

January 26, 2026

Hon. Robert J. Flack
 Minister of Municipal Affairs and Housing
 Office of the Minister
 Ministry of Municipal Affairs and Housing
 777 Bay Street, 17th Floor, Toronto, ON M7A 2J3

Sent via E-Mail: minister.mah@ontario.ca

Re: OMERS Stakeholder Complaints Regarding Bill 68

Minister Flack:

I write to you on behalf of the more than 7,000 members of COTAPSA. This letter is in response to comments being circulated by key OMERS stakeholders regarding the Province of Ontario's Bill 68 (*Plan to Protect Ontario Act*), including that legislation's specific approach to "fiduciary duty" as laid down for the new OMERS Sponsors Council.¹

One major stakeholder on the labour side of OMERS has complained² (through a multi-media³ effort) that the Province is forcing the Sponsors Council to uphold "a fiduciary duty to members and employers" via Bill 68.

On the employer side, a key voice is warning its members that Bill 68 will result in the replacement of the old, failed Sponsors Corporation model "with a Sponsors Council that lacks corporate status, independent resources, and fiduciary protections."⁴ This same employer group goes so far as to proclaim that "The current OMERS structure with two corporate boards is working; it provides predictability and stability."⁵

Some of these complaints seem to be triggered by the following section in Bill 68:⁶

24 Every member of the Sponsors Council, in exercising their powers and discharging their duties, shall,

- (a) act honestly and in good faith with a view to balancing the best interests of the plan members and participating employers; and*
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.*

COTAPSA is supportive of the Province's overall current trajectory regarding OMERS – including the above cited clauses.

¹ I note that this matter has even been the subject of thoughtful commentary from a major Toronto law firm:

<https://hicksmorley.com/2025/11/10/ontario-government-responds-to-poirier-review-recommendations-regarding-omers/#:~:text=In%20December%2C%202024%2C%20the%20Ministry,the%20“Poirier%20Review”>

² See: <https://cupe.on.ca/saveouromers/>

³ <https://www.instagram.com/reel/DRVyNJCDZUf/>

⁴ See pg 1 of: <https://www.amo.on.ca/sites/default/files/assets/DOCUMENTS/OMERS/OMERSBill68MunicipalToolkit19122025.pdf>

⁵ <https://www.amo.on.ca/policy/we-need-your-voice-omers-governance-changes-bill-68a>

⁶ https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2025/2025-11/b068ra_e.pdf

We feel particularly strongly about the need to break with a “fiduciary duty” model that emphasised a duty to the Sponsors Corporation rather than the paying members, employers, and best interest of the Plan. The SC arguably abused this model by using “confidentiality” and fiduciary duty as a blanket excuse to restrict the flow of information to members, employers, sponsors and stakeholders.

Thanks to Robert Poirier, the OMERS Reviewer, and to your government, OMERS governance can move on from the dysfunctional and expensive experiment that has been the OMERS SC.

It’s a shame that some critics apparently remain nostalgic for the “bad old days” at OMERS. If those stakeholders have come to the conclusion that they can no longer meet the demands of participating in OMERS plan governance due to the new fiduciary duty requirements, there is an option available to both – **they can feel free to hand plan sponsor duties, respectively, to their locals and to individual municipalities, on a rotating basis.**

COTAPSA explored such an alternative model in one of our letters to the OMERS Reviewer⁷. Indeed, we cannot think of a better way to entrench the idea that “those who pay must have a say” into OMERS governance approach.

Sincerely,



Mike Major
Executive Director



Andrew Waters
President

CC:

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Garry Cubitt (Ontario Association of Police Services Boards), OMERS SC Board of Directors

Peter Derochie (Ontario Catholic School Trustees’ Association), OMERS SC Board of Directors

Deborah Dubenofsky (Association of Municipalities of Ontario), OMERS SC Board of Directors

⁷ <https://cotapsa.ca/wp-content/uploads/2025/05/COTAPSA-Letter-to-Mr.-Robert-Poirier-re-OMERS-Board-Composition-May-23-2025.pdf>

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Giuliana Carbone (City of Toronto), OMERS SC Board of Directors
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