

Presentation by the Ontario Council of Hospital Unions

to the

Standing Committee on Justice Policy

Re: Bill 175

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The Ontario Council of Hospital Unions (OCHU) represents approximately 30,000 hospital, long-term care, ambulance and central laundry workers in 120 bargaining units across Ontario. Many of its members work in the skilled trades or are professionals who are certified by provincial regulatory bodies to their occupations. OCHU is committed to ensuring that hospitals in Ontario remain public not-for-profit institutions that provide high quality services under the medicare umbrella. Ensuring that all hospital employees are highly qualified and properly trained is a priority for OCHU.

For these reasons, OCHU has taken an active interest in Bill 175 and has made a significant commitment of its resources to assessing the likely impacts of the Bill and to bringing these to public attention.

Given the very abbreviated opportunity for public input, and the limited time accorded this Committee or the Legislature to give these comments consideration, we will abbreviate our submissions to highlight 7 fundamental concerns that OCHU has with this legislative initiative.

1. There is no need for Bill 175 and the government has made no effort to demonstrate one. Most significant labour mobility issues have been successfully addressed over recent years through inter-provincial cooperation and other voluntary initiatives such as the Red Seal Program for skilled trades. To the degree that mobility issues remain, they are better addressed through the mix of negotiation and diplomacy that has proven successful to date;
2. Requiring regulators to recognize occupational certifications given in other provinces with lower standards will create pressure to reduce Ontario standards to a lower common denominator. The requirement for regulatory authorities to harmonize their standards with those of other jurisdictions, together with the fact that only the jurisdiction seeking to maintain higher (not lower) occupational standards may be penalized under the Bill, will add greatly to this pressure;
3. By prohibiting residency requirements as a condition for certification in Ontario while lowering the bar for certain certifications, Bill 175 will likely increase competition for skilled jobs and professional employment in Ontario at a time of high unemployment and

create downward pressure on wages and benefits. The only Ontario workers that might gain under the Bill are these wishing to leave Ontario for another province that has adopted similar legislation;

4. As we know, Canada is an open society in which people are free to live and work anywhere in the country. But while Canadians are free to seek employment anywhere in Canada, they don't have the right to operate construction cranes or practice medicine unless they are qualified to do so. By requiring the certification of tradespersons and professionals who are trained to a lower standard, Bill 175 unnecessarily puts at risk public safety, and the health and well-being of Ontarians. Bill 175 will certainly do nothing to enhance the competence, skill, or integrity of Ontario tradespersons and professionals and to the contrary will likely undermine the quality of services offered by teachers, health care professionals, accountants, taxi drivers, and other occupations;
5. Bill 175 will impose significant resource demands on Ontario Ministries and regulatory authorities that will have to make informed judgments about the efficacy of occupational certification standards and practices in other provinces, and justify any higher standard requirements they wish to maintain. But many non-governmental regulatory authorities have little if any capacity to monitor the licensing and certification practices of other jurisdictions. This is also problematic in light of the increasing role being played by private companies that may provide poor training or even fraudulent certifications;
6. While certain exceptions to the requirements of Bill 175 are permitted, they may be challenged before private arbitral tribunals that are neither transparent nor accountable, and that have previously accorded a very narrow scope for such reservations; and
7. Bill 175 represents the first instance of Ontario taking the step of giving statutory expression to the Agreement on Internal Trade (the AIT), in this case its labour mobility provisions. Moreover, Bill 175 also implements the AIT dispute regime under which private tribunals may impose multi-million dollar financial penalties on the Province, which under the Bill may then be imposed on Ontario regulatory bodies, such as colleges of nurses, teachers, and social workers. In effect, these bodies may be penalized for simply ensuring that skilled tradespersons and professionals are properly qualified for their occupations.

The Conservative Government of Stephen Harper has made the implementation of the AIT, including the agreements on labour mobility and dispute resolution signed last December, a priority. In its Throne Speech (November 19, 2008), the Harper government committed to working with the provinces "to remove barriers to internal trade, investment and labour mobility by 2010." The Conservative election platform (October 7, 2008) went further by stating that a Harper government "will work to eliminate barriers that restrict or impair trade, investment or labour mobility between provinces and territories by 2010 . We hope to see further progress, but are prepared to intervene by exercising federal authority if barriers to trade, investment and mobility remain by 2010."

The truth is that there are no meaningful barriers to interprovincial trade, investment or labour mobility in Canada. However Stephen Harper clearly sees these largely imagined barriers as a convenient pretext for reducing the role of government in regulating the economy. Given his Government's ideological commitment to privatization and de-regulation, it isn't surprising then that it has made the internal trade and mobility agenda a key priority. What is far more difficult to understand is why the current Ontario government appears so keen to implement the Prime Minister's agenda.

In simple terms, Bill 175 is an instrument for labour market deregulation that will increase competition for scarce Ontario employment or vocational opportunities while reducing the qualifications of the individuals who are entitled to apply for or take up certified occupations. The result will do nothing to benefit Ontario's economy, but will put consumers, workers, and public health and safety at risk.