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**Official Report  
of Debates  
(Hansard)**

**Wednesday 15 August 2012**

**Journal  
des débats  
(Hansard)**

**Mercredi 15 août 2012**

**Standing Committee on  
Government Agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

Chair: Bill Mauro  
Clerk: Trevor Day

Président : Bill Mauro  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 15 August 2012

Mercredi 15 août 2012

*The committee met at 1004 in room 151.*

## SUBCOMMITTEE REPORTS

**The Vice-Chair (Mr. Phil McNeely):** Good morning, and welcome to this meeting of the Standing Committee on Government Agencies. Before we begin our intended appointment reviews, we have a few subcommittee reports to deal with. I'll go to Mr. McDonell for the August 1 report.

**Mr. Jim McDonell:** I move that the subcommittee report of August 1 be moved, and I'll read it now:

Your subcommittee on committee business met on Wednesday, August 1, 2012, to consider the method of proceeding on intended appointments during the summer recess of 2012, and recommends the following:

(1) That a meeting of the committee, pursuant to standing order 108(f)13, be scheduled for Wednesday, August 15, 2012, to consider intended appointments not yet considered which have been selected for review; and

(2) 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.

**The Vice-Chair (Mr. Phil McNeely):** Is there any discussion on the adoption of this report? Seeing no discussion, it's carried.

Mr. McDonell again.

**Mr. Jim McDonell:** I move that the subcommittee report dated Thursday, July 5 be accepted.

**The Vice-Chair (Mr. Phil McNeely):** Discussion? Carried.

**Mr. Jim McDonell:** I move that the subcommittee report dated July 26, 2012, be accepted.

**The Vice-Chair (Mr. Phil McNeely):** Discussion? Carried.

**Mr. Jim McDonell:** I move that the subcommittee report dated August 9 be accepted.

**The Vice-Chair (Mr. Phil McNeely):** Discussion? Seeing none, carried.

Thank you. We'll now begin with our intended appointees.

## INTENDED APPOINTMENTS

## MR. KARL WALSH

Review of the intended appointment, selected by the official opposition party: Karl Walsh, intended appointee as member, Ontario Public Service Pension Board.

**The Vice-Chair (Mr. Phil McNeely):** Our first intended appointee today is Karl Walsh, nominated as a member, Ontario Public Service Pension Board. Come forward and take your seat. You may begin with a brief statement if you wish. Any time used for your statement will be deducted from the government's time for questions.

Just to go through the rules, each party will have 10 minutes to ask questions. Questions will start with the official opposition. We'll open the floor and ask you to make your presentation at that time. Would you wish to start, Mr. Walsh, with a statement?

**Mr. Karl Walsh:** Yes, please. Thank you and good morning, Mr. Chair and all the other committee members. I'd like to thank the committee for the consideration that I'm going to be given at some time today. I understand you have a busy agenda, and I wish you the best with that.

I'm honoured to be put forward as the nominee for the position as a result of being put forward by the president and board of directors of the OPP Association. I'm aware that my biography is before you, and I'm happy to amplify on any aspect of it should you have any questions.

I have been with the OPP Association now for approximately seven years, served as their president and CEO, and I am currently now the chief administrative officer. I have served on three boards so far: the board of directors, obviously, for the OPP Association, the board of directors of the Police Association of Ontario and the board of directors for the Canadian Police Association—the latter two being more of oversight, strategic vision and direction.

Anyone that knows me knows that I'm not shy of an opinion, not short of an answer but wise enough to know that every opinion needs to be based on all of the appropriate and available information that's possible.

At present, I manage the staff of our association, I report to our board of directors and I manage a multi-million-dollar budget. As you can see, I have the experience of being on both sides of the fence.

I have the knowledge, skills and abilities of someone who has served in both board governance models. I believe that I can bring all I have to the table, to the benefit of all the plan members.

My sincerity is genuine. I'd like to be on this board, and I will commit to ensuring that the plan is the best it can be through knowledgeable and objective governance.

There's no doubt you have questions. I want to thank you today for your time and extend my gratitude and best wishes for a productive day.

Thank you, Mr. Chair.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Mr. Walsh. We'll start with the official opposition. You have 10 minutes; it's 10:08 now.

**Mr. Jim McDonell:** Thank you for coming forth, Mr. Walsh. I know that many pension plans are unfunded, and I believe this has some unfunded liability, and it's an issue going forward. I'm just wondering if you can expand on some of your qualifications to sit on this board from a financial side and your educational background.

**Mr. Karl Walsh:** Yes. As I said, I'm the chief administrative officer for the OPP Association right now. We have an approximately \$70-million budget. I'm directly responsible for the management of that budget and the oversight of that budget.

Insofar as the plan goes itself, I think the OPP Association is a unique entity amongst stakeholders in pension boards in that we have a lot of direct contact and involvement with those who are responsible for the plan. Each board member has been fully briefed on plan governance, plan details etc. Each board member, and staff member for that fact, that travels throughout the province is constantly challenged to answer questions regarding the governance of the pension plan, calculations on how pensions are arrived at etc. I think I'm well suited to handle many of the questions that come about as a result of member inquiries.

1010

**Mr. Randy Pettapiece:** Thank you, Mr. Walsh, for coming today. Could you describe to us the Harvard Trade Union Program?

**Mr. Karl Walsh:** Can I describe it? Sorry.

**Mr. Randy Pettapiece:** Yes, describe it.

**Mr. Karl Walsh:** The trade union program is run by a professor who is—her name is Dr. Elaine Bernard. She's a Canadian who came from a trade union in British Columbia, who now runs the program on behalf of the Harvard trade union and work life section of Harvard. It's basically a six-week trade union familiarization course. It's not a Harvard course per se. Those who attend don't wear a Harvard ring, for example. It's just a course. It is a very intense course. It has been whittled down from its original iteration, which was around four and a half months long, to six weeks. There are a variety of trade unions that attend, from IBEW, for example, the electrical workers, boilermakers, the policing sector, fire sector. Just about any trade union that's in the public sector attends that course. It covers a variety of issues: political climate, familiarization with the history of trade

unions and how they came about, why they came about, what they've been through and what the state of the union is today, not just in America or in Canada, but all over the world.

**Mr. Randy Pettapiece:** So do you attend that on your own initiative and pay for it by yourself, or are you sent there and it's paid for by somebody else?

**Mr. Karl Walsh:** No, it was sponsored by the OPP Association.

**Mr. Randy Pettapiece:** Sponsored by the OPP Association.

Could you restate your education qualifications and your professional designations for the committee?

**Mr. Karl Walsh:** As I said, I'm a police officer. I'm currently the CAO for the Ontario Provincial Police Association. I have a high school graduation. I have attended a variety of courses. I spent 14 years in the military, 10 years as an active police officer and the last seven years as an executive in our association.

**Mr. Randy Pettapiece:** So you're not a chartered accountant. You don't have anything like that.

**Mr. Karl Walsh:** No, sir.

**Mr. Jim McDonell:** I guess when we look through some of the qualifications that the position looks for, it talks about the need for hands-on investment decision-making experience in at least one of fixed income, public equities, derivatives, trading. It just seems something that, you know—there's no question about character, but it's just that for positions such as this, we should be looking for somebody who has some knowledge in the investment industry or who has worked somewhere in it, especially when we're talking about some of the issues around the public pension plans and where they're going and some of their unfunded liabilities. Any comments on that?

**Mr. Karl Walsh:** Well, my position on the board, as I understand it, is as the stakeholder representative on behalf of the OPP Association and its 12,000 current and retired members. I would expect, as a board, that the board would be more in tune with strategic vision and direction rather than direct investment knowledge—that being left up to those experts within the plan.

Now, a basic understanding of investing: Yes, I have that. As I stated, I manage a multi-million-dollar budget as it is. I don't expect that I will have direct input into investments, but I will have an opinion on whether or not they're appropriate, for example, on behalf of the stakeholders and the plan members themselves.

**Mr. Randy Pettapiece:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, and we'll go to the third party. Miss Taylor?

**Miss Monique Taylor:** Thank you for being here with us today. I was just wondering what motivated you to take on this position.

**Mr. Karl Walsh:** My board of directors put me forward as the candidate. It was an open discussion; it wasn't just a one-way discussion. They asked me if I was interested in doing it and whether or not I had the time to do it, and I do. They're obviously making the time in my

work schedule to make sure that I have the time dedicated to either participate in the committees or the eight annual meetings that the board holds.

Traditionally, what happens is, somebody within our executive is the person put forward as the stakeholder representative on behalf of the association. In this particular case, I was honoured to be asked and happily said yes.

**Miss Monique Taylor:** Okay, good. We definitely have problems within pensions right across the whole country. What is it that you feel that you can bring a different opinion to in making changes to correct unfunded liabilities and troubles that people are facing?

**Mr. Karl Walsh:** I think there's a bit of a communication issue when it comes to the viability and the benefits of a defined benefit program versus a defined contribution program. The reality across the United States right now is that there is a move from DBs to DCs. I don't think that is the correct way or the most appropriate way, especially in Ontario's very fiscally restrained environment right now, to attract people who want to come into government. There are very few things left at this point to attract somebody into public service, and I think one of those main attraction pieces is a well-funded and properly governed defined benefit program. I think what we haven't done is done a good job of educating the public on what those benefits are.

**Miss Monique Taylor:** Okay. Jonah?

**Mr. Jonah Schein:** Do you have any particular dream about what you'd like to achieve in this role? Is there something you'd like to get done or accomplish here?

**Mr. Karl Walsh:** No, I don't have a particular agenda. I'd like to walk away from the experience at the end of the day knowing that all the board members felt that I had something to contribute and that I participated as a member of a team rather than as an individual.

**Mr. Jonah Schein:** But you have no particular goals or agenda that you'd like to accomplish in your—

**Mr. Karl Walsh:** As I said, the communication piece is of concern for me. Obviously, I'm approaching it from a stakeholder point of view. It is something that is causing our members concern. It's something that the public is talking more and more about. No doubt, it was something that was in the last election and is something that will be an issue in this election. So I think the board has a pretty good job ahead of it of making sure that everybody who's running for political office, everybody who's going to be responding to the public regarding these concerns, is as well prepared as they possibly can be to either defend it or vilify it, depending on what their particular ilk is, I guess.

**Mr. Jonah Schein:** Thank you, sir.

**Miss Monique Taylor:** That's everything from us. Thank you.

**The Vice-Chair (Mr. Phil McNeely):** We'll go to the Liberals for their questions. Ms. Jaczek.

**Ms. Helena Jaczek:** Thank you. Mr. Walsh, you've made it very clear that you were approached by your board of directors to be the OPP rep, essentially, on this

particular board. Could you just clarify for us: In terms of remuneration, how is that going to work? You're maintaining your current position, so—

**Mr. Karl Walsh:** I maintain my current position; I maintain my current salary. Any remuneration that's given to me as a result of this position is returned.

**Ms. Helena Jaczek:** So, essentially, zero.

**Mr. Karl Walsh:** Yes, for me, it's a zero gain. Actually, it's more work.

**Ms. Helena Jaczek:** Good. We have no further questions, Mr. Chair.

**The Vice-Chair (Mr. Phil McNeely):** Thank you very much.

Thank you, Mr. Walsh. You may sit there if you wish.

We'll now consider the concurrence for Karl Walsh, nominated as member, Ontario Public Service Pension Board. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Karl Walsh, nominated as member, Ontario Public Service Pension Board.

**The Vice-Chair (Mr. Phil McNeely):** Is there any discussion? Mr. McDonell.

**Mr. Jim McDonell:** I have some concern—nothing to do with the standing of the person, but with the qualifications. I think the times we're looking forward here with some of the issues around public pensions and unfunded liabilities—I just have some concern that we aren't moving with people who have qualifications a little more consistent with what even their own website is asking for.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. Are there other discussions? No other discussions. All in favour? Opposed? The motion is carried.

Thank you, Mr. Karl Walsh.

#### MR. MICHAEL FOULKES

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee today is Michael Foulkes, nominated as member, eHealth Ontario. Please come forward and take a seat at the end of the table.

Mr. Foulkes, you may begin with a brief statement if you wish. Any time used for your statement will be deducted from the government's time for questions. Each party will then have 10 minutes, as we've done before. You may start your statement, sir.

1020

**Mr. Michael Foulkes:** Thank you very much. Good morning, and thank you to all the committee members for the invitation to appear here today.

Like everyone in this province, I start with a personal interest in the future of our health care system. My own family extends from an 84-year-old mother to a one-year-old grandson. All of them live in the province, so I start with quite a personal motivation to contribute to the evolution of a system that serves four generations of my family today.

As committee members have seen from my resumé, my background is senior management in financial services and technology, not specifically health care. There are numerous parallels between the two sectors that make my experience relevant to the task at hand. Since retirement from TD five years ago, I've developed governance skills in board roles that span a wide range of businesses, including my not-for-profit role as chair of the Royal Conservatory of Music.

Technology has profoundly changed the way we work, learn and play, and it's reasonable to expect it should have a significant impact in our health care system. In broad terms, this is very similar to the impact technology has had in financial services for the past 30 years, and particularly since the emergence of approachable consumer technologies in the past 15 years. The architecture of health care is strikingly similar to a bank. Each one of us is a specific and unique customer. We use multiple products and services, service providers and delivery channels. We have a very high demand for accuracy, availability, privacy and security, and each one of us has unique needs and abilities in terms of accessing those services. That's the environment I worked in for many years, and it forms the basis of the experience I would bring to bear in this proposed role.

At a practical level, my experience has given me an understanding of the key technologies at a level of scale that is comparable to eHealth. I've been responsible for developing large and complex systems and managing the disciplines and skills required to operate them.

In particular, I've learned the importance of very strong governance and project management to deliver promised and expected systems responsibly. Technology is never free, perfect or yesterday, but good project management minimizes problems in delivering the desired results. I think those experiences are relevant in this proposed role.

Finally, a brief comment on my governance experience: Since leaving senior management at TD, I've built considerable additional experience in board roles and have been accredited by the Rotman/ICD program at U of T. Through study and experience, I've learned the importance of independent boards and board members who are there to represent the best interests of key stakeholders.

In closing, I'm honoured to have been considered for this role and have a genuine interest in serving. I have the capacity and willingness to do so and believe I have a base of experience that can contribute to the process of an important mandate in our province.

Thank you again for the invitation to appear, Mr. Chair. I'd be happy to answer any questions for the committee members.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. We'll start with the third party.

**Miss Monique Taylor:** Thank you very much for being here with us today and taking the time out of your summer, which I know is a little difficult for a lot of people. Thank you for being here.

We all know that we've had serious problems with eHealth, at a great, huge loss to our health care system. What is it that you feel that you could contribute to this committee to make it better?

**Mr. Michael Foulkes:** Well, I think it's principally the experience I have in large systems management and actually delivering in a responsible way what stakeholders expect to be delivered. I've done that in another setting and I expect to be able to contribute to do it here.

**Miss Monique Taylor:** You know, we've been seeing headlines in the paper the last few days about CEOs being offered bonuses for the work that they've done, 25% of their salary in bonuses. He's refused that bonus out of goodwill, I believe, but it was the board itself that okayed this bonus. What are your feelings on that, and would you have thought in a different direction?

**Mr. Michael Foulkes:** The only knowledge I have of this is what I've read in the papers over the last couple of days, so I have absolutely no knowledge of what the detail of the CEO's compensation is, or any of the deliberations the board may or may not have gone through. So I think it would be premature for me to make any comment on that.

**Miss Monique Taylor:** Okay, that's fair enough. But what is your opinion on bonuses?

**Mr. Michael Foulkes:** I think compensation has to be considered in a broad context, which includes the possibility of bonuses. I think they can exist in some settings; they may be inappropriate in other settings. Each one is very specific.

**Miss Monique Taylor:** So you don't think a salary is good enough for the work that they do, that they should get bonuses on top of that?

**Mr. Michael Foulkes:** I think all matters of compensation are absolutely unique to the individual and the circumstances. In some cases, they may be appropriate; in some cases they may not be.

**Miss Monique Taylor:** Thank you. Jonah?

**The Vice-Chair (Mr. Phil McNeely):** Mr. Schein.

**Mr. Jonah Schein:** Sure. Any thoughts or comments on our current state of labour relations in the country? We see a federal government that has been legislating folks back to work, and we're now talking about the provincial government possibly legislating teachers back to work. I'm just curious to know your position on that. Your thoughts?

**Mr. Michael Foulkes:** I'm completely neutral on the topic, as a matter of fact.

**Mr. Jonah Schein:** About the process of collective bargaining and so forth?

**Mr. Michael Foulkes:** I have no strong view in general on either side.

**Miss Monique Taylor:** Could you describe previous experiences that would definitely be helpful towards the eHealth process?

**Mr. Michael Foulkes:** I think the biggest one is large-scale systems experience in a high-security, high-privacy environment. I think that's a fundamental requirement of anything we do with technology in health care. I have

considerable experience in that particular area. That's what financial services IT looks like. Those are some of the highest requirements.

Project management is a really big one. That is the way to get big IT systems delivered in an appropriate time frame, basically on time and on budget. I've done a lot of work in that particular area and have been responsible for some very large systems projects.

**Miss Monique Taylor:** Do you have any of your own goals or aspirations that you see that you could make that system better, as it is right now? How can we make it broader for making sure that people who are using the system are getting the best possible answers they need? Is there anything particular that you could make it better with?

**Mr. Michael Foulkes:** I just bring the experience that I've got in actually doing this in a setting where we try and meet a lot of different stakeholder requirements, including accessibility, privacy and security. I have that experience to contribute to the overall board in their oversight role of what happens within eHealth.

**Miss Monique Taylor:** All right. Thank you very much.

**The Vice-Chair (Mr. Phil McNeely):** We'll go to the government side. Ms. Jaczek.

**Ms. Helena Jaczek:** Thank you very much for coming today. We have your resumé, and you've elaborated a little bit on your experience in terms of finance and IT. But I notice that you have also, I guess since retirement, become quite involved with a number of boards. Could you just elaborate a little bit on some of your governance experience in terms of being on a number of boards?

**Mr. Michael Foulkes:** Certainly. I'm coming from a large corporate background, where governance is a part of the environment you live in, so I have some latent exposure to it from that part of my career with TD. Since then I've joined several boards, as I think the committee knows. I've also gone through the accreditation program at U of T for directors.

It's actually a big change going from management to governance because you're going from hands-on to nose-in, effectively, if you will, so you're going to an oversight role. The things I'm involved in are quite diverse, but they are all relatively highly regulated, first of all, particularly First Nations Bank or the Canadian Depository for Securities. They all have fairly high-risk and reputational issues around them that boards of directors have to be very conscious of and involved in. It has really been some latent experience from my past life plus study and participation today.

**Ms. Helena Jaczek:** I'm intrigued about that University of Toronto accreditation course. Could you elaborate a little bit on that?

**Mr. Michael Foulkes:** The Institute of Corporate Directors is an organization that was formed some years ago now, but it is basically a body to represent the interests of directors. One of the significant things it does is promote an educational program for directors. It

operates in all major cities across the country and in three or four different universities, including U of T. It's a program of four long weekends of specific study related to finance, governance, human resources, IT, succession planning and so on. There's an examination you have to pass to get the accreditation, and then there's annual re-accreditation, somewhat like being a chartered accountant, where you have to take ongoing education to maintain the accreditation.

**Ms. Helena Jaczek:** Thank you very much.

**Mr. Michael Foulkes:** Thank you.

1030

**The Vice-Chair (Mr. Phil McNeely):** Thank you, and we'll go to the opposition. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming out today. I know that your qualifications are quite impressive for the position. I guess, knowing how eHealth has been in the news—the Auditor General reviewed it with, I guess, a lot of disdain for the money and the value for the dollars that has been lacking. What are you hoping that you'll accomplish by taking over this role?

**Mr. Michael Foulkes:** I think my primary contribution is experience. I take the governance role quite seriously. I'm quite aware, from media reports, of everything that's happened before.

I think I look at this as very much a forward-looking assignment. I think it's consistent with other public service things that I've been involved with previously. But I hope to contribute the background I've got in developing effective technology that delivers customer service in another field. That's something that's really important for us all in health care, and I think I can contribute to that through that past experience.

**Mr. Jim McDonell:** I guess one of the issues has been oversight back—do you have any ideas on how that could be improved, or what would be a reasonable amount just to ensure that, I guess, value for dollar is actually attained through the organization? Health care is certainly top of mind with everyone in this province, in this country. It's something we're very proud of, but, again, trying to get the most out of these scarce tax dollars is really the key.

**Mr. Michael Foulkes:** In broad terms, I think we will all benefit if technology is effectively deployed in health care. It's one way to make things more accessible and more manageable over the longer term.

As it applies specifically to eHealth, having not sat on the board yet and participated in the process, I can't comment specifically on what has been done to improve value or, more specifically, what can be done. But at a board level, the principles of governance are the things that should protect stakeholders—in this case, taxpayers and consumers in Ontario. That comes about through an effective board that is engaged, that measures things, that looks at performance, that makes sure performance is achieved.

So I'm looking at this, in fairly pure terms, as a director, that that is your role, that you have to apply your

judgment to something that's good or something that isn't as good.

**Mr. Jim McDonell:** Just one final question: Privacy becomes an issue, and, of course, you weigh your privacy with health, and I think studies show that people would forgo the privacy issues when it comes to making sure that they're healthy and they get the best that the system can provide. Any comment on that? You're trying to bring together so many records; there's always that privacy issue. But at the end of the day, when you walk into a hospital, you want to know that the doctor has the best information on you, especially if you're unable to relate any of the information to them.

**Mr. Michael Foulkes:** I think privacy is a huge issue, just broadly, in technology. We should be telling our kids a lot about technology as it applies to things like Facebook and other things, and these are poorly understood.

I think we just have a responsibility to make sure that privacy is explained in very clear, transparent terms so consumers make informed choices. The design of whatever system is knit together in the province has to respect privacy but also the broad needs of when people are expected to consume services, to your point. You don't want to be finding out that you've ticked the wrong box at the inappropriate time. We have to make sure we craft privacy rules to make sure that the right things happen in the right way.

**Mr. Jim McDonell:** Just an example of eHealth: I sat on a board where we went out and chose a provider for our electronic records. We hired a consultant. There were 12 different agencies involved, provided by the province, to choose from. The consultant chose one that was fairly popular, and within six months the company was bankrupt and we had to start all over again.

It seemed like not only a waste of money and a waste of resources, and, then at the end of the day, with nothing. Is there something about bringing these together that—there was a lot of consideration not to give any recommendations on which one to choose. But really, in the eHealth business, again, you want the best bang for your dollars. Surely the experts who work there must have some recommendations that don't force every subscriber to the service to go out and try to choose a supplier at the end of the day.

**Mr. Michael Foulkes:** Specific to a vendor that goes bankrupt, sometimes your risk oversight can identify that that might be a problem; it doesn't always. There have been some notable bankruptcies in technologies of very large companies, so there's no guarantee that you'll always pick the right one.

Just about every major system is an integration problem. Even in a bank—everything wasn't invented in one day; it was invented over 30 years. So you're constantly putting things together. In very basic terms, the best way to get integration is to have standards, so then, regardless of which product you choose, it has to adhere to a certain standard, and those are usually standards about, in simple terms, how things talk to each other.

**Mr. Jim McDonell:** I guess what I might have been looking for here from the ministry, which was more involved in that type of thing, is some guidance on what a primary choice might be, instead of leaving it to a board to go out and do the research from scratch.

Anyway, I'll turn it over to my partner.

**The Vice-Chair (Mr. Phil McNeely):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** On a personal note, I have four grandchildren and I have two of them with broken arms right now, so we've had quite a summer that way. In fact, one had a helicopter ride down from Owen Sound to London over her broken arm. I guess what I'm getting at is, we can't say enough about the professionalism of the helicopter crews and the staff at the hospital and the ground troops, how they treated the kids and how they looked after them. It's been very exceptional. But when we get into this business, the eHealth and whatever else and all that's been going on over the years with Ornge, eHealth and whatever, that's the frustrating part about the health care system that a lot of people see.

You have a lot of technical experience, and it's very impressive. But do you think you'd be able to bring to the board a sense of professionalism that can translate into the higher echelons of the health care system, so that we can stop wasting these dollars and get the job done? I think that's something that has to be asked.

**Mr. Michael Foulkes:** I don't know if I can personally make that message go anywhere else other than the board that I'm being asked so sit on. My interest here is to bring some background and experience into a place where I think it can help, but I'm a member of a board of, I think, 12 people. I have extensive experience in collaborating in that type of environment and influencing in that type of environment, and I hope to be able to share some of that influence with the colleagues that I hope to be joining.

**Mr. Randy Pettapiece:** I guess when you're selecting technology—and I'm certainly not one to do that—it sometimes can be quite difficult, selecting the right one—I can understand that—and things can go wrong.

I would like to see a board member base their decisions on "this is the right product, because it will do the job," and not on "somebody else is telling me to do something because they want something else." I wonder if that's been going on a little bit in the health system. It gets a little on the political side, is what I'm getting at, and I would hope that—do you think you can keep the technology selection process—make it like a business decision more than anything else?

**1040**

**Mr. Michael Foulkes:** I think, in basic terms, boards have to apply independent oversight to decisions that management is making, and they have to apply independent oversight to the strategic plans that management brings forward. That would fall into either of those categories, really. The strategy has to be sound, and the choices have to be consistent with that strategy and based on fact, merit, proper research and analysis. I think those are the types of things that the board has to look at.

I don't specifically know how the health methodology works, but it would be my expectation that for any large purchase or any large commitment, those are the types of oversight criteria that a board would apply; those are the types of risk criteria that would be considered.

**The Chair (Mr. Phil McNeely):** Thank you. The 10 minutes are up, but thank you for your presentation. Now you may take a seat in the back or stay where you are.

We'll now consider the concurrence for Michael Foulkes, nominated as member of eHealth Ontario. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Michael Foulkes, nominated as member, eHealth Ontario.

**The Chair (Mr. Phil McNeely):** Thank you. Any discussion? Seeing none, shall the motion carry? Carried.

#### MR. MATTHEW WILSON

Review of intended appointment, selected by third party: Matthew Wilson, intended appointee as vice-chair, Ontario Labour Relations Board.

**The Chair (Mr. Phil McNeely):** Our next intended appointee is Matthew Wilson, nominated as vice-chair, Ontario Labour Relations Board.

You may start with a statement, sir.

**Mr. Matthew Wilson:** Thank you. Good morning, members of the committee. Thank you for the opportunity to appear before you today. I understand that you have a research package that has information about me in front of you. I'd like to take a couple of minutes to expand upon the experience that I believe would contribute to my candidacy as a vice-chair at the Ontario Labour Relations Board.

I am currently counsel for two large hospital corporations. My practice is exclusively labour and employment law. Prior to this role, I was counsel for a large municipality east of Toronto.

In this capacity as counsel, I have appeared before the Ontario Labour Relations Board. I have appeared in front of labour arbitrators and the Ontario Human Rights Tribunal, as well as several other statutory tribunals.

Throughout my professional career, I've pursued academic interests. I have a master's degree in law and a master's degree in industrial relations. This has enabled me to teach at the university level. I'm the editor of a textbook that is widely used by lawyers and arbitrators on evidence and procedure in statutory tribunals. Perhaps most applicable to this role is my experience as a nominee on arbitration boards. I have sat on arbitration panels and have been part of the adjudicative process. This, in my view, has provided an excellent experience to prepare me for the role of vice-chair for the labour relations board.

That's a very brief overview of my experience, but I'm happy to take any questions from the committee. Thank you.

**The Chair (Mr. Phil McNeely):** Questioning will start with the government, and you have eight minutes. Ms. Jaczek.

**Ms. Helena Jaczek:** Thank you. We certainly will not require eight minutes.

Obviously, you've had a great deal of experience, especially, as I read this, in the field of human rights mediation. Could you just expand a little bit on what you can actually bring to this board in that sphere?

**Mr. Matthew Wilson:** Sure. The labour relations board doesn't have jurisdiction over human rights complaints specifically. However, that is something that all adjudicators must be aware of. My experience is quite broad in terms of representing employers in human rights matters, both at the tribunal as well as in front of labour arbitrators. I've also done extensive research and publishing in the field of human rights law as it has been developing over the last 25 or 30 years.

**Ms. Helena Jaczek:** What particularly motivated you to seek this position? It sounds like you've had some interesting opportunities previously and currently. Why this move now?

**Mr. Matthew Wilson:** The labour board is a very highly regarded board across the country in terms of being a labour tribunal. It's looked upon as setting an example across the country. Frankly, I want to be a part of that. It has got a very positive reputation in the labour relations community, and I believe that through my experience I can contribute to that.

**Ms. Helena Jaczek:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** We now go to the official opposition. You have 10 minutes.

**Mr. Jim McDonell:** Thank you for coming up and for applying to this position. You're certainly well qualified in the role. What do you see that you can bring to the board? Is there some direction you would like to see, maybe changes in the future or anything? Any comments on it?

**Mr. Matthew Wilson:** At this point, I'm not familiar with the internal workings of the board. However, I have a reputation of being somebody who is fair, and I certainly would like to contribute to the board in being impartial. The board has a wide array of statutes that fall under it, and I believe that with my experience I can contribute to that in terms of adjudicating issues that come before the board under those statutes.

Part of why the board has such a positive reputation is that it has very good policies that it has developed. Certainly, my experience and research has been on procedural rules as they apply to statutory tribunals, so I certainly hope to be able to contribute to that.

**Mr. Jim McDonell:** I'm fine, thanks.

**The Vice-Chair (Mr. Phil McNeely):** No other questions? We'll go to the third party. Mr. Schein? Oh, Miss Taylor; sorry.

**Miss Monique Taylor:** Thank you for being here with us today and taking the time out of your summer and, I'm sure, a very busy schedule. My questions are regarding some bills that we have before the House today.

Previously, the Liberal government brought in card-based certification for construction trades. Bill 79, which has been brought forward now, is to expand that right across the board. Could you give me your thoughts on that?

**Mr. Matthew Wilson:** I'll confess I haven't read the draft legislation and I'm not intimately familiar with it, so at this point, I don't have an opinion.

**Miss Monique Taylor:** You have no opinion on card-based certification?

**Mr. Matthew Wilson:** Oh, card-based certification obviously has existed in Ontario; it does exist in some jurisdictions across the country. There are going to be two sides of the argument on why card-based certification is appropriate in certain industries. I don't have a personal opinion on card-based certification. I've never been in a role where I needed to have a personal opinion about that. I'll take the opportunity, though, to advise the committee that the role of the vice-chair is to interpret and apply the legislation in place, and I certainly am committed to doing that.

**Miss Monique Taylor:** Go ahead.

**Mr. Jonah Schein:** I do have a question that I actually asked previously. The government themselves have stated their concerns about intervening in collective bargaining and that there has been a ruling in British Columbia, and the decision to override collective bargaining rights actually cost taxpayers \$85 million in that province. The government in the past has expressed concerns about going down that route with public sector workers here, and now we're hearing that they might in fact do that with teachers in Ontario. I'm wondering about your thoughts. Would this potentially cost more if the government goes down this route of legislating contracts for teachers?

**Mr. Matthew Wilson:** I don't know. I'm sorry to give you a vague answer, but I really don't know the answer to that.

**The Vice-Chair (Mr. Phil McNeely):** Further questions?

**Miss Monique Taylor:** Yes. What particular contribution do you plan on bringing to this board?

1050

**Mr. Matthew Wilson:** As a vice-chair, I have a statutory obligation to interpret and apply the legislation and facilitate the board's mandate, which is to have a role in labour relations in the province, and that's to facilitate collective bargaining and also to adjudicate disputes that fall under those statutes that come under the board. With my experience and certainly my enthusiasm, I intend to do that.

**Miss Monique Taylor:** From what I've read in the notes that have been prepared for us, most of your positions—I believe all of your positions—have definitely been on the company-based side. Do you feel that you would be able to be fair in your judgment when it comes to the labour side?

**Mr. Matthew Wilson:** Yes, without question. In the labour law field, practitioners tend to practise on one side or the other—either on the trade union side or on the

employer side. The majority, if not all, of the current vice-chairs would have had an exclusive practice on one side or the other. That being said, that doesn't mean that everybody personally believes in that movement or cause or whatever word you want to use to describe it. As counsel, you need to have a degree of impartiality, because you need to be objective in examining circumstances to advise your client. A good lawyer will be able to see both sides of the issue.

I have worked very hard in my career to have a reputation of being somebody who is fair and who can see both sides of the issue. I have a good reputation among both employer-side and trade-union-side lawyers as somebody who is practical, pragmatic and can work in resolving disputes and settling matters. So, yes, I'm quite confident that I can do that and, frankly, follow in some of the footsteps of individuals whom I hope to be joining as colleagues on the board.

**Miss Monique Taylor:** Do you feel that forcing labour back to work—I mean, it has definitely been something that has been happening. Air Canada: We're legislating workers back. Do you believe that those kinds of things should be left at bargaining tables, do you believe that the government would have the right to legislate those circumstances or do you think that they should be left to the labour boards?

**Mr. Matthew Wilson:** Well, the labour board—as a vice-chair, the position that I'm applying for will have no broader role than to apply legislation that's in place. Even for legislation passed by a government that restricts collective bargaining, it would be hard for me to see how that would come in front of the labour board. That's something that the board wouldn't specifically have jurisdiction over.

At this point, I don't have an opinion about that, and I don't see that the board would have a role in that at this time.

**Miss Monique Taylor:** All right. Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. Further questions? No? That finishes the questions. Thank you, Mr. Wilson.

We will now consider the concurrence for Matthew Wilson, nominated as vice-chair, Ontario Labour Relations Board. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move the concurrence in the intended appointment of Matthew Wilson, nominated as vice-chair, Ontario Labour Relations Board.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? All in favour? Opposed? The motion is carried.

#### MR. SHARAD MISTRY

Review of intended appointment, selected by official opposition party: Sharad Mistry, intended appointee as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee today is Sharad Mistry, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario. Please come forward, as you're doing, to take a seat at the end of the table. You may make a brief statement. Any time used for the statement will be deducted from the government's time for questions.

Proceed, Mr. Mistry.

**Mr. Sharad Mistry:** Thank you for giving me this opportunity to come and present myself. I'm sure you've looked at my package, but I'll just quickly run through my qualifications and experience.

I'm a chartered accountant, qualified in England initially. I moved to Canada, and I subsequently obtained my CA here.

I worked with Deloitte and Touche for a while and then moved to a company called Dylex Ltd. back in 1991. After the restructuring of Dylex, which I was quite heavily involved in, I started my own consulting firm, where I hired myself out as a management consultant and CFO for organizations. I've worked in a number of industries: pharma, R&D, start-up companies, high-tech companies, manufacturing and apparel manufacturing. Currently, I'm in the oil and gas business. A lot of these companies were listed or are listed on the TSX or on NASDAQ.

On the volunteer side, currently I'm on the board of directors and treasurer of a nursing home called Mariann nursing home; it's a Catholic Health Corp. of Ontario organization. In the past, I was a founding board member of South Asian Family Support Services; that's going back a few years. I also spent some time working with the United Way on agency funding reviews.

I joined the board of the Registered Insurance Brokers of Ontario back in 2005. In 2006-07, I became the chair of the finance committee. I am one of the public members on the complaints committee and have attended numerous sessions over the years. Over my time with the RIBO organization, I have become a little familiar with the brokerage industry. I enjoyed working with RIBO on the board and hope to continue that type of relationship on the discipline committee.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Mr. Mistry. We'll start with questions by the official opposition.

**Mr. Jim McDonell:** Thank you for coming out today. According to the RIBO 2010 annual report, broker trust funds are the second largest source of complaints investigations by the committee. Could you please describe what these trust funds entail and why so many investigations stem from them?

**Mr. Sharad Mistry:** Brokerages are required to have a trust fund set up so that the monies that are coming in from clients, which are subsequently going to the insurance companies, don't get commingled with the operational funds that the brokerage may use for the day-to-day running. The money is held in trust for the insurance company, and at some point, that should be

remitted. It turns out that some brokers may or may not be able to manage that, either through errors or through neglect. That's a concern. If the funds don't go over to the insurance company, then there's a question of whether the insurance has actually been bound for that particular client, so the client is exposed.

**Mr. Jim McDonell:** Insurance premiums, of course, are a major issue in Ontario. Could you talk, based on your experience with RIBO, about some of the issues around, for instance, fraud and what direction you see taking to stem some of these problems?

**Mr. Sharad Mistry:** I'm not sure I can quite answer that. Every fraud that occurs is obviously costing the insurance company money. For instance, we talked about the trust funds; there have been instances where funds have been misappropriated by the broker. However, the insurance company has stepped in and bound the coverage just so the client who's making a claim doesn't suffer. That obviously is costing them money where they haven't actually had the premiums in place. Yes, I guess that's one of the factors, I presume, that will impact insurance premiums.

I'm also thinking it's not the only one, as cost of buildings, replacement costs—obviously, the cost of those are going up, and then presumably the insurance premiums will go up to match those.

1100

**Mr. Jim McDonell:** Okay. A question from you.

**Mr. Randy Pettapiece:** Yes, I have a couple. Thank you.

You actually have no experience in the insurance business, other than being on RIBO.

**Mr. Sharad Mistry:** No. I'm a public member on the RIBO board.

**Mr. Randy Pettapiece:** You're a public member.

**Mr. Sharad Mistry:** I was. Sorry.

**Mr. Randy Pettapiece:** Pardon me?

**Mr. Sharad Mistry:** I just finished my term, so I was a public member.

**Mr. Randy Pettapiece:** I see. Can you give us an idea of what you've learned about the industry, not being in the insurance business, and what you think you can bring to this appointment?

**Mr. Sharad Mistry:** Obviously, I've learned a little bit about the insurance industry. I wouldn't say I'm an expert in the insurance industry. I understood the way brokers are working and the business they're in. I've sat on complaints committees where it's a predecessor to somebody going to the discipline committee. I've heard complaints on what's been happening with a client or with a broker against a broker.

What I think I can bring to it is, I guess, a non-industry view. I've been in business since I qualified as a CA. I've been in numerous businesses, so I'm bringing that experience as well. Being a CA and working with public companies, there are some governance issues that I can also bring to the table.

**Mr. Randy Pettapiece:** Working with this organization—RIBO is what I'm talking about—do you feel

that brokers and RIBO are given enough tools to do the work they're doing and protect consumers that way?

**Mr. Sharad Mistry:** I'm not sure I can quite answer that question, not being in the industry and not having a first-hand—RIBO is there as an organization that's always supporting the brokers. If any brokers have any issues, that support system is there for them, either with a technical issue or with an insurance company or with other brokers. It's there as a support system. So I—

**Mr. Randy Pettapiece:** I guess what I'm getting at is, from your experience on this board, have you had complaints from the brokers that they just don't have the means to get to where they want to go?

**Mr. Sharad Mistry:** No, that I haven't come across. Obviously, the—

**Mr. Randy Pettapiece:** Are they being held back by government or something like that?

**Mr. Sharad Mistry:** Not to my knowledge.

**Mr. Randy Pettapiece:** All right. Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. We'll go to the third party. Miss Taylor.

**Miss Monique Taylor:** Thank you for being here with us today. Being a member of RIBO must have definitely given you some kind of insight into how the complaint process works for this committee. So what was it about this committee that drew your attention, that you wanted to be a part of it?

**Mr. Sharad Mistry:** Well, I guess over the years that I've been with RIBO and worked with the complaints committee on numerous occasions—I wouldn't mind keeping that connection with RIBO going. I think I've learnt enough on the complaints and being on the board that I think I can contribute on the discipline committee.

**Miss Monique Taylor:** Do you feel that there were definitely things that you've seen were being done right or wrong or things that you would like to change?

**Mr. Sharad Mistry:** On the committees that I am on, I guess we're looking at an issue that's brought to RIBO, which then brings it to the complaints or the discipline committee. So I'm not sure I'm in the position to make changes per se; I think I'm in a position to evaluate the evidence and evaluate the investigation that's happened and evaluate the client's confirmation or their statement as to what happened and then make a call to see whether it should go to discipline or whether there should be a discipline action at work or they should be dismissed.

**Miss Monique Taylor:** You've seen the process, so you must have seen things that you possibly thought were right or wrong?

**Mr. Sharad Mistry:** I think you kind of have to give me—I'm not sure exactly—because usually, when things come to us, it's wrong. Somebody has done something wrong or somebody is accused if something's going wrong, so we're kind of evaluating to see if there's some case or some merit to that.

**Miss Monique Taylor:** But would you have done things differently than what you've previously seen? That's maybe the basis of my question: You've seen that it happened this way. Did you disagree with things that

you just thought, "This isn't right, and this is something that I would do differently"?

**Mr. Sharad Mistry:** I haven't come across that, no.

**Miss Monique Taylor:** Okay. We definitely have huge insurance costs across the province, I believe the highest, almost, in Canada.

**Mr. Sharad Mistry:** Probably.

**Miss Monique Taylor:** Do you find that you would have any position or any insight on how to make things better for the people of this province? And do you have any goal or ambitions to make the insurance better for people?

**Mr. Sharad Mistry:** On the committees that I'm on, I don't really think that's the role I would play. If I was still on the board, then I guess that might be, but on the committee that I'm looking at, the complaints and discipline committee, I'm not sure I have a say in what happens in the insurance industry.

**Miss Monique Taylor:** Those kinds of discussions happened on RIBO?

**Mr. Sharad Mistry:** Yes. RIBO gets connected with the other financial bodies that are around, and we hear what's been going on in the industry and what the brokerage position is and where they want to go with that. Obviously, it's something that we would contribute to—

**Miss Monique Taylor:** Would you mind if I asked your position when it came to those conversations when it came to the rates of insurance? Demographics in the province are topped up in ways that sometimes just don't even make sense, and we have people in certain areas paying triple the costs of what people are paying in other areas, just for where they live. What's your position on those kinds of deals?

**Mr. Sharad Mistry:** As a consumer, I'd obviously like to see the insurance rates lowered, but I don't see a board like RIBO being able to influence the insurance industry to change their rates. I mean, the insurance industry—there are other bodies that would probably have a lot more say in it.

**Miss Monique Taylor:** That's it. Thank you very much.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. We'll go to the government for questions. Ms. Jaczek.

**Ms. Helena Jaczek:** I'm delighted to see you're a director on the Mariann Home. I'm very familiar with that long-term-care facility; I've visited. Glad to know their books are in good shape.

**Mr. Sharad Mistry:** Getting there.

**Ms. Helena Jaczek:** Good.

In terms of your experience as a director, obviously you've alluded to the time you spent on the council as a public member. Coming to the end of that term, you became aware of this opportunity at that time?

**Mr. Sharad Mistry:** Actually, RIBO asked me whether I'd be—

**Ms. Helena Jaczek:** They actually suggested?

**Mr. Sharad Mistry:** They asked me whether I'd be interested in coming on the discipline committee.

**Ms. Helena Jaczek:** How many years, then, were you on the board of RIBO?

**Mr. Sharad Mistry:** I started in 2005.

**Ms. Helena Jaczek:** So about seven years—and then they gave you the suggestion, essentially.

**Mr. Sharad Mistry:** Yes. They asked me if I would consider coming on the discipline committee.

**Ms. Helena Jaczek:** Any particular sort of preparation or training in terms of looking at disciplinary matters that you've had through the years or something that you can particularly bring to this area?

**Mr. Sharad Mistry:** Well, I used to be an auditor at one point. I guess there's risk; there's looking at systems; there's looking at the kinds of issues that you come across. Obviously, controls in managing a business are always there, so I think that kind of background helps. Also, I think for a good part of the years that I've been on there, I've been on at least two to three complaints committee hearings per year. We have a lot of material to read through. We have two brokers on the panel as well, and discussions take place, so it's kind of learning on the job. I'm not sure that there's any training that you get.

We also have legal counsel for RIBO, in-house counsel, that obviously advises us on the law or on the regulations that RIBO has put out that matches with what's being discussed.

**Ms. Helena Jaczek:** Okay. Thank you. No further questions.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Ms. Jaczek, and thank you, Mr. Mistry, for being here today.

We'll now consider the concurrence for Sharad Mistry, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Sharad Mistry, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? Seeing none, all in favour? The motion is carried. Thank you.

We have finished the morning's work, so we are recessed until 1 p.m. this afternoon, back here in committee room 151. Thank you.

*The committee recessed from 1111 to 1301.*

**The Vice-Chair (Mr. Phil McNeely):** Welcome back, everyone. We're now resuming our consideration of intended appointees.

#### MS. HANIA AMAD

Review of intended appointment, selected by official opposition party: Hania Amad, intended appointee as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee is Hania Amad, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario.

You're at the table. You will have a brief statement; then we'll go to questions, and we'll be starting with the third party. Please start your statement, if you wish.

**Ms. Hania Amad:** I'd like to thank the members of the committee and everybody who is present here to allow me this opportunity to come and present myself as an applicant to the complaints and discipline committee at the Registered Insurance Brokers of Ontario.

I'd like to start by giving you a brief description of my background qualifications—

**The Vice-Chair (Mr. Phil McNeely):** Excuse me; could you put your speaker a bit closer?

**Ms. Hania Amad:** Sure. This much?

**The Vice-Chair (Mr. Phil McNeely):** Yes, thank you.

**Ms. Hania Amad:** I'd like to start by giving you a brief description of my background and qualifications and how I ended up at RIBO and my interest as far as remaining as part of the discipline and complaints committee.

By education, I'm an engineer. I graduated in computer engineering from McGill University. I'd be hesitant to mention the year because this will go formally on record, but it's 1986. Following my graduation, most of my experience has been in the aerospace sector. I've worked extensively with Spar Aerospace, the company that, in my opinion, at least on the science side, has put Canada's name on the map by providing the Canadarm to NASA for the building of the International Space Station and then, after that, more advanced robotic arms that continue to actually do a very good job, with Canada's name and flag right on it.

While at Spar I was very interested in pursuing higher education, so I've gone ahead to do my MBA degree. I graduated from Western university's Richard Ivey School of Business in 1999 with an MBA. I decided to also try other venues of employment, so I've left since then the aerospace sector and joined more the commercial side.

I'm currently the director of quality engineering at Advanced Micro Devices. This is an American company; it's based in Austin, Texas. Basically what we do is, we provide processors and graphic processors that you probably are using on a day-to-day basis in your laptops and in computers and so on.

That's basically my background and my experience.

I have been a member of the council at RIBO for the past six or seven years. Right now, I have an interest, obviously, in remaining as a member of the discipline and complaints committee with them, to continue my work with the team. It's an excellent team; excellent organization.

That's briefly what it is.

**The Vice-Chair (Mr. Phil McNeely):** Thank you very much. We'll go to the third party and Miss Taylor.

**Miss Monique Taylor:** Hi.

**Ms. Hania Amad:** Hi.

**Miss Monique Taylor:** Thank you very much for being with us today and giving up some of your summer hours to come and discuss some of the concerns that might possibly be at the table today.

You were on the board of RIBO previously, and obviously you've seen misconduct cases come before RIBO that get passed to the complaints committee. Do you feel that things were done correctly? When answers came back from the complaints committee, do you feel that you would have done things differently? Do you see a different insight of what you could do differently?

**Ms. Hania Amad:** I think the process that is established at RIBO right now is a fairly mature process. Definitely, there has been improvement in the years that I have been there—I would say maybe on the technical side, in terms of the distribution of material, us capturing the results of the complaints committee after the fact electronically rather than having to handwrite things and go through additions through handwriting. There have been improvements, I would say, that have come along, but I would consider the process to be fairly mature.

Looking back at whether I would have done things differently or not, it's on a case-by-case basis. But I feel, considering the membership of the panel, the two insurance brokers and my emphasis as a public member to make sure that we do things on the right track from a public member's perspective rather than from the agency's or council's or the insurance brokerage's perspective, that was definitely the role that I carried in that capacity.

**Miss Monique Taylor:** Taking that experience now to the complaints process or the complaints committee, how do you feel that you would fit into that position? Is there a particular portion that draws you there? What was your reasoning for wanting to be there?

**Ms. Hania Amad:** I have served as a member of the complaints committee while being a member of the council, so I have very good experience, having held that position in the past six or seven years. I was also introduced to the discipline committee on a couple of cases where there wasn't a public member available who would fill that position. My interest right now is to move more into the discipline committee and gain experience and offer some of my skills towards that forum as well. I feel very comfortable with that, having been in that environment for the past six or seven years.

**The Vice-Chair (Mr. Phil McNeely):** Mr. Marchese.

**Mr. Rosario Marchese:** "Hah-nee-ah" or "Hah-nyah"?

**Ms. Hania Amad:** It's "Hah-nyah."

**Mr. Rosario Marchese:** Hania, I have a question.

**Ms. Hania Amad:** Sure.

**Mr. Rosario Marchese:** One of the complaints that we hear about from brokers is that they're not as independent that they used to be. The point of independence

is to be able to get the best price for the consumer, that they're able to shop around to different insurance companies to get the best price for the consumer. In the last couple of years, we've picked up complaints from brokers saying that insurance companies are putting pressure on them by way of either ownership or by way of even referring loans to a particular insurance company over another. That seems to move away from the independence of the brokers. The question is: Do you have any knowledge of that? Have you heard about that complaint? If you have, how would you deal with it?

**Ms. Hania Amad:** I haven't heard about that complaint as a member of RIBO, because really, how would a consumer shop for insurance—I know we have very strict guidelines in terms of: When you shop around, there shouldn't be anything that would sway a member towards one company versus the other through financial rewards. That does come to the surface once in a while, and I'm aware of it that way. Really, my role in the complaints and discipline committee is more focused on the adherence of the insurance brokers to the act to make sure that they conduct themselves in an ethical way, that they adhere to the act, and the financial position—

**Mr. Rosario Marchese:** Sure. Right. So, Hania, the point is that they're supposed to be independent. If they are not, how do you deal with that? I'm assuming you're going to get this complaint as a matter of presumably complaints and/or discipline. Did you have an opinion, or are you saying that once it comes to you, you will review it based on whatever knowledge—

**Ms. Hania Amad:** I'm saying that the role of the complaints committee is to check all the facts that are in front of it on a particular case—all the facts, all the circumstances, all the recommendations, all the correspondence with the insurance brokers and all the correspondence with the investigating committee. You have to deal with it on a case-by-case basis. My role is to make sure that the facts are clear, there are no holes, it is well presented, and I can make a judgment based on it during my presence in that committee.

1310

**Mr. Rosario Marchese:** The independent brokers are—we're expecting that they're doing a study. They haven't yet released their study, but we were expecting it, and so you'll probably hear of it. I thought I would bring it to your attention because if indeed it is happening, as I believe it is, then there is a problem. I presume you'll hear it and you'll need to deal with it. Thank you.

**Ms. Hania Amad:** I thank you for bringing it to my attention.

**Mr. Rosario Marchese:** Thank you, Chair.

**The Vice-Chair (Mr. Phil McNeely):** Any further questions?

**Miss Monique Taylor:** No.

**The Vice-Chair (Mr. Phil McNeely):** We'll go to the government side. Ms. Jaczek.

**Ms. Helena Jaczek:** Thank you for coming today, and thank you for your many years of service on the council itself of RIBO.

I'm kind of intrigued that an engineer with an MBA would spend so much time in particular related to insurance. Is it a particular interest of yours, or how did you happen to think about your initial involvement? Just flesh out some background for us.

**Ms. Hania Amad:** The background, really, is that I have very strong experience in project management, very strong financial experience through my MBA, and obviously very strong technical experience. The experience that I brought to RIBO really covers all these three aspects.

I should mention, also: Most of my training in aerospace, and right now in the commercial section, centres around quality assurance, which means putting processes and procedures in place for companies to conduct their operations and making sure there are adequate checks and balances in these processes for the continued viability of the company, the health of the company and so on, and that is really the strength that I brought to RIBO. We've worked on, as an example, the guidelines for the insurance brokers: how to conduct their businesses, how to deal with other brokers; on the training manual; on the technical side in terms of bringing state-of-the-art technology into RIBO itself. This was my contribution to RIBO and my interest in having been there.

I also served on the financial committee to review their various financial statements and make sure that all the checks and balances are also applied to that kind of review.

**Ms. Helena Jaczek:** Maybe you could just tell us a little bit more about your other position: as a director of York victims' services, I believe.

**Ms. Hania Amad:** I have a strong interest in community work. I spend a lot of time with engineers, and that doesn't cut it for me anymore. It is a community-based board. It's not a public appointment. York region victims' services deals with all victims in York region, whether it's assault, rape, murder. I work very closely with the police, with the OPP, to just make sure that the support that is needed for victims in York region is well applied through this organization.

**Ms. Helena Jaczek:** Thank you very much. That's all our questions.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. We'll go to the official opposition. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for appearing today. During your years at RIBO, do you feel that the board and the agency had the tools to steer the insurance business in the right direction, or are there any tools that you think that they need in addition to what they have today?

**Ms. Hania Amad:** I think, like I said, there have been a lot of improvements in four or five years. To just give you a couple of examples, the insurance brokerage membership is very widespread across Ontario, and to reach everyone by the traditional way of paper and pen sometimes wasn't the most conducive or best way to do that. There have been improvements in the website.

There have been improvements in the issuance of the quarterly publication from RIBO to inform the brokerage membership as far as what is the recent news and what's going on, including the publication of certain discipline committee cases.

Members right now can apply online and pay their fees online. That wasn't something that was available a couple of years ago. Right now, this is available, and it makes firms' lives easier.

So I think we're on the right path. Whether there are improvements that can still happen: absolutely. I believe, from my educational background and work experience, that continuous improvement is always needed. I don't think you can just say, "This is it, and we can't move forward with other things."

**Mr. Jim McDonell:** What do you see as some of the challenges facing RIBO, and where you would like to see it go in the future?

**Ms. Hania Amad:** I think to continue to keep up with the technical aspect of reaching the wide range of membership may be a challenge. The staff that can handle the discipline and the required number of staff that can actively go out and visit the membership offices, particularly the principal brokers, may be also a point to look into.

**Mr. Randy Pettapiece:** I just have one short question. Insurance premiums, and particularly auto insurance, are topics that stir a lot of debate in Ontario. Do you think that you have the experience at RIBO to help with the challenges facing the auto industry in Ontario? What I'm getting at is, we have some of the highest insurance rates in this province in Canada. I'm just wondering if you have some ideas on how we can maybe get some of these things under control and help the insurance brokers do that.

**Ms. Hania Amad:** I may have personal, I guess, opinions on that, but these would be personal. My role with RIBO hasn't really dealt with the—nor do I expect my membership in the committee right now, whether it's the discipline or the complaints committee, to address premium issues.

Usually, the complaints that we get are more on the conduct level of an insurance broker who did not carry out his duty in accordance with the act or in accordance with the manual that RIBO has set out for these people. But we don't come across cases where there are complaints about premiums. I think this would be more a FSCO or an IBAO issue.

**Mr. Randy Pettapiece:** I see. Would you get involved with the fraud cases that are happening now in Ontario with insurance agencies?

**Ms. Hania Amad:** Do I get involved?

**Mr. Randy Pettapiece:** Involved with that type of—

**Ms. Hania Amad:** I only get involved in the complaints cases that I'm asked to attend. I may not be privy to all the complaints cases that pass through RIBO. There is a rotating panel of public members. I'm only privy to the cases that I sit on.

**Mr. Randy Pettapiece:** I see.

**Ms. Hania Amad:** If it's a fraud case that affects RIBO in general, it is usually brought in during our board meeting and discussed that way by the general manager, and everybody becomes aware of it at that level. But if you're talking about specific cases, unless I actually sat on the committee, I may not necessarily know the details.

**Mr. Randy Pettapiece:** I see. So you haven't been involved in any of these types of cases?

**Ms. Hania Amad:** I haven't been involved in any of these cases.

**Mr. Randy Pettapiece:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. That ends the questions. Thank you, Ms. Amad, for being here.

**Ms. Hania Amad:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** We will now consider the concurrence for Hania Amad, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario. Would someone please move concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Hania Amad, nominated as member, complaints committee and discipline committee of the Council of the Registered Insurance Brokers of Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Are there any discussions? Seeing none, all in favour? The motion is carried.

#### MS. CAROL PHILLIPS

Review of intended appointment, selected by official opposition party: Carol Phillips, intended appointee as member, Pay Equity Hearings Tribunal.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointment today is Carol Phillips, nominated as member, Pay Equity Hearings Tribunal.

Please come forward and take a seat. You may begin with a brief statement. The time that you use will be taken from the government's time. Each party will then have 10 minutes to question you. You may start.

**Ms. Carol Phillips:** Thank you. I'm very pleased to appear before the parliamentary committee on public appointments, maybe for a different reason than a lot of people who appear here, and that is because this process was part of what I helped with establishing in my time in the Premier's office about 20 years ago.

I have a very brief statement, and then I look forward to your questions and I'll do my best to answer.

As you may have seen from my resumé, I've spent the majority of my working life within the trade union movement, where I had the privilege of serving in a variety of roles.

I've been the chief spokesperson for the union in many sets of negotiations over a 30-year period in a vast range of sectors, from aerospace to universities. At various times, starting with when the Pay Equity Act

came in during the late 1980s, those negotiations have included pay equity issues.

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I moved up the ranks and was privileged to act as an assistant to three presidents of the CAW and with two at the Canadian Labour Congress in Ottawa. I was a senior adviser to the Premier of Ontario, Bob Rae, with special responsibility for agencies, boards and commissions.

I've also served over the years on several provincial and national bodies, such as the late, lamented National Round Table on the Environment and the Economy, the National Advisory Board on Science and Technology, and the Canadian Labour Market and Productivity Centre.

In my time with the CAW and the CLC, I had the opportunity to travel extensively, serving on various expert committees with the International Metalworkers' Federation in Geneva and the international trade union congress in Brussels.

Since January 2009, I've been a member of the Ontario Labour Relations Board, which, like the Pay Equity Hearings Tribunal, is an administrative tribunal as well.

I think that the experience I've gained in resolving and deciding numerous cases will be valuable to the Pay Equity Hearings Tribunal at this time. Combined with my experience in bargaining, compensation and benefits, and a commitment to advancing gender equity, it would seem that this cross-appointment to the Pay Equity Hearings Tribunal might be a good fit, but that's certainly for you to decide. Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, and we'll go to the government side. Ms. Jaczek.

**Ms. Helena Jaczek:** Thank you very much for coming here and, in fact, being instrumental originally, as we understand it, in establishing this particular process.

Could you expand a little bit further on the fact of this being a cross-appointment between the labour relations board and the pay equity tribunal—what you see that this really brings, based on your experience and so on?

**Ms. Carol Phillips:** They're both tribunals that hear cases at the end of a process, where attempts have been made to either mediate or mitigate or narrow down the issues. That's what I've been doing over the last nearly four years at the labour relations board. The Pay Equity Hearings Tribunal has the same kind of functions.

Physically, we actually are in the same building, on the same floor. The chair of the Pay Equity Hearings Tribunal is a vice-chair at the labour relations board. I work with her, and have worked with her on occasion on similar issues.

**Ms. Helena Jaczek:** I think Ms. MacCharles has a question.

**Ms. Tracy MacCharles:** Thanks for attending today. I was just saying to Dr. Jaczek that I have been out of the loop a bit on pay equity since my HR days in government and other sectors. But since being elected this fall, one thing I've heard from the not-for-profit sector, which often is made up of salary and wage dollars primarily, is their ongoing challenges to meet pay equity obligations.

I'm wondering if you can tell me a bit about your knowledge of that situation and any thoughts you have on how that could or should move forward.

**Ms. Carol Phillips:** I don't claim to have any specific knowledge on that kind of a situation. Certainly, at the labour relations board, we do meet some of the same challenges with employers from the not-for-profit sector, very often with the employer being a volunteer board who comes before the labour relations board because they are obligated to act within the meaning of the Labour Relations Act itself. I think that some of the experiences I've had there, I'll be able to apply to the Pay Equity Hearings Tribunal; I hope so.

As the labour force is changing, as the working environment is changing, there are lots of challenges, like volunteer boards, like agencies, like a variety of workers whom we would have termed as more vulnerable, who are, however, entitled to the same rights under the legislation.

**Ms. Tracy MacCharles:** And that indeed seems to be the challenge in this sector—as you say, a more vulnerable sector, one that is fairly dominated by women in some parts of the sector, yet I'm hearing these huge pleas that they're unable to meet their ongoing obligation. I'm not, obviously, looking for a specific answer today but just wondered what your thoughts are on how manageable that is as a government, as a board going forward, recognizing that they don't have many other dollars other than those salary and wage dollars to work with to meet their service delivery needs.

**Ms. Carol Phillips:** Other than just to acknowledge that it is an ongoing problem, that an awful lot of it has to do with funding cuts and also with funding limitations on being able to fundraise in the charitable sector these days. I can only commiserate and hope that we can find resolutions. I think that's one of the strengths of tribunals: having the employer representative, the worker representative and the vice-chair with the specific knowledge of the law itself.

**Ms. Tracy MacCharles:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Ms. MacCharles, and we'll go to the official opposition. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for appearing today. I see you had a long history with the CAW. Any reason why you decided to move on and over to different roles?

**Ms. Carol Phillips:** You can see that I outlasted five presidents at various levels. With the CAW, it was a fabulous experience. I got to work with some of the more interesting characters in trade union life: Bob White, you may remember; Buzz Hargrove.

It was timely. I was 55 years of age, and it was an opportunity to move into a position with the labour relations board—in fact, nearly four years ago—where I could play a different kind of role than an advocate.

**Mr. Jim McDonell:** With your long association on the labour side, do you see this affecting any of your ability to—you're now on a tribunal that has to look at both sides of the argument and come up with a fair

ruling. Do you see that role as being something that you can uphold?

**Ms. Carol Phillips:** I think it's a very reasonable question, and four years ago I think I asked myself that when I went to the labour relations board. Since then, having had the opportunity to be part of a panel that dealt with such issues as the Vale Inco strike, which lasted over a year, and the fallout from that strike, and come to a majority decision with my employer counterpart and the vice-chair, I'm very comfortable working within the parameters of the act to try and either encourage the parties to find their own resolution, which is always best, or, if necessary, to come to a resolution which makes labour relations sense and, in the case for this tribunal, pay equity sense for both the employer and the workers.

*Interjection.*

**The Vice-Chair (Mr. Phil McNeely):** Thank you very much. We'll move on to the third party. Mr. Marchese.

**Mr. Rosario Marchese:** Nice to see you, Carol.

**Ms. Carol Phillips:** Hi. How are you?

**Mr. Rosario Marchese:** I'm good, most of the time, including today.

This is indeed a challenge. Tracy was alluding to it as a huge problem, and it has been a problem for many, many years, and it continues to be a problem in spite of the pay equity legislation. We're not just talking about wage discrimination in general, but in this particular aspect of where women ought to receive equal pay for work of equal value and they still don't. It's a serious challenge, and this economic environment makes it worse because there's going to be an attempt to fight these efforts to arrive at some pay equity for women in general. So I'm particularly nervous and worried about the ongoing wage discrimination.

Lately, I just saw from the research, which was nicely compiled, where the Divisional Court of Ontario recently upheld a tribunal decision which found that women may earn less than men doing jobs of equal value so long as their earnings equalize when they reach the top of the pay scale. The court noted that the Legislature intended for the act to redress systemic wage discrimination, but it does not consider elimination of all discrepancies between comparably valued male and female jobs. The court acknowledged that the Pay Equity Act may be subject to a Charter of Rights and Freedoms challenge because of its under-inclusiveness, which leads us to the conclusion that the government has to do something about the language; otherwise, the ongoing discrimination will continue to happen in spite of the current pay equity legislation. Do you have a view on that?

**Ms. Carol Phillips:** I read that decision with interest myself. One of the challenges that we have at the labour relations board is that we have to act within the Labour Relations Act, but we also have to consider the Charter of Rights and Freedoms and we have to consider the Human Rights Code as well, and the implications that they could have on the act itself. I think in a number of areas the government is looking at some of the possible incon-

sistencies that still exist there—that it is an ongoing process—and that they are going to be dealt with.

As I had to learn with the Labour Relations Act, it is within that act that we can make decisions, and it will be within the Pay Equity Act that we will be able to make those kinds of decisions.

So it's very healthy still, I think; however, the women's community and equity community in Ontario—we saw that with the changes to the health and safety legislation for the right to refuse on sexual harassment, the amendments that came in just a few years ago, that acts can be ongoing and updated.

**Mr. Rosario Marchese:** Yes, of course. Thanks, Carol. Good luck.

**Ms. Carol Phillips:** Thank you.

**Mr. Rosario Marchese:** I'm not sure whether Monique—

**The Vice-Chair (Mr. Phil McNeely):** Miss Taylor.

**Miss Monique Taylor:** I don't really have any questions. I just have comments saying that I'm welcoming your voice to this board, with all of the work that you've done previously, and I know that you will work hard on that board. I have faith in you to do that in the voice of equity and making sure that we are holding the government to account of how we're going to change the things that we're facing, because it's going to be a tough one. All the very best to you.

**Ms. Carol Phillips:** Thank you very much.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Ms. Phillips, for being here today.

We will now consider the concurrence for Carol Phillips, nominated as member, Pay Equity Hearings Tribunal. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Carol Phillips, nominated as member, Pay Equity Hearings Tribunal.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? Seeing none, all in favour? Carried. Thank you.

We'll take a short recess now while we wait for the next candidate.

*The committee recessed from 1333 to 1350.*

**The Vice-Chair (Mr. Phil McNeely):** This meeting of the government agencies committee will now resume.

#### MR. JAMIE REAUME

Review of intended appointment, selected by official opposition party: Jamie Reaume, intended appointee as member and chair, Ontario Food Terminal Board.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee is James Reaume, nominated as member and chair, Ontario Food Terminal Board. You have come forward. You're at the table. You may begin with a brief statement if you wish. Any time used for the statement will be deducted from the government's time for questions. After that, each party will have 10 minutes to ask you questions. Questioning will start with the official opposition.

We'll open the floor and ask you to make a presentation if you wish now. Thank you very much for being here.

**Mr. Jamie Reaume:** Thank you. Again, I do apologize for being on time. I didn't realize that you were running early.

My name is Jamie Reaume. In the role that I play in real life, I'm the executive director with the Holland Marsh Growers' Association. One of the prerequisites for the Ontario Food Terminal Board is actually a functioning knowledge of agriculture and agri-food. In this situation, I represent probably one of a half a dozen people in the entire province who work within all sectors—I'm not sector-specific. I work with agri-businesses, agri-retail; I work with everybody within the value food chain. I also work with all partners along the way inside the cities of Toronto and throughout the province. Specifically, I'm in probably one of the few agricultural organizations that works with environmental and NGO groups. In that capacity, what we do is try to educate and provide that balance that's required sometimes, and the societal need.

For the food terminal position, anybody that's involved in the fruit and vegetable industry, specifically myself, we understand when appointments arise—we take a look at where mandates are moving. We look at government policy.

The role that I play with my board is that I am a conduit of information. I provide them with the most up-to-date information. I also provide them with perspectives of 20,000, 10,000, 5,000 and ground roots. That's a requirement in understanding the food industry from the complex side: right from the farmer's field right to the retail shop and right to the consumers.

That being said, when we noticed that the positions were arising, it was felt that, perhaps, instead of sitting in the coffee houses complaining, as so many do, we'd take the opportunity, after 40 years, and be proactive about it. Hence, that's how we actually applied. It was a little surprising to me, and I'll be the first to say, that I was actually selected to be presented here today.

We are a very non-partisan organization. We deal with all parties. I have dealings with all parties and know some of the members here, actually. That being said, I don't view food as a non-partisan issue; more so, I view it as a societal issue. We need to start looking at some of the outside boundaries and be very proactive on how we approach our needs within Ontario, and service the requirements of both the farming community but also the consumer end of that. That's a vital role of what we have to do, and I take that role very seriously.

With that, I'll end my statement and allow for questions.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Mr. Reaume. We will now go to the official opposition. You have 10 minutes.

**Mr. Jim McDonell:** Thank you for coming out, Mr. Reaume. We've seen a lot of changes in the agricultural industry in the last number of years, and some of that has

come through innovation within and some through government grants and university help. Do you have any comments on some of those changes and where you see future changes being required?

**Mr. Jamie Reaume:** I believe we're at a juxtaposition within what we do with food. We're seeing a real—and I hate the word that I'm going to use—dichotomy within the system. For my guys specifically within the Holland Marsh, when I originally started, we only grew 40 crops. That doesn't include the varieties. We're now well over 60. We have 64 crops, and we're testing all the time. We're growing for a population that really wants to have a taste of home. We have a large population that is migrant in base, whether you're from the UK, where we just had a seed rep up from the United Kingdom, or whether we're dealing with India or any of the Asian countries. We are seeing that and we are seeing a trend toward that. We're also seeing a larger trend toward local food because of the freshness and the health value that's attached.

My organization and my board specifically believe that there's the connection for the government, for all parties within the government: being able to rid some of the health care costs by eating healthier. We grow health. That's what our job is. I think there's more of a role down the road in providing that essential value—very much an economic value as well, but an essential value—to the consumers, that there is a healthy opportunity, and I think that's partly where the food terminal comes in. Some 976,000 tonnes of food come in, and 25% of that is Ontario. We need to look at some of this stuff and say, “Hey, how can we do better?” We can't sit in the countryside and complain about it. We need to do something about it.

**Mr. Jim McDonell:** I think you are on record for mentioning some of the issues with government control over the marsh and the number of municipalities and the different levels. Any further comment or explanation on those comments?

**Mr. Jamie Reaume:** Well, for those who aren't aware, I work in the Holland Marsh, which is the most heavily regulated piece of land in all of Canada. I deal with 14 federal ministries, 20 provincial, five municipalities, one county and one region that really don't get along. I deal with two conservation authorities, 119 rules and regulations, 28 major pieces of legislation—soon to be 29, with the Great Lakes protection plan. As I've always said, if anybody wants my job, they're welcome to it.

That being said, we're also working with all the parties to provide solutions, and that's our role. We're not here to complain; we're here to make things better. The marsh tends to be a beachhead for many of the things that take place. What happens in the marsh has direct implications to all of Ontario. If we don't have people standing up and actually helping and moving the yardsticks forward, we're not going to win. We provide the solutions that are viable and necessary.

**Mr. Jim McDonell:** I take it that your opinion would be that it's overregulated, and maybe some of the

examples—is it fully farmed? I'm not that familiar with the site itself, but what percentage of it is actually farmed and what are the real concerns behind it? Farming is a fairly green industry.

**Mr. Jamie Reaume:** In your case, we're not eastern Ontario, so we're not good at growing pasture and rocks as much as what we used to, but we have 18,000 acres considered to be the Holland Marsh. In that context, we grow 12,000 acres plus. The majority of crops are carrots and onions. Approximately 43% of all of Canada's production comes from the Holland Marsh on those two products alone.

What we see are the requirements by all forms of government to come in line with the 21st century. That's the reality that we deal with. None of us are ashamed of what we do. None of the farming community wishes to go back 100 years. As a matter of fact, I'm also on record as stating that. What we did in the Holland Marsh today could not be done when it originally started in 1929 if we were to undertake that same venture today. It just wouldn't happen under the rules and regulations that are applicable to the farming community.

That being said, if we had to look at rules and regs, the terminal board is something that I think needs to have people speaking on behalf of farmers. I also believe that, in the context of what's there, government needs to be aware of the unique situations that farmers are in, and we are unique. We are one of the fundamental cores of life; we're producers of food. We're also very good with the environment. We also are very good with water. There's three of the four that are required. If you looked at it far enough, we're producers of oxygen because we have lots of crops that grow and give us oxygen. So there's four for four that we did. And that's one of the things that we look at: where we can make a difference. That's where we can make a difference. That's where we can make a difference, in the context of what's there.

**1400**

Are we over-regulated? We're overregulated just in context of what the government puts in place. Every jurisdiction has different regulations. Every jurisdiction that we deal with, from China to Mexico to the United Kingdom to the Netherlands, all have their own stipulations and rules and regs that they have to apply to as well.

**Mr. Jim McDonell:** Some of the grant money that has gone back to your industry to help with innovation does not always find the departments or the organizations that are really there to help and actually have been siphoned off sometimes. Any comments on that?

**Mr. Jamie Reaume:** Really? Functionality speaking, grants, funding, anything that we're able to leverage—we've been doing that basically almost a six to seven to one for our industry. Does every dollar go through? There are always administration costs that go through it. Is every farmer happy that there are administration costs? No. In the organization that I serve and function with, every dollar goes back into the farming industry; every dollar goes back into the farming community. We take great pride in that.

We're also leaders in innovation when it comes to finding ways to leverage dollars from Vineland. We have a number of test trials from there.

We believe, and it's sincere, that innovation and research are the keys to moving agriculture and, in this case, food and farming forward. That's the truth. That's what needs to be done, and we haven't done it in 30 years. We haven't really made a concerted effort. When you think about the amount of time that it takes to actually have research projects that function—I mean, it took 26 years to grow a pear, just a specific variety. I'm now amazed that people are eating blue wheat, which took years to duplicate. But it's a functionality of what we require, yes.

So the funding is always an issue, especially with ag organizations and ag research and innovation.

Even in my own industry, even with my own organization, we're doing really innovative stuff. We're looking at phosphorous projects. We don't see any of that money; we just channel it through and make sure that the results come out for the best management practices for our farmers.

**Mr. Jim McDonell:** Growing up in eastern Ontario, I've seen a lot of changes in agriculture and some of the crops we grow. Crops that we couldn't grow 25 or 30 ago are now being grown in great abundance. But you're right: There were many changes, but the rate of growth seems to have dropped off. I think that as land comes out of production, as we see all the time, there needs to be some push for productivity.

There have been some grants given to some of the universities to do research, but not all of it has been channeled into the agriculture side; some has gone into other areas that maybe don't seem to have a lot to do with the intent of the grant. I think that's what I was getting at, that some of your comments in the past have talked about this money being siphoned off through the universities but going to departments that really have nothing to do with agriculture.

**Mr. Jamie Reaume:** Some of my comments in the past have been directed at, quite frankly, what we look at within the industry—and this is an industry point of view. We work very hard and very diligently, but farmers, at the end of the day, tend to be price-takers; they're not price-setters. Even in your own—oops, I'm sorry. Am I out of time?

**The Vice-Chair (Mr. Phil McNeely):** Your time is up. If you could just finish that in the next 30 seconds.

**Mr. Jamie Reaume:** I can finish it in 30 seconds.

If you take a look at what has happened in the dairy industry, you can see exactly the same results. From my understanding, you had a dairy operation or you grew up on one, so you've seen the radical changes in technology and within the sector itself. That's what my comments were directed at: It's an overall basis, both federally and provincially and right across the board in all the provinces.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. For the third party, Mr. Marchese.

**Mr. Rosario Marchese:** Thank you, James. I think the official opposition invited you here so that we could have the benefit of the knowledge that you're passing on to us, because we are learning a lot. Some of the facts that you stated, I didn't know.

One of the questions I wanted to ask you was: How do we promote locally produced food? The problem you raise is that only 25% of the food that comes to the terminal comes from Ontario, which is a problem, obviously. Are you prevented from promoting Ontario produce? Does that have to change?

**Mr. Jamie Reaume:** No. In fact, we're probably the biggest advocates of promoting Ontario product from within the marsh. Quite frankly, we're seeing a shift within what people are looking for. The days are coming to an end where you're going to see access to cheap food. This country has always had that basically unspoken rule in play. Right now, it is about a pricing war. It is literally a pricing war. We live in a monopolized system where there are only basically a few retailers. Even with Walmarts and Targets and everything else, it's still basically a very contained, concentrated system.

In order to move your food, one of the things that we've started to look at is, how do we get it through into other areas; food service, for example? Many of you may know that the marsh is 50% exporting. The reason why is because Americans love the taste of what our product is. They simply love it. We ship down 50% of our stuff because they like the taste. They'll pay the price for it. Many in Ontario, and I've heard this time and again, and I could give you tons of emails from this—in fact, I got one last night from a disgruntled gentleman in Hamilton who believes that vegetable farmers in the Holland Marsh who have done very well because we have irrigation are going to jack the prices up on vegetables. That would be farthest from the truth. It's incredibly impossible for us to be able to jack up prices. In fact, prices right now are probably the lowest they've been in 40 years for the product that we do. It's because our competition is no longer our neighbours within Ontario, which is going back 30 years. Our competition is China; Peru; Chile; the Netherlands, which has huge over-production issues, and drought conditions otherwise. It still doesn't matter. Ontario is a dumping ground.

**Mr. Rosario Marchese:** So, James, when you said—because that's why I wrote it down—somebody should speak on behalf of farmers, I didn't know who it was that you were saying should. Was that the terminal?

**Mr. Jamie Reaume:** No. That's—

**Mr. Rosario Marchese:** That's not the terminal. You mean, in general.

**Mr. Jamie Reaume:** That's the role that they've put me in front of. Quite frankly, I'm not a guy who gets in front of the cameras. In my previous life, I was a journalist and quite happy to sit behind a pen. I've spent the last four-plus years being the guy who speaks for the farmers, and the message is consistent: This is a requirement.

**Mr. Rosario Marchese:** Let me ask you, James: Do you, as a terminal, connect to school boards, to schools, to municipalities, as a way of encouraging of buying local? Is that something the terminal is doing, or ought to do, as a way of persuading people that they should be buying from local farmers in general, or Ontario on the whole?

**Mr. Jamie Reaume:** The terminal—and you have to remember, this is a 60-year-old fundamental foundation within the province. It's the third largest in North America. We service a great number of people. There are 6,000 buyers that go into the terminal, weekly, monthly. There are tenants there that pay for that terminal. That's what they're there for: the Ontario farmers. And I say this with all gratitude, but thank heavens that we have the renters at the terminal, the tenants themselves, paying for this, because the farmers have access to do that.

Is there more that can be done? I believe it's a wish list. That's why I'm here. I see the opportunities that are being presented. Anybody not following what's taking place surely doesn't see this, but we do. We see the opportunities that are available to us.

Should they be doing more? I think that's the role that government has to play with dictating a policy, allowing for the policies to come through and allowing people to make those changes. Give us the direction.

**Mr. Rosario Marchese:** So, James, specifically, what do you think should be changed politically—

**Mr. Jamie Reaume:** Politically, policy-wise, in the act itself, there's lots of discussion on things that are taking place.

What could we do better? Distribution hubs have been proposed by a number of people, and ourselves included. We're on record for that. There are other ways of looking at this.

How do you function with it? You have to look at what the act allows for. You have to take a look at what the legislation does. We have looked at that.

Is there an opportunity to be able to make more efficiencies? Absolutely, I believe that there are.

Is there a way that we can promote more Ontario farming through it? Absolutely. The same vision allows us to be able to look at something and say, "Not today, but three years, five years down the road." That's where you need to move towards.

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**Mr. Rosario Marchese:** You raised a point that said—I wrote it down as such—"requirements ... to come in line with the 21st century."

**Mr. Jamie Reaume:** Yes.

**Mr. Rosario Marchese:** What do you mean specifically, again? Is that part of what you already talked about, or is that something different?

**Mr. Jamie Reaume:** No. There's a mythology—and I did this several years ago. I had asked 25 MPPs where their food comes from. Twenty-three out of the 25 were able to tell me the grocery store they shopped at. The mythology is that food comes from some magic food fairy who restocks the shelves every night, and every day

you walk in and there's something new on there. Forty years ago—and I can say this because I'm old—getting a tangerine or an orange in your stocking at Christmas time was a hell of a treat, and that's what people lived for. Now you can go there 365 days a year and find an orange. I quiz kids on where you can find kiwis from. They don't know where kiwis come from.

In answer to your question, I believe there's so much more out there, and we've lost the ability to connect. That's part of what the terminal also has a role with, because they are bringing in this food. I think at last count, they bring in over 230 different crops. We don't call them commodities, because they're not, but there are 230 different crops that people are having access to. That's the real reality that we deal with. There's no farming connection anymore, and that's a role that you have to look at.

Food does not magically appear; it is grown. It's hard work. Ask the guys in Chatham how they're dealing with the hail storm that just took place that wiped out about 1,000 acres. Ask Jim's people—no offence—out in eastern Ontario, who have been obliterated by a drought that is beyond comprehension for most.

**Mr. Rosario Marchese:** Thanks, James. Monique?

**Miss Monique Taylor:** How much time?

**The Vice-Chair (Mr. Phil McNeely):** You have two minutes.

**Mr. Jamie Reaume:** I was told that you guys finish early all the time.

**Mr. Rosario Marchese:** We tend to.

**Miss Monique Taylor:** You just bring this wealth of knowledge with you, which is so welcoming. I think that the Ontario Food Terminal definitely needs more farmers' aspects to be on that board. I think that's great that you're going to be, because here it says that approximately 400 different varieties of produce are sold at the terminal—150 locally grown. That's a big spread, right? Today in my salad from Queen's Park, I don't think my tomato was locally grown. You can tell the difference.

I believe also that people do want locally grown food. They do taste the difference. They do know the health effects. I believe that is something where you can possibly reassure me that you will be fighting harder for as a member of the terminal, for more locally grown produce. Yes, we do have produce that needs to come from other countries. I enjoy that produce also, but it's not produce that can be grown here.

**Mr. Jamie Reaume:** You want assurance? I've spent the last 15 years fighting for farmers, for equal footing, for equal rights, to be able to look at their neighbours not as their competition but as their compatriots, their partners. I've worked nationally, from BC right across to the east coast, and have done exactly the same thing. I have concerted partnerships with Quebec and Manitoba. We do have some of the issues out there. But when you have people who are interlinked and networked along the way, it is easier to have that discussion. I have never not been known as a fighter. I am a strong advocate. I am not

a lobbyist because, frankly, I don't lobby well. I'm not used to being in a suit either, but this is one of the things I have to bear with. I do fight all the time, regardless of the colour or stripes.

**Miss Monique Taylor:** Good. I think you'll be a warm welcome to the board, so thank you.

**Mr. Jamie Reaume:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. The government. Ms. Jaczek.

**Ms. Helena Jaczek:** Yes. It's good to see you here in a suit, James.

Reading from our researcher's notes, the Ontario Food Terminal was established to provide a convenient, efficient and low-cost receiving and shipping facility for wholesalers of fruit and produce. Can you give us some examples of those types of measures that you may have taken with the Holland Marsh Growers' Association to ensure that that association delivers food in a convenient, efficient and low-cost way?

**Mr. Jamie Reaume:** We have members of our association who are down at the terminal every day. I have talks with these people all the time. I talk with the fruit guys out in Niagara. I talk with the apple guys. I discuss matters with beef and dairy and egg and everything else, because it's not sectorally based. But the terminal is fruit and vegetable, so I also talk with the tenant-holders; I've also talked with Bruce Nicholas, who's the general manager. I deal with all these people on a regular basis, simply because they have seen what has been taking place over 30 years, 40 years. They have some insight that goes along with it, and they'll talk to me. They won't often talk to the people who are perceived to be game-changers.

**Ms. Helena Jaczek:** Have you received some concrete ideas that you wish to bring to this position?

**Mr. Jamie Reaume:** This addresses Mr. McDonnell's point about funding. The terminal received half a million dollars to take a look at developing efficiencies, a new business plan, looking at what some of the options are. My farmers never look at challenges as being something that they sway off. We look at it as opportunities to be able to be had. I think that's an exciting thing to look at for 2012 to 2015, to be able to look at some of this stuff and say, "Where can we make a difference? How can we develop better efficiencies? Where can we provide the service and the products that people are looking for?" That's something that hasn't been there before.

Now we're growing specifically for some of the food service companies. We're growing specifically for the retailers. We're growing products that they've requested. That's how we make the difference: We're not afraid to take up the challenge. Frankly, neither is anybody else in the farming community. They just have to be asked.

**Ms. Helena Jaczek:** You obviously have a lot of hands-on experience in terms of being an executive director in that management role. This, of course, is a board position. Could you just detail a little bit more of your experience in terms of a governance role?

**Mr. Jamie Reaume:** I sit on way too many boards for my own liking. I sit as an active member on a number of boards because if you're not at the table you miss the opportunity. In terms of governance, I am very straightforward and many people know me for this. I do not play games. There are no dalliances. We're very transparent with what we do in the organization simply because not only do I demand that but my farmers demand that. I believe in that. There can't be anything that is going to come back and bite me. Frankly, that's not how I function. I'm very much a straight shooter and I operate under the same principles. When we have board meetings—I have probably one of the best boards in the entire province, so much so that we have elections every year for our positions. That's unheard of in agriculture, for one. We don't simply appoint; we go through the whole process, and we do everything by the book.

It's the same with all the other boards that I sit on. After I'm done here I have another board meeting with the Greater Toronto Area Agricultural Action Committee. I sit as a board member there and as an executive going through because it's a requirement. If you're not at the table having input, you're just in the coffee shop whining about what's happening next.

**Ms. Helena Jaczek:** Thank you very much. That's all our questions.

**The Vice-Chair (Mr. Phil McNeely):** Thank you very much, Mr. Reaume.

We will proceed now to consider the concurrence of James Reaume, nominated as member and chair of the Ontario Food Terminal Board. Would someone please move concurrence?

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of James Reaume, nominated as member and chair, Ontario Food Terminal Board.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? All in favour? Carried.

Thank you, sir.

**Mr. Jamie Reaume:** Thank you. It was an honour to be here. Thank you so much.

#### DR. GEORGE SOUTHEY

Review of intended appointment, selected by official opposition party and third party: George Southey, intended appointee as member, eHealth Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointment today is George Southey, nominated as member, eHealth Ontario. Please come forward, Mr. Southey, and take a seat. You may begin with a brief statement, if you wish. Any time used in the statement will be deducted from the government's time for questions. There will then be 10 minutes for each party to question you. The questions will start with the third party. You may start with your opening statement.

**Dr. George Southey:** Thank you, Mr. Vice-Chair. Thank you to the committee for considering my membership on the board of eHealth Ontario. I'm going to try to be brief because I imagine that there's going to be a

desire to have a dialogue and questions and I want you to have the most opportunity possible for that.

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In January, eHealth board chair Ray Hession approached me to see if I was willing to sit on his board. I have deep admiration for Ray and for the challenges that eHealth is facing, so I offered my candidacy. At the time, Ray was providing me with feedback on my research in the area of quality assurance in primary care. We share a deep interest in this subject, and I suspect that it is for this reason Ray feels that I might be able to make a positive contribution to the work of the board.

My relevant experience includes almost 30 years of comprehensive primary care, but more importantly, I've had the privilege to assess and analyze the function of hundreds of other practices all across the province, from northwestern Ontario and Red Lake and Matheson down to downtown Toronto and everything in between. This experience has come from college assessments; from medico-legal witness work, both plaintiff and defence; college investigations; prep assessments in numerous committees; task forces within the Ministry of Health. This experience has shaped my understanding of public expectations from the health system and the ways in which information satisfies those expectations and assures the achievement of quality, and this is the work of eHealth Ontario.

I was asked by the committee if I had any particular suggestions for increasing the use of electronic health records amongst health care providers. It was on the last page of the document that was sent to me. I do have suggestions. I'd like to qualify them and say that my interest and focus is on the sector of primary care, which I believe is the key to the future sustainability of our health system.

The question about getting health providers to use electronic health records addresses the challenge of how to motivate providers to use a tool, the electronic health record. The science of motivation provides guidance in addressing this challenge, and I rely upon the work of Daniel Pink in the field of motivation. His work suggests three factors which positively impact on motivation, and they are: a clear purpose, the opportunity to demonstrate mastery, and the opportunity to proceed in an autonomous manner towards that purpose. When these three factors are used to analyze options for EHR uptake, electronic health uptake, strategies start to emerge.

With regard to Pink's first factor, which is purpose, providers, the population and the health system stewards—and I consider you to be stewards—all share a common purpose, and that is the achievement of high-quality health care for Ontario residents.

Pink's second factor, which is mastery, can occur if providers have a measurement system which reflects achievement towards the common purpose. This strategy requires the tools to demonstrate mastery; and the tool is the electronic record, so long as it has the capability of reporting certain data.

The method to describe quality requires measurement of indicators spanning the full spectrum of primary care: the medical services, the management functions, and the respect for the patient-provider relationship

To motivate providers to use electronic health records, we need to clarify the job that the tool needs to do, which is to assure high-quality primary care, and to measure achievement towards mastery of that shared purpose.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Dr. Southey. We'll start with the third party. Ms. Taylor.

**Miss Monique Taylor:** Thank you for being here with us today. We've definitely had a lot of problems within eHealth. It's been the highlight of many discussions. What is it that you feel that you could bring that is different to the board to be changing that conversation and to be bringing it to a brighter future?

**Dr. George Southey:** Obviously, I do feel that I have something to contribute in that direction. But first of all, let me add that we're not alone in this problem. Way back, as early as 2005, Andreas Kluth in *The Economist* magazine described this as being a problem rife throughout developed nations, in the failure to be able to use electronic records and the use of technology in what should be an obvious use, which is the information management in health care.

At a superficial level, it should be straightforward. Goodness gracious, you've got a health record; it should go electronic, and then that should be transported to where people need to know about your needs, if it's required. But there are subtleties about health records which make it extraordinarily difficult, and these subtleties include the fact that the information degrades very quickly. Your list of medications, your list of diagnoses, deteriorate very fast, and so simply the historic list of what your medications and diagnoses are is wrong in a relatively short period of time. It's an ongoing management function of primary care and other providers to ensure that there's reconciliation of that data. So there's a dance between the management function and the technology that it supports that's required to actually pull off effective electronic health records. I think I have a pretty good understanding of how that interaction needs to occur in order to make it work, and it needs a very clear focus on what you're attempting to achieve with the use of electronic health records.

**Miss Monique Taylor:** So you feel that you have ideas of how that will happen?

**Dr. George Southey:** Yes. In fact, probably everyone around this table is an expert on being a patient and has an understanding of the sorts of circumstances in which electronic records make a difference. If you were incapacitated somehow because of illness and injury and were brought into an emergency department for care of that presenting complaint, what's important is an understanding of your health status and the agenda associated with that. That can provide a background for the physician to be able to care for you. That understanding is a management understanding which, in most circum-

stances, lies in the primary care record; it doesn't lie anywhere else.

The other circumstances under which you're likely to require electronic health records is on the ongoing care of an existing problem. Again, that is a management function assumed by primary care. So it's the mobilization of the primary care record in its proper form which actually holds the key to effective communication within the health sector.

**Miss Monique Taylor:** I just have another question. We've definitely been hearing a lot about CEO bonuses and all of that happening in the paper lately, and we have a shortage of health care dollars. It being that the board made the decision to allow the bonus, how do you feel about that?

**Dr. George Southey:** Well, I haven't had an awful lot of opportunity to analyze the details of the circumstance. I think there was about a 15-second sound bite on CBC—

**Miss Monique Taylor:** True enough.

**Dr. George Southey:** —and a single column in the *Globe and Mail*. I don't know what the background is, but I think it certainly illustrates the natural conflicting positions that would have to exist: one on the board side and one on the political side. So on the board side, if there was a pre-existing contract which Greg Reed was hired under, then there may be constraints that the board had to adhere to. I don't know. Under those circumstances, it may be that the board didn't have much of a choice. Again, I don't know the information.

On the other hand, Greg and Ray Hession clearly had a sensitivity about the political issue, which is: You've got to lead by demonstrating restraint. So Greg chose to forgo the bonus.

**Miss Monique Taylor:** Absolutely, and I commend him for that. I was just wondering, on your position, whether you supported people being given bonuses other than their wage packages.

**Dr. George Southey:** I think that it entirely depends on the individual circumstances that they were brought into the organization for. I believe it makes sense to reward people explicitly at the beginning of their employment for the achievement of outcomes. If that was what he was hired by and those were the terms of his contract, then I think there's probably an obligation to adhere to the contract. But again, it's the details that tell the tale.

**Miss Monique Taylor:** Right. Thank you. Rosie?

**The Vice-Chair (Mr. Phil McNeely):** Mr. Marchese?

**Mr. Rosario Marchese:** Welcome, George. I want to read something to you, prepared by research, because this will give you a good sense of some of the concerns:

"November 2005"—and by the way, November 2005 is just where they started, but the problems were there much before 2005—"a *Toronto Star* investigation of SSHA observes that the agency is reliant on consultants and has little to show for its expenditures.

"November 2006—Deloitte Consulting issues an operational review ... concluding that SSHA has an

'inadequate' financial management regime and an 'unfocused array of clients, products and services.'"

In 2007: "The Office of the"—

*Interjection.*

**Mr. Rosario Marchese:** Oh, you've got it, do you?

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**Dr. George Southey:** Oh, yes.

**Mr. Rosario Marchese:** Oh. I didn't know that you got that. Do they get that?

*Interjection.*

**Dr. George Southey:** I hope so.

**Mr. Rosario Marchese:** Normally, they don't.

All right. For the benefit of those who don't have it—2007: "The Office of the Auditor General reviews SSHA's efforts to address the recommendations in the Deloitte report and identifies a lack of progress in developing EHRs."

In 2009: "Following eHealth Ontario's creation in ... 2008, the new agency receives significant criticism in the Legislature and the media regarding executive salaries and its tendering practices and use of consultants."

In 2009: "The Auditor General releases the Special Report on Ontario's Electronic Health Records Initiative, a highly critical document drawing attention to a lack of oversight and strategic direction, questionable procurement practices, and excessive reliance on consultants at eHealth Ontario and its predecessor.... The report concludes that Ontarians had not received value for money for the \$1 billion invested to that time, as the province was near the 'back of the pack' in its development of EHR relative to other provinces."

I think things are getting better—I think. Based on this kind of history—you're here, presumably, because you want to be part of the fun, be part of the problem, be part of the solution?

**Dr. George Southey:** I'm not sure I'd describe those bullet points as "fun."

**Mr. Rosario Marchese:** Why would you be excited to be part of this board?

**Dr. George Southey:** Clearly, if the retrospect-o-scope were the way we were viewing this, you'd have to think I was crazy or didn't know what I was getting into—

**Mr. Rosario Marchese:** That's what I was thinking, yes.

**Dr. George Southey:** —to venture into an organization that has had such a difficult past. At a distance, I knew Sarah Kramer and Alan Hudson. It was a horrible situation for everyone involved in the organization to be held accountable for the failure to actually move forward with the agenda that they were entrusted with. I have no desire to participate in anything that resembles that circumstance.

Ray Hession is a different person altogether. I think he's an entirely capable chair, and I have confidence that he's not going to let me put my neck on the chopping block for the *Globe and Mail* or the *Star* or anyone else, and that we can truly make progress in what needs to be done to make a difference to our health system.

**Mr. Rosario Marchese:** Thanks, George. Good luck.

**The Vice-Chair (Mr. Phil McNeely):** And that's the time. We go to the government now. Ms. Jaczek.

**Ms. Helena Jaczek:** Dr. Southey—how do you pronounce your name, actually?

**Dr. George Southey:** “Sow-thee,” as in “mouthy.”

**Ms. Helena Jaczek:** Southey—easy to remember.

Obviously, as my colleague has alluded to, a difficult last several years. The understanding we have is that the agency is now focusing on linking existing databases rather than designing an entire system from scratch.

My family is very happy to be part of a family health team, and I must say that the electronic health records there are superb. So, in terms of your starting to focus in on family physicians, obviously, I understand full well why you want to do that.

Over the weekend, we had a very interesting experience because we had to attend our local hospital, where the use of electronic medical records was in what I can only describe as its infancy and not apparent, with the issues that so many patients always complain about: repeating your history over and over and over. I'm wondering what kind of role you, as a potential board member here and as a family physician—how are you going to try and persuade hospitals to get on board a little bit better?

**Dr. George Southey:** Your scenario exactly mirrors the circumstance that I was personally faced with about two or three years ago: my father, lying incapacitated down the street in Mount Sinai emergency department, late at night, with an acute episode of something. The information management was not very good. He was expected to provide his own history. He was not capable of doing that, because of the confusion and the fear and the late hour.

An identical problem had presented earlier within the University of Toronto hospitals, at Sunnybrook. The answer to his diagnosis lay elsewhere, in two different records. One was Sunnybrook hospital; the second was his family doctor's office, that followed the thread and pulled together the explanation of what was going on. What was missing in Sunnybrook was the summary of that man's health status at the point where he was presenting into the emergency department. It was the information coming into the system, not the information management in the emergency department itself.

Emergency is probably the most chaotic environment in which to try and implement information systems. I'm not sure whether anyone has experience in the emergency department, but you have multiple players, usually in a compressed time zone, often with a fair bit of tension involved, which is quite unusual. Most health circumstances have the time to add to a record in a proper, cohesive manner.

So the answer to the query that you gave lies with primary care. Primary care, in its description of services—which the 7,600 family doctors have signed on to patient enrolment models—explicitly says, “You are in charge of making sure that you have a proper medical

record and act as advocate for the patients.” It's part of the basket of services we sign on to in the contract. What's missing is the ability to hold doctors accountable for a quality level of achieving that service. If those services were provided—and part of the use of the information management is the transfer of that information—the circumstances you would have been faced with would have been easily resolved.

**Ms. Helena Jaczek:** In terms of your role, obviously, the board is a governance body. I know how busy it is to be a physician, as a physician myself. Have you had experience sitting on similar boards or panels where you've played a governance role?

**Dr. George Southey:** In a limited degree, yes. I have been on the board of the family health team that I founded. I guess we became a family health team in 2005. We were Ontario's first family health network in 2002, but there wasn't board governance at that point.

Also, for the past two years, I've been a member of the Association of Family Health Teams of Ontario. They are more of a governance board than an operational board, so I have experience in that regard. Those are the two experiences; certainly, nothing that has a budget of \$256 million a year.

**Ms. Helena Jaczek:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** No other questions? We'll go to the official opposition. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming. Do you foresee any—what you might perceive as the problem with eHealth or where they're going with it?

**Dr. George Southey:** Do I perceive issues with the current direction of eHealth?

**Mr. Jim McDonell:** Yes.

**Dr. George Southey:** Generally speaking, I think the direction is correct. I think it needs a very precise focus on what it needs to accomplish in order to actually get through the huge potential amount of work that could be done.

If you look at what could be done, which is all information going to all providers under any circumstances, you have an immense job which would be very difficult to fulfill. But if you realize that most of the work needs to be done in order to make a difference to patients at points of care where they need to have health information transferred, it's actually fairly precise. If you focus on those circumstances, I think you can get to done reasonably quickly.

**Mr. Jim McDonell:** So essentially, it looks like maybe the agency bit off more than it could chew. Really, I think you alluded to needing to develop a system that actually talks to all the other electronic health databases that are out there and some of the groups. I mean, you're talking about something that needs to talk back to the different agencies or—

**Dr. George Southey:** I don't think the problem is one of technology. I don't think our problem in our health care system is one of technology. I think it's a purpose of having a very clear understanding of what you want the

system to achieve and focusing on that. If you don't have that precision in your focus, then everything works. Everything is worthwhile pursuing. You'll exhaust your resources, and you won't have the capacity to serve 13 million people at a level that they expect. And your costs are going to go through the roof. But if you focus on the things that people really want, which is a choice of a practice that will be responsive to their needs, where the quality is assured against their expectations and where the costs are addressed in a manner which is safe for patients, then I think you'll have a solution.

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**Mr. Jim McDonell:** So if I can summarize, essentially all health organizations have to have electronic records. What you need is some method of having them talk together, really.

**Dr. George Southey:** You're describing a technology solution to a management problem. Imagine you're my patient and I'm your family doctor, and I have committed to communicate your record when and where you need it; that's a management solution. There are technologies that achieve that, and it would certainly keep me in bed if the computer at Mount Sinai were able to pull up your record, but I could equally provide that service by committing to it and being prepared to get out of bed and fax a copy of your medical record through to the emergency department. The technology falls into place once you have the management commitment in place, but what really needs to occur is a very clear understanding that there are functions that need to be achieved, management functions. Once you have commitment to those management functions, then the technology will fall into place. To start from the technology end is sort of having the tail wag the dog. The dog is the management functions that need to occur in order for health care to occur safely and effectively, and technology serves the purpose of management—not the other way around.

**Mr. Jim McDonell:** I guess the point—we've been at this for the better part of 10 years now. Are we moving towards conclusion? Where do we sit here? I guess that's the frustrating part. We've sunk, records now show, \$2 billion into something, and I don't think we have a solution that people would consider adequate even after those resources were put into it.

**Dr. George Southey:** Absolutely. If you go out on to the street and ask people what they consider to be the function of eHealth Ontario, you'll be met with a blank stare, if anything. You might have the occasional person refer back to episodes five years ago. That illustrates that, from the perspective of expectations of the man on the street, the person on the street, eHealth is not meeting that need. That's partially because they've been distracted by the scandals that they've had to deal with and partially because they're only coming to the realization that there needs to be very precise action in order to meet public expectations.

**The Vice-Chair (Mr. Phil McNeely):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** Just one comment: I do like where you're coming from on the technology versus

management thing because I think that's been the issue all along. I spoke of two issues I had within the last month in emergency wards and was treated very well by the staff there. They're very professional, and they got the job done, and I'm very happy.

But it seems to be in the health system, when you get up to the management deal and all this goofing around that's gone on, people have lost confidence in things. I would hope that if you get this position, we can get that solved, and people can get back to the confidence in the health care system because we can get this eHealth thing put to bed. I think that's what needs to be done.

**Dr. George Southey:** Yes, it's so true. There's a culture in health care about certain issues of information. We always ask people, "Do you have any allergies?" If you approach that question from a viewpoint of just verifying information that you already have, that builds confidence that your information management is good. But exactly the same question asked from a perspective of searching without the knowledge illustrates a lack of faith in information technology. You're absolutely right: You need faith that the information flows accurately, that somebody's overseeing it and making sure that your health record tells your story in a way that if you need services, it's ready to serve that purpose.

**The Vice-Chair (Mr. Phil McNeely):** That concludes the questions. Thank you very much, Dr. Southey.

We will now consider the concurrence for Dr. George Southey, nominated as member, eHealth Ontario. Would someone please move concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of George Southey, nominated as member, eHealth Ontario.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? All in favour? The motion is carried.

Thank you again, Dr. Southey. That was good information that I certainly appreciated hearing today.

**Dr. George Southey:** Thank you.

#### MS. MAUREEN CARTER-WHITNEY

Review of intended appointment, selected by official opposition party: Maureen Carter-Whitney, intended appointee as member, Ontario Municipal Board.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee today is Maureen Carter-Whitney, nominated as member, Ontario Municipal Board.

Please come forward and take a seat at the table. You may begin with a brief statement, if you wish. Any time used for your statement will be deducted from the government's time for questions. Each party will then have 10 minutes. Questioning will start with the government this time. You may start with your statement, Ms. Carter-Whitney.

**Ms. Maureen Carter-Whitney:** Thank you very much, Mr. Chair, and I would like to make an opening statement.

Thank you for the opportunity to appear before the committee as an intended appointee as a member of the

Ontario Municipal Board. I appreciate the opportunity to meet with you and discuss my qualifications and experience. I'm confident that with my skills, knowledge and expertise, I can make a real contribution to the work of the board.

I would like to briefly elaborate on my background. I'm a lawyer by training and I was called to the bar in Ontario in 1995 after receiving a bachelor of laws degree from the University of British Columbia. For most of my career, I have worked in the field of environmental law. Over the course of my career, I have developed strong skills in legal analysis and research, including statutory interpretation and policy analysis, and in legal writing.

I worked as a legal analyst for the Environmental Commissioner of Ontario's office for about nine years. I also worked as research director with the Canadian Institute for Environmental Law and Policy, known as CIELAP, for six years, until June 2011, when I resigned from CIELAP due to my appointment as a member of the Environmental Review Tribunal.

I would like to highlight that the biographical information that was provided to the committee I believe was prepared just prior to my appointment to the Environmental Review Tribunal, and so it does not reflect that my time with CIELAP ended in June 2011.

In 2001—going back a decade or so—I received a master of laws degree from Osgoode Hall Law School. My master's studies concentrated on administrative law, and my major research paper for that program addressed the issue of land use planning on the Oak Ridges moraine.

Much of my work with both the Environmental Commissioner of Ontario and CIELAP has involved the analysis of legislation, regulations and policy relating to land use planning in Ontario. I've authored and co-authored reports and studies that address a variety of subjects, among them land-use-related subjects such as brownfield redevelopment, aggregate resources and greenbelts.

I teach a course annually in the winter semester in environmental and development law at Ryerson University, and I am also the author of LexisNexis Canada's loose-leaf publication *Environmental Regulation in Canada*, which does include a land use chapter. That is a loose-leaf publication; that means I continually update it several times a year, which helps me keep on top of developments in the law.

In May 2011, I was appointed to the Environmental Review Tribunal as a part-time member. Since being appointed to the ERT, I've conducted pre-hearings and hearings in a range of matters that include land use disputes under the Niagara Escarpment Planning and Development Act and other statutes.

I've also completed an intensive certificate training program in adjudication offered jointly by Osgoode Hall Law School and the Society of Ontario Adjudicators and Regulators.

Although I was familiar with the OMB prior to my appointment to the ERT, I've learned more about

practices and procedures generally at the OMB over the last year, and that's because both of these tribunals are part of the Environment and Land Tribunals Ontario, or ELTO, cluster of tribunals, and all members gather regularly for cross-tribunal training sessions and discussion.

The training I've received in the past year has focused on a broad range of adjudicative skills and principles, including independence and impartiality, procedural fairness, natural justice, cultural diversity, case management, conducting preliminary hearings and hearings, procedural rulings, and decision-writing. I've been working hard to nurture these skills in my adjudicative work. I now have over a year's experience as an adjudicator, and as a result, I've begun to develop the unique skill set required, through my training and work at the ERT.

Those are my remarks, and I am prepared to answer your questions at this time.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. The questions will go to Ms. Jaczek, of the government.

**1450**

**Ms. Helena Jaczek:** Obviously, as a member of the Environmental Review Tribunal, you've had quite a bit of experience in that forum. In terms of the Ontario Municipal Board and being a member there, how do you see your experience on the Environmental Review Tribunal sort of feeding into becoming a member of the OMB?

**Ms. Maureen Carter-Whitney:** Well, certainly, I think adjudicative skills are transferrable from tribunal to tribunal in that, while the subject matter will vary from board to board or tribunal to tribunal, there are common principles of adjudication that include the importance of independence and impartiality of conducting the procedure of a hearing properly, hearing all of the evidence, following the rules of natural justice in the statutory procedure and powers act. The hearings will be somewhat different; they will vary somewhat from tribunal to tribunal, but will certainly involve the same skills in terms of conducting a hearing and then analyzing the evidence that is placed before me and writing out a decision.

**Ms. Helena Jaczek:** I represent four municipalities in the great region of York and worked for many years at York region. Through the years, I have certainly heard from both constituents and from councillors that there is absolutely no need for an Ontario Municipal Board at all. I would just like to hear your views, as a lawyer and someone experienced in the adjudicative process, how you view the role of the OMB and its utility.

**Ms. Maureen Carter-Whitney:** Well, the role of the OMB is one that has been designed by the government. It's a legislative creature. The government has that role of structuring administrative justice, of setting out the policies that should be followed in making these decisions. As an adjudicator, I don't see my role as one of suggesting policy to the government or pronouncing upon government policy. But until or unless there are

changes to the legislation that governs the OMB, my role, I believe, would be to follow the laws and policies in place and do my best, in each individual dispute, to hear the evidence before me in a fair and just manner.

**Ms. Helena Jaczek:** Very well said.

Have you had other experience? We've heard a lot, obviously, of legal training and experience with the Environmental Review Tribunal, and you've outlined a little bit of your background. Can you just give us any other pieces from your experience that you feel you can bring to this particular position?

**Ms. Maureen Carter-Whitney:** Well, my primary adjudicative experience has been in the last year or so with the Environmental Review Tribunal. But I do think an interesting past experience, while somewhat different, that has certainly helped to prepare me for this role was the time that I spent with the Environmental Commissioner's Office—another unique office, I think, in that it's an officer of the Legislature and independent of government. I think that has given me an understanding of independence and what it means to be in some ways part—when I say I'm an adjudicator for the Environmental Review Tribunal, people say, "Oh, that's the government." It's not exactly the government. It has a unique place in the government but is independent of the government. The government appears before us in virtually all—I believe all—of the disputes that we hear at the ERT. So it's important to be aware of our role and to stay within the constraints of that role.

**Ms. Helena Jaczek:** Thank you very much. We have no further questions.

**The Vice-Chair (Mr. Phil McNeely):** We'll go to the official opposition and Mr. McDonell.

**Mr. Jim McDonell:** Thank you for appearing here today. The OMB, being from a smaller municipality, was always seen to be a higher authority. What merit do you give to the local official plans which are put in place, most times, before developments come on board? Of course, the challenge sometimes is that there's always another argument for changes being made. I think there are, for the most part, good documents put in place that are meant to somewhat control some of the growth and how it should be done from a planning basis. Any comments on the role and the municipalities' wishes versus developers coming in or the role of the OMB in those cases and where they should—you know, some of the guidelines that they might follow?

**Ms. Maureen Carter-Whitney:** Local official plans would definitely be a key piece of the policy framework that would be considered in a specific dispute. Certainly, there are many other aspects to that policy regime: the Planning Act, the provincial policy statement. Often, there may be other policies that would be considered, but the official plans are created under the regime of the Planning Act and are a fundamental part of the framework to be considered in making a decision.

**Mr. Jim McDonell:** Okay. In my role, I guess I've seen a number of challenges on both sides. Sometimes municipalities are bringing things in and the OMB

sometimes seems to be—a considerable delay put into the process. Sometimes it is used for that delay as well, as far as unfairly—you know, I look for some small issues. Especially in rural areas, some of the changes or some of the parties are—the delays can sometimes result in cancellation of projects because of the costs involved.

Do you see some need or some possibility of shortening down that time frame and getting hearings done more quickly and decisions made more prudently?

**Ms. Maureen Carter-Whitney:** I certainly see the importance of avoiding delay where possible. I know it's difficult with more complex cases. Having not yet been appointed to the OMB, I'm not in a good position. I'm not clear enough yet on what procedures we'll be following to ensure that things move as quickly as possible. That would probably be a question better directed to either the executive chair of ELTO or the associate chair of the OMB. But I do understand, particularly from my work at the ERT, that we work as hard as we can to move things through as quickly as possible. My understanding would be that that would be a similar approach at the OMB.

**Mr. Jim McDonell:** Okay. I guess just a comment: I've seen many times those frivolous objections put in with the idea of trying to delay things. Sometimes there needs to be a process to eliminate those more quickly when there is no backing behind or no issues that really—once the OMB gets involved, they're handled very quickly. But getting involved sometimes takes eight months, almost a year sometimes, in getting heard, and that's sometimes an issue.

**Ms. Maureen Carter-Whitney:** I know that there are—not in all cases but in many cases—pre-hearings that are held. Sometimes that is the juncture at which those sorts of things can be dealt with. I think, in terms of the systemic issues, that would be more a role of the government to make changes at the legislative and policy levels to address some of those problems.

**Mr. Jim McDonell:** Okay. That's it. Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. We'll go to the third party and Mr. Marchese.

**Mr. Rosario Marchese:** I just wanted to share with you some of the complaints that we get around the OMB. In my riding, feelings are very strong against the OMB. Part of it is that they perceive that the rules are stacked against residents in general. If they have to go to the OMB, of course, it's very costly. They don't have money, whereas developers are well equipped and prepared to defend themselves, which they do. We hear complaints that developers don't waste any time going to the OMB where there is a hint that the city of Toronto or the local councillor might object to their proposal—i.e., a big condominium of 47, 50 or 55 stories or whatever. Where the developer feels they are going to get the objections, they are ready, within 90 days, to prepare themselves to go to the OMB and literally simply dismiss city councillors if they have to—not even consider them—and prepare themselves for the fight at the OMB. They generally win at the OMB. This is the complaint we

get from residents and a lot of city councillors: that it's pro-development and pro-developer in general, that it's a litigious process and that it's stacked in favour of development and developers over the interests of citizens and, in some cases, cities. Do you have a view on that?

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**Ms. Maureen Carter-Whitney:** Again, I believe in my role as an adjudicator, the role that I'm an intended appointee for, it would be inappropriate for me to comment on that. I believe those are all issues that would be addressed by the government in its role. Unfortunately, I can't comment specifically.

**Mr. Rosario Marchese:** I thought I would pass that on.

The other one I wanted to pass on is that the city of Toronto spent, last year alone, 13,000 hours of planners' time defending themselves against developers, usually, at the Ontario Municipal Board. Instead of that time being spent talking about how cities get planned in their area, in their communities, they're spending thousands of hours of staff time defending themselves at the OMB—just an inordinate amount of time. The city of Toronto has a good planning department, although it has lost a lot of workers over the years, and it's probably demoralized for a variety of different reasons.

This year alone, the city of Toronto has passed a resolution saying they want to be free of the Ontario Municipal Board. Mississauga city council has passed the same motion. I plan to introduce a bill by the end of August or in early September, when we come back, that will do the same. The bill will be simple, and it will be to free Toronto city council from the Ontario Municipal Board. That is what I will be doing.

I know that your answer is that this is too political, but I thought I would pass it on for your knowledge, and then you can pass it on to the others that it's coming.

**Ms. Maureen Carter-Whitney:** Yes, you correctly predicted that my response is that—

**Mr. Rosario Marchese:** Thanks very much, Maureen, and good luck.

**Ms. Maureen Carter-Whitney:** Thank you.

**Miss Monique Taylor:** I just have a question.

**The Vice-Chair (Mr. Phil McNeely):** Miss Taylor.

**Miss Monique Taylor:** Thank you.

*Interjections.*

**The Vice-Chair (Mr. Phil McNeely):** And we have some conversations going on at the table, so if we could just quieten that down. Some people are trying to listen.

**Miss Monique Taylor:** My concern was when you were answering Mr. Marchese, saying that you wouldn't be able to form an opinion, I believe it was, and I'm not trying to put words in your mouth. It was about residents and when residents and cities feel that they don't have a chance against the big developer, and you felt that that would be the vice-chair and the chair who dealt with that. If you're a member of that board, would you not expect to have a voice and a say on how issues like that would be dealt with?

**Ms. Maureen Carter-Whitney:** I believe my response on that question—that was in response to a question about concerns about delay in the process at the OMB and the time involved in a decision being issued from the time that an appeal is launched.

My response to that was that, having not yet been appointed to the OMB, I don't have enough information to even express opinions on how we would improve processes to reduce delays in that process. So yes, I think that was my response that referred to the executive chair and the associate chair, rather than my answer to Mr. Marchese.

**Miss Monique Taylor:** Okay. My reasoning for that is, previous to being elected, I was an assistant to a city councillor, and I definitely heard many issues from residents on a regular basis about their frustrations of being able to deal with the OMB and how sometimes the delay in process cost them more money than what should have been and sometimes cancelled projects that folks were looking forward to. Hopefully, you won't lose sight that it's municipalities that really do need the backing and that it's sometimes the residents who need the OMB to be on their side.

**Ms. Maureen Carter-Whitney:** Certainly in any specific case, I will hear all of the evidence with an open mind in terms of the parties who appear before me.

**Miss Monique Taylor:** All right. Thanks. Good luck.

**Ms. Maureen Carter-Whitney:** Thank you.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, and that concludes the questioning. Thank you, Ms. Carter-Whitney, for being here.

We will now consider the concurrence for Maureen Carter-Whitney, nominated as member, Ontario Municipal Board. Would someone please move the concurrence? Ms. Jaczek.

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Maureen Carter-Whitney, nominated as member, Ontario Municipal Board.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? No requests for discussion? All in favour? Carried.

MR. TOM CLOSSON

Review of intended appointment, selected by official opposition party: Tom Closson, intended appointee as member, Ontario Health Quality Council.

**The Vice-Chair (Mr. Phil McNeely):** Our next intended appointee today is Tom Closson, nominated as member, Ontario Health Quality Council.

Please come forward and take a seat at the table. You may begin with a brief statement if you wish. Any time used for your statement will be deducted from the government's time for questioning. Each party will then have 10 minutes to ask you questions. The questioning will start with the official opposition this time. We'll open the floor and ask you to start your presentation, Mr. Closson.

**Mr. Tom Closson:** Good afternoon, everyone, and thank you for giving me the opportunity to come here and answer your questions.

I have shown the initiative here to want to be a member of the health quality council in Ontario. It's a very new agency, and it's an agency that has tremendous potential to make a difference in terms of the quality of care that people in Ontario receive. There are a few other provinces that have had quality councils for a number of years, and I think the experience has been positive in those provinces, and we, of course, hope that the same will be true here in Ontario.

My own background in terms of, I think, making me suitable for this—as you may be able to tell from reading the short bio, I no longer am working full-time. I've had a wealth of experience over quite a number of years in health care, and now I have the flexibility, I think, of time to be able to offer my assistance in trying to make this particular agency an agency that can fulfill its full potential.

I have a health care background, starting from even when I was in university. I'm an industrial engineer, which is really process engineering, and I did my thesis at the Hospital for Sick Children, so I've been involved in health care since I was in university.

I have an MBA, and I've also taken training in the ICD/Rotman program in governance for not-for-profit organizations.

You may also notice that I've been on quite a few boards over the years. In fact, I was just counting it up, and I've been on various boards over a 25-year period. Probably the ones most relevant to this particular appointment are the Institute for Clinical Evaluative Sciences, ICES, which started at Sunnybrook when I was at Sunnybrook—I was on their first board—and the Canadian Institute for Health Information, which is the major provider of standardized information across all the provinces in Canada. I was on their board for about 10 years. In fact, I was on their initial board as well.

I was on the Change Foundation board, which is an organization that looks particularly at how we integrate care between the community and hospitals better than we do today.

I'm currently on the Canadian Health Services Research Foundation, which is a pan-Canadian organization that looks at the application of research to make the health care systems across the country perform better, and tries to share that information so that we can get a more consistent approach to health care and the way it's delivered throughout the country.

I've had the opportunity to be the CEO of a number of organizations: Sunnybrook/University Health Network and the Ontario Hospital Association, which are both in Ontario, and also the Capital Health Region in British Columbia. In British Columbia, health care is organized entirely differently, where pretty well everybody except the physicians who deliver health care services works for the health region. There, I was responsible as CEO for hospitals, obviously, but in addition, home care, com-

munity mental health, long-term care, public health, and even the licensing of daycare. So it was quite a wide range of responsibilities.

I think what I bring to this is a deep understanding of how the health care system works, not just in Ontario but in many other provinces in Canada. I've had the opportunity to look at a few other countries as well to understand their health systems. Also, I've put a lot of emphasis on understanding what is good health policy and what health policy works in what sorts of circumstances.

**1510**

I'd say probably that at this stage of my career, the thing that interests me the most in terms of making change—and this is one of the three key responsibilities of the health council—is trying to make it so that we use evidence that already exists about what works in a more consistent way across the health care system. It's amazing how much evidence we have on certain things that could be done a certain way to get better results. Yet, if you look across the health care system, it's not done in that way in many places—in fact, in most cases.

This is the challenge. We've got a lot of great ideas in health care. The challenge is, how in the world do you ever get them implemented? It's about trying to work within the system and work with all the parties to try to focus on having a health council that has organized its work in such a way that it can have maximum impact on making the system a high-performing system.

I'll stop there.

**The Vice-Chair (Mr. Phil McNeely):** Thank you very much. We'll go to the official opposition to start the questioning. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming out today. You've had quite a career, with a lot of experience in the health care sector—certainly first front-line and throughout the organization.

Recently, Don Drummond reported that almost a third of the health care budget has no impact on health care. It's essentially wasted. Do you agree with that assessment and see some way of actually looking for some of those efficiencies and getting those dollars to work?

**Mr. Tom Closson:** You always hear these numbers thrown around. Even though I have a lot of respect for Don Drummond, I'd like to see the calculations they used to come up with that 30%.

Having said that, we have a deficit at the moment of close to 13% in this province. If health is to deal with its share of that, we need to, at a minimum, provide a health care system that's 13% more efficient than the one we currently have.

I do believe there's real opportunity to make the health care system more efficient. I was here listening to the fellow who was wanting to be on the eHealth council—the eHealth agency, I mean. One of the things he emphasized—and I couldn't agree with him more—is that if you really want a health care system to work well, you have to have a primary care system that works well. Hospitals are expensive, but if you can keep people out

of hospitals, then they become a lot less expensive because you have fewer people going into them. I would say it's true across all of Canada that primary care is not very well organized.

If you really want to get the biggest bang for the buck in terms of having a system that costs less and works more effectively for patients, you've got to look at how you organize primary care and also how you make sure that evidence is followed in the way that primary care is delivered.

**Mr. Jim McDonell:** At the HealthAchieve conference in 2011, you mentioned that politicians and unions are at war with the leadership of the system. Could you expand on that remark and tell the committee how the government should utilize the knowledge of health care leaders?

**Mr. Tom Closson:** I don't remember actually saying those words, but I will answer what you said at the end, which is how we can all work together. I think the providers in the system and government need to work together to make sure we have good health policy, as I said before. It's one thing to identify what the good health policy is, but the people who have to implement it are the front-line doctors and nurses and the front-line managers and leaders throughout various organizations. It is really important that the parties are working in sync.

Regarding unions, as you might know, in my role as CEO of the Ontario Hospital Association, I was quite involved in collective bargaining. I'm very proud to say we were able to reach agreements with OPSEU and ONA in the time that I was there, and I was very directly involved in that.

I think that unions play a very important role in the delivery of health care. It's another way that staff can get their interests known to everyone in the system. So again, I think they're an important part of trying to get the various parties working collaboratively to implement the changes that evidence would suggest are the ones we need to implement.

**Mr. Jim McDonell:** Do you have a question?

**Mr. Randy Pettapiece:** Yes, I have one question.

I believe I heard that you have experience working in British Columbia with the health care system.

**Mr. Tom Closson:** Yes.

**Mr. Randy Pettapiece:** Are they doing some things out there better than we're doing that you might be able to help implement into our system? I'm talking—like the eHealth system. I believe they have theirs up and running.

**Mr. Tom Closson:** You may have noticed I was on the board of Canada Health Infoway. I just finished my six years there so I have a pretty good understanding of eHealth across the country because Infoway is the strategic partner investing. They've committed over \$2 billion to eHealth throughout the various provinces.

British Columbia is a bit ahead of Ontario, and in some areas more so than others.

I would say Ontario is actually now probably ahead of all the provinces in terms of electronic medical records in

doctors' offices. OntarioMD has done a fantastic job over the last number of years. Alberta used to be ahead but I'd say Ontario has caught up and is now surpassing them.

Where British Columbia on the e-health file has done extremely well is they've had an all-drugs, all-people system for now—well, they had it when I was there, so they've had it for over 15 years. If I would go into any drugstore in British Columbia, they would know what drugs I was on from anywhere else in the system. The pharmacist would know and the physicians would be able to access that information as well.

In addition, the private labs in British Columbia have created a lab system for doctors in their offices which allows them to get access to lab results, but it was the private labs that did it there rather than the government.

So different provinces have moved ahead on different aspects of e-health more quickly than others. The two provinces that are probably the most challenged are probably challenged because of their size: that's Ontario and Quebec. Size creates a lot of complexity in e-health.

In regard to the other aspects of health care delivery in British Columbia, Ontario and British Columbia have the lowest-cost health care systems in Canada. It's interesting, you might think actually—did I say Alberta? I didn't mean Alberta. That was a real Freudian slip. British Columbia and Ontario have the lowest-cost health care. Alberta has basically the highest-cost health care system in Canada, but British Columbia and Ontario are pretty well neck and neck in terms of the cost of their systems.

One of the things that brings the cost down in British Columbia is their drug system. They have a very different approach to their drug system. As you may know, it's not focused on seniors, it's focused on people's ability to pay. So there might be something we could learn from that. But, you know, those are health policy issues.

Having said that, if people because of an inability to pay for a medication don't take it, then that's going to have an impact on their outcomes. Therefore, that's obviously something the quality council needs to be reporting on and better understanding what evidence would suggest—as I say, in British Columbia and elsewhere—as to what you could do with a drug system to make it so that people get better access to drugs.

So I think there are things to learn, but there's no province in Canada that has everything working better than all the other provinces.

**The Vice-Chair (Mr. Phil McNeely):** You have one minute left.

**Mr. Randy Pettapiece:** Yes, I would suspect that too, and I would agree with that. I guess what I'm getting at is if somebody else has invented a better wheel than we've got, there's no harm in copying it or using that instead of trying to invent our own stuff all the time and maybe saving a few dollars doing that. I'm sure that no one has cornered the market on this type of thing but I would hope that we could look ahead and say, "If British Columbia's got a better system on this part of it, maybe

we borrow that to bring it over here, instead of investing millions of dollars in trying to reinvent the wheel.” That’s all I’m saying.

1520

**Mr. Tom Closson:** Yes, I would agree with that. If you looked internationally, probably the country we could learn the most from is Australia, which has equally good outcomes to Canada, and they’re able to do it at a significantly lower cost. Culturally and geographically, they’re fairly similar to this country. So I think we need to look across the country and somewhat internationally.

**The Vice-Chair (Mr. Phil McNeely):** Thank you. The third party: Ms. Taylor.

**Miss Monique Taylor:** Thank you for being here with us today. May I ask, were you appointed to this position or did you seek this position?

**Mr. Tom Closson:** I sought it.

**Miss Monique Taylor:** Obviously, for reasons that you think that you could do better by our health system?

**Mr. Tom Closson:** Well, the health care system needs to keep getting better. As I indicated in the few remarks I made, I think the health quality council can play a significant role in that, giving advice to government. It’s a fairly new organization. I thought if I was going to pick an agency that I’d like to be on the board of, to help move it forward and make a contribution to how well the Ontario health care system operates, that this would be the agency. Therefore, I put my name forward.

**Miss Monique Taylor:** By listening to your report and by reading what I have in your biography that was presented to us here—the different geographic areas that you’ve encountered and that you’ve worked in, I think, would definitely help Ontario to do those things.

We’ve had a lot of problems with things like C. difficile, and that’s quality in our hospitals. I think a lot of that, too, seems more vocal to me, or maybe it’s just that I’m paying more attention now. But we contract out a lot of work out of our hospitals, and a lot of those things have become privatized. What are your thoughts on that?

**Mr. Tom Closson:** Well, C. diff is a problem, and it’s been a problem in Ontario probably for now maybe seven—no, actually, probably 10 years. It was a bigger problem in Quebec, and then it moved into Ontario about 10 years ago. People do die from C. diff if they get it, in some cases—in the minority of cases.

There are a lot of things that need to be done to prevent C. diff from being brought into a hospital and spreading in a hospital. Of course, one of the key things is people washing their hands. Until a couple of years ago, you never heard of people in hospitals talking about the importance of washing their hands, and that’s been, I think—if you look at the statistics, there’s been major improvement there.

Housekeeping is obviously very important as well, and some of it relates to what cleaning fluids you use. Some of it relates to how you clean things, how often you clean things. I would say what’s important is the standards. There’s evidence that suggests that cleaning one way

versus another will give you better results in the fight against C. diff. So if you can find a way to follow the standards, then that’s what you should be striving for.

**Miss Monique Taylor:** Yes. But back to contracting out and the privatization of that service: Do you think that’s doing us any justice by paying lower wages, and people are struggling to do a job in a small time frame that sometimes is humanly impossible? What are your thoughts on privatization?

**Mr. Tom Closson:** There are very few hospitals that have housekeeping contracted out—

**Miss Monique Taylor:** Hamilton.

**Mr. Tom Closson:** —and almost all hospitals have had problems with C. diff. So I don’t think this is a matter of contracting out versus not contracting out and that that’s what is having the impact on C. diff. I think it’s a matter of, are we doing cleaning in the right way?

Dr. Michael Gardam, who’s the head of infection control at UHN, where I used to work—you’ll see him quoted a lot in the media. His view is we need to keep going on this. The rate of C. diff is lower now than it was when we first started posting it a few years ago. It’s up this year versus last year, though. That may be a one-year blip, but it may be a trend, and that’s something we’ve really got to watch.

Then you may have seen in the media in the last 24 hours that somebody says they’ve got a new cleaning fluid which they’ve proven works much better than the ones we’ve been using so far in fighting C. diff.

I think that that’s the focus. We’ve got to look at evidence and make sure we implement evidence to fight C. diff just in the same way we would implement evidence for everything we do in health care.

**Miss Monique Taylor:** One more: We definitely know that we have a shortage of health care dollars. Again, I’ll take you back to my home city because that’s where I’m most familiar. In Hamilton we’re closing ORs. That used to be for two weeks a year for whatever needed to be done, but now it’s for a month. They’re claiming it’s for financial reasons. Do you believe that’s part of quality? What would your thoughts on that be?

**Mr. Tom Closson:** I think with operating rooms, the important thing is how long people have to wait for surgical procedures. As a volunteer, I chair the data certification council for Cancer Care Ontario, so before they post the data on their website, I and two other people go over it. We ask questions about data quality issues. I’m very close to the wait time information in Ontario.

For surgical procedures, of course we’re a lot better than we were. There are a couple of procedures that are starting to creep up again. I think the huge advantage that we have today that we didn’t have 10 years ago is that we have accurate information on how long people are waiting to get surgery. So if the closure of ORs is causing wait times to increase in Hamilton, we’re going to know really soon.

**Miss Monique Taylor:** Just keep it on your radar, because this wasn’t that they knew last year that it was going to be closed for a month. Doctors had booked these

two weeks of hospital OR times, and now patients are being told, “Sorry, we’ve lost our OR space, and we’ll see you next year.” It’s a problem.

**Mr. Tom Closson:** One of the challenges as well, though, of course, is getting the OR staff, the nurses particularly, to be able to take their holidays. That is one of the reasons ORs get closed in the summer, because that’s when people want to take their holidays. I don’t know the exact situation that you’re talking about, but I would say the best answer to the question is that we have good tracking mechanisms now to be able to see whether wait times are going up.

**Miss Monique Taylor:** Good. Good luck in your new position, because we definitely need some help. Thanks.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Miss Taylor. We’ll go to the government. Ms. Jaczek.

**Ms. Helena Jaczek:** Well, Mr. Closson, I think the various positions you’ve held in health care are probably pretty well known to most of us here in committee.

I was just wondering if you could cast your mind back to when you were at Sunnybrook. I’m a particular fan of ICES, the Institute for Clinical Evaluative Sciences. Obviously, ICES has published many, many very interesting studies. Is there one that you could perhaps describe to us that particularly impressed you, that you were able to use as you went forward in your subsequent positions, particularly something that might relate to a quality issue? If you could illustrate something along that line.

**Mr. Tom Closson:** Well, ICES has produced a number of atlases, and I think now other organizations have taken on these atlases. They gave us a clear sense of where the system is performing well or not so well on a particular type of disease. They would do one on stroke; they would do one on heart disease, for example.

I’d say that the original ICES atlas on stroke and the subsequent work that has been done by the stroke group now, which has got the support of the Heart and Stroke Foundation, has identified that stroke is an area where there’s tremendous potential to do better than we’re really doing right now. I’ll just give you a nice statistic which I find mind-boggling. If you were to have a stroke, the likelihood of you getting to an emergency department and having a thrombolytic in the appropriate time is 25% in Ontario. Maybe it has gone up to 28% now, or something like that. It has hardly budged in the last few years. Part of that is you, because you might be in denial, you know? People say, “There’s really nothing wrong with me.” Part of it might be where you were when you had the stroke and how easy it is to get access to a CT scanner. People who live in Toronto are very fortunate in terms of resources being very close by. In the rest of the

province, due to sparse populations, it’s much more challenging for people to get access.

I would say what has helped me—because I worked at Sunnybrook, I worked at UHN, as I mentioned, and these are organizations that are stroke centres for the province, and I could see how we were using the information that was coming out of the early stroke atlas work to mould the way we organized our hospital and how it related to the rest of the system to try and provide better stroke care for people and get better outcomes: fewer people dying and fewer people disabled as a result of a stroke.

**Ms. Helena Jaczek:** Is there any particular area of the health quality council’s mandate that you would find particularly interesting or that you feel you can particularly contribute to?

**Mr. Tom Closson:** The quality council has these three mandates. One is, they do some process improvement work. I mentioned I’m an industrial engineer, which really is about process improvement. But that’s not the one I was going to pick.

The data, the annual reporting of indicators, are something that I’ve always been very interested in but that wouldn’t be the one I’d pick either because I think we’re refining that. There are so many indicators out there already we probably don’t need a lot of new ones.

The challenge that I’m most interested in is the fact that we identify evidence, for example, about diabetes and what are the most important things for you to do if you’re a diabetic on an annual basis. Then we look at the statistics about the extent to which these are actually done by the providers and the patients, I’ll say, as a partnership, and it’s low; it’s very low and it’s improving at a very slow rate.

I think we need to understand the evidence but also understand the barriers to the implementation of the evidence and what we could be doing better to support the implementation of evidence in a consistent way across the province.

**Ms. Helena Jaczek:** Thank you. No further questions.

**The Vice-Chair (Mr. Phil McNeely):** Thank you, Tom Closson, for coming in today.

We’ll now consider the concurrence for Tom Closson, nominated as member, Ontario Health Quality Council. Will someone please move the concurrence?

**Ms. Helena Jaczek:** I move concurrence in the intended appointment of Tom Closson, nominated as member, Ontario Health Quality Council.

**The Vice-Chair (Mr. Phil McNeely):** Any discussion? Seeing none, all in favour? Motion carried.

So thank you, everyone. I believe we are now adjourned.

*The committee adjourned at 1533.*





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