



Roman Baber, Chair  
Standing Committee on Justice Policy  
Ontario Legislative Assembly  
By email: [comm-justicepolicy@ola.org](mailto:comm-justicepolicy@ola.org)

November 4, 2020

**Subject: Bill 218 (Supporting Ontario's Recovery and Municipal Elections Act, 2020)**

Dear Mr. Baber and members of the committee:

We are writing to express our support for Schedule 1 of Bill 218 which, if passed, would provide Ontario's nonprofits with protection from COVID-related liability claims. We are pleased that this protection is retroactive to March 17, 2020, that it preserves workers' legal avenues for redress, and that it applies only to organizations that have made honest, good-faith efforts to follow all emergency orders and public health guidelines.

The Ontario Nonprofit Network (ONN) is the independent network for the 58,000 nonprofits in Ontario, focused on policy, advocacy and services to strengthen Ontario's nonprofit sector as a key pillar of our society and economy.

Nonprofits employ over one million workers, of which 80 per cent are women.<sup>1</sup> Five million people collectively volunteer 820 million hours of labour to Ontario communities each year, the equivalent of 400,000 full-time jobs.<sup>2</sup> As a sector, Ontario nonprofits receive less than half of their revenues from governments.<sup>3</sup> Consequently, the sector generates considerable economic impact - adding \$50 billion to Ontario's GDP<sup>4</sup> - in addition to the extensive social value it provides to Ontarians.

ONN has been engaging with the Ontario government about liability protection for nonprofits since June, when the issue first came to light for our sector -- sports and recreation groups,

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<sup>1</sup> ONN. "Decent Work for Women – A literature review of women working in Ontario's nonprofit sector." 2018. <https://theonn.ca/our-work/our-people/decent-work/literature-review/>

<sup>2</sup> Government of Ontario. "Not-for-profit sector meeting report." Open For Business process. August 2012. <https://www.ontario.ca/page/not-profit-sector-meeting-report#section-1>

<sup>3</sup> Imagine Canada and Canadian Council on Social Development. "The Nonprofit and Voluntary Sector in Ontario: Regional Highlights of the National Survey of Nonprofit and Voluntary Organizations." 2006. [http://www.imaginecanada.ca/sites/default/files/www/en/nsnvo/d\\_ontario\\_sector\\_report.pdf](http://www.imaginecanada.ca/sites/default/files/www/en/nsnvo/d_ontario_sector_report.pdf)

<sup>4</sup> Imagine Canada and Canadian Council on Social Development. "The Nonprofit and Voluntary Sector in Canada: Regional Highlights of the National Survey of Nonprofit and Voluntary Organizations." p. vi. <https://imaginecanada.ca/sites/default/files/2019-11/Regional%20Report%20-%20Ontario.pdf>

mental health organizations, nonprofit housing, home care, and many others -- as they struggled to secure adequate insurance in case of COVID-19 transmissions within their organizations.

We heard from our network that the threat of a lawsuit without adequate insurance coverage has been keeping nonprofit leaders up at night since insurance providers began creating COVID-related exclusions, raising premiums significantly (in some cases more than doubling them), or even denying coverage outright. It was clear that the insurance issue could affect the ability of nonprofits to deliver the programs and services that kept communities afloat. Some boards of directors resigned en masse. Funders were experiencing challenges in flowing funding to nonprofits during the crisis -- including the federal Emergency Community Support Fund -- because in some cases organizations were unable to secure insurance. We knew that it was only a matter of time before this became an issue for the approximately fourteen provincial ministries that provide funding through transfer payment agreements to approximately 15,000 nonprofits that deliver services on behalf of the Ontario government. Even for small agreements, the Province typically requires evidence of \$2 million in liability insurance.

As a result, we were relieved to learn on October 20 that the Ontario government had introduced legislation to address this challenge for nonprofits and their workers and volunteers.<sup>5</sup> In our view, this legislation provides the protection that nonprofits urgently need to support the recovery and continue to serve our communities. As Attorney General Doug Downey noted in his October 22 speech about Bill 218 in the Legislature, "our government is supporting the volunteers, front-line workers, charities, community partners and non-profits, all of whom are essential to Ontario's recovery."<sup>6</sup> On behalf of Ontario's nonprofits, we thank the government for this initiative.

We are pleased to note that liability protection only applies to those organizations that follow all emergency orders and public health guidelines and operate in "good faith." We would not wish to see protection extended to entities whose behaviour constitutes gross negligence or wilful misconduct.

We are also reassured that nonprofit workers will continue to have access to the usual routes for redress, such as the Workplace Safety & Insurance Board.

## **In conclusion**

Nonprofits have played a critical role in supporting Ontario communities during the first few months of the COVID crisis, and they will continue to do so as the pandemic is brought under control. Ensuring that these organizations have the enabling policy environment they need to help Ontario communities to recover -- and to flourish -- must be a top priority alongside public health and economic recovery. We look forward to working with you and your colleagues to ensure that

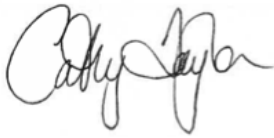
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<sup>5</sup> We note that Bill 218 includes other provisions not related to COVID-19 liability. ONN supports liability protection outlined in Schedule 1, Supporting Ontario's Recovery Act, 2020 only.

<sup>6</sup> Downey, Doug. "Supporting Ontario's Recovery and Municipal Elections Act, 2020." Edited Hansard. 42nd Parl., 1st sess. Legislative Assembly of Ontario. Web. October 22, 2020.  
[https://www.ola.org/en/legislative-business/house-documents/parliament-42/session-1/2020-10-22/hansard#P197\\_11127](https://www.ola.org/en/legislative-business/house-documents/parliament-42/session-1/2020-10-22/hansard#P197_11127)

Ontario's nonprofits are adequately supported so that they, in turn, can support our communities in the recovery.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy Taylor', written in a cursive style.

Cathy Taylor  
Executive Director  
Ontario Nonprofit Network

Copy to:       The Hon. Doug Downey, Attorney General [MinisterAG@ontario.ca](mailto:MinisterAG@ontario.ca)  
                  The Hon. Rod Phillips, Minister of Finance [Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)  
                  The Hon. Peter Bethlenfalvy, President of the Treasury Board  
                  [Peter.Bethlenfalvy@Ontario.ca](mailto:Peter.Bethlenfalvy@Ontario.ca)  
                  The Hon. Todd Smith, Minister of Children, Community and Social Services  
                  [Todd.Smith@ontario.ca](mailto:Todd.Smith@ontario.ca)  
                  The Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture  
                  Industries [Minister.MacLeod@ontario.ca](mailto:Minister.MacLeod@ontario.ca)