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## **Official Report of Debates (Hansard)**

**Wednesday 1 November 2006**

## **Journal des débats (Hansard)**

**Mercredi 1<sup>er</sup> novembre 2006**

**Standing committee on  
government agencies**

Agency Review:  
Hydro One

**Comité permanent des  
organismes gouvernementaux**

Examen des organismes  
gouvernementaux :  
Hydro One

Chair: Julia Munro  
Clerk: Tonia Grannum

Présidente : Julia Munro  
Greffière : Tonia Grannum

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 1 November 2006

Mercredi 1<sup>er</sup> novembre 2006*The committee met at 1004 in room 151.*

## AGENCY REVIEW

## HYDRO ONE

## SUBCOMMITTEE REPORTS

**The Chair (Mrs. Julia Munro):** I'd like to call the committee to order. The first item on our agenda this morning is the report of the subcommittee on committee business dated October 19, and the report of the subcommittee on committee business dated October 26. Could I have a motion to begin with the first one?

**Mr. Ernie Parsons (Prince Edward–Hastings):** I move acceptance of the report of October 19.

**The Chair:** Thank you. And the second item, the second report?

**Mr. Parsons:** We're going to vote—

**The Chair:** Okay, sorry. I need a vote on that motion.

**Mr. Howard Hampton (Kenora–Rainy River):** What's the motion again, please?

**The Chair:** The report of the subcommittee on—

**Mr. Hampton:** And what is the report of the subcommittee?

**Mr. Parsons:** It's in front of you.

**The Chair:** I'm not sure whether you have it there. You should have the sheet there.

**Mr. Parsons:** None of the parties selected.

**Mr. Hampton:** Pardon me?

**The Chair:** I think you have the sheet dated October 19, the report of the subcommittee that there were no selections.

**Mr. Hampton:** All right.

**The Chair:** You'll see one is dated October 13 and the other one—

**Mr. Hampton:** October 19: "That the following intended appointees—"

**The Chair:** I'm sorry, the 19th, yes, and October 26.

**Mr. Hampton:** Yes.

**The Chair:** First of all, we have a motion for October 19. All those in favour? Thank you.

Mr. Parsons?

**Mr. Parsons:** I would move acceptance of the October 26 report.

**The Chair:** All those in favour? Thank you very much.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's going well so far.

**Mr. Parsons:** Just watch my hand, John.

**The Chair:** We're now moving to the third item on our agenda, which is the consideration of the draft report on Hydro One, and we're looking at draft number one.

**Mr. Parsons:** Chair, I would like to make a comment on this third item before we commence it. The committees, when we examined the past history of this, have held report writing in camera and in public. The decision, to this stage, has been to not have these items in camera, and that's fine with us. The one concern is, as a result of some statements that were made at the public hearing by the presenters, there are lawsuits taking place between parties, and I would just ask that we not discuss items that are currently before the courts, items that are relating to the lawsuits that are presently taking place.

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**Mr. Hampton:** What is currently before the court? Do we know what's currently before the court?

**Mr. Parsons:** It is public information that the CEO for Hydro and the Hydro board itself have filed suit against the Society of—

**Mr. Hampton:** And what's the nature of the lawsuit?

**The Chair:** Could I just clarify for you? I think if you look at the draft that you have before you, it does not contain information that is the subject of the legal proceedings.

**Mr. Yakabuski:** It does not?

**The Chair:** That's right.

**Mr. Parsons:** That's correct. Basically, I believe the lawsuit is relating to libel and slander. I think it would be wise of us to not introduce that. If we stick to the draft as presented, that's great. We can expand it to areas that are not in the draft, but not areas currently relating to the litigation between those parties.

**Mr. Yakabuski:** I'm good with that.

**The Chair:** All right. Is that something that everybody is clear about?

**Mr. Hampton:** We've got the draft report in front of us. I guess the question needs to be asked: Does anybody see anything in the draft report now that in your view crosses that line?

**Mr. Parsons:** No.

**Mr. Hampton:** Okay.

**The Chair:** All right. Thank you for the clarification. As in the last couple of documents we've looked at, I will

ask you to point out any issues. We'll go page by page and look at the possible recommendations. So if we go to page 1 and page 2—yes, Mr. Milloy?

**Mr. John Milloy (Kitchener Centre):** I'm not sure if this is the appropriate time to raise this. This is more of a general comment, and I realize this is only the first draft. Again, we've raised this with some of the other ones. The overall tone of the report seems to be very high on some of the criticisms that were brought forward, which is fair enough, but a little light on some of the reports of progress that is being made and things that have been put forward. I'm just wondering, again, if we can find a little bit more balance in the commentary, notwithstanding the fact that obviously draft two is going to be looked at in some detail. I was going to suggest that I can provide the researcher with a list of some of the items in Hansard where there have been discussions of some of the improved performance and things that have gone forward. I mean from presentations that were made; this isn't new material. If she could try to incorporate some of that into the next draft. Again, it's just on the general tone of the commentary and, as I say, notwithstanding, obviously, the committee is going to have an opportunity to look at that second draft.

**The Chair:** Any further comments?

**Mr. Hampton:** I think what the committee was trying to do was look at—this is a pretty important agency for Ontario, and I'm looking at some of the material that Hydro One itself provided: "Hydro One Response to the Society Submission." Hydro One essentially agrees with many of the things the society says. For example, the first thing the society raised was, "This committee's review is taking place at a time of crisis in the electricity sector in Ontario. This province is now facing unprecedented stress on the power grid, a demand that is growing beyond the capacity of an aging transmission and distribution system..." It goes on, and then Hydro One's response: "The concerns raised by the society with respect to the electricity sector in Ontario have some validity. They are also correct this is the time when there is a need for strong visionary leadership to gather the best and brightest workers in the electricity sector and inspire them to meet the challenges of the day."

So Hydro One agrees that this is not a business-as-usual time, that there are some really serious issues that have to be addressed here. I think what we're trying to do in the report is focus on some of those really serious issues. One of the issues is, this corporation has been placed on the almost daily watch list by the WSIB. That's pretty serious. It has been put on the list of the worst corporations in Ontario in terms of its health and safety record. I think we should be focusing on the critical issues that Hydro One has to address.

**The Chair:** Thank you. Mr. Milloy?

**Mr. Milloy:** Again, the question is, if I was to make a presentation to research to find a balance—I mean, obviously, I agree with Mr. Hampton that we have to deal with those issues of concern, those issues where challenges still remain, but at the same time, we're doing an overview of a government agency.

I'll give you a quick example from the testimony that was presented here. It talks about how Hydro One monitors satisfaction levels among large, mid-size and residential customers, and it has achieved good results.

"Large customer satisfaction increased from 42% in 2002 to 91% in 2006. Mid-size customer satisfaction in the same period increased from 58% to 74%. Residential customer satisfaction continues to track in the 80% range. The company has set a goal to have 90% satisfaction across all customer segments by 2010."

I picked that as one example where they've given us a piece of information outlining some of the success they've had, and all I'm suggesting is—again, obviously, to be reviewed by the committee—that we provide a little bit more balance on some of the items they brought forward where they are making progress and success. I take Mr. Hampton's point that we have to obviously deal with outstanding issues, but at the same time, we're here to do a review, and I think a review contains the positive as well as some of the challenges.

**The Chair:** Thank you. Any further, before we look at—

**Mr. Yakabuski:** I just want to ask a question, and it may be entirely my own fault and my own responsibility. I subbed in on the committee when Hydro One was in for their submission to the committee. Of course, I'm now subbing in again. I don't know when the members of the committee get this stuff, but this is the first time I'm seeing it, this morning. I did get the draft from another member, a permanent member, of the committee, although I wasn't here last week, but a lot of this other stuff I'm seeing for the first time this morning.

So I don't know what the process is, if it's up to us to get this stuff. But if somebody's been subbed in on the committee specifically where it's a critic's role, I don't know if the committee clerk can be directed to ensure that that member of the Legislature gets that stuff directly. We all know, as members of the Legislature, that sometimes we don't necessarily—if it has to come from another member, unfortunately that can be missed sometimes. I have not had an opportunity to even review Hydro One's response to the submission by the Society of Energy Professionals.

Those kinds of things, I think, would be helpful: this chart on power outages and health and safety record, and all that kind of stuff. So if that would be possible in the future, or if it is our responsibility, if we're aware of that, I guess we'll have to deal with it another way.

**The Chair:** I'd like to direct the committee's attention, then. If we look at page 3 and the suggestions there for recommendations, I seek your comments or approvals on what's here.

**Mr. Hampton:** Recommendations?

**The Chair:** Yes, and perhaps, Carrie, you could just give us a sense of the overview of the first one and then the second one.

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**Ms. Carrie Hull:** What I had done the last time we met was just a brief summary, and that's what I was

prepared for. It's just that Mr. Parkinson had outlined before the committee Hydro One's efforts to improve its health and safety record.

Hydro One states that it has a two-phase program. The first phase was geared towards moving Hydro One into the top quartile of Canadian utilities on measures such as lost-time injuries. A lost-time injury is when the injury results in the employee's absence from the workplace. Injury duration and serious or potentially fatal injuries were other measures. The second phase of Hydro One's safety program is to eliminate lost-time injuries. Mr. Parkinson told the committee that the original target date for the second phase, 2006, would not be met but that the company has made improvements.

As we recall, the committee presented information indicating that Hydro One is in the top 2% of high-risk firms because of its Workplace Safety and Insurance Board statistics. Mr. Parkinson verified that that information is correct but maintains that the ministry has made a mistake in its categorization.

Hydro One officials informed the committee that only one employee has died on the job in the last several years, and this is true. In 2005, an employee was killed. I looked at some earlier annual reports, and the last fatality occurred in 2000.

Hydro One did provide the committee with statistics pertaining to its health and safety record for the past several years. I looked on the Web and in the company's annual reports to find some further information. The reports state that there has been a reduction in serious incidents and lost-time accident frequency.

I just have some parenthetical information for the committee. Hydro One formerly published a detailed health and safety report. Hydro One confirmed that it does not publish this information any more.

I thought the committee might also like to know that the Canadian electricity authority evaluates the safety record of electricity utilities in the country, and it uses three statistics. The first is the lost-time frequency, the one that I stated. This is when an employee misses work because of an injury. The second statistic is the severity rate of an accident. That tries to capture, obviously, how serious a particular incident is. The third is the all-injury frequency. That's pretty much the broadest safety category. That captures fatalities, disabling injuries and all other incidents for which a doctor was called to administer anything beyond first aid. From what Hydro One has told us, it's focusing on the first two of those categories of safety measures used by the Canadian electricity authority.

There were many comments made by the committee on the day Hydro One appeared before us, but no direct recommendations were made, so I've done my best to formulate possible recommendations, which, of course, the committee is free to modify or reject.

The first one is to clarify the nature of the discrepancy between Hydro One's health and safety statistics and those used by the Ministry of Labour and the WSIB.

**The Chair:** Comments?

**Mr. Hampton:** Certainly, when you're dealing with any other industry in the province, it's the WSIB statistics that are important. You can have an annual report that says you're doing wonderfully; if the WSIB gives you a rating which says you're not doing wonderfully, that's the rating on which you are charged for workplace safety and insurance and all those things. So I think the first recommendation is a very important one. Every corporation in this province is rated according to WSIB statistics, and if there is a discrepancy between the information Hydro One is putting out and the records the WSIB is keeping, I think that's a pretty serious issue and one which needs to be addressed.

**The Chair:** Any further comments?

**Mr. Yakabuski:** I would simply concur that it is a significant issue, but I do believe the recommendation should address that in determining what the discrepancy is and what can be done to remedy that.

**The Chair:** All right, yes.

Mr. Milloy?

**Mr. Milloy:** Just to concur with number 1. I have no problem with it.

**The Chair:** Shall we move on, then, to recommendation 2? Any comments there?

**Mr. Milloy:** I'd like to ask a question of clarification. I have no problem with number 2, except my question is: "Publish regularly the complete health and safety statistics used by Hydro One, as reported to the Canadian Electricity Association," which is fair enough; that's asking Hydro One to do something. Then it says, "including information about how Hydro One ranks in relation to other utilities on all measures." My question is, and this is simply an administrative question, is that the Canadian Electricity Association that has that, not Hydro? Do you understand what I'm saying? I have no problem with the intent of it. I just meant, can we ask Hydro One—are these available from the Canadian Electricity Association? You see my question?

**The Chair:** Go ahead, Ms. Hull.

**Ms. Hull:** As far as I understand, CEA ranks the utilities that report to it. I've seen ranking information on other utilities' websites.

**Mr. Milloy:** So yes, Hydro One would have access to that. Fine.

**Mr. Yakabuski:** Would this recommendation suffice in achieving the going back, if you want to call it that, to where Hydro One used to formally publish detailed information on its accident record in an annual report? That could be part of the recommendation as well, that they revert to that practice so that that information would be published on a regular, annual basis. I'm not sure; maybe this recommendation covers that.

**The Chair:** Mr. Hampton, did you have something to add?

**Mr. Hampton:** I think we should be insisting that Hydro One make available—is it the Canadian Electricity Association or the Canadian electricity authority? What is it? On page 2—

**Ms. Hull:** I've chosen both names, so obviously only one of them is correct. I believe it's the Canadian electricity authority. My apologies.

**Mr. Hampton:** Okay. I think what we want—and the first recommendation gets to this—is the information that the WSIB uses, because that's the important information. That establishes your WSIB rate and your WSIB penalties. The second one is, we want Hydro One to provide the same information that other utilities in Canada provide so that we can make meaningful comparisons about what it's doing relative to other utilities, which is the second recommendation. The first recommendation is what it's doing relative to what WSIB wants.

**The Chair:** All right. Thank you very much. We'll move on to the next section, which deals with the skilled labour shortages, beginning in the middle of page 3. If you look at the top of page 4, we have a possible recommendation at that point. Ms. Hull, if you wouldn't mind giving a little overview of that.

**Ms. Hull:** All right. I'm on page 3. The day of the hearings, Hydro One informed the committee that the company would be facing a shortage of skilled staff in the next few years. This is an industry-wide problem, but officials also blame the situation on limited hiring in the past 10 to 15 years, combined with a voluntary retirement program that had depleted their labour pool. Furthermore, Ontario's universities and colleges are no longer offering programs tailored to Hydro One's needs because of reduced hiring in previous years.

Hydro One told the committee that it's established an apprentice program and now has approximately 400 apprentices being trained. Hydro One also indicated that it's developing partnerships with colleges and universities to re-establish the training programs. Officials at Hydro One are also involved with the Electricity Sector Council, which is working with these colleges and universities to establish more apprenticeship and training programs.

On page 4, recommendation 3 is, "Continue to collaborate with colleges and universities in Ontario and elsewhere in Canada to establish training and education programs suited to Hydro One's needs within the next one to three years."

**The Chair:** Thank you very much. Any comments with regard to this recommendation?

**Mr. Yakabuski:** I think, certainly, continuing to collaborate is good. But there should be a report back with regards to what kind of progress we're making on these issues, because collaborating with colleges and universities is one thing, but actually achieving results to ensure that we have the skilled labour to provide the service that's going to be required as these people retire from the business, so that we can carry on seamlessly down the road—there should be progress reports to see, if we're short X number of skilled technicians today, where are we a year from now? Where are we two years from now etc? So, yes, we're collaborating, but as time passes on, we find we're getting further and further behind the eight ball. We should have reports as to how we're doing so

that we don't degenerate into a situation that will be very, very difficult to recover from.

**1030**

**The Chair:** Any further comments?

**Mr. Hampton:** Could I ask staff of the committee, what is the usual procedure for reporting back? Are there mechanisms to ensure reporting back in terms of this kind of committee? This was one of the areas where both the Society of Energy Professionals and the board and management of Hydro One agreed. They both agreed that there is a critical shortage of professionally trained and skilled people in the area of transmission engineering and power engineering. They both agreed, if you look at the number of people who have left already, if you look at the number of people who are scheduled for retirement, that there is a real crunch coming.

I think if we're to do our job, we should be insisting on an annual report back from Hydro One about what progress is being made here in terms of the co-operative development with academic institutions and in terms of the recruitment of these kinds of very skilled and very unique trained professionals. So I'm asking, what provision do we have to ask for a report back on, say, an annual basis?

**The Chair:** I know you asked staff, but I can just tell you that in much the same way as public accounts has the ability to ask for some response back on its recommendations, this committee would be able to as well.

Perhaps if there are any additions to my comments from staff?

**Mr. Larry Johnston:** I would just say that the last reports to this committee began with a review of responses to the previous report, so this committee has a history of asking for follow-up.

**Mr. Hampton:** Then I think we should ask for that follow-up. I think we should ask for a report back on an annual basis as to what progress is being made and an update on what the potential shortages of skilled people are.

**The Chair:** Any comments?

**Mr. Milloy:** I have no problem with the idea in principle of them reporting on their progress. I do wonder about reporting to this committee in the sense of, would it not be better to mandate them to make it part of their annual report or to make it as we have in the earlier sections when we talk about health and safety? I'm just not sure exactly where it goes in the sense of reporting back to the committee, with the greatest respect to the committee and all its members. There is a letter somewhere—correct me if I'm wrong—that is received at some point, but if we said as part of its annual report—again, I'd have to turn to research for the different mechanisms that might be available to Hydro One. Presumably, they have an annual report. I don't know if they have other documents that are tabled publicly or whatever. As I say, you're the experts here.

**The Chair:** I will defer to staff to give us further detail, but the idea is simply that because these are of particular interest to this committee, there is that oppor-

tunity to get some kind of response back to the committee.

Perhaps you'd like to add any further comments?

**Mr. Johnston:** I would just say that this committee has begun conducting reviews of agencies after a 10-year hiatus. When this committee was reviewing agencies in the past, it was an ongoing process, so that each year, when new agencies were reviewed, the report for that year would contain statements about progress made in response to previous reviews. I don't think this committee has established its procedures with respect to follow-up.

**Mr. Hampton:** Then let me make the case: If we walk away from here and don't require an annual report back on this kind of issue, and then we find out two years from now that this hasn't been working very well and that you don't have enough power engineers, you don't have enough skilled people, then Hydro One hasn't dropped the ball; I think this committee will have dropped the ball. Simply saying to Hydro One, "We want a report from you once a year on what progress you're making on an issue that you agree is critical, that you agree is fundamental to the electricity future of Ontario," is not too much to demand of a company that is a multi-billion dollar business and that is central to the future economic success of the province. If we get a report back a year from now that says that despite Hydro One's best efforts they have not been able to move very far with community colleges and universities, I would want to know about that. That would be more than an amber light; that would be the blinking red light.

So just to write a recommendation saying, "We recommend you do this," but then not require a report as to whether it has been done, I don't think this committee will have done its job.

**Mr. Milloy:** I've never suggested that we not ask them had it been done. I'm finding a mechanism that has a bit more permanency and profile. I think we're splitting hairs a little bit in the sense that it would have the same effect that annually they report through a mechanism. As I say, if we're going to get back into the business of doing this—this is similar to what goes on in public accounts. It may be different. I'm just sort of throwing open the questions.

**Mr. Yakabuski:** I appreciate everything that's been said. I don't know what the powers of this committee are, to be quite honest with you, but in addition to reporting to this committee, now that we are possibly doing these reviews on an annual basis, certainly they should be reporting back to the Ministry of Energy as well on a regular basis as to the progress. Being that the province is the single shareholder of this utility, I think it's incumbent upon them to let the shareholder know what kind of progress they're making and, probably even more importantly, that they report back on a regular basis to the ministry as to what kind of programs are in place at the various educational institutions. That's certainly something that—you know, every fall you're going to be determining who has programs in place that are going to

be able to make the engineers of the future, the kind of employees we need for Hydro One. So I think that's something that should be part of their ongoing dialogue as a utility in reporting back to the ministry responsible for them.

**The Chair:** If I could just explain a little bit about the process in public accounts, it means that those very specific areas of concern that the committee has identified are the ones in which the committee has, if you want, a vested interest through its process to have a response from the agency being looked at.

So to respond to a couple of the rhetorical questions, I guess, that have been raised by members, I would just say that it's within the power of the committee simply to set a timeline. Whether it's a year from now, whether it's less time, is something that the committee can determine. It can be very, very specific. When you're talking about the kind of public reporting that an agency would do in an annual general report, obviously that's the creation of its authors. It's not necessarily going to be the very specific issues that have come to light and have come to the attention of the committee.

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So I would just suggest to you that this might be an action that you want to consider as opposed to making a decision. We've already talked about the fact that this is the first draft and there will probably be a second, so I would suggest to you that for the moment we put aside that particular issue and look at it, upon reflection, at the next opportunity that we have to look at this report, because obviously making a decision on the basis of one particular recommendation isn't necessarily what you want to do at the end of the day. You want to be looking at the report as a whole and whether or not there are aspects of it that you wish to have responded to by the agency and, obviously, what a realistic timeline is for that kind of response. So I would suggest that we move on but that you keep in mind this discussion and be prepared to comment further when we come back to the next draft.

With that, can we come to some conclusion on recommendation 3 and move on to 4? Mr. Hampton.

**Mr. Hampton:** Recommendation 3 as it stands is fine to me. I would strongly urge that we add a sentence: "Report back to this committee on an annual basis re progress being made." Add that sentence, because if I look down at the next recommendation, number 4, it deals with a similar issue. It seems to me that there are at least three or four really serious issues in this report. If we're being thoughtful, we would require Hydro One to report back what's happening on these issues.

**The Chair:** Is there any further comment on that? Yes, Mr. Milloy.

**Mr. Milloy:** I think we're all agreeing with each other. I have no problem with recommendation 3, and I have no problem with a mandate to report back. I think the point, if I understand correctly, that you're making, Chair, is that, at the end of the day, as we're at draft number 53 or whatever of this, we may have a series of recommendations that we're going to ask for them to—

we're in the process as a committee to develop a whole framework in which we're going to be dealing with these agencies over time. For the purposes of draft one, I think we're all in agreement on 3 and its thrust forward. I think what you're saying is that there may be some flexibility on how we want to frame some of these if we are looking for a specific report back, so I don't think there's a great deal of room between us on these things—or space, or whatever the term is.

**The Chair:** Thank you. Can we move on to number 4? Mr. Hampton has pointed out that, obviously, if we are asking them to appoint a committee, you want to know whether they have done so. Any other comments about this? Ms. Hull, if you would just add a few comments.

**Ms. Hull:** We're moving on to the next issue. We're on page 4 still. The Society of Energy Professionals contended before the committee that part of the reason for the shortage of technical workers at Hydro One is because the organization has engaged in a hiring freeze of new society employees and has failed to utilize the skills of existing society employees. The society also alleges that the shortage in technical workers has forced Hydro One to rely on costly contract employees.

Mr. Parkinson told the committee that there were 750 society members when he became CEO in 2002 and that that number rose to the high 800s in 2005. The society has countered that there were 1,032 members employed at Hydro One prior to the strike and that there are now only 781. Information provided by Hydro One—actually, this was in their files presented prior to the first committee hearing—states that 16% of all employees were non-regular or temporary in 2002; in 2005, that figure was 23%.

So recommendation number 4 was formulated by the society, and that recommendation reads: "Appoint a committee to make recommendations to Hydro One on managing the human resource shortage in the energy sector, particularly in the areas of succession planning, recruiting, mentoring, training and maintaining the company's existing complement of skilled technical workers."

**Mr. Yakabuski:** They're suggesting that we appoint a committee—is that what they're saying?—or that Hydro One appoints a committee?

**The Chair:** In the strictest grammatical terms it doesn't tell us, does it? It just says "appoint."

**Mr. Yakabuski:** So the answer would be, we don't know.

**The Chair:** You can draw your conclusions there.

**Mr. Yakabuski:** But it's hard to support or be opposed to a recommendation if we don't know what that recommendation is about to mandate.

**The Chair:** Would you be interested in making a recommendation to change that recommendation?

**Mr. Yakabuski:** I guess we could do that.

**The Chair:** That's why we're here.

**Mr. Hampton:** Can I make a suggestion? I don't think this committee wants to manage Hydro One. That's not our job. Whether you agreed with Hydro One man-

agement and the board or whether you agreed with the Society of Energy Professionals, what really struck me as unusual is when you have people with Ph.Ds in physics and Ph.Ds in power engineering and Ph.Ds in computer science coming before a committee and making some of the allegations that were made. It says to me that there are some serious human resource management issues that this organization ought to make a priority. I think all we can do is recommend to the Hydro One board that they establish a committee to look very seriously at these issues and just give us a report on an annual basis as to what's happening. I don't think we want to have a legislative committee or anything like that.

I was disturbed. I was shocked by what I saw and heard that day: people who have very high academic credentials and who obviously are doing very important, responsible, almost critical jobs in the organization alleging that there is no succession planning or that the succession planning that's being done is being badly done, etc. When those kinds of allegations are made, whether they're true or not, the fact that they're being made by people who have such high academic and professional credentials says to me, "There's a problem here."

I think it behooves us to say to the Hydro One board that we recommend that the board establish a committee to take a closer look at this. They might come back in a year and say, "We think we've solved our problems," but I don't think we've done our job if we don't at least make that recommendation that they do some further study of what's gone wrong here.

**Mr. Milloy:** I'm sort of holding my tongue, Howard. I want to get that copy of Hansard for the next time I speak in the House, having a Ph.D. myself and, some people even say, having a responsible job, but I don't know.

I agree with Mr. Hampton that we shouldn't be micromanaging the company. I'm wondering, taking into account that this is just the first draft, could we take 3 and 4—I don't have wording, Madam Chair right off the top of my head; I apologize—and basically say, "Look, one of the big issues here is working with colleges and universities and training and education programs. We have areas of succession planning, recruiting, mentoring, training, etc. These were concerns that were brought to the committee. We want to encourage Hydro One to focus on these and to report back to us on the progress that's being made."

I get a little bit leery of appointing a committee or appointing a subgroup or appointing whatever. Hydro One is a large company. We can argue back and forth on it, but they go through some of the steps they're taking, the various groups and organizations they're part of, the consulting they're doing, and all that. If we could roll this into a "Hey"—to echo what Mr. Hampton said—"this is an area of concern, not only at Hydro One, but within the industry. What are you doing? Can you report back?"; I think that might be a way forward so that we're not micromanaging it.

1050

**Mr. Yakabuski:** With respect to Mr. Hampton's comments, clearly there's a problem, or we wouldn't have the

issues that we have that we're not going to be talking about today. The recommendation is talking about dealing with shortages of skilled people, not about labour relations, and we have some recommendations in the next section with regard to labour relations. So unless we're going to skip this one and go over to that one—not that they're not somewhat related, because labour relations and the number of people you have doing the jobs of those people is certainly a part of the agreements in the collective agreement process. But we are talking about labour relations in the next section. Right now we're really talking about how we're going to address the labour shortage, and that was the appointing of a committee to manage those human resource shortages. If it's Hydro One that we're going to have appointing that committee, then I would suggest that recommendation 4 is fine within the amendment to indicate that Hydro One appoint a committee to do just that. Then we can move on to labour relations in the next recommendations, or we could roll it into one.

**Mr. Milloy:** My idea on the table is that we ask research to roll 3 and 4 into one to make a general concern. I'd like to clarify—

**Mr. Yakabuski:** I'm thinking of 5 and 6.

**Mr. Milloy:** Okay, I was talking about 3 and 4. I have to clarify, I wasn't talking about labour relations. I'm saying that the issue of collaborating with colleges and universities to establish training and education programs and then the lists of succession planning, recruiting, mentoring, training and maintaining the company's existing complement of skilled technical workers—

**Mr. Yakabuski:** —could easily be rolled into one.

**Mr. Milloy:** We could roll it into one and ask them to report back on what they're doing. As I say, the appointing of a committee: We're not here to micromanage it. They obviously have mechanisms within the company to do it. So that would be my suggestion. Again, to clarify, I wasn't getting into labour relations, recognizing that that's on number 5.

**Mr. Hampton:** I don't have any problems rolling 3 and 4 together as long as the one recommendation covers what is in 3 and what is in 4 and that it has a report-back mechanism. We're highlighting for them what we found disturbing and to a certain degree worrisome. Given the recommendation, they have to deal with this and we want a report back.

**The Chair:** I think we've established consensus on that. Certainly, when you look at 4, which is dealing with a human resource shortage, and the other one dealing with education and the opportunities, then it would seem quite logical.

The next area is one already alluded to. That, of course, is the section on labour relations.

**Ms. Hull:** I'm going to summarize this in one hopefully fairly neutral sentence. The relationship between Hydro One and the society remains acrimonious, and we've heard presentations from both sides to this effect. The society presented several recommendations to the committee. I'm now on page 5.

Recommendation 5 is that the government appoint a committee to review the past management practices of Hydro One and to monitor the current management practices, including the use of contractors.

Recommendation 6 reads that Hydro One be strongly encouraged and provided with the assistance necessary to restore healthy labour relations and to improve employee morale at the organization so that management and employees can return their focus to the business of planning and carrying out the safe and efficient delivery of electricity to the public.

**The Chair:** Comments?

**Mr. Milloy:** I'm not very comfortable with either 5 or 6 for the simple reason that the group that came forward about what these recommendations are made of also told us about their appearances in front of the Ontario Labour Relations Board. We had about 18 pounds worth of material. I don't think it's the job of this committee to start to take sides for something that's before the Ontario Labour Relations Board. I think that the legislative research has given an overview of what was brought forward. I'm leaving it to the Ontario Labour Relations Board to deal with this issue. They brought that forward, and I think it would be inappropriate for this committee to involve itself by directing and, in a sense, taking sides.

**The Chair:** Other comments?

**Mr. Hampton:** I have a slightly different view. I think most of us who were here that day were shocked to see the degree of animosity between a union, a professional association which is mainly made up of people with very high academic credentials, many of whom are managers in the organization, and certainly they direct the work of other employees at Hydro One. It was certainly apparent to me that there's a pretty serious labour relations issue there. I don't think we have to take sides. But I don't think we're doing our job if we don't say in this report that it is apparent to us that there are some serious labour relations issues at Hydro One that, as a priority, need to be addressed, and we recommend that the Hydro One board and Hydro One management continue to seek to create some better employee morale and better labour relations, that that be a priority for the organization and, there again, that we get some kind of report back on what's happening.

If what we saw here that day, if that animosity between mid-level managers and senior-level managers, continues, I don't know how this organization is going to function in the longer term. Frankly, I found it a bit scary that some of these people might be controlling the switch. I think it behooves us as a committee to say that.

These are not people who go out and work on the line. These are the folks who work in the control centre. These are the folks who direct the work of other people at Hydro One, and it was very clear that there are serious labour relations problems there. I think it's important that we highlight that in our report and that we recommend to Hydro One that the Hydro One board and Hydro One management take serious steps to try to address issues of employee morale and better labour relations, and that we ask for a report back.

Again, we're not trying to micromanage. We're simply saying, "Folks, you've got a serious issue." That was apparent to everybody who was here that day, including the media.

**Mr. Yakabuski:** I certainly agree for the most part with what Mr. Hampton has said here. I'm not a labour lawyer and I do understand that there are issues that are before the labour relations board. But they're going to be dealt with and ruled on, "You were right; you were wrong," or "You were right and you were wrong," type of thing. It may determine who was at fault and who was not at fault in a particular grievance. That's the way I see it as working. I'm not a labour lawyer so I don't understand those processes completely.

But what we are talking about is the air of functionality in a major utility, the biggest utility in this province, and how it's going to function. If management-labour relations are allowed to deteriorate to a point where the acrimony between the two sides makes it difficult for that utility to function efficiently, then I think it is our concern. It's not something that is about a labour relations dispute; it is about the environment in which we operate. So I think there is validity in recommending to Hydro One that we deal with what are the core problems here with the relationship between this society and the management of Hydro One.

There may be some issues that can be dealt with from a labour negotiation point of view, and there may be some underlying issues that have to be ferreted out in some way so that we can actually ensure that this utility, with all of the other challenges we are facing as we go forward here in Ontario, functions at the highest level of efficiency. If there is a way to improve the labour relations, notwithstanding specific disputes, then I would think that that is a fair recommendation.

**Mr. Milloy:** Notwithstanding all that's been said, thinking back to that day, thinking back and taking Mr. Parsons's advice—I'm not going to get into the details, but we had all sorts of issues and items brought up on different sides, and taking a look at the document that's been provided by Hydro One, where they go through some of the accusations that were made and provide their responses and that sort of thing. This has gone to the Ontario Labour Relations Board and I don't think it's for our committee to start saying that there are these grave problems, that we should have committees and that we should have assistance necessary to restore.

**1100**

I think there are so many assumptions in 5 and 6 which we're not in a position to pass judgment on. I just can't see us including them. I'm very uncomfortable with us getting into 5 and 6. As I say, we've summarized some of the details that were brought forward and there are mechanisms in place that are looking at it right now.

**Mr. Yakabuski:** With respect to the specifics of the recommendations, I'm not saying that's the issue—appointing committees or whatever. I don't necessarily disagree with Mr. Milloy. We're not in the business of micromanaging Hydro One because we're not capable,

quite frankly, of doing that. But I believe some kind of recommendation, directive or whatever to Hydro One to address its labour relations situation with the Society of Energy Professionals is warranted. No one can deny that we've clearly got a significant labour management problem there. I don't think it would be right for us to simply walk away and say, "Let the Ontario Labour Relations Board deal with some of those specific grievances," and not address the underlying problem, which I would suggest is a real mistrust between two parties. Sometimes in your own family you have to sit down and have a chat with your teenage kids or whatever, because sometimes they just don't see the world through your eyes. They probably never will, but sometimes a little chat doesn't hurt, and we need to see the world sometimes through their eyes as well.

When a group comes and makes these kinds of accusations, whether they're valid or not, when they stand up publicly and make them, there's obviously somewhat of a poisonous atmosphere between two groups here. I think it is incumbent upon Hydro One in its own interest to ensure that it operates at the highest level possible, to face some of those issues, not necessarily in a court of law, but reflecting on its own house, if you want to call it that, and seeing if there's some way they can improve those practices, because that tack will be beneficial to every one of us.

**Mr. John Wilkinson (Perth–Middlesex):** Just following up on what my colleagues have been saying, in a sense, what you just said is what the committee is agreeing to, that the recommendations, I think, would do more harm than good. Given the situation there, for us to even intimate that we want to be somehow involved in a thing that's in front of the Ontario Labour Relations Board right now I think is highly inappropriate. But there's a concern that's been expressed by both sides who have come and testified to us and I think we all agree—

**Mr. Yakabuski:** I'm sure you share those concerns.

**Mr. Wilkinson:** Yes, and I think we all agree—I mean, it's important for us to be balanced on that. The two that we have here are not going to do what we're all agreeing to do. So I think it's a matter of finding wording.

**Mr. Yakabuski:** I agree with you on that.

**Mr. Wilkinson:** Jumping into this, I can see how this could make the situation much worse. I think we'd have to be very, very careful about that wording and deal with that as a committee.

**Mr. Yakabuski:** Is there a recommendation we can draft that would satisfy—

**The Chair:** If I could just interrupt here, if you look back on page 4, you have a part of a sentence there: "The relationship between the society and the management of Hydro One remains acrimonious." It's in the middle of that last paragraph. I think that in order to come to some decision on the direction we want to give research in terms of a possible recommendation in place of 5 and 6, the committee needs to make a decision on some of the text that supports this. So I would just ask you to

consider whether or not that reflects what you want in the text of the report. Based on that conclusion, we will then be in a position to provide research with some ideas regarding 5 and 6. It would seem to me that there is consensus around the fact that we don't like 5 or 6. It seems to me, from the conversation, that we are agreed that obviously there is an issue here. It's not as if we want to leave this section out. Everyone seems to agree there's a problem.

I would just ask you to think, first of all, whether that is something that you want to be in the background of the report. If that is accepted, then I would suggest we take out the sentence at the top of page 5, which says, "The society made three specific suggestions...." That would be omitted, and we would give direction to staff with regard to a general, agreed-upon statement with regard to labour relations.

Could I have some comment, then?

**Mr. Wilkinson:** I think it would be incumbent upon us, as Mr. Milloy was saying, that we also receive testimony from the other side, because my understanding is that they responded to some of this. Again, all around the table, I think we all agree that it is good public policy that there are good labour relations at Hydro One between, for example, the society and other unions that are there and management. I think we would all sleep a lot better at night knowing that was a good relationship and not what one side has described as acrimonious and another side has described as not.

**The Chair:** Frankly, that's why I raise this issue, because I think it's really important.

**Mr. Yakabuski:** Does Hydro One dispute that the relationship is acrimonious?

*Interjections.*

**Mr. Yakabuski:** I don't think they dispute that the relationship is acrimonious.

**Mr. Wilkinson:** But what's in this report is something that one of the sides came here and testified on. That's what's here on the bottom of page 4: what one side said.

**Mr. Yakabuski:** Yes, but you implied that the other side would disagree with that assessment. I would suggest the fact that there are things we can't talk about—like that Coors Light ad we can't even talk about—that are not before this committee would certainly be sufficient evidence that the relationship is acrimonious.

**Mr. Wilkinson:** Given the Integrity Commissioner's recent ruling about it being very important for elected people not to be talking about matters that are before the courts or quasi-judicial bodies, I would caution, as Mr. Parsons did, that you shouldn't go there.

**Mr. Yakabuski:** We're not talking about any of the specifics, because that's not within our—

**Mr. Wilkinson:** Mr. Yakabuski, I'm uncomfortable with this entire discussion, given the very clear ruling from the Integrity Commissioner last week.

**The Chair:** Okay. I would really—

**Mr. Hampton:** That ruling of the Integrity Commissioner is being debated by a lot of academics.

**The Chair:** Excuse me. I want to keep us on the task on hand. I want us to come to some agreement on essen-

tially the text that is at the bottom of page 4, because it obviously is the background to whatever recommendation we want to suggest. I believe Mr. Milloy is next.

**Mr. Milloy:** Notwithstanding all the cautions, I look back at the report from Hydro One. I think that they do talk about some of the issues, some of which have gone to the OLRB. They conclude by saying, "Hydro One management is attempting to establish a normative labour/management relationship which is experienced by most employers and bargaining agents in the province of Ontario."

To answer Mr. Yakabuski, that's the case that they're putting forward. I'm wondering whether we should include something summarizing Hydro One as saying that they're working on it, and then in a sense balance those two. I mean, it's fair enough. The society did come forward and say that it remains acrimonious, and the other side said that.

**1110**

The other question is, are we just talking about the Society of Energy Professionals here? There are other bargaining units. It starts to get very complicated. Could we just, as I say, flesh out that a little bit more to say that there were concerns brought forward, Hydro One is suggesting that they're trying to re-establish the normal labour-management relationships, and the committee has taken note of that? As to a recommendation on that, I think everyone knows, and Mr. Wilkinson has echoed that, that this side of the table is not overly interested in recommendations. But obviously, if Mr. Yakabuski or Mr. Hampton wants to put forward something that is more general or balanced, we can discuss it.

**Mr. Hampton:** When I look at what's written on page 4, it's essentially history: "In 2005, a strike by the Society of Energy Professionals, the bargaining agent representing engineers, scientists, accountants and information technology professionals working at Hydro One, lasted 105 days." I mean, that's history. So I don't think we have any problem with putting something that factual in our report. The society did make it clear before this committee that they think the labour relations are acrimonious. It is a fact that they have filed an application with the Ontario Labour Relations Board.

If the government members want to put something in about how Hydro One, in response, says that it is trying to establish a more normal relationship with the society, there's no problem. I don't see a problem with that. However, I think as a committee, whether we do it as 5 or 6, or you do it as 5 and 6 combined, we have to say—I think we would be shirking our responsibility if we didn't say that we're concerned about labour relations at Hydro One, we're concerned about employee morale, and that we recommend that the board and management at Hydro One redouble their efforts or continue their efforts to create a better working relationship with the Society of Energy Professionals and that we get an annual report back on what's happening.

That would suffice for me. I think it's balanced. Once again, we wouldn't be trying to micromanage the company, but I think it places a responsibility on the board

and the management to address what I certainly saw as a pretty serious problem on the day that they were here.

**Mr. Yakabuski:** I think there has to be something that recognizes that the problem exists and that we who are responsible to the shareholders of this corporation expect that there will be some—those shareholders expect that there will be some measures taken to try to restore those relationships. Notwithstanding, and I can only paraphrase what Mr. Milloy said in quoting Hydro One, that “We are attempting to restore”—we would expect that anyone would at any time make a statement that they’re going to be doing that. I don’t think anybody is going to make the statement, “We’re doing everything we can to destroy relations,” because that would be, quite frankly, silly. But I think it is incumbent upon us, some directive that efforts have to be made because these kinds of things are not positive developments for the operation of the utility.

We’re not casting aspersions on one side or the other. As Mr. Hampton said, we are not picking sides here. We’re representing the shareholders of this corporation and we think that some kind of a recommendation is necessary. It is not about assessing rightness, guilt or innocence or anything else. It’s about recognizing what was brought before us, identified as a significant problem in a significant utility, and taking some kind of action to mitigate what could be a bad situation for the utility.

**Mr. Milloy:** Listen, I don’t think there is a general consensus that the situation at Hydro One is, as has been put forward, that everyone recognizes the problems. I mean, I look at some of the things they’ve done. I’m not taking sides here; I’m just quoting:

“Hydro One did want members to put the strike behind them, and the vast majority of staff did so. However, when a company can run for 105 days without 1,000 employees, it is inevitable that certain things are going to change. It would have been irresponsible for the company to go back,” blah, blah, blah. “It was incumbent upon management to ensure”—it goes on and then it talks about attempting to establish a normative relationship.

Ms. Burak, in front of the committee, said, “For the record, we have an excellent relationship with our other bargaining unit partners, including the larger bargaining unit, the Power Workers, the president of whom is a member of our board. We look forward to sorting out our relationship issues with the society at the labour board,” blah, blah, blah—I mean, she continues etc. I don’t mean any disrespect; I’m just pulling out the quotes.

I see a situation—obviously, some tensions have arisen through the strike. We have things in front of the board. We have Hydro One telling its side of the story; we have the union in front of us telling its side of the story. I’m just saying, you know what, folks? I think this committee can make note of it, can make note that both sides came forward with it, and then we move on and allow the mechanisms of the Ontario Labour Relations Board and other mechanisms that exist in between to go forward. I’m uncomfortable in going in and reaching some of the conclusions that have been said around the

table. I didn’t get that from what was brought forward, because I heard lots of folks who were in the middle of a dispute which is where it should be: in front of the proper boards.

**The Chair:** Okay. We need to—

**Mr. Hampton:** I can only say this: We would have to dissent from that point of view. In my view, not to say to the Hydro One board and Hydro One management, “It’s pretty apparent you’ve got a serious problem and you need to redouble your efforts to resolve this problem,” for us not to make that kind of recommendation, I think we’d be shirking our responsibility. I couldn’t agree to a report that tries to gloss over what is obviously a continuing and serious problem.

**Mr. Wilkinson:** But I say to my friend, the fact that a group came here and made—and I’m just reading the report—serious allegations that they were not prepared to substantiate—

**Mr. Hampton:** We don’t know that yet. You don’t know that. That’s the subject of a lawsuit, so you don’t know that.

**Mr. Wilkinson:** That’s right.

**Mr. Hampton:** You don’t know that.

**Mr. Wilkinson:** So why are we putting it in the report?

**Mr. Hampton:** We’re not.

**Mr. Wilkinson:** I’m reading the report: “The committee expressed its concerns to the society about serious allegations it raised about the conduct of the Hydro One CEO without providing substantiating details such as dates and names of witnesses to the alleged actions.” That’s in this report that we’re dealing with.

**Mr. Hampton:** As I said earlier, I think the first part that’s written on page 4—which is history, all right? There’s nothing wrong with that. And then simply ending it with “Hydro One responded that it’s using its efforts to try to normalize relations,” because—

**Mr. Wilkinson:** So we agree. That shouldn’t be in there.

**Mr. Hampton:** Yes.

**Mr. Wilkinson:** And we would agree that it would characterize—

**Mr. Hampton:** I would take that last sentence as being stuff that does relate to a possible court action.

**Mr. Wilkinson:** Which shouldn’t be in here; I think we all agree.

**Mr. Hampton:** Shouldn’t be; no.

**Mr. Wilkinson:** Yes. And in regard to what the society said, just so we’re clear, “In the opinion of the society,” this is what they’ve said. Just so we’re clear about that. If we’re going to put this in the report, we’re not making a judgment on that. It’s their testimony and their opinion.

**Mr. Hampton:** Absolutely.

**Mr. Wilkinson:** And we have heard testimony that conflicts with that, although from a public policy point of view, we know that it’s in the best interests of everyone that there are good labour relations between Hydro One and its employees—not just some of them, but all of them.

**Mr. Hampton:** As I said earlier, if you want to include a section where Hydro One represents that it's doing its best to normalize relations—we heard from them and if you want to put that in the report, that's fine.

**The Chair:** If I can just jump in here, because I think we've gone around the basic issues on this, I would suggest, subject to your agreement, that we ask research to look at this section of the report. There seems to be consensus around coming up with a more balanced section here that we can review and have a look at. I think there has been some clear indication of areas that would be inappropriate to include, but definitely ones that need to be added. So I think, based on those comments we have had, we'll ask research to prepare some changes in the section on labour relations, starting at the bottom of page 4 in the text. It will leave us a decision to make, based on the context, of what kind of, if any, recommendation we want to put there instead.

1120

**Mr. Wilkinson:** Agreed.

**The Chair:** If that's a direction you're comfortable with, then I'd ask that you now turn your attention to the section on executive compensation. But before that, Ms. Hull has—

**Ms. Hull:** Would the committee like research to draft possible new recommendations, or would the committee rather address that on its own?

**Mr. Yakabuski:** When do we address them, if we're addressing them on our own? Do we sit down afterwards and chat about it? What's the process?

**Mr. Hampton:** I think we should make use of your professional skill and ability. You should do your best.

**Mr. Wilkinson:** With the direction given.

**Mr. Yakabuski:** She's going to need some direction.

**The Chair:** I think there has been a lot of direction provided. I guess that's what I am, as the Chair, assuming, by the conversation that we've had. I think the notion that we all agree on is that this section needs a more balanced text. If you wish, obviously it is the direction of the committee to give the researcher the opportunity to fashion a recommendation from which we can then take our discussion. Is that acceptable? Okay.

We're going to move on to page 5, and at the top of page 6 we're looking at a recommendation there. If there are no questions from the committee on the text, I will ask Ms. Hull to give us a brief overview on the rationale behind recommendation 7 on page 6.

**Ms. Hull:** The committee might recall that there were numerous questions regarding executive compensation levels at Hydro One. Members asked several questions regarding the apparently large increases in executive salaries over the past several years and the discrepancy between Hydro salaries and those awarded in other Canadian utilities of comparable size.

Hydro One officials responded before the committee that they take this issue very seriously. Since 2002, Hydro One has reduced management pension benefits and eliminated a long-term incentive program. Salaries are decided by a human resources and public policy com-

mittee which recommends the salary and short-term incentives. The board and committee also receive independent advice from external consultants to determine the appropriate salary range. Hydro One stated that salaries for Mr. Parkinson and other members of senior management are calculated using the Hay system. A category called "all industrial" is used that enables comparisons to a long list of businesses of similar scope and size.

The committee expressed concern about this basis of comparison. The Society of Energy Professionals presented the committee with information related to compensation levels at comparable Canadian utilities, indicating that Mr. Parkinson's compensation was considerably higher than salaries for other CEOs.

That is the context for recommendation 7 at the top of page 6: "That the board revisit the issue of corporate compensation on the basis of a more appropriate comparator group, considering Hydro One's status as a utility and a publicly owned corporation."

**The Chair:** Comments?

**Mr. Parsons:** We're fine with that.

**The Chair:** All right. Any other comments? That's fine. Thank you very much.

We'll move on to the next heading, "Helicopter use," and immediately below that a recommendation that I think is pretty self-explanatory. Any comments on this particular area?

**Mr. Hampton:** On helicopter use?

**The Chair:** Yes.

**Mr. Hampton:** The recommendation is fine: "Maintain a log listing the names of all individuals using Hydro One helicopters." Could I just add one other thing: the purpose of the trip. I just want to relate this to some other events that we currently see happening.

One of the allegations being brought against this fellow named Lord Black is that there was a record of using corporate property, whether it was the corporate jet or other corporate property, for continuing non-corporate uses. They are very serious allegations. I simply think one of the things we should recommend is that you list the passengers who are flying, and what's the purpose of the trip. I think those are fairly elementary requirements if you're using what is in effect government property. Government is the sole shareholder in this corporation, and we want to ensure that things are being used for proper corporate purposes. Who's using the property and what's it being used for: Those are two requirements that got Lord Black into a lot of trouble, as far as I can see.

**The Chair:** Thank you, Mr. Hampton. Mr. Milloy.

**Mr. Milloy:** I'm sorry to say, Mr. Hampton, that I'm going the other way. This is two things: First, this is the committee trying to micromanage the internal operations of Hydro One. Transport Canada has rules and regulations about how helicopters are to be used, and logs etc. Obviously we can assume that the type of record-keeping which Transport Canada wants is taken there. The second thing: I actually take a little bit of, not personal offence, but I find Mr. Hampton's bringing up Lord Black to be a

little bit over the top. As a committee, as parliamentarians, we're dealing with Hydro One, we're dealing with the executives and management of Hydro One, and I don't think it's too much to say that we should have an assumption that people follow the rules, that people act according to the laws of the land.

Mr. Black has a case before court where he is being accused of breaking the law. To bring him in and somehow suggest that the executive and the management of Hydro One might be breaking the law—we all operate on the principle that people comply with the laws, that they comply with the rules and regulations. As I said, I'm not an expert on Transport Canada, but I'm certain that it has certain rules and regulations about noting flight times and paths and who's on it etc. I think we can assume that Hydro One follows those laws, as does every other government organization or government agency which has helicopters. This is a summary of what was brought up about helicopter use in terms of the recommendations.

We're going way beyond anything to do with government review. I work under the assumption that those in responsible positions follow the law, and to suggest otherwise is a bit over the top.

**Mr. Hampton:** The Transport Canada rules speak to something entirely different. The Transport Canada rules have to deal with safety, so if there were an accident or a crash, they would know how many bodies to account for etc. This is about setting some standards for the use, frankly, of government property. I think it's quite reasonable for us. We're not setting this rule in stone; we're simply saying to the board of Hydro One, "We recommend that you maintain a log listing the names of all individuals who use this corporate property and the purpose of the trip." I think these would be common sense recommendations. I can't understand why anyone would oppose them.

If a Hydro One board chooses not to follow them, that's their business. But I would say, if the Hydro One board chose not to follow these kinds of recommendations, then you'd better look seriously at who you're putting on the Hydro One board. These are just very common sense recommendations: What's the purpose of the trip—you're using very expensive government property—and who's using the corporate property?

**The Chair:** Any further comments?

**Mr. Milloy:** I don't think we need to belabour it. I disagree totally. We work on a situation where Hydro One has helicopters. The committee asked various members about the guidelines. It said, just quoting the report, "Hydro One officials clarified that use of company helicopters is confined to work-related business. It has been a long-standing practice to maintain a log listing the number of passengers, but not their names. Family members may fly with employees only under exceptional circumstances, where no practical alternative exists." They've outlined their policy. If we want to ask research to get them—I can't remember whether it's in the document—to perhaps include more detail on the policy, fine.

They have a policy. I think we work under the assumption that they follow the rules, and I don't know

what the point of the committee is to put in this log recommendation that Mr. Hampton is championing. He told us up front that he's championing it because he thinks they're breaking the law or breaking rules. I find that kind of logic a bit offensive. If people want to ask them for more, chapter and verse, on what their rules and regulations are, fine, but what's been put forward seems to make sense.

**1130**

**Mr. Hampton:** Let me be blunt. The corporate exec using the company helicopter to go back and forth to his cottage I think is misuse of corporate property. If the government members want to have a debate about that, I'm all for it.

**The Chair:** Any further comments? Are we comfortable with the text that is there? The question of the recommendation, then: Is it to be included? Is there a consensus here on this?

**Mr. Hampton:** We're dealing with the preamble here, are we not?

**The Chair:** I asked, and there was no question about the preamble.

**Mr. Hampton:** I have no problem with the preamble.

**The Chair:** I'm just asking now to be able to move on on the question of recommendation. If there's concern over including it, then obviously we have to make a decision.

**Mr. Milloy:** Madam Chair, if you'd like, I recommend that we drop recommendation 8. I think that's what you're looking for as a proposal on the table.

**The Chair:** Well, to move on, yes.

**Mr. Milloy:** That's my recommendation.

**The Chair:** Is there a consensus?

**Mr. Hampton:** No, there is not a consensus. I speak for New Democrats on the committee. We'd be very opposed to dropping recommendation 8. In fact, I think recommendation 8 needs to be strengthened with the words "and the purpose of the trip."

**The Chair:** Thank you, Mr. Hampton.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I would support Mr. Hampton's recommendation with respect to number 8. It's clear that it has been a long-standing practice to maintain a log listing of the number of passengers, but not their names. Family members may fly with employees only under exceptional circumstances, where no practical alternative exists. From a safety point of view and I think from a corporate procedure point of view, why wouldn't you include the names and certainly the purpose of the trip in terms of dealing with this? If we want transparency in all government operations, which Hydro One is, then I'm quite flabbergasted that the government would take the position in terms of not being transparent and not wanting sound corporate procedures in place with respect to the use of taxpayers' money. Certainly there should be a recorded vote on this to deal with the government's arrogance—total arrogance.

**The Chair:** Further comment?

**Mr. Milloy:** Since this is draft one—and I apologize, because I know you’ve asked about the preamble and all that—can we get a little bit more clarification from Hydro One on what their policy is in this regard and how the log in use would fit into that? I know it was done in a bit of a confrontational situation in front of the committee. Maybe we could tease something out: if they outline how these trips are made and how they are logged etc., and Mr. Hampton’s point about names and reason for the trip and all that. Again, I say this because it’s draft one and we do have the luxury of a bit of time. Perhaps there is a recommendation we could come up with based upon their policy, because I think it was done very briefly.

**The Chair:** Further comment? Are you prepared to ask research to look further at the policy? Obviously it would come back in the next draft for any further discussion based on that information.

**Mr. Hampton:** Maybe you can tell us, Chair, or maybe members of the committee can tell us what “next draft” means in terms of timelines etc.? We’ve been asked to do a job here, and if the government wants to spin this off into never-never land, I’d be reluctant to do that. We heard the company’s policy pretty clearly. I don’t know what more there is to study about this. To me, the issue is one of simply recommending that Hydro One tighten up its procedures. I cannot imagine why anyone would be opposed to listing who’s travelling in the corporate helicopter and what the purpose of the trip is. I cannot imagine why you’d be opposed to that.

**The Chair:** Mr. Hampton, just to answer your earlier question, because we don’t meet next week, it would probably be three weeks before the draft would come back, because we do have two other drafts to look at.

Mr. Yakabuski.

**Mr. Yakabuski:** I think we should adopt the recommendation as it’s written. It’s not necessary to add the addition that Mr. Hampton recommends, in my opinion, because it clearly is their policy that the purpose of the trips is only confined to work-related business. We accept that they make those decisions based on their needs.

The reason that I support this recommendation: I would think that it would be good practice to always maintain a list of passengers any time a helicopter or a plane or a bus or anything leaves a depot, so to speak, so that we have a proper record in the unfortunate instance that something goes wrong. So a list of passengers’ names—we’re asking Hydro to keep a log; we’re not asking them to send the Toronto Star a weekly listing of who flew on the helicopter. We’re asking them to keep a log, and from the point of view of safety and good record keeping, I think that that is a reasonable recommendation to make to Hydro.

As I say, we’re not micromanaging; we’re not flipping over rocks here to see if we can find something. What we’re doing is based on stuff that came before the committee. We’re coming up with recommendations, and I think it’s a reasonable one to say, “Okay, keep a log of

the passengers on any flights of the Hydro One helicopter.”

I think the recommendation, as written, is fine.

**Mr. Tascona:** I just want to ask the person who made the inquiry of the Hydro One officials—because what it’s saying here is that there’s a long-standing practice. It’s not talking about a policy, the way this is written. “Practice” doesn’t necessarily mean that it’s corporate policy. It just may be something that they have done, not a recognized or written procedure. Did anyone in the committee clerk’s office who is here speak to the Hydro One officials?

**Ms. Hull:** This was information that was presented by Hydro One officials on the day of the committee hearing.

**Mr. Tascona:** So this is in the Hansard.

**Ms. Hull:** Yes.

**Mr. Tascona:** No one has spoken to Hydro One officials since that date.

**Ms. Hull:** Not on this topic.

**Mr. Tascona:** So there may not be a corporate policy with respect to this at all. The delay of three weeks doesn’t seem to make a lot of sense here. I agree with my colleague Mr. Yakabuski, but I also see the merits of what Mr. Hampton is asking for. Quite frankly, to delay this another three weeks, to say, “Well, do they actually have a corporate policy?” just seems to be an unwise delay.

1140

**Mr. Wilkinson:** Madam Chair, I know that I’m supposed to vote around here and be informed before I do so. Since it will make no material difference, I would feel much better voting on something if we actually had research clarify that. There seems to be some lack of clarity in regard to their normal practice or their usual practice and what their policy is. I’d like to know whether or not they actually have a policy. I think that question needs to be asked of Hydro One: “What is your policy?” We know that Transport Canada requires them to have a list of, obviously, the names of the people on the helicopters and when. I also want to know whether or not they are recording—because I don’t think we specifically asked them—the purpose of the trip. If that exists, I need to know that before I vote on this.

I would suggest to my good friend from Kitchener that perhaps we stand down this vote and ask legislative research to provide that clarity so that we don’t reinvent the wheel, because the issue may be that there is a disconnect between policy and practice. So let’s just get to the bottom of this. I just need to know that.

**Mr. Hampton:** It’s a practice. It’s not a policy at all; it’s their practice.

**Mr. Wilkinson:** Well, that’s what they said, but I don’t think anybody here asked them, “What is your written policy in this regard?” I think that also is a valid question that we should get to the bottom of.

**Mr. Hampton:** If I remember correctly, I did ask that specific question.

**Mr. Wilkinson:** Did they answer?

**Mr. Hampton:** Yes. It's in Hansard. I asked the very specific question, and they were very specific in their answer. It's a practice.

**Mr. Wilkinson:** And you asked, is their policy—

**Mr. Hampton:** I did.

**The Chair:** Just for a point of clarification, because the issue has come up in response to Mr. Hampton's question about the timeline, I would suggest to you that it is unlikely that we can finish the report in the time that remains this morning. So if the issue around asking research to look into the issues of policy versus practice is incumbent upon or dependent upon some issues around timing, I'd just suggest to you that it's unlikely that we can finish this report in the time that remains. So you might want to instruct research, if that's the wish of the committee.

**Mr. Yakabuski:** My recollection—I could be wrong, because I don't have Hansard in front of me, but I do believe that Mr. Hampton did ask a specific question with regard to names of passengers and that Mr. Parkinson responded that they don't record the names of passengers.

But, regardless of what's a practice or a policy, this recommendation basically is something that is not dependent on the practice or the policy based on what we heard our recommendation would be, that they maintain a log listing the names of all individuals using Hydro One helicopters. Notwithstanding what their policy is, or their practice, the recommendation of this committee is that they keep a log of the names of the passengers.

As I say, this is about good record-keeping and safety and ensuring that if there is an unfortunate incident they can go to their office or whatever and anybody doing an investigation—"Well, these are the names of the people who left such and such a depot and were on that flight." So I don't think we're talking about anything that is really unusual. If somebody is leaving the ground and going into an airborne vessel of some kind, I think we would want to know who's on that flight. I think that is a fair recommendation and one that the committee should accept as is. I'm prepared not to have the addition that Mr. Hampton recommends.

**Mr. Milloy:** I think we're getting way off down the road here. This is not clause-by-clause of a bill; this is the first round of report writing. I am prepared to withdraw my suggestion that we get rid of recommendation 8 and I want to suggest, to echo what other people have said around the table, that we beef up the section on helicopter use with more detailed information on policies, practices etc., and how it works in. Then, on 8, we'll have a context for it and perhaps even Mr. Hampton's suggestion that it talk about use could be put in. This is not some clause-by-clause, and it's a bit of a red herring to say, "Wait three weeks." Guess what, folks? We're going to be waiting three weeks to deal with the remainder of the report and to deal with the next draft of the report. This is part of the whole session. So I withdraw my proposal that we remove it and simply say that we provide a bit more context so that we can look at number 8 and even deal with Mr. Hampton's suggestion.

**Mr. Hampton:** With respect, the context has already been provided. I went over this in detail, not only with Mr. Parkinson but with Ms. Burak and other members of the board. In fact, I asked the question three separate times: "Is this the policy?" The first two times, the question wasn't answered, so I came back to it on page A-281 of Hansard. I said, "I want to ask the very specific question again: In the past, was it the policy of Hydro One to keep a log with the names of the passengers using the Hydro One helicopter? Has it been the policy of Hydro One in the past to keep the names of those people who are passengers...?" The response from Mr. D'Arcey: "I can only state that in my 28 years with the company, and having been a passenger and working on a number of crews, it has not been a requirement or a policy that all members, all passengers, on every flight done" with Hydro One "be recorded by name."

I was very specific about going after what the policy was. In fact, from their answers, both the first time I asked the question and then when I went back to it later, there isn't a policy. There's a practice, but there's no policy over there. I cannot imagine why we wouldn't recommend to them that they have a clearly stated policy on the use of the helicopter and a clearly stated policy, when the helicopter is used, that they'll record the purpose. It just seems to me that that's an elementary step of corporate responsibility: Who's using the helicopter and what's it being used for?

**Mr. Wilkinson:** Further to your point, though, I say to Mr. Hampton, if we're going to be clear on this report, then our issue is around the fact that there is, according to testimony we have, no policy and that there is a practice. If we're going to give them a suggestion, it shouldn't be "Just change your practice," if the issue here is that they do not have a policy in this regard. If we're going to write a report and we're going to be clear about this, let's be clear: The issue has to do with policy.

One would also assume the policy would go to use, not just who happens to be on the plane.

**Mr. Yakabuski:** Are we ever going to write the report?

**The Chair:** Oh, yes.

**Mr. Wilkinson:** Yes, we are. Let's make sure we're going to make it a good recommendation.

**The Chair:** We need to move on. We need to have a direction here. Are we going to instruct research in the intervening time to pursue this issue? Is that—

**Mr. Yakabuski:** I wouldn't see that there's much alternative because there's not a consensus. I'm prepared to allow the recommendation to stand. The government doesn't want that. We can't tell the committee what to do, so I guess we're going to have to go with their recommendation, which is to get more information and to come back at a later date to try to hash this out. Otherwise, we've got an impasse.

**The Chair:** All right. We'll defer, then, to research.

**Mr. Hampton:** Can I ask this? What other information are we seeking? I asked the question specifically three times when they were here, "What's your policy?",

and got the response, “It’s not a policy. There’s a practice.” There’s a requirement of Transport Canada that they record the number of passengers, but there seems to be no policy there.

**Mr. Milloy:** But in fairness, Mr. Hampton, you’re the one who brought up the fact that you wanted to broaden the recommendation to include the purpose. I’m looking through Hansard—I may stand corrected, because I’m looking through it very quickly—and your questions were all about, “Is it the policy of Hydro One to keep a log with the names of the passengers using the Hydro One helicopter?” I don’t see anything about the purpose. All we’re saying—and as I say, this is a process. This isn’t clause-by-clause of a bill; this is a process where we’re going to have a chance to see it again in a new iteration with some research to get the chapter and verse of what their policies are around names, around purpose etc., vis-à-vis, and then we’ll have a context to move ahead with a recommendation which might deal with the log listing names or it might deal with broader issues. I don’t see where the controversy is.

1150

**Mr. Hampton:** Just to respond, maybe Mr. Milloy should read further. I asked several questions about the nature of the usage: Are family members of Hydro One employees permitted to ride on corporate helicopters; what would be the exceptional circumstances etc.? So I asked several questions, trying to narrow in on the policy here. The most we got was, “Well, exceptional circumstances.” I don’t think there’s any more information to be elicited here. We went over this fairly extensively, not only with Mr. Parkinson and Ms. Burak but others who are supposed to be more intimately involved in this. I think we’ve got the information we need.

I move we amend the recommendation: “Maintain a log listing the names of all individuals using Hydro One helicopters and the purpose of the trip.”

**The Chair:** We have a motion on the floor.

**Mr. Wilkinson:** I’ve been part of this debate. Without actually telling them they should have a policy, is it acceptable they keep a list? It should be a policy.

**Mr. Hampton:** Okay.

**Mr. Wilkinson:** Because—

**Mr. Hampton:** I accept that amendment.

**Mr. Wilkinson:** Your point is “exceptional circumstances.” That is the point we’re trying to make on this side. You’ve raised this concern and we’re looking at this. I believe that at the moment we just need to get some more clarity from Hydro One before we vote on this and set this to bed. My point is, this is a work in progress. As Mr. Milloy said, we should not be trying to draft this without all of the information that we can readily get over the next few weeks from Hydro One.

Your point is that we should be pretty clear about a policy that they should have, not just a practice that we want them to do. We still allow them to have “exceptional circumstances,” but have no definition as to what is an exceptional circumstance. So I follow your point,

but if we’re going to do this, then let’s do this right. That’s my point.

I don’t think we give the best possible report from this committee by dealing with it at this instant. If we stand this down, get some more research, you have my assurance that we’re going to be dealing with this issue. We can move on to the others and work together on this.

**Mr. Tascona:** I think it’s kind of clear that there isn’t a policy. I’d offer to amend the amendment, which would read: “Hydro One develop a corporate policy on helicopter use, which shall include maintaining a log listing the names of all individuals using Hydro One helicopters and the purpose of the trip.”

There is no policy and there isn’t any more information to be gleaned here. I think it’s good public policy for them to have a policy which will deal with these things. So I’m amending the amendment put forward by Mr. Hampton on this particular issue.

**Mr. Hampton:** I accept the amendment.

**Mr. Tascona:** Beautiful.

**The Chair:** Now we have an amended motion. Any further comments?

**Mr. Milloy:** Let me ask the hypothetical question. What happens if research were to talk to Hydro One and they were to produce, from their policy guidelines, a policy on helicopter use, after we’ve voted that they should?

**Mr. Hampton:** I think that question was already answered in the interrogation when Hydro One was here, because I went at the question from several perspectives.

**Mr. Milloy:** No, no. Mr. Hampton asked about a log. Anyway, I’m wondering, would the proposal Mr. Tascona is putting forward negate having research, at the same time, seek some clarification from Hydro One as to what their policy is?

**Mr. Tascona:** Yes, it would, because the language is clear. “Hydro One develop a corporate policy.” Even if they have one, which I don’t believe they do, based on the questioning by Mr. Hampton, it still doesn’t preclude them from amending a corporate policy if they even have one. I think it’s actually very instructive.

**The Chair:** Any further comments on the amended motion?

**Mr. Milloy:** At the same time, can we—perhaps you’re going to say it’s the next item: to ask research to provide more clarification in that section as to what their policy is, if they have one.

**Ms. Hull:** Would the committee like to see the policy if it exists, or should I just ask Hydro One the question whether they have a policy or a practice?

**Mr. Hampton:** As soon as you say “practice” you open the door to—their answers were clear. I don’t think I could have been more thorough in how I asked the questions, and at no time did they say, “There is a policy.”

**Mr. Wilkinson:** Then again—

**The Chair:** Yes, I just want to be clear that we have an amended motion on the floor and so this, then, is the issue to which I would want you to speak. Yes, Mr. Wilkinson.

**Mr. Wilkinson:** Madam Chair, the point that I want from legislative research, given the fact that they were in here—the top brass of Hydro One were asked these questions by this committee. I need to know, and it would be very informative for me in regard to the section that we are dealing with: Today, do they have a corporate policy? That’s what I want to know before I vote on this: Today, do they have that? For me, I’d like to know whether or not the fact that they were in here and were asked these questions—whether today they still have practices, or whether or not they have now a policy on this, given the light that you brought to bear on this issue.

**Mr. Yakabuski:** Of course, if we ask today, does that preclude them from having one ready in three weeks? We’re just dancing around here. Mr. Parkinson and Ms. Burak answered the questions, and I think it could be reasonably inferred that they don’t have a policy with regard to logging passengers’ names on flights, based on their answers to Mr. Hampton. I’m not talking about the original motion because Mr. Tascona has amended the motion, but I really fail to see why we need a clarification of what was already said in Hansard.

**Mr. Hampton:** I started out by saying, “What is Hydro One’s policy with regard to the use of corporate helicopters?”

**Mr. Wilkinson:** Right.

**Mr. Hampton:** And the response was that “the answer to that is very simple. The use of company helicopters is for legitimate purposes only.”

*“Mr. Hampton: Can you define ‘legitimate purposes’?”*

*“Ms. Burak: Any work-related business that might require transportation and the use of the helicopter.”*

*“Mr. Hampton: Work-related business. I guess I have to ask the next question: How do you define ‘work-related business’?”*

*“Ms. Burak: The helicopters are used for a wide variety of operational purposes: the travel back and forth of workers and people on legitimate Hydro business.”*

I asked, “Is it the policy of the company that all passengers are recorded,” which is really the subject of number 8. So number 8, as we’ve urged it amended, really gets to the root of the questions we asked.

**Mr. Milloy:** What page are you on, Howard?

**Mr. Hampton:** A-268, at the bottom. It really gets to the root of it: a policy of maintaining a log listing the

names of all individuals using Hydro One helicopters and the purpose of the trip; in other words, what’s the legitimate Hydro business?

**Mr. Wilkinson:** And you’re not in support of this recommendation unless that purpose is in there, right?

**Mr. Hampton:** Yes, I want to see the corporate properties being used for corporate—I want to see that there’s a policy.

**Mr. Wilkinson:** But I have an inference from what his answer was that they do have a policy, which he outlined to you, and then we got into this whole issue of what that practice is. So I want to know what the policy is, because if there is a difference between the practice and that policy, I think that’s quite informative. That’s what I want to see: Because when they started answering the question, he started listing off what the criteria are for the use of that helicopter. Did he just make that up, or is there a policy that he knows of, that the whole organization knows of, that it has to be work-related?

**Mr. Yakabuski:** If I could ask members opposite, and my colleague won’t be happy with me, but we have a practice and we know they’re practices that are only work-related business. Okay? They said that in Hansard.

**Mr. Wilkinson:** Yes.

**Mr. Yakabuski:** They have also indicated that they do not keep a log of the names of passengers on those flights. They indicated that in Hansard. If Mr. Tascona’s motion was to be amended to remove the second part there and go back to direct Hydro One to bring in a policy of maintaining a log listing names of all the individuals, blah, blah, blah, could you support it, then, if the purpose of the use was amended out of there?

According to Hansard, that is their practice, if not their policy, that helicopters can only be used for work-related business. Do we just keep dancing? We’re going to have to at least vote on this recommendation or something, or we’ll be here till that helicopter’s grounded.

**The Chair:** Mr. Yakabuski, you’ve provided me with a segue here. The time for the committee has expired.

There are two things I would leave you with. One is that I will direct research to look further into the details of this particular area. Obviously, when we reconvene to look at this draft, we do have a motion on the floor.

So, thank you very much. The committee is adjourned.

*The committee adjourned at 1200.*



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