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Official Report of Debates (Hansard)

Wednesday 13 June 2012

Journal des débats (Hansard)

Mercredi 13 juin 2012

**Standing Committee on
Estimates**

Subcommittee report

**Comité permanent des
budgets des dépenses**

Rapport du sous-comité

Chair: Michael Prue
Clerk: Valerie Quioc Lim

Président : Michael Prue
Greffière : Valerie Quioc Lim

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Hansard Reporting and Interpretation Services
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 13 June 2012

Mercredi 13 juin 2012

The committee met at 1556 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Michael Prue): The meeting is resumed. Our first order of business is a report of the subcommittee relating to our summer meeting dates. Can I have someone read the report?

Mr. Michael Harris: I would like to read the report of the subcommittee.

Your subcommittee on committee business met on Tuesday, June 12, 2012, to consider the committee's summer meeting schedule and recommends the following:

(1) That, pursuant to the order of the House dated May 31, 2012, the committee meet on four days during the summer adjournment, on July 11, 19, 23 and 24, 2012, to continue its consideration of the 2012-2013 estimates;

(2) That the committee meet from 8 a.m. until 8 p.m. on each of the four days;

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

I move its adoption.

The Chair (Mr. Michael Prue): Any discussion? Ms. MacCharles.

Ms. Tracy MacCharles: Assuming I continue to sub on this, if that's the will of my group, I'm wondering if I could just get a handle on what 8 a.m. to 8 p.m. looks like. Was there any discussion about how the day is going to work, how we organize ourselves? I think it would be beneficial for those of us—

The Chair (Mr. Michael Prue): I was the Chair, although I did not take part in the discussion. The general discussion was—it was moved and all three parties voted for it—8 to 8. There was some discussion around 8 until 9 o'clock at night, with two half-hour breaks for lunch and dinner, but it was decided to work through lunch and dinner and leave at 8.

Ms. Tracy MacCharles: So no breaks? Is that what is before us?

The Chair (Mr. Michael Prue): No breaks.

Ms. Tracy MacCharles: I'm just a bit concerned.

Mr. Michael Harris: It had unanimous support by all.

Ms. Tracy MacCharles: There are zero breaks in a 12-hour day?

Mr. Rob Leone: When it's not your 20-minute rotation, you can use the bathroom if you wish.

Ms. Tracy MacCharles: Pardon?

Mr. Michael Harris: We get three 20-minute rotations, so in essence, you have the ability to slide out should you wish.

Interjections.

Mr. Michael Harris: Listen, the subcommittee met. You were represented by Mr. Leal, who agreed with all members of the subcommittee, and we moved that we sit 8 to 8 and that we work through breakfast, lunch and dinner.

Ms. Tracy MacCharles: Sorry, what did you say about breakfast, lunch and dinner? Food's important.

Mr. Michael Harris: We're going to continue the meeting from 8 a.m. to 8 p.m.

The Chair (Mr. Michael Prue): There won't be breakfast. Hopefully, you'll eat your breakfast before you arrive. But lunch and dinner will be provided and will be eaten in this room.

Ms. Tracy MacCharles: I see. Okay.

Mr. Rob Leone: So you have the choice of subbing out if you don't want to sub in.

Mr. Michael Harris: Yes, you can always get a sub and do six and six or three fours, whatever, right?

The Chair (Mr. Michael Prue): Okay. Mr. Zimmer, you have the floor.

Mr. David Zimmer: I want to speak to item number 2. The suggestion that the committee is going to meet from 8 to 8, 12 hours, and then I hear that there were discussions at the subcommittee that we were going to work through lunch and dinner and so forth. I want to put my objections on.

I've got no intention of voting, as a member of the committee, in favour of the subcommittee report on this, and I'll tell you why. I think now we're getting quite crazy about all this. I don't know whether Mr. Leal was there or not, but imagine coming here at 8 o'clock in the morning—you're probably going to have to come from out of town or wherever they're getting here—in the middle of the summer, and we're going to sit on this committee for 12 hours and work through lunch, and if you need some time off or something, you're going to have to arrange a subcommittee member—when the House is adjourned, trying to get people in here, it's a nightmare situation. It's going to be a day-mare situation.

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We have to be somewhat reasonable here. These are difficult matters, they're complicated matters. I challenge

anybody who says that they're going to be able to, in the ninth, in the 10th, in the 11th, the eighth, the seventh hour of the detailed work that we do here, considering matters and motions and technical rulings and all of that stuff—one's mind is just going to turn to putty at the end. About five or six hours, I figure, is the max that somebody's going to be able to pay any kind of meaningful attention to what's going on in the committee.

You know, you couldn't get away with a 12-hour workday anywhere in the province because it's against labour legislation. It's cruel and unusual punishment. If you said to anybody else, "We want you come and sit on your bum for 12 hours and pay close attention"—even examinations in high schools, in colleges, in universities and in professional degrees, they say that the max time that somebody can pay attention in a constructive, meaningful way is about—they cap it at six hours, with a two-hour break from 12 to 2.

Examinations start at 9; it's three hours of close attention. People get a two-hour break; they come back for another three hours in the afternoon of close attention for a total of six. Everybody who comes out of one of those things is just mentally wiped and exhausted.

I would dare say that when we get to our seventh, eighth, ninth, 10th, people are just not going to be able to pay attention in a way that's incumbent upon members of the Legislature to pay attention to the work that's going on in this committee. It's farcical.

I don't know who was sitting on the subcommittee. I gather one of our members was—

Ms. Tracy MacCharles: Jeff Leal.

Mr. David Zimmer: Jeff Leal. I don't know what kind of work arrangements he makes for himself in Peterborough. Who else was on the subcommittee here, on the other side?

Mr. Michael Harris: I was.

The Chair (Mr. Michael Prue): And Mr. Natyshak was there for the NDP. Those were the three subcommittee members.

Mr. David Zimmer: And is he a permanent member of the committee or was he subbed on to the subcommittee?

Interjection: He's co-Chair.

The Chair (Mr. Michael Prue): He's a permanent member. He is the co-Chair—

Interjection.

The Chair (Mr. Michael Prue): Vice-Chair, sorry.

Mr. David Zimmer: Okay. I have no idea what the opposition members or my own member on that subcommittee were doing when they spoke unanimously in favour of a 12-hour sitting.

Mr. Michael Harris: Are you suggesting that your workday is only five to six hours?

Mr. David Zimmer: I am suggesting that—

The Chair (Mr. Michael Prue): He has the floor, he has the floor.

Mr. David Zimmer: I have done court cases. I've done trials that lasted 67 days with 900 exhibits and the most that the judge and the presiding lawyers, paying

close attention to what was going on—we'd do, at maximum, a five-hour day, and that was with an hour and a half or so for lunch to clear our minds.

If you think that any of us—and I'm not being selfish about this, because I'm putting myself in your mind. Put yourself in the mind of the Chair of the committee. The rest of us, hopefully—you know, we could, if we get stuck with this 12-hour thing, arrange some subs or we can leave the committee a bit and go down the hall. But the poor Chair is going to be stuck there for 12 hours.

I can sort of fade out when there's something that I don't think I have to pay attention to, but the Chair of these committees—whether it's this committee or any other committee—has to pay attention to every word and everything that everybody says because he's got to keep a grip on things, he's got to make the right rulings, he's got to follow the bouncing ball all the time, not—

Mr. Rob Leone: Chair?

The Chair (Mr. Michael Prue): Do you have a point of order?

Interjection.

The Chair (Mr. Michael Prue): That's the only way I can interrupt him. You just can't—

Mr. Rob Leone: I'll let him continue to speak if it's not for too much longer.

The Chair (Mr. Michael Prue): Okay, but, please, just don't say "Chair"—

Mr. Rob Leone: I just wanted to get your attention for next.

The Chair (Mr. Michael Prue): Oh, you want to be on the list? Okay. Thank you.

Go ahead.

Mr. David Zimmer: Now we have eight members of the committee, and we're all, by the sixth hour or the seventh hour, just exhausted. Think of Madam Clerk, who is going to have to sit here for 12 hours. She can't go out and get another clerk to come in and substitute for her. She's got to follow the bouncing ball. Think of Hansard, who is going to have to sit here for the 12 hours. Think of the legislative research who have to sit here for 12 hours. That is just obscene, I think, to expect members and the support staff to sit here for 12 hours. But I am particularly concerned about the Chair, whether it's at this committee or any other committee, if they tried to sit for 12 hours.

As I've said, it's hard on us as individual members, but I can speak for a while and I can pass the ball to my colleague Tracy MacCharles. When she's tired, she can pass the ball to Vic Dhillon. Vic, when he's tired, can pass it to Grant, and back and forth we go. I expect members of the opposition would do the same. The NDP has only got one member—sometimes they'll have two members here, so they can pass the ball back and forth among two. But the poor Chair is locked into this thing for 12 hours, and although I know that Mr. Prue is highly experienced, highly capable—I give him accolades for the way he has been running this committee—to expect the Chair to sit there for 12 hours—

Ms. Tracy MacCharles: Four days in a row?

Mr. David Zimmer: —four days in a row, glued to that chair—

Interjection: It's not four days in a row.

Mr. David Zimmer: I'm sorry—sit there for 12 hours in a day and then whatever other days. But to sit there for a 12-hour stretch and follow, in detail, the bouncing ball is not fair to the Chair. It's going to give rise to mental exhaustion and the possibility of just fatigue that will lead to—the potential just to lead to errors because of sheer exhaustion.

I think that the members of the subcommittee did a great disservice to the work they were trying to do. Even if they had said that we're going to sit six or seven hours, that's doable. Six or seven hours is a long, long day. Imagine you get to the end of the sixth hour or the end of the seventh hour and you look at the clock, and you realize that you got another five hours to go. This is just not appropriate.

I expect that my colleagues are going to want to speak to the issue.

The Chair (Mr. Michael Prue): I have a list.

Mr. David Zimmer: So, anyway, I'll hear what my colleagues have to say. I'm going to propose an amendment to the subcommittee report, but I want to hear what my colleagues have to say, because maybe I'm the only one that's fearful—and I'm not a lazy person; I may crack a lot of jokes and appear to be a bit cavalier, but I am prepared to work. But I am not prepared to work 12 hours a day, two days back to back.

The Chair (Mr. Michael Prue): I have Mr. Leone next, and then Mr. Dhillon.

Mr. Rob Leone: Mr. Chair, I was just going to call the question on this motion of adopting the subcommittee report. I don't think anything of this discussion is going to result in any weight at the end of a vote. I think we just might as well get to that vote now.

The Chair (Mr. Michael Prue): Well, the Chair has prerogative here, and I'm not going to exercise it at this point. We do have at least one other speaker. This is an amendable motion. I would ask not to make rambling speeches on whether you think—you've heard Mr. Zimmer and he has made his speech on why he thinks 12 hours is too much. This is an amendable motion. If you don't like what it is, please move an amendment. We can talk to the amendment, because this is what the subcommittee unanimously came up with.

I have Mr. Dhillon next.

Mr. Vic Dhillon: Chair, thank you very much. I think it's really important that we do have a discussion on the length of time that we have to sit because, as Mr. Zimmer has mentioned, we can sort of tune out for whatever time that we're not speaking, but you yourself, the research staff, the clerk and especially Hansard—12 hours in a row. We're going to be eating here, having our lunch and dinner. I'm really worried about potential errors etc. that can occur because of the lengthy time that we're being asked to sit. This is very worrisome because we're here to do the work for the taxpayers of Ontario. It's very important work.

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Sitting in a very important committee, discussing something of great importance, I think there are better ways that we can do this, and it's important that we all have a voice with respect to this. There are all kinds of things that can come up during the day. All sides have very busy schedules. The minister obviously is doing a very important job, and I think that requiring us to sit 12 hours straight is not the best way of carrying on in this committee.

The Chair (Mr. Michael Prue): Ms. MacCharles, then Mr. Crack.

Ms. Tracy MacCharles: It's good to hear the discussion because I'm like a lot of people; I put in lots of long days. That's not what the issue is here.

Mr. Vic Dhillon: We all do.

Ms. Tracy MacCharles: We all do, as Mr. Dhillon says. On a practical matter, I can tell you that I need to elevate my leg for one hour a day minimum, post surgery, so I have accommodation issues, I would put forth. As hard as I work, I've got to put my health first, and I hope everybody else does that, too.

It is a long time to sit on one topic, and I'm concerned too about the mental fatigue. I think it's not realistic. Booking a 12-hour day on one event without being able to be anywhere else, for all intents and purposes, is not realistic. Sitting is not great for anybody, especially for these kinds of hours. I would be open, and I think my colleague may be coming up with a proposed amendment so that we could have something that's a little more doable, a little more respectful of everybody's physical and mental health.

We all want to do a good job. I think we're all committed to doing a good job. But it sounds like what I'm learning as a new member too, that when the House is not sitting, there may be more challenges to accessing the resources that are normally available to anybody, to any member and to any party. That could be concerning because I know I rely very heavily not just on my own staff but my caucus staff who help me manage my day.

As I said, I require one hour of time where my leg has to be elevated above my heart, and I'm saying that with all sincerity. That's doctor's orders. On a personal level, I have that issue and I just want to put that out there.

Having said that, I'm enjoying this committee. It's important work. I hope I can continue. I also don't live too far from Toronto, so I want to help my other colleagues who live further away where greater taxpayer expense would be incurred for them to come and sub in. I can get here, if there's not a lot of traffic, in pretty short order, so there's that cost side. There's also the benefit of those of us who are subbing, if possible, to continue. I think that's just more efficient for everybody. It's less draining and taxing on everybody.

So, Chair, those are some of my thoughts. We have two days back to back here, which I think is very unrealistic. I think even the other days at 12 hours straight are pretty long too. So I'm looking forward to hearing a bit about a potential amendment to this report.

The Chair (Mr. Michael Prue): Mr. Crack.

Mr. Grant Crack: I just want to indicate that I do respect the good, hard work of the subcommittee; however, I think that the length of time for a meeting is a bit long. I'm sure that the honourable member from Nipissing certainly wouldn't be in favour of sitting 12-hour days.

I'd also like to echo the words of my colleague Mr. Zimmer concerning the Chair. I know what it's like to chair a meeting for a number of hours during the course of a day and evening, and it's trying. As Mr. Zimmer said, the Chair has to be on top of things on a regular basis, which he's done a great job of as well, and ensure that process and procedure are followed properly.

I also just want to echo: not only the staff in the clerk's office and Hansard, but our own support staff that would be required to be here not only the 12 hours. There is the preparation to get here and the preparation to get home. There's also the preparation work after, to be prepared for the next meeting. So that's a concern to me.

Another concern is a safety concern. Ms. MacCharles has indicated some of her concerns with her leg and having to travel probably an hour or so—get up, travel and then go home at night. You know, she's looking at 16-hour days. I think that's quite unreasonable.

My colleague Mr. Zimmer, also—during casual conversations—has indicated that he has a glaucoma issue, and he requires some time off just to rest his eyes and rest his vision. I think that that's reasonable as well, because Mr. Zimmer is a real asset to this committee; he brings a great perspective to the committee that I think we all enjoy and respect.

For myself, I think 12 hours—I don't build golf courses anymore. I'm not used to 12-, 14- or 18-hour days, but at least you're up and about and more productive physically than just sitting for that length of time. I would hope that, as discussions continue, we would consider something like a normal day that the House meets. Maybe from 9 to 6 would be more reasonable. Because as I said, Mr. Chair, I'm concerned about the support staff and the prep time that they are going to require to meet the demands of the committee.

So having said that, I would just thank you for the time.

The Chair (Mr. Michael Prue): Before I recognize Mr. Dhillon, I mean, this is—everybody has said they don't like it. If you don't like it, you're parliamentarians: You can move an amendment. I don't want to hear any more—I'm not going to entertain any more debate that you don't like it. If you want to change it, make a motion.

I have Mr. Dhillon first. Do you have an amendment?

Mr. Vic Dhillon: I just want to make one more comment that I think maybe Mr. Crack is not aware of. I've had the good fortune of serving with Mr. Zimmer since 2003, and naturally, our newer colleagues probably don't know about the condition that Mr. Zimmer has. Obviously, because of the time that we've served together, I've had more time to spend with him. I personally witnessed as late as today where I had to give Mr. Zimmer a hand because he was in a bit of disarray.

These are real issues, and I don't think we should be discounting them. Obviously, we can visibly see that Ms. MacCharles has a leg injury and just saw how slowly she has to—or can—walk. The requirement for her to do whatever she has to in order to nurse her injury is very, very important. Having to sit 12 hours is very taxing on, again, you and all the staff and, more importantly, people who need to worry more about their physical impairments than most of us who are okay. I don't think we can let that go in our considerations.

So for that reason, I feel that all of us should really consider maybe rethinking the lengthy schedule that we have in front of us in deliberating in this committee.

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The Chair (Mr. Michael Prue): I saw Mr. Harris first, and then Mr. Zimmer.

Mr. Michael Harris: I know that Mr. Crack, for the record, stated that the member for Nipissing would likely not approve of sitting 12 hours. In fact, I just spoke with the member and he approves sitting for the 12-hour sessions. Thank you.

The Chair (Mr. Michael Prue): Mr. Zimmer—and I hope this is an amendment, because this is going nowhere.

Mr. David Zimmer: Yes, this is the amendment.

The Chair (Mr. Michael Prue): Okay.

Mr. David Zimmer: I'd like to propose an amendment to the subcommittee report.

The Chair (Mr. Michael Prue): Thank you.

Mr. David Zimmer: And if I could, my amendment would change paragraph 2 to read as follows—my amendment:

“That the committee meet from 8:30 a.m. until 4:30 p.m.”—I'm sorry. Let me just redo that.

“That the committee meet from 8:30 a.m. to 12 noon and from 1 p.m. to 4:30 p.m. on each of the four days, thus allowing for seven hours of actual hearing time per day.”

Did you get that last part?

The Chair (Mr. Michael Prue): I got it. It's 8:30 till 12, 1 o'clock till 4:30, thus allowing for seven hours per day.

Mr. David Zimmer: “... seven hours of actual hearing time per day.”

The Chair (Mr. Michael Prue): Yes.

Mr. David Zimmer: —“thus allowing for seven hours of actual hearing time per day.”

I'll just speak to it. I mean, I've said everything in my earlier remarks. I would urge the committee to consider it. I did not want to—I mean, my colleagues made reference to an issue that I have, and long, long hours of reading exacerbates a glaucoma condition that I have.

The Chair (Mr. Michael Prue): Okay. Any discussion on the amendment? Mr. Crack.

Mr. Grant Crack: Thank you, Mr. Chair. This is kind of catching me off guard, so I would ask for a 20-minute recess so that we can discuss this.

The Chair (Mr. Michael Prue): I don't know if there's any other discussion yet. We're not to the voting

stage, but I will recognize you when we get there because I know that you love to make that request.

Any discussion on this? Seeing no discussion, Mr. Crack.

Mr. Grant Crack: Thank you, Mr. Chair. I'm just requesting a 20-minute recess. As I had indicated, it kind of caught me off guard and I'd like to think this thing through.

The Chair (Mr. Michael Prue): Okay. He is in order to ask for it. We have a 20-minute recess.

The committee recessed from 1623 to 1643.

The Chair (Mr. Michael Prue): Meeting is resumed. We are now going to vote on the amendment made by Mr. Zimmer, and that is—just to refresh everybody's mind, his motion was to the effect that we meet from 8:30 until 12 and from 1 o'clock until 4:30 p.m. in order to accomplish seven hours of actual sitting and hearing time. In a nutshell, that was it. Everybody aware that's the motion?

All those in favour of the motion of Mr. Zimmer? All those opposed? What I thought was going to happen again.

Mr. Rob Leone: Could we have a recorded vote, sir?

The Chair (Mr. Michael Prue): You have to ask for a recorded vote before it's taken.

Mr. Rob Leone: I missed that.

The Chair (Mr. Michael Prue): All right. The vote was tied, and again, I have to vote. Again, I was present, although I was not a voting member, at the subcommittee, and the subcommittee was unanimous in all aspects. They argued over the dates, they argued over the times, they argued over whether 12 hours, and they also talked about whether to extend it an additional hour, whether or not to bring in lunch and dinner or whether to break for lunch and dinner. The unanimous vote of all members and all parties was to do that. So I feel compelled, on a tie vote, to vote with the subcommittee and against the motion of Mr. Zimmer.

I also feel compelled, by the way—

Mr. Vic Dhillon: Chair, how about compassionate?

The Chair (Mr. Michael Prue): I am compassionate, but I also recognized that over the summer, almost literally everyone, including me, was likely to be subbed at some point or for some day.

Mr. Vic Dhillon: Not on our side.

The Chair (Mr. Michael Prue): Well—so that's what I have to do. Any other discussion on the motion?

Interjection.

The Chair (Mr. Michael Prue): Ms. MacCharles had her hand up first.

Ms. Tracy MacCharles: I'm prepared to amend the amendment; I don't know if that's proper now.

The Chair (Mr. Michael Prue): No, but you can make a new amendment, because there's nothing before us now.

Ms. Tracy MacCharles: Okay, I'm prepared to make a new amendment in the interest of accommodation, respect, compassion and—

Mr. Vic Dhillon: It's my birthday.

Ms. Tracy MacCharles: —it's Vic's birthday, but that's not the main argument, of course.

Mr. David Zimmer: You have to read the amendment in.

Ms. Tracy MacCharles: Shall I do that now, Chair?

The Chair (Mr. Michael Prue): You have to read the amendment for us to have an amendment.

Ms. Tracy MacCharles: I am proposing an amendment to number 2 of the subcommittee report:

"That the committee meet from 8:30 a.m. to 12 noon and from 1 p.m. to 5 p.m. on each of the same days as outlined in section 1, which is July 11, 19, 23 and 24, 2012."

The Chair (Mr. Michael Prue): It is slightly different from the last one. Any discussion? Mr. Zimmer.

Mr. David Zimmer: I just want to go on record as saying that all of the arguments I made on the previous amendment I would ask all members of committee to take into account on this amendment, which now extends the hearing to a total of eight hearing hours per day. It was seven and a half before. Now we have an eight-hour day, which is the—

Mr. Rick Nicholls: Seven and a half hours.

Mr. David Zimmer: I'm sorry, seven and a half hours, which in Ontario working culture is the typical working day. In fact, we're working more than eight hours a day in most cases—in many cases—contrary to various aspects of the labour code.

The Chair (Mr. Michael Prue): Any other discussion? Seeing none, we have a motion before us.

Mr. Vic Dhillon: Chair?

The Chair (Mr. Michael Prue): Yes, Mr. Dhillon?

Mr. Vic Dhillon: Can we have a 20-minute recess?

The Chair (Mr. Michael Prue): Yes you can, but I want to say, you know, this is to establish the dates that the House has ordered us to establish. We have to report back what we have done. I want to make sure that we finish this, please, before 6 o'clock. Otherwise, we have no dates and we will not be in compliance with what we've been told to do. So, you have 20 minutes. We're recessed for 20 minutes.

The committee recessed from 1648 to 1709.

The Chair (Mr. Michael Prue): Meeting resumed. We are now at the point of voting on the motion of Ms. MacCharles—

Mr. Rob Leone: Could I have a recorded vote, please?

The Chair (Mr. Michael Prue): Yes, a request for a recorded vote.

Ms. MacCharles has moved that we have a day be 8:30 to 12 and 1 o'clock until 5, for a total of seven and a half hours a day.

Ayes

Crack, MacCharles, Zimmer.

Nays

Harris, Leone, Nicholls, Tabuns.

The Chair (Mr. Michael Prue): That motion fails.

We now have a—

Mr. Grant Crack: Can I make another amendment, Mr. Chair?

The Chair (Mr. Michael Prue): Yes, you may.

Interjections.

The Chair (Mr. Michael Prue): Yes, and that was a little more than six.

Sorry. Okay, Mr. Crack.

Mr. Grant Crack: Thank you, Mr. Chair. I'd just like to also amend number 2 in the report from the subcommittee to read, "The committee would meet from 8 a.m to 12 with a one-hour break and reconvene from 1 to 5 p.m." This adds another half an hour, so we're up to eight, and I think that's more than reasonable.

The Chair (Mr. Michael Prue): Okay, we have a motion by Mr. Crack. Any discussion? Mr. Zimmer?

Mr. David Zimmer: Just for the purpose of the record, I want to repeat all of the arguments that I made on the previous two amendments about why we should have a more reasonable time for sitting. It strikes me that the seven and a half hours is getting pretty close to the limit at which any of us should be expected to work, which is eight hours. While I don't want to presume what my colleagues might think, I'm assuming that they agree with my comments, but I'll let them make their own.

The Chair (Mr. Michael Prue): Ms. MacCharles?

Ms. Tracy MacCharles: Chair, I request a 20-minute recess. I need to talk to my doctor. I need to talk to my colleagues and figure out what the heck I am going to do in this, since I have not been accommodated in this process.

The Chair (Mr. Michael Prue): All right, we have a request for a 20-minute recess. That is in order at all times, so we will break again until approximately 5:31, and please, everybody, be back at that time. We hopefully have to resolve this before 6 o'clock.

The committee recessed from 1712 to 1732.

The Chair (Mr. Michael Prue): Okay, the meeting is called back to order. The meeting was recessed at the request of Mr. Dhillon for a 20-minute recess. We've now had that. We'll go straight to the vote. The vote was made by Mr. Crack, I believe—yes—and it was for the committee to meet from 8 until 12 and from 1 till 5 on each of the days that have been set out.

Mr. Rob Leone: Mr. Chair, could we have a recorded vote?

The Chair (Mr. Michael Prue): A recorded vote has been requested.

Ayes

Crack, Dhillon, MacCharles, Zimmer.

Nays

Harris, Leone, Nicholls, Tabuns.

The Chair (Mr. Michael Prue): Again, I have to break the vote. As I said the last time, this was the unanimous decision of all three parties who sat in subcommittee. I am also mindful that the remaining time to the committee, if we do not have summer hearings as set out, will be only 38.5 hours. We have another 80 hours to go. We have spent weeks and weeks doing 10 hours only of estimates, and we are now down to the point that if we don't do these four 12-hour days or four 11-hour days at least, we cannot accomplish what the committee is mandated to do. Therefore, reluctantly, I have to vote against this motion as well. It simply does not give enough time. It limits us to more than 10 hours under what we have to accomplish by November.

Mr. Leone, further debate.

Mr. David Zimmer: I want to propose an amendment.

The Chair (Mr. Michael Prue): Mr. Leone was recognized first.

Mr. Rob Leone: Thank you, Mr. Chair. Given the fact that these amendments are pretty similar in nature, I will now call for the question to be put on the motion to adopt the subcommittee's report. The subcommittee met and certainly came to an agreement by all parties; we're just wasting time here. We could further go down this road of wrangling over half-hour increments here or we could just call the original question. I think we need to call that question now and move on with it, as it is approaching 6 o'clock and we will not have enough time to get the subcommittee report approved.

Interjections.

The Chair (Mr. Michael Prue): One minute. He has made a request that we stop debate. The Chair is going to have to rule whether sufficient debate has taken place.

Mr. David Zimmer: Well, all right, but with respect, before you make that ruling, Chair, I do say that this time, I'm proposing an amendment so that it will deal with an accommodation issue that Ms. MacCharles has. I'm going to speak briefly to it because I have the direction here from the Speaker of the Legislative Assembly in which he deals—three short paragraphs that deal with the accommodation issues for various people, including members of the provincial Parliament. This is not a trivial issue.

Ms. MacCharles suffered a bone cancer 10 years ago; she almost lost her leg. There was a recurrence and a problem this past fall; as you know, she was away. She came as close as you can to losing the leg without actually losing it, and it's compounded on top of that because she also has breast cancer. And I do want to raise this accommodation. I want to propose an amendment that will accommodate. I want you to know that that's the intention here.

Interjection.

The Chair (Mr. Michael Prue): Well, no, I'm thinking about the ruling and I'm thinking about what the honourable member is trying to do.

I am mindful that, should I agree with you and somebody asks for a 20-minute recess, this committee will not

be able to do what it has to do before 6 o'clock. I am almost persuaded to listen to Mr. Leone. If you're going to move this, can you move your motion and explain it in less than a couple of minutes and everybody here say they won't ask for a 20-minute recess? Because otherwise I'm going to say no, because we have until 6 o'clock to set out the timelines. By those timelines, we have to meet 80 hours between now and the end of November. All that is happening here is the wastage of time to the point that this committee cannot do what it is required, under the same statute you're going to read from.

Mr. David Zimmer: There will not be a call for a 20-minute break. I will speak briefly to it.

The Chair (Mr. Michael Prue): Just in a minute or two.

Mr. David Zimmer: Two minutes, three minutes—and I think Ms. MacCharles will want to just confirm what I've said in terms of—

Interjection.

The Chair (Mr. Michael Prue): All right. I'm going to say no at this point, with the greatest of respect. I'm very much to the point of agreeing with you on sufficient debate, but I'm going to allow one further one on the condition that they have said that there will not be a 20-minute recess call.

Mr. Rob Leone: So long as I will have the floor as soon as this is dealt with.

The Chair (Mr. Michael Prue): I will recognize you after. I will hear from Mr. Zimmer and then from Ms. MacCharles as requested, but then the floor will be given to Mr. Leone.

Mr. Zimmer.

Mr. David Zimmer: Fair enough. Okay, so my amendment is again on paragraph 2: that the committee meet from 8 to 12:30 and from 1 to 5, so we reduce the lunch hour to a half an hour. The reason for that is—members may or may not be aware—that Ms. MacCharles suffered a very severe bone cancer in her leg about 10 years ago and came as close as you can possibly come to losing the leg without actually losing it, after lengthy surgeries and so forth and so on. She recovered; they saved the leg. There was a problem with the surgery nine years later, this past fall, and again she was in the hospital and came as close as one can possibly come to losing the leg.

The Chair (Mr. Michael Prue): You'll have to move the motion first. Can you move the motion?

Mr. David Zimmer: Oh, I'm sorry. I thought I did.

The Chair (Mr. Michael Prue): Okay, that's the motion: 8 to 12:30, 1 to 5.

Mr. David Zimmer: Yes.

The Chair (Mr. Michael Prue): Okay. All right.

Mr. David Zimmer: So maybe I'll just pick up where I left off. She did that in the context of also dealing with a breast cancer issue. When she came back, the Legislature accommodated her. They put in ramps so she could get access to the chamber; they moved her to a—which is unusual for a new member—front seat so she didn't have

to go up the steps; they put a ramp into that; in the east lobby, they put ramps in; and they did various other things. They granted her the right to not have to stand to vote; she could vote by hand from her seat—

Ms. Tracy MacCharles: Wheelchair.

Mr. David Zimmer: —and from her wheelchair. That was all following the Legislative Assembly of Ontario's 2012-13 accessibility plan, and it's quite a lengthy document—but just three short paragraphs. I'm quoting from the Speaker: "At the assembly we continue to build on the success of our previous plans and are continuing to look for ways to better meet the needs of people with disabilities who come into contact with the assembly, regardless of whether they are staff, members of the general public or members of the provincial Parliament."

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It goes on to say, "The Office of the Assembly is committed to providing barrier-free access for persons with disabilities. These policies are meant to help you to use our programs, goods and services and to understand"—they're working to help members in executing their duties.

"We"—and this is important—"will do our best to ensure that our policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality and opportunity."

Surely, a 12-hour sitting, that will prevent Ms. MacCharles from carrying out her duties, whether she's subbed in to the committee or whether she's a permanent member of the committee—she should be granted a reasonable accommodation. An eight-hour workday for this committee is a reasonable accommodation. Thank you, Chair.

The Chair (Mr. Michael Prue): Ms. MacCharles.

Ms. Tracy MacCharles: Thank you, Chair. I'm sorry that we have to get into my personal medical history here, but as well as the Accessibility for Ontarians with Disabilities Act, we have the Human Rights Code. I think that when you talk to anyone who has an impairment—and let's face it, it can happen to any of us at any time, permanently or temporarily—reasonable people, I think, can come to reasonable solutions.

I understand that there was an agreement on these hours, but I think this is going to have a negative impact on many of us. I know how it's going to impact me. Quite frankly, those are long days, 12-hour days. I do agree with something Mr. Dhillon said earlier, that it behooves us to rethink this.

The Legislature is supposed to be a leader when it comes to legislation, and the AODA legislation speaks to that. And then Mr. Zimmer just read out what the commitment is from the Speaker of our Legislature. I have been accommodated in the past, and the Human Rights Code, quite frankly, requires accommodation up to the point of undue hardship. I think the motions before us provide reasonable hours to conduct this important work.

I am a former chair of the minister's advisory council on the AODA legislation, and I can tell you that more is coming. Only one part of that legislation has been

passed: the customer service standard. There's more to come, and this Legislature will be required to not only follow the legislation but to be a leader. We can't ask the private sector or the broader public sector to do their bit around accessibility, and we can't ask the private sector and the broader public sector to uphold their obligations under this legislation and the Human Rights Code, if we fail, as legislators, to do the same thing.

I think every member of this committee is a hard-working committee member, and I include myself in that, but 12-hour days are not realistic. I require certain accommodation, so I want that to go on record. As Mr. Zimmer says, whether I am a regular member or a subbing member, I am here as a voting member, and I believe I have a right to be accommodated, both in terms of legislation and the Human Rights Code.

But in the spirit and principle of working together as reasonable people—that we conduct our work in a reasonable way, and as colleagues—I think our amendment for more reasonable hours is appropriate. I don't really understand why my colleagues fail to see that these hours, upon reflection, are going to have negative impacts. Some negative impacts will be greater for people like me, I presume.

If you want to see what I'm going to have to do to be able to be accommodated in this committee, then—I'm just putting the committee on notice that I will do what I need to do to put my health first. I am a member of this Legislature. I have been accommodated in the past, and I very much appreciate that. I'm asking my colleagues to consider doing the same here.

We have some work ahead of us that we need to get through. I'm very committed to making that happen.

We've got two days from the original subcommittee report that are back-to-back, 12-hour days, and I think if a person comes before you and asks for an accommodation, it behooves the committee to seriously consider it. As I said, other standards are coming out. Quite frankly, the Legislature is going to have to get used to this. I think as the Legislature evolves, we'll see more and more people more reflective of the diversity of our province.

I understand that the Legislature has provided other accommodations before, but this is I think fairly new in accommodating a person with a permanent disability. I just want to correct the record. My learned colleague said I've been struggling with my challenges for 10 years, but it was actually 31 years ago that I was diagnosed with bone cancer. I had limb-saving surgery, and I had it again in December. Thank goodness I did. I'm not going to put my health in jeopardy, and I am not going to back down from this committee as long as I'm asked to be a full participating and voting member of this committee.

I'm asking reasonable persons to work together to come up with reasonable solutions. I just feel very strongly about this, Chair. This kind of thing is not going to go away. I am a new member—I'll follow the rules, of course; I'm respectful of the rules—but I'm also here to change things, Chair. I'm asking my colleagues, all of my colleagues, from all parties, to hear what I'm saying. I

think sometimes people confuse me—and I understand it, because I do work hard. I'm very committed to the work I do, but I have to put my health first, and I'll continue to do that. If I have to fight for my right under this, I will.

I think that's all I can really say, Chair. I can't say it strongly enough. The Legislature ain't seen nothing yet. There's more to come. I appreciate the work and the accommodation of me so far, but by the grace of God, there goes everyone else. Anything can happen to anybody.

We have human rights legislation already, and this AODA legislation is just going to keep coming and it's going to get stronger. I think the government has to continue to be a role model. If the government isn't a role model, we certainly can't expect other sectors to implement these various standards, which are good. And by the way, implementing new and modern accessibility standards is good for everyone. We have an aging population. We have people with many temporary and permanent disabilities. That's not going to go away.

This is good for everyone, and, by the way, it's good for business, it's good for the economy, it's good for people's health. We want to level the playing field, not unlike the legislation brought in in the States. We're leading on this legislation, provincially, and I just think it's unfortunate if right here, in our own Legislature, we can't take that into consideration, and we won't be leading; we'll be following. I will be extremely disappointed if I, for some reason, cannot be accommodated and am forced to make some other choices.

I think working a reasonable amount of hours on this every day is a reasonable thing to do, and that's the kind of support I'm looking for from my colleagues. You won't find anyone more committed than I am—we're all very committed. I'm willing to do what I need to do as a member of the committee, but having breaks and having an opportunity to move out of the room, having an opportunity to tend to one's own personal affairs, briefly at least, in the course of a day—we've introduced a number of amendments to the subcommittee report that I think are reasonable. I'm looking for members opposite to not just accommodate me but to be reasonable people here. I think it's something that needs to be done for all of us.

Thank you for your time, Chair.

The Chair (Mr. Michael Prue): Mr. Leone.

Mr. Rob Leone: Mr. Chair, I am very sympathetic to the comments that were made by Mr. Zimmer and Ms. MacCharles.

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I do want to state a few points that I think would provide some clarity for the decision. These comments and concerns, if there were any, should have been made at subcommittee, with all three representatives present. These comments, these concerns, were not made at subcommittee. The Liberal member of that subcommittee did not raise these concerns, and now they're asking you to be put in a very difficult position on voting on this issue.

In addition, Mr. Chair, I would also state that it's the House leaders who gave us four days to sit in this com-

mittee during the summer—just four days. As you know, we have to get through all the estimates of all the ministries that we have called. If we do not go through with the time that the subcommittee has proposed for us, we're going to at least not be able to get to the Attorney General and the environment, which were ministries that this committee once again decided.

With the greatest of respect to the issue, if these were concerns, this is the very first time we've heard those concerns. I think that in light of that, we should go along with what the subcommittee has unanimously proposed and offered us. I think that they are putting you in a very difficult position here, understandably, but this is what the subcommittee has decided, and none of these concerns were raised at that point in time.

Those are the comments I will make, and I would once again suggest that we call the question on the original motion.

The Chair (Mr. Michael Prue): You can't call the question after you've spoken to it.

Mr. Rob Leone: I realize that.

The Chair (Mr. Michael Prue): Okay. Mr. Crack.

Mr. Grant Crack: I just wanted to—

The Chair (Mr. Michael Prue): Please, we've only got four minutes. We have to decide.

Mr. Grant Crack: Okay.

I'd just like to indicate my respect for the subcommittee report and Mr. Harris, Mr. Natyshak and Mr. Leal. I take issue with, perhaps, some of the comments from my colleague Mr. Leone, that it wasn't discussed at the subcommittee level. I think perhaps it could be an oversight. I think there have been negotiations back and forth.

This is a very important issue that has been raised. I believe it's a human rights issue. I also believe it's a constitutional issue. As elected members of this Legislative Assembly, we're employees, basically, of the province of Ontario. We sit in the House and do our work according to appropriate legislation. I guess my question and my comments would be, what are the rights of parliamentarians and members of this committee when, in fact, a subcommittee can force members of the committee to work 12 hours? I just think it's unreasonable.

I just wanted to make those comments and put them on the record.

The Chair (Mr. Michael Prue): Thank you. I'm going to call the vote at this point. The motion has been made that we sit an eight-and-a-half-hour day from 8 until 12:30 and from 1 to 5.

Mr. Rob Leone: Recorded vote.

Ayes

Crack, Dhillon, MacCharles, Zimmer.

Nays

Harris, Leone, Nicholls, Tabuns.

The Chair (Mr. Michael Prue): Again, I have the deciding vote.

This has been probably one of the worst Chair experiences I have ever had of any committee in all my political life—and in all my union life before that and in all my university life, when I was on the student society and had to interpret rules of order.

I am going to vote with the motion, and I'll tell you why. First of all, Ms. MacCharles made a compelling argument, but second of all, I understand that if I don't, we won't have any summer hearings and we will be hauled back. We will be hauled back because we could not even come to a simple, rational decision on when we're holding, what days and for how long we're doing it. So I'm going to vote with the motion that we have those days.

I am fully cognizant that if we use every single hour, and there are no more procedural delays, then we will not hear from the Ministry of the Environment. I'm sorry, but we cannot. We cannot because, in my view, so much time has been wasted at this committee up until this point that it is beyond belief. I can only hope that when we come back for those days in July, we use all of our time wisely and we can go back to the House and say, "We got them all in but one." So I'm going to vote with the amendment.

I'm going to ask now if we can deal with the main motion before it's 6 o'clock. The main motion will be four eight-and-a-half-hour days in the days that are set out. Is there any other discussion? And please make it brief.

Mr. David Zimmer: Chair, I do want to get to the vote, but could we have a three-minute recess? We'll vote before 6, but I need just two or three minutes—

The Chair (Mr. Michael Prue): Well, are there any speakers, first of all? Because before the vote, you can have it.

Mr. David Zimmer: No speakers here.

The Chair (Mr. Michael Prue): Okay, there is a request for a three-minute recess. Try to make it two and a half.

Mr. David Zimmer: I won't even go out of the room. I'll just—

The Chair (Mr. Michael Prue): All right.

The committee recessed from 1755 to 1758.

The Chair (Mr. Michael Prue): Okay, the three minutes is up. I'd ask the members to please take their seats.

We now have the main motion, as amended—

Mr. David Zimmer: Chair, could you just read it out, the main motion, as amended, just so we're clear?

The Chair (Mr. Michael Prue): Yes. The main motion, as amended, will now read:

"(1) That, pursuant to the order of the House dated May 31, 2012, the committee meet on four days during the summer adjournment, on July 11, 19, 23 and 24, 2012, to continue its consideration of the 2012-13 estimates.

"(2) That the committee meet from 8 a.m. until 12:30 p.m. and from 1 p.m. until 5 p.m. on each of the four days.

"(3) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any

preliminary arrangements necessary to facilitate the committee's proceedings."

All those in favour of the motion, as amended, please signify. Opposed? That's carried unanimously.

I would ask the clerk, since we have to break in about one minute, to ensure that on the next occasion, although there are still some outstanding motions before us to have

the ministry staff from the ministry here and the minister himself, because as soon as we finish with those motions we need to immediately launch right into the continuation and completion of the ministry.

Any other business today? Seeing no other business, meeting adjourned.

The committee adjourned at 1800.

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Mr. Kim Craitor (Niagara Falls L)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

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Legislative Research Service