



ONTARIO COUNCIL OF HOSPITAL UNIONS



February 16, 2025

Ms. Kathy Wilkie
CEO, HSCPOA

Via Email: Kathy.wilkie@hscpoa.com

Dear Ms. Wilkie:

Thank you for your email dated December 19, 2024. Your email arrived via the “Contact Us” form on CUPE’s website and it took some time to direct it to us. We would be happy to meet and discuss our concerns regarding HSCPOA. You may contact us directly to schedule a meeting. Our email addresses are: michaelhurley@ochu.on.ca and debracupe2557@gmail.com.

We have reviewed your email and can advise that we will not be removing the petition from our website. Each of the three points raised in your letter regarding the petition are addressed below.

- 1. CUPE/OCHU petition: 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).**

We have considered your statement on this issue and we agree that PSWs do not have a full right to appeal registration decisions to HPARB, but rather only have a right to a written review. As you correctly note, this is in contrast to the rights afforded to nurses (and other regulated health professionals) who do have a right to a full hearing before HPARB. We will not be removing or revising this statement.

Regarding the issue of judicial review of decisions at the Divisional Court, there is no provision in the *Health and Supportive Care Oversight Authority Act* that we can find that provides for such a right. This is in contrast to s. 70 of the *Health Professions Procedural Code* under the *Regulated Health Professions Act*, which provides the following:

Appeals from decisions

70 (1) A party to proceedings before the Board concerning a registration hearing or review or to proceedings before a panel of the Discipline or Fitness to Practise Committee, other than a hearing of an application under subsection 72 (1), may appeal from the decision of the Board or panel to the Divisional Court.

As far as we can tell from our review of the *Act* and Regulations, there is no corresponding provision in the HSCPOA regime. If there is such a provision, we would be happy to be corrected and request that you please direct us to it so we can review and take it into consideration.

- 2. CUPE/OCHU petition: 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.**

Your letter agrees that this information is correct. We will not be removing or revising this statement.

- 3. CUPE/OCHU petition: PSWs will be required to pay fees but have no say in determining the rate.**

We have reviewed the information provided in your letter regarding the anticipated process and criteria for fees to be set under the *Health and Supportive Care Oversight Authority Act*.

However, as you state in your letter, that process and criteria have not yet been established. You note that HSCPOA and the Ministry are still in the process of making these determinations. CUPE/OCHU has not been consulted with or involved in this process and are we not aware of any PSW input being reviewed or considered. Thus, these determinations about the process and criteria for setting fees is taking place without the input or participation of the affected PSWs.

You further state that HSCPOA and the Ministry of Health are committed to working together to determine if imposing registration or other fees would be an unreasonable burden on PWSs. While you state this determination would include consulting with PSWs and other system partners like CUPE, there is no indication of when or how this would take place. There is also no indication that such consultation **will** take place, just your speculation that such determination would, "no doubt", include PSWs and system partners like CUPE. This provides no assurance to CUPE/OCHU and its members that

such consultation will meaningfully gather and consider input from those most affected by these decisions.

What is clear is that the *Act* contemplates fees being set and the process does not include the formal participation or consideration of CUPE/OCHU and its members.

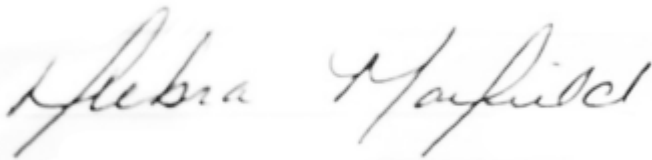
We will not be removing or revising this statement.

We remain willing and open to meeting with you to further discuss these concerns.

Sincerely,

Michael Hurley

Debra Marier

Handwritten signature of Michael Hurley in black ink, consisting of a stylized 'M.' followed by a large, sweeping 'H' and a trailing flourish.Handwritten signature of Debra Marier in black ink, written in a cursive style that clearly reads 'Debra Marier'.