The steel reinforcing hadn't been piled in one spot and the collapse occurred, and with the tragedy—I can remember the collapse of the bridge over the Rideau River, where several workers were killed. It was the temporary supports for the concrete deck that failed.

As a young engineer in training up in Labrador, being caught in a trench collapse—these were all part of the construction sites. I think we have to look at the 1960s and the volumes then and the volumes today; I would suggest that the volumes are much higher, but I think we have much safer workplaces, and it's because of succeeding Ministries of Labour that have worked with the union people, with the workers, and come up with safer inspectors.

I recall the announcement of 200 new inspectors in 2004, which was one of the big steps forward for our government, for the construction industry and for workers' safety. I got calls then, because you could tell that there were more inspectors, that there was a different feeling, and there were a lot of fines. Somebody mentioned that the fines were low, but I understand from contractors at the time, and they were complaining, that the fines were high and the legal costs associated with the fines were very high. I think there was a major change from 2004 onward, and it was one that I was glad to see. I recall a conversation with Minister of Labour Bentley and his saying that there were 20 billion reasons that we should be tougher on safety in the workplace. That \$20 billion, I believe, is something very close to the annual losses, without including the human losses, the actual financial losses from accidents in the workplace.

**1700**

Recently I had the opportunity to visit two significant sites in Ottawa with Minister Duguid. It was our arts centre in Orléans, which is a \$30-million building, and the cancer treatment centre at the Ottawa Hospital. These are the first sites I've been into probably in 10 or 15

years in an organized fashion, had the full treatment, but I was impressed that the contractors now have hired people who are in charge of site safety. When we went through that site, we could see that the steel setters were tied down with ropes, that they could work very well being tied, that they had learned the process. That was all different from what I saw in the 1980s and even the 1990s. This was a pride of that contractor; PCL was the one for the Ottawa Hospital. It was their pride that they were exceeding the requirements of the legislation. I think it is excellent to see that that leadership is coming from the contractors. On the basis of volume of work, I'm sure that the incidence of accidents is way lower that it was 10, 20 or 30 years earlier.

We spent a half-day on these inspections. The detail, the forms that had to be filled out for everyone coming on the site; they had made a very complex, dangerous construction site a safe site. They had taken all those procedures, they had protected their people, and obviously, with \$20 billion in just financial loss on a yearly basis, this was the right thing to do. I think since 2004 with the new inspectors, looking at page 63 of the book, the orders issued have almost doubled since 2004. The importance is given to protecting the worker.

My question has been partly answered by you earlier in what you've said. We've come a long way. I think that in the last three or four months there are selected areas of construction safety that we are concentrating on. The hiring of young people was an area—I recall an electrical contractor who lost his apprentice in an electrical accident two or three years ago in Ottawa. Those first few months on the job are very important. That is part of the new direction that you are going in with your ministry. I would just like to hear from you the results. That 20% reduction is extremely significant, to me, in such a short time, four years, since you hired the inspectors and started training them. I would just like to hear from you what your vision is for where we are now and where we are going with construction safety.

**Hon. Peter Fonseca:** Well, I want to thank Mr. McNeely for those comments and for sharing some of his experiences in the workplace, at different sites, in years past, how things were done and how they are done today, and the type of approach that our government has taken, that the Ministry of Labour has taken, to health and safety in the workplace and across our province, in all the various settings.

What it means to Ontarians—you really have to buy in, you have to believe in what this is going to do for our workplaces, for our communities, for the reduction in workplace injuries. When you go into organizations that have that belief, it is one of their principles. They have now built it into their culture, and that's where we're going with the Safe At Work Ontario: to build this into their culture.

What we also want to do is take a preventive and proactive approach to this, so we're starting really early. I brought up some of the key thrusts for this ministry that are very important to me and that I will champion, and

that will be around education. Education is key here to the knowledge base of our young workers, of all workplaces, of our employers; understanding the importance of investing in safety and healthy workplaces. That's happening at grade 7 now. We have a program in our schools, working with the Ministry of Education, that runs from grade 7 through to grade 12. I shared some of my own personal stories. I wish I had had some of those programs in school when I was going through and getting into my first jobs. Those programs are creating the culture that we want down the road.

For those who have not had the opportunity to have those programs in school, we're also doing that now in phase 2, the Safe At Work Ontario initiative, by having our inspectors go in and work as partners. The first thing they want to do is share best practices, work with those businesses, be able to impart to them how we will help their overall business.

Nobody wants to have to do a do-over—none of us. We know that when we're stressed or tired, or we're cutting corners, we find ourselves many times having to do something over again, and we know we should have invested on the front end in making sure that we had a plan in place, that we understood what we needed, the best practices that had to be there to work toward—let's call it a road to excellence. That's what we're going to be doing in terms of our Safe At Work Ontario: partnering with our employers and employees, everybody rowing in the same direction to build these types of workplaces.

This is going to have a significant impact on our workforce in many ways. I believe it always boosts the morale of an organization when they've not had any workplace injuries or, in some instances, fatalities. Mr. McNeely, you had the opportunity to be with me up in Bruce county. We had a chance to get out to Bruce Power. They have a fabulous record. They have big posters—if some of the members have not been there—saying, “12 million work-hours without an injury.” I think that's amazing. The culture in that place is the type of culture I'm sure we want across this province in all workplaces, because it is a boost to those employees. You could feel it in their spirit, in their sense of well-being and wanting the best for the organization, in their looking out for and after fellow colleagues. And it does touch the bottom line, in that morale, in absenteeism, in not having to pay claims and penalties, by reducing those workplace injuries and illness, bringing productivity to our businesses, especially in these challenging economic times when margins in business keep shrinking and shrinking. One of the places to look where there is opportunity is to be able to get all your people working together with a common vision of building a healthy and safe organization, but when you do that, I also believe you've taken that step, in all other respects of that organization, to making it a better place not just to work but a better company that can compete on the global stage.

**1710**

That's what we're doing with Safe at Work Ontario. We're lessening the burden on our health care system.

We're saving costs for employers at the Workplace Safety and Insurance Board. Beyond that, we have some really amazing companies and employers out there. One of the things that they will often bring forward is that, “You know, I'm doing everything right.” We thank them for that and we celebrate them, but they may say, “But some of the other companies that I'm competing against, they're not doing it and they're not being compliant. They are cutting corners.” What our inspectors do by getting out there, by targeting some of those high-risk sectors—they make sure that they even the playing field.

I think that's very important for our business sector. It's something that I want to be able to go out and say, that everybody is on an even playing field, and then also share with them the numbers. But beyond those numbers are the stories of all those workers that did not get injured. That's where there are major savings. I talked to the reduction in workplace injury of those 54,000 and what that number meant in terms of claims and insurance costs. That was about \$5 billion. I think all of us here in this room know that that \$5 billion is needed in many areas across this province, needed in health care, needed in education, needed in infrastructure, needed to help with our poverty agenda, our seniors.

So, Mr. McNeely, I thank you for being a champion in your community and for working to help us build a stronger, healthier and safer Ontario.

**Mr. Phil McNeely:** Thank you. If I have time left, Mr. Craitor—

**The Chair (Mr. Tim Hudak):** Mr. Craitor, just about five minutes.

**Mr. Kim Craitor:** Thank you, Chair. We've got five minutes, so I'll ask you a four-minute question.

Minister, just very quickly then—and this is kind of near and dear to me, so I don't need these notes to ask you this question. I know you and I have talked about our past history before we came to this place. You know I was president of three unions and very active in the labour movement. One of the things that I saw constantly, over and over, was employment standards, particularly when you're talking about plants or businesses that have closed up that have ripped off—and I'm going to use that word, because I saw them not paying their vacation pay, unpaid wages and, in fact, sometimes keeping employees' hopes up by asking them to stay working for another couple of weeks while they pay the bills or bouncing the cheques when they get their paycheques. The workers stay on hoping that they're going to come through.

I also spent some time in the federal government as an investigation officer. I dealt with unemployment fraud, Canada pension and revenue, so I worked a lot, closely, with the employment standards officers. I just wanted you to touch on it because I'm still getting some people coming in—I still get them as an MPP coming in with businesses that have closed up and they still feel that the system isn't moving fast enough to get their claims through. We all know why they need it. They need the money for food; they need the money for rent. They even

need money to be able to get out and look for work on top of that.

I'm just wondering if you could kind of touch on—I understand we're going through a transitional phase with this and how it's working and how it's going to improve so people can hear, especially so that workers can hear, that there's a sense of hope that we're going to expedite these claims as quickly as possible.

**Hon. Peter Fonseca:** I want to thank the member for the excellent question. This has been a focus of this ministry. We have gone through a transformation when it comes to our employment standards claims. In my opening comments, I spoke to a central intake for claims that is up in Sault Ste. Marie. Now, it is so much easier for a worker to put in a claim. They can do it online and, yes, the numbers have gone up. What that tells me is that prior to this modernization effort by the ministry, there were a great many barriers in front of these workers in not being able to put in claims as easily as they should be able to. The modernization has helped with that.

There is a backlog that has been created because of this pent-up demand or because of the barriers that were there before them that have been taken down by this government. Because of that, we have invested in this past budget \$3.6 million more. We've hired 20 more people, as I take it, Deputy Minister, and are addressing those backlogs. But I can say that happened because of the modernization.

From my perspective just looking at it, if you were to see it through my eyes, what I've seen over the last 11 days, many of our workers must have just walked away before, even though they may have been owed claims, because they felt they didn't have access to be able to put forth their claims. Now they can. We are working with them. What I don't have yet is that historical perspective. I do want to hear from the deputy minister about the lead-up to this modernization, what this modernization has meant, and the steps that we're also taking to address some of the backlogs with the claims.

**The Chair (Mr. Tim Hudak):** About a minute left.

**Ms. Virginia West:** The minister mentioned the various new approaches we're using with respect to employment standards, certainly using the central claims location in Sault Ste. Marie to help to make more efficient the resources there. They take claims from all across the province, because those who have a complaint or claim can now file electronically over the Internet, which therefore makes it available to them 24 hours a day, seven days a week. They are received in the claims centre.

There's an initial early resolution approach to try to address those claims early on, to triage them, so that if there's a way to get an effective response quickly, it can be done.

Once they pass that stage, then we have what are called decision-making meetings. Previously, what we had is that the officers would go out or phone the employer, ask for information, wait for the material to be provided, and then make a follow-up phone call to the

worker who's complaining. Now we have a method to bring the parties together into one room and try to work through quickly to see if there can be an early decision made so that, again, that processes the claim more quickly and gets the money back to the worker as required.

That will eventually, as we reduce the claims backlog, allow us to do more proactive inspections that will bring knowledge to employers, first of all, as to what their responsibilities are, and be a greater deterrent so that there will be fewer claims, hopefully, in the future because there will be a higher level of compliance with responsibilities.

**The Chair (Mr. Tim Hudak):** Terrific. Thank you, Deputy and Mr. Craitor. That concludes the time.

Another round of 20-minute segments, beginning with the official opposition. Mr. Bailey, you have 20 minutes.

**Mr. Robert Bailey:** Thank you, Mr. Chairman.

I'd like to refer to 1604-03, the Office of the Worker Advisor. It's under operating expenses, and just to give you a little background for my questions, "The Office of the Worker Adviser (OWA) is an independent operational service agency providing advice, representation and education to non-unionized injured workers and their survivors on issues arising under the Workplace Safety and Insurance Act, 1997 (WSIA)."

One of my first questions is, salaries and wages, according to the information I have, have increased 10% from the estimates of 2007-08—\$676,800. Employee benefits have also increased 10%, up \$135,000 from the estimates of 2007-08. Furthermore, the ministry anticipates spending an additional \$36,000 this year on transportation and communication, up 10% from the estimates of 2007-08.

Could the minister or his staff please tell this committee how many additional people are employed this year over last year by the Office of the Worker Adviser and what they are going to do with this extra money?

1720

**Hon. Peter Fonseca:** I thank the member for the question. I know it's one of the questions that I had early on in my meetings with ministry staff. I don't have those details here before me, but I do know that the ministry had an answer for me that we will be able to get here for the member.

**Ms. Virginia West:** Thank you, Minister. Perhaps what I can do is refer you to—the increase actually was in the 2007-08 budget because that was where the Office of the Worker Adviser did get \$1.4-million additional funding. That was intended initially to support the hiring of 5.5 FTE staff to that office, but what they also did was, they looked at further efficiencies through that period of time. Through those efficiencies, it allowed them to actually hire nine and a half new worker advisers and other program assistants and legal interpretation specialists. That allowed them, therefore, to improve their programs and actually to both improve their responsiveness to the people for whom they were providing service and representation, but also allowed them—as part of their screening criteria they had been not receiving requests

for assistance from a certain level. They were able to increase the screening criteria to allow consideration for those who had concerns and wanted assistance where there may not have been as great a chance of success; but now they were able to take some of those on and hopefully see success for the workers for whom they are providing representation.

**Mr. Robert Bailey:** Okay. Now, my numbers that I have here—moving on—say that the number of individual clients has actually decreased from 14,841 in 2004-05 to an estimated 13,000; for the year 2008 they're estimating these. So how can the minister justify his department increasing salaries, wages and benefits when the actual number of clients—if this is true—has decreased? Can you speak to that?

**Ms. Virginia West:** I can't speak specifically to that. Certainly, the Office of the Worker Adviser does provide the minister with commitments in terms of assistance provided. I see that there is a drop-off, but I think what may have happened there is that the complexity of the cases that the Office of the Worker Adviser is dealing with is that much greater, particularly in dealing with occupational disease. There have been some sites in which there have been significant increases in claims around occupational disease. That may be the primary reason why there may be fewer numbers but more intense service provided.

**Mr. Robert Bailey:** That was actually my next question here. According to the results-based plan, the Ontario worker adviser is handling more complex cases. So to elaborate further on that, do you feel that is why this number is 14%?

**Ms. Virginia West:** Exactly.

**Mr. Robert Bailey:** Could you describe some of these cases that they'd be dealing with now that would be new? Would this be asbestosis?

**Ms. Virginia West:** I couldn't speak specifically to what they are. We'd have to either have someone from the WSIB, because of course those are the cases that OWA is dealing with, or the Office of the Worker Adviser directly. But it would be a lot of both industrial and mining jobs—in the past there have been those hazards that hadn't been recognized at the time, and over a number of years a cumulative effect obviously would have the impact that would cause harm and concern to the individual worker. So I couldn't speak specifically to it, but the medical analysis required and information required to support a case before the board would be very complex, which would be a reason why you'd see fewer cases and much more time spent on those particular cases.

**Mr. Robert Bailey:** Okay. I've got another question here on the Office of the Employer Adviser. It says it's an operational service agency. Its mandate is to provide representation, advice and education services on workplace safety and health to employers in Ontario. This agency's mandate is to serve primarily those employers with fewer than 100 employees. Could the minister please explain to me and the committee today why the

OEA serves primarily those employers with fewer than 100 employees?

**Hon. Peter Fonseca:** As the member can appreciate, I don't have the details on that, although I believe some of the details are outlined here, in our results-based plan. But I'm going to ask the deputy minister again to provide more detail to why that is.

**Ms. Virginia West:** I think generally, the challenge for employers are those who operate small businesses and have a fewer number of employees. I think the policy reason behind it is, when one has to select where to provide the service, those would be the areas and the employers that would not have the same ability or capacity within their organizations to help them understand what their responsibilities and their rights are under WSIA. That's why we would look to focus resources and support on those smaller employers and therefore the employers that have less than 100 employees.

**Mr. Robert Bailey:** Okay. My next question is, according to the results-based plan, the salaries or wages are up \$188,000, which is an increase of 8.1% since last year's estimates. Employee benefits have also increased to \$148,000 or 34.5%. Could the minister or the deputy please tell the committee how much, if any, the employment in the Office of the Employer Adviser has increased since last year's estimates?

**Hon. Peter Fonseca:** Once again, I'm going to ask the deputy minister to provide more detail.

**Ms. Virginia West:** The size of the office itself hasn't increased. What the increase in budget would have been for would be the cumulative impact of business expenses and inflation over a number of years. The ministry in this budget was able to receive some funding to cushion off some of those effects over an accumulation of years. I think that's right: For the Office of the Employer Adviser, there are no new staff.

**Mr. Robert Bailey:** Okay. This is more of a union issue, but that's fine. It's to do with OPSEU, the OPPA, the Professional Engineers and the managerial people—I won't go into all the acronyms. Initially the government, from my understanding, was negotiating with OPSEU, who promised concessions in exchange for more members. The McGuinty government, apparently, and your department was involved in negotiations with these bargaining units. Could you, Minister, please explain to the committee the purpose and outline the government's case for change movement for this?

**Hon. Peter Fonseca:** I can't speak to any case. It would be inappropriate. What I can speak to, as I have, is how the labour relations in the province of Ontario have never been better. In the last 30 years, 97% of all our collective agreements were struck without any stoppage or strikes. I think this is a record. That is something we should all be proud of.

To bring fairness and stability to the workplace is one of our top priorities. We've had a track record that is very excellent, I'd have to say. We are going to continue to work with our employees and employers to be able to keep the record number of collective agreements high.

The best agreements are collective agreements, and it's something that my predecessors and the Premier have worked very hard at continuing to foster—this fair and stable climate when it comes to labour relations. I will continue with that good work.

**Mr. Robert Bailey:** I'm looking at the press release here from Warren "Smokey" Thomas, who's the president of OPSEU. In here it says, according to Mr. Thomas: "The government backtracked from discussions with OPSEU to modernize its labour relations, and instead signed an agreement with the association representing its supervisors that will restructure the Ontario Public Service and affect the rights of OPSEU."

"Smokey Thomas said he was very disappointed with the actions of the McGuinty Liberal government. 'The whole thing was a charade. They obviously went into these consultations with a predetermined outcome. If this is a harbinger of what's coming, Ontario is in for a rough ride in labour negotiations this winter.'"

**Mr. Peter Kormos:** Disappointed, Bob? I can tell you Smokey's hot. He's ticked.

**Mr. Robert Bailey:** Is he? Okay. He's more than disappointed.

At the talks, the government said that they had a "leading option"—this is according to OPSEU—and "they signed a backroom deal with AMAPCEO that included changes that would affect OPSEU's jurisdiction...."

"OPSEU has filed an unfair labour practice charge, demanding that Ontario Labour Relations Board declare the agreement invalid and pay \$5 million in damages...."

So my questions are, could the minister please clarify for this committee and myself what transpired and what steps the government is taking to resolve this conflict?

1730

**Hon. Peter Fonseca:** Well, first, I'd say to the member and the Chair that I'm not here to discuss ongoing negotiations and it would be inappropriate for me to do so.

**The Chair (Mr. Tim Hudak):** Anything further to Mr. Bailey's question?

**Hon. Peter Fonseca:** No.

**Mr. Robert Bailey:** Well, there's no use asking the rest of these; they all refer to the same thing. That's all I have.

**The Chair (Mr. Tim Hudak):** To the third party: Mr. Kormos, you have 20 minutes.

**Mr. Peter Kormos:** Thanks for letting me join you today, folks.

I've got to tell you, Minister, you're doing fine. I've watched you since 4 o'clock. You're going to have no problems in estimates. Oftentimes, new ministers are nervous or apprehensive or unsure about not having been briefed in all their areas. You're handling this no problem. If anything, it's been a good chunk of years since I've done estimates, so you're going to have to be patient with me.

The card-based certification was restored by your government for the construction trades. When did that legislation pass?

**Hon. Peter Fonseca:** The deputy believes it was 2005.

**Mr. Peter Kormos:** So that's been three years now. How's it going? Is it working well?

**Hon. Peter Fonseca:** In terms of that change, I'll ask the deputy to give further information as to how it is going.

**Ms. Virginia West:** Yes, with respect to card-based certification in construction, I think that it has gone quite well. We haven't received any specific complaints about it. Obviously there are others who have an interest beyond construction, but I think at the present time it has helped to rebalance the labour relations with respect to certification in Ontario.

**Mr. Peter Kormos:** How many certifications have occurred since the legislation passed?

**Hon. Peter Fonseca:** I'd ask the deputy or other ministry staff for those details.

**Ms. Virginia West:** Again, I don't think we have the specifics as to the number of certifications. We could get that for you, if you like.

**Mr. Peter Kormos:** I'd appreciate that, and perhaps some sense of the time frame within which those certifications—and obviously, I guess, any outstanding ones, ones that may not have been resolved yet.

**Ms. Virginia West:** Since June 2005?

**Mr. Peter Kormos:** Yes.

Do you know how many cards have been signed that have been relied upon for card-based certification?

**Ms. Virginia West:** Again, we wouldn't have it for you at this time.

**Mr. Peter Kormos:** But you can get me that?

**Hon. Peter Fonseca:** Can we get that information?

**Ms. Virginia West:** Sure.

**Mr. Peter Kormos:** So Pat Dillon doesn't have to worry about the government repealing that legislation?

**Hon. Peter Fonseca:** We've made that change, and it's working.

**Mr. Peter Kormos:** It's working well. Fairly?

**Hon. Peter Fonseca:** Well, what we wanted to do is make sure that we did restore those principles of balance and fairness to the workplace.

**Mr. Peter Kormos:** So it is providing fairness to those workers?

**Hon. Peter Fonseca:** Yes.

**Mr. Peter Kormos:** And it's providing balance for those workers?

**Hon. Peter Fonseca:** It is.

**Mr. Peter Kormos:** So it's a fair and balanced system. You're defending card-based certification?

**Hon. Peter Fonseca:** It was a change that was made for a sector that had specific needs because of the way the construction sector works. It's one that's very mobile, that has tight deadlines. Workers aren't always in one place for an extended period of time.

**Mr. Peter Kormos:** But does card-based certification have shortcomings that the government is concerned about?

**Hon. Peter Fonseca:** What I can tell you is how it's worked and why the decision was made to bring card-based certification into construction. That's what I can share with the member. That's the information that I do have. I look forward to getting out there in the field.

**Mr. Peter Kormos:** But does the government perceive any downside? Are there any concerns about card-based certification?

**Hon. Peter Fonseca:** Not with construction, no.

**Mr. Peter Kormos:** Because it's fair and it's balanced—no abuse of the system or the process?

**Hon. Peter Fonseca:** I don't have those details for you, so I'd have to get a briefing on it and find out how it has worked within the sector and what's come back to the ministry. That's what I can tell the member.

**Mr. Peter Kormos:** I don't want to misquote you, but I heard you talking to my colleague Mr. Bailey earlier about how the best agreements are ones that are collectively bargained.

**Hon. Peter Fonseca:** I believe that the best agreements are when parties come to the table to work to a mutual, collective agreement, yes.

**Mr. Peter Kormos:** That creates a more stable workplace, huh?

**Hon. Peter Fonseca:** It does, and that's what we've building. As I said, our record is a good one, and we've had the best labour relations in the last 30 years in this province.

**Mr. Peter Kormos:** But you did say, "Bringing fairness and stability to the workplace is our goal." I wrote that down when you said it, to make sure I didn't misquote you. Is that accurate?

**Hon. Peter Fonseca:** That is accurate.

**Mr. Peter Kormos:** How come card-based certification brings fairness and stability to the construction workplace but not to the workers at Wal-Mart?

**Hon. Peter Fonseca:** We did look at other sectors, and the current system—that is, to hold an OLRB-supervised vote to determine whether other workers want a union to represent them—is what is in place and is working.

I think I explained the nuances of construction to the member: how there is a lot of mobility, that projects often have tight deadlines, that workers may move from project to project.

**Mr. Peter Kormos:** That's why I was concerned if there are any risks or flaws in card-based certification, which is why you sort of weighed it in terms of pros and cons. Are there risks and flaws in card-based certification?

**Hon. Peter Fonseca:** As I explained to the member, what our government did was bring a balance and fairness to Ontario's labour laws. There was that change, and we can see, in terms of the outcomes, where 97% of our businesses are striking collective agreements without any stoppages, without any strikes. This has brought peace, stability and fairness to our workplaces, and we're going to continue to measure and continue to be there with our

mediators or others who are necessary to lend assistance to keep that record at a very high level.

**Mr. Peter Kormos:** What's wrong with the proposition of peace, fairness and stability for Wal-Mart workers? Why are you not interested in them having peace, fairness and stability?

**Hon. Peter Fonseca:** As I said to the member, the sectors that are looking at certification would hold an OLRB-supervised vote to determine whether workers want a union to represent them.

**Mr. Peter Kormos:** We had card-based certification for retail workers in this province for how long, Deputy Minister?

**Ms. Virginia West:** How long ago? I don't recall.

**Mr. Peter Kormos:** Longer than before you and I were working here at Queen's Park—for decades, haven't we?

**Ms. Virginia West:** I believe so.

**Mr. Peter Kormos:** That's right; it was Mike Harris and the Tories—you weren't here, Mr. Fonseca, but it was the notorious Bill 8 that repealed card-based certification for all workers. We restored card-based certification to construction workers. What plans does the ministry have for restoring card-based certification to other workers?

**Hon. Peter Fonseca:** I say to the member that the government of Ontario, under the leadership of Premier McGuinty, brought forward Bill 144. That restored powers to the Ontario Labour Relations Board and led, effectively, to handling situations where an employer or union was to violate labour law during any organizing campaign. We wanted to make sure we brought in those tools and made those changes.

For example, the OLRB is now able to order the interim reinstatement of employees fired during an organizing campaign. I'm sure that would help with your Wal-Mart example or others. In response to the worst cases of employer misconduct, the OLRB now has the power to remedially certify the union. This power is balanced by the OLRB's authority to remedially dismiss a certification application in cases of union misconduct. So a number of changes have been made. Bill 144 did restore that fairness and balance to the workplace.

The record around labour relations is excellent. We continue to work with our partners, employees and employers, to make sure that we have the type of collective agreements that we have had over the last few years. That's what I can say to the member. So the member should be happy—

**Mr. Peter Kormos:** Just in general or about this issue specifically?

1740

**Hon. Peter Fonseca:** Oh, of course in general, but about this issue, that there is the fairness, there are checks and balances there for both employee and employer, and we have addressed a concern for a sector that did have some special needs because of the mobility or short time at one particular workplace.

**Mr. Peter Kormos:** Good grief, Minister, I hear you telling me to be happy. We just lost 800 John Deere jobs; 200 at GDX, the old rubber plant. It's hard to be happy if you know these families down in Welland. You understand what I'm saying, huh?

**Hon. Peter Fonseca:** I say to the member to bring that here to this committee. Of course we are all saddened when anybody loses their job. The impact is great on an individual and the family. That's why our government has made many changes in regard to our working Ontarians to help in terms of finding a new job. We have a five-point plan that's working. At the heart of that plan is our people: making sure that they are well educated, skills-to-jobs, investments in infrastructure, being able to move those people and services.

We also have—and I ask the member to get on board—a fairness campaign for Ontario that's ongoing. I'm sure the member knows about it. It would mean a great deal to many of our workers, to those unemployed workers who have lost their jobs and maybe find themselves on EI, employment insurance. As the member knows, Ontario is shortchanged by \$4,600 compared to the rest of the country. This is blatantly unfair. I ask the member to get online, sign up to our campaign and make sure that he speaks to his federal counterpart in regard to getting—

**Mr. Peter Kormos:** Who happens to be a Liberal who has not said anything about this in 10 years.

**Hon. Peter Fonseca:** Actually, speak to all those running in this election from all parties about the importance of this issue, that we need those dollars here in Ontario; our workers deserve those dollars.

**Mr. Peter Kormos:** A day late and a dollar short. That resolution passed yesterday, unanimously.

Just to wrap this up—Chair, you don't mind?

**The Chair (Mr. Tim Hudak):** You have about eight minutes, Mr. Kormos.

**Mr. Peter Kormos:** I just want to know what plans the government has to restore card-based certification to the rest of the workers in Ontario.

**Hon. Peter Fonseca:** As I explained to the member, we have brought fairness and balance into the workplace. We have labour relations that have never been better in the last 30 years. Bill 144 did a lot to address that. I explained some of the outcomes of Bill 144, how it brought in the checks and balances to the workplace and really brought a balance to employees and employers. We're going to continue to move forward to work on behalf of all working Ontarians. I don't know if the member was here earlier when I shared and talked about how our number one resource is our people here in this province. We may not have oil, but we have great people, and we want to make sure they're healthy, safe, have places to work and are making us that much more competitive.

**Mr. Peter Kormos:** Unfortunately, I've got to ask you again: What plans does the government have to restore card-based certification to the rest of Ontario's workers?

**Hon. Peter Fonseca:** As I say to the member, the government brought forward Bill 144, which restored powers

to the Ontario Labour Relations Board to let it effectively handle situations between employer and employee when there are disagreements. That also brought a balance to the workplace. The member cited Wal-Mart—or any other types of cases that the member wants to cite. Right now, there are these checks. For example, I will repeat, the OLRB is now able to order the interim reinstatement of employees fired during any organizing campaign. In response to the worst cases of employer misconduct, the OLRB has the power to remedially certify the union. These are all positive steps for the workplace. With the balance, the power is also balanced by the OLRB's authority to remedially dismiss a certification application in cases of union misconduct.

I say to the member that we have brought balance to the workplace, we have brought fairness, we have brought stability. We are seeing some of the best numbers, when it comes to labour relations, that we've ever seen. We're committed to keeping those agreements over 95%. That's what I have to say to the member.

**Mr. Peter Kormos:** What percentage of Ontario's workers belong to a trade union in 2008?

**Hon. Peter Fonseca:** I do not have that detailed information, in terms of what percentage belong to a trade union. I'm not sure if the deputy minister would have that information.

**Ms. Virginia West:** I don't think I have it here.

**Mr. Peter Kormos:** Okay, fair enough. Obviously, it would be interesting—I mean, there's a distinction between private sector and public sector. I wonder, if you provide that information, if you could give us an indication of what percentage of workers are unionized in various sectors, in the obvious sectors in the private sector: manufacturing, retail—the usual categories. Could you do that for us?

**Ms. Virginia West:** Yes, we can.

**Mr. Peter Kormos:** I suppose it becomes more relevant if we see what the percentage is today as compared to what it was 10 and 20 years ago. Twenty years ago, you were just a young guy, but some of us weren't. So that would be particularly of interest. Could you do that?

**Ms. Virginia West:** We can show a comparison from 20 years ago.

**Mr. Peter Kormos:** Again, in terms of sector, as well.

**Ms. Virginia West:** Yes.

**Mr. Peter Kormos:** See, Minister, the workers at John Deere are not going to be voting to strike, because there aren't going to be any more contract negotiations. Do you understand what I'm saying?

The casino—Mr. Craiton is here—will tell you the casino is laying people off. That was the employer of last resort down where I come from in Niagara. You see, what happened was that when people lost their jobs at Atlas Steel or Union Carbide or Welland Tubes, they went to Niagara College and got trained to be slot machine technicians or blackjack dealers or security guards and then got hired by the casino. Well, you see, the casino is laying people off.

So there are no jobs in Niagara. You can train people to do anything you want them to; you can train the



daylights out of them. Like I've said not so much jestfully, but seriously, are you going to put these guys in a damned tutu and send them down the road to the ballet? I think not. These are already trained, experienced workers. This is the new generation of workers. They've got community college diplomas, university degrees. You know who they are, Chair. These are well-educated, trained, skilled workers. There are no jobs in Niagara, Minister. Nobody wants to collect EI, whether it's for twice as long as you're eligible now. All the training in the world means nothing if you're not training somebody to do a job that's available to them. I think that you in your heart are concerned about the plight of those workers, but it's not enough just to wring our hands.

Just in the House the other day, the Premier wrings his hands and says, "I feel your pain." Send them a damned Hallmark card that says the same thing for a buck and a quarter—I don't know what a Hallmark card costs.

Let's talk about anti-scab legislation. What plans does this government have to restore anti-scab legislation, in view of its interest to bring fairness and stability to the workplace?

**Hon. Peter Fonseca:** As I said to the member, this government is here to work toward health and safety in the workplace. We're here to make sure that we continue to have the labour relations that we've been able to build and continue to foster. Our employees and employers have never struck so many collective agreements as they are striking today, in terms of those that are mutually beneficial, that are done without any stoppage, that are done without any strikes.

The member brought up some of the challenges that are before Niagara, but those same challenges are affecting this entire country, and they are affecting, actually, the globe. The member knows that many of those things are outside of our control, be it the dollar vis-à-vis the US greenback, or what's happening with the price of oil. But what I can say is that the best place to invest is in skills, in knowledge, in our workforce.

I had a chance to actually visit Niagara College as Minister of Tourism and see their hospitality department and what they're doing in terms of their culinary department. I spoke to many of the students who were being gobbled up and hired at many places here in the province, some outside of the province. I think that they are doing a magnificent job.

We should speak highly to our educators, we should look to build opportunities for our students. We have a five-point plan, as I said, at the heart of which are investments in our human resources, making sure that we invest in our people. This is the best way to get through turbulent times, to be able to look to a brighter future. Those students, those minds, are the innovators of tomorrow. They are going to create the jobs.

I had a chance to visit many of the different wineries in both the Chair's and the member's ridings. Those wineries are very innovative, and they have transformed their businesses. We will continue to work with them, be it the employer or the employees, to deliver a competitive

workplace, be it in the services they deliver with the wineries, the wine tastings. You come from a very beautiful place, one of the most gorgeous places, I have to say, in the entire world, in this province.

**The Chair (Mr. Tim Hudak):** All right.

**Mr. Peter Kormos:** Chair, I just want—thank you very much. When does this committee meet again?

**The Chair (Mr. Tim Hudak):** We will meet again tomorrow at 4 p.m. We are concluding now, because I don't like to break up the blocks, where possible. We've used up approximately three hours and 30 minutes, so we have about four hours and 30 minutes remaining, which will mean we'll get through tomorrow and then resume next Tuesday.

I have two quick items of business.

First, I'd like the committee's permission to write a letter to the three House leaders. We have had a request from John Yakabuski, the energy critic, who, as members may know, has had hip replacement surgery and won't be able to make the energy estimates. I've spoken with Mr. Tabuns, on behalf of the third party, and with Minister Smitherman, and they both seem amenable to putting the energy ministry at the end of our estimates. I'm going to ask the House leaders for permission to meet for one additional week at the end of November. Instead of reporting back on November 20, we'd report back on November 27 so that we can get some hours of estimates in. If this is agreed to by the House leaders and members in the Legislature, the other ministries—agriculture, finance, and training—would still be on the days that are projected. We simply wouldn't meet on the days that energy was originally scheduled to meet. If it's voted down in the Legislature, then we'll proceed with the normal schedule. Is it okay with members if I try to arrange that deal with the House leaders?

**Mr. Bob Delaney:** Just as a point of clarification, would the ministry that's up after energy be amenable to switching places?

**The Chair (Mr. Tim Hudak):** It's a good suggestion. We did try that, and I understand, because the ministers will arrange their schedules around this, and it didn't work.

**Mr. Bob Delaney:** Okay.

**The Chair (Mr. Tim Hudak):** Okay? So I'll work with the clerk to draft that letter. If it works for the House leaders, terrific; if it doesn't, then we'll continue with the current schedule. Folks, thanks for your support on that.

I'd also ask you to consider and get back to me on, perhaps, a change after Thanksgiving. We tend to meet from 4 p.m. until 6. Given the way that routine proceedings have been proceeding under these new rules, we could start at 3:30 and go till 6. That may, from time to time, enable us to finish a day early on some estimates, or members may prefer the current system. So I'm asking for your viewpoints now and to maybe share them with me over the next couple of days. We could do 3:30 to 6 or maintain the 4 to 6, as it is the call of the Chair.

Folks, thanks very much. Until tomorrow at 4 p.m., we are adjourned.

*The committee adjourned at 1753.*





## CONTENTS

Tuesday 30 September 2008

<b>Ministry of Labour</b> .....	E-341
Hon. Peter Fonseca, minister	
Ms. Virginia West, deputy minister	
Ms. Susanna Zagar, assistant deputy minister, policy, program development and dispute resolution services division	

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