

From: [Legislative Assembly Web Team](#)
To: [Standing Committee on Social Policy](#)
Subject: Webform submission: Submission of material 59326
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Application ID: 59326

Submitted values are:

Bill or item of business: **Bill 88, Working for Workers Act, 2022**

Choose a topic

Do you know the bill title or business (e.g., pre-budget consultations) you'd like to speak or submit material about?

Yes

Choose an application

Which application would you like to submit?

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I am submitting material as an individual

Full name

Mr Mario Amato

Paste submission

Remove Schedule 5 from Bill 88.

The assumption the desires of the Federation of Traditional Chinese Medicine Association (FOTCMA), with approximately 200 members, represents the view of the rest of Ontarians is a monumental oversight on the part of Ontario Health Minister Christine Elliott . The decision of the Minister of Health was without the due diligence of seeking knowledgeable information

and comments from members of the public & regulated practitioners, other health professional regulatory colleges as well as multiple community organizations, interest groups, and associations. All of this could have easily been obtained through the actions of the Health Professions Regulatory Advisory Council (HPRAC) and clearly there is no such indication on HPRAC's web site. In the absence of a great public desire to deregulate Chinese medicine and acupuncture, I am perplexed why the Minister of Health did not at least utilize the resource of HPRAC to verify any claims. My bewilderment is further fueled by the history of court proceedings between the governing body of CTCMPAO and the FOTCMA. From this alone any statement or motion from the FOTCMA should have been questioned or investigated further by the Minister of Health Christine Elliott and not automatically supported by her.

Remove Schedule 5 from Bill 88.

Prior to regulating Chinese medicine and acupuncture, HPRAC provided the then Minister of Health Mr. George Smitherman, adequate evidence of risk of harm and therefore the recommendation for regulations. As an example, the report "Traditional Chinese Medicine, April 2001" is available for your review. The controlled act of "a procedure performed on tissue below the dermis" continues to provide the same risk of harm now as it did then. This ranges from puncturing organs and arterials, infection, wrong treatment entirely and contraindicated treatments such as for pregnant women. Further risks with the use of herbal interventions ranging from antagonistic or synergistic effects with a patients condition and/or medications they are taking as well as recognizing adverse reactions. All this is easily referenced in HPRAC's archives.

Remove Schedule 5 from Bill 88.

The guise of protecting the public with the Health and Supportive Care Providers Oversight Authority Act, 2021 is a fallacy. The critical omission here is the registration is voluntary. Even the PSW union and PSW workers are not in favour of the Health and Supportive Care Providers Oversight Authority Act, 2021, due to its short comings. PSW workers remain unregulated. I am confused by how the notion of "fly by night" individuals and/or those without proper training and therefore likely not to be registrants, is a protection to the public. Surely, even with regulating bodies for health professions, mistakes and injuries occur. The expectation is, this will be exponential for Chinese medicine and Acupuncture with the removal of the "barriers" or the standards for practice meant to protect the people. The announcement infection control will be handled by municipal or local authorities was alarming. I doubt there was any consultation with municipal authorities in regards to whether they have the resources or desire to do so. I know my municipality struggles to provide many services as it is.

Remove Schedule 5 from Bill 88.

The notion of linguistics being the barrier preventing duly qualified individuals from practicing Chinese medicine and acupuncture, is a not a measureable defence for the Minister of Health's actions. There are policies in place to assist those with language barriers. Given this is the primary argument/excuse brought forward by Minister of Health Christine Elliot to repeal the Chinese Medicine Act, I felt compelled to copy and paste the CTCMPAO's position on the matter here. It is self explanatory:

"Clarifying CTCMPAO's Language Proficiency Requirements for Registration and

Continuing Language Supports

Portal Administrator

The requirement to be “reasonably fluent” in either English or French is a requirement shared by all health professions regulated under the Regulated Health Professions Act, 1991. It is seen as necessary to ensure that the health professions are integrated and able to serve the public as safe as possible.

In a 2014 decision, the Ontario Superior Court of Justice found that CTCMPAO’s language fluency requirement is not discriminatory. Importantly, the College’s language proficiency is exemptible.

Since 2013, not one applicant has been denied registration because of a lack of language proficiency.

CTCMPAO’s Language Fluency Policy is flexible and provides applicants with multiple ways of demonstrating their fluency.

CTCMPAO takes significant measures to accommodate applicants who are not reasonably fluent in English or French.

Of the more than 2700 members of the College, over 100 have declared that they are not fluent in English or French.

These members have been registered with a written language plan that ensures they have a translator (assistant, receptionist who speaks their language) available to them for their practice, and that they take steps to improve their fluency in English or French.

They are able to become registered to practise the profession and are able to write the College’s Safety and Jurisprudence tests with the help of a translator or supporting dictionaries.

The Office of the Fairness Commissioner (who is responsible for ensuring that all regulatory registration requirements are transparent, objective, impartial, and fair) is supportive of the College’s efforts to assist applicants who struggle to meet the language requirement (see 2016-2017 CTCMPAO Registration Practices Assessment Report).

Similar to the language requirement, CTCMPAO strives to apply all other registration requirements in a transparent, objective, impartial and fair manner. The Office of the Fairness Commissioner has regularly commended CTCMPAO’s registration process for its fairness. The Health Professions Appeal and Review Board (which, upon request, reviews registration decisions from all the registration committees of all regulated health colleges) has upheld the decisions made by the CTCMPAO Registration Committee.

Aside from accommodation in the registration process, the College regularly provides communications to members with a Chinese translation (or in other languages upon request) to ensure that all members understand the content. The College also has staff who are fluent in Mandarin and Cantonese available, should a member need assistance in a language that is more comfortable to them.

Sincerely,

Ann Zeng
Registrar and CEO"

Remove Schedule 5 from bill 88.

Why has the profession of Chinese medicine and acupuncture been single out for deregulation? A health profession is not even within the scope of the Minister of Labour. The notion of this being a "make work project" on the part of the Minister of Labour Monte McNaughton, is a monumental disregard for the risk of harm on the public and the positive impact the profession of Chinese medicine and acupuncture has had on peoples lives. I am confident there will be many submissions to the committee where patients have exhausted all other health care options, only to find relief with Chinese medicine and acupuncture. Relief with Chinese medicine and acupuncture does not come from merely sticking needles in people or blindly providing herbs. There is a body of knowledge from which a diagnosis is made and a treatment strategy is designed. The Minister of Labour may not be able to appreciate the complexities involved in diagnosis and treatment, nor the risks of misdiagnosing and ill treatment. A PSW worker is not the same as a Traditional Chinese Medicine Practitioner (TCMP) or Registered Acupuncturist (R.Ac.). The diagnosis and treatment provided by a TCMP and R.Ac. are for the purpose of restoration or improvement of health from injury, disease and illness. A PSW worker does not provide a diagnosis or treatment plan and is involved in assistance with daily activities and comfort care. Not an appropriate grouping. On the other hand, given one of the mandates of the Minister of Labour is prevention of workplace injuries, I am dumbfounded a bill would present itself with the objective to remove real safeguards in place of no or voluntary ones. There are no shortage of examples within any workplace, where no or voluntary safeguards would be a disaster waiting to happen. If there was a true desire to put more Ontarians to work, there are plenty of jobs within the realm of the Minister of Labour where reduced requirements would help decrease unemployment. The removal of examinations for trades licensing is a prime example.

Remove Schedule 5 from Bill 88

There are no compelling arguments warranting the repeal of the Traditional Chinese Medicine Act.

There is no evidence of a public interest to repeal the Traditional Chinese Medicine Act.

There is no evidence the repeal of the Traditional Chinese Medicine Act is in the interest of public safety.

There is no evidence the repeal of the Traditional Chinese Medicine Act is a solution to improve unemployment.

There is no evidence a language barrier has prohibited people from registering with the CTCMPAO.

There is no evidence the repeal of the Traditional Chinese Medicine Act is without prejudice or conflict of interest.

There is no compromise, remove Schedule 5 from Bill 88.

Thank You
Mario Amato

