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**Official Report  
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(Hansard)**

**Wednesday 23 February 2005**

**Journal  
des débats  
(Hansard)**

**Mercredi 23 février 2005**

**Standing committee on  
government agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak  
Clerk: Susan Sourial

Président : Tim Hudak  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 23 February 2005

Mercredi 23 février 2005

*The committee met at 1035 in committee room 151.*

**The Chair (Mr. Tim Hudak):** Good morning, folks. I'll call the meeting to order. Welcome back to all the members of the government agencies committee. Is Gravelle a regular member of this committee now?

**Mr. Ernie Parsons (Prince Edward–Hastings):** He's on the committee, but we still sub him on to his own committee.

**The Chair:** I was going to say, you're bringing in the brass for these sessions.

Folks, we don't have any minutes to review, so I'll start out by seeing if there's any other business that members have before we begin our intended appointees. Any other business?

The clerk gave to members a memo from me stemming from an issue raised by Mr. Tascona on January 11. It explains the procedures we've been using at this committee for a number of years now. If there is something urgent that does come up—if a member has a follow-up question or something like that—I will be asking for unanimous consent to grant that if the member's party's time has expired. So we'll continue to proceed on that basis. We also have, courtesy of Larry Johnston, a correction on Monica Purdy's presentation and on Linda LeBourdais's as well. There's a clarification on their profiles provided for members.

## INTENDED APPOINTMENTS

## MONICA PURDY

Review of intended appointment, selected by third party: Monica Purdy, intended appointee as member, Social Benefits Tribunal.

**The Chair:** Seeing no other business, we will proceed with our first intended appointee, Monica Purdy. Welcome to the standing committee on government agencies. Monica is an intended appointee as a member of the Social Benefits Tribunal. Ms. Purdy, I don't know if you've seen the committee before. We invite you to make a presentation on your own background and your interest in this particular position, and then we'll have 10 minutes each for the parties to ask any questions they may have on your qualifications. Any time you use comes out of the government's time, and we'll begin any questions with the third party. Ms. Purdy, the floor is yours.

*Interjection.*

**The Chair:** Sorry. This always throws me off. We began the questioning with the third party last time. My apologies. So this time, in honour of Mike Gravelle being here, we're going to start the questions with the government side and then proceed in rotation. Ms. Purdy, you're welcome to take the floor. Thank you for coming to the committee.

**Ms. Monica Purdy:** Thank you. I would like to thank the Chair and members of the standing committee for this opportunity to address you this morning. My name is Monica Purdy. I was born in rural Jamaica and educated in Canada. I came to Toronto and entered the health care field, where I've worked as a registered nurse for the past 20 years.

My career began with a diploma from the Niagara College of Applied Arts and Technology, and I have since worked full-time and attended school part-time to complete a bachelor of science in nursing from Ryerson in 1997 and a master's degree in nursing from the University of Toronto in 2002.

I worked for 15 years at Toronto East General in various staff nurse positions, including the IV team, oncology and outpatient areas. There I gained invaluable experience on the front line. In the past five years, I have worked as a manager in the rehab setting and in information technology.

My experience as a nurse over the years has provided me with a repertoire of skills which include greater awareness and more active involvement in the political process. My run for political office in the provincial election held October 2003 as a Liberal candidate in Beaches–East York further contributed to my desire to serve the public and make a difference in any way that I can. It might also be of interest to this committee that I am not only a member of the Liberal Party currently, but was also a past member of the New Democratic Party.

As a qualified candidate for the position of member on the Social Benefits Tribunal, I come with excellent organizational, managerial and information systems skills that make me a valuable asset in caring for and representing the various communities. I hope to provide a welcoming environment, conduct studies of appeals, ensure adherence to legal requirements and facilitate determination of cases if successful in becoming a member of the tribunal. Whether collaborating, facilitating or negotiating, I can confidently say that I understand and work well with different styles and personalities.

In my role as a board member at the Registered Nurses Association of Ontario, I sit on the LAP committee, which is the legal assistance program committee. My role on that committee is to review applications for legal assistance and to ensure that their applications meet the criteria for obtaining assistance through LAP, as it is commonly referred to.

In addition to my professional experience and academic preparation, I have volunteered in the community as a literacy teacher at Parkdale Project Read, serve as a board member with Jessie's Centre for Teenagers and am a member of the parent council at my daughter's public school.

In closing, I look forward to serving as a member of the Social Benefits Tribunal, as I welcome the opportunity to serve the public in a meaningful and respectful manner. Thank you.

1040

**The Chair:** Outstanding, Ms. Purdy. Thank you very much for the presentation. I will now move to the government members.

**Mr. Parsons:** You came to the attention of the Public Appointments Secretariat as a result of a recommendation from the Social Benefits Tribunal. I'm wondering if you could describe the process that caused you to be there, and the process they followed.

**Ms. Purdy:** I applied on the on-line public secretariat Web site and I was called in for an interview with a panel last fall.

**Mr. Parsons:** They did an interview of five minutes or an hour or—?

**Ms. Purdy:** It was approximately an hour, I would say.

**Mr. Parsons:** Thank you.

**The Chair:** Any other members? I'll move to the official opposition.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Thank you very much for appearing before us today. As a fellow nurse, I'm very impressed with your background. I see that you became politically active, as I did also.

When you came out for the position—it's usually a three-year term for the appointments that are up. Is that what they told you on the interview, that it's usually three years?

**Ms. Purdy:** It's approximately three years, yes.

**Ms. Scott:** With the possibility of being reappointed?

**Ms. Purdy:** Yes. Apparently, you can be reappointed and you go through a similar process again. I'm not sure how that works, once the three years is up, but I know there is a possibility of reappointment.

**Ms. Scott:** How much does the position pay? Did they tell you?

**Ms. Purdy:** Through my research on the Web site, it was around \$68,000.

**Ms. Scott:** And you applied on-line, did you?

**Ms. Purdy:** I applied on-line, yes.

**Ms. Scott:** Did you talk to any MPP or any elected member of the provincial Legislature before applying?

**Ms. Purdy:** No.

**Ms. Scott:** You went totally from the referral that you mentioned to Mr. Parsons before.

**Ms. Purdy:** Right.

**Ms. Scott:** In your background, I noted that you recently made a presentation on educating nursing students to become politically active. I try to get nurses more politically active also. What kinds of things did you say to them to try to push them to be more politically active?

**Ms. Purdy:** I just basically told them that if they have a real passion for an issue as a nurse, whether coming across it as a nurse or as a citizen—because they were nursing students—they should pursue it in whatever avenue they could, and that just speaking about it and doing something about it, becoming active, whether through a local organization or through a nursing association or any means, is a great thing for anyone to do. As nursing students, their views are welcome. The public likes and trusts nurses and thinks that they're honest people. Basically, that was what I found out in running, as well, so I did encourage them to take action.

**Ms. Scott:** You didn't encourage them—one party or the other?

**Ms. Purdy:** No.

**Ms. Scott:** OK. I noticed in the last campaign and I don't know if you noticed—wasn't it the ONA that did a mail-out to its members to vote certain ways?

**Ms. Purdy:** Oh, is that right? I wasn't aware of that. I'm not a member of the ONA.

**Ms. Scott:** OK, if you're not a member, you didn't know. Do you condone that kind of activity?

**Ms. Purdy:** My association has been through the Registered Nurses Association of Ontario, and because we're a non-partisan body we will look at the three parties' platforms—actually, whichever parties are running, because in the last election it was more than three. We certainly look at the platform and we educate our members around what the issues are, but we also tell them what our issues are as an organization and educate them around the process in that way.

**Ms. Scott:** So you don't have to be a member of the ONA. You're still actively nursing?

**Ms. Purdy:** The ONA is the Ontario Nurses' Association, and that is the union that some members belong to. The Registered Nurses Association of Ontario is a professional body, and it is different. Then there is the College of Nurses of Ontario, which is a regulatory body. So there are three separate entities.

**Ms. Scott:** OK. My colleague has some questions for you.

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** I understand, and you can confirm this, you were the 2003 Liberal candidate in Beaches–East York against Michael Prue?

**Ms. Purdy:** Right.

**Mr. Tascona:** The Social Benefits Tribunal is a mediation-arbitration type of tribunal. What, if any, mediation or arbitration experience do you have?

**Ms. Purdy:** I would say that I do have experience; not direct experience in mediation, formally. But in my role as manager in the past, I was called on to listen to disputes. That could be conflicts between unionized staff members or between staff members and patients and/or their families. It could be between staff and physicians. So in my role as manager, I listen to all sides, collect the facts, make sure people feel they've been heard and if there's a decision to be made, then we make that decision toward resolution or escalation, depending on the circumstances.

**Mr. Tascona:** Have you ever appeared before the Social Benefits Tribunal in any form?

**Ms. Purdy:** No.

**Mr. Tascona:** Why did you express an interest in this particular tribunal?

**Ms. Purdy:** I feel that I have experience in working with patients who have applied for ODSP. Again, in my work at the Toronto Rehab Institute, many of the clients I work with are like you and me: One day they're able-bodied citizens and are able to provide for themselves and their families, but by virtue of being in a car accident they become disabled and are unable to support themselves or their families. So to integrate back into the community and into their homes, they require assistance. One of the ways they would get assistance is through the ODSP.

**Mr. Tascona:** How do you think the fact that you've been so actively involved with the Liberal Party, the governing party, impacts your role as a tribunal member? It's a full-time membership and you're supposed to be independent, but you were fairly active with the party.

**Ms. Purdy:** I understand. I'm currently a member of the party. I'm not active in the party in any way.

**Mr. Tascona:** You're as active as you can get by running as a candidate.

**Ms. Purdy:** Well, yes, but that was two years ago.

**Mr. Tascona:** Did you fill out a personal and conflict-of-interest disclosure statement?

**Ms. Purdy:** Yes.

**Mr. Tascona:** You did. We're not provided that information, Mr. Chairman. I understand, to be fair to the candidate, parts of the disclosure statement aren't provided except as determined by the Public Appointments Secretariat and the ministry. So I just wanted to confirm that you did fill one out.

I don't have any further questions, but I'm going to comment on that later in the proceedings, because all we're provided on you is your application and also a brief sketch of your biography. That's far different from the extensive information that is provided on this disclosure statement, which runs for nine pages.

Those are all the questions I have, Mr. Chairman.

**The Chair:** The third party?

**Mr. Peter Kormos (Niagara Centre):** Thank you very much. I've got to dine and dash, because I'm not really a member of the committee; I'm just dropping in.

**Ms. Purdy:** Welcome.

**Mr. Kormos:** Well, thank you very much. I want to compliment you on a very professional resumé. I'm being straight with you. It's extensive, it's comprehensive and it displays an incredible background. It's refreshing to see patronage accompanied by competence. I have no qualms about patronage, but it's imperative that it be accompanied by competence, and I'm satisfied personally. Ms. Horwath is undoubtedly going to grill you when I leave, but I'm satisfied that you, notwithstanding being a Liberal, will be a capable member of the board.

But I make the reference to patronage accompanied by competence perhaps to contrast this capable candidate with others that the committee will be considering this morning. I'm going to be back, I hope. Thank you, ma'am.

I should indicate the affection that both the Chair and I have for you, because you did your first nursing education down at Niagara College in Welland.

**Ms. Purdy:** I grew up in Niagara.

**Mr. Kormos:** I hope you enjoyed it.

**Ms. Purdy:** I did. I still go back. My family is there.

**Mr. Kormos:** Great stuff.

**The Chair:** This is a most important part of your presentation that was left out, so maybe I'll give you more time to talk about life in Niagara.

**Ms. Purdy:** Oh, any time.

1050

**Ms. Andrea Horwath (Hamilton East):** Welcome, Ms. Purdy, and thank you for applying for the Social Benefits Tribunal position. I notice that you verbally mentioned in your opening remarks your candidacy in Beaches—East York against Michael Prue, but it wasn't in any of your written documentation. Is there a reason for that? Did anybody advise you not to include that in your written documentation?

**Ms. Purdy:** No. I don't have that, as a rule, in my resumé. It's kind of hard to fit that in. It's not really work and it's not volunteer. But as a rule, I do not include it in my resumé.

**Ms. Horwath:** So in terms of your candidacy in that election last time—that was 2003, I guess—did you consider yourself to be a high-profile candidate or just kind of a—

**Ms. Purdy:** I wouldn't consider myself a high-profile candidate, no.

**Ms. Horwath:** All right. As you are likely well aware, in the process of reviewing the various nominees—and I think my colleague Mr. Kormos mentioned it—often-times there are optics, particularly around the government appointing a lot of their own people, if you want to call it that, a lot of patronage and that kind of thing. What do you think people would see or say around the optics of this particular piece, with you prominently displayed on the front of the magazine that was actually put together—I have copies for people just so you can have a look at these. This magazine is the one where the Premier is so famously signing his pledge to the taxpayers that there were going to be no tax increases under his government.

It's interesting that you're prominently on there. Do you have any qualms about the fact that you're so centrally located on the front of this magazine?

**Ms. Purdy:** I had no idea. That's my first time seeing that.

**Ms. Horwath:** This is the broken promise pledge on taxes and service cuts. You've never seen that? You had no idea that you were central in this particular magazine?

**Ms. Purdy:** No.

**Ms. Horwath:** Do you have any concerns about people who do have copies of this and then see you as being appointed to the tribunal? Notwithstanding the fact that I agree with Mr. Kormos in terms of your actual abilities and your ability to do the job, do you have any concern about how that looks?

**Ms. Purdy:** No because, as you say, I do have the ability to do the job, and I feel that my qualifications do speak for themselves.

**Ms. Horwath:** But people who don't know you and don't have the opportunity, as we do, to review your resumé might have an optic here that it's more about your connection to the party, your connection to the Premier or your candidacy in that riding.

**Ms. Purdy:** That's fair.

**Ms. Horwath:** In keeping with this particular issue, the government has been very clear about indicating that there's not very much money to go around, that there's not likely going to be any extra kind of funding available for any significant changes in the way the Social Benefits Tribunal is operated or in fact the way social assistance recipients are dealt with in this province. Do you have any opinions on the situation that exists right now for people who are living on social assistance and ODSP and this particular pledge to not raise taxes and to keep a tight rein on the money and, at the same time, understand that there's a significant problem with poverty in our province?

**Ms. Purdy:** I understand that there is a need and that a great deal of cases haven't been reviewed. That is why they're looking for members such as myself who might be qualified to sit on that tribunal to help deal with that caseload.

**Ms. Horwath:** You're very skilled in and experienced in the health care system, in the health care piece. There are lots of opportunities for those types of related appointments. I was interested to see that, rather than applying for one of those types of positions, you applied for the Social Benefits Tribunal. Is there any reason in particular why you chose the Social Benefits Tribunal, which is outside of the health field?

**Ms. Purdy:** Actually, I have thought a great deal about that. That would be taking me away from health care as I know it and experience it to be. However, if you look at the different and varied roles that nurses play in terms of community health and public health, we do look at what we call the determinants of health, and that includes social conditions as well, and I do bring some of that experience with me to this position. So it's a little

different than acute care and working as a nurse right at the bedside.

Also, what I do right now as a nurse is work in information technology. Again, some people look at that and say, "How do you make that leap from front-line nursing into information technology?" But that kind of knowledge is also valued in terms of implementing clinical systems in the environment.

**Ms. Horwath:** Your resumé indicates Mount Sinai Hospital. Is that where you're currently employed?

**Ms. Purdy:** Yes.

**Ms. Horwath:** With this position, you would be leaving the nursing field altogether and more or less working full-time in this position?

**Ms. Purdy:** Yes, I would.

**Ms. Horwath:** I think Mr. Parsons was asking about how you came to be aware of this position. Can you explain that to me again?

**Ms. Purdy:** I applied on the Web site. I received a call from the tribunal staff and I came in for a panel interview in the fall, and then received a call from the standing committee to appear.

**Ms. Horwath:** Did anybody make you aware that these positions were available or that there was an opportunity, and directed you to go to the Web site?

**Ms. Purdy:** No.

**Ms. Horwath:** You just knew that?

**Ms. Purdy:** Well, yes. I can't remember being told to do that, if that's what you're asking. The knowledge of finding where the Web site is and whatnot was through, I think, a personal friend of mine, a contact. I can't even remember who it was that told me about it.

**Ms. Horwath:** Because I know a lot of people who wouldn't know the first way—

**Ms. Purdy:** This was quite a while ago, and I can't remember how I first came to hear about it.

**Ms. Horwath:** I think you've already mentioned that you're aware of the salary?

**Ms. Purdy:** Yes.

**Ms. Horwath:** What would you consider to be some of the key elements in the Ontario Works Act and the Ontario Disability Support Program Act that would be either helpful or problematic in terms of the perspective that you'll bring to your work in the tribunal?

**Ms. Purdy:** I can't speak on the legislation itself because my first goal, I guess, would be to read it and understand it differently than I do now. So I really have no comment on that.

**Ms. Horwath:** So at this point, you wouldn't be comfortable because you don't feel that you have a good working knowledge of the legislation that you're going to be dealing with?

**Ms. Purdy:** Not Ontario Works. I do have more knowledge of the application process for ODSP.

**Ms. Horwath:** OK. You had mentioned that fact before, but you really don't have much experience with social services or welfare; mostly the disability side?

**Ms. Purdy:** My experience comes from, I guess, my involvement on Jessie's Centre for Teenagers and work-

ing with teenagers who were on welfare at the time, and just trying to meet some of their needs in terms of being a parent and that sort of thing.

**The Chair:** It's the last minute, Ms. Horwath.

**Ms. Horwath:** That's fine, Mr. Chairman. I've covered off all the questions. Thank you.

**The Chair:** Ms. Purdy, thank you very much for your presentation and for answering the committee members' questions. Where did you live in Niagara, by the way?

**Ms. Purdy:** Niagara-on-the-Lake, in Virgil. I went to Virgil Public School from grades 7 to 8 for a year and a half. My parents then moved to St. Catharines and I went to Laura Secord.

**The Chair:** There you go. A nice part of the province.

**Ms. Purdy:** They're still there in Thorold. They moved to Thorold and then back to St. Catharines. So they're still in that area; they love it.

**The Chair:** So they're Mr. Kormos's constituents then, if they're in Thorold.

**Ms. Purdy:** Yes.

**The Chair:** Ms. Purdy, thank you very much for the presentation and responding to committee members' questions. We have two more intended appointees and then we'll move to the concurrence votes thereafter. So you're welcome to stay and enjoy the presentations. Again, thank you very much.

Before we move on to the next intended appointee, I would remind members that we do try to follow the procedures in the House and that type of decorum. So I have no problem if you're referencing a particular document or calling members' attention to it. I will caution members to make sure they don't enter into the realm of props for a presentation. For procedure before the committee, we will endeavour to follow procedures similar to the House to maintain a good sense of decorum.

#### JOHN SOLURSH

Review of intended appointment, selected by official opposition party and third party: John Solursh, intended appointee as vice-chair, Financial Services Commission of Ontario.

**The Chair:** Folks, our next intended appointee is John M. Solursh. Mr. Solursh, thank you very much for coming to the committee today. You are an intended appointee as vice-chair of the Financial Services Commission of Ontario, aka FSCO. Thank you for being here. You were here for the previous presenter, so we'll follow the same procedure. You're welcome to make introductory comments, as you see fit, about your background and interest in this position. Then we'll move to questions from the committee members, beginning with the official opposition. Mr. Solursh, the floor is yours, sir.

1100

**Mr. John Solursh:** Thank you for inviting me to meet with you this morning. In particular, I appreciate the opportunity to answer your questions that you may have about my qualifications, as well as questions about the

role of FSCO, the Financial Services Commission of Ontario.

FSCO is not as high-profile a commission or board or agency as perhaps some others, but it does play a very significant role in protecting a variety of stakeholders in Ontario. It may play a less active decision than some of the other committees and boards you hear from in terms of decision-making, but especially the tribunal does play an important role in that regard.

I understand that you have received and worked your way through my professional profile, and I don't intend to review it, although I'll be happy to answer questions about it. I thought that, instead, I'd just add a few limited comments.

My primary area of practice, before I got into the pension area, was in the tax and the trust area, really for the last 20 years, or the last many years, mostly about 20, almost, in the pension area. So if you add it all together, I spent a lot of years suffering through the practice of law, but my original background was tax and trust law in the case for the pension area, which was really a relatively new area of law. Many of us came from either a tax or trust background, like myself. Others come from a corporate law background. Others still come from a labour employment law background.

I do have the benefit from that background of understanding financial statements, as well as understanding the tax issues that also interrelate into the pension area.

I have acted for a wide range of stakeholders in the field: pension and employee compensation. I thought it might help to give some examples of the kinds of groups that I've acted for. As you would expect, coming from a large law firm, I do act for plan sponsors. I also act for plan administrators under the pension law and under the common law plan administrators. Our fiduciaries, therefore, have to be very aware of their fiduciary obligations. That's where my trust law background, as well, comes in.

I act for and have advised benefit consulting firms, small and large, those that both act for and advise corporate groups and those who act for and advise administrators, as well as those, in some cases, who act for retiree groups or unions.

From time to time, I give advice—and our firm, as a whole, does—on certain multi-employer pension plans, which are boards of trustees of a mix of sponsor and member representatives. I have given advice, on occasion, to a few unions, often more on highly technical-type issues, when asked to do it, but occasionally we are retained on the advice or references from labour firms that act normally for unions to give an independent view to help resolve a problem.

I've also been retained from time to time to give advice to the various departments of the federal government, usually through the department of justice. I have given opinions to the Ontario government, such as to the last government, where I gave certain opinions on a few matters and acted on a public sector plan arbitration.

I've also given advice to the federally appointed judges on a few things, such as their negotiations in the past on their pension entitlements.

My retainers in all these cases were through the civil service on the basis of expertise. They weren't through the political side, as you would expect, considering the mix of times in governments on which I've indirectly given advice.

I have only limited background in the other areas that are addressed by the Financial Services Commission. I do have background because of my tax, estate planning and work in advising plan administrators and trustees—and that's primarily from a consumer perspective—regarding life insurance and annuities, matters of that type, the purchase of fiduciary insurance—so I understand that industry—health and dental etc.

What I don't have, to be very clear about, is knowledge about the accident and home insurance business. It's not an area that I or my firm are really involved in. I can answer questions about that, if that would help.

I do have a lot of experience, as hopefully my c.v. discloses, in the pension area. I hope to make use of that experience, including being on a number of different committees and organizations, to help build a consensus of stakeholder interests in the area and work toward the objectives that are set out in the governing statutes, of acting in the interests of stakeholders and enhancing the protection of plan members etc. in this province.

One thing I didn't mention, to be also open on, is that we have acted for retiree groups—one of them was the Algoma Steel retiree group—as a firm, so we've had a mix of representations from the member side as well.

That's probably more than enough to bore you, for a start. I'm sure you have a lot of questions, so I'm here to answer them.

**The Chair:** Outstanding, Mr. Solursh. Thank you. We move now to the official opposition. Any questions?

**Mr. Tascona:** Thanks very much for attending here today, Mr. Solursh. I've got a couple of questions just arising out of your resumé, initially. Currently, you're a member of the Financial Services Tribunal?

**Mr. Solursh:** That's correct.

**Mr. Tascona:** And in what capacity as a member?

**Mr. Solursh:** There are about 12 members now since it was finally filled out. The tribunal includes the chair and the two vice-chairs of FSCO. In that regard, I'm one of the regular members at the present time.

**Mr. Tascona:** Which side would you be with? Are there different sides?

**Mr. Solursh:** No, there isn't a side. The tribunal functions on the basis that they'll appoint a group of three people. The big question is looking hard so that we don't have conflicts. That's an issue we can address. We go through a very detailed conflict process, far beyond that of the whole commission as well, to make sure that people involved have neither an actual or perceived conflict of interest, and then try to choose people within that group. I don't know that I'd be perceived, other than coming from a big firm, as being one side or another. I think, when you act on those things, you have to be very careful to side with the law.

**Mr. Tascona:** The labour board will have union-side members and management-side members. I'm just trying to clarify whether there was—there are just neutral members, is that what you're saying?

**Mr. Solursh:** I try to stay out of the labour field because I find it very antagonistic. In the labour field, you have the two groups who are constantly battling. I find one nice thing about the pension field is that there can be lots of disputes, there's lots of litigation, but you're frequently acting in a case where there are fiduciary obligations to be addressed. You're trying to come up with the right legal answer.

**Mr. Tascona:** You were appointed August 11, 2004. Now, this is a part-time vice-chair position that you're moving to?

**Mr. Solursh:** That's right.

**Mr. Tascona:** You're going to continue to practise with your law firm?

**Mr. Solursh:** That's right. I've told my law firm, not just because of this but simply because I'm now 59, that I want to continue to reduce my hours at the firm, and that will free me up for this. This particular role as vice-chair, I'm told, would involve a minimum of four days a month. My guess is it's going to be more than four days. It could easily be a week and a half a month. That will be more than the time spent simply on the tribunal.

**Mr. Tascona:** Did you complete a personal and conflict-of-interest disclosure statement?

**Mr. Solursh:** There was none required, no.

**Mr. Tascona:** You never filled one out for that position?

**Mr. Solursh:** No. What we do have, and now out, are the conflict-of-interest guidelines that we have within the tribunal. But again, the process is one of disclosing individual or perceived conflicts as they arise. So we do a quick clearance even before anybody starts to act on any particular matter because of the concerns over conflicts. But there was no process requiring disclosure.

**Mr. Tascona:** With the public secretariat.

**Mr. Solursh:** That's right.

**Mr. Tascona:** There have been media reports—you're in this field; you know it fairly well—in terms of the trend of defined benefit plans, at least in the private sector, of employers moving toward defined contribution plans. Are you aware of that?

**Mr. Solursh:** Very much so, yes.

**Mr. Tascona:** Why do you think that's happening?

**Mr. Solursh:** Well, it's happening, I should start by saying, not only in Canada. It's happening in Australia, where there are virtually very few defined benefit plans left, it's happening very heavily in the UK, where I'm getting told the same thing by lawyers and others involved, and it's moving that way in the United States. It's a mix of things. The one thing, and everybody forgets this: in Canada, back in the early 1990s, we changed our tax law, so that in the past, it was clearly far better, in terms of total tax protection, to be a member of a defined benefit plan. You could provide a much higher benefit. That prejudice was eliminated, except for people over

about age 45. So now you can provide a roughly equivalent value of benefit under a defined contribution plan as under a defined benefit plan.

1110

I think the next stage of this has been the inevitable concerns about liabilities that exist under defined benefit plans. In Canada, there has been a huge amount of litigation in the field of defined benefit plans. It relates, of course, to surplus, which may be a question on your minds, amongst others, but it covers a lot of other areas. Probably the most important one, again, that people tend to ignore is investments. If you're in a defined benefit plan, the employer remains responsible for investments. If the investments go bad, the employer is looking at liability. Even if it has retained an expert, it's probably going to get sued anyway, because the expert may not be worth the money and it'll be a deep pocket. Employers don't need the exposure on the investment side. If you go to a defined contribution plan, the members make the investment decisions. If you give them proper education and proper disclosure, the risk of liability is substantially reduced. In addition, the rules are very complicated for defined benefit plans. The net result is that when you add that and the concerns about taking contribution holidays etc., employers are moving away from it in the private sector. The public sector is a different world. It depends on the union. We're all different.

**Mr. Tascona:** I appreciate that. In terms of the Ontario protection that's provided for plans, what happens in other jurisdictions in Canada? I don't think the federal government has the same type of legislation for pension protection as we do here in the province. What's the experience of the other jurisdictions?

**Mr. Solursh:** None of the other provinces has been willing to introduce the pension benefit guarantee fund or any kind of equivalent coverage. In the United States, it's a multi-billion-dollar hole, because they have the Pension Benefit Guaranty Corp. With the airlines and the steel industry and other problems in the States, it's a huge, huge financial issue in that country—the question of coverage and who's going to make up the deficit and what's the level of coverage. Only Ontario has that at the present time in our country. Most other countries that I've talked to don't. We should recognize that some European countries do their funding through insurance, so it's a different world.

**Mr. Tascona:** What are your comments on Ontario being the only one?

**Mr. Solursh:** Personally, I think it's an issue that all governments, no matter which government is in power, have to sit down and explore. They've got to talk to the stakeholders, because there's an interesting question of the right balance. There are cost questions, but there are protection-of-the-public questions. Protecting the public is ultimately what pensions are about. Do I have a simple answer? No. Do I expect that as a member of FSCO I'm going to be asked for the major answer? The answer is no. I think stakeholders are very aware of it, and they're consulted. I think the political parties are all very aware

of the issue and are probably also going to have to gear up and make some real decisions on it.

**Mr. Tascona:** Thanks very much.

**Ms. Scott:** How much time do I have?

**The Chair:** Just a last quick question.

**Ms. Scott:** OK. I was going to bring up auto insurance. In the news, we've seen that there have been record profits. The insurance groups seem to indicate that the rate reduction is appropriate. The rates are governed by the Financial Services Tribunal. Do you have any comment about the rate reductions and the profits they're making?

**Mr. Solursh:** I have a couple of comments. First, the area where I must clearly never have a conflict seems to be auto insurance, as I mentioned earlier, other than to declare the interest that I have: in effect, four cars; two of my children are over 20 and I'm paying their insurance as well. So that's a conflict of interest.

Separate from that, no, it's not a debate that I fail to see in the papers, but I honestly just haven't got around to formulating a view on that issue. I think I'd be very interested to learn about it. As I could see in the papers, I understand that a lot of that decision is probably going to be made at a very senior political level. I can see what was done in other provinces at a very senior level as well. It's a huge financial issue for the average person in Ontario. It's really big dollars.

**Ms. Scott:** Absolutely. I'll look forward to what proceeds with that, especially in rural Ontario. We all have to have automobiles to get around. We'd like public transit, but that's not coming.

**Mr. Solursh:** I think I'll look forward to learning about it.

**The Chair:** To the third party; Ms. Horwath.

**Ms. Horwath:** Welcome, Mr. Solursh. I wanted to follow up on some of the questions that Mr. Tascona was asking you. I don't know if you're aware, but I've been out for the NDP talking to stakeholders about pension reform in the province. Interestingly enough, I've discovered that both the worker side, or the plan member side, and the other side are very interested in seeing some major initiatives undertaken by the government to deal with some of the outstanding concerns current in the province. Can I ask what you would consider personally to be some of the key challenges facing pension regulators with the current climate in the province right now?

**Mr. Solursh:** I'll try to address some of those. The first thing, in my mind, is to get ourselves past the obsession on the issue of surplus. Surplus is a very important issue and I don't mean to downplay it, but if we focus only on that issue, which will be dealt with beyond the level of FSCO, we aren't going to get into dealing with what I view as a lot of other major issues in the pension area.

Among the areas I'm glad to see we're starting to address are the defined contribution plans covering a growing percentage of people. All of us who have acted in the area, no matter which side we've acted on, know the pension legislation just doesn't read right on defined

contribution plans. It was drafted for defined benefit plans, and we always have to strain the words to make them work. Since more and more people are going to be covered by DC plans, I think that's an area that needs some exploring.

I think we have to continue to work hard on the area of cross-province regulation, because we're facing a jungle of competing rules, and potentially having to treat members in different provinces differently is administratively difficult and concerning to everybody involved.

The only I thing I'll mention on surplus deals: There is a need for one clear amendment that all the people I've talked to agree on, and that is that the present rule dealing with surplus-splitting—in the event of a plan winding up, surplus ownership is in the regulations. It doesn't work if it's in the regulations. If you only sign up two-thirds of the people to do a deal, the other third may not be bound, we have to go to court, and that's extremely expensive. The federal people put it in the statute. As a non-controversial thing, if people agree on the policy—which I leave to others—I'd like to see it put in the statutes so it works. It's an important area.

I mentioned earlier about the pension benefit guarantee fund and funding shortfalls. That has to be looked at by people around the table here, the different parties. They have to come up with their ideas, and they have to consult with the holders. It's not something that I can come up with an answer on, but it's an important area in terms of coverage and cost.

I think there are technical deficiencies that all parties have agreed have been there in the act over the years; even simple things, like what happens when you wind up a plan and a bunch of people are dead or missing: can you complete the windup by being able to pay it into court, or some kind of process, or to an independent person? The rule isn't there. There are things like that; there are family law-related issues and so on. That's a quick laundry list.

**Ms. Horwath:** That's good. I'm glad you raised a number of those issues. You probably wouldn't be surprised to learn that, certainly from the worker perspective, the desire to maintain defined benefit plans is extremely high. But would you be surprised to learn that the Association of Canadian Pension Management also believes that defined benefit plans are a better place to go in terms of the future of pensions?

**Mr. Solursh:** Not at all. I think that the pension—I won't say administrators—plan sponsors would probably like to be able to provide defined benefit plans, if they view some of these issues as being solved; if they weren't concerned with the legal or other issues. It may be an area where consensus can be built.

**Ms. Horwath:** I'm glad you raised that and put it in that context, because I'm a little bit concerned that there's this desire to throw out the baby with the bathwater, if you will, in terms of DBs; to say, "They're too difficult, it's too much of a troublesome situation, so we're just going to get rid of the DBs and go with DCs, and that's the end of the story." I'm glad to hear that you,

as someone involved in this field, recognize that it's a matter of changing the framework that exists to make them effective, if that's the desire in terms of where we want to go with the pension system.

I wanted to ask you a little bit about the Pension Benefits Act altogether. I think you alluded to this in your comments initially, as well as some of your earlier answers. Would you say that now is a good time to open up the Pension Benefits Act and have a serious look at it and make the appropriate changes for the future?

**1120**

**Mr. Solursh:** I think that in the case of legislation like this that hasn't been amended for years—contrasted to other provinces, which have been making a number of technical changes—it is a good time to have a look at the act. Everybody I've talked to from all sides says it has its deficiencies.

I think the interesting challenge, and this is where my hope comes, is that if people can't reach accommodation or understanding on some of the more controversial issues—I'd hate to see the baby thrown out with the bathwater. There are a lot of non-controversial things that, when I talk to people who act, particularly for plan members or unions, we agree on.

Once upon a time we did this in the Canadian Bar Association. We came up with a study that listed a whole series of technical changes that we thought would be useful. It was a mix of all different areas of practice. That was many years ago, and nothing ever happened with it. I think there are a lot of things like that that could be cleaned up. If you are on a tribunal, you can only decide according to the law. You can't bend that law to fill the holes in the legislation. The legislation, at some point, has to be addressed.

**Ms. Horwath:** Oh, no, absolutely, I recognize that. I'm just kind of probing because of your extensive background on these issues.

I'm actually going to switch over to designated assessment centres. I'm sure you're aware that's part of the oversight responsibility. Do you have any opinion on designated assessment centres and the role that they play currently in the mediation, if you will, or the settlement of disputes around treatment for accident victims?

**Mr. Solursh:** Regretfully not. It's just an area that I can't offer an intelligent comment on. Being a lawyer, I will often offer unintelligent comments too, but I don't think that I'll offer one on that one. It's too important an area.

**Ms. Horwath:** OK. That's fair.

Can I ask you then about the situation of MEPPs, multi-employer pension plans? My understanding of the legislation is that currently, when a MEPP is established, there's a requirement that the board of trustees has representation of plan members on it. I was shocked to find out the horrible situation of the United Co-op farmers plan that got changed into a MEPP without the existing beneficiaries knowing. The retirees had no idea that their plan had changed into a MEPP. This was in the early 1990s. The long and the short of it is that the plan

wound up; it was not solvent. Their pensions have been cut to just a fraction of what they should be or what they had thought they would be getting. Unfortunately, the ball was dropped, and when the MEPP was registered, there was no initiative made to ensure that the board of trustees was reflective of what was required under legislation. Do you see that as a role that should be more seriously undertaken by FSCO, in terms of ensuring that, for all of the MEPPs that are registered, the membership is actually in compliance with the legislation?

**Mr. Solursh:** I'll answer that in two ways. First of all, I can't comment specifically on that case. My firm acts for CIBC Mellon, which is the custodian. I can comment generally about MEPPs. Therefore, I think if you had a chance to ask me another question, you'd ask me more generally what I think and how FSCO deals with it.

I don't know how it was dealt with in this case. I know that in other areas they specifically do, and I thought that in the MEPP area now it requires the completion of information that confirms compliance with the legislation. The present practice, from what I've seen with clients, is to require conformation that things are properly appointed and people are signing and certifying, under penalty of dire things happening to them—their children being thrown away or something like that.

I'll be interested in reading the NDP paper. MEPPs have always been a very different area. They've been excluded from all kinds of rules and protections under the act. When I used to talk to friends who acted for some of the labour firms, they were very opposed to them becoming more regulated under the act. I always wondered if that was right. I always thought that is something that—when I speak to other people in the labour movement, they feel they should be more regulated. So I know there's a dichotomy within the movement, and I think it's one that merits some consideration, because there are a lot of people who are covered under MEPPs and they've basically been under the radar screen.

**Ms. Horwath:** That's right. Thank you.

**The Chair:** The government side; Mr. Parsons.

**Mr. Parsons:** We have absolutely no qualms about this candidate's qualifications. No questions.

**The Chair:** Thank you very much for your presentation, Mr. Solursh. Are you going to walk away with a smile here? There we go.

**Mr. Solursh:** I'm going to stand around and listen and check my BlackBerry.

**The Chair:** Stick around. We have one more intended appointee, and then we move to the concurrence vote. Thank you, sir, for your presentation.

The Chair now does recognize that Mr. Craitor has joined us, the member from Niagara Falls.

I am going to point out too that Mr. Oraziotti did not get the red-tie memo today, if I look at his colleagues to his right and his left.

**Mr. Tascona:** Nice-looking tie.

**The Chair:** It is a nice-looking tie. Maybe we'll work a trade.

*Interjection.*

**The Chair:** We've got the brown—it's Earth Day today, isn't it?

*Interjection.*

**The Chair:** I know. Maybe tomorrow for the green-belt vote.

*Interjections.*

**The Chair:** All right. Order. This committee is getting out of hand now.

#### LINDA LEBOURDAIS

Review of intended appointment, selected by third party: Linda LeBourdais, intended appointee as member, Social Benefits Tribunal.

**The Chair:** We'll move to our third intended appointee, who I believe is sitting at the back of the room, Linda LeBourdais. Welcome to the standing committee on government agencies. Ms. LeBourdais is an intended appointee as member of the Social Benefits Tribunal.

Ms. Lebourdais, I think you know the procedure. We look forward to your presentation, if you choose, on your interest in the position and your qualifications. Then there will be questions from the three parties, 10 minutes each, this time beginning with the third party, Ms. Horwath. Welcome to the committee, and the floor is yours.

**Ms. Linda LeBourdais:** Thank you very much, Mr. Chairman. I'm delighted to be here this morning. I'm pleased to have the opportunity to appear before you today and to present myself as a candidate for the Social Benefits Tribunal. As some of you may be aware, during the period from 1987 through 1990, I sat on your side of the table as the member from what was then Etobicoke West and is now Etobicoke Centre. I was honoured to serve as a member of this Legislature and to serve the people of my constituency to the best of my ability.

At this stage of my career, I felt that public service is one way one can give back to the community at large. Although not a social worker by training, I felt that I might be able to give back by serving as a member of this tribunal.

My professional career has been a rather eclectic one, and one that has allowed me to cross paths with many people in many disciplines in both the public and private sectors. During my term in government, I sat as chair of the Ombudsman committee, where we acted as adjudicators for those individuals who had a grievance with the provincial government. I also acted as the advocate for the clothing and apparel industry for the government of Ontario during the free trade negotiations, where garment workers, primarily female and primarily over 50, were being severely impacted by offshore competition.

Following my term in government, I was executive director for a national, not-for-profit organization which provided education and awareness on the issues of child abduction to parents, educators and children, in conjunction with police forces across Canada. I have also served on boards that deal with community and health issues, including the former Queensway Hospital, the

Canadian Festival of Fashion, the Etobicoke Welcome Baby Support Program for expectant mothers, as well as the Etobicoke Sports Hall of Fame. This past fall, I chaired a group of concerned citizens and clergy in assisting Hazel's Hope, an initiative of Mississauga Mayor Hazel McCallion to help children and families with HIV/AIDS in Tanzania.

Beyond the professional and business skills necessary to assist in the adjudication process, what I hope I might potentially bring to the tribunal is an energy and an enthusiasm to tackle the challenges of the position, which I know will be many, with a level of understanding, compassion, fairness and equitability that cannot always be written into legislation and that governs the judgments of any tribunal.

I would also want to assist the tribunal chairman, Chisanga Puta-Chekwe, in his efforts to make the tribunal and its services more accessible to more people, particularly those with English as a second language, in a timely, proactive manner, using every avenue and technology at its disposal.

I wish to assure all members of this committee that I have followed due process by putting my credentials forward in the manner dictated by the tribunal, and then been interviewed by three members of that tribunal, including its chair, none of whom I knew personally.

I appreciate the opportunity to appear before you today, and I welcome any questions you may have.

**The Chair:** Thank you very much for the introductory comments and presentation. To the third party; Ms. Horwath.

**Ms. Horwath:** Good afternoon. Is it afternoon yet? No, not quite. Good morning.

I'm just wondering, why would you be in a position of wanting to give up your own business, assuming you're giving up your business, in order to pursue this new path?

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**Ms. LeBourdais:** My business is, in effect, a virtual company, so I have a variety of associates who can carry on under the corporate name of Mentor Communications.

**Ms. Horwath:** So you won't be giving up the business per se, but perhaps reducing your particular participation in it?

**Ms. LeBourdais:** Most definitely.

**Ms. Horwath:** This is something that people say is a difficult thing, so just from your own personal experience, what was it like to have to transition from being an MPP to private life again?

**Ms. LeBourdais:** I would have to say it's a difficult one. I think not only from my own story but that of many of my colleagues, it is a difficult one and is never truly handled well by members once they are defeated. I was only in government for three years, therefore the transition was not as difficult as for some who have been here for many years and have held very senior positions. It is a different life in the private sector.

**Ms. Horwath:** It sounds like you've actually done quite well for yourself in the private sector. What would you characterize as the reasons why you were someone

who could adjust well and go on to have a successful full-time new business?

**Ms. LeBourdais:** I think because I have a fairly entrepreneurial nature. I'm very much a multitasker. I am a people person who does a lot of networking, and for small business, you tend to acquire your business through personal referrals rather than advertising etc. Basically, I think it's been my entrepreneurial spirit that has enabled me to go forward.

**Ms. Horwath:** When I look at your history, not only as an elected official but also in private business, it's very different from the Social Benefits Tribunal and social benefits issues. What attracted you to the Social Benefits Tribunal? It's so different from what you've done in the past.

**Ms. LeBourdais:** I think it's because I like helping people. At this age in my life, I often act as a mentor, particularly to young women coming up in the business world. When I began my career, I was very much on the leading edge of my own peer group for getting back into the workplace and really always having a career. I've raised a daughter who, in effect, does the same kind of work that I do; she just does it for a multinational corporation now. So I like giving back and I'm at a stage in my life where I'd like to do more of that.

**Ms. Horwath:** I find that interesting. I don't know if you're aware of the Matthews report. Are you aware of the report that was done by—

**Ms. LeBourdais:** Not in depth, but I'm certainly aware of it, yes.

**Ms. Horwath:** One of the issues that's explored in that report is that there's a real need to provide a range of tools to help people get back to work. Considering your history, I'm wondering if you could comment on what you would see as a way to reduce barriers and provide people who are currently on social assistance, whether they be single moms, for example, or young women—how do you help equip them to get back into the workplace? Do you have any suggestions or ideas on that?

**Ms. LeBourdais:** If they've come to a phase of their work life that is not good and that has impacted them as far as their sense of who and what they are, that has to be put back in place as the first building block to getting back together. They've got to realize that all people, for whatever reason, change jobs, have been let go for a variety of reasons—may have been laid off, may have been fired—but there are ways to get back into the workplace again; that social assistance is there to help them in the short term, but it's not an end in itself; that there are things out there that can help people get back on track. But they will need assistance to do that, whether that might be child care support or additional training. I believe the stage of a job these days is about two and a half years. Whereas my father worked for one company for more than 30 years, that is just not the way of the world any more. So learning has to be an ongoing process.

**Ms. Horwath:** OK, so education, child care. Any comments, for example, on health benefits, dental coverage?

**Ms. LeBourdais:** Health benefits have to be there to help them through those rough patches. We can't penalize a person for being disabled or ill.

**Ms. Horwath:** Are you aware of the length of the term of appointment that the tribunal brings with it?

**Ms. LeBourdais:** I believe it's varied, that you serve at the pleasure of the government, if you will, so I suppose a minimum of one year and an extension on that.

**Ms. Horwath:** So it could actually turn out to be a job for life, as a matter of fact.

**Ms. LeBourdais:** Potentially.

**Ms. Horwath:** Are you aware of what the salary is for the position?

**Ms. LeBourdais:** Yes, I am.

**Ms. Horwath:** Can you tell me what that is?

**Ms. LeBourdais:** I believe it's \$68,800.

**Ms. Horwath:** Can you just let me know how it is that you became aware of the opportunity to serve on the Social Benefits Tribunal?

**Ms. LeBourdais:** I was aware in a very vague sense about government appointments etc., but certainly during my term in office I would have become more aware of it.

**Ms. Horwath:** So when this government got elected, you saw this as an opportunity to get your foot in the door, more or less?

**Ms. LeBourdais:** I think it was more a case of where I am in my career. I would not hesitate—and I have come forward when other governments were in power, to speak to them on initiatives as well, so it was not strictly a case of the fact that it happens to be a Liberal government.

**Ms. Horwath:** So you've applied for different positions through this process with other governments?

**Ms. LeBourdais:** Not through this exact process, but within government.

**Ms. Horwath:** Can you tell me what some of those might have been?

**Ms. LeBourdais:** One was for the chief of protocol position during the Tory government.

**Ms. Horwath:** I don't think I have any more questions, Mr. Chairman. I don't know if I have any more time, either.

**The Chair:** You do. You have two and a half minutes.

**Ms. Horwath:** I do? OK, then I will ask a couple. You talked about your private business right now and how you think that equips you for certain aspects of the tribunal job, but what experience do you have particularly with the fields of social assistance and disability support? Can you give me a thumbnail sketch of your understanding of those systems and what your role will be on the tribunal?

**Ms. LeBourdais:** I think I mentioned that my background certainly has not been in that area. It's been more of an exposure; for instance, in Etobicoke, when they started the Welcome Baby support program, which puts unwed mothers together and pairs them with mothers who have experience and can guide that young person through the first year of life with a child, to see that they get to doctor's appointments, to see that they tap into the system for any benefits that will help them. And on the

board of the Queensway Hospital, again, it's more observation rather than actual practice, if you will.

**Ms. Horwath:** Would you be surprised to learn that the government, notwithstanding its promise during the last election, has actually refused to get rid of the clawback on the federal child tax benefit? That's one of those tools that would help low-income mums have a better situation for themselves.

**Ms. LeBourdais:** I can't say I was aware of that specifically. I'm certainly aware of some of the positive initiatives that have been taken by way of increases, opportunities to make it more accessible to the system—

**Ms. Horwath:** Are you talking about the 3%?

**Ms. LeBourdais:** Yes—to reach out to disabled people, and also people in areas of the province that are perhaps a little less accessible. I'm encouraged by that.

**Ms. Horwath:** Did you know there's a CPP clawback on people on ODSP?

**Ms. LeBourdais:** I didn't.

**Ms. Horwath:** Would you have any opinion at all as to whether that money should be in the pockets of people with disabilities or people living in poverty?

**Ms. LeBourdais:** I think I would be ill-advised to make too much comment yet. If I'm successful in obtaining the position, I'm sure that through the training program specifically, and exposure, hopefully I would at a different time be able to give a little more enlightened explanation of that position.

**Ms. Horwath:** Thank you, Mr. Chairman.

**The Chair:** To the government side.

**Mr. Parsons:** I feel a little bit like Alex Trebek, because I'm going to phrase my question in the form of an answer. I believe the term for the Social Benefits Tribunal is three years, with the provision to be appointed for a further three, and Management Board has a directive that limits it to two three-year terms. That has been honoured. Does that sound right?

**Ms. LeBourdais:** I believe so.

**Mr. Parsons:** Good. We got a question out.

From our viewpoint, you certainly have both the qualifications and the enthusiasm for this role. We have no further questions.

**The Chair:** Any further answers? To the official opposition.

**Mr. Tascona:** The governing party has been very thorough in their questioning, and brief, as usual. I just want to ask a few questions. Thank you for coming here today. I understand you were a Liberal MPP from 1987 to 1990?

**Ms. LeBourdais:** That's right.

**Mr. Tascona:** Were you asked to fill out a document called a personal and conflict-of-interest disclosure statement?

**Ms. LeBourdais:** Yes, I was.

**Mr. Tascona:** I notice in your application, in paragraph 6, it says that you were a director of the Social Benefits Tribunal.

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**Ms. LeBourdais:** No, I'm not currently. That is why I'm putting my name forward today, but I'm not—

**Mr. Tascona:** In the application it says, “Additional information: Include any additional skills or experience that relate to the position to which you are applying,” and in your handwriting, it says, “Director—Social Benefits Tribunal.” Can you explain to us what that was?

**Ms. LeBourdais:** That was the position that I’m applying for, if you will—this position. I have not held this in the past.

**Mr. Tascona:** Oh. So you never did hold the position of director, Social Benefits Tribunal?

**Ms. LeBourdais:** No.

**Mr. Tascona:** Perhaps you just misunderstood the question on the form.

Do you have any adjudicative experience?

**Ms. LeBourdais:** Only in the sense that I sat on the Ombudsman’s committee, and I chaired that. Again, that is for people coming to the government with grievances, in effect, in the same way that an applicant might come before the Social Benefits Tribunal.

**Mr. Tascona:** OK, thank you. I have no further questions.

**Ms. Scott:** Thank you for appearing here before us today. You mentioned that your company was a virtual one.

**Ms. LeBourdais:** Yes. By that, I mean no bricks and mortar. My colleagues and I operate from our respective homes and go out to meet the client.

**Ms. Scott:** You filled the application form out in writing, though; you didn’t apply on-line.

**Ms. LeBourdais:** Correct.

**Ms. Scott:** You applied on January 21?

**Ms. LeBourdais:** Yes.

**Ms. Scott:** This is fast.

**Ms. LeBourdais:** In 2004.

**Ms. Scott:** Is it 2004? I can’t make it out from here. It looked like 2005.

**Ms. LeBourdais:** And then the new forms came in, and I was asked to submit with the new forms as well. So I’ve done both.

**Ms. Scott:** Because here we just have 2005. That’s fine.

One of the recommendations is that the tribunal’s Internet site be pledged to give all Ontarians access to information, more communication. Since you have a good background, do you have any opinions on how you could do more public outreach through the development and enhancement of the tribunal’s Web site?

**Ms. LeBourdais:** I know that there is an initiative now to attempt to make the Web site itself a little more interactive. That having been said, I think it would be wrong to assume that everybody is computer literate or that everyone has a computer. I think there’s a fine line. We have to use technology for all of the benefits it provides people, but there may be, amongst this particular constituency, a lot of people who don’t have access or knowledge. As I say, I think we walk a fine line there to try to assist people in both areas. The more it can be more accessible and user-friendly—Web sites are not always user-friendly and are rather dry, but I think there is an

initiative to try to make it not only accessible but more user-friendly, hopefully, to everybody.

**Ms. Scott:** I wonder if you could just explain to me—I don’t know if you know this—when there is an appeal process, who does the appeal for the client? How does it actually work for the client that needs to do an appeal to get through the process?

**Ms. LeBourdais:** It’s my understanding that, although in theory a client could have legal support or legal guidance, they usually don’t, they usually do that on their own. I think we have to be very open to just listening to a person’s position, and I realize that may be in a second language or with minimal English. I think we just have to make ourselves user-friendly as individuals, if you will, to have people not be intimidated by the system, to just come forward and state their position and their point of view, and then we’ll take it from there.

**Ms. Scott:** I noticed from the information that you were engaged in lobbying before for members of provincial Parliament. Is that correct?

**Ms. LeBourdais:** I do lobbying on behalf of some of my clients, yes, from time to time.

**Ms. Scott:** Are you going to be continuing with this lobbying?

**Ms. LeBourdais:** No. I think that would be inappropriate. Also, the lobbying that I have done at Queen’s Park has been in areas such as health and a program for children to teach them how to eat right and to exercise right. Lobbying, as I’m sure you’re aware, can be done for all sorts, but in this case they’ve all been very good causes and usually child- and health-oriented. Not to suggest that other causes don’t have merit, but it was within children and health.

**Ms. Scott:** I know Ms. Horwath was very thorough in asking questions about maybe what changes or what recommendations of some changes you’d like to see—you do have a good resumé and past history—in dealing with poverty, social assistance and a lot of issues. You mentioned nutrition; there are housing issues. Do you have any general recommendations that you’d like to see brought forward or changes made?

**Ms. LeBourdais:** Well, I’ve always been a strong supporter of daycare. We’ve made a commitment in this country to eradicate child poverty, and we’re a long way from that. I’d like to see more accessibility and easier access to daycare, more affordable daycare. I’ve been a strong proponent of that for years.

People have to understand the system. There are a lot of negative feelings toward social assistance, and I think most of it is because people lack an understanding of it. I’ve always tried to point out to people that the biggest users of social services are children, and then people have no problem with it; that the second-biggest users, I believe, are unwed mothers, and then people have no problem with it; and the third-biggest users are the disabled, and then people have no problem with it. So cumulatively, they don’t have any problem with these kinds of people accessing the system, but when they talk about it in the abstract, they talk about it in a very nega-

tive way, in many cases, and I think it's because they don't understand. Yes, there are abuses in the system; there are abuses in any system in both the public and private sectors. I think if people have a better understanding of social assistance and that there are limitations on it, then they'll see that it fills a gap.

**Ms. Scott:** Do you think they're receiving sufficient funds at present?

**Ms. LeBourdais:** Probably not.

**Ms. Scott:** What would you like to see? Can you comment on that?

**Ms. LeBourdais:** Again, I don't feel qualified to comment, etc. In a perfect world, it would be nice if we all had every base covered, but the pressures on government at all levels to assist in every area—I don't come up with bad causes. It's just a matter that the dollars can only spread so far.

**Ms. Scott:** Minister Papatello is the minister responsible for recommending appointments to the Social Benefits Tribunal to cabinet. Have you ever made a financial donation to Sandra Papatello or Windsor West Liberals?

**Ms. LeBourdais:** I believe I did.

**Ms. Scott:** Have you made donations to any other Liberals that you could tell?

**Ms. LeBourdais:** Over the years, to many.

**Ms. Scott:** OK. Have you donated to any other party?

**Ms. LeBourdais:** Probably, if I could remember back that far.

**Ms. Scott:** OK. Those are all the questions I have. Thank you.

**The Chair:** Ms. LeBourdais, thank you very much for your presentation and for answering the members' questions. You're welcome to stay. We're going to now move to our concurrence votes. So thank you very much.

**Ms. LeBourdais:** Thank you very much. I appreciate being here.

**The Chair:** Outstanding.

Folks, we'll now move to the concurrence votes, now that the interviews are completed. We will consider the intended appointment of Monica Purdy. Monica Purdy is the intended appointee as member, Social Benefits Tribunal.

**Mr. Parsons:** I move concurrence.

**The Chair:** Mr. Parsons moves concurrence. Any discussion? Seeing no discussion, I will call the question. All in favour? Any opposed? It is carried. Congratulations to Ms. Purdy on her appointment as a member of the Social Benefits Tribunal.

We will now consider the intended appointment of John M. Solursh, intended appointee as vice-chair, Financial Services Commission of Ontario.

**Mr. Parsons:** I move concurrence.

**The Chair:** Mr. Parsons moves concurrence. Comments, questions, debate? Seeing none, I will put the question. All in favour? Any opposed? It is carried. Mr. Solursh, congratulations and continued success as now vice-chair at FSCO.

We will now consider the intended appointment of Linda LeBourdais. She's intended appointee as member of the Social Benefits Tribunal.

**Mr. Parsons:** I move concurrence.

**The Chair:** Mr. Parsons, on a roll, moves concurrence. Debate? I'll then put the question. All in favour? Any opposed? It is carried. Ms. LeBourdais, congratulations. We wish you success at the Social Benefits Tribunal.

Folks, that is the end of our intended appointees.

1150

## COMMITTEE BUSINESS

**The Chair:** Mr. Tascona?

**Mr. Tascona:** I want to raise something that's come out of the appointments review today. Of the three appointments that were brought forth today, Monica Purdy completed a personal and conflict-of-interest disclosure statement. John Solursh did not. Linda LeBourdais did complete a personal and conflict-of-interest disclosure statement. So that follows up on my request last week to the Public Appointments Secretariat in terms of who's required to fill these out because, arguably, the Financial Services Commission tribunal is an adjudicative tribunal, as is the Social Benefits Tribunal, yet one of the candidates didn't have to fill out this disclosure statement.

The disclosure statement, which our committee is not privy to for some reason, contains and requests information on three areas: (1) conflict of interest, (2) the biography, and (3) integrity and public accounting practices. I'm going to read the form here, because it really is another example of truncating the system and removing the review role of this committee. It says:

"The personal information requested on this form will be collected and used by the Public Appointments Secretariat and the ministry that has jurisdiction for the agency you are being considered for, to evaluate the suitability of your potential candidacy for appointment to the Ontario agency, board or commission. This information will not be disclosed except as required for the above-noted purpose."

This is the personal and conflict-of-interest disclosure statement. I would say that we're a part of the evaluation process in terms of the final say with respect to the suitability of an individual candidate, yet the information that we're being provided on this form has been limited to strictly the biography part. And I imagine that part could be vetted in terms of what we're provided by the Public Appointments Secretariat. We're not provided any information on conflict of interest. We're not provided any information on the integrity and public accountability part of the form, which relates to Criminal Code searches, and it has to do with disciplining by professional bodies and being involved in any controversy, subject to public review in which the government may have an interest.

I'm going to make the request to have the Public Appointments Secretariat and, if applicable—I don't

think it would be applicable, because there are a number of ministries. We're provided with the application form. We're provided with a brief description of the biography when we get the initial orders in council, but when we go to interview, we're provided only with the application form. We're provided with a summary of what the tribunal is about, yet we're not provided with the personal and conflict-of-interest disclosure statement, which I would believe we should be entitled to. I would make the request now that we be provided with the personal and conflict of interest disclosure statement from now on, and a supplementary in terms of my request for how it's used.

If this Public Appointments Secretariat is not going to provide it, I want an explanation as to why not and what authority they have not to provide it to this committee, which is mandated to review all appointments, and why that information is being withheld. Because it is being withheld.

**The Chair:** Any further comments on Mr. Tascona's topic?

**Mr. Parsons:** Yes. Mr. Tascona has made a request, but I'm sure the previous government had a reason when they established this process that did not provide that information to them. We will certainly look at the history. Mr. Tascona may want to ask some of his own colleagues why the committee you sat on didn't ask for that either.

**Mr. Tascona:** Ernie, you're like a broken record. The bottom line is, we're dealing with the here and now. I don't know who devised this statement. I've not made any comments. This is not being partisan. I'm asking, to make this committee work—we're trying to make it work—that we be provided with all the information that is necessary to review somebody. Maybe it's a trivial matter to you whether the person has a conflict of interest

or whether the person has a criminal record or whether the person has been disciplined by a professional body, especially when we're dealing with people who are going forth to be on adjudicative tribunals. I don't think it's a trivial matter.

You always like to bring up the broken record comments about what happened in the past. The bottom line is, we want to know what's going on now. I don't think it's legitimate for us to make an educated review of anybody if we're not provided the entire record of what's been provided to the Public Appointments Secretariat. I think it's legitimate to ask why not.

**The Chair:** Any other members—comments, questions? Fair enough. We will pursue those questions with the Public Appointments Secretariat. There was a similar request last week. We're waiting for Hansard to be produced so we can make sure we accurately reflect the points brought up by the committee. Hopefully, we'll produce an answer for members to peruse.

Any other business, folks?

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I move to adjourn.

**The Chair:** Thank you very much, folks. I want to remind you that we are not meeting next week. We will be meeting on March 9 and, unless otherwise notified, same time, same place—sorry, at 10 a.m., our standard time. But the clerk will notify members of the exact details surrounding that. Members may also want to consider, during the intersession between this February and the spring session, as to their availability through mid- and late March.

Folks, thanks very much. We look forward to seeing everybody on March 9. This meeting is adjourned.

*The committee adjourned at 1155.*







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Research and Information Services