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**Assemblée législative  
de l'Ontario**

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**Official Report  
of Debates  
(Hansard)**

**Wednesday 27 January 2016**

**Journal  
des débats  
(Hansard)**

**Mercredi 27 janvier 2016**

**Standing Committee on  
Government Agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 27 January 2016

Mercredi 27 janvier 2016

*The committee met at 1302 in room 151.*

**The Chair (Mr. John Fraser):** Welcome back to public appointments. Thank you all for being here today and for being here for this session to help us get caught up.

## SUBCOMMITTEE REPORTS

**The Chair (Mr. John Fraser):** To start our business today, we have got three subcommittee reports that need to be considered.

We'd like to consider the first subcommittee report dated December 10, 2015. Do I have a motion? Mr. Gates.

**Mr. Wayne Gates:** I move the adoption of the subcommittee report on intended appointments dated Thursday, December 10, 2015.

**The Chair (Mr. John Fraser):** Any discussion? All in favour? Opposed? It's carried.

We have a subcommittee report dated December 17, 2015. Do I have a motion? Mr. Gates.

**Mr. Wayne Gates:** I move the adoption of the subcommittee report on intended appointments dated Thursday, December 17, 2015.

**The Chair (Mr. John Fraser):** Any discussion? All in favour? Opposed? Carried.

We have a subcommittee report dated December 23, 2015. Mr. Gates?

**Mr. Wayne Gates:** I move the adoption of the subcommittee report on intended appointments dated Thursday, December 23, 2015.

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

## INTENDED APPOINTMENTS

## MR. MARK SAKAMOTO

Review of intended appointment, selected by official opposition party: Mark Sakamoto, intended appointee as chair, Ontario Media Development Corp.

**The Chair (Mr. John Fraser):** We have five intended appointments to consider today. We'll begin with our first intended appointment: Mark Sakamoto, nominated as chair, Ontario Media Development Corp.

Mr. Sakamoto, please come forward. Thank you very much. Thank you for being here. You will have a chance to make a brief opening statement. Any time that you use

will be taken from the government's time for questions, and the questioning will start with the third party. You may begin, Mr. Sakamoto.

**Mr. Mark Sakamoto:** Thank you very much, everybody, for the opportunity to appear before you today.

I have spent my whole life, it feels, in the entertainment industry. My family promotes concerts. Growing up, I worked closely with them, doing everything from selling T-shirts to assisting in the production of some of the country's largest productions, most notably with a certain new country sensation hailing from Timmins, Ontario. It turns out she did all right. It was on the bus tours that I learned some of my most valuable business lessons.

I was called to the bar in 2004, moved to Toronto, and worked at Heenan Blaikie, mostly with the firm's entertainment group, which focused on arranging credit facilities for film studios. I then moved to work for the CBC, working in the business unit, which negotiated all of the development and production deals for the CBC. In 2014, I was privileged to write my first book, a work in non-fiction, which HarperCollins was kind enough to publish. With a team of incredibly talented folks, I help operate a software company that creates and distributes cloud-based educational content. We have about 100 employees in Toronto with clients throughout Canada, the US and the EU. On a personal note, my wife is a modern dancer and teacher, so arts and culture have surrounded me professionally and personally all my life, and I'm very grateful for that fact.

The OMDC is an organization that is very near and dear to my heart. I have served on the board since 2008, serving as the chair of the strategic planning committee for four years. It's an organization that is incredibly well run by a group of people that care deeply about the health of Ontario's entertainment industry and the role they play within it. The OMDC's mission, quite simply, is to drive job creation, economic growth and innovation. In terms of results, the proof is in the pudding, and so here are a few salient facts that we should all be very proud of: Ontario's film and television industry contributed \$1.3 billion to the provincial economy in 2014. That's the fourth year in a row that it exceeded the \$1-billion mark. Film and TV production activity accounted for almost 30,000 jobs in Ontario. Overall, Ontario's entertainment and creative cluster is a key driver of direct economic value, employing over 300,000 workers and generating

over \$12.4 billion in direct industry GDP. So arts and culture is big business for the province of Ontario.

The OMDC does operate in a truly globalized world. Film studios, recording studios and artists of all genres have the ability to be very mobile with their capital and their respective talents. Within the creative industry, Ontario needs to be extremely aware of what's happening in India and South Africa, as aware as to what's happening in North America. The OMDC serves the province of Ontario by ensuring that we maintain that competitive environment in a jurisdictionally promiscuous industry. Ontario is the third-largest media market in North America, with only LA and New York ahead of us.

But finally, I think it's important to move past the raw data—move past just the jobs and the money, although those are both extremely important, because they don't tell the whole story. A society that enjoys a thriving artistic community is freer, it's happier and it is more inclusive. Selfishly, for all Ontarians, in a highly globalized economy, a robust artistic community attracts the best and the brightest from all economic sectors. Our culture is our strongest asset. People want to share it. They want to live here, they want to create jobs here and they want to raise their families here. And so, if I can contribute in any modest way to nurture and promote that, it's something that I would be quite honoured to do and something I'd take very seriously.

I thank you all very much for your time and I welcome any questions you may have.

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

**Mr. Wayne Gates:** Thank you very much. Mark, how are you doing?

**Mr. Mark Sakamoto:** I'm just fine, sir. How are you?

**Mr. Wayne Gates:** I'm very good, thank you.

Given the consistent and often rapidly changing landscape of arts and culture in Ontario, what steps is the Ontario Media Development Corp. taking to identify, cultivate and assist in emerging trends and/or artists in Ontario?

**Mr. Mark Sakamoto:** Thank you, Mr. Gates. I think it's a wonderful question. In the industry, we'd always say, "The future is coming, the future is coming. Digital is coming, digital is coming." It's not true anymore. It's here. The OMDC, I think, has done a very good job at ensuring that the funds they administer are done so in a very flexible manner. They really try to stay on top of the industry trends, how production is being created, distributed, monetized, and work closely with the industry to try to ensure that the manner in which the funds are set up is done in a way that reflects the reality today. I think the industry, for the most part, would say that the organization has done a very good job at doing that.

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One example of something that the OMDC has pressed very hard for is the interactive digital media side of the equation. We work closely with screen producers, books and magazines, but we've tried to ensure that the

digital side of the equation is really at the forefront of our minds. The increases in the digital media fund have gone a long way in ensuring that the future is being looked after.

**Mr. Wayne Gates:** Okay. Having said that, do you believe that's enough?

**Mr. Mark Sakamoto:** Well, there's always room for improvement. I'm half Japanese and my favourite word is "kaizen." It's constant improvement. Certainly investment in arts and culture is a great investment for (1) our economy and (2) the broader aspect of the economy, but I also recognize that we're operating in a very constrained fiscal environment, so we squeeze as much out of every penny as we can.

**Mr. Wayne Gates:** That's interesting. I'm actually out of the auto industry so that was a word that we heard quite a bit when we were trying to make ourselves more competitive in the industry: "Continuous improvement; continuous improvement."

**Mr. Mark Sakamoto:** Kaizen. Yes, exactly.

**Mr. Wayne Gates:** So I certainly understand that word.

Does the OMDC have specific programs, or a set of programs, available to assist in the promotion of arts and culture in Ontario? We see the big headlines in Toronto all the time, but right across the province of Ontario there are lots of opportunities for jobs, for tourism, lots of things that we can do, but we seem to be left behind in some of our smaller communities in Ontario, even with some of our nationalities.

**Mr. Mark Sakamoto:** Thank you very much for that. I'm glad you asked that question. I actually wanted to raise it in my opening remarks but I felt I was running a little short on time.

I think it's true. We're very fortunate. It's a good-news story that Toronto has reached a critical mass and is one of the real drivers in the global economy for arts and culture. That's a good-news story but I think that we need to make sure that folks who have the talent to succeed can do so in other parts of Ontario as well. That is actually the case.

Your riding is Niagara, I believe. Keyframe Digital is based in Niagara-on-the-Lake. They are one of Ontario's most successful animation companies. I think that we need to build on successes like that.

They are out there and we need to ensure we don't take just a Toronto-centric approach. I think that we need to make sure that there are folks out there who can receive funding and support throughout Ontario.

**Mr. Wayne Gates:** Yes. I think you would probably agree with this: We have lots of talent around; they just need some support in some cases. For some it may be funding, for some it may just be people going to the Shaw Festival and taking in the theatre and growing from there. You mentioned Niagara-on-the-Lake. That's actually where the Shaw Festival is as well.

In my community, we have the Arts and Culture Wall of Fame. Once a year they would honour people who have given their lives or have done something for arts and culture.

I just believe there's a lot more we can do, and you touched a little bit on it—we don't look at it enough—the number of jobs that are tied to it. When you have high unemployment in some of the communities across Ontario—maybe you can talk about that, on how we could put more people to work using the talents that they have.

**Mr. Mark Sakamoto:** Sure. First off, we do enjoy an abundance of riches throughout Ontario. We're all very fortunate for that. I actually haven't seen the wall of fame, so I need to check that out.

I think that where you do find success, success can beget success—so let's just stick with Keyframe Digital. You get these hubs. If there is a group of 12 folks who are really doing exceptionally well, two more folks might say, “Well, I can set up a shop here and live in this community and be a part of an industry that's global. I can do that from Niagara-on-the-Lake,” or wherever the case may be.

I think in today's world, while the digitization of the industry has been seen as a threat in some regards, it's also a huge opportunity. There are new avenues of distribution that really are location-agnostic. Netflix doesn't care where you are. So that's a really interesting new avenue, an opportunity for organizations, companies and talent that want to live in smaller centres.

From an OMDC perspective, what can we do? I think one of the things is identifying those centres of excellence, those companies that are really doing exceptionally well, and reaching out to them and seeing how they can perhaps even become leaders in their own community and supporting them in that. That doesn't even necessarily mean direct funding. That can be conferences. That can be ensuring they are brought in to fairs, trade organizations, export missions, all of these sorts of things that really help business development.

**Mr. Wayne Gates:** Do I have time for one more, John? Are we okay?

**The Chair (Mr. John Fraser):** You've got a little bit of time, yes. You've got two minutes.

**Mr. Wayne Gates:** Okay. In the 2015-16 fiscal year, the film industry in British Columbia is expecting to beat all its records for the amount of money being spent on production, to the tune of more than \$2 billion—it's a lot of money—over the last fiscal year. Is the OMDC expecting similar positive results for the Ontario film industry in the fiscal year 2015-16? And what steps is the OMDC taking to try to attract more movie production to Ontario, and is our low dollar helping?

**Mr. Mark Sakamoto:** All good questions. Thank you very much.

It's tough to have a crystal ball, but I think that those numbers are at least in the neighbourhood. I think if you want to do a comparison between BC and Ontario, I would actually pick Ontario year over year. You're going to have spikes in British Columbia because they're so close to LA, but it's really important to note that the lion's share of that money, that \$2 billion, is American dollars, so that's very flexible. Hollywood studios will

move. They have entire accounting departments that say, “No, we're going to Estonia,” or, “We're going to Johannesburg.” So Vancouver and BC are getting a great uptick because of the dollar, for sure, but that is not as permanent a revenue stream as Ontario has, I would argue. While we do a lot of runaway production out of Hollywood and our studios and crews are top-notch, we also have the added benefit of having a significant, serious, sustainable domestic film and television market, as well, that doesn't fluctuate as much.

Is the dollar helping Ontario? Absolutely, it's helping. Are we doing enough outreach? I think so. The Premier was just down in California. The minister has been down there now, I think, on several occasions. The OMDC has a partnership. We have an LA office. It's a very small staff, but they help with scouting; they help with promotions. They help connect Hollywood studios to certain avenues here, opportunities here, scouting locations here, talent here. So I think that we have a pretty sustained presence.

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**The Chair (Mr. John Fraser):** Mr. Sakamoto, that's all the time we have for this line of questioning.

**Mr. Mark Sakamoto:** Thank you very much.

**The Chair (Mr. John Fraser):** Thank you, Mr. Gates. Ms. Martins?

**Mrs. Cristina Martins:** First of all, I wanted to welcome you, Mr. Sakamoto, here to Queen's Park. As your MPP, thank you for representing Davenport here so well this afternoon.

I'm not sure if you wanted to, first off, just finish your response to Mr. Gates, if you had anything else that you wanted to—can I allow him to do that?—if you have anything.

**The Chair (Mr. John Fraser):** Sure.

**Mr. Mark Sakamoto:** That's kind of you. I think I answered the question as fully as possible.

**Mrs. Cristina Martins:** Did you? Okay, perfect.

I wanted to, first of all, thank you for being here this afternoon and for the work that you have done already as a member of the Ontario Media Development Corp. I think that, since 2008, you've been an active member. I think you're right in terms of Ontario's film and TV arts and culture really being sustainable here in Ontario. We've got a \$1.3-million industry here in place, creating a lot of jobs.

I represent Davenport and it is a very active arts/culture-based type of a riding. When you talked earlier about culture as our strongest asset and that when there's culture, we have communities that are freer, happier and more inclusive—I like to think of my riding as exactly that.

I guess my question to you today is, given your experience on the board already and your experience in this particular sector, what can you tell us about some of the opportunities that you see for the Ontario Media Development Corp.?

**Mr. Mark Sakamoto:** I think we're really heading into such an interesting time in the industry, where the

industry is really merging. It's becoming increasingly difficult to tell whether a magazine is a magazine or is it a website or is it—the business models are changing so quickly.

It's a really exciting time to be at the forefront of that and I do think that the OMDC has positioned itself in a really strong manner, in the sense that they have tried, as best as a government agency can, to really ensure that they're enabling as flexible a model as they can.

From my perspective—if you guys deem it so—chairing the OMDC, knowing how flexible and lean and efficient they've been, it becomes a really exciting challenge to see how we can take it even to the next level. It's not going to take me a couple of years to figure out, “Oh, wow! These guys are really terrific.” I'm there today.

Thinking about how we can become faster, leaner, more efficient, more responsive to the industry is a really exciting prospect for me.

**Mrs. Cristina Martins:** Thank you so much, Mr. Sakamoto. I wish you the best of luck and thank you for being here this afternoon. I don't have any further questions, if my colleagues want to share some airtime.

**The Chair (Mr. John Fraser):** Ms. McGarry?

**Mrs. Kathryn McGarry:** Is there much time left?

**The Chair (Mr. John Fraser):** You have a minute.

**Mrs. Kathryn McGarry:** Okay. I was actually having a tour this morning in the Port Lands and, lo and behold, some of the buildings down there are actually really vibrant filming locations. Can you speak to the filming industry, in particular, in Toronto, and how that benefits the city and also the province?

**Mr. Mark Sakamoto:** Oh, absolutely. From an economic perspective and from a jobs perspective, it is a huge driver. To the point of Mr. Gates: We are talking about billions of dollars. In many economic silos, where you're looking at a status or even decreasing in productivity, this is a space in the economy that is only growing. I think it's one that it behooves us to double down on.

The activity that's happening in the Port Lands is a great example of that, both from a major corporation perspective—some of North America's finest studios are in that neighbourhood—and even down to small recording studios and small television producers. I think that it's a really exciting opportunity for Ontario to maintain our position and even to grow our position.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Sakamoto. Thank you, Ms. McGarry.

Mr. Bailey.

**Mr. Robert Bailey:** I was looking in here at some of the responsibilities of the position. I wonder if you could give me some examples, Mr. Sakamoto, of encouraging strategic business partnerships—give you a chance to expound upon those.

**Mr. Mark Sakamoto:** Sure. In one of the questions, I think from MPP Martins, we were talking about how it's difficult to even determine whether a magazine is a magazine anymore. Is it a website now? What is the driving business model?

A big part of what OMDC tries to do in terms of strategic partnerships is actually using their good offices as a bridge in which different parts of the economic pie can come together and speak pretty openly about what their challenges are and what their opportunities are.

There are some terrific examples of—what's a great concrete example? From Page to Screen is an initiative that the OMDC drives, and that is taking book publishers—some large ones, but some small book publishers as well—and introducing them to TV producers and film producers, because oftentimes books are the underlying intellectual property for a film. For an author, oftentimes the option for a film or a television series is more money than the actual book advance or the total money that you would make writing a book.

It's these kinds of opportunities where those partnerships become very important for the ecosystem, one in which we try and build on that domestic economy.

**Mr. Robert Bailey:** Okay. Another one that I'm interested in here, and I don't think you have touched on it with anyone else—I'm aware of it by name—is Vote Out Loud. Can you give us a little sense of Vote Out Loud?

**Mr. Mark Sakamoto:** Sure, thank you. When I was in university, I was saddened by the lack of youth participation in the democratic process. Given the work I had done in the past with music, I had the fortune of being able to reach out to some musicians and artists. So I thought, why don't we try and put together some concerts, put together some youth-like debates—not necessarily a debate, but how about a job interview, because that's actually what the Prime Minister or the Premier is doing?

We had some concerts and we had some televised debates in more sort of youth-friendly styles and formats, and it was an organization that, looking back on it, I feel really proud we were able to get off the ground and hopefully move the needle a little bit in youth participation.

**Mr. Robert Bailey:** Being a former member of the OMDC and now moving in as chair, how do you see the future direction, and what areas do you really intend to focus on in its development?

**Mr. Mark Sakamoto:** We shouldn't be and we're not in the business of picking winners, by any means, but the thing that I really am focused on, I think, is ensuring that digital is at the forefront. Whether you're a book publisher, a record label, even in film and television, digital is this overarching theme. It's not just video games by any means, although that's a big chunk of it. We need to make sure that we, as a province and as an economy, are at the cutting edge of that, because that's where the puck is going and, in fact, that's where the puck is. So I think we just need to make sure that in all of our deliberations, from a strategic perspective, we have that at the forefront.

I think if we do that, we're going to be able to report we've had in the past and we have today.

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**Mr. Robert Bailey:** Do I have a couple of more minutes?

**The Chair (Mr. John Fraser):** Yes, you've got about five minutes.

**Mr. Robert Bailey:** Well, I'll keep going.

It seems like you've got a lot of background in this. Where do you view Ontario's role in the national and international media industry—where it has been, where it is now, where you see us going down the road?

**Mr. Mark Sakamoto:** We're extremely fortunate in the sense that from a national perspective—Mr. Gates did raise British Columbia, which is another very strong market, as is Montreal, on the gaming side—Ontario is the place where talent comes. If you're a really funny guy or gal in St. John's, Newfoundland, you come to Toronto. If you are an exceptionally talented country singer in Saskatchewan, most of the time you find your way to Toronto, if you're not in Nashville. The talent that wants to stay in Canada is drawn to this province, and I think it's because our culture is our strongest asset. We really need to continue to ensure that we maintain that pull position. It's a huge asset for us, both economically and from a social perspective.

On the international side of things, I think there is the fact that we live next door to America—and there are some pros and cons to that. It's a really great-news story that if you were to pick a third market in North America, it's not Dallas, it's not Chicago, it's not Boston; it's right here. I think we need to continue to leverage that and do so in a way—the Premier is off to India for 10 days with a group of MPPs and business folks. Because Canada is that beacon of a country that everybody wants to come to, we have these great opportunities for really talented people, like Deepa Mehta, to live here in this province and create some of the finest films in the world. That's really incredible.

So I think from an international perspective, we can leverage how good Canada is at bringing in new folks and getting them active.

**Mr. Robert Bailey:** Could you talk again about the jobs? Just reiterate on the jobs directly and indirectly that are affected by the media industry and film—

**Mr. Mark Sakamoto:** Sure. They fluctuate, but in Ontario, from a broad perspective, the entire creative cluster is about 300,000 jobs. In film and television, it's about 30,000 gigs. It's a huge driver. I think it was Bill Clinton who said, "Always watch the trend line, not the headline." The trend line for jobs in this sector is this. What I love about it is that those people who really drive the creative industry—software developers, architects, engineers—want to be in places where they can walk down the street and go to a venue and see a world-class act. It's that culture that promotes—even if you're not in the sector, the best and the brightest will go to places like Toronto. Why? Because it's the number one city in the world. It's not me saying that; it's the Economist saying that, and I think arts and culture play a big, big role in driving that.

**The Chair (Mr. John Fraser):** You've got about 40 seconds.

**Mr. Robert Bailey:** Well, I'll just thank you for being here today. I found your presentation very interesting.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Sakamoto. You may step down. We will consider the concurrences at the end of our meeting today. That will likely be around 4 o'clock. You're welcome to stay. Again, thank you very much for taking the time and being with us at committee today.

**Mr. Mark Sakamoto:** Thank you, everybody.

#### MS. ELIZABETH WILFERT

Review of intended appointment, selected by official opposition party: Elizabeth Wilfert, intended appointee as public member, Council of the Royal College of Dental Surgeons of Ontario.

**The Chair (Mr. John Fraser):** Our next intended appointment is Elizabeth Wilfert, nominated as a public member, Council of the Royal College of Dental Surgeons of Ontario. Thank you very much for being here today. You will have the opportunity to make a brief opening statement. Any time that you use for your statement will be taken from the government's time for questioning. Your questions will begin with the government.

You may proceed, Ms. Wilfert.

**Ms. Elizabeth Wilfert:** Chairman Fraser, members of the committee, good afternoon and thank you for this opportunity to introduce myself. Approximately 10 years ago, less a month, I came before this committee to seek its approval to appoint me to the Council of the College of Dietitians of Ontario. Today, I am again before you requesting your approval to appoint me to the Council of the Royal College of Dental Surgeons of Ontario.

You've just been distributed a short paragraph about me, as a biography of myself in your agenda under the "witness" section is incorrect, and this is the correct version.

I know you have all seen the copy of my application and it highlights some of the many committees and boards I have been active with in my communities. But I would like to take this opportunity to elaborate on what I feel is more pertinent to your decision concerning my appointment; that is my experience with the College of Dietitians.

I served on the council for nine years. The college is small by comparison to others but in my opinion it was very well-run with high standards. I considered myself very lucky to be in such an environment driven by excellence and I learned about the regulated health care system from the best.

Unfortunately for the college, but fortunately for me, the college was often short of public appointees, so I had the advantage of serving, from one time or another, on all of the committees. Often I served on the heaviest-workload committees all at the same time. It was not uncommon for me to have served on five or six committees at once. I also had the opportunity to chair many of the statutory and standing committees.

I have an understanding of the statutory committees and what their goals and missions are; these standards are across all colleges. I understand how the committees are interconnected and sometimes a decision in one commit-

tee will affect another committee. The non-statutory and standing committees often appear to be similar in nature across all the colleges.

I am no stranger to hard work and volume of work. On occasion, I was the only public member on a committee and therefore had to participate in all of the panels, such as assessing registration or a quality assurance file. I have been known to take home a banker's box filled with files simply to review. I have taken advantage of the workshops and training sessions from the Federation of Health Regulatory Colleges of Ontario when they were made available to me.

I was honoured when asked by the dietitians on council to run as their vice-president, which I did for a total of four years. I was even more honoured when, again, the dietitians asked me to run as their president, a position in most colleges which is reserved only for the professional members and for the dietitians. It too was considered a rarity. I was the president for two years.

I am familiar with and have a working knowledge of the Regulated Health Professions Act, and I have read the Dentistry Act. I know, if appointed, I will receive a great working knowledge of the Dentistry Act compared to the Dietetics Act in my orientation, and I do see similarities. I have also viewed and read much of the well-laid-out RCDSO's website.

I am well versed in good governance practices and believe in openness and transparency. As president, I initiated a complete review and update of all bylaws and governance policies. I created an orientation binder for the executive committee—more of a tool kit, I suppose—of what they would need to know, timelines and templates, among other things.

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Under my leadership, we instituted a consent agenda for both council and committee meetings, which allowed us to be more productive in our use of time on these important issues. I made a habit of keeping members of council and committees up to date with executive actions and decisions and all other college matters with a regular email-style newsletter.

I understand that all regulated health colleges exist to regulate and support their professional members in the interest and protection of the public of Ontario, while providing ongoing tools and/or access to tools which will enable the safe, ethical and competent services provided by the professionals within their scope of practice.

I look forward to the challenges of working within the council of a larger college. I enjoy learning new things. I believe that I can bring something to the table as far as my experiences are concerned.

As politicians, I am sure you are all familiar with the phrase, "I can hit the ground running." I believe that describes me. I look forward to learning about the differences and the nuances of a new college, but I am very familiar with the goals and missions of regulated health colleges, as well as their statutory committees.

I thank you for your time and request that you agree to appoint me to the council of the Royal College of Dental Surgeons of Ontario.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. Milczyn, you have about four minutes.

**Mr. Peter Z. Milczyn:** Thank you very much, Ms. Wilfert, for coming today and for offering your service, as well.

On the dietitians' college, you mentioned how you sat on virtually every committee. In your review of the college of dental surgeons, have you come to any conclusion about what committees you might want to sit on there and what kind of work you might want to engage in?

**Ms. Elizabeth Wilfert:** I am happy to serve on any committee. I find them all extremely interesting and they all impact one another, so I have no specification.

**Mr. Peter Z. Milczyn:** That was my only question.

**The Chair (Mr. John Fraser):** Mrs. McGarry?

**Mrs. Kathryn McGarry:** I had one. I know that we were talking about committees. Does that also include the subcommittees? I know there's always subcommittees.

**Ms. Elizabeth Wilfert:** Yes, I sat on all of the subcommittees.

**Mrs. Kathryn McGarry:** Can you explain some of the subcommittee work and how it related to the main committee?

**Ms. Elizabeth Wilfert:** There's the audit committee; there is the appointments committee, which sat and decided on which committees everyone would serve on; and there was also the legislative issues committee, which—for instance, when I first was on the council, the dietitians, if they were doing dietetic instructions, were not allowed to prick your skin, even though tattoo artists can, all up and down Yonge Street. But they were not allowed to show you how to prick your skin with the needle. Fortunately, through writing a petition to the government, that controlled act was changed for us.

**Mrs. Kathryn McGarry:** Well, that's brilliant. Okay. Thank you very much.

**The Chair (Mr. John Fraser):** Thank you very much, Mrs. McGarry. Mr. Bailey?

**Mr. Robert Bailey:** Thank you very much for your appearance today, Ms. Wilfert.

I've got three questions and maybe you can expand upon your background and this opportunity to serve.

Could you explain how your experience on previous boards will serve you well in this new position as a member versus chair?

**Ms. Elizabeth Wilfert:** Certainly. As a member, I do understand what the purpose of every committee is already. As I said, I can hit the ground running in that I'm not confused or have a misconceived idea as to that I'm going to go and tell you how much amalgam a dentist can put in a tooth. I am there to look at either registration packages or quality assurance, to make sure that the dentists keep up their studies and keep up to date with their practices.

**Mr. Robert Bailey:** Did the board or anybody who prepped you talk about time commitment?

**Ms. Elizabeth Wilfert:** Oh, I definitely know time commitment, for sure.

**Mr. Robert Bailey:** What kind? A day a month? Two days a month?



**Ms. Elizabeth Wilfert:** Oh, no. It can be far more than that, depending the committees that you're chosen to work on. There are four to five council meetings, which will be one or two days, and then you are on committees. The committees have a different amount of workload. So I'm quite prepared.

**Mr. Robert Bailey:** Okay. I see you've served as the vice-president and president of the Council of the College of Dietitians and you've held a number of leadership positions. So that should serve you well, in your opinion, when you go on to this dental college, which is totally different from the dietitians. Can you explain how you think that experience from the past will serve you in this new position?

**Ms. Elizabeth Wilfert:** Certainly the Royal College of Dental Surgeons is a far larger college, so I am quite sure that there will be differences, but our mission and goals are the same. Having known that and with my experiences—first of all, I'm very open to new things, but I do feel that I might have something to share from the dietitians' college.

**Mr. Robert Bailey:** I guess it goes to say they'll obviously provide training; when you go there, there will be training. They've already talked about that?

**Ms. Elizabeth Wilfert:** Yes.

**Mr. Robert Bailey:** You've explained a lot of those questions I had.

Okay, here's a good example: How familiar are you with the council's work? Do you have any preunderstanding of what you will be getting into, the work that you'll be involved in as a council member?

**Ms. Elizabeth Wilfert:** Yes, I do. I know that the dentists will have different goals as far as what their controlled acts are and so forth, which at this point I'm not privy to, but certainly I understand the basic workings of keeping up to date with their standards, registration, keeping the membership up and so forth.

**Mr. Robert Bailey:** Okay. That's it.

**The Chair (Mr. John Fraser):** That's it? Thank you very much, Mr. Bailey.

Mr. Gates?

**Mr. Wayne Gates:** Hi. How are you?

**Ms. Elizabeth Wilfert:** Good, thank you. How are you?

**Mr. Wayne Gates:** Good. I was taking a look at what you've done in your life. Congratulations. You're a retired teacher?

**Ms. Elizabeth Wilfert:** Yes, I am.

**Mr. Wayne Gates:** It says here you were a town councillor. Where at?

**Ms. Elizabeth Wilfert:** Richmond Hill.

**Mr. Wayne Gates:** Richmond Hill.

**Ms. Elizabeth Wilfert:** Yes.

**Mr. Wayne Gates:** How did you enjoy that?

**Ms. Elizabeth Wilfert:** I did, very much. Thank you.

**Mr. Wayne Gates:** The last one I saw that really jumped out at me is that you were elected to the hydro commission.

**Ms. Elizabeth Wilfert:** Yes.

**Mr. Wayne Gates:** As you know, hydro has been talked about a lot in the province of Ontario lately.

**Ms. Elizabeth Wilfert:** Yes, it has.

**Mr. Wayne Gates:** I was not a teacher, but my wife was; she's a retired principal. I was a city councillor, and I sat on the hydro board as well. That's one of the reasons why I strongly oppose the selling of it, but that's something that maybe me and you could have a talk on one day.

**Ms. Elizabeth Wilfert:** Certainly.

**Mr. Wayne Gates:** In 2015, the college introduced voluntary guidelines around the prescription of addictive drugs, painkillers. Given the potentially harmful nature of these painkillers when used in excess, do you believe it is enough for a college to be setting out voluntary guidelines, or should it go further and set out mandatory rules?

My line of questioning is going to be similar to that. If you can't answer, that's fine. But I think it's an important issue as we see what's going on.

**Ms. Elizabeth Wilfert:** With the dietitians, no drugs were ever mentioned, because that's not in their mandate. So I will be very honest with you: I am not up to date with that information whatsoever and I would not want to hazard a judgment until I had read all the material.

**Mr. Wayne Gates:** Okay, that's fair. I've got three questions that are similar, and if you have the same answers, that's fine, too.

In 2014, the college received revenue of \$23 million, more than \$2 million above what was received the previous year. In the 2014 annual report, it appears that most, if not all, of the extra \$2 million went unspent by the college.

What do you believe is the best use of that \$2 million? Can it or should it be used to support low-income seniors who cannot afford dental surgery on their own? I can tell you, and I'm sure my other colleagues can say this, we do get a lot of seniors coming into our constituency office with dental issues and they can't afford it. So maybe use that \$2 million to help seniors in our communities—and maybe what you think of that.

1350

**Ms. Elizabeth Wilfert:** I would have to study the issue a little more carefully, but it is my understanding that that would not even come under the mandate of the college. The mandate of the college is to ensure safe, ethical practices and to protect the public. I would have to do a lot more reading.

**Mr. Wayne Gates:** I'll go to a couple of questions that might be a little easier for you. I can appreciate that you don't know some of those answers, but they are important.

**Ms. Elizabeth Wilfert:** Yes, absolutely.

**Mr. Wayne Gates:** I think all of us around here can talk about our seniors who are having lots of trouble.

Can you describe your previous experience—and you did a little bit of this—with governing boards, which might be of assistance in undertaking this position? When you get on a board—you did mention the fact that you sat on a number of them, which is good, because to your point, it's all about experience, right?

**Ms. Elizabeth Wilfert:** Certainly, I know what the various committees do. I know that quality assurance looks at making sure that the dental surgeons are up to date with their practice, and continue to be. Registration looks at bringing people from other countries—not bringing them, but looking at their resumé and their portfolios to assess whether they would be competent to practise or need some upgrading. So I am well aware of what the positions are.

The college of dietitians is a small college, and so we've only had three discipline hearings in the 20 years, up till the year that I was—and I had the good fortune of being the chair of one of those hearings. That gave me a lot of experience.

**Mr. Wayne Gates:** So you're hoping there's a lot more opportunity to have those types of hearings? Did you enjoy them?

**Ms. Elizabeth Wilfert:** I did enjoy them. I felt badly that they had to occur, but I did enjoy the experience and the knowledge that I gained from them, yes.

**Mr. Wayne Gates:** It's always nice to hear both sides and to make a decision.

Have they told you how much training is going to be involved? Have you started any training?

**Ms. Elizabeth Wilfert:** No, I have not, obviously, because I haven't been appointed. I have had no training. However, based on what I learned from the college of dietitians, I would assume that it would be similar.

**Mr. Wayne Gates:** So you're really taking your experience from one to move into another—and that's kind of how you hope the voting will go, so that we'll be in favour of you being appointed.

**Ms. Elizabeth Wilfert:** Absolutely.

**Mr. Wayne Gates:** I appreciate that. Thank you very much. It was nice meeting you.

**Ms. Elizabeth Wilfert:** Thank you. Same to you.

**The Chair (Mr. John Fraser):** Ms. Wilfert, thank you very much for being here today and sharing the time with us. You may step down now. We'll consider the concurrences at the end of this meeting. That will be between 3:30 and 4 o'clock.

#### MR. THOMAS TEAHEN

Review of intended appointment, selected by official opposition party and third party: Thomas Teahen, intended appointee as president, Workplace Safety and Insurance Board.

**The Chair (Mr. John Fraser):** Our third intended appointment is Thomas Teahen, nominated as president, Workplace Safety and Insurance Board. Mr. Teahen, can you please come forward?

Thank you very much for being with us here today. You'll have some time to make a brief opening statement. Any time that you use for your statement will be taken from the government's time for questions. Questioning will begin with the official opposition. You may proceed.

**Mr. Thomas Teahen:** Good afternoon to all the members of the committee. Let me begin by thanking the

members of the committee and you, Mr. Chair, for allowing me to appear here today. I appreciate the opportunity to present myself for consideration as the new president and CEO of the Workplace Safety and Insurance Board, and I look forward to answering your questions.

To that end, I will keep my opening remarks brief, but I will begin with reviewing for you a little bit the highlights of my professional career. I'm a graduate of the University of Western Ontario and also a graduate of Queen's University law school, from where I graduated in 1995.

I was called to the bar of Ontario in 1997, and my almost decade-long legal practice focused on labour, employment and administrative law, including labour relations and negotiations. I practised law both in Toronto in a larger-firm context and also in Stratford, Ontario, near my hometown of St. Marys, Ontario. My practice included representation of both employers and individual workers, including in workers' compensation cases.

In September 2005, I left law practice and joined the office of then-Minister of Labour Steve Peters, to become his chief of staff, and continued in that position until November 2007. I know that during my tenure as Minister Peters's chief of staff, two significant initiatives were brought forward by Minister Peters's office, including the introduction of legislation creating presumptive legislation for firefighters in relation to various cancers, as well as amendments to the Workplace Safety and Insurance Act as they relate to the indexation formula for injured workers. At that time, it was the first significant increase in the indexation for benefits for partially disabled workers that had happened in almost a decade.

In November 2007, I joined the office of the then Minister of Education, Kathleen Wynne, as her chief of staff and continued in that position until March 2010. As Minister Wynne's chief of staff, I led the government team during all the negotiations during the 2008-09 collective bargaining in the education sector, which included achieving provincial framework agreements covering almost 400 collective agreements across the province.

In 2010, I became the chief corporate services officer at the Workplace Safety and Insurance Board. I reported directly to the president in that position and was responsible for seven key business divisions including human resources; communications; legal affairs; channel solutions, which were essentially customer service and customer relations; policy; appeals; and IT.

In February 2013, I commenced a secondment from the Workplace Safety and Insurance Board as the chief of staff to the Premier of Ontario, Kathleen Wynne.

For the past two decades, beginning as a labour lawyer and continuing through my time at the Ministry of Labour, then as a senior executive at the WSIB and finally working directly for the Premier, much of my professional life has been focused on working with and trying to bring together the interests of workers, labour and employers. It is for this reason that I am so enthusiastic about the opportunity to return to the WSIB, because I think it is an organization that is poised to achieve

tremendous things. I want to be part of that, I want to help shape that and I want to lead that.

As we all know, the board and executive team have made huge strides in recent years. The speed and quality with which claims are addressed has improved substantially, workers are recovering and returning to work more rapidly, and quality of care has been strengthened. Most notably, the enormous unfunded liability that had piled up has steadily eroded. The WSIB is now on a clear path to being fully funded. Challenges remain but the momentum is clear. Clearly, job one is to complete that critical task but I believe there is also a huge opportunity to plan and prepare for what that change represents. A self-financing WSIB is one with exciting new possibilities. Premiums could be lowered, benefits fortified and new innovations can be realized, all in a way that serves the interests of workers and employers, and all in a way that serves the broader public interest.

I am committed to working hard to see that outcome achieved and those opportunities realized, and to seeing the WSIB become an even more customer service-driven organization, to become recognized as a model of daring and innovative excellence, and to become celebrated as a workplace that truly values the people that make it work.

**1400**

I ask respectfully for your support in permitting me to pursue those and other important goals as president and CEO of the WSIB. I thank you and I'd be happy to answer any questions that you have.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Teahen. Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you, Chair, and thank you, Mr. Teahen, for coming before the committee today.

**Mr. Thomas Teahen:** Thank you.

**Mr. John Yakabuski:** When were you promised the job as president of the WSIB?

**Mr. Thomas Teahen:** I learned that the position of president and CEO of the WSIB was vacant when Mr. Marshall, the current president, who's president until the end of the month, announced that he'd be stepping down. I believe he announced in October 2015 that he would be stepping down at the end of January.

When he did that, I became aware that the position would be vacant and I was advised that there would be a competitive process put in place to determine the next president, conducted by an external search firm. When that happened, the external search firm posted their position in late October, I believe, or November 1. I applied online and sent my resumé and cover letter to the search firm. I participated in the interview—

**Mr. John Yakabuski:** I don't need all that. I just need to know—

**Mr. Thomas Teahen:** That's the process that I went through. Then I learned that I was successful, after the going through the interview process with the external search team.

**Mr. John Yakabuski:** When you left to be seconded to be chief of staff to the Premier, are you suggesting that at no time there was an understanding that when Mr. Marshall left, you would be appointed president?

**Mr. Thomas Teahen:** No, at no time was there an understanding that I would be president.

**Mr. John Yakabuski:** According to our records, as per your signed application, you applied for the job on December 10, 2015.

**Mr. Thomas Teahen:** I applied to the job through the external search firm by a letter dated November 5, I believe, which was sent to Odgers Berndtson. They were the firm that was conducting the search. I sent them a cover letter to—I can't remember the young woman's name who was receiving the applications.

I sent that letter November 5, I believe—I have a copy in my briefcase, if you'd like to see it—including my resumé. I had my first interview with Mr. Sal Badali in mid-November. I had my second interview with the external search panel on or about November 30. That was the process that I went through.

**Mr. John Yakabuski:** Okay. Have you had any meetings with stakeholders in the labour sector since then?

**Mr. Thomas Teahen:** When I was nominated for this position, I announced that I would be leaving the Premier's office at the end of December. I talked to a number of stakeholders that I had regular interactions with—labour, employer and otherwise—to let them know that I was leaving the Premier's office and that, if successful through the committee process, I'd be joining the WSIB.

**Mr. John Yakabuski:** Okay. When did you stop being a member of the Liberal Party?

**Mr. Thomas Teahen:** When did I stop being a member? Well, I have a membership, I believe, which will expire. I have not given any donations to the Liberal Party since I was nominated for this position.

**Mr. John Yakabuski:** But you did give donations prior to being nominated?

**Mr. Thomas Teahen:** I did give donations prior to this, yes. Certainly, in my role as chief of staff to the Premier, I attended numerous Liberal events as part of my job, which included what were considered contributions to the party, yes.

**Mr. John Yakabuski:** Okay. Were you a member of the party prior to being the chief of staff for the Premier?

**Mr. Thomas Teahen:** I've been a member at different times. When I was the chief corporate services officer at the WSIB, I made no contributions to the Liberal Party.

**Mr. John Yakabuski:** But you were a member?

**Mr. Thomas Teahen:** I don't know whether I had my membership at that time. I gave no contributions during that time.

**Mr. John Yakabuski:** So do you think it's appropriate for you to be a member, given that you're going back to the WSIB as president?

**Mr. Thomas Teahen:** No, that's why I said that I have given no contributions and don't intend to—

**Mr. John Yakabuski:** It's not about contributions. Do you intend to rescind your membership, or have you?

**Mr. Thomas Teahen:** If my membership is still active, I would let my membership lapse or rescind it, yes.

**Mr. John Yakabuski:** Okay.

**Mr. Thomas Teahen:** I recognize that the position that I'm taking on is a position of public service, which is a non-partisan role leading a very important government agency.

**Mr. John Yakabuski:** During your previous tenure, the WSIB had some notable accountability and transparency issues. For example, the WSIB operated a slush fund without any proper oversight, giving the Ontario Federation of Labour over \$12 million over 10 years for the Occupational Disability Response Team. The ODRT had an apparent mandate to train workers and prevent accidents. That was debunked by KPMG, which said the grant program's link to prevention was weak.

As a senior level at the WSIB, what did you try to do to put an end to this slush fund?

**Mr. Thomas Teahen:** I'm aware that the WSIB provided funding to the OFL, and it provided funding to other organizations, to support their activities—particularly, in those cases, to support those labour organizations that had a role in training individuals who would then work with injured workers and help them deal with their cases. It's absolutely critically important that the WSIB ensure that there is accountability for how those funds—

**Mr. John Yakabuski:** So you did nothing. I don't need a long story.

**Mr. Thomas Teahen:** No, that's what we did. That's what we did when I was there. I haven't been there when the KPMG report was—

**Mr. John Yakabuski:** The grant was terminated in 2014 after the KPMG investigation—after their review and the report—which would indicate that their position was exactly right: that its link to prevention was weak. Yet when you were there, you did nothing to try to prevent and put a stop to it.

**Mr. Thomas Teahen:** We put accountability measures in place and there were a number of discussions with the Ontario Federation of Labour.

I did have a conversation just this week, actually, with the incoming president of the Ontario Federation of Labour. He and I will be meeting very soon, as soon as I get on to the job, assuming this process—

**Mr. John Yakabuski:** Oh, so you have had meetings already?

**Mr. Thomas Teahen:** As I said to you, I have talked to various stakeholders, and I did talk to the new incoming president of the Ontario Federation of Labour. It was just an introductory discussion, and we agreed that I would meet with him early in my tenure, as a very important new stakeholder.

**Mr. John Yakabuski:** In 2010, when you were seconded from the WSIB, its unfunded liability had reached \$12.4 billion. That was an increase from \$6.4 billion in 2005. You were a senior executive during that time when it nearly doubled. What, if anything, did you do to address this alarming unfunded liability rate?

**Mr. Thomas Teahen:** Sorry. Just to be clear, just to get the dates, you said when I was seconded in 2010. I was seconded in 2013. I was at the WSIB in 2010.

**Mr. John Yakabuski:** Okay, sorry.

**Mr. Thomas Teahen:** So can you just clarify what time frame you're speaking about?

**Mr. John Yakabuski:** Okay. When you were seconded from the WSIB—its unfunded liability went from \$6.4 billion in 2005 to \$12.4 billion in 2010. During that time, you were a senior executive.

**Mr. Thomas Teahen:** No. I began my tenure at the WSIB in 2010, and I was there from 2010 to 2013. Since 2010, the unfunded liability, in fact, has dramatically decreased, and I'm proud of the fact that during my tenure at the WSIB, during those three years, I worked closely with the president and the executive team to put into place measures that have proved successful in dramatically decreasing the unfunded liability.

**Mr. John Yakabuski:** Okay. In the January 21, 2016, issue of the Financial Post, the current WSIB president, David Marshall, commented on the state of the board's finances when he arrived in 2010 and I understand that you joined as chief corporate services officer.

**Mr. Thomas Teahen:** That's right, in March 2010.

**Mr. John Yakabuski:** Right. While the article suggests the board's focus was on better return-to-work outcomes, in the board's 2010 annual report, the board outlined a very different strategy of exercising a more stringent application of eligibility rules, something Dr. Harry Arthurs warned against in his 2011 report, Funding Fairness, as "tightening the screws." Did you support the tightening-the-screws approach, something this committee has heard a lot about in the past?

**Mr. Thomas Teahen:** One of the things I'm very proud of in my time at the WSIB is that I was quite instrumental, actually, in bringing Mr. Arthurs on to do the review. And one of the things that he concluded that has been important in guiding the WSIB forward to now, and it will be important to guide it forward into the future, is the need to bring down the unfunded liability and move toward reaching full funding, not because full funding is an end in itself, but because full funding is critical to preserving benefits for injured workers and it's critical for improving the potential to bring down premium rates for employers.

1410

**Mr. John Yakabuski:** Did you support the tightening of the screws?

**The Chair (Mr. John Fraser):** That's all the time we have for this round. Ms. Forster?

**Ms. Cindy Forster:** Thank you, Mr. Teahen, for being here.

**Mr. Thomas Teahen:** Thank you.

**Ms. Cindy Forster:** I have a few questions for you. The last president and CEO actually got a mandate letter from the Premier, and then, when his tenure was renewed, he got another mandate letter. Have you received a mandate letter at this point in time from the Premier?

**Mr. Thomas Teahen:** No. All I have seen or I understand is that there's an OIC that will be signed, hopefully, or it's so far signed, and I believe it would be endorsed based on this committee's recommendation, which out-

lines the terms and conditions of my employment or position as CEO. That's all I know.

**Ms. Cindy Forster:** That's all you know about at this point in time, no mandate—

**Mr. Thomas Teahen:** That's all I'm aware of.

**Ms. Cindy Forster:** Okay, so my next question is with respect to the reports recently that the premium rates are going to decrease by some 17% to 18% by 2017-18. We live in a province that has one of the lowest coverage rates for workers across the country. Could you see an actual expansion to universal coverage of workplaces as a way to further reduce the rates that are already proposed to happen in the next couple of years by sharing the risk and including 30% more workplaces under WSIB coverage?

**Mr. Thomas Teahen:** I think what you're referring to when you're talking about lowest coverage rates—just so I'm clear—not the level of benefits if a worker is injured, but the number of workers that are covered.

**Ms. Cindy Forster:** Of workplaces; correct.

**Mr. Thomas Teahen:** There are approximately 75% of workers in the province who are covered today. Some of the exclusions are banks and other places. There has been some discussion about that, I understand. That would be a decision that the government would have to make in terms of whether it would want to expand coverage. The reality, though, on the premium rate side is that a significant component of the current premium rate is made up of a payment toward the unfunded liability. That's why it's so important to bring the unfunded liability down, because it then can lead toward the potential reduction in the premium rate.

As I say, though, it's not just a reduction in premium rate that's important, but also the ability to protect workers' benefits. The unfortunate reality, when there has been such a high unfunded liability over the course of the last 50 years—when that unfunded liability goes up and down, there are only two ways that people instinctively think it should be dealt with: one is increase premium rates and the other is lower benefits. I believe getting that unfunded liability down can actually help stop that conversation and reach a better balance.

**Ms. Cindy Forster:** If we can get back to the universal coverage piece, originally, in the creation of workers' compensation, there were no exclusions way back when; right? Then there were just banks and insurance companies that weren't covered. But today, as workplaces change, we have all kinds of IT sectors and service sectors that aren't covered. Would you be willing and open to have the dialogue about a move to universal coverage as the new president?

**Mr. Thomas Teahen:** Well, as I say, that's a decision that a government would have to make. One of the opportunities, though, that I believe is available to the—and when I talked about opportunities that present themselves, if the unfunded liability were decreased and premium rates came down, it would be more affordable for many—it might well be more affordable; I'll put it that way. It may well be more affordable for some of

those workplaces that are currently uncovered to buy insurance from the workers' compensation board, which they can do anyway, voluntarily. They're not going to do that unless there's a competitive rate and there's good service, and those are goals that I intend to ensure we pursue.

**Ms. Cindy Forster:** I understand that WSIB is undergoing a massive technological project at the moment and that the original budget for that project was \$30 million. It was supposed to be rolled out within three years, with the first phase starting as early as maybe the spring of this year. Can you tell us where they're at with respect to keeping in line with the budget? We had, through community and social services, huge problems with the SAMS project. Can you tell us—

**Mr. Thomas Teahen:** I can't speak to specifics of where they are in the budget because I haven't been there and I have not been into the board or talked to people at the board about that in advance of this, because I've been very respectful of this process.

Obviously I know that there has been an IT project under way. That will be one of the first things as a president that I have to get in and understand in terms of where they are. Your point is very well taken, that managing and having effective project management over significant IT projects is critically important and is one of the challenges that any organization faces and that they have to keep a very close eye on.

**Ms. Cindy Forster:** You spoke in your opening remarks about the importance of the people who actually work in this industry. Are you aware there was a recent survey done of approximately 3,400 front-line staff at WSIB and that over 80% of those front-line workers felt that their workplace was unsupportive, that they were harassed, that they were bullied and that they didn't believe that WSIB should have a standing in the top 100 employers in the province? Do you believe that it is part of your mandate to address those morale concerns with the staff?

**Mr. Thomas Teahen:** As I said to you in my opening, I want the Workplace Safety and Insurance Board to be a place where it supports those people that make that organization work. When I was the chief of corporate services, one of the goals that I set for the organization, being responsible for human resources, was to be one of the top 100 employers in the province. It's still one of my goals to achieve that.

**Ms. Cindy Forster:** Are you aware that workplace illness at WSIB sits at 35% in comparison to the national average of 25%, and that WSIB staff who experience injuries or workplace illnesses actually have their claims denied at twice the rate as the general population? So here we are, with this group of people trying to assist workers who experience workplace illness or injury having their own claims denied at twice the rate. What can you do to address that?

**Mr. Thomas Teahen:** I can't speak to that statistic. I don't know where it's from and it's the first I've heard it. What I will say to you is, as I say, I want the Workplace

Safety and Insurance Board to be celebrated as a place that values the people who work there. It's a number one priority for me. It's been a value that I've brought to every job I've had, whether it's been practising law, whether it's been being a chief of staff in a minister's office or in the Premier's office, or when I worked at the Workplace Safety and Insurance Board. You have to value the people who work with you and who are critical to making a workplace function.

**Ms. Cindy Forster:** Harry Arthurs, in his report in 2010, spoke aggressively against experience rating, which clearly leads to claim suppression, non-reporting and all those kinds of things that you're aware of. Do you have any plans to address enforcement—because there was recent legislation introduced in the last session but it didn't address the issue of enforcement and in what time frame they were actually going to roll that out. Do you have any thoughts on that?

**Mr. Thomas Teahen:** These are two separate issues, I think, or two separate questions. One is claims suppression. In the last session, amendments to the act were passed to create a penalty or an offence if an employer suppressed a claim. Employers and workers absolutely have to expect that there is integrity in the system; otherwise, the system won't work. Obviously, now that there is a new offence in place, the WSIB has to ensure that it's diligent in identifying circumstances where there's a failure to report or any other activity that undermines the integrity of the system. We'll have to put the pieces into place to ensure that's there.

1420

As it relates to experience rating: It's a debate that's been going on between employers and the injured worker community for some time. There is a consultation currently under way regarding changes to the classification and rate group structure. That consultation is active and under way. Where experience rating fits into the system is part of that discussion. I think that's a very important consultation that has to continue and conclude. There are important changes that need to be made to the classification and rate group structure, and within that, there has to be further analysis of where the experience rating fits.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Forster. You're out of time.

Mrs. McGarry, you have about four and a half minutes left.

**Mrs. Kathryn McGarry:** Thank you very much for being here today, Mr. Teahen, to answer some questions.

I just wanted to start off with a question about last year's bill. Late last year, the government passed Bill 109, the Employment and Labour Statute Law Amendment Act. Among other improvements, this bill will ensure that injured workers on partial disability will finally have their benefits rise with inflation.

What do you know about this change and, as the incoming WSIB president, how would you oversee this implementation?

**Mr. Thomas Teahen:** As I mentioned in my opening remarks, just summarizing some of my work history, the

issue around indexation of benefits for partially injured workers has been ongoing for some time. There is something in place called the modified Friedland formula. That was amended or changed in 2007 by regulatory changes introduced by Minister Peters. It was the first time that there were any changes to the index formula in a decade, which happened at that time.

Since then, there has been a strong push by the injured worker community—rightly—for full indexation to return. The amendments that were made or passed at the end of the session will mean that full indexation on workers' benefits comes in, effective January 2018. I think that what this underscores is the importance of the continued progress in dealing with the unfunded liability. As I say, when that unfunded liability continues to come down, it allows benefits to be protected. It allows changes such as indexation to be put into place, and it will also allow changes such as reductions in premium rates to happen, so it's very important.

**Mrs. Kathryn McGarry:** Okay. Thank you—

**The Chair (Mr. John Fraser):** You have about one minute.

**Mrs. Kathryn McGarry:** One minute?

**The Chair (Mr. John Fraser):** Yes.

**Mrs. Kathryn McGarry:** You have outlined your experience and qualifications for this job. How do you think that that will help you to shape and achieve goals that you may make as WSIB president, and what would those goals be?

**Mr. Thomas Teahen:** Well, as I outlined in my opening remarks, I think there are huge opportunities ahead for the board to become much more focused on customer service; that is, how it interacts with employers and how it interacts with injured workers to make their experience with the Workplace Safety and Insurance Board a better one.

WSIB is not just a claims management system, but it has to be a customer-focused system. Now, with the focus shifting away from just "what are you going to do about the unfunded liability," we can continue to focus more aggressively on customer service. There are opportunities for new innovations as they relate to dealing with health care claims and dealing with occupational health and safety issues. That's an area of expertise that the Workplace Safety and Insurance Board has, and I think that the Workplace Safety and Insurance Board can be known as a centre of excellence across North America in dealing with workplace health and safety and workplace insurance-related issues. Those are a couple of things that I think are on the horizon and on the near horizon for the board, and I look forward to pursuing those in the role of president.

**Mrs. Kathryn McGarry:** And as a—

**The Chair (Mr. John Fraser):** You're out of time.

**Mrs. Kathryn McGarry:** Okay.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Teahen, for being here today and answering the committee's questions.

**Mr. Thomas Teahen:** Thank you for the opportunity.

**The Chair (Mr. John Fraser):** You may step down. We'll consider the concurrence at the end of our meeting, which will actually be around 3:30. You're welcome to stay.

**Mr. Thomas Teahen:** Thank you very much.

DR. BRYANT GREENBAUM

Review of intended appointment, selected by official opposition party: Bryant Greenbaum, intended appointee as member, Animal Care Review Board, Fire Safety Commission, Licence Appeal Tribunal, Ontario Civilian Police Commission and Ontario Parole Board.

**The Chair (Mr. John Fraser):** Our next intended appointment is Bryant Greenbaum, nominated as member, Animal Care Review Board, Fire Safety Commission, Licence Appeal Tribunal, Ontario Civilian Police Commission and Ontario Parole Board. Mr. Greenbaum, can you please come forward?

Thank you very much for being here today. You have some time to make a brief opening statement. Any time that you use will be taken from the government's time for questions. Your questioning will begin with members from the third party.

Again, thank you very much for being here today, Mr. Greenbaum. You may proceed.

**Dr. Bryant Greenbaum:** Thank you, Chairperson. It's a pleasure to be here this afternoon to appear before the standing committee. I will take this opportunity to provide you with some introductory comments about my experience and qualifications. I then look forward to your questions.

I am currently legal counsel at the Ontario Motor Vehicle Industry Council, and I previously worked in the legal aid system in Ontario and in the public service in Canada and abroad. It has always been a privilege to serve the public and it is the most rewarding work that I have done to date.

Turning to my qualifications: For the member position with the Safety, Licensing Appeals and Standards Tribunals Ontario, firstly, as again I mentioned, I am a lawyer with the Ontario Motor Vehicle Industry Council. I am therefore conversant with the rules of evidence, legal procedures and administrative law. Also, at OMVIC, I oversee a caseload of provincial offences court files as well. All of these case files require me to analyze complex legal issues and to work with other lawyers, investigators, inspectors, managers and the registrar, of course.

In addition to my experience as legal counsel, I've also worked as a lawyer, as I mentioned, in the legal aid sphere, where I was the director of legal services at the African Canadian Legal Clinic. I also undertook litigation files, supervision of litigation files and administrative tribunal matters.

I have also worked with different constituencies in various capacities in government and in the private sector, including victims of violent crime, government stakeholders and racialized community groups and associations.

I have also worked with alternative dispute resolution frameworks, and this experience can be employed when called upon by the parties to assist them with settlements, pretrial narrowing of issues and ensuring hearings are conducted in a safe, efficient and fair manner.

The above employment experiences point, once again, to my expertise and qualifications for this position, but to be clear, I feel I have the abilities to assist unrepresented parties and persons with linguistic or accommodation needs.

I feel I have the abilities to ensure all parties, be they institutional, government or corporate parties—with counsel or individual unrepresented applicants—will receive a fair and impartial hearing. I believe I can represent the tribunal in a professional manner by conducting myself in an exemplary way at pre-hearings, motions, hearings and by writing decisions that are legally sound and are not reversed at Divisional Court, on judicial review or appeal. Thank you very much.

**The Vice-Chair (Mrs. Cristina Martins):** Thank you very much, Mr. Greenbaum, for being here today and for presenting. We are now going to begin with questioning from the third party. Mr. Gates, please.

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

**Dr. Bryant Greenbaum:** Very well, thank you.

**Mr. Wayne Gates:** Good. I've got a few questions for you. As a member of the Ontario Parole Board, you'll be responsible for assessing the safety of returning convicted offenders to the community, something that was a big issue, quite frankly, with the corrections officers' potential strike. In this role, you'll be required to strike a balance between protecting our communities and ensuring that offenders are given a second chance to succeed in society. Where, in your opinion, should the balance lie between those two competing interests?

**Dr. Bryant Greenbaum:** Thank you for the question. As an adjudicator, you must first adjudicate findings of fact and findings of law. The task at the parole board, should I be appointed a member, would be to review the evidence and make these findings of facts and findings of law in accordance with jurisprudence and in accordance with best practice, weighing all of the issues that come into play, be it recidivism, be it the sentence initially handed out and the restrictions thereto. It would be a matter of applying both the law and ensuring that these decisions are sound legally.

**Mr. Wayne Gates:** Okay, thank you. The Ontario Civilian Police Commission has "general enforcement authority relating to the ... effectiveness of policing services." One of the major questions regarding current police practices and their effectiveness is around the issue of carding. Do you believe that the Ontario Civilian Police Commission has a role to play in this practice of carding and what do you see that role as being?

**Dr. Bryant Greenbaum:** The police oversight process involves that body on an appeal level, but there are different stages before an issue such as carding could

reach that body. The independent director of police, OIPRD—it's a long name; excuse me if I don't get it right. The independent director of police complaints, I believe, is the first step and it works its way through a system which could one day, indeed, end up at that body. Once again, adjudicators at that body would have to look at the evidence as a whole, make findings of facts, make findings of law and come to well-reasoned decisions.

**Mr. Wayne Gates:** When you were talking, you talked about a few things that maybe some people don't understand. You talked about a pre-hearing; you talked about mediation; and you talked about writing a decision that's fair and balanced. Could you explain the difference between the three?

**Dr. Bryant Greenbaum:** Yes. A pre-hearing is a device used both in courts of law and in administrative tribunals to try to narrow issues at the onset so that time is saved and all parties are given a fair chance to present their case. It's a mechanism to streamline matters and to ensure that everyone is on the same page.

Mediation is far different. The goal of mediation isn't to prepare for a hearing. Rather, it would be to try to resolve the matter before a hearing takes place, and the expense and time that would be involved for applicants, respondents and parties, never mind the judicial system as a whole. Mediation is a very important step in legal proceedings if resolution can be reached before lengthy and costly hearings take place.

The last term of reference, I believe, was—excuse me—

**Mr. Wayne Gates:** Writing written decisions and making sure that they're fair and balanced at the end of the day.

**Dr. Bryant Greenbaum:** Thank you, member.

**Mr. Wayne Gates:** And so they can understand them too.

**Dr. Bryant Greenbaum:** As an adjudicator, you're doing your job well, I believe, if your decisions are well written, they are comprehensive, they take into consideration facts and law and, most importantly, they're not overturned at an appellate level. It means you're doing a good job because you are, indeed, writing sound decisions, and if an applicant or respondent wants to test them, appellate courts are saying, "No, these decisions are sound." So that's a good step. If my decisions as an adjudicator are indeed thorough, then they will not be overturned at judicial review or appeal. That would be a sign that I'm doing my job well.

**Mr. Wayne Gates:** Okay, and moving back just a little bit on the mediation process, are you finding more mediation is being done today because of cost and because sometimes there seems to be some success with it?

**Dr. Bryant Greenbaum:** I believe that tribunals and the administration of justice are definitely stressing that this is an option for parties and that it's something that should not just be turned away; it is something that should be seriously canvassed as a dispute mechanism that can save time and money. Its use—you would have

to look at specific tribunals, courts and jurisdictions as far as frequency.

**Mr. Wayne Gates:** Given your background, do you have any particular insight into the operations of the Ontario Civilian Police Commission?

**Dr. Bryant Greenbaum:** I do not have any personal experience with them—

**Mr. Wayne Gates:** It might be a good thing, right?

**Dr. Bryant Greenbaum:** Yes—academic or otherwise. Sorry.

**Mr. Wayne Gates:** Has the witness given any indication about the time commitment required for this appointment and is he confident that he can provide the necessary time to the appointment?

**Dr. Bryant Greenbaum:** I would dedicate myself to this important public service task.

**Mr. Wayne Gates:** So you're looking forward to doing it?

**Dr. Bryant Greenbaum:** Very much so.

**Mr. Wayne Gates:** Okay. Thank you very much. I appreciate it.

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

Ms. McGarry.

**Mrs. Kathryn McGarry:** Thank you very much for coming today to answer some of these questions.

I wanted to start off by asking you to talk about your adjudicative background. Have you ever represented clients before an adjudicative tribunal?

**Dr. Bryant Greenbaum:** Yes. I was, as mentioned previously, the director of legal services at the African Canadian Legal Clinic. We would regularly appear at the Human Rights Tribunal and other tribunals. I was supervising two lawyers, making sure all of the pleadings were undertaken in a proper fashion. I was also ensuring that their tribunal work was meeting the needs of our clients.

As mentioned previously, I am currently working at OMVIC, the Ontario Motor Vehicle Industry Council, and I also appear in tribunals and prepare for tribunal work there as well.

**Mrs. Kathryn McGarry:** Okay. So your experience and your background will relate to some of the duties that you'll be needing to perform as part of the position?

**Dr. Bryant Greenbaum:** I believe so. I have extensive experience preparing for proceedings. Although my appearances are limited, I've supervised lawyers and have done more of the background work, so I know a trial and a hearing is 99% preparation, 1% doing it. The work that goes into the front end of any hearing is really the guts of litigation. It's the pleadings, it's the evidence, it's the witness statements and it's building a case in the back end that really ends up being the hard work, and I have lots of experience with that. In addition, I've also conducted pre-hearings for clients, so I believe I am capacitated to do it.

**Mrs. Kathryn McGarry:** Good. What do you think the major challenges may be in the ongoing work of this cluster in the foreseeable future?



**Dr. Bryant Greenbaum:** Well, this cluster is facing quite a task when the statutory accident benefits, the automobile accident benefits, are transferred to it in April of this year. I understand that there will be quite an increase in workload for the cluster. That will be a challenge that they will have to hit straight on as far as preparing for that to transfer from FSCO.

The work involving police oversight is important as well, obviously, and the public has a keen eye, watching that and wanting to make sure that it's done properly. It's an important task.

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**Mrs. Kathryn McGarry:** Okay. Thank you very much. No further questions.

**The Chair (Mr. John Fraser):** Mr. Milczyn.

**Mr. Peter Z. Milczyn:** Previously, when I was at the city of Toronto, I had experience with the city's licensing appeal tribunals, so I'll ask you the same question that I asked applicants back then. How will you balance your role as an adjudicator with the task of upholding the public interest, policies, laws and regulations which are the basis for the foundation of all these tribunals?

**Dr. Bryant Greenbaum:** Within a tribunal proceeding, you have to conduct yourself, firstly, in accordance with a tribunal's own set of policies, best practices and conflict-of-interest policies. Every tribunal has ethics policies and policies that make sure that you're conducting yourself appropriately and ethically. So there are the internal policies that one must abide by within a tribunal.

Outside of that, there are the obligations that I would have as a lawyer to the Law Society of Upper Canada, ensuring that I'm fulfilling all of my professional obligations to the courts and to society, as well. Those two sets of obligations would always be part and parcel of my work, part and parcel of my tool kit.

Of course, applicants are free to raise a charter argument, as they see fit, in a tribunal matter or a court matter. On a procedural or a substantive level, an applicant or respondent at a tribunal is free to bring a charter argument, if they feel that their rights are being impinged.

**Mr. Peter Z. Milczyn:** Of these various tribunals that you would be a member of, which one do you think is the most interesting for you?

**Dr. Bryant Greenbaum:** They're all interesting. It seems unusual, but law can be interesting, even accident benefits. You're dealing with real people, real problems, and it is interesting work.

We saw previously the terrible fire with the farm animals, the horses in the stables. There were two terrible fires. These are human stories. There were faces and people behind those animals. Whether it's animals or whether it's accident benefits, these are all interesting matters and important matters.

**The Chair (Mr. John Fraser):** Thank you very much. You have about 30 seconds.

**Mr. Peter Z. Milczyn:** The Ontario Civilian Police Commission: Policing is a hot topic right now. Have you

had any previous experience, either as an advocate or a participant in any hearings related to police services boards in this province?

**Dr. Bryant Greenbaum:** Yes. As the director of legal services at the African Canadian Legal Clinic, we would have clients who would come to us wishing to engage the police oversight system, and we would represent them through that system.

**The Chair (Mr. John Fraser):** We'll have to end your questions there. That's all the time we have for the government.

Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much, sir, for your application and for being here today.

I'm a little concerned, as we're talking about this, that one of the areas to deal with is the Animal Care Review Board. Obviously, there's nothing in your application or in any discussions that we've had so far today that you have had any involvement with animal care and the right care.

Now, in rural Ontario, we've had a large problem with the ongoings or the events of the OSPCA going around closing down farms and taking the animals into care, and of course, the farmer opposing that. They have to go to the tribunal to hear who's right or wrong.

In your answers previously, you seem to be very focused on how the board is in fact a court. We have to arrange the lawyers properly, we have to make sure that we let both sides defend their case, and then we make a judgment. But when you're dealing with the Animal Care Review Board, in fact, the question is not an issue of law; the question is an issue of what are normal farming practices. If the adjudicator has no idea of what they are, we're not going to get an appropriate hearing because, obviously, the reason we're there is because the OSPCA says that it's not normal farming practices and the farmer says it is.

The adjudicator is going to have to make the decision. It doesn't matter how many lawyers you put on each side; they're not going to be able to come to the conclusion of what is right. How do you envision that you would even be competent to deal with that case?

**Dr. Bryant Greenbaum:** Well, when you're dealing with animals and the care of animals and it has reached a dispute level, you're going to need experts. Expert evidence will definitely come into play. The best expert evidence, whether it's an automobile accident, whether it's the care of animals, should be comprehensible to a layman. That doesn't mean that it has to be simple, that doesn't mean it has to be not sophisticated, but it should be able to be assessable to lay people.

Indeed, with these matters and the competing rights of the various parties involved, expert evidence is going to have to come into play. I have dealt with expert evidence in many different forums and on many different issues and have never had a problem digesting the information, seeing both sides of the story and making a judgment, applying law, applying best practices and making sound judgments with that.

My answer to you is that I believe that I have the skill set to deal with adjudicative matters, be they animal care, be they car-accident based or be they within the civilian oversight of police.

**Mr. Ernie Hardeman:** I think the government side asked a question about how you balance the public interest along with the judicial decision you have to make. At the Ontario Municipal Board, it doesn't matter how many experts come out there; not everybody believes that decision is made on the expert testimony. It's based on somebody's opinion of what's the right way to go.

One of the biggest concerns that I've heard over the last number of years in this job is, how can the adjudicators make such a decision which is totally contrary to the people who were representing the people? They make one decision and then, all of a sudden, the OMB comes back with a totally different decision.

That's the same problem, I'm suggesting, that we have here with your analysis of how you deal with the live-stock one. For the person who is making an adjudication on it, there is absolutely no consideration for the public position, but rather a professional member of the OSPCA, who has spent their life to try and stop all these things from happening, brings the professionals in and the adjudicator—how do they make that decision?

**Dr. Bryant Greenbaum:** I would hope that the farmer also has expert evidence, as well. When I say "expert evidence," it doesn't have to be a PhD in agriculture; any long-standing person who has been in agriculture or has dealt with farms could qualify as an expert in certain circumstances. Experts are not the exclusive domain of the regulatory Ontario animal protection agencies.

Expert evidence can be relied upon by farmers, as well. They can put forth their arguments that, I believe, can be weighed and balanced by myself and other adjudicators. Moreover, if it reaches a conflict stage where adjudication is necessary, there are appellate reviews. So if a finding of fact is absurd, an appellate court—

**Mr. Ernie Hardeman:** Is your position, then, that adjudicators on these tribunals need no expertise other than understanding the process and understanding the law? The arguments coming from both sides are the ones who are going to make the decisions, so you need no knowledge of the issues at hand.

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**Dr. Bryant Greenbaum:** I believe that you can capacitate yourself with the issues at hand through involving yourself with the case. I believe that the way the system is set up is that adjudicators must remain impartial and neutral, and the parties must bring forth evidence to support their case. The adjudicator will weigh those countering arguments and will look at all of that evidence. I believe that myself and other adjudicators in this province are capacitated to do that in the animal care field, in the police oversight field and in many other fields. I believe that we are capacitated to look at the evidence in many different fields, weigh it and digest it.

As I've said, I've dealt with complicated matters in fields that were new to me and I was able to digest both sides' arguments, factums, expert reports, affidavits; looking at the material and coming to grips with it. I believe that one can do that.

**The Chair (Mr. John Fraser):** Mr. Yakabuski.

**Mr. John Yakabuski:** How much time?

**The Chair (Mr. John Fraser):** You have about two minutes and 30 seconds.

**Mr. John Yakabuski:** I'm not sure if my colleague touched on it directly, but I think one of the issues is the objectivity of anyone in your circumstances when you don't have the personal knowledge or background yourself. Is there prejudice on your part? Do you have a subjective view of what is right and wrong when it comes to the care of farm animals versus house pets? That is something where I think the agricultural community has clearly demonstrated a concern with regard to people who will have the power, as you will have, in an adjudicative nature.

I wanted to ask you, in your time with the African Canadian Legal Clinic, did you have any involvement in the management or involvement in the finances of that organization, and are you aware of any audits that were conducted and the findings of those audits?

**Dr. Bryant Greenbaum:** I was never involved in any financial account or trust account. I report to the Law Society of Upper Canada every year. I was not the designated account holder on any financial accounts for that organization. I'm aware that there were some audits done, I believe.

**Mr. John Yakabuski:** There was what?

**Dr. Bryant Greenbaum:** There were audits done; I believe that's public knowledge. But I was not involved in any of the financial decisions. My management role was strictly overseeing litigation files of clients.

**Mr. John Yakabuski:** So you had no involvement with the finances, but you are aware of the findings of the audits?

**Dr. Bryant Greenbaum:** I was not aware of the findings of the audits. I believe I heard in the newspapers that there was something about that, but I was never involved in any financial decisions, audits, anything of that sort. I was simply a manager of people.

**Mr. John Yakabuski:** Very good. Thank you very much.

**The Chair (Mr. John Fraser):** You have about 25 seconds.

**Mr. John Yakabuski:** Twenty-five seconds. Well, I don't think I have a question that I can actually ask in those 25 seconds.

**The Chair (Mr. John Fraser):** It's actually about 10 now.

**Mr. John Yakabuski:** Well, okay. Thank you very much for appearing before us today, sir, and good luck to you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Yakabuski.

Mr. Gates?

**Dr. Bryant Greenbaum:** I was about to run away.

**Mr. Wayne Gates:** What's that? I actually have no questions. I'm fine.

**The Chair (Mr. John Fraser):** You have no questions? Thank you very much, Mr. Gates.

Mr. Greenbaum, thank you very much for appearing today. You may step down. We'll consider the concurrences at the end of our meeting, which will be close to 3:30. You're welcome to stay. Again, thank you very much.

**Dr. Bryant Greenbaum:** Thank you.

#### DR. PETER ROSSOS

Review of intended appointment, selected by official opposition party: Peter Rossos, intended appointee as member, eHealth Ontario.

**The Chair (Mr. John Fraser):** Our next intended appointee is Dr. Peter Rossos, nominated as member, eHealth Ontario. Dr. Rossos, can you please come forward? Have a seat, please.

Thank you very much for being here and appearing before the committee today. You will have the opportunity to make a brief opening statement. Any time that you use will be taken from the government's time for questions, and the questioning will begin with the government. You may begin, Dr. Rossos. Thank you very much for being here.

**Dr. Peter Rossos:** Thank you, Mr. Chair. Good afternoon, members. I'm honoured to be here and appear before the committee. I'd like to thank you also for accommodating my patient care and teaching schedule.

You've received a biosketch and an abbreviated curriculum vitae, so I'd like to make just a few personal comments and then open it up to discussion.

I'd like to say that, as a first-generation Canadian, I'm extremely grateful and proud to be here in the province of Ontario. Also, as a father of four children and as an individual who now has parents and in-laws in their seventh and eight decades, I have familiarity with the provincial health system from both a provider and a patient and associated caregiver perspective.

I initiated my professional career 23 years ago as an academic physician at the University of Toronto with a focus on clinical care, teaching and research. Early in that career, I developed an interest in health informatics as a way to deliver better, more effective care, and, over time, assumed the role of chief medical information officer—one of the first in Canada—at the University Health Network. My focus in that role is around patient safety, quality of care, the use of evidence in the processes of care, and improving patient outcomes.

I'm committed personally to the Canadian public health system and believe that we can do much better with the wise and appropriate use of health care information technologies. I think this is especially relevant with our increasing health care costs and declining system funding capacity that we're all aware of.

I have personal experience with innovation, application development, computerized provider order entry, procurement, privacy, and regional and national leadership in health informatics and telehealth.

Most importantly, I'm very privileged to be with you on the same day that I ran a full clinic until just an hour ago, and I'll be returning to my office to do a couple of telehealth consults with patients who are outside of Toronto and within Ontario.

I'd like to end there. Feel free to ask me any questions; I will do my best to answer them. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Dr. Rossos.

Ms. McGarry?

**Mrs. Kathryn McGarry:** Thank you very much for coming in to speak to us today. I started my health care experience decades ago, before we even had things like informatics and e-health, so I've seen the benefit myself, just in my own practice, how e-health records, pharmaceutical records etc., benefit the patient.

I see that you've had some recognition for your innovation and leadership in informatics and telehealth. Can you just expand a little bit about where your innovations have gone to?

**Dr. Peter Rossos:** One of the first: As a gastroenterologist, early on in practice—this was during another fiscally difficult time, in the early 1990s—we were faced with the challenges of upgrading our endoscopy systems. They were migrating from traditional fibre optic systems to digital systems that required a fairly significant capital investment. We were also looking at everything from reprocessing to better documentation around our endoscopic procedures.

As part of that, I took on the responsibility of director of the endoscopy units at Toronto General and Western hospitals. Initially, I thought it was a great acknowledgement of my personal abilities, but later I found out that it was the job that no one else wanted. Nevertheless, it was terrific.

What it taught me was to work with interprofessional disciplines. I worked with nursing, engineering professionals, infection control individuals. We did some field trips. We looked around and saw what other organizations were doing. We looked at industry solutions. One of the areas around IT that we thought we could innovate on was around image capture.

As a result of that, essentially myself, a medical engineering colleague and a graduate student developed a system where we captured images off the endoscopes and the surgical endoscopes that were evolving. We converted them into the standard image format that ultrasound and CT use—the DICOM format that you may be familiar with—and it allowed us to put them on the hospital system at very little cost.

So we published that in the public domain. We built a system in-house and we've disseminated that knowledge. That system is still in play today. Over that period of time, we've essentially, just within our organization, saved hundreds of thousands of dollars, if not more, just

in terms of the hardware, software and maintenance costs.

**1500**

That taught me a bit of a lesson, and that was that if we look at standards and we look at a collaborative approach to solving some of these challenges in health care, we can derive very usable solutions that are fairly low cost and low maintenance. That is really what generated my interest subsequently in a number of other areas that led up to my being invited to be the clinical lead on our computerized provider order entry initiative at University Health Network. We're internationally one of the first large organizations to take on full medication order entry in the in-patient environment.

Subsequent to that, we initiated a telehealth program under our former CEO, Tom Closson, who was very much a leader—I think you may know—not only in health care, but in process design in the e-health space. Over the past 10 years, we've grown that program now to basically serve thousands of patients a year who would otherwise not be able to receive care at our organization.

We published around this. We provided access not only numerically, but we're actually improving the quality of care that these individuals achieve and we're reducing their demand on the acute-care system. Some of the examples would be patients who receive home parenteral nutrition, for example. They can have follow-up with their lab results, their line, their wound care. We look at that as a way to prevent their development of complications of these various metabolic and line-related problems; catch them early and prevent them from presenting into the emergency departments with a septic complication or a metabolic complication. And there are many other examples.

They have to do with small-scale innovations that I've had the privilege of being involved in the end-to-end development of to now some larger scale. One of the great privileges, and I think perhaps one of the areas that attracted my candidacy for the board of eHealth Ontario, was being the clinical co-lead of the ConnectingGTA initiative, which has gone live. I think many of you may be aware, but it's part of the Connecting Ontario strategy where we're looking at essentially the whole province being connected with their electronic health records.

**Mrs. Kathryn McGarry:** Thank you. Having been a care coordinator for a CCAC, I've actually been able to pull up those lab results to be able to directly influence a time saving and a cost saving of resolving some of the parenteral nutrition issues that was facing a client I had, so I appreciate that.

I think, currently, we've got about eight out of 10 family physicians now who are using the electronic medical records. You think your experience, then, will help you to continue to develop eHealth in the future?

**Dr. Peter Rossos:** Just a comment, and I say this very humbly. We underestimated the benefit and the impact of the system on the CCACs. They're actually the greatest adopters of the use of the ConnectingGTA information, and I would also say, through their CHRIS system,

among the most valuable contributors now. We're able to not only have all of the data from the labs at the provincial level, with the acute care and mental health, but we now have meaningful results from out in the community care agencies. It's been a great advantage to all of us. Thank you.

**Mrs. Kathryn McGarry:** Thank you. I'm done.

**The Chair (Mr. John Fraser):** Thank you very much. Ms. Martins, you have about a minute.

**Mrs. Cristina Martins:** Dr. Rossos, thank you so much for being here today. I just wanted to say thank you for all of the work that you do. I know you're running back to run your telehealth clinic.

I just wanted to share that I was in Kingston last week and had the opportunity to visit the Kingston Community Health Centres there. They could not say anything more in terms of the benefits, praising telehealth and what it really means for their community. When you're talking about families that often have to come to Toronto because one of the children has to come to Sick Kids for post-operative or pre-operative consultations—all of that can now be done with telehealth, and I just thought it was fabulous. Mum doesn't have to be off work for the day and neither does Dad. The other siblings will stay in school that day. Thank you for all of that.

If there's anything that you can contribute or you want to continue to contribute to eHealth Ontario, what would that one piece be?

**Dr. Peter Rossos:** I think one of our—

**The Chair (Mr. John Fraser):** You have about 20 seconds.

**Dr. Peter Rossos:** Pardon me?

**The Chair (Mr. John Fraser):** Quickly.

**Dr. Peter Rossos:** Yes. I'd say two things to that, and quickly. One would be to provide that experience in a more seamless and integrated way. The systems that we have available, and I'll say ConnectingGTA is one of them, still lack in some of the performance targets that we would like from a clinical environment. I also think it's more important to make those types of systems more directly available to patients, their caregivers and the community at large.

**The Chair (Mr. John Fraser):** Okay, we'll probably have to leave it at that.

**Dr. Peter Rossos:** Perfect. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much.

Mr. Yakabuski, you have 10 minutes.

**Mr. John Yakabuski:** Thank you very much, Chair. I'm delighted to get the same amount as everyone else.

Thank you very much, Dr. Rossos, for applying for the position and joining us here today.

We've been looking at this. You have a very impressive resumé. That is pretty obvious to anyone who's taken a look at it, so I'm going to confine my focus to eHealth itself.

I note that you've listed eHealth several times on your resumé. It's eHealth itself on your resumé, and it appears that you've been a member of a number of the agency's

councils. Can you tell us more about your work on these councils and how it has shaped your opinions on eHealth Ontario?

**Dr. Peter Rossos:** Yes. Thank you. I guess there would be three formal committees that I'm part of. One would be within the ConnectingGTA framework. There's a clinical working group that has basically been the group that's been responsible for the design of the various requirements that went into procurement and then essentially the design, implementation and adoption of the system moving forward. I co-lead that with a wonderful primary care colleague, Dr. David Daien, and we have an interprofessional group as part of our team.

The second would be that Dr. Daien and I, as members of that clinical working group, sit on the ConnectingGTA steering committee, which includes representatives from the various LHINs and the stakeholder organizations. The funders are eHealth Ontario and Canada Health Infoway. We're there to represent the clinical elements, the clinical working group.

Finally, this was a committee that was started—I have to look back—within the past year or so. It is a provincial clinical advisory council that the agency initiated. It reports directly to the board and it's co-chaired by a clinical colleague from Ottawa and Ms. Maidman, who's one of the board members. We meet in that clinical advisory council on a quarterly basis, I believe, and the emphasis there is primarily around clinical strategy and providing some clinical guidance to the agency and the board at large.

**Mr. John Yakabuski:** Thank you, and I apologize for maybe not listening closely enough to your address. Are you still practising as well?

**Dr. Peter Rossos:** Yes, I am.

**Mr. John Yakabuski:** You are a very busy person.

**Dr. Peter Rossos:** I feel honoured.

**Mr. John Yakabuski:** You're a very busy person. I can't imagine why this government is being so hard on doctors.

eHealth Ontario has been an albatross around this government's neck for years. Let's start with the 2009 Auditor General's report which concluded that taxpayers did not receive value for the \$1-billion investment in eHealth. The goal was for all patients to have an electronic health record in 2015.

As a doctor, I'm sure you can speak to the value of electronic health records. How do you believe the government can bring the 20% of family doctors who do not use electronic medical records on board?

**Dr. Peter Rossos:** I would say that there has been great success in the primary care space. As you point out, the adoption has gone over the past few years from about 40% to well over 80%. In terms of the remaining 20%, I think that so far, to be very frank, a lot of it has been around the carrots, whether they've been financial etc. I think we've reached a point in the health system today where if someone isn't connected within that e-health or electronic digital health environment, I would go as far as

to say that they're not practising the best quality and standard of care. It would be completely—

**Mr. John Yakabuski:** But how do we get them to come on board?

**Dr. Peter Rossos:** I think that's where there are peer elements that have to come into play. There are also college regulatory requirements that I think may come into play. At the end of the day, regardless of one's profession, if there are certain capabilities and certain dependencies on information sources or technologies that are part of one's occupation, you have a choice: You either adopt and implement them, or you look for work elsewhere, or you retire. I just want to be very frank—

**Mr. John Yakabuski:** Except we don't want 20% of our doctors retiring tomorrow, do we?

**Dr. Peter Rossos:** Not necessarily, but part of the fairness around that is to ask, if it is a significant percentage, what are the issues?

**Mr. John Yakabuski:** Okay, fair enough.

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**Dr. Peter Rossos:** So there may be some barriers, but I would say that the barriers are probably not technological. We should be able to address those.

**Mr. John Yakabuski:** Thank you very much, Doctor. Now, eHealth Ontario has made headlines with spending scandals. As a member, how will you balance respect for taxpayers' dollars with the huge demands on our health care system?

**Dr. Peter Rossos:** I guess I could answer that more as a taxpayer. Certainly we're at the point now, realistically—I think we all know the numbers. I'm not an expert on this, but the last time I looked, we're spending \$52 billion or so on health care in the province.

**Mr. John Yakabuski:** Somewhere around there, yes.

**Dr. Peter Rossos:** That's over 40% of our overall revenues. As a parent, again, who sees the pressures on the education system and everything, I think we're all sensitive to the crowding. There is no more money to be spent, right? We have various sorts of challenges. So we really do have to be smarter. I think our tolerance level around unnecessary redundancy, around perpetuating siloed initiatives that really don't advance quality of care, is where a lot of the challenges and the opportunities lie.

**Mr. John Yakabuski:** I appreciate that answer.

More recently, we learned that the government, and therefore taxpayers, were on the hook for \$26.9 million for eHealth's cancellation of the registry of diabetes patients—a cancellation, I must add, that the government promised would not cost taxpayers a cent.

I understand that you were not involved in any aspect of this decision, but I must ask your thoughts on this huge expenditure for which we received absolutely nothing. How is this conscionable when our hospital budgets are frozen and doctors' fees are being cut?

**Dr. Peter Rossos:** I'll do my best to answer, but thank you for acknowledging that I was not part of that particular situation.

I think the answer around that, and I'm not sure it's directly what you're looking for, is more preventive. I'll

be frank around answering this part of the element: Those of us who were involved in health care and e-health within the province, I think it's fair to say, did not believe that creating these registries would really contribute to the overall improvement in the system at large. I'm not saying that they were without value at all, but they were of limited benefit if you looked at the costs that were involved.

The reason I bring that up, and this is somewhat hindsight, is that I think, on a go-forward basis, it just indicates the need for broader engagement, the need for us to include patients and health care providers of various disciplines and to try to make decisions that have broader impact on the system and can generate more tangible improvements in the quality of care delivery or access.

In that particular situation, what disturbs me, other than the fact that those millions were paid out in settlements, is how it ever got to that position. Why did they commit that amount of money to that type of initiative when there are so many other ways that we can spend money in a more fruitful way?

**Mr. John Yakabuski:** So your commitment, to the extent that you have an advisory capacity or actual authority, is that you would venture to ensure that these types of things are not repeated?

**Dr. Peter Rossos:** That is correct. To the best of my ability, that absolutely would be true.

**Mr. John Yakabuski:** Thank you very much for joining us today. I appreciate that.

**Dr. Peter Rossos:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Yakabuski.

**Mr. John Yakabuski:** You're quite welcome.

**The Chair (Mr. John Fraser):** Mr. Gates?

**Mr. Wayne Gates:** Doctor, how are you?

**Dr. Peter Rossos:** I'm great, thank you.

**Mr. Wayne Gates:** I certainly do appreciate your honesty on a couple of those questions from my colleague.

**Dr. Peter Rossos:** I hope I don't walk out regretting anything I said, but I'm being honest.

**Mr. Wayne Gates:** I don't think you will. I don't think you can ever regret telling the truth, and that's what you were doing. I think people like that, quite frankly.

I will say that I agree with you that health care has taken up a lot of our monies, but the reality is that I believe—and maybe you can correct me, if you'd like—that we have to find a way to get it to front-line workers and get it into our hospitals. A lot of it is going to P3s and profit and is not getting to the nurses and the people who need it and, at the end of the day, my grandparents or your grandparents.

To your point, I'm glad you raised it, but I really think there is a way to spend the money. I'm not so sure we're doing it in the right way. I guess e-health is one of those ones where I think you were pretty honest.

I'm going to ask you a question here—I think you've already answered it, but it's here and I wanted to put it into the record. In 2015, eHealth Ontario released a pro-

gress report showing that one in three Ontarians remain uncovered by electronic medical records software, and 20% of the doctors are still not using the EMR software in their practices. What plans do you have to ensure that the remaining Ontarians—which is key—and their doctors begin to use electronic medical records, and do you believe it would be in the best interests of public safety and for quality improvement in health care?

I know it's a big question, but I think you're quite capable of answering it.

**Dr. Peter Rossos:** I'll try to break it down. Perhaps I could look at the primary care space and the adoption of EMRs.

Certainly that's an area where we've had, I think, significant experience and success within Ontario, but also there are many other jurisdictions across Canada and across the world that have done this very well. My personal view—and I haven't been directly involved in a lot of the EMR strategy, which has been managed primarily through the Ontario Medical Association and their subsidiary. But the point there, at least philosophically, around the EMRs is that we have too many options right now. We have a number of these companies that are somewhat struggling, and I think there are still some issues around the type of software that's available for the primary care physicians to be using. Those are fairly small. I think those can be addressed in a fairly near- to short-term strategy and resolved. Then we should get very aggressive around the adoption—make it mandatory once we resolve a few remaining issues.

So I would say that's kind of an operational type of initiative. I don't think you need a lot of strategy around it. There are a few tweaks, and then it's time to get on with it.

The other element that you were sort of addressing is basically the patient health record, everyone having an electronic health record. I mean this in a very respectful way. At one point, I would have measured success by having every patient with an electronic health record. Now I think that is true, but I think what's most important—and I know there have been Auditor General reports etc., looking at the patients that most require the electronic health record: the frequent users of the system, the kind of people that we were discussing that go from the CCACs to the acute- to the chronic care arena. I think it's important that we have a health record that will support those types of individuals that are moving through the various sectors, because that will allow us to provide better care. So I would say that we should probably look at the meaningful use, the interoperability, and the way that we're addressing those people within the system who really require that digital information.

Numerically, just having the denominator around everyone—the 23-year-old that hasn't seen their physician, and maybe they need an immunization record, which—guess what?—we've pretty well tackled: For them, having an integrated electronic health record may not be as important.

So I may be somewhat dodging. I think there's an importance to look at not only who has an electronic record but what functionality is inherent and who needs it and how we are using it.

**Mr. Wayne Gates:** Since the creation of eHealth Ontario, it has come under fire repeatedly for different problems—and this is one that I think disturbs everybody—including massive payouts to departing top executives and, more recently, a \$27-million payment for a project that apparently was not properly delivered. What will you do to ensure that eHealth Ontario finally begins to operate in a manner that allows the people of this province—I think this is key—to have faith in it?

**Dr. Peter Rossos:** Once again, it comes down to accountability. My dealings with the current leadership at the agency have been quite positive. Again, I'm here primarily—and I'm not trying to dodge this in any way—as sort of a person with knowledge of health care informatics. I do have, through my various roles, exposure to governance etc., and I'm quite happy to go forward and look at that. But on a retrospective basis, I'm really not sure how those various contracts were signed and what their obligations were.

**Mr. Wayne Gates:** That's fair.

**Dr. Peter Rossos:** My naive understanding would be that even when government or government agencies legally bind themselves within these, they have to pay out. But again, I think the idea—and certainly if my eyeballs were on it, I would do my best to ensure that on a go-forward basis we're not creating situations where, as custodians of the public contributions to the system, they're going in the wrong direction.

**Mr. Wayne Gates:** The only advice I would give you is, read what you're signing, just a thought on that. A couple of things that I want to say—

**Dr. Peter Rossos:** It sounds like good advice, thank you.

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**Mr. Wayne Gates:** We've got the same problem with road maintenance, so there are other issues too.

A couple of things I do want to say: I don't believe that it's helping our health care—and you, as a doctor, would know better than me—to fight with our doctors. I think we have to find a resolution there. We have to make sure that we can all work together for the betterment of the patients in the province of Ontario. I want to make sure that I say that. We've got to get into a room, and if it's arbitration or whatever the issue is, let's get it done. I don't think it's helping patient care.

The other thing that I thought was a very good comment on your part was when you said, "Let's engage the patients; let's engage front-line workers; let's engage the doctors to talk about what's best for our health care." I think you're right on the money. I think that one of the things that is missing sometimes, whether it's this program or CCAC or whatever the programs are, is that we don't engage the front-line workers. They're there every day. They see the problems every day. I think that comment, coming from a doctor—the more you could

say that, I think it would help the quality of health care in the province of Ontario.

I thank you for your honesty and being here today.

**Dr. Peter Rossos:** Thank you for your comments.

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

Dr. Rossos, thank you very much for being here today. The time for questions has now ended. Thank you for presenting to the committee today. We'll be considering the concurrence just at the end of this meeting. You're welcome to stay. Again, thank you very much.

**Dr. Peter Rossos:** Thank you very much for that opportunity.

**The Chair (Mr. John Fraser):** We'll now move to concurrences. Our first concurrence is Mark Sakamoto, nominated as chair, Ontario Media Development Corp. Would someone please move the concurrence? Ms. Martins.

**Mrs. Cristina Martins:** I move concurrence in the intended appointment of Mark Sakamoto, nominated as chair, Ontario Media Development Corp.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Martins. Any discussion? All those in favour? Opposed? Motion carried.

Our second concurrence is Elizabeth Wilfert, nominated as public member, Council of the Royal College of Dental Surgeons of Ontario. Can someone please move the concurrence? Ms. Martins.

**Mrs. Cristina Martins:** I move concurrence in the intended appointment of Elizabeth Wilfert, nominated as public member, Council of the Royal College of Dental Surgeons of Ontario.

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

We'll now consider the concurrence for Thomas Teahen, nominated as president of the Workplace Safety and Insurance Board. Ms. Martins?

**Mr. Wayne Gates:** Chair.

**The Chair (Mr. John Fraser):** Mr. Gates?

**Mr. Wayne Gates:** Could we have a recorded vote too, please?

**The Chair (Mr. John Fraser):** Yes, recorded vote.

**Mrs. Cristina Martins:** I move concurrence in the intended appointment of Thomas Teahen, nominated as president, Workplace Safety and Insurance Board.

**The Chair (Mr. John Fraser):** Any discussion?

#### Ayes

Gates, Malhi, Martins, McGarry, Milczyn.

#### Nays

Hardeman, Yakabuski.

**The Chair (Mr. John Fraser):** Thank you very much. It's carried.

Our next concurrence is for Bryant Greenbaum, nominated as member, Animal Care Review Board; Fire

Safety Commission; Licence Appeal Tribunal; Ontario Civilian Police Commission; and the Ontario Parole Board. Will someone move concurrence? Ms. Martins?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. John Fraser):** Recorded vote, as well.

**Mrs. Cristina Martins:** I move concurrence in the intended appointment of Bryant Greenbaum, nominated as member, Animal Care Review Board; Fire Safety Commission; Licence Appeal Tribunal; Ontario Civilian Police Commission; and the Ontario Parole Board.

**The Chair (Mr. John Fraser):** Any discussion?

#### Ayes

Gates, Malhi, Martins, McGarry, Milczyn, Yakabuski.

#### Nays

Hardeman.

**The Chair (Mr. John Fraser):** Thank you very much. The motion is carried.

Our last concurrence is for Dr. Peter Rossos, nominated as member, eHealth Ontario. Ms. Martins?

**Mrs. Cristina Martins:** I move concurrence in the intended appointment of Peter Rossos, nominated as member, eHealth Ontario.

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

That brings us to the end of the meeting. Thank you all very much and we'll see on the 16th.

*The committee adjourned at 1525.*









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