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Bill 144

An Act respecting healthcare staffing agencies

Co-sponsors:
MPP F. Gélinas
Mr. W. Gates

Private Members' Bill

1st Reading October 31, 2023
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Healthcare Staffing Agencies Act, 2023*. The Act provides that every hospital and long-term care home in a municipality with a population of 8,000 or more shall develop a plan to limit its spending on healthcare staffing agencies in accordance with a specified timeline.

Every healthcare staffing agency established after the Act comes into force shall operate as a not-for-profit. If a healthcare staffing agency receives more than \$400,000 in total from the Government of Ontario or any of its transfer payments agencies, the healthcare staffing agency is subject to oversight by the Auditor General, the Patient Ombudsman, the Ontario Ombudsman and the Integrity Commissioner. The agency's employees are also included on the Sunshine List.

A healthcare staffing agency shall not pay its workers assigned to a hospital or long-term care home more than 10 per cent above the existing rate in the hospital or long-term care home for the relevant profession. A healthcare staffing agency shall not poach employees from hospitals or long-term care homes.

An Act respecting healthcare staffing agencies

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definition

1 In this Act,

“healthcare staffing agency” means an agency that provides workers to hospitals or long-term care homes for a fee.

Plan

2 (1) Every hospital and long-term care home in a municipality with a population of 8,000 or more shall develop a plan to limit its spending on healthcare staffing agencies in accordance with subsection (4).

Publicly available

(2) The plan referred to in subsection (1) shall be made publicly available.

Timeline for development

(3) The plan referred to in subsection (1) shall be developed no later than six months after the day this section comes into force and shall be updated every six months thereafter.

Limitations on spending

(4) The plan referred to in subsection (1) shall limit the spending of the hospital or long-term care home on healthcare staffing agencies as follows:

1. For a hospital or long-term care home in a municipality with a population of 500,000 or more, the following:
 - i. After six months, spending on healthcare staffing agencies must be limited to 1 per cent of the hospital or long-term care home’s spending on staffing.
 - ii. After 12 months, spending on healthcare staffing agencies must be limited to 0.5 per cent of the hospital or long-term care home’s spending on staffing.
 - iii. After 24 months, the hospital or long-term care home must no longer make use of healthcare staffing agencies.
2. For a hospital or long-term care home in a municipality with a population of 100,000 to 499,999, the following:
 - i. After six months, spending on healthcare staffing agencies must be limited to 2 per cent of the hospital or long-term care home’s spending on staffing.
 - ii. After 12 months, spending on healthcare staffing agencies must be limited to 1 per cent of the hospital or long-term care home’s spending on staffing.
 - iii. After 24 months, the hospital or long-term care home must no longer make use of healthcare staffing agencies.
3. For a hospital or long-term care home in a municipality with a population of 8,000 to 99,999, the following:
 - i. After six months, spending on healthcare staffing agencies must be limited to 5 per cent of the hospital or long-term care home’s spending on staffing.
 - ii. After 12 months, spending on healthcare staffing agencies must be limited to 3 per cent of the hospital or long-term care home’s spending on staffing.
 - iii. After 24 months, the hospital or long-term care home must no longer make use of healthcare staffing agencies.

Other contents

(5) The plan shall include the following:

1. The amount that was expected to be spent on healthcare staffing agencies in the previous six months and the amount that was actually spent on healthcare staffing agencies during that period.

2. The amount that was spent on staffing, other than on healthcare staffing agencies, during the six-month period referred to in paragraph 1.
3. Measures to ensure patients receive safe, quality and humane care during the transition away from the use of healthcare staffing agencies.

Leadership

(6) The individual in charge of nursing care at the hospital or long-term care home shall have a leadership role in developing the plan.

New agencies

3 Any healthcare staffing agency established after the day this section comes into force shall operate as a not-for-profit within the meaning of the *Not-for-Profit Corporations Act, 2010*.

Oversight

4 If a healthcare staffing agency receives more than \$400,000 in total from the Government of Ontario or any of its transfer payments agencies, the healthcare staffing agency is subject to the following:

1. Oversight by the Auditor General.
2. Oversight by the Patient Ombudsman.
3. Oversight by the Ontario Ombudsman.
4. Oversight by the Integrity Commissioner.
5. Inclusion of its employees on the Sunshine List.

Charges

5 (1) A healthcare staffing agency shall not pay its workers assigned to a hospital or long-term care home more than 10 per cent above the existing rate in the hospital or long-term care home for the relevant profession.

Same

(2) Charges for transportation, accommodation and per diem for agency staff charged to hospitals and long-term care homes shall be made public, paid directly to the agency staff worker and subject to any prescribed limits.

Poaching employees

6 (1) A healthcare staffing agency shall not poach employees from hospitals or long-term care homes.

Offence

(2) Every healthcare staffing agency that violates subsection (1) is guilty of an offence and is liable on conviction of a fine not exceeding \$1,000,000.

Fines

(3) Any fines collection in accordance with subsection (2) shall be used to fund hospitals and long-term care homes.

Assignment of employees

7 A healthcare staffing agency shall not assign a health care worker who is already employed by a hospital or long-term care home or who left this employment within the previous 12 months in the same or adjacent Ontario Health Team.

Regulations

8 The Minister may make regulations prescribing limits to charges for the purposes of subsection 5 (2).

Commencement

9 This Act comes into force on the day it receives Royal Assent.

Short title

10 The short title of this Act is the *Healthcare Staffing Agencies Act, 2023*.