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**Official Report
of Debates
(Hansard)**

Wednesday 13 October 2004

**Journal
des débats
(Hansard)**

Mercredi 13 octobre 2004

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak
Clerk: Susan Sourial

Président : Tim Hudak
Greffière : Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 13 October 2004

Mercredi 13 octobre 2004

The committee met at 1003 in room 228.

ELECTION OF CHAIR

The Vice-Chair (Ms Andrea Horwath): We're going to get started. Good morning, everyone. I'm going to take the opportunity to welcome you this morning and call the meeting to order.

As you know, there's a vacancy in the position of Chair of the committee. As a result, as Vice-Chair, I'll be presiding over the election of our new Chair. I'll get right to it and ask if there are any nominations for the position of Chair of the committee.

Mr Ernie Parsons (Prince Edward-Hastings): It is my pleasure to nominate Tim Hudak to chair this committee.

The Vice-Chair: Are there any further nominations? Mr Hudak has been nominated.

Ms Laurie Scott (Haliburton-Victoria-Brock): I'll second that nomination.

The Vice-Chair: Thank you, Ms Scott. It's not necessary, but we appreciate the seconding of the nomination.

Mr Tim Hudak (Erie-Lincoln): It scores a point in my book.

The Vice-Chair: There you go. There being no further nominations coming to the table then, I declare the nominations closed and declare that Mr Hudak is elected Chair of the committee.

Mr Hudak, I'll turn the chair over to you and we'll get started. Congratulations.

The Chair (Mr Tim Hudak): Thank you very much to my Vice-Chair and Mr Parsons for the kind nomination and members of the committee for their confidence in me, despite having known me for a year or more.

Interjection.

The Chair: Rest assured that I am at least backed up by a very competent and able Vice-Chair, if the Chair finds himself in trouble from time to time.

SUBCOMMITTEE REPORTS

The Chair: Members of the committee, I do have to confess that our hard-working clerk did kindly prepare a script for me to make me look good as I got out of the gate, which I then left on my desk in my office. The clerk, fortunately, has a backup copy.

Our first order of business is the report of the subcommittee on committee business dated Thursday, September 30, 2004. I'm looking for a member from the subcommittee to make a motion for its adoption.

Mr Parsons: I would move adoption.

The Chair: Mr Parsons moves adoption. Any discussion on the subcommittee report of September 30, 2004? Seeing none, all in favour of its adoption? Any opposed? The motion is carried.

The second order of business is a report of the subcommittee on committee business dated Thursday, October 7, 2004.

Mr Parsons: I move adoption.

The Chair: Mr Parsons is kind enough to move its adoption. Any discussion on the subcommittee motion of October 7? Seeing no discussion, all in favour? Any opposed? The motion is carried.

Thank you very much, folks, and thank you for the patience of our intended appointees gathering with us today.

INTENDED APPOINTMENTS

MADELEINE ALDRIDGE

Review of intended appointment, selected by official opposition party: Madeleine Aldridge, intended appointee as member, Ontario Judicial Council.

The Chair: We'll now move to the appointments review. My understanding, from where we left off last time, is that the third party will begin with any questions they may have, followed by the government and then the official opposition.

Our first interview is with Ms Madeleine Aldridge, an intended appointee as member of the Ontario Judicial Council. Ms Aldridge, you're with us here today? Welcome to our committee. Please come forward.

Interjection.

The Chair: Wherever you're comfortable. You've got four microphones that can pick you up. We have water and coffee available too, if you like.

As you may be aware, you have an opportunity to say a few words, if you choose to do so, to make an initial statement. Then subsequent to that, members of the committee, in rotation, will have a chance to ask you questions about your qualifications. As I mentioned, last time

we started with the official opposition, so the third party will commence the questioning today, and we block it off in 10-minute segments. Ms Aldridge, any statements you make comes from the government's portion of that 10 minutes. Please begin, if you choose to do so.

Ms Madeleine Aldridge: Good morning, everybody. I'm honoured to be before this committee and a little overwhelmed. I am generally required to speak about other people; I find it somewhat of a challenge to be asked to speak about myself.

As I was rereading and adjusting the details of my CV, which I think you have before you, I found myself considering the task faced by the committee when all they have to go on are bare facts and dates. It also occurred to me that there are a few seemingly odd diversions in my career path. So perhaps the best way to present myself is to expand a little on the CV.

I am obviously a teacher. I have taught primary, junior, intermediate, secondary school and adults. I am now involved with a subset in special education, which is known as language impairment. I specialize mainly in the teaching of English, with math and history as secondary subjects.

However, I think the most important aspect of my teaching career, as I see it, is that by far the majority of my experience has been in inner-city schools. Why, you might ask, do I think this is so important? All teaching involves decision-making, but in the inner-city environment these decisions tend to extend much further than curriculum and lesson planning.

The teacher in such a school is frequently called on to recognize and deal with family breakdown which, on occasion, extends to unofficially offering counselling to both sides of the family, apart from constantly keeping the situation in mind when you're interacting with the child.

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Awareness of monetary problems is also of paramount importance, especially where parents are too proud to ask for help when the family has run out of food or has insufficient money to provide winter coats etc. It's no small challenge to offer assistance in these cases without causing repercussions for the child, who's been warned not to let the school know of the dire home situation. This calls for a lot of hard decisions. There are countless other situations that occur on a daily basis, but I don't wish to belabour the point that, as society is moving away from traditional patterns, schools—which is really to say teachers—are assuming an ever greater role as decision-makers.

It is also worth mentioning that in the academic realm, all classroom teachers are involved in recommending students to be presented to individual program and review committees, better known as IPRCs. Special education teachers are, however, required to make recommendations at these review committees that have far-reaching effects on students' careers and are not made lightly. As all parents know, the power of a label when it is attached to a child can be devastating to the child and

the family. Again, I don't wish to overemphasize the point, but I think it is useful to the committee to have outlined just how much teaching today is fraught with decision-making.

To move very briefly on to the career changes, my shift from banking to teaching is easily explained. I was very unhappy as a bank clerk and, as the saying goes, "Those who can do, those who can't teach." Never was a truer word spoken in regard to my banking experience. However, I hope this adage has not been true of my real teaching career.

My venture into managing a health spa was the result of moving to Alberta, where my husband was teaching at the University of Alberta. Alberta at that time would not accept either a British or an Ontario teaching qualification, thus I changed courses for a couple of years. Again, in this job, as a manager with a staff to supervise, there were fairly serious decisions to be made, not the least of which was the hiring, and unfortunately, sometimes the firing of staff. My recent teaching in Oxford as a supply teacher was also the result of adjusting to my husband's career.

Finally, I must admit that I have absolutely no personal experience of the law outside of being an avid reader of Rumpole of the Bailey. However, I hope these reflections on my CV have made it apparent that over the years I have been called on to make serious decisions and fully appreciate how important rational, unbiased decisions must be for a member of the justice council. I also trust that expanding on my CV has been somewhat useful in your decision-making today. Thank you for your attention.

The Chair: Thank you very much, Ms Aldridge, for your presentation. We'll begin any questions from the third party.

Ms Andrea Horwath (Hamilton East): I'm wondering if you can tell me a little bit about your involvement with the Liberal Party. Do you have a membership with the Liberal Party?

Ms Aldridge: I am a member of the Liberal Party, yes.

Ms Horwath: Do you donate regularly to the Liberal Party?

Ms Aldridge: I have donated to the Liberal Party in the past.

Ms Horwath: Thank you very much for that.

I'm wondering specifically in regard to the intended appointment—as you know, part of the role is to look at issues of judicial misconduct. I'm wondering if you have any experience in that type of role and particularly whether there are any kind of biases or thoughts you might bring to such a review of judicial misconduct.

Ms Aldridge: I obviously have absolutely no direct experience in that particular field, but as I said in my opening statement, I have a lot of experience making serious decisions which have repercussions; obviously not at the same level, but for the people who are involved, these are very serious decisions for the family etc.

Ms Horwath: Specifically around issues of bias, for example—perhaps there's an accusation of judicial misconduct where there's an accusation of bias, whether that be gender bias, racial bias, something of that nature—what would be your thoughts on how you would review such an accusation, such an allegation, and do you feel you have the background and competencies to review such an accusation and then come to a determination in regard to its efficacy?

Ms Aldridge: I would assume that if you're trying to be fair and just, whether you're reviewing a judge or a case for a child, you have to look at all the evidence before you. You have to look carefully at what is said by other people, what evidence there is that this would be true, and you would draw your conclusions based on what you can see and what you can hear, I imagine.

Ms Horwath: So then in terms of specific skills around the ability of assessing behaviour and seeing both sides of the story, you believe that your teaching career, as well as some of the other issues you raised during your discussion, are adequate to provide you with the kind of background you need for this very important position?

Ms Aldridge: Yes, I do, because as I pointed out, the decisions you're called on to make now—for example, I am at the moment involved with a family where I am almost being treated as the lawyer, the social worker and the teacher. In this situation, you have to guide the people to the right agencies and so forth. Every day there is something that comes up that you have to make a fairly snap decision on in this case, but I would say you have a lot of experience, yes.

Ms Horwath: No further questions, Mr Chairman.

The Chair: We'll go to the government members, who have five minutes as part of their time.

Mr Parsons: We have no questions, Chair.

The Chair: The official opposition: Ms Scott, any questions for our intended appointee?

Ms Scott: Yes, thank you, Mr Chair. Congratulations on your appointment.

The Chair: Thank you very much.

Ms Scott: Thank you for appearing here before us today, and I appreciated your background. Certainly teaching does involve a lot of decision-making and assessing of human behaviour. Also, in addition to the public members of the board which you may be part of, there are judges. Sorry, my voice is a little off today. So there may come a time when you're considering an appointee and you would disagree with the judges on the panel in terms of the appropriateness of the potential nominee. How comfortable would you feel expressing these opinions, say, to the Chief Justice of Ontario, the Chief Justice of the Ontario Court of Justice and the other judge members? After all, they are judges and they have a lot of experience in that. Do you feel comfortable in being able to state your case to them, whether it's in opposition or feedback?

Ms Aldridge: I hate to say, but I probably would. I do tend to speak my mind, and I have in many situations, so I think I would. I don't see it as having any repercussions

for me, for example. I mean, I speak my mind. What I say is what I say and what I believe is what I believe, and I will say so.

Ms Scott: OK, because it can be quite an intimidating—

Ms Aldridge: Yes.

Ms Scott: You look a very strong-willed character. That's fine. That's great.

Part of the responsibility is reviewing the conduct of the judges. Can you give any examples of when you feel that a judge may be removed from the bench? Can you think of any situations of judicial misconduct that may occur, which you're going to have to deal with?

Ms Aldridge: I would assume one could only categorize them and say racial discrimination, sexual discrimination, gender bias and so forth. I would imagine you would have to categorize them under serious racial slurs and, as I say, sexual innuendos or whatever. Obviously, if it was involving criminal acts, that would be quite different too; right? If we were talking about fraud in personal life, I think that would have to be taken into account as well. I assume it would have to be a very serious matter to consider that.

Ms Scott: Have they given you much background on what would be involved in reviewing, how much information you would get in the reviewing of a judge's misconduct?

Ms Aldridge: No. I really have very little idea about what the input would be. I have assumed that you would be well briefed and that you would be given time to read whatever is involved. I think that would only be fair. You couldn't ask somebody to sit on a panel that was going to make a decision without having the background knowledge.

Ms Scott: I don't know either. I was just hoping, as you are, assuming that they would give you lots of background.

Thank you for appearing here today. I have no further questions.

The Chair: Ms Aldridge, thank you very much for your presentation and your response to our members' questions. The tradition here, as you may know, is that members vote on appointments after they're done with the interviews. So feel free to stick around, tour the Legislature, go sit in question period, whatever you want to do, make yourself comfortable and we'll get back to you probably in about one hour's time. We appreciate your coming to see us.

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LORETTA JEAN HENDERSON

Review of intended appointment, selected by third party: Loretta Jean Henderson, intended appointee as member, Workplace Safety and Insurance board of directors.

The Chair: Do we have Loretta Jean Henderson joining us today? Welcome to our committee. I also welcome Mr Baird who has popped his head in.

Mr John R. Baird (Nepean-Carleton): Congratulations.

The Chair: Thank you very much, sir.

Ms Henderson is an intended appointee as a member of the Workplace Safety and Insurance board of directors.

Ms Henderson, if you'd like to grab a drink, please feel free to do so. There you go. You're on the ball. If you'd like to make any kind of statement, you're welcome to do so. Subsequent to that, as you have seen, members will have an opportunity to ask you questions regarding your qualifications and the appointment. We'll begin those with the government members, followed by the official opposition and then the third party. The floor is yours.

Ms Loretta Jean Henderson: Thank you very much, and I thank all of you for the opportunity to present my credentials in support of my application for the position of director on the Workplace Safety and Insurance Board board of directors.

I am presently a retired lawyer and still a member of the Law Society of Upper Canada. I attended law school as a mature student, graduating at the age of 40. In my earlier years, I graduated from Toronto Teachers College and taught for five years, four years in Toronto and one year in London, England.

When my children were of school age, I was employed as a court worker for the Protestant and Catholic children's aid societies for seven years.

I have worked with workers' compensation legislation since 1985 as a director for a provincial and interprovincial trucking company. In the two years of employment, I was fortunate to attend several seminars explaining the Workers' Compensation Act. When the company was sold, I made the decision to launch my legal practice specializing in acting for employers in all workers' compensation matters.

In my 11 years of practice, I presented seminars and workshops across the province to educate employers about their role and obligations under the act. I was the first lawyer in the province to earn the designation of specialist in workers' compensation law from the Law Society of Upper Canada.

In 1999, when I stopped practising, I was acting for 240-plus companies across the province. My corporate clients represented various industries in the province, including automotive, tool and die, plastics, automotive tier 1, food, education, municipalities, police, casinos, hotels, trucking and construction. Shortly after my retirement, I was appointed to the Workplace Safety and Insurance Appeals Tribunal as a vice-chair. In the some four years in that capacity, I rendered 200-plus decisions and attended all areas of the province to hear these appeals.

In the past 18 years, I feel I have had the unique opportunity of representing corporate stakeholders in thousands of cases. As well, I have also had the opportunity to review cases from the appeal tribunal level. I believe all of those experiences will be an asset to the

board of directors of the Workplace Safety and Insurance Board.

I'm happy to take your questions.

The Chair: Outstanding. Ms Henderson, thank you very much. To the government members, Mr Parsons?

Mr Parsons: No questions.

The Chair: Ms Scott, 10 minutes for your time.

Ms Scott: Thank you for being with us here today; a very impressive CV. You're currently the vice-chair on the Workplace Safety and Insurance Appeals Tribunal?

Ms Henderson: No, ma'am. I retired in January of this year.

Ms Scott: OK. I missed that. You have quite a bit of experience, so you're already familiar with the conflict-of-interest rules, because you're still going to serve as counsel to Roberts—

Ms Henderson: No, that's actually a mistake. I also resigned from that position in January.

Ms Scott: OK. Do you see any conflicts of interest with your past experience as a counsel there and the new job now? Do you see any conflicts, being on the other board before? Was there anything before that was conflicting?

Ms Henderson: When I was at the tribunal, there was a two-year time period where I was not allowed to sit in Windsor. I gave a list of all the corporations I had ever acted for to the tribunal and they were vetted before I was assigned cases. There were approximately three times in the four years when I got a case to review that I was supposed to sit on that I found that I had acted on. I immediately advised and I did not sit.

Ms Scott: So that would be the same procedure you would follow in this case if there are any conflicts that arise?

Ms Henderson: There should not be, but if there are, I would certainly bring it to the attention of the board. But I doubt there will be.

Ms Scott: This is a part-time appointment?

Ms Henderson: Correct.

Ms Scott: How much time do you think you're going to have to devote to that?

Ms Henderson: My understanding is two or three days a month.

Ms Scott: And how much is the remuneration or pay?

Ms Henderson: I understand it's \$275 a day.

Ms Scott: OK. We have no problem with your qualifications. Thank you very much. I have no further questions.

The Chair: Now to Ms Horwath. You have 10 minutes.

Ms Horwath: I want to talk a little bit about your experience in this field and specifically about your opinions of some of the methods that are used to determine whether in fact employees are injured. I'm wondering about things, for example, like how an employer might go about trying to determine the legitimacy of a worker's injury and whether you have any experiences in that regard in your previous employment.

Ms Henderson: Obviously, the worker has a set procedure to go through in order to have his or her claim accepted. If all of those are in order and the medical is in order, then there's no reason to challenge it. There would only be a reason to challenge if the case was lengthy and the diagnosis did not support a lengthy situation. At that point, we would look at it.

Ms Horwath: Are there any proactive activities that employers or the board should be looking at in terms of trying to determine the legitimacy of a claim?

Ms Henderson: When you say "proactive activities," I'm not clear what that is.

Ms Horwath: I'm just thinking of some of your previous work as an employer representative. You talked a little bit about some of the workshops and the advice you've given employers over the years. Was there any time when you've advised employers or you've suggested or in fact represented employers in encouraging the surveillance of workers who have workers' compensation claims?

Ms Henderson: Yes, there have been cases.

Ms Horwath: Can you describe exactly the circumstances of when it's appropriate to surveil workers who have made workers' compensation claims?

Ms Henderson: It would be if there has been evidence in the file of reports to the board indicating that this person is much more capable or was seen doing various acts that physically they were apparently not able to do.

Ms Horwath: So if someone, for example, has a grudge against a worker and wants to make that claim, you think it's appropriate on some kind of a third-party observation to begin a process of surveilling a worker?

Ms Henderson: I certainly would not act on someone's grudge. There would need to be more information. You may have reports to the board, but you also look at the medical, the length of time, the worker's background etc. All of those come into play. I would never indicate, "Fine, we'll just surveil everybody." That's not the case.

Ms Horwath: Can I ask just one last question on the surveillance issue? In terms of methodology for surveilling a worker, do you think it's appropriate to videotape workers to determine whether, in the opinion of the employer or yourself as the employer's rep, their injuries, through a layperson's perspective, match their medical records?

Ms Henderson: In some cases, yes, but they would be done according to specific guidelines that the court would accept as proper evidence: They would never be on private property, they would not infringe on any type of privacy, they would all be done in public places etc.

Ms Horwath: So just following on that, wanting to move into the issue of the privacy of the worker, I'm wondering if you can tell me what your position is in regard to exactly that issue, the privacy and protection of medical records of a worker.

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Ms Henderson: Well, the only records the employer can receive are records pertaining to the actual medical

problem arising from the work injury. The employer has a right to that. Then he has the right to the medical note indicating what the worker's abilities are at that point in time so he can establish what kind of work of a lesser nature he can provide to the worker if the doctor approves that. I don't believe an employer or anyone should have any other information.

Ms Horwath: Do you believe, in regard to medical information of an employee, of a worker, that there's an obligation or in any way a requirement that the employee provide doctor's records to the employer? I guess what I'm getting at is that there's some evidence in cases you've been personally involved in that the employee was given a permission form inappropriately or with misleading information from yourself, as an employer rep. The employee was basically inappropriately coerced into giving information that was not necessary, particularly around medical records. I have the case file.

Ms Henderson: I'm not aware of that. If you'd like to tell me the case—

Ms Horwath: Yes, it's decision number 968-90R. It indicates here that a letter you sent to a doctor was misleading in regard to the release of medical information that the employee had not given permission for. Can you explain to me how that could happen?

Ms Henderson: That was a letter sent—is it a Dr Anderson in there?

Ms Horwath: I don't have the name of the physician on the report.

Ms Henderson: It was a letter asking the doctor to provide the worker's limitations. It was not anything about past history. The employer was trying to get the worker to come back to work and the employer did not have his physical limitations. That was the extent of it.

Ms Horwath: My understanding is that that's not the decision that was rendered. It wasn't supportive of what you're saying now. In fact, there were some concerns around the worker's right to privacy and the protection of medical records. I'm just wanting to make sure that you understand that there are some real important, fundamental issues of privacy that need to be determined, particularly if you're to be appointed to the board.

Ms Henderson: I understand that.

Ms Horwath: I have no further questions, Mr Chairman. Thank you.

The Chair: Thank you, Ms Henderson, for your presentation and your responses to the members' questions. As you probably know, we move to concurrence probably in about 20 minutes to half an hour from now on our appointments today.

JILL HUTCHEON

Review of intended appointment, selected by official opposition party: Jill Hutcheon, intended appointee as president, Workplace Safety and Insurance Board.

The Chair: Our third interview is Jill Hutchinson. Ms Hutchinson has joined us here today. Welcome to our

committee. Sorry, Hutcheon; my apologies. That's why we have the researcher here. He's done his homework.

Ms Hutcheon is an intended appointee as president of the Workplace Safety and Insurance Board. As you know, Ms Hutcheon, you are free to make a presentation about your qualifications for the appointment as you see fit. Then we'll begin any questions members may have, beginning with the official opposition, the third party, and then the government side. Ms Hutcheon, the floor is yours.

Ms Jill Hutcheon: Thank you. Good morning. My name is Jill Hutcheon, as we've already discussed. Thank you for the opportunity to come and speak to you today. I understand I do have a few moments to introduce myself, so I will be brief as I believe you've received my biography.

I've been a proud member of the Ontario public service for just over 30 years. I've had the pleasure of working in a number of ministries since I started my career in 1973. The ministries in which I served include the Ministry of Correctional Services, the Ministry of Community and Social Services, the Ministry of Health, and the Provincial Secretariat for Social Development where I was provincial coordinator for group homes and then the provincial coordinator for the office of disabled persons. Following this, I was the director of policy at the Ministry of the Solicitor General, assistant deputy minister at the Ministries of Skills Development and Education, executive director at the Royal Commission on Learning, acting Deputy Minister of Education and the assistant deputy minister of the road safety division at the Ministry of Transportation and the Registrar General of motor vehicles, Ontario.

In these various roles, I gained extensive experience and knowledge of policy, legislation, communications issues, management and large-scale operations. My interests and experiences are very broad-based and corporate. As an example, while I was at the Ministry of Transportation, I had responsibility not only for the operation of enforcement services across Ontario but the development of policy and legislation to enhance road user safety, including commercial vehicle safety and anti-drinking-and-driving measures, and for regulating and managing driver and vehicle services offered through public offices and private issuers. In addition, I led the Ministry of Transportation's kiosk initiative, which was a forerunner to Service Ontario.

I was also appointed to the Civil Service Commission and the executive development committee, which was responsible for managing human-resource-related issues in the Ontario government. I was president of two federal-provincial bodies: the Canadian Council of Motor Transport Administrators and the Canadian Association of Administrators of Labour Legislation.

I want to say that I'm very committed to the public service. I'm a consensus-builder who believes in dialogue. I believe in fairness in process, and openness, transparency and balance. I'm proud of my service in the OPS.

In 1999, I accepted the position of Deputy Minister of Labour and while at the Ministry of Labour my passion for health and safety issues was reinforced. With many of the initiatives I was involved with in the OPS, I was guided by the need to protect the health and safety of individuals, whether it was in the workplace, in the community or on the roads of Ontario.

When I was approached by the WSIB to take on the role of vice-president of policy and research, I saw it as an opportunity for me to further my dedication to the health and safety agenda, an opportunity for me to make a difference in the workplaces of Ontario. Shortly after my arrival at the WSIB, I assumed the duties of chief corporate services officer and last March I was named interim chair of the organization.

The WSIB is a trust agency, but the same principles that I applied to my service in the OPS are the same principles that guide the WSIB and me today. Our job at the WSIB is to help the people.

I want to say that I'm extremely proud of the employees of the WSIB. They are extremely dedicated and professional.

Thank you for the opportunity to say those few words.

The Chair: Thank you, Ms Hutcheon, for the presentation of your sense of background. Beginning with Ms Scott, any questions for the intended appointee?

Ms Scott: Thank you, Ms Hutcheon, for appearing before us today and the background that you've given us. You mentioned you're currently interim chair of the Workplace Safety and Insurance Board.

Ms Hutcheon: Yes.

Ms Scott: That is a short-term appointment that we, as a committee, did not get a chance to review. Do you know when that term may end? Has there been any indication?

Ms Hutcheon: Sorry, could you repeat that?

Ms Scott: When would the interim chair appointment end?

Ms Hutcheon: It began in March and it didn't have an end date on it.

Ms Scott: So you don't know. They haven't given you any indication how long it's going to be?

Ms Hutcheon: No.

Ms Scott: Interim is usually less than a year, am I correct on that? OK. So if this goes through, you'll be chair and president, both?

Ms Hutcheon: I would assume that there would be an appointment of a permanent chair.

Ms Scott: But nothing that you've heard of a chair replacement? Right now you're still the chair?

Ms Hutcheon: Yes, interim chair.

Ms Scott: I think that's a year. I'm not sure. Less than a year? Interim? OK, we still don't know for sure.

It's a rather important board and, because we didn't get a chance to bring you before the committee before, we're happy that we have this opportunity for you to appear before us today.

We'll go back to the disturbing trend that has occurred with the short-term appointments allowed in the standing

orders, which allow board members to continue functioning when there are specific requirements for a quorum that must be met before a board is properly constituted. The government has taken to using this rule to make important appointments of board chairs in a way that avoids public scrutiny; no regard to your ability at all, just the process that the present government has been undertaking.

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Having said all that, I had some questions about your intended appointment as president. I think they will probably cover some of your responsibilities now as chair. What goals do you see for the future of the WSIB? You have a very impressive background and look more than qualified. For example, right now the board spends about 20% of all premium revenue on administrative costs. Do you have any plans to possibly reduce that?

Ms Hutcheon: If you want me just to take a few minutes, then, to talk about vision and goals—

Ms Scott: Sure, if you wouldn't mind, please.

Ms Hutcheon: I think the WSIB is very committed to five fundamentals, which we adopted a couple of years ago, which deal with that issue partly. Of course, the most important fundamental is having the healthiest and safest workforce in Ontario. We're doing a number of things to support that initiative, which would continue, of course. That's working more closely with the Minister of Labour on his action groups and supporting the work that's happening around increased inspection of high-risk employers, and we're looking for several new prevention breakthroughs.

Our second fundamental of customer satisfaction is one that we hold very dearly. We have been able to increase customer satisfaction over the last several years. We do that by having a very effective service delivery model, which we are now in the process of looking at to make sure it is as efficient and effective as it can be.

Secondly, we're looking to change the nature of our relationship with stakeholders. Both employer and injured worker stakeholders have indicated to us that they would like to play a much more important role in the work that happens at WSIB, and so we'll be moving forward on that in the next several months.

I think that a third fundamental, of course, is early and safe return to work. We're moving forward right now with quite an aggressive program to enhance what we do through our service delivery teams and through our front service desks to be able to deal with that issue and to deal with labour market re-entry within that. Of course, what we want is to get durations of claims down so that people can return to work.

The fourth fundamental is around financial sustainability. On this front, we're talking about financial sustainability in terms of the workforce and working on the underground economy issue, but what we want to do with our own organization is to review our health care investments to make sure we've made the right investments and to continue to provide a very high level of health care, but to get it a very affordable price. So we'll be

looking at a number of initiatives to support that and, of course, looking at our own administrative costs.

We feel that we're going to set a very aggressive target for 2005. That has been accepted across the entire organization. It will be a three-year process, which, again, is based on continuous improvement but looking for very different ways of doing things and creating the kind of cost effectiveness we need to do within the organization. So that work is under way, in terms of our business planning process for next year.

The fifth area that builds on the vision is one called Building on Success. Building on Success is really about more effective partnerships and program reviews we've already begun that look at how we perform services, how we fund them and how we can improve them, issues such as strategic sourcing being one of those.

Of course, we're also looking at occupational disease and the response strategy we have in place with that now.

I think that gives you a sense of the five fundamentals we're working with. We've outlined initiatives under each one of those areas.

Ms Scott: Can you give me an example of an occupational disease? Could you give me an example of a case like that, of retraining or re-entry? I'm trying to think of a disease to give you. You might have one that comes to mind.

Ms Hutcheon: In terms of occupational disease, there are many related cancers.

We work on three fronts. One is the prevention of disease. We're very active in workplaces, looking at safe workplace practices. We're out in the community meeting on a clinic basis in several selected communities in Ontario. We're also looking at improvements we can make to the adjudicative process so that it's more time-responsive. We have also been looking at the scientific and legal principles that help to inform the adjudicative process. So through a whole series of initiatives we're dealing with issues like cancer in the workplace.

Ms Scott: Would that apply to working with hospitals? Nurses working with chemotherapy drugs that may have a correlation with increased rates would fall into that?

Ms Hutcheon: Yes. We have at St Michael's Hospital a specialized clinic in which we look at occupational disease. We are also working with universities on the champion program, so that more medical and health-related personnel can get training and development during their university years, which will help them in terms of recognizing occupational disease. We're very much trying to work in the health care field as well.

Ms Scott: I'm just about out of time. Do you know how much you will be earning in this dual role as president and chair? Have they given you any idea of the salary?

Ms Hutcheon: The proposed salary for the president is \$300,000.

Ms Scott: As chair right now, are you receiving—

Ms Hutcheon: No. I'm being paid at the level I was paid as chief of corporate services.

Ms Scott: Which was?

Ms Hutcheon: Two hundred and forty-three thousand.

Ms Scott: So at this present time, it could be a combined income of those. If you're accepted as president, would it be—

Ms Hutcheon: The proposed is \$300,000.

Ms Scott: OK. You don't know if the chair would be paid on top of that?

Ms Hutcheon: No.

Ms Scott: For sure, no?

Ms Hutcheon: I assume it would be.

Ms Scott: We don't know for sure?

Ms Hutcheon: No, because I think the intention is to appoint a permanent chair.

Ms Scott: All right. Are there any additional bonuses in your contract that you could qualify for that you know of?

Ms Hutcheon: The WSIB has, for senior executives, a bonus system that's been in place, I guess, for about 10 years now.

Ms Scott: How does that work, just quickly?

Ms Hutcheon: The fundamentals I listed for you here all have initiatives attached to them. The team, as a whole, must achieve results on every single front, and based on being able to do that on every single front, the board of directors would then decide an amount of additional money that could be earned by each one of the senior management positions. We'll be reviewing that as the year goes ahead.

Ms Scott: Thank you.

Ms Horwath: Just a couple of questions; in fact, one particularly around the issue of occupational disease that you were already speaking about with Ms Scott.

Workers in the province have called for the province to actually put together a database that tracks cancer, for example, by occupation. You probably know the suggestion is that there are probably up to 2,000 claims annually that could be made just with cancer as an occupational disease to the WSIB. Do you have any opinion on that, on whether or not the province should be looking at tracking cancer through the occupational incidence of cancer on a province-wide basis?

Ms Hutcheon: I don't have any details with that one. I do know that we had one meeting to talk to the OFL about that, and others had an interest in it. I believe there has been one subsequent meeting where staff have shared what we currently do and what we might be able to do. I'm not sure it's exactly what you're talking about, but I think it takes us part of the way there to what we need to do. My last briefing was that people were in the midst of still discussing this. This was at an early stage, so I would expect to be briefed on it shortly.

Ms Horwath: OK. As you can imagine, having a field of data that indicates certain occupations are cancer-causing, you start to build up the evidence that in fact it's occupationally caused as opposed to case-by-case incidences.

Ms Hutcheon: I think it's further supported by the type of research that needs to happen. We also have a centre for expertise now, located at the University of Toronto, which will actually be looking at this issue in much more detail.

Ms Horwath: I just want to talk a little bit about your experience with the previous legislation and the legislation that was brought in in 1997. In particular, I was interested in your comments at the beginning of the interview when you talked about some of your history with the disability community, for example. I'm wondering about two things in particular. Do you think that the current legislation adequately balances the interests of the employer and the worker, particularly around issues of returning to work and the impetus on the worker to get back to work as the goal, as opposed to necessarily the well-being of the worker in those situations?

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Ms Hutcheon: I think our role at the WSIB is to administer whatever legislation has been approved by whichever government. We certainly are doing our very best, based on that legislation, to ensure that we have very strong return-to-work policies, and I think a lot of work is happening on that front. We believe that we have put in place both best practice and evidence as a way of being able to deal with return to work, as an example. We also realize there are other improvements we might want to make. But from a policy perspective, I would leave it up to the government to pass whatever legislation and then for us, hopefully, to administer it in the best possible way.

Ms Horwath: So you don't see your role as chair to in any way inform that discussion or that debate that the government might have in regard to legislative change?

Ms Hutcheon: I've been nominated to be president. The president's job, which we're talking about today, I assume, is one where I would be in an administrative role. I couldn't preclude what a new chair or a board might want to discuss on that issue.

Ms Horwath: Do you have any opinion on the requirement or the necessity, perhaps, of moving more in the direction of previous legislation which required inquiries on every workplace death? I know that injured workers' groups are very concerned that there really should be full inquiries on every incident of a workplace death. Do you have any opinion on that?

Ms Hutcheon: Sorry, I missed that word—

Ms Horwath: Where there's a death in the workplace, there should be a full inquiry.

Ms Hutcheon: Oh, a full inquiry.

Ms Horwath: In every instance.

Ms Hutcheon: Again, I think that's something that's determined through the legislation.

Ms Horwath: You have no opinion on that at all?

Ms Hutcheon: No, I don't.

Ms Horwath: Do you have any recommendations at all, then, for any changes you think should occur at the WSIB?

Ms Hutcheon: I've talked about the five fundamentals and the areas that we're working on. These are areas that both employers have indicated to us are very important and which injured workers have indicated to us are very important to continue. Of course, we meet on a regular basis with injured workers. I think we have a very good understanding of their issues. We continue to work with them on a number of fronts, and with employers. If you need more detail on the initiatives, I can give them to you. But they are all geared to making sure that in the future we don't have incidents of injury and death, and that where we do have injury, we return workers in a safe and healthy condition to their workplaces.

The Chair: To the government members.

Mr Parsons: No questions.

The Chair: No questions on the government side.

Ms Hutcheon, thank you very much for your presentation. You did, however, I think avoid an important question. In your extensive work in the OPS, you didn't name your favourite deputy minister, your favourite ministry. But thank you very much for your presentation.

Ms Hutcheon: Thank you.

The Chair: Before I move to concurrence of our three intended appointees today, I apologize. Ms Scott directed a question through the Chair—I didn't realize I had to answer questions—with respect to the definition of "interim." The researcher is prepared to respond to the definition of "interim."

Mr Larry Johnston: My understanding is that an interim appointment is one that is some period less than a year, up to a year less a day.

Ms Scott: I just wanted to confirm what it is.

Mr Johnston: I couldn't say exactly what it is in this case, but that's normally the case.

Ms Scott: Thank you for that clarification.

The Chair: Thank you, sir. You were right, Ms Scott.

The interviews are now completed, so the committee will now consider the intended appointment of Madeleine Aldridge, intended appointee as member of the Ontario Judicial Council. Anybody to move concurrence?

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any comments from members of the committee? If not, we'll proceed to the vote. All those in favour of Ms Aldridge's appointment, please raise your hand. Any opposed? It is carried. Congratulations to Ms Aldridge on her appointment to the Ontario Judicial Council.

We will now consider the intended appointment of Loretta Jean Henderson, intended appointee as member of the Workplace Safety and Insurance board of directors.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence of Ms Henderson. Is there any discussion on this appointment?

Seeing none, all in favour of her appointment, please raise your hand. Any opposed? It is carried. Congratulations to Ms Henderson. Very dramatic, eh?

We will now consider the intended appointment of Jill Hutcheon, intended appointee as president of the Workplace Safety and Insurance Board.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence. Is there any discussion on Ms Hutcheon's proposed appointment? Mr Peterson? No discussion. Any discussion? Seeing no discussion, all those in favour of the appointment, please raise their hands. Any opposed? Thank you very much. Congratulations to Ms Hutcheon on this very exciting appointment as president of the Workplace Safety and Insurance Board.

COMMITTEE BUSINESS

The Chair: Before we adjourn, I have an item to report back on, I understand, from the committee's discussion of Wednesday, September 29. They wanted the Chair to send a message to Mr Duncan in his capacity as government House leader and to copy the official opposition's and third party's House leaders with respect to the contents of those discussions. I think the clerk has sent around a draft of my intended correspondence for your interest. I wasn't here, obviously, as the Chair, but I've been assured that this reflects the discussion. Everybody OK with that?

Ms Scott: The letter is fine, but just to go back to Hansard, I think Mr Tascona—I wasn't at the meeting—had also asked for the clerk to do some research?

The Chair: We do have a report on that. We'll get to that right after.

Ms Scott: Perfect.

The Chair: All right. I will then sign the official correspondence and send it on to the respective House leaders and those who are cc'd on the letter.

Ms Scott brought up a point. We had a request through the Chair from Mr Tascona on September 29 with respect to the types of appointments that the government may appoint and the process. The hard-working Larry Johnston has been at the word processor and has a report that has been distributed to members, I think, at their desks as they arrived, Mr Johnston?

Mr Johnston: Yes.

The Chair: Yes. Members do have that report for their consideration, and we could discuss that report later on if you so choose.

Any other business before the committee for today's meeting? Seeing none, thank you very much, folks. We are adjourned until our next meeting, which is next Wednesday, October 20, at 10 am.

The committee adjourned at 1058.

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