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**Official Report
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Tuesday 10 March 2015

**Journal
des débats
(Hansard)**

Mardi 10 mars 2015

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Tuesday 10 March 2015

Mardi 10 mars 2015

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): I call the meeting to order. Good morning, everybody. It's good to see you.

Our first order of business is the subcommittee report. Can I have a motion to move it? Mr. Gates.

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, March 5.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Any discussion?

All those in favour? All those opposed? The motion's carried.

INTENDED APPOINTMENTS

MR. WILLIAM APTED

Review of intended appointment, selected by third party: William Apted, intended appointee as member, Ontario Review Board.

The Chair (Mr. John Fraser): Our second order of business is for the intended appointments review of William R. Apted, nominated as member of the Ontario Review Board.

Mr. Apted, can you please come forward and have a seat right here. Thank you for being here this morning, Mr. Apted. You may make a brief opening statement and then questions will move around, starting from the official opposition. Any time that you use for your statement will be taken from the government's time. Please proceed.

Mr. William Apted: Good. Thank you, Mr. Chairman, and good morning. This will be very brief. I think everyone understands that the Ontario Review Board has a very important function under the Criminal Code; that is, to adjudicate and dispose of those accused who were found by a court to be either unfit to stand trial or to be criminally not responsible.

What's the background that I would have to do that? If you had a chance to read my resumé, I was a corporate executive, heading up a very diverse business, a manufacturing business on three continents, 25,000 employees. Many decisions had to be taken in that order of a job. I think the key factor in this particular position is being able to adjudicate, read the case, understand the case,

listen to all representations and make valid judgments. I think my background has enabled me to be able to do that.

Why do I want the job? Well, I have two reasons. (1) I think it would be fascinating. (2) I think I would be good at it, from my background that I just said. Lastly, I see it as an opportunity to contribute something back to Ontario. That's my statement.

The Chair (Mr. John Fraser): Thank you very much, Mr. Apted. The questions will begin with the official opposition. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. I see you have a long corporate career where you've been involved with—

Mr. William Apted: Can you speak just a little louder? I'm having trouble hearing you.

Mr. Jim McDonell: Okay. I see you have a long corporate career. You've seen, I guess, all parts of the personnel file. Maybe just elaborate on some of that and some of the issues you've seen, and what you see your role on this board would be.

Mr. William Apted: Well, my role on the board, as you know, is the public member. As a public member, I think what I would have to bring to the panel that adjudicates these cases is, as I said, good judgment and impartiality.

My background has been one where my last assignment was living in Paris, France. We had 25,000 employees, 125 plants. Every day there were many decisions that were very unclear as to which way they would possibly have to go. So it's a matter of weighing up all the factors, taking a jaundiced view of everything, being impartial and then, ultimately, making a decision. Because you're a member of a panel, in this case at the Ontario Review Board, you have to be a team player, I think. Certainly in the corporate world you need to be a team player to get things done. I think those are the big factors.

Mr. Jim McDonell: I guess part of the review process is just making sure that all the factors are considered and the case made and a decision made. Have you been involved with the board as far as decisions being made? Are decisions taking a long time or are they generally quick decisions?

Mr. William Apted: Have I had—

Mr. Jim McDonell: Have you had any experience with the board at all in the past?

Mr. William Apted: I've had no actual hands-on experience with the board. I was a long-time friend of Justice Carruthers, who was the former chair of the Ontario Review Board. Many times I've talked with Doug about what the board does, the role the board has and the responsibilities the board has. So I certainly understand it from that point of view.

I also understand that the board, for all new members, has orientation and training sessions that they do to bring people up to speed. In terms of mental health issues—there's a joke in there somewhere, but with 25,000 employees that we had across Europe in 35 different countries, I can't say that we had mental health issues, but we certainly had a lot of difficult personnel issues that we had to deal with. So I hope that would do me good in the future.

Mr. Jim McDonell: Yes. So what do you see bringing into the board?

Mr. William Apted: I see bringing to the board like every other member: bringing their personal background, experience and good judgment. I would hope every member of the board does that. Obviously some members of the board have specific expertise—a psychiatrist; some have legal expertise. I do have legal training in the course of my job—nothing formalized, education-wise, but to run a large company one has to have a pretty good founding of legal issues. When you're in Europe, Africa and the Middle East, you have to understand that those countries all have individual legalistic systems, and it's a matter of understanding the key points that lead you to a decision.

Mr. Jim McDonell: At the end of the day you're just looking for a fair—

Mr. William Apted: Just a little louder for me?

Mr. Jim McDonell: Yes. At the end of the day the whole goal is just to come up with a fair decision. I guess your background is more of a general base as a contributor to the legal and to the medical side.

I don't think we have any more questions.

Mr. William Apted: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Gates?

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

Mr. William Apted: Good.

Mr. Wayne Gates: Good. What attracted you to the position?

Mr. William Apted: What attracted me?

Mr. Wayne Gates: Yes.

Mr. William Apted: Again, having known Justice Carruthers for some time—he obviously spoke very highly of the work that the board does on behalf of Ontario—I always thought it would be an interesting assignment to do. It's something that I'd like to do. I think that's very important. I would certainly make time to make myself available to be on as many panels as I possibly could to help out, because, as you probably read from the literature, the caseload is growing.

I'm looking forward to it. I think that I would be a good fit, from what I said in the background, to be a public member.

Mr. Wayne Gates: I think you're right about the caseload growing, but I actually think the reason why it is growing is because of mental health issues. I think that's a growing concern, and obviously you talked about that, being in upper management for 25,000 employees. You probably watched that over the years. Certainly if you've been around for a long time, you watched that grow more because of education as well: People understand it a little better.

Mr. William Apted: Right.

Mr. Wayne Gates: We used to put them in the corner; today they're trying to help them.

Do you have any experience, knowledge or training in impartial adjudication?

Mr. William Apted: No; the answer to “formal” is no. Actual hands-on, yes, in terms of adjudicating many disputes within boardrooms and management—but I've never sat on an adjudication panel as a formal member; just through day-to-day work activities.

Mr. Wayne Gates: What type of disputes would you have come across?

Mr. William Apted: Pardon me?

Mr. Wayne Gates: What type of disputes would you have come across?

Mr. William Apted: Oh, boy. Most disputes within management are trying to do more with less resources. That always sets up a dispute within management teams that want to do something but there's only so much money to go around. Within the personnel or the human resources side, we've had everything from internal crimes to the usual client-related issues, head office issues, that sort of thing; a myriad of personnel issues.

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In Europe, as a North American and as a Canadian—I was the only Canadian in this organization. There were no Americans either, incidentally, so it was entirely European, and in the case of the Middle East and Africa, obviously, personnel were from those continents, so I always had to be able to move easily within cultures that were quite a bit different than mine.

Mr. Wayne Gates: Client-related issues: We kind of skipped over that. What type of issues would you have with clients?

Mr. William Apted: With clients?

Mr. Wayne Gates: Yes.

Mr. William Apted: That's a great one; I could go on—

Mr. Wayne Gates: I put a smile on your face; that's good.

Mr. William Apted: I don't think you have long enough time for that.

Mr. Wayne Gates: I do. I've got all day, pal. Sit back and relax.

The Chair (Mr. John Fraser): Actually, seven minutes, but who's counting?

Mr. Wayne Gates: It may feel like all day; I don't know.

Mr. William Apted: All I'll say to that is, I did come out of a sales and marketing background, so I was always very client-sensitive, but again, it's: How do you exceed the customers' or the clients' expectations with the least amount of resources that the organization can bring to bear?

Mr. Wayne Gates: Okay. I don't know how much time I've got left.

The Chair (Mr. John Fraser): You've got six and a half minutes.

Mr. Wayne Gates: I'm not going to talk that long.

Do you have any connection to Crown Holdings today?

Mr. William Apted: No. I thought that question may come up. I hold no stock and I am not involved with Crown any longer.

Mr. Wayne Gates: The only reason I ask that, and I'll be brutally honest with you, is that they're going through a brutal, 18-month strike, and I wanted to make sure that what's going on there—where they're trying to slash wages and benefits and all that stuff, even though they're making money—I want to make sure that you weren't involved with that. I think that was important to me.

Mr. William Apted: I have a view on that. I thought that question may come up. First of all, I last managed the Canadian operation in 1999, so 16 years ago. In that particular plant, while I was president of Crown in Canada, we had excellent labour relations. All I can say is what I read in the newspapers; that's all I know. I'm personally saddened by the whole issue. Sixteen years ago, I knew many of the hourly employees. I certainly knew all the union employees at the time. My son worked in that plant for two summers while he was going to university. All I can say is, I'm saddened by it. I have absolutely no influence whatsoever any longer to resolve it. I would hope it could be resolved pretty quickly, but it has gone on far too long.

Mr. Wayne Gates: I didn't know what answer I was going to get from you, but certainly that answer is a lot different or a lot better than I might have been expecting. I think it's nice to hear that somebody in upper management understands that most corporations in this world make money because of their workers. Any time that you put them out for that period of time, the client relationship that you're talking about is really destroyed forever.

Mr. William Apted: Right.

Mr. Wayne Gates: I would hope that if you happened to have anybody that's still working there, you would relay that message that we do what we should be doing in the province of Ontario, and that's to put people back to work and let them do what they do best, and that's usually to produce probably some of the best products in the world.

Mr. William Apted: I couldn't agree more. All I can say: In my tenure at Crown Canada—I might be proven wrong on this, but I can't think of any labour interruption or labour dispute that we had—certainly not at that plant. I think at the time when I was managing Crown Canada

we had about 10 plants. There are far less today, as you know, as a result of the manufacturing problem generally within Canada. They are difficult circumstances, but I totally agree that the people make the difference. Whether they're hourly or executive, they all count.

Mr. Wayne Gates: It's a good call on your part. I appreciate the answer and the honesty.

I'm good.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Madame Lalonde.

Mrs. Marie-France Lalonde: First I want to say thank you very much for joining us this morning. Second, I want to say thank you, actually, for putting your name forward. Based on your experience and what I've heard today, I'm very impressed about the level of professionalism but also the objectivity that you'll be able to bring in a situation that is sometimes very hard to hear. I look forward, actually, in your role—hopefully, after this vote. So I wish you all the best.

Mr. William Apted: Good. Thank you for your remarks. I appreciate that.

The Chair (Mr. John Fraser): Ms. Wong?

Ms. Soo Wong: Thank you very much, Mr. Chair. I, too, want to echo my colleague Ms. Lalonde, thanking you for submitting your name. I know every time when citizens put their names forward, I always appreciate their volunteerism—as much as giving their time.

I noticed on your application here, "Memberships in professional organizations." How do you deal with conflict? In your past experiences as an executive member, in this kind of review board, what do you see when you have conflicts and try to resolve those conflicts?

Mr. William Apted: Right. Well, conflict management is sort of a day-to-day activity. I'm sure it's true in this building as well. Let's define conflict in the broadest sense, meaning that there's a difference of opinion. When there's a difference of opinion, I think what's crucial is to be empathetic and understand what the other person's point of view is. But I think nothing is better than having factual understanding as to the facts on the ground to really make a decision. Some people get hung up on talking theoretically or passionately because they've got a political bias or whatever. So I think conflict resolution—the best way to resolve it is understanding the other point of view and having facts on your side.

Also, good salesmanship and client relations are also good things to have too, because ultimately you've got to sell an idea.

But I would hope, in the case of the Ontario Review Board, the panels of five, that there isn't the traditional conflict. I'd be surprised if that were the case. Obviously, there is a conflict in the sense that the accused will have counsel and that counsel might have a view that's different from the panel. But it's a day-to-day activity of life in every job in the world, I think.

Ms. Soo Wong: Thank you for your support of a public agency but also for lending your name for a public organization.

Mr. William Apted: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Apted. You may step down. Thank you for your presentation this morning and for being here.

Mr. William Apted: Am I free to leave the room or do you—

The Chair (Mr. John Fraser): You can stay.

Now we'll consider the concurrence. We have one concurrence this morning. We'll consider the concurrence for William R. Apted, nominated as member of the Ontario Review Board. Would someone please move the concurrence?

Mr. Lou Rinaldi: I move concurrence in the intended appointment of William R. Apted, nominated as member, Ontario Review Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried.

Congratulations, Mr. Apted.

Mr. William Apted: I look forward to it. Thank you very much.

The Chair (Mr. John Fraser): Seeing as we have no other business, the meeting is adjourned.

The committee adjourned at 0918.

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