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**Official Report
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Tuesday 5 June 2012

**Journal
des débats
(Hansard)**

Mardi 5 juin 2012

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Bill Mauro
Clerk: Trevor Day

Président : Bill Mauro
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 5 June 2012

Mardi 5 juin 2012

The committee met at 0845 in committee room 1.

The Chair (Mr. Bill Mauro): Good morning, everybody. Welcome to government agencies. Normally we would deal with the subcommittee report first, but we're going to bump that to the back today because our appointee has somewhere to be. So we will move that to the back of the agenda, assuming that's okay with everybody, and we will deal with the one appointment that we have this morning.

INTENDED APPOINTMENTS

MS. YASMEENA MOHAMED

Review of intended appointment, selected by official opposition party: Yasmeena Mohamed, intended appointee as vice-chair, Ontario Labour Relations Board.

The Chair (Mr. Bill Mauro): Our first intended appointee is Yasmeena Mohamed, nominated as vice-chair of the Ontario Labour Relations Board. We'd ask her to come forward.

Ms. Mohamed, you may make a brief statement if you wish. Any time used for your statement will be deducted from the government's time. Subsequent to that, each party will then have up to 10 minutes for questions. Questions today will start with the government side.

Welcome, Ms. Mohamed, and thank you for being here. You can begin.

Ms. Yasmeena Mohamed: Good morning, members of the Standing Committee on Government Agencies. Firstly, I would like to thank you for accommodating me in my request for an early start. Secondly, I want to express my gratitude for considering my nomination as part-time vice-chair to the Ontario Labour Relations Board.

I currently practise as an arbitrator/mediator and a workplace investigator, I adjudicate labour and employment grievances, and I offer investigative services on workplace disputes and human rights issues.

Prior to my arbitration practice, I worked as senior counsel with the province of Ontario, where I have attained my expertise in the realm of public labour and employment law in addition to expertise in occupational health and safety, workplace safety and insurance, and benefits law.

My responsibilities included representing various ministries in labour litigation disputes. I provided legal advice to ministers, deputy ministers, directors and, in

particular, management and staff. I educated management on their rights and obligations in the realm of labour and employment, and I also drafted policies on workplace issues.

During my tenure with the province, I have attained strong litigation skills which included listening, analytical and advocacy skills, which are evident in the successful litigation of several high-profile and complex cases before the Court of Appeal, the Superior Court of Justice and various administrative tribunals and boards, including the Ontario Labour Relations Board, the public service grievance settlement board, the Grievance Settlement Board, the Human Rights Tribunal and the Workplace Safety and Insurance Tribunal.

In the year 2000 during my tenure with the province, I was selected to manage a project wherein a quasi-judicial administrative tribunal was set up. Although it was set up as a committee, it was akin to an administrative tribunal. The mandate was the adjudication of long-term disability claims. My responsibility as project manager included everything from negotiating the tribunal jurisdiction, the venue, the rules of practice and procedure, and the training of lawyers to appear before the tribunal.

The management of this project has provided me with an extensive working knowledge of administrative law and the operation of tribunals vis-à-vis procedural rules, time limits and jurisdictional limitations. In addition, it has taught me to be a team player and to work collaboratively with all stakeholders.

During my tenure with the province, I also was seconded to the Ontario Human Rights Commission as well as the Ministry of Correctional Services at the time. My responsibilities included the litigation of human rights complaints and providing legal advice to the commission. In particular, with the Ministry of Correctional Services, I provided one-on-one legal advice to the assistant deputy minister on all issues relating to labour practices and human rights complaints.

Prior to joining the province, I had my own private practice, which protected client interests in matters relating to labour employment and human rights. In particular, I appeared before the Ontario Labour Relations Board on issues relating to unfair labour practices and wrongful dismissals under the Employment Standards Act.

0850

As a result of my extensive work history within the labour field, I was selected in 2007 from hundreds of

nominees to participate in the Ministry of Labour's arbitration development program. I have successfully completed the program and I am now placed on the ministry's list of grievance arbitrators.

In addition, in 2010 I was appointed to the Human Rights Tribunal as a member and I currently adjudicate and mediate human rights disputes.

In 2006, I obtained my ADR, or alternative dispute resolution, certification through the University of Windsor law school. In 2008, I completed the arbitration development program with the requisite adjudicative training and decision-writing certification from the Society of Ontario Adjudicators and Regulators.

Augmenting my extensive professional experience, I am now a certified human rights trainer as well as an educator. I have provided a series of educational training to labour practitioners and professionals, most recently with respect to Bill 168 of the Ontario Occupational Health and Safety Act.

I am also actively involved in my community and several community organizations such as the International Relief and Development Fund and the Federation of Muslim Women.

My passion for labour and employment and human rights was inspired by my own personal experiences as a racialized person from South Africa, as well as my articling experience in South Africa whereby I appeared on behalf of unionized employees at internal security hearings on trials for the contravention of apartheid legislation.

With law degrees in both Canada and South Africa, and more than 25 years' experience within the field of labour employment, I bring a wealth of experience, knowledge and expertise on matters relating to labour and employment and human rights.

What's unique about my experience is, I have worked for both employers and employees, and therefore have a very diversified perspective on both employers' and unions' rationales and positions.

Adjudication within the labour field and mediation appears to be a natural progression for me, and certainly sitting on the Ontario Labour Relations Board will enhance and complement my years of experience. Considering my years of practice within this field—

The Chair (Mr. Bill Mauro): Ms. Mohamed, could I ask you to bring that microphone just a little bit closer, if possible? Thank you.

Ms. Yasmeena Mohamed: Sure. I apologize.

Considering my years of experience, I feel that I'm aptly suited to adjudicate labour relations disputes on the labour relations board.

Thank you. If you have any questions—

The Chair (Mr. Bill Mauro): Thank you, Ms. Mohamed. The government side has about three minutes left, if you so choose. Ms. Jaczek.

Ms. Helena Jaczek: Just very briefly—you've certainly outlined a great deal of your experience, Ms. Mohamed, and it's obviously very extensive, but you sound also like you have a very busy life. Was there a

particular motivating factor for you to apply? Further, how do you see balancing all your many activities?

Ms. Yasmeena Mohamed: In terms of motivation to apply, I've always—because of my experience, therefore the board has interested me. I've always sort of looked to the public appointments secretariat for any vacancies.

Just in terms of management of my time, at the Human Rights Tribunal, we're obligated to provide two days. I'm on the ministry's list of arbitrators, and they provide you with 20 days' notice in terms of if there is a hearing. In my own private practice, there's at least three to four months' notice. So I'm able to manage my time accordingly. I have enough notice to plan my time.

Ms. Tracy MacCharles: Thanks for being here today. What would you say are the top issues facing the board at this time?

Ms. Yasmeena Mohamed: To be extremely frank, I'm reluctant to answer that question, because I don't really have the facts before me in terms of what the board face and their internal issues. I really am not privy to that at this point because I'm merely a nominee at this point.

Ms. Tracy MacCharles: If I suggested that caseload and backlog might be an issue, any thoughts on how you would contribute to addressing that, along with your colleagues?

Ms. Yasmeena Mohamed: I guess caseload and backlog has always been an issue within the government. As well, as a litigator, just my experience is that, or even with the Human Rights Tribunal—my suggestions would be to find processes that would expedite the process, so, for example, a triage, a process where you would have the initial reviewing of the complaints and perhaps at that point make decisions in terms of whether these are trivial matters and need to be dealt with immediately or this is a matter that perhaps can be dealt with in an expedited way without the calling of evidence.

I know with the Human Rights Tribunal, they have summary proceedings where parties don't have to call evidence but can make submissions, if it's in the view of the adjudicator that this matter can just be summarily dealt with. Just on the presumption that those are the same issues, those would be my suggestions, to find an expedited process.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Bill Mauro): Thank you, Ms. Mohamed. We'll turn now to the official opposition. Mr. Pettapiece.

Mr. Randy Pettapiece: Welcome and thank you for being here today, Ms. Mohamed. You've practised mediation and arbitration for quite some time. In examining your judgments, I see that you've adjudicated with great skill and common sense. As you perceive it, what is the scope of human rights legislation and enforcement in Ontario today?

Ms. Yasmeena Mohamed: What is the scope?

Mr. Randy Pettapiece: Yes, as you see it.

Ms. Yasmeena Mohamed: And enforcement. I actually think that it's a very broad scope. It covers various—particularly, just in terms of employment, it covers

a wide variety of situations, and I think that it has a great impact. I'm not too sure what you mean in terms of the scope.

Mr. Randy Pettapiece: I guess I'm just wondering if you think that the scope should be broadened or whether it's okay where it is right now as far as the human rights legislation, that type of thing.

Ms. Yasmeena Mohamed: I think it should be broadened. In fact, the Occupational Health and Safety Act has broadened the scope of the realm of human rights. With the Human Rights Code, it's just restricted to the enumerated grounds of discrimination, whereas the Ontario occupational health and safety has expanded it, so there's always room for expansion, I think.

Mr. Randy Pettapiece: Thank you.

The Chair (Mr. Bill Mauro): Mr. Walker.

Mr. Bill Walker: How are you?

Ms. Yasmeena Mohamed: Thank you.

Mr. Bill Walker: You hear often about the honest misuses of human rights law that happen in Canada and in Ontario, and I understand that the Human Rights Tribunal, which you sat on, is separate from the commission. What I'm really trying to get a sense of is, when you sat, what type of attitude did you really encounter? Did a bulk of the people who came in front of you have a sense of entitlement, or do you believe that most of the cases were real workplace troubles?

Ms. Yasmeena Mohamed: Frankly, I think they were real workplace troubles.

Mr. Bill Walker: So you're really dealing with practical stuff, not things that people are just looking at as, "This is the opportunity for me to go and get more"?

Ms. Yasmeena Mohamed: You know, you do get the odd one. To be honest, you do get the odd one where there's a sense of entitlement and perhaps it's a very frivolous claim, but 90% of the time—human rights is very, very subjective, so one cannot dismiss it. So 90% of the time it's a real workplace issue that has to be resolved.

Mr. Bill Walker: Great. Thank you.

The Chair (Mr. Bill Mauro): Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much, and welcome. My question for you comes out of your application. By way of your documentation, I see that you also applied for the chair of the Ontario Energy Board. I was just wondering what your motivation is with regard to seeking that position or this position of vice-chair.

0900

Ms. Yasmeena Mohamed: I really do want to expand on my adjudicative skills, so I was looking to tribunals that had the adjudicative function. The Ontario Labour Relations Board is a tribunal that I had applied to several times before; there were no vacancies. So I did not want to just limit myself to one tribunal. I want to continuously grow within this field. It's my next step from litigation, to be in the role of adjudicator/mediator. I believe that serving on boards will definitely enhance my practice as a private adjudicator.

Ms. Lisa M. Thompson: I see. Okay. Thank you for explaining that. In that light, how long do you see yourself serving in the role of vice-chair with the Ontario Labour Relations Board?

Ms. Yasmeena Mohamed: I guess definitely for the term that I'd be appointed for. But it really is my field of expertise, and I'm hoping that I can continue with it.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Bill Mauro): Thank you. Now to the third party: Mr. Natyshak.

Mr. Taras Natyshak: Ms. Mohamed, thank you so much for appearing before us. You have extensive experience as an arbitrator. I would almost qualify you as over-qualified for the position in terms of the scope of your experience.

Schedule 28 in the budget bill, Bill 55, states effectively that if an interest arbitration case is not entirely completed within 12 months of being referred to the arbitrator, the OLRB will then take over that case from the arbitrator. What are your thoughts on that type of schedule? As an arbitrator yourself, how would you feel—

Ms. Yasmeena Mohamed: You know, I'm very for timelines. I think that labour disputes should be resolved expeditiously and in the most cost-effective way. I truly do believe in that. So if private parties can't resolve their issues and apply to the board to have a resolution, I have no problem with that. I think timelines are really important.

I think as time passes, it's justice delayed, frankly. Labour is evolving. You have to address the issues when they happen. The relationship is an ongoing one, and people have to go back to work. So I'm really all for timelines.

Mr. Taras Natyshak: Would you imagine a scenario where that would undermine the arbitration process, insofar as the pressures of that timeline applying added pressures on to arbitrators in our community already? As a follow-up, obviously, additional resources would have to be allocated as well to the board to be able to deal with the higher volume of cases coming in directly to you.

Ms. Yasmeena Mohamed: Just on a personal level—I really don't know the workings of the board—I think that timelines are really important. As a section 48 and 49 adjudicator, I do grievances under the Labour Relations Act, and we have very strict timelines. We get a matter, within 20 days it's set, and then within a month we issue a decision. That, I think, provides a good forum for the labour community to get the issues resolved. Yes, it could be more resources for the board, but I think it will avoid backlogs.

Mr. Taras Natyshak: My colleague Mr. Pettapiece spoke about the scope of the OLRB. Any comment on resources at the front end within our Labour Relations Act in terms of it creating the backlog?

Ms. Yasmeena Mohamed: To be extremely honest, I'm not able to answer that because I really don't know the operational workings of the labour board at this point to make an informed answer.

Mr. Taras Natyshak: That's all right; thanks.

One aspect in the summary of your responsibilities under your background is the project manager and team lead for the joint insurance benefits review committee. It says that you built and set up from scratch the quasi-judicial JIBRC tribunal. It sounds quite innovative. I'm wondering if you can tie that into your experience and your credentials within the alternative dispute resolutions certificate. It sounds as though you bring an innovative approach. Any other ideas where you can identify some innovation within your experience, within your current knowledge of the OLRB—what goals, alternative measures? I'd like to hear some ideas, I guess, from you.

Ms. Yasmeena Mohamed: You know, for me, just in terms of ideas—

Mr. Taras Natyshak: Sorry. You pointed at a triage type of mechanism. That sounds innovative. So something along that—

Ms. Yasmeena Mohamed: Yes. I'm very for that. I'm working in the Human Rights Tribunal right now, and it works. We have a slew of complaints and we are able to sort them out in terms of those where we have a first-hand opinion that perhaps this is a frivolous claim; it hasn't fallen within the enumerated grounds; it has jurisdictional issues; there are issues with respect to the parties—to deal with that instantly, as opposed to setting a hearing date, coming to the hearing and then resolving all of these issues.

I'm really for a system that allows adjudicators to define the issues, to sort out the cases with merit as opposed to those that don't have merit—at first glance, on face value—and then have a process where you can further investigate and collect additional facts. The idea is not to take every case to a hearing, and in that way you are able to really effectively use your resources.

Mr. Taras Natyshak: Thank you for the questions.

The Chair (Mr. Bill Mauro): Okay. Seeing no other questions, Ms. Mohamed, thank you very much for being here today. We appreciate your time.

Ms. Yasmeena Mohamed: Thank you very much.

The Chair (Mr. Bill Mauro): So we have a concurrence motion. Ms. Jaczek?

Ms. Helena Jaczek: I move concurrence in the intended appointment of Yasmeena Mohamed, nominated as vice-chair of the Ontario Labour Relations Board.

The Chair (Mr. Bill Mauro): Is there any discussion? All in favour? Opposed? It's carried.

SUBCOMMITTEE REPORT

The Chair (Mr. Bill Mauro): Now we will deal with the issue of the subcommittee report. Ms. Jaczek, I understand you're going to move that as well?

Ms. Helena Jaczek: Yes. Your subcommittee on committee business met on Tuesday, May 29, 2012, to consider the method of proceeding on intended appointments during the summer recess of 2012, and recommends the following:

(1) That selections made from order-in-council certificates bearing a date between, and inclusive of, June 8, 2012, and August 31, 2012, be extended to September 30, 2012;

(2) That a meeting of the committee, pursuant to standing order 108(f)(13), be scheduled in July 2012 and in August 2012, as required, to consider the intended appointments selected for review; and

(3) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Chair, perhaps we could have further discussion—

The Chair (Mr. Bill Mauro): Yes. I'm just going to ask if there's any discussion on that report.

Ms. Lisa M. Thompson: We support this.

The Chair (Mr. Bill Mauro): Ms. Jaczek.

Ms. Helena Jaczek: Yes. On reviewing this, certainly this is something that we looked at, and I think we did informally agree to. I think section 1 is a little bit problematic in that there could be some really urgent appointments coming through the summer, and we would not necessarily want automatic extensions of their order-in-council certificates, especially as, because of the House leaders' agreement, we know that we will be meeting for up to two days in June to hear the LCBO and up to two days in July on the WSIB. So our thinking, further to the House leaders' agreement, is that in fact we would potentially be able to tack any urgent appointments onto those dates. So I guess essentially we're saying that we would prefer not, in fact, to extend the order-in-council certificate blanket through to September 30. I know it's a change, but I just put that forward.

0910

The Chair (Mr. Bill Mauro): Ms. Thompson?

Ms. Lisa M. Thompson: Thank you, Chair. Could you give us some specific examples of the urgent appointments so we understand what you're talking about?

Ms. Helena Jaczek: We actually, from our side, simply know that there are a stream coming through the summer that will be taken forward to cabinet. The normal process is, there are 30 days within which there's the opportunity to select some of these candidates for interview here, as we've done today. The only information I do have is that there will be potentially chairs of boards and so on, and the feeling was that the blanket extension until September is not really necessary or in the best interests of getting those appointments made, which I think we all would agree is important—that our various agencies do have a sufficient membership.

The Clerk of the Committee (Mr. Trevor Day): If I could, just for the committee: Should the subcommittee report pass, what we put in the unanimous consent—because we thought this might be a problem; a blanket—was that if any member of the committee subsequently withdraws their agreement for a specific intended appointee, such withdrawals shall be made in writing to the clerk of the committee. We're not going to ask you to

unanimously consent in advance of seeing all of them. There is an opt-out provision, should you choose, in writing, to let us know. But that's up to the committee.

Ms. Helena Jaczek: From our perspective as putting forward the appointees, that's a useful opt-out kind of provision, but from our point of view, with number one, we wouldn't have any opportunity necessarily to just go ahead with the appointment, which is what the government does if the order-in-council certificate expires.

The Chair (Mr. Bill Mauro): It sounds like the government side is asking committee to consider the leading paragraph (1) on the subcommittee report so that certificates are not blanket-extended so that anybody who's appointed through an OIC—it's a 30-day window, correct? So if it goes beyond the 30 days, then, given this in the report, those people would not be able to do their work and the agency would basically not be able to go forward, I suppose. Or maybe they would, but—

Ms. Helena Jaczek: Well, there'd be a vacancy.

The Chair (Mr. Bill Mauro): But that OIC certainly wouldn't be able to part of whatever occurred. Did you also ask to consider tacking some of those appointments on to—

Ms. Helena Jaczek: We already have, in what is currently number (2), that the committee could meet to consider appointments in July and August. Since we already have two extra days, through the House leaders' deal in June, which we need to discuss further, we would be able to potentially do some in June and some in July, and we have the provision even in August. From our point of view, I think we'd prefer to do it that way.

The Chair (Mr. Bill Mauro): So we're all clear we're talking about the same thing: We're all familiar with the House leaders', the June stuff. Ms. Jaczek is asking to accommodate the OICs that may come forward, that they be tacked on to the back of the June piece that's in the House leaders' report. Is that correct?

Ms. Helena Jaczek: Correct. And we would have July and we would have August, as per number (2).

The Chair (Mr. Bill Mauro): If necessary.

Ms. Helena Jaczek: If necessary, if required.

The Chair (Mr. Bill Mauro): Is there any discussion on that? Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you. How would that first paragraph read, then?

Ms. Helena Jaczek: I think we would just delete it.

Mr. Randy Pettapiece: Just delete the whole paragraph?

Ms. Helena Jaczek: It would be the normal process. There would be 30-day OIC certificates, and we wouldn't just extend. You would have the opportunity, obviously, to review those appointments and call them, and we would see them.

The Chair (Mr. Bill Mauro): Ms. Thompson?

Ms. Lisa M. Thompson: To that point: The meetings may have to run a little bit longer, but everybody's okay with that.

Ms. Helena Jaczek: That's exactly—if we're here, we're going to be here two days in June—

Ms. Lisa M. Thompson: Get it done.

Ms. Helena Jaczek: —up to two days, and up to two days in July. Why not make it worthwhile—

The Chair (Mr. Bill Mauro): Paragraph (2) seems to accommodate the need on the OIC. Your point is, why is paragraph (1) necessary? Okay, so—

Ms. Helena Jaczek: Just eliminate (1).

The Chair (Mr. Bill Mauro): There's agreement on that? The third party's good?

Then the question becomes, do we then—

Interjection.

The Chair (Mr. Bill Mauro): Okay, so let's deal with that amendment on the subcommittee report, which is to delete paragraph (1). Is that okay? Any discussion—

Ms. Helena Jaczek: Should I move the amendment of the subcommittee report to delete paragraph (1)?

The Chair (Mr. Bill Mauro): Do we need a seconder for that? No, we don't need a seconder.

All in favour of deleting—okay, thank you. That's carried.

Interjection.

The Chair (Mr. Bill Mauro): Well, I don't think we're finished with the report, or are we? Do we want to vote on it as amended, or do we need to deal with what—were you suggesting something else in terms of June 20?

Ms. Helena Jaczek: Well, I'm wondering if we could have some discussion on timing around the House leaders' report.

Ms. Lisa M. Thompson: Do we have those dates?

The Clerk of the Committee (Mr. Trevor Day): We have to decide those dates.

Ms. Lisa M. Thompson: Okay.

The Chair (Mr. Bill Mauro): What are you talking about?

Interjection.

Ms. Helena Jaczek: The LCBO and—

The Chair (Mr. Bill Mauro): So we need to deal with that. Before we pass this, my question is, do we need to—

Ms. Helena Jaczek: No, I think they're separate.

The Chair (Mr. Bill Mauro): Or we could deal with it at that time. They're separate.

Okay, so we will ask if there is any further discussion on the subcommittee report, as amended.

Seeing none, all in favour? Opposed? Carried.

Okay, thank you very much.

COMMITTEE BUSINESS

The Chair (Mr. Bill Mauro): So now we have—I haven't got a copy—

Interjections.

The Chair (Mr. Bill Mauro): Okay, I guess this is a subcommittee meeting we're in now?

Interjection.

The Chair (Mr. Bill Mauro): We're still in full committee. Okay, does that matter? That doesn't matter? Okay.

What we're dealing with now is, the House leaders have come back—I don't know if everybody has a copy of this—to the Standing Committee on Government Agencies: “for the purpose of reviewing the operations of the Liquor Control Board of Ontario, on up to two days in June, and of the Workplace Safety and Insurance Board, on up to two days in July, on dates and in locations in Ontario established by the committee.”

That's what we need to figure out here this morning, I suppose. There is some urgency to this. Two days in June is applying to the Liquor Control Board of Ontario, and as I read it, two days in July applying to the WSIB. I'm assuming that the “dates and in locations in Ontario” is applying to both agencies. That's what is before us, and we need to, as a committee, figure that out. Any discussion? We're looking for dates.

I think, Ms. Jaczek, you were suggesting that on some of the OIC stuff, maybe it could be piggybacked on one of these agency review days.

Ms. Helena Jaczek: Yes.

The Chair (Mr. Bill Mauro): Okay. Any discussion on that? Ms. Thompson.

Ms. Lisa M. Thompson: In terms of dates, we're coming back for June 20, so it would stand to reason that we utilize that week, if you will.

The Chair (Mr. Bill Mauro): For all of it? For what?

Ms. Lisa M. Thompson: For the two days.

The Chair (Mr. Bill Mauro): The two days in June.

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): Okay.

Ms. Helena Jaczek: I think that would make obvious sense. So I guess it's a little question, perhaps, to the clerk. When we come back on June 20, what opportunity would we have on June 20 itself to meet?

The Clerk of the Committee (Mr. Trevor Day): On June 20 itself, if I'm reading the motion correctly, the House is still constituted. The day following, we are now in the adjournment and can meet whenever we want.

If we took, say, the two days after that, or something of that nature, that would put us into the recess. That would be when this kicks in and takes effect.

The Chair (Mr. Bill Mauro): I think the question is, though, on the day, on June 20, does anybody know how long we're actually sitting on June 20 and if we could do it the same day?

Ms. Lisa M. Thompson: I had heard half a day. Yes, half a day.

The Chair (Mr. Bill Mauro): Half a day, so we could do it on the 20th, even.

Ms. Lisa M. Thompson: Yes. What about the 19th and 20th?

The Chair (Mr. Bill Mauro): Or the day before.

Interjections.

The Chair (Mr. Bill Mauro): But it also says “up to two days.” It doesn't say “two days.” We can decide if you want to do one day or if you want to do two days. It doesn't have to be two days.

0920

Ms. Lisa M. Thompson: What's the normal? The agency makes the presentation for—

The Chair (Mr. Bill Mauro): The agency and then stakeholders, right?

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): So the normal is?

The Clerk of the Committee (Mr. Trevor Day): In the past, it's been half-day agency, half-day stakeholders, and then when the House resumes—

The Chair (Mr. Bill Mauro): A half-day each. And a half-day means how many—three hours?

The Clerk of the Committee (Mr. Trevor Day): From 9 to 12.

The Chair (Mr. Bill Mauro): So a total, usually, of about six hours. So we can do it. It sounds like we're here half a day on the 20th. So we could do it. Recessing at 1:30, we could do it after on the 20th.

Ms. Helena Jaczek: What about in the morning of the 20th, though?

The Chair (Mr. Bill Mauro): Well, the morning of the 20th we're in there. We could be sitting here, though. We could actually be here—

The Clerk of the Committee (Mr. Trevor Day): That's not our day.

The Chair (Mr. Bill Mauro): It has to be Tuesday.

Ms. Helena Jaczek: Okay.

Ms. Lisa M. Thompson: Could we consider the full day on the 19th and then a half-day on the 20th?

Interjections.

The Chair (Mr. Bill Mauro): So you're saying we can't just meet on the 20th?

The Clerk of the Committee (Mr. Trevor Day): You can meet on the 20th, once the House adjourns.

The Chair (Mr. Bill Mauro): Once it adjourns. So we can't meet on the 20th. Okay. The clerk has just confirmed that we can't meet on the 20th, because Tuesday is the day, according to the standing orders, for this committee to meet until we adjourn, when we then can pick any day we want. So we could come on the 19th, the day before, and deal with the LCBO.

The Clerk of the Committee (Mr. Trevor Day): In the morning, during our regular time.

The Chair (Mr. Bill Mauro): Right, but deal with it completely, in its entirety, I'm saying. You're saying no to that?

The Clerk of the Committee (Mr. Trevor Day): We have up until 10:25 on that day.

The Chair (Mr. Bill Mauro): That's where I'm going. Why can't we—

The Clerk of the Committee (Mr. Trevor Day): This committee, when the House is in session, is allowed to meet Tuesday mornings.

The Chair (Mr. Bill Mauro): It's prescribed. So we can't go longer than that without a House leaders'—

The Clerk of the Committee (Mr. Trevor Day): Until the House adjourns, we're stuck to that.

Ms. Helena Jaczek: Then what about the Thursday after?

The Clerk of the Committee (Mr. Trevor Day): Not a problem: the whole day on Thursday.

The Chair (Mr. Bill Mauro): So, as a result of that explanation, Tuesday doesn't sound like it's an option—Ms. Thompson, you were suggesting Tuesday.

Wednesday at 1:30, the House adjourns. Then it's completely up to us to decide. We could do it Wednesday afternoon.

Ms. Lisa M. Thompson: And Thursday?

The Chair (Mr. Bill Mauro): But we need to go backward and decide how long you'll want. It says "up to two days." I think it was—was it the official opposition that called the LCBO?

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): So do you want four hours? Do you want six hours? How much time do you want, before we make a decision on how long we're going to sit?

Ms. Lisa M. Thompson: I think, recognizing that we'll be calling the agency in as well as stakeholders, to be fair we need to be looking at about six hours.

The Chair (Mr. Bill Mauro): Okay. So we can do that on Wednesday, if we want, from 1:30 to 7:30, or we can spill it over to Thursday morning. If you want to make a suggestion on that, then there can be more discussion. This was the one you called.

Ms. Lisa M. Thompson: Actually, as we contemplate this, Mr. Chair, I was wondering if we could call a 15-minute recess so we can consult with our office and then get back to you.

The Chair (Mr. Bill Mauro): Sure. And can the third party have the same sort of—

Miss Monique Taylor: That was what I was just going to say. Can we move into the WSIB discussion, and then we can—

The Chair (Mr. Bill Mauro): Yes. Or do you want to do a 15-minute recess and then come back and do them both and consider—

Interjections.

Mr. Taras Natyshak: The WSIB is in July. We're looking at July, right?

The Chair (Mr. Bill Mauro): Yes. We can have the same discussion.

Miss Monique Taylor: Do we have any potential dates for July?

Interjections.

The Chair (Mr. Bill Mauro): Sorry, Miss Taylor. Did you want to deal with WSIB now and then we recess to allow them to discuss this, or—

Miss Monique Taylor: Well, if we can have a minimal discussion, the same as we did with the LCBO, and then we could take it back to ours at the same time as they're—

The Chair (Mr. Bill Mauro): Recessing. Okay. Do you have some suggestions then on what you'd like to see happening?

Miss Monique Taylor: I heard vacation at the end of July over there.

Ms. Helena Jaczek: One week. The first week after—obviously, we can find substitutes. It sounds, from our side, like the second week would be the best. How is it for you, Bill?

The Chair (Mr. Bill Mauro): It's July. It's Thunder Bay. What do you mean? Do you think I want to be in Toronto? Come on. We do what we have to do.

Mr. Randy Pettapiece: Near the first of July.

The Chair (Mr. Bill Mauro): Earlier is better. When is the long weekend?

Ms. Helena Jaczek: July 1.

The Chair (Mr. Bill Mauro): But what day does it fall on this year?

Mr. Randy Pettapiece: Sunday.

The Chair (Mr. Bill Mauro): It's on a Sunday this year?

Interjection.

The Chair (Mr. Bill Mauro): Well, I'm going to leave it to the third party. This was your call. Why don't you give us a suggestion?

Ms. Helena Jaczek: Could I just make one comment? It says "locations in Ontario"—

Mr. Taras Natyshak: My backyard.

Laughter.

The Chair (Mr. Bill Mauro): I'll bring the beer.

Ms. Helena Jaczek: So I just want to say, I don't think it's usual for this committee to travel.

The Chair (Mr. Bill Mauro): So what dates did you—

Interjection.

The Chair (Mr. Bill Mauro): We'll get to that, but let's deal with dates first. I think Mr. Natyshak was just about ready to focus.

Mr. Taras Natyshak: If we can find consensus on the first week, we can narrow it down. July 4 is staring me right in the eyes here.

The Chair (Mr. Bill Mauro): That's a Wednesday?

Mr. Taras Natyshak: It is a Wednesday.

The Chair (Mr. Bill Mauro): Again, it says "up to two days." Does it? Do you want two days? Do you want one day?

Mr. Taras Natyshak: Two days.

The Chair (Mr. Bill Mauro): Two days here in Toronto?

Mr. Taras Natyshak: Now we get to the question of travelling with the committee. Could those two days be in two different locations?

The Chair (Mr. Bill Mauro): Back to back? Did you say the fourth and fifth?

Mr. Taras Natyshak: Not necessarily.

The Chair (Mr. Bill Mauro): That's what we need to hear from you, so we can discuss it.

Mr. Taras Natyshak: I think that's enough information for us to take back to our people. We'll work with the fourth and fifth as our WSIB days—

The Chair (Mr. Bill Mauro): I missed the beginning of that. I'm sorry.

Mr. Taras Natyshak: We'll work with the fourth and the fifth as a reference point for the WSIB, and then we'll come back—

The Chair (Mr. Bill Mauro): So we're going to recess for 15 minutes and come back. Great. Thank you.

Interjections.

The Chair (Mr. Bill Mauro): You'll come back and let us know, even if you need two.

See you at about 9:45.

The committee recessed from 0927 to 0949.

The Chair (Mr. Bill Mauro): Okay, we will reconvene. Welcome back. Let's begin, I guess, with the official opposition and the LCBO on up to two days in June. Do we have a recommendation?

Ms. Lisa M. Thompson: Yes, we do. Respectfully, after reviewing what we would like to accomplish, we're thinking we would not be doing ourselves justice in doing a half day because one half day counts as a full day, so we'd be losing some hours there. We would like to come back and propose meeting on the 21st in the Niagara region and area and meeting on June 27 in Trenton and area.

The Chair (Mr. Bill Mauro): Any discussion? Ms. Jaczek?

Ms. Helena Jaczek: The 21st, the whole day, is going to be very difficult, I think, for the government side, given our commitment to meeting in Sudbury later on the 21st. Certainly the morning of the 21st, I think, would be fine. How many hours in total are you looking at? Perhaps if we could have some discussion around how many hours and then see how we could adjust—

Ms. Lisa M. Thompson: We'll have two full days. There are a variety of things to review with regard to the LCBO. We'd like full eight-hour days.

Ms. Helena Jaczek: So eight hours—is that a day?

Ms. Lisa M. Thompson: Yes.

Ms. Helena Jaczek: So you're saying 16 hours.

Ms. Lisa M. Thompson: Yes.

Ms. Helena Jaczek: Okay, so we would have a bit of an issue, I think, with the whole day of the 21st. What about the afternoon of the 20th? Did you have any discussion—I'm wondering if we could get eight hours between the afternoon of the 20th and the morning of the 21st.

Ms. Lisa M. Thompson: I don't believe that would work, according to our clerk. Technically, that would be two days, and that's—

Ms. Helena Jaczek: Okay, I see. Well, that's ridiculous.

Ms. Lisa M. Thompson: Yes.

Ms. Helena Jaczek: Why do we have a silly rule like that?

Ms. Lisa M. Thompson: Thanks, Helena. Yes. Trevor?

The Clerk of the Committee (Mr. Trevor Day): I'm sorry.

Laughter.

The Chair (Mr. Bill Mauro): I'm not sure the other side understands completely the challenge that the gov-

ernment side has. You might want to expand on that a bit and see if they're amenable to a different date.

Ms. Helena Jaczek: Our issue is, we have a caucus meeting early Friday, June 22, in Sudbury. Of course, there are events Thursday evening, and most people are driving. I mean, it's not completely impossible.

The Chair (Mr. Bill Mauro): So you're being asked to spend eight hours in Niagara on the 21st and then make your way to Sudbury—

Ms. Helena Jaczek: Could we just have a little bit more on the location piece, just so we understand? Obviously, there's a cost that will be affiliated with that. Given that the headquarters of LCBO is here in Toronto—

Ms. Lisa M. Thompson: Yes, my understanding is, we're just getting clarification. With all due respect, it was the Liberal House leader who identified two days in June.

Ms. Helena Jaczek: Yes, and we support our House leader.

Laughter.

Ms. Helena Jaczek: Again, the issue of cost of travel: I just wondered if you had taken that into consideration.

The Chair (Mr. Bill Mauro): If I can, I don't think the issue of two days in June is the problem; the problem is June 21.

Ms. Helena Jaczek: Yes.

The Chair (Mr. Bill Mauro): So I think what Ms. Jaczek is asking is if there is any way you can work on a different day for the first day. It sounds like—was it the 28th, you said?

Ms. Helena Jaczek: Yes, is there any way to do the 27th and a day—

The Chair (Mr. Bill Mauro): Or you could just choose to do one day.

Ms. Lisa M. Thompson: We'd like the full two days.

The Chair (Mr. Bill Mauro): Thought I'd throw it out there.

Ms. Lisa M. Thompson: Technically, we can still move forward on the 21st, and you would just have to excuse yourself. I'm looking to the clerk for clarification. Say we started off in Niagara region the morning of June 21. To make travel arrangements, if our Liberal colleagues have to excuse themselves from any hearings or stakeholder meetings etc. in the afternoon—is that doable?

Ms. Helena Jaczek: I'm sure it's doable, but we wouldn't do it.

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): That sounds, to me—I'm chairing this committee for the first time. That sounds, I would say, like an odd request, given that you—

Ms. Lisa M. Thompson: I'm just trying to figure things out here.

The Chair (Mr. Bill Mauro): Yes, and given that you know this is a very legitimate parameter that Ms. Jaczek has placed before you—we're trying to accommodate—I mean, two days is two days. You've got from June 20 to

the end of June to find two days that work. It seems like it shouldn't be too difficult, given that as a parameter.

Ms. Lisa M. Thompson: The 21st and 22nd does not work for you.

The Chair (Mr. Bill Mauro): Right.

Ms. Lisa M. Thompson: So then we're down to five days.

The Chair (Mr. Bill Mauro): Well, no. Actually, the 20th in the afternoon works, here in Toronto; the 21st works, here in Toronto. So you're not down to five days; you have more than that. But your suggestion places a restriction on what days are an option. Well, it's unfair for me to put it that way—

Ms. Lisa M. Thompson: Yes, thank you.

The Chair (Mr. Bill Mauro): Given what they have as well, it limits the opportunity as well. Mr. Walker?

Mr. Bill Walker: Just one clarification: Are you able to break your days? Can you do a six-hour day and a 10-hour day?

Ms. Lisa M. Thompson: No.

The Chair (Mr. Bill Mauro): Well, yes, you could do a six—yes, you could.

Mr. Bill Walker: But if you're saying 16 hours, and you're doing it on two different days—

The Chair (Mr. Bill Mauro): That's right.

Mr. Bill Walker: —why can't you do six and 10?

The Chair (Mr. Bill Mauro): You can. Right?

Ms. Helena Jaczek: Could you?

The Clerk of the Committee (Mr. Trevor Day): As long as you know that those are your two days. There's nothing else.

Mr. Bill Walker: Yes, but we're asking for a total of 16 hours. So, to accommodate their travel, you could do a six-hour day on the 21st and do a 10-hour day on the 28th. You still get your 16 hours, and it allows them to travel.

The Clerk of the Committee (Mr. Trevor Day): The times within each day are totally up to the committee.

Interjection.

Mr. Bill Walker: What I asked was, can you do a six-hour day on the 21st and a 10-hour day on the 27th? You still get your total of 16 hours, and you get your—

The Chair (Mr. Bill Mauro): And allow you to go to Niagara Falls and back.

Ms. Lisa M. Thompson: So you're okay with six hours on the 21st in the Niagara region?

Ms. Helena Jaczek: I would think that could work, yes.

The Chair (Mr. Bill Mauro): What time would that start?

Ms. Helena Jaczek: If we started at 8.

Interjection.

Ms. Helena Jaczek: No.

The Chair (Mr. Bill Mauro): That'll be a detail we'll have to work out.

Ms. Helena Jaczek: Should this be referred to the subcommittee to work on the scheduling? We know what the parameters are.

The Chair (Mr. Bill Mauro): Yes, the detail of the time. Have we got an agreement on that, then? Six hours on the 21st—

Ms. Lisa M. Thompson: Yes, or we could go Monday, Tuesday, Wednesday of the following week.

The Chair (Mr. Bill Mauro): Monday, Tuesday, Wednesday?

Ms. Helena Jaczek: It's two—

Ms. Lisa M. Thompson: The Tuesday is not—

Interjection.

Ms. Lisa M. Thompson: I meant, there's a travel day in there.

The Chair (Mr. Bill Mauro): I see. So you're now suggesting—

Ms. Lisa M. Thompson: Maybe would the subcommittee consider the six-hour day on the 21st and the 10-hour day on the 27th, or see if the 25th and 27th—

The Chair (Mr. Bill Mauro): The 25th, 27th? Ms. Jaczek?

Ms. Lisa M. Thompson: Is that fair?

The Chair (Mr. Bill Mauro): Is that still working—

Ms. Helena Jaczek: I would personally much prefer the 25th and the 27th.

The Chair (Mr. Bill Mauro): Third party? Mr. Natyshak and Ms. Taylor?

Miss Monique Taylor: So we would have to travel on the 26th to get there for the 27th, and then travel again on the 28th, correct? So on the 25th we'd be in Niagara; travel on the 26th; on the 27th, we're in Trenton; and travel back on the 28th.

The Chair (Mr. Bill Mauro): Or you could do them back-to-back. I've been on committees before—you can—

Ms. Lisa M. Thompson: The 26th is not doable.

The Chair (Mr. Bill Mauro): What is it?

Ms. Lisa M. Thompson: The Tuesday is not doable.

Miss Monique Taylor: No, but that would be a travel day.

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): The 25th is a Monday?

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): So your suggestion now is the Monday—and there's a reason that Monday and Tuesday doesn't work? Is that what I heard?

Interjections.

The Chair (Mr. Bill Mauro): You often wrap up in one city, travel in the evening and then reconvene the next day. That's not unusual.

Interjection.

The Chair (Mr. Bill Mauro): One second, please. I'm sorry. I'm just trying to—

Mr. Taras Natyshak: Let's get this show on the road here.

Interjections.

Ms. Lisa M. Thompson: So the 25th and 27th.

Mr. Taras Natyshak: The 25th in Niagara and the 27th in Trenton? And we travel on the 26th?

The Chair (Mr. Bill Mauro): The 25th and 27th. So you're asking the LCBO to go to Niagara on the 25th?

Ms. Lisa M. Thompson: The 25th, Niagara region and area, and then the 27th would be Trenton and area.

Interjection.

Ms. Lisa M. Thompson: Can we work that out in the subcommittee?

The Chair (Mr. Bill Mauro): Ms. Jaczek?

Ms. Helena Jaczek: Yes. And I would like a cost estimate, Mr. Chair, of this excursion.

The Chair (Mr. Bill Mauro): Okay. So, to be clear, you're asking the LCBO to be in both of these locations. Is that what I heard?

Ms. Lisa M. Thompson: And/or stakeholders. The LCBO and/or stakeholders.

The Chair (Mr. Bill Mauro): The clerk will need to know. We're going to have to know what it is you expect.

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): There has been a cost estimate requested as well. So you'll have to provide some clarity. Okay?

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Bill Mauro): Ms. Jaczek?

Ms. Helena Jaczek: Yes, just on the travel, because we are interested in the reasons for the need to go. I guess there's some understanding around stakeholders, but for the initial presentation I'm just finding it curious that we would go to this expense to go down, and I'm wondering if it sets a precedent. Really, my question then is to the clerk in terms of prior examinations of agencies by this committee, whether travel has been involved.

The Clerk of the Committee (Mr. Trevor Day): I looked into it, and I've been informed that prior committees have travelled to do site visits when doing agency reviews.

Ms. Helena Jaczek: I see. So is this potentially a site visit? I'm not familiar with where the LCBO—oh, okay. So this is Niagara-on-the-Lake or Niagara Falls?

Ms. Lisa M. Thompson: Niagara region and area, so yes.

Ms. Helena Jaczek: Okay.

Ms. MacCharles, perhaps you'd like to comment.

Ms. Tracy MacCharles: Just as your colleague clerks know, I think it's very important that any travel venues

be completely accessible for stakeholders as well as members of the committee. That includes dining facilities, washrooms, the whole shebang, please. It hasn't always been the case when travelling prior.

Ms. Lisa M. Thompson: And if I may, that doesn't preclude us from potentially bringing in the LCBO next week or when we're still meeting? We could potentially do that if we decide to do so—

Ms. Helena Jaczek: But that would use up a day. Isn't that a problem?

Ms. Lisa M. Thompson: No, I don't believe so, not before the House adjourns. The House is still meeting next week, so it would be a regular committee meeting, and then the focus is on site meetings and whatnot.

The Chair (Mr. Bill Mauro): Okay, but it says "up to two days in June for LCBO." Are you suggesting that you are now asking for them to come—

Ms. Lisa M. Thompson: Well, we could just figure out the logistics in the subcommittee. We're just citing that potentially; if you're worried about the LCBO and travelling, technically they could come in.

Ms. Helena Jaczek: I think our position would then be that that's one day. There are up to two days..

Mr. Randy Pettapiece: I'm not sure of that. I don't think that's right. Just hang on here. Is that right?

Interjection.

Ms. Lisa M. Thompson: Okay. Next week is completely booked, so we withdraw that.

The Chair (Mr. Bill Mauro): Just so we're clear before we move on to the WSIB: the 25th and the 27th, and you're going to let the clerk know that you want the agency to travel to Niagara and to Trenton. We will then, at subcommittee, deal with stakeholders and all that stuff. Any more discussion?

Third party, your suggestions on the WSIB piece?

Miss Monique Taylor: I would like to put it over until the next meeting, please, so that we have time to speak with our caucus when making any further plans. We have enough time.

The Chair (Mr. Bill Mauro): Okay. Any further discussion? No other business? Okay, we're adjourned. Thank you.

The committee adjourned at 1003.

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