

Bill 148 Ontario Community Support Association

Submission to the Standing Committee on Finance and Economic Affairs

Introduction

OCSA strongly supports improving pay and working conditions for home and community support service workers. We know that improved employee satisfaction leads to a higher quality of care and improved client satisfaction. For those reasons, we are pleased to support the aims of Bill 148 *Fair Workplaces, Better Jobs Act*. The proposed increases to the minimum wage are an important step to reducing poverty and addressing other social determinants of health, and we applaud the government's action in this regard.

When the government makes significant changes to health care operations, we believe it must be ready to find solutions to any resulting challenges faced by clients and caregivers. **Therefore, we ask the province to commit to fully funding the service delivery cost increases which would result from this legislation.** We are also concerned that some of the changes proposed are not the appropriate fit for our sector, and that an unintentional impact of the legislation may be a reduction in access to health care services for our clients. However, we are confident that adjustments which would solve these issues and strengthen the bill are achievable.

Across the province each year, over one million people receive home care and community support services – and the need is growing. The Ontario Community Support Association (OCSA) champions a strong, sustainable home and community support sector for all Ontarians, representing nearly 300 home and community care providers. Our members are not-for-profit, community-based organizations of all sizes, providing over 25 different health services which help a full range of clients, including seniors and people with disabilities, remain independent in their own homes and communities. These compassionate and cost-effective services improve quality of life and prevent unnecessary hospitalizations, emergency room visits and premature institutionalization.

The much-needed home care and community support services our members deliver play an integral role in this government's strategy of building a fairer and more

equitable province, and we welcome the opportunity to provide feedback on the bill in order to strengthen its ability to meet our shared goals.

Analysis and Recommendations

The following section will focus on how the proposed changes to the *Employment Standards Act* and the *Ontario Labour Relations Act* will impact our members' ability to deliver services.

The changes proposed within the legislation will significantly increase the cost of service provision for our member organizations.

Recommendation 1:

That the government commit to fully fund the increase costs related to service delivery which would result from this legislation. These include wage increases, scheduling and on call related costs.

Our early analysis has estimated that these changes could increase the cost of home and community care service delivery by an average of 6% across the province. Some service providers calculate the cost as significantly higher. We are in the process of completing more analysis and will share the results with government and members of the legislature shortly.

Not-for-profit home and community care providers rely on government funding to provide services to clients and caregivers, but in many regions they have not received increases to their base funding in up to seven years. Already struggling to meet rising demand and the increasingly acute needs of their clients, they are simply unable to absorb these new costs. Nor can they realistically expect to so quickly and drastically increase fundraising revenue in a crowded charitable marketplace.

Without increased government support commensurate to the costs of Bill 148, the inevitable result will be either a decrease in service availability, or an increase in client fees. In both cases, it is ultimately vulnerable clients and caregivers who suffer, which stands in stark contrast to the intent of the bill.

OCSA member agencies are not driven by the desire for profit, but by the desire to serve their clients and communities. They know that happy, healthy employees and workplaces lead to higher quality care. However, many of them are deeply concerned by

United in our commitment to care

Given the difference in funding models, solutions for the home care sector may differ from the community support services sector. To protect client care, the government must ensure that solutions address the unique challenges created by the different funding models. The home and community care sector would also benefit from additional stability if the wage gap between our sector and other parts of the health care system were closed. Ultimately, there is a need to align these employee-focused provisions with the goals of building a sustainable, patient-centred health system.

The expert panel of the Changing Workplaces Review recommended a sector-by-sector approach regarding creating rules for scheduling (Recommendation #90). OCSA would be supportive of this approach, and would readily collaborate with the government to create specific frameworks around scheduling that balances the needs of patients, employees and employers.

Recommendation 3:

That the goal of the review of regulatory exemptions to the Employment Standards Act, Regulation 285/01, be strengthening our patient-centre health system.

The review of the Regulation 285/01 Exemptions, Special Rules and Establishment of Minimum Wage which is called for in Bill 148 must be conducted with the aim of strengthening a patient-centred health system. The Ministry of Health and Long-Term Care is currently engaged in system transformation that aims to place the patient at the centre of the health system, and many provisions around scheduling contained in Bill 148 jeopardize this goal. The goal of the review must not simply be to streamline or modernize these exemptions, but must also support the government's health system priority in this regard.

In order to ensure exemptions and special rules contained in the legislation are reviewed and created with the goal of putting the patient at the centre of the health system, the Ministry of Labour and Ministry of Health and Long-Term Care must engage sector leaders in this review. The review must not be limited to existing exemptions and special rules but must include a discussion regarding any need for new sector-specific exemptions. One example of such an exemption for the home and community sector is exempting service providers from employees' ability refuse shifts assigned with fewer than 4 days' notice. This exemption is needed to ensure to ensure continuity of care and that there is no impact on client care.

Recommendation 4:

The province develops a 10 year strategy for the growth and stability of the PSW profession in Ontario. The strategy must include recruitment and retention, wages and benefits, core curriculum and continued training – including scope of practice and code of ethics/conduct.

In the home and community care sector personal support workers (PSWs) are key employees. The over 34,000 PSW in the sector provide personal care and support with daily living to seniors and people with disabilities. Currently, there is a critical shortage of PSWs, and a need to encourage growth in the profession and to make it more desirable. This was improved by rightfully raising their minimum wage to \$16.50/hour. The increase of the general minimum wage to \$15/hour may negate this advantage, and risks contributing to growing PSW shortages, as less demanding work options become more lucrative. Rural and northern communities have been experiencing shortages for several years, and we are beginning to hear reports in urban areas as well.

Though OCSA supports the minimum wage increases, they may escalate recruitment and retention challenges faced by our members. Therefore, it is critical the government develop a long-term strategy to strengthen and support this vital workforce.

Recommendation 5:

That the province does not move forward with card based certification in the home and community care sector and the requirement for employers to disclose employee information.

OCSA believes in respecting and supporting employee choice regarding representation. We do not believe there is a need for the introduction of card-based certification in the home and community care sector. Given that a majority of OCSA members are already unionized, we do not believe that there is a need for special rules governing the sector for others to decide to become unionized. A card based certification process limits employees ability to express their true wishes free from interference or influence by way of a secret ballot.

In regards to the distribution of an employee list, OCSA has concerns regarding privacy. Personal information of employees could be provided to unions, without any recourse for employees to refuse to have their information shared while a union still has no

representation rights with that employer. If the government moves forward with this provision, it must create stringent safeguards to protect personal information.

Conclusion

The bill's aim to improve quality of employment is a praiseworthy goal, and we commend the government for taking action. OCSA members understand that increased employee security and satisfaction contributes positively to the quality of client care.

However, it is important that the government fully understand the potential implications to care in the in home and community sector. These challenges are not the result of employers deliberately creating deliberate precarious working conditions or taking advantage of workers to increase their profits, but rather the result of issues related to funding models and the ever-changing needs of vulnerable clients. Addressing these issues, in conjunction with the changes in Bill 148, would go a long way to improve the working conditions of employees in our sector.

Ultimately, OCSA shares many of the objectives of the legislation. Our sector's services address many of the same social determinants of health related to income and working conditions, and we too, seek to create a happier, healthier province. That's why it's important to coordinate our work, so that the unintended consequences do not put either our clients or our employees at risk.

Our members are dedicated to their employees, and to delivering high quality care to their clients. For that reason, we urge thorough consultation by both the Ministry of Labour and the Ministry of Health and Long-Term Care to ensure the changes in Bill 148 make sense for our sector.

Thank you,



Deborah Simon, CEO

About OCSA

Across the province each year, over one million people receive home care and community support services – and the need is growing. The Ontario Community Support Association (OCSA) represents 270 not-for-profit organizations that provide home care and community support services that help seniors and people with disabilities live independently in their own homes and communities for as long as possible. These compassionate and cost-effective services improve quality of life and prevent unnecessary hospitalizations, emergency room visits and premature institutionalization. They are the key to a sustainable health care system for Ontario. For more information, visit www.ocsa.on.ca.

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