



Submission to the Standing Committee of the Legislative Assembly  
Regarding Bill 254 - Protecting Ontario Elections Act, 2021

Submission of the United Steelworkers Union - District 6  
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Marty Warren  
District 6 Director  
United Steelworkers

200 Ronson Drive, Suite 300  
Etobicoke, Ontario  
M9W 5Z9  
416-243-8792

The United Steelworkers union (USW) is the largest private-sector union in both Canada and North America, representing approximately 850,000 active and retired workers. USW District 6 is the largest of the USW's 13 districts, with nearly 120,000 members and retirees across Ontario, New Brunswick, Newfoundland and Labrador, Nova Scotia and Prince Edward Island.

Our union is diverse and our members work in a variety of sectors in all regions of Ontario. On behalf of all of our members across the province, we thank the Standing Committee of the Legislative Assembly for providing us the opportunity to comment on the potential impact of Bill 254 (the bill) should it be enacted in its current form.

When introducing the bill for the first time in the legislature, the Attorney General correctly noted that "each and every Ontarian is a driving force in our democracy." He said the government's intention with this bill is to "make sure that the electoral system continues to evolve to protect Ontarians' central role in elections and promote fairness in the electoral process for everyone."

The USW is in full support of that stated goal, but far from protecting the role of everyday Ontarians in our shared democracy, this piece of legislation undermines basic fairness in our democratic freedoms during and outside of elections.

More specifically, it would limit free speech and have serious impacts on freedom of association. For these reasons, we submit that this bill must be defeated.

### **Limiting Freedom of Expression**

When done right, good regulation over third-party spending and activities during an election period can help to level the playing field for everyone who is attempting to share information. It can allow voters who are seeking to inform themselves to participate more meaningfully in the electoral process.

But levelling the playing field is very different than paving it over so those with the deepest pockets and most well-connected friends are left with the court to themselves.

It is not uncommon, for example, for everyday people to band together to support or oppose a piece of legislation. One can think of parents fighting against cuts to their children's school, workers lobbying for better protections on the job, or families trying to get better care for their parents in long-term care homes during a pandemic. Whether for groups such as these one-off issue-based coalitions or a formal trade union, the definition of political advertising is already overly restrictive in this province and the changes in this bill would extend those restrictions from six months to one year.

It is difficult to argue that information shared a year before an election would adversely affect the participation of the rights of Ontarians in that election. In fact, the current timeline of six months before an election is already indefensibly long. Nevertheless, the consequence of changes in this bill, which has been purported to be intended to help individual Ontarians, is that any communication about any issue by any group of people might force that group to not only register as a third party but also have their ability to share information with the general public restricted a full year before anyone in the province heads to the polls.

Communications between citizens of any democracy that are intended to hold elected officials to account or encourage them to adopt or change positions are a healthy and necessary part of that democracy. But this bill has the potential to be used to limit the ability of groups to deliver messages

about issues facing communities across the province, to silence dissent and relieve pressure on a government even if it has no real connection to a coming election.

### **Impact on the Freedom of Association**

Specific aspects of the bill would clearly impact how individual Ontarians are able to come together to use the strength and clarity of their collective voices to support or oppose a given issue or piece of legislation. But, beyond the enumerated details, it is the long list of ambiguities and unanswered questions that could intimidate many groups and may limit long-established rights and norms.

For example, the bill does not uniformly seek to get big money out of politics. In fact, while the trend across the country has been for provincial governments to limit the potential for a pay-to-play scenario by capping personal contributions, the bill would double the amount an individual could donate to a politician and party. This bill only targets third parties, many of which are local groups, labour organizations and unions who stand up for everyday working people.

So, at the same time as these representative groups will be forced to do far more with the same cap on their spending, wealthy donors will be free to give even more to their government friends. It is a clear attack on organized everyday people, in favour of the well-connected elite.

Individual people join unions to strengthen their voices, their influence and their collective power to improve their situation in their workplace and, through wages and benefits, outside of their workplace as well. It is only natural that they share an interest in raising the bar for all workers so they can continue to push for a better quality of life. At the core of a union's mandate and function is the ability to communicate freely and effectively with our members. This communication is essential to representing and protecting our members' interests, not only at the bargaining table, but also through broader advocacy and political action.

From labour laws, employment standards and health care to skills training, universal child care and affordable education, decisions made at Queens Park have a direct impact on the working conditions and quality of life of our members.

Communicating with our members about the decisions being taken and promises being made by elected representatives is essential to representing and protecting their interests and has historically been excluded from the definition and regulation of political communications and advertising. This legislation can be interpreted as an intentional step down a slippery slope toward limiting that important right of workers to communicate and organize together, free from government intervention.

With this legislation it appears that the government is, in fact, attempting to interfere with these internal communications. Unions use a variety of tools, from emails and texts to websites and social media to communicate directly with our members. These tools are part of our permanent communications infrastructure, which allows us to exchange information with our members and engage them in the work of their union. Regulating some advertising is not new, but the absence of a clear exclusion of these regular communications tools from the restrictions in this bill is concerning.

Regulations preventing collusion are also not new, nor are we writing today to oppose the principle of those regulations when implemented equitably and clearly. However, by specifying groups that "share a common advocacy, cause or goal," the bill intentionally or otherwise misunderstands the reality of how individuals organize within labour unions specifically and third parties more broadly. On both sides of

the political spectrum, many groups share common goals and trade union workers depend on their unions to advocate for their causes and goals as well.

Local, regional and central unions – even those who share a name – are legally distinct organizations. The law reasonably requires that each register separately for expenses. This bill could essentially require that these entities act as a single unit. It is problematic in the extreme and fundamentally wrong.

Further, the bill's lack of clarity in defining terms such as "sharing information" or "contributors or donors" that are used with consequence raises all kinds of questions about just how far some legislators may be intending go to use this legislation to silence their political opponents or perhaps try to scare them off from organizing in the first place.

As another example, the bill threatens against third parties using a "common vendor." Short of forcing local Canadian businesses to sign agreements that limit their own ability to sell their products and services, how is a small group or even large union supposed to know who is using which vendors? At what point is a vendor too large to be counted? Would using the same advertising agency constitute a violation? What about the same media outlet?

It is unclear how a third party can be expected to know the identities of vendors of other third parties to ensure compliance with this provision. In addition, there are a limited number of local small businesses and national firms, making it difficult for third parties to comply with this new requirement, while doing nothing meaningful to advance election fairness, given there are already existing rules in place prohibiting collusion.

This lack of clarity seems intentional and will inevitably result in shutting down more voices before they are able to be raised to share their concerns.

## **Conclusion**

When making changes to something as fundamental as the rules that govern our democracy, great care must be taken to ensure that every move makes it easier for more people to participate in the process, have their voices heard and their rights respected.

Once again, as the Attorney General said in his introduction of the bill, "We want to open doors to people. We don't want to put barriers up."

Unfortunately, for everyday people, this bill closes doors to the back rooms where rich donors shake hands with government officials and it puts up barriers to those who seek to work together to strengthen their voices.

This bill is, at best, deeply flawed and should not be allowed to pass as it stands.

We look forward to a response on the issues we have raised in this brief submission.

Respectfully submitted on behalf of all USW District 6 members in Ontario.