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des débats
(Hansard)**

Mardi 5 octobre 2010

**Standing Committee on
Social Policy**

Committee business

**Comité permanent de
la politique sociale**

Travaux du comité

Chair: Shafiq Qadri
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 5 October 2010

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The committee met at 1605 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Shafiq Qaadri): Colleagues, welcome to the Standing Committee on Social Policy. As you know, we've had a special notice of motion filed by Ms. Witmer. I would invite her to please begin that in a moment.

I'd just advise the committee that standard practice is to divide evenly amongst the parties the 30 minutes that we have allocated here. If that's agreeable or not, we can debate, but I'd invite Ms. Witmer to begin the motion.

Mrs. Elizabeth Witmer: Under standing order 126(a), I move that the Standing Committee on Social Policy immediately undertake a comprehensive study of living conditions at seniors' homes, including nursing and retirement homes, and report back to the Ontario Legislature with recommendations on what measures should be taken to improve these conditions for Ontario seniors. The study conducted by the social policy committee will include a briefing by ministry officials and appearances from witnesses with insight into the matter.

I ask that the social policy committee hold an immediate 30-minute debate under standing order 126(b) at the next available committee hearing date and time, Tuesday, October 5, 2010, at 3:45 p.m. or following routine proceedings in the House.

The Chair (Mr. Shafiq Qaadri): This motion is now in effect. The 30-minute clock starts running now. Ms. Witmer, I offer you the floor for 10 minutes.

Mrs. Elizabeth Witmer: Regrettably, last week we once again became aware of some of the unbearable conditions under which seniors in this province live.

I would submit to you that at the current time, this government has not provided the resources or come up with a plan to accommodate our aging population. So, today, we have no idea as to when and where the long-term-care beds will be located that are going to be required for the 24,000 people who are currently on the waiting list. We have only 77,000 nursing home beds in our province, and we have 24,000 people waiting. In my own community alone, we have 2,000 people waiting.

What is happening with these people? We know that some of them are going to retirement homes. We have 40,000 other seniors who are living in about 600 retirement homes. But I would submit to you that not all of the individuals who are seeking accommodation there should

be there, because many of these individuals require full-time nursing support. But they have nowhere else to go, and families don't know what to do with their mothers and their fathers.

1610

Again, this has happened because this government has not recognized that we have a growing elderly population. The last time we saw a plan for this growing elderly population was in 1998, when our government announced an additional 20,000 long-term-care beds for this population.

Currently in the province of Ontario we have an overburdened elder care system. As a result, people are ending up in retirement homes, and not all of these homes are members of the Ontario Retirement Communities Association. As a result, we are finding that some of these homes are not providing the care that is required for these elderly individuals. We continue to hear horror stories of seniors who are suffering from dementia sitting in feces-filled diapers, bathrooms without toilet paper or clean towels, bad food, broken appliances and workers who are underpaid and stressed.

We are passing this motion today in order that we can, once and for all, address the needs of our growing aging population and to ensure that anyone who's living in these homes or living elsewhere can be treated with the dignity and the respect that they deserve. I believe it is extremely important that we, today, adopt this motion and that we report back to the Legislature with measures, because we can no longer delay. These people have been waiting now for seven years for a plan of action and we just don't see any. We have to make sure there's oversight, inspection and that these people are treated with dignity and respect.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Witmer. You still have six minutes, if you'd like to make any further comments.

Ms. Elliott?

Mrs. Christine Elliott: I certainly support the motion that my colleague has brought forward. I would like to just read into the record, if I may, the letter that I sent to you as Chair of the committee asking for some action to be taken as a result of the probe that was conducted by the reporters at the Toronto Star. My letter is dated October 1 and reads as follows:

"Dear Mr. Qaadri,

"I am writing to you today on a matter of great urgency and great public concern.

“A Toronto Star report released today reveals shocking and disturbing details of horrible living conditions at a retirement home in Toronto. In particular, the report highlighted examples of people left in urine- and feces-filled diapers for hours, cases where people were forced to wipe themselves with their hands because there was no toilet paper, and allegations of assault.

“The Ontario PC caucus is concerned that these living conditions are not isolated to just one retirement home in Toronto. As the report in the Toronto Star says, ‘The story of this home is played out more and more across the province.’ It is simply unacceptable that our parents and grandparents, who did so much to build our great province, are left to live in these horrible living conditions.

“These reports are also very alarming for Ontario families who are facing decisions about how to ensure their parents are taken care of in their elderly years. These families need the peace of mind that their parents will receive good, quality care.

“In 2004, then-Minister of Health and Long-Term Care George Smitherman vowed a ‘revolution in nursing home care’ after being moved to tears by media reports that showed residents were receiving poor care. In 2008, Premier Dalton McGuinty promised to ‘do better’ after a survey completed by the Canadian Press revealed that three quarters of nursing homes in Ontario failed to meet provincial standards.

“Sadly, today’s report reveals that nothing has changed and many Ontario seniors continue to suffer.

“Therefore, the Ontario PC caucus is calling for the Legislative Assembly’s Standing Committee on Social Policy to immediately undertake a comprehensive study of living conditions in Ontario’s long-term-care homes, retirement homes, nursing homes and other facilities providing care to seniors.

“We believe this study will produce concrete, practical recommendations to prevent a repeat of the shocking cases revealed today, make life better for our parents and grandparents, and give families the peace of mind they need that their loved ones are taken care of.

“The details that have been revealed today require urgent action. It is our hope that you will immediately call a meeting of the Legislative Assembly’s Standing Committee on Social Policy to deal with this matter.”

It’s signed by myself.

There are a couple of points that I would like to make in addition. There is a difference, of course, between the retirement homes that were the subject of the Toronto Star probe and our nursing homes, our long-term-care facilities. We have a situation where, with respect to retirement homes that are self-owned and self-governed and don’t receive any government money, they already have a self-regulatory system in place. About 70% of all of the retirement homes in Ontario are members of the association. They do have licensing; they do have random inspections. So by and large, we’re not talking about the vast majority of retirement homes that are operated properly. But there is a 30% group that is not included, that may have some rogue operators. These are

the people and the groups that we want to be investigated to make sure that our vulnerable seniors are not being taken advantage of and are being cared for properly.

The response that we’ve received so far from the government is, “Don’t worry, we’ve got the Retirement Homes Act that’s going to be coming into force, and this is going to take care of everything.” But I would say that’s not the case.

I’d like to quote from an editorial, again in the Toronto Star from October 3, that said, “The legislation has yet to come into force because provincial bureaucrats are still drafting the regulations and recruiting the members of the new regulatory authority.” In other words, it is going to take time in order for this system to be put into place.

We don’t have time on our side here. This requires urgent action. That’s why we in the PC caucus are calling on the social policy committee to undertake this review immediately, to make sure that no more of our seniors are left in peril in some of these facilities that are not operating properly.

I believe there’s a bigger point to also be made here, though, and that is, what happens when some of these retirement homes are forced to operate within the regulations? They currently have residents who require long-term-care facilities and care who won’t be able to stay in retirement homes afterwards. What’s going to happen to them? I think we need to take a look at the bigger picture within the context of this committee to make sure that we do have placements. We’ve got a tsunami of baby boomers coming forward in the next five to 10 years. We need to deal with this. We need to make sure that we have a proper balance of long-term-care facilities, of retirement homes, and also of facilities within their community. We’ve certainly seen evidence that the facilities in the community are not up to the needs of our community, and we need to make sure that we have those in place so that our seniors who can remain home have the facilities they need.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Elliott, and thank you, Ms. Witmer, for your presentation. I’ll momentarily offer the floor to the NDP caucus.

Some of the members of the committee were asking about filming. It’s the will of the committee if they allow or do not allow these proceedings to be filmed, so if there are any comments—yes, Mr. Levac.

Mr. Dave Levac: I’d like to know who it is that is filming and for what purpose.

The Chair (Mr. Shafiq Qaadri): The purpose is no doubt to immortalize us. The individuals are the PC caucus, I understand.

Mr. Dave Levac: I’d like to continue that. Even though I understand that being immortalized by our committee is one thing, I’d like to know if they’ve given a reason why they’re taping.

The Chair (Mr. Shafiq Qaadri): I don’t know if anyone here is really empowered to answer that question. I think I would just stick to the matter at hand.

Is it the will of the committee that the filming be allowed or not?

Mr. Dave Levac: Sure.

The Chair (Mr. Shafiq Qaadri): Agreed? Fair enough.

Maintenant je passe la parole à M^{me} Gélinas. Vous avez 10 minutes pour votre présentation.

M^{me} France Gélinas: I was as shocked and disgusted as everybody else when I read the piece in the Toronto Star and when I went online and looked at their video. What we saw was deplorable. It was shocking. It was hard to believe that it was actually happening in Ontario. But then I put my realistic glasses back on and I said, “I know that those things are happening. We’ve been wanting regulation of the retirement home industry for 10 years.”

1620

There are some retirement homes that do beautiful care at a good price for the people who live there. There are some that give value for money. There are some that provide quality care, but at a price that is way beyond what is being provided. And there are some that provide sub-quality care at a price that nobody should pay.

The government, in April 2010, brought forward Bill 21, the Retirement Homes Act, and I had been waiting and asking for that act for a long time. You can go back through Hansard, and here I’d stand, month after month, year after year, since I’ve been elected, asking for regulation of retirement homes.

We know that there is a critical mass of very fragile, very demanding—not demanding; that’s the wrong word—very needy people there, and yet, for years, this industry went on completely unregulated. Then the bill came forward, and basically all that the bill did was create a self-regulation. Self-regulation, when you deal with a critical mass of vulnerable people, does not work.

The report that the Toronto Star did, I’ll bet you, could be repeated in dozens of communities across Ontario. It could be, unfortunately, repeated in my own riding. Things have to change.

The NDP voted against the Retirement Homes Act because when you have this critical mass of vulnerable people, self-regulation doesn’t cut it. There will be bad apples like what we saw in the video and what we read about. I mean, she stood there and told the Toronto Star that he had made this up. She won’t even admit it. How do you expect things to improve when people who have been found guilty for everyone to see don’t even address the issue and say, “Yes, I’ve done wrong. I’ll try to improve”? She actually blamed the reporter and said, “You’ve made this up.” We’re a long way from improvement.

And those are the people who will self-govern? Those are the people who will do the self-regulation? Who are we kidding here? Aren’t we there to protect the most vulnerable in our community, in this province? How do you judge a community? You judge it by the way they look after the vulnerable in their population. If we are being judged right now, we’re all failing.

What the PC caucus is asking is that all of those dirty secrets that we have in all of our ridings, all of those homes that are substandard, that are no better than the videos we saw on the Toronto Star, let’s air them out. Let’s at least admit that we have among our midst those deplorable conditions that exist and that we are turning a blind eye on. All the PC Party is asking is, “Let’s go and investigate. Let’s go and have a look. Let’s not wait for another journalist to pretend he needs care so that we have every single big newspaper in this province running their own stories.” I can think of a couple of reporters in Sudbury who could pull the exact same stunt, and I could tell them which home to go into.

If you spend any time in your constituency office, I bet you’ve got the phone calls since the Toronto Star article. I bet you know of some of the homes in your riding that are no better than the homes that we saw.

Isn’t it incumbent upon us to have a look at what’s going on? If there’s nothing to find, then that’s going to be great news, and I’ll be all wrong and I’ll be so happy to be wrong. I just can’t tell you how happy I will be. But if I’m not wrong, and if all those emails, letters and phone calls we’ve been getting are actually true—and if I’m getting them, I’m sure you are too—then it’s worth having a look. It’s worth having a look so that this role that we have—as part of the Legislature of Ontario, we can do something to protect the vulnerable in our communities. We can act upon this motion and go and have a look.

What will it hurt? What bad can come of this, to go and have a look? Why wouldn’t we want to go and have a look? I mean, the minister responsible for seniors’ affairs—the Minister of Health said that it’s keeping her up at night. She was disgusted by what she saw. What if there are other homes out there? Wouldn’t you want to shine a light on them? Wouldn’t you want to go have a look so that you can protect those people who are living the same hell as we saw?

They deserve better than this. They deserve to have somebody helping them. They have no voice. They cannot advocate for themselves. They’re not in a position where they can advocate for their rights or put in a complaint or even fill out a questionnaire or a complaint form. Those are people who are way past the stage of being able to advocate for themselves. They need help, and we are in a position to reach out and help them. We are in a position to be their voice, to be their advocate and to protect them and help them out.

Why would we throw away this opportunity? All that they’re asking is that we do a study. Go and have a look. Ask the MPPs which homes in their ridings they would like you to go have a look in. Select half a dozen homes and go and have a look. Then we will be in a position to act.

The motion from the PC caucus also includes nursing homes. I know that the government has invested a substantial amount of money in trying to make things better in long-term-care homes, nursing homes being one type of long-term-care home, with homes for the aged etc.

There were 2,000 nurses promised. We're still 1,100 short on that promise. There were 2,500 PSWs promised. There has just been, as of Friday, October 1, 527 more that will be financed, but we're still 1,100 PSWs—sorry, I misquoted. It's 1,380 nurses we're still short on the 2,000 RNs promised, and of the 2,500 PSWs, we were 1,627 short. With the announcement of October 1, we're 1,100 PSWs short.

It could be worth having a look at some of those homes as well. The long-term-care act of 2007 brought in a new way of doing things in long-term care. It took a long time for the regulations to come out of this. It was, "Wait for the Sharkey report." Basically, in the summer of 2007, we finally saw the regulations. But all of the promises to make things better have not been rolled out. Some of the homes, especially some of the for-profit homes, are not up to par either and are worth having a look at.

You're waving to me, Mr. Chair?

1630

Le Président (M. Shafiq Qaadri): Votre temps a expiré. Merci.

Thank you very much, Madame Gélinas, for your remarks.

I now offer it to the government side. Mr. Dhillon.

Mr. Vic Dhillon: I, too, was quite disturbed to see the story in the Star. I want to thank the Toronto Star for bringing this very important issue to our attention.

I will not be supporting this motion because I think it's time for action. That's why we introduced and passed the Retirement Homes Act this past spring. The act is an important step forward. For the first time in Ontario's history, seniors in retirement homes will have greater protections under provincial legislation. The Retirement Homes Act is about making retirement homes places where residents can live with dignity, respect, privacy and autonomy; enjoy security, safety and comfort; and make informed choices about their care options.

This act is about making that reality safer. We don't need to go out again and do more studies. We have already consulted extensively with seniors, operators and experts. The Ontario Seniors' Secretariat visited 12 communities across Ontario from January to March 2007. We spoke to more than 800 people, including seniors and their families, consumer advocates, municipalities, seniors' organizations, community service providers and retirement home providers. We received more than 200 additional written submissions.

We know that there are a wide range of retirement homes out there. Most of these homes provide a safe place that seniors choose to call home. The food is prepared with care, the buildings are up to standard and the residents are safe and happy. A few, as we heard, are not up to standard. When the act is in full force, homes that are not up to standard would not be allowed to operate in this province. Homes will be inspected regularly, sometimes without notice. Complaints will be reviewed and, if necessary, investigated. Homes that do not meet care and safety standards will be penalized accordingly.

The interim board will hold its first meeting this year, and rest assured, we will recruit the right people with the right skills to effectively get this authority off the ground and operational. I want to be clear: The board and the authority will not be self-regulated by the industry or any other sector.

The board also will not be dominated by retirement home operators. The minister has the power to make an order indicating who can serve as a director, the criteria for their nomination, the process for their election, the length of their term and whether they can be re-elected, and that order would prevail over a board bylaw. The power to overrule, an important oversight feature of this act, should put to rest any fears that the authority will be dominated by any one sector.

The safety and well-being of Ontario seniors is a goal of all of us in this room. That goal is at the heart of the Retirement Homes Act. The unfortunate fact is that for 20 years, advocates, seniors, families and governments have been talking about regulation of retirement homes. Today, we're doing something about it. Our government was the first to act. We've already taken sufficient time to study the issues. Now we're ready to act. This isn't time to go backwards. Let's move forward.

We know that the Conservative members supported the bill at third reading, and I hope to see their continued support.

The Chair (Mr. Shafiq Qaadri): There are still five minutes left on the government clock. Mr. Levac.

Mr. Dave Levac: I appreciate the opportunity.

I want to reinforce what my colleague on this side has indicated by pointing out a couple of interesting points. The opposition has mentioned the number of years that it has taken to come up with legislation. One of the members indicated that it took 10 years; another one said it was seven years of inactivity. Unfortunately—I hate to say this—the kinds of stories that we saw, which saddened and actually sickened me, have been going on much longer than that.

At that time, and until this piece of legislation was passed, the only way in which a retirement home was regulated was under the building code or, in an extraordinary case, the medical officer of health could perform a special duty. Those were the only two areas in which retirement homes could be regulated. Therefore, I find it interesting that history has been forgotten beyond seven years and, in the case of my friend from the NDP, 10 years, in terms of the reference.

One of the important things here is that I would respectfully suggest that there is not one single member in the House who did not want to see some type of action taken on retirement homes, not just because of a story in the Toronto Star but because of their own personal experiences, because my understanding is that those that I've spoken to and those that have spoken to the topic have indicated their own personal knowledge of constituents telling them about concerns they've had about retirement homes. So I want to reinforce and suggest that the member beside me is right in assuming that we want

to move forward and take action on this, and that this particular bill, passed with the support of the PC caucus, is an extremely important first step in ensuring that our retirement homes are within legal bounds.

The board, and I want to point this out, is competency-based in its appointment and may include residents of a retirement home, may include family members of the residents, may include representatives of seniors' organizations; it may also have individuals on their own who have advocated for seniors; licensees, yes; representatives of business, yes; government, yes; government organizations or other interests—that's what the board can consist of, and quite frankly, that is a good way in order for us to have a broad-stroke approach to understanding what's going on in those residences.

I would also point out one other issue that was brought up, and that is licensing. A not-for-profit corporation, this board that we're talking about, is at arm's length to the government and is funded by applications and licensing fees of retirement homes. All retirement homes—whether they're a member of ORCA or not—will fall under this legislation. Licensed retirement homes—that's what they'll do. They'll educate the operators and staff at the retirement homes; they'll inform consumers and maintain public registers of all of the homes, which we do not have at this time; they will handle customer complaints; they will conduct inspections, investigations and enforcement, sometimes without notice; and they will offer dis-

cipline to the conduct of the licensees, including the ability for the minister, which would be obtained in this legislation, to appoint another administrator or else shut the house down. I think that's an important aspect of what we're talking about here. That's the action that we're talking about here. That is what has been sparked by the discussion.

My final point is that it has almost been implied that this legislation has done nothing. It just got passed. The story was pre-legislation, and these horror stories have continued for 20 years. Now that we have the legislation, we now have something with teeth in it that allows us to actually shut these places down. That's what I would want to recommend to the members: that if we start moving backwards again, we're not moving forward, and that means that another Star story is quite possible.

I want to thank you for the opportunity to speak.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Levac. Government time has now expired as well. I believe we've fulfilled the requirements of the motion.

If there's no further comment, I'll now proceed to the vote. Those in favour of the PC motion as presented by Ms. Witmer? Those opposed? I declare this motion to have been defeated.

That will, unless there's any further comment, adjourn the committee, but I'd invite the subcommittee members to please stand by. Committee adjourned.

The committee adjourned at 1639.

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