

QP Briefing: January 4, 2017

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Articles

1). Happening: Ontario NDP start nominating candidates for 2018 election

By: Geoff Zochodne

Ontario New Democrats have begun putting together their team for the 2018 provincial election.

The NDP announced Wednesday that London-Fanshawe MPP Teresa Armstrong has been nominated to run again in the next election, the party's first official candidate. After a recent shuffle of portfolios, Armstrong currently serves as the party's critic for home and long-term care, as well as for seniors' affairs.

"London-Fanshawe is my home," said Armstrong in a release. "I'm proud to represent this riding, and I look forward to the coming election, and working alongside Andrea Horwath and my NDP colleagues to offer Londoners and Ontarians a better future."

While the Liberals have been quiet, the Progressive Conservatives have also begun nominating candidates for 2018, albeit with a few hiccups and spats along the way. This week, the Tories have been nominating current MPPs for the next election. Veteran PC MPPs Laurie Scott, Steve Clark and Vic Fedeli are among those who have been renominated.

Andrea Horwath @AndreaHorwath

Congrats @TArmstrongNDP on becoming 1st officially nominated NDP candidate for 2018! Team #ONDP off to strong start <http://goo.gl/cc12Mq>

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2). Seen: Ontario crafting 'post-US election strategy'

By: Geoff Zochodne

How do you solve a problem like the Donald?

A recent message to the Ontario public service says the government is working internally on a provincial post-election "engagement strategy" for the United States. It will address the trade policies of the Trump administration, which will officially take power in Washington on Jan. 20.

"As you know, Ontario-US relations are critical to ensuring that the province continues to have access to the world's largest economy and where about 80 per cent of Ontario's exports end up," says the Dec. 6 message. "While we are working hard to diversify our trade, we will continue to push for expanded markets in the US."

The message was posted to the government webpage that's used for Cabinet Secretary Steve Orsini's communiqués to the public service. It says the post-election strategy for the U.S. will be worked on "over the coming weeks."

Incoming U.S. president Donald Trump has made it obvious he has no qualms about scrapping with other countries over international trade matters, especially when it comes to the North American Free Trade Agreement. However, with the future of a massive trading partner hanging in the balance, it appears the Ontario government was preparing for all possible outcomes; the message says that, prior to the November election, "a group of deputies have been developing key elements of an Ontario-US engagement strategy in consultation with the federal government."

"Michael Wernick, federal Clerk, has held one face-to-face meeting with provincial-territorial clerks and secretaries and one teleconference call on this important topic," it adds.

To work on the province's approach, an internal committee will be led by Lynn Betzner, Ontario's deputy minister of intergovernmental affairs, Shirley Phillips, the deputy minister of international trade, and Monique Smith, the province's representative in Washington.

Other ministries will also have a say in determining "Ontario's post-US election strategy," Orsini says, including the ministries of Economic Development and Growth, Agriculture, Natural Resources and Forestry, Northern Development and Mines, and Finance.

"This strategy will supplement work already underway by the Business Climate and Innovation Deputies Committee on economic development opportunities," states the message.

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3). Ontario gets graphical in health-transfers argument with feds

By: Jessica Smith Cross

As the standoff between the majority of Canadian provinces and the federal government over a new health accord continues, Ontario's ministers of health and finance are seeking to clarify their position in the complex debate with the public.

On Tuesday, the ministers of health and finance of 10 Canadian provinces and territories sent a joint letter to their federal counterparts, reiterating their call for a 5.2-per-cent annual increase to the Canada Health Transfer — a figure they argue is based on a "strong, evidence-based rationale" that the financial demands on Canada's health care systems will grow 5.2 per cent a year over the next decade.

It follows the federal government's announcements that New Brunswick, Nova Scotia and Newfoundland and Labrador agreed to the federal government's terms and signed agreements in late December. But the other provinces and territories are, thus far, united, according to the letter.

"Provinces and territories have a fundamental responsibility to continue delivering high-quality health care to their populations," the letter says. "We will not shirk this obligation, nor will we stop driving improvements across our systems. However, we are looking to the federal government to be a full partner in these efforts. This is what Canadians rightly expect."

The Ontario government distributed that letter along with a backgrounder, which makes the case that the difference between what the federal government is offering, and what the provinces argue is required, is a gap that will grow over the years.

It includes this graph that may provide some insight on why the government is playing health-care negotiations hardball:

(<http://www.qpbriefing.com/wp-content/uploads/2017/01/chart.jpg>)

The blue line in the above graph shows the Canada Health Transfer to Ontario increasing at 5.2 per cent a year — the provinces' request — and the red line shows the transfer growing at 3.9 per cent a year, which reflects the federal government's latest offer of 3.5 per cent, plus one-time payments for mental health and home care. It illustrates that the gap is less of a problem for Ontario in the near future — \$2 billion over five years, which coincides roughly with the current Ontario government's mandate and a full term for the government that takes power in 2018. But that gap will be a \$10-billion problem for whoever is governing Ontario in the five years that follow, if nothing else changes.

Likewise, the difference, for Ontario, between accepting the federal government's final offer and rejecting it, is also relatively small in the near future, as the current legislation provides for a 3-per-cent increase per year, or the nominal GDP growth rate, whichever is higher.

Finance Minister Charles Sousa went on CP24 to explain the position Wednesday.

"This is not about us against them," he said. "This is about trying to serve the needs of Canadians and in this case Ontario is trying to do its utmost to secure health care."

Sousa said the public doesn't want to see a fight between the provinces and the federal government, but the provinces currently bear 80 per cent of the health care costs in Canada, and will bear more under the federal government's plan, he said, adding "that widening gap is growing, and we want to make certain there's a true partnership going forward."

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4). Regulator reviewing Ontario's electricity support program for low-income families

By: Geoff Zochodne

A provincial regulator is taking a look under the hood of Ontario's support program for low-income electricity customers, which is still slowly enrolling eligible households a year after its creation.

The Ontario Energy Board, the overseer of the provincial electricity industry, said on Dec. 21 that it is "undertaking a review of the [Ontario Electricity Support Program]."

The OESP provides monthly credits of between \$30 and \$50 on hydro bills for households making less than \$52,000 a year, with the exact size of the credit depending on the size of the family. If a home is heated using electricity or if someone in the family uses power-intensive medical devices, customers can receive more support.

"The OEB is committed to reviewing the OESP on a regular basis to evaluate what has been working well and what could be better," said the OEB in an email to QP Briefing. "Specifically, we will be looking for ways to make the OESP application process as easy and accessible as possible for all consumers who qualify. This is an ongoing review that is part of our normal business activities."

The OEB says it is not changing the level of the OESP credits "at this time" because of the review, which comes as hydro rates have become the top political issue in Ontario. It also comes as the Liberal government is trying to find ways to reduce those electricity costs for voters, such as the 8-per-cent rebate that came into effect Jan. 1.

The low-income support program must be applied for, and it has not been without its challenges. Approximately 570,000 customers are estimated to be eligible for the OESP, but the OEB told QP Briefing on Wednesday that 267,469 applications had been received and that 170,236 people were enrolled as of Dec. 30, 2016.

"The difference between applications submitted and number of consumers enrolled largely includes applications in the approval process, awaiting receipt of the consent form or on hold pending consumer action to correct inaccurate information before proceeding," said the regulator.

The OESP was established in January 2016, and is funded by a charge that all Ontario electricity customers pay. The OESP fee for ratepayers in 2017 is \$0.0011 per kilowatt-hour, the same as it was in 2016.

"The program is less than a year old and given the OEB's review that is underway, it is premature to make an adjustment to the charge at this time," said the OEB in a Dec. 15 decision.

The OESP is different from previous benefits, which automatically enrolled consumers. Energy Minister Glenn Thibeault said at the end of November that 145,000 Ontario families had qualified for the OESP.

"We've already made some changes to expand the number of consumers who may qualify for a higher level of OESP assistance to include Inuit and at-home kidney dialysis users," the OEB said. "We also put in place measures to help us assess how well the OESP is meeting its objectives. When we designed OESP, we said we would evaluate its success against specific program goals, including reducing disconnections and improving consumers' ability to pay bills on time. While it is still too early to evaluate how well the OESP is helping to reach these goals, utilities will start providing new data to the OEB in 2017 to help inform our evaluation."

The Progressive Conservatives attacked the Liberals over the OESP in October, after discovering the OEB had spent nearly \$12 million on consultants and advertising for the program.

"We're going to continue to work hard to make sure that every family knows about this program, rather than this party just shaking their fist at it," said Thibeault at the time.

The OEB said it will keep reviewing the OESP "and make adjustments as needed based on the information we collect."

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5). 'It is absolutely my expectation' SIU reports will be made public: Attorney General

By: Sabrina Nanji

As Justice Michael Tulloch deciphers where to draw the thin blue line around police oversight bodies, the Attorney General firmly anticipates Ontario's police watchdog reports will be made

public – just how public, however, isn't clear yet.

Tulloch, who is finishing up a provincial tour of public consultation meetings, was enlisted last spring by the government to conduct an independent review of its three oversight agencies – the Special Investigations Unit (SIU), the Office of the Independent Police Review Director (OIPRD), which screens public complaints and decides whether to investigate or defer grievances to a local police service, and the Ontario Civilian Police Commission (OCPC), the adjudicative body that hears from officers appealing disciplinary decisions.

Tulloch's final report will be publicly released by March 31, and after high-profile deaths at the hands of police ignited public furor, the province asked him to prioritize recommendations on how the SIU shares information for its investigations into allegations of serious police misconduct, including death, serious injury and sexual assault.

"It is absolutely my expectation that these reports will be made public," AG Yasir Naqvi said in a keynote address to the Pearson Centre for Progressive Policy in the fall.

"Ontario's police oversight system could be more open, it could be more transparent to the public and to the communities who have legitimate questions ... The tragedies in the United States cast a long shadow. The incidents in Toronto, and most recently in Ottawa, have only made it clearer and more urgent that things have to change in order to maintain confidence in policing."

Naqvi was referring to Andrew Loku who was fatally shot by Toronto police in July 2015 after they responded to a call that he was wielding a hammer at his west-end apartment that's owned by the Centre for Addiction and Mental Health to provide affordable housing for people with mental illness. The following summer, closer to Naqvi's home riding in Ottawa, Abdirahman Abdi was shot dead by police outside his apartment after multiple 911 calls were made from a nearby coffee shop he frequented.

The SIU launched investigations in both cases and eventually released a heavily redacted version of the Loku report that censored out key facts, such as the name of the officer who fired the kill-shot, who was cleared of criminal charges, and dozens of witnesses.

That fanned the ire of the public, civil and human rights advocates, legal experts, and the privacy commissioner, who say that information is of significant public importance, something top police brass is vehemently opposed to (more on this below). Naqvi said those concerns are "very real" and "valid" and that "the status quo is not good enough" to restore the eroded confidence in Ontario's police oversight system.

Naqvi is putting law enforcement on notice. With an eye to boosting "transparency and accountability," he said Tulloch has been tasked specifically with deciphering what information should be public within the confines of legal, privacy and safety concerns.

Currently, the SIU director oversees and conducts investigations in instances of death, serious injury or sexual assault and decides whether to lay criminal charges or clear the officers

involved, and the local police chief runs a parallel investigation. If the director lays criminal charges, the name of the “subject officer” is released. When no charges are laid, the director’s report is delivered to the attorney general, who is the only person that gets a peek.

So, Ontario’s police chiefs have been quick to remind that officers subject to an SIU investigation suffer too.

In its submission to Tulloch’s review, which was provided to QP Briefing, the Ontario Association of Chiefs of Police says naming officer who are eventually cleared of misconduct can compromise their safety, citing cases where a cop was never charged but was named, and received death threats. In one instance a “named officer” had to “make special arrangements to ensure the safety of their school aged children.”

“Having regard to the current level of stress and anxiety that officers face both on a day-to-day basis, and in particular, during the course of an SIU investigation, the release of the officers’ names may have a detrimental impact on their mental health,” the submission adds.

Police chiefs also contend the privacy of an officer trumps the public interest when it comes to SIU investigations and reject the interpretation of provincial privacy law that seems to allow for an override if there is a compelling public interest where charges aren’t laid.

“We submit that the public interest can be addressed through an appropriate level of disclosure that does not include the names of the officers,” OACP said.

But according to Ontario’s Information and Privacy Commissioner, making an exonerated officer known can help clear the air when it comes to the serious injury or death of a civilian. Commissioner Brian Beamish has recommended all SIU reports be made public, and only subject to very limited statutory exceptions, such as the name of a civilian witness.

“The current legal and policy framework does not facilitate sufficient transparency,” Beamish wrote in his submission to Tulloch’s review. “We urge the government to amend the [Police Services Act] to require greater transparency with respect to the SIU’s investigation reports ... [which is] central to providing necessary accountability and community confidence.”

That’s been backed up by the Ontario Human Rights Commission. The OHRC has urged the government to make public all reports investigating police-involved civilian death or serious injury, and said that those reports should go a step further and include data on the victim’s race, gender, age and whether they had or were perceived to have a mental health disability. But the commission is skeptical openness alone will go far enough, and recommends a wholly independent institution be set up as a safeguard that will “undertake proactive, independent and transparent monitoring and enforcement regarding systemic discrimination in policing.”

“Even in the case of Andrew Loku, where a redacted report was released to the public, it did not quell calls for greater accountability for his shooting by police. The SIU did not and could not investigate whether there was discrimination,” the commission told Tulloch.

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