

ONTARIO BUDGET 2019

WHAT'S IN BILL 100 THAT MATTERS TO ONTARIO NONPROFITS?

[Bill 100, Protecting What Matters Most Act \(Budget Measures\), 2019](#), was introduced in the Ontario Legislature by Finance Minister Vic Fedeli on April 11 and went through a short public hearing the week of May 6. It is expected to pass into law by the time the Legislature is scheduled to rise on June 6. The Budget Measures Act is yet another omnibus bill, 202 pages long, with 61 schedules affecting (we are not exaggerating) [199 acts](#). ONN has reviewed the list of schedules (note: we are not lawyers and this is not legal advice) and would like to highlight the following for the nonprofit sector. Unless otherwise noted, quotations are from the Explanatory Note provided by the Legislature.

- Schedule 5 - amends the Broader Public Sector Executive Compensation Act (BPSECA), 2014
 - ONN has been [monitoring](#) the BPSECA since 2014 when the Act [opened the door](#) to the Ontario Government arbitrarily setting compensation policy for independent community-governed nonprofits (but not, we note, for-profit corporations) under a general applicability clause (“every other authority, board, commission, committee, corporation, council, foundation or organization that may be prescribed”). The new amendment cleans up the legislative framework for executive compensation in the BPS and creates a framework for performance standards in executive pay. There is no indication that the legislation will encompass parts of the provincially-funded nonprofit sector that are not already subject to executive compensation frameworks, but ONN will monitor accompanying regulatory changes that put this in question.

- Schedule 9 - enacts the Combative Sports Act, 2019
 - This new Act creates a licensing and inspection regime and establishes an Ontario Combative Sport Advisory Council, which will advise the Minister. A definition of “combative sport” is provided and affected sports will be defined in regulations. The Athletics Control Act, 1990, is repealed.

- Schedule 16 - amends the Credit Unions and Caisses Populaires Act, 1994
 - Changes are related to the authority of the Financial Services Regulatory Authority.

- Schedule 17 - enacts the Crown Liability and Proceedings Act, 2019
 - Constrains the circumstances under which the Province can be sued by limiting “Crown liability, including providing that the Crown is not liable for torts committed

by Crown agencies, Crown corporations, transfer payment recipients, and independent contractors.” The Schedule provides for regulations that “may be retroactive and may be made to apply to proceedings in existence when the regulations come into force.” The Proceedings Against the Crown Act is repealed.

- According to the [Association of Municipalities of Ontario](#), “there is clarity that the Crown is not relieved of liability in any of the Environmental Assessment Act, Environmental Bill of Rights, Environmental Protection Act, the Environmental Review Tribunal Act, the Resource Recovery and Circular Economy Act, and the Workplace Safety and Insurance Act.”
- The Canadian Environmental Law Association has provided preliminary observations on Schedule 17 on their [blog](#).
- Schedule 24 - amends the Financial Administration Act, 1990
 - This Schedule prohibits provincial bureaucrats from expensing the cost of tickets for events where politicians (and only politicians) are speaking. Events with multiple speakers (as long as some are not politicians) are not covered.
- Schedule 30 - enacts the Financial Sustainability, Transparency and Accountability Act, 2019
 - This Schedule requires the Government to plan for a balanced budget (or release a rationale for any deficit), to release an annual budget by March 31 each year (except in an election year), and to release quarterly updates on the economic accounts. The Fiscal Transparency and Accountability Act, 2004, is repealed.
- Schedule 31 - amends the Freedom of Information and Protection of Privacy Act (FIPPA), 1990
 - A new data integration section is added, providing for “the designation of units within ministries that may collect personal information in order to compile information to enable analysis in relation to the management or allocation of resources, the planning for the delivery of programs and services provided or funded by the Government of Ontario as well as the evaluation of those programs and services.” Changes include new rules governing the collection, use, and disclosure of personal information, including rules respecting linking and de-identifying information. The grounds on which personal information can be disclosed are amended.
 - The amendments to privacy legislation are analyzed by University of Ottawa law professor Teresa Scassa on her [blog](#).
- Schedule 40 - enacts the Modernizing the Skilled Trades and Apprenticeship Act, 2019
 - Changes the governance of the practice of trades and apprenticeship training and certification.

- Schedule 48 - amends the Pension Benefits Act, 1990
 - This Schedule enables Ontario corporations, including nonprofits, that are not subject to a collective agreement to participate in target benefit pension plans. ONN had asked for this provision in our 2017 and 2018 pre-Budget submissions before our second pensions task force ultimately [recommended OPTrust Select](#) (not a target benefit plan). We are aware of two or three multi-employer plans that serve nonprofit workplaces and may be interested in this legislation, so we are pleased that the Ontario Government has moved on this enabling amendment.

- Schedule 53 - amends the Public Sector Labour Relations Transition Act, 1997
 - This Schedule relates to the applicability of the PSLRTA during the amalgamation of health service providers. In their e-bulletin, [Ontario Community Support Association](#) (OCSA) indicated that they were pleased to see this amendment, which “would ensure clarity on labour relations throughout the upcoming health system transformation.”

- Schedule 56 - enacts the Simpler, Faster, Better Services Act, 2019
 - This Schedule could change the way the Ontario Government and the Broader Public Sector provide digital services and make data available. The government followed up with the first iteration of a [Digital Plan](#) on April 30. The main provision in this plan for the nonprofit sector are the FIPPA amendments, mentioned above under Schedule 31, that enable data-sharing “across ministries for the purposes of policy analysis, program evaluation, monitoring of the allocation of resources, or service planning,” ([Backgrounder](#)).
 - Amanda Clarke, a Carleton University professor, provides a [helpful analysis](#) of the changes.
 - ONN will be digging into the implications of this new legislation with our partners on the [Administrative Data Coalition](#) led by Powered By Data.

- Schedule 57 - amends the Taxation Act, 2007
 - This Schedule adds provisions to add the Childcare Access and Relief (CARE) tax credit to the Tax Act.

If your nonprofit (or lawyer) finds other important provisions in Bill 100, please let us know! We rely on the power of our networks to engage with government and share information.