

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

A-3

**Journal
des débats
(Hansard)**

A-3

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 17 November 2022

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 17 novembre 2022

Chair: Will Bouma
Clerk: Isaiah Thorning

Président : Will Bouma
Greffier : Isaiah Thorning

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-4335

CONTENTS

Thursday 17 November 2022

Subcommittee reports.....	A-13
Intended appointments.....	A-13
Ms. Carly Stringer.....	A-13
Mr. James Hogarth.....	A-17

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Thursday 17 November 2022

Jeudi 17 novembre 2022

The committee met at 0900 in room 151.

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

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

SUBCOMMITTEE REPORTS

The Chair (Mr. Will Bouma): The first item of business will be the adoption of two subcommittee reports, which were distributed in advance.

First, we have the subcommittee report dated October 27, 2022. Could I please have a motion?

Ms. Doly Begum: Good morning, everyone. Good morning, Chair.

I move adoption of the subcommittee report on intended appointments dated Thursday, October 27, 2022, on the order-in-council certificate dated Friday, October 21, 2022.

The Chair (Mr. Will Bouma): Thank you very much. Any discussion? Seeing none, are members ready to vote? I will call the vote. All those in favour? Opposed? Carried.

Next we have the subcommittee report dated November 3, 2022. Could I please have the motion? Ms. Begum.

Ms. Doly Begum: I move adoption of the subcommittee report on intended appointments dated Thursday, November 3, 2022, on the order-in-council certificate dated Friday, October 28, 2022.

The Chair (Mr. Will Bouma): Thank you. Any discussion? Seeing none, are members ready to vote? I'll take that nod as a yes. All those in favour, please raise your hand. Any opposed? Carried.

INTENDED APPOINTMENTS

MS. CARLY STRINGER

Review of intended appointment, selected by government party: Carly Stringer, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mr. Will Bouma): We will now move on to our review of intended appointments. Today we have

Carly Stringer, nominated as member of the Human Rights Tribunal of Ontario. Thank you for joining us. You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government.

Please go ahead. Thank you for joining us.

Ms. Carly Stringer: Thank you. Honourable members of the Standing Committee on Government Agencies, good morning and thank you for inviting me to appear in front of you today to discuss my qualifications to be a part-time member of the Human Rights Tribunal of Ontario. My name is Carly Stringer, and my pronouns are she/her.

I'm currently an adjudicator with the Assessment Review Board. I was appointed as a part-time member by a different government in March 2018, I was reappointed by this government in 2020, and I was appointed to a full-time position at the ARB in December 2021.

In my capacity as a board member for the ARB, I regularly mediate settlement conferences involving multiple parties. I preside over hearings, both alone and as part of a panel. I impartially assess complex evidence, including expert evidence. I render factual findings. I interpret and apply the law, including legislation, procedural rules, case law and principles of natural justice and due process. I prepare and deliver cogent, well-reasoned, plain-language decisions in a timely way. I hear matters via video conference, teleconference and in writing. I treat every person before the board with fairness, respect and courtesy.

I have participated in extensive and comprehensive training over the years, including anti-bias training, mediation and alternative dispute resolution training, and training with the Society of Ontario Adjudicators and Regulators. I have completed training and am recognized as an OPS positive space champion to support a diverse and inclusive workplace culture, and I am currently participating in weekly French language classes with the hope that I can soon deliver services in both official languages.

I thoroughly enjoy the work of being an adjudicator, and I count it as a privilege.

Prior to my full-time appointment, I practised law for a decade. I began my career as a clerk at the Court of Appeal for Ontario before I moved on to litigation at a Bay Street

law firm. About eight years ago, I transitioned to a small firm in Northern Ontario and eventually opened my own practice in Timmins in 2017. I practised municipal, commercial and employment law. This included a sizable human rights practice, including drafting policies, conducting workplace investigations and providing representation and strategic advice in relation to accommodation, accessibility, discrimination and harassment in the workplace.

I was regularly invited to provide training and speak at conferences and events regarding various employment law issues, including human rights in the workplace. My knowledge of and familiarity with human rights law in Ontario is directly transferable to work as a part-time member at the HRTO.

In addition to my work, I'm very active in the community. I'm currently the chair of the board of governors of Northern College of Applied Arts and Technology, which is a regional college that provides education and training for northern communities, from Temiskaming Shores all the way up the James Bay coast. I'm also a member of the Friends of Melview Park, which is a group that's working hard to revitalize a large community park in the east end of Timmins. I am the past co-chair of the Timmins Refugee Sponsorship Committee, where I worked to sponsor and support two families coming to Canada as refugees from Syria. I volunteered for many years with Lawyers Feed the Hungry and Pro Bono Ontario. I had the good fortune of volunteering with colleagues from across the province to prepare the Advocates' Society Guide for Lawyers Working with Indigenous People, which is a document to assist lawyers with case law, practical advice and other references to assist in improving individual legal services for Indigenous people.

Finally, I am a proud resident of northern Ontario. I grew up in Timmins, and I'm raising three young children here. I will say parenting continues to be both my greatest challenge and my greatest accomplishment.

I am very excited about the opportunity to work as a part-time member of the Human Rights Tribunal. I would undertake this role with energy and integrity to deliver services to Ontarians in a fair, impartial and respectful way. Thank you for inviting me here today to discuss my qualifications. I look forward to answering your questions.

The Chair (Mr. Will Bouma): Thank you very much for that statement.

We will turn to the government first. You have about 10 and a half minutes for questions. Member Harris?

Mr. Mike Harris: Thank you for being here before us this morning. I'm a father of five myself and actually grew up in North Bay, so we're not too far down the road from each other. Mr. Bourgouin will say that that's not northern Ontario, but I'm going to say that it's close enough.

Ms. Carly Stringer: I might say that as well. I would say that as well.

Mr. Guy Bourgouin: And she's agreeing.

Mr. Mike Harris: And she's agreeing.

Interjection.

Mr. Mike Harris: Yes. Peterborough.

We often see quite a few people come before this committee who serve on multiple boards. One of the questions that we always like to ask is, how do you envision or find balancing the workload between the different tribunals or agencies or boards that you serve on now? Do you think adding another one to that will complicate things? We've heard a lot of people even say it could be beneficial because it brings a lot of different skill sets and transferable qualities from other opportunities. I guess that's kind of the question to you.

Ms. Carly Stringer: I think it's a good question and I appreciate the question. As I mentioned, I am a full-time adjudicator at the ARB and I was appointed through the competitive merit-based process to that tribunal. I let my associate chair know that I'm happy to offer my skills as an experienced qualified adjudicator to the HRTO, by way of a cross-appointment, should they need assistance. For me, I thought it would be a good fit, given my familiarity with the subject area from my years in practice and my skills as an adjudicator from serving for the last four and a half years on the ARB.

In terms of juggling the work, the ARB role would be my primary tribunal and, to the extent I have availability, I would be there to share my skills with the HRTO as an adjudicator and a mediator. The ARB also has a settlement conference process, and I understand the HRTO as well has a mediation process. I can wear both hats fairly straightforwardly. In terms of the work, I'm used to dealing with a fairly heavy caseload from my years as a lawyer, a busy career, as a parent and volunteering, so I don't anticipate that being an issue. Certainly, I have a track record of meeting timelines, particularly decision-writing timelines, to deliver reasons in a timely way.

Mr. Mike Harris: Excellent, I appreciate it. Thank you.

Ms. Carly Stringer: Thank you.

Mr. Amarjot Sandhu: Thank you so much for appearing before the committee and for your presentation. And thank you for sharing your experience and how you can be the best fit for this job.

We know the Human Rights Tribunal has high caseload volumes and a backlog of cases. Can you share with the committee your experience managing heavy caseloads?

Ms. Carly Stringer: Sure. I understand there is a high volume.

0910

In terms of managing a heavy caseload, certainly for the last 10 years, prior to my full-time appointment with the ARB, I was a practising lawyer. For the last four years of practice, I was a solo practitioner operating my own firm. So I'm very familiar with the needs of juggling competing priorities and a heavy caseload for many different clients who have many different deadlines, and balancing that with some measure of a personal life and looking after a family as well.

Certainly, my experience in always meeting deadlines—if any members of the committee have been in business before, you know you have to meet client

expectations, which includes their deadlines and when they expect deliverables. I have a lot of practice doing that. I think if I hadn't, I wouldn't have been successful. Certainly, that's something I've managed, as well, as a member of the board. We do have timely decision-writing deadlines, which I've always met and usually exceeded because part of what I do is just approach work in a really systematic, organized way to make sure it gets done. I have a fairly significant history of handling that.

Mr. Amarjot Sandhu: Thank you.

The Chair (Mr. Will Bouma): There are about five and a half minutes left. Mr. Smith.

Mr. Dave Smith: There's going to be a theme to some of our questions here. Before I got into politics, I ran a software company. I was the president of a minor hockey association. I served on two committees for the city. I was a member of the Kinsmen Club. I get being really, really busy and some of the challenges that are there. You've got a very heavy workload with everything that you're doing, and I applaud you for doing that, but my question is: How do you plan on staying on top of that workload so that your decisions are done in a timely manner and within the targeted processing time?

Ms. Carly Stringer: It's a good question. It's probably not the first time you've heard that when you want something done, you give it to a busy person, which is something I've heard said about me a number of times.

Part of the trick of managing a heavy workload is preparation, and I think I do that in everything I do. It's something I've done since my days as a student, throughout my career working on Bay Street and in transitioning to private practice as well and on to working at the ARB. Part of that is knowing how to manage competing priorities, what needs to be done first, looking at deadlines, and constantly re-evaluating that as well to make sure that if something needs to be prioritized, you have the flexibility to do that. That's part of the process that I've undertaken throughout my career, and it has always been something I've managed to do, and managed to do very well.

Mr. Dave Smith: Thank you.

The Chair (Mr. Will Bouma): Any further questions? Madame Gallagher Murphy.

M^{me} Dawn Gallagher Murphy: Tout d'abord, je suis tellement contente que vous êtes en train d'apprendre le français, donc je vous souhaite bien avec ça.

My question to you is: You are currently appointed to the Assessment Review Board. How do you think your experience on the Assessment Review Board will inform your work with the HRTO?

Ms. Carly Stringer: Merci pour me demander cette question. At the risk of repeating my opening remarks, when it comes to substantive work, I think that the professional skills that I've learned from my years of serving as an adjudicator with the ARB certainly have prepared me for that measure of work with the HRTO. As a member of the board, I'm regularly tasked with looking at complex, often competing, evidence in an impartial way. I have to apply the law. I have to make well-reasoned

decisions. I have to communicate those decisions in plain language, in an accessible way, so that people who aren't lawyers can understand why I've made the decision that I have. I think that will translate well to the work of the HRTO, being able to use those skills from adjudication.

Now, I also have a set of soft skills that I've developed over the years, and I think those are an important qualification that also carry over to the work that the HRTO does. For example, I know how to talk to people who are in the often uncomfortable and stressful position of appearing before a tribunal. I've been on that side of the table as a lawyer. I know that, even as a representative, it can be a nerve-wracking experience, let alone if you're one of the parties who doesn't have legal training. As a tribunal member, I've always been conscious of the compassion and the patience and the respect that need to go along with the job when I'm doing it.

So I think I'm well situated as both a skilled adjudicator and mediator while also having subject-area expertise from my years of practice. I think the Human Rights Tribunal will be able to use those skill sets that I've developed, and, really, I feel like I'm in a great position to hit the ground running with this tribunal in particular.

M^{me} Dawn Gallagher Murphy: Très bien. Merci.

The Chair (Mr. Will Bouma): One minute left. A quick question: member Rae.

Mr. Matthew Rae: I'll be very brief, because we have a minute. Building on my colleague's question: How will your previous work experience assist you in being a fair and impartial adjudicator on the Human Rights Tribunal?

Ms. Carly Stringer: Fairness and impartiality are obviously two of the core functions of any adjudicator. I'm paraphrasing here, but I think what's been said before is to come to any case not with an empty mind but with an open mind. I have the experience of years as an adjudicator to do that. I also worked as a workplace investigator as part of my legal practice, so I was used to coming into a situation, getting up to speed and determining the facts of what's happened and then making an impartial decision as a neutral third party, with no skin in the game, really looking at what's happened—

The Chair (Mr. Will Bouma): Thank you. Sorry to cut you off; I apologize. I was appreciating the response, but that concludes the time for the government members.

I'll now turn to the official opposition: member Begum.

Ms. Doly Begum: Thank you very much, Ms. Stringer. I want to say thank you for your statement. It shows your dedication to inclusivity, to accessibility as well.

I'm going to carry along, actually, on a similar line of questioning from my colleagues on the other side. We are facing a huge backlog right now in the tribunal. One of the things that's happening is that a lot of the dismissals that are happening are based on written submission only. One of the things that a lot of people are concerned about is, in the previous years, we have seen them done at least via phone summary instead of just written submission.

What would you do to change that to make sure that we do have an accessible, inclusive system of hearings?

Ms. Carly Stringer: I'm just taking notes. Can I ask you just to repeat your question again to make sure I understand it properly?

Ms. Doly Begum: Sure. The dismissal of a lot of the cases—there is a backlog of quite a few thousands of cases right now. A lot of early dismissals are happening through written applications, whereas previously they were done at least through telephone summary. It's not really allowing for the applicants to go through a process of a proper hearing. I wanted to see if you had any thoughts on this.

Ms. Carly Stringer: It's a good question. My concern is that, as an adjudicator, my obligation is to deliver the services in an impartial way and not to necessarily make policy in relation to the items that you're referencing. I don't have first-hand knowledge in relation to dismissal through written applications. I'm not sure if you're referencing that happening at the HRTO or in general, so I'm not sure I can do justice to your question or properly answer it.

0920

Ms. Doly Begum: I'll try to go back a little bit. Right now they're facing—the FOI report actually revealed that there are about 8,979 cases in the backlog at the HRTO.

My first question—actually, I'll start with: What will you do to address the backlog?

Ms. Carly Stringer: I'm not a member of the HRTO, so I can't speak to what's happening currently.

What I can speak to is, as an adjudicator, in terms of addressing a high volume of cases, part of what I bring to the table is that I can hit the ground running in terms of the skills that I bring from my time acting as an adjudicator for another tribunal. I'm familiar with working with parties in terms of mediation and at adjudication, and so I have that existing skill set.

As an adjudicator, I think a big piece is ensuring that decisions are rendered in a timely way. And decisions take time; you really have to look at the evidence and not rush them. But everybody has a timeline for doing their work, and so you have to pay attention to that. People who come before the tribunal also count on the decision-makers to render their decisions in a timely way, so I can say I'm committed to doing that as well, and I think my work to date evidences that I do have that commitment.

Ms. Doly Begum: Thank you very much. I appreciate that response.

On that thought—I can carry on, before I pass it off to my colleague. What we're seeing across the province, especially with communities that maybe were historically discriminated against or need a little bit of support, there are times where in-person hearings, for example, would have served them differently than, say, a telephone conversation versus something that's a written summary. That was my previous question: Do you think, as an adjudicator, it is sufficient to have a written summary to go through caseloads, especially for early dismissals?

Ms. Carly Stringer: Again, I can't speak to anything specific that's happening in terms of what you're referencing, because I don't have first-hand knowledge of that. I think, as an adjudicator, I'm experienced in hearing formats in multiple ways. At the ARB, we hear things in

writing and we hear things by teleconference. We do video conference. There's multiple different hearing formats, and I think, as an adjudicator, I have familiarity with delivering services across those multiple formats. I think having many different formats also can help facilitate things. In some ways, I think it depends on the case, so I can't be more specific really in answering than that.

Ms. Doly Begum: That was helpful—no worries. Thank you so much.

The Chair (Mr. Will Bouma): Member Pasma.

Ms. Chandra Pasma: Thank you so much for being here this morning, Ms. Stringer. We really appreciate it.

I just want to pick up on the line of questioning from my colleague, because something else that we've been hearing from stakeholders in this sector is that applicants are being pressured into participating in a second mediation session by being told that they will wait a very long time for a hearing on the merits. I'm wondering if you feel this is an acceptable practice for dealing with applications.

Ms. Carly Stringer: I'm not a member of the tribunal, and, as an adjudicator, my role is not to be making policy; it's to look at a given case and the facts to make a decision or to assist at a mediation level to the extent I'm called upon to do so. So in terms of making a statement as to whether it's acceptable or not, I think that's outside the purview of my qualifications.

Ms. Chandra Pasma: Okay. The Human Rights Tribunal previously had an advisory committee with representation from the Human Rights Commission, the Human Rights Legal Support Centre and counsel who appeared before the tribunal, and that committee provided valuable two-way communication about the work of the tribunal. But it hasn't met for several years. Do you think there's value in hearing from counsel working in this sector to ensure that the tribunal is doing the best possible work?

Ms. Carly Stringer: I'm sorry to sound like a broken record. Again, I'm not sure if I'm the person to answer that question or if I could do justice to your question. I'm just not sure. I haven't been appointed to the tribunal yet, and so I can't say much about the workings that you're describing.

Ms. Chandra Pasma: Okay. The tribunal is currently failing to meet its service standard for any of the four identified standards. What will you do as a member to help the tribunal improve its performance on service standards?

Ms. Carly Stringer: I can't speak to the premise in terms of meeting the service standards, only because I don't know. But what I can say is, in terms of my own skill set and what I can do as an adjudicator, certainly, I have a history and a track record of meeting the service standards in terms of providing reasons and taking the time to issue clear, well-written reasons within an acceptable time frame. Part of that is prioritizing the work to make sure that happens. So I certainly have experience doing that, and I think that's part of the work that a member like me would do.

Ms. Chandra Pasma: We've had some conversation already about your workload. I'm a fellow mom of three,

so I'm not worried about you; I know you've got the juggling part down pat. But I am concerned—a full-time appointment already on the Assessment Review Board; a governor of Northern College. Those are two busy roles. And then we have a Human Rights Tribunal that has a backlog of nearly 9,000 cases. The work here is really urgent and important. Do you really have the time to dedicate to the tribunal, to help the tribunal address cases in a timely and reasonable manner that ensures people get their human rights complaints addressed reasonably?

Ms. Carly Stringer: Yes. In terms of the volunteer work, as a governor, I take vacation days when I have board meetings and that type of thing. That's how I address the other commitments that I have. In terms of the appointment to the ARB, that will be my primary tribunal, and the work I will do for the HRTTO will be, to the extent I have availability to do so, to assist with the backlog.

Ms. Chandra Pasma: Okay.

Ms. Carly Stringer: In terms of—assist with the high volume of cases, if that's what you're describing.

Ms. Chandra Pasma: Right. Is your law practice still active?

Ms. Carly Stringer: No.

Ms. Chandra Pasma: Okay, so that won't be part of your time commitments.

I have a couple of short, uncomfortable but, I think, necessary questions. Did anyone ask you to submit an application for this position?

Ms. Carly Stringer: No.

Ms. Chandra Pasma: Have you ever donated to the Progressive Conservative Party?

Ms. Carly Stringer: No.

Ms. Chandra Pasma: Have you ever been a member of the Progressive Conservative Party provincially?

Ms. Carly Stringer: No.

Ms. Chandra Pasma: And have you ever been a member of the Conservative Party federally?

Ms. Carly Stringer: No.

Ms. Chandra Pasma: Okay. Thank you. I'm going to turn it back over to my colleague MPP Begum.

The Chair (Mr. Will Bouma): Back to Ms. Begum. You have about three and a half minutes.

Ms. Doly Begum: Thank you very much, Ms. Stringer. One of the things that we're facing in multiple tribunals is giant backlogs. So I hope you understand our line of questioning in terms of the crisis, I would say, we're facing, especially when it's around almost 10,000. I think this also goes to the work that we do here as representatives of our community on all sides, all parties, really, to make sure these backlogs are decreased. Obviously, there shouldn't be any backlogs if we're trying to really provide justice to our communities.

When we talk about human rights, when we talk about any of the tribunals, really, whether it's the tenant board, whether it's the ARB, one of the things that also came up as a concern to many was the reporting, so how much data is available. When we look at the data updates from the Human Rights Tribunal, for example, when you do become part of it, right now it's not available. So the FOI

is where we are able to obtain it. Regular reporting would have allowed us to be able to find out how many people are still waiting to get a response, to get any hearing, to get a final verdict. It is something that needs to be regularly monitored. It's something that needs to be done in a timely fashion.

0930

I know that you haven't been part of the tribunal, so it is something that—looking forward, how do you feel about the transparency and accountability of the process itself? I know we have very little time left, so just a little bit about the way we want to make sure that we're transparent and open with any tribunal, whether you're taking on the new role or in the ones that you have been a part of.

The Chair (Mr. Will Bouma): A minute and a half.

Ms. Carly Stringer: Could you please be a bit more specific on your question to make sure I can answer it properly? I'm sorry. I'm not trying to be difficult; I really just want to understand the question.

Ms. Doly Begum: The Human Rights Tribunal and tribunals in general have a commitment to have quarterly updates of data. One of the things that we have lacked since December 2021 was a lack thereof. It has been difficult, because I think the last reporting actually showed that we had almost 10,000 in the backlog, and before that was in 2017, which showed that we had about 4,600 in the backlog. Since 2021, we haven't had any data available. So I wanted to see if you had any thoughts in terms of the regular updating of the tribunals.

The Chair (Mr. Will Bouma): Twenty seconds.

Ms. Carly Stringer: I don't, only because I'm not familiar with the premise of your question in terms of the data reporting. That's not something I do as an adjudicator.

Ms. Doly Begum: Do you think tribunals should be transparent?

Ms. Carly Stringer: As an adjudicator, I think it's important to deliver services in a transparent way which includes providing reasons for a decision that are clear—

The Chair (Mr. Will Bouma): I apologize to cut you off, but that concludes the time for questions. Thank you very much for joining us. I believe you can stay on the line and watch if you would like, or you can sign off at this point. Thank you very much, Carly, for joining us today.

Mr. John Fraser: Chair, can I just say one thing? There was no time left for me.

Thank you very much, Ms. Stringer, for applying. It's very important that we have good administrative decisions in both official languages. I just want to thank you for your time. I don't get time for questions. I did have a question for you, but you won't get it.

The Chair (Mr. Will Bouma): Thank you, member Fraser.

MR. JAMES HOGARTH

Review of intended appointment, selected by government party: James Hogarth, intended appointee as member, Workplace Safety and Insurance Board.

The Chair (Mr. Will Bouma): Next up we have James Hogarth, nominated as member of the Workplace Safety and Insurance Board. Mr. Hogarth, you may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning we will start with the government—the government again, or does it alternate?

The Clerk pro tem (Ms. Tanzima Khan): You can alternate if you want. It's your choice.

The Chair (Mr. Will Bouma): I'll just go with what I have. We'll start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party.

Any time you've taken in your statement, Mr. Hogarth, will be deducted from the time allotted to the government. I'll let you make your statement. Thank you for joining us today, sir.

Mr. James Hogarth: Thank you. Good morning to all. My name is James Hogarth, as stated, and I'm delighted to be here today. Thank you for the kind invitation. I'm honoured to be nominated to serve as a board member of the WSIB.

I want to take an opportunity to introduce myself by sharing with you past and present roles I've played in Ontario's construction industry. I'm a proud member of the United Association of Plumbers and Steamfitters since 1980. I'm a licensed steamfitter. I was first elected in 1998 as a business agent of UA Local 46. I served in that position for five years prior to being elected as business manager of the local, which I held for nine years. I've also served as president of the Ontario Pipe Trades Council for four years, representing the 26,000 members in the province. I've also been a trustee on several health benefit plans and pension plans, some of which were jointly trustee, employer and employee. I also sit on the board of directors of the De Novo Treatment Centre, a drug and alcohol rehabilitation centre run by and for Ontario's unionized construction industry. I also serve on the board of the Ontario Construction Secretariat. Furthermore, I serve as president of the provincial building trades, which represents 150,000 construction workers throughout the province. I was elected to this role back in 2012 and have since been re-elected three times.

Respected committee members, there is a long-standing tradition of having a building trades representative serve on the board of the WSIB. For almost 50 years, the building trades have had representation, bringing a construction-worker perspective to the decision-making of the board. I believe that my professional background and personal knowledge of the construction sector and the workplace safety system give me the empathy needed to understand the plight of injured workers while being able to work with partners in government and the employer community to make improvements to the system and to the benefit of injured workers.

Today's construction industry is quite different than what existed just a few decades ago. We have seen some very concerning trends in recent years, with the number of construction worker deaths going up year over year and

the number of reported critical injuries going up as well. These are difficult, complex issues to tackle, and they require a multi-faceted approach with intervention from numerous government authorities as well as leadership from employer and employee stakeholders.

If I am granted the privilege of serving on the WSIB, I will take an honest and collaborative approach when confronting these issues. Compensation for injured workers is a fundamental issue that impacts injured workers throughout their lives. It is always important to keep in mind that the system was originally intended to be a historic compromise between workers and employers. This is the only system injured workers can turn to for compensation and rehabilitation. It is essential that our system treats injured workers with dignity and respect and puts workers first.

The WSIB has a long history of being the most sophisticated and respected board across Canada. Its many accomplishments include being the first to have an independent tribunal to recognize chronic pain. Additionally, it was the first board that recognized the importance of vocational rehabilitation. I strongly believe that the WSIB needs to build and expand on its past success to create a system that is worker-focused, more efficient and easier to navigate.

In closing, I feel that my experience as a worker, union representative and member of various industry boards would make a strong addition to the board's accomplished roster.

Chair and members of the committee, thank you for your time.

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

We will turn to the government first, and you have about 10 minutes and 45 seconds. Member Harris.

Mr. Mike Harris: Thank you very much, Chair, and thank you, Mr. Hogarth, for joining us in person today, which is kind of exciting. We usually get people via video.

You did touch a little bit on it in your opening remarks, but I did want to just sort of touch a little bit on—obviously WSIB is probably one of the most, I would say, important crown agencies that we have here in the province. Making sure that we're looking after injured workers, people who are hurt on the job, is extremely important. When we look at the composition of the board and the mandate of it, what do you think makes you an effective board member to be able to participate in WSIB? Obviously you have a wealth of experience and knowledge in the sector. Maybe touch a little bit more on, personally, how you think that you can make meaningful contributions.

Mr. James Hogarth: Being in the construction industry for 42 years—no, I have not worked on the tools for 42 years, but coming from the industry. My initial role as a business rep was representing injured workers to the WSIB, taking up their cause and working through the various injuries that they had to the board. So it has been a long back-and-forth with the board.

And then, sitting on a number of infrastructure health and safety association committees, as well, I'm very aware of injuries, the number of injuries, all of that—even a bit

further than that, from my own personal experience. I'm a benefactor of the WSIB in the sense that I do wear hearing aids—noise-induced hearing loss—so I'm quite aware of the process of getting a claim started and working through the system.

0940

Mr. Mike Harris: That's an interesting skill set that I think many people who serve on our boards and tribunals don't have: having been through it and seen what it's like.

The Chair (Mr. Will Bouma): Member Rae.

Mr. Matthew Rae: James, I just want to ask, building on my colleague's question, what motivated you to be part of this board and to put your name forward?

Mr. James Hogarth: Sitting as president of the provincial building trades, I think health and safety of workers is discussed at every meeting. The past experience of the board was—and I think I read it out earlier—we've had almost 50 years' representation on this board, bringing the workers' perspective to the board. When you look at the makeup of the board, it has to be somewhat balanced, and you have to have that worker representation. Working with various committees myself, I'm used to working with a cross-section of people bringing those perspectives forward.

The Chair (Mr. Will Bouma): Member Pierre.

Ms. Natalie Pierre: Thank you so much for joining us.

I know you've touched on this a little bit in your opening remarks, but I'll ask you to fill in any gaps. Can you tell us a little bit about your personal experience with the WSIB as a union rep and what that has been like, and how you would address any challenges you previously experienced when you were a board member?

Mr. James Hogarth: I did represent injured workers to the WSIB for, I think it was, five years. So working through various adjudicators, you are on the different files, working with different injured workers and employers—I lost your question. Sorry.

Ms. Natalie Pierre: There were actually two. The first one is just about your personal experience with the WSIB as a union rep. And then the second one is, any challenges that you've experienced in the past, how would you address those moving forward as a board member?

Mr. James Hogarth: Well, just from my personal experience over the last three years dealing with the board for my hearing loss, they have a system now where everything is digitalized, but it doesn't work. You go online to look up your file and the information you sent in is not there, and in talking to a lot of injured workers, they've run across the same problem. So when you phone the board and you refer to—"Where's the documentation? Where's this? Where's that?" It could be a little more seamless if the digitalization was there so that when an injured worker is talking to the board all the facts and figures are there, not, "Oh, we've got to look for that. Well, it hasn't been uploaded." It's delay, delay, delay. For injured workers, it's very frustrating trying to get things done.

The Chair (Mr. Will Bouma): Member Smith.

Mr. Dave Smith: I'm trying to think of a way that I can phrase this for you without prejudicing what I'm trying to

get at. Obviously, you have a great deal of construction background. WSIB deals with a lot more than just construction, though. So is there anything in your construction background that you would say is going to give you transferable skills that are going to be effective for everyone else?

Mr. James Hogarth: Transferable skills, in the sense that I sit on a number of boards, I work with a number of employer organizations as well as labour organizations in bringing forth concerns of the industry—and the same would be with the WSIB. There's finance, there's—

Mr. Dave Smith: If I can interrupt for just one second, what I'm trying to get at is, there may be somebody who will come out there and say that you're a steamfitter, but that you're a one-trick pony because you're a steamfitter: "What experience is he going to be able to bring to the WSIB that is beyond just being a steamfitter?" How can you apply that, then, to the WSIB?

Mr. James Hogarth: An injured worker is an injured worker. It doesn't matter what craft you come from. You're injured. That's why you go to the WSIB.

Prior to getting into the trade, I worked in factories. I worked making copper fittings, ironically, and then I got into the trade where you're using copper fittings. So it's not just because I'm a steamfitter that I'm qualified to be on the WSIB; I represent all workers, all crafts. A lot of people say, "Well, you're union." When we lobby government or we lobby for changes to health and safety, we're representing all workers. It doesn't matter if you're union or non-union. It doesn't matter if you're in construction or if you're working in a factory. You represent all workers.

Mr. Dave Smith: Thank you. I appreciate that.

The Chair (Mr. Will Bouma): Any further questions from government? Member Sandhu, you have about three minutes.

Mr. Amarjot Sandhu: Thank you so much for coming and for your presentation.

Being part of any board, including the WSIB, requires an ability to collaborate with partners, with various individuals and sectors to achieve the best outcomes. Can you please elaborate on your experience partnering and working with others?

Mr. James Hogarth: Being on a number of joint boards, even on trustees, health benefits, boards that cover all provinces, workers across Canada; also working with the Ontario Construction Secretariat, which is tripartite—it's government, employers and workers. You've got to be able to come to the table and take an approach that benefits all. It can't be just one-sided. Just because my opinion doesn't get carried doesn't mean I'm wrong or they're wrong. It's a joint decision-making process.

Mr. Amarjot Sandhu: Thank you.

The Chair (Mr. Will Bouma): Member Gallagher Murphy, you have just under two minutes.

M^{me} Dawn Gallagher Murphy: Thank you, Mr. Hogarth. The WSIB has been tasked with increasing worker loss-of-earnings payments from 85% to 90%. How will you contribute to this goal?

Mr. James Hogarth: Well, if you go back—I wasn't in favour when they lowered it. I think it was in 1998 that it went from 90% to 85%. Workers are suffering injuries, and they're taking home less than what they were making while they were working. So it has to go back up. It should go back up to at least 90%.

But also, to go beyond that, 90% of what? There's a maximum. A lot of people in the construction industry make more than that maximum, so they're still suffering. Even though it's 90%, it's 90% of the maximum, so they, in turn, may only get 70% or 75% of what their take-home was. So, yes, it has got to be addressed.

M^{me} Dawn Gallagher Murphy: Thank you.

The Chair (Mr. Will Bouma): Member Cuzzetto: 45 seconds.

Mr. Rudy Cuzzetto: Thank you for being here today, Mr. Hogarth. I love to hear the background that you have in the work industry. My father worked at the Texaco refinery, and he died of asbestosis due to being a pipefitter welder. He had hearing loss from being in that refinery as well. How will you help to reduce barriers of information going forward?

Mr. James Hogarth: Barriers of information—

Mr. Rudy Cuzzetto: To get that information out to people with hearing loss, as an example.

Mr. James Hogarth: Well, through infrastructure health and safety, who works with the WSIB in bulletins, in—

The Chair (Mr. Will Bouma): I apologize. That concludes the time for the government side.

I will now turn to the opposition side. You have 15 minutes. Please go ahead, member Bourgouin.

Mr. Guy Bourgouin: Thank you, Mr. Hogarth, for being here. We have a very similar background. I'm a tradesman myself and did WSIB, so we're very familiar in what we do. I used to be a steelworker also. So thank you for being here.

I've just got to get rid of some uncomfortable questions first, and then we can ask more questions. But they're necessary. Have you ever been a member of the Progressive Conservative Party provincially?

Mr. James Hogarth: No.

Mr. Guy Bourgouin: Federally?

Mr. James Hogarth: No.

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

Mr. James Hogarth: Yes.

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

Mr. James Hogarth: No.

Mr. Guy Bourgouin: Has this position ever been discussed as part of a conversation around the Ontario Pipe Trades Council endorsing the Progressive Conservative Party in the recent election?

0950

Mr. James Hogarth: Can you ask that one again?

Mr. Guy Bourgouin: Was this position ever discussed as part of a conversation around the Ontario Pipe Trades

Council endorsing the Progressive Conservative Party in the recent election?

Mr. James Hogarth: No. It had nothing to do with that.

Mr. Guy Bourgouin: Do you support the USW and OFL efforts to enforce the Westray law, which investigates potential criminal negligence of employers when a worker is killed or injured on the job?

Mr. James Hogarth: Most definitely.

Mr. Guy Bourgouin: How will you stop the surplus money that is going back to employers, and will you make sure that the increases benefit injured workers?

Mr. James Hogarth: First off, the WSIB is not there to build a bank account. It's there, first and foremost, for injured workers. But when there is a surplus, there's only so much you can give—and when there is a surplus, yes, it should go back to the employers, but there should be checks and balances in place. First, you have to look at the concerns of the injured workers. What can you do for them first before you give money back to the employer community?

Mr. Guy Bourgouin: Some injured workers are struggling right now. Some injured workers are almost under the poverty line. This surplus could have brought their benefits higher to have a decent wage. Will you work to make that happen?

Mr. James Hogarth: Yes, I will work with bringing forth the concerns of workers, look at individual cases—or not so much individual cases, but look at those that you say are in borderline poverty. Maybe there are things that can be done on the lower end of the scale, or a minimum. Instead of 90%, maybe there should be a minimum. Work with board members. But you can't just put out a statement. It's sort of vague.

Mr. Guy Bourgouin: It's not vague. These people have been evaluated. They have been deemed, in some cases. You've heard of deeming. How can we work together to end the process of deeming, where injured workers' benefits are determined based on a job that they do not occupy?

Mr. James Hogarth: Say that again. Sorry.

Mr. Guy Bourgouin: How can we work together to end the process of deeming, where injured workers' benefits are determined based on a job that they do not occupy?

Mr. James Hogarth: I'm not exactly sure on the full extent of how deeming is done on a job that they do not possess.

Mr. Guy Bourgouin: You understand how deeming is determined with WSIB?

Mr. James Hogarth: Not fully, no.

Mr. Guy Bourgouin: You mentioned in your presentation that you represented workers with WSIB.

Mr. James Hogarth: Yes.

Mr. Guy Bourgouin: Deeming is done by people getting evaluated. They go through training to determine which job they can do. And if the job is not available, especially for us in the north, where it's very limited, they'll deem them. Even though this job is not available, they'll

deem them to that job, and of course, they compensate according to a percentage.

Mr. James Hogarth: Okay. I understand what you're saying now.

There has to be a viable job; it can't be deeming just to get them out of the system and say, "Okay, you're done now." It has to be a viable career path forward for the individual, and that has to be looked at.

Mr. Guy Bourgouin: So how do we work together to eliminate this situation of deeming for a person who lives, let's say, in Timmins, and the job is only available in Sudbury, and he's deemed? "I'm sorry. The job is available." How do we work together to eliminate it so this individual is not deemed and he can still stay in Timmins and try to find different work with WSIB? This is the problem. They're deeming them. Injured workers are deemed on a job that, unfortunately, is not available anywhere in their area. How do we work together to eliminate that?

Mr. James Hogarth: Well, we'll have to work with board members and the industry to come up with a joint solution that benefits all. It can't be just, like I said, done to get the person out of the system and reduce costs to the WSIB. It's got to be to the benefit of workers.

Mr. Guy Bourgouin: And is that happening right now? That's why my question is, how do we work together to accomplish this?

Mr. James Hogarth: This is part of why I think labour should have a seat at the table, to work on issues like that, to bring the worker perspective forward.

Mr. Guy Bourgouin: Okay. Can we count on WSIB to genuinely consult with the labour movement in its occupational disease policy review, including efforts such as expanding the list of the compensable diseases presumed to be work related?

Mr. James Hogarth: How do we work with—what did you say?

Mr. Mike Harris: Point of order, Chair.

The Chair (Mr. Will Bouma): Point of order, Mr. Harris.

Mr. Mike Harris: We're getting a little out of the scope, I think, of what we're here to discuss today. This is more about qualifications of joining the board. I will remind the members opposite that Mr. Hogarth may not have all the information that they are requesting based on the fact that he hasn't been appointed to the board as of yet. So I'm not saying that Mr. Bourgouin is offside, but I'm saying maybe let's keep the questions a bit more scoped to what we're here to discuss today.

The Chair (Mr. Will Bouma): I don't believe that's a valid point of order, but I would urge members to try to keep their questions to the qualifications for the job. I will allow you to continue.

Mr. Guy Bourgouin: I think he already answered the question by saying that labour should be involved on this particular issue. I don't think this was out of scope, honestly, but thank you, Chair.

Can we count on you to push for proper and increased adjudication of the WSIB's chronic mental stress policy, which, with its current application, only compensates about 4% of its applicants?

Mr. James Hogarth: Yes. It's a growing concern within not just construction but workplaces in general, right across the country. And it needs to be addressed further.

Mr. Guy Bourgouin: Thank you. Prior to June's election, Premier Ford committed to increasing loss-of-earnings benefits from 85% to 90% of pre-injured wages. How will you help the board facilitate this much-needed increase that would contribute to injured workers' quality of life?

Mr. James Hogarth: I'm fully in support of it. As I said earlier, I disagreed when they lowered it down to 85% back in, I think it was, 1998. That was the first year I was elected as a business rep to deal with WSIB issues.

Mr. Guy Bourgouin: How much time is left?

The Chair (Mr. Will Bouma): Six and a half minutes.

Mr. Guy Bourgouin: Okay. How can we ensure that the accounts of physicians who treat injured and ill workers are not undermined by what we call paper doctors, who never in fact physically examine the concerned workers?

Mr. James Hogarth: I don't—

Mr. Guy Bourgouin: You've done WSIB, so let me word it differently. Many times, injured workers are deemed by other doctors that they've never seen. All the doctor looks at is the file, looks at their medical. Then they say, "No, unfortunately, you don't qualify," or "You're not deemed for an increase," without even seeing the injured workers.

Mr. James Hogarth: Yes. You're referring to the WSIB doctors?

Mr. Guy Bourgouin: WSIB doctors.

Mr. James Hogarth: No, I think it has got to go back to an independent doctor or the family doctor or a specialist. It can't be up to somebody that's on the payroll of the WSIB to make decisions.

Mr. Guy Bourgouin: Yes, because so many times, what we see—and I'm not sure if you agree with me, but do you agree that too many times, the family doctors put their medical findings, their medical opinion, and yet the WSIB doctors overrule?

Mr. James Hogarth: Yes.

Mr. Guy Bourgouin: How will you, at the board, fix this, and what approach will you take to try to fix this? Because this is a huge problem, as you know, for injured workers.

1000

Mr. James Hogarth: First and foremost, I'd have to look at the process within the WSIB. I'm not fully aware of their side of things because, like I said, I've represented the other side for a number of years, so I'd look at what's in place now. Maybe there needs to be a third party, a joint review. But it can't be just, "Here's a specialist, but the WSIB overrules the specialist." There has got to be a

different approach taken to it so that—not to say that it favours the injured worker, but that it is an independent review.

Mr. Guy Bourgouin: Okay. Do you want to ask the next one? Go ahead.

The Chair (Mr. Will Bouma): Member Begum, you have just under four minutes.

Ms. Doly Begum: Thank you very much, Chair. And thank you very much, Mr. Hogarth, for being here today and for answering all the questions.

I just want to go back to one of the things that my colleague here talked about, which is the idea of deeming, which has become one of the more increasing concerns that we hear from a lot of workers, especially at our offices, when we have a worker coming in tears after they have dealt with WSIB for years and years.

The determination of whether someone is occupying a job, especially when it does not exist in their entire area, and then getting compensated unfairly, has become a trend. I wanted to get your thoughts on this issue. How can we make sure that the process is fair? Or do you think the current process is fair? And if not, how do we make it better?

Mr. James Hogarth: A lot of workers, over the years, as you say, are deemed to be already qualified to do this other job, and so they're just sort of pushed sideways over to it, but there's no meaningful work in that field. The whole thing has to be reviewed and addressed again, but not just by the board. There's got to be consultation with the industry, with workers—not just the construction industry, but all sectors of the workforce—to define what deeming is and how it should be handled going forward. Because it has got to be meaningful work. You can't take somebody that was making \$120,000 a year and say, "Yes, but you're qualified to do this \$50,000-a-year job"—that doesn't exist, as you had stated. There's got to be work and it's got to be meaningful, or else the system is still broken.

Ms. Doly Begum: Thank you very much.

The Chair (Mr. Will Bouma): Back to member Bourgouin.

Mr. Guy Bourgouin: How will you interact with OFL and other labour bodies for further advocacy for injured workers?

Mr. James Hogarth: Well, I think it has to be the board. It can't be an individual going out and doing things on their own. It has got to be a board initiative. But I think

the board probably welcomes submissions by all labour representatives around the province. It wouldn't be a properly structured board if they didn't have input from the industry.

Mr. Guy Bourgouin: Well, definitely the advocacy for injured workers seems to fall on deaf ears. As a worker representative, will you at least push so that this advocacy or these injured workers' issues are brought forward so that we know that they are heard by the board? Because it seems to be that injured workers are sometimes not heard, or workers are not heard. You, being the workers' representative, of course, have a very hard job to make sure this advocacy is heard. What will you do to make sure that this happens?

The Chair (Mr. Will Bouma): That concludes the time available, but it was a very good line of questioning.

Thank you very much for your testimony. I really appreciate it, personally. You're free to stay and sit in on the meeting or head out.

We will now consider the intended appointment of Carly Stringer, nominated as member of the Human Rights Tribunal of Ontario.

Do we have concurrence? Member Gallagher Murphy.

M^{me} Dawn Gallagher Murphy: I move concurrence in the intended appointment of Carly Stringer, nominated as member of the Human Rights Tribunal of Ontario.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Gallagher Murphy. Any discussion? Seeing none, are members prepared to vote? All those in favour? That was unanimous. Carried.

We will now consider the intended appointment of James Hogarth, nominated as member of the Workplace Safety and Insurance Board.

Member Gallagher Murphy, concurrence?

M^{me} Dawn Gallagher Murphy: I move concurrence in the intended appointment of James Hogarth, nominated as member of the Workplace Safety and Insurance Board.

The Chair (Mr. Will Bouma): Concurrence in the appointment has been moved by member Gallagher Murphy. Any discussion? Seeing none, are members prepared to vote? All those in favour? Again, that is unanimous. Carried.

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

The committee adjourned at 1007.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président

Mr. Will Bouma (Brantford–Brant PC)

Vice-Chair / Vice-Président

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

Ms. Doly Begum (Scarborough Southwest / Scarborough-Sud-Ouest ND)

Mr. Will Bouma (Brantford–Brant PC)

Mr. Guy Bourgoïn (Mushkegowuk–James Bay / Mushkegowuk–Baie James ND)

Mr. Lorne Coe (Whitby PC)

Mr. John Fraser (Ottawa South / Ottawa-Sud L)

M^{me} Dawn Gallagher Murphy (Newmarket–Aurora PC)

Mr. Mike Harris (Kitchener–Conestoga PC)

Mr. Trevor Jones (Chatham-Kent–Leamington PC)

Mr. Billy Pang (Markham–Unionville PC)

Ms. Chandra Pasma (Ottawa West–Nepean / Ottawa-Ouest–Nepean ND)

Mr. Sheref Sabawy (Mississauga–Erin Mills PC)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Substitutions / Membres remplaçants

Ms. Natalie Pierre (Burlington PC)

Mr. Matthew Rae (Perth–Wellington PC)

Mr. Dave Smith (Peterborough–Kawartha PC)

Clerk pro tem / Greffière par intérim

Ms. Tanzima Khan

Staff / Personnel

Ms. Lauren Warner, research officer,
Research Services