



2018

# Pre-Budget Submission

TO THE STANDING COMMITTEE  
ON FINANCE AND ECONOMIC AFFAIRS

AMAPCEO

ONTARIO'S PROFESSIONAL EMPLOYEES



**I provide  
support for  
marginalized youth.**



## **Rawle Elliott**

Children & Youth Advocate

Everyone wants the brightest future for all the youth of Ontario.

Rawle Elliott, Children & Youth Advocate for the Office of the Provincial Advocate for Children and Youth (OPACY), protects them.

Advocates like Rawle seek justice and fairness for our society's most vulnerable children and youth. Whether urging access to needed programs and services that are a right or influencing public policy to protect youth in the future, Rawle ensures the voices of marginalized youth get attention.



**Dave Bulmer**

PRESIDENT, AMAPCEO

Dear Minister Sousa,

On behalf of AMAPCEO's 14,000 members, I am pleased to have the opportunity to submit our recommendations regarding the 2018 budget.

As you know, AMAPCEO represents professional public servants, who work directly for government in every ministry, in agencies—and in eleven cities around the world. We also represent employees in six broader public sector agencies, including the Ontario Arts Council and the Provincial Advocate for Children and Youth. AMAPCEO members play a crucial role in preparation of the Budget, and, as you will read through our submission, in delivering the services Ontarians rely on.

AMAPCEO's 2018 pre-Budget consultation submission focusses on three specific recommendations:

1. The Sunshine List needs to become anonymous and it needs to be indexed to inflation
2. The government must cease privatization initiatives
3. The government must capitalize on the opportunity to embrace the Community Benefits framework, as outlined in the Long Term Infrastructure Plan. We see a particular opportunity to showcase Community Benefits through the Macdonald Block Reconstruction Project.

The past year has shown some significant promise. AMAPCEO applauds the government for moving forward with important, though still imperfect, changes to the province's labour and employment legislation including the increase to the minimum wage. The past year has also seen a welcome return of government to a respectful process of collective bargaining within the Ontario Public Service.

That said, AMAPCEO believes that there is still more to do to ensure Ontario continues to thrive, and continues to move towards a vision of fairness. In that spirit, AMAPCEO presents its recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave", written in a cursive style.

Dave Bulmer  
President



**I keep your  
private data  
private.**



## **Tom Tran**

Senior Cyber Security Specialist, Treasury Board Secretariat

Lately, it seems as though we see news of hackers gaining access to a cache of personal information every day.

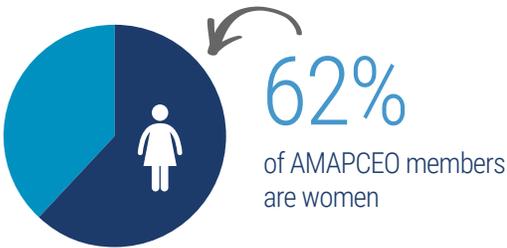
Tom, a Senior Cyber Security Specialist with Ontario's Treasury Board Secretariat, works hard to stay ahead of them. The Secretariat works to ensure the government is open and accountable, but private information stays private... and that's exactly what Tom does.

It takes a lot of work behind the scenes to keep our province running. As one of Ontario's professional civil servants, Tom has both the skills and the background to make sure your data is protected from prying eyes.

## Who We Are

AMAPCEO is a member-driven union of professional employees, dedicated to providing outstanding representation and other services to our members. We protect members' rights, defend Ontario's public services and advocate for better working conditions for all workers.

14,095  
public professionals  
represented



The majority of AMAPCEO members work for the Ontario Public Service. You probably know them; they work for the government in every ministry, as well as in a number of agencies, boards and commissions—in over 130 communities across the province and in eleven cities outside Canada.

We also represent members in six broader public sector bargaining units outside the OPS:

- Two independent offices of the Legislative Assembly (Provincial Advocate for Children and Youth and the French Language Services Commissioner);
- Three independent crown agencies (Ontario Arts Council, Health Quality Ontario and Public Health Ontario); and
- Waypoint Centre for Mental Health Care, in Penetanguishene.



Our membership is educated, professional, and diverse. They are problem solvers who take pride in working hard and offering creative, evidence-based solutions to public policy issues. They are passionate about serving the public interest.





**I make  
workplaces fair.**



## **Alison Griggs**

Provincial Specialist, Employment Practices, Labour

You might be wondering what workplace legislation means for you. Alison helps everyone understand.

We don't know what the workplaces of the future will look like, but Alison Griggs, a Provincial Specialist in Employment Practices for the Ministry of Labour, is working to ensure they will be fair.

When legislation comes from the halls of Queen's Park, it consists of 'legalese'. Alison works on the operational policy to make sure the laws can be put into action. When bills are developed and amendments are made, Alison and her colleagues research how the policy can actually be implemented.

## RECOMMENDATION

# 1 The sunshine list needs to become anonymous and indexed to inflation

### Sunshine List Growth

It is 2018 and the *Public Sector Salary Disclosure Act, 1996* rolls on as perhaps the most notable policy from the Mike Harris era that the current government continues to champion. Unlike the current government though, the Harris government understood the *Act* as being focused on the salaries of senior public servants. Indeed the Ontario Progressive Conservatives in their 1995 campaign manifesto *The Common Sense Revolution* pledged that “[s]enior Civil servant salaries and benefits will be disclosed to encourage greater accountability and restraint.”<sup>1</sup>

After their election victory, the Progressive Conservative government created the Sunshine List. The then-Minister of Finance, Ernie Eves, stated that the new law would “give the public the kind of information to which they are entitled about how the province and public bodies it funds compensate their senior staff.”<sup>2</sup> The eventual bill set the amount at which a salary triggered disclosure at \$100,000 per year and stipulated that a report should include the employee’s name, position, salary, and the reported amount of benefits reported to Revenue Canada.<sup>3</sup>

Back in 1996, \$100,000 was a figure which captured only senior man-

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1 Ontario Progressive Conservative Party, *The Common Sense Revolution*, 1995, p. 16.

2 Ontario, *Hansard*, 23 November 1995.

3 *Public Sector Salary Disclosure Act, 1996*, ss. 1, 3(2).

agers in the OPS. The first Sunshine List released in March 1997 (which counted salaries paid in 1996) contained 984 people with “Ontario Public Service” listed as Employer.<sup>4</sup> The size of the Ontario public service at

**Back in 1996, \$100,000 was a figure which captured only senior managers in the OPS**

this time was 69,671 (inclusive of Classified, Unclassified, and Crown staff).<sup>5</sup> This means that approximately 1.4 percent of the OPS staff complement was on the Sunshine List.

Of those 984 names on that first Sunshine List, 248 (or, 25.2 percent) belonged to Judges with the Ontario Court of Justice. In the most recent Sunshine List, such judges (now numbering 313) are not listed as part of the OPS Sunshine List, instead they are broken out under a distinct heading. If we make a like-to-like comparison between the 1996 and 2016 lists (which means focusing on staff who would be listed on the current OPS—Ministries Sunshine List) the 1996 edition would have 729 names on it (or, 1.0 percent of the OPS staff complement circa 1996).

The OPS—Ministries Sunshine List released in March 2017 contains 14,096 names. The size of the OPS in June 2017 was 65,536.<sup>6</sup> We can estimate, then, that the 2016 Sunshine List covered approximately 21.5% of OPS staff. Put another way, the increase from 729 to 14,096 names is an increase of 1,833.6 percent over a 20-year period.

#### Sunshine List Growth – Why?

In 1996, the Sunshine List captured only bona fide senior civil servants (along with well-compensated professionals, such as lawyers). Today it reaches well down into the ranks of policy analysts, training coordinators, and economic policy advisors to name but a few of the job titles that appear on the Sunshine

**Today it reaches well down into the ranks of policy analysts, training coordinators, and more**

<sup>4</sup> <<<https://www.fin.gov.on.ca/en/publications/salarydisclosure/1997/corp96.html>>>

<sup>5</sup> Government of Ontario, *Civil Service Commission, Annual Report 1996-1997*

<sup>6</sup> Treasury Board Secretariat, *OPS Workforce Facts: Quarterly Workforce Report*, June 2017.

List's most recent iteration.

Why are these sorts of positions now on the Sunshine List? The answer, of course, is inflation. Setting \$100,000 as a static threshold necessarily entails that, each year, more and more people will move onto the List. For example, consider the lowest pay threshold in AMAPCEO's OPS unit, the salary minimum of Level 1 positions. In March 2022, that minimum will be \$51,582. Projecting outward by assuming salary increases of 2 percent per year, we can expect that even an employee earning the minimum possible for an AMAPCEO-represented OPS job will be on the Sunshine List in 2056.

**Not adjusting for inflation makes a mockery of the Sunshine List**

Yes, we are only 40 years away from all AMAPCEO-represented employees in the OPS appearing on the Sunshine List.

Again, recall the intent of the government when the Sunshine List was legislated: to offer information on the compensation of senior staff.

Not adjusting for inflation makes a mockery of the List.

Happily, though, the Harris government drafted the legislation so as to allow an easy fix. Section 8(1)(i) of the *Act* allows the government to make a regulation "providing that an amount other than \$100,000 applies for the purposes of section 1, subsections 3 (1) and (3), subsections 4.1 (4) and (6), and clause 8 (1) (b) and prescribing that amount."<sup>7</sup> A simple regulatory change can adjust the list for inflation.

**A simple regulatory change can adjust the Sunshine List for inflation**

What would a fair level be? \$100,000 in 1996 adjusted for inflation would be \$146,376.81 today. Rounding that number down to \$146,000 we would have a OPS-Ministries Sunshine List with 2,100 names upon it which is 3.2 percent of the OPS.

<sup>7</sup> *Public Sector Salary Disclosure Act, 1996*, R.S.O. 1996, c. 1, s. 8(1)(i).

## Sunshine List and Privacy

A significant concern of our membership revolves around privacy and the Sunshine List. Per the *Act* at s. 3(2):

The record shall indicate the year to which the information on it relates, shall list employees alphabetically by surname, and shall show for each employee,

- (a) the employee's name as shown on the employer's payroll records;
- (b) the office or position last held by the employee with the employer in the year;
- (c) the amount of salary paid by the employer to the employee in the year;
- (d) the amount of benefits reported to Revenue Canada, Taxation, under the **Income Tax Act** (Canada) by the employer for the employee in the year.

AMAPCEO fails to see the public interest of (a) – the employee's name.

### *AMAPCEO fails to see the public interest of including the employee's name*

When the Sunshine List first emerged in 1997, it was a much different time in terms of data. Today, twenty years later, much has changed. What was once a labori-

ous process of searching for a name has become much easier. Even the government's own interface is today set up to make it easy to search for public servants by name.

Beyond this of search capability, the rise of data mining has led to websites such as [www.ontariosunshinelist.com](http://www.ontariosunshinelist.com). If one is to visit this site, they will find that each individual enumerated on the Sunshine List gets their own webpage. On that page is a tracking of that individual's earnings across time. The site provides not only salary and benefits information, but also:

- Year-over-year percentage change
- Ordinal placement by salary, including percentile, on:
  - The Sunshine List overall
  - By Category of Employment
  - By Employer
  - By Position
- Ordinal placement by percentage salary increase, including percentile, on:
  - The Sunshine List overall
  - By Category of Employment
  - By Employer
  - By Position
- Salary information going back for as long as the person in question was on the Sunshine List
- A list of the highest earners with each Employer
- A list of the highest earners with a position title

Finally, a link on each person's webpage invites the viewer to find the person on LinkedIn.

This sort of thing is easy to do with the information contained in the Sunshine List. Other websites (e.g. opengovca.com and canada.land-offree.com) perform the same sort of service.

What possible public interest does this serve?

Even if one were to accept the premise that the Sunshine List (adjusted to inflation, naturally) performs an important role in terms of transparency, an individual's name serves no public interest. What would be lost, in terms of openness were a listing to merely state one's position, employer, salary, and benefits?

Nothing would be lost.

In this age of data mining, of doxing individuals (particularly women who speak out in social media), this sort of information represents a significant violation

***This represents a significant violation of public servants' privacy—and especially puts women at risk***

of public servants' privacy rights. This is more than a problem in the abstract. Unfortunately, AMAPCEO knows of a case wherein a stalker located one of our members by way of being named on the Sunshine List.

**Recommendation 1**

- A. Index the Sunshine List threshold to inflation from the time of its inception, bringing the threshold to \$146,000
- B. Make the Sunshine List anonymous, stripping all first and last names from the list



**I make sure  
you get home  
safe.**



## **Darlene Jackson**

Highway Enforcement Supervisor, Transportation

Whether you're going on a trip or heading home, you know to keep your eyes on the road.

What you probably don't know is that Darlene Jackson, Highway Enforcement Supervisor for Ontario's Ministry of Transportation is watching out for you as well.

Large trucks get products, resources, and supplies out to all corners of our province. Such large loads require special oversight to avoid accidents. Darlene is outside day and night in all sorts of weather to make sure trucks move safely around Ontario.

As a public service professional of 29 years, Darlene is skillfully trained to keep safety top of mind while ensuring large motor vehicles can get where they need to go without putting you at risk.

## RECOMMENDATION

2

## The government must cease privatization initiatives

On the occasion of Carillion’s Canadian wing going into creditor protection, following the move of its UK-based parent into liquidation, we note the threats of the privatization of public services. As the Auditor General’s Special Report of Winter Highway Maintenance reminds us, the government of Ontario began moving out of highway maintenance in the 1980s. It wasn’t until 1996, though, that highway maintenance began to move towards full outsourcing.<sup>1</sup> The goal of the government in this outsourcing was to reduce staffing. Through the reduced staffing, it was hoped that \$10 million/year would be saved. It took until 2000 for all highway maintenance operations to be outsourced.

Since outsourcing we know, via the Auditor General, that:

- private contractors used less equipment, resulting in a deterioration of service<sup>2</sup>
- private contractors used less treatment material, resulting in a deterioration of service<sup>3</sup>
- private contractors patrolled less often, resulting in service failures<sup>4</sup>

We further know that the “procurement process did not adequately factor in contractors’ ability to deliver required services” and that

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1 Auditor General, *Winter Highway Maintenance: Special Report*, April 2015, p. 4.

2 Auditor General, *Winter Highway Maintenance: Special Report*, April 2015, p. 15.

3 Auditor General, *Winter Highway Maintenance: Special Report*, April 2015, p. 22.

4 Auditor General, *Winter Highway Maintenance: Special Report*, April 2015, p. 23.

“contractors were unable to meet contract requirements.”<sup>5</sup> Further to that, we know that Carillion was fined \$500,000 for not clearing the Queen Elizabeth Way during a November 2014 storm and fined an additional \$400,000 for inadequately clearing the same stretch in December

**Contractors were unable to meet contract requirements**

2014.<sup>6</sup> We know that Carillion was put under investigation again in 2016 for its workmanship.<sup>7</sup> We know that fines against contractors such as Carillion could be often waived or reduced “with some contractors being able to take advantage of ministry leni-

ency in their region.” The Auditor General found that of \$13.3 million in fines assessed through the winter of 2013/14 that approximately \$4.8 million was waived.<sup>8</sup>

The government announced in late 2017 that the government and Carillion “mutually agreed” to end their current contract in 2019.<sup>9</sup> It seems reasonable to infer that this mutual agreement flowed from Carillion’s performance.

Although the Ministry currently plans to issue Requests for Proposal for new service providers to step forward, the end of Carillion’s contract presents an excellent opportunity for the government to move highway maintenance back in-house. Such a move would no-doubt help the province “rebuild our public services and create an environment that has been the tradition in this province, of civil society, the fundamentals of which were attacked under the previous government.”<sup>10</sup>

**The end of Carillion’s contract presents an excellent opportunity to move highway maintenance back in-house**

5 Auditor General, *2016 Annual Report of the Office of the Auditor General of Ontario*, p. 202.

6 Keith Leslie, “Carillion Canada fined \$900,000 for not properly clearing QEW during two storms” *Canadian Press* 06 October 2015

7 Keith Leslie, “Carillion investigated again for not salting highways during Jan. 1 storm” *Canadian Press* 06 January 2016.

8 Auditor General, *Winter Highway Maintenance: Special Report*, April 2015, p. 13.

9 “Ontario Keeping Highways Safe in the Thunder Bay East Area” Ministry of Transportation, December 4, 2017 <<https://news.ontario.ca/mto/en/2017/12/ontario-keeping-highways-safe-in-the-thunder-bay-east-area-1.html>>

10 Ontario Legislature, *Hansard*, 02 November 2005, Hon. Kathleen Wynne.

**Recommendation 2**

Bring the provision of highway maintenance services back into the public service.



**I make our communities  
more inclusive.**



## **Samantha Boland**

Program Supervisor, Community & Social Services

How do we make sure that everyone in Ontario has consistent access to social services?

It may seem like a lofty goal, but it's a question that Samantha Boland, Program Supervisor at the Ministry of Community and Social Services, is always considering.

There are many agencies in Ontario that help adults with developmental disabilities, through a variety of supports and services. Samantha is one of the Ontario public service professionals who supervises collaborative work among these agencies to consider alternatives in service delivery, avoid duplicating efforts and identify any gaps in service.

As a link between agencies and her ministry, Samantha oversees contracts, programs, and service delivery to promote quality service standards and best practices to support those with developmental disabilities.

RECOMMENDATION

**3 The government must capitalize on the opportunity to embrace the Community Benefits Framework**

The Community Benefits model is a feature of the 2017 Ontario Long Term Infrastructure Plan. Community Benefits Agreements are a formal mechanism to incorporate a public benefit into infrastructure investment, with a particular focus on community economic development and opportunities for historically disadvantaged and equity seeking groups. The Community Benefits movement began in Los Angeles, California, and has spread around the world. The first

*CBA's are a formal mechanism to incorporate a public benefit to infrastructure investment*

major Community Benefits Memorandum of Agreement in Canada was signed right here in Ontario, as part of the construction of the Eglinton Crosstown LRT. The Crosstown Community Benefits Framework came about after years of advocacy from residents, the

not-for-profit sector and skilled-trades unions to make sure that the communities along the Crosstown route get access to the positive economic impacts of the project, such as apprenticeships on the construction trades, social procurement and professional, administrative and technical jobs.

The framework signed by Metrolinx, the contractor (Crosslinx), the Ministry of Advanced Education and Skills Development, Infrastructure Ontario, the United Way of Toronto and York Region, and the Toronto Community Benefits Network provides a simple but crucial mandate: to commit to use of apprentices as part of construction, and to recruitment of those apprentices from traditionally under-represented communities. Further, the commitment sets targets for social

procurement, and promotion of social entrepreneurship as part of the construction project and is already delivering real results.

The Premier has been a vocal advocate for Community Benefits. In announcing the framework for the Crosstown LRT on December 7, 2016 she stated:

“Infrastructure projects such as the Eglinton Crosstown LRT can create benefits for communities that go beyond simply building the infrastructure needed. Through this agreement, people facing employment challenges will have the opportunity to acquire new skills and get good jobs in construction. We’re building more than transit. We’re building partnerships and pathways that are creating more opportunities for people to thrive in the economy.”

***We encourage the government to act boldly to follow through***

We applaud the premier’s stated commitment to the Community Benefits model, and want to encourage the government to act boldly to follow through.

In particular, we see a unique opportunity to implement a community benefits agreement as part of the Macdonald Block reconstruction project. The six-year, \$300 million project to rebuild the seat of government provides an exciting opportunity to showcase how community benefits agreements can be incorporated into government infrastructure projects.

***We see a unique opportunity to implement a CBA as part of the Macdonald Block Reconstruction Project***

Negotiation of a Community Benefits Agreement is a collaborative process involving multiple stakeholders. A model agreement for Macdonald Block should likely incorporate an apprenticeship component; the existing commitment to an 80% reduction in greenhouse gas emissions and community interest in the new space, including on-site facilities for employees and design of the outdoor and common spaces around the complex.

**Recommendation 3**

The government must capitalize on the opportunity to embrace the Community Benefits framework, as outlined in the Long Term Infrastructure Plan. We see a particular opportunity to showcase Community Benefits through the Macdonald Block Reconstruction Project.

See more of  
AMAPCEO's submissions at  
[amapceo.on.ca/publications](http://amapceo.on.ca/publications)

# AMAPCEO

ONTARIO'S PROFESSIONAL EMPLOYEES

Established in 1992, AMAPCEO is a bargaining agent that represents 14,000 professional and supervisory public servants who work in the Ontario Public Service or one of six organizations in the Broader Public Sector.

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