



101 HOLIDAY INN DRIVE
PO BOX 29045
CAMBRIDGE, ONTARIO
N3C 0A0
866.723.9082

Dear Minister Phillips

Please find the submission on Bill 37 **Bill 37, Providing More Care, Protecting Seniors, and Building More Beds Act, 2021**

The following would apply to changes made to schedule 1 – 3 of said act.

Regulatory Modernization –

- 1) Update ONT Reg 79/10 to allow for OPSWA processes to be accepted as qualifiers for Long term care employment (Specifically remove *Ont 79/10 47 (3) f (iii)* with or add to section 47 the following

“(h) Membership in good standing with the Ontario Personal Support Workers Association”

This would allow for OPSWA membership as a qualifier for employment making employing PSW much easier and faster.

- 2) Remove the VSS from LTC hiring:
Reg 215 (3) Remove completely or add to 215 Sec 3 a subsection “(a) Is a member in good standing with the Ontario Personal Support Workers Association”

Rational for Move:

Vulnerable screening no longer offers the necessary public safety mechanisms offered by the nationally enhanced criminal record and local police check (please see attached). This database is not as comprehensive as the name implies. The VSS was chiefly used to track pardons of sexual offences which are no longer obtainable. Further to this this is a costly test that placed PSW in hardship.

- 3) Setting a regulated ratio of Personal Support Workers to residents of 1 to 8 can be added to regulation ON 79/10 Regulation sec 31 (3) - add (f) to establish minimum staff to resident ratios in licenced long term care facilities.



101 HOLIDAY INN DRIVE
PO BOX 29045
CAMBRIDGE, ONTARIO
N3C 0A0
866.723.9082

From Sterling Backcheck

Vulnerable Sector Check is the term traditionally used as the equivalent of a Sex Offender Registry Search. This search includes the following three components:

1) **Standard Criminal Record Check:** This name-based check is a search of adult convictions held within the RCMP National Repository of Criminal Records. This is used for most employment situations and includes all offences in the Criminal Code, including those of a sexual nature and with children.

2) **Local Police Information:** This search includes the Standard Criminal Record Check above, as well as additional conviction and selected non-conviction information which may be relevant within both national and local police data sources. Additional information that may be discovered through this in-depth search includes:

- Outstanding charges
- Warrants
- Peace bonds and restraining orders
- Prohibitions
- Probation orders
- Interim release conditions
- Recent convictions not yet listed in the National Repository.

3) **Pardoned Offences:** This piece queries for any *pardoned* offences of a *sexual* nature only. It won't provide pardons for theft or fraud. It's also worth noting that as of 2012, it's not possible to obtain a pardon/record suspension for sexual offences, so this list has no new members for 7 years. More on this below.

Our Enhanced Check includes the Standard Criminal Record Check (#1) but also all the local police information contained in #2. Up until the summer of 2015 we were also providing #3, but the Parole Board of Canada was taking over three months to return results, so we discontinued that service as it simply wasn't helpful for our clients.

Many sports organizations, along with Scouts Canada, Girl Guides of Canada, Red Cross, and many others (https://pages.sterlingbackcheck.ca/landing-pages/c/cac_ace/) have made a decision that in many instances, receiving the first two pieces from us outweighs the risks and frustration of receiving all



101 HOLIDAY INN DRIVE
PO BOX 29045
CAMBRIDGE, ONTARIO
N3C 0A0
866.723.9082

three pieces from the local police. Might seem a bit odd at first glance, but I'll walk you through their thought process and some of the challenges they faced:

- 1) When an applicant visits a police station, they are handed a piece of paper with the results of their check, and asked to supply that to the requesting organization. Unfortunately, there are many instances over the year of people offering forged police certificates.
- 2) Results from the police can take weeks, which often results in volunteers abandoning the process, or being placed without being screened at all. We've often heard "well, I'm sure you wouldn't have applied for the check if you had a record", but that is most certainly not true.
- 3) Vulnerable Sector Searches at the local police require male applicants to be fingerprinted approximately 30% of the time. This results in additional costs and delays of 3 months+, which turned away up to 50% of their volunteers purely due to the inconvenience and indignity of proving their innocence. From various Access to Information Requests from the RCMP, we have learned that approximately 250,000 individuals were asked to provide fingerprints to complete a Vulnerable Sector Check each year, and only 100,000 proceeded with this request. That's a lot of people who are placed without screening, or abandoned the process.

Upon weighing the pros and cons of their experience with the police, these organizations preferred the Enhanced Police Check from us which delivers forgery-proof results online – guaranteed within one business day, giving confidence to the organization that results have not been tampered with, and the ability to place people immediately. On top of that, people can share their results securely with other organizations where they work or volunteer, and we eliminate the burden of protecting personal information by providing bank-caliber secure storage and 24/7/365 access through our software.

In addition, it is important to note that organizations do not need to inconvenience every candidate with a VSS, as the Pardoned Sexual Offence Search would not be required for many individuals.

1. **Returning staff/volunteers:** As of 2012, it's not possible to obtain a pardon for a sex offence any more. So anyone with a Vulnerable Sector Search for pardons after 2012 will never need to have a search for them again, as any recent/new convictions for sexual offences would be uncovered during a standard Criminal Record Check, since no pardon can be obtained.
- 2) **Individuals Under 34:** We have obtained frequently refresh *Access to Information* Requests from the RCMP which tells us that the date of birth belonging to the youngest person with a pardoned sexual offence is February 28, 1986. Therefore, any search for pardoned sexual offences on a candidate born after February 28 1986 would be fruitless. More on this here: <http://sterlingbackcheck.ca/Resources/OurBlog/2016/May/Vulnerable-Sector-Verifications-and-Persons-Under-30.aspx#.V0WlOWiUioU.linkedin>

Again, the federal government passed legislation in 2012 preventing anyone from obtaining a record suspension (pardon) for any sexual offences going forward. This means the list of *pardoned* sexual offenders is not growing.



101 HOLIDAY INN DRIVE
PO BOX 29045
CAMBRIDGE, ONTARIO
N3C 0A0
866.723.9082

This means an Enhanced Police Information Check comprising sections one and two above (everything but the pardoned sexual offence search) offers the exact same level of information for any returning coaches/officials with a clear VSS, or anyone under 34 years of age.

The following is a list of some organizations working with us that do the Enhanced Police Information Check for *all* their applicants, that previously required a Vulnerable Sector Search.

- Skate Canada
- IIHF World Junior Hockey Championships 2015 (Toronto – Montreal),
- Girl Guides of Canada,
- Government of Saskatchewan,
- Alberta College of Paramedics,
- Alberta College of Pharmacists,
- Ontario Education Criminal Records Review: <http://backcheck.ca/oecrr/#>
- Duke of Edinburgh's Award – Alberta
- Duke of Edinburgh's Award – Manitoba
- Canadian Red Cross
- Hockey Alberta (Officials)
- Sports Quebec
- Ontario Lacrosse Association
- Alpine Canada
- Ontario School Bus Association
- 2017 North American Indigenous Games
- 2017 IIHF World Junior Hockey Championships
- Equestrian Canada

The Ontario Education Criminal Records Review actually has a disclosure form as part of their process: <http://backcheck.ca/oecrr/online-check.htm>

“By checking this box I hereby certify that I have never received a pardon or record suspension for a sex offence. A deceptive answer could have an impact upon your continued employment or volunteering. You will now be asked to complete an online Enhanced Police Information Check. The data bases queried and the potential results of this Enhanced Police Information Check will be identified in the application and consent forms you complete.”

In addition, here are some organizations that use our Enhanced Police Information check specifically for applicants born after February 1986 as per the Access to Information request, and/or returning staff/volunteers

Enhanced Police Information Check specifically for applicants Under-34 or Returning Members

- Canadian Camping Association
- Robertson Hall – Entire Faith Industry: <http://backcheck.net/robertsonhall/>
- SJA / Nancy Brown
- Rugby Ontario



101 HOLIDAY INN DRIVE
PO BOX 29045
CAMBRIDGE, ONTARIO
N3C 0A0
866.723.9082

- Hockey Canada
- Scouts Canada

A major insurer - Robertson Hall - may be the most interesting one of the bunch, as they insure something like 700 organizations on this, predominantly faith-based organizations and schools.

Long Term Regulatory Changes:

Staff Shortages:

The Long Term Care Staffing Study identified the following areas of concern

“Gaps between educational experience and the work environment”

“Challenging working and employment conditions for staff”

“Negative public image”

These three concerns are the cumulative result of tensions arising from the structural discriminations made permissible by the overwhelming reliance on unregulated health professionals in Long term care. It must be remembered that Ontario public health care is premised on delivery of that care by members of professional health care professions.

The last few decades has seen the province move away from this model as a way to counter the rising wage demands made by the traditional regulated health professionals. This has resulted in care in LTC being provided by unregulated care staff – these staff are

- paid little,
- have limited access to benefits
- are open to abuse from peers
- are open to abuse from residents



“The Personal Support Worker in Ontario 2001 – 2017: An Occupation in Crisis” January 2019 pg. 7

The OPSWA strongly recommends the PSWs be self-regulated to reverse these trends over the next four years.