



January 8, 2024

Senator Patti LaBoucane-Benson
Senate of Canada Building
Ottawa, Ontario, Canada
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Sent via email: Patti.LaBoucane-Benson@sen.parl.gc.ca

Dear Senator LaBoucane-Benson,

Re: Bill C-295, An Act to amend the Criminal Code (neglect of vulnerable adults), 2022

On behalf of the Board of Home Care Ontario, I am writing to express our serious concerns with Bill C-295, An Act to amend the Criminal Code (neglect of vulnerable adults), 2022 which recently passed Third Reading in the House of Commons and First Reading in the Senate.

As the voice of home care in Ontario™, we share both MP Fry's and the government's goal of providing our seniors with the quality care they deserve to ensure they are treated with dignity and respect. Home Care Ontario believes, however, that the proposed bill has major flaws and that the unintended consequences that may result from this Bill will ultimately undermine our ability to deliver high-quality care. Home Care Ontario therefore, respectfully urges you to undertake further study of the bill in the Senate and ultimately not proceed further with the bill.

BACKGROUND:

Home Care Ontario agrees that COVID-19 and the lessons learned shed light on the long standing and system-wide issues in our health care system that must be properly addressed by all levels of government. The system must work together to address these lessons through a coordinated approach centered on a greater focus on outcomes, improved staff recruitment and retention, and increased funding. Home Care Ontario does not believe that the Criminal Code is the appropriate vehicle to achieve these important priorities for our nation's seniors.

CONCERNS WITH THE BILL:

Home Care Ontario is concerned about several aspects of the bill, which as currently written, we believe will negatively impact the recruitment of Board members.

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In addition, Home Care Ontario believes that the overly broad definition of long-term care in the bill will capture and include other health settings (such as home care done in congregate care centres), and therefore potentially undermine the introduction of innovative care models that can deliver more complex rehabilitative care in community settings. Ultimately, taken together, this bill could damage the quality-of-care seniors receive and should not move forward. These concerns are outlined below.

Definition of “Officer”

Home Care Ontario applauds the Committee for amending the bill to remove “managers” from the bill, however, the addition of “officers” in Bill C-295, will have equally negative consequences on health care settings.

Specifically, many of the positions captured through the definition of “officer” are performed by volunteers, especially in community-based health settings. Home Care Ontario is concerned that by including them and possibly, therefore, making them liable to criminal charges will disincentivize volunteers from agreeing to serve on Boards of health care facilities going forward. In addition, many of the positions listed, such as comptroller, are not involved in the supervision of home care and capturing them in the definition could equally make it harder to recruit for such positions in an already difficult staffing environment.

Definition of “Long-Term Care”

While Home Care Ontario recognizes that the bill’s intention is to be limited to Long-Term Care facilities in response to the Canadian Armed Forces report, the definition, as currently written, could, and will, capture other health settings across the continuum including retirement homes, supportive housing, and even residential addiction treatment facilities.

This is especially problematic as these are also the settings where community-based care, including innovative care models support Alternate Level of Care patients to transition back into the community. In addition, home care staff often work to support staffing levels and deliver care in many of these settings. We must continue to look for ways to enhance that collaboration between current care delivery models, rather than undermine joint endeavors through the creation of new Criminal Code penalties.

At a time when transitional and community-based settings are the answer to taking the pressure off our over-burdened hospitals and help more seniors age in their own homes, it is imperative that we establish conditions that maximize, not hinder this goal. This bill will,

critically affect the ability of these settings to collaborate and develop innovative solutions to further improve care for seniors and all Canadians.

Negative Impact on Recruitment and Retention

Home Care Ontario is also concerned that the bill could negatively impact the recruitment and retention of home care staff who may work in settings captured under the broad definition in this bill. There are longstanding staffing shortages in all parts of our health care system, which put a strain on staff and could potentially adversely impact the care of residents.

Unintentionally creating a system that makes home care staff open to potential penalties (up to and including imprisonment) is simply wrongheaded and will result in inability to attract and retain staff where they are critically needed.

CONCLUSION:

Home Care Ontario applauds the spirit of the bill and its focus on protecting vulnerable seniors, however, the overly broad nature and potential unintended negative impacts on recruitment and retention is deeply concerning. Home Care Ontario, therefore, respectfully urges that the Senate not let the bill proceed. Instead, we call on the government to undertake a process so that this important issue can be thoughtfully considered in a way that engages Ontario's home care providers and the staff they employ.

Yours Sincerely,



Susan D. VanderBent, CEO
BA, BSW, MSW, MHsc

cc

Senator Marc Gold, P.C., Government Representative in the Senate

Senator Donald Neil Plett, Leader of the Opposition

Senator Raymonde Saint-Germain, Facilitator of the Independent Senators Group

Senator Scott Tannas, Leader of the Canadian Senators Group

Senator Jane Cordy, Leader of the Progressive Senate Group