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Journal des débats (Hansard)

Mercredi 17 mai 2006

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak
Clerk: Tonia Grannum

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 17 May 2006

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The committee met at 1104 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Tim Hudak): Good morning, folks. The standing committee on government agencies is called to order for Wednesday, May 17, 2006. A pretty straightforward agenda today. We will move with one report of the subcommittee on committee business, dated May 11, 2006.

Mr. Ernie Parsons (Prince Edward–Hastings): I would move adoption.

The Chair: Mr. Parsons moves its adoption. Is there any discussion on that?

Mr. Gilles Bisson (Timmins–James Bay): Which report is that?

The Chair: This is the subcommittee on committee business dated May 11, 2006. It should be in the—

Mr. Bisson: Yes, that's fine.

The Chair: You're good? Any other discussion or comment on the subcommittee report? Seeing none, I'll put the question. All those in favour? Opposed? It is carried.

I'm going to move other business to after our appointment review so we can move in a timely fashion. If members have any other other business, please hold on until after we're done with our interviews.

INTENDED APPOINTMENTS

STEVEN MAHONEY

Review of intended appointment, selected by third party: Steven Mahoney, intended appointee as chair, Workplace Safety and Insurance Board.

The Chair: Today our first and only interview is with Steven William Mahoney. Mr. Mahoney, please come forward. Make yourself comfortable there at the chair. Grab a beverage of your choice.

I do want to say to the members—I forgot this last week—while I'm not allowed to say the brand name, the coffee quality has improved substantially. You may test it out and recognize it.

Mr. Parsons: We thank you for that.

The Chair: You should thank the clerk and her team for doing so. The Chair had nothing to do with it, although he's happy to hear the news.

Mr. Mahoney, you're welcome to have one of our new coffees.

Mr. John Milloy (Kitchener Centre): You still brought your own coffee.

The Chair: I did. I forgot.

Mr. Mahoney, the intended appointee as chair, Workplace Safety and Insurance Board, is well known to members of the committee. Mr. Mahoney, you've seen how this committee works, but for the sake of refreshing, you're welcome to make some opening comments about your interest in this position and your background. Then we'll have questions from members of all three parties. We commence questioning today with the third party, Monsieur Bisson.

Mr. Mahoney, welcome. The floor is yours, sir.

Mr. Steven Mahoney: Thank you, Mr. Chairman. I appreciate the opportunity, members of committee, to appear before you. I do have what I think is a fairly short opening statement and look forward to answering your questions.

First of all, I want to say that I'm very honoured to be selected as the nominee for the chair of the WSIB. I'm frankly very hopeful that you will concur with this nomination and that I can begin work as soon as possible.

As some of you may know, my family is steeped in the history of organized labour, primarily through the life work of my late father, Bill Mahoney. I can recall many discussions about issues concerning the labour movement, and not the least of these were discussions about health and safety. As one of 10 children, our house was a little bit like a union local in itself, and frankly, I was generally the shop steward, and the boss was not easy to get along with.

Having experienced the world of labour politics throughout Ontario and indeed Canada for many years, I naturally developed a keen interest in public service. I was elected to municipal council in Mississauga in 1978. In serving just under 10 years on Mississauga and Peel regional councils, I was elected by my peers on those councils to chair some pretty important committees: the administration and finance committee at the region, the planning committee at the city, and the public vehicle authority at the city—all three of those for a straight seven years.

All of us who serve in public office are what I call walking, talking dispute settlement mechanisms. Having recently obtained a certificate of achievement in ADR

from the faculty of law at the University of Windsor, I came to realize during that course that much of my career has been spent resolving disputes.

As one example, I was the chief negotiator responsible for the first-ever collective bargaining agreement for ILODA, which was the independent limousine operator and driver association at Pearson International Airport. If any of you have had any experience with that particular group, you'll know what a challenge it could be to try to get a CBA agreement ratified with them and with the owners and having Transport Canada involved. But I was successful in doing that. My role was to work with all the stakeholders to resolve several disputes.

In addition, there were disputes every day that required solutions, compromises and tough decisions. All of you on this committee, I would argue, do the same thing every day

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In 1987, I was privileged to be elected as the member of provincial Parliament for Mississauga West, where I served for eight years. I had many different roles: I served for a time as the Chair of the standing committee on finance and economic affairs; I was parliamentary assistant to the MITT, who in those days was the Minister of Industry, Trade and Technology; I was also the small business advocate for the province for a time; and I was Vice-Chair of the select committee on education.

Once again, these roles gave me the opportunity to learn about government budgeting, public finance and small business struggles, and the ever-increasing importance of education. All of these experiences, in my view, can be directly applied to the task at hand at the WSIB.

In 1990, while returning to the Legislature in opposition to the New Democratic government, I was appointed as chief whip for the Liberal caucus and later as labour critic. Being in the whip's job once again required me to settle disputes on an ongoing basis, albeit with a room full of A-type personalities. However, perhaps the most interesting and fulfilling work that I did while here at Queen's Park was in my role as labour critic. Having read some of the comments that I made in Hansard, it is clear that I was aggressive and some might even say nasty in that job, but we all bring our own style to this place and, frankly, I fully respect that.

However, instead of just complaining and firing accusations across the floor, I and a small group of research staff set off to study was then the WCB. We travelled west from Ontario to learn from other Canadian jurisdictions, to seek out best practices. We also conducted a Straight Fax campaign throughout eastern Canada, since funds were somewhat limited.

The result of this outreach tour was a report filed in April 1994 called Back to the Future. To be clear, in the forward I stated that this report "does not represent party policy, but rather is a series of recommendations for discussion as we build toward our final positions on WCB reform."

In 1995 I lost the election. I simply moved on and started my own business, Mahoney International. My son Matthew and I have developed an expertise around municipal issues in Canada, particularly waste diversion and composting, and also work to advise and strategize with several clients about their products, services or relationships.

In 1997, I returned to public service by winning the seat as the member of Parliament in Ottawa for Mississauga West. In that role, I was elected as chair of the Ontario caucus, served as Vice-Chair of the citizenship and immigration committee and was named as parliamentary assistant to then-Deputy Prime Minister John Manley. My job here was to oversee several crown corporations. After doing this job as parliamentary secretary for over a year, the Prime Minister named me to cabinet as Secretary of State for said select crown corporations. These included Canada Mortgage and Housing Corp., Canada Post, the Royal Canadian Mint, the Old Port of Montreal, Canada Lands and Queen's Quay here in Toronto.

Five of these companies had formal boards in place, with part-time chairs administering and working with the administration and presidents of these crown corporations. Most of my work as Minister of Housing was with CMHC. I was directly responsible for over \$2 billion in federal funds to be matched by the provinces. We were very successful across Canada in signing agreements in every province and territory, but perhaps our biggest challenge was here in Ontario, where there was such a serious problem to be dealt with. However, once again, balancing the needs of the different regions and the stakeholders was a constant work in progress.

I strongly believe that all of these experiences and my general knowledge and understanding of the WSIB will help me to perform in the chair of this very important organization. Justice Meredith, almost 100 years ago, said that the purpose of workers' compensation was so that "injured workers and their dependants could receive the benefits of speedy justice, humanely administered." I want to assure you, Mr. Chairman and all members of this committee, that I'm totally committed to those principles as they were espoused by Justice Meredith when he founded WCB.

I would be pleased to try to answer any of your questions.

The Chair: Mr. Mahoney, thank you very much for your opening comments and presentation. To the third party, questions: Mr. Bisson.

Mr. Bisson: How much time do I have?

The Chair: Ten minutes, sir.

Mr. Bisson: Give me a bit of a warning before we get to the end.

The Chair: Absolutely.

Mr. Bisson: Welcome to our committee. It's always good to see you again, Steve. I had the opportunity to serve with you in one term or two; I don't quite remember.

I've got a number of questions, and the problem I have is that I don't have enough time to go through them all. You mentioned in your opening comments your Back to the Future report, which I remember quite well. I also remember a number of the positions you took in the Legislature. Being that you're applying for what is the Workers' Compensation Board position, which is basically going to affect injured workers and employers across the province, I want to ask you some questions in regard to your direction.

One of the things you've said both in the Legislature and in your report is that you were of the view that there should be no compensation for soft tissue injuries—or for stress, I should say. Where are you on that now?

Mr. Mahoney: It's instructive, I think, to note that that hasn't changed at the board. This report was put out 12 years ago, and we recommended against including stress at that time. Since then, it has yet to find its way into the realm of compensation issues.

I would say, though, in fairness, that if there is new information that's available at the board, I'm not particularly married to anything. I believe that the most important aspect of the chair of the WSIB will be to deal with the balance that's required to ensure that injured workers are treated fairly and responsibly and that our corporate citizens, who pay and fund the WSIB, remain competitive in the workplace. I think there's a balance that needs to be looked at. I'll be interested to see how the board feels about that issue as well.

Mr. Bisson: My short question is on the issue of stress, which is, as we know—we can go through the whole debate. I don't want to do that; I've only got 10 minutes. What you are now saying is that you divorce yourself from what was in this report, that it shouldn't be compensable.

Mr. Mahoney: No, I didn't say that at all. My position stands at the present time. I have said and do say that if there's new information that comes forward, I will have an open mind on it, but I still support my Back to the Future report.

Mr. Bisson: In regard to the whole issue of rates and what it means to employers, you know that there have been a number of increases. There's been a fairly significant increase to WSIB assessments to employers. In my constituency—it's probably the same as everybody else's—I've been contacted by all kinds of people within industry with regard to how they see the rates as being excessive.

You took quite an interesting position in your report. You wanted to basically hold down costs but not raise rates. I'm wondering, is that still your position on rates?

Mr. Mahoney: Once again, this report was a document for discussion purposes. It is 12 years ago—

Mr. Bisson: My short question is, would you say, "No, I'm not going to raise rates"? Is that where you're at now?

Mr. Mahoney: The first rate increase in, I think, approximately 10 years occurred in 2006. It was 3%. The board has adopted a five-year strategic plan around fiscal

responsibility that deals with the unfunded liability, rate structures, all of that. If I am confirmed as the chair, I would certainly want to go through that five-year strategic plan, but I'm not prepared to say at this stage that I would support a rate increase. I think I have to go in and do a lot of homework, see where the justification for the board's position has been, bearing in mind the need to service injured workers and to maintain a balance for industry.

Mr. Bisson: I'd just raise very quickly the other issue, that of classification. A lot of employers that I've talked to have been classified differently than they were in the past, which has led to an increase in the overall assessment. The board seems to be taking a pretty hard-line position to raise as much revenue as they can. One of the ways of doing that is the change of classification. Your view on that?

Mr. Mahoney: Let me tell you one of the first things, if I am confirmed in this very important position, that I intend to do: to travel the province and to meet with the stakeholders, and to find out directly, face to face, what their concerns are. I intend to meet not only with associations that represent classifications, but I intend to meet with individual businesses, injured workers, unions and every stakeholder that I can talk to and listen to, before I make any kind of determination on those issues.

Mr. Bisson: On page 8 of your report you say, "Throughout the deliberations of the WCB outreach tour, it was a widely held view that the composition of the existing board" should be non-partisan in nature. You're partisan. I'm partisan. We're both identified, in your case as a Liberal, and I'm a New Democrat. Is it your view that this should still apply?

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Mr. Mahoney: Absolutely. I intend to be fully non-partisan. I have not been in elected office for over two years and I think it's extremely important that the chair of the WSIB be non-partisan, and I will cease any partisan activities if I am given the opportunity to do this work.

Mr. Bisson: Do you see yourself as answering to the minister?

Mr. Mahoney: No. I believe the chair and the board need to work together to form a consensus on issues. I would certainly have an open dialogue with the minister, but this is an independent chair's position and, frankly, I will treat it as such.

Mr. Bisson: In your 1994 report, you also praised the work of former WCB Alberta CEO, John Cowell. You remember, he got himself a big, whopping amount of money as a severance package on the way out the door—almost \$600,000. You know that's a bit of an issue these days with Hydro. Your view on that? Do you plan on giving yourself a raise at the board?

Mr. Mahoney: I have no view on that. My compensation is laid out. I think you have the data in front of you. It's a per diem. It's a part-time position. I describe it as a part-time position with a full-time commitment, frankly, because it's such a big job.

If you're running out of time, I'll let you go on with your next question.

Mr. Bisson: Thank you. I've got two more questions I'd like to get to.

Page 9—I love this one—again out of your report, WCB Outreach Tour: “The president and chief executive officer must possess a formal university degree in actuarial sciences from an accredited institution”—do you have that?

Mr. Mahoney: No, I don't.

Mr. Bisson: —“combined with five to 10 years of experience in administering a large insurance company.” Do you have that?

Mr. Mahoney: I think this refers to the president and the chief executive officer, not—

Mr. Bisson: But I'm asking, do you have that?

Mr. Mahoney: No.

Mr. Bisson: Okay. I'm just checking. All right. Do you think you should have those things?

Mr. Mahoney: I think that my qualifications on the ground of dealing with these kinds of issues at all three levels of government—26 years' experience in government dealing with issues that are very similar; in Ottawa, as a federal—

Mr. Bisson: Would you agree with me that was kind of a dumb thing?

Mr. Mahoney: What was kind of a dumb thing?

Mr. Bisson: What was on page 9 of that report.

Mr. Mahoney: For the president and chief executive officer? No, I don't agree that that was a dumb thing.

Mr. Bisson: That's all I wanted.

The other thing I want to ask you is, do you get a pension from here?

Mr. Mahoney: I don't believe so, no.

Mr. Bisson: Provincially—no more?

Mr. Mahoney: Oh, provincially, my pension was bought out.

Mr. Bisson: Federally?

Mr. Mahoney: Federally, I do get a pension. It's about \$29,000 gross per year. I have committed that I will donate the net proceeds of that pension to recognized charities if I am confirmed in this position.

Mr. Bisson: Thank you very much.

The Chair: You have 45 seconds to spare, Monsieur Bisson.

Mr. Bisson: By the time I would have gotten into it, you would have cut me off. I know how you operate, Chair.

The Chair: Thank you, sir.

Mr. Mahoney's presentation was about eight and a half minutes long, so the government side has about a minute and a half.

Mr. Mahoney: A new question.

The Chair: Yes.

Mr. Mahoney: All right; I didn't know it was that long.

Mr. Parsons: I think the public often wonders how appointees are selected for nomination in this process, particularly where one has a political background. I wonder if you could run through for the committee and

those watching the process that you followed to get this nomination.

Mr. Mahoney: Thanks very much for the question. I was actually contacted by a number of stakeholders, on both the business side and the labour side last October or November and asked if I would be interested and willing to have my name stand for the position of chair of the WSIB if they collectively were to put it forward. I said I would be. Subsequent to that, there was an advertisement placed in the Globe and Mail, which I was informed of. I sought it out. I went online and got to the appointments secretariat and got the documentation. No longer having a building of staff working for me, I've become a wiz at the computer and I was able to download this information, fill it out, and submit the application.

I was then e-mailed that I had an appointment for an interview—I think it was early December—and would I be available. I said I was. I went through the interview. There were four people. There was the former deputy of the Ministry of Labour; the head of the appointments secretariat; Jill Hutcheon, the president; and the executive assistant to the minister, who interviewed me for well over an hour. I understand they interviewed 11 people and that I was selected out of that group to be the nominee.

Mr. Parsons: Time's up?

The Chair: You have about 30 seconds.

Mr. Milloy: Mr. Mahoney, you obviously have a tremendous amount of background and interest in a variety of areas. You talk about why you're qualified for this job. To turn your presentation around, why this job, as opposed to any other? What's the interest? I know you have eight seconds to tell me.

Mr. Mahoney: I've really always maintained a strong interest in the labour movement in general. I have very strong relationships with many members—the Teamsters, members of the building trades and all of the different unions—and we have an ongoing relationship. I think this is a critical issue for the province of Ontario, for injured workers and for business. It's serious public policy and I am, frankly, very excited about the opportunity to roll up my sleeves and get to work.

The Chair: The official opposition. Ms. Scott.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you very much, Mr. Mahoney, for coming in today and thank you for all your years of dedicated public service. You have a lengthy record and I think a very good background to fill this job as chair.

You just mentioned that this is serious policy in the province of Ontario. After being elected just two and a half years, I certainly have had a lot of interaction with WSIB claims that have come in to the office and I've heard tales from constituents. You have been elected to office many years, at different levels of government, and I'm sure you have heard these also. You mentioned Justice Meredith in your opening comments about getting speedy justice. Do you see any specific ways or means that we can speed the process up?

Mr. Mahoney: It's an interesting question. In my time in this place, I had a full-time staff person who did nothing but WCB claims. The analogous position federally, by the way, is immigration. If you're a federal MP, you have a full-time staff person dealing with immigration, so there are some similarities in the workload.

Eighty per cent of the claims that come in to WSIB are dealt with in the first two weeks and I think that's impressive. Working toward increasing that percentage, to make it a greater number, to have it dealt with in as short a period of time as possible, would be one way of doing it.

I also think communication is key. Jill Hutcheon has worn both hats for the last two years, as president and chair. It was an enormous job for her to undertake and, by all accounts, she did a great job in both positions. But I think that the chair needs to be able to get out and talk to the stakeholders about what their concerns are and get advice from them as to how we can eliminate some of the bumps in the road that lead toward rehabilitation, that lead toward return to work.

But the number one job of the WSIB, and I believe of the new chair of the WSIB, is accident prevention in the first place. We lose 100 people a year to fatalities in the workplace. In a province like Ontario, in a country like Canada, I just find that so unacceptable, that people are actually dying in the workplace. I think there's a lot to be done in that area.

The button that I'm wearing today, called "Think Again," is the new program that is reaching out to young people and young workers, saying, "If you think it can't happen to you, think again, because it can." We've had young people killed in the workplace, people in the construction industry and in every segment of industrial life in this province. We shouldn't be losing people to workplace fatalities, and certainly we have to cut down on injuries.

I'm sorry to be so long.

Ms. Scott: That's your background; what can we say?

Mr. Mahoney: Being long?

Ms. Scott: A political background and being involved in politics a long time. That's what happens. You learn to speak in details.

I'll shorten my question. The labour market re-entry program: They did an audit in 2004. I don't know if you are familiar with it, but basically, the employee groups doubted the validity of the assessment process and were skeptical of the quality and motives of the service providers. The employer groups expressed a desire for greater involvement in the assessment process and greater accountability of the service providers. I know you've mentioned a bit of this, but do you have any opinion on the success of the labour market re-entry program and maybe some ideas on how we can improve it?

Mr. Mahoney: I don't have an opinion on the success yet but I would, hopefully, if I'm confirmed in this position, be able to give you one in subsequent weeks. But I

would say that service providers that are so key to rehabilitation and return to work are really medical. I particularly believe that it's crucial that we continue to use the various medical operations or people who are available to us—chiropractors, for example. It was one of my recommendations that chiropractors be used. In fact, in my report I recommended that they actually have a seat on the board. I think they can do a great deal of work toward rehabilitation and return to work.

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As far as the employers and the unions having greater say in these things, I believe both should; they should be at the table. I intend to take the board to meet outside of the city of Toronto. I used to say when I was here that this is not the province of Toronto. With the greatest respect to this wonderful city, it's the province of Ontario. I want our board to meet in all of the various locations—in Thunder Bay, Sault Ste. Marie, Windsor, London or wherever—so that we can meet and listen to the people on the ground through board tours.

Mr. Bisson: Timmins too?

Mr. Mahoney: Timmins, absolutely.

Ms. Scott: No question, I agree with prevention and education. Since the Liberal government delisted chiropractic services, I think that's part of our prevention mode that we should carry on with.

Back to numerous criticisms for treatment of occupational diseases, I can go through the Cancer Care Ontario reports also, and I know that Andrea Horwath has introduced a bill in regard to firefighters contracting certain diseases. Do you have an opinion on the WSIB's treatment and compensation of occupational diseases?

Mr. Mahoney: I think it's an all-encompassing plan that certainly recognizes the serious illnesses that occur in the workplace, whether it's due to handling WHMIS products and not having the labels read properly—this could be a big impact, by the way, for young workers who come on the job and don't know the various symbols that they're required to know under WHMIS. Training and education of the worker needs to be improved.

But really, whether it's occupational diseases or whether it's an injury, we also need to ensure that the workers and the employers work together to create safe and healthy workplaces. In the time I spent as a small business advocate, I toured all over the province, and in every single case you would find the happiest workforce working in a plant, a business or an operation where health and safety were top of mind. I really think that that's the emphasis I want to bring to the job, if I am confirmed as the chair.

Ms. Scott: You mentioned working with businesses before. The Canadian Federation of Independent Business has stated that small construction firms would be threatened by the proposed changes. Do you have any comment about whether construction workers should be covered by the WSIB?

Mr. Mahoney: I want to say to the CFIB and to anybody else that the alternative is unacceptable. The

alternative that just because they work in the construction industry they shouldn't have coverage—to me, that's just a non-starter; I don't accept that. If they're sick or they're ill as a result of a workplace incident, then that's what the WSIB is there to help with, and I think that's what it should do.

Ms. Scott: My last question, I guess, is, if during your term as chair of the board, the mayor of Mississauga position becomes vacant, will you give your assurance that you will not leave this position to pursue that one? It's a fun question.

Mr. Mahoney: We have a young and vigorous mayor in Mississauga, who I'm sure will outlive all of us.

The Chair: Mr. Mahoney, thank you very much for your presentation and response to the members' questions, and welcome back to the room. You're welcome to stick around for the dramatic concurrence vote about to take place.

Mr. Mahoney: Thank you very much, Mr. Chairman.

The Chair: You are welcome. Thanks for taking the time. Folks, I'm going to move to the concurrence votes and then back to other business. As part of the debate, we'll put the motion for concurrence, Mr. Bisson, and then we'll have a debate on Mr. Mahoney's intended appointment. I will need a concurrence vote. We will move in the order by which the delegations appeared before us today, beginning with Steven William Mahoney, intended appointee as chair of the Workplace Safety and Insurance Board.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves its concurrence. Is there any discussion?

Mr. Bisson: For ourselves, part of the problem we have on this committee is that we get 30 minutes to ask somebody a number of questions which may be quite significant. I would ask for some assistance from the government side, maybe, that we have a little bit more time with him, because there are a few things that I'd like to ask him. Specifically, I wanted to go to industrial disease side. I didn't have the time; there was only 45 seconds left. I wonder if there's any willingness on the part of the government to give us a little bit of extra time, considering that this is a fairly serious appointment. We all know; we deal with workers' compensation in our offices. It's fairly significant to make sure, in my opinion, that we have an opportunity to talk to Mr. Mahoney just a little bit more on a few other issues.

The Chair: We did have a motion on the floor at our last meeting to have a one-hour meeting. It was defeated.

Mr. Bisson: I thought maybe they would just want to consider redoing this again.

The Chair: Is there any response from the government side?

Mr. Parsons: We strive to be consistent and—

Mr. Bisson: Listen, I can hold him up for two weeks if you want or we can have him here. I'm asking politely if we want to do it today. Let him come back before the committee and answer a couple of questions, otherwise I just may very well hold him over till the next meeting.

There's a few other things that I want to put on the record that need to be done. I'm asking if you'd be willing to do that today.

The Chair: Maybe, Mr. Bisson, you could be more specific in what you'd like to see. You're asking for five minutes, 10 minutes? What are you asking for?

Mr. Bisson: If I could get another 10 minutes, the same rotation that we just had now, we could probably get through what we've got to get through. I don't know if the government wants to take their time. It's up to them.

The Chair: Are you suggestion 10 minutes per party?

Mr. Bisson: Yes, the same thing that we did this morning.

The Chair: I sense that there might not be unanimous consent, so why don't we do this in the form of a motion. Mr. Bisson, why don't you go ahead and move the motion.

Mr. Bisson: I would ask that we allow Mr. Mahoney to come back before the committee for another rotation in order to ask him some other questions that are relevant to his appointment.

The Chair: And you mean immediately?

Mr. Bisson: Yes.

The Chair: Is there any discussion?

Mr. Parsons: Does the official opposition need more time?

Ms. Scott: I personally don't need any more time. No, I don't think that the opposition party needs more time.

The Chair: Any further discussion? There's—

Ms. Scott: I mean, if you choose to, I'm not opposed. But I don't have any more questions for Mr. Mahoney.

Mr. Parsons: Well, we've been painted kind of into a corner with the implication that if we don't agree with it, then we defer it for two weeks. This is an extremely important role that I think everybody, all parties—not just the government but all parties—agree needs to be filled. If we want to play the game, "Either 10 more minutes or I'll stall it for two weeks," then fine, 10 more minutes, because we want this nomination to move forward.

Mr. Bisson: That's fine, that's good.

Mr. Parsons: I don't like the style, but we accept it.

Mr. Bisson: Listen, I have the right as a member, and you're acknowledging that I can use that right.

Mr. Parsons: Yes.

Mr. Bisson: You're saying you'll accommodate me. I say, thank you. It's a simple as that.

The Chair: We'll make sure we're in order here. Monsieur Bisson has moved that each party have 10 minutes in addition immediately of Mr. Mahoney, in anticipation of a vote, retaking his seat. You're welcome to try the coffee, by the way, as I said earlier.

I will remind members too, we'll follow the usual procedure of rotation if this motion passes. Members can choose to use the full 10 minutes or not of their time.

Monsieur Bisson has moved that each party have 10 more minutes each to ask further questions of the

intended appointee. All those in favour? Any opposed? It is carried.

Mr. Bisson: Wow, thank you. I won a vote.

The Chair: Mr. Mahoney.

Mr. Mahoney: It's nice to be back with you, Mr. Chairman.

Mr. Bisson: Remember how tough that was in opposition, Steve?

Ms. Mahoney: Yes, I sure do. You guys were tough.

The Chair: It's the luck of the Irish, I guess.

Welcome back, Mr. Mahoney, to the standing committee. You may have had experience recently in how this committee operates. We follow a rotation mechanism where each party is allowed up to 10 minutes to ask questions of the intended appointee. We will follow the rotation pattern that we've had, meaning any questions begin with the third party.

Mr. Bisson: I've got a couple of specific things that I want to get into around industrial diseases. That's why I wanted you back here. I didn't have enough time in the first 10 minutes.

You remember the use of the—actually it was your government, the David Peterson government, that put in place the Industrial Disease Standards Panel, which was quite useful in doing the work that needed to be done to deal with some of the very complex issues around industrial diseases: lung cancer amongst gold miners, esophageal cancers etc. Your views on that? Is that something that you favour as a means of being able to do the work that has to be done in order to try to figure out what we need to do at the board to deal with industrial diseases?

Mr. Mahoney: The one thing I would frankly commit to is that I'd be very prepared to have a discussion at the board about how we get the proper kind of advice, which I think was the critical issue of the time. I've looked over the qualifications of all the board members, and I suspect that they would want to make sure that they had expert advice and that we were getting it in a way that we were comfortable with where it was coming from. I'm fully prepared to take a look at that.

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Mr. Bisson: Again, just to go a little bit further into this—it may be because of the riding that I represent, dealing with mining and forestry—we deal with a fair amount of industrial disease claims, and they're quite frustrating. You are either meeting the criteria established currently by the board or, more times than not, you don't, especially with industrial diseases. We're constantly having to go off to the Workers' Compensation Appeals Tribunal in order to deal with these very complex claims.

I would ask you two things. You've already answered the first part, which is that you think we need some sort of a board similar to what we used to have before, the Industrial Disease Standards Panel, as a means of trying to come to terms with that. The other issue is the time it takes to get some of these claims to move forward, never mind at the appeals tribunal level, but even way before we get to that. Far too often, the diseased individual

doesn't make it to the end. Your thoughts on trying to speed up that process in some way so people can get on with their lives?

Mr. Mahoney: I think it's a very good question. In fact, it's somewhat related to the question that Ms. Scott asked about speeding up the process as well. One way to speed up the process is to make decisions without going through endless appeals. That was something, frankly, in this much-criticized or heralded document, however you want to look at it, where we said that there should be more informative decisions and quicker decisions. Particularly, I think Mr. Bisson raises a very important point, that it's not much help to people who wind up passing away before they can have their claim dealt with. So expediency—I go back to the remarks by the founder of this great organization: "The benefits of speedy justice, humanely administered." I support those principles and, frankly, will work with you in your riding to see if we can develop a system that will improve things.

Mr. Bisson: We'll follow up on that, I am sure.

In regards to the bill that my colleague Andrea Horwath put forward in regards to firefighters, I heard some of your comments, but I had to go out and make a call; I didn't get it all. Your view on that particular bill, the importance of the presumption type legislation?

Mr. Mahoney: To be honest with you, I'm not as familiar with that bill as I would want to be to comment on it in this format, but I'm assuming it relates to injuries that—

Mr. Bisson: Disease, actually.

Mr. Mahoney: Right, disease; that's what I meant to say—to diseases that firefighters incur while on the job. Again, the principle shouldn't matter where it is. If it's a disease that was incurred on the job, then the WSIB should be there to try to help deal with curing that disease or finding a way to—

Mr. Bisson: Prevention, obviously, is always—

Mr. Mahoney: Prevention is number one in everything, whether it's disease or accidents.

Mr. Bisson: The question here is this: In the case of Ms. Horwath's bill, and also in work that I've done on the workers' compensation side for diseased miners, a big part of the problem is that often you've got the diagnosis of the disease, there is an indication in the medical evidence that it is work-related, but getting it to be—we say in French "concretisé"; in English, you would say "to formally prove that." The presumption is always against the worker, that it happens somewhere else. The reason that the miner got lung cancer was because he smoked, not because he worked in a dusty or smoked-out underground; the reason that the firefighter is diseased is because of lifestyle, not because of him or her having walked into a fire with chemicals.

This is my question: How do you feel about the issue of presumption legislation, which basically says that if you have a diagnosis of the disease and there's a sufficient benefit of the doubt that it was related to work, that would be the presumption? In other words, you allow the claim, and then it's up to the board to say otherwise.

Mr. Mahoney: The key word you used was “sufficient” evidence. If there is sufficient evidence, then it seems to me that there should be a way to move forward on it. I know the frustrations from my experience here of people just making assumptions, but we have to rely—I’m not a doctor, Mr. Bisson, and I don’t think you are either—on expert advice, on the information that is put before us. If there is supportive evidence that the disease was contracted as a result of the workplace, then I think it should be moved forward.

Mr. Bisson: But my point was giving the benefit of the doubt, because often the reports—I’ve dealt with a number of them, and it’s too long to get into—will say, “Here is a diagnosis. We know that the person is diseased.” There is sufficient evidence in the medical opinion that it was work-related, but the board says, “No, it’s not enough.” That’s why I’m saying presumption on the side of the worker.

Mr. Mahoney: I’ll undertake to do one thing, and that is to have a full and thorough discussion with you and some of your colleagues and the board on this issue.

Mr. Bisson: Okay. That’s fair.

Mr. Mahoney: I think that’s about as far as I can go at this point, assuming I’m confirmed, I might add.

Mr. Bisson: You’d be surprised. I don’t know, it might be tough around this table.

I’ve only got three minutes, and I guess I’d end on this question here: All of us deal with workers’ compensation in our offices. You know; you were a provincial member of Parliament, and I bet you dealt with it as a federal member of Parliament. We’ve got some good staff at the WSIB, and I don’t want to rain on their parade, because they try to do the best that they can. The issue, though, is that sometimes it’s very difficult to get a decision or to get answers to questions that are put forward to us by constituents that we represent. There’s a model that has been used in government for some time, what they call MPP liaison, where you call the minister’s office and they have a point person to try to respond to the inquiry of members, either opposition or government. What are your views on providing some type of service to MPPs that we are able to go to, other than the adjudicator or the manager, so that we have somebody once we’ve exhausted our attempt to get the resolution through that process? What are your views on providing some kind of service to members to deal with some of the more complex cases?

Mr. Mahoney: In response to that, in my experience as a minister we determined who the client groups were in the particular crown corporation. If we take CMHC and talk about housing, who are the client groups that we need to focus on? MPs were clearly one of them. One of the things that I can tell you happens in Ottawa is that, as a minister, if you don’t consult with the caucus of all parties, you can wind up in serious trouble. Exactly how we will set this up, I don’t know, but I think it makes tremendous sense for the chair to have a pipeline to MPPs to understand the issues that they’re facing. Whether or not I will be hiring some staff if I’m

confirmed in the position, I will undertake, once again, to look at a methodology where we can communicate directly and you can get some better answers. You may not always like the answers, but as long as you can get the communication through to the chair and to the administration.

Let me just add one thing. There are almost 4,500 employees in the WSIB. It’s the largest insurance company in Canada and in the top four in North America. This is a huge ship to steer, and it’s not one where you get quick, easy, knee-jerk kinds of reactions out of it. But communication will be one of my top priorities, and it will include MPPs.

The Chair: Thank you, Mr. Bisson. To the government side.

Mr. Parsons: I want to thank Mr. Mahoney for returning to the table and doing this. I’m glad we were able to work this out today, but I think it’s important that we view this not necessarily as a one-time, but to be fair to the nominees, they are told ahead of time that they will have X number of minutes. I hope this isn’t a precedent, that at any time we can yank another 10 minutes, but in this case it worked.

Mr. Bisson: I can use the standing orders next time, if you want.

Mr. Mahoney: May I just respond and say that as a former politician I could probably talk all day about this, so I appreciate your comments.

Mr. Parsons: Actually, in your case I’m pleased that it’s limited to 10 minutes.

The Chair: Thank you, folks. To the official opposition.

Ms. Scott: Thank you, Mr. Mahoney, for agreeing to come back for the extra time. I don’t have any specific questions. I just want to mention to Mr. Parsons that we have asked that the WSIB, as a board or agency, be called as one of our selections. So there will be time for more discussions, with the future date to be determined.

Thank you very much for appearing before us. I have no problem with your qualifications.

The Chair: Mr. Mahoney, part 2, thank you very much for your response to further questions from the members. Again, you’re invited to stick around.

I’m going to revert back to—Mr. Parsons did have a concurrence motion on the floor. I assume that still stands. Is there any further discussion on Mr. Mahoney’s intended appointment?

Mr. Bisson: I look forward to our agency deliberations.

The Chair: Any other debate on Mr. Mahoney’s intended appointment? Seeing none, I will move the question. All of those in favour?

Mr. Bisson: Recorded vote.

Ayes

McNeely, Milloy, Parsons, Scott, Smith, Van Bommel.

Nays

Bisson.

The Chair: It carries.

Mr. Mahoney, best wishes at the WSIB as chair.

COMMITTEE BUSINESS

The Chair: Folks, I'm going to quickly go through other business because our time is coming to an end. I will remind members that our next meeting, of course, will be Wednesday, May 31, at 10 a.m. To make sure that's clear, it's the regular time for the committee, 10 a.m. until noon.

We did our committee selections last meeting with respect to the agencies we want to review. A couple of things: First, I am having the clerk hand out some research on which agencies are eligible and why that is the case. I've had to find that the selections of the Ontario Power Authority and the Electrical Safety Authority were not in order because they do not fit with the mandate of this committee, which is to interview Lieutenant Governor in Council appointees or corporations in which the government has share capital, if I recall. It's all there in your research.

Mr. Bisson: Do we have a list?

The Chair: We don't have a list, unfortunately. It's a pretty hard thing to put together, and it's certainly understandable that we don't always know which groups would qualify and which ones would not. So I will ask Mr. Bisson—obviously, you'll have to consult with your caucus—to come back to the meeting of May 31 with your two other selections.

Mr. Bisson: Yes.

The Chair: The official opposition has notified me directly that the Ontario Lottery and Gaming Corp. is their first preference for our September hearings. I have

not heard from the government, if I recall, which you prefer to discuss first.

Mr. Parsons: Gambling and drinking go together, so we'll go with LCBO.

The Chair: That should make for a very interesting week. The Liquor Control Board of Ontario will be the government's selection.

The last thing: I did ask members, if they had any comments on the questionnaire, to submit them to the clerk for today's meeting. Ms. Scott has discussed this with the clerk, I think.

Ms. Scott: I just asked if there was a deadline.

The Chair: I had asked for it today.

Ms. Scott: Did you? I'm sorry.

The Chair: The deadline is today, so please have any comments that you have on the questionnaire in to the clerk by the end of the day today. The clerk and I will review the advice from committee members, and my own thoughts, and then the questionnaire will be complete.

Any other business?

Ms. Monique M. Smith (Nipissing): Do we have dates in September yet?

The Chair: We do. Madam Clerk.

Interjection.

The Chair: That's an excellent point. Just to make sure that's on Hansard, because this committee will be sitting in the intersession, we will need to ask permission for a motion before the House. So we will know the dates some time from now, but we are aiming for the intersession in September, I think is what the subcommittee had determined. The exact dates will be determined shortly.

Any other business? Seeing none, folks, we are adjourned until Wednesday, May 31. Thank you very much.

The committee adjourned at 1151.

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