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Regulations Pertaining to the Health and Supportive Care Providers Oversight Authority (the Authority)

Regulation Number(s): 246/22

Proposal to inform regulations.

Instrument Type:

Proposal

Bill or Act:

Health and Supportive Care Providers Oversight Authority Act, 2021

January 15, 2024

Ministry of Health  
5<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario M5G 2C8

Submitted via email:

The Ontario Personal Support Workers Association (OPSWA) is writing today to offer our formal submission to the proposed regulatory structure for personal support workers (PSWs) under the Health and Supportive Care Providers Oversight Authority Act, 2021 (the Authority).

OPSWA is the professional association for PSWs in Ontario, bringing standards and recognition to the vocation every day. OPSWA is the largest chapter of the Canadian Support Workers Association (CANSWA), a not-for-profit incorporated legal association and the only one of its kind in the world, bringing together over 62,000 fully verified PSWs since conception in 2010.

The OPSWA continuously strives to improve the professional status of PSWs in Ontario through advocacy for excellence and consistency in training, services, working conditions, and value to those we serve. OPSWA has long advocated professionalizing, modernizing, and regulating the PSW industry to protect vulnerable patients, PSWs themselves, and the future of the industry.

A major component of this advocacy has been the endorsement of the Authority, which envisioned a regulatory instrument that would parallel the public protections currently enjoyed by nurses and doctors.

As proposed, the regulatory instrument outlined by the Ministry of Health offers to create an excellent and comprehensive registration system that can fully capture the range of PSW career pathways but also offers a strong public and professional input element that will ideally enable the Authority the flexibility to respond to and make changes.

While the overall structure of the Authority appears sound, there remain significant concerns that proposed regulations will not offer the public the intended protections envisioned under the Act and may place the act into effective disrepute. This is all due to the regulations **remaining**



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**voluntary** and therefore are not equipped to offer the public any material protections they currently expect from health care professionals.

For the Personal Support Workers of Ontario, the adoption of these standards by the Authority is a must.

PSWs want to be regulated for the following reasons:

- Mandatory regulation would make the PSWs' professional peers be held accountable.
- Currently, PSWs are the only members of the health care team that is not required to be insured nor have a clear criminal background check.
- PSWs were made an essential service at the height of the COVID-19 pandemic with no warning and played a disproportionate role in saving lives in this province.
- PSWs routinely work in an environment which when experienced by the Canadian Military was found to be so comparable to the stresses of combat that soldiers participating demanded 'danger pay'.
- Most Ontarians who require routine bedside nursing care receive this from a PSW. As such they deserve to receive this care from a fully-regulated and insured PSW with an annual clear criminal background check.
- As primary bedside care providers, PSWs are often the primary interface between the Ministry of Health and the patients and as such, are often held to account for the mistakes of the health care system overall.
- Voluntary regulation, like any voluntary law, will be 'more honoured in the breach than the observance' and will undoubtedly result in a shadow health care market where no standards are met nor consequences for abuses found.

As currently presented, the Authority will simply create another layer of costly bureaucracy which will provide no value for the money for the taxpayer if it remains as a voluntary and open regulatory body. As such, we fully endorse the recommendation made by the Office of the Auditor General's December 2023 Value for Money Audit: Long-Term Care Homes: Delivery of Resident-Centred Care which recommended that:

To help ensure that personal support workers (PSWs) are appropriately trained, professional, and accountable to the public, we recommend that the Ministry of Long-Term Care:

- fully launch the Health and Supportive Care Providers Oversight Authority and strengthen its oversight by requiring **mandatory registration** for PSWs who provide health or supportive care services in long-term care homes; and
- work with the Ministry of Colleges and Universities to review and amend the current education standards to make the proportion of in-class versus practical experience more consistent across PSW certificate programs offered by different institutions.



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Therefore, in order to protect the integrity of the Act, while ensuring that minimal public protections are enshrined under it, the OPSWA insists the following changes be adopted:

1. The voluntary regulatory structure must be made **mandatory** for all PSWs employed in the public sector either directly or through second/third party agents.
2. Authority registrants must pass an annual Enhanced Police Information Check.
3. Authority registrants, like others in the health care sector, be in possession of professional liability insurance.

Sincerely,

Miranda Ferrier,

CEO, Ontario Personal Support Workers Association