

The Chair (Mr. Grant Crack): At this time, we will call upon the Ombudsman of Ontario, Mr. André Marin. Bienvenue. Welcome. You have five minutes, sir.

Mr. André Marin: The first Ombudsman of Ontario used to appear before committees of the Legislature and start off by saying, “My dear fellow Ombudsmen,” because he viewed the role of MPPs as being very similar to the one of the Ombudsman. After following the depositions before this committee, I think it’s funny that citizens of Ontario have never confused our roles. We don’t duplicate our roles; we complement our roles, and that’s what Bill 8 is really about.

This is a bill that we’ve advocating for 39 years, since 1975. I’d like to thank the government for this initiative, for listening to us during the preparation of this bill; and in particular former Government Services Minister John Milloy, Treasury Board Minister Deb Matthews and the Premier; but as well, the Progressive Conservative Party and the NDP. It’s been a very non-partisan approach. I know at the end of the day there will be different votes for different reasons, but I know and I feel a lot of support by parliamentarians, and I would like to sincerely thank you for that.

I’m not here to advocate for any changes to the legislation. I know that historically, we’ve been on the record for the whole of MUSH. But I’m not making any suggestions for amendments for two reasons. First of all, the government ran on Bill 179, won the election and reintroduced Bill 8, so I respect the vote of citizens, I respect democracy and I’m happy to leave it in the hands of parliamentarians as the bill proceeds.

The second reason is that municipalities, universities and school boards represent 444 municipalities and their respective councils, 83 school boards and 22 universities, so you’re basically adding 549 bodies to the already 500 or so that we oversee. This area, being the MUS sector, represents \$30 billion of the provincial treasury total of \$126 billion—so \$26 billion that’s handed out to the MUS sector.

Finally, we will be overseeing this area. It’s a large area, but we’re up to the task. Should this honourable committee decide to further the bill, we’d obviously be happy to accept that additional responsibility.

I think one of the first points to note about Bill 8 is that the bill does not propose to impose one iota more of oversight than that which the province has operated with for the last 39 years. You’ve heard these submissions—doomsday scenarios, all types of things, the last one being that it will run afoul of the Charter of Rights and Freedoms and Canada’s Constitution. You’ve heard the themes of all types of confusion being spread by the bill, calamity, literally alienate and destroy other offices, spread chaos, shock our international partners. All this has been in your submissions.

We don’t need to be alarmist and come to alarmist conjecture because we look at the track record of the Ontario Ombudsman in the last 39 years. We’ve helped save babies and children from death by prompting modern approaches to newborn screening and daycare reform in Ontario. Our work has led to crackdowns in lottery fraud and illegally operating colleges. We have led the charge on strengthening police oversight and cracking down on illegal assaults in our jail system. Our work in enforcing open meetings has strengthened democracy at the local level. Now, as I speak to you, there are 10 municipalities who record their closed meetings, to allow us to judge and to see whether or not they were meeting illegally or whether it was justified by legislation.

Those are all great things, and that’s 39 years of track record. Far from weakening the social fabric, the Ombudsman of Ontario has been a positive agent of change. Should this bill pass, we will bring the same level of positive change to municipalities, universities and school boards.

I’d like to deal with a couple of the issues that were brought to your attention: the duplication/confusion argument. We are a check and balance on administrative decisions. You’ve heard two Auditors General testify this afternoon. We will not be doing audits of Auditors General.

That is a misunderstanding of our function.

The Ombudsman is a barometer, a horsefly, an oilcan and a safety valve. We are the horsefly nipping at the bureaucratic beast, nudging it one way or another. We are the oilcan reducing friction between rulers and the ruled. We are a safety valve to ensure that the citizens' rights are protected, in the words of a great Canadian scholar, against "being accidentally crushed by the vast juggernaut of the ... administrative machine," which of course, as you've seen, does not make us popular.

Is my time up, almost?

The Chair (Mr. Grant Crack): One final comment.

Mr. André Marin: One final comment. With respect to the submission of the city of Toronto ombudsman, one brief comment: That office, far from being thriving, is continually under siege. They've tried to reduce her term to one year; they've tried to refuse her position and merge it with the other accountability officers. The constitution of that office is one of ombudsman lite. It is not able to weather the storm. It is for that reason that it has been always caught in political storms. I'll leave it at that, Mr. Chair. Thank you very much for your patience.

The Chair (Mr. Grant Crack): Thank you, sir. We'll pass it to Ms. Fife from the NDP.

Ms. Catherine Fife: Thank you for the presentation. In 2012, from your own report, you quote that you received 2,539 complaints from the MUSH sector in general. You also said that Ontario is the only province in Canada that does not have independent oversight over the health care sector—an independent, impartial complaint mechanism for either hospitals or children's aid societies. This is still the case—

Mr. André Marin: It is still the case.

Ms. Catherine Fife: —with this bill.

Mr. André Marin: Yes. As I've said, at this stage, I'm happy to defer to parliamentarians. The patient ombudsman started off in the initial drafts of the bill as a patient advocate. Through our work, through the back scene, when we were told that giving it to our office was out of the question, we worked to try to at least strengthen that position. But you are correct in that this bill does not change that.

Ms. Catherine Fife: Actually, you're correct, because it's still the same. I'm quoting you.

Mr. André Marin: Yes.

Ms. Catherine Fife: You go on to say how patient relations, or sort of what the Liberal government is proposing, will only add to the frustration.

We've heard some heartbreaking stories. You've heard these stories, especially on children's aid. The provincial advocate is looking for some real power to protect children in this province. It's not reflected in Bill 8, and the health sector has been left out. Why do you think this government refuses to address those two key areas that you have been fighting for, for years now?

Mr. André Marin: I was paying attention to the submissions by hospitals during these hearings. This idea that the health sector is so complex that we need a specialized ombudsman—it can't fall within the Ombudsman's office of the province—is contrary to what every other province has done. It's contrary to what's being done in the UK, for example. We deal with extremely complicated issues on a daily basis.

That said, of course, the final position of the Ombudsman's office is not to seek an amendment to the bill, but to support what's there. If it doesn't work, then the option will always be to reabsorb that office within ours.

Ms. Catherine Fife: As it stands today, though, you welcome the oversight over the MUS part of MUSH. You're hopeful that perhaps one day, you would actually have oversight over the hospital sector. It's \$52 billion, right? That's a lot of money.

Mr. André Marin: If it works the way it is, God bless the government for doing what they're doing. Many people do have concerns because the patient ombudsman reports within the bowel of the bureaucracy, not even to the minister or the Legislative Assembly. If it doesn't work, we will be overseeing that office, and we will not hesitate to blow the whistle if it doesn't go well.

By that same token, we're not here to do anything but support government. That's how we work. We want good governance. So if the patient ombudsman needs training, support, advice or counselling, we'll be there for that office.

Ms. Catherine Fife: So this—

The Chair (Mr. Grant Crack): Thank you very much—appreciate it. We'll move to the government side: Mr. Baker.

Mr. Yvan Baker: Thank you, sir, for all the work you do to ensure accountability in government and oversight in government. I think the work that you do is important.

Our government has made a commitment to be more open and transparent. That was, as you pointed out, something that the Premier campaigned on, that we campaigned on, at the doors during election time. People in Ontario support it.

You've talked about the importance, in your submission, of oversight over the MUSH sector. There are 444 municipalities in our province, and my recollection is that you received about 1,600 complaints from municipalities in 2013, approximately. It speaks to the importance of providing that oversight.

On the issue of the patient ombudsman, we've tried to set that up in a way that is independent: someone who will have his own budget and a very clear mandate; someone who is housed within Health Quality Ontario to ensure that what the patient ombudsman receives in terms of input is, as quickly as possible, acted on in terms of the health care sector; someone who really is focused on those health sector complaints and concerns; and of course, someone who can look at the systemic issues across the health care sector. I think that's the rationale as to where we're coming from on the patient ombudsman.

Could you speak briefly about what the benefits to the taxpayers are of providing greater oversight, expanding your office's role to the MUSH sector?

Mr. André Marin: Well, as I indicated earlier, right now, 26% of the provincial treasury is handed over basically as a blank cheque to the municipalities, universities and school boards. That's a lot of money. Other provinces have been way ahead of Ontario.

If you look at universities: allegations of sexual harassment, sexual assaults, not having proper codes in place. School boards: Is there a week that goes by without a scandal coming out of the school boards? So \$9 million is missing, "Oh, well, chump change." No, \$9 million is a lot of money.

If you look at municipalities—allegations of corruption and secret meetings: In 2008 the Municipal Act was changed to allow municipalities to hire and create their own oversight officers. There is no ombudsman in existence in Ontario outside of Toronto, which was forced to have one.

Auditor Generals: There was about eight at one point. As soon as they produced unfavourable reports, they were fired. There's two left: one in Toronto, which has to have one; and one in Ottawa, which chose to have one.

Integrity officers: You've heard the number today. There were 30 of them, and you were told that this is great traction. There are 444 municipalities that could have had an integrity officer since 2008.

The issue of cost, to my mind, is not a burden. You could have municipalities regrouping together and saying, "We'll have an integrity officer to serve these municipalities."

There is no will at the municipal level to be accountable. What this legislation brings is that accountability.