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Tuesday 7 October 2008

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Mardi 7 octobre 2008

**Standing Committee on
Estimates**

Ministry of Labour

**Comité permanent des
budgets des dépenses**

Ministère du Travail

Chair: Tim Hudak
Clerk: Sylwia Przedziecki

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON ESTIMATES

COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Tuesday 7 October 2008

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The committee met at 1558 in room 151.

MINISTRY OF LABOUR

The Vice-Chair (Mr. Garfield Dunlop): Good afternoon, everyone. Minister Fonseca, it's good to see you here today.

Hon. Peter Fonseca: Thank you, Chair.

The Vice-Chair (Mr. Garfield Dunlop): I want to congratulate you on your appointment as Minister of Labour. I know you've been tossed into this job very quickly, so I hope it's working out well for you.

Ladies and gentlemen, we're here today to resume consideration of the estimates of the Ministry of Labour, vote 1601. There are a total of two hours and 53 minutes remaining. When the committee was adjourned, the official opposition had 12 minutes remaining in its 20-minute rotation. I just want to point out that, as Chair, I will be leaving for about 40 minutes or so in a couple of minutes and Mr. Delaney has agreed to sit in and chair for me until I get back. I'm actually debating Bill 50 for a while, as I mentioned to a couple of people.

I want to welcome everyone from the Ministry of Labour and all the staff people.

With that, Mr. Delaney, if you could take the chair. The official opposition has 12 minutes. Thank you very much.

The Acting Chair (Mr. Bob Delaney): Mr. Hillier, you have 12 minutes.

Mr. Randy Hillier: Thank you very much. It's great to be back in estimates today. I want to continue on with a few questions where we left off last week. One of them is on page 63 of your briefing book that we received. It shows the number of visits and the number of orders issued by your health and safety enforcement officers, and I have a question. It says the average in 2007-08 was 1.74 orders per visit out of a total of nearly 100,000 visits. I'm wondering, Minister, if you can tell me how many of those visits ended up with no orders issued?

Hon. Peter Fonseca: Thank you very much for that question, Mr. Hillier. I know that Sophie Dennis is going to be able to get you some of that information, but I do want to respond to one of the questions, or I may answer a number of them that you had asked in our last session.

You asked for information on fines issued under the Provincial Offences Act as part of our enforcement of the Occupational Health and Safety Act and the Employment

Standards Act, 2000. Under part I, which you had asked the last time with OHSA, fines referred to both summonses and contested tickets in 2007-08 and \$257,635 was collected under part I of OHSA and the maximum fine for part I is \$500.

Under part II, which I know you also wanted to have some information on—sorry. Part III of OHSA, the maximum fine for a corporation is \$500,000 per charge and \$25,000 per charge for an individual and/or imprisonment for a term of up to 12 months. What was collected was \$11,726,900 under part III of OHSA in 2007-08.

Under part I in the Employment Standards Act, prosecutions carry a set fine of \$295 plus applicable costs and victim fine surcharges and under the Employment Standards Act, six thousand six hundred and sixty-five was collected in 2007-08 in part I fines. That's just to give you an update into some of what you asked.

Under part III of the Employment Standards Act—I think this was also something you wanted some information on—an individual is subject to a maximum fine of \$50,000 and/or imprisonment for a term of up to 12 months upon conviction of an offence. Also under part III of the Employment Standards Act, a corporation is subject to a maximum fine of \$100,000 for a first offence, \$250,000 for a second offence and \$500,000 for a third or more offences. What was collected under the part III fines was \$115,500.

Part II refers to some parking infractions and does not apply to the Ministry of Labour.

I'm going to now allow Sophie to also give you some further information and more clarification, if you'd like, on this section—

Mr. Randy Hillier: I think that's plenty of clarification; thank you very much.

Hon. Peter Fonseca: Sophie can also give you some clarification on your question that you just posed.

Ms. Sophie Dennis: With respect to how many field visits would have no orders, I'm going to have to get that information for you. I don't have that readily available.

Mr. Randy Hillier: Thank you. Okay.

Last week we were also talking about costing and tracking lost-time productivity, downtime, due to visits. At that time, you told us that the ministry is not tracking those elements—how much productivity and how much downtime there is due to all, whether it's occupational health and safety or employment standards or job

protections. I would hope, Minister, that you look at that next year, and your ministry looks at it upcoming so that we can start having a greater understanding of just the total cost of compliance with labour legislation.

I want to—

Hon. Peter Fonseca: I can address that for the member. I can speak to that a little bit. First off, the inspectors: Their primary job is to make sure that businesses are compliant, that the Occupational Health and Safety Act's standards are upheld, as well as the Employment Standards Act. That's what we want from our inspectors. But they do go in, in a balanced approach, to work with businesses. I'm sure if the member saw a glaring problem that could cause a serious accident or a tragic fatality, that the member would not want our ministry, this government, to take a watered-down approach to that and allow for that to continue. He would want to make sure that—

Mr. Randy Hillier: I think we discussed that last week.

Hon. Peter Fonseca: We did. What I want to—

Mr. Randy Hillier: There's no sense in rehashing it. I've got 20 minutes—

Hon. Peter Fonseca: I did look into the fatalities. Each fatality costs a business an estimated—now, if you want to put it in dollar terms—

Mr. Randy Hillier: We've already seen those figures and there's no sense rehashing it.

What I asked for, and what I'd ask the Ministry of Labour to consider, is giving the people of this province a full understanding of the cost of the labour legislation that you enforce, and that would include the cost of lost productivity and downtime. I think it's a reasonable approach, and I'd like you to consider that for next year.

Hon. Peter Fonseca: That's what I want to address to the member. I want to address the member on that point that the member brings up, because we did look into that.

I would hope that the member first thinks about the human tragedy and the emotional pain that it will bring—the fatality—to that family.

Mr. Randy Hillier: Minister, I've been on a job site where there was a man killed because of electricity, so I'd like to go on to the next question. I've heard enough of the answer.

Hon. Peter Fonseca: I would say to the member we did cost it out. There is a cost to it: Each fatality costs a business an estimated \$98,000, and that's from 2006, according to the WSIB.

Mr. Randy Hillier: This is ragging the puck, and I want to move on to the next question.

The Chair (Mr. Bob Delaney): It is the member's privilege not to listen to the answer, however carefully prepared.

Mr. Randy Hillier: The reason why I'm not listening is because it wasn't addressing my question. We'll move on to the next one. I want to move on to the card-based certification aspect. That's under your labour relations board. I'll just get the file on that one. Of course, looking at the wording in your briefing book, using words like "encourages effective bargaining" and "promotes settle-

ments" and the like: I've had a number of people in my area—I'll refer to one contractor who was certified under the card-based certification program. It happened when most of his employees were on holidays, when he himself was on holidays. When he got back three or four days later, his company was certified. It ended up costing him, and his employees, \$135,000 to decertify, because that was the wish of the employees. It also ended up costing him three quarters of a million dollars in lost revenues, and his shop went from nine employees down to four. He still hasn't fully recovered. He has provided me with a significant amount of information, but I want to first ask the minister—we see the cost of this labour relations grievance board and the significant length of time for people. Actually, under the card-based certification, people cannot challenge the certification until the next bargaining round, which, in the construction trade, is three years. It doesn't sound like it's promoting settlements and encouraging effective bargaining when few people can certify a contractor and—

The Acting Chair (Mr. Bob Delaney): I'll just advise you that you have about two minutes.

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Mr. Randy Hillier: Clearly, what I'm getting at with this is an effective mechanism within the labour relations board to deal with these complaints in a much more timely fashion than three years. Another firm that I had—it actually cost them half a million dollars to go through the system. In my next rotation, I guess I'll get to some more details on this. Is the ministry looking in your estimates at improving that timeliness function of challenges or contractor grievances on the card-based certification?

Hon. Peter Fonseca: First, I'd just like to say to the member that this government is very proud of the track record that we have when it comes to labour relations. We work with labour: employees, employers.

We did bring forward Bill 144, and it was a bill that helped in terms of restoring the principles of balance and fairness in the workplace. I'll give you some of the things that came out of that piece of legislation. It would restore powers to the Ontario Labour Relations Board, to let it effectively handle situations where an employer or a union violates labour law during an organizing campaign. For example, the OLRB now is able to order the interim reinstatement of employees fired during an organizing drive. On the other hand, this power is balanced by OLRB's authority to remedially dismiss a certification application in cases of union misconduct.

What we've brought to labour relations, as I said, is this balance, this fairness. It has worked. Over 90% of collective agreements are done without a work stoppage or strike. We feel that we've brought this peace and stability to labour relations, and we've restored a balance that wasn't there under the member's government.

The Acting Chair (Mr. Bob Delaney): Mr. Miller, you have 20 minutes.

Mr. Paul Miller: Welcome, Minister, and your staff. Once again, you're into the valley of death here, and I'll be happy to assist you in—

Hon. Peter Fonseca: You must be getting ready for Halloween.

Mr. Paul Miller: That's right.

I'm a little disappointed. I received a memorandum today from your ministry, Minister, in reference to my question on incentives and bonuses, reduced lost-time injuries and statistics, and what they've done is actually repeated my questions to me, and they said that if I want any further information, I should call the ministry directly. I'm a little concerned about why they don't want to discuss that openly and why I've been passed on to the ministry contact person. Maybe in a quick response you can tell me when I will get this information, because I didn't get it today.

Hon. Peter Fonseca: Our CA, who was not here, is going to help you with some details on that. Len Marino, can you oblige the member?

Mr. Len Marino: Sorry, I wasn't here last week, but my understanding from the transcripts is that you were looking for specific information as to whether or not incentive programs were aligned with the reduction in the lost-time injury rates.

Mr. Paul Miller: I can repeat the questions for you, and maybe it will bring you up to speed:

(1) Do officials at the ministry and the WSIB receive bonuses when statistics are reduced?

(2) What ministry positions are eligible, and how much could each receive?

(3) What WSIB positions are eligible, and how much could each person receive at a lower level?

(4) How much did the ministry and the WSIB pay out in total bonuses last year?

So, basically, where does it end at the bureaucratic level as far as bonuses go? Does it come from the directors? How far does it go down? How many bonuses were paid last year? I asked that last week, and I was hoping for a better response other than giving me a contact person to call.

There's no need to bandy this back and forth. Either I will get the information down the road or I won't. A simple answer would suffice.

Mr. Len Marino: I think I can say that, with respect to the bonuses being issued when lost-time injury rates are reduced, the answer is no. They're not specifically linked to that. The Ontario government as well as the WSIB, as far as I know, does have an incentive program for its senior executives and managers, as many employers do. It's not a new program; it's been in existence for some time.

Mr. Paul Miller: What's it based on?

Mr. Len Marino: It's simply based on performance commitments that are made at the beginning of the year and individual—

Mr. Paul Miller: Performance in regard to what?

Mr. Len Marino: In regard to the ministry's or the organization's overall objectives.

Mr. Paul Miller: Which is to help injured workers, people who have been injured. Why would you be getting bonuses for performance levels on something that

is a function for the public of Ontario? I don't understand that.

Mr. Len Marino: The performance—

Mr. Paul Miller: This isn't a corporation, this isn't a private company; this is taxpayers' money. This is government money.

Mr. Len Marino: The incentive programs were approved back in I think the 1990s as part of the overall compensation package. What I can get for you—I cannot give you the individual names of people and what their incentive awards were. That would be protected under freedom-of-information protection.

Mr. Paul Miller: Can I get it under freedom of information?

Mr. Len Marino: No, I don't believe you can.

Mr. Paul Miller: So as a sitting MPP, I'm not privy to getting information about bonuses paid out—taxpayers' money—to members of the WSIB.

Mr. Len Marino: You can get some information. I could give you for the ministry, for instance, the total amount that was paid out in 2007-08 for incentives. I could tell you how many employees that relates to.

Mr. Paul Miller: That would be a start.

Mr. Len Marino: I cannot give you the actual names because that would be protected under the—

Mr. Paul Miller: Privacy act?

Mr. Len Marino: —privacy act because it's personal information.

Mr. Paul Miller: That would be a good start. If you could get that information to me, I'd really appreciate it.

Moving on: I tabled a lot of questions in my last appearance here, and that was the only one they responded to. I guess that one hit home. But the rest of them, I got no response on, and I hope I'm going to. I see that Mr. Hillier did get some response to his concerns; I got absolutely none. So I hope that changes. I'll move on to my first question.

I'm moving on to violence in the workplace, Minister. Inquests into the deaths of Lori Dupont, Teresa Vince, as well as the Hadley inquiry have all called for your ministry to make amendments to several acts under your ministry's authority, including the Occupational Health and Safety Act, the Employment Standards Act, and the Workplace Safety and Insurance Act. These recommendations are intended to protect workers. It is intended to protect them from harassment and violence in the workplace, and to protect the jobs of workers when they are forced to take time from work when they are even being stalked at work. It is also intended to recognize that workplace harassment and the threat of violence in the workplace can create a workplace just as toxic as any filled with dangerous dust or chemicals, and can lead to work-related illnesses.

Six years ago, in 2002, the Hadley inquiry recommendation number 48 recommended that "all employee-related legislation, including the Employment Standards Act, the Human Rights Code, the Occupational Health and Safety Act and the Workplace Safety and Insurance Act, be reviewed and amended to ensure that:

“—violence is defined to include harassment, stalking and threats of violence;

“—women experiencing violence in an intimate or personal relationship may take a leave of absence sufficient to address the violence in the relationship and establish themselves and their children in a safe place without fear of losing their employment or fear of experiencing some other employment-related reprisal.”

More recently, the inquest into the workplace death of Lori Dupont recommended workplaces prepare policies and practices to protect workers when domestic violence is brought into the workplace as a result of intimate partner violence. The recommendations call for education and training around violence in the workplace and domestic violence brought into the workplace.

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Will you, as minister, support amending the Employment Standards Act to protect workers who otherwise may lose their jobs as a result of innocent absenteeism? Will you amend the workers’ compensation legislation to ensure that workers who are made ill from the stress of harassment and violence are compensated when they lose time from work as a result of illness? Will you amend the Occupational Health and Safety Act to ensure that employers are required to provide protection for workers, and require the introduction of measures and procedures to deal with all forms and sources of harassment and violence in the workplace?

Finally, the coroner’s jury for the Lori Dupont inquest also made a number of recommendations to the Legislature of Ontario. Will you, as a member of the Legislature, support and take action on the recommendations made by the coroner’s jury to the Legislature of Ontario?

Hon. Peter Fonseca: I thank the member for this very important question which, as the member knows, many MPPs and others have spoken to.

The Lori Dupont case and others sadden all of us. It’s something that we, as a government, take very seriously; we do not tolerate violence in the workplace. That is why, prior to my becoming Minister of Labour—just days before, actually—my predecessor, Brad Duguid, launched a consultation, on September 17, I believe, and that is ongoing at this time. It will be concluding on October 17. That consultation is to make sure we do this right, that we get all the recommendations on how we can best address violence in the workplace. What I can say to the member—I did say this in our last session—is that it would be unfair to all our stakeholders for me to make policy here on the fly, which I’m sure the member is not asking and hope he’s not asking for. That’s something I would not do and that I hope the member wouldn’t ask for. The member can, of course, make a submission to this consultation.

Under the Occupational and Safety Act, all employers at this time are required to take every reasonable precaution to protect the health and safety of their workers in the workplace. We know there is still work that needs to be done on this, and that’s why we’ve embarked on this consultation. This includes protecting workers

against the risk of workplace violence. What we do say for anybody in a situation like Lori Dupont’s is that the police are the lead and should be contacted right away. Workers who feel their physical safety is at risk should contact the police immediately.

The Acting Chair (Mr. Bob Delaney): While the Chair has the mike, let me remind both the questioner and the minister and his staff that if you request any information or enter into an undertaking to provide it, please provide it through the clerk, so that it can be distributed to the entire committee.

Mr. Paul Miller: I appreciate your answer, Minister, but as I spoke in the last few days, I talked about item 50. That is where you, as a ministry, go after individuals who are harassing or putting people in unsafe positions. It’s my understanding that item 50, which fines companies, has never been enforced over the years—you were rhyming off a lot of fines to companies, not under section 50. That covers harassment in the workplace and also covers liability and health and safety. Not once since that has been enacted has it been enforced. I want to know why. I have cited examples of intimidation, which I was more than happy to share with you.

I’ll give you a personal one. I, as an industrial mechanic welder fitter at the Steel Co. of Canada, dared, as a health and safety rep, to do a work refusal: It was coke over battery, and this heavy machinery was moving up and down, with not enough safety men, to push the coke out of the ovens. I was very concerned about people’s safety, and the operator could have had a heart attack, or several. So I called a work stoppage.

The ministry inspectors were on strike at the time, and I had to do it over the phone. The company called me in. They threatened me with dismissal; they threatened me with intimidation; they threatened me with several reprisals if I did not back off my request for the ministry to come in. I didn’t back off. I stuck to my guns and my concern. They addressed it at the point where I got a reasonable answer from the ministry. They told the company to do it. I took harassment for weeks after that, the subtle harassment: rotten jobs, dirty jobs, unsafe jobs that I was forced into. Then, the very concern that I had about what’s called a pusher car, which pushes the coke into the cars on the other side of the furnaces—the operator fell asleep on night shift. A 50-tonne car went off the tracks, smashed into the other car, which was parked in the battery; tore out four batteries on that job. It cost hundreds of thousands—I don’t know how much it cost. I didn’t hear anything back about it; I didn’t hear about any reprisals; I didn’t get any feedback on my concerns. All I got from the company was, “We’re taking care of it.”

So my concern is the lack of communication between your ministry, the Ministry of Labour, the WSIB, and all the other categories that fall within your jurisdiction. Not only do they not enforce it against employers; there are a lot of unanswered grey areas with deep concerns. I could cite probably 200 minimum—from my union—more incidents in that plant, which have included fatalities,

which this labour board and the WSIB are not enforcing. They go in there, they do a patchwork job, they tell the company to—maybe a suggestion; not a heck of a lot of fines under section 50; in fact, zero in 34 years in that plant. I don't know how long that section 50 has been in place; I haven't looked that up. All I can say is, the jobs are not being done; the inspectors don't have enough meat; they're not fining these companies for unsafe acts.

We had three guys killed up north in a mine. They fined the company, I believe it was, \$175,000 for two or three deaths. You might consider that a hefty fine. The same company, Minister, nine months later received a \$1.2-million rebate from your ministry—\$1.2 million. Now your ministry has moved slightly to say that, “In a death in a place, we will not reward that company that year.” But if you reapply next year, does that address the safety concerns? Does that make that company change any of the structural things that may have caused these accidents? No, it doesn't. All it does is, “You be a good boy next year, don't report any accidents, and we'll give you a rebate.” They're doing it. As I pointed out last week—which is totally unacceptable, Minister—they're giving rewards—Harley-Davidson motorcycles, fishing boats—if you don't cause trouble and report accidents. If I don't report that accident, Minister, and I'm injured on the job, and 10 years later I go back with that injury, they're going to say, “Mr. Miller, you didn't report that accident. You didn't report that incident. I'm sorry; you're not covered.”

People out there don't realize what these companies are doing. It's absolutely unbelievable. And you told me last week—let me reiterate for you: “Health and safety inspectors: Full complement,” boom, boom, boom. I heard that you're now 36 inspectors short of where you should be; 36 inspectors short. I found that out under freedom of information. I'm very concerned.

I don't know if you want to answer that quickly, but I will now move on to farming. The trouble in health and safety in farming will be next.

Hon. Peter Fonseca: How I'll address it: First, I say to the member that I can appreciate the member's personal experience. I have to say that in the short time I've been here, what I've learned about our inspectors is that they've been very proactive out in the field, as proactive as looking at—first off, I understand that they looked at cranes. I believe we have about 256 cranes.

Mr. Paul Miller: Are you talking mobile or overhead?

Hon. Peter Fonseca: I believe mobile.

Mr. Paul Miller: No. We have 180 cranes in our plant, Minister, just in the one plant.

Hon. Peter Fonseca: Okay; these must not be the same cranes. What are they called?

Ms. Sophie Dennis: Tower cranes.

Hon. Peter Fonseca: Tower cranes.

Mr. Paul Miller: Tower cranes; construction cranes.

Hon. Peter Fonseca: Two hundred fifty-six tower cranes. We did a blitz—

Mr. Paul Miller: Most of them are in Dubai right now. We're short on cranes.

Hon. Peter Fonseca: We did a blitz on those tower cranes, and there were work stoppages for over 150 of those that were faulty. We got those fixed.

1630

This brings me to—the member had talked about moving equipment. Some of our next blitzes will be on some of this dangerous moving equipment. That's how our—

Mr. Paul Miller: Will that include trains, buses, mobile cranes?

Hon. Peter Fonseca: I just know about moving equipment, is what I'm telling the man.

I also wanted to address—the member had brought up section 50. Yes, you had, Mr. Miller. We did do our homework and got some information for you. You may be aware that workers have a choice of how they want to handle these situations.

Mr. Paul Miller: Workers have a choice, Minister?

Hon. Peter Fonseca: They do have a choice, Mr. Miller. They can have the matter dealt with by final and binding arbitration under their collective agreement, if they have one, or they can file a complaint with the Ontario Labour Relations Board. Our health and safety inspectors visit workplaces—I think this was brought up in our last session. Sophie, did you speak to this?

Ms. Sophie Dennis: Yes.

Hon. Peter Fonseca: The inspectors visit the workplace where the reprisal has taken place to investigate any health and safety concerns related to the complaint and may issue orders for any underlying health and safety violations that may have led to the reprisal. Inspectors inform the workplace parties of their rights and duties under section 50 of the Occupational Health and Safety Act and provide an information pamphlet which is available in over 20 languages, I believe. If a worker files a reprisal complaint with the OLRB, the OLRB is required now—

Mr. Paul Miller: Thank you. How many times—

Hon. Peter Fonseca: The member had asked for information on section 50. I was going to—

Mr. Paul Miller: You answered me, but you're going off track. You're talking about arbitration. I don't want to talk about arbitration. Once again, you touched on section 50; I want the minister to tell me how many companies you've fined under section 50. That's what I want to know.

Hon. Peter Fonseca: What I can tell the member, and I'll let Sophie elaborate—I can advise the committee and everybody that in 2007-08, the OLRB received 184 complaints under section 50 of OHSAA alleging wrongful dismissal or discharge or acting in compliance with the act. Of this number, 83 cases were carried over from 2006-07. Of the 184, 68 cases were settled by the parties in discussions with the labour relations officers, 26 cases were dismissed, five cases were granted, and the remaining 81 were pending as of March 31, 2008.

Mr. Paul Miller: So zero fined would be the answer?

Hon. Peter Fonseca: Sophie, can you elaborate further?

Ms. Sophie Dennis: In terms of prosecutions, yes.

Mr. Paul Miller: Thank you. I guess my time is just about up. I would close by saying that I hope these talks continue because I have a lot more. I'm hoping, Minister, that some of the crucial questions I asked last week pertaining to your ministry, to the WSIB, will be answered in due time, because they're important to the people I represent and the OFL and all the other unions that are involved in this. We would like to know when these answers are going to come to us, because I will continue the pressure until I get the answers.

The Acting Chair (Mr. Bob Delaney): The government side. Mr. McNeely.

Mr. Phil McNeely: I've heard and seen a lot of good news around the 20% reduction that we've had in losses in the workplace since, I think, 2003, 2004, with the new legislation. I've toured sites that show remarkable change from the 1980s and 1990s, where you have safety in the workplace being one of the most important considerations, and it's one that the contractors are working with. It's surprising for me to see that the workplace has changed so much since I was there in the early 1990s. We toured the radiation treatment centre under construction at the Civic Hospital, as I said in an earlier question.

I'm bringing this up again, because what we've just heard is not the record that I hear from the work the ministry is doing, what the staff is doing, what successive ministers have done, to lead us to a safer workplace in Ontario. To see the way the steel setters are operating now, where they're tied down with a safety harness—yet these contractors are not finding that that is slowing down production. It actually helps production, because everybody is working in an area where safety has been dealt with; safety is being dealt with on a continual basis. They have meetings every week. These are the sites that I've been on; these are the sites that we see. It's a dramatic change.

You said that—and I see that page 63 of 81 is the statistical data for inspections etc. Just the information I get back is that there's a lot of targeting of unsafe workplaces, because we get messages back that the ministry has fined fairly hefty fines against unsafe workplaces. I've had contractors in my own riding getting in touch with me, saying, "Look, this is costing us a fortune. This is unfair." But the good contractors—that happened the first year, I think, of the new policy where we hired, what, 200 new inspectors and trained them. I see that in the year 2004 there were less inspections because a lot of the existing staff were training the new people and getting them involved in it. The complaints from the contractors quit coming back to me in about 2006, late 2006 or 2007; they were no longer complaining. I think that means they were appreciating the fact that we weren't going to tolerate these unsafe practices anymore. So this does not seem to be the same workplace that the member before me was talking about. I see a vast difference. I see that you're doing your job out there.

You mentioned the other day about targeting the unsafe workplaces. They get a lot more inspections than those who already know what they're doing. PCL is one of the big contractors in the Ottawa area; it's a big contractor here in Toronto as well. But they tell us, when we go on the job site—and the ministry people agreed with them—that they go over and above the requirements now because they understand that safety and productivity go hand in hand and having the people on the site aware. They told me about the training that goes on to a young person coming on the site. This is extremely important. They know that that training has to be very careful. They have procedures to take them through. They're not going to put themselves or other people in danger until they're quite aware of what the safety in the workshop is.

Basically, I think the ministry is doing a great job; 20% is a huge reduction. I'd just like you to go over that again, because I think the record in the last three or four years is what we should be hearing about—the successes. I'd like to hear those.

Hon. Peter Fonseca: I thank the member very much for the question and for taking us through what he has seen at the community level in terms of some of the calls that you were getting early on, Mr. McNeely, and how those have somewhat dissipated. When there is change, often you may get calls; it may be a new normal for some. What has been terrific is that once we came into government in 2003 and made a commitment to hiring new inspectors, those 200 inspectors of course had to be trained up. Many of them have specialization in particular sectors. Where we built up from 230 inspectors to 430 inspectors, it built the capacity within the Ministry of Labour which was lacking.

Also, you speak to the companies that have a very good track record. They're understanding of how important health and safety in the workplace is. But a healthy company, a safe company, is also a company that has a healthy bottom line. They are a company that doesn't look to do do-overs, because they know how much that costs when you make mistakes. They invest in their people. They are companies that are looking at retention, making sure they can keep that human workforce within the company. They want to treat them well, take care of them. In turn, I think you get the reciprocity from those workers. Those individuals understand that an investment is being made in them in the organization. It's organizations that may be small, medium or large, but they have a vision for a brighter future in terms of more business and the type of products or services that they offer. They are the type of employers and employees and labour working together that want to build on excellence, not only when they look at workplace health and safety, but I believe and know that that translates into the type of product that they are able to build. It could be a house, a condominium, a car or a particular service that's being provided; it could be a financial service without mistakes etc. Those are companies that understand that it is seamless in terms of how you address health and safety in that it is a principled approach by the company.

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That is where our investments have come. We have some economic challenges before us, but as you've heard Premier McGuinty speak to our five-point plan, at the heart of that five-point plan is our people and the investments that we're making in our people when it comes to this knowledge-based economy, to skills. All of that also entails health and safety learning for individuals, and it changes, because you get new equipment, and new equipment means new learning. You want to make sure, first, that nobody gets hurt and also that you don't damage that equipment. Some of that equipment, with new technologies, is in the millions of dollars. A mistake that can injure the worker and cost you that individual for a period of time or, God forbid, a tragic fatality will hurt that company in many, many different ways.

The approach that we've taken has been, first, a targeted way, getting in there and looking at those very high-risk sectors and also where many of the accidents or injuries were taking place and trying to address that. I mentioned how we blitzed the cranes, how we're going to be looking at moving equipment, but also how we are moving forward now at the stage that we're at with Safe at Work Ontario, a program that is proactive and also reactive. Of course we get called in whenever there is an injury in the workplace, but we also are taking an approach to look for accidents before they happen, so coming in and working proactively with business, looking to change a mindset.

It's not always easy, but once the mindset changes, that cultural shift makes a huge difference, and it puts the company in a much more competitive place. It now has an advantage: It understands the investment that it's making in its people. Who would want to invest in their people and then see somebody not being able to come in to work?

That is the approach we're taking. I know it's the right one. It's one that will work for us today, it's principled and looks many years to come down the road.

I'm going to allow Sophie to give more detail as to what our inspectors are doing, how they're trained and how they are able to achieve some of the targets that they have: as the member mentioned, over a 20% reduction in workplace lost-time injury rates. Sophie?

Ms. Sophie Dennis: Thank you, Minister. Just to build on a lot of the discussion that has occurred already, 430 officers is a tremendous resource within the Ministry of Labour to deal with occupational health and safety issues in workplaces in Ontario. But it's never enough; 430 officers could not even inspect every workplace. Our approach with Safe at Work Ontario is to build on our good successes with our previous strategies and really look for other ways to lever resources beyond just the Ministry of Labour.

Our officers will be out there, as the minister said, trying to get to those workplaces that have the highest potential for injuries to occur as a result of the processes they have. Steelmaking is one of those sectors, and the processes they have are inherently dangerous. We would

be working with companies and organizations proactively in those situations.

We are still responding, unfortunately, reactively to injuries that are occurring on a day-to-day basis with respect to lost-time injuries and, unfortunately, fatalities. But what we want to do is target proactively, get to those sectors that are having those potentials and really work with the workplace parties. Part of what we're trying to do is build sustainability. As I mentioned, we only have 430 officers out there. We can't do it alone. We need workplaces to be able to do it without us being there, without us just enforcing.

So we're enforcing, but we're not just enforcing. We're trying to build compliance, and part of compliance is really promoting and helping leadership within that organization: leadership, in terms of the most senior levels of those organizations, but leadership on the shop floor as well, getting engagement and really helping the internal responsibility system get traction and some legs in some organizations. In those organizations that have a good internal responsibility system, that are addressing those issues, as I said previously, we don't have to be in those organizations as often. That frees up our very, very finite resources to be able to go to those organizations that need our dedicated attention and, where appropriate, pass the baton to our health and safety associations, to provide them ongoing support and work with the WSIB to give them additional supports as well. So as a system, we are working co-operatively to really help build sustainability within the organization.

Safe at Work Ontario is about compliance. Enforcement is part of that. As I indicated, what we are trying to do is bring workplaces to a level of minimum compliance and beyond. So, if they have issues, many of which have been already described with respect to relationship issues in the workplace, they're addressed internally. If they're not, they're called in to us and we will investigate. Those workplaces that are not addressing those, we will be there.

In addition, to help workplaces anticipate what we will do, so there should be no surprise, our website is now populated with our sector plans so industries will know what we're focusing on and why, and what they can reasonably expect us to do. Then we will report back, much like the minister has, in terms of outcomes on some of our blitzes: "Here's what we said we'd be focusing on, here's when we're focusing, and here are the results of that focus." That is what I also consider to be part of our role: to continuously help and educate workplaces. It is an education every time one of my officers enters that workplace. It's explaining what we do, why we do it, and what they can expect as an outcome.

Mr. Phil McNeely: Thank you very much, Chair. How much time is left? Five minutes.

I've seen that in the workplace, in the cancer treatment centre for the Ottawa Hospital; at the—I think it's Air Canada's building, the arts centre; and we had a tour of the Bruce nuclear plant. I've seen them.

You're saying that if you can develop that culture within the workplace, then you don't have to be there, and your 430 officers—which is still 200 more; those numbers were questioned a while ago—is a 70% or 80% increase over what you had in 2003-04. It's showing up; I know it's showing up. I was in the industry for 35 years. I've had the opportunity to go back, and that culture is becoming very strong, certainly with the construction industry, Aecon.

For the last three minutes, I think MPP Dickson wanted to ask a question.

Mr. Joe Dickson: Thank you, sir. First of all, through the Chair, member Dhillon just passed me a note that he had to go to the House for a couple of questions and would be returning.

My question, through you, Mr. Chair, to the minister is one that pertains to a local issue in my community. I must first of all mention that I had previously discussed this with your predecessor, Minister Duguid, and while he was remaining impartial and independent, he was good enough to ask that staff review the situation, so he was most helpful.

1650

This pertains to a particular industry in Ajax that has expansion plans which have been in the works for just over a year. They are at the stage where they are tentatively approved by the municipality, and they are running into numerous complications under their current process with particular ministry inspectors. Of course, the expansion simply means there would be more business, more jobs, and, in an area that is devastated, especially with the auto industry and the lack of employment, this, although small, is something pretty significant to our community.

The problem or challenge that I'm concerned with deals with inspectors—potentially overzealous—who are on-site reviewing a company. I would like to know if there is an avenue that I can pursue while still keeping it separate, non-political, arm's length, whether it be with an Ombudsman, a facilitator or some type of intermediate staff that could address that particular situation with me, because it's extremely problematic. I've tried to get an answer and I don't know the process, and I wonder if someone from your ministry could help me.

Hon. Peter Fonseca: I thank the member for the question. I'm going to ask a non-political person who's up here, Assistant Deputy Minister Sophie Dennis, to answer that question in a very non-political way.

The Acting Chair (Mr. Bob Delaney): She has one minute to answer it.

Ms. Sophie Dennis: If you have any concerns about what we do in the field, you can contact any one of our staff. I will give you names of the manager and director for that area, and I'll also give it to the committee, so that if there are any concerns on a go-forward basis, you can contact us directly. We take all phone calls.

I will say, though, we do have a code of professionalism that our staff adhere to. Every member of our operations division adheres to this code of professionalism. There are very strict elements to that code, and we do

measure our outcomes against the code. So we are open to any and all feedback. I'll give you those names, and you can give us a call.

Mr. Joe Dickson: I very much appreciate that information. I will do that. Thank you.

The Acting Chair (Mr. Bob Delaney): Okay. Unless you want to wrap it up in 15 seconds—Mr. Hillier, the time is yours.

Mr. Randy Hillier: Thank you very much. It was a pleasure to hear that it's not just the inspectors in Lanark-Frontenac who are sometimes overzealous.

Minister, earlier, when speaking about card-based certification, you mentioned that the labour relations board can dismiss certification if there's union abuse. I think those are the words or the term. I was wondering if, in 25 words or less, you can tell me whether that's ever happened.

Hon. Peter Fonseca: I'm going to ask Assistant Deputy Minister Susanna Zagar to give you some insight into that.

Mr. Randy Hillier: In 25 words.

Ms. Susanna Zagar: Yes.

Mr. Randy Hillier: It has, and how often?

Ms. Susanna Zagar: I don't have the exact number on that. I'll have to get back to you on that.

Mr. Randy Hillier: Could you get back to me? That would be since 2005.

I want to just continue on that card-based certification vein for a little bit. Going back to this gentleman—Oosterhof Electric in Kingston—I just want to read a couple of little bits from the letter he sent to me. Again, this is the gentleman where it cost him \$135,000, and he lost half his employees and three quarters of a million dollars in revenue.

Just for the record, I should state that card-based certification only applies to the construction sector. Again, before I go on any further, can the minister explain, with brevity, why this is only in the construction sector and if there are any plans to broaden it beyond?

Hon. Peter Fonseca: What I can tell the member is, the construction sector is quite unique. As the member would know, having worked in the sector, it's often mobile. Projects are on a tight deadline. People work at many different sites. Those are some of the unique characteristics that come with construction, in that industry.

Mr. Randy Hillier: Is there any intention to expand card-based certification beyond the construction sector?

Hon. Peter Fonseca: Through Bill 144, we did what we were going to do to restore the balance to the workplace that we felt was not there under the previous government, the Conservatives. We restored that with Bill 144. The way it is right now, as I mentioned to the member, our labour relations have never been better in the last 30 years.

Mr. Randy Hillier: Okay, thanks. I'll go back to reading this from Gary Oosterhof: "On our first day in hearings in August, the arbitrator suggested we re-examine our case and encouraged us to settle with the IBEW. In his words"—the arbitrator's words—Gary would re-

quire “‘a grand slam’ to win this,” and that doesn’t happen. The arbitrator didn’t want to see them “throw good money away. We were tempted to call it quits but our employees were advised to pursue their right to decertify and since they couldn’t be heard ... we were forced to continue with the hearings.”

They spent 10 days over three months in hearings. At that point the arbitrator again counselled them to seek settlement with the IBEW, even though he had not heard evidence from the union side yet. “Again, our employees wanted to pursue their rights to decertify. [However] we were forced to continue” in the hearings. “The arbitrator gave us one more chance to settle. He also informed the IBEW how he expected them to present their evidence.... The next day, the arbitrator”—after hearing the evidence on the final day—“came into the hearing room and told us he was going to settle this matter. He dictated the terms of settlement and had our lawyer come up with the conditions we could live with and then ... ordered the IBEW to sign it. Three hours later we were free and decertified.”

That’s from a gentleman named Gary Oosterhof. As I said, his family and his business went through significant pain and hardship over this card-based certification.

The avenues to abuse are so open. There are so few checks and balances. Minister, I’m wondering: Is that what is expected out of your card-based certification, that people can have their businesses destroyed, loss of employment? Finally, an arbitrator demanding that it be settled after a year and a half and, like he said, \$135,000: What do you think of that system that we have in place that allows that to happen?

Hon. Peter Fonseca: First I say to the member that the member knows full well that I can’t speak to any particular case or specific case. But what I can tell the member is that we believe in productive labour relations. They’re the key to our economic growth. They lead to productivity, to prosperity. That’s what we work towards. I have let the member know, and the member should be able to share this with others, how our labour relations have improved. Labour employees and employers are working together here to build a stronger Ontario.

This is what I can tell the member: We’ve made a lot of progress. We will continue to work with all our partners, where you have labour, management, employees and government—working together for a more prosperous Ontario. I know that the member would want the same, and we believe the best way to do that is by building workplaces that are healthy, safe, have a good working relationship between management, employees and labour. We have brought forward some very progressive and, I say, productive changes through Bill 144. What I can say and I can’t do is speak to a particular, specific case.

1700

Mr. Randy Hillier: No. The question was: What do you think of a system that allows that to happen, where a small firm is run through the mill for a year and a half, half its employees end up without work, they lose three

quarters of a million dollars in revenues, they just about go bankrupt, over a salted employee in their business and where the arbitrator didn’t believe that these guys could win? Finally, after a year and a half, they did. What do you think of the system that we’ve created that allows that to happen?

Hon. Peter Fonseca: As I say to the member, I cannot speak to a specific case. What I can say is where we’ve really moved the ball up the field and made a lot of progress to addressing labour relations, to bringing balance, peace, stability, into the workplace. That’s what I’ve got to say to the member.

Mr. Randy Hillier: Okay. Again, you’ve talked about restoring peace and harmony and whatnot to the workplace. Let me just read a little bit: “We began a journey from non-unionized-status workforce to card-based certification. That was shocking with its complications and cold in its intrusions, abruptness and decisiveness.” Those are some of the words that Gary Oosterhof used. Then he goes on to say, “They count on the ignorance of contractors, businesses and their lack of knowledge on the labour legislation and/or our legal rights in situations, and they use this weakness to their advantage.” He’s talking again about this salting of employees into non-union contractors.

Those are not the words that describe a harmonious, balanced relationship, in my view, Minister. Really, it’s not acceptable, I don’t believe, that when legislation creates opportunities for abuse, that legislation creates privileged positions for some and disadvantages for others.

Finally, Gary went on to say about the whole system, “The poison that is spread is causing the labour market in this province to be sick and weak and in dire need of revamping.”

Again, there has to be, and I would like to see the Ministry of Labour consider, some modifications to this system and also an appeal mechanism. As a member from the opposite side mentioned with the overzealous inspectors, instead of having a politician calling up your ministry and letting them know about an overzealous inspector, there ought to be a series of checks and balances within the legislation that are timely, that are cost-effective, that contractors can challenge positions stated, either by your inspectors or by card-based certification, where the truth can come out quickly and cheaply without bankrupting them. Do you think that would be a fair objective to look for in your legislation?

Hon. Peter Fonseca: I keep letting the member know that I won’t speak to a specific case that was before the OLRB. It would not be right and I don’t think that the member would want me to do that.

Mr. Randy Hillier: I wasn’t asking you to speak to a specific case. My question was: Should there be an appeal mechanism that is cost-effective, that is timely, whether it be for overzealous inspectors or whether it be for union certifications? Do you believe that that would be a valuable tool for the Ministry of Labour to incorporate under the OLRB?

Hon. Peter Fonseca: As I've said to other members here on this committee, this is not a committee where we will produce policy. This is estimates, and that's what we're addressing here.

Mr. Randy Hillier: Yes, and that's why I'm addressing it here. You see, our total under that section—I think it's \$23 million we're spending under the Ontario Labour Relations Board dispute resolutions? We've talked about other—you know, how many employees you have on the enforcement side of things, but we're spending \$23 million for this Ontario Labour Relations Board and we're not getting very timely answers. We're not providing cost-effective and timely vehicles for people to challenge decisions.

I think within a \$23-million budget, we ought to be able to find some vehicle that provides checks and balances for our contractors, our employees, our employers, our unions. Everybody involved should have an effective, quick means to appeal decisions.

Hon. Peter Fonseca: The member speaks to a shift in policy direction. This is not a place that I feel is appropriate, and I would not ever be prepared to do that here at estimates committee.

Mr. Randy Hillier: Are you suggesting that having checks and balances would be a policy shift by the Liberals?

Thank you. I think I'll be finished up with my questions. Mr. Bailey?

Mr. Robert Bailey: Thank you. I've got one. How long do I have, Garfield? Five minutes?

The Vice-Chair (Mr. Garfield Dunlop): You have six minutes and 19 seconds.

Mr. Robert Bailey: Thank you. That was quite interesting.

Minister, I wanted to draw your attention to page 36 of your results-based plan in the briefing book. I should have given you a little notice so you could have your book out. Anyway, on the page I'm speaking of, under "Salaries and wages," it shows that the ministry is asking for an increase of 23% over last year, and when I look at the overall increase, it says 10% for the entire Ministry of Labour operating expenses.

To give a little bit of context, in 2006-07 your ministry's operating expenses were just under \$19 million and in 2007-08 they were \$22 million. According to the book, your ministry is now asking for \$25 million. My question is, if we're heading, which it looks like, for some economic turbulence, should you maybe not, with your ministry staff, look at reining in spending at the ministry? A 10% increase would seem to indicate to me that there are no concerns about financial controls, and I'd like you to explain to me how you think this is justified.

Hon. Peter Fonseca: First I'd like to say to the member thank you very much for the question. In the short time that I've been at the ministry, what I can say to the member is that I've found it to be very prudent and responsible, and the taxpayer of Ontario is getting value for money. But, luckily enough today for the member, we

do have Len Marino, our CAO, here with us to be able to address the question and give us more insight in regard to our expenditures.

Mr. Len Marino: I guess I can tell you that any increases the ministry has had in recent years—I think you've heard about some of them during these proceedings. We had additional money funded through the occupational health and safety target enforcement program. In the 2007 Ontario budget we did get additional funding for the employment standards to deal with growing backlogs and cases, and then there was some funding also provided to enhance the services at the Office of the Worker Adviser.

Aside from that, and some money that we did get for better dealing with infectious disease cases, any increases in the Ministry of Labour's budget in recent years have solely been related to increased business costs, primarily increased salary awards for staff, just to maintain current and existing staffing levels. There have been no other increases in the ministry's staffing levels over the years besides those increases. As far as the ministry is concerned—most of our money in the ministry, just so you know, of our gross expenditures primarily goes to paying for our payroll and our staff. We are pretty much 77%, so if we're fully staffed up, which we want to be, that's where our money goes, so we don't have a lot of funding flexibility.

Mr. Robert Bailey: Turning to page 43, and this is about pay equity, I wanted to ask the minister—they talk about the Pay Equity Hearings Tribunal's proposed estimates. According to my numbers here, you're asking for an almost 40% increase in salaries and wages for the tribunal; I would expect a similar increase in employee benefits. How many new full-time equivalents would that create, and how many hearings would you expect to have this year, and what could account for this kind of dramatic staff increase?

1710

Mr. Len Marino: I'm not sure where you're looking for the 40% increase in the Pay Equity Hearings Tribunal. I'm not aware of a 40% increase. The case levels at the tribunal have levelled off at about 30—

Mr. Robert Bailey: I'm just going by page 43. It says here, 2007-08, change 39.9%, salaries and wages.

Mr. Len Marino: Any increases are solely related to the salary awards. There's nothing else. The reason the percentage looks high is because the numbers are small.

Mr. Robert Bailey: You must have staffed up.

Mr. Len Marino: No, there's been no additional staffing at the Pay Equity Hearings Tribunal at all. The only additional staffing in the ministry are the ones I mentioned previously.

Mr. Robert Bailey: I was just going to say that maybe they started with pay equity there, they brought the pay equity up there for the staff. Maybe that's a good idea. They were probably underpaid.

The Vice-Chair (Mr. Garfield Dunlop): One minute.

Mr. Robert Bailey: Okay. I have one other question here. It's about the Office of the Employer Adviser. That

was on page 70. I had a question about employee benefits going up so dramatically when the salaries were not. I haven't looked at that one myself yet. I only have a minute, so maybe someone can comment on it.

Mr. Len Marino: On page 70?

Mr. Robert Bailey: You can get back to me on that, if you don't have it right there.

Mr. Len Marino: Yes, I'll need to get back to you on that one.

The Vice-Chair (Mr. Garfield Dunlop): That's the end for the official opposition.

I understand, in dealing with the members of the committee here, that we have consent that this will be the end of the rotation and the end of the estimates for labour. Can I have a motion to that effect?

Mr. Joe Dickson: So moved.

The Vice-Chair (Mr. Garfield Dunlop): So moved that this will be the last rotation. Does everybody agree to that? Okay, thank you. Mr. Miller.

Mr. Paul Miller: Mine will be a short one. I must apologize for my chest infection. I'm on antibiotics and I'm coughing and coughing. I usually shake it in three days, but I'm having a problem with this one.

I left off with the health and safety inspectors. You said you had 430 inspector positions that your ministry funds at this point. How many of those positions are vacant, and is your ministry actively recruiting replacements?

Hon. Peter Fonseca: I'll ask ADM Sophie Dennis to answer that.

Ms. Sophie Dennis: We do have a number of positions that are vacant, and we will be recruiting in the new year. It's been a capacity issue for us to have enough managers to be able to be recruiting for them. So we'll be staffing up in the new year for them.

Mr. Paul Miller: How many are you short? I heard it's 34.

Ms. Sophie Dennis: I'll have to get back to you with the answer.

Mr. Paul Miller: The minister stated, or I believe you stated—no disrespect—they said that you were very proud of the fact you had 430 inspectors in the field. That's not quite up to the levels it should be, with 300 and change. So, you're short. I believe you did make the statement that it's never enough; you could use another 400 inspectors. So I would assume that your managers or whoever is handling the hiring of inspectors should pick the pace up a little bit and replace the complement you have now because, as you pointed out so eloquently, there are so many places in Ontario to cover that you just don't have enough inspectors. Some places may go two years, three years, without an inspector going through there. We've already gone through a meat problem; that's the health board, but it's inspectors too. I'm really afraid that we're short-staffed in inspectors and I would like to see the full complement out there and, if possible, that you hire more.

Moving on to the farm workers' health and safety: Your ministry extended the Occupational Health and

Safety Act in a limited manner to factory farming operations. It's well known that a large number of these workers are migrant and vulnerable workers. We know that many of them are afraid to speak up for their safety, for fear of being fired. Has your ministry prepared a plan to do proactive inspections of farming operations? If so, when is it going to be implemented? And if not, when are you going to develop one?

Hon. Peter Fonseca: I understand that there is a plan, as I've been told by Sophie Dennis. I'll allow her to elaborate on that.

Ms. Sophie Dennis: As of September 2007, farming became fully integrated within our industrial health and safety program. We began proactive inspections—and frankly, when we started, when farming became part of the Occupational Health and Safety Act, we did respond to criticals and fatals; unfortunately, we had criticals and fatals.

As of this year, we started proactive inspections. It is part of our sector plan, and the plan itself is on our website. We have 27 inspectors trained to be able to respond to the very unique environment of farming. We approach it cautiously because of the biosecurity issues; we do not want to be the cause of concerns for farmers. As you know, only those farmers who employ workers are where we go. Those family farms that have no paid workers are not covered under the Occupational Health and Safety Act, and unfortunately, some traumatic injuries have occurred to family members, children. We still respond just to determine whether it is under our legislation. Unfortunately, some of those are not covered.

Mr. Paul Miller: I'd just make a slight statement on environmental values, in reference to the ministry. As you know, each ministry is required to prepare a statement of environmental values, or SEV. For a number of years, your ministry has had a commitment in the SEV that one of the ways that the MOL contributes to the environmental well-being of the province is to encourage the substitution of hazardous substances with those that are less hazardous.

If we take this at face value, this is an important commitment. Unfortunately, the OFL advises that in surveying their members over the years, they have failed to find a single occasion in which the MOL had actually been encouraging substitution of hazardous substances with those that are less hazardous, and they were forced to conclude that the MOL has not incorporated this commitment into its activities in the field.

Has your ministry prepared a plan to implement the commitment in the field? If so, when is it going to be implemented, and if not, when are you going to develop one?

Ms. Sophie Dennis: I can talk about our response to organizations using hazardous substances. If our inspectors go into workplaces—for example, if they're using asbestos or silica or any of the other designated substances that we have, we are always encouraging, as part of a control program, that one of the ways that you control worker exposures is to remove the substance so that

it's no longer being used. One way to protect a worker is not to have that substance in the workplace. We are, as part of our constant review of the OELs—occupational exposure limits—and designating substances, we do look for substitutions where appropriate.

Mr. Paul Miller: I don't know where you draw the line between environmental inspectors and health and safety inspectors. I don't know if it works hand in hand, but I know that hazardous landfills in Ontario have been a great concern to the people, and I can speak from personal experience. When I sat on council in my town, the Taro landfill was supposed to be a non-hazardous landfill. Unfortunately, some of the workers there—this comes along labour—were exposed to hazardous materials that the state of Michigan would not even accept. It came across the border in Niagara Falls, and it has been dumped on several occasions. The Ministry of the Environment was called to inspect. Unfortunately—you have talked about lack of inspectors, that you would like more inspectors—to give you a perfect example of giving workers exposure to hazardous material, a lot of it was biohazardous, a lot of it was chemicals that even the state of Michigan wouldn't take, and it was dumped above the mountain in Hamilton and Stoney Creek at the Taro landfill. I fought that landfill for years with—they've stretched the rules. They've been putting stuff in there that they shouldn't, and now they've applied to put another thing in there.

But what I'm concerned about from your ministry is the fact that the labour, the people who are working there, are going to be exposed to these things. The environmental minister has told me about the inspectors on-site who go to the Taro landfill and inspect one out of possibly 1,000 trucks—one out of 1,000 trucks. How can they get a handle on that situation with stuff being dumped in that landfill? I don't know what goes on in other landfills; I can only speak from the experience I had.

1720

What I'm concerned about, from your angle, is the inspectors, the people who work there. I'm concerned about their health and well-being. If only one in several hundred trucks is being inspected at a time, I'm not sure we have a good handle on what is going in there. A lot of the stuff that was put in there that was hazardous wasn't removed. It stayed there because they couldn't identify the pile it was in, they didn't know what the depth was and they weren't about to dig it out. So not only did the Ministry of the Environment fail, but I'm concerned about the workers. I don't know what your ministry is doing to protect guys working in landfills. A lot of this is dangerous stuff: tar pitch, volatiles, benzene, naphthalene—all known carcinogens, which I was exposed to on a regular basis where I worked.

All I'm saying to you is that I'm very concerned about whether the ministries are going to work together to inspect these landfills and keep a handle on the stuff that's going in and out of them and the people who work there, for their families.

Hon. Peter Fonseca: I thank the member for bringing forward his concerns. I can't speak to any particular case, but I can say that employers are required to take reasonable precautions when it comes to protecting all workers against exposure to hazardous chemicals in the workplace.

On July 16, new or revised OELs and/or listings for 22 substances came into effect. Those changes to those substances are as a result of proposals, which were consulted on back in 2007, that came from the ministry. Also, the member may know that occupational exposure limits are regularly updated through our annual review process, implemented by our government back in 2004. So we have made progressive change.

Before this process was put in place, OELs were not significantly updated for nearly 15 years. So things are being done; we are progressing toward making sure our employees are safe. Ontario has OELs for over 725 hazardous chemical substances. We're strengthening that protection for our workers by implementing these updates to the OELs and proposing further changes as we move forward.

Also, on July 18 this year, the Ministry of Labour began a 60-day consultation to seek input on a proposal to adopt new or revised OELs or listings for 21 chemical substances, and the submission should be coming shortly. So I say to the member that progress is being made.

Mr. Paul Miller: Does your ministry work hand in hand with the environment ministry? Do you do dual inspections for the safety and health of the workers in these landfills with the Ministry of the Environment?

Ms. Sophie Dennis: Where necessary and where we've been informed that there are some issues with respect to worker exposures, yes, and we do enforce protective equipment and testing for worker exposure.

Mr. Paul Miller: Would you have records of any dual inspections by the Ministry of Labour as well as environment together? Could you get that information for me? I'd be quite interested to see if they work hand in hand, because sometimes the left hand doesn't know what the right hand is doing.

This is very serious stuff. The exposure limits of these people—there's only so much a human body can take, and this stuff showing up in the latency period now is affecting workers 25 and 30 years later. A lot of baby boomers are showing up with diseases they didn't expect or there was no hereditary thing in the family; this is all through workplace exposure. It's becoming more a position of unionized workers to pursue health and safety in reference to tying it into the workplace. Of course, the companies are not too thrilled about trying to tie it to the workplace. They would rather blame it on smoking, personal habits or things like that and take no responsibility.

I hope your ministry and the Ministry of the Environment are going to work hand in hand to protect the people of Ontario in their place of employment, because these people deserve to see their pensions and their retirement with some kind of health. Personally, I've seen a lot

of my friends and a lot of people who have been exposed to these types of work environments pass away.

Basically, Mr. Chairman, that's about it for my situation. It's my understanding that the government is willing to give up their 20 minutes so we can end this today.

The Vice-Chair (Mr. Garfield Dunlop): That's my understanding. Are you done with your time?

Mr. Paul Miller: I'm done. In closing, I hope that answers to the questions I have asked in the last few hours we've been exchanging ideas will get back to me. One answer was, needless to say, a little bit weak. I didn't really get answers on one memorandum, and I probably have a number of questions—I can't even remember how many I have asked; I'm sure you've been taking notes. I hope your ministry will get back to me, so that I don't have to bring it up in the House.

The Vice-Chair (Mr. Garfield Dunlop): Thanks very much, Mr. Miller.

Minister, would you like to make any closing remarks?

Hon. Peter Fonseca: I'd just like to thank the committee and the members for bringing forward some very important questions. We've been able to bring forward and disseminate some information to the members. I hope it has been hopeful, in terms of what is happening in the Ministry of Labour and how we're working to build a healthier and safer workplace and province.

I thank the members again for their input. All recommendations are taken very seriously. Everything that was captured here will only help make us a better, stronger province. I thank everybody for their fine efforts and hard work.

The Vice-Chair (Mr. Garfield Dunlop): Thank you, Minister. I want to take this opportunity to thank all the staff of the ministry who were here as well.

We've got a number of questions on votes for the Ministry of Labour, which I will now put.

Shall vote 1601 carry? Carried.

Shall vote 1602 carry? Carried.

Shall vote 1603 carry? Carried.

Shall vote 1604 carry? Carried.

Shall vote 1605 carry? Carried.

Shall the 2008-09 estimates of the Ministry of Labour carry? Carried.

Shall I report the 2008-09 estimates of the Ministry of Labour to the House? Agreed.

With that, I want to point out that we won't be meeting tomorrow, but I want to confirm that estimates for the Ministry of Agriculture, Food and Rural Affairs start on the afternoon of October 15, when the House is back.

Thank you very much, everyone, and enjoy the day. The committee is adjourned.

The committee adjourned at 1727.

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