



**ETFO Submission to the Standing
Committee on the Legislative
Assembly**
***Bill 254, Protecting Ontario Elections
Act, 2021***

March 2021



Elementary Teachers' Federation of Ontario
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**Elementary Teachers' Federation of Ontario
Fédération des enseignantes et des enseignants
de l'élémentaire de l'Ontario**

The union represents 83,000 elementary public school teachers, occasional teachers and education professionals across the province. Its Building Better Schools education agenda can be viewed at **[BuildingBetterSchools.ca](https://www.buildingbetterschools.ca)**.

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INTRODUCTION

The Elementary Teachers' Federation of Ontario (ETFO) represents 83,000 public elementary school teachers, occasional teachers, designated early childhood educators and education professionals across the province and is the largest teacher federation in Canada. ETFO is an important stakeholder in the public education system and appreciates the opportunity to make submissions in the legislative hearings on Bill 254, *Protecting Ontario Elections Act, 2021*.

ETFO views its participation in provincial elections and public advocacy campaigns as a function of the organization's commitment to participating in and supporting the democratic process. Through engagement in elections, ETFO aims to represent the interests of our members and to bring forward their views and concerns regarding political parties' policies and election platforms. It is in the public interest for voters to understand the implications of party policies from the viewpoint of professionals who deliver publicly-funded programs.

ETFO has always operated within the legal framework established by federal and provincial law, including fulfilling the full reporting requirements for public accountability and transparency. ETFO has worked collaboratively with Elections Ontario to clarify questions regarding requirements and to ensure the organization meets all reporting requirements.

The introduction of Bill 254, *Protecting Ontario Elections Act, 2021* raises serious concerns for ETFO and its members. It will stifle political dissent and public debate on important public policy issues and interfere with ETFO and other unions' ability to effectively advocate on behalf of members. Bill 254 is unconstitutional and, specifically, infringes the freedoms of expression and association guaranteed by the *Canadian Charter of Rights and Freedoms* (the Charter). If adopted,

Bill 254 would effectively silence government critics for a period of more than one year prior to a scheduled provincial election.

Bill 254 appears to be an ideological and partisan effort by the current party in government to bolster its available funds for political campaigning, both by increasing individual donation limits and extending the per-vote public subsidy, while at the same time reducing or eliminating the role of other organizations such as unions, public interest groups, NGOs, community groups, and others in the public debate about important public policy issues.

The timing of the introduction of Bill 254 provides further evidence of the intentions of this government. Ontario is currently confronting a third wave of the COVID-19 pandemic. Ontarians are now learning more about the government's failure to protect residents in long-term care homes, the government's plan to open sections of Ontario's public education to private interests is being exposed, and the public is growing increasingly concerned about the failure in delivering a vaccination plan that is consistent and effective across the province. It is within this political context that the current government has introduced this legislation which seeks to shelter it from legitimate criticism and accountability from voters.

Increase in Spending Limits

Bill 254 proposes to double the existing limits on contributions to political parties. Under the new provisions, annual individual contribution limits would increase from \$1,650 to \$3,300 and increase by \$25 each subsequent calendar year. Candidate contribution limits to their own campaigns would increase from \$5,000 to \$10,000. Leadership contestant contribution limits would increase from \$25,000 to \$50,000.

This increase in contribution limits for individuals will not only disproportionately benefit the governing party but also increase the influence of wealthy donors on political decisions made by government. Ontario's democratic system is weakened when laws are designed to provide those who have the financial means priority access to those who make decisions on behalf of Ontarians. This will be one of the results of adopting Bill 254.

The current government has already removed safeguards that separate fundraising from lobbying activities through amendments to the *Election Finance Act*. These safeguards were put in place by previous governments to protect against the undue influence of wealthy donors on political decisions. Since the removal of these safeguards, the previous practice of holding “cash for access” events with cabinet Ministers and the Premier has widely resumed under the current government.

Changes to Third Party Political Advertising

Bill 254 makes significant changes to the rules governing third-party political advertisement. The participation of third-party organizations in the political debate prior to, during and after an election campaign are an integral component of our democracy. The changes proposed by Bill 254 go well beyond a reasonable attempt to place limits on the influence of third-party organizations on an election campaign.

The extension of the non-election period, for which spending limits apply, from six months to twelve months prior to the start of the election campaign can only be interpreted as an effort to silence government critics. Extending this pre-election period to a year has nothing to do with protecting the integrity of Ontario elections, but rather with sheltering a government from legitimate criticism and with limiting the ability of organizations, including unions like ETFO, from participating in important

public policy debates through advertisement and other public relations campaigns. This represents an infringement in ETFO members' freedom of expression protected under s. 2(b) of the Charter.

Under the guise of preventing 'collusion' between third-party organizations for the purpose of political advertising, Bill 254 introduces changes to the *Election Finances Act* that are unlike any other equivalent legislation in Canada. These so-called anti-collusion provisions not only interfere with the regular operations of trade unions, community coalitions, and other third-party organizations, but are a direct attempt to prevent organized opposition to this current government's policies.

Bill 254 would have broader implications than limiting the role of third-party organizations on political debates well before an election. For unions like ETFO, public policy is directly tied to our collective bargaining objectives. By severely limiting ETFO's ability to engage in public advertisement for a period of more than a year, Bill 254 infringes upon ETFO members' freedom of association which is protected by s. 2(d) of the Charter.

Conclusion

Bill 254 has been drafted to benefit the current party in government by providing it with access to substantial financial resources while at the same time attempting to silence its critics. This legislation is being proposed at a time when scrutiny over the government's response to the COVID-19 pandemic, its failure to protect long-term care residents and staff, its plans to undermine public education and open portions of it to private interests, are placing additional pressure on the government party.

Bill 254 infringes on the rights to freedom of expression and association guaranteed by the Charter. It suppresses political dissent and debate on important public policy issues. It undermines our

democratic system and it further exacerbates the undue influence of wealthy well-connected donors in the decisions government makes impacting Ontarians.

Bill 254 must be withdrawn.



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