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Monday 2 December 2013

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(Hansard)**

Lundi 2 décembre 2013

**Standing Committee on
General Government**

Pan/Parapan American
Games review

**Comité permanent des
affaires gouvernementales**

Étude portant sur
les Jeux panaméricains
et parapanaméricains

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 2 December 2013

Lundi 2 décembre 2013

The committee met at 1420 in committee room 2.

**PAN/PARAPAN AMERICAN
GAMES REVIEW**

The Chair (Mr. Grant Crack): Good afternoon, everyone. It's certainly a pleasure for me to call this meeting to order and provide some details as to how this afternoon is going to proceed.

I believe a motion was passed last week that we will be entertaining a witness for a five-minute opening statement, followed by a 20-minute round of questioning, then followed by a subsequent 10-minute round of questioning, for a total of 95 minutes. Of course, we will be starting with the third party, as they are the ones who requested the meeting.

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 105**

The Chair (Mr. Grant Crack): At this time, I would like to welcome, from the International Brotherhood of Electrical Workers, IBEW Local 105, Mr. Lorne Newick, business manager. Welcome, sir.

Mr. Lorne Newick: Thank you.

The Chair (Mr. Grant Crack): If you'd state your name for Hansard, you have up to five minutes, and then we will begin the rotation. Go ahead, sir.

Mr. Lorne Newick: I'd like to start by thanking the committee for welcoming me here this afternoon to give me the opportunity to speak. My name is Lorne Newick. I'm the business manager of International Brotherhood of Electrical Workers Local 105 in Hamilton.

The purpose of my visit this afternoon is twofold, but I'll start off with—I'd just like to express some concerns over the Ontario Sports Solutions intent to circumvent the Ontario Trades Qualification and Apprenticeship Act, also known as the TQAA. The projects I'd like to discuss are the Pan Am soccer stadium, which is located in Hamilton, Ontario, and the velodrome complex, which is in Milton, Ontario.

There were proposed changes to the electrical scope on these two projects that I felt would jeopardize workers' safety as well as public safety. The Ontario College of Trades and the Ministry of Labour are very specific that any person carrying out electrical work in the province of Ontario is required by law to be a member of the Ontario College of Trades.

As most of you may know, or may not, Ontario Sports Solutions is a joint venture with two parties: Kenaidan Contracting Ltd. and Bouygues Building Canada. Kenaidan is an Ontario contractor. They've been in business since 1974 in the province of Ontario, so I would think that they certainly should be aware of the legislation in place that governs the assignment of work in relation to the compulsory trades in the province.

Bouygues, on the other hand, is an offshore construction company—an international company, I might mention. They're based out of Paris, France. They may or may not know Ontario labour law, but, in my opinion, if Bouygues is intending to perform work in the province of Ontario, then they certainly must comply with the rules and standards of the province.

The work in question is electrical work that would typically be carried out by electricians and apprentice electricians. The intent here was to assign some of the scope to labourers, who would be unqualified and unskilled in these tasks.

The work in question has yet to commence. What I would like to see today is—let me back up just a minute to mention that I'm not here to change the current legislation that's in place. The current legislation works and has worked for years and years. I just would like to see the people, those who are responsible, uphold and enforce the legislation that is already in place. I'd like to have a commitment from the Pan American and Parapan American Games committee that these construction projects are carried out in full compliance with the Ontario College of Trades and the Trades Qualification and Apprenticeship Act guidelines. And further to that, that the assurance of worker and public safety are put in the forefront on these projects. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir. Right on time. So we'll start, I believe—MPP Miller, will you be commencing?

Mr. Paul Miller: Thank you, Mr. Chair. Mr. Newick, glad to have you down here today. Welcome, sir.

My first question would be: Would you outline the process that you went through with Clairmont Electric to bid on the Pan Am Games job?

Mr. Lorne Newick: My role as the business manager is to work with electrical contractors in Local 105's jurisdiction to try and secure work for the membership of 105. What I did is, I set up meetings with representatives from Bouygues Building Canada, which is ONSS, and

some of the local contractors' association contractors to discuss and possibly bid on the work at the two projects.

Mr. Paul Miller: Okay. It was your understanding at the time that Clairmont Electric had won the contract, but now, along with the Electrical Contractors Association of Ontario, apparently they're in litigation. What do you know about the process that could have led to this legal action?

Mr. Lorne Newick: One of the flags that went up—it was approximately about a week after the tendering process had ended and the job had closed, as they say. Clairmont Electric was contacted by Bouygues and were told that they had the low bid, for the stadium project at least. They were invited to the site to start discussing mobilization and scheduling for the project. Meetings took place at the site in Hamilton, between Clairmont and Bouygues. It seemed like things were moving forward. About roughly three weeks, I would say, after the tendering closed and a few meetings had taken place, Clairmont was once again contacted by Bouygues, requesting that they review the scope of the electrical work on that project and submit a new price on the revised scope.

Clairmont, being a signatory to the IBEW, is locked into principal agreements. Also, as a contractor in the province, they are obligated to follow guidelines that are set up and regulated by the Ministry of Labour and by the College of Trades. The work in question was work that fell under the College of Trades' definition of an electrician, so Clairmont subsequently could not agree to taking all the scope of work that Bouygues wanted them to take out of their contract. By doing so, they would be crossing lines and basically breaking the law to agree to taking out work and allowing labourers to perform work that was clearly laid out as electricians' work.

1430

Mr. Paul Miller: So Clairmont was very concerned at the time about the scope in job changes and what fell under the auspices of what an electrician does and what's part of his job description. They were tinkering with what an electrician can do, on the edges of his area, obviously having a negative impact and possibly having individuals doing the work who are not qualified. There could possibly have been some problems with the main structure at the stadium from an electrical perspective. Would that be fair?

Mr. Lorne Newick: Some of the equipment they were recommending be installed by labourers included light fixtures; suspended transformers; underground duct bank, which needs to be installed correctly as well; conduit systems. Again, it's all electrical—

Mr. Paul Miller: It's my understanding that, after the bidding process had closed, Clairmont had been verbally told twice they had gotten the contract. They had put out a considerable amount of money in architectural design, blueprints—putting aside other work to take on this major project, which went by the wayside because they weren't awarded it.

It's my understanding the company that did get in, in Ancaster, was not part of the original bidding list. They

were not part of the final tender, and they came in later; is that correct?

Mr. Lorne Newick: Yes, that's correct. The company that's been awarded the work and is on site now, as far as I understand, was on the original bid list along with probably half a dozen others. But when the tenders actually closed, Clairmont and two other contractors were told that they were the only three that were closing the project electrically. The company that's there now working was on the original bid list and was taken off of the bid list. When I questioned why they were removed from the list, I was told that they couldn't secure bonding for a project that size, so they were taken off the list.

Mr. Paul Miller: Originally the Ancaster company was removed from the list because they couldn't secure bonding?

Mr. Lorne Newick: That's right.

Mr. Paul Miller: And they ended up with the contract?

Mr. Lorne Newick: Yes. They have since—

Mr. Paul Miller: That's interesting; after the bidding had closed and Clairmont had already achieved what they thought was the job.

The tendering process, there's obviously been a problem there. I remember talking to Mr. Troop, and he told me at the time, in my office and in a meeting, that they were going to use local construction people as much as they could, and they weren't going to go offshore; they weren't going to go outside of Canada. Do you believe that we have the expertise and the ability to have handled anything that was thrown at us at that stadium, and we didn't have to go offshore?

Mr. Lorne Newick: Absolutely. If you take a look around the country, we absolutely have the expertise. I would say, on a world scale, Canadian tradesmen are probably some of the highest trained and carry some of the best skill sets in the industry. Absolutely, Canadian labour is certainly worthy of accomplishing a stadium build or any type of sports complex, as far as I'm concerned.

Mr. Paul Miller: Do you feel that the final tender awarded to the Ancaster company was awarded possibly under the change of scope that suited the French company and maybe reduced the electrical regulations and standards of the province? The minister stands up every day and says that everything's on target, everything's going to come in under budget and every regulation is being met. Do you feel that's a fair statement by the minister: Everything's on budget, and it's not going to cost more?

Mr. Lorne Newick: I don't have that knowledge to say that it's on budget or on time. I'm not privy to that information. I certainly hope it is.

Back to your original question about the impact that this change in scope had on the project: I believe it did play a part in that the contractor that was originally unable to secure bonding—I think it probably had an impact on his ability to do so, which led to a change in the assignment of the work.

Mr. Paul Miller: I believe Mr. Andrew Smerek is the electrical coordinator in charge of electrical and mechanical for Bouygues, a French company. It's my understanding that he sent an email to Chubb security that he did not want unionized labour doing the work on security systems, which is part of the electrical package. Would that be correct?

Mr. Lorne Newick: I was forwarded that email by the owner of Clairmont Electric. Clairmont Electric was intending to use someone who specialized in security systems; that was Chubb security. They subbed that portion of the electrical package to Chubb. Chubb submitted the proposal directly to Bouygues; Bouygues replied that they were looking for a non-union contractor to undertake that component of the electrical package, that they did not want union contractors to be bidding on that work.

Mr. Paul Miller: So this guy did not want the best-trained people in the world; he wanted to go another route—very interesting.

This doesn't end here on the tendering process. Electrical is divided into two things. It's divided into electricians, and then you have instrumentation guys. They're the guys who do the high-end boards and things like that. It's my understanding that APCI Communications from Burlington bid on the stadium; they had been told twice verbally by this Mr. Smerek that they had the contract for the bidding process, that they had attained it. Then all of a sudden, APCI gets a letter, after they put out considerable finances getting set up and ready for this major project, saying that they were no longer assigned to that project. Is that correct?

Mr. Lorne Newick: I didn't work as closely with APCI as I did with Clairmont. But yes, I did have a conversation with the owner of APCI, and he did allude to the fact that he was given verbal confirmation that they were going to be doing the work, and within a few weeks, the dialogue, the correspondence, dropped off, and he was finally told that he wouldn't be performing work on that project.

Mr. Paul Miller: It's my understanding that this major project, part of the electrical set-up for the whole stadium, also went to a French company. Is that correct?

Mr. Lorne Newick: That's what the owner of APCI told me. I can't confirm it, but that's his information, yes.

Mr. Paul Miller: I'm very concerned about that. Mr. Troop told me that we were going to use local people, local trades, to do this project. Here we have all the electrical work—well, the Ancaster company is there now. The Ancaster company, I believe, is non-union, correct?

Mr. Lorne Newick: Yes.

Mr. Paul Miller: Okay. Now, I believe that the instrumentation part of it is still being done by France. This is pretty scary, when Mr. Troop told me that they were going to use Canadian people to do all these projects throughout Ontario.

Do you feel that the tendering process has had a negative impact on unionized electrical workers in the greater Hamilton area?

Mr. Lorne Newick: It most certainly has. That would have been a very high-profile job, approximately 50,000 to 60,000 man-hours worth of work on that project.

Mr. Paul Miller: So 60,000 man-hours gone overseas. Isn't that interesting?

Mr. Chairman, I think I will continue later in the 10 minutes. But I can frankly say that this is not the first contractor that has come to me, or unionized workers that have come to me, with complaints about the tendering process throughout this province on the Pan Am/Parapan Am Games. It's very interesting that a lot of these projects are being awarded overseas, when Mr. Troop told me it would be Canadian workers doing the work. I'm certainly going to pursue this, and I want more answers. Maybe down the road, we can talk to the Pan Am committee and find out what exactly is going on here, because it has really upset a lot of good, well-known, solid companies in our area that are wondering what's happening here. Thank you very much.

1440

The Chair (Mr. Grant Crack): Thank you, Mr. Miller. We'll move to the government. Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair. Thank you, Mr. Newick, for joining us today. I'm going to start by asking a few general questions, if you don't mind.

I understand that the city of Hamilton, the federal government and our provincial government are all involved in funding the construction of these facilities. In fact, the federal government is the senior partner when it comes to the infrastructure build. It is also my understanding that as a funding partner to this project, the city of Hamilton is required to abide by the labour agreements that have been put in place by the city of Hamilton.

As well, because this is such a big project involving the federal government and the provincial government, there's a significant amount of monitoring to ensure that the work that is being carried out is being done by accredited workers and that the work is performed in a safe and transparent way.

Having said that, I understand that officials from the Ministry of Labour have spent time visiting the site to inspect and ensure that occupational health and safety rules and regulations were being complied with, and of course it should be noted that the health and safety of workers and the public is this government's top priority.

So from what I have here in my notes, I see that the Ministry of Labour has visited the stadium construction site nine times. In fact, I have all of those dates if you're interested: January 4 and January 7 of this year; January 14, 2013; January 15, 2013; May 15, 2013; July 29, 2013; August 6, 2013; October 10, 2013; October 21, 2013. It's my understanding that as of December 1, 2013, all orders have been complied with and no orders are out of compliance.

I just wanted to get a sense, given this level of scrutiny and our commitment, of what your thoughts were.

Mr. Lorne Newick: What my costs?

Ms. Dipika Damerla: Thoughts, your comments.

Mr. Lorne Newick: Oh, my thoughts. Well, I'm happy to see that the ministry is visiting the site and

ensuring that the health and safety is a legitimate concern on site. One incident that happened in the early goings when the site was being set up, and that would have been early in the year, possibly February or March, when I was meeting with Bouygues on site: There was an electrical contractor on site that was performing work, doing temporary power, hooking up construction trailers—temporary power for the workers who were showing up. One of the Bouygues's safety personnel was doing a tour. He stopped in to see a couple of electricians that were doing some work. He was having a conversation and he asked what their status was, whether they were journeymen, apprentices, or what their status was. It turned out that out of three of them that were on that job, not one of them had any credentials that day. There wasn't a journeyman licence; there wasn't an apprentice. There was nothing. Those people were asked to leave the site promptly by Bouygues. So they did the right thing.

The work that I was discussing earlier, as I mentioned, is at a stage now where most of the steel is erected on that site. This is when the subtrades—the electrical, mechanical, sheet metal—will go into that structure now, and they'll start performing work. So I hope that the ministry continues to do its visits and continues to ensure that worker safety is being taken care of.

Ms. Dipika Damerla: Thank you. I have here a letter, and I'm happy to share that letter with you, dated October 8, 2013, which was sent to David Peterson, chair of the Pan Am Games 2015, from David Tsubouchi, CEO and registrar of the Ontario College of Trades. In that letter, he asked to ensure—that the construction projects rolling out ahead of the games will be subject to intense public scrutiny and that the Ontario College of Trades would work closely with the Pan Am officials to ensure that all workers are in good standing with the Ontario College of Trades, notwithstanding the incident that you spoke about.

Following this letter to the chair, the Ontario College of Trades sent out enforcement officers to the construction site in the week of October 14, 2013. They, too, did not find anything out of order there. Were you aware of this fact?

Mr. Lorne Newick: I'm not aware of it. I don't get the reports from the College of Trades.

Ms. Dipika Damerla: Fair enough.

Mr. Lorne Newick: I don't know when they show up and what their findings are. Maybe that's a bit of a flaw in the system. Maybe we should all be a little bit more aware of when the college is doing a tour. Maybe they could post—I'm not sure if they do, but I'm quite certain they don't post anything on their website. But it might be something to consider.

Ms. Dipika Damerla: In addition to the Ontario College of Trades, the Electrical Safety Authority has also visited the site as part of their standard diligence, and has confirmed that all electrical work being performed at the construction site is according to code and by licensed tradespeople. So I just wanted to assure you that the government is enforcing, as you—I think in your

opening comments, you had asked for an assurance that the Pan Am construction would be done by people who are licensed with the Ontario College of Trades—

Mr. Lorne Newick: Yes.

Ms. Dipika Damerla: —and are following the apprenticeship act. I just wanted to ensure you, through these examples, that the government is indeed very aware that this is putting Ontario on the world map, and that we must do everything we can to ensure that the work is carried out safely and by licensed people, and that we are doing our part in inspecting, regulating and ensuring that the law is being enforced.

Mr. Lorne Newick: That's reassuring to know.

Ms. Dipika Damerla: Thank you. I just was wondering: I'm sure you know about regulation 570/05.

Mr. Lorne Newick: No.

Ms. Dipika Damerla: Sometimes numbers—I know, it's hard to remember. It says that the licensing of electrical contractors and master electricians who are—only licensed electrical contractors are permitted to perform electrical work in Ontario. This is speaking to exactly what you were talking about earlier.

Mr. Lorne Newick: That's right. Yes.

Ms. Dipika Damerla: I've been made aware that Infrastructure Ontario can confirm that all electrical work on site is being performed by licensed electrical contractors, as required by this Ontario regulation. I just wanted your comments on that. Does that reassure you?

Mr. Lorne Newick: Again, it is a high-profile job. I'm sure that in the tendering documents, that would be covered off, that the contractors are properly licensed and insured. That would be part of the bonding, I would assume. Yes, I would expect that, at the very least.

Ms. Dipika Damerla: Okay. For a while I think Mr. Miller's questioning was really on who got the contract and who didn't. What I'm really trying to focus on is, now that the contract is in place, that the work is being carried out as per the law. That's what I'm trying to understand from you, what your sense is of that. My next question is going to be, would it be fair to say—I know you've been in this position as a manager for quite some time.

Mr. Lorne Newick: Not a long time.

Ms. Dipika Damerla: How long have you been?

Mr. Lorne Newick: A couple of years.

Ms. Dipika Damerla: A couple of years. But you've been involved in a trade for a while, right?

Mr. Lorne Newick: Yes.

Ms. Dipika Damerla: So during this time, would it be fair to say that you've become quite familiar with the tendering process with large-scale projects such as these and what they might entail?

Mr. Lorne Newick: I'm not typically a part of the tendering process. Basically, I provide manpower. My contractors do the tendering and they do the bidding. Once they win the work, then I supply manpower.

Ms. Dipika Damerla: Would you say, based on your knowledge, that it's quite common for construction sites to use both unionized workers and non-unionized workers at the same time?

Mr. Lorne Newick: Yes.

Interjection.

Ms. Dipika Damerla: Sorry, did I say unionized and—unionized and non-unionized.

Mr. Lorne Newick: Yes, absolutely. It's common.

Ms. Dipika Damerla: So you would agree that that's quite standardized.

Thank you so much for your time today.

Mr. Lorne Newick: Thank you.

The Chair (Mr. Grant Crack): Ms. Cansfield.

Mrs. Donna H. Cansfield: So the crux of this is more about the process of the procurement process, as opposed to the licensing process. Is that from your perspective?

Mr. Lorne Newick: Well, it's sort of twofold, but yes, definitely both are very important matters to me.

Mrs. Donna H. Cansfield: In the one process, in the contractual or the procurement process, the suggestion is that the procurements are going to—because we have to, by law, take the lowest bid. That's part of the requirement of government, unless you do an RFI and you pre-qualify people. Your concern is that the bids are coming in from people outside of Canada for these large jobs.

1450

Mr. Lorne Newick: Well, the constructor is an off-shore constructor, being Bouygues. The people who are performing the work are Canadian.

Mrs. Donna H. Cansfield: Okay. Thank you very much.

The Chair (Mr. Grant Crack): Ms. Damerla.

Ms. Dipika Damerla: I did have one question, because there was some conversation around Clairmont winning or not winning the contract. In the end, my understanding is that Clairmont did win one of the contracts on the project. Is that correct?

Mr. Lorne Newick: Yes. Before the closing of the base building, which is the major component, he had secured the building service, which was a relatively small part of the stadium project.

Ms. Dipika Damerla: But they did?

Mr. Lorne Newick: They did, yes.

Ms. Dipika Damerla: Thank you.

The Chair (Mr. Grant Crack): We'll move to the opposition. Mr. Leone.

Mr. Rob Leone: Good afternoon, Mr. Newick. Thanks for joining us this afternoon. In listening to the presentation and listening to the comments, both from the NDP and from the Liberals, I'm a little bit mystified as to—forgive me—why you're here. I maybe need to ask some pointed questions to give me a better sense of what you might be able to provide to this committee.

You see, this committee was struck to investigate the Pan/Parapan Am Games, through the Ministry of Tourism, Culture and Sport and the Pan Am Secretariat. That's the design, the motive, of this committee. We are interested in understanding whether or not money has been misappropriated and whether the budgets that have been disclosed by the government are, indeed, factual or whether they've been underestimated in our eyes.

Those are the kinds of things that I am expecting to hear from this committee. This isn't my committee, mind you, but this is what I've come here to expect from this committee in terms of the study that we're undertaking here. So my question is, given your presentation—I know you talked a lot about union work versus non-union work, and various things about procurement. From a 30,000-foot level, do you believe that there is anything that has been scandalous in terms of the procurement of contracts with respect to the Pan Am Games?

Mr. Lorne Newick: I don't know if I'd rate it as scandalous, but it certainly raises questions with the contractors that use my labour when three contractors are left to close a project—actually, two projects; the velodrome was in there as well—and out of those three contractors, none of them have secured any work on any of the projects other than what I just mentioned, a very small component on the stadium project in Hamilton, which was actually let out prior to the closing of the main project—

Mr. Rob Leone: So does that raise doubt in your mind that these projects are going to be completed on time?

Mr. Lorne Newick: I can't say what the schedule is looking like. I have absolutely no idea.

Mr. Rob Leone: Would you have any commentary on whether these projects will be done on or under budget?

Mr. Lorne Newick: I couldn't answer that either.

Mr. Rob Leone: Okay. Do you believe that work that is being conducted on these premises by unionized or non-unionized—whoever is doing the work, do you believe the work is being done safely?

Mr. Lorne Newick: Again, judging from the reports that the ministry has submitted, I would say that work is being done safely.

Mr. Rob Leone: So you have no information that would lead us to believe that the work currently undertaken by whoever is contracted to do this work is not being done safely?

Mr. Lorne Newick: I couldn't argue and say that it's not. The message I wanted to try to get out here today was the potential for work that should be performed by a qualified tradesperson—there was intent, at least in the early stages, to have that work done by somebody who's not qualified. If that situation comes around, then there absolutely could be some serious safety concerns tied to it.

Mr. Rob Leone: But is what you said just now based on the perception of work being done by unqualified tradespeople, or is it a fact that unqualified tradespeople are doing the work?

Mr. Lorne Newick: Well, there's the fact that the ONSS intended to use unskilled, untrained labour to perform electrical work.

Mr. Rob Leone: Can you tell me what the acronym is? I'm not—

Mr. Lorne Newick: Sorry, Ontario Sports Solutions, which is the joint venture between Bouygues Building Canada and Kenaidan Contracting Ltd. This was corres-

pondence that Clairmont Electric was sent out through an email, like I said in my earlier statement.

Mr. Rob Leone: So there is correspondence stating that this consortium potentially wanted to use unqualified people.

Mr. Lorne Newick: Yes. They wanted to use labourers to do electrical work.

Mr. Rob Leone: Is it possible for you to table that correspondence for us to have? I'm just trying to get some information from you that will allow us to go further down this path that, in fact, the procurement, the safety, anything you are encountering—I'm sure you have members on the front lines who would see better than any of us some of the faults of what's going on with the system.

Mr. Paul Miller: Point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Miller.

Mr. Paul Miller: I think this may help you, Mr. Leone. I think what he's saying is that it's litigation. They're going after the sports group that is running the project, Bouygues and the other group, because they've got current concerns about why they were removed from the tendering bid, which they had already achieved, why there were—

The Chair (Mr. Grant Crack): Mr. Miller, if I may interject, I don't think that's a point of order. Perhaps those comments could be made in your next 10-minute round.

Mr. Paul Miller: He can't answer when it's in litigation, and I don't think he's aware of that.

The Chair (Mr. Grant Crack): The floor is Mr. Leone's to ask questions.

Mr. Paul Miller: Okay. Well, I'll just make him aware of it.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Rob Leone: Please see me after. Maybe I can get some more information from you, Paul.

But it goes further to the point of what I'm trying to understand and surmise from your testimony today. Usually, when we're doing these sorts of investigations, we're looking for specific things. I know that Mr. Miller and I have been talking about Pan Am in estimates, and we certainly wanted this committee to study it more fully and completely. Some of the things that we want to stay on track, and what keeps us on track, is when we have verifiable evidence to any degree, which is why I suggested that if you had any correspondence that might be useful for our deliberations, our investigation, to contribute to what I think is a growing sentiment in the public that these games have been mismanaged. We'd certainly be willing to have that kind of information. That's why I asked. I didn't mean to put you on the spot.

Mr. Lorne Newick: No, no, that's fine. I have that document. I have other documentation. I don't have it with me today. Perhaps I should have put it together for the committee members as evidence.

Mr. Rob Leone: Could we ask—how do we want to handle that, Clerk, in terms of receiving that document?

The Clerk of the Committee (Ms. Sylwia Przewiecki): Just send it to me.

Mr. Lorne Newick: I can submit it, yes. Absolutely.

Mr. Rob Leone: Thanks. That would be very helpful.

Again, I want to go back to the safety thing, because I know you were alluding to it earlier. Your position on safety is that you want to make sure that everybody who is working on site is a trained and qualified person, correct?

Mr. Lorne Newick: Yes.

Mr. Rob Leone: And to the extent that they're not trained and qualified, that compromises the safety of the construction of these facilities.

Mr. Lorne Newick: Yes, it does.

Mr. Rob Leone: And there wouldn't be anything that people have seen on the front lines to date that would contribute to the analysis that something has not been safely constructed to date.

Mr. Lorne Newick: The only incident was the one I described earlier, where the individual questioned some electricians—well, I'm not sure they were even electricians; they didn't have licences to prove it—the individuals who were doing electrical work on the temporary power at the early stages of the project. Other than that, I haven't been made aware of any unsafe practices.

Mr. Rob Leone: Is it your position that union shops are generally safer than non-union shops?

Mr. Lorne Newick: I like to think so.

Mr. Rob Leone: That's just an opinion, then. You don't have statistics to back that up.

Mr. Lorne Newick: Again, unfortunately, when we try to get the statistics—because we do have a huge investment in safety and training and we like to think, and we're quite certain, that that reflects on the job sites. When the ministry gets reports and when they do their studies on accidents, deaths, whatever, they don't break it down into union and non-union; it's construction accidents. So we can't say if it was a union or a non-union accident. We're just trying to prevent absolutely any kind of injury on the job.

Mr. Rob Leone: In terms of costs, I know that's part of the factor in terms of awarding procurement. I've heard the comment that we obviously want to be employing local people to the greatest extent possible.

One of the questions that does emerge with this is who, in fact, is able to tender and who is not. Between open tendering and closed tendering, there are and have been suggestions that by allowing open tendering, costs would be reduced. Would that be something that you'd be familiar with?

Mr. Lorne Newick: No, not really.

Mr. Rob Leone: Fair enough. I'm just asking.

Mr. Lorne Newick: As far as I know, I don't think open tendering takes place on these projects. Everything is confidential, as far as I understand—at least I would hope so—at least until after the tendering is done and the contract has been awarded. There's a possibility that the general or the constructor will release the numbers that the other contractors had submitted after one has been chosen to do the work, typically the lowest one.

Mr. Rob Leone: All right, Chair. That's all the questions I have for now.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Leone.

There are five minutes and 45 seconds left until a vote in the House. It is the committee's wish to have a recess until such time as the vote is taken, and we will return with the third party asking up to 10 minutes of questions. This meeting is recessed. Thank you very much.

The committee recessed from 1502 to 1516.

The Chair (Mr. Grant Crack): Okay, back to order. We have just finished up with the line of questioning from the opposition. We shall move to Mr. Miller, the third party, NDP: 10 minutes.

Mr. Paul Miller: Well, thanks very much, Mr. Chairman. I think mine will be a mixture of questions and comments.

First of all, I'd like to address the parliamentary assistant's comments about inspecting job sites. With all due respect, I've been a tradesman for over 30 years, and I've worked on a few sites myself and also in heavy industry and construction. Lots of times, the ministry will come, and they'll put an extra coat of paint on because they know the ministry's coming. The ministry will announce their arrival. I don't know if they do that anymore; maybe they do surprise visits. They may have. I don't know.

But I know that a lot of times, they would have sent an inspector who may have been—his base trade, he may have been a welder, an electrician, an iron worker, a tinsmith, a pipefitter or a plumber. A lot of times, they go there as a general inspector, and they may miss some of the intricacies that a tradesperson who is from that trade would know: an electrician, a welder. They may not be fully scoped on all the things that happen on a job site.

You rhymed off a bunch of visits by labour. Well, that's fine, but that was early. They went on January this, then, blah, blah, blah. The pylons were only in the ground. The cement work—there was no electrical work done. So you've mentioned times when they haven't even—this work hasn't even started. So I'm not quite sure that's accurate.

Certainly, I think the reason that the inspectors have increased their visits is because of the focus that's been put on by this committee, the official opposition and us, about some of the concerns we had. So, obviously, it's a hot button. It has been red-flagged. So the visits may increase because of that situation.

What I'm saying is, it's great to rhyme off a bunch of times that they visited, but you don't even know what they were there for. They may be investigating the cement work. They may have been doing the lumber work. They may have been doing the welding, checking the beams.

Mr. Vic Dhillon: Do you know what they were there for?

Mr. Paul Miller: I'm quite aware of what they do on a job site. Thank you, Mr. Dhillon.

They may have been checking the welds, the integrity of the structure or the steel—doesn't know what we were there for, and that did not spell it out.

Everybody got off track. The whole focus here, I believe, was the electricians' concern about how the tendering process went down, how it ended up from those companies that had already been given the nod who the electricians in Hamilton work for on a regular basis in the Hamilton-Halton area—they work for them. They work with certain companies in the area all the time that get the work for them.

His job, as the business agent, is to make sure his membership is out there working and that we don't have invasions from other memberships outside of the Hamilton area. Lots of times they would bring in—and the only way they can do that, in construction, is called under permit. So if his union guys are all booked out on a job site, that's okay, because they can't bring someone in from a Toronto union, because they have territories that they control. So all his men have to be on the job site before they can bring in permit workers. That does not apply to non-union. Okay? So the difference in how a job is manned could be a little bit of union, a lot of non-union or vice versa, depending on the company you're working for. So that's another thing that's a bit of a misled thing; that's not really how it works.

His concern was how the bidding process—

Interjection.

Mr. Paul Miller: I'm going to ask him to verify this.

His concern was how the bidding process went down, which was not good. People who had already achieved the tender process, they had already got the job and were okayed by this Bouygues—the French corporation had already said they had it. All of a sudden, after they did a lot of prep work, architectural drawings, blueprints—they had done all this work, and they lost a lot of money. In fact, they gave up work in the Hamilton-Halton area because they couldn't man it because they were doing the big project. So now, not only have they lost all that prep work, they've lost all the jobs that they would have had because it's been tendered out to firms that may be outside of the city because they couldn't man it. They've been hurt in more than one way with this tendering process. That was all about it.

As far as safety and health go, there are standards in the province that safety and health have to maintain. It doesn't matter if it's non-union or union. But certainly, as he explained to you, there was one inspector who stopped—and these guys were doing electrical work and not one of them was qualified. How they slip these people in, how they do it, I wouldn't know because I'm not there. But obviously he had some concerns. His electricians—trained, certified electricians—are outside on the street not working. This is what it's about.

As far as the money situation goes, the money situation is certainly a concern for us in the opposition and the NDP. It certainly is. We're concerned about how the money is being spent, but I think the main concern is, is it being done safely? Are the inspectors going at the right time? Are they going onto the job site when—a lot of things get covered in on a job when you don't know—

panels, conduits are done, a lot of electrical work is done that the inspector really can't see unless he gets in there and opens up the thing, and a lot of them don't do that. They'll do, I guess, a drive-by a lot of times. They're assuming that it's done properly. So there's a lot that people don't know who are non-tradespeople, that goes on on job sites. Would that be a fair statement?

Mr. Lorne Newick: Yes. You've pretty much nailed it on the head, as far as that goes. A huge amount of time and money were spent by the contractor to secure the work. I actually have a document that he sent me after he was told he wasn't going to be doing the work on-site, and he just lists some of his concerns and obviously some of his hardship caused by losing the work.

It was quite a long time after the tender closed before he was made aware that he wasn't getting the work. In that time frame, he had stopped bidding work because in his estimation he was going to be a very busy contractor for over the next year at least; he was going to need a lot of additional manpower; he had spent time to bring in people from the field to start looking at the drawings, start figuring out the scope of work, what was going to have to be undertaken. It caused him a lot of financial hardship because he had really no new work on the books. I just really question how they came to their decisions.

Mr. Paul Miller: That's right. Basically, you are here today because you want to make sure, from your perspective and the membership you represent, that all the work is done safely, it's done to code, and the people who are doing the work are qualified tradespeople who are recognized in this province by the trades programs and the apprenticeship programs.

A lot of times on job sites, would it be fair to say that because they're short of manpower or they don't want to pay for the extra tradesmen, that maybe a first-year apprentice might be working a little bit out of his—he's doing third-year work? Has that happened?

Mr. Lorne Newick: I would say it probably has.

Mr. Paul Miller: Oh.

Mr. Lorne Newick: Again, we have a system in place. Like I said earlier, we invest a huge amount of time and money as well. We police our manpower; we police our apprenticeship ratios. We make sure that our contractors aren't working outside the guidelines of the apprenticeship ratios set up in the province. We have people on the job sites who make sure that the apprentices are working under the supervision of journeyman electricians. We make sure that the foreman and supervisors are trained with the OSHA supervisory training level.

Mr. Paul Miller: So, Lorne, would it be fair to say that the gentleman who owns Clairmont Electric was not only concerned about the amount of prep work he had done and the costs he had put out, for one thing; number two, he was an honourable owner who was not going to go against the code or have other people performing his men's work that weren't qualified? That's why he had a problem. He brought that concern forward, and all of a

sudden, he's out of the tendering process—who had been awarded the tender—because he wanted to do it right. He wanted to do it by code. He wanted to make sure it was safe for a couple hundred years. Would that be a safe comment?

Mr. Lorne Newick: Yes.

Mr. Paul Miller: So it's not about money; it's about the tendering process, it's about safety and health, and it's about working out of your job description. People seem to have gone off that. That's what this is about. It's a combination of safety, certainly, because if you've got unqualified labourers setting down motor bases—when I left in 2007 as a millwright—

The Chair (Mr. Grant Crack): Five seconds.

Mr. Paul Miller:—we were aligning huge motor bases and projects like this with lasers. I'm assuming that these guys wouldn't be trained on that; the electricians and the millwrights would be, but not these labourers. There's a lot to be looked at as far as safety goes, and that's my concern.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Miller. We'll move to the government: Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair. I just want to begin by saying that a lot of allegations have been made in this room, but where's the proof? I'm a little concerned because there's a lot of assumptions being made that the company that got the contract, for some reason, will not follow all of the standards. I believe I heard you say, as well as Mr. Miller earlier, that the electrical work hasn't started yet.

Mr. Newick, what I heard you say in your opening remarks, because I took some notes, was—you talked about the fact that these were two big contracts taking place in Hamilton and Milton, the fact that one of them is an Ontario company, and you figure that they know the rules; and the other one is a French company, and you weren't sure if they would know all of the labour laws in Ontario. Then you asked for some reassurance that legislation would be enforced—a commitment that construction around the Pan Am Games would be done by licensed and certified people, and that all laws would be followed.

In terms of all of the speculation as to whether a first-year person is doing a third-year person's job or not, the job hasn't even started, so I'm not sure why we are here speculating. If there is hard evidence that something's not being done right, I would urge anybody to come forward so that the government can ensure that it's done right. I want to assure you that our priorities are safety, bringing the projects in on time and on budget, bringing value for the taxpayer and ensuring the best for Ontario, that these are the best games ever. I want to assure you that we will work with you. We want to work with you. That's the government's goal and aim.

I'm not sure what the point is of speculating whether this would happen or this wouldn't happen when the work hasn't started yet. Let the work commence, as far as the electrical work goes.

To Mr. Miller's point: Yes, of course, any government anywhere in the world, when you inspect, you go there and make the best of the situation on that particular day, unless you're inspecting 24/7. I'm not sure what his suggestion would be. I agree with you that surprise visits should be there; I would be a big supporter of surprise visits—absolutely, no question around that. But I do want to assure you that the visits were not just early. The last visit that I recall was on October 24, so those visits by the Ministry of Labour are ongoing.

My question to you, Mr. Newick, is, given everything I've said, do you feel some sense of comfort that, going forward, any of the electrical work that is done on the Pan Am soccer stadium in Hamilton will take place with the laws being followed and making sure that all work is done by licensed employees?

Mr. Lorne Newick: Well, it's reassuring to hear you speak in favour of the inspections taking place and ongoing as the project progresses, but I guess time will tell. Like you said, we're speculating right now. I came here based on some information that was passed on to me, and it was concerning information, because it was quite clear what they wanted to do as far as utilizing labourers to do this work.

1530

That was basically the purpose of my visit. I can't see into the future. I can't speculate on what's going to happen, but it's very reassuring to hear that you guys are committed to making sure that the inspections are going to be taking place.

Ms. Dipika Damerla: Sorry; I just want a clarification. When you were answering, you said "one issue." Was it the one instance where you said you heard that an inspector came from Bouygues? Is that the incident you're referring to, or something else?

Mr. Lorne Newick: No, that's the incident I'm referring to.

Ms. Dipika Damerla: Is that anecdotal, or was that something you witnessed first-hand? Can I just get some sense of what happened? Is it just anecdotal? Were you there?

Mr. Lorne Newick: I was there shortly after it happened. I wasn't there. This came third-hand; it came through Mr. Andrew Smerek, who was the electrical/mechanical project tender organizer. It was one of his employees. We were discussing an electrical contractor that was on -site, and he told me that he was looking into having them removed from the site permanently because of the infraction that had happened either that morning or the day before.

Ms. Dipika Damerla: So action was taken, and to the best of your knowledge, that has been fixed, and it's good?

Mr. Lorne Newick: Yes, and again, that was back in March or April of this year. It was the very, very early stages.

Ms. Dipika Damerla: Mr. Newick, I just get the sense that there are some allegations against Ontario Sports Solutions by Clairmont Electric that Ontario Sports Solu-

tions is not following safety regulations and cutting costs in the construction project at the Hamilton soccer stadium. Have you seen any documents that would confirm these allegations?

Mr. Lorne Newick: No, I haven't.

Ms. Dipika Damerla: No? So this is just speculation at this point by all concerned who are bringing this forward.

Mr. Lorne Newick: Exactly.

Ms. Dipika Damerla: Would that be fair?

Mr. Paul Miller: It's not speculation. It's in litigation.

Ms. Dipika Damerla: Well—

Interjection.

Ms. Dipika Damerla: Paul, you had your turn. Give me my turn.

Mr. Paul Miller: They're not allegations, either.

The Chair (Mr. Grant Crack): Order. Ms. Damerla, please direct your question. Mr. Miller, respectfully—

Ms. Dipika Damerla: That's all. Thank you very much.

Mr. Lorne Newick: Thank you.

The Chair (Mr. Grant Crack): Any other members of the government? Okay, thank you very much. We'll move to Mr. Leone, from the opposition.

Mr. Rob Leone: Again, Mr. Newick, thank you for taking the time to come see us today and provide some of your testimony with respect to safety and procurement. I know that that's what Mr. Miller wanted to get from your testimony, and I hope I have also tried to contribute to that discussion by trying to get you to talk a bit more about safety and procurement, and to provide us with some evidence or documents—if you have any—that would lead us to question that.

I will say, though, that our objective as a committee—I'll just read you, briefly, what our motion states we're supposed to be doing, which is to "initiate a study and review of the 2015 Pan/Parapan American Games and the Pan/Parapan American Games Secretariat, as it relates to the mandate, management, organization or operations of the Ministry of Tourism, Culture and Sport, with particular emphasis on financial issues, budgets and expenses of the 2015 Pan/Parapan American Games and the Pan/Parapan American Games Secretariat, in an effort to determine whether or not the Ministry of Tourism, Culture and Sport effectively exercised their role into the oversight of the 2015 Pan/Parapan American Games."

I'm a bit worried that we are getting a bit sidetracked from that, particularly given that the government's talking about Ministry of Labour inspectors, and we're going on those particular tangents. So I want to try to refocus back on what the mandate of this committee is, which is to investigate particularly the financial issues, budgets and expenses.

The procurement process—don't get me wrong; I think it's very important that we get that right. I would also agree and state unequivocally that we have to make sure that work is being done safely and that when people go to these venues, they're going to be safe as well. We

can obviously ensure that, if every part of the contract is being executed appropriately, we can have confidence that's going to be the case.

To this point, I haven't really determined whether or not—even asking directly—you believe that the stadiums are safe. We have no particular points of evidence that suggest otherwise, so I do want to clarify that.

You represent electrical workers. That's what you do. One of the issues with the Pan and Parapan Am Games and the secretariat has been the fact that the expenses that some of the games executive have been reporting have been exorbitant. Have you ever claimed a \$1.89 coffee in your expense reports?

Mr. Lorne Newick: No.

Mr. Rob Leone: How does an average worker that you represent feel about that?

Mr. Lorne Newick: I would say that they would probably be cynical.

Mr. Vic Dhillon: What about the orange juice?

Mr. Rob Leone: Pardon?

Mr. Vic Dhillon: What about the orange juice?

Mr. Rob Leone: Oh, the orange juice.

Mr. Vic Dhillon: I'm just saying—

Ms. Dipika Damerla: He's talking about the federal MP.

Mr. Rob Leone: Oh. Well, once we get to that investigation, Mr. Dhillon, we can ask that question. I'm actually also quite concerned about \$14 orange juice. We're picking an example out of many.

Have you ever expensed laundry that you're taking in for your day-to-day work?

Mr. Paul Miller: Mr. Chair, point of order.

The Chair (Mr. Grant Crack): Mr. Miller.

Mr. Paul Miller: I'm not sure where the member is going with this line of questioning. We're not grilling on what kind of coffee he drinks or how much he paid for it—his membership. I know he's getting back to the Pan Am expenses, but this isn't what this particular situation is about. So on a point of order, I think we should really get back to what he's here for, which is procurement and safety. I don't know what it's got to do with coffees and lattes. I'm a little concerned with where we're going with this. He thinks we were off base; I think this is really off base, going down that road. Anyway, that's fine. I just have a problem with that. I think we should get back to the real problem here. I don't care what he paid for a coffee, to be honest with you.

The Chair (Mr. Grant Crack): Well, thank you very much for your point of order, but it's not a point of order.

Mr. Leone, I know your line of questioning is somewhat financially related, so I'll continue to allow the line of questioning.

Mr. Rob Leone: If I'm being perfectly frank, Mr. Miller, I could have done the same thing to your testimony and your questioning as well.

Mr. Paul Miller: I don't think so; I think mine was more related.

Mr. Rob Leone: It was more related, perhaps, to the witness, but I'm trying to get a sense of where that testimony fits into our whole investigation here.

The Chair (Mr. Grant Crack): Mr. Leone, please focus on the witness.

Mr. Rob Leone: Chair, I again want to go back to some of my earlier questioning with regard—just to state for the record: Do you believe that work being conducted on any venue for the Pan and Parapan Am Games has been conducted to an acceptable safety standard, and do you have evidence that would state the contrary?

Mr. Lorne Newick: At this point, I certainly don't have evidence to support that there's any work that's being carried out unsafely.

Mr. Rob Leone: Do you believe that the taxpayers are getting value for their money from the contractors who are performing the work?

Mr. Lorne Newick: I'm not really at liberty to comment on that. I see a stadium going up, so if it comes in on budget, on time, I would have to say that they're getting value for their money.

Mr. Rob Leone: I have no further questions, Chair. Mr. Nicholls has one question.

The Chair (Mr. Grant Crack): Three minutes and 50 seconds.

Mr. Rick Nicholls: Mr. Newick, good afternoon. I have a couple of things I'd like to ask.

The members of the Legislative Assembly—our goals and objectives, as elected members, are to ensure that projects such as those projects involved with the Pan and Parapan Am Games come in on time, on or under budget, and of course, done safely, and I think we all would agree with that, as well. When I question your role—your role being representing the IBEW—it should be to ensure the same, I would think: on time, on or under budget and done safely. I guess the question I have is, what is the process involved when, of course, you are going up against perhaps a non-union shop? A question I might ask first is, when IBEW goes up against a non-union shop, are the wages the same?

1540

Mr. Lorne Newick: Non-union is typically lower.

Mr. Rick Nicholls: Very much lower?

Mr. Lorne Newick: It varies.

Mr. Rick Nicholls: It varies. That's a fair statement. Having said that and knowing that you may be going up against a non-union shop whereby they pay their workers less than what your workers earn, how do you compete with that? What process do you have in place to ensure that perhaps you may be successful with all things being equal, that you guarantee that the project will be done on time, on or under budget, and of course, done safely?

Mr. Lorne Newick: On that project in particular the only thing that I had really to promote us was the fact that we have a very, very deep labour pool and we can guarantee that if you need 150, 200 or 250 qualified, skilled electricians and apprentice electricians to get the job done on time, we can deliver that. We can guarantee our labour and our efficiencies. That's our selling feature.

Mr. Rick Nicholls: Okay. I think Mr. Leone has another question.

Mr. Rob Leone: When you were suggesting that contractors are bonded for the work that they do beforehand, what exactly does that mean? Is it simply a safety thing, or is that a liability thing? What exactly does it mean?

Mr. Lorne Newick: As far as I understand—again, I'm not really versed in the tendering process, but I'm pretty certain that bonding is a type of insurance. It's a liability insurance that the contractor would guarantee he is going to perform the work as per the contract agreement.

Mr. Rob Leone: So the bigger the project, the bigger the bond?

Mr. Lorne Newick: Exactly. It's percentage-based, I believe. Again, I'm not 100% sure on the bonding process.

Mr. Rob Leone: Part of the argument on procurement that might be established is whether companies that are awarded particular contracts may be excluded because they don't have a sufficient bond. Is that part of the issue?

Mr. Lorne Newick: Exactly. As far as I understand—

Mr. Rob Leone: Sorry; I'm running out of time. In any of the companies that you've talked about here, would that have been one of those considerations for why they may have been excluded?

Mr. Lorne Newick: The companies that closed, obviously, qualified for bonding.

Mr. Rob Leone: They pre-qualified for bonding?

Mr. Lorne Newick: Yes, they would have pre-qualified.

Mr. Rob Leone: Thanks.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Newick, for coming in and answering the questions. It's probably one of the longest questionings that I've been through to date, so congratulations. You did a great job.

Mr. Lorne Newick: I just thank you once again for the opportunity to come down and put this out. It means a lot to my contractors, it means a lot to me and it means a lot to my membership that we get an opportunity to come and speak to you people and express our concerns, so thank you very much.

The Chair (Mr. Grant Crack): Very good. Thank you very much for coming.

To the committee, we've had two witnesses to date. Is the committee interested, perhaps, in providing some direction to legislative research with regard to a summary of the two presentations and whether we want to do it by theme or by witness individually? Mr. Miller.

Mr. Paul Miller: Yes, I think it would probably be wise—Mr. Leone asked some good questions about procurement procedures and bonding. I think if we got research to look at the laws of the province on those particular situations—my understanding of bonding is simply that the company that bids on the project has enough wherewithal and assets that, if the project runs over, they can finish the work, if it has to take their own

resources to do it. In other words, it's a lot of companies—we had a bridge on the QEW where the contractor went under. He couldn't complete it because he went bankrupt and they even confiscated the equipment right off the job before the bridge got done. The ministry had to step in, and we eventually got a new contractor who got it done. That's what the bonding process is all about: to make sure that a company has enough, even if they underbid and make an error in their bidding, to fulfill the contract, at their own expense if they have to. That's what that's about. It is an insurance plan, really. That's what bonding is. We used to do that in the municipality all the time.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Miller.

Did you have any specific questions that you'd like to ask the committee for direction?

Ms. Anne Marzalik: Just whether the committee would like a summary of testimony. I know the hearings are not limited in terms of time frame. Does the committee wish to have a summary of witness testimony based on the themes, or based on each individual witness? That's really the issue. It would be my intention, going forward, to start working on the summary now and keep track of it, rather than wait for some period down the road.

Mr. Paul Miller: I think—

The Chair (Mr. Grant Crack): Mr. Leone had his hand up, and then I'll go to Mr. Miller.

Mr. Rob Leone: My curiosity is what exactly the themes would be. Is it pertaining just to the testimony, or are we going to establish those themes? That would be the question that I would have, directed to the Chair, to the Clerk and to the researcher.

Ms. Anne Marzalik: Usually the researcher will take the testimony and pull the themes out of that. Always, with a summary, we're focusing on witness testimony and what that testimony is. You may see, from one witness to the next, themes repeated, with different information or different testimony on those themes. Alternatively, you may just want to hear it by witness.

The Chair (Mr. Grant Crack): Thank you. Mr. Miller?

Mr. Paul Miller: I think that's excellent advice. I think a summary of the witnesses would be in order. They can also get the summary from legislative counsel, as well as what transpired here, so that they can certainly not misinterpret anything that happened today and get it in a good direction to present to his membership. Also, I'm sure he'll be glad to provide Mr. Leone with some of the documents that he wanted, that he needed to get to. I think it would be like a two-way street, but I think it would be fair to the represented business agent to be able to tell his membership what transpired and how it went on your summary. Does that sound fair?

Ms. Anne Marzalik: You mentioned legislative counsel. I wasn't sure how legislative counsel came—

Mr. Paul Miller: Not legislative counsel. I'm sorry.

Ms. Anne Marzalik: Legislative research.

Mr. Paul Miller: Legislative research. I'm sorry.

Ms. Anne Marzalik: That's okay.

Mr. Rob Leone: Consensus on a themed summary?

The Chair (Mr. Grant Crack): A themed summary?

Mr. Paul Miller: A themed summary, yes.

The Chair (Mr. Grant Crack): Okay. So is that the consensus of the committee?

Interruption.

The Chair (Mr. Grant Crack): Done. Carried.

Interjection.

The Chair (Mr. Grant Crack): No, no. I was just saying—it was just kind of like a little—

Mr. Rob Leone: You scared us there, Chair.

The Chair (Mr. Grant Crack): No, no. Don't worry, sir.

Mr. Rob Leone: Can I ask a question, Chair?

The Chair (Mr. Grant Crack): Perhaps.

Interjection.

Mr. Rob Leone: Exactly.

In terms of witnesses going forward, what's the schedule for this investigation? Do we have witnesses lined up, and are you soliciting for witnesses?

The Chair (Mr. Grant Crack): Madam Clerk?

The Clerk of the Committee (Ms. Sylwia Przewdzicki): My understanding is that we have one date left, which will be the 9th, which is one week from today. We are soliciting for witnesses, as you said. I did receive the witness list from the three caucuses, and according to the schedule set out in the motion that the committee passed, I am working to schedule the next two witnesses.

Mr. Rob Leone: And so, my question is, as I believe we have no afternoon witness today, does that mean that we would be able to make up that time with another witness later on?

The Chair (Mr. Grant Crack): Sorry, could you rephrase the question?

Mr. Rob Leone: My question is, I believe we were supposed to have, or we could have scheduled, another witness this afternoon. Obviously we're not scheduled to meet another witness today. My question is whether we could make up that time somewhere else and schedule another witness, potentially.

The Chair (Mr. Grant Crack): Okay. Mr. Miller, and then Ms. Damerla.

Mr. Paul Miller: I have a question, but I'm assuming that we're going to go on to Bill 71 and complete this agenda. In reference to future engagements of questioning people, that certainly could be lined up. But I don't know if it's an appropriate time to be dealing with that right now, to go through this and—

Interjection.

Mr. Paul Miller: Yes, you could do it at the end, Rob, and maybe line something up at the end.

The Chair (Mr. Grant Crack): Thank you. Ms. Damerla?

Ms. Dipika Damerla: Yes, Chair. I was just going to actually reiterate what MPP Miller said, which is that we already have an agenda of things we need to do on this

committee. We all had the opportunity to schedule people today. If you chose not to, that's a different story.

1550

Mr. Rob Leone: I was just asking.

Ms. Dipika Damerla: Fair enough.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Why don't we just continue by the agenda, as was suggested? That's what's appropriate at this point. Then we can entertain some further discussion on how we're going to proceed, so we'll make some comments on that.

SUBCOMMITTEE REPORT

The Chair (Mr. Grant Crack): I believe there's a report from the subcommittee on committee business, or Bill 71? Ms. Scott.

Ms. Laurie Scott: Sure. I'll just read the Standing Committee on General Government subcommittee report from Friday, November 29, 2013.

Your subcommittee on committee business met on Friday, November 29, 2013, to consider the method of proceeding with Bill 71, An Act to protect child performers in the live entertainment industry and the recorded entertainment industry, and recommends the following:

(1) That the committee hold public hearings on Bill 71 in Toronto, at Queen's Park, on Wednesday, December 4, 2013, during its regular meeting time, as per the order of the House dated Thursday, November 28, 2013.

(2) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the committee's business with respect to Bill 71 in English and French on the Ontario parliamentary channel, on the Legislative Assembly website and with the CNW newswire service.

(3) That interested people who wish to be considered to make an oral presentation on Bill 71 should contact the Clerk of the Committee as soon as possible.

(4) That the Clerk of the Committee, in consultation with the Chair, be authorized to schedule witness presentations on the bill as the requests are received, on a first-come, first-served basis.

(5) That presentations be scheduled in 20-minute time slots, and that groups and individuals be offered five minutes for their presentations followed by up to 15 minutes for questions by committee members, five minutes per caucus.

(6) That the deadline for receipt of written submissions on the bill be 5 p.m. on Friday, December 6, 2013.

(7) That the research officer provide the committee with a summary of witness presentations by 5 p.m. on Friday, December 6, 2013.

(8) That amendments to the bill be filed with the Clerk of the Committee by 4 p.m. on Monday, December 9, 2013.

(9) That the committee meet on Wednesday, December 11, 2013, during its regular meeting time for clause-

by-clause consideration of the bill, as per the order of the House dated Thursday, November 28, 2013.

(10) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mr. Grant Crack): Thank you very much. Further debate on the report? Okay. Those in favour? Any opposed? There are none. Carried. Thank you very much.

COMMITTEE BUSINESS

The Chair (Mr. Grant Crack): We were having some discussions with regard to a request from Mr. Leone about using some allotted time. What I can say on that, having looked at the calendar: We do have full days for December 4 and 11 coming up, which leaves only the 9th. I propose perhaps some discussion on whether or not we want to meet after the House rises, during the break, which would be effective the 12th? We are coming back effective February 18; the next available day would be the 19th. I'll throw that out for information.

Mr. Miller?

Mr. Paul Miller: Mr. Chairman, I just want to know: What's Mr. Leone looking for? Does he want to call more witnesses for Pan Am? I'm not sure what he's after here. Maybe he can clarify that for us.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Leone?

Mr. Rob Leone: Yes. Mr. Miller, we have put three names of witnesses on our witness list. I'm hoping that we can get through at least those names.

Mr. Paul Miller: It's not going to impact anything we just did?

Mr. Rob Leone: I don't want to impact you at all.

Mr. Paul Miller: It's not impacting Bill 71?

Mr. Rob Leone: That's not my intention.

Mr. Paul Miller: But there would be no holdups either, no 20-minute things? Do you know what I'm saying? I know you can't predict that, but—

Mr. Rob Leone: I know what you're saying. Our plan here is not to do that.

Mr. Paul Miller: Okay. All right. That's fair.

Mr. Rob Leone: So next Monday is open, right?

The Chair (Mr. Grant Crack): We have a four-hour meeting on the 9th.

Mr. Rob Leone: So we can have three witnesses?

The Chair (Mr. Grant Crack): There are two scheduled.

Mr. Rob Leone: Could we have a third?

The Chair (Mr. Grant Crack): It won't fit in; 90 minutes would not fit in, according to the motion that was passed earlier.

Mr. Rob Leone: All right.

The Chair (Mr. Grant Crack): I believe the Clerk is trying to prioritize—

Mr. Rob Leone: Are we able to meet in January? Are we able to meet if we make a motion to do that?

The Chair (Mr. Grant Crack): From what I understand, if the committee directs the Chair to make that request to the government House leaders to make that determination—that would be the process to follow.

Ms. Dipika Damerla: Chair, does there have to be unanimous consent here, or how does that work?

Mr. Rob Leone: Can I just clarify? We aren't able to actually extend and sit in January until the House leaders agree; is that correct?

The Chair (Mr. Grant Crack): That's correct.

Mr. Rob Leone: So if we would move this, we would be, as a committee, asking the Chair to make the request to House leaders for extra days in January to meet about the Pan Am Games?

Ms. Dipika Damerla: I understand that, but I'm asking if that request is something that has to have unanimous consent, the request to the House leaders, or is it just if one person wants it?

Mr. Rob Leone: I would move it.

Mr. Paul Miller: You're not moving a bill—

The Chair (Mr. Grant Crack): Mr. Miller?

Mr. Paul Miller: We're okay with Mr. Leone's request, as long as it's not a bill he's trying to bring forward. If it's just more witnesses for Pan Am, we don't have a problem with that. If he can verify that for me, I don't have a problem with that.

Mr. Rob Leone: So verified.

The Chair (Mr. Grant Crack): Okay. So there has been a request by Mr. Leone to have the committee agree to have the Chair correspond with the government House leaders requesting that we meet on various dates, perhaps, during the month of January.

Mr. Paul Miller: Just the one Monday.

The Chair (Mr. Grant Crack): On one Monday. Okay. So is there any discussion on that?

Interjections.

The Chair (Mr. Grant Crack): Pardon me? Ms. Scott, did you have a question?

Ms. Laurie Scott: I'm trying to help Mr. Miller.

Mr. Paul Miller: It's my understanding, from what you said, that there are four hours available on Monday the 9th.

The Chair (Mr. Grant Crack): Right.

Ms. Laurie Scott: Yes.

Mr. Paul Miller: That's correct, right?

Ms. Laurie Scott: Right.

Mr. Paul Miller: And since it's open, you wanted to call a couple more witnesses for Pan Am. Is that what you're saying?

Mr. Rob Leone: We would like to use December 9 for Pan Am. Correct. But in—

Ms. Dipika Damerla: But isn't that already the case? That's already the case.

The Chair (Mr. Grant Crack): We are scheduling the two witnesses through the Clerk.

Mr. Paul Miller: It's already done?

Mr. Rob Leone: Yes. It's already—

The Chair (Mr. Grant Crack): It's to be confirmed. I don't think it's—

Mr. Rob Leone: But my question—

The Chair (Mr. Grant Crack): We've invited two.

Mr. Rob Leone: I think I made a mess of this.

The Chair (Mr. Grant Crack): We're waiting for their confirmation to come back—

Mr. Paul Miller: So you've got to run it through the House leaders.

The Chair (Mr. Grant Crack): —but, according to the motion, we're entitled to 90 minutes for each presentation.

Mr. Rob Leone: Okay.

The Chair (Mr. Grant Crack): That's three hours. We have four hours.

Mr. Paul Miller: Oh, okay. So do you have to run it by the House leaders?

Ms. Laurie Scott: To call on other witnesses? Is that what you're asking?

Mr. Rob Leone: I'd like to get through our witness list. That's my only motivation. How it happens, I really don't—

Interjection.

Mr. Rob Leone: Yes.

Mrs. Donna H. Cansfield: I think they're two separate things. I think you have December 9 and going to the House leaders. There's only time for two witnesses, although there's an extra hour. I believe what Mr. Leone is asking for is an additional date or dates, or an additional witness or witnesses—whatever—and that has to go through to the House leaders. We can all ask for that. I don't think it needs to be unanimous, but the House leaders will ultimately decide whether or not they'll schedule more meetings.

Mr. Paul Miller: Oh, okay, so it's an additional day. Oh, that's different.

The Chair (Mr. Grant Crack): In January. Ms. Scott.

Ms. Laurie Scott: Just to clarify something: We only have four hours booked for Monday, December 9.

The Chair (Mr. Grant Crack): Right.

Ms. Laurie Scott: And Mr. Leone was saying there's an hour left. Can we call another witness in that hour? I know it goes opposing to what we as a committee voted on, that there were 90-minute presentations. Mr. Leone's just asking, is there any way we can do consent here today to add on another witness for 60 minutes?

Mrs. Donna H. Cansfield: No. I think he asked that.

Ms. Laurie Scott: Did you give him an answer? You only have three hours taken up, right? I think Mr. Leone was saying, "Well, we have an extra hour on Monday. Can we call another witness in the hour?" We wanted to know if we can do that among ourselves here, or how does that work?

Mrs. Donna H. Cansfield: You won't treat them all the same.

Ms. Laurie Scott: Well, we do that—

Mr. Rob Leone: That's the conundrum. To add to that, the reason why we're saying—I don't want to

interfere with what Mr. Miller has proposed on Bill 71. I realize that's certainly his private member's bill. We just want to make sure that we can get the witnesses in.

Chair, in addition to that, my question is: In the two slots, I believe there is a Liberal witness and a PC witness. If one of those witnesses cannot attend, is it possible just to move to the next witness on the witness list, so that we're assured that we at least have two witnesses next week? I just want to make sure that that's clear. That's also something that we're interested in. That's clear?

The Chair (Mr. Grant Crack): That's fair.

Mr. Rob Leone: That's fair?

Mr. Paul Miller: That's no problem.

Mr. Rob Leone: Okay. So the only conundrum that we're in here is about half an hour, and what to do about that.

Mr. Paul Miller: Well, you can adjourn early if it's a half-hour. You're not going to get much in a half-hour anyway, Rob. What are you going to do in half an hour?

Mr. Rob Leone: So you're saying we should have an hour?

Mr. Paul Miller: No. I'm just saying I think your best bet is to run it past the House leaders and see if they're okay with it. I think that's your best bet.

The Chair (Mr. Grant Crack): Any further discussion? I'm trying to be impartial here and allow the discussion and the debate to take place amongst the members, but—any further discussion? Yes, Mr. Miller?

Mr. Paul Miller: So what Mr. Leone's saying is that if someone cancels—if a Liberal witness cancelled, can he have another Tory witness? That's what he wants.

Ms. Dipika Damerla: Chair, I do have a question on that.

The Chair (Mr. Grant Crack): Ms. Damerla?

Ms. Dipika Damerla: How would that work? Because if a Liberal witness doesn't show up, perhaps we'd want to substitute with another Liberal witness.

Interjection: There you go, see?

Ms. Dipika Damerla: It's only fair, right? How does that work? My recommendation is, why don't we just go with what we agreed on as a subcommittee? That was the time to have figured this out. Let's just go with it and keep it simple. That would be my recommendation.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Any further discussion? Okay. So, is there consensus? Let me go back here. We're going to continue on the 9th. Of course, the 4th and 11th are already committed.

So, the 9th, with two witnesses—the Clerk understands how the process is going to work; I think now the committee does as well, but then we have to go back to the request that Mr. Leone had made with regard to sitting an extra day in January. Is it the wish—

Mr. Rob Leone: I revoke that.

The Chair (Mr. Grant Crack): You're going to revoke that? Then discussion has ended on that.

The Clerk would like me to clarify that we did send out two invitations for today. Only one responded and

was able to confirm, but we do have nine more days until the next meeting, and I'm sure that we will have some success in bringing witnesses forward.

Any further discussion? That being said, I believe that's it. This meeting is adjourned.

The committee adjourned at 1602.

CONTENTS

Monday 2 December 2013

Pan/Parapan American Games review.....	G-407
International Brotherhood of Electrical Workers Local 105.....	G-407
Mr. Lorne Newick	
Subcommittee report	G-418
Committee business.....	G-419

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