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(Hansard)**

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**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 27 April 2023

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 27 avril 2023

Chair: Will Bouma
Clerk: Isaiah Thorning

Président : Will Bouma
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 27 April 2023

Jeudi 27 avril 2023

The committee met at 0900 in room 151.

INTENDED APPOINTMENTS

MS. JAY SENGUPTA

Review of intended appointment, selected by government party: Jay Sengupta, intended appointee as member, Public Service Grievance Board.

The Chair (Mr. Will Bouma): Good morning, everyone. The Standing Committee on Government Agencies will now come to order. We are meeting to conduct a review of an intended appointee. We are joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments by members and witnesses should go through the Chair.

We will now conduct our review of the intended appointees. Our first appointee today is Jayashree Sengupta, nominated as member of the Public Service Grievance Board. I understand from the Clerk that we can call you Jay?

Ms. Jay Sengupta: Yes, please.

The Chair (Mr. Will Bouma): Jay, thank you so much for joining us today. We really appreciate you taking the time to come here in person. You may make an initial statement at your discretion. Following this, there will be questions from the members of the committee. With that questioning, we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time that you take in your statement will be deducted from the time allotted to government.

Again, welcome. Thank you for joining us. You can make your statement now.

Ms. Jay Sengupta: Thank you. Good morning to you all. My name is, as the Chair said, Jay Sengupta, and I've applied to be appointed to the Public Service Grievance Board. I'm here at your invitation to provide you with a brief overview of my relevant skills, experience and interest in the role, and to answer any questions you might have. I thank you for that opportunity.

I'm a lawyer by training. I practised law for 17 years before becoming a neutral 15 years ago. I understand you've been provided with details of the work I've done over that time, so I won't belabour it. While my career as an advocate was devoted to acting for equity-seeking groups and people living in poverty, my work as a neutral has provided me

with valuable insight into the perspectives and concerns of respondents and employers as well. As a result, I believe that I'm viewed as someone who conducts mediation and hearing processes that are accessible, balanced and fair to all parties in a dispute. As evidence in support of that view, I would point to the fact that in my private practice, I'm regularly retained by employers in both the public and private sectors to conduct mediations and workplace investigations of allegations of harassment and discrimination.

In addition to my reputation as a balanced and fair neutral, I would bring concrete and useful skills to this role. I have extensive experience conducting pre-hearing case management to narrow issues in dispute and litigation, and to ensure procedural and preliminary concerns are effectively and efficiently managed. I'm a skilled mediator and I have assisted hundreds of parties in resolving their disputes using both mediation and med-adj or med-arb processes. I'm experienced in using active adjudication techniques during all aspects of a dispute, including during hearings. These are all processes that I understand are central to the work done at the Public Service Grievance Board.

In closing, I would offer that the experience and skills that I bring demonstrate my commitment to public service and accessible justice and would allow me to make a positive contribution to the work of the Public Service Grievance Board.

I thank you again for the invitation to attend today and for the opportunity to speak with you and to answer your questions.

The Chair (Mr. Will Bouma): With that, we will turn to the government side first for questions. You have 12 and a half minutes on the clock. Member Coe.

Mr. Lorne Coe: Chair, through you: Jay, thank you very much for being here. I'm always impressed with the breadth and depth of the experience, practical experience, of people coming before this committee. I'd like you to expand beyond your statement about how you see your practical experience as an arbitrator and attorney—how that would enhance your service as a representative on the Public Service Grievance Board should your appointment be approved.

Ms. Jay Sengupta: Through you, Mr. Chair, I can share that since I became a neutral, I've worked in a number of different administrative tribunal and regulatory tribunals settings. From 2008 to 2018, I was appointed to the Human Rights Tribunal of Ontario and cross-appointed to a number

of tribunals that dealt with issues faced by children in care, in custody and in the education sector and their families. Those were the Child and Family Services Review Board, the Custody Review Board and the Ontario Special Education Tribunal. I was part of a specialized team of adjudicators that dealt with child and youth issues and during that time, I really honed my skills as an adjudicator and as a mediator.

Since then, I've continued as a neutral, and I was appointed by Convocation at the Law Society of Ontario, which is the governing body. I'm on my third consecutive two-year term, where I conduct pre-hearing processes, as well as chair tribunals that are made up of laypersons and elected benchers. We deal with misconduct allegations and we deal with licensing issues and capacity matters in respect of paralegals and lawyers in this province.

This type of experience, I think, has helped me build some skills to conduct hearings and conduct mediations where everyone feels heard. A large portion of my work has involved unrepresented litigants, and I'm familiar with the necessary techniques that are, I think, critical to making sure that they feel that they're heard. I hope that answers your question.

Mr. Lorne Coe: It does, thank you very much. Again, we're very fortunate that you have applied to this particular position, given your applicable experience that you've just described.

Through you, Chair: That's my question, and I will leave it to you to move through the balance of the questions from the government side.

The Chair (Mr. Will Bouma): Member Sabawy, go ahead. Nine and a half minutes.

Mr. Sheref Sabawy: My question would be: Going through your résumé, I can see that you have some experience with the Ontario Human Rights Tribunal. It's very highlighted and very prominent in the CV, actually; it attracted my attention. How do you see those skills reflecting or being transferrable to your duties on the Public Service Grievance Board?

Ms. Jay Sengupta: I understand that the Public Service Grievance Board's mandate is to hear matters involving members of the non-unionized OPS sector, and I understand that many, or at least some, of the matters that come before it involve allegations of breaches of policy that might involve harassment or human rights discrimination issues. I think the work that I did at the Human Rights Tribunal and my background in human rights work would be helpful in that regard.

I also believe that the adjudicative skills, as I said, and the mediation skills that I picked up while I was at the Human Rights Tribunal will stand me in good stead. There was a real emphasis around the 2008 and going-forward period in moving to active adjudication, and those are techniques that I'm familiar with and I think those will assist me in assisting the board, if I'm appointed.

The Chair (Mr. Will Bouma): Member Pang, you have seven and a half minutes.

Mr. Billy Pang: Morning, Jay.

Ms. Jay Sengupta: Good morning.

Mr. Billy Pang: Thank you for putting your name forward. You know that this is a very important board for our government. As you have former experience as an Ontario Ombudsman office member, how do you think this previous experience can help you in this coming appointment to the Public Service Grievance Board?

Ms. Jay Sengupta: My work at the Ontario Ombudsman happened at two different times. I was an articling student and—

Interruption.

Mr. Billy Pang: Sorry, just an echo.

Ms. Jay Sengupta: Oh, okay. So I was an articling student at the Office of the Ombudsman in the 1990s, and subsequent to my stint at the Tribunals of Ontario, I returned as senior legal counsel for a brief period of time. I didn't perform a decision-making or an adjudicative role in that organization; I was providing legal advice internally. It certainly familiarized me with all aspects of government work and the provincial government, and I learned more about municipal politics than I had ever anticipated while I was there in that second stint. In that way, I think all experiences add to your skill set and I feel that that's how it would be relevant to the work I'm hoping to do.

0910

Mr. Billy Pang: Yes, I agree with that. All experience can add to our skill sets, right?

Ms. Jay Sengupta: Yes.

Mr. Billy Pang: I'll hand it over.

The Chair (Mr. Will Bouma): Thank you. Member Smith, you have five minutes and 45 seconds.

Mr. Dave Smith: Thanks, Chair.

Most people know what a lawyer is, but I had never heard the term "neutral" until I was first elected. So, this is something that's recorded and broadcasted. The average person in Ontario, if they were that much of a political geek, could sit down and watch it and see. If you could, could you describe the typical type of case that you would have dealt with as a neutral and how you think that that would apply, then, in this position?

Ms. Jay Sengupta: When I describe myself as a neutral, I do it to distinguish myself from when I worked as an advocate for one side or the other in a dispute.

For the first 17 years of my legal career, after I was called to the bar in 1992, I worked as an advocate. I worked in community legal clinics; I advocated for the rights of my clients and the low-income communities that the community legal clinic served. When I moved into the position of a neutral, my role changed and I was responsible for ensuring that both parties in the dispute felt they had been heard, felt they had proper access to justice and understood what was going on.

When I use the term "neutral," that's what I mean. I was in the position of someone who was trying to assist the parties to resolve their dispute, either in a mediation setting or I was charged with conducting a fair, balanced, accessible hearing for two parties or more in a dispute. It was my job to gather the evidence, to listen to their argument and then to render a decision, and to do so in writing, in a way that was understandable.

Mr. Dave Smith: Effectively for the last 14 years you have basically been doing the exact thing that you would be doing on the grievance board, just not on the grievance board.

Ms. Jay Sengupta: Yes.

Mr. Dave Smith: Thank you.

The Chair (Mr. Will Bouma): Thank you. Three and a half minutes: Any further questions from the government? Member Gallagher Murphy.

M^{me} Dawn Gallagher Murphy: Thank you, Jay, for coming out today. I greatly appreciate hearing about your experience, which is a massive amount of experience. My question is actually going outside of your mediation and legal background and experience. My question would be, outside of that, what other valuable perspectives would you bring specifically to your role with the Public Service Grievance Board and your duties in that role?

Ms. Jay Sengupta: I can tell you that I'm a naturalized Canadian. I came here in my teens with my family, and I understand the challenges that newcomers face. I understand the hopes that people have, to come to this country and to make a life for themselves, and some of the burdens and struggles that they have. I feel that I've internalized that and it's part of how I approach people.

I did a lot of volunteer work, when I was able to, before I became a neutral, in accessible education for children and youth who were not necessarily meeting milestones, and I did volunteer work for kids who needed some help to transition—using practical skills being taught in the building trades, that kind of thing.

That's some of the volunteer work that I've done. I don't know if that really answers your question, but I come to this in my late fifties with many, many experiences that I hope would inform doing the work, if I was appointed, with humanity and with compassion and with some humility.

M^{me} Dawn Gallagher Murphy: That's great. Thank you very much, Jay.

The Chair (Mr. Will Bouma): Thank you very much. We have 50 seconds left. Any further questions from the government? Member Jones.

Mr. Trevor Jones: Good morning, Jay. Maybe just to build on that prior answer and that question, can you share with us something that specifically inspired you or motivated you to apply to this specific board?

Ms. Jay Sengupta: I'm very interested in employment law and employment matters, and I feel that this would be a good complement to my private practice and to the work that I do federally. I'm also an external adjudicator with the Canada Industrial Relations Board, which also deals with the non-unionized segment of federally regulated workers.

Mr. Trevor Jones: Outstanding. Thank you very much.

The Chair (Mr. Will Bouma): I think we'll pause there. That's time. Thank you very much.

We'll turn now to the opposition side. You have 15 minutes. We will start with member Pasma.

Ms. Chandra Pasma: Good morning, Jay. Thank you very much for being here. I know it's not always comfortable to be on the hot seat, but it's an important part of the

democratic process of public appointments and making sure that there's transparency and accountability for the appointments that are made, so we greatly appreciate you taking the time to be here this morning.

My first question is about labour relations specifically. Members of the board are normally professional labour relations adjudicators. You've got a long and distinguished career as a mediator and adjudicator, but most of that has been in the field of human rights and child and family issues. Do you have experience with labour relations specifically?

Ms. Jay Sengupta: Eighty per cent of the cases that the Human Rights Tribunal deals with are employment-related matters, so I've adjudicated and mediated a significant number of employment-related matters, and a lot of those employment-related cases were people who were unionized but chose to bring their own disputes to the Human Rights Tribunal, for example, during that period, rather than go with the processes available to them under their collective agreements.

I also have continued my work in the employment sector in my private practice, and the work that I do at the Canada Industrial Relations Board is essentially wage recovery appeals and unjust dismissals. It deals with the same segment of the workforce that this particular board's work focuses on, the non-unionized sector.

Ms. Chandra Pasma: Thank you. One of the specific qualifications set out by the Public Appointments Secretariat for this position is comprehensive knowledge of the legislation under the agency's jurisdiction. Can you speak about how you meet this particular qualification?

Ms. Jay Sengupta: Yes. As I understand, the work of the board is to ensure that the terms and conditions of employment are being met and that relevant OPS policies are being adhered to. From my perspective, this is in keeping with the work that I've done before. What I can tell you is that I understand that many of the cases that come before the board have to do with allegations of harassment and discrimination and those relevant OPS policies not being adhered to, and I have some experience, as I've outlined, in seeing those cases through, not just through mediation but through med-arb processes or med-adj processes, to see if matters can be resolved during the course of the dispute and also through a hearing process.

Ms. Chandra Pasma: Thank you. Another specific qualification set out by the Public Appointments Secretariat is specific knowledge of the agency's governing act. Can you speak about your knowledge of the public service act?

Ms. Jay Sengupta: I've read through the act, but I haven't worked with it before. I believe that I would be going through some orientation and training, and I would hope that that would help me supplement my knowledge. That's all I can really say about that.

0920

Ms. Chandra Pasma: Right, thank you. The board has failed to meet its target for time elapsed from the time a complaint is filed to the time that a date is offered to the complainant, and this is something that we're seeing and

hearing with many boards and tribunals under this government, partly because they've left them understaffed and they don't have the resources to deal with the caseload, and partly because they've appointed a significant number of people who are underqualified and don't have the necessary experience for the job. So I'm wondering, from your past adjudicative experience, what will you do to help the board meet its performance targets?

Ms. Jay Sengupta: As someone who is not leading the board, I would rely, I think, on the chair to provide me with direction as to timelines that are expected, timelines for completion of work, that kind of thing.

I do believe, from my past experience, that when there's a large volume of work, pre-hearing case management in this kind of adjudicative setting is critical. It helps to narrow issues in dispute in advance of the hearing so that valuable hearing time is not expended going over matters that are not in dispute, to help parties focus and use hearing time for matters that are actually necessary—to focus on things that are actually in dispute; that's how I would put it. So I believe that those skills would be useful, and I understand from what I've read and what I've heard that this particular board is actively case-managing in advance of hearings so that that can happen.

I also understand that there is a mediation-adjudication and mediation-arbitration process that is employed, because sometimes matters can and do resolve once people understand the nature of the case they have to meet or the nature of the case they have to answer.

I have a very extensive record and I have extensive experience in conducting mediation-adjudication and mediation-arbitration, and I think parties are often best served—or better served, at least—when they are able to have a hand in fashioning the resolution and the solution to their own problem, so I think those are two useful techniques. I also think that timely decision-writing is critical, and I would expect to be held to any internal guidelines the chair has in place in respect of issuing reasons that are comprehensive but timely as well.

Ms. Chandra Pasma: Right. Thank you very much, Jay. I'm going to turn over the rest of the time to MPP Bourgouin.

The Chair (Mr. Will Bouma): Thank you. Member Bourgouin, you have just under eight minutes.

Mr. Guy Bourgouin: Merci, monsieur le Président. Ahem. Excuse me, my voice is a bit broke this morning.

Mr. Dave Smith: Up too late debating last night, Guy?

The Chair (Mr. Will Bouma): Order. Order.

Mr. Guy Bourgouin: Unfortunately, I went to the Steelworkers' conference, so I'm paying the price this morning.

With that being said, I'll be asking some uncomfortable but necessary questions. Have you been a member of the Conservative Party provincially?

Ms. Jay Sengupta: No.

Mr. Guy Bourgouin: Have you ever been a member of the Conservative Party federally?

Ms. Jay Sengupta: No.

Mr. Guy Bourgouin: Have you ever donated to the Progressive Conservative Party?

Ms. Jay Sengupta: I have not.

Mr. Guy Bourgouin: Have you ever donated to the Conservative Party?

Ms. Jay Sengupta: I have not.

Mr. Guy Bourgouin: Have you ever volunteered on a Conservative campaign?

Ms. Jay Sengupta: I have not.

Mr. Guy Bourgouin: Have you ever sat with Doug Ford at a family event?

Ms. Jay Sengupta: I have not.

Mr. Guy Bourgouin: Did anyone ask to you submit an application for this position?

Interjections.

The Chair (Mr. Will Bouma): Order.

Ms. Jay Sengupta: No one asked me to, no.

Mr. Guy Bourgouin: Thank you, Jay. I think you have a lot of experience, as we can see, and I think it's going to be beneficial for this position, so thank you for your service.

Ms. Jay Sengupta: I thank you.

The Chair (Mr. Will Bouma): Thank you very much. That takes care of that. Jay, thank you very, very much for joining us today. Again, I really appreciate you being here in person, and I really appreciate your willingness to stand and serve the people of Ontario in this fashion. We'll see how the vote goes. You're free to go, you're free to stay, but we'll move on right now to our next candidate.

MR. MICHAEL JIGGINS

Review of intended appointment, selected by official opposition party: Michael Jiggins, intended appointee as member, Social Benefits Tribunal.

The Chair (Mr. Will Bouma): Our second appointee today is Michael Jiggins, nominated as member of the Social Benefits Tribunal. You are here, and if I can say, as an optometrist, very cool glasses, sir. Thank you for joining us.

Interjections.

The Chair (Mr. Will Bouma): I can't help myself, no.

Mr. Dave Smith: You never say that about mine.

The Chair (Mr. Will Bouma): [*Inaudible*] that about member Smith's, no.

Please come forward. As you're making yourself comfortable, let me run through: You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will again start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time that you take in your statement will be deducted from the time allotted to the government.

Again, thank you for joining us. Thank you for joining us in person, and you can make your initial statement.

Mr. Michael Jiggins: Thank you very much, and good morning, Mr. Chair and members of the standing committee. I do have a statement prepared. I have some speaking notes that I'll read from now.

Thank you for the opportunity to be here to discuss my application and qualifications as a part-time member of the Social Benefits Tribunal. I applied for the position last

summer, so I'm pleased that the process has now reached this point where I'm before you at committee. Should the committee approve my appointment, I'm really looking forward to utilizing the experience and skills that I've gained in my professional life and volunteer roles as an adjudicator with the tribunal.

A little bit about myself: I currently live in the city of Brockville, where I have since 2004, when I was hired as a reporter with the Brockville Recorder and Times. Prior to that, my newspaper career included stops in Napanee, Kenora and St. Thomas. After four years with the paper, I had the incredible honour of being appointed as the newspaper's editor, and while that was a dream job for me, it also came at a time of significant change in the newspaper industry. For instance, when I started at the newspaper, we had 13 people in the newsroom, and when I left, I was one of only six who were there and we were no longer publishing six days a week.

But in my time, my work as a journalist certainly helped me prepare in many ways for the role of an adjudicator. I learned how to investigate, of course, how to ask relevant questions and get to the facts of a matter, and then I had to take all of that vast information, analyze it and write about complex, detailed matters in a clear and concise manner.

I also interviewed people from all walks of life and different backgrounds, often, as you can imagine, as a reporter, in very stressful situations, and that taught me how to be a very active and engaged listener in that process. The job required me to balance a hectic schedule and to meet deadlines, which I know will serve me well in the fast-paced, high-demand role of an adjudicator.

Following my career in journalism, I became an executive assistant in a constituency office. I spent 10 years in that role, helping constituents, local municipalities and small businesses resolve issues with the provincial government and its agencies. I worked directly with members of the community and assisted others in navigating legislation and government services. So the job gave me a very strong understanding of provincial policies and legislation but, more importantly, how they affect people in their day-to-day lives.

It is very rewarding, now, to look back on my time as an executive assistant and working in the constituency office, when I was able to analyze a situation, a constituent who came in, and use my problem-solving skills to spearhead resolutions to a wide variety of conflicts and disputes that those individuals had with the provincial government or its agencies.

After a decade of working with my community in the constituency, I decided it was time for a change, and in December 2021, I became the executive director with the Athens District Family Health Team. I took on this role at a very challenging time for our province, as we were in the middle of a global pandemic at the time. Two-plus years later, we've come out the other side, and I'm very honoured to lead this team of dedicated physicians, nurse practitioners, nurses, our health educator and, of course, our admin team. We serve approximately 4,000 patients and have a

Ministry of Health budget of about \$530,000 that I'm responsible for.

My job involves reporting directly to the Ministry of Health on a variety of accountability measures while also implementing a number of policies and directives that ensure the health and safety of our patients and, of course, our providers as well.

0930

Away from my professional life, I am an avid cyclist and last year racked up 15,000 kilometres on my bike. I'm also a volunteer director with Career Services of Brockville; that's an agency that provides work opportunities for individuals who experience barriers to employment, particularly with physical or mental disabilities. I'm also a proud past president of the United Way of Leeds and Grenville, where I had the great opportunity of working closely with agencies that support some of the most vulnerable people in our community of Brockville and the surrounding region.

That's a little bit about my background and skills. I look forward to discussing with the committee how they prepare me if I'm fortunate enough to be brought forward as a part-time member of the Social Benefits Tribunal. Thank you.

The Chair (Mr. Will Bouma): Thank you very much for your presentation. Again, we'll turn to the government first. You have just under 10 minutes. Member Smith.

Mr. Dave Smith: Michael—is it okay if I call you Michael?

Mr. Michael Jiggins: Absolutely.

Mr. Dave Smith: I've been the MPP now for not quite five years. I've had a lot of people come into my office and talk about different tribunals and ask how they can be appointed to various ones, but nobody has come in and asked about the Social Benefits Tribunal in the five years that I have been the MPP. So I'm curious: What is it about this tribunal as opposed to others that intrigued you so much that you wanted to apply for this one?

Mr. Michael Jiggins: I think it's because a lot of the work, actually, that I did in the constituency office, a lot of the work that I did as a journalist, and my work on the United Way certainly involves individuals who are in the circumstances, probably, that will bring them before the Social Benefits Tribunal. So I think I have a bit of an understanding.

When I took a look at the opportunities that were available, my experience and my interest, frankly, in the lives and well-being of those individuals who are in that circumstance were what attracted me to this particular tribunal.

Mr. Dave Smith: Thank you, I appreciate that. I'll turn my time over to one of my other members.

The Chair (Mr. Will Bouma): Member Gallagher Murphy with eight and a half minutes.

Mme Dawn Gallagher Murphy: Good morning, Michael.

Mr. Michael Jiggins: Good morning.

Mme Dawn Gallagher Murphy: Thank you for being here today. I have to hand it to you; being a constituency

assistant is hard work. It's rewarding, but it's also hard work.

Mr. Michael Jiggins: It is.

M^{me} Dawn Gallagher Murphy: I can imagine that you understand a lot of people's needs. You probably understand that the people who are coming to the Social Benefits Tribunal won't always have legal representation.

Mr. Michael Jiggins: That's correct.

M^{me} Dawn Gallagher Murphy: It can create some challenges. That being said, my question for you, Michael, is, how will you work with them to ensure that they have a fair hearing, even if they can't understand all the finer procedural details?

Mr. Michael Jiggins: I think one of the great things about the tribunal system is that lay people can also be part of the process. If I was fortunate enough to be a member—you don't speak in legalese. I have a background as a journalist where I'm able to take complex, sometimes arcane information, distill it, and I'm able to present it in a way that people can understand.

I think I also have a very calm demeanour that will put people at ease. It's a skill that you learn as a journalist when you're interviewing, perhaps, a politician who doesn't want to be interviewed on a particular subject or people who have had a tragedy in their life—learning how to calm a situation down, how to talk people through an experience, how to explain to them why it's important that we're here, why it's important that we're going through this, and using those skills to just bring the temperature down, talk through a process.

I'm fair; I'm a balanced person from my time as a journalist. Just inherently, that's who I am.

M^{me} Dawn Gallagher Murphy: Great. Thank you very much, Michael.

The Chair (Mr. Will Bouma): Any further questions? Member Pang: six minutes and 15 seconds.

Mr. Billy Pang: Hi, Michael.

Mr. Michael Jiggins: Good morning.

Mr. Billy Pang: I can tell you have a lot of different types of experience combined together.

Mr. Michael Jiggins: I have. When I put my opening statement together, it was, "Oh, jeez, I have done a lot, yes."

Mr. Billy Pang: I'm sure you look back and you find—

Mr. Michael Jiggins: In all parts of the province, too.

Mr. Billy Pang: You're so blessed with so many experiences.

Mr. Michael Jiggins: Thanks.

Mr. Billy Pang: Having said that, the Social Benefits Tribunal has a very high case volume. How will you ensure that you will stay on top of the workload and deliver your decisions within the targeted processing times?

Mr. Michael Jiggins: Meeting deadlines is something that I've had to do, no matter what job that I've held. I know all about having three or four different files on my desk at any one time that have a variety of deadlines, so I know how to prioritize my work in order to deliver on that. I can think back to coming back from a city council meeting, where you have 12 stories to write but only a certain amount of time, so I understand how to choose what's important,

how to prioritize. I'm very quick at putting my thoughts together and being able to write things in a clear and concise manner. We have to report currently to the Ministry of Health quarterly, so, again, lots of different reports and deadlines on my desk that I'm used to just working through and making sure that I meet those deadlines.

I'm not at all concerned about that aspect of the role. I know that it is a very high-demand job, but I think that meeting deadlines is one of the qualifications that I have and one of the skill sets that I will certainly look forward to bringing to the tribunal.

Mr. Billy Pang: Thank you very much for your answer.

The Chair (Mr. Will Bouma): Member Sabawy, you have four minutes and 20 seconds.

Mr. Sheref Sabawy: Thank you very much for taking the time and the initiative to take on a public role like that. I can see from your résumé and from the presentation and introduction you did—you have a very impressive résumé and impressive career.

Mr. Michael Jiggins: Thank you.

Mr. Sheref Sabawy: How do you see some of those skills or experiences you had before reflecting in your role on the Social Benefits Tribunal?

Mr. Michael Jiggins: As I've said, I think a lot of it comes back to my training as a journalist to be able to listen and to understand what the facts of a matter are, and when there are matters in dispute before me at a hearing, how to get that information out that is not directly in front of me and then how to take everything that's been presented, use my skills in understanding provincial legislation and how it applies, and applying that to the facts. And then being able to write a decision that people will be able to understand, that will be fair and transparent and be done in a timely manner.

Mr. Sheref Sabawy: Thank you.

The Chair (Mr. Will Bouma): Member Sandhu, with two minutes and 45 seconds.

Mr. Amarjot Sandhu: Thank you, Mr. Jiggins, for appearing before the committee and for your presentation. My question is, what sort of engagement do you have in your community and what have you learned from that engagement? How will it benefit your work on the Social Benefits Tribunal?

Mr. Michael Jiggins: I think what I would say from my volunteer role at both the United Way and at Career Services of Brockville currently is it's taught me you can't judge somebody by what you see in front of you. You need to understand a person, understand the circumstances of their lives that may have brought them in front of you, and not to make that judgment just based on maybe what you read in an email they send to you or how they initially appear. Everybody has a story and a reason for circumstances in their life and I think that I've learned how to treat people fairly and to give them a fair hearing.

Mr. Amarjot Sandhu: Perfect, thank you.

The Chair (Mr. Will Bouma): Any further questions from the government?

Member Jones, with a minute and a half.

Mr. Trevor Jones: Thank you for your presentation. It was very succinct and very articulate, so I appreciate that.

Mr. Michael Jiggins: Thank you.

Mr. Trevor Jones: Could you share some of your impressions about the competitive, merit-based recruitment process you've been a part of, which is why you're here today?

Mr. Michael Jiggins: I can tell you, it was certainly the hardest interview that I've ever gone through. I spent hours preparing for the interview, and prior to that—I will give Tribunals Ontario and the Public Appointments Secretariat great credit: The process to go online and create your profile and submit your application couldn't have been easier. Six or so weeks later, I got the email from Tribunals Ontario inviting me to the interview and, as I said, spent hours preparing for that. It was a very intense 45 minutes with the panel, and then after that, of course, you have to complete a written assignment. You've got 24 hours to do it and, essentially, you're doing the job of an adjudicator. They put the facts in front of you, send you the appropriate legislation and tell you to take those facts, apply the legislation and submit a written submission. I did that within the 24 hours, met my deadline, and they checked with my references and here we are today.

0940

Mr. Trevor Jones: Thank you, sir.

The Chair (Mr. Will Bouma): Thank you very much. That concludes the time for the government. We will now turn to the opposition with 15 minutes, and member Pasma has the floor.

Ms. Chandra Pasma: Thank you very much for being here this morning, Mr. Jiggins. It's pretty rare that the government allows someone with ties to the Conservative Party to actually appear before the committee, so we're very pleased to actually have the opportunity this morning to discuss your experience and your qualifications for this job. Can you begin by telling us what experience you have dealing with people who are experiencing poverty and systemic barriers?

Mr. Michael Jiggins: I have a lot of experience. I don't have lived experience myself personally, but I do have extensive experience, as I mentioned previously, in my work as a reporter. We'd often do stories on circumstances that people in low-income housing were experiencing, people struggling on ODSP, people struggling on Ontario Works, homelessness in our community.

So I'm very familiar in that regard, and then from a different perspective, certainly, with the United Way. The great thing about a small United Way like we have in Leeds and Grenville is you're not just around the board table; you actually get an opportunity to get out, be on-site with some of those agencies and listen to how they support, for instance, teens with no place to go; how they provide shelter for them to ensure that they've got a meal, that they're getting to school. Also, new immigrants to our community: the types of programs that we're supporting through the United Way that offer them an opportunity to be welcomed into the community and become a part of it

certainly gave me great exposure to people who don't have the type of fortunate life that I do.

Ms. Chandra Pasma: And what experience do you have making adjudicative decisions?

Mr. Michael Jiggins: I don't have direct experience making adjudicative decisions. My understanding, however, is that there's a very intense onboarding process, extensive training that the Social Benefits Tribunal will provide if I'm fortunate enough to have my name be put forward as a member. But certainly, if you look at the qualifications of an adjudicator with the Social Benefits Tribunal, I think they line up nicely with a lot of work that I've done that I spoke about previously in my career.

Ms. Chandra Pasma: Do you understand that interpreting legislation to write talking points for an MPP is very different than interpreting legislation to make an adjudicative decision that decides whether someone will have access to housing and food?

Mr. Michael Jiggins: I certainly understand that, and as I indicated, my work in the constituency office dealt a great deal with interpreting legislation for people who come forward and say, for instance, "I just got a notice in the mail that half of my property has been declared a wetland. What do I do? How do we fix this? Where do we go from there?" So I certainly understand that we've got to roll up our sleeves, take a look at the relevant act, find out that information and be able to explain that to the constituent, "Here's why this decision has been made. Let's take a look at your particular circumstances, and let's take that forward to the relevant ministry and see if we can make a case to have them understand why perhaps they've not got it right in that circumstance." I think I have broad experience in applying legislation and policy to the day-to-day lives of individuals, small businesses and municipalities for sure.

Ms. Chandra Pasma: Do you understand that the position requirements include experience, knowledge or training on adjudicative practices?

Mr. Michael Jiggins: I do understand that. As I mentioned, that is the training that will be provided to me at the Social Benefits Tribunal, if I'm fortunate enough to go forward, building on the skills that I bring to the table from my experience in my professional and volunteer life.

Ms. Chandra Pasma: Do you understand the impact of being denied benefits on low-income Ontarians? We're talking about people who are living in deep, deep poverty. Even if they're granted access to the benefit, they will still be in deep poverty with a benefit level that is below the level of rent, so they're going to be lucky if they can find affordable housing. They're probably going to be using food banks and community meal programs still, and if they don't get the benefit, they're probably going to be homeless or living in one of our shelters, which are incredibly crowded already.

Do you believe that someone with no adjudicative experience or experience navigating Ontario social assistance should be making decisions that have that kind of power and consequences for people's lives?

Mr. Michael Jiggins: I can't speak to the policy-related matters, but what I can speak to is the fact that I've been

through a competitive, merit-based process. My skills and experience have been assessed, and Tribunals Ontario has determined that I do have the relevant skills necessary to serve in this role and will provide me with any additional training that is necessary in order to be an effective member of the Social Benefits Tribunal.

Ms. Chandra Pasma: Stakeholders like Tribunal Watch Ontario, community legal services and anti-poverty advocates are very concerned that senior and experienced members of the Social Benefits Tribunal are not being reappointed and new appointment don't have the requisite subject matter expertise or experience in adjudication. Do you think your appointment is going to reassure that community?

Mr. Michael Jiggins: I can't speak to how the community would react to that. All I can speak to, again, is that I've been through the process. It was a very exhaustive process that brought me to the committee this morning, and I do feel that I have the relevant skills necessary. I'm extremely confident in the ability of Tribunals Ontario to provide me with the necessary training and also, for myself, to take that training and be able to apply it to the role of an adjudicator. I understand how important the role is and frankly wouldn't put myself forward if I didn't feel that I could perform the role effectively.

Ms. Chandra Pasma: What's your understanding of the impact of the digital-first approach on people who are so poor that they don't even have access to the Internet?

Mr. Michael Jiggins: Again, I'm not a member of the Social Benefits Tribunal currently, so I don't feel that it's appropriate for me to speak to that. I can use relevant experience from my current role as an executive director at a medical centre through the pandemic where, at times, because we could not open, we had to take a look at how we were serving our patients and could some of them not be served because they either had poor cell reception and a phone call appointment with a doctor wasn't appropriate for them or they had an issue that literally you had to have a provider have eyes on. Yes, you had to make accommodation for that.

Again, I don't presume to speak to what happens at the Social Benefits Tribunal. I look forward to how they do deal with people who have difficulty accessing services through that manner and being part of how we serve them.

Ms. Chandra Pasma: Thank you. I'm going to turn it over to MPP Bourgouin.

The Chair (Mr. Will Bouma): Thank you.

Member Bourgouin, you have six minutes and 50 seconds.

Mr. Guy Bourgouin: I'd like to ask you a more personal question. Do you feel right now that the benefit is enough for people on ODSP and OW? I would like to hear your personal position on that.

Mr. Michael Jiggins: Again, that's more of a policy-related question and would be beyond my role—

Mr. Guy Bourgouin: I'm asking you a personal question. As a person, do you feel that the benefits that people on OW and ODSP are enough?

Mr. Michael Jiggins: Again, I would say that that is not a question that's within the scope of an adjudicator.

Mr. Guy Bourgouin: Sir, you are going to be appointed to a tribunal making decisions on people who are struggling.

0950

Mr. Dave Smith: Point of order.

Mr. Guy Bourgouin: I'm asking you—

The Chair (Mr. Will Bouma): We have a point of order. Excuse me. Member Smith.

Mr. Dave Smith: I would ask that the member not harass the witness.

The Chair (Mr. Will Bouma): That's not a valid point of order. But I would ask all members to maintain decorum in the room. Thank you.

Mr. Guy Bourgouin: So, sir, I'd like to hear your answer.

Mr. Michael Jiggins: I would go back, that I'm here to discuss my skills and qualifications to be appointed as a member of the tribunal, not to discuss provincial government policy; that's beyond the scope of my role as adjudicator. As an adjudicator, my role is to hear the facts in front of me and reach a fair, transparent and timely decision on that matter.

Mr. Guy Bourgouin: And on this committee, you will be deciding if a person—adjudicating on the amount of assistance, the refusal of cutting off assistance. So that's why I was asking that question. Do you feel that this is enough?

But you also—my colleague asked you and we've seen the previous person before you, that they had a lot of experience in tribunals and mediation, and we hear from you that you don't have that experience. So I'm asking you, why should we support you? Because people are hurting. We want to have people who qualify, especially when you're in a die-hard situation, you live in poverty. They have to go through this process. So why should we support you if you don't have experience, especially in dealing with these types of decisions?

Mr. Michael Jiggins: Again, I don't have direct experience in adjudication; however, I have a great deal of experience in my professional and volunteer life that will allow me to make those effective, fair, transparent—and, as you indicated, with the circumstances—very timely decisions.

Mr. Guy Bourgouin: Who were you working for when you were in a const office?

Mr. Michael Jiggins: MPP Steve Clark.

Mr. Guy Bourgouin: So you are a member of the Progressive Conservative Party, provincially?

Mr. Michael Jiggins: I'm actually not sure. I have been, but I'm not sure if I am currently.

Mr. Guy Bourgouin: Have you ever been a member of the Conservative Party, federally?

Mr. Michael Jiggins: I have.

Mr. Guy Bourgouin: Well, definitely, you worked on campaigns.

Mr. Michael Jiggins: I have.

Mr. Guy Bourgouin: Have you donated to the provincial campaign or to a member of a provincial party?

Mr. Michael Jiggins: To the Progressive Conservative Party?

Mr. Guy Bourgouin: Yes.

Mr. Michael Jiggins: Yes, I have in the past.

Mr. Guy Bourgouin: And how long ago was that?

Mr. Michael Jiggins: I can't remember my last donation. It would have probably been to attend an event in the riding at some point, probably a year and a half, two years ago.

Mr. Guy Bourgouin: Have you been approached to apply for this job?

Mr. Michael Jiggins: I was not approached at all to apply.

Mr. Guy Bourgouin: I'm going to ask you this question—it's pretty good—because I asked it previously, and I think it's funny too. Have you ever sat with Doug Ford in a family event?

Mr. Michael Jiggins: I have not.

Mr. Guy Bourgouin: Did anyone ask you to apply? I'm going to ask it again, because I find it difficult to understand that a person with no qualifications would apply for and get the job, as a tribunal.

Mr. Michael Jiggins: I will say again that I think if you look at the qualifications for an adjudicator and align them with the experience that I've talked about today, I think they do line up. But I will say again that, no, no one approached me about this, to apply for this position.

Mr. Guy Bourgouin: No more questions, Chair.

The Chair (Mr. Will Bouma): Okay. Thank you very much for your questions.

Again, Mr. Jiggins, thank you very much for joining us today. You are free from the table. You can stay, or you can leave. But again, thank you very much for coming before us today, and thank you for your willingness to serve the people of Ontario.

We will now move on to concurrence. We will now consider the intended appointment of Jayashree Sengupta, nominated as member of the Public Service Grievance Board.

A motion from member Coe.

Mr. Lorne Coe: Chair, through you, I move concurrence in the intended appointment of Jayashree Sengupta, nominated as member of the Public Service Grievance Board.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Coe. Is there any

discussion? Seeing none, are members ready to vote? I will call the vote. All those in favour? Unanimous.

We will now consider the intended appointment of Michael Jiggins, nominated as member, Social Benefits Tribunal. We have a motion from member Coe.

Mr. Lorne Coe: Chair, through you, I move concurrence in the intended appointment of Michael Jiggins, nominated as member of the Social Benefits Tribunal.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Coe. Is there any discussion? Seeing none—

Ms. Chandra Pasma: Recorded vote on this, Chair.

The Chair (Mr. Will Bouma): We have an ask for a recorded vote. Any further discussion? Are members ready to vote?

Ayes

Coe, Gallagher Murphy, Trevor Jones, Sabawy, Sandhu, Dave Smith.

Nays

Bourgouin, Pasma.

The Chair (Mr. Will Bouma): That's carried.

Committee members, moving on: The deadline to review the intended appointments of Vicky Liu and Tamara Jordan, selected from the April 6, 2023, certificate is May 6, 2023. Do we have unanimous agreement to extend the deadline to consider the intended appointments to June 5, 2023? I heard a no.

Just before I finish up, full disclosure: I did want committee members to know that I'd received a note through the Clerk from a group called Tribunal Watch Ontario, asking if they could make a presentation before committee, just so everyone's aware. I had replied to them—I'm not asking for anything; I just wanted committee members to know that the Clerk has written back saying that if that was the case, we would let them know. So I'll just leave that with everyone.

That concludes our business for today. This committee now stands adjourned.

The committee adjourned at 0957.

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