

## **IMPROVING THE PROCESS FOR ESTABLISHING REGULATIONS THAT IMPACT BUSINESSES (Submitted by the Burlington Chamber of Commerce)**

### **Issue:**

New and existing regulations invoked by the Ontario Government that affect business can unintentionally place businesses in jeopardy of survival. This could arise due to failing to think through implications of a regulation to the operation of a business, it could arise due to conflicting regulations with no clarity on which regulation supersedes, or it could arise from costs being in excess of social or economic benefits to be gained.

### **Background:**

There have been examples where poorly developed laws and regulations have meant considerable expense to the public purse, to individuals, and to businesses.

A recent example is a restaurant caught in the middle of two provincial commissions – Ontario Human Rights and the Ontario Alcohol and Gaming. Ontario Human Rights has determined that a patron has the right to smoke ‘medical marijuana’ at the doors of the restaurant while Ontario Alcohol and Gaming will revoke the restaurant’s license if alcohol is served to an individual known to have used a controlled substance.

In this particular case the restaurant owner incurred thousands of dollars in legal fees in trying to determine what avenues were available to him in the near impossible task of meeting the conflicting requirements of the Commissions. In addition to the financial burden there was a significant distraction to the operation of the business through no fault of the business owner. The goal of the business was to prevent the smoking of a controlled substance within the immediate outdoor space of the restaurant while abiding by the alcohol serving rules. Additionally the taxpayers have to fund the Ontario Rights Commission and the Alcohol & Gaming Commission in them defending their respective regulations while neither have an obligation to assist in finding a solution.

In a situation like this, business will be on the defensive. The cost will fall on the business to try to resolve such a situation. The real shortcoming is in the development of the government regulation.

### **RECOMMENDATIONS:**

**The Ontario Chamber of Commerce urges the Government of Ontario to:**

1. Ensure regulations are subject to a full analysis which considers issues such as constitutionality of the proposed regulation, conflict with other existing and/or proposed regulations from provincial or federal levels of government (including commissions and agencies);
2. Establish an effective and efficient process to resolve conflicts between regulations that occur post implementation that includes reimbursement for reasonable direct costs incurred by the public to resolve conflicts that occur;