



August 2, 2023

Hon. Karina Gould
Leader of the Government in the House of Commons
House of Commons
Ottawa, Ontario, Canada
K1A 0A6

Dear Ms. Gould,

On behalf of the Board of Home Care Ontario please accept my sincere congratulations on your appointment as Leader of the Government in the House of Commons. We wish you much success in your new role.

Home Care Ontario is writing today to provide a response to *Bill C-295, An Act to amend the Criminal Code (neglect of vulnerable adults), 2022* which recently passed the Standing Committee on Justice and Human Rights.

As the voice of home care in Ontario™, Home Care Ontario shares MP Fry's (and government's) goal of providing our seniors with the quality care they deserve to ensure they are treated with dignity and respect.

However, Home Care Ontario (the Association) continues to be extremely concerned about the unintended consequences that may result from Bill C-295. These consequences could ultimately undermine our ability to deliver high-quality home care. We, therefore, respectfully urge you to recommend that the Bill not move forward.

BACKGROUND:

Home Care Ontario agrees that COVID-19 and the lessons learned, shed light on 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 create a coordinated approach centered on a greater focus on health outcomes, improved staff recruitment and retention, and increased funding. However, the Criminal Code is not the appropriate vehicle to achieve these important health system priorities for our nation's seniors.

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CONCERNS WITH THE BILL:

Home Care Ontario is concerned about several aspects of the bill, which as currently written, will negatively impact the recruitment of both professional home care staff and even prospective Board members. In addition, the extensively broad definition of the 'long-term care sector' will capture other health settings and undermine innovative home care models that deliver more care to patients in home and community settings. Ultimately, taken together, this Bill, as currently written, will negatively affect the quality of care seniors receive and should not move forward. The Association's concerns are outlined below.

Definition of "Officer"

Home Care Ontario applauds the Committee for amending the bill to remove the term "managers" from the Bill, although the use of the term "officers" in Bill C-295, will have equally negative consequences in health care settings.

Specifically, the problem with the use of the term 'officers' is that many of the positions captured by this term are currently performed by volunteers, especially in community-based health settings.

Home Care Ontario is therefore concerned that including the term 'officers' could disincite volunteers from serving on Boards of Health care facilities as they be subject to criminal charges. In addition, many of the positions listed, such as 'comptroller' are not involved in the supervision of home care and capturing these positions in the definition could make it more difficult to recruit for such positions in an already challenging staffing environment.

Definition of "Long-Term Care"

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

This is especially problematic as these are also the settings that deliver community-based care, including innovative care models focused on transitioning Alternate Level of Care patients back into the community in order to free up badly needed hospital beds across Ontario. 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, rather than undermine innovative practices through the creation of new criminal code penalties.

At a time when these transitional and home and community-based settings hold the key to take the pressure off over-burdened hospitals and help our seniors age in their own homes, it is

imperative that conditions be established that maximize 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 professional home care staff 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. At a time when recruiting and retaining home care staff must be paramount, opening personal liability to potential penalties including imprisonment, is completely unproductive and could result in these valuable staff simply choosing not to work in the health care sector.

CONCLUSION:

While Home Care Ontario applauds the spirit of the bill and its focus on protecting vulnerable seniors, the overly broad nature and potential negative impacts on recruitment and retention of staff is deeply concerning.

Home Care Ontario, therefore, respectfully urges the government not to move forward to third reading with the bill.

Instead, the Association calls on the government to undertake a thoughtful process of discernment so that Ontario's home care providers and the staff they employ can be included in deliberations regarding this important legislation.

Yours Sincerely,



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

cc

Hon. Arif Varani, Justice Minister and Attorney General for Canada

Hon. Seamus O'Regan, Minister of Labour and Seniors

Hon. Mark Holland, Minister of Health

Dani Saad, Senior Policy Advisor (Health), Office of the Prime Minister of Canada

Rheal Lewis, Chief of Staff, Office of Leader of the Government in the House of Commons

Hon. Sylvia Jones, Deputy Premier of Ontario and Minister of Health

Hon. Paul Calendra, Government House Leader and Minister of Long-Term Care