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**Official Report  
of Debates  
(Hansard)**

**Tuesday 26 March 2013**

**Journal  
des débats  
(Hansard)**

**Mardi 26 mars 2013**

**Standing Committee on  
Government Agencies**

Agency Review:  
Workplace Safety  
and Insurance Board

**Comité permanent des  
organismes gouvernementaux**

Examen des organismes  
gouvernementaux :  
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contre les accidents du travail

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 26 March 2013

Mardi 26 mars 2013

*The committee met at 0910 in committee room 1.*

AGENCY REVIEW: WORKPLACE SAFETY  
AND INSURANCE BOARD

**The Chair (Mr. Lorenzo Berardinetti):** Good morning, ladies and gentlemen. This is a meeting of the Standing Committee on Government Agencies. We're going to begin the meeting now. The only thing on the agenda is report writing. Hopefully, everyone has a copy of the report, this one here, Review of the Workplace Safety and Insurance Board, Summary of Public Hearings.

We'll just start now and try to take any comments so that we can start writing this report. Are there any comments? The Chair is willing to recognize anybody at this point.

**Miss Monique Taylor:** So we're just going to begin right off the bat and get right into it, right?

**The Chair (Mr. Lorenzo Berardinetti):** Yes.

**Miss Monique Taylor:** We have distributed a package which was previously distributed also to House leaders. I know that we're crunched for time when it comes to writing this report, so I guess we'll just start with the beginning of the motions and ask for them to be submitted.

**The Chair (Mr. Lorenzo Berardinetti):** Paul Miller?

**Mr. Paul Miller:** Mr. Chairman, the bottom line here is that we'll read them into the record, and if there's a consensus, we can move along on each one. Obviously if there isn't consensus, we'd like to vote on them, and I make it a motion and have it recorded.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any other comments before we begin?

**Mr. Jim McDonell:** Also, we had a motion to put through here as well.

**The Chair (Mr. Lorenzo Berardinetti):** Can you speak into the microphone, please?

**Mr. Jim McDonell:** We have a motion we'd like to move as well.

**The Chair (Mr. Lorenzo Berardinetti):** There's some motions you'd like to move?

**Mr. Jim McDonell:** Yes.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Anyone else?

We'll go back, first of all, to Monique Taylor. Did you want to put forward the motions or—

**Miss Monique Taylor:** Yes, we would like to.

**The Chair (Mr. Lorenzo Berardinetti):** Okay.

**Miss Monique Taylor:** Or we can do this motion first because it's housekeeping.

**Mr. Paul Miller:** Mr. Chairman, we could do Mr. McDonell's one first because he's got one here, and then we can move on. We've got a lot more than they have.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Jim McDonell, do you want to go forward, then?

**Mr. Jim McDonell:** Sure. I move that notwithstanding the subcommittee report dated March 6, the committee shall meet for the purpose of report writing on the review of the WSIB on March 26 and April 9, and for the purpose of report writing on the review of the LCBO on April 16, 23 and 30.

**The Chair (Mr. Lorenzo Berardinetti):** Did everyone hear the motion? Is there any discussion?

Do you intend to come back to the WSIB afterwards?

**Mr. Jim McDonell:** I think the intent is to give us a break and look at it and then come back to it after that.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Is there any objection to that? None.

Okay. We don't need to vote on this, do we? If everyone agrees to it, then we'll adopt that. Does it carry? Okay, great.

We'll move, then, to Monique Taylor.

**Miss Monique Taylor:** Okay, thank you. Motion number 1 is: Stakeholders have presented serious concerns to the committee about the WSIB's implementation of its mandate.

WSIB is facing significant continuing challenges in the coming months.

Therefore the committee requests that the WSIB and/or the government table with the committee by May 15, 2013, its plan of action to address the issues of concern outlined in the committee's motions with a final report back on implementation of the plan by October 31, 2013.

We would like this submitted.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any comments?

**Miss Monique Taylor:** Do you want to go through them one by one, Mr. Chair?

**Mr. Phil McNeely:** One by one.

**The Chair (Mr. Lorenzo Berardinetti):** One by one? Okay. I think there was a comment here, and then we'll go to Norm Miller next. Vic Dhillon?

**Mr. Vic Dhillon:** Thank you, Chair, and good morning. We don't necessarily disagree with this motion, but

would like to amend it to say that the WSIB report back on this issue in their report after the report has been formally tabled. There's no real disagreement with the essence of this motion, just that we would like the WSIB to report back after this report has been submitted.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any disagreement with that?

**Miss Monique Taylor:** I'm sorry, I just would like clarification. So—

**Mr. Vic Dhillon:** We just have a problem with the dates.

**Miss Monique Taylor:** Okay.

**Mr. Vic Dhillon:** We don't disagree with the motion, but we would like to—

**Miss Monique Taylor:** Just change the dates?

**Mr. Vic Dhillon:** For after, when the report is submitted formally.

**Miss Monique Taylor:** Of course. Okay.

**The Chair (Mr. Lorenzo Berardinetti):** Is that okay with everyone?

**Mr. Jim McDonell:** So, just a clarification: You're looking for the report to be issued, and this would come out afterwards, so it wouldn't tie up the report?

**The Chair (Mr. Lorenzo Berardinetti):** Absolutely.

Okay. We're in agreement on that? Okay. That carries, then.

Monique Taylor—or do you want to move over to Jim McDonell? Jim?

**Mr. Jim McDonell:** This is the first we've seen of the motions, so we're just wondering if we could have a 20-minute recess, just to look through them and get some assessment.

**The Chair (Mr. Lorenzo Berardinetti):** You want to take a short recess for 10 minutes?

**Mr. Paul Miller:** Excuse me, Mr. Chair, what's the recess for?

**Mr. Jim McDonell:** Just to review these; we haven't seen these before.

**Mr. Paul Miller:** Oh, you haven't seen them?

**Miss Monique Taylor:** They were submitted to your House leaders. It's really unfortunate, because we really don't have a lot of time submitted to do this, especially now that we've passed a motion allowing yours to happen after two days of hearings here. The first part of this hearing has already been shortened by 15 minutes, and now we're already only five minutes into it and asking for a recess. I would never have supported this motion if this was going to happen.

Sorry, but we only have an hour and change—

**Mr. Paul Miller:** Mr. Chairman, we're well aware that they're allowed to ask for a 20-minute break. We're aware of that.

So you're telling me that your House leader did not pass the information on to you?

**Mr. Jim McDonell:** No, we hadn't seen this.

**Mr. Paul Miller:** Well, then, they're allowed 10 minutes. We can't argue that.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. How much time? Ten, or—

**Mr. Jack MacLaren:** Twenty.

**The Chair (Mr. Lorenzo Berardinetti):** Twenty minutes. Okay, we'll come back in 20 minutes.

*The committee recessed from 0920 to 0940.*

**The Chair (Mr. Lorenzo Berardinetti):** I call this meeting back to order. I just want to remind everybody that for the subcommittee reports and everything, we can meet—well, next week is a constit week, so we would meet again on April 9. That will be our final day to work on this, because after that we've decided as a committee to move on to the LCBO. After that we can come back to this later, so everyone knows.

Go ahead, Monique.

**Miss Monique Taylor:** Thank you, Chair. I realize that we did just pass this motion for dates, but I was wondering if we could have consideration for another date after this, to include three full days, because we have already had a lot of time loss on this and there is a lot of work to be done. I don't think cramming it into two days is really going to be helpful for anybody.

**The Chair (Mr. Lorenzo Berardinetti):** The answer to that is you'd have to get agreement from the House leaders.

*Interjection.*

**The Chair (Mr. Lorenzo Berardinetti):** I think we'll let the committee Clerk explain it.

**The Clerk of the Committee (Ms. Anne Stokes):** My understanding is that the committee can spend as much time as it wants on report writing. The subcommittee had said we'd start with the WSIB and then, when it was completed, move on to the LCBO. The motion this morning that was agreed to was that we would spend two weeks on the WSIB and then three weeks on the LCBO. The committee is then free to return to the WSIB at that time. If you want to specify specific dates now, you may, but the committee is free to spend as much time as it wishes. I don't think you have to feel that you have to complete it within the two days. Is that my understanding, Mr. McDonell?

**Mr. Jim McDonell:** Yes.

**Miss Monique Taylor:** May I speak?

**The Chair (Mr. Lorenzo Berardinetti):** Okay, Monique. Go ahead.

**Miss Monique Taylor:** Thank you for the clarification. Would it be possible, then, if we did move to three direct instead of trying to break it up and muddy the waters of putting the LCBO in the middle of completing one report before we complete another? It just would make sense to me to do it together.

**Mr. Jim McDonell:** I have no problem with that. There was some discussion between the two groups that you had to break it up like that as well. I have no problem if you want to do three and then move on.

**Miss Monique Taylor:** I would just prefer to finish one before we started jumping into another one without having something complete.

**Mr. Jim McDonell:** I think the idea is that if you put a couple of weeks into it, it will give you a chance to get to some of your questions. Then you're going to come

back to it. If you try to finish it all at once, I think that it's a bit rushing it through. That was the whole idea.

**The Chair (Mr. Lorenzo Berardinetti):** Paul Miller?

**Mr. Paul Miller:** If Mr. McDonell gives us his consensus there, would it be okay if we made an amendment to this motion that we put forward an additional date? The one that we already voted on, that we make an amendment to that, would that be satisfactory?

**Mr. Jim McDonell:** Sure.

**The Chair (Mr. Lorenzo Berardinetti):** I think so. Anyone disagree with that?

**Mr. Vic Dhillon:** That's fine.

**Mr. Paul Miller:** So if we could add to "I move that notwithstanding the subcommittee report dated March 6, the committee shall meet for the purpose of report writing on the review of the WSIB on March 26 and April 9"—could we add a day to that, April 9?

**Interjection:** The 16th.

**Mr. Paul Miller:** Okay, when is constit week?

**Interjection:** That's later on.

**Mr. Paul Miller:** So we could add April 16 to it, and then move on from there, the 23rd, 30th and whatever's needed for the LCBO. Would that be reasonable? So that amendment would change, then, to include the committee to deal with this situation on the 16th as well.

**The Chair (Mr. Lorenzo Berardinetti):** Is everyone okay with that? Agreed. Thank you.

**Mr. Paul Miller:** Thank you.

**The Chair (Mr. Lorenzo Berardinetti):** So who else wants to speak to this?

**Mr. Jim McDonell:** That's fine.

**The Chair (Mr. Lorenzo Berardinetti):** The motion is carried.

Would the committee like to discuss what they want to put in the report or certain areas they want to focus on? Yes, Norm Miller?

**Mr. Norm Miller:** Sure. The number of points the NDP have put forward here I think might form the basis for discussion for committee report writing. I'm not normally on this committee, but Mr. McDonell, our lead, I know, as was stated, just received these just this morning. But we'd certainly be happy to have the NDP read into the record motions that they've put forward so that we can get an understanding of them and take some time to think about them with the understanding that if there's going to be a vote on them, it would be deferred to a further date so that we do have some time to think about them, because they are quite in depth. But I think some of the points the NDP are making, the motions would form a basis of discussion for report writing.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. So you want to read the motions into the record—

**Mr. Norm Miller:** So they can read them into the record.

**The Chair (Mr. Lorenzo Berardinetti):** Paul Miller?

**Mr. Paul Miller:** I appreciate Mr. Miller's comments, and we're okay with that. We'd like to read them into the record now. We'll alternate on the motions and get them on the record. I'll start off, whenever you're available.

**The Chair (Mr. Lorenzo Berardinetti):** Before you do, there's a comment. Mr. McNeely?

**Mr. Phil McNeely:** Chair, we have them in front of us. I don't see the need to read them into the record today. They'll be read into the record on the day they're going to be voted on as individual motions. I don't see why we should be taking the time up of the committee—we've got them in front of us—to read all that into the record.

**The Chair (Mr. Lorenzo Berardinetti):** I think the reason to read them into the record is to form a basis of discussion. That's all.

**Mr. Paul Miller:** Mr. Chairman, with all due respect to Mr. McNeely, this is simply a recommendation at this point to be voted on later. We want all the committee to be able to decipher what we're saying here, and give them a reasonable amount of time to look it over. But we certainly want to get them on record from our perspective so that we know that it won't fall by the wayside as we go along.

**The Chair (Mr. Lorenzo Berardinetti):** Is that okay, Mr. McNeely?

**Mr. Phil McNeely:** It's duplication. I don't understand why we're taking up that time this morning to read all of these into the record.

**Mr. Paul Miller:** Well, Mr. Chairman, you're in a position to have a vote on that, on whether we do or not. I think we have the votes. So if he doesn't agree, that's fine.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Why don't we start with the first one because we only sit until 10:25.

**Mr. Paul Miller:** We can get in as many as we can, right through as quickly as we can and get as far as we can. Is that okay, Mr. Chairman?

**The Chair (Mr. Lorenzo Berardinetti):** Yes.

**Mr. Paul Miller:** Thank you. Motion 1—

**Miss Monique Taylor:** We already did motion 1.

**Mr. Paul Miller:** Okay. Motion 2:

The government appointed Professor Harry Arthurs to do a funding review of the WSIB.

Professor Arthurs issued a report with recommendations critical to the long-term success of Ontario's workers' compensation system.

The committee heard from Professor Arthurs about the rationale for his recommendations.

The committee heard concerns about lack of progress in the WSIB's implementation of Professor Arthurs's recommendations.

Therefore, the committee requests that the WSIB and/or the government table with the committee a report describing the steps it has taken to implement each of the recommendations in Professor Arthurs's report by May 15, 2013.

Motion 3—

**The Chair (Mr. Lorenzo Berardinetti):** Let's—should we stop at motion 2? We'll ask for discussion on motion 2. Any discussion on motion 2? Mr. Dhillon.

**Mr. Vic Dhillon:** Thank you, Chair. Again, we don't necessarily disagree with this motion, but it's just that we have a problem with the dates. Having recommendations by a certain date is an issue, so maybe if we can have the WSIB report back at the end of report writing.

**The Chair (Mr. Lorenzo Berardinetti):** Is that okay? Mr. Miller, you moved the motion. Is that okay?

**Mr. Paul Miller:** Actually, we don't understand why there would be a delay. May 15 is plenty of time. This is March. You're talking close to eight weeks, so I don't understand why you would require more time or you're not happy with the time limit. The report should be back by then, because we're going to deal with the reports on or before May 15, so we've added them. We've added another date to it, so a lot of the stuff is going to be dealt with in April.

**Mr. Vic Dhillon:** Yes. The issue is just about being committal. The report, you said, "should" be, but we don't know. That may create an issue later on.

**Mr. Paul Miller:** I agree with Mr. Dhillon, but we can certainly rectify that situation as we go along if we feel that the time period—

**Mr. Vic Dhillon:** Again, we would be duplicating our efforts.

**Mr. Paul Miller:** Not necessarily, because it may or may not.

**Mr. Vic Dhillon:** "May or may not" is exactly the issue.

**Mr. Paul Miller:** It's not duplicating it.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, one second. Mr. McDonell? Jim?

**Mr. Jim McDonell:** Maybe I could help. We're just looking at reading these, and that would give us some time to come back with some information over the next couple of weeks. Maybe the date is short, but we're not voting. We're deferring the votes, so it gives some time for discussion and a chance to check back through your department. It's just a matter of getting these on record. The vote will be in a couple of weeks anyway, so the discussion really wouldn't be necessary at this point.

*Interjection.*

**Mr. Jim McDonell:** Well, the point is, as Mr. Miller said, it gives a chance to put this in the framework of the report that's coming through. These are issues that they would like to see at least addressed. The timelines are something we could modify when we go through a vote on it if we choose to in the future.

**The Chair (Mr. Lorenzo Berardinetti):** We're meeting again April 16.

**Mr. Vic Dhillon:** Yes. Chair, we have no problem with that proposition, but we won't be voting on any of the motions today.

**The Chair (Mr. Lorenzo Berardinetti):** No.

**Mr. Vic Dhillon:** Provided we have that understanding, we're okay with Mr. Miller reading—

**The Chair (Mr. Lorenzo Berardinetti):** I think they're just being introduced today.

**Mr. Vic Dhillon:** Introduced today, but we won't be voting on them. On that premise, we can go ahead.

**Mr. Paul Miller:** Thank you.

**The Chair (Mr. Lorenzo Berardinetti):** Any other comments on recommendation 2? We'll move on to recommendation 3. Mr. Miller?

**Mr. Paul Miller:** Motion 3:

The Minister of Labour directed that the funding review address the issue of benefit indexation for injured workers on partial benefits.

Injured workers on partial benefits have seen the value of the benefits they must rely on eroded by inflation.

Professor Arthurs concluded that fairness "clearly involves restoration of full indexation and abandonment of the present ad hoc system of annual adjustments by regulation."

Professor Arthurs found that steps could be taken to restore full indexation for injured workers on partial benefits and restore some of the erosion of the value of those benefits at the same time as reducing the unfunded liability.

Therefore, the committee requests that the WSIB and/or government table with the committee by May 15, 2013, an assessment of a balanced and fiscally responsible timetable:

- to restore full indexation for injured workers on partial benefits;

- to allow for restore the value of the eroded benefits of injured workers; and

- to end the current practice of ad hoc indexing.

I'll give you a little bit of an explanation on that. The Arthurs report recommended that benefits for partially disabled workers be fully indexed for inflation. In May 2012, the government announced that the benefits for such workers would be increased by 0.5% in 2013 and another 0.5% in 2014, a far cry from the Arthurs recommendations.

Employee organizations such as the OFL and Ontario Public Service Employees Union argued that full indexation was the only fair solution for partially disabled workers.

**0950**

**The Chair (Mr. Lorenzo Berardinetti):** Thank you. Any comments?

**Mr. Paul Miller:** No.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. We'll move on to the next motion, number 4. Monique?

**Miss Monique Taylor:** Professor Arthurs made recommendations for both the government and the WSIB to take to ensure that workers are protected and the experience rating programs are consistent with the requirements of the WSIA.

The committee heard concerns about the failure of both the government and the WSIB to implement Professor Arthurs's recommendations experience rating.

The committee recommends that both the government and the WSIB immediately and fully implement Professor Arthurs's recommendations on experience rating.

The committee requests that the WSIB and/or the government table a report by May 15, 2013, reporting on

the implementation of each of Professor Arthurs's recommendations on experience rating.

The explanation for this: The Arthurs report recommended that, among other things, the WSIB should state clearly that the purpose of its ER programs was to reduce workplace injury and disease and to encourage return to work; adopt a policy to protect the integrity of these programs and commit the necessary resources to detect, prevent, and punish abuses; and establish a credible monitoring program to ensure the fulfillment of the above.

In his testimony before the committee, Mr. Arthurs reiterated, "I have enough evidence that harm is being done that I think the board should immediately take steps to deter people from engaging in illicit forms of claim suppression." He recommended that the board assign this task to a specific individual.

**The Chair (Mr. Lorenzo Berardinetti):** Any discussion? No? We'll move on to motion number 5, then.

**Mr. Paul Miller:** Motion 5. Go ahead.

**Miss Monique Taylor:** Many workers and employers remain unprotected by Ontario's workers' compensation system.

Professor Arthurs described the coverage issue as "so critical for the future of Ontario's workplace insurance system that it deserves early and extensive study."

The committee recommends that the WSIB and/or the government immediately commission a study on coverage with a view towards increasing coverage and addressing potential problems in implementation.

**The Chair (Mr. Lorenzo Berardinetti):** Any discussion on motion number 5? None? Okay, we'll carry on. Miss Taylor or Mr. Miller?

**Mr. Paul Miller:** Number 6?

**The Chair (Mr. Lorenzo Berardinetti):** Yes, please.

**Mr. Paul Miller:** The committee heard serious concerns about benefit reductions to vulnerable injured workers.

If these concerns are validated, there is a significant risk that injured workers will have to resort to social assistance programs to the cost of the municipal and provincial taxpayer.

The solution for many of these workers is a job with dignity rather than unemployment and social assistance.

The committee requests that the WSIB and/or the government report back by May 15, 2013, with statistics from Ontario Works and the Ontario Disability Support Program, from 2007-08 to the present, documenting the number and proportion of claimants formerly or currently on WSIB benefits.

We're going to forget the explanation, because you can read that, and we will move on.

**Miss Monique Taylor:** They don't have it.

**Mr. Paul Miller:** You don't have the explanations on that anyway.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, I'm just going to ask—

**Mr. Paul Miller:** You want us to read the explanations into it? You do?

**The Chair (Mr. Lorenzo Berardinetti):** Yes.

**Mr. Paul Miller:** Okay. Explanation: Some organizations argued that the WSIB was in the practice of implementing benefit reduction policies that were still at the consultation stage. The OWA commented that it has "worked a lot with the board to identify what's official policy, what's perhaps a little bit unofficial and how to ensure that the official policy is followed." The WSIB insisted that it is not using policies that have not been formally approved.

What this motion does is ask the government to look at the impact of possible benefit reductions on Ontario Works and ODSP.

Motion 7: The committee heard serious concerns about proposed changes—

**The Chair (Mr. Lorenzo Berardinetti):** Motion 6: Any discussion? None? Okay, move on to motion 7.

**Mr. Paul Miller:** I guess I'm assuming that there's no discussion, so I keep going. I'll stop every time.

The committee heard serious concerns about proposed changes by WSIB to its internal appeals process, including tightened appeal time limits, limits on oral hearings and a requirement for sometimes poorly resourced representatives to prepare extensive documentation before their appeals are accepted.

The chair of the Workplace Safety and Insurance Appeals Tribunal issued an urgent message on February 1, 2013, expressing great concern about the tribunal's capacity to deal with the increase in appeals from WSIB within current resource levels.

The committee requests that the WSIB reconsider its appeal changes, especially the restrictions on oral hearings, and that the WSIB report back by May 15, 2013, with the results of its review.

The committee requests a report by May 15, 2013, from the WSIB on its appeals branch volumes and decision outcomes, including outcomes for oral and written appeals separately, from 2007-08 to the present.

The committee requests a report from the chair of the WSIAT by May 15, 2013, on WSIAT's appeals volumes and backlogs for the same time period, including any need for additional resources.

The committee requests a commitment from the minister by June 15, 2013, that WSIAT will be given additional resources to address its workload issues.

Explanation: Numerous organizations drew attention to the appeals backlog at the WSIB. Some expressed concern about the proposed changes to the appeals process. In particular, the UFCW, OWA, OLCWCN and ONIWG noted that injured workers are being asked to sign a declaration acknowledging that the initiation of an appeal permits the board to reverse earlier entitlements. The OWA claimed that this practice was having a chilling impact and recommended that the board develop a guidance document as an alternative to the declaration.

Other organizations stated that the WSIB was planning to eliminate oral hearings from the appeals system, potentially depriving workers of a valuable opportunity to explain their situation. The UFCW argued that this

change would have a particularly detrimental impact on migrant workers or new Canadians.

The UFCW and CUPE argued that it is not the appeals system that needs renewal but rather the WSIB's new approach to initial claims. These labour organizations indicated that initial decisions were being made too quickly and with inadequate information, producing inferior decisions and more appeals. They recommended that the WSIB slow down the initial decision process. The WSIB could, however, still activate RTW as it was waiting for further information on a file. OPSEU proposed better communication between the appeal system and WSIB staff so that the latter would know that certain decisions are not permissible.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Before we move on to the next motion, any discussion? No? We'll move on to the next motion, number 8.

**Miss Monique Taylor:** The committee heard serious concerns about the vulnerability and lack of resources of many workers and small employers and the need they have for free services to help them navigate a complex system and advocate for its improvement.

Professor Arthurs wrote that it was in the interests of the WSIB for both workers and employers to be adequately represented in both case adjudication and policy debates.

The committee requests a commitment by May 15, 2013, from the WSIB and/or the government that resources will be sustained to the organizations serving injured workers and small business, including the Occupational Health Clinics for Ontario Workers, the Occupational Disability Response Team, community legal clinics serving injured workers, Office of the Worker Adviser, Office of the Employer Adviser and the Ontario Network of Injured Workers Groups.

**The Chair (Mr. Lorenzo Berardinetti):** Any discussion? Okay. The last one I think is motion number 9.

**Miss Monique Taylor:** The committee heard serious concerns from stakeholders about the elimination of loss of earnings benefits for occupational disease victims whose cancer or other illness developed after retirement and dramatic reductions in benefits for surviving spouses of such workers.

The committee requests a commitment from the WSIB and/or the government by May 15, 2013, that the government will introduce legislation to fix these problems retroactively.

The explanation for this is the WSIB informed the committee that the increased incidence of occupational disease is one of the challenges facing the board. The WSIB formerly had a panel that provided it with scientific advice regarding OD.

The Arthurs report recommended that the WSIB re-establish this panel to enable it to identify ODs eligible for compensation and to provide input regarding the likely future costs of ODs. It also recommended that costs attributable to ODs should be charged to the industry class where the claims originate and not to OHIP or the general welfare system.

**The Chair (Mr. Lorenzo Berardinetti):** Thank you. There's a bit of noise coming from the back. I'd ask if you want to step out and make conversation, because I'm trying to listen to the motions here, and I'm having a bit of trouble. Okay? So I'd appreciate if you can just pay attention, or you can step outside if you want to.

Mr. Paul Miller?

1000

**Mr. Paul Miller:** Thank you, Chair. I'd like to thank the committee for allowing us to read this into the minutes. We'll continue from there at the next meeting. We appreciate it.

**The Chair (Mr. Lorenzo Berardinetti):** Any discussion?

I'm going to have the committee Clerk comment on this briefly.

**The Clerk of the Committee (Ms. Anne Stokes):** I'm not commenting. I just wanted to explain the report-writing process because this committee itself hasn't done one in its current structure right now.

These recommendations that have come forward: The research officer will use them, as was discussed, as a framework for a report and will produce a draft to the committee members. The committee members then, as we meet, will have the opportunity to review those recommendations, propose new recommendations, amend those recommendations, come up with more—whatever they would like to do. The committee is free to conduct its business as it sees fit, but that's sort of the common practice.

The first draft then will be discussed. Any changes that you wish to make can go back. There can be a second draft or a third, fourth, fifth—it can go on as long as you like. But basically the research officer will be compiling all the information and, at your direction, will be coming forward with a report with recommendations. You can ask for a response from the government. There are a number of options to be made.

When the committee agrees on the report, that report is presented to the House and up for adoption by the House itself.

**The Chair (Mr. Lorenzo Berardinetti):** First, Mr. McNeely?

**Mr. Phil McNeely:** I disagree that these motions which have been read into the record are going to be the basis of the next report. I think that is not the proper way to proceed. I don't want to disagree with the Clerk's office, but that is not the way to proceed. We allowed these to be read in for consideration so we know them for the next time, but to be using them to write the report at this stage puts both other parties in a difficult position.

They're in the record. They're to be looked at so we know better for the next day that we're going to be considering writing the report, and that's the end of it. They're read into the record. I think it's a disadvantage to the other two parties if we consider this part of the report writing.

**The Chair (Mr. Lorenzo Berardinetti):** First, Paul Miller, and then Norm Miller.



**Mr. Paul Miller:** Yes. I understand where Mr. McNeely is coming from. However, to get it on the record, to have a basis to form a report to bring back to the committee—we sent these recommendations in to the minister a week ago, and we also sent them to the official opposition. Whether they had time to review it or not is not our problem; it's their problem. They know it was coming forth today. We made them well aware that these recommendations were coming forward. If they don't inform their committee members to deal with it at the time, that's not our fault. We're simply getting it read on the record. This has been around for months, and you've had opportunity to make other recommendations on changes to the WSIB. We've been doing it for years. To say that this is something that came out of the blue is not what happened.

So I disagree with you on your synopsis on what transpired. You've had plenty of time. If you come unprepared for it at the committee level, that's not our fault.

**The Chair (Mr. Lorenzo Berardinetti):** Mr. McNeely?

**Mr. Phil McNeely:** I just challenge the words "coming unprepared." We were prepared, but what we had agreed to was to read your motions into the record—simply that. Now to say that we're going to use them for the next stage of the report writing I think is completely unfair. We were prepared to discuss and propose amendments on each of these issues.

It wasn't a matter of being unprepared for this. It's just that the agreement was made to read them into the record. Let's leave it there until the next meeting.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Mr. Norm Miller, and then the committee Clerk wants to speak to this briefly.

**Mr. Norm Miller:** Sure. I think the Clerk gave a good explanation of the way report writing normally works. I think the NDP have put forward a number of points that they think should be included and discussed in the report and that reflect their perspective. I'm sure, as the opposition, we will want to look at them further. We may not agree with all of them, but we'll certainly look at them. I'm sure the opposition, under the lead of Mr. McDonell, will be bringing forward recommendations of our own to be discussed as well. We'll either have agreement on the report or we'll not have agreement and there might be a dissenting report. But the Clerk gave an excellent explanation of—

**The Chair (Mr. Lorenzo Berardinetti):** I think she has another one to give.

**Mr. Norm Miller:** Either way, it usually works.

**The Chair (Mr. Lorenzo Berardinetti):** Yes. I think, being Clerk, we'll give her a chance to speak to it.

**The Clerk of the Committee (Ms. Anne Stokes):** I don't want anyone to think that I'm directing the committee in any way whatsoever. I am simply providing advice to all sides.

The committee does not have to direct the research officer to produce a draft. The recommendations have been put forward. They're on the record. They can be reviewed; you've got them in writing. You can come for-

ward the next week. It just depends on whether you want to start with a draft and then change it or how you want to consider it. That's up to you to decide.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, Mr. McDonell.

**Mr. Jim McDonell:** I think the NDP have brought through some issues they'd like to see included in the report, as we will, and I'm sure as the government will. They've been right into the report. There are probably some answers that the committee could work on to provide information so that we could review in the future, but I would suggest it's as simple as that. It's just some of the key parts that they wanted in, and I would hope that next week we'll have some submissions formally. We'd like to submit, as I'm sure the government will. We'll move on from that point and decide what should be in and what should be out.

I think there's some general agreement on all the points. It was a good two days we put through, and this is the first day of the report writing.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, Mr. Paul Miller.

**Mr. Paul Miller:** Thanks, Mr. Chair. This is a draft; this is not a blueprint. This is an initial starting point that we'd like to see for discussion. The members are well aware they can bring recommendations and amendments to any one of the motions we discuss in the future before we vote on it. When we do vote on it, then it's open for discussion. But you've got to start somewhere, and this was a start. That's all that is. It's not a threat to their ability to put amendments in or do changes to anything. So I don't know what the panic is about.

**The Chair (Mr. Lorenzo Berardinetti):** Any further comments? None?

Okay, any other matters of discussion?

I'm going to put a question before the committee. Are you asking legislative research to prepare a report based on those comments or not?

**Mr. Paul Miller:** We're asking to have a report come in a draft form so that we have something to sink our teeth into.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any further comments?

**Mr. Vic Dhillon:** I don't think there needs to be any draft at this point because what we agreed to was that the motion is to be read in the record, and that was it. The official opposition plans to bring their amendments—as do we—based on these motions to the next committee meeting. So I don't think a draft of any sort at this stage is warranted.

**The Chair (Mr. Lorenzo Berardinetti):** Okay. Any other comments on this? Mr. McDonell?

**Mr. Jim McDonell:** I think that the staff could take this as there will be some questions to be generated, and they can do some research. But we would certainly want to—before we direct to any type of draft report—actually have some time to discuss these, as well as some of the other recommendations that will be coming forth. It might be premature. They've been read into the record, and I'm sure there will be others read in before we

actually start to do a report. As I say, there will be much more to be included in this report, so it might be premature to come back with a draft at this point.

**The Chair (Mr. Lorenzo Berardinetti):** Any other comments? Mr. Miller.

**Mr. Paul Miller:** Well, obviously there's a little bit of a change here. You know what? To me, it's not a threat. I can live with what they want to do. If the opposition's comfortable with that, and the government, I don't see why it's a threat, but I can live with that. If you're happy with that, just reading it in, it doesn't matter.

**The Chair (Mr. Lorenzo Berardinetti):** Okay, any further comments? No?

So I think we have agreement here. They've been read into the record, and we'll leave it at that, then? Mr. McDonell?

**Mr. Jim McDonell:** The points have been read in, and the explanation, so do we have access to that fairly quickly as opposed to getting them next week at the meeting, or the following? I mean, Hansard will have them. It will be ready in a day or two. We'd have a record of the explanations that went along with them.

**The Clerk of the Committee (Ms. Anne Stokes):** I can't guarantee how long it will take to get the committee Hansard. The House Hansard takes precedence, and the committees come afterwards. Next week is a constituency week, so I would expect it to be sometime next week. I can't, right now, pin down when it would be.

**Mr. Jim McDonell:** Okay, so we'll probably receive it, and it will be emailed back to the Chair and the leads by next week. Would that be possible? Just an identification when it's completed?

**The Clerk of the Committee (Ms. Anne Stokes):** Okay. We will ensure that you know when the Hansard is complete.

**Mr. Jim McDonell:** Okay, thank you.

**The Chair (Mr. Lorenzo Berardinetti):** Any other comments? I don't think we have any votes at this point. We'll just leave it at that, and we'll wait for the—

**Mr. Paul Miller:** I move for adjournment.

**The Chair (Mr. Lorenzo Berardinetti):** Mr. Paul Miller has moved adjournment. All those in favour? Opposed? That carries. Thank you.

*The committee adjourned at 1013.*



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