

Presentation on Bill 59
To Law Amendments Committee
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By
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I want to thank the Minister and the members of the Committee for the opportunity to speak to Bill 59.

I would like to begin by commending the work of the community who are well represented here today and the officials at DCS who have worked so hard on this legislation.

I was reminded while developing this presentation of Theodore Roosevelt's comment;

"Nothing in this world is worth having or worth doing unless it means effort, pain, difficulty. No kind of life is worth leading if it is always an easy life."

Perhaps there are no people more cognizant of this than those in this room whose lives this legislation is designed to improve.

While the context may vary somewhat, as small business owners, our members also understand this view.

The Canadian Federation of Independent Business or CFIB represents the interest of 5200 small- and medium-sized businesses across Nova Scotia in all sectors of the economy.

Many small business owners believe there is great value in Bill 59. There are many small business owners who have faced their own barriers to participation in the economy due to differing abilities. Many small business owners are leaders and innovators in this area, as there are inherent benefits to business for full and effective participation of all people in society.

Today, I will not be addressing the merits or deficiencies of this Act. There will be a great many other witnesses today who either through experience or study are able to provide a far more compelling case on why this legislation is required and its benefits to society. I'm confident they will illustrate the policy need and how the need relates to relevant policy goals.

My intent is to represent the interests of small business. Our concern is not with the "why", but how this legislation is implemented.

So, I have only one area of focus, and that is to encourage this government to uphold its own policy on regulation in the application of this legislation.

Regulation is necessary in any society. It provides the framework for social interaction and conducting business.

Business is well served by a clear and robust regulatory environment.

However, when regulation is excessively burdensome in time, cost, or complexity it becomes a drag on the economy.

The Atlantic Provinces can ill afford further drag on its economic performance.

With a shrinking and aging population we are already facing some very stark choices.

CFIB voiced strong support for the current government's ***Regulatory Accountability and Reporting Act*** which established and provided authority for the ***Premiers' Charter of Governing Principles for Regulation***.

Because there has been alignment on the intent of this effort, mirror legislation was passed in all four Atlantic Provinces.

We've given ample credit to the Premier of Nova Scotia who has spearheaded this effort, gaining support from his counterparts throughout the region.

We've been seeing consistent effort applied to reduce trade barriers between provinces and other actions, as recent as this week, to eliminate redundant regulatory impediments.

In fact, CFIB recently presented an award to Nova Scotia's Chief Regulatory Officer and his staff for work in this area.

CFIB is supportive because we believe Nova Scotia, and all of Atlantic Canada, could create a better climate for small business if it follows through on the principles outlined in the Premiers' Charter.

I want to remind the committee, especially those on the government side, of the principles articulated in the Premiers' Charter.

The preamble says;

"Regulation can distort markets, unduly burden citizens, businesses and governments, and impede economic growth. Given this, regulation should never be an instrument of first resort, and should be deployed only when necessary and where there is clearly no better policy alternative."

It goes on...In its **Statement of Fundamental Intent on Regulation**, the Charter says;

"The Government will regulate to achieve its policy objectives only;

- having demonstrated that satisfactory outcomes cannot be achieved by alternative self-regulatory or non-regulatory approaches;*
- where **analysis of the costs and benefits** demonstrates that the regulatory approach is superior by a clear margin to alternative, self-regulatory or non-regulatory approaches;*
- where the regulation and the enforcement framework can be implemented in a fashion which is demonstrably proportionate, accountable, consistent, accessible, targeted and predictable...*
...and...
- There is a general presumption that regulation should not impose costs and obligations on business, social enterprises, individuals and community groups **unless** a robust and compelling case has been made to do so."*

It is also our opinion the Charter got it right, in stating "when regulation is being considered; *a full range of regulatory and non-regulatory instruments and options must be identified. (For example: do nothing; educate; improve information sharing; use the market; use financial or other incentives; self-regulate; voluntary codes of practice)*"

And it goes on...

- "regulation is shown to be clearly and demonstrably superior to other alternatives*
- other alternatives are shown not to be effective in achieving a satisfactory outcome*

- *assessment of alternatives is based on best available evidence"*

...the Charter continues and I will condense, in light of time constraints, and I want to highlight a couple of key areas of concern. It states;

"Regulation should be accountable...

- *the costs and burdens of regulation are measurable*
- *the impact of regulation is assessed before it is adopted and outcomes are monitored afterward*

Regulation should be accessible and easy to comply with...

- *regulation does not introduce unnecessary complexity by duplicating legislation or conflicting or overlapping with other regulations, requirements or forms already in place"*

...for example, there are already existing municipal by-laws and provincial regulations dealing with some of the issues this Act will address. Care should be taken to eliminate overlap to encourage compliance.

And finally, any regulation brought forth under this Act should consider economic impact...

As the Charter prescribes, "Regulation should;

- *promote a fair and competitive market economy"*

...and most significantly...

- ***"presume the measured cost or burden of new regulation is at least offset by a reduction in the cost or burden of existing regulation"***

Any Act of government is designed to articulate the priorities of that government.

It is clear from the Act itself, and the communication from government around the Act, that this is indeed a priority.

Regulation is in place to enforce priorities, however, everything can't be a priority or there are no priorities.

In this circumstance, a case is clearly being made for a regulatory framework around accessibility and we have no objection to its policy goals. The government cannot simply ignore the fact it will create a cost burden. We know

this because the case is being made by the Act's many proponents that "costs should not matter" as this is an issue of human rights.

It is our contention, if government is sincere about applying the Premier's principles, work now must begin to look for offsets in other areas of regulation to mitigate an already burdensome environment.

If the provisions of the Charter are not met with the application of the Accessibility Act, our members will be deeply disappointed. It is our position Government must take the necessary steps to offset compliance burden of this legislation for small business.

The purpose of this entire exercise, in the words of the Premier, is "to make Nova Scotia the best regulatory environment in Canada".

If these are to be more than just words, then hard work must be done to adhere to the spirit, and the words, articulated in those governing principles and truly respect the needs of all Nova Scotians.