



February 4, 2025

Fred Hahn
President, CUPE Ontario
80 Commerce Valley Drive East
Markham, ON L3T 0B2

Dear Mr. Hahn,

The Health and Supportive Care Providers Oversight Authority (HSCPOA) wrote to you on December 20, 2024 in regard to a petition that CUPE is circulating in relation to the oversight of Personal Support Workers (PSWs) in Ontario (attached).

In that letter we corrected misinformation contained in CUPE's petition and requested a meeting with CUPE in order to discuss CUPE's concerns. We also requested that, given the inaccuracies in the petition, CUPE remove the petition from its website and other communications. To date, and despite multiple attempts by HSCPOA to contact CUPE, we have not had a response from CUPE.

Unfortunately, HSCPOA has no choice but to, as we said we would in our letter, post the letter on HSCPOA's website and social media accounts and circulate it in our newsletter in order provide accurate information to PSWs and the public. It is regrettable that CUPE has not responded to our communications to date; it is our sincere hope that our organizations can open communications in the future.

Yours truly,

Kathy Wilkie, BHA, MLT, C. Dir.
CEO, HSCPOA



December 20, 2024

Fred Hahn
President, CUPE Ontario
80 Commerce Valley Drive East
Markham, ON L3T 0B2

Dear Mr. Hahn,

The Health and Supportive Care Oversight Authority (HSCPOA) recently became aware of a petition that CUPE is circulating in relation to the oversight of PSWs in Ontario.

We would like to correct some information contained in your petition and perhaps alleviate some of your concerns at the same time.

The Petition

The petition states:

- 1. The Director of the new PSW regulatory body can revoke a PSW's right to practice – with no right to appeal (nurses can appeal such decisions).***
- 2. The board of the new regulatory body won't have any PSWs on it. In contrast, nurses are represented on the board of College of Nurses.***
- 3. PSWs will be required to pay fees but have no say in determining the rate.***

The Facts

- 1. The Director of the new PSW regulatory body can revoke a PSW's right to practice – with no right to appeal (nurses can appeal such decisions).***

This is incorrect. PSWs do have appeal mechanisms available to them.

First, just like nurses (and other regulated health professionals regulated under the *Regulated Health Professions Act* (RHPA)) PSWs can appeal registration decisions made by the Chief Executive Officer to the Health Professions Appeal and Review Board (HPARB). One difference is that PSWs can only utilize the simpler written review process at HPARB, unlike other professionals regulated under the RHPA who can also appeal using the more onerous in-person hearing process at HPARB.



It is true that registrants cannot appeal complaints decisions made by the Chief Executive Officer to HPARB, like professionals regulated under the RHPA can about decisions made by a college's Inquiries, Complaints and Reports Committee. Nonetheless, registrants can apply to the Divisional Court for a judicial review of a decision of the Chief Executive Officer in relation to a complaint. Of course, due process and principles of fundamental justice are followed before the Chief Executive Officer makes a decision about a complaint which includes a complete investigation of the complaint including an opportunity for the registrant to provide a response to the complaint.

Health professionals regulated under the RHPA (like nurses) can only appeal a decision of a regulatory college's discipline committee to the Divisional Court of Ontario. HSCPOA registrants can appeal a decision of HSCPOA's Discipline Committee to the HSCPOA Appeals Committee. Registrants who wish a review of the Appeals Committee can apply to Divisional Court for a judicial review of a decision of the Appeals Committee.

2. The board of the new regulatory body won't have any PSWs on it. In contrast, nurses are represented on the board of College of Nurses.

This is correct. The Board structure of HSCPOA is a competency-based board that is a combination of directors appointed by the Minister of Health and directors elected by the Board. This is different from the health regulatory colleges established under the RHPA which include a mix of government appointees and individuals elected by members of the profession.

3. PSWs will be required to pay fees but have no say in determining the rate.

This is incorrect. Currently there are no fees for registration with HSCPOA. In the event that a decision is made to charge registration or other fees, any fees must be set in accordance with the *Health and Supportive Care Oversight Authority Act* which requires that the Authority must have the approval of the Minister of Health on the process and criteria for which any fee is set. HSCPOA and the Ministry are still in the process of determining the process and the criteria. Once that criterion is established, it will be available on the HSCPOA website.

Further, through the Memorandum of Understanding between HSCPOA and the Minister of Health, HSCPOA and the Ministry of Health are committed to working together to determine if, before imposing registration or other fees, such an



imposition would be an unreasonable burden on PSWs or would cause disruptions to the health workforce. This determination would, no doubt, include consulting with PSWs and other system partners like CUPE.

Next Steps

We hope this helps clarify some misconceptions that exist about HSCPOA and the oversight of PSWs. We hope that now that you are equipped with the facts you will share these with your membership and reconsider your petition which contains many unfortunate inaccuracies. If the petition is not removed from CUPE's website and communications, HSCPOA will share this letter on its website and will include it in our next e-newsletter to ensure that accurate information is available to PSWs.

We would be pleased to meet with representatives of CUPE to answer any questions it may have and to provide other information that may be useful to CUPE members.

In the meantime, we encourage CUPE leadership and its members to visit the HSCPOA website at www.hscpoa.com for more information and to sign up for HSCPOA's e-newsletter for updates.

Yours truly,

Kathy Wilkie, BHA, MLT, C. Dir.
CEO, HSCPOA