

May 12, 2021

Standing Committee on Social Policy  
99 Wellesley Street West  
Room 1405, Whitney Block  
Queen's Park, Toronto, ON

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**Attention:** Tanzima Khan, Committee Clerk

Care Watch is a not-for-profit volunteer run advocacy organization led by senior citizens. We promote the services that enable older Ontarians to live safely at home and thrive in their communities.

We write about Schedule 2 – Health and Supportive Care Providers Oversight Authority Act, 2021. Regulation of personal support workers and similar care workers has been discussed for some time. We understand and appreciate the value of professional regulation and, in general, support the initiative. However, we have several concerns.

**1. Establishment, Composition and Governance of the Authority:**

Part II establishes a board of directors of between eight and twelve members to manage or supervise the affairs of the Authority and employ staff, including a chief executive officer (CEO), to oversee operations. The Minister shall designate the Chair of the Authority’s Board, whose members must meet unspecified prescribed qualifications to be set out, at a later date, in the regulations and Authority’s by-laws.

Registrants of the Authority are not eligible to serve on this board, whose current members will elect others by a process to be determined, also at a later date. Specifically prohibiting registrants from participating in the governance of their own regulatory body is a significant departure from other regulatory bodies in Ontario, and we have large concerns. Legislation establishing all other Ontario regulatory bodies (for example, colleges under the *Regulated Health Professions Act*) requires that a majority of members of the governing body be members of the regulated professions.

Excluding personal support workers and other providers of health and supportive care from the governance of their profession is discriminatory. It continues to undervalue their contributions. It also comes at an inopportune time. Ontario is trying to build its supply of workers. Excluding them from their own governance compromises their support of, accountability for, and commitment to the regulatory scheme, as well as the evolution of their professions.

**Submission re: Bill 283 – Health and Supportive Care Providers Oversight Authority Act, 2021**

If current directors elect new ones without an open and transparent process, there is less opportunity for diverse opinions, which strengthen decision-making. The result may be a concentration of vested interests that does not serve either the public interest or the interests of registrants.

Registrants are likely to be diverse groups with varying access to economic resources. Neither diversity nor economic considerations should impose barriers to representation and participation. The scheme, as proposed, appears akin to taxation without representation. It disadvantages the professional interests of those to be regulated under the Act.

We acknowledge that the Authority will establish separate committees for each class of registrant to advise the directors and CEO on issues pertaining to those registrants. We welcome the inclusion of representatives of people who receive health services or supportive care, as well as registrants and educators, on such advisory committees. Such advice is, however, non-binding and consequently insufficient from a governance viewpoint.

***Care Watch recommends amending Section (6) Eligibility to allow registrants to be eligible for election to the Authority's board by striking out the words "elected or" in the first line, retaining reference only to eligibility to be appointed as a director of the Authority.***

## **2. Objects:**

We applaud the inclusion of promoting "... the provision of safe, competent, ethical and high-quality health services and supportive care services by registrants to members of the public" among the Authority's objects. However, we express concern that there is no requirement for the Minister or Authority to regulate and coordinate the professions in the public interest. This is another significant departure from regulatory legislation for Ontario's other caring professions. It is not sufficient simply for registrants to possess basic competencies and not harm clients or patients. Ontarians place significant individual and collective trust in our regulatory authorities. Consequently, we need to govern professions in a manner that contributes to our mutual and collective benefit. The public interest is different from, and more than, the interests of individual registrants, the professional association or union, employing agencies or corporations, or the government of the day.

***Care Watch recommends amending Section 12 (Authority's Objects) and Section 23 (Minister's Public Interest Considerations) to require that both the Minister's and the Authority's primary duty be to serve and protect the public interest.***

### 3. Context for Legislation

Regulation of personal support and other care workers may be overdue, but should not be rushed. Care Watch appreciates that the government is using the window of opportunity offered by the COVID-19 pandemic to take concrete action to address concrete issues. However, this legislation is not a solution to the many issues in providing safe, competent, equitable and sustainable care for our older adults. The home and community care sector, in particular, is experiencing significant shortages of PSWs. This legislation will not address or mitigate the situation in the foreseeable future. Concerns about regulating the already precarious and highly transient caregiving workforce continue.

Action on Bill 238 cannot, and must not, occur in a vacuum. The government must simultaneously improve the likelihood that people will choose to enter and then continue to work in our care sectors. We are already losing many of these valuable workers. We need to make it possible for people to enter this workforce and attractive for them to stay.

***Care Watch recommends that government promote safe, competent, ethical and high-quality health and supportive care services by registrants by:***

- ***Improving working conditions for care workers by, for example, reducing precarious work and introducing more full-time positions, and improving scheduling and pension opportunities***
- ***Establishing ten statutory sick days as a permanent and standard component of employment benefits***
- ***Increasing the hourly wage and providing equal compensation to workers in home, community and congregate settings***
- ***Establishing and providing consistent training for new workers and continuing education for existing workers***

We concur with the Ontario Community Support Association's recommendation that the province should prioritize efforts to stabilize the PSW workforce as a necessary step in regulating PSWs and other care providers.

We appreciate the opportunity to comment on this draft legislation.

Respectfully submitted,



Michèle Harding  
Chair, Care Watch Ontario