

## SPECIAL ISSUES

### A. Addressing Employment Standards Act

Submitted by: The Ajax Pickering Board of Trade, Co-sponsored by the Greater Oshawa Chamber of Commerce, the Mississauga Board of Trade, the Thunder Bay Chamber of Commerce, the Windsor-Essex Regional Chamber of Commerce, and the Whitby Chamber of Commerce

#### Issue

Currently, when a claim is filed with the Ministry of Labour, the employer does not receive it. Instead, the employer only receives a letter identifying by bullet points the category of each issue (e.g. “wages”, “vacation pay”, etc.). The current policy of the Ministry of Labour to refuse to disclose the claim runs contrary to the efforts for an early settlement and the fundamental rights enriched by our justice system.

#### Background

The Ontario Ministry of Labour receives on average approximately 15,000 claims per fiscal year.<sup>203</sup> However, in some years, the number of claims has exceeded 23,000. Of the complaints that are filed, roughly 90% are filed by employees who are no longer employed by the employer in issue.<sup>204</sup>

When the Ministry of Labour receives a claim, it then sends out a letter to the employer notifying them of the claim. The letter solely details the nature of the claim by providing the category of each issue (e.g. “wages” or “vacation pay” or “termination pay”). The actual amounts claimed under each category are not normally provided. Enclosed with the letter is a package recommending settlement discussions and a template form to confirm any settlement reached.

At the same time that the letter is sent out, the claim is then placed in queue to be assigned to an Employment Standards Officer, which can often take several months to occur. The claim will be either assigned to an Employment Standards Officer 1 (who can only mediate a settlement) or will be immediately escalated to an Employment Standards Officer 2 (who can mediate a settlement and can issue orders). During the waiting period, the employer can reach out to the employee (if their current contact information is known), but the employee is not obligated to discuss the matter or to provide the claim. Once the Employment Standards Officer is assigned, if a resolution cannot be reached, then the matter will eventually be investigated and an order or a refusal to issue an order issued.

At no point during this entire process is the employer allowed to be provided with the claim from the Ministry of Labour due to its policy. In fact, the employer can only obtain a copy of the claim from the Ministry of Labour if, after an order is rendered, the employer appeals the decision to the Ontario Labour Relations Board and moves for an order for its production.<sup>205</sup> As a result of the refusal to produce the claim, the employer is often unable to address the issues prior to the Employment Standards Officer being assigned. Further, once the Employment Standards Officer is assigned, the employer may not fully appreciate the issues or the source of any misunderstanding.

While essentially all other claim processes in Ontario (including applications before the Human Rights Tribunal) require the claim to be provided to the respondent, the Ministry of Labour has declined to accept

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<sup>203</sup> Ontario Ministry of Labour <[https://www.ontario.ca/page/published-plans-and-annual-reports-2017-2018-ministry-labour?\\_ga=2.89487003.1632369137.1547212240-492227812.1491401077](https://www.ontario.ca/page/published-plans-and-annual-reports-2017-2018-ministry-labour?_ga=2.89487003.1632369137.1547212240-492227812.1491401077)>, Published: August 16, 2017

<sup>204</sup> Toronto Star <<https://www.thestar.com/news/queenspark/2018/10/25/ministry-of-labour-puts-hold-on-proactive-workplace-inspections-internal-memo-says.html>>, Published: October 25, 2018

<sup>205</sup> Friedrich Schiller Schule Inc. (Friedrich Schiller Schule) v. Adam, 2013 CanLII 2654 (ON LRB)

this fundamental principle of justice. As a result of this failure to disclose, settlement discussions are hindered and employers are at a disadvantage in responding to claims. The claims process should be improved by requiring that, upon being filed with the Ministry of Labour, a copy of the claim is to be provided to the employer.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Revise the policy of the Ministry of Labour to require that a copy of any claim filed under the Employment Standards Act be provided forthwith to the responding employer.

Effective Date: May 4, 2019

Sunset Date: May 4, 2022

## **B. Auto Insurance Reform: Making Premiums Affordable**

Submitted by: The Brampton Board of Trade

### **Issue**

Auto insurance premiums rise as accidents decline.

### **Background**

Auto insurance rates continue to climb while the rate of auto accidents continue to fall. In Ontario, auto insurance is mandatory and is provided by the private sector. The overall goal of insurance companies is to provide a good auto insurance product to the customer – at a competitive price- that allows for adequate indemnification in the event of an accident. Yet the insurance companies need to be profitable. In order to maintain their profit levels they have continually raised rates over the last few years to cover the rising cost of claims.

The cost of claims continues to be the driving factor for the increasing rates. The technology now used in most vehicles has proven costly to replace and repair while, at the same time, the cost of auto insurance fraud in Ontario was estimated to be up to \$1.6 billion annually.<sup>206</sup> Furthermore, according to a review conducted by David Marshall for the Government of Ontario, a third of the insurance premium benefits do not even go to the customers as indemnification or for treatment.<sup>207</sup>

A crisis has developed and the need to make a change is urgent. Customers can't afford the higher premiums, while insurance companies can't afford the higher pay outs. It's a vicious cycle and something has to give.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Simplify the accident benefit and tort systems to ensure that these systems are accessible without legal representation except in the most complicated cases. Claimants should receive maximum amount of benefits while reducing the cost of administrative fees.
2. Conduct a review of the present auto insurance product and rating criteria and make meaningful changes that will fairly indemnify individuals for their loss and keep the product affordable.
3. Continue initiatives that assist the insurance industry in fighting fraud.

Effective Date: May 4, 2019

Sunset Date: May 4, 2022

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<sup>206</sup> Liam McFarlane. 2012. *Ontario Automobile Insurance Anti-Fraud Task Force: Preliminary Review of KPMG Forensic Report Dated June 13, 2012*. Ernst & Young LLP. <https://www.fin.gov.on.ca/en/autoinsurance/forensic-ey.pdf>.

<sup>207</sup> David Marshall. 2017. *Fair Benefits Fairly Delivered: A Review of the Auto Insurance System in Ontario*. <https://www.fin.gov.on.ca/en/autoinsurance/fair-benefits.html>.

### C. Brownfield Act Overhaul

Submitted by: The Greater Barrie Chamber of Commerce

#### Issue

The *Brownfields Statute Law Amendment Act, 2011* and companion regulations came into full effect as of October 1, 2004. This legislation was designed to remove barriers relating to regulatory liability, financing and planning and in fact had the complete opposite effect.

#### Background

The 1996 Guideline for use at Contaminated Sites in Ontario served as the forerunner to the current Record of Site Condition (RSC, Brownfields Regulation) and was established to remove barriers relating to regulatory liability, finance and planning and promote the redevelopment of brownfield sites. The legislation has evolved over time and most recently has seen an extensive revision to the Regulation which came into force in 2011 (O.Reg. 511/09). While filings from 2004 to 2011 were challenging; the most recent revisions have basically stifled the intended goals of this legislation.

This is noted because the design of the current regulatory process follows a prescriptive standard that affords absolutely no discretion in its application. It is premised on an impeccable standard that affords no uncertainty and which has manifested the red tape it had originally intended to avoid. The 2009 revision recognized "... Brownfields are underdeveloped or previously developed properties that may be contaminated. They are often, but not always, former industrial or commercial properties ...". The implied goal was to introduce legislation that would promote revitalization of such historic lands.

The prescribed process demands a myriad of requirements including legal interpretations, legal surveys, comprehensive technical interpretations and often considerable environmental sampling to characterize the Site Condition to the current standards. This arduous site screening process has significantly increased redevelopment costs and timelines to achieve these prescriptive standards. It is these issues that stifle this type of urban revitalization. Under this process it is far simpler to develop the outlying urban fringe than revitalize the urban core; especially historic manufacturing precincts. Cost and time inequalities favour the urban sprawl fundamentally discouraged by government. However, the legislation prohibits Municipalities from issuing any Building Permit pending the issuance of Provincial acceptance of the RSC where any gentrification is contemplated.

In the extreme, winter maintenance salt spread across sidewalks and parking lots (for safety purposes) is a *de facto* contaminant which can suspend any redevelopment until all aspects of the Regulation are resolved. Yet there is essentially no reasonable remediation technique to abate salt concentrations above Provincial Standards. A protractive risk assessment process must be undertaken which results in no meaningful change to the Site Condition once completed; but is costly to pursue and inevitably stalls any brownfield development for months or longer.

Even the Ministry has recognized the futility of this and several other of the most obvious deficient situations within these prescriptive standards and have proposed changes to the existing legislation as has been incorporated into the Excess Soil Management regulatory proposal (ERO No.: 013-2774). Immediate acceptance of these changes would represent an easy fix and first accomplishment for this government.

The demanded standard of care would appear unique to all other MECP submission standards. Competent professionals evaluating brownfield properties are frequently informed by the MECP following a 45-day review period that even the smallest inaccuracy necessitates resubmission. The perception has become that a thesis level dissertation document is required. From a risk assessment perspective, the submission standards are more arduous than the drug evaluation process through Health Canada / FDA. The process is also unique in that no pre-consultation is involved.

Legislation is not written to address all possible circumstances. In contrast it provides guiding principles. For example, we recognize that laws are not written to prevent all motorists from exceeding posted limits; but it

guides acceptable use and seeks to dissuade aberrant behaviour. However, the distinctive nature of the Brownfield legislation as it exists currently subscribes to a utopian standard.

Finally, at the conclusion of this process a series of documents are issued by the MECP which can include a Certificate of Property Use (CPU) which often imposes very restrictive site development conditions. For example, any changes to the site development plan can conceivably result in re-evaluation and at a minimum requires MECP Director approval for any and all changes regardless of their nature. As a result, the MECP has unwittingly become a partner in the revitalization process.

Any doubt about this is realized when comparing these standards to that used in the financial community. Banks and other financial lending institutes are risk adverse industries yet there has been no appetite to demand the RSC standards. These agencies continue to use the former standards to facilitate reasonable and timely vetting of this process. Furthermore, the CSA in reviewing these standards has not made any substantial changes toward the RSC requirements. It is perplexing to the Chamber why this dual standard between the public and private sector persists and leads to a common sense conclusion that regulatory over-reach exists with this matter.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Overhaul of the Brownfields Legislation to address barriers to brownfield redevelopment:
  - a. Shorten timelines for the assessment process for regulatory completion to one year;
  - b. Consider a variety of alternatives like the possibility of an external peer review process that could expedite the review process without a loss of integrity (*i.e.*, Qualified Reviewer in addition to Qualified Person);

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Sunset Date: May 4, 2022

## **D. Forestry Strategy: Fireproofing Communities through Public Forest Access Roads**

Submitted by: The Timmins Chamber of Commerce. Co-sponsored by the Greater Sudbury Chamber of Commerce.

### **Issue**

Forest fires can occur anywhere in Ontario, but most large fires occur in the boreal forest. They can threaten human safety, destroy property or disrupt economic activities.<sup>208</sup> However, wildfires are also an important natural process in Ontario's forest ecosystems. Managing forest fires in Ontario is about balancing the benefits of forest fires, and protecting public safety and communities. Introducing a Forestry Strategy Program will help protect communities against the threat of wildfires while increased funding for forest access roads will support the infrastructure needed in rural and northern Ontario to provide access for firefighting efforts as we face intensifying fire seasons.

### **Background**

Prolonged dry conditions throughout Ontario made 2018 one of the most active forest fire seasons in almost a decade, with more than 1,300 forest fires burning over 265,000 hectares of forest, nearly double the 10-year average.<sup>209</sup>

The impact wildfires have on communities can be devastating. Solutions and mitigative approaches to reduce the hazard posed by interface fire to communities exist by implementing vegetation management strategies.<sup>210</sup> The Provincial Government can look to create greater partnerships with the forestry industry and the Ministry of Natural Resources and Forestry to assist in forest management and combat the economic impacts wildfires have on communities.

The forest industry can work with governments, First Nations and local communities, to apply strategies that will minimize climate change risks to our forests and forest communities in the years to come. Ontario's Forest Access Roads Funding Program (a cost-sharing program with industry that supports the construction and maintenance of access roads in Crown forests) will provide a critical infrastructure to ensure that communities and forests are accessible for firefighting efforts.

A good example of this was the major Timmins area forest fire of 2012, which forced the closure of Highway 144 for days. Fortunately, the 100 km Papakomeka/Grassy River forest access road network was able to provide a critical link from Timmins to Sudbury and served as a crucial route for emergency and fire response during the disaster. This road is maintained with support from Ontario's forest access roads funding program.

Forest access roads also play a critical role in the movement of goods and people, supporting natural resource industries as well as the people who live, work and play in rural and northern Ontario.<sup>211</sup> Roads on Crown land provide access for industries such as forestry, mining, prospecting, trapping and tourism, while facilitating the maintenance of critical infrastructure such as power grids, telephone lines, railways and pipelines.

In addition, many of Ontario's First Nations communities rely exclusively upon public forest access roads to transport goods and to reach vital outside services such as healthcare and education. This public infrastructure is, and will continue to be, relied upon by all Ontarians, especially during emergencies like forest fires.

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<sup>208</sup> [https://www.oafc.on.ca/sites/default/files/attachments/page/2507/FMS\\_Discussion\\_Paper%20\(2\)-1.pdf](https://www.oafc.on.ca/sites/default/files/attachments/page/2507/FMS_Discussion_Paper%20(2)-1.pdf)

<sup>209</sup> [https://prod-environmental-registry.s3.amazonaws.com/2018-11/EnvironmentPlan\\_1.pdf](https://prod-environmental-registry.s3.amazonaws.com/2018-11/EnvironmentPlan_1.pdf)

<sup>210</sup> <https://www.firesmartcanada.ca/images/uploads/resources/FireSmart-Protecting-Your-Community.pdf>

<sup>211</sup> <https://www.ontario.ca/page/state-ontarios-natural-resources-forests-2016>

Fireproofing communities can significantly reduce the risk that wildfires pose and mitigate the socioeconomic impacts from damages caused by wildfires.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Protect against wildland fire incidents through the ongoing development of Community Wildfire Protection Plans.
2. Reinstatement of the Public Forest Access Roads program funding to the original 2006 level of \$75 million.

Effective Date: May 4, 2019

Sunset Date: May 4, 2022

## **E. Improving Support for Employers**

Submitted by: The Ajax Pickering Board of Trade, Co-sponsored by the Mississauga Board of Trade and the Windsor-Essex Regional Chamber of Commerce

### **Issue**

Currently, the Office of the Employer Advisor (the “OEA”) provides complimentary expert guidance to employers in regard to the Workplace Safety and Insurance Act and reprisal issues in regard to the Occupational Health and Safety Act. However, in guiding employers as to their obligations, the OEA does not address the employer’s obligations under the Ontario Human Rights Code. As a result, the advice given by the OEA may unintentionally cause the employer to violate the Human Rights Code.

### **Background**

The OEA provides “Ontario employers with expert, free and confidential advice, representation, and education on all workers’ compensation issues under the Workplace Safety and Insurance Act, and on unjust reprisal issues under the Occupational Health and Safety Act”.<sup>212</sup> On average, in a given fiscal year, the OEA has roughly 3,000 instances of providing advice.<sup>213</sup> The advice may be provided over a few minutes or several hours. Of the cases handled, 51% were in regard to entitlement issues (e.g. whether there is a leave entitlement) and 15% were in regard to return to work issues (e.g. what obligations are there for when an employee returns from a leave).

In providing this advice, the OEA does not address the employer’s obligations under the Ontario Human Rights Code. For example, if an employer had a worker who was returning after a leave of absence, the OEA would address the requirements under the Workplace Safety and Insurance Act. However, the OEA would not advise that the employer also has an ongoing obligation under the Human Rights Code to provide needed accommodation, up to the point of undue hardship. As a result, the employer may unintentionally violate the employee’s rights under the Human Rights Code when handling her return to work.

The absence of advice regarding human rights obligations is particularly alarming when you consider the fact that 70% of applications before the Ontario Human Rights Tribunal are in regard to alleged employment related discrimination.<sup>214</sup> Further, the lack of assistance on human rights obligations is compounded by the fact that the Human Rights Legal Support Centre (which is funded by the Government of Ontario) only provides assistance to individual applicants, not employer respondents.<sup>215</sup> Employers should be confident in knowing that the advice the OEA provides is consistent and complete in review of all legal obligations.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Expand the mandate of the Office of the Employer Advisor to include providing expert, free and confidential advice on worker disability and leave related issues under the Ontario Human Rights Code.

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<sup>212</sup> Ontario Office of the Employer Advisor, <<http://www.employeradviser.ca/en/>>

<sup>213</sup> Ontario Office of the Employer Advisor, Annual Report 2017 – 2018, <<http://www.employeradviser.ca/wp-content/uploads/2018/10/OEA-Annual-Report-2017-18-final-English.pdf>>, at pg. 7.

<sup>214</sup> Social Justice Tribunals Ontario, 2017 – 2018 Annual Report <<http://www.sjto.gov.on.ca/documents/sjto/2017-18%20Annual%20Report.html#hrto4>>

<sup>215</sup> Human Rights Legal Support Centre, <<http://www.hrlsc.on.ca/en/about-us>>



## **F. Remove Canadian Residency Requirement for Ontario Corporations**

Submitted by: Quinte West Chamber of Commerce. Co-sponsored by the Prince Edward County Chamber of Commerce and Belleville Chamber of Commerce

### **Issue**

The need for Ontario corporations to require 25% of their directors to be Canadian residents is creating an unnecessary barrier to set up here and companies look to other provinces that do not have this requirement.

### **Background**

All Ontario companies must have at least one director and this person must be a resident Canadian as defined in the Business Corporations Act (Ontario). The Business Corporations Act (Ontario) provides for a residency requirement for directors. 25% of the directors of an Ontario company must be “resident Canadians” as defined by the Act. This means that if an Ontario company has one to four directors, at least one of them must be a resident Canadian.

### **Business Corporations Act - PART IX DIRECTORS AND OFFICERS - Residency**

(3) At least 25 per cent of the directors of a corporation other than a non-resident corporation shall be resident Canadians, but where a corporation has less than four directors, at least one director shall be a resident Canadian. 2006, c. 34, Sched. B, s. 19 (2).

### **Corporate Directors Residency Requirements in Canada**

Jurisdiction	Director Residency Requirement
Federal (Canada)	25% resident Canadian Directors Required
3 Canadian Territories	No Canadian Directors Required
British Columbia	No Canadian Directors Required
Quebec	No Canadian Directors Required
New Brunswick	No Canadian Directors Required
Nova Scotia	No Canadian Directors Required
Prince Edward Island	No Canadian Directors Required
Newfoundland	25% resident Canadian Directors Required
Alberta	25% resident Canadian Directors Required
Ontario	25% resident Canadian Directors Required
Manitoba	25% resident Canadian Directors Required
Saskatchewan	25% resident Canadian Directors Required

It is only directors, which are specified, officers and shareholders do not need to be Canadian residents. Note also that Canadian residents are specified, not Canadian citizens.

*“British Columbia, Quebec, Prince Edward Island, Nova Scotia and New Brunswick are the only Provinces in Canada that waive the corporate directors' residency requirements. This is especially important for foreign individuals and businesses wishing to register businesses in Canada, as they will not have to appoint resident Canadian directors if they incorporate in any of these Provinces.”* [www.newbusinessnow.com](http://www.newbusinessnow.com)

*“Not all provinces and territories have the same rules. As an example, in British Columbia the Business Corporations Act (British Columbia) does not provide for a residency requirement. Therefore, a non-Canadian or a Canadian citizen not living in Canada may be the sole director of a BC company. This is good news for those Canadians who wish to conduct business in Canada but also wish to live outside of Canada. As well, foreign individuals are able to set up BC companies and act as the sole director of those companies since there is no requirement for them to live in Canada.”*  
<http://www.canadianbusinessresources.ca>

Removing the requirement for 25% Canadian residency would align with the Ontario governments mandate to reduce red tape in the province and be cost neutral to the government.

## **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Remove the requirement for 25% Canadian Residency from the Ontario Corporations Business Act.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

## **G. Accounting for Economic Outcomes in Regional Collaboration Projects**

Submitted by: Greater Peterborough Chamber of Commerce

### **Issue**

Jobs created during collaborative regional economic development projects are only attributed to the municipality in which they are geographically located.

### **Background**

“Ontario’s economy is undergoing a period of rapid change. Twenty-first century globalization, urbanization, and technological transformation are challenging the status quo and redefining what it means to be competitive. Given these and other pressures, Ontario’s overall prosperity will increasingly depend on the strength of its regions.” - This is how the 2019 report from the Ontario Chamber of Commerce titled “The Great Mosaic – Reviving Ontario’s Regional Economies” starts.

It’s a fitting to start to a discussion around how to then calculate economic impact. Municipalities impacted by “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” are bound by provincial legislation to have official plans, land needs assessments, and zoning by-laws in place that detail how each municipality is going to achieve the pre-determined milestones of jobs and residents per hectare. Those results are then reported to the province.

And while these plans and processes are necessary, they don’t account for the fact that more and more economic development is collaborative and crosses geographic lines. One example can be found in the City of Peterborough. The City has contributed significant dollars to infrastructure at the regional airport that lies just outside its geographical boundary. The combined investment by the City, County and local township has resulted in the number of jobs increasing from 50 to over 300 over the past decade. The question becomes how is the outcome of those investments (jobs, new economic opportunities, etc..) accounted for in growth targets? Right now, the outcome falls to the municipality in which the tangible asset exists – therefore, we are back to geographical boundaries even though it is a regional collaboration.

This disconnect between investment and reporting rules is a barrier to regional economic development because the value of the investment is diminished when the result is not recognized. To resolve this issue and encourage more regional collaboration that will benefit all of Ontario we ask that government amend the reporting rules and allow all municipalities to account for the jobs they have helped create through regional projects.

The Growth Plan document identifies a need for complete communities with the following paragraph in section 2.1

“To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH. Some larger urban centres, such as Toronto, have already met some of the minimum targets established in this Plan, while other communities are growing and intensifying at a different pace that reflects their local context.”

This allowance will encourage more collaboration across geographical lines by municipalities and help regions invest in projects that will benefit their area and the province as a whole. It will also more accurately reflect the local context of the urban rural mix in the outer ring municipalities. These outer ring municipalities also address issues such as transit and conservation issues across geographical lines, yet recognition of the impact of regional economic development on multiple municipalities does not happen.

Continuing in 2.1 is the following

“...consider opportunities to better co-ordinate our collective efforts across municipalities to support their contribution to economic growth and improve access to transit.” If this call is to be realized to its maximum potential then there has to be allowance to recognize the impact of jobs created and economic impact when municipalities work together.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Develop a mechanism that allows for multiple municipalities who have invested in a regionally significant project to account for jobs created proportional to financial contribution when reporting to government.

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Sunset Date: September 29, 2023

## **H. Bettering Ontario Workplaces**

Submitted by: Ajax-Pickering Board of Trade. Co-sponsored by the Greater Kitchener Waterloo Chamber of Commerce, Mississauga Board of Trade, Thunder Bay Chamber of Commerce, and Timmins Chamber of Commerce

### **Issue**

In Ontario, new employers have a lengthy list of policies, programs, and training that they must develop and implement. These obligations are important to ensure the health and safety of all workers in Ontario. However, these obligations can seem insurmountable for a start-up, small business, or not-for-profit. The result of this hurdle is that many businesses either ignore their obligations or attempt to avoid these obligations by only hiring contractors.

### **Background**

For provincially regulated employers in Ontario, there are various sources of legislative employer obligations. This includes the *Employment Standards Act* (the “ESA”), the *Occupational Health and Safety Act* (the “OHSA”), and the *Accessibility for Ontarians with Disabilities Act* (“AODA”).

Under the OHSA, employers have an obligation to have a health and safety policy, a workplace harassment policy, a workplace violence policy, a health and safety program, a workplace harassment program, and a workplace violence program. In addition, under the OHSA, employers have an obligation to provide employees with Worker OHSA Awareness Training, Supervisor OHSA Awareness Training, workplace harassment training, and workplace violence training. In addition, the health and safety representative or joint health and safety committee have to receive specific training. These training programs are in addition to industry or workplace specific training obligations.

Under AODA, employers have to develop various policies (including a workplace accommodation policy) and provide training on AODA, its standards, and the Human Rights Code.

The above are only a few of the examples of the policies, programs, and training that Ontario employers must develop and implement.

A few of the legislatively required policies, programs, and training are provided complimentary by the province (e.g. there is a complimentary Worker OHSA Awareness Training). Many however are not. As a result many new employers either ignore their obligations or attempt to avoid these obligations by only hiring contractors.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Provide a centralized support mechanism (e.g. web portal) for employers to easily obtain sample HR policies, programs, and training that are statutorily required.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

## **I. Healthcare Crisis: Demands Exceed Supply**

Submitted by: Brampton Board of Trade

### **Issue**

Ontario's healthcare system is not meeting population demographics.

### **Background**

Hospital overcrowding has become the new normal in too many of Ontario's growing cities. This is not because of inefficiencies, rather Ontario's hospitals are the most efficient in the country.<sup>216</sup> According to the Ontario Hospital Association, clinical innovation has led to Ontario's hospitalization rate being the lowest in Canada, and when patients end up in a ward, their average stay is cheaper and shorter than in any other province.

The issue is that the supply of 30,000 hospital beds on Ontario has not increased since 1999, even though Ontario's population has grown 27%, from 11.5 million to 14.6 million.<sup>217</sup> In addition, the segment of Ontario's population that is 65 years or older has increased by 1 million. As a result, hospitals in high growth cities operate at over 100% capacity on a near daily basis.

Another significant factor is that 1 in 6 hospital beds are occupied by patients who require an 'alternative level of care' (ALC), which on average is less expensive than hospital beds and come in such forms as long-term care, assisted living, and rehab.<sup>218</sup> The majority of ALC patients are waiting for a long-term care beds, which in 2019 had a wait list of 161 days. While the current provincial government has invested in more long-term care beds, it takes 3 years to get those beds in operation. Just 21 new long-term care beds opened in Ontario in 2019, while the waitlist grew by more than 2,000. Under the previous provincial government, only 611 new long-term care beds opened from 2011 to 2018.

Matching patient needs to the appropriate healthcare resources will reduce the strain put on hospitals and will contribute to sustainable and inclusive growth.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Ensure provincial funding commitment for new hospital beds based on communities' and regions' demographic and infrastructure needs.
2. Speed up the process to get new long-term care beds into operation - and make sure the beds are created where they are needed.
3. Ensure provincial funding commitment for variety of 'alternative level of care' options that meet diversity of needs, including at-home, community, and mental health support.
4. Research healthcare technology in comparable jurisdictions where remote patient monitoring and crisis management is used effectively to curtail hospital stays.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

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<sup>216</sup> Ontario Hospital Association. 2019. Ontario Hospitals - Leaders in Efficiency.

<https://www.oha.com/Documents/Ontario%20Hospitals%20-%20Leaders%20in%20Efficiency.pdf>

<sup>217</sup> Ontario Ministry of Health and Long-Term Care. 2019. Hallway Health Care: A System Under Strain.

[http://www.health.gov.on.ca/en/public/publications/premiers\\_council/docs/premiers\\_council\\_report.pdf](http://www.health.gov.on.ca/en/public/publications/premiers_council/docs/premiers_council_report.pdf)

<sup>218</sup> Matt Gurney. 2019. TVO: How to end hallway medicine, Part 3: Doug Ford's plan is a start, but it's not the solution. <https://www.tvo.org/article/how-to-end-hallway-medicine-part-3-doug-fords-plan-is-a-start-but-its-not-the-solution>

## **J. Maintaining Rural Emergency Services**

Submitted by: Greater Kitchener-Waterloo Chamber of Commerce

### **Issue**

Recent reductions in emergency room services across southwestern Ontario have escalated concerns over health care delivery to rural communities.

### **Background**

Canadians living in rural areas comprise 18% of the population but are served by only 8% of total physicians across the nation.

The College of Family Physicians of Canada, in their 2019 pre-budget submission to the House of Commons Standing Committee on Finance, noted that Canada needs a rural economic policy that narrows the existing disparities in health and wellness and ensures that rural Canadians have better access to health care with an opportunity to realize their economic potential. A strategy/policy also needs to catalyze rural communities' abilities for employment, improved health care efficiencies, stronger rural health infrastructure, and ultimately attracting more people to live, work and invest outside major urban centres.

Over the past year, hospitals in the southwestern Ontario communities of Chesley and Clinton have reduced hours at their emergency rooms by closing from 8 pm to 8 am. In both institutions a shortage of nurses required difficult and potentially volatile decisions by local administrators.

At the Rural Ontario Municipal Association (ROMA) Annual Conference in January of 2020, Deputy Premier and Minister of Health Christine Elliott noted the Auditor General reported in 2017 that health services are delivered inconsistently across Ontario, a predicament that is neither fair nor equitable for people living in rural communities. The status quo, according to the Minister, is not an option.

In October of 2019, the Ministry of Health appointed Jim Pine as an advisor for conducting consultations on public health and emergency services. He has been asked by the province to facilitate discussions with emergency health providers and municipal stakeholders. To address the impact of service reduction such as the aforementioned predicaments in Chesley and Clinton, the provincial business sector should be invited to discussions in relation to any negative effects on rural economic development and investment attraction.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Include the business sector on consultations for emergency rooms across rural Ontario and ultimately develop solutions for avoiding any future service reductions.

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Sunset Date: September 29, 2023

## **K. Making Data More User Friendly**

Submitted by: Greater Peterborough Chamber of Commerce. Co-sponsored by Timmins Chamber of Commerce.

### **Issue**

There is currently a deficit of tools for businesses to receive data in a timely and easy to read and understand.

### **Background**

The Ontario government is currently building a data strategy. Among the goals of the new strategy is to “create economic benefits by enabling Ontario firms to develop data-driven business models and unlock the commercial value of data” along with the idea that data can be a key economic driver.

The Peterborough Chamber of Commerce hosted one of six in-person consultations welcoming about 40 businesses, residents and organizations into our boardroom. There was great discussion about how business can ask and receive the right data in a readable format and a timely fashion.

One consultant said even asking for specific business counts in an area can be difficult and a query mechanism or help desk that can provide an answer would be appreciated.

Our local Workforce Planning Council has such a staffed query desk that businesses and organizations can access to get answers on labour market information (LMI). This help function is extremely useful and has proved to work very well for much needed local context on LMI. A similar program for data would be welcome.

According to Forbes.com’s Bernard Marr, 90 per cent of all data ever collected was generated in the last two years. An article by MaRS on how innovative companies are using data states that connecting and understanding data related to people, platforms, the Internet and supply chains (and most importantly, turning it all into profitable insights) is crucial when achieving competitive advantage.

Our resolution asks for the opportunity for businesses in all communities in Ontario to enhance their competitive advantage through the creation of a query dashboard that can easily compile data and communicate the information in a simple, easy to read format for the business.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Develop a data query dashboard that can merge and release data sets upon request for businesses and Ontarians.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023



## **L. Making Ontario a Leader in Smart Government**

Submitted by: London Chamber of Commerce

### **Issue**

Ontario and its municipalities are competing with other governments throughout the world to become a “Smart Province” and “Smart Cities”.

The government of Ontario should become a leader in the adoption of ‘smart’ government technologies to improve efficiencies, reduce costs and improve service delivery to taxpayers and to strive to move toward digital government.

At the same time, Ontario should become a leader in promoting the adoption by its municipalities of ‘smart cities’ technology including providing province-wide standards, benchmarks and best practices, facilitating information-sharing and providing stable and consistent funding to allow municipalities to make investments in the technology and infrastructure required to achieve these goals and to also move toward digital government.

### **Background**

A ‘Smart Government’ has been simply defined as “the use of technology and innovation by governments for better performance”.<sup>219</sup> Similarly, a Smart City has been defined as “innovation, not necessarily but mainly through information and communications technologies (ICT), which enhance urban life in terms of people, living, economy, mobility and governance”. As such, smart government and smart cities use technology and the data it collects to tackle challenges such as traffic congestion, reducing environmental impacts, fighting crime, providing social services, fostering economic growth, and improving the delivery and accessibility of government services. It includes the use of technology in the delivery of services (often known as digital government).

The diminishing cost of IT infrastructure and the continued development of more powerful and efficient internet and wireless networks has created the potential for governments to collect, use and analyze data for the betterment of the lives of its citizens and for the benefit of all taxpayers including businesses through increased efficiencies and reduced costs in the delivery of government services. For example, the ability to collect instantaneous feedback through smart devices (e.g. smart street lights with internet-connected sensors that collect data of all types from weather, movements, loud noises associated with threats to public safety or open parking spots) allows governments to be more efficient and effective in their delivery of services to citizens.

Various individual department projects and systems within the federal and provincial government have provided good examples of ‘smart’ government, including the online systems to manage federal immigration applications, which could be used as potential models to promote a broader movement toward ‘smart’ government.

In the fall of 2019, the Ontario Government introduced its Building Smarter Government Initiative and while the Ontario Chamber of Commerce applauds this initiative as a good start, there is still much more that can be done to make Ontario a truly “Smart Province”.

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<sup>219</sup> Smart City and Smart Government: Synonymous or Complementary, Abstract by Prof. L. Anthopolous & Prof. C.G. Reddick, submission to 25<sup>th</sup> Annual World Wide Web Conference (2016).

One of the most striking examples of the benefits of smart government is the ‘e-Estonia’ project in this EU country which has achieved remarkable benefits from a strong focus on the adoption of digital government with an emphasis on accessibility and usability for its citizens.<sup>220</sup> This includes adopting processes to ensure that data is only required to be entered once into a government system and that appropriate access is granted to and shared by various levels of government and departments whom require it but is also limited to such departments.<sup>221</sup> These processes are estimated to have saved 820 years of working time for government employees on annual basis or an estimated 2% of the country’s GDP derived from savings on government employee salaries and costs.<sup>222</sup> In addition, it has created business opportunities through its e-residency program which allows individuals and businesses across the world to become ‘residents’ of the country for the purposes of interacting with and accessing certain online government services by allowing them to quickly and easily create a digital profile which facilitates doing business in the country without time-consuming processes for obtaining immigration status or approval to enter and do business in the country in the traditional manner.

At the same time, the government should ensure that an individual privacy-centric approach is taken in the implementation of such measures, including adopting a ‘privacy by design’ approach as promoted by Ontario’s former Information & Privacy Commissioner, Ann Cavoukian, which focuses on priorities such as preserving consent; minimizing data collection and retention; anonymizing data and ensuring safeguards to restrict unlawful surveillance among other things.

## Recommendations

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Mandate an existing provincial agency or Ministry (presently under the purview of the Treasury Board) to lead both provincial government Ministries and agencies as well Ontario municipalities in the adoption, implementation and continuous improvement of ‘smart’ government technology.
2. Empower the said agency to create, implement and promote province-wide standards, goals, benchmarks and best practices on the use of ‘smart’ government technology including facilitating co-operative information-sharing about the successes, experiences and projects undertaken by various levels of governments.

Among the said goals should be:

- A focus on those initiatives that improve the quality of life of taxpayers
- Increase efficiencies, improve service delivery and accessibility
- Reduce costs
- Fight climate change

This must all be done while respecting individual privacy rights. Initiatives should be scalable and be focused on governments of varying sizes and population densities from cities to small towns and rural communities.

3. Commit to providing stable funding and/or tax incentives for ‘smart’ government initiatives both at a provincial and municipal level. Such funding should, when possible, be reasonably tied to outcome-based measurements so as to promote the adoption of those initiatives and technologies which have been

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<sup>220</sup> European Commission: Digital Government Factsheet 2019: Estonia.

<sup>221</sup> e-Estonia Guide 2018, published by Estonia Chief Information Officer.

<sup>222</sup> <https://e-estonia.com/how-save-annually-820-years-of-work/>

proven to further the goals of the initiative. Emphasis should be placed on initiatives involving public private partnerships and private sector involvement.

4. Once the Government of Ontario has introduced these initiatives, it must then leverage its position to attract new business and investment by marketing Ontario globally as Canada's first "Smart Province."

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

## **M. Ontario's planning for Urban Mobility – Smart cities and digital transformation**

Submitted by: The Oakville Chamber of Commerce, Burlington Chamber of Commerce, Milton Chamber of Commerce and Halton Hills Chamber of Commerce

### **Issue**

The role of the Province in the application of data and innovative technologies that enable municipalities to establish intelligent transportation networks and optimize urban mobility.

### **Background**

A reliable transportation network is essential for trade, the movement of goods and services as well as people. It is also integral to our province's economic competitiveness.

As our communities become more connected through the collection of data, artificial intelligence and technology, it is vital that we are prepared for the business climate of the future and that we remain competitive with other jurisdictions.

Population growth as well as increased employment growth, is positive for our local economy; however, it also underlines the need for building a resilient transportation network that works for all modes of transportation to supply the movement of goods and people.

A report recently released by the Province signals that the province is positioning Ontario to be a leader in the development, commercialization and adoption of advanced manufacturing and mobility technologies. Supporting new mobility technologies, enhancing the innovation ecosystem as well as supporting research and development and early stage technology development are all measures that will assist communities in their efforts to adopt new technologies.<sup>223</sup>

Beyond providing the legislative and regulatory framework, the province can further connect municipalities and establish a common framework for the development of alternative Connected Vehicle/Autonomous Vehicle scenarios, readiness guidelines, and potential projects. The creation of a dedicated program could further incent municipalities to invest in infrastructure/technological updates within their local jurisdictions, thereby creating a healthy environment for emerging transportation technologies.

It is vital that municipalities engage in the development of a technological transportation system where data from smart infrastructure, transportation networks, and connected vehicles can empower planners, transit agencies, and other municipal leaders to make advancements in urban mobility. The future efficient movement of both people and goods and services will depend on the effective management of a connected infrastructure.

As the industry evolves and becomes a reality, it will become a competitive economic advantage for municipalities that embrace it—and a disadvantage for communities that don't.

The new market for automated and connected vehicles is expected to grow exponentially and large economic benefits are expected. Other regions are not standing still (e.g. United States, Japan and China) and are already adopting strategies for automated vehicles and attracting investment in this field.<sup>224</sup> Companies could soon be including Autonomous Vehicle, connectivity and technology readiness in their decisions on where to locate a business or expand operations.

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<sup>223</sup> Driving Prosperity: The future of Ontario's Automotive Sector, February 14, 2019

<sup>224</sup> On the road to automated mobility: An EU strategy for mobility of the future, Brussels, 17.5.2018

## Recommendations

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Encourage municipalities to include adoption of emerging transportation technologies in their short- and long- term “Transportation Master Plans (TMPs)” to ensure that they are prepared for the inevitable arrival of new modes of transportation (such as Connected and Autonomous Vehicles and related transportation infrastructure).
2. Create a dedicated program (e.g. matching funds) that encourages municipalities to invest in infrastructure/technological updates within their local jurisdictions, thereby creating a healthy environment for emerging transportation technologies.
3. Support academic institutions in becoming agile incubators of young talent, encouraging them to develop innovative solutions for mobility and transportation for Ontario’s municipalities through sustainable technologies, as well as investing in research and skills training to meet the future labour demands.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

## **N. Making the Ontario Energy Board Hearing Process More Accessible**

Submitted by: Thunder Bay Chamber of Commerce, Sponsored by Greater Sudbury Chamber of Commerce, Greater Peterborough Chamber of Commerce, North Bay & District Chamber of Commerce, Sarnia Lambton Chamber of Commerce, Sault Ste. Marie Chamber of Commerce, Timmins Chamber of Commerce, and Windsor-Essex Chamber of Commerce

### **Issue**

The current Ontario Energy Board (OEB) framework relating to cost eligibility and cost awards (the framework) makes stakeholder participation prohibitively expensive. As an example, the OEB does not:

- advise parties who are eligible to receive cost awards at the outset of hearings (e.g. proceedings or consultations/policy initiatives)
- guarantee costs associated with participation will be reimbursed; and
- advise parties of the percentage of costs that will be reimbursed.

These costs and the framework are significant barriers to full participation by stakeholders with limited resources. In addition, the Board has pre-determined that certain groups are not eligible for any costs even if they are accepted as an intervenor (i.e. organizations representing municipalities or groups of municipalities).

### **Background**

The Ontario Energy Board regulates electricity and natural gas in Ontario, in part by decisions made during hearings on a variety of energy issues including pricing of energy, regulation of generation and distribution of electricity, and for various energy projects that affect the interests of the business community across the Province.

As currently implemented, the framework relating to cost eligibility and cost awards is prohibitively complex which results in uncertainty and increased expense for stakeholders with limited resources. The OEB has set up processes and guidelines which parties, in hearings before the Board (i.e. participants that want to actively contribute to the decision-making process), must prove that they should be: granted Intervenor Status; deemed eligible to receive cost awards; and awarded an amount of costs. Although the OEB sets the guidelines as noted above, such guidelines are further scrutinized by the OEB and are reviewed using a significant amount of discretion.

The OEB prescribes an avenue for reimbursing some of the costs to participants through separate application processes that are also subject to almost full discretion of the OEB. Organizations or individual participants with limited resources are *advised* to hire legal professionals such as lawyers or paralegals or analysts at their own expense and then apply for reimbursement of the costs that would be calculated according to the OEB's own guidelines. There is no guarantee of what would be accepted as an eligible cost and at what percentage such expense will be reimbursed (if at all). This process is a significant barrier to full participation, especially by groups in small and rural areas with limited cash resources. This can be viewed as discriminatory toward these stakeholders. The Chambers of Commerce across the Province are concerned that public policy is being decided based on who can afford to be at the table for the discussion in the OEB hearings.

An example that illustrates the high cost of participation is the recent OEB hearing about alternative mechanisms for natural gas expansion. A group of stakeholders from Northwestern Ontario registered as intervenors and spent more than \$70,000 to actively participate in the hearing by submitting evidence, arguments or interrogatories (written questions) and by cross-examining witnesses. The decision by the OEB on the issue most important to the group was to uphold the status quo. The application for the

reimbursement of costs associated with the hearing took nearly a year to receive a decision to reimburse 98% of the costs and for those costs to be paid out. There was no guarantee that all the costs incurred by the group would be reimbursed by the OEB's cost award decision.

The vast majority of the OEB hearings are held at their headquarters in Toronto which increases the costs associated with formal interventions by those in rural and remote areas. While the OEB provides telecommunication services (e.g video conferencing) such services, while useful, are not as effective in ensuring a parties positions are integrated into decisions. In addition, many of the applications are extremely technical in nature. As such, organizations that are not in the 'business' of intervening require external expertise to assist them in preparing the material for submitting to the OEB and in examining the materials submitted by the applicant and other intervenors. The more complex the application, the higher the costs that will be assumed. When funding is restricted, or approved at a late stage, the participation will be less diligent in order to reduce costs.

Some of the solutions to mitigate the barriers to participation in the OEB hearings can be found in the National Energy Board (NEB) intervenor process. The intervenors in the NEB process are advised up front of the costs that will be eligible and how much of the cost will be recovered, based on the funds available for that particular issue. The participants can then decide if they will proceed with the application to be a participant in the hearings, and if so, the depth of their participation. The NEB also provides upfront funding to assist with the costs of the participants whereas the OEB process requires that the participants pay for all costs and then apply for partial reimbursement.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario (via the Ontario Energy Board) to:

1. Create a more transparent and predictable process for cost eligibility and cost awards for participation in OEB hearings.
2. Provide sufficient additional funding for participants, ensuring full participation for cost eligible participants in OEB hearings by:
  - a. Providing for an OEB process that takes into consideration the eligible participant's actual capacity to pay for full participation in the OEB hearings and upholds the principle of fairness for all stakeholders; and,
  - b. Providing for OEB to release advanced funding for costs so all eligible participants can benefit from an up-front amount that covers the costs of initializing and participating in the OEB hearings and for experts (if required). A hold-back can be put in place subject to final submission of expenses etc.
2. Amend the cost eligibility and cost awards processes by:
  - a. Advising parties whether they are eligible to receive cost awards at the outset of the hearings and what specific costs they are eligible for;
  - b. Guaranteeing costs associated with participation will be reimbursed; and
  - c. Advising parties of the percentage of costs that will be reimbursed.

Effective Date: September 29, 2020

Sunset Date: September 29, 2023

## **O. Create a Provincial Pandemic-Response Strategy and Plan**

Submitted by: Greater Sudbury Chamber of Commerce. Co-sponsored by: North Bay and District Chamber of Commerce, Timmins Chamber of Commerce, Sault Ste Marie Chamber of Commerce, and Sarnia Lambton Chamber of Commerce

### **Issue**

The COVID-19 pandemic has exposed Ontario's vulnerabilities in its response strategy to health pandemics. Over the past year, the province has faced challenges related to its critical health-care supply chains, infrastructure, and other crisis-response tools. The Government of Ontario should conduct a thorough review of its response to the COVID-19 pandemic and develop a pandemic-response strategy to help manage any future health-care related crises.

### **Background**

The COVID-19 pandemic was an unprecedented health and economic shock for which the province, along with the rest of the world, was underprepared. The early days of the pandemic saw communities around the province struggle with procuring critical Personal Protective Equipment (PPE) supplies for not just average citizens, but frontline health care and essential service workers as well. There were reported shortages in N95 masks, gloves, gowns, face shields, and other equipment. The province responded to these concerns by launching a Workplace PPE Supplier Directory in May 2020, but the initial shortages had already delayed Ontario's safe reopening by several weeks.<sup>225</sup>

During normal times, Ontario has relied on its trading partners to supply many materials necessary to power the economy, but due to a variety of reasons, those relationships were not enough in the early days of the crisis and left the province at a disadvantage. In early April 2020, Canada's N95 mask orders from American manufacturer 3M were disrupted due to the US President's invocation of the US Defense Production Act; a shipment of masks ordered by the Government of Ontario were held at the US border in April 2020, but later released; and in early May 2020, news reports indicated that N95 masks imported from China did not meet Canadian health standards and could not be used against COVID-19. These situations eroded trust in our trading partners, and should be seen as an indication that Ontario, despite being a trade-reliant economy, should not rely on other countries to supply critical materials needed to combat a health pandemic.

The provincial government acted to address some of these issues, with multiple investments to increase domestic PPE manufacturing capacity, including launching the Ontario Together fund in April<sup>226</sup> and the Workplace PPE Supplier Directory in May.<sup>227</sup>

Additionally, the differences between Ontario's various measures to mitigate the spread of the virus, including states of emergencies, stay-at-home orders, business regulations, etc., and that of other neighboring provinces like Quebec has also contributed to the entire country's response to COVID-19. The level of coordination between provinces and the federal government in communications and response strategies, including supports for businesses, has led to public confusion, and ultimately some erosion of trust among citizens and businesses.

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<sup>225</sup> <https://news.ontario.ca/en/release/56954/ontario-announces-additional-workplaces-that-can-reopen>

<sup>226</sup> <https://news.ontario.ca/en/release/56537/ontario-joins-forces-with-the-private-sector-to-fight-covid-19>

<sup>227</sup> <https://news.ontario.ca/en/release/56954/ontario-announces-additional-workplaces-that-can-reopen>



Various factors led to a delay in the provincial, and national, rollout of the COVID-19 vaccines. The federal government is procuring these vaccines from manufacturers while the provinces are administering it to the population. Despite the federal government signing contracts for multiple doses of vaccine per citizen, vaccine supply shortages still remain an issue as we enter 2021. Part of the reason is the inability to manufacture the vaccine domestically. The province should consider policies to encourage domestic manufacturing of critical, pandemic-related supplies, including vaccines.

Business are doing their part. Many businesses across the country showed organizational flexibility and modified their operations in response to COVID-19 to produce needed PPE equipment. But these were emergency responses to an unprecedented situation, and may not continue in the long-term after recovery, unless there is clear incentive to do so. These businesses may need support from the provincial government to continue such operations, and the Ontario Together fund has a key role to play in this.

The absence of a comprehensive strategic response to the pandemic has led to a difficult response to the pandemic, particularly in the second wave where confusing directives have made public compliance more difficult. The Government of Ontario should ensure these issues are mitigated in the future through the development of a pandemic-response strategy that can be relied upon in any future health-related crises. Part of this should be to conduct a comprehensive review of Ontario's response to COVID-19, and identify opportunities for improvement, inter-provincial partnerships, and plans for improved coordination with the federal government.

## **Recommendations**

The Ontario Chamber of Commerce urges the Ontario Government to:

1. Conduct a comprehensive review of the Ontario's response to COVID-19, with the aim of identifying opportunities for improvement, inter-provincial partnerships, and improved coordination with the federal government.
2. Engage the business community to create a provincial pandemic-response strategy to effectively respond to future health-related crises, paying particular attention to regulatory changes, infrastructure investments, communication strategies, etc., to ensure that business restrictions remain the last resort.
3. Review the performance of the Ontario Together fund and Supply Ontario and potential for expansion into a permanent investment fund for building capacity for domestic manufacturing of critical pandemic-related materials, including PPE, vaccines, and other related medical materials.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **P. Establishment of the Provincial Termination Severance Fund**

Submitted by: Vaughan Chamber of Commerce and Newmarket Chamber of Commerce

### **Issue**

Without Government intervention, multiple businesses are liable to enter insolvency once a final date is set for the *Employment Standards Act, 2000* (“ESA”) temporary layoff date, and then resulting termination date.

### **Background**

Understanding the severity of the COVID-19 pandemic on struggling SMEs, the Provincial Government has delayed the start of temporary layoff periods prescribed under the ESA<sup>228</sup>, with the current delay due to expire on July 3, 2021<sup>229</sup>. Moving this date has ensured that businesses do not have to worry about the length of time that an employee is placed on a temporary layoff, thereby avoiding the necessity of having to pay statutory termination pay and severance pay pursuant to the ESA should the employee not be recalled to work within the prescribed time limits under the legislation.

While prudent Government policy after the pandemic should assist in an economic recovery, there will still be many unable to recover and permanent job losses. This will particularly be true in some of the hardest-hit sectors such as tourism, hospitality and retail. Such companies will be at risk once the Provincial Government decides to finalize the end of the delayed start of temporary layoff period. At this point, businesses which cannot recall employees to the workplace will effectively be on a temporary layoff pursuant to the ESA, and if not recalled within the prescribed time limits, necessitate the payment of statutory termination pay and severance pay, which can be as high as 34 weeks of wages. Should the July 3<sup>rd</sup> date remain, multiple companies will go under between the second half of 2021 and the first half of 2022 when they are required to pay the statutory amounts pursuant to the ESA.

The Government could continue to delay this date but there may be a challenge to this through the courts. An employee could challenge the temporary lay-off period in the courts, by arguing that the layoff is the equivalent to a constructive dismissal, which would require their employer to provide them with common law notice. Both due to the aforementioned common-law challenge and public opinion, the government will need to prepare for this layoff period once the pandemic has ended.

While the Federal Government has established some loans, there will still be several companies that require long-term relief. The CEBA<sup>230</sup> loan provides too small a sum to cover costs, whilst the HASCAP<sup>231</sup> requirements are too limited to cover all businesses. The Federal Wage Earner Protection Program<sup>232</sup> does provide compensation in cases of business insolvency when wages or outstanding severance payments but the sum provided is minimal.

Accordingly, companies that are unable to claim this support and unable to recall employees from a temporary layoff due to the downturn in the economy will eventually have to provide statutory termination pay and severance pay. This will likely result in insolvency for several of them. Businesses remaining open is central to

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<sup>228</sup> <https://www.ontario.ca/laws/statute/00e41>

<sup>229</sup> <https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment#section-2>

<sup>230</sup> <https://ceba-cuec.ca/>

<sup>231</sup> <https://www.bdc.ca/en/special-support/hascap>

<sup>232</sup> <https://www.canada.ca/en/employment-social-development/services/wage-earner-protection/employee/eligibility.html>

any provincial economic recovery and is imperative that those unable to afford statutory payouts are provided with a support mechanism to keep their doors open.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Establish a Provincial Termination Severance fund or to support businesses that may enter insolvency, either by covering the costs of statutory termination pay or severance pay on a retroactive basis to March 15, 2020, until a date to be determined in consultation between employers and government.
2. Work with the Federal Government, CRA, and financial institutions to understand which companies have fallen through the cracks of the HASCAP, specifically those who have seen less than a 50% decline in revenue.
3. Work with the financial institutions of businesses to disperse funding easily in accordance with previous government programs.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## Q. Implementing Virtual Healthcare in Ontario

Submitted by: Vaughan Chamber of Commerce and Newmarket Chamber of Commerce

### Issue

Virtual healthcare in Ontario lacks sufficient direction and funding to effectively operate despite the current gaps present in the system.

### Background

The Government of Ontario has recognized the benefit of this support by announcing a \$14.5 million<sup>233</sup> investment in the growth of virtual care throughout the Province. While this initial investment represents an important first step in funding virtual health, there will need to be further investments made by the Government to effectively develop this form of healthcare. The first steps are in place with Ontario's Digital Health First Strategy, announced in November 2019.<sup>234</sup> However this strategy needs to be developed beyond its current iteration, which is too broad in scope to be actionable.

This issue has been highlighted by the COVID-19 pandemic, which has exposed gaps in Ontario's healthcare system. A focus on closing these gaps to improve wellness of our communities will be key to enabling better health and a more productive workforce. This means ensuring the right services are in place, with the appropriate mechanisms to enable access and equity across our communities, while empowering people with the information and tools to proactively self-manage their health.

We have seen a recent rise in the use of remote care to connect patients with the supports they need, with a global rise of roughly 130% over a four year period, even prior to COVID-19<sup>235</sup>. As we look to the future, this will be a key area for growth to enable self-management, access to care, improved patient experience and better health outcomes. The current limitations in the way care is delivered can contribute to longer wait times and challenges in getting resources needed. Digital health capabilities can break down these barriers by enabling people to take greater control of their care and access many services from their home environment.

For example, instead of providers directing where a patient should go through a referral, patients could be given the choice and resources to make an informed decision on where to seek care, with opportunities to access providers across the system and not just within their local region. Modernized digital referral systems can also allow patients to track progress on referrals, minimize time for processing, and help to centralize specialty procedures to level-load demands and improve timely access to care.

Similarly, with respect to medication management, this can mean providing patients a common platform to find where their medications are available, put in orders, and have prescriptions sent to their home. This platform should be developed to complement other modalities including phone-in access and video interactions to ensure ease of access for patients. Many vulnerable populations currently have difficulties accessing medications, resulting in poor outcomes and preventable escalations in care. Improved mechanisms to get the resources people need at home can enable better adherence to care plans and help shift the current system towards a preventative approach to health. To enable these types of services and ensure equal access for our communities, it will be important to ensure the affordable infrastructure is in place, such as high-speed broadband internet<sup>236</sup>. While healthcare is mentioned in the *Broadband and Cellular Action plan* it is primarily

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<sup>233</sup> <https://news.ontario.ca/en/release/59437/ontario-expanding-innovative-home-and-community-care-services>

<sup>234</sup> [https://www.health.gov.on.ca/en/news/connectedcare/2019/CC\\_20191115.aspx](https://www.health.gov.on.ca/en/news/connectedcare/2019/CC_20191115.aspx)

<sup>235</sup> <https://lumeca.com/is-telemedicine-actually-more-affordable/>

<sup>236</sup> <https://occ.ca/wp-content/uploads/COVID19-Policy-Brief-Virtual-Care-final.pdf>

targeted at rural communities<sup>237</sup>. While this scope will support virtual care, it will also need to be adapted in urban municipalities to ensure a Provincial ease of access. This could involve providing free high-speed access in public spaces to ensure local supports for those who cannot otherwise afford these resources.

By adapting the way in which care is delivered and enabling access to health resources across the system, community members can be empowered to manage their care, with information at their fingertips to make informed care decisions and connect to the services they need. This proactive approach to care can make it easier and faster to connect to care supports, contributing to healthier communities.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Review the current Ontario Digital Health First Strategy to discern how best to implement virtual healthcare. This review should ascertain which areas of health care have the capacity to shift to a virtual setting.
2. The Government must then develop a reasonable funding estimate to support the transition to virtual health for compatible areas. Priority should be given to areas such as a digital referral system and remote medication which would benefit from a move to a virtual platform.
3. The Province must undertake a review to focus on understanding what the broadband requirements are to support virtual healthcare. Sufficient broadband will be essential to delivering virtual healthcare across multiple modalities.
4. Ensure the requirements of the healthcare sector are incorporated into the recently announced broadband funding.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

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<sup>237</sup> <https://www.ontario.ca/page/speed-ontarios-broadband-and-cellular-action-plan#:~:text=Invest%20in%20a%20new%20broadband,and%20promotes%20innovative%20industry%20partnerships.>

## **R. Improving Long-Term Care Services Across Rural and Northern Ontario**

Submitted by: Greater Kitchener Waterloo Chamber of Commerce, Port Hope & District Chamber of Commerce, 1000 Islands Gananoque Chamber of Commerce

### **Issue**

The costs of providing Long-Term Care (LTC) services create significant pressures on municipal financial resources particularly across many rural communities.

The Rural Ontario Municipal Association, the Eastern Ontario Wardens' Caucus, the Federation of Northern Ontario Municipalities, the Northeastern Ontario Municipal Association, and the Northwestern Ontario Municipal Association have advanced a series of measures to provide these services within a more efficient and cost-effective delivery model.

### **Background**

Municipalities operate almost one in five Long-Term Care institutions across Ontario which are home to one of four residents receiving related services.

The Rural Ontario Municipal Association (ROMA) claims there are not enough LTC beds to meet demand and provincial funding has not been maintained at a consistent level. The ability to access a bed in non-urban areas is essential and should be a major component of the universal planning process for allocation across Ontario.

Municipalities contribute more than \$350 million annually in excess of the provincial funding operating subsidy, not including capital costs. The municipal property tax base is not a sufficient or fair source to support Long-Term Care delivery.

On November 2, 2020, Premier Ford accompanied by former Finance Minister Rod Phillips and Long-Term Care Minister Merrilee Fullerton announced that personal care to each Long-Term Care resident across Ontario will be increased to four hours daily. Direct hands-on delivery is generally provided by nurses or personal support workers for individual clinical and personal care requirements.

A commitment was also delivered by the Ministers to work in collaboration with all partners including labour, education, and training providers to advance significant changes across the Long-Term Care sector including the four hour per day commitment.

In early February of 2021, the Eastern Ontario Wardens' Caucus (EOWC) released a report on LTC facilities and proposed five recommendations to improve the efficiency and effectiveness of service delivery including:

- increased direct care funding to achieve the provincial benchmark of the four-hour care model;
- transitioning to a per-bed funding model for more transparency;
- increased provincial capital funding predictability and providing on-going support for capital maintenance;
- supporting resource sharing between institutions;
- improved processes to increase efficiency and cost effectiveness.

A four-hour model will allow the recruitment of additional staff and financial stability to improve the quality of service and increase daily direct care for each resident. The EOWC shares the provincial objective of expanding the number of LTC beds across Ontario along with reducing red tape.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Review major issues such as staffing, governance, regulations, inspections, and infection control measures to ensure a cost-effective LTC delivery model for municipally-run LTC.
2. Ensure adequate, predictable, and stable multi-year LTC funding.
3. Increase direct care funding to ensure the four-hour care objective.
4. Implement a per-bed funding model.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **S. Managing High Water Levels on Lake Ontario**

Submitted by: Quinte West Chamber of Commerce. Co-sponsored by: Belleville Chamber of Commerce, Prince Edward County Chamber of Commerce, 1000 Islands Gananoque Chamber of Commerce and Port Hope and District Chamber of Commerce

### **Issue**

The high water levels in Lake Ontario have caused extreme flooding in the spring extending through the summer months, affecting businesses, municipalities and property owners along the Lake Ontario shoreline and St. Lawrence Seaway on both sides of the border. This flooding was especially significant in 2017 and 2019 and there is a moderate risk of high water and more flooding in 2021 according to the International Lake Ontario St Lawrence River Board Dec 11 2020 press release. While the International Joint Commission has made improvements to the implementation of Plan 2014 and is now allowing deviations from the plan; more needs to be done to protect shoreline property and work closer with lakeside communities.

### **Background**

On December 08, 2016 the Commissioners of the International Joint Commission (IJC) signed an updated order of approval for the regulation of water levels and flows in Lake Ontario and the St. Lawrence River. **(Instituted to replace plan 1958D)**

The updated order makes it possible for the IJC to approve Plan 2014, a new regulation plan for determining the flows through the Moses-Saunders Dam located on the St. Lawrence River between Cornwall, Ontario and Massena, New York. The updated order and plan were intended to replace what was believed to be an outdated system of regulating flows developed in the 1950s.

While the intention of Plan 2014 was to protect shoreline property and retain the environmental conditions and coastal protections on the lower St. Lawrence River, the water levels have peaked to 100-year flood levels and caused millions of dollars in damage. While there was a need to maintain water levels through the summer, the new plan did not seem to be prepared to handle unexpected weather patterns.

The plan has failed to improve ecosystem health and diversity on Lake Ontario and the upper St. Lawrence River or provide net economic benefits anticipated. While Plan 2014 is the result of more than 16 years of scientific study, public engagement and governmental review, it has failed to accomplish its intended goals and caused catastrophic damage in its continued implementation. There are calls from both sides of the board for the IJC to develop a comprehensive plan to assess and improve Plan 2014.

The International Joint Commission is not transparent and was slow to respond to requests by municipalities, property owners and government bodies to discuss the impacts of Plan 2014. **(Report from the U.S. Government Accounting Office GAO 20-529)**

In 2020, after public and political pressure was applied, the IJC made big strides in allowing deviations from the plan to lower the water in Lake Ontario; many believe this avoided flooding in 2020. In Dec of 2020, they reduced their board to six members including three from the United States and a representative each for Canada, Quebec, and Ontario. It also announced at the same time they are establishing an advisory group of stakeholders and Indigenous communities to report their perspectives directly to the commission. While this is a step in the right direction, the lack of transparency, communications, and consultation with shoreline communities about their plans continues to be a problem.

“Trenton Cold Storage Inc., a 117 year old business at the mouth of the Trent Severn Waterway, is experiencing more than \$400,000 in direct costs as a consequence of the high water in 2019. The high water is a government made problem because of the flawed decision-making and processes which adversely



impacted all land owners above the Moses Saunders Dam, for the benefit of landowners below the Moses Saunders Dam, as a consequence of Plan 2014,” stated Eben James Junior, owner of Trenton Cold Storage Inc.

“Crate Marine Belleville estimate our loss at \$50K in labour and materials to deal with all the things associated with high water levels in 2017 & 2019, not including the loss of customers,” said Jim Bell, operations manager at Crate Marine.

Insurance companies cover overland flash flooding but not damage from standing water and the wave damage from standing water. To date some businesses and individuals report having paid out over \$70,000 for repairs and mitigation with lands still needing to be relandscaped completely.

Property Owners want to ensure that Conservation Authorities issue Emergency Permits within 24 hours as they can be delayed due to workload during flooding. The Province should outline the type of work that can be completed during flooding to ensure property owners do not face permit delays and potential fines from their actions.

Hon. John Yakabuski, Minister of Natural Resources and Forestry commissioned a report called An Independent Review of the 2019 Flood Events in Ontario. The report, completed by Douglas McNeil, P.Eng. McNeil Consulting Inc. made three recommendations concerning the IJC.

Recommendation #55 That the International Joint Commission, the Ottawa River Regulation Planning Board, and Ontario Power Generation make their detailed information about their flood operations readily available on their respective websites.

Recommendation #56 That the International Joint Commission consider meeting with interested stakeholder groups and individuals to explain in considerable detail how their structures are operated.

Recommendation #57 That the International Joint Commission consider creating specific “2017 Flood” and “2019 Flood” buttons for their home webpage and populating those pages with detailed information on the floods and their operations, as well as providing direct links to related reports.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Work with the Federal Government to:
  - a. Ensure the International Joint Commission (IJC) provides more transparency and better communications & consultation with impacted groups in Ontario.
  - b. Develop a comprehensive plan to assess and improve Plan 2014.
  - c. Ask the IJC to fully implement recommendations 55 – 57 of the 2019 Flood Events in Ontario Report.
2. Allow municipalities to access Provincial aid without the need to declare a state of emergency.
3. Direct Conservation Authorities to issue emergency permits immediately upon request to allow property owners greater leeway to protect their shorelines during high water without the delay of a permit process and potential fines.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **T. Province of Ontario Oversize/Overweight Permits**

Submitted by: Tillsonburg District Chamber of Commerce

### **Issue**

The Ontario Provincial Oversize/Overweight Permit System is very complex making it difficult for companies to comply when their vehicles travel throughout Ontario's county roads that are not designated as King's highways.

### **Background**

Most companies do not understand the requirements of the permit system. A provincial oversize/overweight permit costs a business \$448.75 annually and is valid ONLY for King's highways. This cost is considered very reasonable.

Alternatively, a business can also purchase a single "trip" permit valid for a limited timeframe with costs varying between \$66.25 to \$714 depending on distance travelled and weight of the load carried.

Since the provincial permit is valid for King's Highways only, in some cases businesses must also purchase county oversize/overweight permits as well as permits from the "lower tier" municipalities in that county.

This current system forces a business to contact each county and municipality that maintains the roads their vehicles will be travelling on to determine the trip permit process and requirements. This is a very inefficient, time consuming and complex process.

It is a burden to small and medium sized companies (SMEs) that require oversize/overweight permits to fulfill their obligations to their clients. Ontario companies affected are: excavating companies, construction companies, farm machinery dealerships, agricultural suppliers, for example.

### **Complexity Highlights**

The regions of the Province of Ontario contain 23 Counties with 211 "lower tier" municipalities embedded within the 23 Counties. And, there are 11 single tier municipalities (i.e. Brantford-Brant, Toronto, Ottawa, Chatham-Kent, Haldimand, etc.); which leaves a total of 245 potential contacts for permits.

Considering these statistics, business owners must know what municipality maintains the particular road their vehicles will be travelling on in order to legally transport equipment. To determine this, a business would need access to an entire database of Ontario roads and who maintains/owns them.

In our research, most businesses did not know their compliance requirements; and only one knew that County permits were required but did not know about the lower tier municipal permits.

In speaking with local businesses who were stopped and charged multiple times in the past 15 years, the fines were at least \$500.00. It is their feeling that it is cheaper to pay the fine than to spend the time to acquire the necessary permits.

In summary, the current oversize/overweight permit system is a barrier and a financial burden for companies in Ontario to do business.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Investigate the opportunities available to create a one-permit system for wide, high, and heavy loads to navigate throughout Ontario's roads regardless of the regions, counties or municipalities vehicles must travel through.
2. Develop a database with a real-time, interactive map with each municipality's rules, restrictions and information to provide businesses with a centralized hub for all permit information.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **U. Rapid Testing in Workplaces**

Submitted by: Mississauga Board of Trade

### **Issue**

Many workplaces would be pleased to offer rapid testing for COVID on site but regulations require only very specific health professionals to be allowed to administer the test making rapid testing in the workplace difficult and in some cases costly.

### **Background**

The COVID pandemic has significantly changed how workplaces function particularly those deemed essential for in-person work. Employees and customers required to work in a specific business location are susceptible to getting COVID due to the close proximity to fellow workers and layout of the workplace.

One of the ways identified to control the acquisition and spread of COVID is through effective and regular testing. Workplaces are an ideal location for rapid testing to identify positive cases of COVID, isolate the individual and ensure they do not enter the workplace.

Regulations however only permit certain health care professionals from administering the nasopharyngeal swab required for a rapid antigen COVID test, meaning many businesses simply cannot offer the test due to availability of health care professionals or the cost of employing these professionals in a 24/7 operation.

Manufacturers of the COVID rapid tests can train any person to administer and operate a testing machine and have indicated their willingness to do so. Therefore, businesses could arrange for employees within the business to receive the appropriate training and be certified to administer the rapid COVID test and interpret results.

Positive results of the test for an individual would be reported to the local Public Health Unit for the appropriate follow-up and action. The individual would receive on site counselling and be referred to a facility to receive a PCR (Polymerase Chain Reaction) test which is the gold standard for detecting COVID-19.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Amend the necessary regulations within the Ministry of Health to allow delegation of authority to non-medical professionals, who are trained to administer a nasopharyngeal swab and interpret rapid antigen COVID test results in the workplace.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **V. Resolving Business Ineligibility for COVID-19 Assistance Programs**

Submitted by: Greater Kitchener Waterloo Chamber of Commerce, Cambridge Chamber of Commerce

### **Issue**

Ontario businesses applying for COVID-19 assistance require an expedient solution and process for resolving eligibility and ineligibility issues.

### **Background**

The Canadian Manufacturers & Exporters, in their 2020 report *Manufacturing our Future: Leveraging Manufacturing for Long-Term Canadian Prosperity* noted that governments must continue to refine and expand support programs to business for ensuring economic stability. The organization proposed a rapid arbitration process for companies where there are disagreements in COVID-19 financial assistance relief program qualifications.

Businesses that are designated essential and open for personal services such as dry cleaning have experienced significant revenue drops but generally do not qualify for assistance since they are available for regular customer service. Applicants that have either opened or purchased a business between 2019 and 2021 experience chronic challenges in accessing funding programs originating from the verification of revenue declines.

A February 3, 2021 CTV News report indicated there were potentially 56,000 applicants awaiting decisions on assistance from the Ontario Small Business Support Grant. The provincial response was that some applications require “further review.”

The Ontario Restaurant Hotel & Motel Association (ORHMA) wrote to the Ontario Minister of Finance on January 18, 2021 requesting that accommodation establishments secure eligibility for the small business grant. Restaurants and bars are eligible however hotels are not.

### **Recommendation**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Establish a rapid arbitration process for Ontario businesses applying for COVID-19 relief where there are disagreements on provincial program qualifications.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **W. Responsible Business Protocol**

Submitted by: Greater Peterborough Chamber of Commerce. Co-sponsored by: Brampton Board of Trade, Barrie Chamber of Commerce, Greater Sudbury Chamber of Commerce, Milton Chamber of Commerce, 1000 Islands Gananoque Chamber of Commerce

### **Issue**

There is significant evidence that the current system of closing businesses based on the products they sell or services they offer is damaging Ontario's economy and forcing businesses to close permanently. An equitable set of safety standards for all businesses to adhere to in order to remain open will help our economy and save businesses from closure while maintaining public safety.

### **Background**

Compliance with safety standards is an integral part of running a business. It impacts every size and sector, from retail and restaurants to construction and manufacturing. The primary reason Ontario businesses are leaders in workplace safety is to protect their employees and customers. Compliance with regulations that continue to evolve is taken seriously. Businesses are accustomed to having their ability to operate depend on their compliance with current safety standards.

Businesses in Ontario follow the Occupational Health and Safety Act closely or face penalties that can include jail time and fines of \$100,000 for individuals and \$1.5 million for corporations. They work within the Workplace Safety and Insurance Act, Human Rights Code, Canada Labour Code, Ontario Fire Code, Liquor Control Act, Ontario Building Code, Health Protection and Promotion Act of Ontario, and more, each with their own set of financial penalties and potential restrictions to conduct business.

Currently, businesses are being shut down or forced to significantly change their service model not because of their adherence to safety protocols, but because of the products they sell or the services they offer. This shuts down some businesses while allowing others to operate with very few restrictions.

The result is a process that has significantly damaged the economy. People have not stopped shopping, resulting in a system that favours large international department and online retailers over Ontario-based businesses.

To both support the economy and keep Ontarians safe, the system defining which businesses are essential requires reform. Restrictions should hinge on compliance, not solely on perception of essentiality, sector, size, product etc. Businesses that can provide evidence of compliance with COVID-19 health and safety protocols should not be ordered under the same operating restrictions as those that are non-compliant.

The Ontario Chamber of Commerce is confident that businesses and lawmakers can work together to create an equitable framework where businesses can operate in compliance with new safety protocols that will both help Ontario work toward the eradication of COVID-19 and provide sustainability and consistency to the business community.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Establish a Safe Operating Framework with a uniform and equitable set of safety standards, in line with the Occupational Health and Safety Act, for all businesses regardless of products/services or

establishment size — not based on a perception of essentiality — enabling businesses to continue serving the public during a health crisis, including the current COVID-19 pandemic.

2. Establish a Community Contact Reduction Framework that applies the same capacity limits for all public-facing businesses, based on regional virus spread, identifying a clear framework for reducing individual contacts.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **X. Restoring Democracy in Ontario's Workplaces**

Submitted by: Greater Sudbury Chamber of Commerce. Co-sponsored by: Sault Ste Marie Chamber of Commerce

### **Issue**

The *Labour Relations Act, 1995* creates a legal regime which unduly favours union certification, instead of neutrally regulating the process. The card-based certification process is undemocratic and should be repealed; there should be more options to appeal the decisions of the Ontario Labour Relations Board; and there should be options for employers to seek recompense in failed certification cases.

### **Background**

It is time for the *Labour Relations Act* to be overhauled, with the aim of balancing the rights of employers and employees. The current regime unduly favours union certification and allows for underhanded union organization tactics, with limited opportunities for the will of employers and individual employees to be heard in the process.

#### **Card-Based Certification:**

Under Ontario's current labour legislation, a card-based system means that the Ontario Labour Relations Board can order a vote on union certification in construction-industry workplaces if more than 40 percent of employees have signed membership cards to join the union, and furthermore, if more than 55 percent of employees have signed cards, the Board can order certification of a union without a vote at all.

Card-based certification makes employers particularly vulnerable as certification is based on those working on the date of application. This means that automatic certification will apply even where 55 percent of the employees at work on the date of application constitute a minority percentage of the employer's total workforce (i.e., 10 employees working on the date of application to the Board could theoretically unionize an overall workforce of a 100). Union strategies can also include the use of "salts" (individuals sent by the union to seek employment for the sole purpose of bringing a union to the workplace) to certify companies against the will of regular, longer-term employees by bringing forward applications on a day where it is known that only a few employees are working.

Secret ballot voting safeguards employees from intimidation or pressure from union organizers or employers and helps ensure their true opinion is represented – this logic is accepted in election voting around the world in democratic countries. While a secret ballot vote is conducted in a neutral environment by the Labour Relations Board, the collection of signatures on union membership cards is controlled entirely by union leadership. Union organizers can pressure employees to sign union cards without communicating the actual purpose of those signatures, and can submit applications with cards that do not reflect the true wishes of some signees. Under the current legislation, there is no means to address abuse and fraud by union organizers during an organizing drive.

Card-based certification is undemocratic, threatens economic prosperity and significantly shifts the balance in certification votes in favour of organized labour. Since there is no evidence to suggest that secret ballot voting does not allow employees to express their wishes, and significant risk that card-based certification does just that, the provincial government should eliminate card-based certification and repeal Section 11.2.c of the



Act, which permits the Ontario Labour Relations Board to automatically certify a trade union without a secret-ballot vote taking place under certain circumstances.

Adjudication at the Ontario Labour Relations Board:

Under current legislation, the Board is composed of a chair, one or more vice-chairs, and an equal number of members representing labour and management. Section 110.14 authorizes the chair or vice-chairs to hear cases alone rather than in a panel if the chair considers it advisable to do so; in practice, this is often the case. Additionally, there are limited opportunities to appeal a vice-chair's decision, and if a request for reconsideration is brought forward, it is often determined by the same vice-chair that issued the initial decision. The province should amend the Act to remove Section 110.14 to ensure that a panel of Board vice-chairs and members hear each application, similar to other Ministry Boards; the province should also allow for a more responsive appeals process.

Failed Certification Applications:

Under current legislation, in cases where the Board holds a secret ballot vote in a workplace and the union receives 50 percent or less of ballots cast, the certification is deemed to have failed. Section 10.3 of the Act prohibits the Board from considering another application by the same bargaining unit for a period of one year. A certification application is costly, time-consuming and a distraction from the business's operations, and a grace period of one-year is not enough time for a business to recover from the legal proceedings of an attempted union certification. The reapplication ban should be extended from one year to five years.

Additionally, the legislation does not allow for any cost recuperation in failed certification cases, unlike other lawsuits. Such a recourse should be included in the legislation. Without such a provision, there is no disincentive for union organizers to bring forward applications year after year.

## Recommendations

The Ontario Chamber of Commerce urges the Ontario Government to:

1. Eliminate the card-based certification system for union certification.
  - a. Notwithstanding recommendation 1, the threshold for automatic certification should be raised from 55 percent of the workforce on the day of application to at least 66 percent of the employer's entire workforce.
  - b. Notwithstanding recommendation 1, allow employees a "cooling off" period of at least three business days to dispute the voluntariness of the signature on their union card or their continued interest in membership notwithstanding its use in any application.
  - c. Notwithstanding recommendation 1, repeal Section 11.2.c. of the *Labour Relations Act*.
2. Repeal Section 110.14 and mandate that cases be adjudicated by a panel of Ontario Labour Relations Board chair members, with balanced representation from management and labour representatives, instead of a single Vice Chair to encourage a fair and equitable adjudication process.
  - a. Introduce an appeal/reconsideration process that includes a specific response date and allows for the appeal to be heard by a different Vice Chair or panel than the one that issued the initial decision.
  - b. Introduce a triage system under the Vice Chairs or panels that determine the preliminary viability of any application, including unfair labour practice applications, similar to application processors in the Human Rights Tribunal.

3. Amend Section 10.3 of the Act to extend the bar for reapplying for certification from one year to five years.
4. Amend Section 77 to read that “*no person shall attempt at the place at which an employee works to persuade the employee during the employee’s working hours to become or refrain from becoming or continuing to be a member of a trade union*”; and introduce a remedy that where a membership card is signed in violation of this section it cannot be relied upon in a certification application.
5. Mandate that union organizers be required to communicate clearly to employees the purpose and impact of their card signature during their organization campaigns, including union dues, restrictions on working for non-unionized employers, and their use in a certification application in the employee’s current workplace; the certification cards should include an acknowledgement via a signature that this information has been communicated to the employee.
6. Introduce a mechanism that allows for legal costs recuperation in failed certification cases.
  - a. Introduce a filing fee for certification applications and unfair labour practice applications.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **Y. Small Town Ontario – How to deal with the problem of Brownfield Sites**

Submitted by: Napanee and District Chamber of Commerce

### **Issue**

Brownfield sites are an endemic blemish on small town Ontario. For larger jurisdictions with their higher tax base resources and their higher property values, dealing with these Brownfield sites is an easier task. These municipalities have the tax-based resources to investigate and apply available resources, so an action plan for dealing with Brownfield sites can be created and communicated to those interested in developing these properties. Plus, because property values are significantly higher in these larger jurisdictions, and the financially viable alternative uses to which a remediated Brownfield site can be converted allows for an appealing return on the remediation investment, many Brownfield sites in these larger centres are being converted.

With smaller towns and villages, these conditions do not exist, so the Brownfield sites are left unaddressed. Any development in these towns is moved to the fringes of the town, consuming, as often as not, fertile agricultural land and diverting consumers away from the downtown core. The downtown cores already have the infrastructure (electricity, water, sewer, streets, etc) that these ‘edge of town’ sites do not, and which have to be created in order for these sites to be used for development. Rather than building on the fertile farmlands around the towns, it makes much more sense to utilize the space within the towns that is already available for development. Instead, we are allowing devolution of these municipalities into decrepit ghost towns, with councils and local citizen groups constantly trying to regenerate their towns despite the open Brownfield sores that make regeneration a losing proposition.

### **Background**

Brownfield sites are those that may be contaminated, often due to a previous use, and which may require remediation before they can be developed and used. The cost for assessing the contamination status of the property and, if necessary, rehabilitation of that property can be extensive. When in a smaller town, the value of the property post-rehabilitation typically does not justify the expense of rehabilitation. These properties are left to further decay and besmirch the downtown cores – the downtown core is the town’s heart in these smaller communities. Consequently, these communities across Ontario are dying. This needs to be fixed.

Small towns in Ontario are in this situation with Brownfield sites through no fault of their own. Main street Ontario was developed before current environmental laws and policies were put in place. The Brownfield issue is a consequence of this historic ‘changing of the rules’ combined with the lower property values that demotivates remediation.

Regeneration brings back the historic façade of a downtown core – this is not possible with these Brownfield blemishes. A side benefit of healing this Brownfield site issue is the impetus that it provides for neighbours to enhance their properties, further adding to the appeal of these downtown cores – all this further adds to the municipalities’ tax bases.

COVID-19 has led to an increase of individuals from larger centres moving to smaller communities, drawn by the desire for a better quality of life, spurred by the increased opportunity to work from home. Clearing up these Brownfield sites increases the options for those migrating from the larger centres and makes the smalltown life a more appealing option.

The submission by the Greater Barrie Chamber of Commerce (Effective Date: May 4, 2019 and Sunset Date: May 4, 2022) outlines a proposal that Brownfields Legislation be overhauled to make it effective for dealing

with these Brownfield rehabilitations rather than discouraging people and companies from dealing with properties that have potential contamination problems. This is critical, and we certainly support that OCC initiative. Our concern is that the smaller jurisdictions will still be left out in the cold for the reasons previously mentioned.

The purpose of this submission is to focus on the many smaller Ontario communities with Brownfield issues by giving them a resource to deal with Brownfields (a resource that provides a roadmap for creating a Brownfields strategy), and outlines what financial support alternatives are available. By providing this information in a format that is easily accessible to small towns, and easy to apply, more smaller jurisdictions will be able to develop plans for rejuvenating their downtown cores and help their towns to thrive.

This, of course, does not remove the need for advocacy and lobbying. It does add the need for addressing the unique situations many of these smaller municipalities are facing with regards to dealing with these Brownfield sites. This must be incorporated into the lobbying strategy. Brownfields Legislation needs to be augmented to be more supportive of initiatives in these smaller jurisdictions.

These smaller towns need:

- A clear prescription for alternative ways that the issue of Brownfield Sites can be and has been addressed,
- An easy to access list of government resources regarding Brownfield sites, and a user-friendly process whereby these can be accessed, and
- An indication of what government planned initiatives are in the works to assist in resolving this Brownfields issue.

## **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. As part of an overhaul of the Brownfields Legislation, as proposed by the Greater Barrie Chamber of Commerce, the unique challenges faced by Ontario's smaller communities be addressed; and
2. Create a clear, easy to access process wherein the smaller jurisdictions can establish protocols to positive address and overcome the Brownfields problems these jurisdictions face.

Effective Date: May 5, 2021

Sunset Date: May 5, 2024

## **Z. Supporting Industry Use of Biochar as a Tool for Climate Change Mitigation and Soil Management**

Submitted by: Timmins Chamber of Commerce

### **Issue**

Biochar is the solid remains of any organic material that has been heated to at least 350 degrees Celsius in a zero-oxygen or oxygen-limited environment, which is intended to be mixed with soils. If the solid remains are not suitable for addition to soils or will be burned as a fuel or used as an aggregate in construction, it is defined as char, not biochar. There is a very wide range of potential biochar feedstocks, e.g., wood waste, timber, agricultural residues and wastes (straws, bagasse, manure, husks, shells, fibres, etc.), leaves, food wastes, paper and sewage sludge, green waste, distiller's grain, and many others.

### **Background**

Biochar is created using a process called pyrolysis. Organic waste such as wood chips, agricultural byproducts or switchgrass is burned in the presence of little or no oxygen, yielding oil, synthetic gas (known as syngas), and a solid residue resembling charcoal. It is charcoal, except that the point is not to burn it but to bury it. The pyrolysis process can be tweaked, with "slow pyrolysis" yielding more biochar and less oil and gas, and a faster version — seconds rather than hours or days — lowering the biochar product and upping the bio-energy side of the equation. In some systems, the syngas and oil can be used as a fuel to run the pyrolysis reaction, meaning it requires no external energy source beyond the organic waste itself. Proponents point to two completely distinct benefits to burying biochar.

The first is biochar's ability to store carbon in a stable form, preventing the CO<sub>2</sub> from organic matter from leaking into the atmosphere, where it contributes to climate change. Biochar also enriches the soil, which improves food security in developing countries and crop production almost anywhere. The details on the benefit to soil are still being researched, but in certain soil types, burying biochar can improve crop yields by improving water retention and moderating the soil's pH, or acidity.

Creating biochar reduces CO<sub>2</sub> in the atmosphere because the process takes a theoretically carbon-neutral process of naturally decaying organic matter and turns it carbon-negative: When plants decay, they emit CO<sub>2</sub>, which other plants eventually absorb, and the cycle continues. Biochar stabilizes that decaying matter and accompanying CO<sub>2</sub> and puts it in the ground to stay for — potentially — hundreds or even thousands of years. With supposedly enormous potential to help slow global warming, this idea has drawn an impressive array of supporters toward biochar. Among its most vocal proponents is James Lovelock, founder of Gaia theory, who has touted biochar as the way to save the planet.

As the commercial biochar field begins to take off, the idea is also getting attention from policymakers.

### **Recommendations**

The Ontario Chamber of Commerce urges the Government of Ontario to:

1. Fully fund research-based projects that seek to understand how biochar offers high potential as a climate change mitigation technology.
2. Carefully design projects, policy frameworks, and agricultural extension advice to optimize results and avoid adverse outcomes from poor implementation practices.
3. Encourage well-designed biochar projects ready to be deployed.

Effective Date: May 5, 2021  
Sunset Date: May 5, 2024

## **AA.Supporting Ontario’s diverse business community**

Submitted by: Ajax-Pickering Board of Trade. Co-sponsored by: Burlington Chamber of Commerce and Whitby Chamber of Commerce

### **Issue**

Following the first wave of the COVID-19 pandemic, many small business owners across Ontario began to pivot their business models, including adopting new safety measures and shifting to online sales platforms. While this massive shift has challenged Ontario’s entire small business community, it has taken an additional toll on the many small business owners in Ontario who have limited English and/or French speaking skills. To support growth and diversity, the government of Ontario must ensure resources and supports are available to the whole business community.

### **Background**

The COVID-19 pandemic has disproportionately impacted immigrants and under-represented groups. While there is no requirement to collect race-based data in Canada related to COVID-19, in Ontario, Census data were used to analyze the distribution of COVID cases across neighbourhoods with higher vs lower concentration of visible minorities. The findings show that the rate of COVID-19 infections were three times higher, hospitalizations rates were four times higher, and deaths were twice as high.<sup>238</sup>

Further, according to Statistics Canada, the pandemic has also had a greater impact on immigrants and visible minorities in the workforce: <sup>239</sup>

- 34% of front-line/essential service workers identify as visible minorities (compared with 21% in other sectors).
- Visible minorities are also more likely to work in industries worst affected by the pandemic, such as food and accommodation services – compounding health and economic risks.
- Impact of COVID-19 on immigrants' employment could reverse gains made in recent years to close the gap.

The Government of Ontario has offered support in the form of multilingual health sheets<sup>240</sup> and workplace safety posters<sup>241</sup>, however live support services like those provided by the toll free Stop the Spread Information Line are available only in English and French.

Programs developed to help reduce the spread of COVID-19 and move businesses to an online platform, such as Digital Main St., rely on business owners’ ability to have English or French verbal and oral communication skills.

The lack of multilingual supports could result in non-English and non-French speaking business owners being put at a digital, economic, and safety disadvantage.

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<sup>238</sup> Public Health Ontario. COVID-19 in Ontario – A Focus on Diversity. <https://www.publichealthontario.ca/-/media/documents/ncov/epi/2020/06/covid-19-epi-diversity.htm>

<sup>239</sup> Statistics Canada. Impacts on Immigrants and People Designated as Visible Minorities (October 2020). <https://www150.statcan.gc.ca/n1/pub/11-631-x/2020004/s6-eng.htm>

<sup>240</sup> Public Health Ontario. Multilingual COVID-19 Factsheets. <https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus/public-resources?tab=6>

<sup>241</sup> Government of Ontario. Resources to prevent COVID-19 in the workplace. <https://www.ontario.ca/page/resources-prevent-covid-19-workplace#section-3>

As Ontario looks towards recovery, the Ontario Government should ensure that tools are in place to help the entire business community thrive.

### **Recommendations**

The Ontario Chamber of Commerce urges the Ontario Government to:

1. Encourage immigrants and non-English and non-French speaking business owners to fully participate in the local and provincial economy by offering pandemic grants or build capacity within existing local immigration partnerships and like organizations to improve on language skills, and actively market that offering.
2. Ensure that pandemic resources, including live support workers, are available in a variety of languages, based on provincial demographics and need.

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## BB. Workplace Mental Health Strategy

Submitted by: Ajax-Pickering Board of Trade and Burlington Chamber of Commerce

### Issue

It is widely recognized that mental health problems in the workplace have a severe impact on Canada's and Ontario's productivity. The COVID-19 pandemic has only magnified an existing challenge. In addition, it's clear that providing help to those struggling with mental issues borne out of the pandemic will be key to our recovery as a province – both economically and socially. Ensuring Ontario's workforce and its citizens have the resources they need to improve their mental health is more than good business; it is the right thing to do. The Ontario government's \$12 million commitment to support and develop mental health programs specifically as a result of COVID-19 is a welcome contribution, but we must continue to look ahead and build on these efforts. There continues to be more that needs to be done in the areas of research and promotion. The provincial government has a key role to play in continuing its efforts at mitigating the costs of workplace mental health issues and ensuring that employers are ready and able to properly and positively address workplace mental health issues.

### Background

The Centre for Addiction and Mental Health (CAMH) has reported<sup>242</sup> that the pandemic has had the following detrimental impacts on the mental health of Canadians:

- 50% of Canadians reported worsening mental health since the pandemic began with many feeling worried (44%) and anxious (41%)<sup>243</sup>
- 81% of Canadian workers reported that the pandemic is negatively impacting their mental health<sup>244</sup>
- Experts have warned that pandemic related unemployment, job insecurity, reduced wages and increased workloads could result in 418 to 2,114 excess deaths due to suicide in Canada in 2020-2021.<sup>245</sup>

The following research evidence, which was provided prior to the pandemic, demonstrates the significant impact of mental health problems in the workplace:

- 1 in 5 Canadians experience a psychological health problem or illness in any given year.<sup>246</sup>
- Psychological health problems or illnesses are the number one cause of disability in Canada.<sup>247</sup>
- The economic burden of mental illness in Canada is estimated at \$51 billion per year. This includes health care costs, lost productivity, and reductions in health-related quality of life.<sup>246</sup>
- In any given week, at least 500,000 employed Canadians are unable to work due to mental health problems. This includes:

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<sup>242</sup> Centre for Addictions and Mental Health (2020) Mental Health in Canada: Covid-19 and Beyond  
<http://www.camh.ca/-/media/files/pdfs---public-policy-submissions/covid-and-mh-policy-paper-pdf.pdf>

<sup>243</sup> Angus Reid Institute, 2020

<sup>244</sup> Morneau Shepell, 2020

<sup>245</sup> 7 McIntyre & Lee, 2020

<sup>246</sup> Smetanin et al. (2011). The life and economic impact of major mental illnesses in Canada: 2011-2041. Prepared for the Mental Health Commission of Canada. Toronto: RiskAnalytica.

<sup>247</sup> Institute for Health Metrics and Evaluation (2015). *Global Burden of Diseases, Injuries, and Risk Factors Study, 2013*. Data retrieved from <http://www.healthdata.org/data-visualization/gbd-compare>.

- approximately 355,000 disability cases due to mental and/or behavioural disorders <sup>248</sup>
- approximately 175,000 full-time workers absent from work due to mental illness<sup>249</sup>
- 39% of Ontario workers indicate that they would not tell their managers if they were experiencing a mental health problem.<sup>250</sup>

At one time a similar crisis existed with workplace physical safety. Measurement and tracking of incidence rates, coupled with public awareness and the implementation of occupational health and safety regulations and legislation, played a strategic role in turning the tide. The same can be true for workplace mental health.

When not addressed, psychological health problems in the workplace lead to absenteeism, presenteeism, decreased productivity and quality of work issues, which in turn impact business success. By identifying and reducing workplace risks of psychological injury or illness and adopting accommodations specific to mental health, employers will benefit from workforce stability, increased productivity, reduced insurance costs, reduced risk of legal or regulatory sanctions, and a healthier financial bottom line. Similarly, employees will benefit due to the impact upon their health, morale, work life quality and ability to perform at their highest capacity.

The National Standard of Canada for Psychological Health and Safety in the Workplace (the Standard)<sup>251</sup> – the first of its kind in the world, is a set of voluntary guidelines, tools and resources. It is one of the tools available to business and lawmakers moving forward, which will be invaluable in promoting mental health and preventing psychological harm at work.

## Recommendations

The Ontario Chamber of Commerce urges the Ontario government to:

1. Ensure mental health resources, including stigma reduction, are integrated into the Ontario government's long-term economic recovery plan.
2. Continue to build on existing commitments and identify mental health in the workplace as a key priority for occupational health and safety research grants and funding innovation projects.
3. Ensure that local community resources, using evidence-based treatment practices, are visible to employers and employees, easily accessible and affordable.
4. Promote the National Standard of Canada for Psychological Health and Safety in the Workplace (CSA Z1003)
5. Provide training and education for business leaders with a focus on positive ways to address and respond to workplace mental health issues.
6. Consult with private sector workplace benefit providers to ensure an appropriate supporting policy framework exists to allow more employers to offer Employee Assistance Programs (EAP) to their employees.

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<sup>248</sup> Institute of Health Economics (2007). *Mental health economics statistics in your pocket*. Edmonton: IHE. Number of absent workers calculated using Statistics Canada work absence rates, retrieved from <http://www.statcan.gc.ca/pub/71-211-x/71-211-x2011000-eng.pdf>.

<sup>249</sup> De Oliveira et al. (2016). Patients with high mental health costs incur over 30% more costs than other high-cost patients. *Health Affairs*, 35: 36-43.

<sup>250</sup> Canadian Medical Association (2008). 8th annual National Report Card on Health Care. Retrieved from [https://www.cma.ca/multimedia/CMA/Content/Images/Inside\\_cma/Annual\\_Meeting/2008/GC\\_Bulletin/National\\_Report\\_Card\\_EN.pdf](https://www.cma.ca/multimedia/CMA/Content/Images/Inside_cma/Annual_Meeting/2008/GC_Bulletin/National_Report_Card_EN.pdf).

<sup>251</sup> Mental Health Commission of Canada. National Standard. <https://www.mentalhealthcommission.ca/English/what-we-do/workplace/national-standard>

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