

October 13, 2020 - No. 69

Ontario Government Dereliction of Duty Continues in Long-Term Care Homes

Communities Across Ontario Participate in Long-Term Care Day of Action



Hamilton, October 8, 2020

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Communities Across Ontario Participate in Long-Term Care Day of Action

Twenty-five communities across Ontario held events on October 8, the Day of Action called by the

Ontario Health Coalition (OHC) for improvements in long-term care (LTC) in Ontario. People set up pickets in front of the offices of MPPs, held rallies and car cavalcades, including one at the provincial Legislature in Toronto.



Despite eight months' experience since the onset of the pandemic and the dismal failure of Ontario to protect seniors and their caregivers throughout the first wave, the situation in the LTC system in Ontario remains dire. The demands raised across Ontario on October 8 included calls for immediate government action to address staffing shortages, to enforce the minimum standards of care recommended by the Registered Nurses' Association of Ontario and others, for adequate protection for frontline health care workers, and to put an end to for-profit delivery of long-term care services.

Speaking at a press conference at Queen's Park in Toronto, OHC Executive Director Natalie Mehra said there are currently large COVID-19 outbreaks in Toronto and Ottawa and increasing outbreaks in regions across Southern Ontario. "The Coalition has been tracking outbreaks since early March and has now counted 51 currently active outbreaks in long-term care homes and 40 outbreaks in retirement homes across Ontario," she said.



Jane Meadus, a lawyer with the Advocacy Centre for the Elderly, echoed the concerns about inadequate care in her statement. She said: "Residents' conditions have deteriorated as a result of isolation, loneliness, and inadequate care. Family caregivers cannot be shut out again and staffing and care levels must be addressed as a priority."

Dr. Amit Arya, a palliative care physician in long-term care homes and an OHC board member said: "The second wave is already impacting long-term care facilities. Every day of inaction counts. Ontario needs to change the way we are addressing this crisis situation now." Dr. Arya went on to call for a legislated staffing standard that would result in four hours of hands-on care, and noted it needs to be enforceable. He said that the government needs to put its full weight and

resources behind reaching that target.

"We need to ensure that all the staff have access to full-time work, a living wage, sick leave and are only in one long-term care home. Residents need their family caregivers and that needs to be protected in law. Medical teams need to be ready to stand by and provide support and intervention early when there are outbreaks," he stated.

Below *Workers' Forum* reports on a recent briefing in which the OHC sheds light on current outbreaks in LTC facilities and staffing shortages and government attempts to disinform the public with its numerous recent funding announcements.

(Photos: WF, OHC, Unifor, F. Hahn)



Ontario Health Coalition Briefing on Long-Term Care Outbreaks, Funding and Staffing



On October 6, two days before the Ontario Day of Action for Long-Term Care, Natalie Mehra, Executive Director of the Ontario Health Coalition, gave a briefing on the current state of affairs in the Ontario long-term care (LTC) system and discussed government announcements in the past week around funding and staffing. Below are excerpts from her presentation.

We are in a second wave, it appears, and things are getting more serious daily. There are now about 50 outbreaks in LTC homes across the province. Some are small -- one or two people -- but some are quite large, particularly in Ottawa, where about a third of the province's outbreaks are happening.

Extencare West End Villa is the worst. More than 100 people, staff and residents, have been infected and I am sorry to report that I believe 19 have died. There are also outbreaks at five other homes in Ottawa and large outbreaks in Toronto as well.



What we have not seen is any fundamental change in the response to outbreaks in homes [...] Extendicare West End Villa provides alarming evidence that the standards set by the Ontario government for homes have not changed since last spring. Extendicare reported on September 11 that there was enough PPE (personal protective equipment) in the home. The Ministry of Long-Term Care spokesperson said they believe that there was enough staff in the home. The feeling of family members and staff was completely the opposite.

Lack of Safety Standards Throughout the System

Staff reported anonymously to the CBC (because they could be fired for speaking out) that frontline staff treating COVID positive residents did not have access to N-95 masks in Extendicare West End Villa. More than two dozen staff had contracted COVID-19 by that time.



Families reported loved ones being in a room shared with residents showing COVID-19 symptoms. It wasn't until days later that the person was tested. It was still another 24 hours before that COVID-19 positive resident was moved to isolation. In the meantime three people were sharing one bathroom with the COVID-19 positive resident. Another family described their loved one being COVID positive, in a room with the door open, with other residents walking in and out without proper isolation and protection.

It was not until two weeks ago that Ottawa's Medical Officer of Health ordered The Ottawa Hospital to take over the management of the home [*as well as Extendicare Laurier -- WF ed. note*] and send in a rapid response unit to help. That was well after over 90 residents and staff had contracted COVID 19. As of the most recent reports that home is still waiting for 270 test results.

It was expected that province-wide standards would be in place with a threshold set -- one or two people infected -- which would trigger specific measures being snapped into place: additional staffing; infected residents moved to where they can receive safe care in a hospital or field hospital [...] What is clear from Ottawa is that there is no systemic approach.

Staffing Shortage

Since summer nothing has been done to improve staffing levels in LTC homes across Ontario [...] Many homes report a worse staffing situation at the end of the first wave than they had at the beginning.

In July we did a survey of staff at LTC homes to determine if there were more or fewer staff now than at the start of the pandemic. The majority said there were fewer. More than 93 per cent said they were working short-staffed every day. It was better in the public and not-for-profit homes but across the board, staffing is still inadequate in LTC homes.

Even with the announcements of government funding in the last few weeks, no measures have been taken to get the thousands of staff that are needed into the homes to get care up to safe levels. In the last week and a half the government announced a bump up in funding for homes which is significant

-- about \$403 million to offset COVID-19 specific costs. That amounts to about \$44 million for all the 626 LTC homes in Ontario each month [*of which 58 per cent are privately owned, 24 per cent non-profit/charitable, and 16 per cent are municipal -- WF ed. note*]. That is significant. However the money from the summer has not flowed yet. June funding was received in September. Homes are still waiting for July and August money. That may help explain why we didn't see staffing improvements in June and July.

Also, the number of staff the government has announced funding for is far too few. For health care, in total, they announced 3,700 new staff. But when we look more closely, these are not fully funded. They announced \$18 million for a nursing graduate guarantee program that is supposed to provide 600 nurses focused on long-term care and in hospitals. That amounts to \$30,000 per nurse. That does not actually translate into 600 new nurses. It may top up some part-time nurses to full-time, but it is not enough to provide 600 new nurses. They announced up to \$8 million for 800 nurses in areas of need across the province. That amounts to \$10,000 per nurse. Again \$10,000 does not pay a full-time nurse. These announcements have been a lot of PR without really a lot of substance.



We have a very serious problem and we are extremely concerned as a Health Coalition. We have not seen measures that will stabilize the workforce and we are now into a second wave. LTC homes have less resilience to deal with an outbreak when it happens than in the first wave. Staff have worked a lot of overtime and made enormous sacrifices and we will see more leave the sector in this second wave. Unless we see government action now -- it really needed to happen months ago -- we are very concerned for people living and working in long-term care.

(Photos: OHC, Unifor)



Photos of October 8 Day of Action

Kawartha Lakes



Queen's Park



Scarborough





Brampton



Hamilton





Tillsonburg



Windsor



Sudbury



Sault Ste Marie



Thunder Bay





Ontario Labour Relations Board Dismisses Unions' Case Teachers' Unions Fight for Right to Participate in Deciding Appropriate COVID-19 Measures

On October 1, the Chair of the Ontario Labour Relations Board (OLRB) dismissed the health and safety case of the unions representing teachers and education workers on the reopening of schools during the pandemic.^[1] The ruling was based on jurisdictional grounds without the Board hearing substantive evidence. The Chair stated that the Board's jurisdiction is limited to appeals of orders made by inspectors under the *Occupational Health and Safety Act* (OHSA) and that no such order was made by an inspector, therefore the Board has no jurisdiction to hear the appeal.



At the end of August, representatives of Ontario's four major unions representing teachers and education workers issued a request to the Minister of Labour that orders be made requiring the Ministry of Education to set standards around physical distancing, cohorting, ventilation, and transportation for a safe reopening of schools. Following the failure of the Ministry of Labour to respond to their requests, the Association des enseignantes et des enseignants franco-ontariens (AEFO), the Elementary Teachers' Federation of Ontario (ETFO), the Ontario English Catholic Teachers' Association (OECTA), and the Ontario Secondary School Teachers' Federation (OSSTF), announced, on August 31, that they would appeal to the Ontario Labour Relations Board (OLRB). The appeals argue that the Ministry of Education's "Guide to Re-Opening Ontario's Schools" does not take every reasonable precaution to protect workers, as required by Section 25(2)(h) of the OHSA. This section of the Act says that an employer must "take every precaution reasonable in the circumstances for the protection of a worker."

While the OLRB refused to hear the unions' evidence on the basis that it has no jurisdiction to do so, the OLRB Chair, in his ruling, lectures the unions that the Ministry of Education did not agree with the union proposals at the Provincial Working Group -- Health and Safety, which is the body mandated to "review health and safety issues with system-wide application and make recommendations to the Ministry of Education and Ministry of Labour" or in any other forum.

He also states that as far as the Ministry of Education's guide that was made available to schools and school boards is concerned, the Ministry did not represent it as a document that was to conform to the requirements of the OHSA. He said that the OHSA was never intended as a vehicle for a system-wide or province-wide remedy.

Standards That the Unions Are Seeking

The provincial standards that the unions are demanding include:

- That class size be set at 15-20 students, wherever two-metre distancing cannot be maintained in a given classroom.

- That cohorts for student-to-staff contacts be set at 50 and be applicable not just to students but also staff.

- That the "School and University Reopening Standards" of the American Society of Heating, Refrigerating and Air-Conditioning Engineers be set as the minimum standards for ventilation in schools and other education

- That the busing and transportation standards of the Ontario Public Services Health and Safety Association be set as the minimum standards for busing and other forms of student transportation.

- That all students be required to wear non-medical masks at all times during the school day, subject to reasonable exceptions for medical accommodations, as masking is fundamental to safety in this pandemic, and

- That all standards ordered by the Ministry of Labour in respect to COVID-19 be reviewed every month for continuing compliance with the best science available at the time and be replaced by more stringent standards as the science dictates.



Challenges Facing Working People



Based on the October 1 ruling from the OLRB, the teachers and education workers have no recourse to get province-wide standards through the Ministry of Labour, the Ministry of Education, the state agencies pertaining to the health and safety of the people, or the OHSA itself.

This reveals that our so-called democratic institutions do not enable, but block working people from participating in making decisions about the affairs of society. By fighting to be involved in setting standards for safe schools during this pandemic, teachers and education workers have brought to light something very fundamental about the way our society is organized to marginalize and disempower the polity. Things need to change.

Ontario educators are not alone. In Quebec, the Superior Court recently defeated an application by the Autonomous Teachers' Federation (FAE) for an interim injunction to force the Quebec government to inform the FAE and Quebecers of its plan for accelerated COVID-19 testing in the school system because there is no such plan! The Court goes further by supporting the claim of the government that such a plan for the school system would favour the teachers at the expense of rapid testing for all and would force a reallocation of resources that would be detrimental to other sectors of society, especially its most vulnerable members.

What Do Workers Make of This?

Our society is in a serious crisis. The pandemic is not even the half of it. Blocking the people from participating in making decisions that affect society, such as how to safely reopen and operate

schools, exacerbates the already existing crisis of confidence and credibility of our unrepresentative democracy and its institutions. Once truth about a situation is revealed, it cannot be erased from our collective consciousness. There is no going back. Profound changes are needed.

Notes

1. Ontario Labour Relations Board Case No: 1228-20-HS; Case No: 1236-20-HS; Case No: 1239-20-HS; and Case No: 1240-20-HS

(Photos: OSSTF, J. Campbell)



Education Is a Right Podcast

Educators Roundtable -- Update from Alberta and Ontario



Episode 64: Second National Educators Roundtable Part 1 -- Alberta and Ontario

In this episode recorded on October 11, 2020, educators from Alberta and Ontario provide an update on the state of education in the midst of the pandemic in their provinces.

To listen, [click here](#).

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