



ISSN 1180-4335

**Legislative Assembly
of Ontario**

First Session, 41st Parliament

**Assemblée législative
de l'Ontario**

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 15 September 2015

**Journal
des débats
(Hansard)**

Mardi 15 septembre 2015

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 15 September 2015

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 15 septembre 2015

The committee met at 0901 in committee room 2.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Good morning, honourable members. Owing to the absence of both the Chair and the Vice-Chair, it is my duty to call upon you to elect an acting chair. Are there any nominations? Madame Lalonde?

Mrs. Marie-France Lalonde: I would like to nominate Mrs. Kathryn McGarry.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Mrs. McGarry, do you accept the nomination?

Mrs. Kathryn McGarry: I do.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Are there any further nominations? Okay. There being none, I declare nominations closed and Mrs. McGarry duly elected as Acting Chair of the committee. Would you come up and take the chair, please?

The Acting Chair (Mrs. Kathryn McGarry): Good morning, everybody. Welcome to the Standing Committee on Government Agencies. I hope everybody has had a good night and is ready to roll today.

APPOINTMENT OF SUBCOMMITTEE

The Acting Chair (Mrs. Kathryn McGarry): This morning I believe that we need to appoint the subcommittee on committee business, and I think Mr. Bailey has the motion.

Mr. Robert Bailey: Yes, thank you, Chair. I move that the following changes be made to the membership of the subcommittee on committee business: that Mr. McDonnell be replaced by Mr. Pettapiece.

The Acting Chair (Mrs. Kathryn McGarry): Are there any comments to this motion? Okay. Are we ready to vote? All in favour? Any opposed? That motion is carried. Congratulations, Mr. Pettapiece. Thank you for joining us.

Mr. Randy Pettapiece: Thank you.

SUBCOMMITTEE REPORT

The Acting Chair (Mrs. Kathryn McGarry): Next on the agenda, we're going to be reviewing the intended appointments. We'll be looking at the report of the subcommittee on committee business, dated Thursday, September 3, 2015.

Before we begin our intended appointments review, our first order of business is to consider the subcommittee

report. Could somebody please move adoption of the report?

Mr. Wayne Gates: Sure. I move the adoption of the subcommittee report on intended appointments dated Thursday, September 3, 2015.

The Acting Chair (Mrs. Kathryn McGarry): Mr. Gates has moved the motion. Any discussion?

All in favour? Any opposed? The motion is carried.

INTENDED APPOINTMENTS

MS. JENNIFER KHURANA

Review of intended appointment, selected by official opposition party: Jennifer Khurana, intended appointee as member, Human Rights Tribunal of Ontario.

The Acting Chair (Mrs. Kathryn McGarry): We'll be moving to our first intended appointee today, who is Jennifer Khurana. Can you please come forward and introduce yourself into the microphone for the purposes of Hansard, and welcome to our committee.

Ms. Jennifer Khurana: Thank you.

The Acting Chair (Mrs. Kathryn McGarry): Jennifer, once you introduce yourself, then you may begin with a brief statement, if you wish. I know members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions.

Ms. Jennifer Khurana: Thank you, Madam Chair. Good morning, everyone. My name is Jennifer Khurana, and I'd like to thank you for the opportunity to be here this morning and for considering my intended appointment to the Human Rights Tribunal.

I thought I'd begin just by highlighting a few aspects of my background and experience which I think are particularly relevant to the work of the HRTO. I hold a bachelor's of commerce from the University of Ottawa. I also went to law school just up the street here at the University of Toronto. I later completed graduate studies in law, human rights law and humanitarian law at Lund University in Sweden.

Professionally, I've developed skills as an adjudicator and in decision-making that are directly relevant to the work of the HRTO. First, here in Ontario, very early on in my career when I was articling, I clerked at the Superior Court of Justice here in Toronto. Over the course of that year I worked for a group of about 30

judges, so that was an early introduction to judicial reasoning, decision-writing, and the judicial process.

I have been a full-time bilingual member of the Social Benefits Tribunal for the past two years, since July 2013, and I hear up to 15 appeals a week. In that capacity I've developed considerable hearing management, case management and decision-writing skills which I could of course bring to the HRTO as well. I've heard hundreds of appeals each year involving a diversity of parties, some of whom are represented, others who are not, and in a variety of formats. I have held hearings in person, via video conference, and also by telephone.

I've also been assigned several cases where appellants have raised an issue under the Ontario Human Rights Code, and have presided at many of the pre-hearing conferences and followed those files by case-managing them through to the hearing stage.

Internationally, I also worked in a judicial context and spent six years at the International Criminal Court in The Hague. I was a legal adviser in chambers, advising judges on points of law, reviewing evidence, drafting decisions and orders. I also served as the external relations adviser to the president before leaving the ICC.

After leaving the International Criminal Court and before coming back to Ontario and being appointed to the Social Benefits Tribunal, I was the director of the International Humanitarian Law Dissemination Unit at the headquarters of the American Red Cross in Washington DC. There I led a team implementing educational programs in the United States on the law of armed conflict.

In sum, I would bring to the HRTO adjudicative, decision-making and communication skills, as well as considerable experience with diversity and working in diverse environments. I have a wealth of experience in communicating ideas and adapting these ideas to a variety of audiences, which I think is an important part of accessibility, and working with parties in the tribunal system.

I would also bring an interest in and a passion for working with human rights and social justice issues. I'm a proud member of our cluster of tribunals currently, and I very much enjoy serving the people of Ontario. I would now welcome the opportunity to contribute to the work of the HRTO as well, through a cross-appointment, and I believe that's a position for which my career to date has well prepared me.

Il me fera plaisir également de répondre à vos questions en français si vous en avez. Merci.

The Acting Chair (Mrs. Kathryn McGarry): Thank you. Our questioning will begin with the third party. Mr. Gates.

0910

Mr. Wayne Gates: Good morning. How are you?

Ms. Jennifer Khurana: Good morning. Fine, thank you. How are you?

Mr. Wayne Gates: I see that you were in Sweden for a number of years.

Ms. Jennifer Khurana: Yes.

Mr. Wayne Gates: I'm wondering, have you found a big difference between Sweden and Ontario and Canada? What's the big difference that you saw when you were over there?

Ms. Jennifer Khurana: In terms of human rights?

Mr. Wayne Gates: Yes, human rights, the country, all that stuff. I've heard lots of good things about Sweden.

Ms. Jennifer Khurana: Yes, certainly. I spent a good amount of time in the northern parts of the world. I think, just generally speaking, we share quite a bit with the Scandinavian countries in terms of mentality and commitment to social justice issues, certainly. That's something that, even in the course of my studies—I went to graduate school in Sweden. Part of my thesis during my LLM was doing a comparative assessment of equality rights in the European context. I looked at some of the Scandinavian countries as examples, and compared that to some of our charter protections here in Canada.

Mr. Wayne Gates: How did you find it compared?

Ms. Jennifer Khurana: In some areas, I think we have a lot of commonalities. I think some of the protections substantively here in Canada with respect to discrimination—we fare very well formally compared to some of the models in the European system. In the implementation, I think that we have things that we can certainly learn, and vice versa.

Mr. Wayne Gates: Now, my dealings with human rights, particularly on the complaint side, is that they take a long time. Do you have any thoughts around how we could speed the process up, make it better, make it fairer? I think that people are waiting sometimes years when they go through appeals and hearings. Sometimes, that's not good for either party.

Ms. Jennifer Khurana: Sure. Certainly, I'm not yet within the Human Rights Tribunal context, but from what I understand, their leadership and the associate chair there has worked quite closely with stakeholders to try to address some of those concerns. I know that it's been part of their focus, as mentioned in their last annual report as well, to look at external service delivery and how to address those very concerns.

They've also set service standards for even scheduling the first mediation. Once an applicant has filed their application, they try to meet that. I think the standards have been met—I don't know the exact figure—up to 70% or 80% of the time. They also have service standards with respect to issuing decisions: within 60 days, if the hearings are three days or less, and I believe it might be six months for longer hearings.

I think the tribunal is already addressing that. Certainly, the Social Benefits Tribunal and our leadership have done the same with a view to addressing those concerns and trying to reduce the time for the first hearing and for all the steps along the way.

Mr. Wayne Gates: When you talk about first hearings, I believe that we should probably spend a little more time and resources on mediation. What's your feeling on that?

Ms. Jennifer Khurana: I guess that I'll speak first just from the perspective of the Social Benefits Tribunal.

Again, I know that our associate chair and leadership have been working on ways to address some of the early-resolution issues and to see what could be done at an early stage, before it ever gets to us. Certainly, as an adjudicator, by the time that an appellant is before the tribunal, hopefully they have addressed some of those issues and perhaps even narrowed the scope. I think that makes for effective case management, even when we get to a hearing.

I mentioned as well, that I've presided over several pre-hearing conferences. I find that is an effective way as well in dealing with more complex cases, to get the parties on the phone. If they're represented, that helps as well to narrow the scope. If they're not represented, I find that is an opportunity to explain the process and help frame the issues. By framing the issues, you might actually reduce the time at the hearing as well. Even just issuing case management rulings along the way helps to make for more effective processes.

I know, certainly at the Human Rights Tribunal, that they do that right from the get-go. Mediation, as you know, is a big focus of the Human Rights Tribunal. I believe they settle—I don't know the exact figure—around 60% of cases at mediation. That's part of their mandate as well: to resolve disputes.

Mr. Wayne Gates: Yes, that 60% could go a lot higher if we probably put a little more resources into it.

What got you to want to seek the appointment? What's your driving force behind that?

Ms. Jennifer Khurana: As I alluded to in my statement, I'm someone with a background, and an academic background as well, in human rights. I've worked internationally in institutions at the service of human rights. Certainly, I'm someone who has a personal interest and passion for working as an adjudicator. I enjoy doing that. I like the process. I enjoy working at the service of human rights in Ontario. Even with the Social Benefits Tribunal to date, because I expressed an interest in those types of cases, I have worked with cases where individuals have raised a code issue since we do have jurisdiction in that capacity as well.

Mr. Wayne Gates: Well, I can tell you it's very important work that has to be done. It seems to be getting bigger and bigger all the time as we understand issues. So I want to thank you for taking the time today to come and to wish you the best if you're voted on. Thank you very much. I appreciate it.

The Acting Chair (Mrs. Kathryn McGarry): We'll move to the government. We have six minutes and 35 seconds. I believe Mr. Anderson wants to question you.

Mr. Granville Anderson: Thank you for being here this morning. I see you're a very accomplished person. It's wonderful to see that we have such talent coming to our boards and agencies.

Ms. Jennifer Khurana: Thank you.

Mr. Granville Anderson: You have spent a lot of time abroad working for institutions like the American Red Cross and the International Criminal Court. What brought you back to Ontario? Can you tell us what you

learned abroad that you could bring to the Human Rights Tribunal? And to touch a little further on what Mr. Gates said, of all your accomplishments, I haven't seen you mention mediation. Have you had any—

Ms. Jennifer Khurana: Maybe just to address the first part of your question initially: Yes, working internationally, I was very fortunate to have those opportunities. It was also an interest of mine from a very early stage. Even as a student I went on exchanges, studied abroad, learned other languages and lived abroad, because it was an interest of mine always to be able to seek that perspective and experience and to bring it back to my home province or back to Canada and to apply those skills and that perspective back home. That is what brought me back home. I did have those opportunities and they were fascinating, but I did want to bring those skills and experience I garnered back home. I think what that experience also brings you is an appreciation of the important of local change and of what impact that can have on the lives of residents here in Ontario.

Working in an international institution is an honour—it was an excellent experience for me—and I think it highlights the challenges that go with working for an institution in the public eye. The International Criminal Court is certainly always in the public eye. That has also prepared me for understanding the importance of ensuring fair, impartial processes when you're dealing with complex challenges that are often of broad public interest and of importance to public policy. That's what brought me back here.

To touch on the point about mediation, in my capacity as an adjudicator at the Social Benefits Tribunal, we don't have a formal mandate as mediators when we're adjudicating. By the time an appeal gets to the SBT, of course, it's because someone disagrees with the decision that was made, and we're there to render a final decision. However, as I alluded to with Mr. Gates's question, when doing pre-hearings and presiding through the case management process, there's certainly occasion to have discussions with the parties and, I would say, particularly on those files that are not the standard, non-disabled files. So where an issue such as an overpayment is raised or where there's an issue about eligibility, we're not mediating but we're definitely engaging with the parties and trying to better understand and frame those issues. I think as a mediator that would be an important first step as well: understanding your role and knowing you're there to give information. You're not advising, but you're certainly there as a neutral third party.

I think my experience in that way is not only as an adjudicator understanding that balance that has to be met, but I've also, of course, worked in capacities where I had to represent the interests of a party, so I've been participating not as the mediator but as someone who was on one side of a negotiation or participated.

I did have the opportunity when I worked at the American Red Cross to complete a certificate program in negotiation as well, as part of the Harvard Law School program, so I had some training in that respect.

0920

Mr. Granville Anderson: So just to follow up: When you deal with unrepresented clients, you have to treat them differently and probe a little bit more, correct? That's kind of my background, so I know that's what you do.

Ms. Jennifer Khurana: Yes.

Mr. Granville Anderson: How do you find doing that, without going over that—there's a fine line, how far you can go when you do that.

Ms. Jennifer Khurana: It's certainly the case. I think that working as an adjudicator, it's your duty or your responsibility to understand that there's no one-size-fits-all approach to dealing with parties. It can be a quite different situation if you have an appellant before you who's represented by a clinic lawyer who knows the law inside and out, and they're very well represented, versus, as you say, an unrepresented party, potentially with a variety of health issues and vulnerabilities, or mental health issues.

I think the important part, when working with or presiding a hearing with an unrepresented party, is to be actively engaged with that. So again, you're not there to advise or to suggest points—evidence to lead or to induce—but you have a duty to explain the process and understand that for it to be truly accessible, you can't just sit there in the room as though you're a referee at a tennis match. You have to be actively engaged.

I know, certainly, the Human Rights Tribunal has formally, in their rules, a mechanism for ensuring that active adjudication is part of their process. In our cluster, I think the leader should do an excellent job of providing training in that regard.

It's an issue that comes up at every one of our professional development institutes. We do a lot of work in that area just as a cluster, as well, to address that. It's not unique to the Human Rights Tribunal or to the Social Benefits Tribunal but is a challenge that cuts across our cluster. There's a lot of work being done within our cluster to find ways to address that, even through doing scenarios where we try to give examples of challenging situations that we've all encountered and share experiences in that respect.

Mr. Granville Anderson: Thank you, Madam Chair. I don't know if my colleagues—

The Acting Chair (Mrs. Kathryn McGarry): We have just 10 seconds left.

Mrs. Marie-France Lalonde: Merci.

Ms. Jennifer Khurana: Merci.

The Acting Chair (Mrs. Kathryn McGarry): We'll move now to the official opposition.

Mr. Randy Pettapiece: Good morning. I was interested in your work in Europe at the Hague. That's something that I haven't followed. I don't study it, but it's interested me with some of the cases that have gone on over there and what they do.

Now you're coming back to this country. Are there lessons from that experience that you can bring to this

country that you think—one or two lessons you think are very important that you can bring back to this position?

Ms. Jennifer Khurana: This is actually something I forgot to mention with respect to the other question about what I have learned internationally. It was one of my favourite parts of working in that environment. If you work in an international institution, you work with lawyers from all around the world: different countries, different legal traditions, different linguistic-cultural backgrounds. That type of experience with diversity and of trying to communicate across those—the richness of that diversity is something that I most certainly bring back, and here we are in Toronto, which is a microcosm of that very same diversity. That's something that I have learned and I'm comfortable in. I'm used to understanding and respecting that type of difference and diversity, and seeing how you can work in those environments.

In terms of what else I've learned, I think I mentioned this a little bit earlier on, but working at the International Criminal Court: It's a criminal court, it's a judicial institution, but there is broad public interest in that area, and you certainly appreciate—not just when I was working as a legal adviser, but also as external relations adviser to the president—how important it is for the court, for its own credibility and for it to be able to build support for the institution to ensure that it demonstrates it has impartial, fair processes.

That applies, I think, to all of our judicial systems—to the tribunal system, which touches so many Ontarians and is often their first point of contact with a judicial or quasi-judicial body.

I think that's a very important lesson as well and one that I appreciate the importance of from that environment.

Mr. Randy Pettapiece: I would think, and it's just my own thoughts here, that different cultures have different standards, if I can put it that way, or ways they do things, and I would think that in this position you would have to understand where they come from in order to reach some decisions that you might have to make, although—I'm not explaining this very well. If I come from one country, I might have a different standard than they do in Canada.

Certainly, we want all people to be inclusive in our society, so I would think that in your position on this tribunal, you would probably get involved in some of those things, where maybe people from another culture would have difficulty understanding how we do things over here.

Would that be something that would—

Ms. Jennifer Khurana: I think that comparatively to the international environment—certainly at the tribunal we would apply the Human Rights Code and that would be the binding legislation to refer back to. I think that would be the legislative framework for any decision or for the work of an adjudicator.

Similarly, I would say that in the international context, we had a statute—the International Criminal Court is a creature of a treaty. It was created by states. They

adopted a statute and that's what we applied. So, irrespective of the legal system, of the individual lawyers working within that system, that was our framework that we applied.

Mr. Randy Pettapiece: All right. That explains it.

Mr. Robert Bailey: Do I have a minute?

The Acting Chair (Mrs. Kathryn McGarry): Yes, Mr. Bailey. Go ahead. You have five minutes.

Mr. Robert Bailey: Thank you for coming in today. I've enjoyed listening to your presentation.

I've got a really simple question: Do you have any idea what kind of time commitment you would be looking at to fill this role? Has anyone given you any guidance on that, or is it something that you would kind of go on from your former appointment?

Ms. Jennifer Khurana: Well, I guess from my understanding, this is a cross-appointment, right? So I currently work as a full-time member of the Social Benefits Tribunal.

Cross-appointments, I think, have been adopted in different ways or different modalities. I know some members have done straight exchanges. There was an exchange between a member at the Landlord and Tenant Board and the Human Rights Tribunal, so they just swapped positions for a period of time. As another example, my vice-chair in Ottawa is cross-appointed to both the Landlord and Tenant Board and the Social Benefits Tribunal, so that's another example of how this could work in practice: She would sit on the Landlord and Tenant Board for a certain number of weeks a month and then she would sit on the Social Benefits Tribunal.

I think there are different ways of doing that, and how that works out in practice would be for the respective associate chairs to figure out.

Certainly for me, I'm happy to serve wherever I can and in whatever way best suits the interests of the two tribunals.

Mr. Robert Bailey: Okay. That's all I have.

The Acting Chair (Mrs. Kathryn McGarry): Thank you. That concludes the time allocated for this interview.

Thank you, Jennifer, for standing in nomination for member, Human Rights Tribunal of Ontario. Just to let you know, we will consider the concurrences following the interviews.

You may step down. Thank you very much.

Ms. Jennifer Khurana: Thank you very much.

MS. GISELLE BASANTA

Review of intended appointment, selected by official opposition party: Giselle Basanta, intended appointee as member, Fire Safety Commission, Animal Care Review Board and Licence Appeal Tribunal.

The Acting Chair (Mrs. Kathryn McGarry): All right, committee. Our next intended appointment is Giselle Basanta. Could you please approach and have a seat. Get yourself comfortable. There is water if you wish.

Welcome, and thank you very much for being here. I'm going to have you state your name at the beginning for the purposes of Hansard, and you may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask you questions. Any time that you are using for your statement will be taken out of the government's time for questions.

You may begin whenever you wish.

Ms. Giselle Basanta: Thank you, Madam Chair, Madam Clerk, honourable members. Thanks for having me here today.

My name is Giselle Basanta. I am currently a legal counsellor over at Ryerson and I stand before you as the intended appointee to three tribunals: the Fire Safety Commission, the Animal Care Review Board and the Licence Appeal Tribunal, which are within the SLASTO cluster of tribunals.

0930

I can tell you a little bit about myself. I came to Canada in 1981 from Trinidad and Tobago, as a teenager. We settled in Scarborough. At that point, I sort of became quite involved in the idea of public service and student council as a new Canadian. I went on to study political science at Queen's University. When I graduated in 1990, Bob Rae was Premier of Ontario. We were in an economic depression or recession, I guess, at that point, and I decided I would really like to be in social work, in public service, that I would want to continue that spirit of social work and public service and voluntarism.

So I got a job with the social services department at the city of Toronto and worked in the general welfare office. In those days, we would do home visits. I worked in Parkdale and then I worked up at Yonge and Eglinton and really got to learn the city and learn what it means to provide service to regular people who were having a hard time.

In those days, the rolls were quite large. I managed about 300 cases at that time on my own and appeared before the Social Benefits Tribunal on occasion. I became interested in the administrative part of the process and also the way in which you exercise discretion and make decisions, because, as a social services worker, you did that on a daily basis.

After a couple of years, I saw a posting for an appeals officer at the Information and Privacy Commissioner's office. I was successful in getting that job and worked with adjudicators to review draft decisions, learn the mechanism of writing an administrative decision, of being in an oversight agency, being independent. Those years at the IPC were valuable years to me.

I went on to be a labour relations officer with the Ministry of Correctional Services and the Solicitor General when they were married; they're now divorced. Again, I travelled the province dealing with grievances and employment matters and labour relations matters as a labour relations officer, conducting and participating in mediations, dealing with bargaining, the first OPSEU strike, and presenting cases as a layperson before the

grievance settlement board, the Public Service Grievance Board, and the Ontario Labour Relations Board, so that again was built into my skills and experience in the area of administrative law.

I was out of the country for a while and worked at human resources, my only foray into the private sector, in Trinidad. I went home for a couple of years and came back to the IPC as a mediator, and then I was manager of the mediators in the municipal and FIPPA team. Then I decided I should probably go to law school before I was 40. I decided to do that and, upon graduation, articulated at the TDSB and became legal counsel there—talk about a high-profile job for a young, new lawyer; maybe not so young, but a new lawyer—and again practised admin law, practised labour and employment law, student rights. I worked for a while as the governance officer for the board of trustees. Then I had a six-month stint at the Pan Am Games, supporting the board in the governance function there, because I do have a special interest in governance. Then I got the job at Ryerson to deliver and manage the program around academic integrity for students and the appeals that students file there. So I support adjudicators and serve as their adviser in making their decisions, and those decision-makers are faculty. Since June, I've moved to the general counsel's officer and I manage the litigation portfolio for Ryerson.

This, for me, is a matter of community service, a matter of public service. It's a part-time cross-appointment. This is a way for me to hone my skills in adjudication and decision-writing and give back to the people of Ontario, doing this very important work in the public interest.

Thank you, Madam Chair.

The Acting Chair (Mrs. Kathryn McGarry): Thank you very much. Our questioning will be with the government side. You have four and a half minutes.

Mrs. Marie-France Lalonde: Thank you very much for being here. We really appreciate it. As you were talking, I was also at the same time reviewing a little bit of everything you've done. So congratulations.

I'm a former social worker in my previous life, as I like to call it. Mediation was something that was sort of new in my day, as a starting point. Could you tell me a little bit more about your mediation experience—

Ms. Giselle Basanta: My what experience?

Mrs. Marie-France Lalonde: Mediation experience—sorry—over the past years?

Ms. Giselle Basanta: I started off as an appeals officer. It was my second job out of university in 1992. The appeals officer's job back then at the IPC was really to bring the parties together, caucus with each one, do shuttle mediation and try to come to an understanding of whether certain information could be disclosed while serving the interests of both. That's where I started, and from there, I went on to the labour and employment branch. Mediation between the employer and the bargaining unit is a very different animal. It's very formalized, and there are usually exchanges of documents. There could be a med-arb.

Then, moving on from that, being a mediator and a manager of the team at the IPC, the idea, I think, is to make sure that the parties come to the table willingly, that they're there voluntarily and they're ready to put forward their position, that if there is any opportunity to narrow the scope, you can help the adjudication process very much. Also, you get the credibility of the parties, where they come together and they understand that they have power in the process and they can reach agreement without having to lose anything.

If you can have those things converge, then I think you have a very successful process. I think where mediation tends to be forced, you can have some adverse results, but for me, it's always at least better to try.

Mrs. Marie-France Lalonde: Thank you very much.

The Acting Chair (Mrs. Kathryn McGarry): Thank you very much, Ms. Lalonde. The official opposition: Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning.

Ms. Giselle Basanta: Good morning, sir.

Mr. Randy Pettapiece: I come from a rural background. I've been on a farm all of my life, except for the last three years. I've milked a few cows, raised a few hogs, stuff like that. I just want to try to understand what you might understand about the agricultural communities, as far as the animal rights business goes. Have you had any experience with the farming community, with those of us outside the GTA, as far as normal practices go with farming? Do you know anything about cows or hogs?

Ms. Giselle Basanta: Well, other than personal—my in-laws run a farm that they co-farm with their neighbours. They raise soybeans and corn. Other than that, I don't have any formal experience.

I come to you as somebody with the adjudicative and legal experience to deal with issues before me. I know that there is expertise on the tribunal. It's personal experience.

Mr. Randy Pettapiece: I want to tell you about something that happened in my riding a couple of years ago. There was a fellow charged with—I don't know what the formal charge was. Basically, it was cruelty to animals or something like that. It scared the daylights out of him, because he was doing something that yours truly and all my neighbours that were in the hog business had considered a normal farm practice for 40, 50 years. Then all of a sudden, he got charged, and it scared the daylights out of him. He actually paid the fine because he didn't want to go to court; he didn't have the money to do that and whatever else.

So I think it's important that anybody with these types of things has an understanding, at least of what we call normal farm practices. Now certainly, any successful farmer I know with animals, the only way they're going to be successful is if they treat their animals in a manner that's not cruel; they have to treat them well because if you don't treat your animals right, you're not going to make a living.

0940

So I think it's important that anybody who is on this type of thing—you can't know everything but I think it's important that you do have some understanding of what goes on in the agricultural community. I would just broach that to you.

What do you see as one of your main objectives of being on this board? Is it just the adjudicative part of the business or do you see yourself getting more involved into the welfare of animals? How do you see this moving forward?

Ms. Giselle Basanta: As I said, I see it as community services and as a chance for me to hone my own skills in terms of applying the legislation. I see the opportunity to gain the expertise that you've described, not just in the animal care world but also in the fire safety world and the licensing world. I truly see it as a community service. I come with no presuppositions, and independent, open and willing to hear people who are before me.

Mr. Randy Pettapiece: Bob?

Mr. Robert Bailey: Yes, I guess the only question I'd have is, do you have any idea what kind of time commitment this position would take?

Ms. Giselle Basanta: Yes, we've discussed—it's a part-time appointment and a cross-appointment for the three tribunals. I don't imagine that I could tell you that I would be doing three or five cases a month, but I do have a full-time job and a baby so it would have to fit into those kinds of things. So three cases a month, four cases a month I think would be quite doable.

Mr. Robert Bailey: Okay. That's all.

The Acting Chair (Mrs. Kathryn McGarry): Thank you very much, Mr. Bailey. The next set of questions will come from the third party. Mr. Gates?

Mr. Wayne Gates: Good morning. How are you?

Ms. Giselle Basanta: Good morning, sir.

Mr. Wayne Gates: Nice seeing you.

Ms. Giselle Basanta: You too.

Mr. Wayne Gates: Maybe a follow-up to my colleague's question is, do you have any expertise, never mind just around farming—I'll be honest with you, I don't know a lot about cows myself, but they are very important to the overall health of our economy for sure. Do you have any experience in the Licence Appeal Tribunal, the Fire Safety Commission or the Animal Care Review Board at all, or are you just looking at this as an opportunity to learn about these things and give back to the community?

Ms. Giselle Basanta: Well, I have dealt with issues around fire safety on behalf of the school board as a lawyer, so I do have some experience with that act. But particularly on the animal care subject matter, I would say no, but these are the kinds of things you gain, I think, when you have part-time chairs because there is expertise in the cluster that people like me can access.

The task or the issue or the objective before me is again to be an independent professional adjudicator who can apply legislation with humanity and fairness, to be

judicial and to serve the people of Ontario. I'm ready and able to do that.

Mr. Wayne Gates: So you don't have any concerns around getting training for this particular cluster which is kind of—they don't really flow together. I don't know if animal care and fire safety really go together very well. I don't know who picked this cluster together. I would think if you're picking clusters, it might be a better idea if you put clusters together that match, but that's out of my hands and certainly out of your hands. Do you have any concerns around the training part of it?

Ms. Giselle Basanta: None at all. Looking forward to it.

Mr. Wayne Gates: I found it interesting that you mentioned that when you went to school for political science, it was under the Bob Rae government and we were in a recession very similar to what we're in today. Actually, Bob Rae is now a Liberal; I didn't know if you knew that.

Ms. Giselle Basanta: I did know that.

Mr. Wayne Gates: I thought I'd raise that at this point in time. Seeing that you raised it, I thought I'd remind you about where he is today.

You've said a little bit about it, but what really motivated you to do this? It seems like you believe it's going to help your career a little bit, expand your career.

By the way, I'd like to compliment you for going to law school at—I believe you said your age, but I'm not going to say it because sometimes women don't like you to mention age. I thought that was very good that you've done that. Through the conversations with my colleagues as well, you've talked about having a full-time job, having a baby and going to law school. Obviously, you're very motivated to better yourself, and I congratulate you on that.

You can answer the other question about what motivated you to get it. I might have helped you with it a bit. But I just thought I'd say that because I think that's really good on your part.

Ms. Giselle Basanta: Well, it's certainly not just self-interested. I consider myself a public servant, and this is one of the ways in which I would like to serve. I also would like to hone these particular skills and get back to this idea of being the independent third party, neutral. I think the previous intended appointee talked about that also.

This is very satisfying work; it's intellectually vigorous, especially in this tribunal. This is about community standards. This is about keeping each other safe and helping people move through difficult issues and getting ahead—whether it's getting a liquor licence so that you can become an entrepreneur. So what's motivating me is service and intellectual pursuit.

Right now, I have no plans to be a full-time adjudicator; I have a job. But, yes, this is quite a sidebar.

Mr. Wayne Gates: When I went through your thing—I thought it was very successful. Quite frankly, I'm one of the ones who actually enjoyed the Toronto Pan Am and Parapan Am Games, as far as the athletes

go. The other stuff is a whole different thing. But as far as the athletes and pride in our country and our province, I think it came across really well.

I saw that you were on the organizing committee. Maybe just kind of talk a little bit about that, on exactly what your role was.

Ms. Giselle Basanta: I was part of the legal team, and it was a wonderful experience. The team was professional, smart and hard-working. My job was to support the board of directors. I was the governance person. I was Madam Clerk here. I made sure that the records, the minutes, the committees ran, the chairs were notified, the rooms were booked, and that any thorny issues that arose were dealt with so that we could have a smooth governance process, so that it didn't stand in the way of decision-making and moving the games forward on their tight timeline. That was my job.

Mr. Wayne Gates: Just a follow-up question, because you had raised it, about an independent board: We don't always see that in government. I think that any time that we're going to have a truly independent, hands-off board, it can work, but a lot of times governments try to control that.

The other thing that I was interested in that you spoke about was your labour background. Although you only touched on it briefly, did you bargain collective agreements? You did mention OPSEU. Maybe touch a little more on that. I have a bit of a labour background myself, so I was kind of interested in that.

Ms. Giselle Basanta: My career on the employment, on the HR side, began in 1992. I worked for the ministry as a labour relations officer. I dealt with grievances within the ministry—mediation, pre-hearings, arbitration—as a layperson. So I really got to learn what it meant to be just a regular person, part of the HR professional staff who tried to solve issues between the employer and the bargaining unit. One of the most satisfying experiences was after the first OPSEU strike; we managed to settle—to the honourable member over here's question—quite a number of strike-related grievances so things wouldn't hang around and fester and affect the relationship. This relationship is a long-standing one and it's important to the people of Ontario.

Mr. Wayne Gates: There is this myth out there that if you belong to a union—I've been a president of a major local union down in my area, and I just want to get it on record that 90% of all collective agreements are resolved without a labour stoppage. I think that's an important thing for people to understand, because you only hear about the strikes. I did about 150 collective agreements and had one three-day strike out of all those.

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At the end of the day—and I think you have to agree with that. Both parties, quite frankly, don't want a strike. The members don't want a strike. In most cases, like I said, 97% are resolved without one. I think you probably realize it as well, and that's kind of why I raised it with you.

Ms. Giselle Basanta: Absolutely.

Mr. Wayne Gates: I enjoyed talking to you. Thank you very much. Congratulations.

Ms. Giselle Basanta: Thank you very much, sir.

The Acting Chair (Mrs. Kathryn McGarry): This concludes the time allocated for this interview. Thank you very much, Giselle, for standing for nomination for the Animal Care Review Board, the Fire Safety Commission and the Licence Appeal Tribunal. We will be considering the concurrences following the interview.

Thank you very much. You may step down.

Ms. Giselle Basanta: Thank you very much, Madam Chair.

The Acting Chair (Mrs. Kathryn McGarry): Committee, we will now be considering the concurrences.

We'll start with considering the concurrence for Jennifer Khurana, nominated as member, Human Rights Tribunal of Ontario. Would somebody please move the concurrence?

Mr. Lou Rinaldi: Chair?

The Acting Chair (Mrs. Kathryn McGarry): Yes, Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Jennifer Khurana, nominated as member, Human Rights Tribunal of Ontario (Social Justice Tribunal of Ontario).

The Acting Chair (Mrs. Kathryn McGarry): Any comments? Any discussion? Mr. Bailey.

Mr. Robert Bailey: I was going to second it.

The Acting Chair (Mrs. Kathryn McGarry): Oh, okay. Are the members ready to vote? He's eager. All in favour? Opposed? That motion is carried.

We will now consider the concurrence for Giselle Basanta, nominated as member, Animal Care Review Board, Fire Safety Commission and Licence Appeal Tribunal.

Mr. Lou Rinaldi: Madam Chair?

The Acting Chair (Mrs. Kathryn McGarry): Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Giselle Basanta, nominated as member, Animal Care Review Board, Fire Safety Commission and Licence Appeal Tribunal.

The Acting Chair (Mrs. Kathryn McGarry): Any discussion? All those in favour? Opposed? The motion is carried. Thank you.

COMMITTEE BUSINESS

The Acting Chair (Mrs. Kathryn McGarry): Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I seek unanimous consent to schedule Renu Mandhane, intended appointee for the chief commissioner of the Human Rights Commission, for review by the committee at the earliest available opportunity.

The Acting Chair (Mrs. Kathryn McGarry): Do we have unanimous consent? All those in favour? Opposed? That motion is carried.

Mr. Lou Rinaldi: Thank you. And maybe for clarification—

The Acting Chair (Mrs. Kathryn McGarry): Yes, Mr. Rinaldi.

Mr. Lou Rinaldi: —obviously, the House is adjourned for Monday and Tuesday because of the plowing match next week, so I'll be following that sometimes.

The Acting Chair (Mrs. Kathryn McGarry): Thank you. That's actually a very good segue into our next set of considerations before us this morning: extensions of deadlines considering some of the appointments.

Again, if the House is adjourned for the next week, some of these appointments will be out of time by the time the committee next sits. We're going to go through these one by one, if that's okay.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jeffrey Remedios, nominated as member, Art Gallery of Ontario? The extension expires September 26, so this would be extended to October 26, 2015. Do we have unanimous consent? That is carried.

Committee, do we have unanimous agreement to extend the deadline to consider the intended appointment of Gita Anand, nominated as vice-chair, Ontario Labour Relations Board, to October 26, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of William Fisch, nominated as member, Metrolinx, to October 26, 2015? Agreed. That motion is carried.

Mr. Randy Pettapiece: Madam Chair, can I interrupt you for a minute?

The Acting Chair (Mrs. Kathryn McGarry): Yes, Mr. Pettapiece?

Mr. Randy Pettapiece: Did we have a list of this, or was it sent out, for what we're doing here? I don't see it in my notes. I just wondered if—

Interjections.

Mr. Randy Pettapiece: We can get it after. I just wondered if we could have this stuff before, so that we could look this stuff over. That's all I'm saying.

The Acting Chair (Mrs. Kathryn McGarry): Yes, noted. Thank you.

Mr. Randy Pettapiece: All right, thanks.

The Acting Chair (Mrs. Kathryn McGarry): Committee, do we have unanimous agreement to extend the

deadline to consider the intended appointment of Sylvia Chrominska, nominated as member, University of Western Ontario Board of Governors, to October 26, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Marisa Piattelli, nominated as member, Committee to Evaluate Drugs, to October 22, 2015? Agreed. That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Simone Thibault, nominated as member, Provincial Advisory Committee on Francophone Affairs, to October 22, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jessica Smith, nominated as member, Trillium Gift of Life Network, to October 22, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Julie Di Lorenzo, nominated as member, Toronto Waterfront Revitalization Corp., to October 22, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Bahareh Hosseini, nominated as member, Council of the College of Massage Therapists of Ontario, to October 27, 2015? That's carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Guy Freedman, nominated as member, Local Health Integration Network, Champlain Local Health Integration Network, to October 27, 2015? Good. Thank you. That's carried.

All right, members, just one other piece of business this morning. I know that as part of the mobile pilot project, we have folks that were coming in to gather MPP feedback on the delivery of committee documents to the MPPs' pilot iPads. Due to the fact that the Chair is missing and the Vice-Chair is missing, I'm just wondering how the committee feels, to maybe have that after the next committee meeting rather than today. Is that okay? Can we vote on that motion? Yes? Okay. Any dissenters? Okay, that motion is carried.

That concludes committee business for today. Thank you very much. Adjourned.

The committee adjourned at 0958.

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